EDMONDS CITY COUNCIL APPROVED MINUTES
April 15, 2008

Following an Executive Session at 6:45 p.m. for labor negotiations, the Edmonds City Council meeting was called to order at 7:00 p.m. by Mayor Haakenson in the Council Chambers, 250 5th Avenue North, Edmonds. The meeting was opened with the flag salute.

ELECTED OFFICIALS PRESENT

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

STAFF PRESENT

Tom Tomberg, Fire Chief
Al Compaan, Police Chief
Duane Bowman, Development Services Director
Stephen Clifton, Community Services Director
Dan Clements, Administrative Services Director
Brian McIntosh, Parks & Recreation Director
Noel Miller, Public Works Director
Kathleen Junglov, Asst. Admin. Services Dir.
Rob Chave, Planning Manager
Dave Gebert, City Engineer
Don Fiene, Assistant City Engineer
Frances Chapin, Cultural Services Manager
Scott Snyder, City Attorney
Sandy Chase, City Clerk
Jana Spellman, Senior Executive Council Asst.
Jeannie Dines, Recorder

1. APPROVAL OF AGENDA

Additional to Agenda

Mayor Haakenson requested a Proclamation regarding National Telecommunicators Week be added to the agenda as Item 6B.

COUNCILMEMBER WAMBOLT MOVED, SECONDED BY COUNCILMEMBER OLSON, TO APPROVE THE AGENDA AS AMENDED. MOTION CARRIED UNANIMOUSLY.

2. CONSENT AGENDA ITEMS

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

Roll Call

A. ROLL CALL

Approve 4/1/08 Minutes

B. APPROVAL OF CITY COUNCIL MEETING MINUTES OF APRIL 1, 2008.

Approve Claim Checks

C. APPROVAL OF CLAIM CHECKS #103322 THROUGH 103484 ISSUED APRIL 3, 2008 IN THE AMOUNT OF $635,478.25, AND APPROVAL OF #103485 THROUGH #103627 ISSUED APRIL 10, 2008 IN THE AMOUNT OF $215,733.92. APPROVAL OF PAYROLL DIRECT DEPOSITS AND CHECKS #46374 THROUGH #46429 FOR THE PERIOD MARCH 16 THROUGH MARCH 31, 2008 IN THE AMOUNT OF $801,267.14.

Claim for Damages

D. ACKNOWLEDGE RECEIPT OF CLAIM FOR DAMAGES FROM STEVE KIRKPATRICK ($2,470.00).

Disaster Preparedness Month

E. PROCLAMATION IN HONOR OF DISASTER PREPAREDNESS MONTH, APRIL 2008.

Washington State Patrol Agreement

F. AUTHORIZATION FOR THE MAYOR TO SIGN AN INTERAGENCY AGREEMENT BETWEEN THE WASHINGTON STATE PATROL AND THE EDMONDS FIRE DEPARTMENT.

2008 Street Overlay Program

G. AUTHORIZATION TO CALL FOR BIDS FOR THE 2008 STREET OVERLAY PROGRAM.

Ord# 3684 First Budget Amendment

H. ORDINANCE NO. 3684 - 2008 FIRST BUDGET AMENDING ORDINANCE.

PUD Easement

I. AUTHORIZATION FOR MAYOR TO SIGN EASEMENT AUTHORIZING SNOHOMISH COUNTY PUD TO INSTALL GUY WIRES AND UNDERGROUND VAULT ON CITY PROPERTY AT THE CORNER OF OLYMPIC VIEW DRIVE AND MEADOWDALE BEACH ROAD.

Prisoner Detention Agreement

J. 2008 ADDENDUM TO PRISONER DETENTION AGREEMENT WITH CITY OF LYNNWOOD.

Parks, Rec & Open Space Comprehensive Plan

3. PUBLIC HEARING ON THE PARKS, RECREATION AND OPEN SPACE COMPREHENSIVE PLAN AND COMMUNITY CULTURAL PLAN.

Parks & Recreation Director Brian McIntosh expressed his appreciation to Recreation Manager Renee McRae, Cultural Services Manager Francis Chapin, Parks Maintenance Manager Rich Lindsay and the 40 members of the Citizens Advisory Committees who worked on the Plan updates. He advised both Plans were available on the City's website.

Mr. McIntosh reported the Parks, Recreation & Open Space Comprehensive Plan and Community Cultural Plan updates have been in process since March 2007. These plans educate, set broad goals and objectives, identify needs, set policy, and create action plans to assist in guiding staff and the community, and allow department projects to be grants eligible. Given the constantly changing landscape of active cities such as Edmonds, this plan provides a general guide and not a blueprint for department and City activity. Budgets, capital improvement plans, costs of material, labor, and political direction can, do, and will change frequently within this six-year plan. The members of the Advisory Committees were individuals and citizens with different recreational, cultural, and life interests and some represented a certain population or organization within the City. Staff requested that regardless of their personal interest or affiliation, they take a broader objective in regard to the City's quality of life and interest in building for the future.

Mr. McIntosh read the Department's mission statement, *"To provide Edmonds' citizens with a balanced system of parks, recreation, open space and cultural services along with their support facilities to ensure quality of life"* and highlighted the economic and health benefits of parks cited in the Parks, Recreation & Open Space Comprehensive Plan. He explained throughout the process three overarching themes emerged - connectivity, diversity, and visibility.

Juliet Fong, Hough Beck & Baird, Inc., explained the Plan set the vision for the Parks & Recreation Department for the next 15-20 years. In addition to providing specific goals, objectives, identifying needs, establishing policy, and creating action plans, the Plan allows the City to be eligible for state and federal grants. She briefly reviewed the content of each chapter.

- Chapter 1 Introduction - defines the public process including the 20-member Citizen Advisory Committee, public workshops, 200 participant telephone survey, web survey, presentations to Boards/Commissions, and references other planning documents considered during the process.

She noted previous plans compared the city's level of service to national and state standards; the more common practice today was to determine what the community wanted with regard to a proposed level of service.

- Chapter 2 Community Profile - defines the planning area, physical conditions, and demographics.
- Chapter 3 Facility and Program Inventory - defines park categories (neighborhood, community, and regional parks, special use areas, gateways, entrances, beautification areas and cultural facilities), inventories existing park facilities, programs and expenditures. She commended the City on its volunteer and partnership programs. She displayed a map identifying existing facilities within the park system including school sites and civic facilities.
- Chapter 4 Community Needs Assessment - defines and identifies the current level of service based on population and a proposed level of service based on what the community process indicated citizens want in the future. She described how a ½ mile service area was applied to all existing neighborhood parks and schools the City has joint agreements with. She identified "gaps" on the map that identified areas in need of a neighborhood parks. She reviewed the need for pedestrian spaces/plazas downtown; a new 20+ acre community park site in the south end; improving existing fields in addition to new fields; a pool, trails, waterfront and off leash dog park; a hand-carry boat launch; maintaining and expanding open space; visibility of gateways; creating/identifying walking/bicycling loops, safety of these connections and establishing connection between downtown and the waterfront; continuing the beautification program and providing teen and senior programs.
- Chapter 5 Comprehensive Plan Framework: Goals and Objectives - uses the information including the visionary concepts to determine modifications/additions to the goals and objectives. She noted the goals and objectives were very broad to allow the City to take action on opportunities as they arise.
- Chapter 6 Action Plan - item by item list of general ideas as well as very specific ideas and lists all existing parks and desired maintenance upgrades. She provided several examples of needs identified in the Action Plan.
- Chapter 7 Funding Plan - established general priorities as a result of the surveys and input through community meetings and the Citizen Advisory Committee. She reviewed high priorities (acquire waterfront, open space sites and park land; conduct a feasibility study for the pool, 4th Avenue Arts Corridor, develop walkway connections to downtown); medium priorities (upgrade sports fields, complete Edmonds Marsh master plan, continue to upgrade existing park sites, and continue to upgrade children's play areas and diversity of children's activities); and low priorities (boat launch, skateboard elements, developing new priorities in under-served neighborhoods). She advised this chapter also outlines funding sources and contains the CIP.
- Appendixes - contains facility inventory in a matrix format, telephone and web survey results, and park descriptions.

Council President Plunkett asked how waterfront was defined in the Parks, Recreation and Open Space Plan. Ms. Fong answered she defined waterfront as physically adjacent to the water. Council President Plunkett noted the Comprehensive Plan identified the waterfront in more broad terms such as the Downtown Waterfront Activity Center. Development Services Director Duane Bowman agreed the Plan referenced the Downtown Waterfront Activity area. Ms. Fong advised waterfront was addressed in different categories including waterfront parks as well as scenic views of the waterfront and access to the waterfront.

Council President Plunkett referred to Mr. McIntosh's memo that states the Parks, Recreation and Open Space Plan did not identify park land in the Antique Mall area and the potential that there was inadequate information in the Plan identifying park land in the Downtown Waterfront Activity Center should there be an appeal to the Growth Management Hearings Board (GMHB). He noted the plan was replete with information regarding the need for open space, access, connections, etc. in association with the waterfront and the Comprehensive Plan defined waterfront as Downtown Waterfront Activity Area. He questioned

whether amending the Parks, Recreation and Open Space Plan to identify the need for park land at the Downtown Waterfront Activity Center would be an adequate assessment of that need. City Attorney Scott Snyder answered amending the Plan to provide the detail would be key. He explained Mr. McIntosh's memo identified the need for purchases/expenditures to be consistent with the Plan. He summarized the GMHB likes cities to "show their work." As such amendments were made, the better chance the cities decision would be supported by the GMHB.

Councilmember Dawson referred to language in the Plan regarding challenges associated with the railroad through the waterfront and making use of access from the other side. Ms. Fong agreed the Plan referred to improving access across the railroad tracks to provide a better connection between downtown and the waterfront. Councilmember Dawson suggested strengthening the language in the Plan regarding shoreline use and access, providing visual access to the water, developing viewpoints where the railroad prevents direct access to include developing open space and park opportunities near the waterfront. Ms. Fong commented while specificity was good in some areas such as on the gap map and identifying specific trails systems, it did not preclude opportunities to acquire/develop a park site elsewhere. There were enough general statements in the Plan to take advantage of opportunities as they arose. Councilmember Dawson commented if the survey did not define waterfront, it was uncertain whether the respondents were referring to the actual shoreline or the Downtown Waterfront Activity Center.

Councilmember Wilson commented the Plan contained a statement that it was the City's policy to purchase waterfront property whenever available which he interpreted to mean the shoreline. He suggested adding a policy statement that included the Downtown Waterfront Activity Center and asked whether that would be enough to allow consideration of some park/open space/public facility in that area. Mr. McIntosh commented that was beyond the scope of the Parks, Recreation and Open Space Plan and was likely a Comprehensive Plan issue.

Councilmember Wilson asked whether the Plan precluded development of the Downtown Waterfront Activity Center via a public-private partnership that included open space. Mr. McIntosh answered that could occur anywhere in the City; it was the Council's prerogative to purchase/develop property anywhere in the City as opportunities arose. Mr. Snyder referred to GMA Section 36.70A.150 that permits cities and counties to identify land useful for public purpose. If the Council was aware of sites that were useful under certain conditions, they could be designated in the Plan. Councilmember Wilson asked if there was anything in the draft Plan that would preclude the Council from acquiring a portion of the property for open space/park. Mr. McIntosh answered not in his opinion. Mr. Snyder advised GMA Section 36.70A.150 also stated jurisdictions shall prepare a prioritized list of lands necessary for the identified public use including an estimated date by which the acquisition will be needed.

Councilmember Wilson asked how the feasibility study for an aquatic center/indoor pool differed from the previous studies. Mr. McIntosh answered a great deal had changed since the original conceptual design was done in 1995 and cost estimates in 1996 including construction costs as well as aquatic trends. A new feasibility study would provide a menu of opportunities and costs from maintaining the existing Yost Pool to a regional aquatic center.

Councilmember Wilson noted the draft Parks, Recreation and Open Space Plan did not contain language from the previous Parks Plan that the City Council accepted the 1994 Aquatic Center Feasibility Study and stated the development of an aquatics facility would be the next major capital project following the completion of the Police, Fire and Public Safety Complex. He pointed out omitting this statement represented a reprioritization from the previous plan and de-prioritized the aquatic center. Mr. McIntosh described consideration given in 2001 to how to fund an aquatic center including via a public-private partnership, partnering with other cities; or the City developing a facility on its own. He emphasized the community's interest in a covered pool and the need to do something with Yost Pool due to the

unavailability of parts for repair. Councilmember Wilson suggested the language from the previous Plan regarding the priority of an aquatics center be retained in the proposed Plan.

Councilmember Bernheim commended the Parks & Recreation Department for developing a great Plan. He asked whether the Plan included a list of purchase priorities. Mr. Snyder advised the City could identify sites. Mr. McIntosh advised the 126 Parks Acquisition Fund contained the list of priorities although there were no specific sites, only open space and land.

Council President Plunkett asked if not identifying a park area in the Downtown Waterfront Activity Center would hinder the City's ability to seek grants? Mr. McIntosh advised the City had been successful in obtaining grants for waterfront purchases in the past; the key was they were purchases of shoreline property. He was hesitant to specifically identify private property within the Downtown Waterfront Activity Center in the Plan; however, the Plan was broad enough to allow purchase of open space and land if an opportunity arose. Mr. Snyder answered the Council could provide a more specific statement such as identifying a part of a certain acreage in an area without specifically targeting a specific parcel.

Councilmember Dawson commented on the importance of the Downtown Waterfront Activity Center, an aquatic's facility, the waterfront and cultural activities in making Edmonds a destination and as economic drivers. She suggested adding language to the Plan regarding the importance of acquiring and developing park property and programs that enhance Edmonds' existing strengths and considering the acquisition of view property in the development of new parks to enhance economic development opportunities. Mr. McIntosh advised the needs in the Plan were more traditional and not necessarily related to economics. Councilmember Dawson pointed out parks, an aquatic center, the waterfront, etc. as an economic driver was one of the Council's priorities. Mr. McIntosh agreed a statement regarding the economic importance of parks could be added to the Plan. Mr. Snyder advised the City was required to develop several Comprehensive Plan policies/elements but no policy trumped the others; they were integrated and it was appropriate to balance/join policies.

Cultural Services Manager Francis Chapin recognized members of the Citizen Advisory Committee in the audience, emphasizing the importance of citizen participation in the process of updating the plans.

Cath Brunner, 4Culture, advised the City's first Community Cultural Plan was adopted in 1994 and updated in 2001 and in 2008. She advised the same themes were identified in the Community Cultural Plan - connectivity, diversity and visibility. She read the mission statement developed by the Citizen Advisory Committee, "*Promote and sustain a vibrant cultural community through proactive partnerships and civic leadership, a network of successful cultural facilities, effective marketing and outreach strategies, and broad participation in a diverse range of cultural offerings.*"

Ms. Brunner recognized Edmonds' commitment to culture including an amazing number of volunteers. She identified the two overarching objectives that emerged from the Committee's discussion - destination and participation. She displayed a collage of photographs demonstrating the wealth of activity in Edmonds. She noted designation was an economic development strategy that promoted a range and variety of cultural offerings to attract visitors. Participation in cultural activities was also a quality of life issue for Edmonds residents. She noted destination and participation were not mutually exclusive, cultural activities that offer opportunities to citizens also attracted visitors.

She identified the five goals in the plan and implementation strategies:

1. Build Edmonds' identity as a cultural destination.
2. Encourage effective partnerships to support cultural opportunities and awareness of cultural assets.
3. Develop facilities for visual art and enhance facilities for performing arts.
4. Increase visibility and accessibility to information about arts and culture.
5. Broaden community involvement and participation in a diverse range of cultural activities.

Ms. Brunner noted the implementation strategies focus on activities and people and recognize Edmonds is changing. She provided a map of the City that identified park properties, park and gathering places with public art, cultural facilities, and other special use areas.

COUNCILMEMBER BERNHEIM MOVED, SECONDED BY COUNCILMEMBER OLSON, TO EXTEND THIS ITEM FOR 30 MINUTES. MOTION CARRIED UNANIMOUSLY.

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

Lora Petso, Edmonds, submitted written comments and requested the 2001 Plan be made part of the record. She encouraged the Council not to approve the Plan tonight as Comprehensive Plan amendments were to be done once per year. She pointed out the old Woodway Elementary school was currently being used for recreation via Interlocal Agreements; the Comprehensive Plan states fields and parks cannot be abandoned without a hearing before the Hearing Examiner which has not yet occurred. The existing inventory should identify these facilities. The Plan acquisition should identify the fields due to the continued need for playfields. The Plan should not illustrate an existing park on the east side of the playfield as no park development had occurred on the site. She cited several errors in the Plan and expressed concern with staff's comment at an earlier meeting that the update did not rely on the web survey as they could be completed by the same person twice. She noted the actuality was younger people may have responded to the web survey.

Larry Pauls, Edmonds, referred to the groundswell of support at the April 1 meeting for a gathering area/special use area. He suggested the Council include in the Parks Plan the intense, enthusiastic public support for a public use area adjacent to the waterfront that could be a gateway, provide a connection, emphasize the waterfront, cultural aspects, etc.

Jan Kavadas, Edmonds, described herself as a swimmer, walker, runner, swimming and track official, frequent Yost Pool user and member of the Parks, Recreation and Open Space Plan Advisory Committee. She noted residents support a year-round pool although the Plan discussed an aquatic center, a broader concept than a pool. She referred to her comments to the Planning Board regarding things an aquatic center could include that would attract visitors and possibly increase revenue. Other uses include water aerobics, therapy, and lessons and recreation for children. She remarked swimmers from the four high schools in the Edmonds School District utilize the Lynnwood pool. She summarized an aquatic facility could be used by a wide range of ages. She agreed the Plan did not adequately address the Downtown Waterfront Activity Center.

Barbara Chase, Edmonds, member of the Parks, Recreation and Open Space Plan Advisory Committee, commented the survey addressed economics via the question regarding how important items were to tourism in Edmonds; 81% felt the waterfront was very important, and approximately 82% felt an aquatic center was somewhat important, very important or important. She was hopeful the CIP was flexible enough to allow acquisition sooner than 2012.

Dick Van Hollebeke, Edmonds, commented an aquatic center was his primary interest and applauded Councilmember Wilson for acknowledging that an aquatic center was promised as the next priority after the Public Safety Complex. He was on the Council at the time that commitment was made and wanted that commitment continued, recalling an aquatic facility was the top priority in past surveys. He urged Council to think globally, recalling public support for open space/development in the Downtown Waterfront Activity Center either via a public-private partnership or outright City ownership. He noted another consideration was relocating the South Snohomish County Senior Center. He urged the Council to consider an aquatics center as a high priority as well as development of the downtown waterfront area in a manner the community supported/needed.

Nancy Hopper, Edmonds, spoke in support of an aquatic center, commenting Yost Pool was a unique facility and a vital part of the community. She encouraged the City to maintain Yost Pool as well as develop an indoor aquatic center. She expressed disappointment that another feasibility study and associated costs were necessary and implored the Council to move ahead with an aquatic center.

Marylee Brown, Edmonds, reiterated Ms. Hopper's comments, recalling she participated on the original aquatic center committee chaired by Mr. Van Hollebeke. She had hoped the result of that effort would be a year-round pool, yet the City did not yet have such a facility. She urged the City to move forward toward a year-round pool.

John Huckabee, Edmonds, expressed support for an aquatic center and encouraged the Council to consider it not only as a recreational facility but recognize its medical/therapeutic uses. He commented the ability to swim laps in a year-round pool locally as well as provide active programs was a great investment in the community's health and Edmonds citizens.

Alvin Rutledge, Edmonds, recalled the aquatic center group met for four years beginning in 1998 and provided projected costs for a pool through 2005. He recalled meeting with the Edmonds School District, and signatures the group collected on petitions. He noted the community was supportive of a pool which could be accomplished via relocating Yost Pool. With regard to funding for the waterfront, he recalled in 1998 the City obtained $600,000 from the Snohomish County Futures grant program to purchase waterfront property.

Mary Lou Block, Woodway, member of the Parks, Recreation and Open Space Plan Advisory Committee representing the Port of Edmonds, commended Mr. McIntosh and his staff for the organization and implementation of the process used to update the Plan. The Advisory Committee members represented many facets of the community that use or have an interest in the City's Parks, Recreation and Open Space Plan and was a diverse group of individuals who were not reticent about expressing their opinions. Much of the Advisory Committee's discussion focused on facilities for youth in the community and solicited input via the telephone and web survey and public meetings. Another issue addressed frequently and extensively was the connectivity of walk and biking routes. There was also significant interest in access to the waterfront from the upland areas as well as development along the waterfront, an area in which the City and Port have effectively collaborated in the past. She summarized the process ran smoothly and effectively incorporated many of the public's ideas and concerns through the input of the Advisory Committee, surveys and public meetings. She noted the Port provides a number of recreational opportunities that enhance the City's park system and the Port looked forward to working with the City on the implementation of the updated Park Plan.

David Thorpe, Edmonds, hoped the 20 person Advisory Committee and the 200 participants in the telephone survey were reflective of the community. He noted parks were typically not considered economic drivers other than Yost Pool. He noted a regional aquatic center was a large undertaking; he questioned where it would be located, impacts on Yost Park and on neighbors from increased traffic. He urged caution in developing a regional aquatic center.

Colin Southcote-Want, Edmonds, commented he was a strong advocate of youth fields and did not feel the area had an adequate number of playfields. He highlighted sports he enjoyed - swimming, softball, and lawn bowling. He commented eight months of the year he was unable to swim in Edmonds. He commented his church softball team was no longer able to practice at Westgate Elementary as it was an inadequate field for adult softball. Last year their team practiced at Edmonds Elementary and was practicing at Sherwood Elementary this year, both inadequate for adult use. He summarized the area did not have adequate facilities for softball. He remarked lawn bowling was a perfect sport for all ages but particularly those in the twilight of their youth, however, the closest fields were at Woodland Park or

Jefferson Park in Seattle. He urged the Council to consider sports facilities for people in the twilight of their youth.

Roger Hertrich, Edmonds, commented as he was not asked his opinion regarding the Plans via a survey, he provided comment at the two Planning Board meetings and to the Council previously. He recognized the Council's earlier discussion regarding the gap in the Plan with regard to a park facility near the waterfront. He recognized there was disagreement regarding what this area was called, suggesting any discussion of the waterfront include the area between Main and Dayton west of the ferry holding lanes. He commented it appeared staff was resistant to changing the Plan and suggested the Council revise the Plan to reflect the sentiment expressed by the public two weeks ago. He noted in addition to establishing policy, the Plan was also needed to qualify for state and federal grants.

Ute Freud, Edmonds, commented she grew up in Northern Germany where every seaside town had a huge indoor swimming pool, often with saltwater and artificial wave motion. She suggested Edmonds consider such a unique pool with those features.

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

Councilmember Dawson inquired regarding Ms. Petso's comment about amending the Comprehensive Plan once a year. Mr. Chave explained there were simply too many Comprehensive Plan amendments for the Council to consider at one time. Therefore, the Council considers draft plans and approves plans which allow staff to get the documentation ready for adoption of the Comprehensive Plan which typically occurs in the last quarter of the year. He noted the Council could approve the Parks, Recreation and Open Space Comprehensive Plan and the Community Cultural Plan whenever they felt it was ready; it would then be adopted along with the remainder of the Comprehensive Plan docket. Councilmember Dawson commented there was ample time for the Council to work through the ideas/questions raised tonight as it would not be adopted for several months. Mr. Chave agreed. Councilmember Dawson suggested staff also research the inconsistencies cited by Ms. Petso.

Councilmember Bernheim commented the Council could made amendments to the Plan before adoption in October/November 2008 if additional issues arose. Mr. Chave explained staff sought Council approval of the Plan prior to adoption of the Comprehensive Plan. He encouraged the Council to continue working on the Plan, make necessary amendments and to finalize the Plan.

Councilmember Dawson referred to Councilmember Wilson's comment regarding reprioritization of capital projects in the Plan via not identifying an aquatic center as the next major capital project. She noted the Council had not discussed that issue and she was not aware of any other major capital projects. She suggested before the Park Plan was amended to state the aquatic center was not the next major capital project, options for other capital projects be presented to the Council. Mayor Haakenson offered to have staff provide a presentation in the next few weeks. Mr. McIntosh noted there were several projects occurring concurrently. He agreed an aquatic center was a high priority and it was up to the Council whether to identify it as the highest priority. Staff's intent was to complete the Comprehensive Plan and then do a feasibility study.

Councilmember Dawson pointed out a previous Council identified an aquatic center as the highest priority and she questioned whether there were other major capital projects being contemplated that were of the caliber of the Public Safety Complex. Mayor Haakenson remarked there were numerous capital needs such as park maintenance issues at City Park, the Senior Center, Fire Department, etc.

Councilmember Olson asked when the feasibility study would be complete. Mr. McIntosh described the process for advertising and selecting a consultant and approving a contract, anticipating the study would

begin in late summer. Councilmember Olson commented the information from the feasibility study was necessary to determine whether an aquatic center was the Council's priority. She asked how I-695 affected funding for an aquatic center. Mayor Haakenson answered initiatives approved in 1999 changed the City's financial landscape. He acknowledged previous Council's have affirmed the priority of the aquatic center but it has not proceeded due to lack of funds.

Mr. McIntosh requested Council direction regarding amending the Plan, noting he had a deadline to adopt the Plan as staff planned to apply for an RCO grant this summer. Councilmember Dawson noted Mr. McIntosh wanted the Plan adopted in order to apply for a grant, yet Mr. Chave stated the Plan could not be adopted until the Comprehensive Plan amendments were adopted in the fourth quarter. Mr. Chave clarified Mr. McIntosh needed Council approval of the Plan, not adoption. The Council could approve the Plan but it must be adopted along with the other Comprehensive Plan amendments. He pointed out adoption of the Comprehensive Plan may be scheduled in the third quarter if a decision was made to extend the Transportation Plan into 2009. Mr. Snyder anticipated the grant application required preliminary approval subject to final adoption at a later date. He offered to review the language in the grant application with Mr. McIntosh.

COUNCIL PRESIDENT PLUNKETT MOVED, SECONDED BY COUNCILMEMBER BERNHEIM, TO EXTEND DISCUSSION OF THIS ITEM FOR 15 MINUTES. MOTION CARRIED UNANIMOUSLY.

Councilmember Bernheim provided the following recommended changes:

Community Cultural Plan (February 2008)

- Page 10 of the, add 1.3.d as follows: "Support the creation of open spaces and public amenities in the Downtown Waterfront Activity Center that would attract out of town visitors."
- Page 12, revise line 4 of 2.3 as follows: "... community, including the Downtown Waterfront Activity Center."

Parks Comprehensive Plan (February 2008):

- Page 4-5: revise the 12th line from the bottom left column to read, "possible, especially along the waterfront and in the Downtown Waterfront Activity Center."
- Page 4-5: revise the last line of the bottom left column to read, "waterfront properties and properties within the Downtown Waterfront Activity Center and to partner".
- Page 6-7: revise the first bullet point in the left column to read, "Acquire and develop at least seven additional acres of waterfront property and property in the Downtown Waterfront Activity Center for regional park use."
- Page 6-8: add an additional item, "[acreage to be determined]/Downtown Waterfront Activity Center/TBD/Consider area for inclusion in public levy or bond issue".

Recommended Plan Facilities Map

- Add a purple starburst in the vicinity of the Downtown Waterfront Activity Center.

Councilmember Bernheim also expressed support for the idea of an aquatic center. He referred to Ms. Freund's comment, agreeing many of the aquatic facilities in Europe were unbelievably fantastic amenities for the community. He expressed concern that another feasibility study was necessary.

Councilmember Dawson agreed with Councilmember Bernheim's suggestions. She suggested the goals/objectives in the Parks Plan contain more specifics regarding indoor park facilities and specifically an aquatic facility. She agreed it was unfortunate when a feasibility study was not followed up on, however, it was important to conduct the feasibility study to identify potential sites, funding sources, subsidies, etc. She was impressed with the language in the Cultural Plan regarding designation and participation and suggested similar language be included in the Parks, Recreation and Open Space Plan to reflect that parks and open space draw visitors to the City and serve as an economic driver. She

commented on the importance of identifying open space in the Downtown Waterfront Activity Center due to its significance to the City's character.

Councilmember Wambolt requested staff research the inconsistencies identified by Ms. Petso.

Council President Plunkett recognized staff and the consultants for their work on the Plans. He expressed interest in staff's opinion regarding Council suggested amendments. He pointed out the Parks, Recreation and Open Space Plan and the Community Cultural Plan were actually an Economic Development Plan.

Councilmember Olson agreed the Plans were excellent. She preferred to have the feasibility study completed before a decision is made to make an aquatic center the top priority.

Councilmember Orvis agreed with the suggestion to add economic development language to ensure a park/open space could be developed in the Downtown Waterfront Activity Center. He also supported moving forward with an aquatic feasibility study.

Councilmember Wilson referred to discussion in the Cultural Plan regarding branding and marketing and recommended staff ensure that fit with other plans/goals. He commended staff on the Plan, commenting on the difficulty created by an emerging consensus occurring parallel to the Plan update. He supported an aquatic center on the Antique Mall property with construction funded via a bond along with approval of a maintenance and operation levy and wanted to ensure that was not precluded via omitting something from the Plan. He commented there were major policy differences between the existing and the proposed Plan and questioned what other major policy differences may exist that he was not aware of. He asked staff to identify in writing where major changes were made to the Plan. He encouraged staff to request action from the Council if they needed the Plan adopted in order to pursue a project or grant.

Capital Improvement Plan

4. <u>CONTINUED PUBLIC HEARING ON THE 2008-2014 CAPITAL IMPROVEMENT PROGRAM (CIP).</u>

Mayor Haakenson advised Friday was Assistant City Engineer Don Fiene's last day; he was leaving the City to take a job in the private sector. He thanked Mr. Fiene for his years of service to the City, commenting it would be impossible to replace him.

Mr. Fiene reviewed issues raised at the previous public hearing held on March 18, 2008:

1) <u>Issue</u>: REET Revenues - the Council requested a monthly update on the REET revenues. A question was raised whether the 125 & 126 Fund projections need to be adjusted to reflect poor REET revenues in 2008.
<u>Resolution</u>: The Finance Department will provide monthly updates. He displayed a 2008 Monthly Revenue Forecasting Model for REET that reflect monthly totals as well as average monthly totals. Revenue projections have been revised for Funds 125 & 126 and are consistent with each other. He provided revised REET projections:
- 2008= $900,000 ($1,400,000 in 2007)
- 2009= $1,100,000
- 2010= $1,300,000
- 2011 to 2014= $1,450,000 per year

Net <u>Effect</u>: The overlay cycle has increased to 45 years from a 30 year standard. This could improve if TBDs are implemented, or if REET revenues increase and could worsen if more gas tax was taken from the Transportation Capital Fund

2) <u>Issue</u>: Availability/accessibility of project descriptions to the Council and public.
<u>Resolution</u>: Advertisements in the *Herald* and Channel 21 describing various means to access information, information and a link sent to Councilmembers, information posted on the City's

website - www.ci.edmonds.wa.us, and hard copy of CIP and descriptions available at the City Clerk's Office.

3) Issue: A citizen remarked the City would be out of compliance if the CIP were amended later in the year (for Fiber Optic fund) and stated that the statutory requirements would not allow it.
Resolution: The Planning Manager provided the State RCW (GMA) provisions/requirements and a memo was provided as an attachment with the CIP agenda. The conclusion was the CIP could be amended more than once a year.

4) Issue: Councilmember Wilson expressed interest in the Lake Ballinger project and funding.
Resolution: The project is still in the formative stage although $200,000 of State funds have been recently secured. Interlocal agreements, cost shares, local funding, etc still need to be worked out. There currently is no estimate for the amount Edmonds would pay. He identified funding in the CIP for Lake Ballinger:
- $49,000 total in 2008
- $20,000 in 2009
- $40,000/yr 2010 to 2014

5) Issue: A Planning Board Member provided comment regarding the City Building Fund, commenting on the applicable industry standards for maintaining City buildings and expressing concern regarding capital funding for buildings (reliance on grants, etc).
Resolution: With regard to industry standards, develop a similar approach for building infrastructure as is done for waterline system and street overlays. The Public Works Director and Facilities Manager will research and attempt to incorporate this ideology in the coming months.

6) Issue: A Councilmember mentioned that the Senior Center parking lot needs additional attention and perhaps funding.
Resolution: The Council will need to discuss and determine the future of the Senior Center building (redevelop/rehabilitate or build a new center) before pursuing any more than is presently detailed.

Mr. Fiene noted several other issues were raised after the Council had an opportunity for further review of the CIP and project descriptions; these were answered via email to Councilmembers. Staff recommends and/or encourages comments and feedback from the public and Council and recommends the Council direct the City Attorney to draft an ordinance adopting the update to the Capital Facilities Plan.

Councilmember Dawson commended Mr. Fiene for his quick response to the questions she raised. With regard to TBDs, she relayed information from the County Council Chair and Vice Chair that the Snohomish County Council did not plan to pursue a countywide TBD and planned to adopt a resolution stating that position. She inquired about staff's plans to provide options to Council with regard to forming a TBD. Community Services/Economic Development Director Stephen Clifton advised if the County Council made a decision not to form a countywide TBD, the City had the ability to form its own TBD. In order to do so, the City must establish boundaries coexistent with the City limits and may impose a $20 license fee without a public vote or a $21-$100 license with a public vote. The Council also has the ability to propose to the voters an increase in sales and use tax and property taxes. The City would need to wait until May 23 to form its own TBD as existing legislation allowed county and cities until May 22 to determine whether they wanted to form a TBD together.

Councilmember Dawson suggested staff provide the Council a presentation regarding TBD options such as was provided at the Council retreat. Mr. Clifton advised staff had prepared a draft list of projects at the request of Snohomish County and had preliminary figures regarding funds that would be generated annually if a $20 license tab fee were enacted; this amount ranged from $500,000 - $700,000. Mayor

Haakenson advised that information would be presented to the Council after May 23. Councilmember Dawson asked whether projects were required to be regional or whether they could be local projects. Mr. Clifton advised clarification provided by AWC indicated a variety of projects could be funded. Councilmember Dawson recalled from the Council retreat that a number of Councilmembers were disinclined toward enacting a license fee without a vote.

Councilmember Wilson clarified his comment at the March 18 public hearing regarding the senior center parking lot was that the Council should determine plans for the senior center before allocating funds for the parking lot.

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

Lora Petso, Edmonds, also submitted written comments. She urged the Council not to adopt the CIP, providing several observations and recommended changes including that the CIP was not consistent with the Comprehensive Plan which identifies the need to acquire playfields; the miscellaneous open space line item in the amount of $200,000/year should reflect specific property acquisitions; REET revenues in the 125 Fund and the 125 Fund are inconsistent; line items should be added to appropriate funds for the new waterfront project rather than allocating funds for miscellaneous park acquisition; delete the line item for skate park; do not fund the Frances Anderson Center work from the acquisition fund; provide specifics regarding the Southwest Drainage Basin line item; include grant funding for the old Woodway High School development project; identify funding for the aquatics center; provide more specific information regarding development of the park on the old Sherwood Park site; identify locations for proposed projects; and identify appropriate sites for additional playfields.

David Thorpe, Edmonds, recommended more attention be given to funding projects in Fund 116 due to the importance of building maintenance. He agreed with the concern expressed regarding the reliance on grant funding for projects in Fund 116. He referred to funds allocated for Shell Valley bike and walkway in 2008 and 2009, recommending a Shell Valley emergency access also be provided. He suggested a retractable roof for the pool. With regard to Fund 412-100, he noted $45,000 was allocated in 2008 and 2009 for reservoir security, yet the project sheets reflected $90,000 each year and no reservoir security after 2009. With regard to Fund 412-200, he recommended including an educational component for students. He was pleased with $30,000 allocated for Shell Creek and questioned the $1.5 million allocated to Perrinville Creek diversion in 2010. He questioned $73,000 in Fund 414 (Treatment Plant) in 2008 for odor control that was increased to $731,000 in 2009. He questioned plans for an RCO grant for the Interurban Trail.

Alvin Rutledge, Edmonds, recalled plans for an Interlocal Agreement with Lynnwood to fund the South Snohomish County Senior Center. Next he relayed Snohomish County Councilmember Mike Cooper's comment that the Transportation Department had not yet made a report to the Council regarding TBDs. Mr. Rutledge expressed his thanks to Mr. Fiene for the work he has done, particularly with regard to Lake Ballinger.

Roger Hertrich, Edmonds, referred to planned improvements to the South Snohomish County Senior Center including annual facility improvements to the structure, resurface parking lots, improve drainage, overhead lighting, landscaping and walkways, and recommended the City publicly state their plans for the Center before any funds were spent.

Jim Young, Edmonds, commended the Council for their discussion regarding the CIP including discussion regarding funding alternatives. He pointed out the Council would be able to make a more compelling case with citizens as they familiarized themselves with the CIP. He referred to additional information he provided regarding national standards/engineering principles for building maintenance and expressed appreciation for staff's intent to develop standards for building maintenance. He remarked the

creation of an inventory of maintenance could be both enlightening and frightening when the backlog of maintenance was realized.

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

Councilmember Wilson asked whether street overlays were funded entirely from Fund 125. Mr. Fiene answered there were also funds in Fund 112. Councilmember Wilson recalled the Council allocated any funds collected in Fund 125 over $750,000 to street overlays. Mr. Fiene noted the decline in REET revenues extended the overlay cycle from 30-35 years to 45 years.

Councilmember Wilson referred to $2 million in Fund 116 for maintenance of the Frances Anderson Center. He questioned whether the Council had considered at what point it was too costly to maintain Frances Anderson Center and apply funds used for maintenance to constructing a new building. Public Works Director Noel Miller advised Fund 116 was the building maintenance fund as well as a capital improvement fund. Funding for the $2 million seismic retrofit project included a $785,000 FEMA grant with remainder funded by the City.

Councilmember Wilson inquired about $100,000 in Fund 125 for citywide park improvements/ miscellaneous small projects. Parks & Recreation Director Brian McIntosh answered this funded miscellaneous maintenance projects that arise in citywide parks throughout the year. Councilmember Wilson suggested the line item for Yost Pool Feasibility Study be changed to Pool/Aquatic Center Feasibility Study. He questioned how the $200,000 in Fund 125 for miscellaneous open space was used. Mr. McIntosh answered it was a placeholder for purchase of property in unspecified locations. Mayor Haakenson reminded the Council had directed staff to negotiate regarding a certain parcel. Councilmember Wilson commented it was a matter of priorities. Mayor Haakenson suggested the Council inform staff if they wanted to change their priorities.

Councilmember Wilson commented there were a number of areas where funds could be identified to acquire property in the Downtown Waterfront Activity Center area. Mayor Haakenson commented the Council had not given staff any direction to use any funds to acquire land other than the parcel he mentioned previously. Councilmember Wilson questioned how the Council would make that a possibility. He observed citizens had voiced their interest in moving forward with development in the Downtown Waterfront Activity Center; he wanted to ensure there were funds to do that in an effective and significant manner. He questioned whether the funds identified for miscellaneous purposes could be used to further citizens' interests.

Council President Plunkett asked whether funds needed to be identified in the CIP to make an appropriation with regard to the Downtown Waterfront Activity Center. Mr. Fiene reiterated the CIP was a long range planning tool; the Council could allocate funds as necessary as opportunities arose during the year. He agreed having a project in the CIP increased the odds of receiving a grant. City Attorney Scott Snyder explained the Council could amend the budget and identify funds at any point during the year. With regard to the CIP, to the extent the City could plan ahead and prioritize, the City was required to do so but could also make emergency amendments to the CIP during the year.

Councilmember Wilson commented it was his understanding an emergency situation would not apply with regard to the Downtown Waterfront Activity Center because staff brought to the Council two years ago plans to discuss redevelopment of that area. Mr. Fiene commented the CIP was not a budget but rather a long range planning tool. Councilmember Wilson pointed out the current Parks Plan identified an aquatic center as the top priority once the Public Safety Complex was completed. As that was identified as the top priority, was it appropriate to identify funds in the CIP for an aquatic center in the Downtown Waterfront Activity Center?

COUNCILMEMBER WAMBOLT MOVED, SECONDED BY COUNCILMEMBER DAWSON, TO EXTEND THE MEETING UNTIL 11:00 P.M. MOTION CARRIED UNANIMOUSLY.

Mayor Haakenson clarified the Council did not need to declare an emergency to purchase property. Councilmember Wilson referred to Mr. Snyder's comment that the CIP, as a planning tool, should reflect the Council's priorities. Mayor Haakenson advised the CIP could be changed at any time. He suggested Councilmember Wilson make a motion to include a pool in the CIP. Councilmember Wilson expressed concern with funds allocated to miscellaneous projects, noting when combined they represented a great deal of money. Mayor Haakenson commented needs arose in the Parks Department throughout the year that required funding. He anticipated there would also be property acquisition opportunities for which there needed to be funds available. He recalled this had occurred in the past with regard to waterfront property including $4 million to purchase Marina Beach Park. Miscellaneous funds were also needed to address unforeseen, emergency maintenance issues. He offered to have a staff person review each line item in the budget with Councilmember Wilson and suggested Councilmember Wilson participate on the 2009-2010 Budget Review Team.

Councilmember Wilson commented his concern was not that there was waste, fraud or abuse in the budget. His concern was that the priorities may not be reflective of what the citizens want. Mayor Haakenson advised the Council determined the priorities and needed to ensure they matched the citizens' priorities.

Councilmember Wambolt clarified approving the CIP did not approve the expenditures; the projects would be presented to the Council to approve the expenditure. He challenged Councilmember Wilson to identify any extra funds in the budget.

Councilmember Bernheim referred to Mr. Thorpe's question regarding funds for odor control. Mr. Fiene advised he would have Treatment Plant Manager Stephen Koho verify those amounts. Mr. Fiene advised he would also research the discrepancies between the spreadsheet and the project description for reservoir security and the discrepancy in REET funds between Fund 125 and 126 and make any corrections to the ordinance. He offered to email Councilmembers and Mr. Thorpe any changes made to the CIP in response to these issues.

Mayor Haakenson suggested Mr. Miller arrange for Mr. Koho to take the entire Council on a tour of the treatment plant, especially the new Councilmembers.

Mr. Fiene responded to Ms. Petso's question regarding the Southwest Edmonds Basin study project, explaining those projects were identified in the study including the project at the old Woodway Elementary School site that would be constructed in conjunction with the park development. With regard to the Interurban Trail grant, Mr. Fiene agreed the project was reliant on a grant. He pointed out the Shell Valley project was an emergency access during winter months and a walkway/bikeway the remainder of the year. With regard to the skate park, Mr. McIntosh advised a skate park was a park component considered in the development of any new park; there was no specific location identified for a skate park.

It was the consensus of the Council to direct the City Attorney to draft an ordinance for the Consent Agenda. The Council thanked Mr. Fiene for his years of service to the City.

Interim Zoning Ordinance 3682 - Defining Rainwater Collection Tank

5. PUBLIC HEARING ON INTERIM ZONING ORDINANCE NO. 3682, AMENDING THE DEFINITION OF STREET SETBACK IN ECDC 21.90.140, AND ADOPTING A NEW SECTION ECDC 21.85.014, DEFINING RAINWATER COLLECTION TANK

Planning Manager Rob Chave advised the Council was required to hold a public hearing within 60 days following passage of the interim zoning ordinance on April 1, 2008. He advised the Planning Board had an initial discussion and planned to discuss the ordinance in conjunction with low impact development at

their retreat in May. Staff discussed with the Planning Board the option to require a Conditional Use Permit (CUP) process because the Department of Ecology (DOE) was also required to approve rainwater collection tanks. The CUP process would provide a process to require removal if the tank were not being used. He explained DOE had indicated the rainwater collection tank was permissible and fit their guidelines.

Councilmember Dawson advised there was no action requested from the Council tonight other than to hold the public hearing. Mr. Chave advised any issues that arose at the public hearing, would be forwarded to the Planning Board.

Councilmember Bernheim observed the interim ordinance would expire in six months. Mr. Chave agreed noting the Council would need to take action or extend the interim ordinance. City Attorney Scott Snyder advised the Council could repeal the interim ordinance or amend the interim ordinance tonight. He relayed that San Juan County and Seattle had applied for a blanket permit to allow their citizens to harvest rain water. Mr. Chave advised staff was researching that issue.

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

David Thorpe, Edmonds, questioned the proposed height of the collection tank for a gravity fed system. He questioned the capacity of the tank and whether it could withstand an earthquake. He also questioned whether there was any vehicle access around the tank that could potentially damage the tank.

Alvin Rutledge, Edmonds, advised staff provided an excellent report to the Planning Board. He expressed support for the collection tank and encouraged the public to attend Planning Board meetings.

Finis Tupper, Edmonds, perceived this as a backdoor approach to satisfy one person's desire to accomplish something without extra expense. He noted the only information presented to the Community Services/Development Services Committee was a letter that described the desire for a platinum LEED designation. He pointed out a grocery store would have few toilets and limited landscaping, asserting this was inappropriate and purely to camouflage an administrative variance. He pointed out the community's interest in aesthetics and landscaping; allowing this collection tank along the roadway would eliminate a substantial evergreen tree that provided more environmental benefit than the proposed tank. He recalled a case where the City Attorney stated there was no view blockage as the view was to the west; he clarified there was a view to the east in Westgate and there were residential areas near this site. He summarized this was a bad choice of how to use an interim ordinance and was nothing more than an administrative variance without following the variance code.

Roger Hertrich, Edmonds, agreed with Mr. Tupper that this was a backdoor approach to creating regulations. He displayed a photograph of a silo-type rainwater collection tank, commenting it would be more appropriate for an industrial area. He noted the tank was not proposed to be screened by landscaping as it was educational. He recommended a CUP for this type of structure, and ADB review. He referred to Section 21.90.040 street setback that identified items that were not considered a building or a structure including rain collection tanks and asked how a rain collection tank was not a structure.

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

Mr. Snyder responded to Mr. Hertrich's question, explaining a rain collection tank was not considered a structure because the code excluded it from the definition of a structure.

Council President Plunkett asked how a determination was made whether something like this required ADB review. Development Services Manager Duane Bowman responded it was a minor project and was

not subject to SEPA. Typically if a project was subject to SEPA, it would require ADB review. The building and parking currently exist; the tenant improvements and signage do not meet the SEPA threshold.

Councilmember Dawson referred to the comment regarding potential removal of a significant tree, noting the tree had an environmental benefit as did the rainwater collection tank. She suggested the interim or permanent ordinance include language that the collection tank not require the removal of significant trees, impinge on a wetland or critical area, etc. Mr. Chave advised the possibility of strengthening the landscaping requirements was discussed with the Planning Board. Councilmember Dawson expressed concern with the impact of removing a significant tree. Mr. Chave noted the existing landscaping was minimal. He noted even if the rainwater collection tank was not reviewed by the ADB, staff uses the same criteria in their review. If a CUP was required, criteria for removing the tank if it was no longer used as well as more specific landscaping requirements could be imposed.

Councilmember Dawson clarified her concern was with the potential removal of a significant tree. Mr. Chave assured the siting of this tank would not result in the removal of any significant trees. Mr. Bowman advised there was no specific proposal by the developer for a rainwater collection system; PCC has expressed interest in pursuing a platinum LEED building that would include a rainwater collection system. The architect provided potential types of rainwater collection structures but the actual structure has not yet been selected.

Councilmember Dawson commented her concern was broader than this site; she envisioned a circumstance where installing an environmentally friendly rainwater collection tank would be detrimental to other aspects of the environment and wanted to ensure that did not happen. Mr. Snyder commented one of the reasons staff had begun discussions with the Planning Board was to determine their interest in pursuing a CUP. He noted there were a number of structures that the City allowed in the setback such as fences, mailboxes, lampposts, etc. The initial approach used in the interim zoning ordinance was to treat it as an allowed use in the setback. As more conditions/requirements were imposed, there would need to be a mechanism to review those issues and hold a hearing. If the Council had concerns regarding how the ordinance would be administered, the Council could amend the interim ordinance or could allow the Planning Board to consider the issues that had been raised. He noted another issue was removal of the tank if the business were closed. If the Council had concerns with how the ordinance would be applied, the interim ordinance was unnecessary and the Council should wait for the Planning Board to develop an ordinance.

Councilmember Dawson preferred to consider tanks on an individual basis rather than a blanket permit. She asked the timing of the Planning Board's process and PCC's timing. Mr. Chave answered the interim ordinance was good for six months. If the Planning Board was willing to consider this issue independently it could be accomplished within six months; if they combined it with low impact development, it may take longer. He recommended the Council relay their preference regarding timing to the Planning Board.

Councilmember Wambolt stressed the tank would be an unattractive addition to that site, something typically seen in an industrial area. He agreed with Mr. Tupper's assessment, noting it would take nearly a lifetime to amortize the cost of the tank. The only reason they were installing the rainwater collection tank was to achieve a platinum LEED building to enhance their brand.

6A. AUDIENCE COMMENTS

Antique Mall, Skippers & Harbor Square

Natalie Shippen, Edmonds, recalled at the April 1 meeting, the Council directed staff and the Community Services/Development Services Committee to discuss a bond to purchase a portion of three parcels - the Antique Mall, Skippers and Harbor Square. The Committee responded 6-7 weeks would be

required to prepare a report. She pointed out Harbor Square was already publicly owned. She posed the following questions: 1) What is the size in acreage or square footage of each of the three private properties within the boundaries of Main, SR 104, Dayton and the railroad - the Antique Mall, Skippers and ferry parking? 2) What is the appraised value of each of the three private properties? She recommended the City hire an appraiser as there was little point in discussing the purchase unless the cost had been determined. And 3) What amount of land is required to accommodate the suggested civic projects such as an aquatic center, bowling green, museums, art structures, etc? She requested the City explain to the public the process of eminent domain in the event the owner of any of the three parcels will not sell to the City at appraised value and explain to the public the type of commercial uses, if any, that are allowed on public property. She recommended Council establish a date when they would make a decision whether to proceed with a public ballot to purchase the 6-7 acres of private property. She recommended Council allow the public to make the decision regarding a central park.

Alvin Rutledge, Edmonds, referred to Ms. Shippen's suggestion at the last meeting to form a task force. He provided a list of City committees from 1970, pointing out Ms. Shippen served on three.

Rainwater Storage Tank

Roger Hertrich, Edmonds, referred to Mr. Snyder's interpretation that the rainwater storage tank was not a structure and questioned how the building code applied to something that was not a structure. He requested a list of structures that were allowed in the setback. He commented the interim ordinance was intended to protect public health, safety and welfare, questioning how satisfying a green requirement protected the public health, safety or welfare. He expressed frustration that the tank would not be reviewed by the ADB and the public would have to look at this unattractive tank.

Senior Center Board of Directors

Ray Martin, Edmonds, commented the Senior Center Board of Directors were out of touch with the members and with reality and they were opposed by the members. He pointed out this Board had maintained control since 1998 when the center became a non-profit corporation. None of the Board Members were elected, and although new officers had been elected, the Board continued to ignore the members and new officers and were brazenly uncooperative. The Board recently approved a $2500 payment to an attorney for his failed efforts to prevent election of officers. He recommended the contributing agencies, Snohomish County, the City and United Way, discontinue funding to the Center until the Board repaid the Center for the inappropriate expenditure of $2500. He advised Councilmembers Dawson and Bernheim would be guest speakers at tomorrow's meeting, advising everyone was welcome to join the Senior Center. He commented the Board was unwilling to upgrade the computers at the Center and were now unable to provide an updated list of members. He summarized the Center would be looking to Snohomish County, the City, the United Way and possibly the IRS to resolve the crisis at the Center.

COUNCILMEMBER WAMBOLT MOVED, SECONDED BY COUNCILMEMBER DAWSON, TO EXTEND THE MEETING UNTIL 11:15 P.M. MOTION CARRIED UNANIMOUSLY.

Firdale Village

David Thorpe, Edmonds, referred to an *Edmonds Beacon* article that A.D. Shapiro was hosting a meeting tomorrow regarding Firdale Village redevelopment and expressed the hope that the City was involved via the Planning Board with outreach to those citizens. Mr. Bowman advised the Comprehensive Plan was amended following community meetings held in that area by the former Economic Development Director. The property owner was now interested in implementing those Comprehensive Plan policies. The community meeting was sponsored by the property owner who was represented by A.D. Shapiro Architects.

Mr. Snyder commented Mr. Hertrich was confusing the building code with the zoning code; what could be built versus how it could be built.

Council President Plunkett assured Ms. Shippen her questions would be answered in the near future via the Council's process.

National Telecommun-icators Week

6B. PROCLAMATION REGARDING NATIONAL TELECOMMUNICATORS WEEK.

Councilmember Dawson commented the public often heard about first responders - Fire, Police and Paramedics - but rarely were the telecommunicators in 9-1-1 dispatchers recognized. She read a proclamation declaring April 13-19, 2008 as National Telecommunicators Week in Edmonds and asked citizens to join in honoring these outstanding individuals.

Stormwater Engineering Services

7. STORMWATER ENGINEERING PROFESSIONAL SERVICES AGREEMENT.

City Engineer Dave Gebert advised the City lost its Stormwater Engineer in January and had been unsuccessful in hiring a replacement. During the Stormwater Engineer's absence, Assistant City Engineer Don Fiene has conducted the most urgent functions. Mr. Fiene was also leaving the City's employ, leaving the City without a qualified Stormwater Engineer to conduct stormwater reviews for private development projects and respond to citizen queries. Thus there was an urgent need to hire a consultant to provide interim stormwater engineering services. He was hopeful a new Stormwater Engineer would be hired within six months. He estimated 16 hours per week to conduct essential reviews, noting during this timeframe many of the stormwater engineering requirements would not be done such as capital project design.

A selection panel comprised of Public Works Director Noel Miller, Development Services Director Duane Bowman and Mr. Gebert selected Brown and Caldwell, the firm that hired Mr. Fiene. Mr. Gebert noted this firm was the best qualified and with Mr. Fiene on their staff, the only firm that could immediately provide the services without a steep learning curve on the City's processes and codes. He anticipated Mr. Fiene would be the primary stormwater engineer with tasks transitioning to a junior engineer under Mr. Fiene's guidance. He relayed City Attorney Scott Snyder's advice that there were no State statutes that prevented the use of a consultant who hired a City employee. He recognized the Council's concern regarding possible impropriety of this practice. The matter was presented to the Finance Committee who asked that it be presented to the full Council. He summarized the contract with Brown and Caldwell was the only way to immediately provide stormwater engineering services. He advised other options were considered including hiring through a temporary agency or utilizing another consultant. Staff recommends the Council authorize staff to negotiate a Professional Services Agreement with Brown and Caldwell to provide interim stormwater engineering services for approval on the Consent Agenda.

Council President Plunkett inquired about the cost. Mr. Gebert advised the cost had not yet been negotiated; typically the consultant's hourly billing rate would be 2½ -3 times Mr. Fiene's current rate; however, only 16 hours would be required rather than 40, thus the cost would be similar to Mr. Fiene's current salary.

Councilmember Dawson continued to have substantial concerns with the practice of hiring firms that hired City employees. She recommended establishing a policy that provided for a cooling off period between when a firm hired a City employee and when the City contracted with the firm. She requested staff provide a draft policy for Council consideration.

Councilmember Wambolt was frustrated the City did not have a policy in place, recalling at the March 6, 2007 Council meeting the Council discussed the 220th Street project including an additional $140,000 expended for a Traffic Engineer who left the City to work for the consultant on the project and was deemed the only person qualified to complete the project. He pointed out although that person was deemed the most qualified, that project had a major flaw, no left turn lane from 9th onto 220th. He recalled the Council reached a consensus at that meeting that the City needed a policy and it was to be added to the retreat agenda. He noted it was not added to the retreat agenda but was discussed by the Finance

Committee at their May meeting where it was agreed a policy would be developed. He questioned who was responsible for developing the policy.

Councilmember Wambolt was not convinced that there was no one else who could provide this service to the City and the City needed to send a message to prospective employers of City staff that when they hired City employees, they got only the employee, not a guarantee of City business. Mayor Haakenson suggested the Finance Committee be directed to draft a policy that addressed Councilmembers Dawson and Wambolt's concerns and could then be presented to the full Council for discussion.

Councilmember Dawson recalled Administrative Services Director Dan Clements remarking a number of cities had similar policies that included exemptions when no one else was qualified, etc. She recalled the Council did give direction to staff to develop a policy for adoption. She asked why Brown and Caldwell was deemed the only firm that could provide this service. Mr. Gebert responded it was not that no other engineering firm could provide the service; Brown and Caldwell was the only firm that could provide the service without a steep learning curve and associated degradation of service and responsiveness to private developers and citizens. He advised the City could hire another firm and another stormwater engineer, but it would likely take a few weeks for the person to learn the City's code, standards and procedures and familiarize themselves with projects in the system which would result in a delay to the City's customers.

Councilmember Dawson pointed out Brown and Caldwell had an advantage as they hired one of the City's employees; now the City would be paying more to that firm than if the person remained in the City's employ. Mr. Gebert answered his understanding was this firm had a significant backlog of work for Mr. Fiene and would be content if the City did not hire Mr. Fiene to do this work. He emphasized it was not engineering staff that would be penalized, it was the City's customers - private developers who submit permit applications and already complain that the review takes too long. He advised the City could also hire through a temporary agency, however, that would take longer.

Councilmember Dawson reiterated her desire for an ethics policy that the City not hire back employees via a consultant. She agreed it was appropriate to refer the policy to the Finance Committee to vet other cities' policies, exemptions, etc. and present the policy to the Council for adoption. She questioned the nature of the delay that required hiring this firm.

Councilmember Orvis advised the Finance Committee forwarded this to the full Council without a recommendation. He did not plan to support the staff recommendation.

Councilmember Olson noted the Engineering Department already had a reputation for not completing reviews quickly and further delays would cause financial hardship. This was further complicated by Mr. Gebert's impending retirement. She summarized the Council was being short sighted if they did not support staff's recommendation.

Councilmember Wambolt commented he had discussed this with two developers, one agreed with hiring the firm that hired Mr. Fiene and another said there were other firms that could do the work as city codes did not vary much.

> **COUNCIL PRESIDENT PLUNKETT MOVED, SECONDED BY COUNCILMEMBER OLSON, TO AUTHORIZE STAFF TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT WITH BROWN AND CALDWELL TO PROVIDE INTERIM STORMWATER ENGINEERING SERVICES.**

Councilmember Dawson advised she would support the motion with the request that the Council adopt a viable ethics policy.

Councilmember Bernheim advised he would vote in favor of the motion due to the cost savings provided by Mr. Fiene's expertise. He expressed support for developing an ethics policy, remarking if such a policy was in place, the City would incur much higher costs via another firm providing interim stormwater engineering services. Councilmember Wambolt questioned Councilmember Bernheim's comment regarding the higher cost. Councilmember Bernheim responded Mr. Fiene could provide faster and more efficient service because he was familiar with the City's codes. Further, Mr. Fiene was more likely to make correct decisions and would not require staff supervision. City Attorney Scott Snyder advised all standard consultant agreements contained clauses that prohibited contingent fees.

UPON ROLL CALL, MOTION CARRIED (5-2), COUNCIL PRESIDENT PLUNKETT AND COUNCILMEMBERS DAWSON, OLSON, WILSON AND BERNHEIM IN FAVOR; AND COUNCILMEMBERS WAMBOLT AND ORVIS OPPOSED.

8. REPORT ON CITY COUNCIL COMMITTEE MEETINGS OF APRIL 8, 2008.

Community Services/ Development Services Committee

Community Services/Development Services Committee

Councilmember Olson reported the Committee discussed a proposed resolution of environmental policies and principles, a work in progress, and recommended the Council adopt the resolution. She advised the potential for a bond/levy related to purchase of a portion of the three parcels known as the Downtown Master Plan area was not discussed as staff indicated they would need 6-7 weeks to prepare information.

Councilmember Wilson reported the Committee also discussed a draft resolution proposed by the Mayor's Climate Protection Committee that would establish a policy that all City buildings constructed or remodeled in the future meet a silver LEED standard, the cost of which would be largely offset by environmental benefits. The final item the Committee considered was a resolution for the City to join the Cascade Agenda Cities Program. The focus of the Cascade Agenda was to help preserve rural lands via making cities great places to live. Edmonds would be the first community in Snohomish County to join the Cascade Agenda and one of only five cities in Washington State.

Finance Committee

Finance Committee

Councilmember Wambolt reported the Committee reviewed the first quarter budget amendment which was approved on the Consent Agenda. The Committee also discussed the Stormwater Engineering contract which the Council acted on tonight. The final item discussed was leasing the first floor of City Hall and revenue used for building maintenance. A decision was made not to lease the space due to IRS restrictions. Staff will provide a report to the Committee on other City owned property.

Public Safety Committee

Public Safety Committee

Councilmember Dawson reported the Committee reviewed the 2008 Addendum to the Prisoner Detention Agreement with the City of Lynnwood which was approved on the Consent Agenda. The next item was discussion of a proposed anti-idling ordinance that required motorists to turn off engines when at rest for more than three minutes at a time. The Committee agreed to begin with an educational approach. The Committee then discussed an authorization for the Mayor to sign an Interagency Agreement between the Washington State Patrol and the Edmonds Fire Department that allows the City/Fire Department to be reimbursed when Department assets are mobilized for Washington State Fire Resource Mobilization Plan; this was approved on the Consent Agenda. The final item discussed was a pilot red light camera project. Staff will provide the Committee collision data and traffic analysis at a future meeting.

9. MAYOR'S COMMENTS

Sister City Hekinan, Japan

Mayor Haakenson reported he was in Hekinan, Japan the first week of April celebrating the 20th anniversary of the City's Sister City relationship with Hekinan as well as Hekinan's 50th anniversary. He advised Hekinan showed the Edmonds delegation the usual good time. He noted it was unfortunate Edmonds was unable to reciprocate when the Hekinan delegation visited Edmonds, noting Hekinan's

Sister City program was operated by the city with a high degree of funding and Edmonds program was a volunteer program with a low level of funding.

Mayor Haakenson offered Mr. Fiene the City's best wishes in his career.

10. COUNCIL COMMENTS

Councilmember Dawson congratulated Councilmember Wilson and his wife on the impending birth of their second child.

Councilmember Bernheim inquired about Hekinan's financial policies. Mayor Haakenson answered a Toyota factory was located in Hekinan.

Steven's Hospital

Lake Ballinger

Councilmember Wilson advised the CEO of Steven's Hospital would be speaking to the Council at next week's meeting. He reported on the March 26 meeting regarding Lake Ballinger, advising the 35 participants included representatives from the five cities in the basin, the Department of Ecology, Washington State Department of Transportation, four legislators, staff from Snohomish and King County, and from Congressman Inslee's office.

Ethics Policy

Councilmember Wilson recognized the frustration that an ethics policy was not adopted a year ago, noting it was the Council's job to establish policy. He relayed the public thought very little of the Council and felt the members were under-performing. He summarized it was the Council's job to establish policy and vision and encouraged the Council not to shy away from those tasks.

11. ADJOURN

With no further business, the Council meeting was adjourned at 11:35 p.m.