

January 29, 1980 - Work Meeting

The regular meeting of the Edmonds City Council was called to order at 8:05 p.m. by Mayor Harve Harrison in the Council Chambers of the Edmonds Civic Center. All present joined in the flag salute.

PRESENT

Harve Harrison, Mayor
Jo-Anne Childers
Bill Kasper
Katherine Allen
John Nordquist
Ray Gould
Tom Carns
Larry Naughten

STAFF PRESENT

Charles Dibble, M.A.A.
Fred Herzberg, Public Works Director
John LaTourelle, Planning Consultant
Mary Lou Block, Acting Planning Division Manager
Irene Varney Moran, City Clerk
Jack Weinz, Fire Chief
Jim Jessel, Parks & Recreation Division Manager
John Wallace, City Attorney
Jackie Parrett, Deputy City Clerk

City Attorney John Wallace administered the oath of office to Councilman Ray Gould who was reelected to office in the November 6, 1979 election but had been out of town since the new term commenced in early January.

CONSENT AGENDA

MOTION: Items (E) and (F) were removed from the Consent Agenda. COUNCILMAN CARNs MOVED, SECONDED BY COUNCILWOMAN ALLEN, TO APPROVE THE BALANCE OF THE CONSENT AGENDA. MOTION CARRIED. The approved items on the Consent Agenda included the following:

- (A) Roll call.
- (B) Approval of Minutes of January 22, 1980.
- (C) Setting date of February 5, 1980 for hearing on liquor license application of Go N Joy Foods No. 5.
- (D) Report on bids opened January 23, 1980 for 1980 displacement type cold water meters, and award to low bidder, Pacific Water Works Supply Co., in the amount of \$25,922.29, including sales tax.
- (G) Approval of Street Use Permit for Bayside Refinishing, 410 Walnut St.

PROPOSED ORDINANCE ADOPTING STATE STATUTE REGARDING DRUNK DRIVING [Item (E) on Consent Agenda]

Councilman Gould had not been present when this proposed ordinance was discussed by the Council. He felt the State law should be adopted as it was drafted and should not be modified in any way. He felt it had been drafted so as to be uniform throughout the state in its application and as to penalty. Other Council members explained to him that they, also, had felt as he did until Municipal Court Judge Richard Thorpe had explained the rationale for giving the Court discretion to waive the mandatory one-day jail sentence under extraordinary circumstances. Councilman Gould noted that discretion is permitted if the penalty will cause physical or mental distress to the offender, but he did not find the terminology "extraordinary circumstances" definitive enough to warrant discretion, and he did not feel the law should be diluted. He commented that in other countries where the mandatory penalty is required the law has proven to be a deterrent to drunk driving, and he felt the people should know that they will serve the penalty if they take enough alcohol to lose control. Councilwoman Allen felt that the proposed ordinance provided for a mandatory jail sentence, and she asked that the Council receive copies of any of the written judgments that defer the sentence. She felt that if the Council then disagreed with the Judge's decisions or felt he was too lenient, then

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MOTION: the ordinance could be changed. COUNCILMAN CARNS MOVED, SECONDED BY COUNCILMAN NAUGHTEN, TO APPROVE ITEM (E) ON THE CONSENT AGENDA, PASSING ORDINANCE 2115 WHICH ADOPTS THE STATE STATUTE REGARDING DRUNK DRIVING, BUT ALLOWS THE COURT DISCRETION TO DEFER THE MANDATORY JAIL SENTENCE UNDER EXTRAORDINARY CIRCUMSTANCES. MOTION CARRIED, WITH COUNCILMAN GOULD VOTING NO.

APPROVAL OF PARK BOARD RECOMMENDATION TO INCREASE PARK AND RECREATION FEES FEBRUARY 1, 1980

MOTION: Councilman Carns referred to the garden patch activity, noting that the garden patches are available for the use of City of Edmonds residents only. He asked if all of the available patches had been utilized in recent years, and Parks and Recreation Division Manager Jim Jessel responded that they had. Councilman Carns suggested that if they were not all used by a certain date then people outside the City be permitted to use them so they would not go to waste. Councilman Carns commended Mr. Jessel for his success in the financial management of the recreation facilities. COUNCILMAN CARNS MOVED, SECONDED BY COUNCILMAN GOULD, TO APPROVE ITEM (F) ON THE CONSENT AGENDA. MOTION CARRIED.

MAYOR

MOTION: Mayor Harrison advised that Building Official Harry Whitcutt had given notice of retirement on February 15, and Mayor Harrison made a recommendation for reorganization of that division, giving it the function of implementing the one-stop permit system. COUNCILMAN CARNS MOVED, SECONDED BY COUNCILWOMAN ALLEN, THAT THE MAYOR'S OFFICE PUT ITS RECOMMENDATION FOR THE REORGANIZATION OF THE BUILDING DIVISION IN WRITING AND REFER IT TO THE PERSONNEL COMMITTEE FOR ACTION. It was suggested that the possibility of putting the Building Official inspections under the Fire Chief be explored. THE MOTION CARRIED.

COUNCIL

Councilman Gould referred to a letter from Val Rupeiks recommending the topping of some trees in the H. O. Hutt Park which were left unprotected after other trees were removed from some adjacent private property, and he noted that these are very large and very special trees. Public Works Director Fred Herzberg stated that the trees had been looked at this date and it was determined that the only way they were likely to go down would be if heavy winds were to follow a deep frost and thaw, and if they were to go down the direction they would take would not harm anyone else's property. There was hesitancy to top them because that would increase the possibility of disease.

MOTION: Councilman Gould noted that the Council had been provided a proposed ordinance creating the position of Council President. COUNCILMAN GOULD MOVED, SECONDED BY COUNCILMAN CARNS, TO ADOPT ORDINANCE 2116, CREATING THE POSITION OF COUNCIL PRESIDENT. MOTION CARRIED.

MOTION: Councilman Naughten noted that an Edmonds resident, Rosalyn Sumners, recently won a gold medal in the women's world junior figure-skating championships held in France, and he suggested that the City recognize her for her achievement. He proposed that a resolution be passed honoring her, that there be declared a Rosalyn Sumners Day, and that the City let her know that it is proud of her. COUNCILMAN NAUGHTEN MOVED, SECONDED BY COUNCILMAN CARNS, THAT A ROSALYN SUMNERS DAY BE DECLARED, TOGETHER WITH ACCOMPANYING HONORS, AND THAT THIS BE COORDINATED WITH THE EDMONDS CHAMBER OF COMMERCE. It was suggested that this may fit in with the winter Olympics schedule. THE MOTION CARRIED.

Councilman Naughten noted that there appears to be an interest on the part of the downtown merchants regarding parking in downtown Edmonds. The Council agreed that the Parking Commission should become active again. Councilman Naughten was agreeable to being the Council representative. Mayor Harrison said he would follow through to activate the Commission. Later in the evening, however, it was noted that the Parking Commission is one of those being absorbed by the proposed Planning Advisory Board, and a date was set to discuss the intended scope of that board.

Councilman Naughten suggested that the Staff prepare some sort of guidelines as to what the Council does and what its actions are. He said he sometimes wonders whether the Council should be getting involved in some of the areas into which it gets.

Councilman Naughten said he had received some calls from senior citizens regarding the lack of lighting at 5th and Bell.

Councilman Nordquist commented that Burt Ketcham, the new Edmonds Chamber of Commerce president, had been the Council's guest at a dinner meeting this evening, and Councilman Nordquist felt a good start was made for an open forum. He also noted that on Thursday there will be a meeting in Snohomish which will be attended by the candidates for County Council and County Executive, and the discussion will be about the costs of municipal court systems.

MOTION: Councilman Carns said it was his understanding that the City does not have a lease with the Chamber of Commerce for the use of the log cabin, and he proposed that one be drafted incorporating the statement that although it is not proper that a city gift services or money, the fact that the Chamber is keeping a historical building open is worthy of offsetting any rental charges. He suggested that the City Attorney make recommendations as to the legal aspects of the Chamber paying for utilities and upkeep of the building. COUNCILMAN CARNS MOVED, SECONDED BY COUNCILMAN NORDQUIST, THAT THE CITY ATTORNEY BE SO INSTRUCTED AND REPORT TO THE COUNCIL AT HIS EARLIEST CONVENIENCE. MOTION CARRIED.

Councilwoman Allen advised that she would be unable to attend next week's Architectural Design Board meeting, and she requested that another Council member attend in her place. Councilman Nordquist will attend as the ex officio member.

Councilman Kasper advised that he would not be present at the February 5 meeting.

Councilman Kasper referred to a letter from Wilma Schwartz, asking for a change in the traffic routing on Sunset Ave. to permit, once again, cars to travel south, thereby facilitating parking for viewing of the Sound. Councilman Kasper did not feel that the problem had been solved and he felt

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there should be further discussion before Daylight Savings Time goes into effect or before the first of May. Councilman Carns was opposed to further discussion, as numerous public hearings had been held on the issue. If it were to be discussed, he felt it should be in another public hearing. Councilman Gould observed that it is a sensitive issue and he suggested that reevaluation may be in order, and Councilman Naughten felt an attitude of review was better than having a closed mind. Councilman Kasper felt the street is becoming unusable for the general public. THEREFORE, COUNCILMAN KASPER MOVED, SECONDED BY COUNCILMAN GOULD, THAT A REVIEW OF THE ENTIRE SUNSET AVE. TRAFFIC CONFIGURATION BE PLACED ON THE APRIL 29, 1980 WORK MEETING AGENDA. MOTION CARRIED, WITH COUNCILMAN CARNs VOTING NO.

REPORT FROM TOM NIELSEN, PRESIDENT OF EDMONDS COMMUNITY COLLEGE, RE PERFORMING ARTS CENTER

Mr. Nielsen described a proposed new concept for funding a performing arts center. His concept would not require the formation of a Parks and Recreation District and would not require expensive rental rates for community usage once constructed. The plan would require a special bill in the 1981 legislative session, together with a local pledge from South County of \$500,000 to \$600,000. He felt State funds could be had if it were shown that local funds also would be available, and that an excellent 1000-1500 seat theatre could be built, comprising Phase I of his plan. After that, he felt federal funds could be pursued to construct Phase II, the larger performing arts/convention center. His plan called for each of the municipalities in South County, the college, the school district, and the County pledging \$100,000, but nothing would be spent unless the State would fund the project. He felt there is some legislative sympathy to South County because of its loss in the last legislative session, and he felt that the promise of local money would have legislative appeal. He added that the South County legislators currently have considerable influence and respect in Olympia. At this time he was interested in reaction to his concept. The council felt it had merit and generally supported it, noting that there has been a lot of indication from Edmonds citizens that such a facility is needed, but also noting that they would have to decide where they could find \$100,000 and that it may be difficult to get the various municipalities to participate in that amount. Mr. Nielsen was satisfied with the response and thanked the Council for their time.

DISCUSSION REGARDING OPEN SPACE ZONING

Planning Consultant John LaTourelle reviewed the effects of the Open Space Taxation Act which results in a substantial decrease in the property tax on property designated as open space. He pointed out some of the not too obvious pitfalls and inequities, but noted that there so far had been few applications within Edmonds. He expected there would be more in the future, as land values and taxes increase. He noted that this Act had proven to be a land speculator's haven because penalties for early withdrawal from the program were very modest. Also, the program generally is available only to those who are wealthy or fortunate enough to have acquired large tracts of undeveloped land. The feeling was expressed that if property is to benefit from the Open Space Taxation Act, then it should be zoned Open Space, and if the owner later wants it to be zoned otherwise then he would have to go through the rezone process. It was also noted that there should be some criteria as to what is intended to be covered by Open Space zoning. COUNCILMAN CARNs MOVED, SECONDED BY COUNCILMAN GOULD, THAT THE CITY ATTORNEY BE INSTRUCTED TO DRAFT A RESOLUTION STATING THAT THE POLICY OF THE CITY COUNCIL WILL BE THAT THOSE PERSONS WHO REQUEST AND QUALIFY FOR THE OPEN SPACE TAXATION WILL BE REQUIRED TO SUBMIT A CONCOMITANT AGREEMENT TO REZONE THEIR PROPERTY TO OPEN SPACE. Councilman Kasper asked if there wouldn't be a hearing on this but he was advised that a hearing was not necessary. Mayor Harrison felt it would be to the public's benefit to allow free taxation for undeveloped lots, and he did not think there would be any applicants under the proposed policy. Councilman Gould stated that when he recently sat on hearings of two local applications the applicants had stated that it was their real desire to keep the land in open space and not to develop it. THE MOTION THEN CARRIED, WITH COUNCILMAN KASPER VOTING NO. Councilman Kasper noted that the County Commissioners and two people from the City hear the applications and grant or deny them, and he felt the Council was really talking about a penalty against the property to get it out of open space. Councilman Gould said there should be an understanding of what open space zoning means to the City and he referred to guidelines in Mr. LaTourelle's memorandum which stated that some of the criteria are: The property has some unique or environmentally valuable features such as a watercourse, wildlife habitat or beach frontage; the parcel is of significant size so that it contributes to a larger mass of open space; there is public access to the property and the site has scenic or recreational value. Councilman Carns commented that an owner might not take the tax benefit if he thought he would have to go through the rezone process to get the original zoning back. There was no further discussion.

SIX MONTHS' REPORT FROM BOARDS AND COMMISSIONS

Parks & Recreation Division Manager Jim Jessel reported on the goals of the Park Board, noting that the Board is still interested in developing the Anderson Center. Each member of the Park Board has been assigned a goal on which to work. Councilwoman Childers had expressed interest in bicycle trails and Mr. Jessel said that was one of the goals on which the Park Board was working. A site inspection for possible additional bicycle trails was scheduled for the following day. Keith LaBelle, Chairman of the Planning Commission, said the members are concerned as to what will happen to the Planning Commission in relationship to the Hearing Examiner process. He said they do not know how long they will be serving, what their responsibilities will be, etc. Councilman Gould felt that all the boards and commissions affected by the Hearing Examiner process should be told how they will be affected, and he felt it should be done before the fact. He suggested a work session with them to discuss their new duties when the new concept is implemented. Mayor Harrison noted that the people of the City feel a need for real, long-range planning. It was commented that the new system should provide the Planning Advisory Board the opportunity to do some real planning work. Mayor Harrison felt the Comprehensive Plan should be revised for the long range. The question arose as to reactivating the Parking Commission, as had been discussed earlier, because the Planning Advisory Board will absorb it. Councilman Gould felt the Council should decide before March 18 (when the new Community Development Code is to be reviewed) what they want the new Planning Advisory Board to do. COUNCILMAN CARNs MOVED, SECONDED BY COUNCILMAN GOULD, TO DISCUSS THE PLANNING ADVISORY BOARD ON MARCH 11, 1980. MOTION CARRIED. Paul Roy, Chairman of the Board of Adjustment, said that Board

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also was interested in knowing how much longer they would be functioning. He noted that the Board's attendance had improved and the meetings had been shorter. One of the Board members had commented that the Board has been hearing numerous items involving PRDs and had asked if they were pre-empting the Planning Commission. Bob Pantley, Chairman of the Shorelines Advisory Committee, said that group is in favor of a master board but they feel there should be strong consideration given to having one member from each of the existing boards on it.

DISCUSSION OF GOALS AND OBJECTIVES OF COUNCIL COMMITTEES

Council President Nordquist announced that the Finance Committee would have its first meeting next Tuesday at 7:00 p.m. The Council Committees will meet in the small room adjacent to the Council Chambers. Councilman Gould suggested that the listings of goals which came out of the Port Ludlow retreats should be made available to each of the Committees so the Committees can see whether or not they are working towards those goals. The Council members were asked to express goals for all of the committees, whether or not they are on each committee.

There was no further business to come before the Council. Mayor Harrison asked for an Executive Session to discuss a personnel matter, and the meeting adjourned to Executive Session at 10:20 p.m.

Irene Varney Moran
IRENE VARNEY MORAN, City Clerk

W. H. Harrison
HARVE H. HARRISON, Mayor