

EDMONDS CITY COUNCIL APPROVED MINUTES

August 9, 2016

ELECTED OFFICIALS PRESENT

Dave Earling, Mayor
Kristiana Johnson, Council President
Michael Nelson, Councilmember
Diane Buckshnis, Councilmember
Adrienne Fraley-Monillas, Councilmember
Dave Teitzel, Councilmember
Thomas Mesaros, Councilmember
Neil Tibbott, Councilmember

STAFF PRESENT

N. Haughian, Police Officer
Carrie Hite, Parks, Rec. & Cult. Serv. Dir.
Shane Hope, Development Services Director
Rob Chave, Planning Manager
Jeff Taraday, City Attorney
Scott Passey, City Clerk
Andrew Pierce, Legislative/Council Assistant
Jerrie Bevington, Camera Operator
Jeannie Dines, Recorder

Mayor Earling spoke about a former Edmonds Mayor Harve Harrison who passed away last week at the age of 96, a fine person known by many. Mr. Harrison was the mayor from 1967 to 1983, the longest continuous time anyone has been mayor in Edmonds' history. He was a very effective leader who served quietly with great dignity and got things accomplished for the community. Mayor Earling commented it was a thrill to have Mr. Harrison attend the City's 125th anniversary celebration last year. Although he had to be coaxed into it, he did an interview, attended lunch with other past mayors and participated in the ceremony. Mr. Harrison was a man of dignity and had a fabulous sense of humor. A service for him will be held Saturday from 2:00 to 4:00 pm. at Beck's Funeral Home.

1. CALL TO ORDER/FLAG SALUTE

The Edmonds City Council meeting was called to order at 7:03 p.m. by Mayor Earling in the Council Chambers, 250 5th Avenue North, Edmonds. At his request, tonight's meeting was dedicated to Harve Harrison. The meeting was opened with the flag salute.

2. ROLL CALL

City Clerk Scott Passey called the roll. All elected officials were present.

3. APPROVAL OF AGENDA

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

4. APPROVAL OF CONSENT AGENDA ITEMS

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER TIBBOTT, TO APPROVE THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda item approved is as follows:

1. APPROVAL OF CLAIM, PAYROLL AND BENEFIT DIRECT DEPOSIT, CHECKS AND WIRE PAYMENTS

5. **PRESENTATIONS/REPORTS**

1. **PRESENTATION OF RECENT ACTIONS & ACTIVITIES OF THE EDMONDS CLIMATE PROTECTION COMMITTEE**

Cynthia Pruitt, Co-Chair, Mayor's Climate Protection Committee (CPC), referred to a 2015 & 2016 Activity Report that lists the committee's accomplishments. She assumed the Council had some familiarity with the committee and their work supporting staff and the City in reducing heat-trapping gases in this community and elsewhere.

Committee members were appointed by either Mayor Earling or previous mayors. Committee members include Josh Thompson, Larry Pierce, Sandra Distelhorst, Hank Landau, Tony Marzano, Gary Ocher, Barbara Tipton and Janis Freeman. The CPC was formed in 2006 as the result of then-Mayor Haakenson signing the U.S. Mayors Climate Protection Agreement. The commission's mission is outlined in the Activity Report. In 2009, the committee published the Climate Protection Plan. She identified the chapters in the plan and provided key strategies:

- Transportation and Land Use
 - Strategy 3: Encourage a mix of land uses designed to increase accessibility to service, recreation, jobs and housing
- Lifestyles
 - Strategy 1: Reduce material consumption, waste generation and resource depletion
- Buildings
 - Strategy 2: Improve the energy efficiency of and within buildings
- Environment
 - Strategy 1: Enhance our urban forest and landscapes
 - Strategy 2: Adopt solar access and tree policies
- Economy
 - Strategy 1: Support environmentally beneficial businesses and job creation
- Community Outreach and Empowerment
 - Strategy: Increase community education and commitment towards sustainability efforts

The plan is available on the City's website. She reviewed CPC activities related to the plan:

- Supported solarize South County effort.
- Worked with staff on a Zero Waste Resolution
- Reviewed and commented on the Comprehensive Plan
- Provide support related to zero waste at events
- Cheered staff on as they designed and installed green resource room
- Had conversations with the Tree Board; Tree Board members have attended committee meetings, recognizing the nexus between the Climate Protection Committee and the Tree Board
- Clearing house for community events
- Completed four sustainable heroes interviews regarding their successes with reducing heat trapping gases.
- Invited businesses to take the Sustainable Business Pledge. Business that have taken the pledge are posted on the City's website

She recognized Co-Chair Steve Fisher for creating the Activity Report and memo to Council.

Councilmember Buckshnis commented this is a very fun, informative committee. She suggested publishing articles in the local media so citizens understand the importance of the CPC. Ms. Pruitt agreed. She recalled one of the sustainable heroes interviews was a retired engineer whose goal was to become

completely carbon neutral and found that was possible in a 1970s house via insulation and weather stripping and further enhanced by solar panels.

Councilmember Teitzel observed one of goals of the CPC was to enhance access to solar energy. Recognizing that many residential areas have a lot of trees, he asked how that goal fit with goals of the Tree Board to protect trees in Edmonds. Ms. Pruitt referred to Strategy 1 in the Environment chapter: Enhance our urban forests and landscapes, and Strategy 2: Adopt solar access and tree policies. She explained the strategies are high level at this point and is one of reasons the CPC is having conversations with the Tree Board including the right tree in the right place. Neither the Tree Board nor the CPC have specifics now but will be happy to work on it.

Councilmember Nelson said the CPC was his first City government involvement and will always be near and dear to his heart. One of the CPC's missions is to work with the City Council to implement ideas. He suggested the City Council do a better job in the coming months and year because protecting the climate is the priority for the environment. Ms. Pruitt recognized Councilmember Buckshnis, Mayor Earling, Shane Hope, Rob Chave, Jennifer Leach and Jen Machuga for their assistance with the CPC.

Council President Johnson said she also had the pleasure of working with the CPC and Mr. Fisher including volunteering for food recycling at the Taste of Edmonds. She encouraged Councilmembers to contact Mr. Fisher and volunteer to work at the Taste. Mr. Fisher advised volunteers are still needed on Sunday.

Mayor Earling commented he has been impressed over the last 4½ years with the CPC's dogged devotion to developing small answers to big questions and the progress they have made.

6. AUDIENCE COMMENTS

Tom Nuitt, MD, shared his experience with pétanque in an effort to familiarize the City Council. When he came to Edmonds in 2005, he purchased a condominium across the street. In 2010 a neighbor introduced him to pétanque, a silly game where players throw a heavy ball against small wooden ball. He got hooked and has found it the most pleasant game/sports activity he has ever done. The first year when the City only had one court, he learned how people share and invite others to play. The membership grew because it is so easy to get hooked on the game. By the second or third year, the Pétanque Club was formed and seven members went to France to play in the nationals. Pétanque is vital to the community and attracts people from all over state and the US. It is a beloved game and needs to be a large part of the City.

Mike Martin, Edmonds, former superintendent of schools for Kings Schools, displayed the gold medal that Michelle won last week in Port Townsend at the Regional Women's Triples Tournament. He recognized Dr. Nuitt who is playing a competitive sport at age 92, commenting the ability for seniors play competitively is amazing and many with serious physical handicaps are able play pétanque successfully. He recalled a suggestion at a planning meeting not to have an isolated place for seniors play. He pointed out pétanque is not limited to seniors; his 14-year old grandson is an active pétanque player. Edmonds' demographics favor seniors and people who are retired have more time to play. In his opinion, the pétanque courts are the most used facility in any of the City's parks; there are always people playing and two evening games were recently added. The Edmonds Pétanque Club has attracted tournaments to Edmonds, with as many as 80 people playing which benefits the restaurants, merchants and the Saturday Market. The Club has also donated to the food bank. He relayed a story of his 93-year old neighbor, Andy, who was forlorn after losing his wife. After inviting him to play pétanque, Andy became a successful player and relayed to him that pétanque saved his life, a story he has heard from other players.

Paul Dever, Edmonds, said a lot of people are interested in pétanque and he encouraged the City Council, as the final decision makers of where the courts are located, to keep them on 6th Avenue. He described how he got involved with pétanque; he and his wife would often walk downtown along 6th Avenue and saw people playing pétanque. His wife was interested but he preferred golf. The players invited his wife to a clinic; she began playing, encouraged him to play and they have found it to be a fabulous game. He emphasized if the courts had not been on 6th Avenue with easy access to people walking by, they would never have become involved. The Club's food bank tournament has contributed over \$18,000 to the food bank in the last 4-5 years and they are involved with the Boys & Girls Club. He encouraged the City to keep the courts as close as possible to 6th Avenue and said they do not need a buffer zone.

Marlin Phelps, Edmonds, commented on the contrast between Seattle's homeless population and Edmonds, commenting he did not recall ever seeing a homeless person's tent or a panhandler in Edmonds. Edmonds is a lot like Medina, Hunts Point or Mercer Island, except for Highway 99. He believes the reason there are no homeless in Edmonds is because the police department is a very brutal criminal organization and that Sergeant Barker who is in his 32nd year, gaining full retirement at 30 and now working for free, is keeping the lid on it. What the police department has done to him, they have done to others. He planned to submit a public record request tomorrow to determine the number of missing persons' reports filed in Edmonds for the past 32 years. In the past he has been denied information via a public records request, but the Snohomish County Sheriff's Department has been recently fined for doing what the Edmonds Police Department has done to him. People in the homeless community talk to each and are fearful. He did not disrespect wanting to have a nice community, but did not want a blind eye turned to what has gone on in the police department. To know what the police department has done to people makes the Council culpable for what they have done. He summarized Sergeant Barker is a murderer and he planned to prove it.

Yvonne Mansson, Edmonds, said she also plays pétanque. As the result of several ladies' requests, a ladies-only evening game on Wednesdays at 6 p.m. was established where 10-16 ladies often play. After playing, the ladies usually go downtown for coffee or wine and socialization. She urged the City to retain the pétanque court because it serves the community and makes Edmonds the best little city on the west coast. They are also teaching children from the Boys & Girls Club to play pétanque a couple times a week in the afternoon.

Jeanie Bly, Edmonds, said she finds the pétanque courts the most inviting place to be when feeling alone, a place to meet people and be social and she enjoys it very much. She hoped the courts would remain on 6th Avenue.

Jerry Fireman, Edmonds, a member of Edmonds Pétanque club, expressed support for including the pétanque courts and urged the City to give serious consideration to adding something in the park with an international flavor, diversity or multicultural. He has not seen that reflected in any plans.

Ferrell Fleming, Edmonds, Executive Director, Senior Center, said Harve Harrison was seen a lot in his later years before his health did not allow it. He was a great friend to the senior center; the City's ownership of the center, reconstruction of the center, etc. all happened on his watch. Mr. Harrison took office in 1967 because in those days the mayor was elected on Tuesday and took office on Wednesday. When Mr. Harrison was shown the very preliminary drawings for the new center, he found old drawings of the center in his garage. Mr. Fleming expressed the senior center's appreciation for the Council's unanimous approval of the schematic drawings for the new center, a crucial step. With regard to the request to add a year to the lease, he explained the State grant that the center applied for demands some form of site control, the option to lease and the new ground lease. The State also wanted an existing lease of at least 15 years from the time the grant was due, August 4, 2016; at that time the existing lease was 14

years 4 months. The request is to extend the existing lease 1 year so there is a 15-year lease. The grant documents have already been submitted, but the State staff knew changing the lease would take an act of Council and gave the center until early September to accomplish it.

Dave Page, Edmonds, commented he had never bought coffee from an espresso stand, finding it too expensive, but recently visited the stand on 238th twice. The ladies were very nice looking and wearing a bra and thong. At both visits, when he asked the lady if he could have “more goodies” if he gave her \$100, she acted offended. It seemed to him the Council was spending an inordinate amount of time on an ordinance related to indecent exposure when any day of the week a person could drive from here to California and find people dressed the same way these ladies were dressed. This espresso stand is hard to find; if a person wants to see a scantily dressed person and pay \$5 for coffee, that is their business, not the City Council’s or Police Department’s business unless they are offering other services. He urged the Council to leave well enough alone.

7. STUDY ITEMS

1. SENIOR CENTER LEASE AGREEMENT AMENDMENT

Parks & Recreation Director Carrie Hite referred to Mr. Fleming’s comments, explaining this is a request to authorize the Mayor to sign a lease amendment to add a year to the current lease with the senior center so that they are eligible for a State grant for the rebuild of the senior center.

COUNCIL PRESIDENT JOHNSON MOVED, COUNCILMEMBER TEITZEL, TO MOVE THE AUTHORIZATION FOR THE MAYOR TO EXTEND THE LEASE AGREEMENT WITH THE SENIOR CENTER FOR ONE YEAR TO NEXT WEEK’S CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY.

2. CITY'S PRACTICE OF CONDUCTING QUASI-JUDICIAL LAND USE HEARINGS

Development Services Director Shane Hope explained the Council has had several discussions regarding the City Council’s role in the quasi-judicial decision making process. In June, Councilmembers expressed interest in getting away from being the quasi-judicial decision maker on a number of types of land use issues that the Council is currently charged with doing under the City code. She recalled the Council requested information from the City Attorney regarding absolute versus qualified immunity. The packet includes background materials as well as a resolution that could be placed on the next Consent Agenda that provides direction when the Development Code is updated in near future to remove that discretionary quasi-judicial process from the City Council’s responsibility.

Councilmember Buckshnis recalled the Council considered this six years ago and four years ago she voted to return rights to appeal land use decisions, overturning previous Council actions that took away citizens’ voice. She recalled whenever the City Council has reviewed a quasi-judicial matter in the past, they have worked out correctly. She did not support changing the Council’s role in quasi-judicial hearings because she believed citizens should have a right to voice their opinion to Council.

Councilmember Fraley-Monillas also did not support moving the Council out of quasi-judicial land use hearings. When the Council moved back to holding quasi-judicial hearings, the Council was not sure how that would work out; she has been involved in several quasi-judicial hearings in the past 6½ years and it has been a good use of Council time and resources and allows citizens to appeal to the Council. In most cases the Council upheld the Hearing Examiner’s decision. This provides a second step for citizens without the cost of going to court at a cost of \$500-\$5000 depending on whether an attorney is hired. She concluded this was a basic standard for citizen rights and shows the City Council is supportive of citizens.

Council President Johnson said in general the City has made progress by using a Hearing Examiner instead of a citizen board of appeals. To the greatest extent possible, she preferred to rely on the Hearing Examiner process and the Superior Court of Snohomish County to adjudicate any questions. She felt there was too much risk on the City if the Council makes a mistake. For those reasons she supported the proposal. She asked when this would be addressed in the code update. Ms. Hope answered in a few months.

Councilmember Teitzel expressed support for the proposal; he did not believe that he, as a Councilmember, had enough training in the law to make a proper legal decision. The Council's role as legislators is to establish code, listen to citizens and ensure the code is clear so it can be interpreted properly. The proper place for interpreting a legal question and appeal issues is via the court system. He agreed with Council President Johnson that the Hearing Examiner process was working, there is an appeal process in place and available to citizens and it is not the Council's role to interpret the law.

Councilmember Fraley-Monillas said there has been no risk to the City for nearly seven years and unless the Council interpreted things incorrectly, there was no risk to the City. She felt it was part of the Council's job to represent the citizens of Edmonds. Citizens should not have to appeal to court when that can be done by the Council.

Councilmember Nelson recalled his personal experience on the one and only quasi-judicial hearing he participated in, commenting he did not enjoy it. However, just because he did not like something did not mean it was not necessarily good for the City or citizens. In reviewing the decisions the Council has made in past quasi-judicial hearings, there are more incidents where the Council has provided an oversight and check system to help citizens and he felt there was a role in the process for Council. He appreciated the City Attorney's research regarding immunity, relaying it was clear the only way Councilmembers were personally liable was if they went off the well-established legal path and felt it was well worth that risk.

Council President Johnson said as legislators, the Council has many opportunities to help citizens including conversations with them, speaking on their behalf before the Hearing Examiner, discussing any inequities in the codes or law and taking a legislative action. It was not necessary for the Council to be in a quasi-judicial role. She has been very uncomfortable in the quasi-judicial role because Councilmembers are unable to communicate directly with citizens and help them with issues. She felt the risk was real and asked the City Attorney to speak to the subject of risk. City Attorney Jeff Taraday agreed it was a real risk. He distinguished between risk to the City versus risk to Councilmember personally, stating it was true Councilmembers have to go off the rails to find themselves personally liable, a high hurdle for a plaintiff to clear. The real risk is to the City. The City is a member of an insurance pool; if there were a significant plaintiff judgment against the City, while WCIA may come to the City's short term rescue, there is a long term cost to the City when WCIA considers it a risky city.

Mr. Taraday referred to a recent judgment rendered against the City of SeaTac, explaining while not quasi-judicial, it was a land use case. When land use judgments go bad, they can get into the stratosphere in terms of costs; the judgment against SeaTac was \$18 million. SeaTac is appealing the judgment but it will spawn litigation and risk for SeaTac and their insurance pool. He was aware of one other lawsuit where the reinsurer of CIAW (SeaTac's insurance pool) was essentially claiming they would not cover and defend because the actions of the City officials in that matter went off the rails, beyond what they considered a covered event. While the City can look to its insurance for coverage, there are instances that will not be covered and taxpayers are left holding the bag. In his five years as city attorney, he could think of at least one land use decision that while it did not translate into a dollar loss, he was not comfortable with the risk assessment after that decision was made. The Council did things in that case that it probably should not have done; the specifics could be discussed in executive session. In that situation there was real risk to the City and the City was fortunate to get out of it without significant cost or judgment against

the City. He summarized the Council should not think quasi-judicial land use decision making is carefree; they are playing with big dollars.

Mr. Taraday said the problem when sitting in a quasi-judicial capacity is Councilmembers will be tempted to fix their constituents' problems because the Council represents them, citizens voted for them, made campaign contributions, etc. If a Councilmember through that temptation crosses the line even a little bit, while probably not personally liable, could mean a multimillion dollar judgment against the City for reading something into the code that is not there for example.

Councilmember Buckshnis said Mr. Taraday should not be using SeaTac's \$18 million judgment as an example to scare Councilmembers because it was not quasi-judicial. In her six years on the Council, she can think of one instance where she took issue with how things progressed, but felt they progressed correctly. Issues arose as part of that because a Councilmember was part of process, a unique situation. She felt Mr. Taraday was trying to scare the Council; if the Council follows the process and the record, this process should be allowed to continue especially since situations like SeaTac have not arisen. Mr. Taraday said his point in using SeaTac as an example was to quantify the risk and to point out millions of dollars can be at stake in land use decisions. He was not telling the Council they could not retain this decision making authority; the Council has been doing it for years. He simply wanted the Council to do so with their eyes wide open about the nature of the risk.

Councilmember Teitzel commented he was elected to represent the citizens of Edmonds and did not agree moving away from this quasi-judicial role was a disservice to citizens. He reminded if the Council felt the Hearing Examiner's decision was incorrect, the Council can request the City Attorney file an appeal to Superior Court and testify on citizens' behalf. He intended to use that process if he found an error in the Hearing Examiner's decision.

Council President Johnson recalled this discussion when she was on the Planning Board many years ago. The City Attorney at that time, Scott Snyder, strongly recommended the Council not be in a quasi-judicial role. She recalled Mark Laughlin, WCIA, also strongly advised the Council not to participate in a quasi-judicial role and a person from MRSC gave the same advice. She asked Ms. Hope, Mr. Chave and Mr. Taraday for their best advice regarding the Council's involvement in quasi-judicial decision making. Ms. Hope responded because of the risks involved and the complexity of some issues, because the Council has a clear legislative role to assist and give direction on policies and if the Council is not in a quasi-judicial role, has the ability to appeal decisions and take the constituent's side, she believed moving away from the quasi-judicial role is prudent and still allows the Council to help citizens.

Mr. Chave pointed out over the years more details and specifics in have been added to the code. The key reason for that is to avoid too much indefensible discretion which the courts dislike. Regardless of the Council's decision, that trend should be recognized. He summarized the value of retaining the appeal is outweighed by the potential value the Council can add by closer involvement with citizens.

Mr. Taraday emphasized his recommendation is insignificant; he will defer to and do whatever the Council wants to do. To the Councilmembers who were interested in the status quo, his only recommendation was he believed the Council could better serve constituents by getting early notice of pending quasi-judicial actions that are coming to the Hearing Examiner, getting involved with and talking with constituents during the process, working with him to advocate for a particularly position in front of the Hearing Examiner and if necessary, direct him to appeal the Hearing Examiner's decision if the Council did not agree with it. The Council can do more to advocate on behalf of constituents via those techniques versus sitting as judge. If the Council tries to advocate for citizens while sitting as a judge, they can be sued. The Council cannot do both, be an advocate for constituents and a judge at the same time. If the goal was to represent constituents, he recommended getting involved earlier at the Hearing

Examiner level, talking to constituents, establishing a process whereby the Council is notified of items going to the Hearing Examiner, testifying at Hearing Examiner hearings, organizing people to rally for or against a project, etc.

As the longest serving Councilmember present, Councilmember Fraley-Monillas disputed some of what has been said. Neither she nor Councilmember Buckshnis have ever had a citizen approach her wanting them to do something about their case. She recognized Mr. Taraday was uncomfortable with risk, pointing out the Council incurs risk every day; every decision incurs some level of risk. Although she appreciated what Councilmember Teitzel had to say, she pointed out six months as a Councilmember did not qualify him to understand the process as well as Councilmembers who have been on the Council longer and have been involved in previous cases. She pointed out Council President Johnson has been opposed to this ever since she got on the Council and has asked this question of everyone who interviewed for an appointment to Council.

Council President Johnson raised a point of order; Roberts Rules of Order state a person is not to make arguments that are personal, are not to name people or be argumentative. She objected to Councilmember Fraley-Monillas identifying what each Councilmember has said and arguing that point. Mayor Earling ruled that Councilmember Fraley-Monillas may continue her testimony, however, she was not to bring up individuals' names.

Councilmember Fraley-Monillas said some Councilmembers are passionate about making this change. She believed citizens needed to have a voice, and not the costly voice of appealing to court. She questioned whether all Councilmembers fully understood the original reason the Council moved into the quasi-judicial role. There is passion behind allowing citizens the ability to come to Council for a decision. She did not mean to offend any Councilmembers but wanted the facts to be clear.

COUNCIL PRESIDENT JOHNSON MOVED, SECONDED BY COUNCILMEMBER TEITZEL, TO MOVE RESOLUTION 1367 TO THE CONSENT AGENDA, A RESOLUTION OF CITY COUNCIL CITY OF EDMONDS EXPRESSING INTENT TO REMOVE THE CITY COUNCIL AND OTHER VOLUNTEER CITIZEN BOARDS FROM QUASI-JUDICIAL PERMIT PROCESSING TO THE EXTENT ALLOWED BY LAW UPON ADOPTION OF THE REVISED EDMONDS COMMUNITY DEVELOPMENT CODE.

Council President Johnson said this vote is just showing intent and the Council will have an opportunity to make a final decision in several months when the code is brought to the Council.

Councilmember Nelson referred to Mr. Taraday's comment about crossing the line and the risk in these decisions. He asked if Mission Springs v. City of Spokane was a good example. Mr. Taraday answered yes. Councilmember Nelson asked Mr. Taraday to describe the Mission Springs case. Mr. Taraday explained Mission Springs involved a grading permit and the City Council disregarding legal advice given to them during a public meeting, advice that should have been given in executive session. That City Attorney said publicly something to the effect that the Council needed to approve the permit and Council did not and got sued.

Councilmember Nelson read from the Supreme Court case, where a Councilmember asked "If we direct staff not to issue permits until the tunnels were improved, what would happen? The City Attorney responds, "What would happen is that would be the genesis for a cause of action by the developer against the city for unlawfully interfering with the issuance of a building permit and that is essentially the same basis that we're presently in federal court on, a civil rights violation." The City Attorney goes on to say "It's a charter violation, the Council has no administrative authority, the Council act through ordinances and sets policy and administrative staff is charged with following ordinances." The City Attorney clearly

tells the Council what they are doing is not right and the Council ignores his advice, a very clear, bright line. Mr. Taraday agreed it was a clear, bright line in that case; it is not always.

Councilmember Nelson recalled WCIA has also routinely brought up Mission Springs as an example of what can go wrong. He clarified it was not something the Spokane Council did not understand or was surprised by, it was very clear what would happen. When talking about these kinds of risks, it was important to put it in context. Mr. Taraday said he would not give advice in a public meeting; if that situation ever arose, he would take the Council into executive session, advise of the consequences and the Council would need to take a vote in public without the public's knowledge of the City Attorney's advice.

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER TIBBOTT, TO AMEND THE MOTION TO TAKE A VOTE ON THIS TONIGHT. AMENDMENT CARRIED UNANIMOUSLY.

Councilmember Buckshnis preferred to take a vote tonight as Councilmembers have stated their positions and it likely would be pulled from the Consent Agenda.

UPON ROLL CALL, MAIN MOTION AS AMENDED CARRIED (4-3), COUNCIL PRESIDENT JOHNSON AND COUNCILMEMBERS MESAROS, TEITZEL AND TIBBOTT VOTING YES; AND COUNCILMEMBERS NELSON, FRALEY-MONILLAS AND BUCKSHNIS VOTING NO.

Mayor Earling declared a brief recess.

3. CIVIC CENTER MASTER PLAN UPDATE

Parks & Recreation Director Carrie Hite recalled a kick off meeting was held to launch the Master Plan process in early May. Since then there have been stakeholder interviews, an open house, a virtual open house, project advisory meetings and an update to the Planning Board two weeks ago (draft minutes are included in the packet). She introduced five members of the Project Advisory Committee (PAC) who were present including Council President Johnson, Councilmember Teitzel, Pat Woodell, John McGibbon and Alex Witenberg. She recognized the PAC for their help.

Chris Jones, Principal and Landscape Architect, Walker | Macy, said this update is not to present alternatives but to report on the public involvement process to date and what they have heard so far from the community related to the park program and existing uses on the site. He used the metaphor for this project, it's like removing a temporary tree. He reviewed existing Park Program (activities)

- Events
 - Taste of Edmonds
 - 4th of July Fireworks
 - Wenatchee Youth Circus (concluding operation 2016)
 - Sports tournaments
 - Arts Festival (parking)
- Existing Structures
 - Boys & Girls Club (Field House)
 - Interested in remaining on site and expanding footprint to 18,000-25,000 square feet
 - Historic Preservation Committee pursuing listing of site and field house as historic
 - Grand Stand
- Parking
- Storage
- Active Recreation
 - Soccer
 - Tennis

- Lacrosse
- Skate park
- Basketball
- Baseball
- Football
- Track
- Playground
- Pétanque

Mr. Jones displayed an aerial photograph of the project site and identified areas where deed restrictions exist and areas with no deed restrictions (2 acres). Discussions at the open house have included three significant categories: civic, passive and active. He described potential activities in each category:

- Civic
 - Plaza
 - Cafe
 - Water feature
 - Performance space
 - Permanent art
 - Temporary art
 - Promenade
 - Covered market space
 - Museum display
 - Restrooms
- Passive
 - Multi-use lawn
 - Horticultural gardens
 - Stormwater gardens
 - Berms
 - Shade trees
 - Picnic areas
 - Strolling paths
 - Shade pavilion
- Active
 - Exercise path
 - Creative play
 - Seasonal games
 - Classes
 - Activities clubhouse
 - Concessions
- Events
 - Theater performances
 - Markets
 - Music
 - Culinary events
 - Art installations
 - Fun-runs

Mr. Jones described information provided at the in-person and online open houses:

- Informational boards
 - Background
 - Context

- Site
- Scales of similar parks
- Interactive boards
 - Which activities should continue?
 - What might you like to see?
 - What types of activities should be prioritized in the renovated park?
 - General comments
- Modeling Stations
 - Attendees placed programmatic elements on an aerial photo
 - Six models were prepared
- Open House Results
 - June 23 In Person
 - 131 signed in
 - 141 attended
 - June 24-July 7 online statistics
 - 1,350 total page views
 - 180 responses received

Themes	In-Person Votes	Online Votes	Total
Active	53	21	74
Passive	50	12	62
Civic	20	3	23

Mr. Jones thanked Mayor Earling for his comments at the open house and My Edmonds News for their article. He applauded the Council and the community for their involvement, remarking he had not seen this much community involvement in the design of a downtown park. He displayed a list of activities and in-person, online and total votes for numerous activity types and a list of stakeholder meetings. He reviewed the schedule:

- August 24: Open House 2 (Master Plan Alternatives)
- September 1: PAC Meeting
- September 14: Planning Board Briefing
- September 27: City Council Briefing

Councilmember Teitzel relayed his understanding that the Boys & Girls Club wants to remain on the site but feel the existing building is insufficient to meet their needs. He asked how many kids the Boys & Girls Club served today, how many they would like to serve and how much additional space they need. Mr. Jones answered they've heard the Boys & Girls Club is looking for a total of 18,000 – 25,000 square feet total. He did not know how many kids they serve; during his two visits, there were 12-30 kids present. The existing building is less than 10,000 square feet. Ms. Hite advised the Boys & Girls Club is much more active in the summer with day camps. In talking with the Boys & Girls Club Director today, she indicated they have about 150 kids and find it difficult to fit summer programs in the space and utilize the outside area quite a lot. During the school year, the use is more after-school type programs which also use the park.

Councilmember Tibbott found the PAC summary very helpful. His kids were very involved with using the park when they were young and he expected it to remain an active area. He liked the concept of multiuse active areas and would like to see that pursued. In reading the comments, there was a great deal of interest in removing the fence as much as possible. He was uncertain whether that could be accomplished with landscaping but would like to see a better flow through area. He asked how many music venues exist in the City and whether they could be better utilized. He recognizing there is City Frances Anderson Center which seems to be underutilized, and City Park. Mr. Jones said he had not heard much about using

Civic Field as a music venue other than the Taste of Edmonds. There have been comments about potentially preserving the grandstands for music events but not specific to music events. Ms. Hite said the City currently has concerts at City Park and the Hazel Miller Plaza and movies in the park at Frances Anderson Center. Once the bandshell at Frances Anderson Center is replaced this fall, it will have much more potential.

Councilmember Nelson agreed it was a great open house and wonderful to see the amount of input. He acknowledged the second most popular activity on the list, following restrooms, was pétanque. He hoped pétanque could be accommodated in the park. The third most popular activity was a jogging/walking path which he found encouraging and an overwhelmingly strong response. He asked whether photographs of the models that attendees at the first open house developed will be available. Mr. Jones anticipated those would be shown at the next open house as part of summarizing the feedback. The model is a great tool; there was a lot of consistency in what people included in the models which will also be summarized.

Councilmember Buckshnis encouraged the Council to think about what they wanted the future City to look like and how that is determined through this park. She suggested providing information regarding the City's existing parks and what each one offers. She pointed out there are not many fields in Edmonds. If the City wants to keep kids active, there needs to be activity centers for kids and adults. She referred to Charlotte, North Carolina, where there is an artistic passive walking park connected to a ballfield. She recognized there was not a lot of space on this site but suggested that could be accommodated on a smaller scale.

Councilmember Fraley-Monillas said the Boys & Girls Club serves over 600 kids/year in before and after school care, leagues and clubs, and day camps. She agreed they are interested in more space. With regard to the Taste of Edmonds, she said that event has evolved from a small event with mostly Edmonds restaurants with a beer garden, booths and music to an event with fair food, booths and bouncy houses. She asked what the public said about keeping the Taste of Edmonds. Mr. Jones answered the sentiment is mixed; people who live adjacent to the park do not have a lot of great things to say about the Taste and would rather take a vacation during that weekend; others, who do not live next to it, love it. The Taste is a financial financial generator for the community, eliminating the Taste is a conversation outside master planning the park. He relayed comments that a majority of the people attending the Taste do not live locally, it is a regional attraction, and the beer garden is an alumni event.

Councilmember Fraley-Monillas relayed comments from the Chamber that there is very little spill over from people at the Taste to restaurants and shopping downtown and in fact use their parking and prevent people from visiting downtown businesses. Something that cannot be quantified is people who see Edmonds while going to the Taste and return another day. Ms. Hite said they have also heard in conversations and at the open house that a majority of citizens want the Civic Field planned for the 360 days that it is not used for a festival, not to reconfigure the footprint so much to accommodate a large festival but build what people want and figure out how to fit the festival in it. She relayed the Police Department has witnessed spill over into the bars at 10 p.m. when the Taste closes. The Taste is one of busiest nights of the year for the Police Department.

Council President Johnson referred to the third most popular possibility, a jogging/walking path which got 71 votes, strolling paths which got 47 votes and a formal track which got 40 votes. The challenge is how to decide what to keep and what to expand upon. There is currently a track at Civic Field but she questioned whether it should be the main feature of a new park and whether other paths could be incorporated. Mr. Jones said they have been exploring opportunities; if the track remained, it could be a 200-meter track, half the size of the current track, and still serve SnoKing, the Boys & Girls Club, the community as a whole and jogging and walking paths could circle the site. People are interested in a more casual walking/jogging walkway rather than a formal track but many are still supportive of a formal track.

Councilmember Mesaros referred to information in the Beacon, My Edmonds News and from the Mayor. He commented on the Taste and accommodating that activity on the site. He encouraged Mr. Jones to research a Boys & Girls Club that was incorporated into Thompson Peak Park in north Scottsdale, Arizona. With regard to providing more playfields, he felt this was not the place for that. He pointed out there are number of undeveloped fields within city limits such as Edmonds Elementary, Westgate Elementary and Sherwood Elementary where there would be opportunity to develop playfields in partnership with the school district.

Council President Johnson suggested consideration be given to accommodating the Boys & Girls Club in other facilities such as the Frances Anderson Center, Edmonds Center for the Arts, etc. It may be possible to shift activities at the Frances Anderson Center to the old Public Works building.

8. MAYOR'S COMMENTS

Mayor Earling reported Edmonds is entertaining students from Hekinan and he cooked hotdogs and hamburgers for them today at lunch. He thanked Council President Johnson for attending the welcome dinner last Friday. The students will be in town through this week and he was hopeful Councilmembers would have an opportunity to interact with them.

Mayor Earling reminded of the Taste of Edmonds this weekend and described its history: the first Taste was cancelled when it was realized organization occurred too late. The cancellation was announced, yet one bus loaded with people still came. The event was successful the next year; 6-7 restaurants on 5th Avenue between IGA and Girardi's. Many of the restaurateurs were worried because they had spent a lot of money; fortunately, it was a great success.

9. COUNCIL COMMENTS

Councilmember Tibbott reported he attended the Police Foundation open house this week where he and others had the opportunity to learn about what the police do and their equipment. He was present when they demonstrated launching the drone; a video is posted on his Facebook page.

Councilmember Tibbott reported he had a conversation with Development Services Director Shane Hope regarding the Shoreline Master Program and clarifying an interim buffer, the appeal process and stakeholders. He found it very helpful and requested Ms. Hope provide the Council a summary of their conversation in preparation for next week's discussion. One of the takeaways from their conversation was clarity regarding Kernen Lien's comment that setting an interim buffer is really a defacto buffer. Mayor Earling said he met with Ms. Hope and she will prepare a summary by the end of this week or Monday.

Councilmember Mesaros reported Pacific Little League continues to win; they won their first game 15-1 and the second 8-2 and play Thursday at noon on ESPN. He introduced the concert in the park on Sunday; 250 people attended and it began raining halfway through the last song. He encouraged the public to attend the three remaining concerts as well as concerts on Tuesday and Thursdays at Hazel Miller Park.

Councilmember Mesaros encouraged the public to continue donating to the Veteran Plaza; they are \$400 short of raising \$500,000. He exclaimed over the wonderful response from citizens to honor veterans which will enable elements to be included that were removed due to uncertainty about fundraising.

Councilmember Teitzel said he lives very close to Civic Playfield and has received dozens of requests from people living near the playfield to do something about the noise from the beer garden. He has heard that the volume from the bands last year was the loudest ever. He contacted the Chamber President Greg Urban who said he's received those comments as well and committed to doing something about the noise

including reorienting the speakers away from the nearby residential areas, installing additional sound deadening material on the fence and being more diligent about monitoring sound levels using a dB meter to ensure the sound remains at a reasonable level. He expressed his appreciation for Mr. Urban's help and anticipated the sound would be better this year. He encouraged citizens to attend the Taste which is the biggest revenue generator for the Chamber to raise funds for the 4th of July fireworks.

Council President Johnson reported she enjoyed the Hekinan delegation's welcome dinner and advised the students prepare native Japanese foods for the farewell diner this Friday. Also on Friday, she will be scraping food scraps into the proper receptacles at the Taste of Edmonds. She challenged Councilmembers to join that effort on Sunday.

Council President Johnson reported the Council will continue its discussion regarding the Shoreline Management Program at next week's meeting with the hope of concluding that process fairly quickly. She announced a series of presentations will be made to the Council on the issue of homelessness, one of the main issues identified at the Council retreat.

Councilmember Buckshnis thanked the citizens who spoke to the Council about the pétanque courts and said she may come down on Wednesday to play with the ladies. She thanked Maria Montolvo for her article in the Beacon about Off Leash Area Edmonds. A sculptor has been selected for the K-9 statute in the Veteran's Plaza; a rendering is available on the Off Leash Facebook page. They have raised \$8,000, the amount needed. She wished Harve Harrison rest in peace.

Councilmember Fraley-Monillas reports she had the opportunity to observe the Hekinan students having a great time playing pétanque yesterday. She attended the Police Foundation open house and saw the drone, noting it was used recently on a case.

Councilmember Nelson reported he and his family attended the Police Foundation open house. He commented it was great to see the closeness the community and citizens have with the Police Department and vice versa. He was happy to meet K-9 Officer Hobbs in a relaxed setting and to chat with the men and women who serve the community.

10. CONVENE IN EXECUTIVE SESSION REGARDING PENDING OR POTENTIAL LITIGATION PER RCW 42.30.110(1)(i)

This item was not needed.

11. RECONVENE IN OPEN SESSION. POTENTIAL ACTION AS A RESULT OF MEETING IN EXECUTIVE SESSION

This item was not needed.

12. ADJOURN

With no further business, the Council meeting was adjourned at 9:14 p.m.