

Seattle Board of Park Commissioners
Meeting Minutes
October 26, 2017

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

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Board of Park Commissioners

Present:

Andréa Akita
Tom Byers, Chair
Dennis Cook
Marlon Herrera
Evan Hundley
William Lowe, Vice Chair
Kelly McCaffrey
Rachel Anne Williams
Barbara Wright

Seattle Parks and Recreation Staff

Jesús Aguirre, Superintendent
Rachel Acosta, Park Board Coordinator

The meeting is held at 100 Dexter Avenue North. Commissioner Byers calls the meeting to order at 6:30pm. Commissioner Byers calls for approval of the Consent Items: the October 26 agenda and October 12 meeting minutes; Commissioner Hundley moves, Commissioner Akita seconds and the Consent Items are approved unanimously.

Oral Requests and Communication from the Audience

Alex Tsimerman - President of StandUp America – He has received 8 trespass notices from the executive branch of Seattle; he is not allowed to go to City Council. It's a crime.

Superintendent's Report

Presented by Jesús Aguirre, Superintendent, Seattle Parks and Recreation

Participated in Northwest Nature and Health Symposium – This was held at the UW Center for Urban Horticulture. There were professionals from the UW, nonprofits, and other city and state departments to talk about why nature is good for kids. Sally Jewell, former director of U.S. Fish

and Wildlife and Superintendent Aguirre were on a panel to talk about what they can do to provide access to nature.

Olmsted Park Taskforce – SPR is creating an initiative to preserve the Olmsted legacy; this plan will guide improvements to parks. Olmsted plan 2.0 – to bring the Olmsted vision to areas of the city that it doesn't reach.

Arboretum Loop Trail – The Arboretum Loop Trail is finishing well ahead of schedule. There will be a soft opening at the end of this month around Halloween.

Colman Park – SPR staff performing assessments to prepare Green Seattle Partnership on the Vegetation Management Plan (VMP) process. The VMP should be done by mid-2018. Superintendent Aguirre says SPR staff should have been much clearer in the beginning about expectations.

Duck Island – Duck Island Skate Bowl has been removed. SPR is figuring out how to hold people accountable. It was costly to remove. Commissioner Lowe wonders if the group should face consequences creatively instead of through legal means.

Lake Union Park – Repairs will be done by the end of November. The grassy areas reopen in the spring.

Off-leash Areas – SPR hired a new engagement coordinator, Danyal Lotfi. Previously, Danyal worked for the Mayor and will be the main point of contact for the Off-Leash Area Plan.

Rainier Beach Urban Farm and Wetlands – This weekend, Superintendent Aguirre went to the groundbreaking for the new education room and bathrooms; it was a great event. Superintendent Aguirre appreciates all the partners that were part of this project.

Commissioner Byers asks about the budget. Superintendent Aguirre says there are some pieces they are still negotiating. Money to fund My Brother's Keepers was to come out of soda tax; the City Council would like that to come out of the SPR budget.

Commissioner Byers asks about going to different communities for meetings.

Commissioner Byers brings up the LidI5.org group and discussing other visions for park space. He requests to have this group come talk to the Board in conjunction with the Recreation Facilities Master Plan. Superintendent Aguirre says city departments have started to meet with this group and acknowledges the need to look creatively at open space.

Leschi and Lakewood Marina Management – SPR has signed an agreement with Marina Management. The lessee held two community meetings to introduce themselves to the neighborhood. State Environmental Policy Act (SEPA) analysis needs to get done and Marina Management will proceed to design. Superintendent Aguirre emphasizes that rates won't change until construction is complete. One of the main opponents filed a lawsuit; they do not agree with the plan forward. Marina Management will continue their work unless a court tells them to stop.

Update: Code of Conduct Additions

Presented by Susan Golub, Policy and Performance Manager, Seattle Parks and Recreation

Written Briefing

Memo

Date: October 11, 2017
To: Board of Park Commissioners
From: Susan Golub, Manager, Policy Unit
Subject: Additions to the Code of Conduct

Requested Board Action

In March 2017 staff discussed with the Board of Park Commissioners potential additions to the Seattle Parks and Recreation Code of Conduct. Staff have modified the proposed additions to the Code and are now requesting a Board recommendation to approve the revised Code.

Project or Policy Description and Background

Code of Conduct Background

In 2010 Parks & Recreation consolidated behaviors prohibited in parks and facilities into a Code of Conduct. Most of the behaviors initially included in the Code of Conduct were already prohibited via the Park Code, the Seattle Municipal Code and administrative rules; some were newly prohibited behaviors. The newly prohibited behaviors were:

- Possession of glass containers at athletic fields, beaches, or children's playgrounds;
- Conduct that poses a risk of harm to any person or property;
- Possession of explosives, acid, or any other article or material capable of causing serious harm to others; and
- Smoking, chewing, or other tobacco use within 25 feet of other park patrons and or at play areas, beaches, playgrounds, and picnic areas.

In 2010 the Park Board reviewed the proposed Code of Conduct, held a public hearing, made recommendations for revisions, and ultimately recommended adoption.

The most controversial of the newly prohibited behaviors was the ban on smoking within 25 feet of park patrons and in play areas and picnic areas. The department recommended a complete ban, but the Board recommended and the Superintendent concurred with the limited ban. The Code of Conduct was updated in 2015 with the adoption of the complete ban on smoking in parks

Proposed Additions to Code of Conduct

Seattle Parks and Recreation's Recreation Division identified several behaviors applicable to **indoor** recreation facilities which were proposed to be added to the prohibited list of behaviors in the Code of Conduct. When presented to the Board in March, these were the behaviors we *were* considering prohibiting at indoor facilities:

1. No use of bikes, skates (unless it is part of a SPR program), skateboards inside Parks and Recreation facilities;
2. No pets, except service animals, inside Parks and Recreation facilities; and
3. No bathing, shampooing or washing clothes in restrooms, except those with designated shower or washing facilities.

A 4th recommended prohibition prevents people from going out onto frozen ponds or lakes.

Public Involvement Process

Outreach regarding the prohibitions on restroom use (#3, above) was made by staff to the Public Defender Association, and is discussed below.

Issues

Indoor Facility Prohibited Behaviors

The behaviors *initially* proposed to be prohibited in SPR indoor facilities (no riding wheeled devices, no pets and no restroom use for bathing and washing clothes) are similar to behaviors prohibited in the Seattle Public Library's Code of Conduct:

C:\Users\golubs\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\XYHIK407\Rules of Conduct The Seattle Public Library.htm)

When staff proposed the additional prohibited behaviors for the Code of Conduct at the Board's March 9 meeting, a concern was raised that the prohibition on restroom use for bathing and washing clothes would have a negative impact on people who are homeless. To gain additional perspective on this issue, SPR staff invited the Public Defender Association to comment on the proposed additions to the Code of Conduct. (The Association, dedicated to the rights of the homeless, assisted SPR in evaluating the smoking ban and in development of the trespass rule.)

Staff toured a community center with a representative of the Public Defenders Association and spoke with a center coordinator about the problems our centers are facing with the rise in homelessness. For example, we heard about a person bathing in the restroom sink, with little clothes on, while children are using the restroom and there is only one staff person in the building. In addition, staff outlined the many steps SPR and the City have taken to help people who are homeless, including:

- Eliminating the fee for showers;
- Expanding the number of community centers offering showers for homeless people from one location to four;
- Expanding access to swimming pool showers for homeless people; and
- Expanding outreach and shelter opportunities via the navigation team and new shelter.

Following the tour and conversation, the Association convened a focus group of homeless individuals and social service agency representatives to get input on the proposed Code changes.

The upshot of this outreach was a commitment by the Public Defenders Association to **oppose** adding the restroom prohibitions to the Code of Conduct. The Association appreciated the extra measures the City has taken to help homeless people, but felt the overwhelming need mitigated against the additional restroom restrictions.

Weighing the need to keep our recreation facilities safe and welcoming with respect for the needs of homeless people, staff are withdrawing the restroom prohibitions. The existing Code provision which prohibits “Conduct which unreasonably deprives others of their use and enjoyment of the park or park facility” can be used to ask someone to stop inappropriate restroom use if it is disruptive to others’ use of the restroom.

Stay Off the Ice!

This past winter Seattle experienced *seemingly* frozen-solid lakes for the first time in many years. Staff placed signs around Green Lake warning people of the dangerous conditions and Seattle police officers responded to staff concerns and told people to get off the ice. However, without a specific provision prohibiting people from going out on the ice, the police were handcuffed in their ability to keep people safe. Therefore, staff propose adding to the Code of Conduct the prohibition on going out onto frozen lakes.



Staff Recommendation

Staff recommend adding three prohibitions to the Code of Conduct:

1. No use of bikes, skates (unless it is part of a SPR program), skateboards inside Parks and Recreation facilities;
2. No pets, except service animals, inside Parks and Recreation facilities; and
3. No access to frozen lakes.

Schedule

SPR would like the Code of Conduct changes adopted in time to notify the public of the “stay off the ice” prohibition before winter.

Additional Information

Susan Golub: susan.golub@seattle.gov

Presentation

Susan Golub presented to the Board in March on proposed changes to the Code of Conduct banning 3 activities in indoor community centers, the department has decided to move forward with 2 of those changes:

- Banning the use of bicycles and skateboards, inside SPR facilities unless it is part of a community center program.
- No pets unless they are companions.

Susan reached out to the Public Defenders Association to assess the impacts of the proposed Code of Conduct change relating to bathing and laundry in community center bathrooms and they found it adversely impacts homeless. The PDA spoke with staff – Bitter Lake has a large homeless population using the facilities; and convened a stakeholders group to discuss this prohibition and concluded they could not support it. Instead of banning the use of community center facilities for bathing, staff will use their own judgment to determine whether the person is creating obstacles for others to use the facilities.

SPR, in its efforts to help the homeless, removed fees for showers, expanded hours and locations for homeless to use showers during certain hours. They are also an integral part of the navigation team.

Commissioner McCaffrey questions the motivation of this Code Of Conduct change. Susan responds that SPR staff were overwhelmed with the extra work. Kelly asks if the new language is being used to avoid the politics and public outcry. Susan and Superintendent Aguirre respond that this language is used as a general provision across the board for anything.

Cannot deprive others use of the facility – the language is not as strong, but it's a compromise.

What training does staff get to deal with this? All SPR staff are trained in implicit bias and RSJI. All frontline staff are trained in Code of Conduct. Staff are doing a lot of thinking about customer service.

Every day frontline staff are dealing with a host of issues.

The Board want to be sure staff receives clear messaging and reinforcement.

It is a challenge trying to create a solution for something that is outside of the Code of Conduct. \$1.2 million added for encampment clean up support – propose to city that

there are needs for public facilities to provide right amount of staffing to allow for people in that community to access the services they need. Balance the needs of staff and homeless population.

Superintendent Aguirre replies SPR is not a human service provider; it is important to make that clear.

How is staff morale with the changes to the Code Of Conduct? They were disappointed initially to not have the language be more specific.

The Board points out that the public will be responsible for letting staff know if inappropriate behavior is happening in the bathroom.

The Board asks if Susan reviewed the Library rules? Susan responds that their prohibition list is a mile long and would not be relevant in a community center.

Staff are engaging with community and they should have the tools to remove negativity.

The third addition to the Code of Conduct is to prohibit walking on ice when lakes freeze over.

Recommendation-The Board makes a motion to approve additions to the Code of Conduct. Commissioner Lowe moves; Commissioner Hundley seconds and the Commissioners approve the additions unanimously. The Board thanks Susan for going the extra mile. The Board feels the vague language will put staff into a tougher position. The board thanks staff for doing the good work and using their judgment to ensure SPR facilities are accessible to all.

The new additions to the Code of Conduct are:

- No use of bikes, skates, skateboards inside parks and recreation facilities;
- No pets except service animals inside parks and recreation facilities; and
- No access to frozen bodies of water.

Commissioner Hundley asks about nudity at public beaches and whether there is a rule in the Code of Conduct. A person would have to complain to the police that it was offensive. SPR does not have a rule about this in the Code of Conduct.

Commissioner Williams feels the vague language in the Code of Conduct leaves a lot open to interpretation and bias. Staff need more specific guidelines so that they do not trigger those who are homeless. Commissioner Lowe responds that it is important to not legislate attitude.

Discussion: Electric-Assist Bicycles on the Burke-Gilman Trail

Presented by Susan Golub, Seattle Parks and Recreation

Written Briefing

Memo

Date: October 9, 2017
To: Board of Park Commissioners
From: Susan Golub, Manager, Policy Unit
Subject: Allowing Electric Bicycles on the Burke-Gilman Trail

Requested Board Action

There has been community and some City Councilmember interest in allowing electric-assist bicycles on Parks and Recreation's paved trails, specifically the Burke-Gilman Trail. Currently electric wheelchairs are the only electric powered use allowed. Staff is asking the Board for a recommendation about whether electric bicycles should be allowed on the Burke-Gilman Trail.

Background: The State of Washington has a specific definition for an electric-assist bicycle: the pedals must turn and the electric engine is limited to less than 1,000 watts and a maximum speed on a flat surface of 20 miles per hour. (See: http://www.wsp.wa.gov/traveler/docs/equipmt/elect_bicycle.pdf) The term electric-assist would *not* apply to electric scooters, motorcycles, Segways, electric skateboards or any of the new self-balancing electric people-movers.

While currently prohibited by the Park Code, there is a small population currently riding electric-assist bicycles on the Burke-Gilman Trail. We don't have any means of enforcing the prohibition against electric bikes on trails, nor enforcement of the existing rule that requires all bicyclists to travel at a "reasonable" speed (there is no set speed limit on the Burke-Gilman Trail).

Pros: Reasons to allow electric-assist bicycles on paved trails:

- **Promotes healthy exercise:** Some people may not be able to ride a bike at all without the boost of electricity to get them up Seattle hills. Permitting paved trail use may keep active those who otherwise might be sedentary.
- **Small engine size restricts speed:** Because of the engine size limit and speed restriction, electric-assist bicycles can't go superfast: the 20 miles per hour limit of the engine is slower than many of the commuters and bike racers on the Burke-Gilman Trail.
- **Code and Use Consistency:** Since there is virtually no enforcement of the ban on electric-assist bicycles, and the use appears to be policing itself well (we haven't had complaints of scooters or motorcycles on the trail), changing the Code to permit the use legitimizes what is already happening.

Cons: Reasons not to support allowing electric-assist bicycles on paved trails:

- Could be counter to our mission of healthy people: Does changing the Park Code provide a means to ride a bike when you can't navigate hills? Or does it give people an out from exercise and pumping or walking a bike uphill? The answer is probably both.
- Adds potential for more pedestrian-bike conflicts: Even at a maximum speed of 20 M.P.H., the pedestrian loses in a collision with a bicycle. Pedestrians already feel at risk on the Burke-Gilman Trail, as do many recreational bicyclists. Do we want to encourage more potential conflicts?
- Why change what seems to be working: Since there is no active enforcement of the ban on electric-assist bicycles, and the use seems to be limited, what can of worms might we be opening by going through the public process of changing the Code?

Next Steps: If the Park Board is interested in further discussion regarding allowing electric bikes on the Burke-Gilman Trail, the next step is to schedule a public hearing before the Board on the issue.

Additional Information

Susan Golub: susan.golub@seattle.gov

Presentation

A request came to SPR to allow electric-assist bicycles on all paved trails. The Executive Team suggested limiting the proposal to the Burke-Gilman Trail. Electric-assist bikes have moving pedals and a limit on the size of the engine, therefore can only go up to 20 miles per hour.

Currently, they are prohibited on paved trails, including the Burke-Gilman. There is no speed limit on the Burke-Gilman.

The Trail has 3 different property owners – Seattle Department of Transportation, the University of Washington, and Seattle Parks and Recreation.

SDOT does not have a rule prohibiting e-bikes.

Susan reviews the pros and cons from her briefing paper. There would be more potential conflict if it opens up.

SPR working to figure out traffic calming for the Burke-Gilman. Dotted line in the middle? Speed limit?

Susan says SPR will do more research, discuss with more stakeholder groups, and public meetings if the Board agrees to move this forward.

The policy would specify the Burke-Gilman Trail only.

How fast do cyclists go? Speed limit might give all users, guidance and pause.

SPR receives complaints regarding cyclists speeding on the Burke-Gilman.

The Board offers some questions to consider as the proposal moves forward: What does public think is taking away enjoyment of this public park? What do the walkers think? What would budget look like for allowing this?

Commissioner Byers says he facilitated a meeting to talk about whether to widen the Green Lake trail. Use and safety on trails – people go faster than 25mph and the use will only increase. Speed limit is a great idea – but cautions it should be consistent across jurisdictions.

Electric-assist bikes will become more popular and he feels it is a good idea to be proactive about how to constructively manage it.

Regulations and laws ought to be what SPR means.

Commissioner McCaffrey questions the health benefit of the E-Assist bicycles – muscle powered vehicles at parks versus electric vehicles on trails. She stresses the importance of making these distinctions clear to the public if this goes forward.

The Commissioners suggest Susan talk with the other Burke-Gilman owners to see if they have feelings one way or another about it.

Old/New Business

There being no other business, the meeting adjourns at 7:55pm.

APPROVED: _____ DATE _____
Tom Byers, Chair
Board of Park Commissioners