

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

June 1, 2015
8:00 p.m.

Council Chamber
Bellevue, Washington

PRESENT: Mayor Balducci, Deputy Mayor Wallace and Councilmembers Chelminiak, Lee, Robertson, Robinson, and Stokes

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:06 p.m., with Mayor Balducci presiding.

2. Roll Call, Flag Salute

All Councilmembers were present.¹ Councilmember Lee led the flag salute.

(a) High School Student Introduction to American Immigration Forums

Councilmember Lee welcomed a group of high school students to talk about the American Immigration Forums.

Mayor Balducci thanked Councilmember Lee for his involvement with this effort and for inviting the students to the meeting.

Kathleen Chen and Christina Li, students at Interlake High School, described the American Immigration Forums program, which is a student-led, public engagement grassroots organization based in Bellevue and directed by Bellevue Councilmember Conrad Lee. Ms. Chen thanked John Spady for his leadership and for mentoring participants of the program.

Ms. Chen noted additional students involved in the program in the audience. She and Ms. Li described the organization's community surveys regarding immigration policies and said they plan to forward the results to elected officials. Ms. Li invited Councilmembers to take the survey and to participate in the program. The students described an event to take place in August to sponsor a community-based discussion regarding immigration issues. The students asked the City Council to support, sponsor and encourage the group's efforts to expand community dialogue.

¹ Councilmembers Chelminiak and Robertson were seated at the dais shortly following roll call.

Mayor Balducci thanked the students for their presentation. They said the survey is provided on their web site, and they also brought paper copies for Councilmembers. Councilmember Lee thanked John Spady for developing the web-based, interactive survey process.

Mr. Spady said this program is an outgrowth of his father's (Richard Spady) vision of stimulating community engagement. There are Forums in Redmond and across King County, and the group is working to broaden the Bellevue Forums.

Mr. Spady said the group is requesting support in the form of the City Manager allowing the use of relevant City resources for public outreach.

Mayor Balducci observed that this is an important effort in building community and in moving toward consensus and action. She commended them for their good work.

3. Communications: Written and Oral

- (a) Daniel Renn noted that he is Vice President of the Wilburton Community Association but speaking as an individual. He thanked the Council and staff for the two-way stop signs on NE 5th Street and for the streetscape work on 124th Avenue. He referred to the management brief in the meeting materials which indicates that traffic on 124th Avenue will likely decrease with the opening of 124th Avenue. However, he said this does not take into account the opening of NE 4th Street. He expressed concern that there will be increased traffic on side streets if 120th Avenue improvements are not completed first. He asked the City to delay opening the NE 4th Street extension until Phase 2 of the 120th Avenue project is completed.
- (b) Robert Shay, President of the Wilburton Community Association, expressed concern about the one-year timeframe between the completion of the NE 4th Street extension and the 120th Avenue NE project. He recalled past neighborhood efforts to ensure that NE 4th Street would not open until 120th was completed. He has met with staff, including the City Manager, and understands the traffic modeling. However, Mr. Shay said human behavior can be unpredictable and he encouraged using common sense. He suggested delaying the opening of NE 4th Street until 120th Avenue improvements are completed.
- (c) Pete Lymberis requested Council support of the Intracorp development agreement for the mixed-use Crossroads Village project. He said Intracorp has worked with residents to hear their concerns and suggestions and has been able to confirm that traffic volumes will be one-third less than the previous grocery store use. He said Intracorp is working with the City to address concerns regarding pedestrian controls and design review. He thanked City staff and the community for their involvement, and the Council for its consideration of this proposal.
- (d) Osha Morningstar said she would like to see the use of recycling and composting by all residents. She asked the Council to consider adopting a policy requiring composting and recycling in restaurants. She said there are no street recycling or composting bins in

Bellevue. She said Kirkland has trash and recycling containers in its downtown. She requested a ban on the use of styrofoam and that composting bins be provided in every park.

Mayor Balducci asked staff to provide information on those suggestions, especially street recycling and composting receptacles.

4. Reports of Community Council, Boards and Commissions: None.

5. Report of the City Manager

City Manager Brad Miyake said staff would like to pull Agenda Item 8(h) from the Consent Calendar.

(a) Management Brief regarding Wilburton Traffic Impacts

Mr. Miyake noted the management brief regarding Wilburton traffic impacts related to the NE 4th Street extension project.

Transportation Director Dave Berg said the Council previously asked staff to analyze the impacts of opening the NE 4th Street extension before the completion of Stage 2 of the 120th Avenue NE project. He said staff conducted additional traffic modeling, which is summarized in the management brief. He said the opening of NE 4th Street before completing 120th Avenue NE Stage 2 results in a slight increase in traffic on NE 5th Street between 120th and 124th Avenues. The modeling indicates a decrease in traffic on 124th Avenue in the vicinity of Main Street.

Mr. Berg said an analysis of traffic patterns and volumes following the opening of 120th Avenue NE north of NE 8th Street demonstrates essentially the same impacts on NE 5th Street and 124th Avenue NE.

Mr. Berg said two traffic calming projects have been completed (i.e., NE 5th Street and 124th Avenue NE between NE 8th and Main Streets). He said the City's intelligent traffic signal system is adaptive to traffic flows and will adjust traffic light operations based on traffic volumes. The City will continue to monitor the traffic counts and technical data and to stay in touch with residents.

Councilmember Robertson questioned whether the analysis of NE 5th Street neighborhood cut-through traffic considered 120th Avenue construction traffic impacts. Mr. Berg said the analysis targeted the day of opening for the NE 4th Street extension and the day of opening of the 120th Avenue NE project one year later. He said the school is not expected to open until 2017 and was not part of the analysis.

In further response, Mr. Berg said traffic impacts associated with construction of the school are not included in the modeling. He said that analysis will be handled through the right-of-way (ROW) use permitting process.

Ms. Robertson questioned options for addressing the potential for NE 5th Street experiencing significantly more cut-through traffic than projected. Mr. Berg said a number of options were considered with the neighborhood before installing the two recent traffic-calming projects. The projected traffic increases on NE 5th Street occur only within the vicinity of 120th Avenue. He said drivers will likely find it more advantageous to use NE 4th Street instead of either NE 8th Street or Main Street. Mr. Berg said the slight increase in traffic on NE 5th Street is expected to be local trips.

Councilmember Robertson thanked staff for bringing additional information. She is comfortable with staff's plan, especially if there are options for dealing with unanticipated impacts.

Mayor Balducci acknowledged that, while traffic modeling is based on historical data about vehicle trips, the results are projections with the potential for being inaccurate. She said the balancing factor is that NE 4th Street is a multi-million dollar project to benefit the public. She said the City cannot delay the opening of that investment based on fears about what might happen.

Ms. Balducci observed that the traffic modeling demonstrates that residents' fears are not supported. However, the City will monitor the situation and respond appropriately. Ms. Balducci noted the example of the opening of the Chick-Fil-A and the City's response to mitigate traffic impacts. She said access to the Wilburton neighborhood is fairly constrained, and she does not anticipate that drivers will see it as an attractive route. She reiterated her interest in monitoring traffic impacts and reacting immediately if problems arise.

Councilmember Chelminiak observed that a number of drivers might switch from using 120th Avenue to using 116th Avenue after NE 4th Street opens, especially to access Home Depot and Best Buy. Mr. Berg said he was not sure whether the modeling was structured to analyze traffic to specific destinations. However, he will get back to the Council on that question.

6. Council Business and New Initiatives

Councilmember Lee thanked the Council for adding the American Immigration Forums item to the agenda and taking the survey. He suggested that the Council encourage the City Manager to work with the youth to determine whether there is a way for the City to assist with the group's efforts. Mayor Balducci indicated she has some ideas of how the City might help support the group's activities.

7. Approval of the Agenda

→ Councilmember Stokes moved to approve the agenda, and Councilmember Lee seconded the motion.

→ The motion to approve the agenda carried by a vote of 7-0.

8. Consent Calendar

- Deputy Mayor Wallace moved to approve the Consent Calendar, with the exception of Item 8(h). Councilmember Stokes seconded the motion.
- The motion to approve the Consent Calendar, as amended, carried by a vote of 7-0, and the following items were approved:
 - (a) Council Meeting Minutes
Minutes of February 12-14, 2015 Council Retreat
Minutes of May 4, 2015 Study Session
Minutes of May 4, 2015 Regular Session
 - (b) Motion to award Bid No. 15028 to Biwell Construction, Inc., as the lowest responsible bidder, for providing seismic and structural modifications and roof replacement on two large barns at Kelsey Creek Park.
 - (c) Ordinance No. 6228 amending the General Fund budget to increase the 2015 appropriation by \$46,983.12 for the Fire Department's East Metro Training Group (EMTG); creating a sub-fund of the General Fund (hereafter known as the Restricted Sub-Fund); appropriating \$46,983.12 to the Restricted Sub-Fund; directing transfer of the account balance from General Fund Business Unit 52000 to the Restricted Sub-Fund; authorizing administrative officials to receive, deposit monies into the Restricted Sub-Fund, including unanticipated revenue for the EMTG; and authorizing administrative officials to administer and expend funds from the Restricted Sub Fund for EMTG as authorized in the Interlocal Agreement approved by Ordinance 6130.
 - (d) Resolution No. 8923 authorizing execution of a renewal of the five-year lease agreement with Multicultural Radio Broadcasting, Inc. for lease of property located within the Mercer Slough Nature Park for the continued operation of an existing AM radio transmission facility located at 2205 118th Avenue SE.
 - (e) Resolution No. 8924 authorizing execution of an Interlocal Agreement between the City of Bellevue and Pierce County for mutual aid assistance for the 2015 U.S. Open Golf Tournament.
 - (f) Resolution No. 8925 authorizing execution of an Interlocal Agreement between the cities of Bellevue and Medina for mutual aid assistance, including Bellevue Police Department's specialty police units.
 - (g) Motion to award Bid No. 15003 for PRV Rehabilitation and Replacement 2014, to Bonner Brothers, Inc. as lowest responsible and responsive bidder, in the amount of \$736,822.76 (CIP Plan No. W-67 and W-69).

Item Postponed:

- (h) Resolution No. 8926 adopting the City's 2016-2021 Transportation Improvement Program (TIP). *[Postponed from May 18, 2015.]*

9. Public Hearings

- (a) Public Hearing on the requested street vacation of a portion of Bellevue-Redmond Road between NE 8th Street and 120th Avenue NE.

Patti Ebert, Senior Real Property Agent, provided the staff report on the proposed vacation of a portion of Bel-Red Road between NE 8th Street and 120th Avenue NE. The road is being acquired for the 120th Avenue NE Stage 2 project. Six City departments have reviewed the proposal and submitted no comments or concerns. The Transportation Department has requested the reservation of easements for slope, sidewalk and utilities. Franchise utilities will have the opportunity to secure easements as well.

Ms. Ebert said public notice of the public hearing and proposed action was posted at the site, published in the newspaper, and mailed to adjacent property owners within a 300-foot radius of the project.

Ms. Ebert highlighted the criteria for considering the proposed street vacation. Staff is seeking Council direction on whether to proceed with drafting legislation to approve or deny the street vacation.

→ Councilmember Stokes moved to open the public hearing, and Councilmember Robertson seconded the motion.

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

No one came forward to comment.

→ Councilmember Robertson moved to close the public hearing, and Councilmember Stokes seconded the motion.

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

Councilmember Robertson observed that this is a non-controversial action and the right-of-way is no longer needed. She said the proposed action is part of the City's agreement to trade ROW for other ROW needed to complete the 120th Avenue NE project.

→ Councilmember Robertson moved to direct staff to proceed with drafting legislation to approve the requested street vacation of a portion of Bel-Red Road. Councilmember Stokes seconded the motion.

Mayor Balducci noted the relevance, in particular, of decision criteria (d): Whether the substitution of a new and different thoroughfare would be more useful to the public. The street vacation will enable the opening of 120th Avenue NE improvements.

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

- (b) Public Hearing on the requested street vacation of a portion of NE 12th Street east of 108th Avenue NE (adjacent to KidsQuest Children's Museum).

Ms. Ebert described the proposed street vacation of a portion of ROW along NE 12th Street, east of 108th Avenue NE. This is adjacent to the future KidsQuest Children's Museum in the former doll museum building. The ROW petition was received from the property owner on February 12, 2015, and public notice of the proposed action was published following Council direction on May 4. Six departments have had the opportunity to comment and no comments or concerns have been noted.

The north side of the building along NE 12th Street is directly adjacent to the property line. The petitioner has requested the vacation to necessitate modification and expansion of the building exterior. If the Council directs staff to proceed with the vacation, the City will notify franchise utilities to work directly with the petitioner to acquire necessary easements.

Ms. Ebert highlighted the ROW vacation criteria.

→ Councilmember Robertson moved to open the public hearing, and Councilmember Stokes seconded the motion.

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

One individual came forward to comment:

Putter Bert, President and CEO of KidsQuest Museum, encouraged moving forward with the street vacation. She distributed copies depicting the view of the area proposed for vacation from the street side. She said the museum wants to enhance the pocket park and the façade of the museum.

→ Councilmember Robertson moved to close the public hearing, and Councilmember Stokes seconded the motion.

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

→ Councilmember Robinson moved to direct staff to proceed with drafting legislation approving the requested street vacation of a portion of NE 12th Street, east of 108th Avenue NE. Councilmember Stokes seconded the motion.

Mayor Balducci said the Council has been aware of the museum's plans for some time. She asked staff to comment, for the public's benefit, on the impact of the ROW vacation. Ms. Ebert said the proposal will not affect the existing sidewalk, which is a minimum of 20 feet wide. She said the museum intends to provide additional landscaping but the sidewalk and street will remain the same.

Referring to the decision criteria, Mayor Balducci said the ROW is not required for public use and the vacation will better serve the public good and be maintained by KidsQuest museum. There have been no objections to the proposal.

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

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Ordinance No. 6229 approving a Land Use Code Amendment implementing Crossroads Policies S-CR-79 and S-CR-80, to enable a mixed use multifamily development in Planning District E of the Crossroads Subarea through a Council-approved development agreement.

Mr. Miyake recalled the Public Hearing on May 18, at which time the Council directed staff to prepare an ordinance for Council consideration of the Land Use Code Amendment (LUCA) implementing Crossroads Policies S-CR-79 and S-CR-80. This will enable a mixed-use multifamily development in Planning District E of the Crossroads Subarea through a Council-approved development agreement. Staff presented a draft LUCA to the Council during the April 27 Extended Study Session. Following input during the May 18 hearing, the Council directed staff to present a final ordinance for Council action.

Land Use Director Carol Helland said the Council initiated a LUCA to allow multifamily development in the Crossroads area, with a development agreement, on February 7, 2015. In addition to the Council discussions and public hearing, a community meeting was held on May 13 to discuss the LUCA and the development agreement. Speakers were generally in favor of the additional housing at this location and requested that traffic impacts be carefully considered during site-specific development review. Ms. Helland said staff recommends the adoption of Ordinance No. 6229.

→ Deputy Mayor Wallace moved to adopt Ordinance No. 6229, and Councilmember Lee seconded the motion.

Deputy Mayor Wallace observed that there has been adequate discussion of this proposal, and the issues and concerns have been addressed. He said additional details will continue to be addressed with the public and the City through the design review and permitting processes.

Mayor Balducci said this essentially implements a Comprehensive Plan amendment adopted several years ago after a thorough public process. She has heard favorable comments about the project, as well as concerns regarding growth in general and traffic impacts. She said housing has been added at the Lake Hills Shopping Center, and a large project is planned for the former Group Health site. Ms. Balducci said the City should work with the City of Redmond to address traffic impacts related to overall development in East Bellevue and Redmond.

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