

# EDMONDS CITY COUNCIL APPROVED MINUTES

## August 5, 2008

The Edmonds City Council meeting was called to order at 7:00 p.m. by Mayor Haakenson in the Council Chambers, 250 5<sup>th</sup> Avenue North, Edmonds. The meeting was opened with the flag salute.

### ELECTED OFFICIALS PRESENT

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

### STAFF PRESENT

Tom Tomberg, Fire Chief  
Al Compaan, Police Chief  
Duane Bowman, Development Services Director  
Stephen Clifton, Community Services Director  
Brian McIntosh, Parks & Recreation Director  
Noel Miller, Public Works Director  
Rob Chave, Planning Manager  
Steve Koho, Treatment Plant Manager  
Mike Clugston, Planner  
Scott Snyder, City Attorney  
Sandy Chase, City Clerk  
Jana Spellman, Senior Executive Council Asst.  
Jeannie Dines, Recorder

Approve  
Agenda

### 1. APPROVAL OF AGENDA

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

### 2. CONSENT AGENDA ITEMS

Councilmember Bernheim requested Items F and H be removed from the Consent Agenda.

**COUNCILMEMBER WAMBOLT MOVED, SECONDED BY COUNCILMEMBER OLSON, FOR APPROVAL OF THE REMAINDER OF THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:**

Roll Call

#### A. ROLL CALL

Approve  
7/29/08  
Minutes

#### B. APPROVAL OF CITY COUNCIL MEETING MINUTES OF JULY 29, 2008.

Approve  
Claim Checks

#### C. APPROVAL OF CLAIM CHECKS #105843 THROUGH #106039 FOR JULY 31, 2008 IN THE AMOUNT OF \$237,455.63.

Gas Line  
Replacement

#### D. REPORT ON FINAL CONSTRUCTION COSTS FOR THE NATURAL GAS LINE REPLACEMENT PROJECT AND COUNCIL ACCEPTANCE OF PROJECT.

Outfall  
Sediment  
Sampling and  
Analysis

#### E. AUTHORIZATION FOR MAYOR TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH SANDERS AND ASSOCIATES INC. (SAI) FOR THE OUTFALL SEDIMENT SAMPLING AND ANALYSIS PROJECT.

S. County  
Senior Center  
Kitchen  
Equipment

#### G. AUTHORIZATION TO SOLICIT QUOTES IN EXCESS OF \$50,000 FOR NEW SOUTH COUNTY SENIOR CENTER KITCHEN EQUIPMENT.

Aquatics  
Center  
Feasibility  
Study

**ITEM F: AUTHORIZATION TO ADVERTISE FOR STATEMENTS OF QUALIFICATIONS FROM CONSULTING FIRMS FOR CONSULTANT TEAMS TO PERFORM AN AQUATICS CENTER FEASIBILITY STUDY.**

Councilmember Bernheim commented the Aquatics Center Feasibility Study would allow the Parks Department to solicit an expert to evaluate the community for an aquatics center. He noted the \$60,000 budgeted for the study was a reasonable amount considering the scope of the project that would provide costs and benefits of different types of aquatic centers. He supported the expenditure for the feasibility study, acknowledging although there were many enthusiastic supporters of an aquatics center, not all citizens were swimmers.

**COUNCILMEMBER BERNHEIM MOVED, SECONDED BY COUNCIL PRESIDENT PLUNKETT, FOR APPROVAL OF ITEM F.**

Council President Plunkett advised there was a panel established to select a consultant and asked if another Councilmember in addition to Councilmember Wilson was interested in participating. Councilmember Orvis volunteered to participate on the selection panel.

**MOTION CARRIED UNANIMOUSLY.**

Res# 1179  
Community  
Service  
Announce-  
ment

**ITEM H: RESOLUTION NO. 1179 – ESTABLISHING CRITERIA FOR USE OF THE "COMMUNITY SERVICE ANNOUNCEMENT" PORTION OF THE CITY COUNCIL AGENDA.**

Councilmember Bernheim asked whether the 15 minute timeframe would be added to the beginning or end of Council meetings and the difference between public service announcements and audience comments. Council President Plunkett responded the public service announcements would be scheduled at the beginning of the meeting. The difference was convenience; a community organization requested an opportunity to speak to the Council at the beginning of the meeting about upcoming events. However, the Council's rules did not allow that order on the agenda, resulting in their presentation occurring late in the evening. Further, audience comments are limited to three minutes and often public service announcements cannot be accomplished within three minutes. Council President Plunkett summarized public service announcements were an opportunity for an organization that met the criteria to spend 3-5 minutes making a public service announcement.

Councilmember Bernheim preferred at least for the time being, due to the length of recent Council meetings and weighty issues the Council was considering, not to add a 15 minute period for public service announcements at the beginning of the meeting. He strongly supported pre-recording and airing the announcements on Channel 21.

Council President Plunkett did not anticipate the public service announcements would take 15 minutes at every meeting, noting the organizations needed to notify City Clerk Sandy Chase or him prior to the meeting.

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

Public Service  
Announce-  
ments

**3A. PUBLIC SERVICE ANNOUNCEMENTS.**

Team Peggy /  
ALS Fund-  
raising &  
Awareness

**Pat Greenstreet, Team Captain, Team Peggy**, recognized several members of the team in the audience. She explained Team Peggy was named after Councilmember Peggy Pritchard-Olson. The team's missions were, first and most important to support Councilmember Olson on her journey with ALS as well as increase awareness of Lou Gehrig's Disease, known as ALS, and to raise money for the ALS Association. She invited the Council and the public to visit their booth at the Saturday Market, the Taste of Edmonds, and the Art Walk. She announced upcoming events including a card-marking workshop to benefit the ALS Association at United Methodist Church on August 24 from 2:00 - 5:00 p.m. and the Walk to Defeat ALS at

Seward Park on September 27 at 10:00 a.m. She invited walkers or virtual walkers (donors) to register for Team Peggy online at [www.ALSA-EC.org](http://www.ALSA-EC.org). She noted in addition to promoting awareness of ALS, they had been able to get Stevens Hospital to host a monthly support group for ALS patients and caregivers free of charge beginning in September. Prior to this, the only ALS support groups were in Bellevue, Kent, or Bellingham.

Mayor Haakenson expressed the City's appreciation for Team Peggy's support of Councilmember Olson.

Closed  
Record  
Review re:  
Arbor Court at  
23800-23824  
Edmonds  
Way

**3B. CONTINUED CITY COUNCIL DELIBERATION ON THE CLOSED RECORD REVIEW: APPEAL OF THE HEARING EXAMINER DECISION TO DENY THE REQUEST BY STEVE SMITH DEVELOPMENT LLC, REPRESENTED BY JEAN MORGAN OF MORGAN DESIGN GROUP, TO SUBDIVIDE ARBOR COURT, A 1.27 ACRE PARCEL DEVELOPED WITH 35 TOWNHOMES, INTO 35 FEE-SIMPLE TOWNHOUSE PARCELS. THE SITE IS ZONED MULTIPLE FAMILY RESIDENTIAL (RM-1.5) AND IS LOCATED AT 23800 – 23824 EDMONDS WAY. (FILE NOS. P-08-16 AND APL-08-4)**

Mayor Haakenson recalled the Council discussed this item at last week's Council meeting and continued questions and deliberation to tonight's meeting. He invited Councilmembers to make any disclosures regarding ex parte contact or conflicts under the Appearance of Fairness Act.

Councilmember Orvis advised he received an email from Tony Shapiro today and after reading the first sentence and realizing it pertained to this matter, he did not read further.

Council President Plunkett and Councilmembers Wambolt and Wilson advised they did not open the email they received from Mr. Shapiro.

Councilmember Bernheim advised he opened and printed the email from Mr. Shapiro but had not yet read it.

Councilmember Olson advised she did not read the email from Mr. Shapiro.

Mayor Haakenson asked whether any of the parties of record objected to the participation of any of the Councilmembers. There were no objections voiced and Mayor Haakenson advised all the seated Councilmembers would participate.

**Roger Hertrich, Edmonds**, advised he was a party of record and because the verbatim minutes were not available last week he was unable to review them to determine whether to speak at the hearing. He requested the ability to speak tonight as a party of record.

City Attorney Scott Snyder advised normally a party waived their objection by failing to appear at the hearing. If the Council wanted to consider reopening the hearing to allow Mr. Hertrich to speak, he suggested inquiring whether the other parties of record and/or the appellant had an objection, noting the appellant would be the party prejudiced by reopening the hearing. He further pointed out the references to this matter as a hearing and use of the term testimony, he clarified the Council received oral argument last week based on the appeal and tonight the Council was deliberating and making a decision. Mayor Haakenson advised Mr. Hertrich was not in attendance at last week's Council meeting.

**Megan Nelson, attorney, GordonDerr, Seattle**, advised they objected to Mr. Hertrich speaking but would be willing to allow him to speak if they were provided an opportunity for rebuttal.

Council President Plunkett spoke in favor of allowing Mr. Hertrich to speak and to allow rebuttal by the appellant, acknowledging the records available last week were incomplete. Councilmember Wambolt agreed with allowing Mr. Hertrich to speak.

**COUNCIL PRESIDENT PLUNKETT MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, TO REOPEN THE ORAL COMMENT FOR ROGER HERTRICH AND REBUTTAL FROM MS. NELSON. MOTION CARRIED UNANIMOUSLY.**

Mr. Hertrich felt several items mentioned in the reconsideration request were outside the record and that new evidence was provided and argument was made that the Council could not consider. For example, last week the appellant's attorney referenced previous Hearing Examiner decisions on townhouses and townhouse ordinances that was not part of the original record. He commented the City had a problem with operating on staff decisions that were made and repeatedly acted upon without staff referring them to the Planning Board and the Council for codification. He agreed with the Hearing Examiner's decision, remarking on the confidence he had in her decision based on the questions she asked.

Planner Mike Clugston had no response to Mr. Hertrich's comments.

With regard to their reference to prior decisions in their Motion for Reconsideration, Ms. Nelson advised, 1) the Hearing Examiner found no party would be prejudiced by the inclusion of the material in their Motion for Reconsideration, 2) official notice could be taken of previous decisions by the Council, and 3) the Council received a copy of the interpretation after it was made by the Planning Division.

Councilmember Orvis asked whether the reference to the townhouse subdivision policy was the decision written by Steve Bullock in 2003 on page 153. Mr. Clugston answered yes. Councilmember Orvis noted the code had specific definitions for street setback and street lot line but he did not find reference to those definitions in the interpretation. Mr. Clugston read the following from the interpretation, "*ECDC 21.100.040 does not directly discuss building setback reduction or elimination. However, in order for (a) lot areas to be able to be as small as dwelling unit lot coverage and (b) lot lines to be able to be placed (i) on common or party walls in the case of attached dwelling units or (ii) along the edge(s) of exterior walls of the dwelling units in the case of detached dwelling units, individual townhouse lots must be exempt from building setback requirements except in the case of required setbacks from a proposed townhouse subdivision's exterior property lines. Nothing in ECDC 21.100.040 suggests that townhouse subdivisions would be exempt from required setbacks from exterior property lines. In fact, the language of subsections D and E of ECDC 21.100.040 relating to lot coverage, lot area and density indicate an intent for a townhouse subdivision development to be considered as a whole with all of the bulk standards to be measured as if the property was not being subdivided.*"

Councilmember Orvis observed that statement referenced building setbacks and not street setbacks. Mr. Clugston replied it discussed interior setbacks, not street setbacks. Councilmember Orvis asked if interior setback was defined in the City's code. Planning Manager Rob Chave advised interior setback was not defined in the code, but street setbacks were; interior setbacks in the context of the interpretation were the interior of the project.

Councilmember Orvis observed street setback was defined as measured from the street lot line or right-of-way. Mr. Chave agreed it was measured from the public street. He noted the definition referred to public streets as well as easements.

Councilmember Wambolt referred to the memo containing the interpretation, recalling staff comments that the interpretation was not appealed or questioned by the City Council and that the Council was informed of that interpretation when it was made. Observing that more than half of the Councilmembers were not on the

Council at that time, he asked how the Council would be aware of the interpretation prior to seeing it in the packet. Mr. Snyder cautioned the Council must make their decision based on the information in the record. Councilmember Wambolt agreed with a former Councilmember's frustration with the closed record review process.

Councilmember Bernheim asked where it is indicated in the Code that interpretations by staff were authorized. He clarified he was asking in order to understand the context in which interpretations were made. He recalled when the City issued an interpretation recently regarding the ground floor level in the BD zone, he sent an email to staff inquiring how the interpretation could be appealed. Mr. Snyder referenced ECDC Section 20.105.010 that establishes appealable decisions; Section A addresses staff decisions and states any person may appeal a decision of staff with a list of decisions, the fourth being interpretations of the text of the ECDC. Councilmember Bernheim expressed a preference that major questions and interpretations be brought to be Council to allow a change via law rather than a short term review. Mayor Haakenson advised the Council could direct staff to change that policy.

Councilmember Wambolt suggested having a post-mortem following the decision on this item to address the Council's questions regarding the subdivision code.

Councilmember Bernheim requested the appellant reply to the written questions he posed. Ms. Nelson referred to the response they provided noting her understanding that copies were distributed to the Council.

Hearing no further questions, Mayor Haakenson remanded the matter to the Council for action.

Councilmember Orvis commented the issue in the code was not with the townhouse subdivision policy but with the definition of street. The Hearing Examiner correctly pointed out that by her definition a street was a public or private right-of-way or access easement that provides access to five or more lots. He referred to the map on page 22 of the record that illustrated the driveways are serving more than 5 units and therefore were access easements and by the code's definition, streets. He noted via subdividing, the lots became individual lots rather than one lot via condominium ownership. Under the subdivision policy, streets must comply with Chapter 18 which has numerous standards with regard to sidewalks, width, etc., standards that the Hearing Examiner pointed out were not met.

Councilmember Orvis pointed out subdivisions also must comply with the zoning code. Although much had been made of the interpretation that appeared to identify a contradiction between the definition of townhouse and building setbacks, building setbacks were setbacks measured from the lot such as rear and side setback. Mr. Bullock noted in his interpretation that there could not be a "tight fitting" lot line (which Councilmember Orvis defined as a lot line directly around the unit) if there was a building setback. He noted street setbacks were not mentioned in the interpretation and there was nothing that applied to street setback. The street setback was not measured from the lot but from the street, therefore it was possible for a townhouse to have a "tight fitting" lot line and meet the setback from the street via either common property between the townhouse and the street or another unit that had a street setback. He noted the code section that referred to "tight fitting" lot line used the word "may" which did not instill a right, but that it may have a "tight fitting" lot line if it met the other standards. He concluded since the driveways were streets, the 15-foot street setback was required.

Councilmember Orvis noted previous approvals also had sidewalk and street standards, a finding made by the Hearing Examiner on page 200 of the record. He referred to the applicant's statement on page 78 of the record, "this required harmony can only be achieved if individual townhouse lots are exempt from building and street setback requirements," which he noted illustrated the applicant's awareness of the two different types of setback - building and street - street having a specific definition in the code. On the same page, the applicant quotes the townhouse subdivision policy that only refers to building setback. He summarized even

if the interpretation were upheld, there were standards that must be met with regard to the streets including street setbacks and street standards.

**COUNCILMEMBER ORVIS MOVED, SECONDED BY COUNCILMEMBER DAWSON, THAT THE APPEAL BE DENIED AND THE HEARING EXAMINER'S DECISION BE UPHELD.**

Councilmember Dawson commented there were facts in the record that could go both ways. Although she was sympathetic to the applicant's issue, she found the Hearing Examiner's rationale compelling and correct.

Councilmember Wambolt advised he would not support the motion although he did not like the project because so much of the land was used there was not even space for a garbage can outside the garage, there was no parking which would result in continual blockage of the fire lanes, and there was no on-street parking in the surrounding area. He supported the project in the interest of fairness because the applicant had every reason to believe it would be approved because the 2003 interpretation had never been questioned/reversed and several similar projects had been approved including one by this Hearing Examiner. He recommended making revisions to the townhouse subdivision code in the future.

Council President Plunkett did not support the motion, finding that the Hearing Examiner was legislating rather than adjudicating.

**UPON ROLL CALL, MOTION FAILED (3-4), COUNCILMEMBERS ORVIS, DAWSON AND BERNHEIM IN FAVOR; AND COUNCIL PRESIDENT PLUNKETT AND COUNCILMEMBERS WILSON, OLSON, AND WAMBOLT OPPOSED.**

**COUNCILMEMBER WAMBOLT MOVED, SECONDED BY COUNCILMEMBER OLSON, TO UPHOLD THE APPEAL AND REVERSE THE HEARING EXAMINER'S DECISION.**

With regard to the issue of fairness, Councilmember Bernheim commented other than a notice to the Council with a 30 day appeal period there was no other notice to the Council that there was a gap in the code that required a staff interpretation. He acknowledged applicants were placed in a bad position when the Planning Department issued a potentially questionable ruling regarding ambiguity in the code. He expressed his support for the Hearing Examiner's decisions.

Councilmember Dawson commented it was incumbent on the Council to bring any interpretation they disagreed with to the attention of staff. In this instance, she did not believe it was a correct legal decision that staff's interpretation was forever binding. She found the Hearing Examiner's decision an appropriate reading of the code as it currently exists and that her decision represented judicial interpretation of a code provision more accurately than staff's interpretation.

**UPON ROLL CALL, MOTION CARRIED (4-3), COUNCIL PRESIDENT PLUNKETT AND COUNCILMEMBERS WAMBOLT, WILSON, AND OLSON IN FAVOR; AND COUNCILMEMBERS BERNHEIM, ORVIS, AND DAWSON OPPOSED.**

It was the consensus of the Council to refer the interpretation issue to the Community Services/Development Services Committee.

Councilmember Wilson requested the Councilmembers voting in the minority provide their comments to the Community Services/Development Services Committee in writing. Councilmember Dawson explained she found the Hearing Examiner's rationale more compelling than staff's interpretation. Mayor Haakenson suggested the Committee compare the Hearing Examiner's decision on this subdivision to her previous decision and determine what was different.

Councilmember Wilson commented he also had several issues with this project including guest parking. Therefore, it was less an issue with the interpretation but rather a need to revise the townhouse subdivision code. Mr. Bowman advised staff could present information to the Committee at their August 12 meeting and return to the Council for confirmation before forwarding it to the Planning Board. He agreed that section of the code needed to be rewritten.

Councilmember Wambolt reiterated his question regarding how new Councilmembers were made aware of past staff interpretations. Mr. Snyder answered one of the difficulties was the Council was presumed to know the City's ordinances and prior code interpretation.

4. **PUBLIC HEARING ON THE PLANNING BOARD'S RECOMMENDATION TO AMEND CHAPTER 16.43 ECDC TO INCORPORATE DESIGN STANDARDS FOR THE BD1 ZONE.**

Planning Manager Rob Chave explained when the City Council adopted the new downtown BD zone, there was some discussion regarding design standards, particularly with regard to the downtown retail core and the Council requested input from the Historic Preservation Commission (HPC) regarding design standards for that area. The HPC presented suggestions to the Council who referred their suggestions to the Planning Board. The Planning Board worked with the Architectural Design Board (ADB) and the HPC and developed several pages of illustrations and language to be incorporated into the BD1 zone with regard to character, standards for retail use, pedestrian orientation, etc. He noted the Planning Board wanted further opportunity to work with the HPC on demolition, design review thresholds, etc. He summarized tonight's hearing was on the design standards recommended by the Planning Board and to direct staff to prepare an ordinance to implement the design standards. He noted the design standards were tailored to address the most critical aspects of design such as streetscape, relationship of retail spaces to the street, etc. without being overly detailed.

Councilmember Wilson asked how the previous discussion regarding form-based planning applied to this item. Mr. Chave answered this was consistent with the City's hybrid approach.

Council President Plunkett commented he had been associated with this for 3-4 years via the HPC. He explained this was an attempt to preserve the character and charm of downtown, noting there were a number of ways to accomplish that from design standards to other more restrictive methods. The Council's and most citizens' intent was to ensure that new construction or rehab of an existing structure in the downtown core used design standards that reflected the historic nature, character and charm of downtown. Mr. Chave commented while many of the standards were mandatory via the use of "shall," they did not mandate a specific building style which reflected the ADB and Planning Board desire. The Planning Board and ADB were interested in the relationship of the building to the street and pedestrian and found scale more important than building style. He pointed out there was not a single historic or architectural style downtown. Council President Plunkett agreed the Council's emphasis with regard to downtown buildings has been scale and streetscape.

Councilmember Bernheim asked whether the Windermere building with its courtyard, the building across street, the former Bank of Washington building and the new Bank of Washington building met the proposed design standards. Mr. Chave answered they likely would not be approved in the form they existed today. For example, the main part of the buildings were set back with columns along the pedestrian street front; the retail industry did not find this desirable as it did not allow shoppers to see into retail spaces. Councilmember Bernheim commented the design standards did mandate certain styles and exclude others.

Councilmember Bernheim referred to drawings of 3-story buildings on pages 2 and 3, suggesting scale or measurements be included to illustrate how the renderings represented buildings that could be constructed in the BD1 zone. Mr. Chave answered depending on the topography, it was theoretically possible to construct

more than two stories in the BD1 zone. Councilmember Bernheim asked whether buildings as depicted by the drawings on pages 2 and 3 were possible in the BD1 zone. Mr. Chave answered they were intended to be generic illustrations that described various portions of the building. Councilmember Bernheim anticipated a developer could refer to the drawings as something that was allowed. He found the drawings a poor choice for inclusion in the design standards. Mr. Chave reiterated the drawings were intended to be generic illustrations of three different stages of a building and could be deleted if the Council wished.

Councilmember Orvis referred to page 7 of the design standards, transparency at street level, inquiring whether transparency was required above 10 feet. Mr. Chave answered there was not a requirement for transparency above 10 feet. Councilmember Orvis noted the design standards also contained criteria for blank walls and questioned the intent of Item J, an architectural element not listed above, as approved, that meets the intent. Mr. Chave advised that was intended to provide some flexibility to the ADB to approve something that met the intent. For Councilmember Orvis, Mr. Chave described a medallion as a small, decorative element with a carved face or symbol.

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

**Elizabeth Larman, Edmonds**, commended Mr. Chave for producing the design standards. She agreed with Councilmember Bernheim that the design standards for the BD1 zone should not contain drawings of 3-story buildings. She also recommended all ADB decisions, particularly with regard to building exteriors, be binding which they currently were not. For example, Old Milltown was originally to be sandstone with expensive awnings; however, the end result was paint on the building exterior and fabric awnings which she asserted looked cheap and would deteriorate quickly. She noted near the end of a project the profit margin narrowed and corners were cut, in this case to the detriment of the public who must look at the building. She also recommended ADB and Planning Board meetings be televised so that the public was aware what was being discussed and approved.

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

Council President Plunkett asked staff to respond to Ms. Larman's comment regarding binding ADB decisions. Mr. Chave responded ADB decisions were binding; however, occasionally there were modifications to an approved plan and staff makes a determination whether they are substantial enough to require ADB review. Council President Plunkett suggested if the Council wanted all modifications to be reviewed by the ADB or consider to changing the threshold for staff approval, that was an issue separate from this document. Mr. Chave advised the ADB, HPC and Planning Board had a great deal of discussion regarding the threshold for review - what in the BD1 should be reviewed by the ADB versus a staff decision. He noted this was a difficult determination as historically design review in the downtown commercial districts has been a very sensitive area of discussion because many people care about the area and requiring too much to be reviewed by the ADB had a deleterious affect on business openings. He clarified if the threshold was set too low and too much required review and public hearing by the ADB, the result could be a substantial slowdown to businesses. He noted the HPC, ADB and Planning Board agreed a lower threshold was appropriate in the BD1 zone but had not yet agreed on a threshold.

**COUNCILMEMBER BERNHEIM MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, TO DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE TO AMEND THE EDMONDS COMMUNITY DEVELOPMENT CODE (ECDC) TO IMPLEMENT THE PLANNING BOARD'S RECOMMENDATION.**

Councilmember Bernheim reiterated his concern with the drawings in the standards, questioning how they could be constructed in the BD1 zone.

**COUNCILMEMBER BERNHEIM MOVED, SECONDED BY COUNCIL PRESIDENT PLUNKETT, TO MODIFY/REPLACE THE DRAWINGS WITH DRAWINGS OF BUILDINGS THAT COULD BE BUILT IN THE BD1 ZONE.**

Councilmember Wambolt commented the drawings were for illustrative purposes only and the height limits of the zone would determine the building height.

Councilmember Dawson agreed the drawings on pages 2 and 3 were confusing, noting if the first floor was required to be 15-feet, there was no possible way to achieve a building in the BD1 zone as depicted in the drawings. She summarized the drawings gave the wrong impression regarding what could be built in the BD1 zone and supported replacing or deleting the drawings. She noted page 2 contained two excellent photographs that illustrated the distinction between the base and top of the building.

Councilmember Wambolt commented the buildings as shown in the drawings could be built downtown, for example Old Milltown, whose owner decided not to add a third floor.

Councilmember Orvis recalled the Council designed the BD1 zone with 2-stories with the knowledge that 3 stories may be possible. He recalled there had been applications for height limit variance downtown, anticipating the drawings could be referenced by such an applicant.

Councilmember Bernheim suggested eliminating half of the building in the drawing on page 3 and the entire drawing on page 2 or replacing them with drawings of buildings that could be built. Mr. Snyder suggested the Council could review the drawings when the ordinance was scheduled on the Consent Agenda. He also suggested adding a footnote that the drawing illustrated an element of design and did not control the height.

Councilmember Wambolt suggested this could be addressed by his previous motion to limit the BD1 zone to two stories.

**VOTE ON THE AMENDMENT: MOTION CARRIED (6-1), COUNCILMEMBER OLSON OPPOSED.**

Councilmember Bernheim commented certain buildings such as the Windermere building would be excluded by these design standards as would certain modern architecture. Thus the design standards were establishing a semi-classic, retro-modern, drive-up 2-story base and top that reflected a certain history. There were many buildings in the City's historical inventory that were designed in this manner and he preferred to preserve those buildings rather than require new buildings to look like old buildings. He commented style in downtown Edmonds was less important than bulk, noting he supported height limits and lot coverage standards. He expressed support for the proposed standards, remarking they could be changed if the result was not satisfactory.

Councilmember Dawson thanked staff and the Planning Board for their efforts, noting the proposed standards described what the Council and public wanted to see in the BD1 zone.

**VOTE ON MAIN MOTION AS AMENDED: MOTION CARRIED UNANIMOUSLY.**

**5. AUDIENCE COMMENTS**

**Jesse Scott, Edmonds**, asked if the Council was powerless to regulate inappropriate building construction in the city. He referred to comments made by Council President Plunkett last year that there was nothing the Council could do as well as Development Services Director Duane Bowman's comment that although the proposed addition was "the poster child for undesirable construction" nothing could be done. He displayed a photograph of an addition to a house that blocked his view of Puget Sound and read from the code that private projects were to be consistent with the Comprehensive Plan. He read goals in the Comprehensive

Inappropriate  
Building  
Construction

Plan that custom homes were to be designed and constructed with architectural lines that enabled them to harmonize with existing surroundings, protect neighborhoods from incompatible additions to existing buildings that do not harmonize with existing structures, and minimize encroachment on view of existing homes by new construction or addition to existing structures. He displayed additional photographs of a 3,000 square foot addition to a 1500 square foot home via a 10-foot breezeway and referred to ADB review criteria that long, massive, unbroken or monotonous buildings shall be avoided to comply with the chapter and design objectives of the Comprehensive Plan. He summarized the City's codes needed to be changed as this addition was currently legal.

Old Safeway  
and Skippers  
Sites

**Barbara Tipton, Edmonds**, referred to Councilmember Wambolt's guest column in the *Edmonds Beacon* that stated a small group of citizens convinced a few Councilmembers that the old Safeway and Skippers sites could not be appropriately developed by the owners and Councilmember Wambolt's determination that the best option would be construction of 3-4 story buildings even though the WG33, citizens who spoke to the Council and who wrote to the *Edmonds Beacon* opposed that type of development. She pointed out increasing the scale of development beyond that available under current zoning was the preferred option of the developers and would provide a subsidy to the developer by increasing the potential profits. She referred to Al Hooper's column that referenced the vigilant four, Council President Plunkett, Councilmembers Dawson, Orvis and Bernheim, and chided them for vigorously enforcing existing codes. She supported their position as well as Councilmember Bernheim's recommendation for an appraisal to determine the value of the property, noting the appraiser could take into account the soil, drainage, flooding, high water table and proximity to the railroad. The City also had the option of revising the Comprehensive Plan to designate the property as a public use area which would enable the City to apply for grant funding, further reducing the cost to taxpayers. She referred to Councilmember Wambolt's attempt to divide the proponents of schools, hospitals and public acquisition into warring camps and his reference to increased property taxes, concluding that compared to Seattle, Edmonds' tax burden was relatively light.

Purchase of  
Waterfront  
Site

**Faye May, Edmonds**, encouraged the City to consider purchase of the waterfront site, commenting the City had the unique opportunity to become an outstanding destination City. She noted Edmonds was known for its charm and uniqueness; acquisition of this property would continue to draw citizens, businesses and visitors. She recalled the numerous citizens who spoke on May 1 regarding development of the waterfront area and desire that Edmonds retain its current charm. She read from an article by John Pierre in the July 24 *Edmonds Beacon* regarding maintaining the ambiance of Edmonds and promoting the 1940s atmosphere of the community. She favored the City acquiring the property and developing it as an extension of the downtown core to ensure the continuance of Edmonds' charm and uniqueness.

Purchase of  
Waterfront  
Site

**Barbara Chase, Edmonds**, pointed out there was only one chance to purchase the waterfront property. It is a completely different situation than the expenditures for other capital improvements such as sidewalks.

Year-round  
Farmers  
Market in  
Snohomish  
Co.

**Mike Cooper, Edmonds**, relayed conversations between the agricultural community, Snohomish County Council and Planning staff regarding siting a regional, year-round farmers market in Snohomish County. He described recent visits to farmers markets in Calgary and in Kansas City, noting they were regional and community gathering places. Edmonds' demographics, middle to high income neighborhoods, median age residents, high density and tourism, made it perfect for a year-round farmers market. He recalled his suggestion to Councilmember Dawson that the City consider working jointly with the agricultural community in Snohomish County, Snohomish County government and private investors to make the waterfront property an attractive open space with retail and a farmers market. He commented that type of partnership was appropriate particularly in these days of tight budgets, high fuel prices, and concern about safe food supplies. He relayed Snohomish County Councilmember Somers' and his commitment to working on a partnership between Snohomish County, the City and private investors.

Staff Interpretations

**Roger Hertrich, Edmonds**, agreed with the comments regarding the waterfront. Next, he was disappointed the Council failed to realize that illegal things occurred in the hearing and evidence was considered that was outside the record. Mr. Snyder ruled Mr. Hertrich out of order as the Council had not yet adopted Findings and because the item was on the agenda as a public hearing. Mr. Hertrich recommended the Council restrict staff interpretations and have all interpretations reviewed by the Planning Board to ensure there was a public process.

Antique Mall and Skippers Sites

**John McGibbon, Edmonds**, urged the Council and the community not to purchase the Antique Mall and the Gregg property, noting there were better uses for tax payer dollars. He advocated a public-private project, possibly via a contract rezone whereby the City could exert considerable influence over the outcome and produce an attractive and useful community asset that would generate revenue rather than consume taxpayer dollars.

Antique Mall and Skippers Sites

**Dave Page, Edmonds**, commented as a member of WG33 he felt they were somewhat herded which he felt was acceptable at the time. He would have supported a compromise as many of the designs were quite good. However, at the end of the process many felt “sucker punched” because the preferred design was not what the group was headed toward. He pointed out there was a great deal of funding available for purchase and development of the site including State and Federal funds. He expressed support for the City purchasing the site and urged the Council to continue their research.

Antique Mall and Skippers Sites

**Tom Pirie, Edmonds**, stated the waterfront property was a jewel with great potential; however, if left to developers, it could become an eyesore. He recalled the excitement created by designs proposed by high school students and the discussion their designs stimulated in the community. He referred to Mike Cooper’s suggestion for a farmers market, pointing out the changes that have occurred in the area surrounding Pike Place Market including new development and tourism. Acknowledging in the short term a project that drew visitors to the area would cost the City, in the long term the City’s revenue concerns would be overcome. He noted other development of the site would diminish the value of the surrounding properties and would not attract businesses and stimulate tourism like a farmers market.

Antique Mall and Skippers Sites

**Elizabeth Larman, Edmonds**, read a letter from **Lyn MacFarlane, Edmonds**, referencing geologist reports that the soil on the waterfront property was unstable, oceanographers’ reports that the water level would continue to rise, and meteorologists’ reports that expected a period of greater storms and heavier rains. Ms. MacFarlane anticipated the best use of the property was a park, referencing the destruction of much of the Hilo, Hawaii, business district by a tsunami. She urged the Council not to allow higher buildings and to develop the site as a park. Ms. Larman commented although Councilmember Wambolt stated he had spoken to many citizens who were opposed to purchasing the waterfront property, only one person spoke in opposition tonight. In her conversations with numerous people, everyone wanted the City to maintain this area for the public’s enjoyment.

Antique Mall and Skippers Sites

**Beverly Starkovich, Edmonds**, stated her opposition to the City purchasing the property, fearing the result would be a lack of revenue or increased property taxes. She expressed support for development in the City in a manner that appealed to young people and not converting it to a Leavenworth or a retirement community.

Antique Mall and Skippers Sites

**Janis Freeman, Edmonds**, commented although Mike Cooper’s suggestion for a farmers market showed promise, she was opposed to the City purchasing either the former Skipper’s property or the Antique Mall property, commenting the City had far more important priorities such as maintaining and improving the aging public infrastructure. She supported the properties being developed with mixed use development under the existing codes to provide retail and commercial uses as well as residences within easy walking distance of downtown’s amenities and services. She suggested negotiating open space with the developer via goodwill and compromise. She anticipated if the City purchased the property it would spend the next ten

years determining the uses. She also pointed out the importance of reducing reliance on fossil fuels and the need to get people out of their cars by providing a viable transportation system and access to the system via safe, well lit sidewalks which were lacking in Edmonds.

Farmers  
Market  
Proposal

Mayor Haakenson advised Snohomish County Councilmember Cooper, Councilmember Dawson, Community Services/Economic Development Director Stephen Clifton and he have met with proponents of a farmers market and Mr. Clifton and he have met with some of them on the site. He noted that was not unusual; staff and he often did that with people interested in that property and although they were encouraged by the interest, there was nothing concrete at this time; there was no financing, no deal with the owner to purchase the property, etc., thus it was a long way from fruition and only one of many ideas for that property. Councilmember Dawson acknowledged although discussions for a farmers market on this site were in their infancy, plans for a regional farmers market were fairly well developed.

Mayor Haakenson declared a brief recess.

Downtown  
Master Plan  
Area

6. **CONTINUED DISCUSSION AND POTENTIAL ACTION REGARDING THE DOWNTOWN MASTER PLAN AREA - WATERFRONT ANTIQUE MALL, HARBOR SQUARE AND SKIPPERS PROPERTIES.**

Council President Plunkett clarified there was no opportunity for public comment on this item. He offered to provide a background/opening statement which would be followed by questions/answers and then Council deliberation and potential action.

Council President Plunkett commented he was fascinated by the concept of a farmers market, remarking while in London this summer he visited a huge, vibrant farmers market two blocks from the Thames River. He recalled in 2007 the Port formed a group that became WG33 with funding from the Port and the City, to develop plans for the waterfront property. He commended Port Executive Director Chris Keuss for the numerous presentations he made that began the discussion in the community. At the conclusion of that effort, the Port indicated they had completed their process and turned it over to the City. As Council President, he felt responsible to move the process forward; therefore, in January the Council discussed the possibility of open space on the property. Due to the Council's interest, it was discussed further at the Council retreat where the Council concluded they needed to hear from the citizens and the property owners. The property owners subsequently made presentations and the public was provided an opportunity to speak to the Council. There have been several attempts by the Council to take action during the year, attempts he resisted in favor of gathering information from the property owners, the citizens, and staff. He recalled a few months ago staff also provided the Council a list of infrastructure priorities to assist the Council in their discussion.

Council President Plunkett concluded there were four potential directions the Council could take, 1) a City-driven master plan, 2) a property owner-driven master plan, 3) the Council proceeding with potential purchase of the property and 4) other.

Councilmember Wambolt observed although a few people spoke tonight during audience comment against the City purchasing the property, the most vocal citizens were those who favored the City purchasing the property. Those who were opposed to the purchase preferred to email and indicated he had several emails expressing opposition to the purchase. He noted the citizens who wanted to purchase the property could be divided into two groups, those who wanted the City to purchase the property to 1) protect their views and 2) because they genuinely felt it was the best thing for the City and its citizens. He commented although it was easy for those who supported the City purchasing the property to see the benefits, they had not been given enough information to assess challenges associated with the City purchasing the property.

Councilmember Wambolt recapped the current economic climate, pointing out the Real Estate Excise Tax (REET) collected by the City in 2008 was half what was collected in 2007, which meant considerably less funding for parks as well as the possibility of increasing the street overlay cycle to 70 years again, the level it was at before excess REET funds were allocated to street overlays. He noted the Snohomish County Executive recently vetoed a new Justice Center in Everett because it would increase taxes for citizens by \$0.109 or \$38/year on a \$350,000 home. The State's revenue is \$60 million below projections for the month of June and the State has instituted a hiring freeze. The City is facing a few million dollars in operating shortfall by 2010 and both Stevens Hospital and the Edmonds School District needed additional funding. He noted prices were outpacing income and the second highest increase in prices in three decades occurred in June. Observing that the Council would be assessing capital improvement priorities at the August 18 Council retreat and would ask staff to determine the cost of the necessary improvements, he suggested staff could also be asked to assess the magnitude of a levy lid lift to address the operating shortfall.

Councilmember Wambolt referred to an article in the recent AWC bulletin regarding the worsening condition of many cities' fiscal condition and declining REET and property taxes due to the downturn in home building, reductions in consumer confidence and declining home values. He suggested staff return at the last meeting in August with an assessment of the funds that were needed for essential projects. He commented although it would be nice to purchase these properties, it was essential to assess the magnitude of the City's needs before taking any action with regard to these properties.

Councilmember Bernheim suggested Councilmember Wambolt distribute any emails he received that opposed the public purchase of the property, noting he had read only approximately ten such emails. He reminded this was not high value waterfront property; this was railroad track property that was underwater when it rained. He acknowledged the property provided an important connection to the waterfront, thus its value to the City. The property had many potential uses including a farmers market, parking, a transit coordination center rather than moving the ferry terminal, uses that encouraged tourism, special needs housing, shops and restaurants, or a senior center, all uses that could access funds outside the City. He noted a great deal of public funds had been expended by the Port and the City via the WG33 process to determine what the owners wanted but there had not been any research done with regard to potential funding sources. He suggested hiring a consultant to determine what the City and its citizens wanted, a study similar to the aquatic center feasibility study. He commented an aquatics center, depending on the size and location, could be a regional attraction that generated revenue. He commented now was the time to investigate the possibility of public ownership of the properties, noting he found the high school students' proposals inspirational and potentially achievable. He acknowledged there were competing projects, thus the importance of gathering the facts including the cost to plan and operate a public facility in order to accurately evaluate the decision. He supported moving the process forward and not waiting to obtain a commercial appraisal until after the Council's discussion regarding upcoming capital projects.

Councilmember Bernheim explained if an appraisal determined the fair market value was substantially less than the owners wanted for their property, that was important information in the discussion regarding public acquisition of the property. He pointed out the property owners could proceed with development under the existing code, noting he found the BC zone appropriate for that area as it would allow at least two stories and conceivably three stories in some areas. He supported obtaining an appraisal of the properties, incorporating the ideas developed by the students and the Port to bring in low impact futuristic, make-sense development rather than intensive condominium development that cost the City more in the long term via traffic, consumption of resources, parking etc.

Councilmember Orvis spoke in support of moving forward, specifically option 3, recognizing that the voters would have to determine whether to provide the funds for purchasing the property. He also supported proceeding with environmental due diligence, noting that would drive the appraisal as well as the uses on the

site. Although he preferred not to use eminent domain, if it came to that he wanted to ensure the process was fair.

Councilmember Wilson commented it was appropriate to move forward with an appraisal or other measures if the Council had a vision for the site. He commented on the amount of discussion regarding the property in the past year, noting at some point the Council must develop a clear vision for the property before asking the citizens to provide funding. He remarked if the Council could not agree on a vision, they would be unlikely to garner support from the voters.

Councilmember Dawson commented the Harbor Square property owned by the Port, Antique Mall and Skippers properties each had a different status. The Port, as a public entity, had some control over how their property will develop. With regard to the Skippers property, it did not appear to be in imminent danger of redevelopment in a manner that was detrimental to the City's interests; it was her understanding Mr. Gregg planned to demolish the building and lease the property to Sound Transit for parking for the next couple years and possibly as a transit station in the future. The Antique Mall property although not for sale and the price quoted by the property owner was not within the realm of what the taxpayers would pay for the property, placed the City in a position of looking at condemnation procedures to acquire it for a lesser amount, a process that would substantially limit the uses that would be allowed on the property.

Councilmember Dawson commented there were many excellent possibilities for the property including a farmers market and suggested the City continue to work with the property owners and other entities to determine if there were ways the property could be developed with support from the City but that did not necessarily require purchase by the City. She expressed support for the property being developed in a manner that was in the public's interest and had Edmonds' vision such as a farmers market that did not require the City to purchase or maintain the property. She thanked Mr. Clifton and Mayor Haakenson for their efforts to meet with the proponents of a farmers market, commenting there may also be opportunities to partner with the Port.

Councilmember Dawson summarized there was no rush to purchase the property nor was there an ability to immediately purchase the property as the earliest a funding measure could be placed on the ballot would be late winter or early spring. She expressed interest in continuing to gather citizens' vision for the property, asking staff to provide further information regarding the EIS process, and possibly hiring a consultant to determine suitable uses for the property. She was also interested in determining the environmental constraints on the property, noting without that information, the appraisal may not be accurate. She suggested informing the public regarding the limitations on the use of the property under public ownership, commenting the City would not be able to purchase the property for special needs housing or shops and restaurants, particularly via condemnation. If the primary goal was to generate revenue to make it self-sustaining, it was important for the public to understand the uses that were allowed under City ownership. She suggested one method for gathering public input was via an online survey. She expressed interest in further investigation of the farmers market concept.

Councilmember Orvis agreed if the property were acquired via eminent domain, the allowed uses as well as environmental issues would drive how the property was developed.

Councilmember Wilson did not support gathering further unstructured comment from the public. Although it was his perception that the majority of citizens would not support the City purchasing the property; his personal view was that the Council could develop and sell a concept to the public. He suggested retaining a facilitator to assist the Council in developing options for the site and then asking citizens for input on those options. He agreed there was no rush to develop the parcels.

Councilmember Bernheim stated the appraisal would provide facts that may refute the property owners stated price of \$16 million. If the appraisal determined the fair market value was substantially lower than the price stated by the property owners due to the high water table, heavy railroad traffic and ferry traffic, the discussion may be very different. He found an appraisal an extremely inexpensive way to obtain a very effective bargaining chip, commenting it would be difficult to negotiate without knowledge of the fair market value. He also supported conducting environmental due diligence depending on how it was defined, noting he did not support spending \$350,000 to hire an environmental engineer.

Councilmember Wambolt commented appraisals were difficult particularly in this economic climate. He remarked if the appraisal was below \$16 million, the property owners would require additional appraisals. He concluded obtaining an appraisal was a waste of time and was not the panacea some may think it was.

Council President Plunkett summarized the Council needed to do three things, 1) discuss priorities which would be done at the August 18 retreat, 2) obtain an appraisal with environmental due diligence on the site, and 3) develop a vision for public use. He suggested directing staff to return with public use consultants and a potential scope of work and identify appraisers and a scope of work, while the Council was discussing priorities.

Councilmember Olson agreed with Councilmember Dawson, commenting if an appraisal were conducted prior to the EIS, the appraisal may not be accurate. She suggested further information be provided at the Council retreat regarding the availability of grants, noting in her experience it had gotten much more difficult to obtain funding in the past three years.

Council President Plunkett clarified an appraisal needed to be done in conjunction with the environmental work as the environmental assessment would impact the appraisal. He anticipated the environmental information would be provided to the appraiser who would take those issues into account in determining the fair market value.

Councilmember Wilson agreed the three actions Council President Plunkett described, the public use vision, appraisal and environmental due diligence, could occur simultaneously. He noted his day job includes polling with regard to political issues; Snohomish County residents were highly anti-tax by 20 points, thus the importance of developing a concrete vision that could be sold to the citizens. He agreed there were funds available, particularly State and Federal. He used Lake Ballinger as an example, noting \$200,000 was obtained from the State by making a compelling request to the State Legislature. He pointed out federal appropriations were due by February 1, 2009, thus the City needed to have a proposal in place that could be presented to the federal delegation. If the February 1, 2009 deadline were missed, he noted there would be little opportunity for federal funding in 2010 or 2011.

**COUNCILMEMBER BERNHEIM MOVED, SECONDED BY COUNCIL PRESIDENT PLUNKETT, TO DIRECT PLANNING STAFF TO DEVELOP A REQUEST FOR QUALIFICATIONS FOR A COMMERCIAL APPRAISAL NOT TO EXCEED \$20,000 THAT CONSIDERED THE FAIR MARKET VALUE OF THE ANTIQUE MALL AND SKIPPERS PROPERTY AND THE FERRY PROPERTY CONSIDERING ENVIRONMENTAL FACTORS SUCH AS FLOODING AND WATER TABLE.**

Council President Plunkett asked if Councilmember Bernheim's intent was for staff to provide potential appraisers and a scope of work for final Council approval. Councilmember Bernheim agreed that was his intent.

City Attorney Scott Snyder commented one of the reasons for presenting a scope of work would be to educate the Council regarding the MAI appraisal guidelines which were typically based on comparable sales.

Because this property was unique, it would be difficult to identify comparable sales and there would be limitations on the amount of speculative environmental information an appraiser could consider versus being within a zoning category such as a critical area.

Council President Plunkett suggested staff also provide recommendations with regard to an environmental consultant to assess issues such as the water table and flooding so that information could be made available to the appraiser. He asked if it was Councilmember Bernheim's intent to obtain separate appraisals for the Skippers, Antique Mall and the WSDOT property. Councilmember Bernheim answered that was his intent.

Council President Plunkett also suggested staff provide the appraiser with information and documentation on environmental issues that staff was aware of on the subject properties including but not limited to flooding and water table. He also expressed interest in hiring a public use consultant, noting he was interested in a consultant who would consider the purchase from the prospective of public use. He referred to the Pomegranate Center who has assisted with the creation of public uses and gathering places.

Councilmember Wambolt did not support the motion, finding it premature. He preferred to proceed as described by Councilmember Dawson.

Councilmember Dawson anticipated the scope of work being discussed would vastly exceed \$20,000. She suggested it may be more appropriate to have staff return with potential costs to respond to Councilmember Wilson's suggestions and potential environmental work, noting the cost may impact whether some Councilmembers wanted to proceed. She did not support the motion as currently configured but did support moving forward as she suggested. Mayor Haakenson clarified staff providing an RFQ for an appraiser did not cost anything other than staff time. He cautioned staff's priority for the next four months would be the budget.

Councilmember Bernheim emphasized the intent of obtaining an appraisal was to determine the fair market value to provide the City some leverage in negotiating with the property owner. If the City could provide evidence that a commercial real estate appraiser disagreed with the price quoted by the property owner, the position of the owners may change.

Council President Plunkett suggested staff identify potential appraisers and environmental consultants and a general scope of work and provide that information to the Council in two weeks. Mr. Snyder suggested staff provide the Council with a scope of work for the appraisal and the environmental work as well as the limitations of the MAI appraisal format and environmental information that could be gathered without access to the property. Council President Plunkett questioned if it was appropriate for the Council to consider the scope of work prior to considering a list of appraisers. Development Services Director Duane Bowman advised staff could develop a scope of work and the process for obtaining environmental information in two weeks but it would be impossible for staff to develop a proposal in that timeframe. He suggested issuing a Request for Proposal with the scope of work to appraisers and environmental consultants. He anticipated the cost would exceed \$20,000, particularly the environmental assessment. Mayor Haakenson suggested limiting the appraisal to property the City had condemnation power over which would not include the State-owned property.

Councilmember Dawson agreed with Mr. Bowman and suggested staff also provide an RFQ for a consultant to assist with the planning process. She noted market value was what a willing seller may sell their property to a willing buyer; currently the City did not have the ability to be a willing buyer and there was not necessarily a willing seller. She was also interested in information from staff regarding limitations due to the City not having access to the property for an environmental assessment. She planned to continue meeting with the Agricultural Board regarding the potential for a farmers market. She suggested staff provide the

information at the Council's mini-retreat on August 18. Mayor Haakenson suggested the Council also discuss how to fund the appraisal and environmental assessment.

Councilmember Wilson suggested the Council develop a vision for the property via a City-driven master planning process that would include engaging the current/potential property owners. He noted the Council agreed there should be public space on the property; if the Council determined it wanted to purchase the property, he was confident the Council would purchase only a small parcel. He noted that could only be determined via a visioning process as part of a master plan.

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

Council President Plunkett noted Mr. Snyder suggested staff bring back a scope of work in two weeks with regard to a potential appraisal. Councilmember Bernheim agreed that would be acceptable.

**COUNCILMEMBER BERNHEIM WITHDREW HIS MOTION WITH THE AGREEMENT OF THE SECOND.**

**COUNCILMEMBER BERNHEIM MOVED, SECONDED BY COUNCILMEMBER ORVIS TO DIRECT STAFF TO RETURN SOMETIME IN THE NEXT TWO WEEKS HOPEFULLY BEFORE THE RETREAT WITH A SCOPE OF WORK.**

For Councilmember Wambolt, Councilmember Bernheim clarified the scope of work would be to 1) hire a commercial appraiser to determine the fair market value of the properties and 2) for environmental investigation to assist the appraiser.

Councilmember Wambolt questioned why an appraisal was necessary to accomplish what Councilmember Wilson described. Councilmember Wilson agreed an appraisal was not necessary, however, by having an appraisal there was the potential to build support on the Council. He could support obtaining an appraisal if it would move the process forward.

Council President Plunkett clarified the motion was for staff to provide a scope of work for a potential future appraisal and environmental investigation. Mr. Bowman pointed out a scope of work was not necessary for an appraiser as they had standards they must follow. Mr. Snyder suggested staff inform the Council of the rules for obtaining a MAI appraisal.

**MOTION CARRIED (6-1), COUNCILMEMBER WAMBOLT OPPOSED.**

Council President Plunkett also expressed interest in a public use consultant.

**COUNCIL PRESIDENT PLUNKETT MOVED, SECONDED BY COUNCILMEMBER ORVIS, TO DIRECT STAFF TO BRING BACK IDEAS REGARDING POTENTIAL CONSULTANTS FOR THE COUNCIL TO CONSIDER IN REGARD TO DEVELOPING A VISION.**

Councilmember Dawson questioned whether the vision must be limited to solely public uses. She recalled interest by the public and noted it was her interest to have a component that was not necessarily public use but uses that generated tax revenue and brought visitors to the area and was beneficial to the public. She indicated her support for the motion as long as it was not just to consider a park but also private development by the current or different owners or the City. Council President Plunkett indicated that was acceptable to him.

Councilmember Wilson offered to work with Council President Plunkett and staff over the next two weeks to develop a timeline for the next five months.

Councilmember Olson expressed concern with hiring consultants, noting the City often paid a great deal for consultants' work and then never did anything.

**MOTION CARRIED UNANIMOUSLY.**

**7. MAYOR'S COMMENTS**

08-23-08  
Document  
Shredding  
Event

Mayor Haakenson announced the free document shredding event scheduled on August 23 at Top Foods from 9:00 - 12:00, advising participants were limited to the equivalent of five boxes of paper documents and were asked to remove large staples from the papers.

**8. COUNCIL COMMENTS**

08-18-08  
Public  
Hearing re:  
Liquor  
License for  
Restaurant at  
Five Corners

Council President Plunkett asked for Council direction regarding the August 18 public hearing on the liquor license for the restaurant at Five Corners. He was inclined to hold the public hearing even though it was unlikely to have any effect. Councilmember Wilson advised the neighbors, the owner of the restaurant, Councilmember Wambolt and he and another Councilmember if another wanted to attend, were meeting on Saturday. If the neighbors' concerns could be addressed at that meeting, the public hearing may not be necessary. Council President Plunkett summarized unless directed otherwise, the public hearing would be on the August 18 agenda.

Councilmember Wilson acknowledged how frustrating the legislative process could be at times, noting there were a number of times he wished the process could have been moved forward more quickly. He anticipated the motions the Council passed tonight regarding the previous agenda item could have been passed months ago but it was unlikely it would have been with a 6-1 and 7-0 vote.

Councilmember Olson thanked the ladies from Team Peggy, an amazing group of women that included Executive Council Assistant Jana Spellman and City Clerk Sandy Chase. She appreciated the support they provided her and raising awareness and funds for ALS.

Sound Transit

Councilmember Dawson advised the November ballot would included a Sound Transit measure. She planned to ask the Council President to schedule presentations by Sound Transit staff to provide the Council and the public more details on the robust package that would bring light rail to Lynnwood as well as a 30% increase in bus service in Snohomish County and substantial funding for a transit station in Edmonds. She also planned to ask the Council President to schedule a resolution of support and the required public hearing. She invited anyone with questions regarding the Sound Transit package to contact her.

**9. ADJOURN**

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