

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING

Monday, June 3, 2019
7:00 p.m.

Council Chambers - Shoreline City Hall
17500 Midvale Avenue North

PRESENT: Mayor Hall, Deputy Mayor McConnell, Councilmembers McGlashan, Scully, Chang, Robertson, and Roberts

ABSENT: None

1. CALL TO ORDER

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

2. FLAG SALUTE/ROLL CALL

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

3. REPORT OF CITY MANAGER

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

4. COUNCIL REPORTS

Mayor Hall reported that the Puget Sound Regional Council passed their annual budget and discussed Vision 2050 at their General Assembly. Additionally, he said that he spent the day today with the Orca Task Force and discussed the potential impacts of future growth on orcas.

5. PUBLIC COMMENT

Boni Biery, Shoreline resident, stated that based on the survey results, the Council should offer both the Community and Aquatics Center (CAC) and parks improvements options on the bond measure. She questioned the estimated cost of the CAC and said the total differs from that quoted by the Parks Funding Advisory Committee. She urged the Council to give voters the opportunity to make a choice and said the reduced improvements proposed are not enough but would help.

Gretchen Brookes, Shoreline resident, asked who was representing the Hillwood neighborhood on the Shoreline Parks Funding Advisory Committee. She said the funding issue is very

important and the Hillwood neighborhood would like to have someone participate. She asked why their Board was not invited to be a part of the process.

Janet Way, Shoreline resident, commented on the tree removal for the Lynnwood Link Extension. She said the City is losing a significant chunk of urban forest and urged the Council to increase funding for parks and to consider the ideas discussed for Hamlin Park. She said having staff park in the existing stalls at Hamlin Park, rather than creating new parking next to the maintenance facility, will save trees from being cut down.

6. APPROVAL OF THE AGENDA

The agenda was approved by unanimous consent.

7. CONSENT CALENDAR

Upon motion by Councilmember Scully and seconded by Councilmember McGlashan and unanimously carried, 7-0, the following Consent Calendar items were approved:

- (a) Approving Minutes of Regular Meeting of April 15, 2019
Approving Minutes of Special Dinner Meeting of May 13, 2019**
- (b) Adopting the Plan to Reprogram 2018 and 2019 Community Development Block Grant Capital Funding to Implement Approved Programs and Projects**
- (c) Authorizing the City Manager to Execute an Interlocal Agreement for the North Sound RADAR Navigator Program**

8. ACTION ITEMS

- (a) Authorizing the City Manager to Approve Amendment #1 to the City's 2017-2027 Comprehensive Garbage, Recyclables and Compostables Collection Contract with Recology CleanScapes**

Randy Witt, Public Works Director, delivered the staff presentation and was joined by Kevin Kelly, General Manager of Recology CleanScapes. Mr. Witt reminded the Council of the current challenges and stated that the amendment goals are to decrease contamination and support maximum cost-effective recovery of recyclable materials. He listed the key elements of the amendment and described the modifications that had been made, which include enhanced education, outreach and language accessibility components. He reviewed the proposed procedures for commercial and multifamily contamination monitoring and reporting and described the enforcement procedures and the contamination reduction strategy for single family households. He displayed the rates and fee schedules and opened the discussion to Council.

Councilmember Roberts requested that the Council recess into Executive Session regarding potential litigation. At 7:25 p.m., Mayor Hall recessed into an Executive Session for a period of 10 minutes as authorized by RCW 42.30.110(l)(i) to discuss with legal counsel potential litigation to which the City, or a member acting in an official capacity is, or is likely to become, a

party. He stated that Council is expected to take final action on the Recology CleanScapes contract following the executive session and Council discussion. Staff attending the Executive Session included Debbie Tarry, City Manager; John Norris, Assistant City Manager; Margaret King, City Attorney, Randy Witt, Public Works Director, and Autumn Salamack, Environmental Services Coordinator. At 7:35 p.m. Mayor Hall emerged and announced a 5 minute extension to the Executive Session. The Executive Session ended at 7:40 p.m.

Councilmember Scully asked if Council were to move to strike a portion of the proposed Contract Amendment, how it would affect the process going forward. Ms. King replied that it would depend on Recology's response to the proposed revisions.

Councilmember Robertson moved to authorize the City Manager to execute Amendment #1 to the City's 2017-2027 Comprehensive Garbage, Recyclables and Compostables Collection Contract with Recology CleanScapes. The motion was seconded by Councilmember Chang.

Councilmember Robertson said she is in favor of the Contract Amendment because of the emphasis on community education. She said partnering with schools will be a valuable part of messaging.

Councilmember Scully moved to amend the motion to strike the second paragraph on Attachment A, Page 3 (8a-10) addressing the single-family enforcement that begins with the text "Twenty four months after the amendment" and ends with "at least 90 days before implementation." The motion was seconded by Councilmember Roberts.

Councilmember Scully praised the Contract Amendment revisions, especially the educational aspects. He said he made the above motion to amend the contract language because it states, "the contractor may, in its sole discretion, institute further efforts to decrease contamination rates", which he interprets as outsourcing enforcement. He said he is not comfortable with turning over program authority to Recology prior to Council reviewing it first.

When asked about the implication this amendment would have on future enforcement options for single family housing, Ms. King replied that the education component would continue but there would be no program in place to reduce contamination through any enforcement means.

Councilmember Roberts read the enforcement steps associated with miscollections in the current contract. He asked if the the existing provision already allows Recology sufficient ability to determine if a container is not eligible for collection. Mr. Kelly replied that in light of the scale of the problems and new circumstances, the provision does not meet the need. Councilmember Roberts asked for examples of ways in which the provision is currently applied, and Mr. Kelly said it is currently utilized in instances of collection exceptions.

Councilmember McGlashan said leaving the paragraph in the Contract and notifying the public of the timeline for change might work as an incentive to get people to start working at cleaning up their recyclables, and added that amendments can be made later, if needed. He said he thinks the legislature will need to come up with a statewide decision for enforcement.

Mayor Hall said he prefers to leave the paragraph in, adding that if the goal is to reduce energy consumption, improve climate goals, reduce emissions, and recover the energy that is in recyclable materials, the only way to get there is through a pathway that keeps waste and recyclables separated. He said the technology being used to sort recyclables at Recology's Materials Recovery Facility is impressive. Other than going back to sorting garbage by hand piece by piece, it is hard for him to imagine Recology doing any better, and he does not believe rate payers would want to pay for it. He stated the Contract Amendment sets up a system to help educate households on proper recycling procedures, and if a customer is still not willing to sort correctly, they should have to pay to have the materials hauled off as garbage. He said he sees this contract language as the City setting a performance standard with Recology and allows them time to achieve it.

Deputy Mayor McConnell said she prefers that education be enough and observed that Shoreline residents really want to do the right thing. She said she supports removing the paragraph and reassessing with Recology in 24 months.

Councilmember Scully said what is before Council is the decision to give authority to Recology to have sole discretion for instituting further efforts, and he is not in support of that. He said it is the Council's job to make the tough determination about what is an acceptable intrusion and what is not. He said the purpose of the motion is not to undercut the scope or severity of the problem, but solely to not turn over legislative control to a private enterprise. He stated that if the amendment fails he will not support the main motion.

When asked for details on the fee component, Ms. King responded that aside from general rate increases, the fees for contamination only apply to multi-family and commercial properties.

The motion to strike the paragraph beginning "Twenty four months after the amendment" and ending "at 90 days before implementation" as displayed, failed 2-5, with Councilmembers Scully and McConnell voting in favor.

When asked how a customer would challenge Recology's decision if they disagreed with a determination of contamination, Mr. Kelly explained that with every indication of contamination there would be photo evidence, so Recology would be able to explain the violation to the customer. He said it would be treated as an opportunity for discussion and education should customers reach out.

Mr. Kelly was asked to describe the load inspections. In doing so, he said the inspections are designed to more precisely target education needs and would not be tied to enforcement. He said inspection allows Recology to more precisely target what messaging is needed in specific neighborhoods, and he described the potential channels for communication. Councilmember Chang commented that usually the only people who are at public education meetings or events are those who are already committed to improvement and interested in education. She asked how Recology will reach the people who do not realize there is a problem. Mr. Kelly said that this Amendment will help Recology reach people through different education and outreach channels and described ways in which they would attempt to do so. He said that it is a prevalent problem

that people understand and a robust education program will help Recology get to where they need to be with the community.

Councilmember McGlashan said he supports the Amendment and was happy to hear about the education component. He suggested Recology offer a liaison to educate business and multi-family customers on ways to protect their containers, explaining that in his experience commercial and multi-family bins are often contaminated by outsiders using them to dump waste.

Mayor Hall reflected on the success of the neighborhood ambassadors to communicate and educate when the City banned plastic bags, and that there might be environmentally responsible people Recology could tap into to help educate their neighbors.

The main motion passed 6-1, with Councilmember Scully voting against it.

- (b) Adopting Ordinance No. 858 – Amending SMC 3.01.500 Solid Waste Rate Schedule to Reflect Amendment to Recology CleanScapes Comprehensive Garbage Recyclables, and Compostables Collection Contract

Randy Witt, Public Works Director, explained that the action before Council is to amend the Solid Waste Rate Schedule to reflect the amendment just passed. There were no questions from the Council.

Councilmember McGlashan moved for adoption of Ordinance No. 858 to Amend SMC 3.01.500 Solid Waste Rate Schedule to Reflect Amendment No. 1 to the City's 2017-2027 Comprehensive Garbage Recyclables, and Compostables Collection Contract with Recology CleanScapes, Inc. The motion was seconded by Councilmember Robertson.

The main motion passed, 6-1, with Councilmember Scully voting no.

- (c) Amending the 2019 Comprehensive Plan Docket to Remove Study of Zoning of Underutilized Property on Fircrest Campus

Steve Szafran, Senior Planner, delivered the staff presentation. He reminded Councilmembers of the process for compiling the Final Docket. He said at the time of finalization the Council expressed interest in potentially changing the Land Use Designation and Zoning for the portions of the Fircrest Property if the Department of Social and Health Services (DSHS) were to determine portions surplus. He reminded Council that the State Legislature did not pass legislation to budget for the allocation of excess property or the transfer of it to Shoreline. Instead, the Legislature allocated money to develop a plan for future uses which would potentially include affordable housing and providing public open space. Mr. Szafran said because the plan will still be in process for quite some time, Mayor Hall requested the amendment be removed from the 2019 Final Docket. He told Council that moving forward, the State, the Department of Natural Resources (DNR), the DSHS, or the City may request to place the same amendment on the 2020 Docket by December 31, 2019.

Councilmember Robertson moved to modify the Council's recommendation by removing Amendment No. 3 from the 2019 Final Docket. The motion was seconded by Councilmember McConnell.

Councilmember Robertson said she remains hopeful for the possibilities for Shoreline with the Fircrest Campus, but without State money to fund it, the City should not spend any more time on planning.

The Council confirmed that removal of an item from the Docket in this manner was procedurally appropriate.

Councilmember McGlashan recalled earlier conversations about not knowing for sure what the State, DSHS, and DNR were going to do, and that Council still wanted to put the amendment forward in the event that they were going to do something. He asked if moving forward with studying the zoning of underutilized property might help provide the State direction in their planning. Mr. Szafran replied that until the State puts a plan in place the City does not know what or where the excess property will be, so the work would not be productive.

Councilmember Scully recalled there have been Comprehensive Plan amendments in the past that rolled over to the next year, or were just never adopted, and questioned why Council is changing the process to remove this amendment from the Docket. He also stated that he expects the City stay actively involved in the planning process. Mayor Hall explained the considerations and thought process behind his proposal to remove it from the 2019 Final Docket. He said the Legislative Delegation is very interested in moving this forward, but by removing the amendment from the current Docket it can go through the normal process before it returns to the Docket.

The main motion passed unanimously, 7-0.

9. **STUDY ITEMS**

- (a) Discussing Ordinance No. 861 - 2019-2020 Biennial Budget Amendment Amending Ordinance No. 855 for Phase 1 Improvements of the City Maintenance Facility

Sara Lane, Administrative Services Director, delivered the staff presentation. She explained that this amendment supports the Phase 1 improvements of the City Maintenance Facility and displayed the financial impact of Ordinance No. 861 on the Biennial Budget and on the General Reserves. She said the Ordinance is scheduled for adoption at the June 17, 2019 Council Meeting.

All Councilmembers agreed that the Ordinance would be seen next as a consent item.

- (b) Discussing Ordinance No. 862 - Authorizing the Refunding of Limited Tax General Obligation Bonds (City Hall) and Ordinance No. 864 - Amending Ordinance No. 829 to Extend the Delegation Period for Bond Anticipation Notes

Sara Lane, Administrative Services Director, delivered the staff presentation. She described the purpose and parameters of Ordinance No. 862. She then reviewed the background of Ordinance No. 864, shared the Ordinance parameter of a date extension, adding that the current authorization for the delegation period expires on August 6, 2019. She explained the delay in the issuance of debt. Upon questioning about the significance of the expiration date, she explained that it is in anticipation of passage of the potential Community and Aquatics Center bond measure and described the process that would be put in place should the measure not pass.

Ms. Lane explained the next steps for both Ordinances and all Councilmembers agreed they would be seen next as consent items.

- (c) Discussing Resolution No. 438 - Approving the Sale of Limited Tax General Obligation Bonds Supported by the Shoreline Transportation District 0.2% Sales Tax as Authorized by Ordinance No. 853

Sara Lane, Administrative Services Director, delivered the staff presentation. She explained that the Resolution is the first in a series in response to the directive of Ordinance No. 853, committing revenues to the repayment of debt through a series of Bond Issues. Ms. Lane displayed the parameters of the Resolution and listed the next steps. Upon questioning, she explained that the reason the issuances happen in a staggered process is for cost savings, to best align with the anticipated completion date of projects.

When questioned about the 'draft' status of the Sidewalk Implementation Program, and of any anticipated changes, Ms. Tarry explained that the timing and order of projects are still being evaluated but that there is no change in the identified projects.

Ms. Lane was asked to clarify why some years have one scheduled project and others have two, and she responded that the schedule is contingent on project timing, and that it will be fine tuned as the projects are planned in more detail.

In response to a request for confirmation, Ms. Lane said it is the opinion of the Bond Counsel that none of the initiatives currently moving forward for State ballot measures would affect Shoreline's sales tax revenue or the ability to issue these Bonds.

All Councilmembers agreed that the Resolution would be seen next as a consent item.

10. EXECUTIVE SESSION: Litigation – RCW 42.30.110(1)(i)

At 8:32 p.m., Mayor Hall recessed into Executive Session for a period of 30 minutes as authorized by RCW 42.30.110(1)(i) to discuss with legal counsel matters relating to agency enforcement actions or litigation. He stated that the Council is not expected to take final action following the Executive Session. Staff attending the Executive Session included Debbie Tarry, City Manager; John Norris, Assistant City Manager; and Margaret King, City Attorney. At 9:02 p.m. Mayor Hall emerged and announced a 30 minute extension to the Executive Session. At 9:33 p.m. Mayor Hall emerged and announced a 12 minute extension to the Executive Session. The Executive Session ended at 9:45 p.m.

11. ADJOURNMENT

At 9:45 p.m., Mayor Hall declared the meeting adjourned.

Jessica Simulcik Smith, City Clerk

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