

EDMONDS CITY COUNCIL APPROVED MINUTES

March 27, 2007

The Edmonds City Council meeting was called to order at 7:00 p.m. by Mayor Pro Tem Olson in the Council Chambers, 250 5th Avenue North, Edmonds. The meeting was opened with the flag salute.

ELECTED OFFICIALS PRESENT

Peggy Pritchard Olson, Mayor Pro Tem
Ron Wambolt, Council President Pro Tem
Michael Plunkett, Councilmember
Richard Marin, Councilmember
Mauri Moore, Councilmember
Deanna Dawson, Councilmember
Dave Orvis, Councilmember

ELECTED OFFICIALS ABSENT

Gary Haakenson, Mayor

STAFF PRESENT

David Stern, Chief of Police
Dan Clements, Administrative Services Director
Brian McIntosh, Parks & Recreation Director
Noel Miller, Public Works Director
Dave Gebert, City Engineer
Debbie Dawson, Animal Control Officer
Carl Nelson, Chief Information Officer
Scott Snyder, City Attorney
Sandy Chase, City Clerk
Jana Spellman, Senior Executive Council Asst.
Jeannie Dines, Recorder

1. APPROVAL OF AGENDA

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER MOORE, TO APPROVE THE AGENDA IN CONTENT AND ORDER. MOTION CARRIED UNANIMOUSLY.

2. CONSENT AGENDA ITEMS

Council President Pro Tem Wambolt requested Item I be removed from the Consent Agenda and Councilmember Plunkett requested Item G be removed.

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

A. ROLL CALL

B. APPROVAL OF CITY COUNCIL MEETING MINUTES OF MARCH 20, 2007.

C. APPROVAL OF CLAIM CHECKS #95004 THROUGH #95183 FOR MARCH 22, 2007 IN THE AMOUNT OF \$833,409.80. APPROVAL OF PAYROLL DIRECT DEPOSITS AND CHECKS #44617 THROUGH #44669 FOR THE PERIOD OF MARCH 1 THROUGH MARCH 15, 2007 IN THE AMOUNT OF \$909,024.34.

D. ACKNOWLEDGE RECEIPT OF CLAIMS FOR DAMAGES FROM CAROL FRANKLIN (AMOUNT UNDETERMINED) AND TIMOTHY CIPOLLA (AMOUNT UNDETERMINED).

E. REPORT ON FINAL CONSTRUCTION COSTS FOR THE EDMONDS MEMORIAL CEMETERY IMPROVEMENTS PROJECT AND COUNCIL ACCEPTANCE OF PROJECT.

Approve
3/20/07
Minutes

Approve Claim
Checks

Claims for
Damages

Edmonds
Memorial
Cemetery

2007 Street
Overlay
Program

F. AUTHORIZATION TO CALL FOR BIDS FOR THE 2007 STREET OVERLAY PROGRAM.

Old Woodway
Elementary
Park Planning

H. AUTHORIZATION FOR MAYOR TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH MACLEOD RECKORD LANDSCAPE ARCHITECTS FOR CONSULTING SERVICES FOR OLD WOODWAY ELEMENTARY SCHOOL PARK MASTER PLANNING, DESIGN, AND CONSTRUCTION ADMINISTRATION SERVICES.

City Building
Energy
Improvements

J. REPORT ON FINAL PROJECT AND CONSTRUCTION FOR THE CITY BUILDING ENERGY IMPROVEMENTS - PHASE I AND COUNCIL ACCEPTANCE OF PROJECT.

Ord# 3633
Temporary
Employee
Parking Permit

K. ORDINANCE NO. 3633 - ADOPTING A NEW SUBSECTION D INTO EDMONDS CITY CODE 8.51.020 DEFINING TEMPORARY EMPLOYEE PARKING PERMIT; ADDING A NEW SECTION 8.51.042 TO CHAPTER 8.51 ECC ENTITLED TEMPORARY EMPLOYEE PARKING PERMIT - VALIDATION REQUIRED.

Executive
Session re:
Pending
Litigation

City Attorney Scott Snyder requested a brief Executive Session to discuss the items that were removed from the Consent Agenda. At 7:30 p.m., Mayor Pro Tem Olson recessed the Council to a 15 minute Executive Session to discuss pending/threatened litigation. The meeting was reconvened at 7:19 p.m.

Demolition of
Old Woodway
Elementary

ITEM G: AUTHORIZATION TO CALL FOR BIDS FOR THE ABATEMENT AND DEMOLITION OF THE OLD WOODWAY ELEMENTARY SCHOOL LOCATED AT 23700 104TH AVENUE WEST

Councilmember Plunkett advised questions had arisen that City Attorney Scott Snyder needed additional time to address.

COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCILMEMBER MOORE, TO DEFER THIS ITEM UNTIL NEXT WEEK. MOTION CARRIED UNANIMOUSLY.

Parks, Recrea-
tion & Open
Space Comp
Plan

ITEM I: AUTHORIZATION FOR MAYOR TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH HOUGH BECK & BAIRD INC. FOR CONSULTING SERVICES TO UPDATE THE EDMONDS PARKS, RECREATION & OPEN SPACE COMPREHENSIVE PLAN.

Council President Pro Tem Wambolt relayed that at a Port Commission meeting yesterday, citizens and Commissioners expressed dissatisfaction with the restroom facilities along the waterfront. He asked if the scope of this item could include an assessment of the restroom facilities on the waterfront and determine whether additional restrooms were needed. He recalled the Port Commissioners expressed interest in restrooms at the dog park and at Marina Beach. He noted there were also comments that the restroom facilities at the underwater park were not maintained and were in a constant state of uncleanness. Parks & Recreation Director Brian McIntosh agreed it could include this assessment.

COUNCIL PRESIDENT PRO TEM WAMBOLT MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, FOR APPROVAL OF ITEM I. MOTION CARRIED UNANIMOUSLY.

Boys & Girls
Club Week

3. PROCLAMATION IN HONOR OF BOYS & GIRLS CLUB WEEK, MARCH 25 - 31, 2007

Mayor Pro Tem Olson read a Proclamation declaring March 25 – 31 as Boys & Girls Club week and presented the Proclamation to Bill Dalziel, Boys & Girls Club Director.

Mr. Dalziel thanked the Council for their support of Edmonds youth, advising the Boys & Girls Club was part of a larger operation with over 4,000 clubs in the United States. He explained the Boys & Girls Club

had been a member of the Edmonds community since 1968 and currently had five sites – four elementary schools and the Club – that serve approximately 1200 youth per year. The Boys & Girls Club planned to continue to be a part of the community and maintain a positive place for kids. He emphasized adults were role models for youth and the youth were the leaders of tomorrow, future employees, employers, neighbors and families in the community.

Mayor Pro Tem Olson commented her nephew had benefited from attending the Boys & Girls Club before and after school programs.

Snohomish Co.
Tourism
Bureau

4. ANNUAL REPORT FROM THE SNOHOMISH COUNTY TOURISM BUREAU

Amy Spain, Snohomish County Tourism Bureau, provided statistics regarding tourism in Snohomish County including a 10.6% growth in tourism in 2006 for a total economic impact of \$746.7 million. She described:

- 14,202 requests for information generated by advertisements,
- increase in web visitors to Snohomish.org, SnohomishCountyWedings.com and RoomsAtPar,
- decreased visits to Visitor Information Centers,
- relatively flat off-season program bookings compared to 2005,
- increased group and convention room nights,
- increased hotel occupancy levels,
- increased hotel/motel tax collections, and
- increased media coverage.

She commented on the impacts of tourism in Snohomish County on restaurants, transportation, fuel, retail stores, recreation and entertainment as well as employment and local and state taxes.

Ms. Spain provided examples of advertisements the Bureau placed in meeting planners, reunion and group tour-related publications and displayed the group tour guide and meeting & event guide. She commented on familiarization tours and sales missions the Bureau provided. She described trade shows Bureau staff attended that generated leads, assistance staff provided to groups with their conference needs, and meeting planner bids the Bureau prepared for group businesses. She reported on lost convention business in 2006 and displayed a chart illustrating the economic impact of hotel room nights. She reported on Amtrak's in-kind donation of a companion fair coupon. She also reported on the economic impact of sports related bookings in 2006.

Ms. Spain commented on distribution of official visitor guides, season calendars, Farm Trail Guides, and Glimpse of Snohomish County promotional pieces. She described public relation and media efforts, volunteer hours and services provided at Visitor Centers and donations from area businesses. She described decreasing visits to Visitor Centers as the public increased their use of online websites and as communities opened their own Visitor Information Centers. She also described the Bureau's community relation efforts during 2006 that included sponsoring six countywide tourism-related programs as well as participating as a donation site for Toys for Tots and food drives. She summarized tourism was a huge economic driver in Snohomish County tourism and was improving every year.

Councilmember Moore inquired about the Bureau's efforts associated with the 2010 Olympics in Vancouver and how Edmonds could participate. Ms. Spain described the SnoGold 2010 effort, a grassroots organization which includes a Tourism Committee that she co-chairs as well as a Communications Committee and a Business Development Committee. The Business Development Committee is working on preparing businesses to accommodate the influx of visitors and how to become suppliers to the needs of the Olympics. The Tourism Committee is preparing an inventory of attractions and special events during the Olympics and Paralympics time period and discussing how to better market

those events nationally. She relayed statistics that the majority of U.S. visitors to the Olympics would be from the western states, many of whom would be driving. She commented on the need to manage expectations, noting although there would be additional visitors, their focus will be reaching BC.

Councilmember Moore recalled Idaho benefited greatly from the Olympics in Salt Lake City including hosting foreign teams. She referred to skating rinks in Snohomish County and asked how Edmonds could pursue that effort. Ms. Spain advised of a Community Strategy for Team Hosting Workshop on April 11 at the Everett Event Center. She advised the Business Development Committee is working on hosting teams as well as team demonstrations/exhibitions in Snohomish County. She encouraged anyone interested in being more involved in the SnoGold 2010 to contact her.

Councilmember Marin found the presentation impressive, particularly the indication that it was not only hotels that benefited but there was a trickle down effect on communities. Ms. Spain agreed, noting shopping was the top tourist activity and Edmonds was a wonderful destination for shopping as well as walking and art and culture. Councilmember Marin asked her to relay the Council's thanks to her staff and volunteers.

Councilmember Dawson thanked Councilmember Moore for raising the issue of SnoGold, recalling the Council discussed that effort at the retreat. She envisioned the City becoming more involved with the Business Development Committee in the fall.

Community
Technology
Advisory
Committee

5. REPORT FROM THE COMMUNITY TECHNOLOGY ADVISORY COMMITTEE (CTAC)

Bart Preecs, Chair of the CTAC, introduced John Hines and John Gates, members of the CTAC in the audience. He explained there had been a significant citizen effort on the CTAC. He thanked Community Services Director Stephen Clifton, Administrative Services Director Dan Clements, and Executive Assistant Cindy Cruz for their assistance. He also thanked the Council, commenting this was uncharted territory; there was no recipe for developing a broadband system and it took courage and vision for the Council to take a leadership position in this effort.

Rick Jenness, CTAC member, presented the CTAC vision, "Build an ultra high speed interactive broadband network, available to every home and business in the City, capable of delivering service from multiple competing servicing providers." He reviewed the benefits of a broadband network that include reduced costs to residents and businesses, providing enhanced public and commercial services along with more service plan choices to citizens, providing increased competition among service providers, creating an economic development magnet for high tech businesses to the City, and stabilizing and enhancing current City revenues from service providers

He reviewed an historical timeline:

- 2002-2004 – vision evangelized to Mayor and Council
- November 2004 – Council creates CTAC
- June 2005 – WSDOT deeds 4-mile (from the ferry to Hwy. 99) fiber backbone to the City
- December 2005 – City acquires Westin fiber to Snohomish County line
- November 2006 – City completes WSDOT fiber to Westin fiber link, providing fiber from the ferry terminal to the Westin
- December 2006 – City issues RFI to gather information from commercial entities (18 firms express interest)
- January 2007 – 12 firms attend vendor pre-bid conference
- March 1, 2007 – City acquires first customer to utilize Westin link
- March 2, 2007 – City receives eight formal responses to RFI

- March 16, 2007 – City selects four firms for oral presentations (Bechtel/Motorola, DynamicCity, NetRiver/PacketFront, and Nortel)

He reviewed a future timeline:

- April 10 & 11, 2007 – oral presentations by Bechtel/Motorola, DynamicCity, NetRiver/PacketFront, and Nortel
- April 14, 2007 – Committee completes evaluation of responses
- May 4, 2007 – Council, Mayor, staff and committee issues Statement of Direction with regard to where the City wants to go next

Mr. Jenness explained possible next steps include 1) creating a public entity to begin planning activities who would engage a partner firm, business case development, begin planning a pilot project and 2) expanding the marketing activities of the existing infrastructure to generate additional revenue.

Councilmember Moore expressed her gratitude to the citizens serving as volunteers on the CTAC. She found this to be the most important initiative the City has seen in a long time. With regard to what CTAC wanted the Council to do next, she asked if they planned to bring it to the Community Outreach Committee or to the full Council. He commented several Councilmembers attend CTAC meetings, thus they have had good input from the Council. He suggested the process could possibly include discussion by the Finance Committee prior to consideration by the full Council.

Mr. Preecs explained the goal had always been not just to establish the infrastructure but to identify how to use that infrastructure to promote civic and cultural aspects of the community as well as the practice of government.

Council President Pro Tem Wambolt, who serves on the CTAC along with Mayor Pro Tem Olson, acknowledged when this effort first began he was skeptical until he discovered the members of the CTAC knew what they were doing. He noted the members were very capable people with years of experience who were spending a great deal of their own time on this effort. He expressed his thanks to the CTAC for the time they were donating to the community.

Amend Code Provisions re: Animal Control
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6. PROPOSED ORDINANCE AMENDING THE PROVISIONS OF CHAPTER 5.05 OF THE EDMONDS CITY CODE RELATING TO ANIMAL CONTROL

City Attorney Scott Snyder advised this matter was returned to the Council at their direction. He recalled on February 20, the Council directed the preparation of an ordinance that specifically precluded the trapping of pets and companion animals and provided protections with an amendment to provide for a professional trapping option which he assumed from Council discussion would be via the City’s Animal Control process. He explained the Council’s direction presented several drafting challenges:

- 1) The difficulty for the City’s Prosecutor to prove a pet was intentionally trapped. To address this in the ordinance, he provided a range of penalties. The intentional trapping of a pet by another would be a gross misdemeanor with the penalty of a year in jail and \$1000 fine. Negligent confinement, leaving an animal in a trap, would also be a misdemeanor.
- 2) Imposing criminal penalties on activities that are clearly prohibited under civil laws of the State. The City as a code city has the authority to impose those limitations, if a problem arises, the courts defer to that judgment and findings are rarely overturned. He explained the ordinance would remove the most effective tool that a real property owner had to protect his/her property from trespass.
- 3) Although the City has 7-day per week animal control coverage, it was not 24-hour a day coverage and the Animal Control Officers also provide services to another City by Interlocal Agreement as well as serve as parking enforcement. He noted both the public and Council have expressed a

concern with releasing an animal from the trap and the possibility of Animal Control Officers leaving a trap unattended for 12-14 hours raised issues.

Mr. Snyder explained the ordinance he drafted allowed the City's Animal Control Officers to trap and fulfill their duties with regard to feral cats and injured animals. The ordinance includes an extensive section on the use of private contractors and provides a process for property owners that includes notifying the neighbor if the ownership of the trespassing pet is known, sending a letter to the neighborhood if ownership is unknown, and once that had been accomplished, authorizing property owners to utilize a private contractor list to trap an animal. He noted the process for identifying contractors would be similar to the City's process for identifying towing companies. He pointed out the difficulty of providing trapping as a service under the City's existing levels; the intent of the draft ordinance was to avoid a budgetary impact. He explained after a pet owner was notified their animal was trespassing and did not take reasonable steps to keep the animal at home, the pet owner could be guilty of a civil infraction. He noted although the property owner would have to pay the cost of trapping initially, a judge would have the ability to assess the costs of trapping to the pet owner.

Mr. Snyder acknowledged this was much more than the Council asked for; however, the short approach would do nothing more than provide an illusion of control. He advised a more limited version, Version B, was also provided that had no pet owner responsibilities. With regard to a question regarding the definition of pet, Mr. Snyder advised the definition was taken from the Webster's dictionary. He advised that staff's recommendation remains the same, finding there was insufficient public issue to justify regulation and view it as involving the City in essentially a neighbor dispute between a pet owner and a real property owner. To provide a legislative history in the event of a challenge, he requested the Council emphasize in their discussion the public benefit to be obtained and the problem to be solved.

Councilmember Dawson commented whether or not the City enacted an ordinance that established the responsibilities of a pet owner, the law still applied and a real property owner could civilly sue a pet owner. Mr. Snyder agreed. Councilmember Dawson noted if the Council did not adopt Version B, they would not be abrogating common law that required people not allow their animals to trespass on another's property. Mr. Snyder agreed. He explained another problem with drafting the ordinance was unless it was a crime for a cat to roam at large, a cat was not doing anything illegal by roaming at large, thus there were constitutional issues with authorizing the City's Animal Control Officer to trap to abate a civil nuisance. It would need to be a criminal or public nuisance to involve Animal Control personnel.

Councilmember Dawson recommended if the Council chose to adopt Version B, the portion of the title in Section 5.05.110 "and the abatement of private nuisances" be deleted. Mr. Snyder agreed.

Councilmember Dawson commented although this was an issue that did not arise with any frequency, now that it had arisen, she feared the public may believe it was acceptable to trap pets which she did not want to allow. If the Council did not want to allow trapping, she asked whether staff recommended the Council adopt Version A or B. She noted Version A was more detailed and may be overkill and may require more staff time to do an RFQ, etc. Police Chief David Stern recommended the less cumbersome option, Version B. He noted Version A created specific intent crimes that required a particular state of mind at the time the crime was committed. In his experience few prosecutions would occur under that statute. He noted there was no significant history of this type of action in the City, this was the first one he was aware of and the only one the City's 20-year Animal Control Officer was aware of.

For Councilmember Dawson, Chief Stern confirmed staff felt Version A which included the ability to contract with a trapping service was unnecessary. In addition, he was only aware of one potential contractor who would qualify to trap animals.

Councilmember Dawson asked if there had been instances where a person had intentionally trapped their neighbor's pet for ill intent. She noted trapping and torture of animals was an indicator of more violent behavior. Chief Stern acknowledged there were people without the values most of the community had with regard to pets but that was an infrequent occurrence. Councilmember Dawson commented if someone were intentionally trapping animals, it would be a public safety concern that could be addressed. Chief Stern agreed.

Councilmember Marin questioned the merits of option A and B versus an Option D which would be to do nothing and retain the existing provisions. Chief Stern answered due to the infrequent nature of this incident, the existing provisions were adequate to address the situation. He assured staff would carry out whatever direction the Council provided.

Animal Control Officer Debbie Dawson answered Animal Control handled a variety of animals including dogs, cats, rabbits, goats, and chickens every day, and all were handled the same within the laws of the City. Any animal running at large was subject to enforcement action. If a person has an animal on their property, they often call Animal Control and they pick up the animal. She summarized their role was to protect pets; if the regulations were not changed, they would continue to pick up all types of pets.

Mr. Snyder commented when Mr. Martin first brought his complaints forward, Chapter 50.5 was being amended. There had previously been authorization to provide traps. Staff determined that was no longer in the ordinance and removed the statement from the City's website and stopped providing traps.

Councilmember Plunkett commented under Version B very little change would occur other than a person could not trap animals and therefore a person would either call Animal Control or humanely shoo the cat away. He asked whether staff had only been called out once in 20 years to deal with a cat. Chief Stern clarified 40% of the Animal Control calls were in regard to cats, predominately stray cats; this was the first case involving these specific issues. If trapping were prohibited, Councilmember Plunkett did not envision an increase in Animal Control's workload. Chief Stern also did not anticipate any significant increase.

Councilmember Plunkett commented in Version B it was still permissible for people to trap stray/feral/wild cats for the purpose of caring for them. Mr. Snyder answered that was allowed in both ordinances.

For Council President Pro Tem Wambolt, Chief Stern advised 40% of Animal Control's calls were related to cats, 59% were related to dogs and 1% to rabbits, goats, guinea pigs, etc. Council President Pro Tem Wambolt assumed some of the calls regarding cats involved a resident complaining about a neighbor's cat in their yard. Chief Stern agreed that did occur. Council President Pro Tem Wambolt assumed staff was able to adequately satisfy the parties involved using the existing ordinance. Chief Stern agreed they were.

Ord# 3634 –
Amend Code
Provisions re:
Animal Control

COUNCILMEMBER DAWSON MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, FOR APPROVAL OF VERSION B VIA ORDINANCE NO. 3634 WITH THE EXCEPTION OF THE LANGUAGE MR. SNYDER AGREED SHOULD BE STRICKEN IN REGARD TO THE ABATEMENT OF PRIVATE NUISANCES.

Councilmember Dawson urged the Council to support Version B, agreeing it would be extremely difficulty to prove someone intentionally trapped a neighbors pet. Although it would be a rare occurrence, this was an opportunity for the Council to send a message that trapping a neighbor's pet was not appropriate and that there were other ways to address the issue. She noted a cat leash law was not the issue. As a cat owner herself, she did not allow her cat outside and believed that was a pet owner's responsibility to keep their cat confined due to the dangers to a pet from wild animals. She opined

Version B allowed the Council to send the message that it was not appropriate to trap animals as a form of abatement, whether as part of a neighborhood dispute or in circumstances where the intent was to maliciously harm the pet. She appreciated Mr. Snyder's effort to draft Version A, however, staff did not find that level of detail necessary.

Councilmember Marin spoke against the motion, recalling he was the Chair of the Public Safety Committee when this issue arose. The Committee agreed with Chief Stern that it was a dispute between neighbors that did not require amendment of the ordinance and should be addressed on a neighbor-to-neighbor level. He preferred to restore the language in the ordinance regarding property rights and protection of the animal which could have been accomplished by Version C. If Version C could not be adopted, he preferred Version D, do nothing and allow neighbors to settle disputes themselves.

Councilmember Plunkett commented although the issue arose via a dispute between neighbors, it did not lessen the opportunity for a public policy to address the issue. He preferred it be addressed via ensuring the humane treatment of pets as well as the rights of property owners and stating the obligations of the Police Department. He summarized there was a public policy issue to be resolved, not a dispute between neighbors. He supported Version B due to the larger legislative and community issue.

Councilmember Orvis expressed his support for the motion. He advised trapping was legal now; the Public Safety Committee wanted to regulate it and input from the community indicated a desire to ban trapping. He noted the letters the City received were predominately opposed to trapping of cats including one letter that referred to an incident 20 years ago that lead to community meetings, a situation he wanted to avoid.

Council President Pro Tem Wambolt commented he had come full circle on this issue; when this was discussed the last time, he supported staff developing further regulation. He now believed nothing needed to be done.

Councilmember Moore spoke in favor of the motion for the reasons Councilmember Dawson stated. She noted this began as a neighborhood dispute but had progressed beyond that and became a policy issue. She regretted the relationship between neighbors had been harmed by this issue.

Mayor Pro Tem Olson supported Version D, do nothing, pointing out this had not been a problem in the past. She objected to creating more layers of government, more work for Animal Control and for the Council to micromanage operations. If trapping of cats was rampant, she could support changing the ordinance but noted that did not seem to be the case.

Councilmember Dawson commented it appeared the three Councilmembers who did not support the motion were not supportive of trapping animals. Thus the City should prohibit trapping if it was not acceptable to the Council. She reiterated the unlikelihood of prosecutions, but found it an appropriate message to send. She suggested Council President Pro Tem Wambolt and Mayor Pro Tem Olson who did not support trapping, consider supporting the motion to send a message that trapping was not appropriate.

Mayor Pro Tem Olson pointed out the property owner who had cats coming into their yard did not get much help from the City to address the issue.

Councilmember Moore sympathized with people who had cats coming into their yard. She expressed her dislike for cats, noting there had to be a better way to address that situation.

UPON ROLL CALL, MOTION CARRIED (4-3), COUNCILMEMBERS ORVIS, MOORE, DAWSON AND PLUNKETT IN FAVOR AND MAYOR PRO TEM OLSON, COUNCIL PRESIDENT PRO TEM WAMBOLT AND COUNCILMEMBER MARIN OPPOSED. The ordinance approved is as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF CHAPTER 5.05 OF THE EDMONDS CITY CODE RELATING TO AN ANIMAL CONTROL BY AMENDING SECTION 5.05.010 TO ADD A NEW DEFINITION FOR “PET” AND ADDING A NEW SECTION 5.05.110 CRIMES RELATED TO THE CONFINEMENT OF ANOTHER’S ANIMAL, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

7. AUDIENCE COMMENTS

Confining Cats

Mary Leake Schilder, PAWS, Lynnwood, commended the Council for making great strides in this matter and encouraged them to include an educational component. She described PAWS efforts to educate cat owners about the importance of keeping cats “safety confined” so they did not roam free. She described dangers to free-roaming cats including wild predators, cars, parasites, disease, and cruel people. She advised only 3% of cats turned into shelters as strays were returned to their owners. She noted cats who avoided danger were a threat to birds and small wildlife. She described methods for safely confining cats including an outdoor enclosure, install a special addition to a fence to keep the cat in the yard, walk the cat on a leash, provide enrichment for indoor cats and only allow a cat outside when supervised by a human family member. She advocated proper identification for cats including microchips. She noted as more cat owners realized their responsibility to keep their pets confined, Edmonds would see a decline in neighbor disputes, funds spent on animal control services and more families would enjoy the companionship of their pets.

Old Woodway Elementary Site

Alvin Rutledge, Edmonds, displayed the 1969 Comprehensive Plan. He advised the Hearing Examiner made a decision against the resident group’s appeal; the court case for appeal by the Association, Case No. 07203221, would be heard in Snohomish County on May 1. He recommended the buildings on the former Woodway Elementary School site not be demolished until the court case had been concluded. He referred to a letter sent to Chief Stern regarding problems on the former Woodway Elementary School site and Chief Stern’s reply that the Police Department would do their best to patrol the area. He recommended nothing be done with regard to the property until the issues were cleared up. Next he recommended the Council schedule consideration of term limits on an upcoming agenda. He also expressed appreciation to those who supported the Kiwanis Club’s food drive last week at Top Foods.

Term Limits

Food Drive

Trapping of Cats

Robert Chaffee, MD, Edmonds, commented he was surprised and disappointed that the Council made a decision before discussion with the public. As the Council had eliminated trapping, he recommended instituting a leash law for cats. He cited problems they encountered from cats digging in their garden, leaving surprises, and killing birds. He noted the bigger problem was feral cats, and the Council had eliminated trapping as a method of rehabilitating feral cats. He quoted a policy statement from the American Veterinary Medical Association (AVMA) that encouraged and supported actions to eliminate free roaming, abandoned and feral cats due to the significant impact they had on the mortality of birds, small animals, reptiles, amphibians and fish as well as the spread of disease. The AVMA supported the reduction of the number of free roaming, abandoned and free-roaming cats via humane capture and placement in homes, which he noted was eliminated by the ordinance the Council adopted. The AVMA supports State and local agencies adopting and enforcing ordinances that encourage cats to be kept indoors, in an outdoor enclosure or on a leash. He summarized his goal was not to keep all cats indoors but to control problem cats and their owners and in the long term decrease the number of cats allowed outdoors and help solve the feral cat problem.

Changes to Code re: Animal Control

James Anable, Jr., Edmonds, an attorney practicing animal law in Seattle, spoke on behalf of Robert McCallum. He explained the scope of his practice has included drafting and commenting and suggesting changes to codes at the state and local level. He referred to the common law regarding trespass, recommending the City strike the exclusion of cats from the at-large provision. He circulated several

photographs of Mr. McCallum's experience with cats in his yard. He explained Mr. McCallum kept quail as pets; after having 16 killed last year, he built a protective enclosure. On Saturday he awoke to find a cat trapped inside the enclosure, raising the issue of whether with the adoption of this ordinance Mr. McCallum would be guilty of the criminal offense of trapping a cat. He recommended placing the burden on the pet owner rather than the property owners that experience trespass. He noted a survey of Woodway, Lynnwood and Mountlake Terrace indicated they included cats in the at-large provision. He cited dangers to at-large cats, commenting if the City was concerned with cruelty and animal welfare issues, they would regulate cats the same as other animals.

Changes to
Code re: Cats

Debbie McCallum, Edmonds, expressed concern with granting cats complete freedom to trespass on neighboring property to engage in behavior that polluted parks and yards with animal waste and depleted wildlife, to engage in the offensive behavior of spraying to mark territory, spreading diseases that can be transmitted via soil, and not requiring licenses and tags. She pointed out citizens did not appreciate their well-tended gardens being compromised by cats or discovering the remnants of a bird or small animal, but most attempted to maintain a harmonious relationship with their neighbors. She explained they asked the neighbor on several occasions to keep their cats from their property and were told to get rid of their bird feeders, that the cats' free reign took precedence, that the quality of the cats lives superseded any damage to their property and because there were no laws, they would have to put up with the cats. She summarized it was appropriate for the City to establish at-large restrictions, fines and license fees to apply to domestic cats. She expressed frustration the Council had taken away a property owner's ability to keep a cat off their property.

Changes to
Code re: Cats

Robert McCallum, Edmonds, echoed Debbie's comments, finding the public was treated unfairly tonight by not having an opportunity to speak to the Council before the Council made its decision. He referred to the question posed to Animal Control Officer Debbie Dawson, noting when she responded to cat nuisance problems, there was no satisfaction for the property owner because cats were excluded from the at-large provisions. He cited an instance when cats slaughtered his birds in his front yard. He circulated photographs of his yard where they encourage wildlife, birds, and Douglas Squirrels. He questioned his right to request a neighboring property owner keep his cats off his property, explaining he was unsuccessful because there was no law prohibiting them from roaming at-large. He did not advocate trapping cats but questioned how property owners could obtain any satisfaction. He described his efforts to keep the cats off his property, beginning with talking to the neighbor and when that was unsuccessful, setting the trap in accordance with Animal Control's directions. He acknowledged the cat was injured but it was now at home while his birds were dead. He suggested Mayor Haakenson veto the ordinance.

Changes to
Code re: Cats

Elisabeth Larman, Edmonds, congratulated the Council on making a difficult decision, to prohibit trapping. She commented a property owner raising birds had a responsibility to build an enclosure to protect the birds. She complimented Officer Debbie Dawson, describing her efforts to fine a dog owner whose dog attacked her; the dog is now kept on a leash.

Changes to
Code re: Cats

Roger Hertrich, Edmonds, pointed out the Council failed to enact a cat license and leash law. He recommended equal treatment for dogs and cats. Next, he urged the Council to hold a public hearing with regard to parks and specifically the former Woodway Elementary School site before any building demolition occurred. With regard to the Mayor vetoing the ordinance, he noted Mayor Haakenson could not veto it because he was not present and seemed to be absent quite frequently. He recommended establishing a system for tracking comp time for department directors. With regard to establishing a broadband system, he did not agree with pursuing such a system due to changes in programs/technology. He questioned whether the CTAC had considered the technology used by Clearwire.

Old Woodway
Elementary Site

Technology
Committee

Trapping Feral
Cats

Vickie Purretta, Feral Cats Project, commented there were many grassroots organizations involved in trapping feral cats who have spayed/neutered over 30,000 cats. She pointed out there were humane ways

to trap cats, noting that covering the trap served to calm the animal. She was concerned they would be unable to continue their efforts to spay/neuter the large feral cat population, advising there were 720,000 feral cats in the Puget Sound area. She advised she had assisted with trapping animals in Edmonds at no cost to the City.

Councilmember Plunkett assured the ordinance the Council passed did not prohibit trapping of feral cats.

Mayor Pro Tem Olson advised Mayor Haakenson was absent because he had the flu.

8. INDIVIDUAL COUNCIL REPORTS ON OUTSIDE COMMITTEE/BOARD MEETINGS

WRIA 8/
Salmon
Recovery

Councilmember Orvis reported the recent meeting of WRIA 8/Salmon Recovery Council included election of officers and discussion regarding items that were funded in the past and issues to be resolved by the Legislature.

SnoCom /
SnoPak

Councilmember Dawson reported SnoCom, the 911 dispatch center for South Snohomish County, was continuing efforts regarding interconnectivity with SnoPak. They have applied for a grant to assist with that effort which they learned recently was the granting agency's top priority. She advised a tentative agreement had been reached in an ongoing lawsuit with past employees of the center regarding overtime.

Port
Commission

Council President Pro Tem Wambolt reported on the March 12 and March 26 meetings of the Port Commission where they approved a 3-year agreement with Northwest Country Management for continued management of Harbor Square and reviewed their financial results for 2006 which indicated the Port had approximately a \$2 million profit last year. He advised Woodway honored the Port for receiving the Marina of the Year award.

South
Snohomish
Cities

Mayor Pro Tem Olson reported South Snohomish Cities is holding a dinner on April 26 with the Snohomish County Councilmembers. She urged Edmonds Councilmembers to attend.

Sound Transit

Councilmember Marin reported the Sound Transit Board was moving toward finalizing the second phase of a ST2 and RTID package and revising their financial policies to allow build out over the next 30 years. He advised Sound Transit was in a public comment period that would help finalize the elements of the final package that will be presented to the voters in November; to date they have received 6,000 comments. He reported the Snohomish County Tomorrow Steering Committee was meeting tomorrow to discuss annexation principles that were developed by a subcommittee. He advised the Hwy. 99 Taskforce did not meet this month, awaiting information from Snohomish County regarding annexation.

Snohomish Co.
Tomorrow

Parking
Committee

Councilmember Plunkett reported at the Parking Committee, Municipal Court Judge Doug Fair relayed the difficulty jurors experience with parking downtown. The Council approved a temporary jury parking permit on tonight's Consent Agenda.

9. MAYOR'S COMMENTS

Council Retreat

Mayor Pro Tem Olson thanked staff for their assistance with the retreat, especially Senior Executive Council Assistant Jana Spellman and City Attorney Scott Snyder.

10. COUNCIL COMMENTS

Technology
Committee

Council President Pro Tem Wambolt advised CTAC has considered Clearwire as well as many other past, present and emerging technologies. He encouraged citizens commenting on this topic to obtain additional information.

220th Street
Project

Councilmember Moore referred to the comments by Development Services Director Duane Bowman regarding her remarks about overruns on the 220th Street project. While it was acceptable for citizens to take the Council to task, she found it inappropriate for staff as it was the Council's responsibility to question without receiving an overly sensitive response from staff that questioned the motive or methods. With regard to the 220th Street project, she pointed out the first mistake was to omit the left turn lane, a design fault that was passed by engineers and the contractor accepted responsibility, likely to avoid the loss of future business from the City. The second mistake was using the City's former Traffic Engineer who resigned to work for the contractor which cost the City an additional \$140,000. The explanation was he had so much expertise with the project that he was the only one and the best one to finish the project. She questioned what would have happened if he had died, whether the City's engineer would not have been able to step in and manage the construction project. If not, perhaps a change was necessary to ensure every employee had someone who could fill in for them in the case of an emergency.

Councilmember Moore commented her questions regarding the 220th Street project were legitimate; it ran over time and over budget. She pointed out the Performing Arts Center cost three times as much and finished on time and on budget, questioning why the City should not expect the same from this project. She concluded the Council should not be disparaged by staff for stating their opinion and how things were done in the City. She suggested the Mayor may want to provide some additional training for Directors. She noted the vast majority of the City's staff were hardworking and loyal; she hoped their loyalty did not drift into unbecoming public challenges of Councilmembers' opinions.

City's Financial
Future

Councilmember Moore referred to the Council retreat where the main topic was the City's financial future. The Council was presented with the same projection that has been provided for the past two years, with the same decreasing balance scenario. She explained although the City managed to piece the budget together year after year, the City would soon begin consuming the \$2 million reserve which she found was critical to maintain to protect citizens in the case of an emergency. She asked the Council at the retreat to consider creating long term goals/strategic plan/vision. She recommended both the Mayor and the Council have a plan and if their plans did not agree, the Mayor and Council should compromise and reach a consensus on a strategic plan.

Strategic Plan

Councilmember Moore recalled at the retreat the Council was asked to indicate what taxes they wanted to increase and what cuts in services they could accept. She preferred an alternate approach – creating a strategic plan to grow the income of the City in ways that did not burden the taxpayers. She pointed out this was being done throughout Washington; she provided a copy of the *Snohomish County Business Journal* that recognized the Mayor of Marysville for his vision and strategic planning. She acknowledged the City was in competition for sales tax dollars from surrounding cities.

Create 15-year
Plan

Councilmember Moore concluded the citizens of Edmonds deserved to know the City's plan for the future. She recommended establishing at least a 15-year plan with annual goals so that the Council could report annually on their accomplishments especially if there were cuts in services or increases in taxes. She invited citizens to urge the Council to start working on a strategic plan. She acknowledged because this was an election year it may not be appropriate to begin working on a strategic plan this year, but recommended it begin next year.

11. ADJOURN

With no further business, the Council meeting was adjourned at 9:35 p.m.