

EDMONDS CITY COUNCIL APPROVED MINUTES

May 15, 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*
(*Via phone for Agenda Items 5 & 6 only)

STAFF PRESENT

Gerry Gannon, Assistant Police Chief
Duane Bowman, Development Services Director
Stephen Clifton, Community Services Director
Dan Clements, Administrative Services Director
Debbie Dawson, Animal Control/Ord. Enforcement
Scott Snyder, City Attorney
Sandy Chase, City Clerk
Jana Spellman, Senior Executive Council Asst.

ELECTED OFFICIALS ABSENT

Gary Haakenson, Mayor

ALSO PRESENT

Shaun Callahan, Student Representative

1. APPROVAL OF AGENDA

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER MOORE, TO APPROVE THE AGENDA IN CONTENT AND ORDER. MOTION CARRIED UNANIMOUSLY (Councilmember Orvis was not present for the vote.)

2. CONSENT AGENDA ITEMS

Council President Pro Tem Wambolt requested Item B be removed from the Consent Agenda.

COUNCILMEMBER MOORE MOVED, SECONDED BY COUNCILMEMBER MARIN, TO APPROVE THE CONSENT AGENDA AS AMENDED. MOTION CARRIED UNANIMOUSLY. (Councilmember Orvis was not present for the vote.) The agenda items approved are as follows:

A. ROLL CALL

C. APPROVAL OF CLAIM CHECKS #96131 THROUGH #96294 FOR MAY 10, 2007 IN THE AMOUNT OF \$354,458.82.

D. AUTHORIZATION FOR THE MAYOR TO SIGN THE CONTRACT WITH THE EDMONDS ARTS FESTIVAL ASSOCIATION FOR THE 2007 EDMONDS ARTS FESTIVAL.

E. BROADBAND BUSINESS PLAN CONSULTANT SELECTION.

F. PROCLAMATION IN HONOR OF PUGET SOUND BIRD FEST IN EDMONDS, MAY 18 AND 19, 2007.

Approve Claim
Checks

Edmonds Arts
Festival
Contract

Broadband
Business Plan
Consultant

Puget Sound
Bird Fest
Proclamation

Approve 5/8/07
Minutes as
Amended

ITEM B: APPROVAL OF CITY COUNCIL MEETING MINUTES OF MAY 8, 2007.

Council President Pro Tem Wambolt requested the following amendments be made to the minutes:

- Page 3, second to the last paragraph, last sentence: the number 45 should be changed to 25.
- Page 4, third to the last paragraph, second sentence: the figure \$102,000 should be changed to \$111,247.

COUNCILMEMBER MOORE MOVED, SECONDED BY COUNCILMEMBER MARIN, FOR APPROVAL OF ITEM B AS AMENDED. MOTION CARRIED UNANIMOUSLY. (Councilmember Orvis was not present for the vote.)

Police Week
Proclamation

3. PROCLAMATION IN HONOR OF POLICE WEEK, MAY 13 - 19, 2007.

Councilmember Dawson read a Proclamation declaring May 13 - 19 as National Police Week and urging citizens to observe Tuesday, May 15 as Peace Officers Memorial Day. She presented the Proclamation to Assistant Police Chief Gerry Gannon.

Assistant Chief Gannon thanked Mayor Pro Tem Olson for attending the award ceremony yesterday to honor citizens and officers who performed exceptionally in helping protect the community during 2006. He also thanked the community for their support during the past three weeks after the loss of Police Chief David Stern.

Councilmember Dawson asked for a moment of silence in remembrance of Police Chief David Stern.

Edmonds Arts
Festival
Proclamation

4. PROCLAMATION IN HONOR OF THE 50TH ANNIVERSARY OF THE EDMONDS ARTS FESTIVAL.

Councilmember Moore read a Proclamation commemorating the 50th Anniversary of the Edmonds Arts Festival and presented the Proclamation to Edmonds Arts Festival Board Member Darlene McClellan. She recognized Ann McDonald who had volunteered for the Edmonds Arts Festival since 1959, the second year of the Festival.

Ms. McClellan thanked Edmonds, one of the Festival's primary partners, for their support. She invited the public to enjoy the museum as well as the 3-day Arts Festival on Father's Day weekend.

Public Hearing
on Ordinance
No. 3639

5. PUBLIC HEARING ON ORDINANCE NO. 3639, ESTABLISHING A PERIOD IN WHICH TO PREPARE AN APPLICATION AND FORMS OF DECISION. THE ORDINANCE ESTABLISHES A THIRTY-DAY STAY ON PROCESSING OF ANY APPLICATIONS TO THE ARCHITECTURAL DESIGN BOARD UTILIZING THE NEW DESIGN REVIEW PROCESS.

(Councilmember Orvis joined the Council meeting via telephone.)

Development Services Director Duane Bowman explained following the Council's approval of Ordinance No. 3636 which established a new design review hearing process, staff discovered handouts and forms were necessary to implement that process. Council passed Ordinance No. 3639, an interim ordinance, imposing a 30-day stay to allow staff and the City Attorney to develop the forms. State law requires a public hearing be held within 60 days; the ordinance expires on May 16, 2007.

Mayor Pro Tem Olson opened the public participation portion of the public hearing.

Al Rutledge, Edmonds, expressed support for the ordinance which allowed staff additional time.

Hearing no further public comment, Mayor Pro Tem Olson closed the public hearing.

City Attorney Scott Snyder advised if the Council wished to allow the interim ordinance to expire, no further action was necessary.

Proposed
Amendments to
ECC 5.05
Relating to
Animal Control

6. **PUBLIC HEARING ON PROPOSED AMENDMENTS TO EDMONDS CITY CODE CHAPTER 5.05 RELATING TO ANIMAL CONTROL. AMENDMENTS INCLUDE DELETING CATS FROM THE EXEMPTION OF ROAMING AT LARGE AS WELL AS REQUIRING LICENSING OF CATS.**

Assistant Police Chief Gerry Gannon relayed staff's request to pull Exhibit 5, the cat licensing ordinance, to allow Animal Control/Ordinance Enforcement Officer Debbie Dawson an opportunity to do a comprehensive update of the fee schedule for both dogs and cats and to include a requirement for microchipping for dogs and cats in the ordinance. Staff was satisfied with the running at large ordinance in Exhibit 4. He clarified staff supported licensing cats but needed additional time to address the items he identified.

Councilmember Moore asked whether the Council should adopt the running at large ordinance tonight and delay the licensing ordinance or adopt both at the same time. City Attorney Scott Snyder answered unless a penalty were established, the requirement to license cats could not be enforced. Officer Dawson responded if the running at large ordinance were passed tonight, it could be enforced regardless of the license requirement.

Mayor Pro Tem Olson opened the public participation portion of the public hearing.

Richard Hibbert, Edmonds, expressed concern that without cats, the rat population in the City would increase. He objected to penalizing cats and their owners via the proposed ordinance.

Bette Hibbert, Edmonds, agreed cats should be microchipped and did not object to a license requirement or humane trapping of a bothersome cat. She objected to total control, citing the potential increase in the rat population. She noted their Maine Coon was trained to stay in their yard and had killed at least 15 large rats in the past eight years. Her primary concern was ensuring the rat problem did not increase, particularly near the water. She referred to an article regarding a neighborhood in Sacramento where the elimination of feral cats resulted in a severe rat problem. She was concerned with introducing diseases carried by rats in exchange for the convenience of controlling cats. She hoped the City's shelter had a microchip reader that read all microchips as there were some readers that did not. She pointed out the difficulty controlling nature, pointing out crows and hawks were also natural predators of small birds.

Maryellen Young, Edmonds, was against the ordinance requiring cats be contained. She pointed out the difficulty of training a cat to stay indoors once a cat had been allowed outside and suggested grandfathering all existing cats. She referred to Officer Dawson's indication that 40% of animal control calls were for cats, questioning how many were in regard to neighborhood cats. If neighborhood cats were kept indoors, there would still be calls to animal control for strays, abandoned litters and feral cats. She noted the potential for neighborhood disputes as a result of the ordinance and the increase in animal controls calls that would occur. She shared concern about the potential increase in the rodent population. She referred to Officer Dawson's indication that only 10% of captured cats were returned, questioning what happened to the cats that were not returned and citing the additional cost to the City to house and euthanize more cats. She was not opposed to requiring cats be licensed or microchipped. She questioned the statement that Edmonds was in the minority of cities that did not require cats be contained. She asked when this was identified as a critical city need and what research was conducted prior to proposing this change. She objected to a dispute between neighbors resulting in City policy.

Cheri Zehner, Edmonds, explained her background was in environmental health and her yard was a certified backyard sanctuary. As a former health inspector, one of her responsibilities was responding to rodent complaints; none of the environmental-friendly remedies was a cat. She pointed out cats catch diseases from capturing rodents and birds. She enumerated diseases transmitted by cats to humans including rabies and toxoplasmosis and encouraged the Council to remove the exemption for cats from the at large ordinance. She referred to her letter which contained further detail.

Bob Chaffee, Edmonds, cited information from the Humane Society of the United States Guide to Cat Law and Coalition that stated although cats enjoyed being outdoors where they could explore, it was a myth that going outdoors was a prerequisite for cat happiness. A Puget Sound Cats Indoors Coalition brochure, "An Indoor Cat is a Happy Cat," stated indoor cats lived 10-15 years longer than indoor-outdoor free roaming cats, were healthier and had a safer and more comfortable environment. The brochure cited dangers that free roaming cats encountered including dogs, poisons, predators, illnesses and deliberate inhumane treatment. He cited the Humane Society which indicated cats were the number one domestic vector for rabies and spreading toxoplasmosis. He commented on the ability for cat owners to create feline-friendly indoor spaces, concluding the proposed ordinance did not require cats to remain indoors but allowed them to be outdoors in an enclosure or on a leash. He urged Council to revise the City's running at large ordinance by eliminating the exemption for cats. He also recommended cats be required to be licensed.

Linda Villevik, Edmonds, asked how many complaints the City received about cats. She asked what constituted "roaming at large" and whether the same criteria that applied to dogs would apply to cats. She commented they lived on a cul-de-sac with numerous cats; she had not seen a rodent in the five years they lived there. If the ordinance were enacted, she asked the priority of enforcing it.

Jan Robertson, Edmonds, agreed with the need for cats to control rodents, noting in 40 years she had only seen one feral cat. She commented on issues that arise in a neighborhood including unmowed lawns, loud music, barking dogs, etc., and urged residents be more tolerant neighbors. If a cat was bothering someone, spray the cat with the hose. She supported requiring a cat license, noting her cat was microchipped.

Lori Kunze, Edmonds, whose two cats stayed indoors, explained they recently moved to Edmonds from Michigan where allowing cats to roam free was considered cruel due to the dangers they faced from cars, heat and cold. She recommended cat owners keep their cats confined to their yards or if they roamed free, be microchipped so that animal control could return them. Because neighborhood cats used their yard as a litter box and the puppy they are raising as a service dog consumes the feces and contracts intestinal parasites, they can no longer allow the puppy loose in the backyard. She supported requiring a cat license and urged owners whose cats roamed free to ensure they were free of disease and parasites.

Clare Bland, Shoreline, representing PAWS, encouraged Council to support the proposed amendments, finding it a progressive and important step. Removing the exemption for cats from the at-large ordinance would hold cat owners to the same expectations and responsibilities as other pet owners – protecting them and preventing them from becoming a hazard or nuisance. Keeping cats confined would ultimately reduce feral cat populations as most feral cats were descendants of unaltered pet cats allowed to roam that become lost. Licensing would assist in returning lost cats and lowering euthanasia of cats as well as reduce costs by allowing staff to return cats to their homes rather than a shelter. Requiring cats to be confined would lower their exposure to hazards such as cars, poisons, wild predators and cruel people. She noted 13% of animals received at the PAWS Wildlife Center had been attacked by free roaming cats. She acknowledged residents would be required to make adjustments to keep their cats confined and encouraged the City to consider an educational component, offering PAWS as a resource.

Bonnie Olson, Edmonds, commented when she was looking for a rental home in surrounding cities, she found most required cats to be indoors or required cats to be leashed. She was concerned for her cats' quality of life, envisioning it would be difficult to walk them enough on a leash. She concluded if Edmonds eliminated the exemption for cats, she would be forced to move.

Carol Hahn, Edmonds, agreed with the suggestion to grandfather existing free roaming cats. She commented on their intent to have the cat that they obtained from the animal shelter be an indoor cat but the cat's insistence on being outdoors. She was happy to have her cat microchipped and obtain a license, and urged the City not to set the license fee too high. She noted for the cats that had been allowed to roam free, it was an imposition to require they be confined.

Bob Clos, Edmonds, supported regulating both cats and dogs and the City's action on neutering and trapping feral cats. He referred to his granddaughter's Maltese who was smaller than the cats in their neighborhood but was required to be leashed and have her waste cleaned up. By contrast, the approximately six cats in their neighborhood used their garden as a litter box, kill birds, etc. He noted regulating dogs seemed to work, similar regulations for cats could work equally as well. He anticipated the program could be funded via license fees and fines.

Rose Marie Nichols, Edmonds, advised their cat was primarily a house cat but did not have an indoor litter box. She agreed with licensing and microchipping cats. She commented on the difficulty leashing an adult cat who was not used to a leash. She explained her cats did not roam far and used only their yard for a litter box. She agreed with the suggestion to grandfather existing free roaming cats.

Debbie McCallum, Edmonds, disagreed with the comment that a confined cat would suffer emotional trauma due to lack of contentment. She questioned why the cat's feelings took precedence over neighbors who did not welcome cats on their property. She assured there were other methods of confining cats in addition to a leash such as electronic fencing and cat enclosures. She objected to being labeled a cat hater because they did not want the neighbors' cats on their property, expressing a desire to keep their property free of cat waste and dead birds. She concluded many local jurisdictions had cat leash laws including Lynnwood, Mukilteo, Lake Forest Park and Woodway.

Doris Eaker, Edmonds, identified herself as a cat lover and advised their cats stayed in their backyard by choice but were free to roam. She did not support a cat leash law.

Mike Monroe, Edmonds, commented on the difference between the impacts of cats and dogs, finding it ridiculous to require a leash for a cat or require an outdoor cat be confined to the owner's property. He observed the Council packet indicated a majority of cat owners were not in favor of this ordinance. With regard to the statement that Edmonds was in the minority by not having a cat leash law, his research via Municipal Research and Services Center of ten cities found only Woodway had a leash law. Cities without a cat leash law included Everett, Seattle, Marysville, Monroe, Snohomish, Shoreline, Bellevue, Mill Creek and Mountlake Terrace which he noted constituted a population of approximately one million which was hardly a minority. He concluded if Edmonds adopted a cat leash law, it would be in the minority. He urged Council not to adopt the cat leash law but was amenable to requiring a cat license.

Doug Rainwater, Edmonds, found it premature to enact a leash law for cats if the leash law for dogs was not being enforced. He pointed out unleashed dogs often chased eagles, herons, seals, ducks, geese, etc. on the beach. He agreed with requiring licensing and microchipping. He agreed there was a rat problem in the Edmonds area, advising his cat caught a rat today.

Doug MacWilliams, Edmonds, commented on an indoor-outdoor cat he owned for 20-years that did not bother anyone in the neighborhood. He suggested if the goal was to control nuisances, licenses, leashes,

and microchips should be required for children as they created more ruckus in his neighborhood than cats. He pointed out dead birds could also be due to raccoons, coyotes, hawks and owls. He described his experience with a cat that escaped from its harness and leash during a move, summarizing he did not support requiring cats to be leashed or confining them to the yard.

Joan Bloom, Edmonds, spoke in favor of licensing cats but questioned the sanity of enacting regulations that prevented cats from roaming free. In talking to her neighbor about the ordinance, the neighbor reported her cat had killed no less than six large rats. If cats were contained indoors, rats would be free to roam and make their homes in crawl spaces, sheds, garages, attics, etc. She summarized her two cats and neighborhood cats often killed mice but she had only found two dead birds. She pointed out the key to preserving birds was providing habitat.

Susie Schaefer, Edmonds, Vice President, Philchuck Audubon Society, provided a copy of the National Audubon Society resolution urging jurisdictions to adopt laws that protected wildlife and identifying the effect of cats as predators. Commenting that she usually spoke about habitat preservation, cats also posed a danger for birds as they did not distinguish between desirable and undesirable birds. She encouraged the Council to take action to preserve birds and wildlife in Edmonds. In response to Ms. Schaefer's question, Mayor Pro Tem Olson advised the proclamation in honor of the May 18-19 Bird Fest was approved on the Consent Agenda.

Olaf VanLuenen, Edmonds, favored cat owners who were responsible for their pets similar to dog owners. He referred to three cats in his neighborhood that used his yard as a litter box, a violation of his property rights. He supported regulations that required cat owners to keep their pets confined to their yard.

Al Rutledge, Edmonds, commented on problems with geese and beaver on Lake Ballinger, recalling in the past the State trapped the beaver. He noted cats that lived in apartments were primarily indoor cats.

Georgia Welch, Invisible Fence Northwest, advised in the greater Seattle area they had approximately 2500 cats safely contained on property via invisible fences, an option to containing cats via a leash. She offered to provide written information.

Ilene York, Edmonds, reported her leashed cat was attacked by a dog in an apartment complex. She commented if cat owners were more responsible such as maintaining a clean litter box in their home, cats would not use the neighbor's yard as a litter box. She resented that a neighborhood dispute required the Council to adopt such an ordinance when the dog leash law was not being enforced.

Mike Mestress, Edmonds, recommended if a resident had an issue with a neighbor's cat, rather than the cat being taken into custody, animal control could fine the owner.

Mark McDonald, representing his father **Norman McDonald, Edmonds**, referred to a letter his father wrote to the Council regarding this issue. He observed the following from tonight's comments: Officer Dawson supported the equal treatment of cats and licensing of dogs and cats and believed implementation of the proposed ordinance was possible within current budget restraints; the proposed ordinance was not a leash law but a control ordinance; a former health officer stated roaming cats increased the transmission of diseases and unsafe health conditions; a free roaming cat population had a negligible impact on rodent control and better results could be achieved via proper handling of food waste and feeding pets indoors; there were humane and effective ways to exercise cats while controlling them and keeping them safe; animal rights groups supported controlling cats, and uncontrolled roaming cats affected the ability of humans to enjoy their property. He concluded equitable treatment of all pet owners could be achieved by passing the changes to City Code as proposed. He urged Council to consider the facts and approve an

amendment that removed the exception for cats from the at large ordinance. He also supported mandatory licensing of cats.

Mike Shaw, Edmonds, urged Council not to waste taxpayers' money by voting on cat leash laws. He would not support any Councilmember who voted to waste money on that issue. He pointed out dogs were pack animals; cats were not. Although he had numerous run-ins with dogs and packs of dogs in his 56 years in the community, he had never been attacked by a cat.

Roger Hertrich, Edmonds, reported most speakers were in favor of licensing, 16 cat owners did not favor confining them and 8 favored confinement. He disagreed the proposed ordinance was a leash law, noting there were electronic methods for containing dogs or cats on a resident's property. He supported equal treatment for dogs and cats, noting the waste that cats left behind was offensive to many people. He found the health issue posed by free roaming cats to be the most compelling reason for requiring cats to be confined. He acknowledged it may be difficult to confine an older cat that was used to roaming free.

Artel Rainwater, Edmonds, pointed out cats had been around since the pyramids and allowed to roam free. Society owed a debt to the cat population as cats helped get rid of the plague; cats should be revered and honored.

Ray Martin, Edmonds, commented he was the unwilling participant in the neighborhood dispute that raised this issue. He questioned the purpose and goal of the proposed cat restrictions, whether it was to mollify a muttering mob, punish those opposed to animal cruelty and trapping, payback for his complaining about a neighbor's dog who roamed the neighborhood, to protect wild birds, to make life better for residents with feces-eating dogs, or to reduce the number of pet and feral cats. He commented the PRD ordinance that eliminated habitat was more detrimental to the bird population than pet cats. He questioned the percentage of feral versus pet cats in the 40% figure cited by Officer Dawson. He pointed out the downside of the proposed ordinance was the cost versus the expected benefit. He cited other reasons for opposing the proposed ordinance including adding another poorly written, punitive, selectively-enforced ordinance, giving the citizens of Esperance another reason to vote against annexation, and increasing the population of rodents.

Robert McCallum, Edmonds, commented the way to settle this was to listen to animal control staff. He advised Officer Dawson's credentials included serving as a Board Member of the National Animal Control Association, 20 years of animal control experience, 23 years of experience in animal welfare, extensive training and she is fair, knowledgeable and patient. He identified the neighborhood cats that are a nuisance on his property, commenting when he contacted their owners, there was no recourse without a law. He recommended Council adopt the ordinance based on Officer Dawson's experience and knowledge.

Hearing no further public comment, Mayor Pro Tem Olson closed the public hearing.

Councilmember Dawson advised in addition to correspondence in the Council packet, correspondence had also been received from the following:

- Henry Grenley – opposed to changing the law, adding a license requirement for cats was acceptable
- Mike Keplinger – suggested a graduated license that charged more for outdoor cats
- Marcia Fisher – against changing the law
- Anne Meiers – in favor of changing the law as proposed
- Lydia Tanev – in favor of changing the law as proposed
- Councilmember Moore – *Seattle Times* article

- Delores Marshall – opposed to changing the law as proposed
- James Monroe – in favor of residents keeping cats confined
- Tom & Ann Bunton – vote in favor of the cat (opposed to a restrictive ordinance)
- Dean Anson – in favor of changing the law as proposed
- Barbara Loudon – in favor of changing the law as proposed
- Stewart Scham – in favor of changing the law as proposed and in favor of licensing cats
- Robert Chaffee, MD – article
- Ray Martin – opposed to changing the law as proposed

Councilmember Plunkett referred to the research done by one of the speakers that indicated Edmonds would be one of only a few cities that would require cats be confined. Officer Dawson advised her research of the MRSC website found King County has a cat control law and a license requirement which is referenced as a leash law although it did not require a leash, Everett has a license and leash law, Mountlake Terrace has a license requirement and adopted a cat exemption five years ago, and Lynnwood has a license requirement. She summarized most jurisdictions had a license requirement and many had a control requirement.

Councilmember Plunkett asked whether King County included Seattle. Officer Dawson answered no but Seattle had a leash and license requirement. She believed Snohomish County had a license requirement but no laws regarding cats. If the ordinance were approved and licensing and microchipping were required, Councilmember Plunkett asked whether animal control could be called to capture a roaming cat and based on the license or chip, return the animal to the home. Officer Dawson agreed the goal now and in the future would be to reunite an identifiable animal with its owner. The City did not currently have a free ride policy; if a dog was found running at large, it was taken into custody and checked into the animal facility and the owner contacted. The current method for cats was the same.

Councilmember Plunkett commented a grandfathering clause would only require a date to determine whether a cat was owned prior to enactment of the ordinance. Mr. Snyder stated because the City did not currently require cat licenses, a registration period or similar method would be required. Officer Dawson supported the concept of grandfathering existing cats, pointing out it would be difficult to enforce. She commented the current kennel facility only had six cat cages; it was not the intent to round up all cats roaming free but to handle them on a complaint basis. Conversely dogs were pack animals and because a dog running loose posed a safety issue, they were taken into custody on sight.

Councilmember Orvis commented a cat that remained on their property was not considered “at large” and the ordinance would be enforced on a complaint basis. Officer Dawson agreed.

Assistant Chief Gannon commented via adoption of the ordinance, the roaming at large provisions would be the same for both cats and dogs; enforcement for cats would be on a case-by-case, complaint basis.

Councilmember Moore clarified enforcement for cats would be on a case-by-case, complaint basis. If a neighborhood was satisfied with cats roaming at large, there would be no issue. Officer Dawson agreed.

COUNCILMEMBER MOORE MOVED, SECONDED BY COUNCILMEMBER MARIN, FOR APPROVAL OF THE RUNNING AT LARGE ORDINANCE.

Councilmember Marin advised he was persuaded by the animal advocacy groups’ position that it was safer and healthier for cats and the public for cats to be somewhat confined. He found it appropriate that a resident could expect an animal not be allowed to defecate on their property.

COUNCILMEMBER PLUNKETT MOVED TO AMEND THE ORDINANCE TO INCLUDE A GRANDFATHER CLAUSE. MOTION DIED FOR LACK OF A SECOND.

Student Representative Callahan commented his indoor/outdoor cat lived to be 20 years old and none of his neighbors objected to the two cats he owned currently. He pointed out cats were not pack animals, did not pose a threat to humans and were very clever which would make the ordinance difficult to enforce. He anticipated the rodent population would increase if cats were confined. He agreed cats had less impact on wildlife compared to the impact of development.

Councilmember Moore was disappointed that some members of the public believed this issue was about her dislike of cats. She explained her outdoor cats in the past that had been killed by raccoons and she were banned from adopting from PAWS because they allowed the cats outside. She explained she raised the issue again due to a preponderance of people who wanted to talk about it. She was disappointed in the members of the public who did not believe this was an important issue and who thought it was a waste of time. She summarized it was an important issue as evidenced by the number of people in attendance. With regard to rodents, she had never had a mouse or rat in any of her houses in Edmonds. She commented anyone with rodents should limit their food supply, trap them, poison them and/or rodent-proof their house as evidence indicated cats did not reduce the rodent population. She concluded none of the advocacy groups favored free roaming cats, they all favored controlling cats for the cats' and society's safety. She indicated her support for the proposed ordinance.

Council President Pro Tem Wambolt acknowledged this issue arose as a result of a dispute between two neighbors but it became clear there was a problem with cats roaming at large as indicated by the correspondence the Council received. He referred to Mr. McDonald's summary of why the ordinance was necessary and the reasons cited by Councilmember Moore as the reasons he would support the ordinance.

Councilmember Plunkett found the recommendation that the Council base its decision on health factors a compelling argument. However, if the ordinance were enacted, he anticipated there were people who would abandon their cats, people who would not rescue feral cats, and strays would continue to proliferate. Therefore enacting this ordinance would increase health problems as well as increase the rat population. He agreed with making a decision based on health and therefore would not support the motion.

Councilmember Dawson shared the concern that people would surrender or abandon their cats if the ordinance were enacted and cats were required to be kept inside. Although she was tempted to support Councilmember Plunkett's motion to grandfather existing cats, she acknowledged it would be unenforceable, creating "diplomatic immunity" for certain cats. She was supportive of licensing cats and creating an enhanced license fee for outdoor cats to encourage people to keep their cats indoors. She acknowledged it was difficult to keep her cat indoors and difficult if not impossible to keep a cat indoors that was used to being outdoors. She noted there were "neighborhood cats" that the neighborhood joined in caring for. She was also concerned with enacting an ordinance that would only be enforced via complaint. She supported public education regarding the health benefits of keeping cats indoors, noting cats that are allowed outdoors caught disease, got hit by cars, etc. She was supportive of giving residents a warning that such an ordinance would be enacted in the future. She did not support the motion.

Councilmember Orvis indicated he would reluctantly support the motion. Although he understood the difference between cats and dogs, the truth was that being outside was dangerous to cats as evidence by his cat being hit by a car when he was a teen. He did not see the issue as indoor versus outdoor or leash versus unleashed but an issue of control.

Council President Pro Tem Wambolt referred to the comment that the Council should not enact ordinances the City did not intend to enforce other than via complaint. He noted this would not be a precedent as many of the City's codes were enforced on a complaint basis. When this issue first arose, he was opposed to containing cats; once he was educated, he found it the right thing to do.

Mayor Pro Tem Olson asked whether there had been an increase in abandoned cats in other cities where similar ordinances had been adopted. Officer Dawson answered she would need to contact the cities; however, her experience in animal shelters did not find cats were surrendered due to changes in laws. Mayor Pro Tem Olson commented some of the opposition was not fact-based but based on supposition. She noted residents who liked to garden had no recourse against a neighbor's cat that used their garden as a litter box. This issue arose because those property owners had no way to prevent cats from trespassing on their property. She agreed it was unfortunate more laws were required, pointing out laws that have been enacted with regard to seatbelts, helmets, etc. She supported the ordinance.

UPON ROLL CALL MOTION CARRIED (5-2), MAYOR PRO TEM OLSON, COUNCIL PRESIDENT PRO TEM WAMBOLT, AND COUNCILMEMBERS ORVIS, MARIN AND MOORE IN FAVOR, AND COUNCILMEMBERS DAWSON AND PLUNKETT OPPOSED. The Ordinance that was adopted reads as follows:

ORDINANCE NO. 3645 - AMENDING THE PROVISIONS OF SECTION 5.05.050 RUNNING AT LARGE PROHIBITED TO DELETE THE EXCEPTIONS FOR CATS, AND REQUIRE THAT THE CUSTODY OF CAPTURED STRAY ANIMALS BE TURNED OVER TO THE ANIMAL CONTROL AUTHORITY.

Ord# 3645 – Amend ECC 5.05.050, Running at Large Prohibited, Delete Exception for Cats

(Councilmember Orvis left the meeting.)

7. AUDIENCE COMMENTS

Roger Oliver, Edmonds, explained he volunteered for an organization that picked up and distributed disability equipment, located under the Pancake House behind Petosa's Grocery. In an effort to make their location more visible, he asked whether a flashing green light could be placed at the end of the private alley and was told it was not allowed by the building department as the sign ordinance did not allow light intensity changes less than 20 seconds in duration. If that were true, he questioned how the Westgate Chapel, Edmonds-Woodway High School, Westgate Carwash signs were allowed. He objected to what appeared to be a double standard.

Request for Flashing Light Located at End of Private Alley

Jan Vance, Executive Director, Greater Edmonds Chamber of Commerce, advised the Chamber planned to provide a monthly report to the Council to keep the Council and the public informed of the Chamber's activities. The mission of the Chamber's Economic Development Committee was to foster a vibrant economic environment for Edmonds in the area of industry, service and retail business and keep abreast of legislative issues that may affect the business community. The function of the committee is to keep the Chamber informed of governmental affairs, transportation and economic development matters, propose statements that were relevant to the mission to the Chamber board, foster a vibrant economic environment for the Edmonds area, and hold a candidate forum to keep the community informed on issues. The Chamber's policy has been not to endorse or support candidates; the Chamber does endorse issues pertinent to their mission.

Chamber of Commerce Economic Development Committee

Dale Hoggins, Edmonds, on behalf of the Edmonds Cemetery Board, invited the Council and the public to the 25th Annual Memorial Day Ceremony on Monday, May 28 at the Edmonds Memorial Cemetery and Columbarium. The ceremony will remember and honor the memories of all military personnel who have died serving the country during times of war and honor all veterans and gold star families. He noted the Edmonds Cemetery was the final resting place for over 400 veterans including 40 who served in either

25th Annual Memorial Day Ceremony

the Spanish American War or the Civil War. This year's ceremony would salute the Coast Guard and would include several SPARs from World War II and local youth.

City Manager

Al Rutledge, Edmonds, referred to his comments at the last Council meeting regarding the City hiring a City Manager, noting Kirkland had a City Manager. He compared Edmonds to Kirkland, pointing out Kirkland had a parking garage and a thriving downtown. He noted Edmonds should have converted the civic fields to a ballfield, parking garage and businesses like Kirkland did. Kirkland also worked with the School District to upgrade school fields and developed a former garbage facility into ballfields. He summarized the City needed more ballfields particularly as GMA increased density. Next he urged the Council to consider adopting term limits for the Mayor.

Need for Ballfields

Term Limits for Mayor

Save Trees on Old Woodway Elementary Site

Lora Petso, Edmonds, referred to her comments at a previous Council meeting in an attempt to save trees on the former Woodway Elementary School property. She reported rather than demolishing the 15 trees in the building area, the current plan was to demolish only 8. She noted the next dilemma was which eight to remove when there was not a park plan in place. She displayed photographs of the trees on the site to demonstrate their size, some as tall as 80 feet. On her site visit, she was unable to identify eight trees that she would recommend be removed and asked the Council to consider saving more trees. She displayed a photograph of asbestos board on the site, commenting although it was harmless when part of the covered walkways on the site, it was capable of putting asbestos fibers into the air when broken, destroyed or damaged which was likely when it remained on the site. Although she contacted staff and was told they would inform the appropriate parties, she noticed today that the asbestos board had not yet been removed.

Need to Repaint Crosswalks

Roger Hertrich, Edmonds, remarked on the number of pedestrians in the City, pointing out numerous crosswalks needed to be repainted. He suggested utilizing the excess REET funds to repaint the crosswalks. Next, he referred to the new skate board park and although the City was not liable for any injuries, the City had a moral liability and should require users wear helmets.

Helmets at Skate Park

Puget Sound Bird Fest

Susie Schaefer, Edmonds, Vice President, Philchuck Audubon Society, reminded the public of the Bird Fest this weekend, beginning on Friday evening with an art show at the Edmonds Conference Center. She thanked everyone involved with the Bird Fest. She commented on activities that were planned during the Bird Fest. She read the Proclamation (approved on the consent Agenda) in honor of Puget Sound Bird Fest in Edmonds on May 18-19.

Exempting Cats from Roaming at Large

Robert McCallum, Edmonds, thanked the Council for adopting the ordinance related to not exempting cats from roaming at large, envisioning eventually everyone would be happy with the decision.

8. REPORT ON CITY COUNCIL COMMITTEE MEETINGS

Finance Committee

Finance Committee

Council President Pro Tem Wambolt reported due to the experience on the 220th project when a staff member was hired by the consultant, the Committee requested a policy be drafted that would prohibit staff who have recently separated from City employment being retained as consultants on City projects with a provision that allowed the former staff member to be retained if it was deemed to be in the City's best interest. Next, the Committee was provided a comparison of the costs for a contract versus city-employed City Attorney and determined the City currently was in the middle of the range. The Committee requested that staff update the comparison figures to include 2006 information when it was available. The Committee then reviewed the first quarter financial report that revealed REET revenue growth has slowed, construction related sales tax declined since last year and public safety overtime appeared to be above budget estimates. The last item reviewed by the Committee was a proposal to hire a

consultant to prepare a business case analysis of the City's community broadband initiative which was approved on tonight's Consent Agenda.

With regard to the policy to prohibit staff who have recently separated from City employment from being retained as consultants on City projects, Councilmember Marin recommended the provision that allowed them to be retained be developed so that that could occur easily when appropriate. Councilmember Plunkett disagreed the provision should allow it to occur easily, commenting the intent was to prevent it from occurring and suggested it occur only with a vote of the City Council.

Joint Meeting of
CSDS and
Public Safety
Committees

Joint Public Safety & Community Services/Development Services Committee

Councilmember Dawson advised staff provided an update on the 2006 International Building, Fire and Supplemental Code Adoption, the changes to State Code and the subsequent changes that would be necessary to the City's code. There were no substantive changes; one of the changes was removal of rockery regulations. Staff also provided an update regarding adoption of the International Fire Codes. There were no substantive changes; one change was to the regulations governing nightclubs. Staff agreed to follow up on changes being made with regard to LDMRs.

Public Safety

Public Safety

Councilmember Dawson reported staff provided an update on parking infraction penalties, noting the City's parking study that was done a few years ago recommended raising parking fines and the Downtown Parking Committee also supported the proposed new fines. The Committee recommended approval and directed staff to prepare an ordinance for Council approval on the consent agenda.

9. MAYOR PRO TEM COMMENTS

Mayor Pro Tem Olson thanked staff and the Council for their support tonight particularly since her vision was impaired.

10. COUNCIL COMMENTS

Proposed
Increase in
Parking Fines

With regard to Councilmember Dawson's report that the ordinance increasing parking fines would be scheduled on the Consent Agenda, Councilmember Plunkett suggested instead the Council schedule a public hearing. Councilmember Dawson agreed. City Clerk Sandy Chase suggested scheduling the public hearing on June 19.

Trees at Old
Woodway
Elementary Site

In response to Ms. Petso's comments about the tree removal on the old Woodway Elementary School site, Councilmember Moore asked Mayor Pro Tem Olson to monitor what trees were removed. She noted trees of that size could not be easily replaced and trees affected climate change.

Economic
Development
Director

Councilmember Moore asked for an update regarding the Economic Development Director position. Mayor Pro Tem Olson relayed that the candidate Mayor Haakenson wanted to hire was unable to accept the position so he planned to re-advertise the position.

Helmets at Skate
Park

With regard to requiring helmets at the skate park, Councilmember Moore suggested this could be discussed by the Public Safety Committee and/or a sign installed that recommended helmets.

Community
Events

Councilmember Moore invited the public to Edmonds Community College's performance of Cabaret at the Edmonds Center for the Arts on May 18-20. She encouraged the public to attend the Jazz Connection presented by the Daybreakers Rotary on Memorial Day Weekend at the Edmonds Center for the Arts.

Military Family
Friendly
Employer
Program

Councilmember Dawson reported on the Marysville-Tulalip Chamber of Commerce's Military Family Friendly Employer Program that encouraged businesses and governmental agencies to employ spouses and dependants of military members due to the difficulty they encounter finding employment for fear they would move when the military person was deployed. She noted most employees only stayed with a job 2-4 years, the average length of a deployment. Many of these dependants have excellent skills and could be great employees. Cities and chambers were asked, when someone applied for a business license, to have the business owner sign a non-binding agreement that they were supportive of hiring military family members. If they signed the agreement, the business would receive a window placard stating they were a military family employer. She suggested when businesses became Chamber members they also be encouraged to support this program. City and county officials and Chambers of Commerce are invited to the Marysville-Tulalip June 21 event. She noted this program recently received an award from AWB.

Update on
Former
Economic
Development
Director

Councilmember Marin reported he participates on the Puget Sound Regional Council Regional Policy Board as does Don Gerend, the father of the City's former Economic Development Director Jennifer Gerend. Mr. Gerend advised his daughter was doing well and had reached the end of her fellowship. She has accepted a position as an urban planner with the City of Trier in southern Germany.

Sound Transit /
Sounder
Ridership

In response to Mayor Haakenson's request for statistics regarding Sounder ridership, Councilmember Marin reported Sounder carried 53,160 people during the first quarter of 2007 and ridership was up 57% during that period compared to the first quarter of 2006. Councilmember Moore asked when the other trains would be added. Mayor Pro Tem Olson advised Fall 2007.

Student Representative Callahan thanked the late Police Chief David Stern and the Edmonds Police Department for their support of Edmonds youth programs such as the DARE program. He hoped the next Police Chief would be equally as supportive.

11. **ADJOURN**

With no further business, the Council meeting was adjourned at 9:50 p.m.