



Pike Place Market Preservation and Development Authority (PDA)

MARKET PROGRAMS COMMITTEE
Meeting Minutes

Wednesday, February 13th, 2013
4:00 p.m. to 6:00 p.m.
Elliott Bay Room

Committee Members Present: Bruce Burger, Gloria Skouge, Ann Magnano, Betty Halfon, Jackson Schmidt

Other Council Members Present: David Ghoddousi

Staff Present: Ben Franz-Knight, Kelly Lindsay, Teri Wheeler, Scott Davies, Emily Crawford, Zack Cook, Sue Gilbert - Mooers, Tamra Nisly, David Dickinson, Lillian Hochstein, Carey deVictoria, Suzanne Spencer, Dianna Goodsell

Others Present: Ernie Sherman, Kristin Wilson, Wendy Norrell, John Monko

The meeting was called to order at 4:01 p.m. by Bruce Burger, Chair.

I. Administration

- A. Approval of the Agenda
The agenda was approved by Acclamation
- B. Approval of the January 10th, 2013 Meeting Minutes.
The minutes were approved by Acclamation

II. Announcements and Community Comments

None

III. Marketing Directors Report

- A. Programs and Promotions Update
Kelly Lindsay presented the Marketing Director's Report. She stated that we have just started a new year of metrics tracking. She reviewed the metrics and what the Marketing Department is tracking. She noted that they have received two trademark applications in the month of January. She also noted that there was an increase in the Farmer and Craft attendance in January. She reported the outcome of the Seattle Wedding Show, noting that there were over one hundred leads from the website and from the attendees at the event. She lastly noted that a 4th iteration of Arcade Lights would be held on Friday April 19th, 2012; tickets sales would start at the beginning of March.

IV. Presentations and Discussion

- A. 2013 Daystall Rules Review - Draft of Proposed Rule Changes

David Dickinson distributed the 2013 Daystall Proposed Rule Changes. He briefly reviewed each of the 37 2013 Daystall Rules Proposals along with preliminary staff recommendations for each of the proposals. A copy of the 2013 Daystall Rules Review materials was included with the minutes.

There was a brief discussion that followed.

B. Trademark Policy Review

Kelly Lindsay reviewed the Pike Place Market PDA Trademark Policy. She distributed a handout regarding the Trademark Licensing Review. A copy of the Trademark Licensing Review document was included with the minutes. A summary of the document included: Current Federal Trademarks and Categories, Licensing Guidelines, Fees by Category, Current Licensing Agreements, Recommendations for Additional Registration and Recommendations for Trademark Enforcement Process. Kelly discussed the additional registrations with our attorney and noted that she has narrowed the additional registrations for two filings in five categories. She added that the cost for all registrations and legal fees for each of the five categories would be \$12,500; this would come out of other PDA funds which had not been budgeted for 2013.

There was a discussion that followed

Jackson Schmidt noted that we have very elaborate guidelines for trademark policies. He would like staff to look at the current guidelines and keep them consistent with the craftspeople guidelines and standards. He would like to see a policy that institutes the integrity of the market.

Ernie Sherman commented that when the Trademark Licensing was started it was not intended to generate income but to protect and preserve the integrity of the Market.

Ben Franz-Knight noted that next month we would come back with additional guidance on the current Trademark Policy and possibly bring forward a resolution.

V. **Action Items**

A. **Action Item:** Proposed Resolution **12-84:** Authorization for Non-Exclusive Trademark Licensing Agreement with Paisley and Parsley Designs

The resolution states that the Paisley and Parsley Designs, a home-based business located in Vancouver, WA, desires to make use of the Pike Place Market design mark (Public Market Center sign as depicted on the PDA trademark license application) and the name Pike Place Market in connection with 4x4" travertine coasters and 6x6" travertine trivets that they have sold to five gift shops and offer for sale on their website; and, PMPDA and Paisley and Parsley Designs have agreed that in accordance with the terms and conditions of this Agreement, Paisley and Parsley Designs may use the Pike Place Market design mark and name in the production and promotion of coasters and trivets that are made-on-demand when ordered (made by Portland Vital Signs located in Portland, OR) and sold on a wholesale basis (\$3.50 per coaster and \$7.00 per trivet) to gift shops and at a higher retail price (\$7 per coaster and \$14 per trivet) on the Paisley and Parsley Designs website; and, Parsley and Paisley Designs agrees that they will not during the term of this Agreement, or thereafter, challenge the title or ownership of the PDA to the name or trademark or challenge the validity of this Agreement; and, Paisley and Parsley Designs agrees that they will use the terms and images related to Pike Place Market and the licensed name and trademark in a way that will reflect positively on the Pike Place Market. The PDA has the right to approve or disapprove of any potential design or marketing plans involving the marks, likenesses or trademarked name(s) owned by the Pike Place Market PDA in relation to their coasters and trivets and all related marketing of such; and, Paisley and Parsley agrees to pay the PDA a start-up fee of \$250 and a royalty rate of 10% of gross sales for all licensed items sold during the duration of a two-year licensing agreement, and agrees to pay 10% of gross sales on infringing items sold before the agreement becomes valid. The start-up fee will be due upon signing of the Trademark Agreement. Quarterly reporting and payment will be due throughout the term of the licensing agreement, with dates specified in the agreement.

NOW, THEREFORE, BE IT RESOLVED that the PDA Council authorizes the Executive Director or his representative to execute a non-exclusive trademark licensing agreement with Paisley and Parsley Designs for the use of Pike Place Market trademarks in the production and promotion of coasters and trivets that feature the Market clock.

Betty Halfon moved, Gloria Skouge seconded

There was a brief discussion that followed.

Jackson Schmidt noted he would be more comfortable tabling the resolution until the current trademark guidelines are reviewed further; he would like to see change in the current trademark guidelines.

Jackson Schmidt motioned to table Proposed Resolution 12-84, Ann Magnano seconded his motion.

For: Ann Magnano, Gloria Skouge, Jackson Schmidt, Betty Halfon

Against: 0

Abstain: Bruce Burger

Resolution 12-84 was tabled until next month.

B. Action Item: Proposed Resolution 12-93: Authorization for Non-Exclusive Trademark Licensing Agreement with Kim Drew

The resolution states that Kim Drew desires to make use of the Pike Place Market name and clock image in connection with a "Pike Place Market Collection" of his original artwork on mugs (11 and 14 ounce), canvas tote bags, large trivets with rope, acrylic keychains, magnets, ornaments, playing cards, shot glasses, and square coasters (all featuring Kim Drew's Market Brellas image; acrylic magnets to feature five additional images) for a 2 year term to begin January 1, 2013; and, PMPDA and Kim Drew have agreed that in accordance with the terms and conditions of this Agreement, Kim Drew may use the Pike Place Market name and design mark in the production and promotion of these products featuring his original artwork; and, Kim Drew agrees that he will not during the 2 year term of this Agreement, or thereafter, challenge the title or ownership of the PDA to the name or trademark or challenge the validity of this Agreement; and, Kim Drew agrees that he will use the terms and images related to "Pike Place Market" and the licensed name and trademark in a way that will reflect positively on the Pike Place Market. The PDA has the right to approve or disapprove of any potential design or marketing plans involving the marks, likenesses or trademarked name(s) owned by the PDA in relation to these products; and, Kim Drew agrees to pay the PDA a start up fee of \$250 and a royalty rate of 8% of gross sales for all licensed items sold. The start-up fee will be due upon signing of the Trademark Agreement. Semi-annual sales reporting and royalty fee payment will be due, with dates specified in the agreement.

NOW, THEREFORE, BE IT RESOLVED that the PDA Council authorizes the Executive Director or his representative to execute a non-exclusive trademark licensing agreement with Kim Drew for the use of the "Pike Place Market" name and trademarks for a Pike Place Market Collection of products outlined above (mugs, canvas tote bags, large trivets with rope, acrylic keychains, magnets, ornaments, playing cards, shot glasses, and square coasters) with images of his original artwork.

Betty Halfon moved, Gloria Skouge seconded

There was a brief discussion that followed.

Jackson Schmidt noted he would be more comfortable tabling the resolution until the current trademark guidelines are reviewed further; he would like to see change in the current trademark guidelines.

Jackson Schmidt motioned to table Proposed Resolution 12-93, Ann Magnano seconded his motion.

For: Ann Magnano, Gloria Skouge, Jackson Schmidt, Betty Halfon

Against: 0

Abstain: Bruce Burger

Resolution 12-93 was tabled until next month.

C. **Action Item:** Proposed Resolution **13-12:** Approval of Strategic Goals and Programs for Farm Program

Kelly Lindsay introduced the resolution which states that on October 7th, 1907 the Seattle City Council adopted ordinance No. 17187 establishing Pike Place as a public market for the sale of “fresh fruits, vegetables, berries and other farm and garden products, and accept also butter, eggs, cheese, poultry, meats, lard and preserved fruit and vegetables raised, produced or manufactured by the person selling or offering the same for sale”, and; on July 31st, 1911 the City of Seattle adopted ordinance No. 27700 amending ordinance No. 17187 to include, among other changes, a definition of “manufactured” as “to apply to those products the principal ingredients of which have been actually grown or produced by the person selling or offering the same for sale”; and, on October 13th, 1922 the Seattle City Council adopted ordinance No. 44209 amending ordinance No. 17187 to include a definition of “person” to “when necessary be held and construed to mean and include natural persons of either sex, association, and co-partnerships, whether acting by themselves or by a servant or employee; the singular number shall include the plural and the masculine the feminine” and adding “combinations of products” to the definition of “manufactured”; and on February 14th, 1927 the Seattle City Council adopted ordinance No. 52515 amending Ordinance No. 44209 to, among other things, restrict to the sale of articles to those, “which have been raised, produced or manufactured in King and Kitsap County, “; and on August 6th, 1956, the Seattle City Council adopted ordinance No. 85384 an ordinance relating to the Pike Place Farmers Market; regulating the use and occupation thereof; fixing rentals for certain stalls; providing penalties for violations, and repealing Ordinance 52515; and, on July 8th, 1957 the Seattle City Council adopted ordinance No. 86312 an ordinance relating to and authorizing a lease from Pike Place Public Markets, Inc. and The Fairley Corporation to the city for farmers' market stalls in the Pike Place Public Market; and, on May 22nd, 1967 the Seattle City Council adopted ordinance No. 95807 an ordinance amending Section 12 of Ordinance 85384 to permit the sale of flowers in certain "Wet Row Stalls" at the Pike Place Farmers Market; and, on December 28th, 1970 the Seattle City Council adopted ordinance No. 99549 an ordinance authorizing amendment of an agreement with Pike Place Public Markets, Inc. and The Fairley Corporation to permit use of certain portions of the Pike Place Public Market by farmers from Washington counties west of the Cascade Range; and, the PDA is a public corporation organized pursuant to RCW 35.21.660, 35.21.670 and 35.21.730-755 and Seattle Municipal Code Ch. 3. 110 and operates under a perpetual Charter as issued on June 23rd, 1973, and amended on March 17th, 1976, September 21st, 1976, March 19th, 1985, October 1st, 1992, November 3rd, 1993 and August 26th, 2003; and ,the PDA Charter states:

“the PDA, as a public trustee with the mission to ensure that the traditional character of the Public Market is preserved, is authorized to perform renewal, rehabilitation, preservation, restoration, development, and non-profit management of structures and open spaces in the above-described areas in a manner that affords a continuing opportunity for Public Market farmers, merchants, residents, shoppers, and visitors to carry on their tradition of market activities. In addition to upgrading structures and public amenities in and around the Market Historical District, the PDA will initiate programs to expand food retailing in the Market Historical District, especially the sale of local farm produce...”; and, on June 23rd, 1975 the Seattle City Council adopted ordinance No. 104657 an ordinance relating to use and occupation of the Pike Place Farmers market and amending Sections 1, 2, 5, 7, 12, 13, 15 and 16 of and adding new sections designated Sections 3A and 3B to Ordinance 102826, to designate the Chief Executive Officer of the Pike Place Market Preservation and Development Authority as the "Market Master" and to transfer and grant to said Executive Officer certain rule-making and other functions in connection with the management and operation of said Market; and, on November 24th, 2008 the Seattle City Council adopted ordinance No. 122864 an ordinance relating to the Pike Place Market, authorizing a renewal of the agreement with the Pike Place Market Preservation and Development Authority commonly known as the "Hildt-Licata Agreement," for a term of ten years. Amending an ordinance adopting the “Hildt Agreement” in 1983 and renewed in 1999 as the “Hildt Licata Agreement”; and,

NOW THEREFORE, BE IT RESOLVED,

that the Council has identified the Farm Program as a key strategic issue for 2013 with the goal of increasing Farmer Profitability and Farmer Participation in the Pike Place Market; and,

the PDA will pursue multiple strategies in 2013 in support of Farm and Food programs including;

- a. Operational refinements to designated Farmer's Market days at Pike Place
- b. Expansion of incentive / support programs for low-income customers
- c. Continuation and expansion of "Pike Place Market Express" satellite market program
- d. Increased development of programs for customer attraction and education
- e. Investigation of opportunities for the PDA to participate in farmland access and preservation
- f. Development of alternative revenue streams for Pike Place Market farmers through direct sales, aggregation or wholesaling opportunities

Farm program staff shall update the PDA Council annually on the status of vendor sales, attendance counts, and operational issues related to all Pike Place Market and Express-branded satellite market locations and, these programs and strategies are being developed to ensure that the Pike Place Market will continue to be a local hub for farmers and food in Seattle's urban environment and directly connect consumers with quality food in keeping with our "Meet the Producer" mission. The PDA Council authorizes the Executive Director or his designee to pursue the above identified goals consistent with the annual budget and work plan.

Ann Magnano moved, Betty Halfon seconded

There was a brief discussion that followed.

David Ghoddousi motioned to amend the resolution adding a clause at the end of section e "to include farm trust land". Jackson Schmidt seconded David's motion.

Ann Magnano noted she did not prefer to add David Ghoddousi's amendment to the resolution.

For: Gloria Skouge, Jackson Schmidt, Betty Halfon, Bruce Burger

Against: Ann Magnano

Abstain: 0

The motion carried.

Betty Halfon noted she would like to see some sort of specific measurable way to evaluate the effectiveness of the resolution and plans set forth.

There was an amendment added to the resolution to include.... Add, with annual evaluation of their effectiveness - There was no objection to the amendment.

For: Ann Magnano, Gloria Skouge, Jackson Schmidt, Betty Halfon, Bruce Burger

Against: 0

Abstain: 0

Resolution 13-12 passed unanimously

VI. Items for the Consent Agenda

None

VII. Concerns of Committee Members

None

VIII. Public Comment

None

X. Adjournment

The meeting was adjourned at 5:31 pm by Bruce Burger, Chair

Meeting minutes submitted by:

Dianna Goodsell, Administrative Services Coordinator