

CITY OF LYNNWOOD
CITY COUNCIL BUSINESS MEETING MINUTES
January 25, 2010

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10. CALL TO ORDER - The January 25, 2010 Business Meeting of the Lynnwood City Council, held in the Council Chambers of Lynnwood City Hall, was called to order by Mayor Gough at 7:00 p.m. The flag salute was led by Council President Ted Hikel

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| ROLL CALL | Others Attending: |
| Mayor Don Gough | Finance Director Moir |
| Council President Ted Hikel | Parks & Recreation Director Sordel |
| Council Vice President Stephanie Wright | Economic Development Director Kleitsch |
| Councilmember Loren Simmonds | Public Works Director Franz |
| Councilmember Jim Smith | Deputy Chief Manser |
| Councilmember Mark Smith | Fire Chief Olson |
| Councilmember Kerri Lonergan | Community Development Director Krauss |
| Councilmember Kimberly Cole | Assistant Finance Director Haugan |
| | City Attorney Frimodt |
| Council Assistant Beth Morris | Acting Human Resourced Director Itaoka |
| Executive Asst. Stephanie Simpson | Community Devt. Deputy Director Osaki |
| | Assistant Planner Bowler |
| | Devt. Services. Supervisor Arnold Kay |
| | Assistant Planner Balisky |

30. APPROVAL OF MINUTES

A. Business Meeting 1/11/2010

Motion made by Councilmember Mark Smith, seconded by Council Vice President Stephanie Wright, to approve the minutes of the Business Meeting 1/11/2010. Motion passed unanimously.

Motion made by Council Vice President Stephanie Wright, seconded by Council President Hikel, to excuse Councilmember Mark Smith from the January 19 Work Session. Motion passed unanimously.

40. MESSAGES AND PAPERS FROM THE MAYOR - None

50. COUNCIL COMMENTS AND ANNOUNCEMENTS

- 50.1 Councilmember Jim Smith had no comments.
- 50.2 Council President Ted Hikel expressed gratitude for the number of people who have contributed to funds for the recovery in Haiti.
- 50.3 Council Vice President Stephanie Wright had no comments.

1 50.4 Councilmember Simmonds expressed appreciation for the ribbon-cutting ceremony for
2 the Olympic View Street. He was very impressed with the improvements made on that
3 road.

4 50.5 Councilmember Lonergan welcomed everyone to the meeting. She thanked those who
5 had emailed and expressed comments to her regarding the ADU's. She stated that she
6 would consider comments carefully in making her decision.

7 50.6 Councilmember Kimberly Cole thanked everyone for welcoming her and the other new
8 council member. She is looking forward to the productivity among the Council.

9 50.7 Councilmember Mark Smith had no comments.

10
11 60. PRESENTATIONS AND PROCLAMATIONS - None

12
13 1. WRITTEN COMMUNICATIONS AND PETITIONS - None

14
15 80. CITIZENS COMMENTS AND COMMUNICATIONS

16
17 80.1 Merrily Giuliano, 4124 189th Place SW, Lynnwood, expressed frustration that she
18 was not allowed to get a license to provide low-cost pedicures for low-income seniors
19 in her home. She stated that Brier, Bothell, Duvall, and Kenmore allow this. She
20 asked if there was a way that she could get this approved. Mayor Gough
21 recommended speaking with Community Development Director Krauss.

22
23 80.2 Al Rutledge, 7101 Lake Ballinger Way, Edmonds, discussed Edmonds School
24 District's problem with the State regarding basic education. He also brought up the
25 issue of the homeless in the community.

26
27 90. BUSINESS ITEMS AND OTHER MATTERS

28
29 90.1 UNANIMOUS CONSENT AGENDA

30
31 *Councilmember Lonergan moved for unanimous consent of the following items:*

32
33 *A. Contract: Bid Award Waste Water Treatment Plant Flat Roof Repair*
34 *Authorize the Mayor to execute a repair contract with Mike's Roofing, Inc., of Duvall,*
35 *WA, for the purpose of repairing the flat roofs on three small buildings at the*
36 *Wastewater Treatment Plant, in the bid amount of \$56,940.00, which includes all*
37 *applicable sales and use tax.*

38
39 *B. Contract: City of Lynnwood and Susan Zoccola for Recreation Center Public Art*
40 *Project*
41 *Authorize Mayor to sign contract with Susan Zoccola to create and install public art*
42 *piece for the Recreation Center renovation project, in an amount not to exceed*
43 *\$130,000.*
44

1 *C. Contract: Criminal Justice Center (Police/Court) Space Study-Consultant*
2 *Authorize the Mayor to sign the contract for a space needs study for the Police and*
3 *Court facilities with KMD Architects and Planners in the amount of \$86,785 with*
4 *reimbursable costs of \$8,600 for a total of \$95,385.*

5
6 *D. Contract: In Car Video Systems for Police*
7 *Authorize the Mayor to sign and enter into an agreement with COBAN Technologies of*
8 *Stafford, TX for the purchase and installation of the Top Cam In Car Video System in*
9 *the amount of \$250, 870.00 for the Lynnwood Police Department.*

10
11 *E. Contract: Recreation Center Project Testing and Inspection Professional Services*
12 *Authorize the Mayor to sign a Professional Services Agreement with Mayes Testing*
13 *Engineers, Inc., of Lynnwood, Washington, for inspection and material testing services*
14 *for the Recreation Center Renovation and Expansion Project in an amount not to*
15 *exceed \$30,000.*

16
17 *F. Contract: Waters Consulting Group (to conduct the AFSCME Compensation Study)*
18 *Authorize the Mayor to sign a contract with Waters Consulting Group for the purpose*
19 *of conducting a compensation and classification study for the AFSCME bargaining unit*
20 *at an estimated cost of \$46,820.00 plus, if needed, a 25% management contingency fee.*

21
22 *G. Council President Appointments: Liaisons to Internal Boards, Commissions &*
23 *Other*
24 *Approve the Council President's Council Liaisons to Internal Boards, Commissions*
25 *and other Organizations, for the year 2010.*

26
27 *H. Final Approval: 60th Ave West Sidewalk Project Phase 2 SR99 to 188th Street SW*
28 *Grant final approval of the work performed under the contract for the 60th Ave West*
29 *Sidewalk Project Phase 2 SR99 to 188th Street SW, subject to the requirements of*
30 *appropriate federal and state agencies, if any, and ultimately the release of retainage*
31 *to the contractor.*

32
33 *I. Interlocal Agreement: City of Lynnwood and Edmonds Community College for Gold*
34 *Park Ethnobotanical Garden Development*
35 *Authorize the mayor to sign the Interlocal Agreement with Edmonds Community*
36 *College for development of an ethnobotanical garden at Gold Park.*

37
38 *J. Lease Crutcher Lewis Agreement for Preconstruction Services Contract Amendment*
39 *Authorize the Mayor to sign Amendment #2 to the Agreement for Preconstruction*
40 *Services with Lease Crutcher Lewis for an amount not to exceed \$6,122.07 for*
41 *reimbursement of additional construction document printing expenses.*

42
43 *K. Olympic View Drive Funding Inter-Local Agreement with Snohomish County*
44 *Authorize the Mayor to enter into and execute on behalf of the City, an Inter-Local*
45 *Agreement with Snohomish County for partial funding of the Olympic View Drive*
46 *Improvements in the amount of \$150,000.*
47

1 *L. Updated Interlocal Agreement with Chelan County for Prisoner Housing*
2 *Authorize the Mayor, on behalf of the City, to sign the updated Interlocal Agreement*
3 *for Inmate Housing Services with Chelan County, for the year 2010.*

4
5 *M. City Wide Space Needs Study*
6 *Authorize the Mayor to enter into and execute on behalf of the City, a contract with*
7 *Arai Jackson Ellison Murakami LLP Architecture and Urban Design Interiors, Seattle*
8 *WA., for the purpose of providing a City Wide Space Needs Study, in the amount of*
9 *\$141,100.*

10
11 *N. Contract - Public Safety Testing*
12 *Authorize the Mayor to sign an agreement for testing services with Public Safety*
13 *Testing, Inc. for the three year period of 2010 through 2012.*

14
15 *O. Review: Letter Supporting AWC Legislative Priorities*
16 *Approve the Council President's letter to state legislators supporting AWC legislative*
17 *priorities.*

18
19 *P. Agreement: Snohomish County Tourism Bureau Visitor Information Center*
20 *Program*
21 *Authorize the Mayor to sign the agreement with the Snohomish County Tourism Bureau*
22 *for the Visitor Information Center program in an amount not to exceed \$14,306, for the*
23 *year 2010.*

24
25 *Q. Voucher Approval*
26 *Approve claims and payroll in the amount of \$1,744,753.00 and \$1,173,505.67*
27 *respectively, and that the lists be made part of the record of this Council meeting.*

28
29 *The Consent Agenda was approved unanimously.*

30
31 **90.2 PUBLIC HEARINGS OR MEETINGS**

32
33 Mayor Gough explained that staff had sent out a Notice of Public Hearing this evening
34 about the Ordinance associated with Commercial Vehicle Parking and Yard
35 Maintenance. A clarification letter was later sent out clarifying that the hearing would
36 not be tonight, but he noted that they would accommodate anyone this evening who
37 wanted to address that issue. He stated that they would allow people to speak to the
38 issue, but they were not going to re-open the hearing. He solicited comments from
39 anyone in the audience who wished to speak.

40
41 Al Rutledge, 7101 Lake Ballinger Way, Edmonds, noted that he had submitted a letter,
42 but said he would come back when the issue comes up again. Mayor Gough explained
43 that they would not be taking any more comments of record with regard to the hearing.
44

1 A. Ordinance: Permit Timelines

2
3 Mayor Gough opened the public hearing at 7:35 p.m. He read the script regarding the
4 order of speaking and the purpose of the hearing.

5
6 Staff Presentation: Assistant Planner Lauren Balisky made the staff presentation
7 regarding permit timelines. She explained that the intent of this Ordinance was to
8 extend permit timelines to accommodate developers in this difficult economic climate.
9 She summarized the proposed amendments. She reviewed the decision criteria on this
10 matter and concluded that the decision criteria are met.

11
12 Public Comments:

13
14 Jennifer Jerabek, Master Builders of King and Snohomish County, 335 116th Avenue
15 SE, Bellevue, WA, commended the city and staff for working on the Ordinance. She
16 stated that out of the cities that she works with, this Ordinance will impact the greatest
17 number of projects. She spoke in support of the Ordinance, but noted that for short plats
18 the City is recommending to 2 years plus a 1-year extension. Other cities have opted to
19 go for 5 years plus a 3-year extension. She asked that the City consider that.

20
21 Robert Bendzak, Kenmore resident, spoke on behalf of his mother-in-law who has a
22 short plat at 4309 191st Street in Lynnwood. He thanked the City for helping to
23 accommodate developers in this tough economic climate. He felt that the longer
24 timeline would be very helpful and he recommended the longest term they could give
25 them. He discussed the extremely difficult time developers are having right now.

26
27 Questions from Council:

28
29 Councilmember Cole asked if this would be applicable to only existing projects or if it
30 would be ongoing. If it is ongoing, she wondered if there would be a sunset clause. Ms.
31 Balisky replied that the changes would be a permanent amendment, but it would have
32 an exception for permits that were valid as of January 1, 2009. There is a sunset for
33 current permits. Any permits that apply after that point would automatically have the
34 appropriate timelines. Director Krauss added that they have always had concerns about
35 the timelines. The multi-permits with multiple different timelines are a significant
36 problem.

37
38 Councilmember Mark Smith asked staff how they arrived at the numbers for the
39 proposed terms. Ms. Balisky explained that most of them were based off the short plat
40 period. The rest of them are consistent with that timeline. Councilmember Mark Smith
41 asked what the downside of making these timelines longer might be. Director Krauss
42 explained that timelines that are too far out put public notice at risk.

43
44 Councilmember Lonergan asked for comments about Ms. Jerabek's proposal to
45 lengthen the short plat timeline to 5 years plus 3 years. Ms. Balisky stated that the
46 current approval period for a long subdivision is 5 years plus 1 year. She noted that
47 they have not seen the need to make the timeline this long. With an 8-year time period
48 you also would have issues related to turnover with staff.

1
2 Mayor Gough solicited additional public comments. There were no comments. The
3 hearing was closed at 7:58 p.m. Mayor Gough noted that the actual Ordinance would be
4 brought forward on February 8.

5
6 B. Hearing: Right of Way Vacation – 26th Avenue Street

7
8 The public hearing was opened at 8:00 p.m. Mayor Gough reviewed the purpose of the
9 hearing and the order of speaking.

10
11 Staff Presentation: Development Services Supervisor Arnold Kay made the staff
12 presentation. He reviewed the background on this matter and highlighted some of the
13 considerations listed in the staff report. He summarized that staff's recommendation to
14 the Council is to vacate the right-of-way area by approving the Ordinance in the packet.
15 Stipulations included in the Ordinance are: payment of \$21,000 to the City; creation of
16 a utility easement on the west half of the vacated 26th Avenue vacation area; an
17 easement where the current lift station resides; dedication of land for construction of
18 the future Beech Road connection; and transfer of the land to the City for construction
19 of future lift station to replace the existing lift station floor. Public Works Director Bill
20 Franz talked further about how the street vacation would benefit the City. He discussed
21 some of the challenges associated with this odd-shaped parcel, issues related to the
22 pump station, and the long-range transportation plans for that area which would result
23 in three north-south routes in and around the mall. He then reviewed infrastructure
24 benefits to both the builder and the City. Economic Development Director David
25 Kleitsch discussed the more general benefits of this project. He reviewed how this
26 project would create jobs and create revenue for the City.

27
28 Mayor Gough solicited written materials. There were none.

29
30 Petitioner Comments: Faizel Kassam, Legacy Hospitality, 6501 Americas Parkway,
31 Suite 1050, Albuquerque, NM 87106, spoke in favor of the street vacation and urged
32 the Council's prompt approval of the vacation Ordinance. He pointed out that Legacy is
33 a family-owned business, not a mega-corporation, which has been in the hospitality
34 business for many years and owns and operates several hotels in New Mexico. They
35 hope to make Lynnwood their second home. He discussed details of the vacation. He
36 thanked staff from the City for helping to move their project forward consistent with
37 the rules, regulations, and policies of the City. He urged the Council to act as promptly
38 as possible and make a decision tonight.

39
40 The meeting recessed from 8:35 p.m. until 8:42 p.m. at which time Mayor Gough reconvened the
41 meeting.

42
43 Opponents of the Matter: None

44 Public Comments: None

45 Staff Response: None

46
47 Council Questions:
48

1 Councilmember Simmonds disclosed that as the Mr. Kassam was speaking he realized
2 that this project is rooted in New Mexico where he was born and raised. He pointed out
3 that he has not lived there since 1962. Councilmember Simmonds asked about
4 drawbacks to the proposed project. Staff did not have any concerns about the proposal.
5 As far as the timing of the project, Director Bill Franz acknowledged the weak
6 economic climate, but even so he noted that this appears to be a win-win project. The
7 project will probably not come online for 12 to 18 months and projections show that
8 growth should be coming back in 2011. He believes it will be fortuitous to have a new
9 property coming online as the economy improves.

10
11 Seeing no public comments the public hearing was closed at 8:48 p.m.

12
13 *Motion made by Councilmember Mark Smith, seconded by Council Vice President*
14 *Stephanie Wright, to adopt Ordinance No. 2816, "AN ORDINANCE VACATING 26TH*
15 *AVENUE WEST BETWEEN ASH WAY AND ALDERWOOD MALL PARKWAY AND A*
16 *PORTION OF ALDERWOOD MALL PARKWAY, IN THE CITY OF LYNNWOOD,*
17 *SNOHOMISH COUNTY, WASHINGTON, HERETOFORE DEDICATED FOR STREET*
18 *PURPOSES; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND*
19 *SUMMARY PUBLICATION."*

20
21 The council members expressed support for the motion and welcomed BJRD to the
22 community. *Upon a roll call vote, the motion passed unanimously (7-0).*

23
24 C. Ordinance Amendment: Accessory Dwelling Units (ADU's) – Title 21

25
26 Mayor Gough opened the hearing at 8:56 p.m. He reviewed the purpose of the hearing
27 and the order of speaking.

28
29 Assistant Planner Lauren Balisky reviewed the background on this. She noted that
30 approval of this code amendment would increase the flexibility that this code offers for
31 the design and placement of ADU's and the creation of new, affordable housing. Staff
32 believes this can be accomplished without affecting the character of single-family
33 neighborhoods where the ADU's will be located and also provide a mechanism for
34 bringing illegal ADU's into compliance. She noted that a decision matrix had been
35 passed out for Council review. She reviewed each of the proposed amendments.

36
37 Mayor Gough solicited written materials. Council President Ted Hikel stated that he
38 has received the following three emails which were distributed to council members and
39 entered into the record:

- 40 1. Letter dated 1/25/10 from Bernard and Sally Paul of Lynnwood, WA
- 41 2. Letter dated 1/25/10 from Steven Brown, Lynnwood, WA
- 42 3. Email dated 1/25/10 plus Attachment: *ADU Comments to Council* from Lisa
43 Utter, Lynnwood, WA

44
45 Public Comments:

46
47 Agnes Spadafora, 7203 193rd Place SW, Lynnwood, WA 98036, stated that she has
48 lived here nearly 30 years. She asked for clarification about the definition of these

1 units. She commented that she would not like to have one of these going up right next
2 to her house. She asked about the purpose of ADU's. She expressed concern about
3 eating and cooking areas, parking, congestion, increased taxes, and impacts on
4 neighbors.
5

6 Dennis Hoppenstedt, 19302 71st Place W, Lynnwood, WA, spoke in opposition to the
7 amendment. He cited the livability of the City of Lynnwood and the physical character
8 of the residential areas. He discussed improvements that have been made to the
9 livability of the city. He believes that tighter zoning laws improve the quality of life as
10 well as property values. He stated that this amendment would be for the benefit of a
11 few, but to the detriment of many. He urged the Council to reject this item.
12

13 Mercedes Martinez Griffin, 19308 71st Place West, concurred with Dennis Hoppenstedt
14 and Agnes Spadafora's comments. She stated that she has lived in Lynnwood for 42
15 years. She asked if this is a change in the zoning law. If so, will those with larger lots
16 be penalized with higher taxes? She believes that having this amendment approved will
17 bring her property values down, which will affect her greatly in her retirement. She
18 wondered if this ought to go to public vote. She expressed concern about the impact in
19 the neighborhood and the livability of the area. She noted that the sewer infrastructure
20 in the area where she lives is very old and they are already seeing problems with it.
21

22 Al Rutledge, 7101 Lake Ballinger Way, Edmonds, WA, discussed the relationship
23 between the census and the Growth Management Act.
24

25 Steven Sterner, 5030 194th Street SW, Lynnwood, WA, spoke in strong support of the
26 amendment. He believes that this will help to control the growth and to create a living
27 space to bring relatives in. This also serves as a way to be proactive with the Growth
28 Management Act.
29

30 Staff Response:

31 Director Krauss responded to questions that had been raised.

- 32 • He explained that an ADU has to be a full living unit with a kitchen, bathroom,
33 and living space. Typically they have separate entrances. They function as a
34 rental unit inside or adjacent to the home.
- 35 • Regarding parking, the Ordinance requires the provision of off-street parking.
- 36 • These are not restricted to family members.
- 37 • He clarified that to qualify under this Ordinance, the owner must reside on the
38 property.
- 39 • Regarding the tax issue, he noted that the City does not control this. The
40 County Assessor establishes the value. He guessed that somebody that has an
41 ADU might have an increased value, but the absence of having one should not
42 have a direct bearing on one's taxes.
- 43 • Regarding size, the ADU is capped at 40% of the size of the house.
- 44 • Regarding sanitary sewer issues, he was not aware of any specific limitations
45 of the sanitary system. There are long-range capital facilities plans to gradually
46 improve the capacity of the system and lift stations as growth occurs.

- An ADU and the main home are considered one unit. An ADU cannot be sold separately from the main home and can't be subdivided off.
- These are not new. ADU's have been on the books since 1995.
- There are design standards for ADU's. The proposed code requires that the unit matches the design of the existing home.

Council Questions:

- Council President Hikel asked if there are any provisions that would allow an ADU to be larger than 40% of the main home. Ms. Balisky stated that the maximum allowable size is 800 square feet or 40%, whichever is less.
- Council President Hikel commented that the GMA requires that we have ADU's although it doesn't spell out any level of recommended use for them. He added that the GMA also requires that the City has affordable housing. He asked if Lynnwood has affordable housing and how they compare to neighboring cities. Director Krauss said that Lynnwood has a very large percentage of its housing stock falling in the affordable price range.
- Council President Hikel asked about parking requirements. Ms. Balisky explained that a two-bedroom ADU would require two additional off-street parking spots. Council President Hikel raised a concern about two couples living in an ADU and the potential for four additional cars. Director Krauss replied that this is a situation that often occurs in single-family homes where many families have more cars than fit in the required two parking spaces.
- Council President Hikel commented that when they build the ADU, the county assessor would get notice that there was a change in the structure of the home so they would probably re-evaluate that property. He asked if it was common, when that happens, for the assessor to go out and reassess the adjoining properties. His understanding was that it would decrease the value of properties next to ADU's. Director Krauss did not share this understanding. He remarked that homes are valued on current sales information.
- Councilmember Cole asked if there would be any distinguishing between those that are utilizing their ADU's for rental income and those that are utilizing it for family or senior relatives. Director Krauss replied that they would have no way of knowing this.
- Councilmember Cole asked if they have heard anything from the assessor's office about the presence of unlicensed ADU's. Ms. Balisky said she does occasionally get calls from the assessor's office, but more often from real estate agents asking about them.
- She asked if there had been any concern from emergency services regarding the lack of knowledge of who would be residing in these units. Director Krauss said they had not had any specific concerns from them. He added that Lynnwood already has a very large percentage of single-family rental houses. The City does not know which houses are for rent in these situations or who lives there.

Motion made by Councilmember Jim Smith, seconded by Councilmember Mark Smith, to extend the meeting to 10:30 p.m. Motion passed unanimously.

- 1 • Councilmember Mark Smith referred to a concern about how this might affect
2 density in the City. He asked if this Ordinance would allow them to restrict the
3 number of occupants in an ADU. Director Krauss said that it does not.
4 Councilmember Mark Smith asked if that would be possible. City Attorney
5 Frimodt said he would have some concern with that. Councilmember Mark
6 Smith asked if this Ordinance would allow them to restrict the number of ADU
7 permits issued per year. Ms. Balisky said it does not right now, but it could be
8 added per Council direction.
- 9 • Councilmember Mark Smith asked for a point of clarification on the decision
10 matrix. He referred to the last bullet point under the section, *Detached ADU*,
11 which says, “Potential restriction on size different from item number 3.”
12 Director Krauss said that it was in response to a request to have a different
13 allowable size if it was detached.
- 14 • Councilmember Mark Smith said he had talked about perhaps allowing
15 detached ADU’s on lots 10,000 square feet or larger. He recalled that there had
16 been some direction from Council to look at how many lots in Lynnwood and
17 in the greater annexation area fit that criterion. Director Krauss said they did
18 have the GIS run that information, but staff had concluded that the gross
19 numbers didn’t give them enough information because not all of those lots
20 would be useable.
- 21 • Councilmember Mark Smith asked Fire Chief Olson if there is anything in the
22 fire code that speaks to the number of occupants. Fire Chief Olson said that it’s
23 in the International Building Code (IBC). In his experience when they go out to
24 ADU’s, there are always more people than they anticipated IF the home is not
25 maintained. If the home is maintained, generally speaking, the number of
26 people that they anticipate in there is what the code allows. Director Krauss
27 commented he hasn’t seen it be a problem. He requested more time to look into
28 the specific guidelines.
- 29 • Councilmember Mark Smith referred to the 35-foot allowable height for
30 accessory buildings. He asked if it would be possible to restrict the height of a
31 detached ADU to one story or 15 feet. Ms. Balisky replied that it would be.
- 32 • Councilmember Jim Smith asked again for the information on how many
33 10,000 square feet or greater lot sizes there are in the city and in the potential
34 annexation area. Ms. Balisky replied that just based on gross lot size, within
35 the City there are 2,308 lots that are 10,000 square feet or larger that are zoned
36 RS7 or RS8. In the growth area there are 1,319 lots. This data includes the total
37 MUGA area. Councilmember Mark Smith asked about the total number of
38 single family lots. Director Krauss said the total number of single-family lots
39 in Lynnwood is 7,036. In the annexation there are 4,323 total single-family
40 lots.

41
42 Public Comments for Clarification:

43 Agnes Spadafora, 7203 193rd Place SW, Lynnwood, WA 98036, thanked everyone for
44 the information. She restated her concern about the number of ADU’s that might
45 develop and the related density issues that might develop as a result of this.

46
47 Al Rutledge, 7101 Lake Ballinger Way, Edmonds, WA, asked a hypothetical question
48 regarding owners living on the property: If the owner tears down the main house and

1 has an ADU with someone else living in it what happens? What about a partnership or
2 a shared group of owners? He commented that census information should help to
3 clarify the number of occupants in dwellings in the city. He also asked what happens
4 when the owner sells the property. Director Krauss stated that the requirement that the
5 owner live on site is not a new requirement. What is new is periodic verification that
6 the owner continues to live on the property. Ms. Balisky said that the units would not
7 be allowed to be sold separately.
8

9 Mike Spadafora, 17708 11th Place West and 7203 193rd Place SW, Lynnwood, WA
10 98036, spoke against the matter. He said he did not think this would help the reputation
11 of Lynnwood at all.
12

13 Seeing no further public testimony, this portion of the hearing was closed at 10:23 p.m.
14

15 Additional Council Questions:
16

- 17 • Councilmember Jim Smith commented that the tax statements would verify the
18 owner-occupied portion of this. He asked if it would be possible to do a yearly
19 check on this with the amount of ADU's that would possibly be built. Director
20 Krauss indicated that they could.
- 21 • Councilmember Lonergan asked about neighboring cities that allow ADU's other
22 than Mountlake Terrace. Ms. Balisky referred to the second to last page of the
23 materials, which shows this information.
- 24 • Councilmember Cole pointed out that some of the cities made reference to whether
25 or not family members were living in the ADU's. She asked staff if this would be
26 possible to do in Lynnwood as well. City Attorney Frimodt expressed concern
27 about having standards for ADU's that did not apply to other residential dwellings.
28

29 *Motion made by Council Vice President Wright, seconded by Council President Hikel,*
30 *to extend for the completion of the items of this hearing, items 90.4A, 90.4B and New*
31 *Business. Motion carried.*
32

33 The hearing was closed at 10:30 p.m.
34

35 *Council President Hikel made a scheduling motion that this item go to the 2/1 Work*
36 *Session and the 2/8 or 2/22 Business Meeting. Motion passed unanimously.*
37

38 90.3 UNFINISHED BUSINESS - None
39

40 90.4 OTHER BUSINESS ITEMS
41

42 A. Ordinance: Financial Plan and Consultant Contract: Fiber Optic Cable Project
43

44 *Motion made by Councilmember Mark Smith, seconded by Council President*
45 *Hikel, to adopt Ordinance No. 2817, "AN ORDINANCE ESTABLISHING*
46 *PROJECT FUNDING FOR PROJECT FUND 440, FIBER OPTIC CABLE*
47 *PROJECT; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE*

1 *AND SUMMARY PUBLICATION.” Upon a roll call vote, the motion passed*
2 *unanimously.*

3
4 *Motion made by Councilmember Mark Smith, seconded by Councilmember*
5 *Simmonds, to authorize the Mayor to enter into and execute on behalf of the City*
6 *a contract with Gray and Osborne, Inc. to design the plans, specifications and*
7 *estimates for the project in an amount not exceed \$137,000, which includes a*
8 *management reserve of approximately 10%. Motion approved unanimously.*
9

10 B. Resolution: 2011 – 2012 Biennial Budget & Planning Calendar

11
12 This item was pulled and moved to the 2/1 Work Session and the 2/8 Business
13 Meeting.

14
15 C. Ordinance: Parking of Commercial Vehicles in Residential Zones

16
17 This item was pulled and moved to the 2/1 Work Session and the 2/8 Business
18 Meeting.

19
20 D. Ordinance, Financial Plan and Consultant Contract: SR-99 Safety Improvements
21 – 188th Street S

22
23 *Motion made by Councilmember Mark Smith, seconded by Council Vice*
24 *President Wright, to adopt Ordinance No. 2818, “AN ORDINANCE*
25 *ESTABLISHING PROJECT FUNDING FOR PROJECT FUND 312, SR-99*
26 *SAFETY IMPROVEMENT PROJECT; PROVIDING PROJECT DESIGN AND*
27 *CONSTRUCTION COSTS; PROVIDING FOR SEVERABILITY; ESTABLISHING*
28 *AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION.*
29 *Upon a roll call vote, the motion passed unanimously.*
30

31 *Motion made by Councilmember Mark Smith, seconded by Councilmember*
32 *Simmonds to authorize the Mayor to enter into and execute on behalf of the City a*
33 *contract with CH2MHill to develop a safety assessment, recommendations, and*
34 *plans for the project in an amount not exceed \$50,000. Motion passed*
35 *unanimously.*
36

37 E. Code Amendments Commercial Vehicle Parking and Yard Maintenance

38
39 This item was pulled and moved to the 2/1 Work Session and the 2/8 or the 2/22
40 Business Meeting.

41
42 F. Executive Session, if necessary - None

43
44 100. NEW BUSINESS

45
46 Council President Hikel solicited comments on a draft agenda for the Lynnwood City
47 Council Retreat.

- 1 • Councilmember Mark Smith said he had numerous suggestions for changes which
2 he would be sending to the facilitator and the Council. He asked that the Council
3 respond directly to the facilitator with changes. He asked that the agenda be
4 adopted the morning of the retreat.
- 5 • Council President Hikel asked legal counsel if this would be acceptable. City
6 Attorney Frimodt replied that it would be, but a general topic should be set before
7 the meeting. There was discussion about time requirements for giving notice about
8 the meeting topics. Council President Hikel said they would like to have the agenda
9 set to put in the paper by Wednesday. City Attorney Frimodt suggested that
10 Councilmember Mark Smith add any broad topics that weren't already covered on
11 the agenda.
- 12 • Councilmember Mark Smith stated that he objected to most of the agenda. He felt
13 the majority of the time on the retreat should be focused on a discussion of Council
14 goals and priorities for 2010 and beyond. He also recommended just listing the
15 topics with no timeline for discussing each topic.
- 16 • Councilmember Jim Smith recommended adding procedures as well.
- 17 • Councilmember Lonergan agreed that the majority of what they want to be
18 discussing are the goals and objectives for 2010 and beyond. She explained that she
19 was disappointed with the agenda because she did not feel it reflected what she and
20 other council members had expressed as important.

21
22 *There was unanimous consent to remove the timeframes and add the item, Discuss City*
23 *Council Priorities and Goals for 2010 and Beyond.*

24
25 110. STAFF REPORTS

26
27 120. ADJOURNMENT

28
29 The meeting was adjourned at 10:52 p.m.
30
31
32

33
34 _____
35 Don Gough, Mayor

36
37
38 _____
39 John Moir
40 Finance Director