

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING

Monday, August 1, 2016
7:00 p.m.

Council Chambers - Shoreline City Hall
17500 Midvale Avenue North

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

ABSENT: Councilmember McGlashan

1. CALL TO ORDER

At 7:00 p.m., the meeting was called to order by Mayor Roberts who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Roberts led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present with the exception of Councilmember McGlashan.

Deputy Mayor Winstead moved to excuse Councilmember McGlashan for personal reasons. The motion was seconded by Councilmember Hall and passed unanimously, 6-0.

(a) Proclamation of National Night Out

Mayor Roberts read a proclamation declaring August 2, 2016 as National Night Out in Shoreline. Randy and Stacie Hiatt, Meridian Park Association Members, accepted the proclamation. Mrs. Hiatt stated this is their 10th Annual National Night Out barbeque and said it has really brought their whole neighborhood together.

3. REPORT OF CITY MANAGER

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

Ms. Tarry introduced Ike Nwankwo, Western Washington Regional Manager of Growth Management Services. On behalf of Governor Jay Inslee, he presented the City Council with the 2016 Governor's Smart Communities Award for the 185th Street Light Rail Station Subarea planning. He explained that the Smart Community Awards program recognizes achievements by local leaders who promote smart growth planning and projects that contribute to thriving communities, a prosperous economy, and sustainable infrastructure in Washington State. He commended the Council for including Shoreline residents in the process and shared the positive feedback received from the judges.

Mayor Roberts thanked Governor Inslee, Mr. Nwankwo, and the Award Selection review Team.

4. COUNCIL REPORTS

Deputy Mayor Winstead reported attending a King County Regional Law, Safety, and Justice Committee Meeting. She said a legislative planner reported on last year's actions and projected legislation for 2017. She added that Mary Perry, Attorney for the Seattle Police Department, provided a presentation regarding police body cameras and how the use of them is impacted by the Public Records Act.

5. PUBLIC COMMENT

Mayor Roberts announced that Public Comment will be taken for Agenda Items 8b and 8c after the staff reports because this is the first time the items are being discussed by the City Council.

Janet Way, Shoreline resident, expressed concern about adding additional personnel for the Sound Transit (ST) Light Rail Station and having ST pay for our staff to expedite the permit process.

Tom Mailhot, Shoreline resident, requested that the Council make public the January 29, 2016 attorney-client memo sent from City Attorney Margaret King to Councilmember Hall regarding a potential conflict as a Councilmember and his position as Snohomish County Surface Water Director. He said Point Wells will have surface water related issues and the Council needs to ensure open government, transparency, and maintain public confidence.

Robert Lohmeyer, Shoreline/Lake Forest Park Senior Center, thanked the Council for inviting the Senior Center to the July 25, 2016 Dinner meeting. He said he wants to reiterate that the loss of the United Way funding will affect the services the Center provides. He shared that the City's assistance of \$20,000 in 2016 has allowed them to operate without reduction of hours or services. He said the Center anticipates a budget deficit of over \$50,000 for 2017, which is too large for Senior Center fundraising to cover, and asked for continued support from the City.

Tom McCormick, Shoreline resident, commented on a memo sent from the City Attorney to Councilmember Hall regarding a conflict of interest. He said the memo was provided to him but was redacted almost in its entirety. He said he has petitioned the City to review its denial, and that Councilmember Hall has said he would be okay releasing it. He then asked the City Council to take action to release the memo. He noted Point Wells surface water issues are important, and the public needs to see the memo to determine why Councilmember Hall is no longer recusing himself from matters related to Point Wells.

6. APPROVAL OF THE AGENDA

The agenda was approved by unanimous consent.

7. CONSENT CALENDAR

Upon motion by Councilmember Hall and seconded by Deputy Mayor Winstead and unanimously carried, 6-0, the following Consent Calendar items were approved:

(a) Minutes of Regular Meeting of July 11, 2016

8. ACTION ITEMS

(a) Appointment of Pro/Con Committee for Levy Lid Lift Renewal

Sara Lane, Administrative Services Director, recalled that Council adopted Resolution No. 389 to place the Levy Lid Lift on the November 8, 2016 General Election Ballot and explained that they are now required to appoint members to Pro and Con Committees. She said the Committees write statements in favor, or opposition, and rebuttals for the voter pamphlet. She said the City has received six applications for the Pro Committee and one application for the Con Committee. She advised that up to three members can be appointed to each committee.

Deputy Mayor Winstead moved to appoint Megan Kogut, Kevin Osborn, and Judy Parsons to Pro Committee; and Dan Jacoby to the Con committee. The motion was seconded by Councilmember Salomon.

Deputy Mayor Winstead expressed appreciation that six qualified applicants applied for the Pro Committee and provided reasons for her selections.

The motion passed unanimously, 6-0.

(b) Adoption of Res. No. 390 - Support for the Prohibition of the Transportation of Coal via Rail through the City of Shoreline

Alex Herzog, CMO Management Analyst, provided background and explained the risks of transporting coal. He shared that railroads are regulated at the Federal level, and Resolution No. 390 conveys that the City supports the transition of energy production away from fossil fuels, and urges the United States Department of Transportation and Congress to prohibit the transportation of coal via rail through the City of Shoreline.

Mayor Roberts opened the Public Comment period.

Janet Way, Shoreline Preservation Society, applauded the City Council for taking up this matter. She shared that the cities these trains pass through and the Puget Sound are in danger, and will be severely impacted if an accident occurs.

Tom McCormick, Shoreline resident, thanked the City Council for moving forward and supporting Resolution No. 390 and expressed the importance of keeping neighborhoods safe. He shared that train derailments would have devastating impacts on Richmond Beach. He said if oil is going to be transported through the neighborhood, he urges the government to require a large buffer zone so if there were a derailment it would be far enough away from residential areas.

Councilmember McConnell moved to adopt Resolution No. 390 supporting the prohibition of the transportation of coal via rail through the City of Shoreline. The motion was seconded by Councilmember Hall.

Councilmember McConnell talked about dust coal contamination and said a derailment would decimate Saltwater Park. She commented that several Councilmembers have membership in the Safe Leadership Alliance and support their efforts for a clean environment.

Councilmember Hall commented that this would be another step in previous actions Council has taken dealing with local safety and global impacts related to coal. He stated that he is opposed to mining and shipping coal to China and will continue to be active with regional organizations that provide protection from the local and global harms of burning coal.

Councilmember Salomon questioned producing coal in North America only to ship it out of the country. He said environmentally we need to move past using coal as an energy source to address the harmful effects of climate change, and move toward a more sustainable energy source.

Mayor Robert mentioned he recently witnessed a coal train parked near Saltwater Park and said it is the appropriate time for this Resolution.

The motion passed unanimously, 6-0.

(c) Adoption of Res. No. 391 - Support for the Prohibition of the Transportation of Crude Oil via Rail through the City of Shoreline

Alex Herzog, CMO Management Analyst, provided background and explained the risks of transporting crude oil via rail through the City of Shoreline. He shared that 2015 was one of the worst years in history for crude oil train disasters and that their susceptibility to an explosion if there is a derailment. He explained that railroads are regulated at the Federal level and that Resolution No. 391 conveys that the City supports the transition of energy production away from fossil fuels and urges the United States Department of Transportation and Congress to prohibit the transportation of crude oil via rail through the City of Shoreline.

Mayor Roberts opened the Public Comment period.

Janet Way, Shoreline Preservation Society, applauded the City Council for putting forth Resolution No. 391. She commented that collective action in conjunction with other cities will have a powerful impact.

Tom McCormick, Shoreline resident, stated his support for Resolution No. 391, and questioned if we are just shifting the transport of coal and crude oil from rail to trucks.

Councilmember McConnell moved to adopt Resolution No. 391 - supporting the prohibition of the transportation of crude oil via rail through the City of Shoreline. The motion was seconded by Councilmember Hall.

Councilmember McConnell stated that Resolution No. 391 addresses the same concerns as Resolution No. 390, and said crude oil is even more disconcerting because of its potential for explosions.

Councilmember Hall commented that the impacts of any disaster are unacceptable. He commented on the strict land use regulations near pipelines and said that in the last decade railroads have been turned into oil pipelines with no land use regulations. He said he hopes there is a return to shipping oil through closely monitored and regulated pipelines.

Councilmember Salomon recalled an oil spill in southwest Washington, and an oil train explosion in Quebec where people were vaporized. He said these disasters are scary and maybe collective action through the voices of many cities across the country can reach the President and United States Senators, and make a difference.

The motion passed unanimously, 6-0.

9. STUDY ITEMS

- (a) Discussion of Ord. No. 753 - Budget Amendment for 2016 to Include Additional Personnel Authorized in Sound Transit Staffing Agreement for the Public Works Department

Rick Kirkwood, Budget Supervisor, said the purpose of Ordinance No. 753 is to provide additional staffing for the expedited review and permitting of the Lynnwood Link Extension Project. He stated additional staffing consists of one 1.00 Full Time Employee (FTE) Engineer II and one 1.00 FTE Administrative Assistant II. He reviewed the impact to the 2016 Budget, and said the adoption of the Ordinance is scheduled for August 15, 2016.

Mayor Roberts clarified that these would be City of Shoreline Employees, and Shoreline's ordinances and regulations will be applied to the work they perform. Mr. Kirkwood answered yes.

10. EXECUTIVE SESSION

At 8:07 p.m., the Council recessed into an Executive Session authorize by RCW 42.30.110(1)(i) to discuss with legal counsel matters relating to agency enforcement actions, or litigation. City employees attending the Executive Session included Debbie Tarry, City Manager; John Norris, Assistant City Manager; and Margaret King, City Attorney. At 8:21 p.m., Mayor Robert announced a five minutes extension to the Executive Session. At 8:26 p.m., Council emerged from the Executive Session and Mayor Roberts reconvened the open session Council Meeting.

Deputy Mayor Winstead moved to authorize the City Manager to file a legal action for the collection of debt for gambling taxes from Jerry Pecha. The motion was seconded by Councilmember Hall.

Deputy Mayor Winstead stated that it is in the best interest of the City to move forward with collecting the substantial debt owed to the City.

The passed unanimously, 6-0.

Councilmember Scully moved to waive attorney-client privilege to a memorandum dated January 29, 2016, written by Margaret King, City Attorney, to Councilmember Hall regarding any conflict of interest related to Point Wells. The motion was seconded by Councilmember Hall.

Councilmember Scully commented that waiving attorney-client privilege, in this instance, is in the best interest of the City and the public. He said subsequent waivers would also be limited to similar issues.

Councilmember Hall explained that in his current position as the Surface Water Utility Director for Snohomish County, his office provides services to rate payers and he does not have a role in decisions regarding storm water regulations, development permits, or proposals. He also clarified that there was not a conflict in the past, and that at no time was he legally advised to recused himself. He said it was a personal choice to avoid the appearance of a conflict. He also referenced a letter from his employer stating that he is prohibited from having anything to do with Point Wells. He shared that he lives in the Richmond Beach neighborhood and that he would be adversely impacted by any out of scale development. He said he takes his role as Councilmember seriously to effectively represent and serve the Community, and he supports the release of the memo.

Councilmember Salomon stated that he supports the decision to waive attorney-client privilege in an effort to balance the need and desire for transparency. He cautioned that the City owns the privilege and that it does not mean every time there is legal advice that the privilege will be waived. He shared that waiving attorney-client privilege is fairly rare among governments.

The motion passed unanimously, 6-0.

11. ADJOURNMENT

At 8:36 p.m., Mayor Roberts declared the meeting adjourned.

Jessica Simulcik Smith, City Clerk