

EDMONDS CITY COUNCIL APPROVED MINUTES

June 5, 2012

The Edmonds City Council meeting was called to order at 6:00 p.m. by Mayor Earling in the Council Chambers, 250 5th Avenue North, Edmonds.

ELECTED OFFICIALS PRESENT

Dave Earling, Mayor
Strom Peterson, Council President
Frank Yamamoto, Councilmember
Joan Bloom, Councilmember
Lora Petso, Councilmember
Adrienne Fraley-Monillas, Councilmember
Diane Buckshnis, Councilmember
Kristiana Johnson, Councilmember*
*(seated at 7:31 p.m.)

ALSO PRESENT

Alex Springer, Student Representative

STAFF PRESENT

Jim Lawless, Assistant Police Chief
Stephen Clifton, Community Services/Economic
Development Director
Phil Williams, Public Works Director
Shawn Hunstock, Finance Director
Carl Nelson, CIO
Rob English, City Engineer
Kernen Lien, Associate Planner
Jeff Taraday, City Attorney
Sandy Chase, City Clerk
Linda Hynd, Deputy 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).

At 6:00 p.m., Mayor Earling announced that the City Council would meet in executive session regarding labor negotiations per RCW 42.30.140(4)(b). He stated that the executive session was scheduled to last approximately 60 minutes and would be held in the Police Training Room, located in the Public Safety Complex. No action was anticipated to occur as a result of meeting in executive session. Elected officials present at the executive session were: Mayor Earling, and Councilmembers Yamamoto, Fraley-Monillas, Buckshnis, Peterson, Petso and Bloom. Others present were City Attorney Jeff Taraday, Parks & Recreation Director Carrie Hite, Human Resources Manager Mary Ann Hardie, Human Resources Consultant Tara Adams, Police Chief Al Compaan and City Clerk Sandy Chase. The executive session concluded at 6:59 p.m.

Mayor Earling reconvened the regular City Council meeting at 7:05 p.m. and led the flag salute.

2. APPROVAL OF AGENDA

COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO APPROVE THE AGENDA IN CONTENT AND ORDER. MOTION CARRIED UNANIMOUSLY.

3. APPROVAL OF CONSENT AGENDA ITEMS

Councilmember Petso requested Item C be removed from the Consent Agenda.

COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCIL PRESIDENT PETERSON, TO APPROVE THE BALANCE 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 MAY 22, 2012.**
- D. APPROVAL OF CLAIM CHECKS #132105 THROUGH #132331 DATED MAY 24, 2012 FOR \$858,770.43, AND CLAIM CHECKS #132332 THROUGH #132413 DATED MAY 31, 2012 FOR \$203,306.88.**
- E. APPROVAL OF LIST OF BUSINESSES APPLYING FOR RENEWAL OF THEIR LIQUOR LICENSE WITH THE WASHINGTON STATE LIQUOR CONTROL BOARD, MAY 2012.**
- F. AUTHORIZATION TO SELL TWO (2) SURPLUS FORD CROWN VICTORIA PATROL VEHICLES TO THE CITY OF TENINO, WASHINGTON.**

ITEM C: APPROVAL OF CITY COUNCIL MEETING MINUTES OF MAY 29, 2012

Councilmember Petso explained she pulled this item to abstain from voting on the minutes of that meeting.

COUNCIL PRESIDENT PETERSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO APPROVE ITEM C. MOTION CARRIED (5-0-1), COUNCILMEMBER PETSO ABSTAINING.

4. PUBLIC HEARING ON PROPOSED CODE AMENDMENT TO PROVIDE EXPANDED NOTICE REQUIREMENTS FOR STREET VACATIONS (ECDC 20.70.090.A). FILE NO. AMD20120003.

Associate Planner Kernan Lien explained in response to a citizen request, the Council tasked the Planning Board with considering an amendment to ECDC 20.70.090.A that would amend noticing requirements for street vacations to indicate the nature of any easement that would be retained in connection with the vacation and if such notice is not provided, continue the public hearing until such time as adequate notice is provided.

The Planning Board held a public hearing on May 9, 2012 regarding the proposed amendment. The Planning Board recommends adding a new item 6 to ECDC 20.70.090.A that would read, "A description of any easement under consideration to be retained by the City. In the event an easement is desired but was not included in the notice, the public hearing will be continued to allow time for notice of the easement to be provided." At the Planning Board's public hearing Mr. Reidy identified two additional items in ECDC 20.70 that could be updated:

1. Insert language from RCW 35.79.030, the state law regarding vacations, within two sections of ECDC 20.70:
 - Insert "construction repairs and maintenance of" prior to "public utility services" in ECDC 20.70.030. This would clarify the type of easement that the City may retain in street vacations.
 - Change "applicant" to "owners of property abutting upon the street or alley or part thereof so vacated" in ECDC 20.70.140.A.3. The language in 20.70.140A.3 does not make sense if the City initiates the street vacation.

The Planning Board was tasked solely with the notice requirement. After discussing Mr. Reidy's additional amendments, the Planning Board recommended the City Council task the Planning Board with holding a public hearing on the two additional proposed amendments.

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

Ken Reidy, Edmonds, thanked the Council for considering the proposed code amendment to provide standard notice requirements for vacations of public easements. He expressed his support for the proposed code amendment as it will further protect citizens from a surprise replacement easement on their property against their will without any prior public notice. The City's code already does not allow surprise replacement easements; replacement easements must be granted by a citizen after the City Council adopts a resolution of intent to vacate if specific conditions are met in 90 days. He referred to page 3 of Attachment 1 of the packet, ECDC 20.70.140 Final Decision that outlines options for the Council's final decision. Mr. Reidy summarized there is no option for the Council to adopt an ordinance granting a vacation while at the same time reserving a surprise replacement easement against the will of the citizen without any prior public notice. He recommended the Council approve the code amendment to protect citizens from surprise replacement easements in the future. Based on his research, every street vacation administered by the City over the past 10 years has violated ECDC 20.70. As Mr. Lien stated there are other sections of ECDC 20.70 that need to be corrected and he requested the City Council ask the Planning Board to consider those corrections.

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

COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO DIRECT THE CITY ATTORNEY TO DRAFT AN ORDINANCE APPROVING THE PROPOSED CODE AMENDMENT. MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO TASK THE PLANNING BOARD WITH REVIEWING THE OTHER TWO PROPOSED AMENDMENTS. MOTION CARRIED UNANIMOUSLY.

5. AUDIENCE COMMENTS

Al Rutledge, Edmonds, reported on two upcoming events: 1) the booth at this Saturday's Farmers Market to collect donations for maintenance of the Edmonds Log Cabin, and 2) the car show on July 14 at Top Foods to benefit the food bank. He reported a number of students are coming to the food bank; most of them do not have jobs.

Ken Reidy, Edmonds, referred to discussion during recent Council meetings regarding ex parte communications, noting there seemed to be uncertainty regarding what the City and elected officials can do in certain circumstances. He asked the City's elected officials to address and clarify the following: when a land use legal dispute is ongoing involving a developer, the City of Edmonds and a group of citizens opposing the development, is it legal for the City to enter into a settlement agreement with the developer or the citizens group without the involvement or knowledge of the other party? For example, is it legal for the City to execute a settlement agreement with the citizens group without the involvement or knowledge of the developer and all three entities are parties to the related legal action? He requested the City Council request and require the City Attorney to research this question and answer it during an open public meeting in the near future.

6. APPOINTMENT TO FILL CITY COUNCIL VACANCY

City Clerk Sandy Chase provided the following rules with regard to appointment to fill City Council vacancy:

Nominations

Each Councilmember may nominate one candidate from the list of applicants by placing an "X" beside the name of the applicant of his or her choice on the form supplied for that purpose by the City Clerk, and

by signing the nomination form. The City Clerk will announce and maintain a permanent record of the nominations and of the Councilmember nominating each candidate.

The Election

Each Councilmember may vote for one candidate by placing an "X" beside the name of the candidate of his or her choice on the ballot supplied for that purpose by the City Clerk, and by signing the ballot. The City Clerk will announce and maintain a permanent record of each ballot and who voted for each candidate.

A Deadlock

A deadlock occurs after each Councilmember votes the same way on three consecutive ballots. In the event the City Council should deadlock, then previous nominations are declared null and void and the Council may begin a new round of nominations.

Councilmember Petso asked whether Councilmembers would have an opportunity to speak in favor of their nominee. Mayor Earling answered that was up to the Council. The few times he has been involved in nominating, that was not done. Council President Peterson answered it has been his experience that the Council has always been afforded the opportunity to speak for the candidate of their choosing.

Deputy City Clerk Linda Hynd distributed the first nomination ballot to Councilmembers. Those nominated were: Kristiana Johnson (Councilmembers Fraley-Monillas and Buckshnis), Ron Wambolt (Council President Peterson), Harry Gatjens (Councilmember Bloom), Natalie Shippen (Councilmember Petso), and Dick Van Hollebeke (Councilmember Yamamoto).

Vote No. 1 was taken. The results were: one vote for Natalie Shippen (Councilmember Petso), one vote for Dick Van Hollebeke (Councilmember Yamamoto), one vote for Ron Wambolt (Council President Peterson), two votes for Kristiana Johnson (Councilmembers Buckshnis and Fraley-Monillas), and one vote for Harry Gatjens (Councilmember Bloom).

Vote No. 2 was taken. The results were: four votes for Kristiana Johnson (Councilmembers Fraley-Monillas, Buckshnis, Bloom and Petso) and two votes for Dick Van Hollebeke (Council President Peterson and Councilmember Yamamoto).

Mayor Earling administered the oath of office to Ms. Johnson and Councilmember Johnson took her seat at the dais.

Councilmember Buckshnis thanked everyone for their calls and emails regarding the selection. All the candidates were great and the selection was very difficult. She was looking for someone who could replace Councilmember Plunkett's knowledge regarding land use and zoning.

Councilmember Fraley-Monillas commented some amazing people applied; selecting one was a very difficult decision. She was impressed by Councilmember Johnson's background in planning, her attitude, her relationship with others, and her respectful behavior. She thanked everyone who applied and encouraged them to stay involved with the City. She recognized for the first time in history, the Council has a majority of women.

Councilmember Yamamoto congratulated and welcomed Councilmember Johnson. He thanked all the applicants, commenting they all did a marvelous job during their interviews. He urged them to continue to be involved in the community, noting there are numerous City boards and commissions on which to serve.

Council President Peterson commented he had great admiration and appreciation for Mr. Wambolt's work for the City. Although they disagree on a lot of issues, they agree on mutual respect, civility, and doing

the right thing for the citizens and employees of Edmonds. Likewise Mr. Van Hollebeke, he is experienced and appreciates the work the Council does. He expressed his appreciation for the work Mr. Van Hollebeke does for Edmonds Community College. He thanked Councilmember Johnson for applying, commenting her record and interview made this appointment comfortable for him. Her land use experience and involvement in environmental initiatives makes her a great addition to the City Council.

Councilmember Johnson thanked the Council for selecting her as their colleague. She looked forward to working with the Council. She thanked everyone that supported her through this application process. She was very honored to be among this group of candidates. She cited the importance of participating in the community, pointing out there is a vacancy on the Planning Board as well as vacancies on the City's Economic Development Commission.

7. UPDATE FROM THE PLANNING BOARD

Planning Board Chair Phil Lovell congratulated Councilmember Johnson, commenting she has been an invaluable member of the Planning Board and he was certain she would be extremely effective and helpful to the City and the Council.

Chair Lovell explained he was representing the Planning Board and the points he planned to share were informational for the Council as well as citizens. This is the first of planned regular Planning Board briefings to the Council intended to more efficiently inform citizens of the Planning Board's processes and undertakings and let the Council and public know about the Board's current activities. More frequent communication between the Planning Board and the Council will enhance effectiveness. He encouraged Planning Board Members, City staff, elected officials and the public to attend and participate in Planning Board discussions, public forums and hearings. It is timely to begin regular Council briefings for three reasons:

1. There are several new or recent members to the Council and the Planning Board wants to update the group as efficiently as possible. He was hopeful these briefings would assist in that process.
2. One of the major action plans identified by the public and major stakeholder groups in conjunction with the strategic planning and visioning process currently in progress points towards more frequent and effective communication between Edmonds governance structure and the public.
3. The Planning Board expects to take up significant matters over the course of the coming year which are of major interest to the City, residents, taxpayers, and visiting public. A few of these are as follows:
 - Finalization of the City's Shoreline Management Program update as required by the Washington State Shoreline Management Act [RCW 90.48]. City staff has done an outstanding job in working with the state authorities to adjust this plan to respond to the increased shoreline area definition now extending into portions of the Edmonds Marsh. The purpose of the plan is to promote uses, development, and general public welfare while protecting and maintaining the shoreline resources within the City.
 - Review of and ultimate referral to Council for final action a long term Master Plan prepared by the Port of Edmonds in conjunction with the Port's Harbor Square area to the east of the railroad tracks on Dayton. This planning has been a lengthy process undertaken by the Port with their consultant team and includes input from the public as well.
 - Potential studies and deliberations with regard to potential re-development of the downtown waterfront section of the City.
 - Continued discussion and deliberations involving definitions and considered zoning provisions within the downtown Business District (BD) sections of the City.
 - Further discussion and considerations with regard to the Westgate and 5-Corners neighborhoods with respect to the recently-studied long term redevelopment potential and

- possible incorporation of elements of form-based zoning in conjunction with such redevelopment.
- And last, but not least, any studies or potential actions referred to the Board by Council or staff as an outgrowth of the strategic planning visioning process.

Virtually all the visual and written material in conjunction with these matters is available through the city's website: www.edmondswa.gov.

Mr. Lovell further explained the Board, consisting of seven volunteer citizens and one alternate, serves as an advisory function to the City in local and regional planning, and assists in the development and updating of the City's comprehensive plan and zoning ordinances. The Board also serves as the citizen advisory group for the Parks and Recreation Department. In this capacity the Board would also advise the Mayor and Council on the acquisition of all city parks and recreation facilities. Board members serve four year terms and are appointed by the Mayor with Council confirmation. The Board meets at 7 PM on the 2nd and 4th Wednesday of every month in Council Chambers. The Planning Board Members listing, meeting agendas, including notices of public hearings, and approved minutes of meetings, are also available on the City's website.

Most of the items undertaken by the Board for consideration come to them in one of the following three ways:

1. Referral or recommendation by the Council, at times accompanied by a draft resolution covering the specific action contemplated.
2. Initiated by City staff who have identified a need for study concerning an area within our governing codes or arising out of an issue relating back to a given permit application by a member of the public.
3. Regular periodic updating of the City's land use plans and codes required by local, regional, and or state regulations.

Areas and matters undertaken by the Board commonly involve consideration and discussion of background and research material prepared by staff during regular meetings. Following deliberations and a public hearing the Board then votes to either forward a given matter to Council for further consideration with an action recommendation or continue their deliberative process to a point where they can do so.

Mr. Lovell listed a few of matters being undertaken by the Planning Board:

- a) A proposed Edmonds Development Code amendment which would expand public notice provisions for any proposed street vacation to require inclusion of a description and reasoning accompanying any retained easements being considered by the City. Following discussion, deliberation, and one public hearing the proposed code amendment was returned to Council for further process, public hearing, and final action which occurred tonight.
- b) A review of proposed changes to the Edmonds City Code and portions of the Development Code to allow Motorized Mobile Vendors within the City. Council had previously directed staff to update the relevant code sections to clarify that such vendors are permitted within the City and that provisions should be made to clarify the regulations as to definitions, parking requirements, zones of operation, and potential conflict with other special events within the city which accommodate mobile vendors.
- c) Continuing review of the Shoreline Master Program. The update of this document has been underway for a number of years utilizing consultants and excellent work by Edmonds Planning Division staff member Kernan Lien. Most recently the Board has been discussing provisions such as the scope of shoreline jurisdiction, shore setbacks, and buffers both conceptually and as actually located within the City's shoreline areas. The Board expects to complete its review and public hearing processes and forward to Council for final action in time to meet the end-of-year deadline for final submittal to the State.

- d) The Board is just beginning consideration and study of the long term re-development options report for the Westgate section of the City as completed and provided by the UW-Cascade Land Conservancy team over the course of last year. The Board expects study will include the potential incorporation and/or utilization of selected form-based zoning elements into the City's land use provisions. Initial indications are that a considerable amount of "up-front" work will be undertaken by staff in order to frame this upcoming work which the Board expects will lead to lengthy deliberations.

Councilmember Buckshnis asked whether consideration had been given to televising Planning Board meetings. Chair Lovell responded that had been discussed and it was his understanding there were cost and logistical constraints. That was one of the reasons for undertaking a bi-monthly update to Council. Councilmember Buckshnis commented Planning Board meetings are fascinating; the Planning Board has good deliberations but there is usually no audience present. Chair Lovell encouraged the community to review Planning Board meeting agendas, attend meetings and provide input.

Councilmember Petso offered to do what she could to get the public to attend Planning Board meetings so that discussion occurs before matters reach the Council. She offered to announce during Council Comments any upcoming Planning Board public hearings. She requested the information be in English, language that was understandable to the public. For example, with regard to the Shoreline Master Program and jurisdiction of buffers, she requested the information specify how work on the Shoreline Master Program would affect property owners near a lake, river, stream, etc. She commented the language on Planning Board agendas may be one of the reasons for low turnout at meetings. Chair Lovell noted the *Edmonds Beacon* has published articles the Board submitted which helps citizens learn about the Board's work. Staff provides the Board excellent briefing memos. He also planned to make meetings more efficient; meetings often last until 10:30 p.m.

Councilmember Fraley-Monillas expressed interest in determining the cost to televise Planning Board meetings, noting often what happens at Planning Board meetings is more important than what occurs at City Council. It is important for citizens to be able to view the meetings, educate themselves and talk to the City Council. She asked how the cost to televise Planning Board meetings could be determined. Mayor Earling said staff could research the cost and report to Council.

Student Representative Springer asked for an explanation of form-based zoning. Mr. Lovell answered there is a lot written about form-based zoning. The way the City's codes are currently structured, they spell out in technical terms with regard to measurements, details, sizes, heights, setbacks, etc. how things are built. In a form-based zoning approach, the total use of the land is considered and criteria is developed to reflect what people would like to see there with regard to how it relates to the neighborhood, how it looks, relationship to streets, traffic, sidewalks, landscaping, storefronts, etc. He summarized form-based code talked more about how things looked rather than exactly how to build them.

Mayor Earling thanked Chair Lovell for the report, finding a periodic update to the Council a great idea. He asked Chair Lovell to relay his thanks to the Planning Board Members for the good work they do.

8. AMENDMENT TO ECC 5.05.050 - ANIMAL CONTROL (RUNNING AT LARGE PROHIBITED).

Assistant Police Chief Jim Lawless explained the purpose of the proposed changes was to address concerns and complaints received by the Police Department, park volunteers, and Councilmembers regarding the Marina Park Off Leash Area. The changes would establish guidelines and rules for acceptable behavior within the park and establish some enforceability. There has been concern that dogs are properly vaccinated in the event dogs misbehave or come in contact with other dogs or people.

Assistant Chief Lawless referred to language added to Section A that provides for an exception related to owners or persons having charge, care, custody or control of any animal with the exception of cats to allow such animal to run at large during the hours of the day or night. This effectively removes the requirement that cats be leashed. He summarized the goal of the proposed changes was to establish guidelines and establish enforceability to make the dog park more friendly and hopefully generate fewer complaints related to behaviors at the park. He noted the off leash dog park has become very popular and it is frequented by residents as well as people who live outside the City.

Councilmember Buckshnis explained she is a founding member of Off Leash Area Edmonds (OLAE) and assisted with drafting the amendments. She agreed the off-leash area is very popular; the primary issue was animal control could not fine someone in the park without a license.

Councilmember Bloom reported the Public Safety and Personnel Committee reviewed the proposed amendments. The inclusion of cats in the exception effectively repeals the cat leash law which was unenforceable. Assistant Chief Lawless explained there was really no cat leash law; because there was no exception for cats, cats were subject to leash law requirements. Cats, seeing eye or hearing ear dogs, and Police K9 are the only exceptions.

Councilmember Bloom recalled there was a great deal of controversy regarding the cat leash law; the only way for enforcement to occur was for a citizen to complain about a neighbor. Assistant Chief Lawless agreed it was very difficult to enforce.

Council President Peterson referred to the exception for seeing eye or hearing ear dogs, pointing out there are many other service animals. He asked whether language should be included that would allow an exception for any service animal recognized by the Americans with Disabilities Act. Assistant Chief Lawless responded the issue of service animals arises often particularly during summer festivals. The federal law is quite complicated. Service animals have evolved over time; originally it was dogs, now service animals include snakes, ferrets, etc. He explained it is not the actual animal that is afforded rights; it is the person with the disability, the service animal is a tool used by that person. There is no requirement that a service animal have any markings or paperwork and there are limits to what the individual can be asked due to ADA. The representative from the City Attorney's office recommended the language regarding seeing eye or hearing ear dogs as those are generally the animals that are leashed and fall under the actual federal mandate of what is recognized as a service animal.

City Attorney Jeff Taraday responded another person in their office, Sharon Cates, drafted the ordinance so he is not an expert in the issue. He offered to follow up with Ms. Cates if the Council wished.

Council President Peterson commented it is a concern in light of the number of service animals. Assistant Chief Lawless explained regardless of the City's regulations, in certain service animal issues, the federal law would trump.

Council President Peterson asked whether the rules related to the off leash park will be posted at the off-leash park. Assistant Chief Lawless responded there will be a very large, prominent sign at the entrance to the dog park to avoid any confusion about the expectations for those utilizing the park.

Councilmember Fraley-Monillas preferred the language be changed to service dogs. As written, the ordinance is discriminatory by identifying only seeing eye and hearing ear dogs as exceptions. She noted there are people who use service dogs for a variety of issues including seizures. Mr. Taraday questioned how often service animals would be off leash; the proposed ordinance exempts service animals from a leash law. Councilmember Fraley-Monillas answered some service dogs are not leashed for specific reasons such as one whose job is to cushion the person in the event of a fall.

Councilmember Fraley-Monillas commented none of the Councilmembers were on Council when the cat leash law was adopted but she recalled it was a controversial issue. She suggested holding a public hearing before making that change.

Councilmember Petso agreed with the concerns raised by Council President Peterson and Councilmember Fraley-Monillas and was happy to have a public hearing. She referred to the provision, “supervise all children below fifteen years of age” and suggested the age be lowered to twelve.

Councilmember Bloom did not want to open the issue to a public hearing regarding leashing of cats. It has been demonstrated the cat leash law cannot be enforced and filing complaints just pits citizens against citizens. She viewed the proposed ordinance as an easy, smooth way to eliminate the cat leash law.

Councilmember Fraley-Monillas commented in the interest of transparency, she will vote against the ordinance if the Council does not hold a public hearing.

COUNCILMEMBER YAMAMOTO, MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO APPROVE ORDINANCE NO. 3887, AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING ECC 5.05 TO REVISE THE “RUNNING AT LARGE PROHIBITED” PROVISION OF THAT CODE SECTION.

Council President Peterson said he will support the ordinance as written. He suggested the City Attorney keep in mind the issue regarding service animals and return with a minor change if necessary.

With regard to supervision of children, Councilmember Bloom asked why the age of fifteen was selected. Assistant Chief Lawless answered the City Attorney’s office drafted the language, modeling it after language used by several other major dog parks including Seattle and Mountlake Terrace. He assumed it was for consistency as people often visit multiple dog parks.

Councilmember Bloom assumed it was in regard to the safety of children. Assistant Chief Lawless answered he was uncertain why the age of fifteen was selected; the concern was children in the dog park running around getting the dogs excited and invoking a pack mentality that may lead to a small child being bitten.

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY PETSO, TO AMEND THE MOTION TO REVISE SECTION 5.05.050.E.8 TO READ, “SUPERVISE YOUR CHILDREN BELOW TWELVE YEARS OF AGE.” MOTION CARRIED (6-0-1), COUNCILMEMBER JOHNSON ABSTAINING.

UPON ROLL CALL VOTE, THE VOTE ON THE MAIN MOTION AS AMENDED CARRIED (4-2-1), COUNCIL PRESIDENT PETERSON AND COUNCILMEMBERS YAMAMOTO, BLOOM AND BUCKSHNIS VOTING YES; COUNCILMEMBERS FRALEY-MONILLAS AND PETSO VOTING NO, AND COUNCILMEMBER JOHNSON ABSTAINING.

9. DISCUSSION REGARDING THE READING OF CITIZEN EMAILS/LETTERS DURING PUBLIC COMMENT.

Councilmember Bloom explained she raised this issue in an effort to provide as many options as possible for citizens to present input to the City Council. Council meetings are held at a time when many citizens can attend but not everyone is available. Further, not everyone is comfortable speaking at a Council meeting. She requested the Council discuss the proposed guidelines and consider adopting an ordinance or resolution that would allow citizens to submit public comment when they were not present at a meeting.

Council President Peterson explained citizens can submit public comment without attending the meeting. Emails are often entered into the public record as part of the minutes although the comment may not be read into the public record. One of his concerns was there was a great deal of subjectivity to the

guidelines; for example the author may think he/she is not making disparaging or insulting remarks, whoever reads the letter may think otherwise. He was also concerned with the length of meetings, recalling on some issues such as the plastic bag ban, the Council received 30+ emails, some that were very similar. If each person requested their letter/email be read into the record, under the proposed guidelines, the Council would be required to read each one into the record. The recent closed record hearing illustrated how reading items into the record can get overwhelming. He summarized if 30 citizens sent the exact same email and each requested it be read into the record, according to the proposed guidelines, each one would have to be read into the record. This issue was not a problem today because most people were happy to simply have their email/letter entered into the public record.

Councilmember Fraley-Monillas recalled citizens have read letters for other citizens unable to attend a meeting. She suggested that as an option.

Councilmember Buckshnis agreed with Council President Peterson and Councilmember Fraley-Monillas, particularly with regard to a letter not including disparaging or insulting remarks. She recalled at a recent meeting she was embarrassed by the disparaging remarks made toward the City Attorney, Council President Peterson and Attorney Carol Morris. She summarized determining what was disparaging or disrespectful was too subjective. She preferred to have letters/emails entered into the record in the minutes as they are done today.

Councilmember Bloom recalled a citizen, George Murray, who was not allowed to read another citizen's letter. She recalled the reason given was that there was no way to ensure the letter was authored by the person he said it was from. She asked whether a citizen would be allowed to read a letter from another citizen. Mr. Taraday answered he was uncertain whether there was anything in the City's code or Council policies that address that or whether there should be a policy. Any liability would likely fall on the person reading the letter, not the City, but he would need to research it. Council President Peterson recalled it was a ruling by the Chair at the time and not a City policy.

If the Council did not take action on the proposed criteria, Councilmember Petso suggested clarifying that a Councilmember had the opportunity and privilege to read a letter into the record if they wished. She asked for example if someone provided her a letter prior to the meeting and asked that she read it into the record, would she be permitted to read it into the record during normal remarks and deliberation. Council President Peterson answered that is always afforded any Councilmember, either during deliberations or during Audience Comments. The only restriction would be a quasi judicial matter. Councilmember Petso asked whether it would be subject to the ruling of the Chair. Council President Peterson answered the Council has free reign as long as the letter is relevant.

Councilmember Fraley-Monillas recalled several occasions where a situation affected a neighborhood and neighbors have read emails/letters from other neighbors unable to attend the meeting. In the past she has also heard Councilmembers read letters from citizens.

Councilmember Bloom explained this issue arose because a citizen asked Council President Peterson to read a letter. She was interested in establishing a policy that allows for citizens unable to attend a Council meeting to have a comment that is important to them read aloud. She summarized it was not clear to her when the Council's comments appear to indicate a Councilmember could read a citizens comment but the Council President declined to do so. She asked whether the citizen's option was then to have another Councilmember read their comment. Her goal was to make it easy for citizens to have input when they were unable to attend a Council meeting. The instance she referred to where Council President Peterson declined was a daytime retreat which was difficult for the citizen to attend.

Councilmember Fraley-Monillas questioned how a Councilmember would handle reading an email that they disagreed with the citizen's stance, was contrary to their beliefs or they believed was inappropriate.

Council President Peterson responded the onus was on the citizen, similar to registering to vote and filling out a ballot; there are certain responsibilities for letting your voice be heard. That may include sending multiple emails to Councilmembers to find one willing to read their comment. He questioned the need for a written policy when an email/letter that a citizen asked to be part of the record is included in the record.

Student Representative Springer agreed it would be very subjective; a Councilmember could decide not to read a comment, a letter may not meet the criteria and determining what are disparaging or insulting remarks is also subjective. He summarized the existing process has worked well in the past and if a concerned citizen really wants their voice heard, they could email multiple Councilmembers a request to read their comment.

Councilmember Bloom commented she wanted it to be clear how citizens can participate on a particular issue even if they are unable to attend the Council meeting. She did not think a citizen request to read a letter into the record would happen very often.

Councilmember Fraley-Monillas asked about citizen's ability to contact Councilmembers via the City's website. CIO Carl Nelson responded there is a link for contacting Councilmembers on the Council's webpage. Councilmember Fraley-Monillas asked whether there could be information regarding having something read into the record. Mr. Nelson answered that could be done.

Councilmember Buckshnis commented a lot of time was being spent on an issue that is not broken. If a citizen sent her an email and requested she read it into the record, as long as it was not disparaging or insulting she would read it. She summarized there has not been a problem in the past and she did not support creating subjective policies. The letter Council President Peterson did not read was included in the minutes.

COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER PETSO, TO PUT SOMETHING ON THE WEBSITE UNDER THE CITY COUNCIL SECTION THAT INDICATES HOW TO GET SOMETHING INTO THE RECORD.

Mr. Taraday referred to the Council's webpage that contains a statement, "Audience participation is welcome during the Audience Comments portion of the meeting. Audience comments are limited to three minutes per person."

Mayor Earling suggested Councilmember Fraley-Monillas work with Mr. Nelson to develop language and bring it back to the Council for further discussion.

COUNCILMEMBER FRALEY-MONILLAS WITHDREW HER MOTION WITH THE AGREEMENT OF THE SECOND.

10. DISCUSSION REGARDING CITY COUNCIL BLOGS.

Councilmember Bloom explained she raised the possibility of blogs for the sake of transparency as well as to allow better communication with citizens and more options for citizens to learn things and communicate with their elected officials. She explained each Seattle City Councilmember has a webpage and they chose what to do with the webpage; they can post things, have an open conversation, etc. She was interested in exploring how webpages may be used for increased communication with citizenry. She would like to communicate with citizens in a blog-type format but did not expect that all Councilmembers would be interested. She suggested information Councilmembers provide during Council comments such as event announcements, summaries of committee meetings, etc. could be posted on individual Councilmember's webpages. She was interested in exploring what that would look like, the cost, etc.

Councilmember Buckshnis commented Seattle was not a good example because they earn a six figure salary, are full-time and have staff. She felt blogging is a slippery slope because it can become official public comments; there needs to be a monitor to ensure comments are not off topic, etc. She felt a blog would be dangerous as there were differences in what people think is respectful. She feared it would open the City to too much liability.

Council President Peterson recalled prior to the 2009 election there were accusations that Council websites were being used for politics, PDC complaints were filed, etc. and those were very static pages. Similar to Councilmember Buckshnis' concerns without individual Council staff, that same situation, an unnecessary distraction, could occur again. He recalled the Council previously discussed this topic and expressly decided not to because of the concern with politics, use of public funds, etc. He was very hesitant to pursue this.

Councilmember Fraley-Monillas commented she has mixed feelings on this issue. Her greater concern was IT staff time to create and monitor blogs or individual Council webpages. She explained when someone has their own blog such as Councilmember Bloom's, nobody monitors it. When it is the City's, someone would need to monitor it. She questioned who would monitor to ensure there was no politicking, information was correct, etc. She acknowledged the benefits of more communication with citizens.

Councilmember Yamamoto referred to the Washington Cities Insurance Authority (WCIA) newsletter regarding problems associated with a City-sponsored blog including records retention and public records requests. He pointed out Councilmember's email addresses and phone numbers are posted on the City's website; citizens can easily contact Councilmembers via email or telephone. For example Councilmembers were forwarded all the citizen emails regarding Council candidates.

Mayor Earling, speaking for administration, referred to the Association of Washington Cities (AWC) memo that identifies the need to monitor and manage blogs; the City's IT staff is already quite busy. He was also concerned with risk management. His primary concern was the increased request for public records. The City currently has a part-time person working full-time fulfilling public records requests and there are two other full-time staff members who spend part of their workday looking for public records. He emphasized that was only in the City Clerk's Office; there are multiple public requests in departments throughout the City. The amount of time staff spends now pursuing legitimate records requests was staggering and increasing that was very worrisome to him.

Councilmember Bloom commented public records requests were usually about private emails; she asked why a public records request would be submitted regarding something on a blog. Mayor Earling answered if there was a public records request about something that happened 1½ years ago, someone would need to find that record. The records from a blog would still need to be recalled should a public records request be made as was explained in the AWC memo.

Mayor Earling summarized the majority of the Council was not interested in pursuing this.

11. MAYOR'S COMMENTS

Mayor Earling welcomed Councilmember Johnson. He expressed his appreciation for Councilmember Johnson joining the Council. He has observed her on the Planning Board and believed she would be a fine addition to the Council.

12. COUNCIL COMMENTS

Student Representative Springer reported tonight was his last meeting as Student Representative. He thanked the City Council and the City for giving him the opportunity to share his thoughts and to

represent the student population. He looked forward to many more students serving as Student Representatives.

Councilmember Petso welcomed Councilmember Johnson and thanked Student Representative Springer for his service. She reported the Historic Preservation Commission will soon present the Council an applicant for appointment to the Commission.

Councilmember Yamamoto wished Student Representative Springer well and said he will be missed. He welcomed Councilmember Johnson.

Councilmember Bloom welcomed Councilmember Johnson and said Student Representative Springer will be missed. She wished him the best and hoped he returned to Edmonds in the future.

Council President Peterson commented Student Representative Springer set the bar high and he always appreciated his comments. He welcomed Councilmember Johnson and looked forward to working with her.

Councilmember Buckshnis told Student Representative Springer to enjoy MIT and she welcomed Councilmember Johnson.

Councilmember Buckshnis expressed concern with the conduct at a previous Council meeting. Although she did not say anything at the time, she did not want her silence to indicate she agreed with how Mr. Taraday, Council President Peterson and Ms. Morris were treated. The Council will be considering an ethics policy as well as refreshing themselves with regard to Roberts Rules of Order to ensure that type of behavior does not occur in the future.

Councilmember Fraley-Monillas commented Student Representative Springer was a bright young star who will go a long way. She welcomed Councilmember Johnson and thanked everyone who applied for the Council vacancy. She commended the applicants in the audience for continuing to be involved.

Councilmember Johnson thanked the Council for their support. She wished Student Representative Springer a wonderful time at MIT.

13. ADJOURN

With no further business, the Council meeting was adjourned at 8:50 p.m.