

Ms. Balducci believes this will be a good project for the community. She said the developer has been working well with the Council, City staff, and residents.

Councilmember Lee expressed support for the ordinance. He believes that issues and concerns are being addressed, and the project will provide public benefits for the area.

→ The motion to adopt Ordinance No. 6229 carried by a vote of 7-0.

- (b) Resolution No. 8927 authorizing execution of a Development Agreement with Crossroads Village LLC to enable a mixed-use multifamily development in the Crossroads Subarea, subject to public benefits.

→ Deputy Mayor Wallace moved to approve Resolution No. 8927, and Councilmember Stokes seconded the motion.

Mayor Balducci said there have been concerns from current residents on NE 15th Street about traffic impacts and maintaining adequate access to their homes. She said it will be important to continue to address this as the project moves forward.

→ The motion to approve Resolution No. 8927 carried by a vote of 7-0.

- (c) Resolution No. 8928 establishing modified Rules of Procedure for the City Council, and repealing Resolution Nos. 5987 and 6399. *[Previously discussed with Council at February 2015 Retreat and provided for May 11, 2015 Discussion.]*

City Clerk Myrna Basich said the Council rules have not been formally updated since 2000, and suggestions for amendments have been accumulated over the past few years. During its February 2015 Retreat, the Council discussed and directed staff to assemble the agreed-upon amendments into a draft Resolution for Council consideration. Ms. Basich said a redlined version of the Resolution incorporating all of the proposed amendments was provided in the May 11 meeting packet and reprinted for consideration this evening. Many of the amendments address items related to internal Council operations or are housekeeping in nature.

Ms. Basich said the key amendments that might be of particular interest to the public address the formalization of rules for public participation at Council meetings including three minutes per speaker during Oral Communications and Public Hearings. The Council will no longer allow five minutes for representatives of recognized organizations. Oral Communications would be limited to 30 minutes total instead of the current temporary rule of 20 minutes. If more people are signed up to speak than can be accommodated within 30 minutes, the Chair is authorized to give preference to individuals speaking about topics on the evening's agenda or an upcoming agenda, or to persons who have not spoken to the Council within the past quarter.

As part of implementing the new rules for Oral Communications, staff will explain Council's desire to balance taking public comment with the efficient processing of City business during the Council's weekly meetings. Members of the public are strongly encouraged to provide detailed

communications in writing which Councilmembers can take the time to read and study. Written communications may be provided as handouts at Council meetings or submitted at any time to the Council email address (Council@bellevuewa.gov).

Ms. Basich said staff has received five additional amendments proposed since May 11 by Councilmembers. Those suggestions are presented in a memo provided in Council's desk packet. They relate to the addition of a second Oral Communications opportunity at the conclusion of the Extended Study Sessions, eliminating the 30-minute limitation on Oral Communications, decorum during Council meetings, revisions to rules relating to the appointment of Council liaisons, and the interview process for Board and Commission candidates.

In terms of moving through the discussion, Ms. Basich recommended placing the main motion to approve Resolution No. 8928 on the floor for discussion and addressing the individual amendments separately. Following the conclusion of action on the amendments, the Council will then take action on the main motion, as amended, if applicable.

Mayor Balducci thanked the City Clerk and staff for their work on the Council Rules.

→ Councilmember Robertson moved to approve Resolution No. 8928, and Councilmember Stokes seconded the motion.

Councilmember Robinson proposed an amendment to add a second opportunity for Oral Communications at the end of the Extended Study Session agenda.

→ Councilmember Robinson moved to add a second opportunity for Oral Communications at the end of the Extended Study Session agenda. Deputy Mayor Wallace seconded the motion.

Mayor Balducci suggested that a second opportunity be allowed as time permits, but that a meeting would not be extended to accommodate additional Oral Communications.

Councilmember Robinson said her intent is to accommodate individuals who were not able to speak earlier due to time constraints, even if it means extending the meeting.

Deputy Mayor Wallace expressed support for the amendment, noting that the goal is to allow the Council to complete its work on behalf of the City earlier in the meeting. If someone is willing to stay late to speak to the Council, he would like to hear them.

Councilmember Lee expressed support for the intent of Councilmember Robinson's amendment. He said it should be easy and convenient for the public to address the Council.

Councilmember Chelminiak questioned whether the second opportunity to speak would be limited to individuals who signed up earlier or whether anyone would be allowed to speak. Councilmember Robinson said her view is that would be left to the Mayor's discretion.

Mayor Balducci suggested following the Regular Session practice, which is to allow anyone to speak at the end of a meeting.

Councilmember Robertson said that, if the intent is to limit Oral Communications earlier in the evening to allow time for the Council to conduct necessary business, she supports the amendment.

- The amendment carried by a vote of 7-0.
- Councilmember Robertson moved to amend Resolution No. 8928 in Section 8.D, Public Testimony, to modify the title to read: “Public Participation” and to add the following language:

“Persons participating in Council meetings are strongly encouraged to aid the Council in maintaining the decorum and orderly progression of the Council agenda. Engaging in shouting, clapping, use of profanity, slurs against individuals, or comments that are off-topic detract from the ability of the Council to conduct business. Where such conduct results in actual disruption of the Council meeting, the presiding officer may issue a verbal warning to the speaker and, if the behavior continues, have the speaker removed from the Council Chambers. Repeated disruptions may result in the speaker being excluded from participating in public comment at one or more subsequent Council meetings. If the presiding officer issues an exclusion to any speaker, he or she shall inform the person of the basis for the exclusion and the term of the exclusion. The presiding officer shall also notify the speaker that, if he or she desires to address the Council during the period of exclusion from public comment, he or she may submit written comments which will be received by the City Clerk and provided to each Councilmember.”

Councilmember Robinson seconded the motion.

Councilmember Robertson said the Council has had one speaker over the past couple of years who has engaged in rather defamatory comments and profanity. She said this provides a tool for ensuring that Council meetings are civil and suitable for all ages.

Councilmember Robinson concurred. She supports freedom of speech but believes that profanity is inappropriate. She has seen two children cry when public commentary has become very negative and profanity is used. She said there can be freedom of speech without imposing upon everyone’s right to a pleasant experience during the Council meeting.

Responding to Deputy Mayor Wallace, Ms. Basich said the reference to “off-topic” comments is intended to omit testimony that is not related to Council business.

Mayor Balducci said she sees that language as a definitional section (i.e., examples of behaviors that detract from the Council’s ability to conduct business). However, there is also the standard of actual disruption of the meeting. She observed that a person could speak off-topic until comments rise to the level of causing the Council to take a vote that the person’s off-topic

comments are actually disrupting the meeting.

Deputy Mayor Wallace observed that the term “off-topic” is vague. However, he will support the amendment.

Councilmember Chelminiak said he considers it off-topic if someone is advertising a garage sale, for example. He questioned whether Mr. Zimmerman’s identifying himself as a Seattle City Council candidate is proper during Oral Communications. Ms. Basich said that, last week, he went beyond simply stating that he is running and commented on elements of his platform. Ms. Basich said she has spoken with the City Attorney, who has subsequently made an inquiry with the Public Disclosure Commission about this issue.

Mayor Balducci suggested removing “clapping” from the language because that refers to behavior of the audience and not the speaker. Ms. Basich said the City Attorney researched the decision of the Ninth Circuit on this topic. Mr. Roaché said there could be a situation in which the speaker would speak to the audience and ask for a show of agreement or support.

Mayor Balducci reiterated that she would rather not include “clapping.” She believes the Council has been able to manage this without it causing a problem.

→ Councilmember Robertson said she did not mind removing “clapping” from her amendment. She suggested removing “clapping” and adding “disruptive noise.” Councilmember Robinson accepted that as a friendly amendment.

Councilmember Lee suggested removing “off-topic” and observed that “disruptive” covers the intent of the rule.

Councilmember Stokes said the next sentence of the amendment captures the essence of the intent: “Where such conduct results in actual disruption of the Council meeting...” While he understands concerns about children witnessing bad language and behavior, he said City Hall is a public place and freedom of speech means that sometimes others will say things that make you uncomfortable.

Mr. Roaché said the important language from a legal standpoint is the reference to “actual disruption of the Council meeting.” Case law (e.g., City of Los Angeles) indicates that the use of profanity is not sufficient to justify “disruption.”

→ The amendment, as revised by the friendly amendment, carried by a vote of 7-0.

Councilmember Stokes noted his amendment proposed in the memo and said his motion would reflect a slight modification to that version.

→ Councilmember Stokes moved to amend Resolution No. 8928, Section 5.C.6, as follows:

“The Council liaison for each Board/Commission shall lead the interview team, **including consisting of the Chair of the Board/Commission and the Department Director**

~~or a designated key support staff for that group's selection process. Other Councilmembers and the Chair of the Board/Commission are invited to participate. The Council liaison may also invite the Department Director and/or key support staff to participate.~~ Should a quorum of Councilmembers wish to participate in interviews, the interviews will be noticed as a public meeting.”

Councilmember Robertson seconded the motion.

Mr. Stokes said the rationale is that the Council liaison makes the final decision for a recommendation. However, in working as a team, it is very helpful to have the Board or Commission Chair and the Department Director and/or a key staff person present for interviews as well. He said this was the case when he was appointed to the Parks and Community Services Board and he thought this was a good process.

→ The motion carried by a vote of 7-0.

In order to be consistent and because this is a Council-Manager form of government, Councilmember Robertson said it would be appropriate that the appointment of Council liaisons be made with the concurrence of the Council.

→ Councilmember Robertson moved to amend Section 5.B relating to the appointment of Liaisons to Boards and Commissions as follows:

“The Mayor, with the concurrence of Council, shall appoint City Councilmembers to serve as liaisons to Boards and Commissions established by City Council.”

Deputy Mayor Wallace seconded the motion.

Mayor Balducci said this issue was discussed at the Council Retreat in February, and the Council decided against this revision. She observed that having the Mayor appoint liaisons has worked out well, and she noted that she will have no further opportunity to appoint liaisons.

Councilmember Robertson said the Council did not vote on the issue during the Retreat and the Council was split in terms of support. She observed that there have been instances in which Councilmembers did not necessarily represent the majority of the Council with the Board or Commission. She reiterated that the revision is consistent with the rest of the Rules.

Councilmember Chelminiak said he believes it is appropriate for the Mayor to have that authority. There are a number of liaison and regional forum appointments to be made, and having the Mayor decide those appointments provides a more streamlined process. He opposed the proposed amendment.

Councilmember Lee proposed expanding the motion to apply to all regional appointments by the Mayor. City Clerk Basich noted that this section of the Rules deals specifically with Boards and Commissions. She said regional appointments are not addressed in the Council Rules.

- Councilmember Lee moved to expand the practice of Council concurrence with the Mayor's appointments to apply to all regional forums. Councilmember Robertson accepted this as a friendly amendment.
- As a substitute motion, Councilmember Stokes moved to postpone action on the friendly amendment, given that the revision is changing the authority of the Mayor. Councilmember Lee seconded the motion.
- The motion carried by a vote of 6-1, with Councilmember Lee dissenting.
- Deputy Mayor Wallace moved to extend the meeting to 10:15 pm, and Councilmember Robertson seconded the motion.
- The motion carried by a vote of 7-0.

Councilmember Stokes said he would like more discussion on the motion reflecting Councilmember Robertson's suggested amendment.

- Councilmember Lee moved to postpone action on Amendment 4 proposed by Councilmember Robertson.
- The motion carried by a vote of 6-1, with Councilmember Robertson dissenting.

Mayor Balducci asked the City Clerk to schedule a discussion on the preceding issue for a future Council meeting.

- Councilmember Lee moved to amend Section 8.D.2.a, relating to Oral Communications to strike references to the 30-minute time limit and the preference given to speakers based on their topics as follows:

"Speakers will be called in order from the sign-up sheet. There shall be no limit on the number of speakers."

The motion was seconded.

Deputy Mayor Wallace spoke against the motion. He observed that the Rules as presented, including the additional Oral Communications agenda item at the end of all meetings, adequately addresses the opportunity for public comment.

Mayor Balducci said the amendment removes the Mayor's ability to prioritize speakers based on agenda topic. She believes it is helpful to allow public comment on current agenda items earlier during Oral Communications. She observed that it would be difficult to manage the meeting under the proposed revision.

Councilmember Lee said his primary intent is to allow individuals to speak. He prefers no specific rules and leaving the handling of Oral Communications to the Chair's discretion.

Mayor Balducci said that concept is not reflected in the proposed language. Mr. Lee reiterated that his intent was not to remove the Mayor's ability to control the meeting.

Mayor Balducci said the temporary rule limiting Oral Communications to a total of 20 minutes has worked well over the past year.

Councilmember Stokes concurred with the Mayor. He said the purpose of Council meetings is to conduct City business and set policy. The amendment would prioritize public comment over conducting business. He said there are many ways the public can provide input to the Council including phone calls, letters, emails and meetings. The public also has the opportunity to provide input to Boards and Commissions and to participate in public hearings before those bodies and the Council. Mr. Stokes said Councilmembers are elected to serve the community by making decisions and directing staff. He believes the current practice has been working well.

Councilmember Chelminiak said all Councilmembers understand the importance of listening to the public, and Oral Communications is an important element of the meetings. He suggested consistency in the number of minutes allowed per speaker at every meeting. He expressed support for moving forward with the amended Rules as drafted, which provide the flexibility to extend Oral Communications on an as-needed basis.

Councilmember Lee concurred with Councilmember Chelminiak, noting that he would like to retain the flexibility to extend Oral Communications if there is high interest in a topic.

- Councilmember Stokes moved to extend the meeting by 10 minutes, and Deputy Mayor Wallace seconded the motion.
- The motion carried by a vote of 6-1, with Councilmember Robertson opposed.

Councilmember Stokes expressed concern that the proposed language implies an unlimited amount of public testimony during a meeting.

Mayor Balducci concurred. She said it is important to strike a balance between conducting City business and hearing from the public. She does not support the amendment.

- The motion on Councilmember Lee's amendment failed by a vote of 1-6, with Councilmember Lee in favor.
- Councilmember Robertson moved to postpone action on the main motion, as amended, approving the overall update to the Council Rules. Councilmember Lee seconded the motion.

Ms. Robertson expressed concern that the postponed items will be delayed for a long period of time.

- The motion to postpone action on Resolution No. 8928 failed by a vote of 2-5, with Councilmembers Lee and Robertson in favor.

Deputy Mayor Wallace said he would commit to taking up the postponed items in the near future.

- The main motion approving Resolution No. 8928, the package of amended Council Rules as further amended on the floor, carried by a vote of 6-1, with Councilmember Lee dissenting.

12. Unfinished Business: None.

13. Continued Oral Communications

Osha Morningstar thanked Councilmember Lee for his comments about extending Oral Communications. She appreciates being able to speak off-topic before this Council and hopes that continues. She noted that many individuals have a difficult time with public speaking, and she suggested allowing them extra time to comment. She encouraged the Council to support affordable housing.

Mayor Balducci suggested that Ms. Morningstar submit her comments in writing. She also noted that Councilmembers are open to meeting in person with the public.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 10:22 p.m., Mayor Balducci declared the meeting adjourned.

Myrna L. Basich, MMC
City Clerk

/kaw