

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF BUSINESS MEETING

Monday, December 9, 2013
7:00 p.m.

Council Chambers - Shoreline City Hall
17500 Midvale Avenue North

PRESENT: Mayor McGlashan, Deputy Mayor Eggen, and Councilmembers Hall, McConnell, Winstead, Salomon, and Roberts

ABSENT: None

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Mayor McGlashan, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor McGlashan led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present.

3. REPORT OF THE CITY MANAGER

Debbie Tarry, Interim City Manager, provided reports and updates on various City meetings, projects and events.

4. COUNCIL REPORTS

Councilmember Hall reported on his attendance at the Association of Washington Cities board meeting where the Board moved forward on adopting its legislative agenda, which reflects many of the priorities discussed by Council.

Councilmember McConnell reported that she and Deputy Mayor Eggen attended a Seashore Transportation Forum meeting. In addition, she attended a Regional Water Quality Committee meeting, where there was discussion about combined sewer outflows and water quality in the region. She advised that she will continue to serve on the committee in 2014, and will keep the Council informed.

Councilmember Salomon reported on his attendance at the King County Regional Law, Justice and Safety Commission meeting where the group discussed efficiency in court hearings, moving towards video hearings, and better ways to report police/suspect contact by video. He noted this group also deals with jail issues, including the City's issue about the change in finances with respect to inmates.

Mayor McGlashan thanked representatives from the Council of Neighborhoods for joining Council in a dinner meeting prior to the business meeting. He also acknowledged the presence of Senator Chase in the audience.

5. PUBLIC COMMENT

Bob Pfeiffer, Shoreline, thanked the City, on behalf of the Shoreline/Lake Forest Park Arts Council, for its past, present and future financial support. He shared highlights of the Art Council's 2013 activities and announced planned activities for 2014. He also announced that the Arts Council would celebrate its 25th Anniversary in 2014.

Tom Jamieson, Shoreline, expressed concern that the Council's review of the ordinance that enabled the consumption of alcohol in City parks was removed from the October 7th agenda. He also expressed concern that Ordinance Number 681, Authorizing Assumption of the Ronald Wastewater District, was added to the agenda at the last minute. This is a controversial issue, and more public notice should have been given. He said he would like the Council to be more open.

LaNita Wacker, Shoreline, expressed appreciation for the time Councilmembers spent reviewing the qualifications of the five candidates for City Manager. She said she met the candidates and felt that all were outstanding. She invited her fellow citizens to join her at a memorial service for Nelson Mandela.

Senator Chase announced that the group, Resilient Washington State, is currently engaged in planning for recovery from future earthquakes, and recently published "A Framework for Minimizing Loss and Improving Statewide Recovery after an Earthquake". The Legislature will select a bipartisan committee to help communities plan and prepare for earthquake recovery, and they request the City's partnership in this effort.

Senator Chase reported that State revenues are not expected to reach 2008 levels for at least four more years, and it is not likely that additional revenue will be made available to local jurisdictions. She expressed her belief that the only way the state will be able to recover is through tax reform. She noted that the State has the most regressive tax system in the entire United States and asked the Council to join her in advocating for tax reform.

Senator Chase said she was disturbed to see that Ronald Wastewater is on the Council's agenda again. She reminded them that utility taxes are a regressive form of taxation that adds to the burden of poor people.

Ms. Tarry clarified that the ordinance before Council regarding the Ronald Wastewater District assumption basically reiterates the terms that are part of the 2002 Interlocal Agreement that would provide for assumption no earlier than October 2017. No changes have been proposed.

Ms. Tarry said the City takes earthquake resilience very seriously, and its 2013 theme has been recovery. Staff conducted a productive tabletop exercise with community partners, including the school district and utility providers. She said the City also looks forward to partnering with the State in this effort.

6. APPROVAL OF THE AGENDA

Councilmember Hall moved to approve the agenda, and Deputy Mayor Eggen seconded the motion.

It was noted that there would be a public comment period after the staff report for proposed Ordinance Number 681 (Item 8d on the agenda). In addition, Mayor McGlashan informed the public that the Council may conduct short executive sessions on some of the agenda items.

The motion carried unanimously.

7. CONSENT CALENDAR

Upon motion by Councilmember McConnell, seconded by Councilmember Winstead and unanimously carried, the following Consent Calendar items were approved:

a. Minutes of Business Meeting of November 4, 2013**b. Approval of expenses and payroll as of November 22, 2013 in the amount of \$1,941,068.22*****Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
10/27/13-11/09/13	11/15/2013	53066-53267	12880-12901	55269-55274	\$411,603.09
					<u>\$411,603.09</u>

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
11/14/2013	55142	55142	\$2,499.42
11/14/2013	55143	55151	\$70,246.40
11/14/2013	55152	55165	\$32,073.72
11/14/2013	55166	55171	\$866.82
11/14/2013	55172	55189	\$70,031.72
11/18/2013	55190	55191	\$55,692.85
11/18/2013	55192*		
11/20/2013	55193	55225	\$282,063.23
11/20/2013	55226	55234	\$20,410.20
11/20/2013	55235	55259	\$992,042.60
11/20/2013	53777	53777	(\$82.92)
11/20/2013	55260	55267	\$1,104.25
11/20/2013	55268	55268	\$2,516.84
			<u>\$1,529,465.13</u>

- c. Motion to Authorize the City Manager to Approve a Janitorial Contract for City Facilities**
- d. Approval of Contract with the Shoreline Historical Museum**
- e. Approval of Contract with the Shoreline-Lake Forest Park Arts Council**
- f. Adoption of Resolution Number 353 amending Section 8.12 of the Employee Handbook regarding mobile computing devices**

8. ACTION ITEMS

- (a) Public Hearing to Consider Support of the Shoreline School District Ballot Proposition 1- Replacement of Expiring Levy for Education Programs, Maintenance and Operations

Ms. Tarry provided a brief introduction.

John Norris, Acting Assistant City Manager, explained that proposed Resolution 354 would declare support for Proposition 1, which would authorize a four-year replacement tax levy for education programs, maintenance and operations that are not fully supported by state and federal funding. He noted that the proposition would be submitted to the voters for a special election on February 11, 2014. He recommended Council review and consider adoption of Resolution 354 following the public hearing. Based on Council direction, staff would bring the Resolution back for approval on January 6th.

Mayor McGlashan opened the public hearing.

Maren Norton, Shoreline, explained that Proposition 1 will allow the community to renew its commitment for the basic and fundamental things that are viewed as part of a Shoreline education but are not funded by the state such as art, music, and additional special education programs. She asked Council to approve the resolution on January 6th.

David Guthrie, Seattle, said he is on leave from his teaching position at Shorewood High School and is currently serving as president of the Shoreline Education Association. He commented that without the levy support the district has received over the years, teachers would not have the equipment, supplies and support to do the work that students enjoy and deserve. He asked for Council's support of the levy.

Geneva Norton, Shoreline, said she is passionate about Shoreline Public Schools, where each of her six children gained an education that allowed them to stand strong with a firm background. This strong education cannot continue if the District must scramble for funding to provide enriched programs. She asked the Council to offer its support for Shoreline schools.

Krista Tenney, Shoreline, said she was the District's bond and levy co-chair from 2009 to 2011, and she appreciates the support the City has offered for the two new high schools that are now opened. She appreciates the community's support to provide children in the District with a

world-class education in world-class buildings. She urged Council to offer its support for the two levies.

Lisa Surowiec, Shoreline, also spoke in support of Resolution Number 354. She said she has attended legislative assemblies for Washington State PTA for the past six years where she has listened to districts talk about programs they are lacking. Many of these programs are already provided by Shoreline School District. She urged the Council to support the proposition so that programs already in place can continue.

Jamie Kirkwood, Shoreline, urged the Council to support the levy proposition. She commented that when she moved to Shoreline with her family two years ago, one of the major selling points was the quality of the schools.

Wes Brandon, Shoreline, pointed out that when a community educates its children, it brings back jobs that make the community successful. The Council has done a great job of supporting schools, and he urged them to continue their commitment by voting in favor of Resolution 354.

Tom Jamieson, Shoreline, said he owes thanks to the Shoreline School District, which his daughter attended and finished as a national merit finalist. That said, he cautioned that the Council cannot just support the levy based on comments that the schools are great; there must be some accountability for how the money is used, and excessive spending should be taken into consideration.

Mayor McGlashan closed the public hearing.

Deputy Mayor Eggen moved that Council request staff to bring back Resolution Number 354 in support of Shoreline School District Proposition 1 for approval on January 6th. Councilmember McConnell seconded the motion.

It was pointed out that the informational flyer provided by the district outlines the programs the levy would support, and additional information can be found in the Staff Report that is available on the City's website. It was also pointed out that this is a replacement levy and the District is not asking for new funding. A Councilmember observed that the State has failed to fully fund education, and local levies will continue to be necessary until the Legislature has adequately addressed the issue.

The motion carried unanimously.

- (b) Public Hearing to Consider Support of the Shoreline School District Ballot Proposition 2
- Replacement of an Expiring Capital Levy for Technology Improvements and Support

John Norris, Acting Assistant City Manager, explained that proposed Resolution 354 would declare support for Proposition 2, which would authorize a four-year replacement tax levy for the District's technology needs. He noted that the proposition would be submitted to the voters for a special election on February 11, 2014. He recommended the Council review and consider

adoption of Resolution 354 following the public hearing. Based on Council direction, staff would bring the Resolution back for approval on January 6th.

Mayor McGlashan opened the public hearing.

Geneva Norton, Shoreline, explained that the technology levy would be used for more than student laptops. It would support the District's technology specialists, infrastructure, servers, network, etc. She stressed the importance of making technology available to every student, and urged the Council to support Proposition 2.

Marin Norton, Shoreline, emphasized that the Proposition 2 is not a new levy. It is an opportunity to continue the current technology programs that have made Shoreline schools state of the art. She noted the technology levy allows the District resources for on-line assessments, to compete with the private sector, and to provide for every kid at every level. She asked the Council to support Proposition 2.

Lisa Surowiec, Shoreline, also asked the Council to support Proposition 2. She reported that at a recent school board meeting, a student representative commented that teachers who are not comfortable with the technology available in the classroom do not use it. The technology levy would allow the District to provide training to teachers to utilize all of the technology options.

Wes Brandon, Shoreline, indicated his support for the District's current program that provides laptops to every student. He encouraged the Council to support Proposition 2.

LaNita Wacker, Shoreline, said that although she is not proficient in technology, she recognizes the need to educate the children for the future. She encouraged the Council to support Proposition 2.

Tom Jamieson, Shoreline, indicated his support for Proposition 2, as well. He believes information technology will stay, and he appreciates all of the previous speakers pointing out that it is not just about hardware and software, but empowering the students and teachers through the use of technology.

Councilmember Roberts moved that Council request staff to bring back Resolution Number 354 in support of Shoreline School District Proposition 2 for approval on January 6th. Councilmember Salomon seconded the motion.

Councilmembers discussed that technology is important for all students, and provides a particular benefit to children with special needs. Members of the community were encouraged to not only support Proposition 2, but also continue to press local representatives to make sure the Legislature fully funds education in the future. Citizens were also encouraged to review the information provided in the Staff Report and available on the City's website to learn more about how the levy funding would be used.

The motion carried unanimously.

(c) Adoption of Ordinance No. 680 Authorizing the Use of Eminent Domain for the Acquisition of 1300 North 175th for Police Station.

Dan Eernisse, Economic Development Manager, recalled that Council previously provided direction to co-locate the Shoreline Police Station in the City Hall campus, which will require the City to purchase the adjacent property at 1300 North 175th Street. Proposed Ordinance 680 would authorize the use of eminent domain, which informs the property owner that the City intends to utilize this tool should negotiations in the purchase of the property stall. It also identifies the tax benefits available for the property owner and the City when land is acquired under the threat of eminent domain. He provided a map of the subject property and described the proposed addition to the ground floor of City Hall to house the police station. He noted that the City currently owns the property on all four sides of the subject property, and the proposed acquisition would complete the City Hall campus that was foreseen from the start. He recommended that Council adopt Ordinance 680 authorizing the use of eminent domain for the acquisition of 1300 North 175th Street for a police station. He noted that representatives of the property owner and business operator were present in the audience.

Deputy Mayor Eggen moved that Council adopt Ordinance Number 680, authorizing the use of eminent domain for acquisition of 1300 North 175th for a police station. Councilmember Winstead seconded the motion.

It was clarified that approval of the ordinance would authorize eminent domain as an instrument of last resort, but the City's intent is to purchase the property through a negotiation process. The acquisition process would include assessment of the value of the property, and the owner would receive at least the full market value and the current business operator would be entitled to relocation expenses. Councilmembers pointed out that the subject property has always been under consideration for expansion of the City Hall campus, and the acquisition request is not a surprise to either the property owner or business operator. They agreed the City should help the business operator explore opportunities to relocate elsewhere in Shoreline.

The motion carried unanimously.

(d) Adoption of Ordinance No. 681 Authorizing Assumption of the Ronald Wastewater District and Waiving Council Rule 3.5 Requiring Three Readings of an Ordinance

Ms. Tarry provided a brief introduction, reminding Council that the proposed ordinance follows the provisions of the Interlocal Operating Agreement (IOA) that was approved by Council and the Ronald Wastewater District (RWD) Commissioners in 2002.

Scott MacColl, Intergovernmental Relations Manager, reviewed that through the IOA that was adopted in 2002, the City and the RWD jointly agreed to unify the sewer services in 2017 through the assumption process. He reminded Council that the City's Vision 2029 and Comprehensive Plan include policies to improve the City's transportation and environmental infrastructure, and one specific action step is assumption of RWD.

Mr. MacColl announced that the Town of Woodway has been pursuing avenues to purchase or obtain RWD assets in unincorporated Snohomish County, which currently serve 61 homes in Shoreline. While the RWD Commissioners voted unanimously to reject the proposal, the Town of Woodway has undertaken efforts to adopt an eminent domain ordinance regarding the subject property. The City's intent is to take every step to assure that Shoreline residents continue to receive sewer services with existing RWD systems and preserve the ability to assume all RWD assets as outlined in the IOA. He briefly reviewed the assumption process, noting that the first step is adoption of Ordinance 681, which provides official notification of the City's intent to exercise its option to assume the RWD at the end of the IOA term. Next steps include notifying the King County Boundary Review Board of the City's intent to assume and negotiate a transition plan with RWD no later than 24 months prior to the anticipated assumption date of October 23, 2017.

Councilmember McConnell moved adoption of Ordinance Number 681, authorizing assumption of the Ronald Wastewater District and waiving Council Rule 3.5 requiring three readings of an ordinance. Councilmember Winstead seconded the motion.

Mayor McGlashan invited members of the audience to comment on the proposed ordinance.

Tom Jamieson, Shoreline, said his understanding is that the IOA is not an agreement with RWD for the City to assume RWD. Instead, it gives the City the right to assume the RWD. He recalled that during the November 2011 election campaign, three candidates indicated a desire for the Council to revisit the RWD issue. He questioned the staff's request to waive the three readings of the ordinance and expressed concern that the ordinance was added to Council's agenda at the last minute.

LaNita Wacker, Shoreline, recalled that when Shoreline was incorporated, it was the City's intent to become a full-service city, including assumption of the RWD. This intent has not changed, it is not new, and it does not need further discussion before moving forward. She expressed her support for Ordinance Number 681.

Tom Mailhot, Shoreline, said he is agnostic on whether or not the City should take over RWD, but he is bothered by the proposal to waive the second and third reading of the ordinance. For something this important, the notification process should be longer so citizens have the ability to participate.

Lance Young, Shoreline, commented that he is unsure about the right path to take on the proposed ordinance, as he has not had an opportunity to review background information and consider costs. He asked the Council to delay action on the proposed ordinance to allow more time for public input.

It was asked if the City would still conduct an efficiency study to identify the effects of the assumption, specifically identifying the additional benefits to citizens and rate payers. It was also asked if adoption of the ordinance would preclude a decision by Council to put the proposal out to public vote at some point in the future. Mr. MacColl answered that the efficiency study would

be a Council decision, but the timeframe would allow for it to happen. He also said approval of the ordinance would not preclude a public vote in the future.

Councilmembers shared the concerns stated earlier that the state and local tax system is regressive and highly impacts the poor. It was pointed out that assumption of RWD would eliminate the need for five Commissioners, and the money saved could be put back into the service delivery. Coordinating utilities would also allow the City to stimulate economic development in appropriate locations, creating a source of revenue that does not rely on regressive taxation. In addition, it was discussed that if the City acquires RWD, a separate ordinance would be necessary to increase the utility tax rate.

Regarding the perception that Council is acting too quickly without adequate public involvement, it was noted that the City has been working on the proposal for quite some time and the proposed ordinance is an incremental step forward. While the Council would prefer to give more notice and provide more opportunity for public comment, haste is necessary as a result of acts by elected officials in another City. The ordinance is intended to preserve the integrity of RWD so that if and when the City moves forward with the assumption, the system is complete.

Councilmembers reviewed Section 1 of the IOA, which states that “it is the purpose of this agreement to guide the activities, resources, and efforts of the City and the District to provide the citizens of the entire City and the rate payers served by the District with an efficient, high-quality, and well-maintained sanitary sewage/wastewater system at a reasonable cost and to provide an orderly and predictable transition of the wastewater utility from District to City ownership.” It was also noted that recent election results make it clear that voters and taxpayers within the Ronald Wastewater District boundaries are clearly in support of the assumption.

A question was raised about whether an affirmative action of the Council would be required to change the direction of the process once the ordinance has been approved. Mr. MacColl answered that in order to change direction, the Council would have to either repeal Ordinance 681 or adopt a subsequent ordinance.

In response to a Councilmember’s question, Ms. Tarry advised that staff has discussed the proposed ordinance with some of the RWD Commissioners. Her attempts to contact the manager of the RWD were not successful, but she left a message inviting a discussion.

Concern was expressed about approving the ordinance on such a fast timeline without a public process and before the Utility Unification and Efficiency Study has been completed. While a public vote is not required and the Revised Code of Washington (RCW) allows the Council to take action on the ordinance, it is Council’s duty to listen to the public on the issue and a public vote would be the right action. Councilmembers clarified that passage of the ordinance would not preclude a public vote at a later time, particularly if the efficiency study does not identify clear benefits.

The motion to adopt Ordinance Number 681, authorizing assumption of the Ronald Wastewater District and waiving Council Rule 3.5 requiring three readings of an

ordinance, was approved by a vote of 6-1, with Councilmember Roberts voting in opposition.

- (e) Discussion and Adoption of Ordinance Number 677 Exempting Termination of Easements and Lease Agreements from City Surplus Property Procedures

Ms. Tarry provided introductory remarks.

Brian Landau, Surface Water and Environmental Services Manager, presented the Staff Report. He explained that Ordinance 677 would provide an administrative process for the City Manager to release easements and leases that are no longer needed by the City. As per the ordinance, the City Manager would give a 30-day notice of the administrative action before releasing an easement. He recommended Council adopt Ordinance 677 as presented.

Councilmember Roberts moved adoption of Ordinance 677, exempting easement and lease agreements from City procedures on surplus real property and amending Chapter 3.55 of the Shoreline Municipal Code. Councilmember McConnell seconded the motion.

Councilmembers discussed that this item was removed from the December 2nd Consent Calendar after it was suggested that any time new delegation of power and authority is given to the City Manager, Council should have a full discussion of the issue.

The motion carried 5-0, with Mayor McGlashan and Councilmembers Hall, McConnell, Roberts, and Winstead voting in favor.

- (f) Authorize the Mayor to Negotiate a Contract with the City Manager Finalist

At 9:15 p.m., Mayor McGlashan announced that Council would recess into an Executive Session for a period of 15 minutes to discuss personnel issues per RCW 42.30.110(1)(g). City staff attending the Executive Session included: Julie Ainsworth-Taylor, Assistant City Attorney; and Marci Wright, Human Resources Manager. The business meeting was called back to order at 9:25 p.m.

Councilmember McConnell moved to authorize the Mayor to negotiate the terms and conditions of a proposed contract for the position of City Manager with a qualified candidate for the position. The Mayor would present the proposed contract to the City Council for action at the first regular meeting of the Council in January 2014. Councilmember Winstead seconded the motion.

Councilmember Winstead moved to amend the motion to authorize the Mayor to negotiate the terms and conditions of a proposed contract for the position of City Manager with Debbie Tarry. The Mayor would present the proposed contract to the City Council for action at the first regular meeting of the Council in January 2014. Councilmember McConnell seconded the motion.

Councilmembers observed that Ms. Tarry has been a valued employee of the City since 2000, and she has done a fabulous job as the Assistant City Manager and Interim City Manager. It was commented that Council had a great pool of candidates to select from, and they were all well received at the community reception. They briefly reviewed the lengthy process used to select a new City Manager, and each Councilmember shared thoughts regarding the qualifications of each candidate that would enable him/her to meet the challenges the City faces in the future.

The motion to amend the main motion was approved by a vote of 5-2, with Councilmembers Hall and Roberts voting in opposition.

The main motion was unanimously approved as amended.

9. ADJOURNMENT

At 9:40 p.m., Mayor McGlashan declared the meeting adjourned.