

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING

Monday, September 30, 2019
7:00 p.m.

Council Chambers - Shoreline City Hall
17500 Midvale Avenue North

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

ABSENT: Deputy Mayor McConnell

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 with the exception of Deputy Mayor McConnell and Councilmember Roberts. Councilmember Scully moved to excuse Deputy Mayor McConnell for personal reasons. The motion was seconded by Councilmember Chang and approved unanimously, 5-0.

At 7:01 p.m. Councilmember Roberts arrived.

(a) Proclaiming Safe Shoreline Month

Mayor Hall read a proclamation declaring the month of October 2019 as Safe Shoreline Month. Patrick Ducey, a Community Emergency Response Team volunteer, was present to accept the proclamation. Mr. Ducey thanked the City for recognizing the importance of emergency preparation and said it is important to remember that emergency preparedness is a year-round activity.

3. REPORT OF CITY MANAGER

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

4. COUNCIL REPORTS

There were no Council reports.

5. PUBLIC COMMENT

Joseph Smith, Shoreline resident, stated his opposition for Proposition 1. He said he feels Proposition 1 is a grave misuse of funds that will not generate revenue for the City. He posed several questions regarding the proposition and staff was directed to follow up with him.

6. APPROVAL OF THE AGENDA

The agenda was approved by unanimous consent.

7. CONSENT CALENDAR

Upon motion by Councilmember McGlashan and seconded by Councilmember Roberts and unanimously carried, 6-0, the following Consent Calendar items were approved:

(a) Approving Minutes of Regular Meeting of September 16, 2019

(b) Adopting Ordinance No. 865 – Amending the City’s Commute Trip Reduction Plan

8. STUDY ITEMS

(a) Discussing Ordinance No. 851 – Adopting a New Chapter 3.90 to the Shoreline Municipal Code Relating to Assessment Reimbursement Areas and Latecomer Agreements

Margaret King, City Attorney, delivered the staff presentation. Ms. King explained that latecomer agreements; also known as recovery contracts, reimbursement agreements, or assessment reimbursement contracts; allow a property owner to recover a portion of the costs of utility or street improvements from property owners who later develop property in the area and benefit from the improvements. She said that the RCW sets specific processes for both street and utility latecomer agreements that create requirements for those neighboring properties that subsequently connect to utility improvements to have to pay a fair share of the costs. She said it is a cost sharing mechanism that creates equitability for the first-in development and includes a cost structure for any benefitting property owner. Ms. King stated that a prerequisite to the street latecomer agreement process is the adoption of an ordinance that requires the particular street improvements as a condition of property development.

Ms. King reviewed the process requirements for both street and utility latecomer agreements. She offered that cities can participate in forming an agreement with the developer directly and can also create a reimbursement area on its own initiative, in which the City becomes the sole beneficiary of reimbursements.

Ms. King continued that proposed Ordinance No. 851 authorizes and sets out procedures for application intake and processing of street and utility latecomer agreements. She highlighted specifics of the Ordinance and described the ways in which the Hearing Examiner and the City Council would be involved. She said the Ordinance is scheduled to return to Council on October 14, 2019, contingent on Council’s direction.

Councilmember McGlashan asked for more explanation on how utility latecomer agreements work if the City does not own the utilities. Ms. King explained that there is a process for districts to enter into latecomer agreements. She added that the proposed Ordinance is flexible enough to accommodate the City’s existing surface water utility as well as support outside utility partnerships through Interlocal Agreements. She said that generally speaking there are separate latecomer

agreements for each individual improvement because the improvement assessment and calculation is done specific to each utility.

Councilmember Roberts asked how neighboring properties potentially benefiting from the improvements would be identified. Ms. King reviewed the application steps, City evaluation and determination, Hearing Examiner review if requested, and finally Council decision. He asked who receives the funds from any existing latecomer agreement upon sale of the property. Ms. King said that there is a requirement for notifying the City for conveyance of ownership. She concluded that the responsibility will be on the developer to follow proper procedures to ensure transference of benefits to subsequent owners. Councilmember Roberts asked if this would also be a case for collective ownership situations, and Ms. King answered affirmatively and added that the City has determined it is best to manage those specifics through the Administrative Rules process.

Councilmember Scully confirmed this Ordinance does not require the City to front any costs but is simply a way to help a private developer who pays for street improvements to recover some of their costs when future developers benefit from the upgrades. Ms. King also verified that the Ordinance includes an inflationary measure.

Councilmember Robertson asked how often the proposed agreements are contested. Ms. King replied that the discussions are fairly straightforward, and it is not her experience that the negotiation of latecomer agreements result in many public hearings. Generally speaking, the discussion is around the amount of the benefit, not the value the addition of the necessary infrastructure adds to the project. She said there are built in opportunities for identified owners to challenge whether they would benefit from the improvements.

The Council agreed that Ordinance No. 851 should return as a Consent Item on October 14, 2019.

9. CLOSED SESSION PURSUANT TO RCW 42.30.140(4)(B) – DISCUSSING COLLECTIVE BARGAINING

At 7:26 p.m., Mayor Hall recessed into Closed Session to discuss Collective Bargaining, as authorized by RCW 42.30.140(4)(b), which states that the portion of a meeting, during which the governing body is planning or adopting the strategy or position to be taken during the course of any collective bargaining, is not subject to the Open Public Meetings Act. The Closed Session ended at 8:15 p.m.

10. ADJOURNMENT

At 8:18 p.m., Mayor Hall declared the meeting adjourned.

Jessica Simulcik Smith, City Clerk