

**CITY OF SHORELINE**  
**SHORELINE CITY COUNCIL**  
**SUMMARY MINUTES OF REGULAR MEETING**

Monday, September 23, 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**

Councilmember Chang said that at the recent King County Regional Transit Committee Meeting, the Equity Cabinet provided recommendations for equitable design of mobility frameworks and allocation of services.

Mayor Hall said that last Thursday there was a symposium held to discuss the City's RADAR program and recognition was given to those who helped secure funding to expand the program beyond Shoreline and across King County.

Mayor Hall thanked the representatives from Compass Housing Alliance, Hopelink, and Ronald United Methodist Church who joined the Council at tonight's dinner meeting to share information on the Ronald Commons Project and the efforts involved to provide health and social services to the community members in need.

5. PUBLIC COMMENT

Gretchen Atkinson, President of the Board of Commissioners for Ronald Wastewater District (RWD), said she was speaking at the direction of the Board. She reviewed the timeline for, and collaboration with the City on, the assumption of RWD. She said the assumption is not saving money and that RWD is currently updating its Comprehensive Plan. She asked the Council to reconsider the March 1, 2020 assumption date and extend it for at least two more years.

Wes Brandon, Ronald Wastewater Commissioner and Shoreline resident, said delaying the assumption of RWD would make it possible for the Board to complete the ten year plan and wrap up several other projects and interlocal agreements before the assumption. He added that once the active lawsuit is decided, full assumption could take place without any other effort on the legal side, but the Board would hate to lose the leverage they have gained in the current legal proceedings.

Laura Mork, Ronald Wastewater Commissioner and Shoreline resident, commented that it is her hope that the City will make decisions that recognize that ratepayers paid, and continue to pay, for the Point Wells sewer system.

Geneva, a Lake Forest Park youth resident, thanked the City for introducing the Skip the Straw Pledge, and said she would like the City to do even more. She said she hopes people and businesses participate. She added that she opposes the idea of banning straws since they are needed by some people.

Tom Mailhot, Shoreline resident and board member of Sno-King Environmental Protection Coalition, spoke regarding the proposed agreement with the Town of Woodway. He thanked the Council for entering the mediation process with Woodway, which he said resulted in an agreement that unites the cities in a coordinated approach to future development of Point Wells. He encouraged the Council to review the comment letter received from Tom McCormick and cited suggested examples for improvements to the agreement.

Alex Tsimmerman said fascism makes life miserable and expressed his discontent with the government.

Fran Lilliness, Shoreline resident, recommended restoring the former road that went from Point Wells through Woodway, or building a new one, to help alleviate the traffic on Richmond Beach Road when Point Wells is developed.

Laethan Wene, Shoreline resident, invited the Council and City staff to the Northwest Center's Golden Hearts Luncheon and shared details on the event.

6. APPROVAL OF THE AGENDA

The agenda was approved by unanimous consent.

## 7. CONSENT CALENDAR

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

## (a) Approving Minutes of Regular Meeting of September 9, 2019

## (b) Approving Expenses and Payroll as of August 31, 2019 in the Amount of \$1,911,390.35

**\*Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
8/11/19-8/24/19	8/30/2019	86798-87068	16628-16670	75901-75906	\$921,773.06
					<u>\$921,773.06</u>

**\*Wire Transfers:**

Expense Register Dated	Wire Transfer Number	Amount Paid
8/26/2019	1149	\$12,146.48
		<u>\$12,146.48</u>

**\*Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
8/28/2019	75692	75692	(\$450.00)
8/29/2019	75837	75864	\$816,788.52
8/29/2019	75865	75872	\$21,946.20
8/29/2019	75873	75894	\$129,969.03
8/29/2019	75895	75900	\$610.75
8/31/2019	75907	75912	\$8,606.31
			<u>\$977,470.81</u>

## (c) Adopting the Community Development Block Grant Funding and Contingency Plan for 2020

## 8. STUDY ITEMS

## (a) Discussing an Interlocal Agreement between the Town of Woodway and City of Shoreline Regarding Point Wells

Margaret King, City Attorney, delivered the staff presentation. Ms. King shared background on the overlapping interest in Point Wells, the redevelopment of the area and the associated

transportation impacts, and the provision of utility services. She described the mediation process that began in January 2019, which resulted in the negotiated settlement and proposed interlocal agreement. Ms. King made clear that it addresses issues related to annexation, development standards, traffic Levels of Service (LOS), and sewer Lift Station 13.

Ms. King explained that the Interlocal Agreement creates a joint working group who will make recommendations to the elected officials in both cities to help create a consistent development at Point Wells. She continued that the Agreement includes specific requirements that must be included in any recommendation and then she listed examples. She added that both Woodway and Shoreline are given the opportunity to provide input to each other on any proposed development.

Ms. King said that once Woodway and Shoreline adopt these recommendations each jurisdiction agrees to keep them in place for two years, and subsequent amendments would need to follow a notification and input process between the cities.

Ms. King listed the agreed-upon annexation conditions and provisions as stated in the Interlocal Agreement and said that the Agreement states if Woodway decides not to annex Point Wells, Shoreline can start the process of attempting annexation. She listed the potential next steps for the City Council in the process, which could include action as soon as October 7, 2019.

When asked for a description of the annexation barriers, Ms. King responded that Snohomish County has not recognized the Point Wells area in Snohomish County's Comprehensive Plan as a potential area of annexation, and the process of getting it identified as such has been difficult.

Councilmember Chang asked for more details regarding the language pertaining to the access road in Woodway and expressed concern that the Agreement language seems to negate itself bringing up the question if a second road is even required. Ms. King replied that the Agreement contains negotiated terms and language with the goal of confirming to Shoreline that Woodway recognizes that a second road is a requisite. Mayor Hall added that the intent is to protect Woodway's authority to make roadway design decisions. Councilmember McGlashan agreed that the statement was confusing.

Councilmember Chang referenced the traffic study requirement and asked to what point on Richmond Beach Road the requirement for mitigation would extend and if the V/C ratio is subject to change. Ms. King said she believes the mitigation would be determined based on the development's impacts and specified the goal is that the annexing city would recognize the impacts on the other city as part of the mitigation evaluation.

Councilmember McGlashan congratulated Woodway and Shoreline for coming together to create this Agreement. He referenced the public comment from Tom McCormick, which suggests clarification to the language pertaining to the Woodway access road. He said his stance is that if Woodway is comfortable with the language, he is too. Ms. King reminded the Council that they have the right to propose changes to the Agreement, which staff would then work on incorporating.

Councilmember McGlashan asked if staff would be addressing Mr. McCormick's suggestion to revise Section I.D and Section III.C to name Shoreline as the SEPA lead agency for impacts within the City, and Woodway as the SEPA lead agency for impacts within the Town. Ms. King said she will draft suggested language that she feels will be legally supportable.

In addressing Mr. McCormick's recommendation to include Woodway's LOS A to prevent the provision from being one-sided, Ms. King said it was important to Woodway to have control over its LOS.

Councilmember Robertson reflected on the process to get up to speed on the work that has been done with Point Wells. She said the Settlement and Interlocal Agreement gives her hope that should the area be developed; the result would be something that works for both communities. She asked if there will be additional mediation before it is finalized. Ms. King replied that she would recommend that time be provided to craft language based on Council's feedback.

Councilmember Scully said it is good to see Shoreline and Woodway on the same team, and the Agreement is important because it sets some of the details out in writing and clarifies the priority components for both parties. He asked for staff's response to Mr. McCormick's comments, and said his concerns about the Woodway access road are troubling to him as well. Deputy Mayor McConnell said that she shares the same concerns with this section of the Agreement and needs additional information on the choice of language. She said the Richmond Beach community needs to feel comfortable and she trusts Mr. McCormick's suggestions. She supports a Level of Service adjustment but wants to make sure there is a strong commitment to an access road. Mayor Hall said his understanding is that the road is required, and the subsequent language is to point out that even though a road is required, approval of the road is not guaranteed. He emphasized that Shoreline would not have agreed to a settlement that did not mandate an access road. He said he is confident Woodway understands this intent but that the language of the Agreement could be improved. Ms. King reiterated that Woodway has indicated that they are supportive of an access road, but they did not want to commit to anything specific prior to reviewing any application.

Ms. King confirmed that the Agreement states that Shoreline agrees to support Woodway's annexation of the area, and Woodway agrees to recognize Shoreline's LOS on Richmond Beach Drive. Shoreline is also agreeing to not reduce the LOS on that segment of Richmond Beach Drive.

Councilmember Chang reminded everyone that this Agreement between Shoreline and Woodway does not include the developer or Snohomish County, which controls the development. She addressed the public comment from Mr. McCormick and Mr. Mailhot and asked why the SEPA lead agency would not be defined at this point in the process. Ms. King said that was a negotiated provision and that the legal counsel for the City and the Town discussed the pros and cons of identifying a lead agency without an application before either entity, and that it was agreed to instead focus on the issues of concern. She said the jurisdictions agreed to continue the discussion when it was time to enter into a SEPA lead agency agreement. Ms. King suggested moving the SEPA lead agency agreement provision into Section I, pointing out that it is a provision for both parties. Councilmember Chang said she would feel more comfortable with

that clarification and Deputy Mayor McConnell said unless this was clear she would not support it. Ms. King said she would review and revise the SEPA language in the section before it returns to Council. Mayor Hall agreed that the spirit of the Agreement is to appropriately share or divide the responsibilities of the lead agency.

Mayor Hall said it comes down to the fact that Woodway, RWD, and Shoreline have very similar interests in protecting the community. He said that despite the City's best efforts to look for a way that Shoreline could annex Point Wells, Snohomish County has opposed the City's attempts at annexation. He said the goal of the Settlement and Interlocal Agreement is to come to an agreement with Woodway, so if they annex the area there is an agreed upon scale and limitations to the project that are acceptable to the Shoreline community.

Mayor Hall directed staff to work on refinements to the Agreement. The Councilmembers agreed it could return to Council on October 7, 2019 for action, should the process and timing of communication with Woodway work, but recognized that should they need more time, they would postpone decision making.

Deputy Mayor McConnell said she does not want the process to be rushed, and said she wants clarity on the specifics of the access road and wants to see the LOS in Woodway pushed out a little. She stated Woodway is getting a lot of concessions from Shoreline and the City needs to be firm in addressing the traffic issues. Councilmember McGlashan said if after staff talks to Woodway they feel they are not going to be able to complete the negotiations in time for the 7<sup>th</sup>, he is open to moving it later in the month.

Councilmember Roberts observed that a second access road might have the effect of pushing some of the traffic further east. He said the Council's focus on impact has always been towards Richmond Beach Drive. He said that while it is outside the scope of the Agreement, the City needs to look at other roads to see if they need further protection.

Mayor Hall said he appreciates the work of the City staff, community watchdog organizations, and the communication between the City and the Town of Woodway.

(b) Discussing Ordinance No. 867 – Amending Section 8.12.395 of the Shoreline Municipal Code to Include E-cigarettes (Vaping) as Prohibited Activities

John Norris, Assistant City Manager, delivered the staff presentation. Mr. Norris stated that this Ordinance would prohibit the use of vaping devices in City Parks. He reviewed the Healthy City Strategy adopted by the City in 2011 and said one of the goals of the strategy was to limit or outlaw the use of tobacco in City Parks. He said this was achieved in 2012 and included smokeless tobacco and smoking. He explained that e-cigarettes are not tobacco, but nicotine, so currently not prohibited by the Municipal Code. Mr. Norris said that like tobacco smoke, secondhand nicotine inhalation has an adverse effect on health. He said that as the popularity of e-cigarettes have grown, particularly among youth, and the dangers of e-cigarette use continue to be identified, the City has recognized a need for the amendment. He explained that proposed Ordinance No. 867 would add a prohibition of the use of electronic or vaporized smoking. Mr. Norris offered that current enforcement is focused on education and peer-to-peer enforcement

and said if adopted, the signage would be modified appropriately. He said the proposed Ordinance is scheduled to return to Council on October 7, 2019.

Councilmember McGlashan asked if all City facilities would have signage revisions and Mr. Norris said the specifics of the updates would be determined by the Parks Department. Deputy Mayor McConnell suggested if signage is updated, the signs themselves be made larger and more visible.

Mayor Hall said he supports the Ordinance.

Councilmember Roberts asked how many cities have taken this step and Mr. Norris said he did not know and offered to research the answer.

Councilmember Scully said that since vaping has secondhand impacts, he supports the Ordinance.

Councilmembers agreed that Ordinance No. 867 should return as a Consent item.

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

At 8:25 p.m., Mayor Hall recessed into Executive Session for a period of 20 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; Margaret King, City Attorney; and Randy Witt, Public Works Director. At 8:45 p.m. the Mayor emerged to extend the session for a period of 10 minutes. At 8:56 p.m. the Mayor emerged to extend the session again for a period of 15 minutes. The Executive Session ended at 9:08 p.m.

10. ADJOURNMENT

At 9:08 p.m., Mayor Hall declared the meeting adjourned.

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Jessica Simulcik Smith, City Clerk