

DRAFT

CITY OF SHORELINE

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

Monday, December 12, 2005
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Hansen, Deputy Mayor Jepsen, Councilmembers Chang, Fimia, Gustafson, Ransom, and Way

ABSENT: none

1. CALL TO ORDER

The meeting was called to order at 7:30 p.m. by Mayor Hansen, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Hansen led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present, with the exceptions of Councilmembers Fimia and Ransom, who arrived shortly thereafter.

(a) Recognition of Outgoing Council Members

Mayor Hansen thanked Deputy Mayor Jepsen, Councilmember Chang and former Councilmember Grace for their service on the City Council. He described their backgrounds and contributions to the Shoreline City Council and wished them well in the future endeavors. Plaques were presented to the members present to commemorate their public service.

Councilmember Chang and Deputy Mayor Jepsen accepted their plaques and thanked the Council and the Shoreline community for the opportunity to serve.

3. CITY MANAGER'S REPORT: none

4. REPORTS OF BOARDS AND COMMISSIONS: none

RECESS

At 7:45 p.m., Councilmember Fimia moved that the Council recess the meeting for up to fifteen minutes. Councilmember Way seconded the motion, which carried 4-3, with Mayor Hansen, Deputy Mayor Jepsen and Councilmember Gustafson dissenting. The Council reconvened the meeting at 7:58 p.m.

5. PUBLIC COMMENT

(a) Elaine Phelps, Shoreline, presented a plaque to Councilmember Chang and thanked him for his leadership and high standards of personal integrity and ethics.

(b) Rick Stephens, Shoreline business owner, concurred with the previous speaker, noting that Councilmember Chang has been the “voice of business” on the Council, which had been missing for many years. He concluded his remarks with a quote about service and said he is glad to know John Chang.

(c) Bronston Kenney, Shoreline, thanked Councilmember Chang for the dignity, honesty, and character he brought to the Council. He commented that Councilmember Chang maintained dignity even in the face of personal attacks during the campaign season. He hoped future campaigns would focus on issues rather than personal attacks.

(d) Kristin Ellison Oslin, Shoreline, presented Councilmember Chang with a bouquet of flowers and thanked him for setting an example of an activist citizenry in the City of Shoreline.

(e) Dan Thwing, Shoreline, commented on Councilmember Chang’s integrity, honesty, and humility and thanked him for representing Shoreline residents. He said Councilmember Chang has been an asset to the Council and the City has greatly benefited by his service.

(f) Clark Elster, Shoreline, said he has known Councilmember Chang for four years and has witnessed unbelievable pressure brought against him, his family, and his business. He thanked Councilmember Chang for his service, commenting on his tremendous strength, character, and sense of purpose.

(g) Lisa Thwing, Shoreline, commented that Councilmember Chang has been a friend to her and it has been a pleasure working with him. She concurred with previous speakers and said he maintained his dignity even while being vilified during the past campaign.

(h) Dennis Lee, Shoreline, said Councilmember Chang has been the most “user-friendly” Councilmember the City has ever had, commenting on his ability to listen to all points of view. He supported his vision of Shoreline as an “education capitol” and suggested the City have more citizen advisory committees, which is the model Councilmember Chang has supported in the past.

(i) Diana Stephens, Snohomish County, thanked Councilmember Chang for his integrity, honesty, public service, and strength during the past campaign. She concurred that his vision of an education capitol is appropriate and possible in Shoreline.

(j) Patty Crawford, Shoreline, concurred with prior speakers' comments, noting that Councilmember Chang has not been able to fully participate because the Council has not fully accommodated his disability. She said comments from City staff seem to be discouraging people from having sensitive areas on their properties. She felt the City should do exactly the opposite and let people know that sensitive areas are not a handicap and that many things can be done within sensitive areas buffers.

(k) Tim Crawford, Shoreline, felt the City should more fully investigate organized crime within the City and inquired if the police only do traffic control because they are too busy delivering prisoners to jail. He said "the people never had the City in the first place" and projects such as the "Roving Eyes" on Aurora Avenue and microwave towers in critical areas are scandalous. He felt the police should live within City limits in order to be more accountable to Shoreline residents. He felt the police department and district court should be changed to create more community control.

(l) Henry Dogans, Everett, Fircrest School employee, thanked Councilmember Chang for supporting the interests of Fircrest employees. He said he is grateful for his sincerity and support of keeping Fircrest School open.

(m) Liz Morgan, Everett, Fircrest School employee, concurred with the prior speaker and encouraged the Council to support Fircrest. She said Fircrest School offers valuable services that are not available at other facilities and the State audits the facility every six months. She said some Fircrest clients have passed away since being moved into the community due to inadequate care.

Councilmember Way thanked all the citizens who took the time to attend the meeting and provide public comment.

6. APPROVAL OF THE AGENDA

Councilmember Ransom moved approval of the agenda, requesting that the Minutes of Special Meeting of November 7, 2005 be pulled for further consideration. Councilmember Chang asked that Item 8(b), Approval of Interlocal Agreement for District Court Services, be moved to the Consent Calendar as Item 7(c). Councilmember Gustafson seconded the motion to approve the agenda.

Councilmember Way moved to postpone Item 8(a), Ordinance No. 398, amending Critical Areas Regulations and Shoreline Municipal Code Chapters 20.20, 20.50 and 20.80, for discussion on January 17 and adoption on February 13. Councilmember Fimia seconded the motion. There was brief Council discussion about the consequences of postponing this item. A vote was taken on the motion, which carried 4-3, with Mayor Hansen, Deputy Mayor Jepsen, and Councilmember Gustafson dissenting.

A vote was taken on the motion to approve the agenda as amended, which carried unanimously.

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7. CONSENT CALENDAR

Councilmember Gustafson moved approval of the consent calendar as amended. Councilmember Ransom seconded the motion and the following items were approved unanimously:

Approval of expenses and payroll as of December 1, 2005 in the amount of \$1,037,818.43

Interlocal Agreement for District Court Services

8. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

- (a) Ordinance No. 398, amending Critical Areas Regulations and Shoreline Municipal Code Chapters 20.20, 20.50 and 20.80

This item was postponed to January 17 and February 13 under the Consent Calendar.

9. EXECUTIVE SESSION

At 8:30 p.m., Mayor Hansen announced that the Council would recess into Executive Session for 30 minutes to discuss a personnel matter. At 9:05 p.m. Mayor Hansen announced that the Executive Session would continue until 9:30 p.m. At 9:26 p.m., the Executive Session concluded and the regular meeting reconvened.

Councilmember Ransom moved to accept City Manager Steve Burkett's resignation as outlined in a resignation agreement distributed to the Council. Councilmember Fimia seconded the motion.

Deputy Mayor Jepsen asked for clarification of the total amount of the negotiated agreement. He also noted that the agreement incorrectly states that the City has appointed an Interim City Manager.

Councilmember Ransom estimated the total amount to be approximately \$130,000, including benefits. He said the intent of the agreement is that the Council will appoint an Interim City Manager.

Deputy Mayor Jepsen requested that the agreement be modified to reflect this intent since the agreement will be effective tonight.

Councilmember Fimia clarified that the intent is to accept the resignation and then approve a motion to appoint an Interim City Manager. She said the Council may need to recess into Executive Session to consider candidate qualifications and a contract, and then return and make a motion to approve it.

Responding to Mayor Hansen as to whether Council members have already selected an Interim City Manager, Councilmember Fimia responded that she has a proposal.

Mayor Hansen commented that this is the first time he has heard of such proposal

Deputy Mayor Jepsen wished to ensure that Councilmember Chang has had an opportunity to review the proposal since some did not receive the final version until this evening.

Councilmember Chang responded that he was briefed at the dinner meeting and he is comfortable with his understanding of the agreement.

Councilmember Gustafson expressed disappointment that a majority of the Council did not call the rest of the Council to discuss these matters. He said while Councilmember Way has the right to participate, she should recuse herself from the process because as a new Council member she is not in a position to make a legitimate judgment on the City Manager's performance. He concluded that asking for Mr. Burkett's resignation at Christmastime is an "inhumane" thing to do.

Councilmember Way responded that she has every right to participate because she was duly elected and sworn in to the position. She said she has been attending meetings for many years and has a much right to vote as Councilmember Gustafson.

Councilmember Fimia said Councilmember Way is eligible because the motion is to accept the City Manager's resignation, not to do a performance evaluation. She said the rationale for doing it tonight is because a performance evaluation was rescheduled for tonight instead of in January as was originally proposed. She said a letter from Councilmember-elect Cindy Ryu supports the resignation, so this is not the act of a "lame duck" Council.

Mayor Hansen said he will vote against accepting the resignation because he was not consulted in advance on the actions that are required of him.

A vote was taken on the motion to accept the City Manager's resignation as outlined in the resignation agreement, with carried 4-3, with Mayor Hansen, Deputy Mayor Jepsen and Councilmember Gustafson dissenting. Mayor Hansen declared that the City Manager's resignation is accepted and that effective tonight, he is no longer the City Manager.

Councilmember Fimia moved to appoint George Mauer as the Interim City Manager.

Responding to Deputy Mayor Jepsen, it was noted that Mr. Mauer's resume was the only one proposed for consideration this evening.

Councilmember Ransom asked the City Attorney for an opinion on whether an executive session would be necessary.

Ian Sievers, City Attorney, said the Council is allowed to hold an executive session to evaluate qualifications of an applicant for public employment, but the actual appointment must be made in an open public meeting.

Councilmember Fimia explained the rationale for the motion, noting that she would never propose this if she didn't feel Mr. Mauer was entirely competent to perform this job. She reminded the Council that the proposal is for an interim position, and Mr. Mauer would be tasked with assessing City departments and recruiting for a permanent City Manager. She said the intent is to get a City Manager who would be supported and approved by a supermajority of the Council. She outlined Mr. Mauer's experience in professional recruitment and human resources, noting he has lived in Shoreline for over 26 years. She acknowledged that this comes as a surprise and she understands the hesitancy some might have about this, but it is a reasonable proposal. She said hiring Mr. Mauer would eliminate the need to hire a firm to conduct an expensive national recruitment. She said the intent is that the Deputy City Manager would be an applicant for the City Manager position.

EXECUTIVE SESSION

At 9:45 p.m., there was Council consensus to recess into Executive Session for one hour to discuss this personnel matter. At 10:45 p.m. the executive session concluded and the regular meeting reconvened.

MEETING EXTENSION

Deputy Mayor Jepsen moved to extend the meeting until 11:00 p.m. Councilmember Chang seconded the motion, which carried 7-0.

Councilmember Fimia moved to postpone action on the main motion until January 3rd in order to perform a background check and obtain personal and professional references for Mr. Mauer. Councilmember Way seconded the motion, which carried unanimously.

Mayor Hansen announced his resignation as Mayor of the City of Shoreline for the balance of the year, noting that what is going on in the name of public process is "an atrocity."

10. ADJOURNMENT

Upon motion by Councilmember Gustafson, seconded by Councilmember Fimia and unanimously carried, the meeting was adjourned at 10:49 p.m.

December 12, 2005

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Scott Passey
City Clerk

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