

December 2, 1980

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

PRESENT

John Nordquist
Jo-Anne Jaech
Mary Goetz
Katherine Allen
Bill Kasper
Ray Gould

ABSENT

Harve Harrison, Mayor
Larry Naughten
Paul Christensen,
Student Rep.

STAFF PRESENT

Charles Dibble, M.A.A.
Fred Herzberg, Public Works Director
Jim Adams, City Engineer
Irene Varney Moran, City Clerk
John LaTourelle, Planning Consultant
Mary Lou Block, Planning Div. Mgr.
Jim Jessel, Parks & Recreation Dir.
Jack Weinz, Fire Chief
Marlo Foster, Police Chief
Wayne Tanaka, City Attorney
Jackie Parrett, Deputy City Clerk

CONSENT AGENDA

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

- (A) Roll call.
- (C) Setting date of December 16, 1980 for hearing on Shorelines Management Substantial Development Permit for Union Oil Park Development at south end of Admiral Way. (File SM-3-80)
- (D) Setting date of December 16, 1980 for hearing on Shorelines Management Substantial Development Permit for Waterfront Improvement Program, west end of Dayton St. and Union Oil Marsh. (File SM-4-80)
- (E) Setting date of December 16, 1980 for hearing on Petition for Annexation of Area between 227th Pl. S.W. and 228th St. S.W., and between 80th Ave. W. and City Limits.
- (G) Authorization to purchase word processor for Public Works Department.
- (H) Authorization to replace damaged Unit 24 with used vehicle.
- (J) Approval of lease rate increase for Anderson Center.

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APPROVAL OF MINUTES OF NOVEMBER 25, 1980 [Item (B) on Consent Agenda]

Councilman Kasper referred to page 3 of the Minutes, the middle portion of the first paragraph, wherein he described his discussion with Mike Herb regarding the Hearing Examiner position. He said it was he, Councilman Kasper, who said it was too late, and Mr. Herb said he thought he would look into it, and Councilman Kasper said to go ahead, that it may be reopened. COUNCILMAN KASPER MOVED, SECONDED BY MAYOR PRO TEM NORDQUIST, TO AMEND THE MINUTES OF NOVEMBER 25, 1980 AS DESCRIBED, APPROVING ITEM (B) ON THE CONSENT AGENDA. MOTION CARRIED.

REPORT ON BIDS OPENED NOVEMBER 25, 1980 FOR 1981 CHLORINE REQUIREMENTS
[Item (F) on Consent Agenda]

Councilman Gould noted that the Staff had requested that this item be continued until December 9, 1980. COUNCILMAN GOULD MOVED, SECONDED BY COUNCILWOMAN GOETZ, TO CONTINUE THE REPORT ON CHLORINE BIDS TO DECEMBER 9, 1980. MOTION CARRIED.

APPROVAL OF APPLICATION FOR CABARET DANCE LICENSE FOR EDMONDS WEST TAVERN
[Item (I) on Consent Agenda]

COUNCILWOMAN ALLEN MOVED, SECONDED BY COUNCILMAN KASPER, TO APPROVE THIS APPLICATION BUT THAT APPROVAL BE SUBJECT TO COMPLIANCE WITH THE FIRE CODE. Councilman Gould noted that the Fire Marshal had recommended that the front door be allowed to swing in (it is required to swing out when the occupant load reaches 50). He had stated that the actual occupant load seldom will reach 50, and if the door were changed to swing out it would cause a hazard to pedestrian traffic on the sidewalk. Councilman Gould asked Fire Chief Weinz whether the City would be faced with any liability by not requiring that the door swing out, and Chief Weinz responded that allowing it to swing in was justified for the reasons given, and the occupancy would seldom go beyond 50. THE MOTION CARRIED.

MAYOR

Mayor Pro tem Nordquist read a memo from Mayor Harrison to the Council, appointing James Driscoll to the position of Hearing Examiner. Mr. Driscoll is a lawyer who lives and practices in Seattle and is the Hearing Examiner for Redmond and Everett. The Council agreed to interview Mr. Driscoll at 7:00 p.m., December 9, 1980. There will be no Public Safety Committee meeting that night. Councilman Gould asked that the Council be provided a copy of Mr. Driscoll's resume in their next Council packet.

COUNCIL

Councilwoman Allen noted that a letter had been received from Peggy Harris regarding a "Boycott Edmonds" notice that had been placed on car windshields at area shopping centers. The notice was signed by "Concerned Residents" and stated that to boycott Edmonds merchants is the only way to protest the high water and sewer rates. Councilwoman Allen said the notice is unfair, has erroneous facts, and takes out anger against the City and the City Council on the merchants. She noted that to boycott the Edmonds merchants would be self-defeating as the tax dollars then would go to other cities. Further, the notice does not recognize that the Council is working to do what it can about the high rates, and boycotting the merchants cannot do any good there. She said she ordinarily does not reply to anonymous threats but felt something should be said on behalf of the merchants. Also, she was concerned that "Concerned Residents" may be confused with the "Concerned Citizens Council of Edmonds." Councilman Kasper added that many of the merchants have been receiving telephone calls as well from this person or persons. He noted that the person(s) had not picked up on the fact that the City is going to an outside consultant and has reduced the rates while waiting for the consultant's report.

Councilwoman Jaech asked City Attorney Wayne Tanaka whether he had researched the policy of PUD to match funds for undergrounding. Mr. Tanaka had prepared a written response and he stated that there had been no contract with the City to provide matching funds, but in 1975 PUD passed a resolution to set aside 2% of gross revenues from the service area to constitute matching funds for undergrounding of existing and new facilities. Due to budgetary considerations, PUD repealed its resolution in late summer of 1980, and discontinuance of this policy does not violate any contractual obligations with the City.

Mr. Tanaka also had been asked about the ability of the Mayor to cast a tie-breaking vote regarding the dispensing of funds. Mr. Tanaka said the Mayor could not vote on "any resolution for the payment of money," but the State Statute is not entirely clear as to exactly what constitutes "any resolution for the payment of money." Taking the statute literally it would appear that it refers to resolutions authorizing payment of City funds, including resolutions transferring funds from the Council contingency and authorizing expenditures and, perhaps, resolutions authorizing the sale of bonds. However, absent any resolution actions of the Council to authorize expenditure of funds, the Mayor would be able to cast a tie-breaking vote. Mr. Tanaka observed that resolutions do not come up very often, most actions being accomplished by an ordinance or just a motion.

Councilman Kasper advised that Councilwoman Allen and he had attended the committee meeting regarding the Anderson Center development and the architect is at a loss as to the size of the auditorium that the Council has in mind. It was decided to discuss this at the budget work session scheduled for December 6.

Councilman Nordquist asked for a brief Executive Session following this evening's meeting to discuss a personnel matter.

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AUDIENCE

Lloyd Ostrom, 711 Puget Lane, representing the Concerned Citizens Council of Edmonds, spoke regarding the boycott notice previously discussed. He said there are people who have confused this party with his organization, but the notice was not put out by the Concerned Citizens Council, and that is not their style. He said they have concerns about water and sewer rates but the last thing they are interested in is boycotting the Edmonds merchants, and they want to work in every way possible to help the health of retail business in Edmonds.

Peggy Harris, 721 Sprague St., said she had only heard of this boycott movement last Sunday, and she felt people should be made to realize that this was a vicious and vindictive attack on the business people. She said they are telling people that the Council is made up of Edmonds business people, when in fact there are no retail business people on the Council. She added that this is a well organized campaign and the business people have been unable to find out who is doing it. She felt the Council should issue a statement to the newspapers and wherever else possible.

Edward Reich, 7316 210th S.W., said these people are trying to get back at the Council and they are going through the businesses, their only other course of action being recall action. He had been unaware of the notices until this evening.

Councilwoman Goetz said she had lived in Edmonds for 10 years, she shops in Edmonds, and she supports the Edmonds merchants, and if there were a choice she would choose recall before boycott. COUNCILWOMAN ALLEN MOVED, SECONDED BY COUNCILWOMAN GOETZ, THAT THE CITY ATTORNEY BE INSTRUCTED TO DRAFT A RESOLUTION PUTTING THE CITY COUNCIL ON RECORD AS SUPPORTING THE EDMONDS MERCHANTS. MOTION CARRIED.

Jeff Bucher, Fire District 1 Commissioner, said they have a 1928-29 fire engine for which they would like to find a permanent home as a historical item. It was their very first fire truck, and it was purchased as surplus from Edmonds. They would like it housed for public display, and it will need some restoration work. It is approximately 20' long, has wood spokes and new tires, and it runs. He suggested there might be a fund raiser for restoration costs. He would like it turned over to the Edmonds Museum but there is no space for it. Floyd E. Smith, 814 Dayton, said it would be fine if the museum had room for it, but they could not put it in the building. He thought it should be saved as it is an important part of the history of this area. He liked the idea of a fund raiser, and he suggested the Council be a committee as a whole to conduct it, and he said he would be happy to be a worker. He was sure the Museum of History and Industry would like to have it as they have the first King County fire truck, but he felt it should stay in Edmonds. Mr. Bucher said it has been housed at their Station 3 for the past two years, and they have about one year to find a home for it. Mayor Pro tem Nordquist said he would see that some kind of committee is formed and that the committee would come back with some kind of proposal. Jack Cooper, former Edmonds Fire Chief, said he would be most happy to serve on the committee. He had asked for that piece of equipment 15 years ago and was told he would never get it, and as the first full-time Edmonds Fire Chief he was interested in that piece of historical equipment.

HEARING ON APPLICATION FOR LIQUOR LICENSE FOR "ARNIE'S AT THE LANDING" AT ADMIRAL WAY AND DAYTON ST.

The application was for a Class "H" license for a new restaurant at the foot of Dayton St. Police Chief Marlo Foster reported that the owners currently own and operate "Arnie's" in Mukilteo and previously have been employed by Restaurants Unlimited and have no criminal records. The Liquor Control Board had reported no violations or problems associated with their present operation, and Chief Foster said their present business is noted for its flawless operation with the emphasis on food service. The location is within the CW zone which permits this business. Chief Foster recommended approval of both the applicants and the location. No one in the audience wished to speak on this matter. COUNCILWOMAN ALLEN MOVED, SECONDED BY COUNCILWOMAN GOETZ, TO RECOMMEND APPROVAL OF THE SUBJECT LIQUOR LICENSE APPLICATION. MOTION CARRIED.

HEARING ON PROPOSED STREET DEVELOPMENT ORDINANCE

City Engineer Jim Adams said the proposal was a method of funding street improvements. The recently annexed area in the vicinity of 76th/210th was the impetus for this. The annexation allowed sewers and water lines to be installed in the area, and street improvements are badly needed. An LID for the street improvements would be too costly for the residents, and having the individual developers improve in front of their development would result in a "checkerboard" improvement. The proposal before the Council would allow designation of a Street Improvement District and creation of an in-lieu fund into which the developer would pay a fixed fee based on number of units (and calculated by vehicle trips per day). The hearing was opened to the public.

Edward Reich, 7316 210th S.W., said he is on a fixed income. He said after the sewers and water were installed three of his neighbors were forced to move because they were unable to pay for the sewers and water. Mr. Reich said 210th only runs from 70th to 76th and there is not much traffic on it so they can get by without having the street improved and an LID would create more hardship on the residents. He did not know whether the people on 208th could handle an LID either.

Bill Mathias, 540 Holly Dr., speaking in part for the Concerned Citizens Council, urged adoption of the proposal. He said the situation had deteriorated and must be addressed and that growth had caused the increase in traffic volume. He urged adoption of the ordinance to get the costs under control. Speaking for only a few of the members and for himself, he said the ordinance did not go far enough and it should go further with street maintenance and the more broad aspect of certain costs for what has to be done in the near future. No one else wished to speak, and the public portion of the hearing was closed.

Councilman Gould said he was troubled by this ordinance as he was not sure if it would accomplish what must be done. He asked what the estimate of income was and how many miles of streets. Public

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Works Director Fred Herzberg responded that it applied directly to this newly annexed area at \$1,500 per dwelling unit, and this by itself would not address the greater problem City-wide; it had been structured to address certain areas. He could not give figures of how much money it would generate. Councilman Gould did not see why this would be better than a bond issue. Councilman Kasper asked why this was not brought up during the annexation proceedings. He noted that the density of the annexed area actually was increased, and the City had taken in an area which immediately has become a problem. He felt enough money never is accumulated in such funds to accomplish the job. Mr. Herzberg said they had attempted to escalate the fee as needed so as not to run out of money. Councilman Kasper still did not feel enough money would be accumulated to solve the problem and he noted that when you increase the value of land by zoning the people cannot afford to take on what is necessary, but there is the "cost benefit" system wherein the City does the job on a credit basis and when the property changes hands the costs are paid. Councilwoman Allen added that housing is already expensive in this area and to add \$1,500 to every housing unit is not responsible. She noted that there are street needs throughout the City, and she preferred holding off for a General Obligation bond issue. Mr. Adams stated that the amount being proposed to be assessed is approximately the amount of money the developer will pay now if he puts in the improvement himself, so instead of having him spend that amount of money for a half-street or a patchwork street it would be put in a fund to build a whole street when money is there. He said it is much more cost efficient to put the whole street in at once than to do it piecemeal, and in the long run it will cost the people less who buy the homes. Mr. Herzberg added that if this was not passed they would have to go ahead and let the developers put in the streets in a checkerboard manner. COUNCILWOMAN ALLEN MOVED, SECONDED BY COUNCILWOMAN GOETZ, THAT IN VIEW OF THE FACT THAT THE COUNCIL STILL HAS THE BUDGET TO PASS, AND AS NONE OF THEM WERE SATISFIED WITH THIS APPROACH, AND IF NOTHING ELSE THE DEVELOPERS COULD BE ASKED TO PUT THE MONEY IN ESCROW, THAT THIS PROPOSAL BE CONTINUED TO JANUARY 13, 1981. Councilwoman Allen said she would like an alternative and also would like to hear from the builders again on this. Councilman Gould was not in favor of the proposal and saw nothing to gain by waiting until January to make a decision. A ROLL CALL VOTE WAS TAKEN ON THE MOTION, WITH COUNCIL MEMBERS ALLEN, GOETZ, JAECH, AND NORDQUIST VOTING YES, AND WITH COUNCIL MEMBERS KASPER AND GOULD VOTING NO. MOTION CARRIED.

HEARING AND ADOPTION OF COMMUNITY DEVELOPMENT CODE, UPDATED OFFICIAL ZONING MAP, AND BALANCE OF RECODIFIED EDMONDS CITY CODE

The hearing was opened to the public. Forrest Walls, 831 Daley St., had listed a number of corrections and/or changes to the final draft which he proposed to the Council. On page 23, 15.20.005 C.1.a., the parenthetical word "attached" should have been deleted from the first line in accordance with a motion made on September 2, 1980. This was acknowledged to be a scrivener's error and will be corrected. On page 80, 16.20.010 A.1., Mr. Walls suggested that the word "dwellings" be changed to a defined term, "dwelling units." On page 263, 20.100.030 B., he suggested that any one Council member be allowed to cause an optional public hearing, rather than a majority of the Council. Councilman Gould said that would let a minority opinion take precedent over the democratic process. Mr. Walls felt a group of interested citizens could make their views known to one Councilmember and get a hearing, but Councilwoman Allen felt that would negate the actions of the Hearing Examiner and she was opposed to that. Planning Consultant John LaTourelle added that at any time a Council member feels there is a controversy over a recommendation from the Planning Commission or any other source, he makes a motion and by majority rule a hearing is set. Councilman Gould also observed that there will already have been a public hearing before the Planning Advisory Board or the Hearing Examiner. The next item was on page 267, 20.105.040 C.2., and he suggested the second sentence be stricken and that paragraph C.3. be modified as to action if the Council's decision differs from that of the Hearing Examiner, and that the Council state its findings and conclusions regarding the appeal (rather than the record). Mr. LaTourelle stated that the record of the Hearing Examiner must be included.

Ray Martin, 18704 94th Ave. W. asked that a definition of "PRD" be included. Mr. LaTourelle responded that it is defined in the chapter that refers to PRDs. No one else wished to speak, and the public portion of the hearing was closed.

Councilman Kasper asked where the definition of "family" was derived, and Mr. LaTourelle responded that the courts have indicated that a family is any group of people living in one place. He noted that "multi-family" deals with the structure, not the number of people living in it. Actions were taken regarding Mr. Walls' suggestions. COUNCILWOMAN GOETZ MOVED, SECONDED BY COUNCILWOMAN JAECH, THAT ON PAGE 80, 16.20.010 A.1., THE WORD "DWELLINGS" BE CHANGED TO "DWELLING UNITS." MOTION CARRIED. Regarding the recommended change to 20.100.030 B. on page 263, Councilman Gould thought it should be left as it is and if any problems develop it can be changed. No action was taken to change that item. COUNCILWOMAN JAECH MOVED, SECONDED BY COUNCILWOMAN GOETZ, THAT ON PAGE 267, 20.105.040 B.2., THE SECOND SENTENCE BE DELETED. MOTION CARRIED. COUNCILMAN GOULD MOVED, SECONDED BY COUNCILWOMAN JAECH, THAT ON PAGE 267, 20.10.040 C.2., THE SECOND SENTENCE BE DELETED. MOTION CARRIED. COUNCILMAN GOULD MOVED, SECONDED BY COUNCILWOMAN JAECH, THAT ON PAGE 267, 20.10.040, PARAGRAPH C.3. BE CHANGED TO READ: "THE COUNCIL SHALL STATE ITS FINDINGS AND CONCLUSIONS REGARDING THE APPEAL. THE COUNCIL THEN MAY TAKE EITHER OF THE FOLLOWING ACTIONS: A. AFFIRM, MODIFY, OR REVERSE THE ACTION OF THE HEARING EXAMINER, AFTER HOLDING A NEW (DE NOVO) PUBLIC HEARING ON THE PROPOSAL; OR B. REFER THE MATTER BACK TO THE HEARING EXAMINER FOR FURTHER CONSIDERATION. MOTION CARRIED. COUNCILWOMAN ALLEN THEN MOVED, SECONDED BY COUNCILMAN GOULD, TO APPROVE THE REVISED AND UPDATED OFFICIAL ZONING MAP. MOTION CARRIED. COUNCILWOMAN GOETZ MOVED, SECONDED BY COUNCILMAN GOULD, TO PASS ORDINANCE 2182, ADOPTING THE NEW COMMUNITY DEVELOPMENT CODE (TITLES 15-21), WHICH INCORPORATES THE NEW OFFICIAL ZONING MAP. Councilman Kasper said he was going to vote against the motion in light of the reduction of the maximum height in the BC zone from 35' to 25' which he thought was too severe. He noted that the CW will be 30' and the CG 35', and he felt the impact on the BC will be too severe and has not been measured adequately. That, together with the removal of common-wall construction in RS zoned PRDs he felt was so severe that he intended voting against approval of the Code, for those reasons only. Otherwise, he thought the Code was a great improvement in the City, especially the Hearing Examiner system. Councilwoman Allen said she intended voting the same because she was concerned about the 25' height limitation and housing costs, and elimination of common-wall construction. She thought the Code was good and she was delighted with the Hearing Examiner process.

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THE MOTION THEN CARRIED, WITH COUNCIL MEMBERS KASPER AND ALLEN VOTING NO. COUNCILMAN GOULD THEN MOVED, SECONDED BY COUNCILWOMAN GOETZ, TO PASS ORDINANCE 2183, ADOPTING THE NEW CITY CODE (CODIFYING TITLES 1-21). MOTION CARRIED.

There was no further business to come before the Council, and the meeting adjourned to Executive Session at 10:15 p.m.

Irene Varney Moran
IRENE VARNEY MORAN, City Clerk

John Nordquist
JOHN NORDQUIST, Mayor Pro tem