

EDMONDS CITY COUNCIL APPROVED MINUTES

January 23, 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
Michael Plunkett, Councilmember
Lora Petso, Councilmember
Adrienne Fraley-Monillas, Councilmember (arrived
8:35 p.m.)
Diane Buckshnis, Councilmember

ALSO PRESENT

Alex Springer, Student Representative

STAFF PRESENT

Al Compaan, Police Chief
Stephen Clifton, Community Services/Economic
Development Director
Phil Williams, Public Works Director
Shawn Hunstock, Finance Director
Carrie Hite, Parks & Recreation Director
Rob Chave, Planning Manager
Carl Nelson, CIO
Frances Chapin, Cultural Services Manager
Rob English, City Engineer
Jeff Taraday, City Attorney
Jen Machuga, Planner
Sandy Chase, City Clerk
Jana Spellman, Senior Executive Council Asst.
Jeannie Dines, Recorder

1. CONVENE IN EXECUTIVE SESSION REGARDING A REAL ESTATE MATTER PER RCW 42.30.110(1)(b) AND LABOR NEGOTIATIONS PER RCW 42.30.140(4)(b).

At 6:00 p.m., Mayor Earling announced that the City Council would convene in executive session regarding a real estate matter per RCW 42.30.110(1)(b) and 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, Plunkett, Buckshnis, Peterson, Petso and Bloom. Others present were City Attorney Jeff Taraday, City Attorney Sharon Cates, Community Services/Economic Development Director Stephen Clifton, Parks and Recreation Director Carrie Hite, Finance Director Shawn Hunstock, Public Works Director Phil Williams, Police Chief Al Compaan, Executive Assistant Caroline Thompson, Human Resources Consultant Tara Adams, and City Clerk Sandy Chase. At 6:56 p.m., Ms. Chase announced to those present in the Council Chambers that the executive session would be extended for 20 minutes. The executive session concluded at 7:20 p.m.

Mayor Earling reconvened the regular City Council meeting at 7:25 p.m. and led the flag salute.

Announcement Regarding Strategic Plan Surveys

Community Services/Economic Development Director Stephen Clifton asked for citizens' assistance with completing the strategic planning and visioning adult, young adult, employee, customer and business owner surveys. Responses to the surveys have increased as a result of 11,000 emails sent out yesterday, press releases and notices posted on My Edmonds News, Edmonds Patch, and KOMO 4. The intent of the

surveys is to help understand residents' needs, priorities, and vision for the community. The adult, young adult and employee surveys are available on the City's website, Edmondswa.gov.

2. **APPROVAL OF AGENDA**

COUNCIL PRESIDENT PETERSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO APPROVE THE AGENDA IN CONTENT AND ORDER. MOTION CARRIED UNANIMOUSLY. (Councilmember Fraley-Monillas was not present for the vote.)

3. **APPROVAL OF CONSENT AGENDA ITEMS**

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCIL PRESIDENT PETERSON, TO APPROVE THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. (Councilmember Fraley-Monillas was not present for the vote.) The agenda items approved are as follows:

- A. **ROLL CALL**
- B. **APPROVAL OF CITY COUNCIL MEETING MINUTES OF JANUARY 3, 2012.**
- C. **APPROVAL OF CITY COUNCIL MEETING MINUTES OF JANUARY 10, 2012.**
- D. **APPROVAL OF CLAIM CHECKS #129744 THROUGH 129870 DATED JANUARY 5, 2012 FOR \$1,569,393.03, AND CLAIM CHECKS #129871 THROUGH #130016 DATED JANUARY 12, 2012 FOR \$831,006.46.**
- E. **APPROVAL OF PAYROLL DIRECT DEPOSIT AND CHECKS #51106 THROUGH 51139 FOR THE PERIOD DECEMBER 16, 2011 THROUGH DECEMBER 31, 2011 FOR \$679,486.49.**
- F. **ACKNOWLEDGE RECEIPT OF CLAIM FOR DAMAGES FROM LORALEE OSWALD (\$694.58), SHARON L. ROMA (\$305.32), AND SIMON ZIRIANS (\$1,324.75).**
- G. **APPROVAL OF LIST OF BUSINESSES APPLYING FOR RENEWAL OF THEIR LIQUOR LICENSES WITH THE WASHINGTON STATE LIQUOR CONTROL BOARD, DECEMBER 2011.**
- H. **PURCHASING POLICY UPDATE**
- I. **AUTHORIZATION FOR MAYOR TO SIGN ARTS COMMISSION RECOMMENDED CONTRACTS FOR TOURISM PROMOTION FUNDING FOR LOCAL CULTURAL ORGANIZATIONS.**
- J. **AUTHORIZATION FOR THE MAYOR TO SIGN THE RECYCLING GRANT AGREEMENT BETWEEN THE CITY OF EDMONDS AND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY FOR 2012-2013.**
- K. **INVESTMENT POLICY**
- L. **MEMBERSHIP IN ECONOMIC ALLIANCE SNOHOMISH COUNTY.**
- M. **REAPPOINTMENT OF LODGING TAX ADVISORY COMMITTEE MEMBERS FOR 2012.**

N. REAPPOINTMENT OF MICHAEL MESTRES AND BRUCE "MICK" O'NEIL TO THE ARCHITECTURAL DESIGN BOARD FOR ANOTHER TERM.

O. REAPPOINTMENT OF HISTORIC PRESERVATION COMMISSIONER LARRY VOGEL.

4. **PUBLIC HEARING REGARDING DRAFT REVISIONS TO THE OUTDOOR DINING REGULATIONS OF ECDC 17.75 AND ADDITION OF A DEFINITION OF OUTDOOR DINING TO ECDC 21.75. (FILE NO. AMD20110005)**

Planner Jen Machuga explained the City's current regulations allow outdoor dining outright as a secondary use for an additional 10% of the existing interior seating or 8 seats, whichever is greater. If the restaurant wishes to have more than 10% of the interior seats or 8 seats, a Type III-A Conditional Use Permit (CUP) is required. The cost of a CUP is approximately \$1500 and is reviewed by the Hearing Examiner. The current process is cost prohibitive especially for small businesses who want to add a few seats over the limit.

Ms. Machuga reviewed a timeline for the code revision process:

- May 25, 2011 – Planning Board discussion
- July 13, 2011 – Planning Board hearing
- August 10, 2011 – Planning Board continued hearing
- December 13, 2011 – CS/DS Council Committee discussion
- January 23, 2012 – City Council hearing

Ms. Machuga reviewed the Planning Board's recommendation:

- Outdoor dining permitted outright if one of the following criteria are met:
 1. Site is not directly adjacent to residentially-zoned properties; or
 2. Site complies with landscaping requirements along property lines adjacent to residentially-zoned properties; or
 3. Dining area is screened from residential properties by a building and/or 4-foot wall, hedge, or fence; or
 4. Dining area contains no more than 10% of interior seating or 12 seats, whichever is greater.
- If site is adjacent to residentially-zoned property, the dining area shall be closed between 10:00 PM and 7:00 AM
- Requires a Type III-A CUP if requesting exemption from the four criteria or the hours of operation.
- Updated the definition of outdoor dining in the code

Ms. Machuga displayed drawings illustrating what the proposed code language would allow with regard to screening for a restaurant with outdoor dining adjacent to residentially-zoned property. She noted if a restaurant wanted outdoor dining and did not provide landscaping/screening, they could seek a CUP. She provided several photographs to illustrate how existing outdoor dining areas are screened.

Mayor Earling complimented Ms. Machuga's presentation and also requested staff footnote acronyms in their presentations in the future.

Councilmember Buckshnis asked if the zoning where Rory's is located allows them to have outdoor dining later than 10:00 p.m. Ms. Machuga answered Rory's is in the Downtown Business (BD) zone and does not have the limitation on hours in the outdoor dining code because it is not directly adjacent to residentially-zoned property. Any outdoor dining area is subject to the City's noise ordinance. Councilmember Buckshnis observed Rory's could have outdoor dining until 2:00 a.m. Ms. Machuga answered yes. She recalled Rory's had a CUP in 2004 for a potential additional/remodel that eventually did not occur which limited their hours.

Councilmember Bloom asked whether the \$1500 fee applied only to the CUP. Ms. Machuga agreed it did. Councilmember Bloom asked if there was any fee associated with applying for outdoor dining. Ms. Machuga answered a permit would not be required if the restaurant was adding seats to an existing area but there may be fees associated with the creation of a new outdoor dining area that requires design review. Those fees are much less expensive compared to a CUP.

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

Pam Stuller, Richmond Beach, owner of Walnut Street Coffee, expressed her support for the proposed change to the code language. She anticipated the change would encourage a more lively and interactive downtown which is beneficial to small businesses as well as residents.

Roger Hertrich, Edmonds, questioned the purpose of the 4-foot fence, commenting a fence in a residential area was required to be 5-feet. He pointed out most of the examples staff provided buffered the outdoor dining area from the street and none of them illustrated an outdoor dining area adjacent to a residentially-zoned property. He questioned whether consideration had been given to outdoor dining in buildings downtown where there is residential on the second floor. He questioned whether there was a difference between dining and drinking in outdoor dining areas.

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

Councilmember Plunkett asked if the fence for an outdoor dining area adjacent to a residentially-zoned property was only required to be 4 feet in height. Ms. Machuga answered that was the Planning Board's recommendation for one of the four criteria; the 4-foot fence would not be required if the outdoor dining area met the landscaping requirement or have less than 10% of the number of interior seats or 12 seats whichever is greater. Councilmember Plunkett summarized if the outdoor dining area did not meet the other criteria, they would be required to have a fence and if the outdoor dining area were adjacent to a residentially-zoned property, the fence would only be 4-feet in height. Ms. Machuga agreed.

Councilmember Plunkett asked if the Planning Board or staff discussed the concept of 6-foot fences in residential areas. Ms. Machuga responded a fence is not required to be 6 feet in height in a residential neighborhood; that is the maximum height. The Planning Board originally discussed a 6-foot height but felt more architectural interest could be provided by allowing a 4-foot fence and the business owner could add a trellis. As one of the examples illustrated, if a 6-foot fence were required, it was feared it would be a solid plain cedar fence rather than a 4-foot fence with a decorative trellis, flower boxes, etc. The Planning Board also discussed that the height of people seated in an outdoor dining area is closer to the 4-foot height. Councilmember Plunkett pointed out it was not required to add a trellis or other architectural feature above the 4-foot fence adjacent to a house. Ms. Machuga agreed a 4-foot fence with nothing above could be provided.

Councilmember Petso referred to the four criteria, observing that under the proposed language a restaurant with 11 outdoor seats adjacent to a house would not require a fence, screening or CUP. Ms. Machuga agreed.

Councilmember Bloom observed an outdoor dining area adjacent to a residentially-zoned property must close at 10:00 p.m. Ms. Machuga answered yes, unless they applied for and received a CUP. The CUP is a Type III-A process before the Hearing Examiner that includes public notice, public hearing, etc. With regard to adjacent to residentially-zoned property, she clarified that meant a shared property line. There are few commercial properties downtown directly adjacent to residential properties; there is either a street or alley separating them. In those cases, the restaurant would meet the first criteria, not directly adjacent to residentially-zoned property.

COUNCIL PRESIDENT PETERSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO APPROVE THE PLANNING BOARD'S RECOMMENDATION AND DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE FOR COUNCIL ADOPTION.

COUNCILMEMBER PETSO, MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, TO AMEND THE MOTION TO CHANGE THE HOURS FOR SITES ADJACENT TO RESIDENTIALLY ZONED PROPERTY THAT THE DINING AREA BE CLOSED BETWEEN 9:00 P.M. AND 8:00 A.M.

Councilmember Petso explained the hours she proposed were consistent with the hours in the Home Occupation Ordinance.

Councilmember Bloom inquired about the Home Occupation Ordinance. Councilmember Petso explained the City's Home Occupation Ordinance regulates home-based businesses in residential areas. Those businesses are required to be closed between 9:00 p.m. and 8:00 a.m. Because outdoor dining areas would be permitted immediately adjacent to a residential area, she proposed changing the hours to match the hours in the Home Occupation Ordinance. Councilmember Bloom asked if that requirement was related to noise. Councilmember Petso responded yes.

THE VOTE ON THE AMENDMENT CARRIED (5-1), COUNCIL PRESIDENT PETERSON VOTING NO. (Councilmember Fraley-Monillas was not present for the vote).

Councilmember Petso suggested requiring that outright permitted outdoor dining meet both criteria 1 and 4 and either criteria 2 or 3. Student Representative Springer questioned the requirement to meet both criteria 1 and 4 and the reasoning for changing the hours if a site was not adjacent to residentially-zoned property. Councilmember Petso explained her intent was if a site is adjacent to residentially-zoned property, the outdoor dining area would not be permitted outright unless screening was provided.

Student Representative Springer asked if an establishment could apply for a CUP if their outdoor dining was not outright permitted. Ms. Machuga answered yes. Councilmember Petso suggested if an applicant did not meet criteria 1 and 4, they be required to apply for a CUP.

Councilmember Buckshnis asked if there were any outdoor dining establishments adjacent to residentially-zoned property. Ms. Machuga could not think of any. Ms. Machuga clarified under Councilmember Petso's proposal, for an outdoor dining area to be allowed outright, it could not be directly adjacent to residentially-zoned property, there would be a limit on the number of seats and screening would be required either by landscaping or a fence. She summarized that was just as restrictive as the existing regulations.

Councilmember Petso commented her proposal would apply to Five Bistro which is adjacent to single family residential and potential redevelopment in Firdale Village and Five Corners where outdoor dining could be immediately adjacent to someone's yard. Ms. Machuga explained there is a single family house next door to Five Bistro that is on the same Neighborhood Business (BN) zoned lot. Using that as an example, under the Planning Board's proposal, outdoor dining would be allowed outright because it would not be directly adjacent to residentially-zoned property.

With regard to examples of outdoor dining adjacent to residentially-zoned property, Ms. Machuga referred to examples of CUP granted for Five Bistro, Scott's Bar & Grill and Penara; none of those are directly adjacent to residentially-zoned properties. Under the Planning Board's proposal, they would have been outright permitted without a CUP. Under Councilmember Petso's proposal a CUP would be required due to the number of seats.

Student Representative Springer questioned the reason for requiring criteria 4, limiting outdoor dining to 10% of interior seating or 12 seats whichever is greater, if the site is not directly adjacent to residentially-zoned property.

COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, TO AMEND THE MOTION TO ALLOW OUTDOOR DINING TO BE PERMITTED OUTRIGHT ONLY IF IT MEETS CRITERIA 1 AND ONE OF THE OTHER THREE CRITERIA.

Councilmember Plunkett advised he would support the amendment as the ordinance would come back to the Council for approval.

Ms. Machuga asked if Councilmember Petso's intent was outdoor dining would be permitted outright as a secondary use if the site is not directly adjacent to residentially-zoned property, and it meets one of criteria 2-4, and outdoor dining directly adjacent to residentially-zoned property would require a CUP regardless of the number of seats. Councilmember Petso responded that was her intent.

City Attorney Jeff Taraday relayed his understanding of the amendment was any application for outdoor dining adjacent to residentially-zoned property would require a CUP no matter what. If the application for outdoor dining was for a property that was not adjacent to residentially-zoned property, it might not need a CUP as long as one of criteria 2, 3 or 4 is met.

Student Representative Springer commented it was unfair toward businesses adjacent to residentially-zoned property because it forced them to pay the \$1500 fee for a CUP. He pointed out the hours for outdoor dining had already been limited which was sufficient for outdoor dining adjacent to residentially-zoned property.

Councilmember Plunkett commented it was imminently fair because a business that is next to a residence should be held to a higher standard.

Council President Peterson agreed with Student Representative Springer. The Planning Board's proposal with the change in hours was restrictive enough. The point of the Planning Board's recommendation was to create business opportunities; making the regulations more restrictive defeats that purpose. He did not support the proposed amendment.

UPON ROLL CALL, THE VOTE ON THE AMENDMENT FAILED (3-3); COUNCILMEMBERS PLUNKETT, BUCKSHNIS AND PETSO VOTING YES; AND COUNCIL PRESIDENT PETERSON AND COUNCILMEMBERS BLOOM AND YAMAMOTO VOTING NO. (Councilmember Fraley-Monillas was not present for the vote).

Mr. Taraday explained Mayor Earling was unable to vote to break the tie because this ultimately would come back to the Council as an ordinance.

Student Representative Springer supported limiting the dining hours to 10:00 p.m. to 8:00 p.m., pointing out during Daylight Savings Time, the sun sets later and limiting dining hours to 9:00 p.m. would require patrons to be seated by 8:00 p.m. He concluded the 9:00 p.m. time limit reduced access to the outdoor seating area particularly during the longer summer days.

Councilmember Petso recalled the Home Occupation Ordinance that was adopted in the name of economic development and the ensuing public outcry about what could occur in a single family neighborhood. The Council subsequently limited the hours. If someone sited a restaurant off her back fence and was allowed to have outdoor dining until 10:00 p.m. she would likely have to move as she would find that highly unsatisfactory.

THE VOTE ON THE MAIN MOTION AS AMENDED CARRIED (5-1), COUNCILMEMBER PETSO VOTING NO. (Councilmember Fraley-Monillas was not present for the vote).

5. AUDIENCE COMMENTS

Laura Spehar, Edmonds, shared a story about a friend who is gay that was a victim of a hit-and-run accident and whose 20-year partner was not allowed into the emergency room or given information about her condition because she was not recognized as a relative or spouse. The victim also had no medical insurance at the time of the accident; her partner worked for the State but was not allowed to include her partner on her medical insurance policy. She and her husband felt it an unjustified privilege to obtain medical insurance, rights, marriage certificate, and acceptance when they married only because they are a non-gay couple. She urged the Council to remember her friends' story when voting on the resolution in support of marriage equality and adding marriage equality to the 2012 legislative agenda. She viewed her friends' 20-year relationship as a partnership that should be recognized. Unfortunately due to various beliefs, misinformation, lack of education, the United States is still behind in addressing this issue.

Christopher Querubin, Edmonds, explained he met his spouse in 2007, they became domestic partners in 2010 and they were married in Connecticut in 2011. He asked for the Council support for the resolution in support of marriage equality. He has requested a meeting with Senator Paull Shin on Friday. He supported marriage equality at the state and federal level. His husband is a business owner based in Edmonds and they hire veterans.

Royce Napolitano, Edmonds, urged the Council to support the resolution in support of marriage equality, noting there are many families that need this. Although the votes at the state level are promising, he urged Council to take a stand to demonstrate support from grassroots and not just an overall populous.

Dave Page, Edmonds, spoke regarding the resolution in support of marriage equality. He pointed out the Council was non-partisan but marriage equality was a partisan issue. He noted various churches in Edmonds that do not support marriage equality. Observing that the vast majority of the Council's constituency was conservative, if the Council did not pass the resolution, the liberals in the community would call the Council right-wing nuts; if the Council passes the resolution and declare their partisanship, the right-wing nuts will think the Council are crazy left-leaning liberals. He concluded right or wrong was not the issue, the legislature will pass marriage equality legislation and there is no need for the Council to commit on this topic. He requested Council pull this item from the agenda.

Don Hall, Edmonds, expressed concern with the process related to Agenda Items 6 and 10. With regard to Item 6, he pointed out it was on the Consent Agenda on the Tuesday, January 17 meeting that was canceled due to snow. He supported the change to place it on the agenda for tonight's meeting because when the charge of a commission is being changed, the public should know which Councilmembers want the changes and why. He questioned whether those in favor of the changes had attended any of the Economic Development Commission's (EDC) meetings or discussed their concerns with the commission. Scheduling such a change on the Consent Agenda was a poor example of open government. With regard to Agenda Item 10, he commented this is another poor example of open government because the public was given very little notice this issue would be on the Council agenda, giving no opportunity for the local newspaper to publish articles and it was not listed as a public hearing. The public has not had an opportunity to express their opinion unless they did so to the legislature. He concluded Agenda Item 10 was rushed for political reasons, a poor example of open government.

Ron Wambolt, Edmonds, agreed with Mr. Page and Mr. Hall with regard to Agenda Item 10. He pointed out the Seattle City Council passed a resolution in support of marriage equality and questioned whether Edmonds wanted to use Seattle as its standard of excellence. With regard to the roundabout, he explained a preponderance of citizens have expressed opposition to the project. Their opposition is not

due to ignorance of roundabouts; it is because the roundabout is not needed and is a make-work project. He questioned the \$2 million estimate to construct the roundabout when only 10% of design had been completed. Observing the estimated design cost is \$500,000 or 25% of the construction cost, he anticipated the construction cost would be more than \$2 million. He requested one of the three Councilmembers who voted in favor of the roundabout, Councilmembers Buckshnis, Fraley-Monillas and Peterson, propose a motion for reconsideration and to hold another public hearing.

Jeff Coe, Edmonds, spoke with regard to the resolution in support of marriage equality, and objected to the use of religion against marriage equality. As a person of faith, he knew the repercussions of using religion against marriage equality and that religion in and of itself was not able to change his core value as a person. He was thankful the state was considering the issue of marriage equality as it was not right or just that he as a gay man did not have the same rights as everyone else. The constitution states everyone is created equal; he is not equal. He read a statement from Senator Haugen who stated she has strong Christian beliefs and it is not her role to judge others regardless of her personal beliefs. It was about representing others including people who may believe differently than she and ensuring everyone has the same opportunities for love and companionship and family and security that she enjoys. Mr. Coe urged the Council to take a stand, anticipating in 20-50 years the public would see the right side and like so many things the Church once believed and held true, they no long believe and hold true.

Jim Wilkinson, Edmonds, commented he emailed Senator Shin last week stating that in his 30-year real estate career he has paid hundreds of thousands of dollars in taxes and asking why he, a gay man, should not have the same benefits as others. Many of the arguments are from Christian beliefs and he has studied theology. He suggested the Council ask themselves what Jesus would think about the money being spent on this issue when children are going hungry.

Roger Hertrich, Edmonds, stated this is the wrong place to take up the issue of marriage equality; the state is addressing it. He did not elect the Council to make that type of decision or forward a resolution on the topic to the legislature. He urged Councilmembers to abstain and allow those who are supporting the resolution to vote on it. His personal opinion was marriage was different than a civil union and civil unions gave people all the rights of marriage. With regard to Agenda Item 6, he referred to the first recommendation Resolution 1224 passed in January 2010 that the City needed a full-time Economic Development Director. If the Council was not considering a full-time Economic Development Director, he suggested that recommendations be removed from the list. He also suggested a better description be provided of the business centers plans that are mentioned in Resolution 1224. He preferred the EDC pursue the marketing plan for tourism development that is mentioned in Resolution 1224.

Mark Moffitt, Edmonds, urged Council to vote in favor of the resolution supporting marriage equality. Edmonds has shown it can be progressive on issues such as the environment; the City is now in a position to make a statement to the community that they support the basic human right for one adult to marry another adult regardless of gender. Even though the news reports the House and the Senate will pass the bills, he wanted Edmonds to show they are on the leading edge of positive and progressive change.

6. **PROPOSED ORDINANCE AMENDING EDMONDS CITY CODE SECTION 10.75.030(A)(2) TO READ, "IDENTIFY NEW SOURCES OF REVENUE AS A DIRECT RESULT OF ECONOMIC DEVELOPMENT PROJECTS FOR CONSIDERATION OF THE CITY COUNCIL."**

COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO ADOPT ORDINANCE NO. 3869, AMENDING EDMONDS CITY CODE, TITLE 10.75.030 RELATED TO THE CITIZENS ECONOMIC DEVELOPMENT COMMISSION.

Councilmember Buckshnis asked staff to address Mr. Hertrich's question regarding a full-time Economic Development Director. Community Services/Economic Development Director Stephen Clifton explained

he has been functioning as the Economic Development Director since November 2007. With the number of hours he puts in, he considered himself a full-time Economic Development Director. He also serves as the Community Services Director and receives a full-time salary to perform those two capacities.

With regard to the scheduling of this item on the agenda, Council President Peterson explained the Council originally discussed and approved the proposed language change on December 20. It is the Council's practice to schedule ordinances on matters the Council has previously approved on the Consent Agenda. It was rescheduled on the agenda at the request of a Councilmember to allow discussion. Although he initially voted in favor of the language change, he no longer supported the change due to his concern it was too restrictive to allow the Economic Development Commission (EDC) to proceed with a number of projects they have been discussing. He preferred to leave that discussion for the retreat as well as hear more from EDC members about the proposed language change. The EDC and next steps will be an agenda item on the Council's February 2 and 3 retreat.

Councilmember Plunkett expressed support for the proposed language change which directs the EDC to identify new sources of revenue as a direct result of economic development. He recalled Councilmember Wilson agreed this was the intent of the EDC, to concentrate on economic development. The Council will discuss economic development and appointments to the EDC at the retreat. He intended to appoint a person already serving on the EDC as he did not want a wholesale change. The proposed language simply clarifies the intent of the Council with regard to the EDC.

Councilmember Yamamoto, former Chair of the EDC, questioned why this change was being made now when the EDC has been in place since June 2009. As Council President Peterson stated, the proposed language limits the EDC's creativity. The EDC needs to be creative and think outside the box. The purpose of economic development is to create new revenues which is difficult to do without thinking outside the box.

(Councilmember Fraley-Monillas arrived at the meeting at 8:35 p.m.)

Councilmember Bloom expressed similar concerns as those expressed by Council President Peterson and Councilmember Yamamoto, questioning the need to change the language. She preferred to have further discussion before voting and will vote no at this time.

Councilmember Petso explained her understanding was the language change was in part brought about because the EDC was proposing new taxes and fees rather than focusing on economic development.

Councilmember Bloom asked for more specifics regarding taxes and fees. Councilmember Plunkett responded the EDC was put in place for economic development. The EDC recently made a proposal to tax or charge a person or their insurance company if they called 911. To him, that was not economic development. The EDC, according to the Councilmember who proposed the commission, was to focus on economic development, expanding possibilities. He recognized Councilmember Bloom's interest in promoting tourism, commenting the EDC has not said much about that recently. The EDC has made a proposal for taller buildings under certain conditions and generate revenue via a pass along to insurance companies; neither of which he viewed as economic development. The EDC has not addressed how to enhance and improve the arts, the parks, the walkways, the beaches, or how to bring more people into town to shop and generate more taxes.

Councilmember Plunkett pointed out the Council appropriated \$100,000 to the EDC for economic development and that is what they should concentrate on. The proposed language simply ensures the EDC's ideas address economic development. He summarized he could develop a lot of ways to tax residents such as casinos, parking meters, a B&O tax, or a charge for calling 911, all without a \$100,000

appropriation to the EDC. He wanted the EDC to develop out of the box, expansive economic development ideas. He supported having further discussion regarding economic development at the retreat. If the EDC does not talk about economic development and economic development only, their charge is too broad.

Councilmember Fraley-Monillas expressed support for having an open dialogue at the Council retreat.

Councilmember Yamamoto commented there may be a misunderstanding about what economic development is. Economic development includes fundraising and generating new revenue and creating new revenues streams. He agreed with having further discussion at the retreat.

Councilmember Plunkett agreed with having further discussion at the retreat as well as approving the proposed ordinance.

UPON ROLL CALL, MOTION FAILED (3-3-1), COUNCILMEMBERS BUCKSHNIS, PLUNKETT AND PETSO VOTING YES; COUNCIL PRESIDENT PETERSON AND COUNCILMEMBERS BLOOM AND YAMAMOTO VOTING NO; AND COUNCILMEMBER FRALEY-MONILLAS ABSTAINING.

Mayor Earling explained because the vote is in regard to an ordinance, he cannot vote to break the tie.

Councilmember Plunkett voiced a point of order, stating the only reason Councilmember Fraley-Monillas had to abstain was lack of knowledge. This ordinance was in the Council packet and had been a topic of discussion in December. Councilmember Fraley-Monillas responded she was not present for the Council's entire discussion regarding this item. Councilmember Plunkett clarified the motion was to change the language to "identify new source of revenue that are a direct result of economic development projects for consideration of the City Council."

Council President Peterson suggested including a discussion regarding the language change on the retreat agenda.

Councilmember Fraley-Monillas advised she did not feel she had enough information to vote on the motion. She preferred to discuss it further at the Council retreat.

Mayor Earling suggested this item be scheduled for action on a future agenda following discussion at the retreat.

7. **PRESENTATION BY CITY ATTORNEY REGARDING OVERVIEW OF LAWS RELATING TO COUNCILMEMBERS.**

City Attorney Jeff Taraday explained the purpose of this presentation was to assist Councilmembers with identifying issues in their role. He advised there were several informative publications regarding municipal law available on the Municipal Research Services Center website.

With regard to the Appearance of Fairness Doctrine (AFD), Mr. Taraday explained the AFD arises for Councilmembers in Edmonds more often than in other cities because Edmonds Councilmembers have more opportunity to touch the land use process than Councilmembers in other cities. The purpose of the AFD is that land use processes be fair and appear to be fair. Most of the time Councilmembers act as legislators when addressing policy and budget issues and can be lobbied by their constituents on those matters and need not disclose that lobbying before voting on an ordinance. The AFD recognizes that Councilmembers are occasionally required to act as judges. As a quasi-judge, it is important for

Councilmembers to remember to be impartial and hear both sides of the story before making a decision on a land use matter.

Mr. Taraday clarified not all land use matters have the potential to come to the Council. He referenced a table in ECDC 20.01.003(B) that identifies the procedures for development project permit application and the City Council's potential role in those applications. Type III-B permits, which include essential public facilities, shoreline permits, variances, preliminary formal plat, and preliminary Planned Residential Developments, have the potential to come before the Council on a closed record appeal. The Council has the potential to sit as appellate judges when the Hearing Examiner has already made a decision on a land use application and someone files an appeal. As an appellate judge, the Council cannot take new evidence and must make their decision based on the record created by the Hearing Examiner after hearing arguments from the parties. For example if a person began talking to a Councilmember about a variance coming before the Hearing Examiner, a Councilmember must remember that it has the potential to come to the Council on appeal. He suggested whenever a Councilmember was not certain they check whether the permit could come to the Council on appeal.

With regard to Type IV-A permit applications which include final formal plat and final Planned Residential Developments, there is a staff presentation to Council and a vote. No hearing is held because it is not a discretionary decision at that point; the discretion has occurred during the preliminary plat process. The final plat process is simply to ensure that the preliminary plat has been complied with.

Type IV-B permit applications which include site specific rezones are also closed record hearings before the Council but unlike the closed record appeal hearing described above, these are closed record pre-decision hearings. In this case Councilmembers are sitting as judges, no decision has been made and the Planning Board has provided a recommendation. Again, the Council cannot take new evidence. He clarified if anyone tried to talk to a Councilmember about a site specific rezone, those always come to the Council and a Councilmember should not discuss it outside the hearing. The constituent interested in talking to a Councilmember will have an opportunity to do so at the hearing. He referred to a potential exception in the AFD contained in RCW 42.36.070 with regard to site specific rezone applications. The statute states participation by a member of a decision-making body in earlier proceedings that result in an advisory recommendation to a decision-making body shall not disqualify that person from participating in any subsequent quasi judicial proceeding. The language appears to suggest a Councilmember could participate in an open record hearing at the Planning Board on a site specific rezone application. As the City Attorney he did not recommend that as the AFD is intended to ensure proceedings are fair and appear to be fair. He urged the Council to use caution as there is no case law interpreting the statute.

Councilmember Petso asked whether Robin Hood Lanes was an action that potentially could come before the Council. Mr. Taraday answered he was not certain what project was being proposed for that property. Councilmember Petso responded her understanding was Walgreens and a bank. Mr. Taraday clarified he was uncertain what land use application they will apply for. If hypothetically she received an email, Councilmember Petso asked how the email should be treated. Mr. Taraday answered an email cannot be unreceived. He suggested Councilmembers keep such emails because they may need to be disclosed in the future. He explained a Councilmember should not have ex parte contact with a proponent or opponent of a land use application. If that happens, he suggested the Councilmember make a note of the contact, who it was with, when it occurred and the substance and at the time of the AFD disclosure process, Councilmembers who have had inadvertent ex parte contact can disclose them. Placing the substance of the communication on the record allows the other parties to rebut the substance of the communication.

Type V permit applications are not quasi judicial, they are purely legislative. These include area-wide rezones, zoning text amendments, development regulations, Comprehensive Plan amendments, etc. Councilmembers are free to talk to anyone they wish about those matters. He explained if a rezone is

proposed for only one site, it is probably a site-specific rezone regardless of the amount of land associated with the rezone. If the Council is considering changing the zoning in a significant area, that would be an area-wide rezone.

Mr. Taraday recommended Councilmembers avoid as much as possible having contact with proponents and opponents of a project. If a Councilmember is approached by a person regarding a matter that could come before the Council, the Councilmember should explain that although they want to be responsive to their concerns, the person will have an opportunity to describe their concerns at the public hearing.

Also with regard to the AFD, a Councilmember must disclose any personal interest in a land use application. Personal interest can include financial gain, property ownership, employment by an interested person, prospective employment by an interested person, association or membership ties, and family or social relationship.

Prejudgment is an issue associated with AFD. It is important when sitting as a judge that Councilmembers be as honestly open minded about an application as possible. If a Councilmember feels they cannot be open minded and have already made up their mind before the hearing, they should recuse themselves. Bias is similar to prejudice; Councilmembers should ask themselves whether a fair-minded person observing the proceedings would be able to conclude that everyone who should be heard had been heard and the decision-makers gave reasonable faith and credit to all matters presented according to the weight and force that they were reasonably entitled to receive.

With regard to the Open Public Meetings Act (OPMA), Councilmember Petso explained she has tried to restrict her communication via email to only two Councilmembers. Other Councilmembers have been told they can blind carbon copy (bcc) each other to talk to everyone at once. Mr. Taraday explained a meeting is not necessarily a meeting in the Council Chambers. An illegal Council meeting can occur if a quorum of the Council is transacting the official business of City which can include a discussion. Councilmember Petso asked why a bcc is okay but an email conversation without the bcc is not. Mr. Taraday answered it will depend on how the bcc is used. The purpose of a bcc is to ensure that email communication is one way. It is permissible to passively receive information outside a Council meeting via email, mail, etc. under the OPMA. As soon as passive receipt of information morphs into discussion, it is a meeting and if that meeting involves a quorum, it is an illegal meeting under the OPMA. For example, when he emails the Council, he bccs the Council to prevent an accidental violation of the OPMA via a Reply All response to all Councilmembers.

Councilmember Plunkett provided another example: she was exchanging emails with two Councilmembers regarding an agenda topic and a fourth Councilmember offered to join the discussion. She asked if she could have a discussion with the fourth Councilmember outside a public meeting. Mr. Taraday answered it may depend on how Councilmember Petso talked to the fourth Councilmember. It would not be acceptable for her to forward the emails she had exchanged with the two Councilmembers to the fourth Councilmember because the fourth Councilmember would then see the discussion between the other three Councilmembers. Conversely it may not constitute a violation of the OPMA if Councilmember Petso were to talk to the fourth Councilmember about the same issue. The OPMA anticipates there will be some one-on-one communication between Councilmembers, for example the Council President communicating one-on-one with Councilmembers regarding the retreat agenda.

Councilmember Petso summarized she could talk to the fourth Councilmember about the topic as long as she did not reference the discussion she had with the other two Councilmembers. Mr. Taraday responded it would be problematic if Councilmember Petso were to say to the fourth Councilmember that she had just talked to the two Councilmembers and she had their votes on an issue and needed his vote. Councilmember Petso could lobby the fourth Councilmember for his vote but could not relay the discussion with other two Councilmembers.

Councilmember Fraley-Monillas explained she attended a function yesterday where four Councilmembers from another city were in attendance. When she pointed out they had a quorum, they disagreed it was a quorum because they were not talking about city business. Mr. Taraday agreed if they were not transacting official business. Councilmember Fraley-Monillas restated four Councilmembers could be at a function as long as they were not discussing city business. Mr. Taraday responded there is some legal authority to support that position; as long as the Councilmembers are not transacting the official business of the city, four Councilmembers could attend a social event, a sporting event, etc. He cautioned against that because although technically allowed, constituents may not believe that Councilmembers are not discussing city business. He concluded much of it is perception.

The time allotted for this item expired. Council President Peterson advised there will be time at the retreat for questions regarding this topic.

8. AUTHORIZATION FOR MAYOR TO SIGN A TWO YEAR (2012-2013) INTERLOCAL AGREEMENT FOR THE LAKE BALLINGER/MCALEER CREEK WATERSHED FORUM AND AUTHORIZE \$1,600 PER YEAR FOR ADMINISTRATIVE COSTS.

Public Works Director Phil Williams explained the City had an interlocal agreement (ILA) with a number of local jurisdictions since 2008. The primary participants have been Mountlake Terrace, Lake Forest Park and Edmonds; Snohomish County, Shoreline and Lynnwood also participated in the previous ILA. Those three entities have not been active partners and Shoreline and Lynnwood have chosen not to participate in the proposed ILA; Snohomish County is considering participating. Lake Forest Park and Mountlake Terrace are participating and staff recommends Edmonds also participate. This is a two year ILA; the City expected financial participation is up to \$1600/year which provides funds for Mountlake Terrace to fund clerical/administrative support for the forum meetings. The previous ILA was \$2400/year.

The purpose of the ILA is to identify and implement projects and programs that will assist the entire watershed, both the upper watershed that Edmonds is most interested in that extends from the I-5 culvert, up McAleer Creek to the weir, all of Lake Ballinger and the upstream drainage for Lake Ballinger. Lake Forest Park is more interested in the lower reaches of McAleer Creek. The coalition was formed to identify projects to allow Lake Ballinger to recover, stop flooding and improve water quality as well as identify funding sources. The previous ILA also included a \$10,000 contribution toward hiring a local lobbyist who along with representatives from three cities went to Washington D.C. to lobby the federal congressional delegation seeking funds via a Water Resource and Development Act update. That was unsuccessful and those efforts may continue this year. Councilmember Petso is taking Councilmember Wilson's place on the forum and could propose that the City participate in providing funds to hire a lobbyist in the future.

COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO AUTHORIZE THE MAYOR TO SIGN A TWO YEAR (2012-2013) INTERLOCAL AGREEMENT FOR THE LAKE BALLINGER/MCALEER CREEK WATERSHED FORUM AND AUTHORIZE \$1,600 PER YEAR FOR ADMINISTRATIVE COSTS. MOTION CARRIED UNANIMOUSLY.

9. CONCESSIONS IN PARKS, EDMONDS CITY CODE CHANGES.

Parks & Recreation Director Carrie Hite explained the proposal is to amend Edmonds City Code 4.04 to allow concessions in City parks. She previously briefed the Council, Planning Board and CS/DS Committee regarding the proposed amendments. Given the economy and the budget, this is opportunity to enter into concession agreements with businesses to provide revenue as well as maintain service levels. The proposed changes give the authority to the Mayor to enter into concession agreements that are, 1) consistent with the Parks, Recreation and Open Space Plan, 2) located in regional and community parks, 3) granted seasonally and reviewed and renewed annually, and 4) take into consideration the impact on

the park, impact on neighbors, amenities and conveniences added to the park, liability issues, and cost benefit. She requested the Council consider the changes and grant the Mayor the authority to enter into concession agreements.

Councilmember Buckshnis asked if concession agreements could be reviewed by the City Council rather than authorizing the Mayor to enter into concession agreements. Ms. Hite answered the current code allows for concessions in parks via a process of posting signs, holding a public hearing, and approval from the Council. The proposed changes simplify and accelerate the process. Bringing an item to Council requires two months due to the requirement to first bring it to a committee meeting and then to the full Council. The proposal is to have an opening for concessions January through June as concessionaires express interest and as they fit within the Parks, Recreation and Open Space Plan and to be able to expedite that process.

Councilmember Buckshnis asked how a situation where there are two competing concessions will be handled. Ms. Hite explained concessionaires will be interviewed with regard to how they meet the criteria. Councilmember Buckshnis asked if favoritism could occur. Ms. Hite answered that was possible but she anticipated a committee similar to what was used to hire staff where applicants were objectively evaluated. The committee will review the evaluation criteria and forward a recommendation to the Mayor.

Councilmember Fraley-Monillas commented the CS/DS Committee, comprised of Councilmember Petso and her, discussed the proposed change at their January meeting. The City has a concession agreement with the Hula Hut near the ferry holding lanes. The CS/DS Committee suggested doing this for a year and making changes if problems arise.

Councilmember Petso asked if the Taste of Edmonds or Edmonds Arts Festival were seasonal concessions or would Council still approve those contracts. Ms. Hite answered those were special events that the Council approves.

Councilmember Yamamoto asked what type and size concessioners would be considered. Ms. Hite answered the current code does not limit the type or size; consideration will be given to the footprint they would occupy, the impact on the park, the liability and risk, etc. For example the City would not bring in bouncy houses, jet skis, etc. because they were higher risk and the City's insurance, WCIA, did not allow them. Concessionaires that would be considered include both food and recreational amenities. For example someone approached the city in June 2011 interested in renting paddle boats at Marina Park. There was not enough time in the season to pursue this due to the length of time to present the proposal to Council committee and the Council. There are private day camps and boot camps that currently operate in City parks; they do not pay for use of the parks although they do have an impact on the parks. The concession agreement allows the City to, 1) be compensated for the use of public land, and 2) ensure the people operating in public parks also carry liability insurance.

COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO ADOPT ORDINANCE NO. 3869, AMENDING THE PROVISIONS OF ECC 4.04 TO ALLOW FOR EXPANDED USES AND SIMPLIFIED PROCEDURES FOR CERTAIN SEASONAL CONCESSION AGREEMENTS. MOTION CARRIED UNANIMOUSLY.

10. RESOLUTION IN SUPPORT OF MARRIAGE EQUALITY AND ADDING MARRIAGE EQUALITY TO THE 2012 LEGISLATIVE AGENDA

Council President Peterson expressed his appreciation for the comments and emails for and against the resolution and questioning the process. He agreed the issue arose quickly because there is a short legislative timeframe and Councilmember Plunkett and he felt it was important if the resolution passes to forward it to the City's elected representatives to show the City Council's support of SB 6239 and HB

2516. This issue was not on too many peoples' radar until the Governor expressed her support early this year, otherwise the Council may have had a more in-depth discussion in December as part of the 2012 legislative agenda.

Councilmember Bloom inquired about the process if the Council approved the resolution. Mayor Earling explained if the Council approved the resolution, Councilmembers who support the resolution will sign it and the resolution will be forwarded to the state legislature.

Councilmember Bloom commented she has thought about this a lot. She wholeheartedly supports marriage equality as a private citizen but did not believe the citizens of Edmonds have given her the authority to speak on their behalf to the state legislature. She indicated she will abstain from the vote on the resolution.

Councilmember Yamamoto agreed with Councilmember Bloom and also planned to abstain from the vote. He did not feel this was the proper venue or appropriate to make a Councilmember vote on a controversial issue regardless of their own views. The Council is charged with making policy and spending the taxpayers' money wisely. The resolution regarding marriage equality does not affect the City's daily operations and he was uncertain how the citizens of Edmonds felt about the issue. He feared the Council taking a position on this may open the door to requests for the Council to take a position on similar issues which raises the question who decides when and on what issues it was appropriate for the Council to take a position.

Councilmember Petso indicated she would also abstain from the vote.

Councilmember Fraley-Monillas commented this issue is not outside the City's business. She supported the Council standing up for the equitability of all people no matter who they love. She supported the resolution wholeheartedly; sending the resolution to the legislature states the City Council supports people and who they love. She has received public comment from both sides of the issue in making her decision. Senator Haugen supports the bill.

Councilmember Buckshnis thanked everyone who emailed, called and spoke tonight. She recalled one person who said it should not be a human rights issue and that the Council should not be involved in issues such as this. She recalled in 2009 the Council passed Resolution 1202 that allowed Snohomish County to create a Citizens Human Rights Commission. She commented on her 70-year old gay aunt who has been with the same partner for 50 years and her partner now has Alzheimer's. Her two conservative, Christian, Republican brothers both accept that situation. She expressed support for the resolution and suggested everyone just let it go and not make it an issue.

COUNCIL PRESIDENT PETERSON MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, TO ADOPT RESOLUTION NO. 1271, A RESOLUTION OF SUPPORT FOR MARRIAGE EQUALITY.

Councilmember Plunkett commented it is up to the Council to decide whether to take up issues such as this. The Council recently voted to oppose coal trains traveling through Edmonds although there is nothing the Council can do about it. In the past the Council has expressed their support for the Kyoto treaties and forming a Human Rights Commission, issues that are not before the legislature. The City pays a lobbyist to lobby for the City; this will be added to the 2012 legislative agenda. He concluded this has more to do with City business than many of the other resolutions the City Council has passed.

Councilmember Plunkett commented government does not give people their rights; their rights come from nature and the God of nature. Most governments oppress or take rights. In the Western culture

government supports human rights. One of those rights is the right of association; individuals have a right to associate with whomever they want, association in general and personal relationships.

Councilmember Plunkett and Council President Peterson read the proposed resolution:

A Resolution of Support for Marriage Equality

Whereas, marriage equality is a basic civil right, and;

Whereas, marriage equality provides legal and economic protections including access to health care, parenting rights, and property rights, and;

Whereas, marriage equality protects children and families, and;

Whereas, the United States Supreme Court has said, "The freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness," and;

Whereas, civil unions and domestic partnerships represent significant advances toward recognition of same-sex relationships, but they are not a substitute for full and equal marriage, and;

Whereas, marriage equality is about civil marriage, not religious marriage, and;

Whereas marriage is a powerful and important affirmation of love and commitment, a source of social support and recognition, and the legal protections which are invaluable to the safety and security of every family; therefore

Be it resolved that the Edmonds City Council fully supports Marriage Equality in the State of Washington, and;

Be it further resolved that support of Marriage Equality be added to the Edmonds 2012 Legislative Agenda, and;

Be it further resolved that this Resolution be sent to all of our State representatives.

THE VOTE ON THE MOTION CARRIED (4-0-3), COUNCILMEMBERS BLOOM, PETSO AND YAMAMOTO ABSTAINING.

Mayor Earling asked whether a signature line for the Councilmembers who abstained and himself should appear on the resolution. City Attorney Taraday responded the four who voted in favor of the resolution could sign the resolution and Mayor Earling could choose whether to sign. The three Councilmembers who abstained requested their name with a blank signature line not appear on the resolution.

Mayor Earling commented the core mission in the City is to ensure the day-to-day operations are met with regard to public safety, infrastructure, long term planning and land use issues. The resolution addresses a state issue that is currently under discussion and which now appears to have the needed votes to pass both the State House and Senate and apparently the Governor is ready and willing to sign the legislation. If he were in the legislature, he would probably support the legislation; he has a history of supporting this type of issue including support for domestic partnership legislation. Because he is not a member of the legislature but rather an elected representative of the City of Edmonds, he has a different core mission. For that reason he will not sign the resolution.

11. REPORT ON CITY COUNCIL COMMITTEE MEETINGS OF DECEMBER 30, 2011 AND JANUARY 10, 2012

Finance Committee

Councilmember Buckshnis reported at their December 30 meeting, the Committee discussed two amendments to the Seattle Fiber Partners Agreement that was approved on the Consent Agenda. At their January 10 meeting the Committee discussed the City joining the Economic Alliance of Snohomish County; authorization was approved on the Consent Agenda. Staff reviewed an update to the purchasing policy, a quarterly update on fiber optic opportunities and the investment policy; all of which were approved on the Consent Agenda. Staff also provided the Committee a General Fund update.

Community Services/Development Services Committee

Councilmember Petso reported the Committee discussed the Recycling Grant Agreement between Edmonds and the Washington State Department of Ecology for 2012-2013, the Interlocal Agreement for Lake Ballinger/McAler Creek Watershed Forum and Concessions in Parks which were all approved on tonight's agenda. The Committee also discussed allowing bed and breakfast establishments in single family neighborhoods. The Committee recommended further study by the Planning Board.

Public Safety & Human Resources Committee

Councilmember Plunkett reported staff briefed the Committee on reclassification of six SEIU union positions, four reclassifications (non-represented) and two classification in the SEIU union. If it is determined that the two positions will be subject to union membership, it will be a topic for an executive session.

12. MAYOR'S COMMENTS

Mayor Earling reported there will be an executive session prior to tomorrow's Council meeting beginning at 5:45 p.m. The regular meeting will begin at 6:15 p.m.

Mayor Earling thanked staff, particularly Public Works, Public Safety and Parks for the magnificent job they did last week during the snow, literally working 24 hours a day to stay ahead of an incessant snowfall.

Mayor Earling suggested the public may want to watch the Governor's proposed transportation package. Two bills, HB 2660 and SB 6455, provide an extensive transportation improvement plan crafted by the Governor. The primary increase comes from a \$1.50 tax on oil. Most of the funds generated would be used for preservation and maintenance of the State's current transportation system.

13. COUNCIL COMMENTS

Councilmember Plunkett requested the agenda for the retreat and possibly tomorrow's Council meeting include discussion regarding ending the Economic Development Commission.

Councilmember Buckshnis thanked Public Works for their efforts during the snow. She also commended Finance Director Shawn Hunstock for his efforts that include answering citizens' inquires, saving \$50,000 on insurance, and refinancing the bonds. Mr. Hunstock is the current President of the Puget Sound Finance Officers Association. She looked forward to working with him to improve the transparency of the City's finances.

Council President Peterson commended Public Works as well as the IT Department for the tweets from Public Works staff and information on the City's website that kept citizens updated during the snow.

With regard to Agenda Item 10, Council President Peterson understood and appreciated that some Councilmembers and citizens feel that this was not what the Council should be discussing. He pointed out the importance of quality of life Edmonds; marriage equity is a quality of life issue and the resolution sends a message to families of all types that Edmonds is a welcoming community that wants everyone to feel safe and secure. That is one of his most important duties as an elected official.

Councilmember Fraley-Monillas was proud the City Council took a stand that needed to be taken. She was also excited about concessions in parks, recalling when she introduced Music in the Parks this summer, people often commented there was no place to get food or drinks. Concessions will be good for the City and for the citizens.

Mayor Earling recognized City Engineer Rob English who was elected the new Cities' Co-Chair for the Snohomish County Infrastructure Coordinating Committee

14. ADJOURN

With no further business, the Council meeting was adjourned at 9:56 p.m.