

EDMONDS CITY COUNCIL APPROVED MINUTES

May 1, 2012

The Edmonds City Council meeting was called to order at 6:15 p.m. by Mayor Earling in the Council Chambers, 250 5th Avenue North, Edmonds.

ELECTED OFFICIALS PRESENT

Dave Earling, Mayor
Lora Petso, Council President Pro Tem
Frank Yamamoto, Councilmember
Joan Bloom, Councilmember
Michael Plunkett, Councilmember
Adrienne Fraley-Monillas, Councilmember
Diane Buckshnis, Councilmember

ELECTED OFFICIALS ABSENT

Strom Peterson, Council President

ALSO PRESENT

Alex Springer, Student Representative

STAFF PRESENT

Phil Williams, Public Works Director
Shawn Hunstock, Finance Director
Carrie Hite, Parks & Recreation Director
Doug Fair, Municipal Court Judge
Rob Chave, Planning Manager
Carl Nelson, CIO
Jerry Shuster, Stormwater Eng. Program Mgr.
Rob English, City Engineer
Jen Machuga, Associate Planner
Jeff Taraday, City Attorney
Sandy Chase, City Clerk
Jana Spellman, Senior Executive Council Asst.
Jeannie Dines, Recorder

1. CONVENE IN EXECUTIVE SESSION REGARDING LABOR NEGOTIATIONS PER RCW 42.30.140(4)(b)

Mayor Earling announced that the City Council would first convene in executive session regarding labor negotiations per RCW 42.30.140(4)(b). He stated that the executive session would be held in the Jury Meeting Room and was scheduled to last approximately 45 minutes. No action was anticipated to occur as a result of meeting in executive session. He noted that executive sessions are not open to the public. Elected officials present at the executive session were Mayor Earling, Councilmembers Petso, Fraley-Monillas, Buckshnis, Bloom, Yamamoto and Plunkett. Others present were Parks & Recreation Director Carrie Hite, Police Chief Al Compaan, City Attorney Jeff Taraday, Human Resources Consultant Tara Adams and City Clerk Sandy Chase. The executive session concluded at 6:59 p.m.

Mayor Earling reconvened the regular City Council meeting at 7:04 p.m. and led the flag salute.

2. APPROVAL OF AGENDA

Council President Pro Tem Petso relayed the City Attorney's request to add an agenda item, Potential Action as a Result of Meeting in Executive Session, at the end of the agenda.

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO APPROVE THE AGENDA WITH THE ADDITION OF AGENDA ITEM 13, POTENTIAL ACTION AS A RESULT OF MEETING IN EXECUTIVE SESSION. MOTION CARRIED UNANIMOUSLY.

3. APPROVAL OF CONSENT AGENDA ITEMS

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER YAMAMOTO, TO APPROVE THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:

- A. **ROLL CALL**
- B. **APPROVAL OF CITY COUNCIL MEETING MINUTES OF APRIL 24, 2012.**
- C. **APPROVAL OF CLAIM CHECKS #131693 THROUGH #131859 DATED APRIL 26, 2012 FOR \$753,715.80.**
- D. **ACKNOWLEDGE RECEIPT OF TWO CLAIMS FOR DAMAGES FROM SNOHOMISH COUNTY PUD NO. 1 (\$1,027.89 AND \$1,737.84).**
- E. **APPROVAL OF LIST OF BUSINESSES APPLYING FOR RENEWAL OF THEIR LIQUOR LICENSE WITH THE WASHINGTON STATE LIQUOR CONTROL BOARD, APRIL 2012.**
- F. **AUTHORIZATION FOR THE MAYOR TO SIGN THE ADDENDUM TO THE AGREEMENT FOR SEWAGE TREATMENT WITH KING COUNTY.**

4. PROCLAMATION DECLARING MAY "PUGET SOUND STARTS HERE MONTH."

Mayor Earling read a proclamation declaring May as Puget Sound Starts Here Month and presented the proclamation to Public Works Director Phil Williams.

Mr. Williams thanked the Council for the opportunity to promote a regional and local program. One of the local activities is the Watershed Fun Fair at the Yost Pool enclosure on Saturday from 11:00 a.m. to 4:00 p.m. The fair will include guided tours of the Shell Creek Watershed. He introduced the City's Stormwater Engineering Program Manager Jerry Shuster and commented on the importance of Puget Sound to Edmonds as well as to the region.

5. PRESENTATION REGARDING EDMONDS SCHOOL DISTRICT (SUPERINTENDENT NICK BROSSOIT).

Mayor Earling explained Council President Peterson and he agreed to provide other entities in the community an opportunity to talk about the work they do. In addition to tonight's presentation by Edmonds School District, he has invited Dr. Hernandez, President, Edmonds Community College, to provide an update.

On behalf of the Edmonds School District, Superintendent Nick Brossoit thanked the Council for their support. One of the questions that often arises is the value of the system, what value is added by the local schools, and how schools compare. He provided the Council a handout regarding how Edmonds School District students who take the SAT do on average compared to state and national averages. In 2011, on average the State of Washington outperformed all other states on the SAT. Compared to the state and nation, Edmonds School District students who took the SAT outperformed both. He expressed his appreciation for the support of the community, staff, students and parents, as well as those who do not have school-age children.

Dr. Brossoit explained Edmonds School District, like others across the state, face serious state funding reductions. The District has cut \$20-30 million from the system over the past 7 years and, in spite of that, continues focusing on student learning and to make positive progress.

Student Representative Springer asked Dr. Brossoit to speak about enrollment trends in the district and in the high school. Mr. Brossoit responded the Edmonds School District is experiencing a slight decline in student enrollment but it is more pronounced at the high school level. That has to do with larger classes graduating and smaller subsequent classes. The cost of property for the most part in the district is still an

issue for some families with school-age children. Most of the district's growth is in the northeast quadrant. As children grow up and the parents remain in the house and little new development occurs, the result is declining enrollment. Declining enrollment has presented some challenges for maintaining staff and program levels.

Council President Pro Tem Petso stated, "I wanted to take the opportunity to inquire about the role the school district can and has in the past played in providing recreational opportunities for the City of Edmonds. As long as we have the top here, do we have a commitment from the top to continue working with the City on projects like civic field or the old Edmonds-Woodway High School or maybe a pool project at some point; do we have a commitment from the school district to continue to partner with the city on meeting recreational needs?"

Dr. Brossoit responded, "You know, we do have a long history of partnerships. I think the school district is interested in continuing the conversation about doing that. Specific projects that you mentioned would obviously take a lot more discussion and analysis but I think, generally thinking, the school district has been and continues to be a good partner with all the municipalities. As you know, even though it's the Edmonds School District, we work with Lynnwood, Mountlake Terrace, Edmonds and Brier and some unincorporated portions of Snohomish County. And, again, we're always trying to look at what's in the best interest of the school district, the students, and the community. Sometimes there may be a different focus that just happens sometimes between the different entities. Generally speaking, I'd say we do a very good job of embracing the questions and looking at the issues together, collaboratively, with various stakeholder groups."

Councilmember Buckshnis asked the percentage of seniors that are accepted into high quality schools such as MIT, Stanford, Yale, Harvard, etc. Dr. Brossoit answered he did not have that specific information. The district receives some information regarding schools students plan to attend. The state used to collect that information when there were more resources. The state no longer does that and the district does not have the resources to track that information. The information they have is anecdotal, from state universities and some via students. Students that do attend universities are very competitive and do well in that setting. Often it is financial challenges, particularly in this economy, that are barriers to students rather than academically.

Councilmember Yamamoto commented the City has worked well with Marla Miller who has accepted another position. He asked about the process and how soon she will be replaced.

Dr. Brossoit responded, "Yes. As you pointed out, Marla Miller, who has been our Executive Director of Business and Operations for some years, has taken a job. It's a promotion for her to Deputy Superintendent in the Shoreline School District and we appreciate the great service she has provided to the district and community and she's done a great job. And we have the position open. It closes actually this Sunday, May 6th. We'll screen the next day and we interview on May 14th. We hope to have somebody identified before May is over so there can be a little cross-training opportunity for that person to work with Marla; the official start date for her will be July 1. And you know we'll wait to see who applies and go through a very careful process to identify a quality person and very competent person."

Councilmember Bloom asked whether the district has a cooperative working relationship with the library and whether the library's earlier closing, 8:00 rather than 9:00 p.m., has had any impact on student's ability to access the library. Dr. Brossoit answered he has not heard that it has been a problem. Students are accessing more information via the internet than ever before.

Mayor Earling commented the information Dr. Brossoit provided regarding SAT test results is quite impressive. He invited the public to contact his office to obtain a copy. He congratulated the district on the numbers they have been able to achieve.

6. AUDIENCE COMMENTS

Ron Wambolt, Edmonds, explained over the past several years he has been attending the monthly Superintendent's luncheons that are held 12:00 – 1:00 p.m. at the School District Headquarters. It is an excellent opportunity to learn what is going on in the schools. During the September and October meetings, participants are asked to identify issues they would like to have in-depth discussions on and that is used to set the agenda for the remainder of the year. At the beginning of each meeting Dr. Brossoit is available to answer questions. Although he does not have any school-age children, he attends the meetings because 60% of residents' total property taxes go to the School District and he wants to know what they are doing with that money. He is very pleased with what they are doing with the money; the Edmonds School District is very well run.

Lisa Gallucci, Edmonds, Board of Directors Member, Edmonds Community Foundation, invited the Council, Mayor and the public to attend their third annual Bowling for Backpacks at 6:00 p.m. on Friday, May 4 at Robin Hood Lanes that benefits the Bottomless Backpacks Food for Youth program in the Edmonds School District. This event raises money for backpacks and food which is delivered each Friday to families in crisis through the district.

Councilmember Fraley-Monillas reported she sponsored a lane for bowlers; anyone unable to bowl can sponsor a team. Anyone interested in sponsoring a lane can contact Ms. Gallucci at LisaGallucci@lg.ventures@yahoo.com or on their Bottomless Backpacks Facebook page.

7. CITIZENS COMMISSION FOR COMPENSATION OF ELECTED OFFICIALS RECOMMENDATION.

Citizens' Commission on Compensation of Elected Officials Member Dilys Rosales introduced the members of the Commission: Co-Chairs Brent Hunter and Eric Radcliffe, and Commissioners Alan Doman, Lisa Gallucci, Norma Middleton and Debbie Rosenfelt. Commissioner Rosales expressed the Commission's appreciation for Parks & Recreation Director Carrie Hite's assistance.

Commissioner Rosales described the Commission:

- Comprised of seven members.
- Meets every even year, and their recommendations are to be filed with the City Clerk by the first Monday in May.
- The task of the Commission is to review compensation of elected officials (Mayor, Council, and Judge) and recommend adjustments, so that citizens of the highest quality may be attracted to public service.
- Any approved compensation changes for Councilmembers will become effective with the new Council terms beginning January 1, 2013.

Commissioner Rosales described the Council's policy on non-represented employee compensation:

- The Council adopted a policy for non-represented employees that strive to maintain equity in pay for all employees, offers competitive salaries to attract high level applicants, offers internal equity to foster long term retention of valuable employees, and rewards meritorious job performance for deserving individuals.
- The Council's compensation policy for non-represented employees is based on maintaining salary ranges at the median when compared to cities of similar size in King, Pierce, Kitsap, Thurston and Snohomish Counties.
- This policy has been in place for approximately ten years, however recent additions of Kitsap and Thurston County have been made.
- Currently a review of current compensation policies for non-represented employees is being conducted (estimated completion – within one month)

Cities used in the comparison are:

- Olympia
- Lacey
- Bremerton
- Puyallup
- Lynnwood
- Kirkland
- Bothell
- University Place
- Issaquah
- Des Moines
- Burien
- Sammamish

Commissioner Rosales described criteria the Commission used in reviewing the Mayor, Judge and Council compensation:

- City population
- Form of government
- Current and projected budget
- Compensation of elected officials in comparison cities
- Feedback from previous and current position holders
- Industry trends in compensation and benefits

Commissioner Rosales provided a graph illustrating how Edmonds ranks with the above cities, summarizing out of the 12 comparable cities used, Edmonds ranks 6th by population, and 9th by FTE.

With regard to the Mayor's salary, Commissioner Rosales provided a graph comparing the mayor's salary 2000-2012:

Year	Salary
2000-2011	\$84,000/year
2002-2004	\$97,000/year
2005	\$98,940/year
2006-2007	\$101,414/year
2008-2012	\$113,210/year

Commissioner Rosales relayed the 2012 Commission's recommendation for Mayor's compensation:

- No compensation change for the Mayor based on:
 - The current comparison of compensation to comparable city mayors
 - The projected budget shortages.
- If other non-represented officials receive a cost of living adjustment (COLA) in 2013 or 2014 this should also be applied to the Mayor.
- Benefits to remain the same. If benefit plan or contribution rate changes for non-represented employees, Commission recommends this changes for the Mayor as well.

Commissioner Rosales relayed the 2012 Commission's recommendation for Judge's compensation:

- Maintain compensation at 95% of the salary of a District Court Judge
- If there are any changes in the state salary rate these are recommended to be reflected in the City of Edmonds Judge's compensation for 2013 and 2014.

- Benefits to remain the same. If benefit plan or contribution rate changes for non-represented employees, Commission recommends this changes for the Judge as well

With regard to maintaining compensation at 95% of the salary of District Court Judge, Commission Co-Chair Brent Hunter explained the State provides Court Improvement Funds as long as the City pays the Judge 95% of the salary of a District Court Judge. The City's judge is part-time and receives a pro-rated amount; the amount of the Court Improvement Fund is \$12,000/year.

With regard to Councilmembers' compensation, Commissioner Rosales provided a chart illustrating Councilmember's base pay history 2000-2012 (\$6600/year 2000-2001 and \$7200 2002-2012) plus \$50/meeting up to a maximum of 8 meetings a month, or a maximum of \$1000/month.

She explained, to provide flexibility, the Commission has analyzed and prepared the following three options for Council compensation:

- Option 1 (no change):
 - No changes to the current compensation or benefits structure for the Councilmember
 - Benefits to remain the same. If benefit plan or contribution rate changes for non-represented employees, Commission recommends this changes for the Council as well
 - \$600 monthly base
 - \$50 per meeting up to 8 per month
 - \$567 - 90% City/10% Council for Councilmember only health coverage
 - Estimated total monthly cost per Councilmember: \$1567
 - Estimated total monthly cost per Council President: \$1767
- Option 2A (hybrid cafeteria plan structure):
 - Cost of Councilmember benefits included in monthly base pay
 - Benefits to remain the same. If benefit plan or contribution rate changes for non-represented employees, Commission recommends this changes for the Council as well
 - \$1,167 monthly base pay
 - \$50 per meeting up to 8 per month
 - Estimated total monthly cost per Councilmember: \$1567
 - Estimated total monthly cost per Council President: \$1767
- Option 2B (full cafeteria plan structure):
 - Full pay for meeting attendance and cost of Councilmember benefits included in monthly base pay
 - Benefits to remain the same. If benefit plan or contribution rate changes for non-represented employees, Commission recommends this changes for the Council as well
 - Councilmembers can elect where to direct their total compensation:
 - Cash compensation
 - Individual and family/dependent benefit coverage
 - Deferred compensation
 - Estimated total monthly cost per Councilmember: \$1567
 - Estimated total monthly cost per Council President: \$1767

Commissioner Rosales advised the options have been reviewed by the City Attorney. She relayed the Commission's recommendation that Option 2B be adopted for 2013-2014. This option gives Councilmembers the ability to elect the package that suits their needs the best. In order to attract and meet the differing needs of a diverse group of Councilmembers, the Commission feels it is important to create flexibility via the benefits and compensation offered.

Councilmember Plunkett observed the recommendation from Mayor and staff on the agenda memo is to review material and presentation, and consider adoption of recommendations. He pointed out the Council is being asked to pick an option, however, the Council cannot vote on their own salaries. City Attorney

Jeff Taraday explained State law that authorizes Citizen Commissions on Compensation in RCW 35.21.015(3) specifically states any change in salary shall be filed by the Commission with the City Clerk and shall become effective and incorporated into the city or town budget without further action of the City Council or Salary Commission. The Council ultimately takes action on the budget but does not take a specific action on their own salaries. The purpose of the Citizen Commission on Compensation is to prevent the Council from taking action on their own salaries. He recommended the Council not take any action tonight, simply hear the report and let the Commission do what they are authorized to do under State law which is to file their report with the City Clerk by the first Monday in May.

Councilmember Buckshnis observed she would receive a raise under Option 2B; she typically earns \$600-700/month and attends 2-3 meetings per month. Including the pay for meetings at the maximum amount in the salary is not appropriate because in a typical month she would never earn \$400/month for meetings. Commissioner Rosales answered the Commission reviewed the average number of meetings Councilmembers attend; the average is six. Other than in 2012, the Council budget has included \$400 per month for meetings for each Councilmember. Councilmember Buckshnis liked the flexibility of a cafeteria plan but was uncertain she could accept payment for meetings she did not attend. She preferred Option 2A.

Mr. Taraday explained there is a constitutional prohibition on elected officials setting their own compensation. The constitutional prohibition is avoided by having the Commission set compensation and as long as the Council does not modify it, it is included in the budget and the Council adopts the budget. As soon as the Council begins to tinker with its own compensation, a mid-term change cannot be made. The Council can change future councilmembers' compensation, but not their own.

Councilmember Fraley-Monillas commented she learned a lot during her meeting with Commissioner Rosenfelt. She noted Edmonds is the only city that pays per meeting; most have only a base pay. She liked the smorgasbord approach because it provides flexibility. The interest she relayed to Commission Rosenfelt was recruiting more people of diversity, people of color and different economic backgrounds so that the Council looks like the citizens of Edmonds. She summarized the Commission had provided a well thought out approach.

Councilmember Bloom echoed Councilmember Fraley-Monillas's comments, stating she enjoyed meeting with Co-Chair Hunter and felt her concerns were heard. She has similar concerns with regard to recruitment, particularly younger people.

Councilmember Plunkett commented the Council does not recruit candidates, the proposed changes may provide the flexibility to encourage citizens to apply. He commended the Commission on their work, particularly the flexibility they offered.

Councilmember Plunkett recalled he has voted on the Citizen's Commission on Compensation of Elected Officials' recommendations in the past and it then applied not to the sitting Councilmembers but to Councilmembers in their next term. Commissioner Rosales assured their intent was for the change to be effective January 1, 2013. It was her understanding that could be done because the Commission was not recommending a change in the budget. Mr. Taraday answered the Commission could give the Council a raise if they wished, but the Council cannot modify it. For some Councilmembers, the cafeteria plan may in effect be a raise. Assuming the Council does not modify the Commission's recommendation, they are not violating the constitutional prohibition on setting their own compensation. He summarized the Commission has done their work, it is filed with the City Clerk, incorporated into the budget, the Council adopts the budget.

Councilmember Plunkett commented another option would be for the Council to vote and make it applicable to future Councilmembers. He was uncertain that option was clear to the Commission. He

suggested the Commission meet with Mr. Taraday to discuss how their recommendation would apply. Ms. Hite explained some Commissioners served on the previous Commission; the City Attorney at that time interpreted the law slightly differently which has created some confusion. The intent of the Commission is for their recommendation to apply to the current Council beginning on January 1, 2013. The Council salary and benefits remain the same, only the method of payment changes. She summarized if the Council took no action, the Commission could file their recommendation with the City Clerk and when the Council adopts the 2013 budget, funds will be included in the budget and the method of payment will change beginning January 1, 2013.

Student Representative Springer asked how the Council's salary and benefits compared with other cities. Co-Chair Hunter answered information was provided to the Council earlier in the process. The proposed change put the Council's compensation in the upper level. The intent was to rearrange the existing compensation to provide more flexibility.

Mayor Earling thanked the Commission for their work.

8. **PUBLIC HEARING ON POTENTIAL AMENDMENTS TO THE HOME OCCUPATION REGULATIONS RELATED TO URBAN FARMING (ECDC 20.20). THE AMENDMENT FOCUSES ON ELIMINATING THE REQUIREMENT FOR A TYPE II CONDITIONAL USE PERMIT, WHILE RETAINING CERTAIN CRITERIA THAT THE URBAN FARM MUST MEET. (FILE NO. AMD20120002).**

Associate Planner Jen Machuga explained the City's regulations regarding urban farming are contained within the home occupation regulations, ECDC 20.20. Currently the regulations require a Type II Conditional Use Permit (CUP) in order for an urban farm to sell produce on site. The fee for a Type II CUP is approximately \$600. It was recently brought to the City's attention that the requirement for a CUP for an urban farm may be in conflict with the State law requirements of RCW 36.70.090 related to the pedaling of produce. RCW 36.70.090 states it shall be lawful for anyone to sell, deliver or pedal any farm produce gathered or produced by the person without license. The reference to state law along with a memo from the City Attorney that further discusses the potential conflict between the State law and the current requirement for a CUP for an urban farm is included in the Council packet.

The potential conflict between State law and the City's urban farming regulations was initially presented to the Planning, Parks and Public Works Committee on February 14, 2012 and forwarded to the Planning Board for review. The Planning Board conducted a hearing on April 11, 2012 and voted unanimously to forward the item to the City Council for a hearing. The draft code language is included in the Council packet as Exhibit 1 and includes the changes recommended by the Planning Board.

When the home occupation regulations were updated a couple years ago, regulations for urban farms were added to the code, including the requirement for the CUP. Restrictions were also included such as a limit on the hours of operation and requirement that they show visitors to the site can be accommodated without creating a traffic hazard. The proposed code amendment would not change any of the other regulations related to urban farms, it only removes the requirement for the CUP. This is consistent with the City Attorney's recommendation that the requirement for the CUP be removed in order to be consistent with State law.

In addition to recommending removal of the CUP, the Planning Board also recommended adding clarifying language to the signage requirement for urban farms so that in addition to a sign that can be affixed to the urban farm display, a sign may be associated with the display which would also allow a small free-standing sign next to the display.

Ms. Machuga advised a comment letter the City received from Michael and Melissa Mearns in support of the proposed code amendment is included in the Council packet as Exhibit 2. An email the City received today from Ani and Lincoln Syler in support of the proposed amendment was forwarded to the Council.

Councilmember Buckshnis observed no business license would be required. Ms. Machuga answered a business license is not required currently. Councilmember Buckshnis observed there would be no tax income generated for the City. Ms. Machuga commented urban farms typically do not earn a great deal of money. City Attorney Jeff Taraday explained his reading of State law was it would not be proper to require a business license for someone engaged in the activities addressed by RCW 36.70.090. That RCW specifically states no city or town shall pass or enforce any ordinance prohibiting the sale by or requiring license from the producers and manufacturers of farm produce and edibles as defined in this section.

Councilmember Fraley-Monillas recalled when this issue came before the Planning, Parks and Public Works Committee, it was recognized that urban farms are very small and there are not acres of land in Edmonds that can be farmed with produce offered at huge roadside stands. The Committee's primary concerns were traffic in neighborhoods and ensuring the neighbors understand what is occurring. Ms. Machuga responded the proposed code amendment retains the restrictions related to traffic and hours of operation, it only eliminates the CUP requirement and adds clarifying language regarding signage.

Council President Pro Tem Petso inquired about the change Ms. Machuga suggested related to signage. Ms. Machuga explained the language provided by the Planning Board was for a sign on a display. If the Council wanted to allow a sign associated with the display, the language could be revised.

Council President Pro Tem Petso asked how the City could control an urban farm that became a nuisance, such as traffic. Ms. Machuga answered a complaint would be filed and code enforcement would become involved. Council President Pro Tem Petso asked if this ordinance would apply to a non-urban farm, for example the Yakima farmer who set up a stand last year on the corner of 238th & Firdale Avenue. Ms. Machuga answered the ordinance would not apply in that instance but the State law would apply.

Councilmember Fraley-Monillas asked about enforcement of issues related to traffic, noise or hours of a home occupation. Ms. Machuga answered if someone was not meeting the requirements of the code, a complaint would be filed and code enforcement would look into it. The same would apply to an urban farm.

Councilmember Buckshnis asked whether the proposed amendment had been reviewed by the Historical Society who operates the Farmers Market to determine if it would have an impact on the market. Ms. Machuga answered she has not discussed it with the Historical Society. Urban farms typically are small and do not grow enough produce to have a table at the market.

Mayor Earling opened the public participation portion of the public hearing.

Michael Mearns, Edmonds, explained his wife and he started Rubberneck Farms on Maplewood Drive last year. Tonight's discussion is whether the CUP is in violation of State law, if it is in the spirit of the Urban Farm Code created in 2010, and if the code that defines urban farming as the display or sale of edible farm products or fresh produce grown on site, was set up to promote or contain urban farming in Edmonds, sustainability, local produce and food education. He argued the code was set up to promote sustainability; people want to know their farmers and where their food comes from; however, the code language requires a CUP which costs nearly \$600. The permit acts as a barrier to anyone who wishes to start an urban farm, thereby inhibiting rather than promoting urban agriculture. With regard to food safety and inspection, he pointed out the Washington State Department of Agriculture states produce sold directly to the end consumer is exempt from inspection when meeting the following two criteria: 1) sell less than 2000 lbs. or each product each day, and 2) sell less than 500 lbs. to a single customer. Their

garden is 3,000 square feet; last year they grew 1000 lbs. for the community. With regard to taxes, produce is not a prepared food item and therefore does not require collection of sales tax. With regard to parking, he doubted an urban farm could be large enough to create any more traffic than a garage sale or lemonade stand. He asked the Council to promote sustainability in Edmonds and approve the change to the urban farming code.

Melissa Mearns, Edmonds, commented the requirement for the CUP prevents a small scale suburban farmer from setting up a temporary stand to sell extra produce they have grown on their property to members of the community. Removing the requirement for a CUP and the associated fee will open the door to potential development of a vibrant network of small neighborhood farms in the City which will only lend to Edmonds' budding reputation as a sustainable and charming city on the Sound. She urged the Council to approve the amendment to eliminate the Type II CUP for urban farms. She submitted a petition signed by people in their neighborhood who agree the code should be changed.

Bonnie Mearns, Edmonds, a neighbor, consumer and citizen of Edmonds, expressed support for the change in the code related to urban farming. Rubberneck Farms has been in existence for a year and only sold items during one season. During that time it has made a major change in the neighborhood. It made the land more attractive and usable, the area was previously used to store an old boat and trailer; it encouraged neighbors to buy great, fresh produce; it has contributed to neighbors meeting each other; it has shown how food can be grown; one child in the neighborhood watched from her window as a seed grew into a pumpkin; it taught neighbors they can grow things in their gardens; it changed the neighbors' eating habits toward eating more fresh produce; and it has shown the determination and love that people have to make their dreams come true. She urged the Council to consider amendments that would encourage the sale of produce without a permit at Rubberneck Farms and elsewhere in Edmonds.

Radoje Spasojeviz, Edmonds, expressed support for amending the code to remove the requirement for a CUP for urban farms. The benefit of allowing urban farms far outweighs what the City gains via a \$600 permit. He commented on the importance of introducing neighbors to local food, improving the environment through organic methods and changing the ethos from consumers to producers.

Daniel Graham, Edmonds, a resident across the street from Rubberneck Farms, voiced his support for removing the requirement for a CUP. He explained last year his children pulled vegetables from the ground and brought them home for him to cook. There have been no issues with noise or traffic and they have met many of their neighbors.

Joshua Thompson, Edmonds, expressed support for removing the requirement for a CUP. In addition to the apparent legal contradiction with State law, he pointed out the disparity between the \$100 home occupation business license and a \$600 CUP. Urban farming coordinates well with city and county initiatives related to sustainability. He has no ownership or benefit with Rubberneck Farms; his wife met the Mearns at a sustainability and healthy eating conference at Edmonds Community College. The value of urban farms is not in a single neighborhood; municipalities throughout the region are interested in sustainability. This is a small way Edmonds can support its efforts to reduce energy waste.

Richard Klein, Edmonds, a resident across the street from Rubberneck Farms, expressed support for Rubberneck Farms. There has never been a traffic problem, there has been far more benefit than problems. He urged the Council to remove the requirement for a CUP.

Hearing no further comment, Mayor Earling closed the public participation portion of the public hearing.

Councilmembers Buckshnis and Yamamoto expressed their support.

COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCIL PRESIDENT PRO TEM PETSO, TO DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE FOR COUNCIL APPROVAL IN ACCORDANCE WITH THE PLANNING BOARD'S RECOMMENDATION. MOTION CARRIED UNANIMOUSLY.

9. MAYOR'S COMMENTS

Mayor Earling seconded comments included in an email Council President Peterson sent to the Council last week expressing his appreciation for the work Councilmembers are doing to prepare for meetings. Doing the due diligence before meetings saves an enormous amount of time.

Mayor Earling welcomed Councilmember Fraley-Monillas back from Aruba, noting he also just returned from Hawaii. Council President Peterson is on vacation this week.

10. COUNCIL COMMENTS

Councilmember Bloom reported on the privilege of participating in a brainstorming session at Edmonds-Woodway High School facilitated by Student Representative Alex Springer and former Student Representative Peter Gibson. She was very impressed with the energy and thoughtfulness of the students' comments; their comments will be incorporated into the May 3 Open House regarding the Strategic Plan. Parks & Recreation Director Carrie Hite, Community Services/Economic Development Director Stephen Clifton, Cultural Services Manager Frances Chapin and Executive Assistant Cindi Cruz also attended along with Council President Pro Tem Petso. One of the students' suggestions was to have a Student Representative on the Arts Commission and other City boards and commissions to ensure more student input.

Councilmember Bloom thanked the Mearns for pursuing the code amendment to remove the requirement for a CUP. Their urban farm is a wonderful addition to Edmonds and she hoped more people would develop urban farms.

Councilmember Fraley-Monillas also thanked the Mearns, noting their persistence paid off. She looked forward to visiting their urban farm.

Mayor Earling reminded everyone of the May 3 Open House from 5:30 to 8:30 p.m. at the Edmonds Library Plaza meeting room. The Open House will be an opportunity for input as well as to view the recommendations that have been developed during the Strategic Plan process.

Councilmember Yamamoto invited the public to the first Municipal Parks District meeting on May 7 at 6:00 p.m. in the Library Plaza Room.

Councilmember Buckshnis reported the Floretum Garden Club's plant sale will be held Saturday, May 5 from 9:00 a.m. – 12:00 p.m. in the PCC parking lot. She encouraged the public to adopt a flower basket; 100 have been sold with only 33 remaining. She hoped to have them all adopted before planting begins next week.

Councilmember Buckshnis reported on the Adopt a Park Program; forms are available on the Parks & Recreation Department webpage. She participates in the dog park clean up and has adopted Hutt Park. Adopt a Park is a great way to meet neighbors and clean up a park; the Parks crew will pick up debris after a clean-up.

Councilmember Buckshnis reported Snohomish County Tomorrow which consists of the 19 cities in Snohomish County and the Tulalip Tribe, continues to work on the affordable housing project. She

clarified affordable housing means housing that is affordable to younger families, seniors, smaller households, etc. There may be funding available from the Gates Foundation.

Councilmember Buckshnis reported Sultan recently completed a roundabout. One of Sultan's Councilmembers commented they too had an anti-roundabout group but once the roundabout was constructed, everyone enjoyed it and it has improved safety.

Student Representative Springer thanked Councilmember Bloom for her assistance with coordinating the meeting at Edmonds-Woodway as well as the staff members and Council President Pro Tem Petso for attending. The meeting regarding the Strategic Plan was held at Edmonds-Woodway High School for interested students to share their ideas. He also thanked the students who participated and the teachers who helped spread the word about the meeting. He emphasized students are an untapped well of interest and engagement. He encouraged community organizations to seek student input and establish student representative positions.

11. CONVENE IN EXECUTIVE SESSION REGARDING POTENTIAL LITIGATION PER RCW 42.30.110(1)(i).

At 8:32 p.m., Mayor Earling stated that the City Council would convene in executive session regarding potential litigation per RCW 42.30.110(1)(i). He noted that the executive session was scheduled to last approximately 60 minutes and would be held in the Jury Meeting Room / Council Chambers. He announced that potential action may occur at the conclusion of the executive session. Elected officials present at the executive session were Mayor Earling, Councilmembers Fraley-Monillas, Buckshnis, Bloom, Yamamoto and Plunkett. Councilmember Petso was present from 8:40 p.m. until 10:11 p.m. Others present were Public Works Director Phil Williams, City Engineer Rob English, Parks & Recreation Director Carrie Hite, City Attorneys Jeff Taraday and Sharon Cates, and City Clerk Sandy Chase. At 9:40 p.m., Ms. Chase announced to the public that an additional 20 minutes would be needed in executive session. At 10:03 p.m., Mayor Earling announced to the public that an additional 10 minutes would be required in executive session. The executive session concluded at 10:23 p.m.

12. RECONVENE IN OPEN SESSION

Mayor Earling reconvened the meeting in open session at 10:25 p.m.

13. POTENTIAL ACTION AS A RESULT OF MEETING IN EXECUTIVE SESSION

COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT FOR UP TO \$5,000 TO REPRESENT THE COUNCIL IN A CLOSED RECORD REVIEW. MOTION CARRIED (5-0). (Councilmember Petso was not present for the vote.)

14. ADJOURN

With no further business, the Council meeting was adjourned at 10:26 p.m.