

Department of Parks and Recreation

Seattle Board of Park Commissioners
Meeting Minutes
February 11, 2010

Web site: <http://www.seattle.gov/parks/parkboard/>
(Includes agendas and minutes from 2001-present)

Also, view Seattle Channel tapes of meetings, June 12, 2008-most current, at
<http://www.seattlechannel.org/videos/watchVideos.asp?program=Parks>

Board of Park Commissioners:

Present:

Neal Adams, Vice-chair
Jourdan Keith
Diana Kincaid
Donna Kostka
Jackie Ramels, Chair

Excused:

Terry Holme

Seattle Parks and Recreation Staff:

Tim Gallagher, Superintendent
Sandy Brooks, Coordinator

Commissioner Ramels called the meeting to order at 6:30 pm and reviewed the meeting agenda topics. **Commissioner Adams moved approval of the agenda as presented and the record of correspondence received by the Board since its January 28 meeting. Commissioner Kostka seconded the motion. The vote was taken, with all in favor. Motion carried.**

Superintendent's Report

Superintendent Gallagher reported on the following items. To learn more about Seattle Parks, see the website at <http://www.seattle.gov/parks/>.

Boat Moorage Rate Hikes: Parks is implementing a \$.75 wet moorage fee increase beginning April 1, 2010. This change will result in the current wet moorage fee rate of \$7.25 per slip foot going up to \$ 8.00 per slip foot. This new fee is within current market rates at comparable moorage facilities where the top fee is over \$10.00 per slip foot. The last time we raised moorage fee was in 2007 and given the fact we are going to begin capital improvements to the moorage facilities at North Leschi and portions of South Leschi this summer, the fee increase is timely. City Council has approved this increase.

Magnuson Park Advisory Committee: The new Magnuson Park Advisory Committee met for the first time last night, with a full agenda. The committee consists of 13 members; Rusty Williams, representing Friends of Magnuson Park, is serving as the Chair, and Commissioner Adams is the Park Board's representative. The Committee meets every second Wednesday, 6-8:00 p.m., and has members from the University of Washington, community groups, and others.

NOAA Access Road: Negotiations with National Oceanic and Atmospheric Administration (NOAA) management to open up the NOAA access road at Magnuson Park as a new entrance into the North Shore area is still moving ahead. NOAA has acknowledged they see benefits for their own employees in improved access to the new programs within the North Shore area of Magnuson Park. Seattle Department of Transportation has

agreed to work with Parks on an alternative entrance just south of 77th Ave., should the NOAA access road not work out.

Commissioner Kincaid noted that the popular NOAA-owned Sound Garden has been closed since the 9/11 terrorist attacks and asked if it will be re-opened. Superintendent Gallagher replied that Parks and NOAA are in discussions on this. Responding to a question from Commissioner Kincaid that if the NOAA complex currently located at South Lake Union moved to Newport, Oregon, would the Sand Point NOAA also move, Superintendent Gallagher answered that it wouldn't.

Camp Long Operations Management Plan: The Parks and Green Spaces Levy is providing \$1 million in funding for improvements and upgrades to the Camp Long Environmental Learning Center main lodge, including upgrades to the main lodge and kitchen. Bids have been received and work will begin soon. Parks staff has been meeting with community groups to discuss how Parks can better leverage this West Seattle gem to bring more programming to the site. An exciting idea is to use the facility to involve more youth and teens in environmental learning.

Seafair Denied Fee Waivers: Seafair has requested a fee waiver for \$140,000 it owes for the 2009 Seafair events. Today, Parks advised Seafair that no fee waivers will be issued and requested they devise a payment plan and send the plan to Parks by February 19, 2010.

Commissioner Kostka asked if this will affect the 2010 Seafair events and Superintendent Gallagher responded that it could. He added that Mayor McGinn has taken a firm stand that these fees must be paid.

Synthetic Field Turn Results: Herrera Environmental Consultants have completed wipe tests of the nine-year-old synthetic turf fibers at Genesee Field #2. As anticipated, based on the product manufacturer's data, a low level of lead content was verified.

Stormwater runoff studies were completed at Lower Woodland Athletic Field, where new synthetic turf was installed on two fields. Both base flows and storm events have been sampled and initial lab results obtained for the Lower Woodland work. Tests to date indicate essentially no presence of lead from Field #2 runoff. At Field #7, stormwater discharges have indicated presence of penta compounds, most likely associated with the old wooden light poles from the softball cloverleaf to the south. More information will be available after data reduction and analysis.

Commissioner Adams asked if the additional information will be presented to the Park Board. Superintendent Gallagher answered that it will. After this winter, Parks will have additional information to share. Responding to a question from Commissioner Jourdan, Superintendent Gallagher answered that the consultants will recommend needed solutions.

Clean and Green Seattle Scheduled Dates: Last week over 500 volunteers showed up for the Neighbor Appreciation Day-Counter Balance Park cleanup. There are a number of upcoming Clean and Green Seattle dates scheduled. Everyone is invited to join these events, as follows:

- Saturday, March 27, 2010 – Seattle Arbor Day / 2010 Spring Clean Kick-off (Fairmont Park in West Seattle)
- Saturday, April 17, 2010 – Duwamish – (Time and Location to be determined)
- Saturday, April 24, 2010 – Earth Day Weekend (Time and Location to be determined)
- Saturday, May 15, 2010 – Puget Soundkeeper Alliance – Staged at South Lake Union Park- Lake Union Clean -up
- Saturday, May 22, 2010 – Seattle Works Day (Citywide – Staged at the Seattle Center)
- Saturday, June 6, 2010 – Delridge Community Days (Youngstown Community Center)
- Saturday, July 4, 2010 – Gasworks Park
- Saturday, September 25, 2010 – (ICC) International Coastal Clean -up Myrtle Edwards Park
- Saturday, October, 2010 – (Date, Time and Location to be determined)

- Saturday, November, 2010 – (Date, Time and Location to be determined)
- Saturday, December 4, 2010 – University Farmers Market

Capehart Housing: Work on the environmental cleanup (asbestos and lead paint removal) at this Discovery Park site is under way. The individual units will be cleaned up in groups of 15 and as they are completed they will be turned over to the demolition contractor or Seattle Fire for removal. The work on the demolition and utility relocations that are conditions of the Purchase and Sales Agreement should be completed in time to close the transaction in June

Volunteer Park Encroachments: 30-Day Notice to Abate letters went out to 13 of the 16 property owners abutting Volunteer Park on January 15. The letters asked recipients to contact the Parks Superintendent by January 29 to advise if they will comply within 30 days or apply for a permit within the 30 day period. Results, to date:

- 12 of 13 owners have contacted Parks (no contact from one very minor encroachment)
- Have met with three property owners on-site
- A meeting with two property owners (major encroachments) and their attorney is scheduled for 02/23/2010
- 5 property owners have begun physical removal of the private improvements (at one major encroachment site, the hot tub and pavilion have already been removed)
- 2 have stated they expect to be completed within the 30 day period
- 3 permit applications requesting 90 days to remove have been received and one more expected to be submitted this week

Parks staff will do another physical inspection of the boundary next week (after the 30-day period). Mayor McGinn and City Council are very supportive of this effort to remove private encroachments on Seattle's public property.

Commissioner Ramels asked if those with attorneys are resisting the Department's efforts. Superintendent Gallagher responded that they aren't fighting the removal of their encroachment; instead, they are looking for a slower solution.

Facilitator Training: The Strategic Action Plan specifies in Goal 3 that Parks will build organizational capacity for public engagement. Specifically it calls out an action to provide training for staff assigned public engagement responsibilities. The training will help them develop appropriate responses to challenging situations and dynamics. We have developed curriculum and will facilitate four, one-day training sessions for approximately 100 staff. Attendance is mandatory for staff who have public engagement responsibilities, or facilitate internal meetings, as a part of their job description. The training is co-organized with the City's Office for Civil Rights.

Gas Works Playground: The Friends of Gas Works Park and the Wallingford Community Council are very interested in rebuilding the children's play area at the park as soon as possible. Parks hired a consultant to look at issues associated with putting the play area back in its original location or locating it somewhere else in the park and are also working with the Department of Ecology on this.

Social Media Update: Parks is now officially on Twitter and Facebook. The public can follow Parks happenings at: <https://Twitter.com/SeattleParks>. Several recent Department postings have been picked up by the Seattle Times and the West Seattle Blog and the public has contacted staff for further information. Community Centers are also developing Facebook pages, with the number of "friends" increasing steadily. The Superintendent and four other Parks staff add postings to the Department's main Twitter and Facebook pages.

Commissioner Ramels noted that another popular social media outlet for youth is <https://Foursquare.com>

Oral Requests and Communication from the Audience

The Chair explained that this portion of the agenda is reserved for topics that have not had, or are not scheduled for, a public hearing. Speakers are limited to two minutes each and will be timed, and are asked to stand at the podium to speak. The Board's usual process is for 10 minutes of testimony to be heard at this time, with additional testimony heard after the regular agenda and just before Board of Park Commissioner's business. One person testified.

Bill Farmer: Mr. Farmer asked that the Board return to its former policy of allowing each speaker up to three minutes, as he feels two minutes is an inadequate amount of time. He also asked Superintendent Gallagher to schedule a briefing on the Department's Joint Use Agreement with Seattle School District. The Superintendent responded that the briefing is scheduled for the Board's April 8 meeting.

Welcome: Seattle City Councilmember Sally Bagshaw

Superintendent Gallagher introduced Seattle City Councilmember Sally Bagshaw, chair of the Parks and Seattle Center Committee (PASC.)

Councilmember Bagshaw is delighted to chair the Parks and Seattle Center Committee. She invited Commissioners to contact her and to let Superintendent Gallagher know when they do. She recognizes that the Superintendent is in charge of the Department and she does not want to second guess him. She next introduced Philip Roewe, her legislative staff assistant. PASC meets the first and Thursday of each month at City Council chambers, 9:30 am. She has invited Parks staff to showcase a different park at each of these meetings, which are televised by Seattle Channel.

She is a strong advocate of parks, and is very interested in the "bands of green" concept to connect parks. This will be a great asset for pedestrians and bikers. She is working to secure private funding for a band of green from South Lake Union Park to Seattle Center to the waterfront. She believes this ties in nicely with the 2012 Seattle Center 50-year celebration. This project is very exciting!

She worked with Allied Arts for years on the waterfront project from the football and baseball stadiums to the Olympic Sculpture Park. She thanked the Board for its work and the audience for attending this meeting.

Commissioner Ramels responded that Councilmember Bagshaw's enthusiasm is very inspiring. Commissioner Adams likes her ideas. He is very interested in park accessibility for all and urges the City to take care with projects so parks can be used by all. Councilmember Bagshaw agreed. She is interested in accessibility for all, not just those with deep pockets and money, especially those with mobility, speech, and hearing impairments. She noted that her business cards include her information in Braille for the seeing impaired and she is working with Seattle Center Director Robert Nellam to install signs at the Center in Braille. Commissioner Ramels asked how people will locate the signs. Councilmember Bagshaw and Mr. Nellam are working with Lighthouse for the Blind to develop an effective strategy. Information on the Braille signs is also posted on Facebook and Twitter (for those who help the sight impaired) and on computers that translate written words to verbal.

Commissioner Kostka noted that there are no sidewalks and no safe way to access many of Seattle's parks. Councilmember Bagshaw is talking with Seattle Department of Transportation (SDOT) about this and has learned that the cost of sidewalks and drainage systems is staggering. However, one of her highest priorities is safe access and she will continue this work with SDOT.

Commissioner Kincaid strongly agrees with Councilmember Bagshaw's goals. Responding to a question on her interest in neighborhood parks, Councilmember Bagshaw answered that the bands of green would help connect the various neighborhood parks. She is meeting with many community groups to hear of their interests. She also pointed out that neighborhood groups are very interested in the Parks and Green Spaces Levy's Opportunity Fund to develop new neighborhood parks.

Following a question from Commissioner Kincaid about transportation, Councilmember Bagshaw responded that her background at King County had a focus on transportation. Her other City Council Committee roles include: Vice-chair of the Public Safety and Education Committee, member of the Built Environment Committee, and an alternate on the Housing, Human Services, Health and Culture Committee, as well as the waterfront project, land use, and the City's risk management. Commissioner Ramels is interested in providing public transit to allow people to access parks more effectively. Councilmember Bagshaw responded that King County Metro is really struggling now, although the public needs it now more than ever. She is very committed to developing better east-west and north-south transit routes. She believes the city and Metro will be in better shape financially in another two years, and she is looking ahead to where the City might be in two, four, or eight years from now.

Responding to a question from Commissioner Ramels whether the Parks and Seattle Center Chair was her choice, Councilmember Bagshaw answered that Council Chair Richard Conlin assigned her the position; however, she was delighted with his choice.

Commissioner Ramels thanked the Councilmember for attending tonight's Park Board meeting. The Board appreciates its good relationship with the Parks and Seattle Center Committee.

Public Hearing: Fees and Charges Setting Policy

At its January 28 meeting, Eric Friedli, Seattle Parks Policy Manager, presented a briefing on this new policy. To read the minutes from that meeting, including the briefing paper and the Board's discussion, see <http://www.seattle.gov/parks/ParkBoard/minutes/2010/01-28-10.pdf>. Tonight Mr. Friedli presented an update and answered questions. This was followed by a public hearing.

Mr. Friedli stated that nothing has changed in the draft policy since the Board's January 28 meeting. He briefly reviewed the process that led to the development of this new draft policy. The source is twofold: (1) the Department's Strategic Action Plan identified fees and charges as an area to look at and (2) City Council directed the Department to prepare a Statement of Legislative Intent and to propose a formal fees and charges setting policy by the end of March, 2010. Council directed Parks to develop a policy that is equitable and does not limit access to facilities.

Councilmember Adams noted that the Board is scheduled to discuss the policy at its February 25 meeting and make a recommendation to the Superintendent. He asked if staff are working on any changes to what has already been presented. Mr. Friedli responded that he may have additional information on the cost for providing services to share with the Board. This is a two-step process: (1) the policy will be developed and submitted to City Council for review; and (2) a fee schedule will then be developed based on the policy. Superintendent Gallagher added that the Department will not adopt the policy until after City Council's review.

Commissioner Kincaid asked if the Department foresees increasing some program fees in the near future. Mr. Friedli responded that staff will look at the various programs and some may be increased and some decreased. Commissioner Kincaid stated that she understands the City needs additional funds during this budget crisis; however, people need use of their parks and programs even more during bad economic times. She is looking at how parks best serve individuals and the community and believes kids with little income benefit the most from the Parks Department's programs. She asked how this service will continue if fees are increased. Mr. Friedli replied that access is very important and noted that the programs provide a number of reduced fees and scholarships to low-income kids. The Department is asking the Board to review the policy language to see if it is getting the language right on this.

Responding to a question from Commissioner Ramels on how an increase in fees will impact use, Superintendent Gallagher responded that equity and setting a policy for recovery of costs (which the Board is being asked to do with this policy) are two separate issues. The Department is asking the Board to look at the fees and recovery costs in this policy. This policy is not being developed to generate revenue, but to examine

the fee schedule. The next step would be to look at costs around the area and base revenue on this. If most other parks and recreation departments are charging more for use, then some of the Parks Department's fees could increase.

Public Hearing

The public hearing began. The Chair reminded speakers that they have up to two minutes to speak and will be timed. Five people testified.

Mark Bishop: He is a member of the adult soccer league, Co-Rec Soccer, which has seen a fees increase from Seattle Parks of 271% since 2001. The League has complained of this to City Council. He gave a number of statistics and figures and presented Commissioners a fee comparison chart and notebook of information.

Derek Goldingay: He is also a member of Co-Rec Soccer and asked that the draft policy be revised to eliminate Alternative A. He believes its content is subjective and its implementation will be divisive. A skilled individual will be penalized and required to pay the maximum. Soccer is good for the health of all ages, not just youth. He asks that the policy be fair and that user groups be charged by the number of hours they use a facility and that groups be notified at least six months in advance of any fee increases.

Bill Farmer: Mr. Farmer had several comments and suggestions for the policy, briefly described: (1) consider a layered number system for the database; (2) limit increases in any one year to allow leagues times to financially adapt to increases; (3) appreciates Mr. Friedli's work on this policy but asks that it be made simpler; (4) believes the policy is a disincentive to excellence; and (5) agrees that adult field usage of the fields is very important.

Donna Hartmann-Miller: She (1) noted that senior citizens are not mentioned in the policy and suggested a reduced recovery fee rate for them; (2) suggested that fees be reduced at fields that are scheduled during non-peak times; (3) suggested charging a higher fee for synthetic fields as these are more costly to build; (4) charge non-Seattle residents a higher rate, as does Snohomish County; and (5) limit the number of annual rate increases.

Lautolia Malego: He is a member of the Samoan Cricket Association. He stated that 65% of the group consists of young adults and at-risk youth. Most are low income and any fee increase is detrimental to their program. He asked that the Board keep this in mind as it makes a recommendation on the new policy.

The public hearing concluded. Commissioner Ramels reminded the audience the Board will continue accepting e-mail testimony until Tuesday, February 23.

Board Discussion

Responding to a question from Commissioner Ramels on how much the fees have gone up in the past, Mr. Friedli answered that he will check on this and will forward the information to the Board. Superintendent Gallagher added that there have been two substantial fee increases in the past couple years. The Department looked at fees charged by Portland and San Francisco and Seattle's rate is very comparable to those. The Superintendent reiterated that this policy is not about setting fees; rather, it is to develop the approach to help the Department analytically set the fees. A policy will force the Department to look at all the factors, then make a decision on fees based on those factors, before taking a recommendation to City Council, which has to approve the fee rates.

Commissioner Ramels referred to testimony about the Samoan cricket players. Superintendent Gallagher replied that, under the draft policy, the 12-15 year olds would be included in category D & E as a high benefit, then the Department would look at what other municipalities charge for youth, look at the cost recovery, and look at the demand. The Superintendent also responded to testimony that non-Seattle residents should pay a higher fee. People who drive to Seattle to use the fields often shop, buy gasoline, often work in Seattle, and give financial support in those ways. It is also logistically complicated to check the id's of everyone who uses the facilities.

Commissioner Adams asked who will decide the amount of fees. Superintendent Gallagher responded that, with the adoption of this new policy, the Department will have reliable data about the cost of programs, as well as costs for maintaining community centers, grass fields, synthetic fields, etc. This information will then be compiled and brought forward to the Superintendent by Parks staff. He then will take it to the Mayor, full City Council, and the Council's Parks and Seattle Center Committee. Commissioner Ramels asked if the new policy could result in some fee decreases and Mr. Friedli and the Superintendent agreed that it could. However, the City's revenue project will determine whether any fees are decreased in 2010 and 2011, unless it is to encourage more people to participate in the programs.

Commissioner Ramels commented that "real world" examples help the Board to better understand these new policies. Superintendent Gallagher noted that the system previously used by Seattle Parks to set its fees has been random. Golf is a perfect example of peak demand use, where lower rates could be charged for non-peak hours to encourage more users. Commissioner Ramels asked about the suggestion made in the public hearing to charge more for synthetic fields than grass fields. Superintendent Gallagher replied that the Department already does this. The speaker also referred to seniors not being called out in the policy and staff will add that.

Commissioner Adams asked the Superintendent to speak to the testimony that this policy is a disincentive to excellence, [where users could not afford the fees to practice their skills frequently enough to become a world class athlete.] The Superintendent replied that he cannot debate that premise. While it is true that it could be a "community benefit" when an athlete uses the park facilities to become world class, those athletes usually don't achieve that level by playing in recreational leagues.

The Board will continue this discussion at its February 25 meeting and plans to make a recommendation to the Superintendent. Commissioners agreed to send any additional questions to Mr. Friedli, via the Board's coordinator. Commissioner Ramels thanked Mr. Friedli for the update and commented that it will be useful to learn what programs cost.

Discussion/Recommendation: Code of Conduct

Prior to tonight's meeting, Eric Friedli, Seattle Parks' Policy and Business Analysis Manager, sent the Board a decision agenda to aid in their discussion and recommendation of the Department's proposed Code of Conduct. To read the minutes from the January 14 and January 28 meetings, where the briefing was presented and a public hearing held, see <http://www.seattle.gov/parks/ParkBoard/minutes/2010/01-14-10.pdf> and <http://www.seattle.gov/parks/ParkBoard/minutes/2010/01-28-10.pdf>. Prior to this meeting, Commissioners received a written briefing paper from Mr. Friedli that included a decision agenda, included in these minutes. Mr. Friedli introduced himself and briefly reviewed the intent of the Decision Agenda. He stated that the Department is working to consolidate what rules already exist, requests/complaints received by staff, and common courtesies to observe while in parks and facilities.

Board Discussion

Commissioner Ramels noted that the Board received 239 e-mails and comments on the Code [a summary is included below], with many commenting on smoking in parks, the homeless, and transgender issues. The Code of Conduct consolidates existing codes and adds six new ones. The decision agenda is helpful to the Board's discussion.

Mr. Friedli noted that language concerning gender use of the restrooms has been changed in response to comments received from the public and Board members. The decision agenda has been arranged in order from the easiest topics to vote on to the most difficult. The decision agenda follows, with the Board's discussion and votes noted below each item.

Briefing Paper

Requested Board Action

Parks staff presented the proposed Code of Conduct to the Board on January 14, 2010, and the Board held a public hearing on January 28. The Board is asked to discuss the proposed code and make a recommendation to the Parks and Recreation Superintendent on its approval.

Project Description and Background

Parks and Recreation proposes a new Code of Conduct which will consolidate in one document the majority of behaviors that are prohibited in parks.

- *The Code will be an administrative rule prohibiting specified behaviors in parks and at park owned facilities.*
- *The Code outlines enforcement measures that include withdrawing a person's permission to be in a park and issuance of Parks Exclusions.*
- *It provides guidelines for the length of time for which a person's permission to be in a park can be withdrawn and exclusion lengths for engaging in each prohibited behavior.*

The Board has received 239 public comments through letters and email, and public testimony. Of those comments:

- *56 in favor of smoking ban 49 written + 7 verbal*
- *47 oppose smoking ban 45 written + 2 verbal*
- *6 in favor of spitting ban*
- *24 oppose spitting ban*
- *3 generally in favor of Code of Conduct revisions*
- *34 generally opposed code of Conduct revisions*
- *13 consider it unenforceable - 12 written comments and 1 verbal*
- *18 oppose restricting gender in restrooms (transgender issue) - 16 written and 2 verbal*
- *5 concerns regarding cooking/beach fires 5 concerns regarding beach/cooking fires*
- *4 oppose any ban on dogs*
- *2 in favor of a ban on dogs*
- *4 concerns that off-leash not currently enforced*
- *11 concerns regarding impacts on the homeless 5 written + 6 verbal*
- *5 oppose a ban on untended bags*
- *2 want info on the 1,000 second hand smoke deaths*
- *3 oppose restricting obscene language or gesture*
- *2 oppose gas powered blowers*

The full text of each comment has been shared with the Commissioners for your consideration. There have been numerous news stories on television, radio, and print and online media.

The original proposed Code of Conduct was posted on the Board website and made available to the public on January 8. Following initial public comment and in response to initial input from the Commissioners a revised proposal was prepared and posted on the website and made available to the public on January 21.

Decision Agenda

This decision agenda is intended to facilitate the Commissioners' discussion and recommendation on the proposed code of conduct.

Discussion: Commissioner Holme was out of town and submitted written comments to the Chair to be read for the record, as follows:

"I support the idea of adopting a revised code of conduct, for the benefit of Park Department employees, the police, park rangers and citizens. I support most of the proposed changes with the following exceptions:

- 3.2.9 Improper use of bathrooms. The examples of no bathing or washing clothes concern me.

- 3.2.10 Smoking. I would prefer to limit this ban to playfields, beaches and playgrounds, rather than a parks-wide ban. Cigarette butts are litter, and we have laws against littering. I have never used tobacco, and I'm appreciative of tobacco free interior spaces. Banning smoking around children, and athletic pursuits and synthetic surfaces makes sense. In many years of park use, I have rarely been aware of tobacco smoke, and it has never an issue for me, other than infrequent encounters with cigar smoke.

I am extremely wary of creating rules which discourage folks from using, relaxing in, and enjoying their parks.

I believe we need to maintain a balance between regulating civil behavior in the interest of public health, and showing tolerance for others' choices."

Commissioner Adams moved that the Board recommend approval of Sections 1-4 (as listed below.) Motion failed for lack of a second. Commissioners determined they would vote separately on each section. A summary of the discussion, as well as the Board's recommendation to the Superintendent, is included below.

1) Does the Board recommend approval, as is, of the following Sections:

a) Section 1: INTRODUCTION AND PURPOSES?

Commissioner Kincaid moved approval of Section 1. Commissioner Adams seconded. The vote was taken, with all in favor. Motion carried.

b) Section 2: REFERENCES AND AUTHORITY?

No discussion. **Commissioner Kincaid moved approval of Section 2. Commissioner Keith seconded. The vote was taken, with all in favor. Motion carried.**

c) Section 3.1: Violations of State and Local Laws?

No discussion. **Commissioner Kincaid moved approval of Section 3.1. Commissioner Adams seconded. The vote was taken, with all in favor. Motion carried.**

d) Section 3.3: Violations of Additional Rules?

No discussion. **Commissioner Adams moved approval of Section 3.3. Commissioner Kincaid seconded. The vote was taken, with all in favor. Motion carried.**

e) Section 4: Enforcement?

No comments were received directly pertaining to these sections.

Discussion: Responding to a question from Commissioner Kostka as to what enforcement includes, Mr. Friedli answered that a person may be given a warning or a 24-hour notice to leave the park (park exclusion.) There is no monetary language in the Code. Parks would not fine anyone; the intent is that Seattle Police Department or the Court would impose any fines. Park Ranger Milliern added that many of the items that are prohibited by Seattle Municipal Code already include a monetary penalty. Commissioner Keith voiced concerns with how the park exclusions will be enforced. Park Ranger Milliern responded that Seattle Police Department tracks all park exclusions in its database. The park rangers have access to this information. Commissioner Keith asked whether a person is only excluded from one park. Park Ranger Milliern responded that some parks have exclusion zones, where a serious offense, such as discharging a weapon in a park, may result in exclusion from all the parks in the park exclusion zone for one year. A park exclusion was recently established in downtown Ballard.

Commissioner Kostka asked if excluding someone from a park is the only punishment Parks can impose. Mr. Friedli replied that Seattle Police Department may arrest the person for a number of the violations, per Municipal Code. Park Ranger Milliern gave public drinking in the parks as an example. The Code gives rangers different avenues to move people out of the parks, when their behavior justifies such action.

Commissioner Keith spoke against the enforcement of the Code of Conduct earlier this evening and questioned how Parks can manage the exclusion policy. This is only enforceable if the Department has the police records. She recommended that enforcement be removed. Superintendent Gallagher responded that the exclusion policy was established by the public libraries, the park exclusion is well established with the park rangers and Seattle Police Department, and if the offense is serious enough, Seattle Police Department will skip the park exclusion process and arrest the person. The park rangers can also issue citations. Commissioner Keith replied that several public comments questioned how the Department will enforce the Code. Commissioner Kincaid is a member of the Center City Task Force and both the park rangers and Seattle Police Department have attended those meetings and strongly support the Code of Conduct. She believes the enforcement language is a helpful tool.

Commissioner Adams moved approval of Section 4. Commissioner Kincaid seconded. The vote was taken with Commissioners Adams, Kincaid, and Kostka in favor. Commissioner Keith opposed. Motion carried.

2) Does the Board recommend including in the Code of Conduct regulations that already are part of the Seattle Municipal Code, Revised Code of Washington, and Parks and Recreation Policies and Procedures?

Commissioner Adams moved approval. Commissioner Kostka seconded. The vote was taken with all in favor. Motion carried.

- *3.2.1 Camping in any park unless specifically approved by the Superintendent (SMC 18.12.250);*

Discussion: Commissioner Keith asked the Department to make an exception to 3.2.1 to recognize the reality that homeless people are sleeping and camping in parks. Mr. Friedli and Superintendent Gallagher responded that this became law in Seattle in 1997. It is an Executive Order with Mayor McGinn currently making minor revisions. There is a process in place that outlines a very clear policy and protocol for large encampments. The City removed 14 large encampments in the past two years, with some having as many as 60 people living in them. The City developed the process because of these large encampments, and includes heavy human services involvement. Commissioner Keith requested a future discussion to modify the Municipal Code to allow regulated camping at specific times and places.

Commissioner Adams asked if this policy includes one individual camping in the park and Mr. Friedli agreed that it does. Commissioner Kostka asked if it includes someone sleeping in a park. Park Ranger Milliern answered that it means having equipment to camp in the park. These stipulations are spelled out clearly in the Municipal Code. Commissioner Adams heard and read in some testimony that this policy singles out the homeless and asked staff to respond. Park Ranger Milliern answered that the rangers are trained to help homeless connect with appropriate services. The rangers carry and distribute information cards that list available services. Recently the rangers held a youth camp at Westlake Park to assist homeless youth with connecting with services. The no camping policy is to deter territorial encampments. Commissioner Jourdan read in "Real Change", a newspaper about and sold by the homeless, that many homeless had their property discarded in the sweeps.

Commissioner Adams suggested there are two issues being discussed here. 3.2.1 (camping in parks) and 3.2.12 (leaving packages and belongings in a park facility). The Superintendent responded that 3.2.1 is City Law and 3.2.12 is already included in the Department's policies and procedures.

Commissioner Adams noted that only one homeless advocacy group submitted testimony opposing this part of the Code. He suggested the Department consider holding hearings about the homeless. During the Great Depression, parks were opened to the homeless as a place to live. The Superintendent responded that this is a good suggestion; however, the Department must respond to complaints from neighbors that people are camping in the parks. He had a conversation today with Mayor McGinn on how many people are sleeping in the City's parks. He invited the Commissioners to drive by City Hall Park tomorrow morning and they will observe 20-30 people using it to sleep. This is one of a number of parks where people sleep.

Commissioner Adams moved approval while recognizing that the homeless issue is real and further recognizing that Parks is not in the homeless business. Commissioner Kincaid seconded. The vote was taken with all in favor. Motion carried.

- *3.2.2 Conduct that unreasonably deprives others of their use or enjoyment of the park or park facility (Policy and Procedure 7.13.1);*
- *3.2.4 Disposing of unwanted items anywhere but in a designated trash or recycling receptacle, dumping, or creating unsanitary conditions or health hazards on park property that violate public health rules of Seattle and King County (i.e. littering) (SMC 18.12.260);*
- *3.2.5 Violation of the laws requiring that dogs or other pets be leashed and licensed and that owner carry **and use** scoop equipment **and properly dispose of waste** (SMC 18.12.080);*

Discussion: Commissioner Kostka proposed additional language for 3.2.5, shown in blue. The new language will be included as part of the recommendation being voted on.

- *3.2.6 Dogs or other pets, whether on or off leash, at athletic fields, beaches, or children's playgrounds (SMC 18.12.080);*
- *3.2.8 Posting of signs, posters, or notices in any park, unless otherwise permitted by the Superintendent (SMC 18.12.050);*
- *3.2.11 Distribution of handbills, circulars, or signs in any park in any manner that interferes with normal passage of people or vehicles, unless otherwise permitted by the Superintendent (SMC 18.12.060);*
- *3.2.12 Leaving packages, backpacks, luggage, or other personal items unattended while the owner is not in the same area of the park or inside the facility (Policy and Procedure 2.7.3);*

Discussion: Commissioner Jourdan asked if 3.2.12 is a new policy. Mr. Friedli responded that it is part of the existing lost and found policy.

Commissioner Kincaid moved to strike 3.2.12 from the Code of Conduct. Responding to a question from Commissioner Adams as to why she objects to this, Commissioner Kincaid stated that it is the practicality. Commissioner Kincaid added that this will impact those with no other place to leave their belongings. Mr. Friedli referred to the Department's lost and found policy as listed in section 2.7.3. The Superintendent added that this section was added to respond to problems of packages being left in community centers and the public's safety. Commissioner Keith responded that she believes the policy is used to harass homeless people in parks. **The vote was taken, with Commissions Keith and Kincaid voting in favor, Commissioner Adams opposed, and Commissioner Kostka abstaining. The Chair votes to either make a tie (in which case the motion falls) or break a tie. Commissioner Ramels voted against. Motion failed.**

- *3.2.13 Urinating, or defecating, except in designated restroom fixtures (SMC 18.12.145);*
- *3.2.14 Possession of liquor without all applicable permits (SMC 18.12.255 and .257);*
- *3.2.15 Blocking entrances, exits, fire exits, handicap access areas, public walkways, or roadways, or obstructing pedestrian traffic or otherwise interfering with the provision of services or the use of park property (SMC 18.12.070(c));*
- *3.2.17 Presence in a park or area within a park without a permit when the park or area within the park is not open to the public (SMC 18.12.070; Policy and Procedure 7.1.2);*

- 3.2.18 Igniting or maintaining a fire or use of flammable liquids, except in designated barbecues, grills, and fire rings (SMC 18.12.270);
- 3.2.19 Using park property without a permit for a use that requires a permit or requires City services (for example, use of amplified sound without a permit) (SMC 18.12.275);
- 3.2.20 Capturing, annoying, or disturbing any animal, wildlife, waterfowl, etc. – except for fishing and shell fishing in areas authorized by the Superintendent and subject to Washington State Game Commission Rules (SMC 18.12.100);
- 3.2.21 Removing, destroying, or mutilating, or any way altering lawn, shrubs, plants, flowers, sand, soil, or habitat area without proper authorization (SMC 18.12.070(a));
- 3.2.22 Driving a motor vehicle anywhere in a park except on public roadways and parking lots (SMC 18.12.235);
- 3.2.23 Abusive or harassing behavior, including obscene language or gestures (SMC 12A.06);
- 3.2.24 Sale, possession, use or discharge of any fireworks or pyrotechnics special effects, except where authorized by a Seattle Fire Department permit (Seattle Fire Code);
- 3.2.26 Illegal gambling (RCW 9.46);
- 3.2.27 Possession, sale, or use of illegal drugs (RCW 69.50);
- 3.2.28 Defacing, destroying, or otherwise vandalizing park property, including buildings, fixtures, grounds, signs, or other structures (SMC 18.12.070(b));
- 3.2.29 Sexual misconduct, such as indecent exposure, offensive touching, sexual acts, or prostitution (various RCW's);
- 3.2.30 Assault or fighting (SMC 12A.06);
- 3.2.31 Firearms violations under RCW Chapter 9.41.
- Comments were received on several of these items, particularly 3.2.1 (camping) and 3.2.12 (unattended bags), and 3.2.17 (presence in a park when closed). Generally, these rules have been in place for between 20 and 30 years.

3) Does the Board recommend approval of proposed new rule:

- 3.2.3 Disrupting Department of Parks and Recreation business, events, or other sponsored activities;

No comments were received directly pertaining to this proposed new rule.

Discussion: Commissioner Kostka commented that disrupting is a very vague term and asked how the Department would determine when a person is being disruptive. Mr. Friedli gave examples as someone interfering park users who are trying to set up for a permitted event, or someone standing in the outfield during a baseball game.

Commissioners Adams moved approval. Commissioner Kincaid seconded. The vote was taken with Commissioners Adams, Keith, and Kincaid in favor. Commissioner Kostka opposed. Motion carried.

4) Does the Board recommend approval of proposed new rule:

- 3.2.7 Possession of glass containers at athletic fields, beaches or children's playgrounds;

No comments were received directly pertaining to this proposed new rule.

Commissioner Adams moved approval, Kostka seconded. The vote was taken with all in favor. Motion carried.

5) Does the Board recommend approval of proposed new rule:

3.2.9 Original version: Improper use of restrooms (e.g., no bathing or showering, except in designated facilities, and no washing clothes, sleeping, or eating); Staff revised proposal: Recognizing that restrooms in parks and park facilities are provided for the convenience and comfort of park visitors and users of parks facilities, restroom use (such as bathing and showering, except in designated facilities and eating, sleeping, washing dishes, etc.) that impedes the use of a restroom for park visitors and users of parks facilities is prohibited. Designated facilities are available at numerous community centers and swimming pools.

The staff revised proposal is made in response to comments expressing concern about how this would impact the homeless population.

Recognizing that restrooms in parks and park facilities are provided for the convenience and comfort of park visitors and users of parks facilities, restroom use (such as bathing and showering, except in designated facilities and eating, sleeping, washing dishes, etc.) that impedes the use of a restroom for park visitors and users of parks facilities is prohibited. Designated facilities are available at numerous community centers and swimming pools.

Discussion: Commissioner Keith appreciates the revised language from staff.

Commissioner Adams moved approval of the staff-revised language. Commissioner Kincaid seconded. Commissioner Barber moved a friendly amendment to strike a portion of the staff-revised language and add the word "Behavior", as shown below.

~~Recognizing that restrooms in parks and park facilities are provided for the convenience and comfort of park visitors and users of parks facilities, restroom use (such as bathing and showering, except in designated facilities and eating, sleeping, washing dishes, etc.)~~ **[Behavior]** that impedes the use of a restroom for park visitors and users of parks facilities is prohibited. Designated facilities are available at numerous community centers and swimming pools.

Commissioner Adams accepted the friendly amendment and Commissioner Kincaid seconded. The Board-amended language then read as follows:

~~Recognizing that restrooms in parks and park facilities are provided for the convenience and comfort of park visitors and users of parks facilities, restroom use (such as bathing and showering, except in designated facilities and eating, sleeping, washing dishes, etc.)~~ **[Behavior]** that impedes the use of a restroom for park visitors and users of parks facilities is prohibited. Designated facilities are available at numerous community centers and swimming pools.

Discussion: Commissioner Adams asked how many people bathe in the park facilities. Park Ranger Milliern responded that Cal Anderson's restrooms are frequently used for bathing. Superintendent Gallagher has heard from people at Seward and other parks that they have avoided going into the restrooms when people were using them to bathe.

The vote was taken with all in favor of the Board-amended language. Motion carried.

5) Does the Board recommend approval of proposed new rule:

- *3.2.10 Smoking, chewing or other tobacco use anywhere on Parks and Recreation property;*

Numerous comments were made on both sides of this issue.

Commissioner Adams moved approval. Commissioner Kostka seconded. Commissioner Jourdan moved a friendly amendment to add the language "within 25' of other park patrons or at play areas, beaches, playgrounds, or beaches. Motion died for lack of a second. The vote was taken,

with Commissioners Adams and Kostka in favor. Commissioners Keith and Kincaid opposed. The chair voted in opposition. Motion failed.

Discussion: Commissioner Kostka stated that she was nearly persuaded by Commissioner Holme's comments; however, she then read information that she shared with other Board members that TNSA, residue from cigarettes, remains on park benches and kids are particularly susceptible to its effects. Commissioner Adams is a former smoker and knows that cigarette smoking can do terrible things to people. He also worked in public health for quite a few years and supports a ban in all the park areas. Mr. Friedli added that the image that smoking portrays to youth figured into the Department's recommendation. In King County, 12% of 10th grade students smoke.

Commissioner Keith moved that chewing or smoking tobacco products not be allowed at beaches, playgrounds, playfields, picnic areas, or within 25' of other park users. Commissioner Kincaid seconded. The vote was taken with Commissioners Keith and Kincaid in favor. Commissioners Adams and Kostka opposed. The Chair voted in favor. Motion carried.

Commissioner Kostka stated that this new proposal does not go far enough and the 25' guideline is impractical to enforce.

6) Does the Board recommend approval of proposed new rule:

- *3.2.16 Conduct that creates an unreasonable and substantial risk of harm to any person or property (i.e. dangerous activity); Kincaid moved, Adams seconded. vote all in favor. Motion carried.*
- *No comments were received directly pertaining to this proposed new rule.*

Commissioner Kincaid moved approval. Commissioner Adams seconded. The vote was taken with all in favor. Motion carried.

7) Does the Board recommend approval of proposed new rule:

- *3.2.25 Possession of explosives, acid, or any other article or material capable of causing serious harm to others;*
- *No comments were received directly pertaining to this proposed new rule.*

Commissioner Kincaid moved approval. Commissioner Adams seconded. The vote was taken with all in favor. Motion carried.

Additional Information

Eric Friedli, 684-8369, eric.friedli@seattle.gov

Commissioners thanked Mr. Friedli for his presentations on the Code of Conduct.

Old/New Business

Election of Vice-chair: The Board recently held elections for 2010, resulting in a tie for the position of Vice-chair. Commissioners agreed to discuss this further at the February 25 meeting.

Metropolitan Park District (MPD): Responding to a question on this concept, Superintendent Gallagher answered that Parks staff are looking at this with the City Budget Office and Law Department to determine feasibility. Commissioner Ramels stated that she and Commissioner Kincaid are members of the Center City Task Force. At a meeting held earlier this week, Task Force members agreed that this concept is a good idea that is worth investigating. She will write Mayor McGinn urging him to investigate an MPD for Seattle. Commissioners asked for follow-up information on this. Superintendent Gallagher noted that Tacoma has the most well known MPD in this area. A Seattle MPD could bring in a specific amount of \$25 million for Seattle's parks. He gave additional details and stated that Parks Policy and Business Analysis Manager Eric Friedli has compiled some very interesting figures on an MPD.

There being no other new business, the meeting adjourned at 9:50 p.m.

APPROVED: _____

Jackie Ramels, Chair
Board of Park Commissioners

DATE _____