DRAFT

CITY OF SHORELINE

SHORELINE CITY COUNCIL
SUMMARY MINUTES OF SPECIAL MEETING

Tuesday, January 3, 2006 Shoreline Conference Center
6:30 p.m. Shoreline Room

PRESENT: Mayor Ransom, Deputy Mayor Fimia, Councilmembers Gustafson, Hansen, McGlashan, Ryu, and Way

ABSENT: none

1. CALL TO ORDER

The meeting was called to order at 6:43 p.m. by Scott Passey, the City Clerk. He introduced Judge Richard Eadie, Presiding Judge of the King County Superior Court, to swear in the newly elected members of the Shoreline City Council.

(a) Swearing in Ceremony of New Council Members

Judge Eadie prefaced the swearing in ceremony with some remarks on the value of public service. He then swore in the following Councilmembers:

- Keith McGlashan elected to Position #1
- Janet Way elected to Position #3
- Cindy Ryu elected to Position #5
- Ron Hansen elected to Position #7

2. FLAG SALUTE/ROLL CALL

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

(a) Election of Mayor and Deputy Mayor

Mr. Passey conducted the election of the Mayor by opening nominations. Councilmember Hansen nominated Rich Gustafson. Councilmember Way nominated Robert Ransom. Seeing no further nominations, Mr. Passey declared the nominations closed. Councilmembers Gustafson and Hansen voted for Councilmember Gustafson. Councilmembers McGlashan, Way, Fimia, Ransom, and Ryu voted for Robert Ransom and he was declared Mayor for a two-year term concluding in December 2007.

Mayor Ransom opened nominations for Deputy Mayor. Councilmember McGlashan nominated Rich Gustafson. Councilmember Ryu nominated Maggie Fimia. Seeing no further nominations, Mayor Ransom declared the nominations closed. Councilmembers McGlashan, Gustafson, and Hansen voted for Councilmember Gustafson. Mayor Ransom and Councilmembers Way, Fimia, and Ryu voted for Maggie Fimia and she was declared Deputy Mayor for a two-year term concluding in December 2007.

RECESS

At 6:55 p.m. the Mayor declared a five-minute recess. The meeting reconvened at 7:02 p.m.

3. CITY MANAGER'S REPORT

Bob Olander, Deputy City Manager, noted that the Council meeting could also be viewed in the Mount Rainier Room via an audio/video feed. He pointed out the addition of Ordinance No. 407 on tonight's agenda.

Mayor Ransom recognized that State Representative Marilyn Chase was in the audience. He then invited Dan Mann, Shoreline School Board member, to provide public comment now because he will not be present later in the meeting.

(a) Mr. Mann expressed support for what he characterized as "dramatic changes" on the City Council, noting that the new Council majority is an articulation of what government should be. He felt that many citizens have been marginalized, due, in part, to former City Manager Steve Burkett. He said people interested in cottage housing, the Aurora Corridor Project, and environmental issues have not felt a sense of citizen participation in Shoreline. He concluded his remarks by reaffirming his support for the changes on the Council.

Councilmember Gustafson noted that former Deputy Mayor Scott Jepsen was also in the audience. He commended him for his leadership and service for the past ten years. He also commended former Councilmember John Chang for his service to the City.

Mayor Ransom recognized other public officials in the audience, including former Councilmember Kevin Grossman, former Mayor Connie King, and former State Senator Donn Charnley.

4. REPORTS OF BOARDS AND COMMISSIONS: none

5. PUBLIC COMMENT

(a) Nora Kristjansson, Shoreline, remarked about her disbelief at the actions of four Council members at recent meetings. She commented that Seattle Magazine voted Shoreline as "Best Place to Live" in 2005, but the new Council majority is trying to destroy the City's vision. She said many people are ashamed and embarrassed at the

Council's recent actions, but they have awakened and will be watching the Council very closely.

(b) Bob Mascott, Shoreline, emphasized the need for the City to come together and resolve its problems, describing recent Council action as "water under the bridge." He cautioned people against making statements "designed to tear the City apart." On another topic, he said the 15th Avenue NE construction project has created additional problems for residents, including cut-through traffic.

(c) Chris Eggen, Shoreline, said he was appalled at the behavior of the audience and some Council members at the December 27 Council meeting. He said losing is a part of democracy, and the former City Manager was partisan and part of the "old" Council majority. He said "the people have spoken" and encouraged people to work with the new Council.

(d) Fran Lilliness, Shoreline, corrected her statement from last week in which she said the former City Manager was "a home grown boy." She said Mr. Burkett was brought up in Pasco, Washington.

(e) Dom Amor, Shoreline, representing Citizens for Shoreline Schools, urged the Council and residents to support the upcoming school bond/levy proposal. He said this will be a critical election, noting that the bond kick-off event will be held January 11. He distributed buttons in support of the Shoreline School system.

(f) Stan Terry, Shoreline, alleged that the Council "gang of four" violated the Open Public Meetings Act because the full Council was not aware of the majority's plans to get rid of Mr. Burkett, and there was no opportunity for public comment. He hoped this is not the manner in which Council intends to operate in the future.

Councilmember Fimia clarified for the record that there were no illegal meetings and that Mr. Burkett resigned voluntarily. She requested a history of other City Managers who either resigned or were fired.

Mayor Ransom said that counsel assigned by the Washington Cities Insurnace Authority affirmed there was no violation of the Open Public Meetings Act.

Councilmember Gustafson requested that Council allow all speakers to comment before the Council comments in response.

(g) Bronston Kenney, Shoreline, said there is only conjecture about "secret meetings" and the actions of the December 12 meeting came as a result of the actions of the "old guard." On another topic, he said cottage housing is opposed by Shoreline residents and the idea should be abandoned since it has only benefited developers to the detriment of Shoreline property owners.

(h) LaNita Wacker, Shoreline, said the oath of office means that Shoreline City Council members now represent 100 percent of the citizens. She expressed concern about nepotism and cronyism, noting that the City must hire on the basis of merit. She said the process for recruiting a City Manager must be competitive and open to all bidders.

(i) Paul Herrick, Shoreline, said although the firing of the City Manager was a personnel issue, the manner in which it was done was unethical and undemocratic. He expressed support for a recruitment process that is inclusive and open. He commented that Mr. Mauer has no experience in municipal government and recruiting him would not constitute a competitive, open process.

(j) Cindy Neff, Shoreline, said the letter requesting WCIA assistance for the City Manager's resignation agreement was dated December 9, but other Council members were not notified of it until December 12. She asked why the Mayor did not contact other Councilmembers until December 12, noting Mayor Ransom stated that "everything had to be completed in one day."

(k) Dan Thwing, Shoreline, pointed out that the Council is entitled to make certain decisions on behalf of the City, including the hiring and firing of the City Manager.

(l) Steve Gibbs, Shoreline, suggested there be a new tone in the City, one that protects the Constitution and promotes impartiality. He noted that municipal governments are really republics, and that everyone is Shoreline favors more sidewalks.

(m) Larry Owens, Shoreline, urged the Council to uphold democracy, work together, and move forward. He also urged the City to take a leadership position in the areas of renewable energy and sustainable growth. He noted that Parkwood Elementary will be the second public facility in Shoreline to install solar power.

(n) Elaine Phelps, Shoreline, noted that the resignation of the City Manager is a personnel issue and is not usually a public process. She commented on that lack of diversity among City staff and the City's poor environmental record. She said the meeting of December 27 was "an outpouring of partisan unhappiness" and that the Council should now move forward with the City's business.

(o) Bill Clements, Shoreline, thanked Vicki Stiles and Ros Bird for their contributions to Shoreline vis-à-vis the Shoreline Historical Museum and the Shoreline Lake Forest Park Arts Council. He urged the Council to approve the contracts on tonight's consent calendar and to consider increasing the budgets.

(p) Matthew Fairfax, Shoreline, noted that the personnel matter involving the City Manager was not a full Council decision. He said the Council now has the opportunity to model the behavior it requests of others. He thanked former Council member Scott Jepsen for his contributions to the City during his tenure.

(q) Larry Wheaton, Shoreline, noted that the gambling industry creates City revenue and jobs in the City. He commented on the lack of support for gambling from the former City Manger and the past Council majority. He said he is pleased with the new Council and that the City will succeed if it works together.

(r) Jim Jaquish, Shoreline, said recent actions of the Council are disappointing, but he emphasized the need to work together and move forward. He urged the City not to waste money on City Manager recruitment, noting that funding can always be used for sidewalks.

(s) Dwight Stevens, Shoreline, outlined his long history of civic involvement in Shoreline and said although the new majority has "dug a hole," it is time to move forward with the City's business.

(t) Vicki Westberg, Shoreline, congratulated the new member of the City Council and hoped the new Council can work together and make progress.

(u) Bill Meyer, Shoreline, urged the Council to try to understand their differences, use time wisely and work together. He said the City Manager issue was a politics issue, not a personnel issue, and that politics are "dirty and clean." He noted that George Mauer's name has been taken "through the mud."

(v) Bernedette Hart, Shoreline, said the past two Council meetings have been a "rude awakening" and that recent actions have damaged Shoreline's reputation. She urged the Council to treat others with respect and use public money wisely. She cautioned against "creating jobs for friends" and that Shoreline needs an experienced consultant firm to recruit for the new City Manager.

(w) Diana Stephens, Snohomish County, commented on the loss of sales tax revenues due to the detrimental effects of the Aurora Corridor Project on businesses. She noted that new businesses will not create as much revenue as existing businesses, and two businesses have already closed due to Aurora Corridor Phase I. She said she looks forward to the creation of citizen committees to resolve some of these problems.

(x) Raymond Collins, Shoreline, noted that personnel matters are conducted in closed meetings, and that the confusion regarding Janet Way's swearing-in is the result of either corruption or incompetence of the "old guard." He asserted that the City has ignored environmental laws and has not been responsible. He said the change in City Manager was a referendum on Mr. Burkett.

(y) Julie Huff, Lake Forest Park, urged the Council to support Firecrest School noting that it has served the State very well for many years. She said the past Council has had a lack of respect for King County laws or the environment. She urged the Council to make good decisions regarding development and work together to move Shoreline forward.

(z) Kennie Endelman, Shoreline, district director for Congressman Jay Inslee, announced that Coungressman Inslee's new district office is located in E-800 of the Shoreline Conference Center. She invited community members to an open house on January 12.

(aa) Bob Barta, Shoreline, said he has faith that the Council will "do the right thing" and consider the health, safety and welfare of Shoreline residents in its decisions. He said the City needs sidewalks to "civilize" the City, and expressed support for the Economic Development program. He urged the City to expand the publication of its Currents" newsletter.

(bb) Les Nelson, Shoreline, said he is encouraged by the new Council majority, noting that staff has been unresponsive to citizen concerns. He said he objected to the Aurora Corridor design but his concerns were not heeded. He said the new majority will control staff, and now maybe staff will give citizens more respect.

(cc) Gretchen Atkinson, Shoreline, expressed support for the contracts for the Shoreline Historical Museum and Shoreline/Lake Forest Park Arts Council. She said both contracts have supported school children, and she supports the contracts in the full amount.

(dd) Susan Macek, Shoreline, said the proposed salary for George Mauer warrants extensive research since he has no public experience and the contract is for a sole-source appointment. She noted that Initiative 900 provides for state-funded audit review.

(ee) David Townsend, Shoreline, urged the Council to come together as a group and support measures intended to protect children. He commented that development and other agendas have taken priority over the interests of children, and he urged the City to concentrate on its neglected infrastructure.

(ff) Joe Ripley, Shoreline, commented favorably on the change in the City Council, noting that it is time to move forward and work on City issues. He commented on the inadequacy of the 15th Avenue project's three lanes of traffic and on insufficient lane striping. He expressed support for building the new City Hall at the Shoreline Conference Center site.

(gg) Winslow Whitman, Shoreline, thanked the Council for pedestrian-friendly facilities such as the Interurban Trail.

(hh) Walt Hagen, Shoreline, expressed satisfaction with the new Council, noting his expectation that the City government be forthright and citizen-driven. He said City policies have demonstrated a lack of respect for neighborhoods and a weakening of the Development Code. He urged the Council to reconsider City projects that have

negative cumulative impacts, such as Aurora Corridor and North City. He urged the Council to listen to the "voice of the neighborhoods."

(ii) Dick Lemmon, Shoreline, noted that Shoreline residents feared the prospect of Shoreline's annexation to Seattle, but incorporation brought in two groups of people: school advocates and developers. He asserted that Mr. Burkett never listened to Shoreline citizens.

(jj) Tom Dunnihoo, Shoreline, congratulated the new Council and urged it to enhance its emergency preparedness programs. He noted the devastating damage caused by natural disasters throughout the world and advised that the City should further develop its programs and inventory its resources.

(kk) Kevin Grossman, Shoreline, expressed concern that certain members of the Council violated the Open Public Meetings Act in forcing the City Manager's resignation and proposing the appointment of George Mauer. He said this is not the democratic process and that a lawsuit has been filed in King County Superior Court to ensure that people are held responsible for their actions.

(ll) Jeanne Monger, Shoreline, said Shoreline's recognition as "Best Place to Live" is not due to a bad City Manager, Council and staff. She commented favorably on various City departments and urged the Council to only consider "what needs fixing." She thanked Council members Jepsen, Chang, and Grace for coming together in honest openness.

(mm) Pat Murray, Shoreline, commented that complaints expressed at the December 12 Council meeting are evidence that people have not been paying attention to ongoing issues in the City.

(nn) Ken Noreen, Shoreline, supported the Arts Council and the Historical Museum and urged Council's approval of both contracts. He expressed his confidence in Mayor Ransom's ability to bring the entire Council together.

(oo) George Daher, Shoreline, expressed gratitude for the new "light" on the Council, noting that citizens were not able to view previous Council changes on Channel 21 because it was "blacked out." He was confident the new Mayor would do a good job.

(pp) Will Knedlik, Shoreline, urged the Council to join other cities such as Lake Fortest Park in partnership for representation on the Sound Transit Board. He felt that joining with other cities will ensure "one person, one vote" representation on the Board.

(qq) Peter Henry, Shoreline, expressed hope and pride for the new Council, noting that the new Council will focus on critical issues such as protecting open space and the environment. He thanked the Council for its unanimous vote for purchasing the 3-acre "South Woods" parcel.

(rr) Tim Crawford, Shoreline, felt that any performance audit in Shoreline should include the police department. He said inspectors are not "doing their jobs' with regard to the Aurora Corridor project, and that past Council majorities had ethical problems with regard to the Aegis project. He emphasized the need to "clean house."

(ss) Patty Crawford, Shoreline, said that past Councilmembers did not believe in a citizen's right to appeal, and people should not be accusing the new Council majority. She advocated for replacing the Council's representative on the WRIA-8, emphasizing that the City should not try to use WRIA-8 to undermine City streams and wetlands.

(tt) Kristin Ellison Oslin, Shoreline, chaplain at Fircrest School, related a story about a Fircrest client to illustrate the need to protect constitutional rights. She said it was exciting to see the newly elected official sworn-in and she is excited about participating in the public process.

(uu) Doug Spring, Shoreline, charged that a Council majority met secretly to discuss the City Manager's resignation because the contract terms were negotiated in advance. He asked why the Council decided to buy-out his contract when it was ending anyway. He emphasized that the City elected seven Council members, not four.

(vv) Rick Stephens, Shoreline property owner, said the City has limited public input in the past by eliminating citizen advisory committees and public comment, but he felt confident the new Council would listen to the public. He stated that Aurora Avenue is not in the top 71 high-accident corridors in the northwest, and that Phase I will end up costing $37 million. Ultimately, this will cost Shoreline taxpayers through increased utility rates.

6. APPROVAL OF THE AGENDA

Councilmember Way requested that Consent items 7(a) and 7(b) be pulled and placed as Action items 8(a) and 8(b). Councilmember Gustafson moved approval of the agenda as amended, with original Action items 8(a), 8(b) and 8(c) becoming Action items 8(c), 8(d), and 8(e), respectively. Councilmember Hansen seconded the motion, which carried 5-2, with Councilmembers Ryu and Way dissenting, and the agenda was approved as amended.

7. CONSENT CALENDAR

Consent items 7(a) and 7(b) became Action items 8(a) and 8(b).

RECESS

At 9:15 p.m., the Mayor called for a 15 minute recess. The Council meeting reconvened at 9:31 p.m.

8. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

(a) Motion to authorize the City Manager to execute a contract between the City of Shoreline and the Shoreline Historical Museum in the amount of $63,525 to provide Educational and heritage programs for citizens of Shoreline

Councilmember Hansen moved to authorize the City Manager to execute a contract between the City of Shoreline and the Shoreline Historical Museum in the amount of $63,525. Councilmember Gustafson seconded the motion.

Councilmember Way spoke in support of the motion, emphasizing the need to enhance and build upon the Museum and its programs. She expressed interest in a more in-depth discussion of the needs and goals of the Museum at a future time, and felt the Council should perhaps consider a potential funding increase.

Deputy Mayor Fimia and Councilmembers Ryu and Gustafson concurred that Shoreline has a rich history and the Museum programs should receive strong support by the City.

A vote was taken on the motion, which carried unanimously.

(b) Motion to authorize the City Manager to execute a contract between the City of Shoreline and the Shoreline/ Lake Forest Park Arts Council in the amount of $63,525 to provide educational and cultural opportunities for citizens of Shoreline

Councilmember Hansen moved to authorize the City Manager to execute a contract between the City of Shoreline and the Shoreline /Lake Forest Park Arts Council in the amount of $63,525. Councilmember Gustafson seconded the motion.

Councilmember Way requested that this item be scheduled for further discussion at a future time.

A vote was taken on the motion, which carried unanimously.

(c) Appointment of Interim City Manager

Mr. Passey clarified that staff reviewed the audio tapes of the December 12 Council meeing and discovered that the motion to appoint George Mauer as Interim City Manager was not officially seconded. Therefore, a new motion is in order.

Deputy Mayor Fimia moved to appoint Bob Olander as Interim City Manager, approve a 10% increase in his salary, and not fill the Deputy City Manager position during the interim period. Councilmember Way seconded the motion.

Councilmember Hansen moved to divide the question in two parts: 1) appointing Bob Olander as Interim City Manager; and 2) approving a 10% salary increase and not filling the Deputy City Manager position during the interim. Councilmember Gustafson seconded the motion. Councilmember Hansen spoke in favor of the motion, noting that the Council should consider Mr. Olander's experience and negotiate the salary separately from the appointment. **A vote was taken on the motion, which failed 3-4, with Councilmembers Hansen, Gustafson, and McGlashan voting in the affirmative.**

Withdrawing her original motion, Deputy Mayor Fimia moved to appoint Bob Olander as Interim City Manager. Councilmember Gustafson seconded the motion.

Mayor Ransom called for public comment.

(a) Raymond Coffey, Shoreline, said he was appalled at the Council actions of December 12 and December 27 regarding the City Manager, asserting that a Council majority already formed an opinion. He supported appointing Mr. Olander and said the process should be open and allow for public input.

(b) LaNita Wacker, Shoreline, felt the motions related to Interim City Manager and Deputy City Manager should be considered separately. She supported appointing Mr. Olander and advised that he should be allowed to choose his own Deputy City Manager. She felt this would ease the concerns of City staff and give confidence to the public that the City is being managed by an expert administrator.

(c) Steve Goldstein, Shoreline, said despite his disagreements with some members of the Council, the Council should use this opportunity as a means of coming together. He feared that the current antipathy has the potential of turning into "complete disfunctionality." He urged the Council to try to work together, trust each other, and find common ground.

(d) Scott Jepsen, Shoreline, said the employment agreement with Mr. Mauer and Councilmember Ryu's endorsement letter indicates that Council's intent was to hire George Mauer as Interim City Manager. He expressed support for appointing Mr. Olander as Interim City Manager.

A vote was taken on the motion, which carried 7-0, and Bob Olander was appointed as Interim City Manager.

The Council then discussed the timing of discussions on salary issues and whether they should be done in open session or Executive Session. They also wondered if adding such items to the agenda could violate public meeting laws.

Ian Sievers, City Attorney, advised that the Council could add this item to the agenda because this meeting is predetermined by rule in advance, so it is not a special meeting as defined by the Open Public Meetings Act. Special meeting notices simply alert the Council and the public that final action will be taken. He explained that even if this were

a special meeting under the Act, the notice can be waived by Councilmembers in advance or if all Councilmembers are in attendance. He felt it was probably appropriate to consider the compensation issue so the Interim City Manager has an established salary.

MEETING EXTENSION

At 10:10 p.m., Deputy Mayor Fimia moved to extend the meeting to 11:00 p.m. Councilmember Way seconded the motion, which carried 7-0.

EXECUTIVE SESSION

At 10:11 p.m., Mayor Ransom announced that the Council would recess into Executive Session for 30 minutes to discuss a personnel issue. At 10:28 p.m., Mayor Ransom emerged and announced that the Executive Session would be extended an additional 15 minutes. The Council reconvened at 10:49 p.m.

Councilmember Fimia moved to approve a 10 percent increase in the base salary of the Interim City Manager. Councilmember Ryu seconded the motion.

Councilmember Hansen felt that a full compensation package for the Interim City Manager should be considered in an Executive Session. He also felt it was premature to discuss it now and inappropriate to just "toss a number out."

Councilmember Way expressed support for the motion, commenting favorably on Mr. Olander's competence and reputation. She urged the Council to support the motion because the scope of work is already defined.

Mayor Ransom called for public comment.

(a) LaNita Wacker, Shoreline, felt it was not appropriate for Council to vote on this now because Mr. Olander deserves a complete, negotiated package. She felt a 10% increase was "an insult' and urged the Council to table the motion and have an Executive Session at a later time.

(b) Scott Jepsen, Shoreline, concurred with the previous speaker. He considered it worthwhile to spend the time to determine what fair compensation would be. He also asked about the 10% increase in terms of a monetary value.

(c) Fran Lilliness, Shoreline, said it is disrespectful to offer Mr. Olander a 10% raise. She asked if the proposal is 10% in all categories or 10% in salary alone.

Mayor Ransom clarified that a 10% adjustment would increase Mr. Olander's annual salary from about $119,000 to $129,000. It was noted the proposal is for an increase in base salary only.

Councilmember Gustafson concurred that it would be better to negotiate a salary package in an executive session. He indicated he would vote against the motion.

MEETING EXTENSION

At 11:00 p.m., Councilmember Way moved to extend the meeting to 11:30 p.m. Deputy Mayor Fimia seconded the motion, which carried 4-3, with Councilmembers McGlashan, Gustafson and Hansen dissenting.

After further Council discussion, **a vote was taken on the motion, which carried 4-3, with Councilmembers McGlashan, Gustafson and Hansen dissenting.**

Deputy Mayor Fimia moved to amend the agenda to consider item 8(e) (Ordinance No. 407) next. Councilmember Ryu seconded the motion.

Councilmember Gustafson noted that many people have signed up to speak on other agenda items. He felt the agenda should continue as previously adopted. Councilmember McGlashan concurred.

Councilmember Way noted that Ordinance No. 407, proposal to adopt a tree cutting moratorium, constitutes an emergency and should be considered next.

A vote was taken on the motion, which failed 3-4, with Deputy Mayor Fimia and Councilmembers Ryu and Way voting in the affirmative.

Deputy Mayor Fimia moved that the Council not fill the Deputy City Manager position during the interim period. Councilmember Ryu seconded the motion.

Mayor Ransom called for public comment.

(a) LaNita Wacker, Shoreline, spoke against the motion, insisting that Mr. Olander needs an assistant in order to effectively conduct the business of the City. She said putting this item on the agenda with no prior notice to the public is unconscionable and wrong.

(b) Rick Stephens, spoke favorably of Mr. Olander and expressed confidence in his capabilities and willingness to serve. He said raising his salary is reasonable.

(c) Matthew Fairfax, Shoreline, felt the proposed action was "putting the cart before the horse." He felt Mr. Olander would be doing the jobs of two persons and would therefore be underpayed.

(d) Elaine Phelps, Shoreline, said Mr. Olander is capable of speaking for himself, and he has stated he can do the job. She spoke against the "partisan nonsense" she sensed surrounding this issue and urged citizens to allow the Council to do the job it was elected to do.

Councilmember Gustafson felt this item should be put on a future agenda for further analysis.

Councilmember Ryu supported the motion, explaining that if the Deputy City Manager position is filled and Mr. Olander decides not to become the permanent City Manager, his job will be given away.

Councilmember Hansen opposed the motion because he felt Mr. Olander, as Interim City Manager, should be able to decide whether the job should be filled. He said the Council should not "tie his hands" by passing a motion saying he can't fill the position.

Councilmember McGlashan pointed out that the budget calls for three positions in the City Manager's office, so not filling the position will create increased workload. He suggested a friendly amendment to limit the time frame to three weeks.

After further discussion and upon Mr. Olander's pledge that he would not fill the position without Council approval, **Deputy Mayor Fimia withdrew the motion.**

(d) Contract for Performance Assessment/Audit and City Manager Recruitment

Mayor Ransom explained that consideration of this item would be divided into two parts: the scope of work for the performance assessment/audit; and personnel issues.

Deputy Mayor Fimia moved to award a contract with George Mauer to provide performance audit/assessment services. Councilmember Way seconded the motion.

Deputy Mayor Fimia commented that she does not make this proposal lightly, and although this issue has been controversial, she is extremely impressed with Mr. Mauer's grasp of the issues in Shoreline. She outlined Mr. Mauer's background and experience in organizational development and emphasized the need to realign priorities in Shoreline. She added that while she supports the bid process, there have been too many people from outside the City giving Shoreline advice. She commented that there have been many allegations and misinformation surrounding this proposal. She felt Mr. Mauer would do an excellent job and help bring the City together.

Mr. Mauer addressed the proposal and outlined his philosophy on government, Shoreline's valid attributes, and performance evaluations. He said while he did not seek this position, he was offered it and felt as though he could make a contribution. He clarified that the proposal is only for a 7-month engagement with a base salary of $58,000. He addressed the issue of government as a monopoly, explaining that cities must substitute openness for competition, but if openness suffers, then the structure breaks down. He said the 4-3 vote of the City Council is a structural problem that disenfranchises the minority and undermines goodwill, but this can be mitigated if the City changes the way it governs.

Continuing, Mr. Mauer questioned the credibility of the City's performance measurement program, noting that it contains redundancy and lacks definitions, targets, and relevant performance measures. He advised that the plan should provide more detail, and more alignment of goals should be made between the Council, staff, and public. He concluded that his methodology would include a three-phase process: 1) data collection; 2) feedback; and 3) an action planning process. He summarized that if Shoreline does not change its structure and processes, the outcome will remain the same.

MEETING EXTENSION

At 11:30 p.m., Councilmember Hansen moved to extend the meeting until 1:00 a.m. Councilmember Way seconded the motion, which carried 5-2, with Councilmembers Gustafson and McGlashan dissenting.

Mayor Ransom called for public comment.

(a) Bob Mascott, Shoreline, requested that the Council consider reinstating commissions in an effort to find consensus on singular projects. He said even though there are now approved state audits, the City might want to consider its own audit and prepare for "something we know is coming." He advocated for street lighting for all Shoreline residents and noted there are no sidewalks on the east side of 15th Avenue NE.

(b) Fran Lilliness, Shoreline, said she would prefer saving taxpayer dollars by having the state conduct performance audits.

(c) Rick Stephens, Shoreline property owner, supported the proposal because it will get to the root of the problems, solve them, and make the City better. He commented that the level of service (LOS) for the Aurora Corridor is decreasing and the City has wasted millions of dollars on the project.

(d) Stan Terry, Shoreline, said he has known Mr. Mauer for many years and although he is a thoughtful person, he should not be awarded this contract. He said the proposal not only amounts to cronyism, but fraud, unnecessary waste. and abuse. He said the City could get the same services through an RFP, and the state can audit the City at no additional expense.

(e) LaNita Wacker, Shoreline, felt the issues should be separated and the City should hold a public hearing to see if citizens want an audit. She said the City's hiring process must require the proper certifications and credentials of its candidates. She wondered if the City could attract qualified candidates for City Manager under the present scenario. She noted that George Mauer lost the election, and 10% of the voters did not vote for either candidate for Council position #7.

(f) Wendy DiPeso, Shoreline, noted that the former Council majority did whatever it wanted and the minority suffered, so the City must try to avoid the continued

dischord. She emphasized the need for conflict resolution and "getting the job done," adding that Mr. Mauer has an intimate understanding of the City's problems.

(g) Mary Fox, Shoreline, noted that 150 people signed a petition tonight against the new Council majority and the process they followed. She said they already support the contract, but the state can cover the audit needs and an RFP can cover the City Manager recruitment.

(h) Bill Clements, Shoreline, said Mr. Mauer is a failed political candidate who lacks city government experience and the independence to conduct a valid audit without bias. He added that audits must follow the Government AAA (yellow book) and any work Mr. Mauer produces will be useless.

(i) Elaine Phelps, Shoreline, supported the motion and said Mr. Mauer is being considered for a much-needed duty. She commented on what she felt were "wild accusations" and "attacking for the purpose of attacking," adding that people need to be reasonable and not "sound like a bunch of sheep."

(j) Les Nelson, Shoreline, noted that Mr. Mauer's advantage is that he is not a public employee.

(k) Marilyn Torvik, Shoreline, concurred with Ms. Wacker's remarks and urged the Council to divide the two issues. She said there should be a public discussion on why the Council feels an audit is needed.

(l) Tom Berquist, Shoreline, urged the Council to use a competitive process. noting that Mr. Mauer's closeness should be viewed as a detriment. He emphasized the need for objectivity and for someone who comes with "a clean slate."

(m) Cheryl Lee, Shoreline, encouraged the Coucnil to think this proposal through and how it aligns with the City's goals. She felt the proposal lacked a legitimate problem statement and she failed to see the facts or evidence that would necessitate a performance evaluation.

(n) Scott Jepsen, Shoreline, said the proposal lacks vision, and he did not hear Mr. Mauer address his process or products. He asked why dropping the City Manager scope of work only decreased the proposal by $500 per month, and why the Council opposes getting the best qualified candidate through an RFP process. He said the proposal violates the City's procurement policies.

(o) Amely Rosenberg, Shoreline, said Deputy Mayor Fimia was quoted as saying that "Shoreline voted for change," but citizens did not vote for Mr. Mauer. She commented on the need for competition and openness, not the concepts that Mr. Mauer is favoring.

(p) Raymond Collins, Shoreline, asked when the state would get around to conducting an audit.

Mayor Ransom responded that state audits take priority, so it could take a couple years before a City audit could be done.

(q) Peter Henry, Shoreline, urged a focus on the need for an audit rather than attacking Mr. Mauer. He felt Mr. Mauer accurately described how City business gets done, pointing out that he was involved in Vision Shoreline. He said perhaps the City does not need a technical audit, but it needs an audit nonetheless.

Councilmember McGlashan moved to table the motion until the background check is complete. Councilmember Gustafson seconded the motion.

It was noted that the background check has been completed, but the reference check has not. Councilmembers McGlashan and Gustafson felt the City should not proceed until the reference check occurs.

Deputy Mayor Fimia felt there have been many compelling arguments and it is important to feel comfortable with the study. She hoped that the vote would not be a 4-3 decision.

A vote was taken on the motion, which failed 3-4, with Councilmembers McGlashan, Gustafson, and Hansen voting in the affirmative.

There was Council consensus to defer further deliberations until later and dispose of 8(e) now.

(e) Ordinance No. 407, adopting a Moratorium and Interim Controls pursuant to RCW 35A.63.220 prohibiting the cutting of trees in Critical Areas and prohibiting land clearing or grading in Critical Areas, and declaring an emergency

Joe Tovar, Planning and Development Services Director, provided the staff report and summarized that this action would impose a moratorium on the cutting of hazardous trees in Critical Areas. He concluded that the present situation is untenable because it appears that there is ongoing tree cutting that should not be occurring. He said a public hearing on this matter will be scheduled for February 6, and that staff will request further direction on what a permanent regulation should look like.

Mr. Olander felt there could be some middle ground that protects the functions and values of trees while also allowing tree trimming that enhances the canopy.

Mayor Ransom called for public comment.

(a) Fran Lilliness, Shoreline, said she's been very involved in the issue and the moratorium ordinance came as a surprise to her. She said it is wrong for the Council to prohibit people from having views, explaining that views and trees can be preserved by planting roof-height trees. She noted that increased property values through view preservation translate into increased tax revenue for the City.

(b) David Fosmire, Shoreline, agreed that there should be some compromise. He noted that all of the provisions of Ordinance No. 407 are currently being met, so it in unclear whether the ordinance is necessary. He said tree cutting in Innis Arden meets the hazardous tree definition, and every tree that has been altered in Innis Arden is a result of a direct recommendation from a certified arborist.

(c) Elaine Phelps, Shoreline, urged the Council to enact the moratorium, noting that the issue is not one of restoring views but of creating views that did not previously exist. She said the Innis Arden Board has prohibited members from getting second opinions from certified arborists, and said the Board does not understand compromise. She said the current conditions do not allow for compromise.

MEETING EXTENSION

At 1:00 a.m., Councilmember Gustafson moved to extend the meeting until 1:10 a.m. Councilmember McGlashan seconded the motion.

Councilmember Way felt the meeting should be extended further because of the emergency nature of this item and because illegal tree cutting is occuring.

A vote was taken on the motion, which carried 4-3, with Deputy Mayor Fimia and Councilmembers Ryu and Way dissenting.

(d) LaNita Wacker, Shoreline, supported the moratorium and said the City cannot allow the cutting hazardous trees without a permit. She said the City "should not allow one twig to be removed without City oversight." She felt the City needs the authority to stop the tree cutting machinery, since entire forests can be decimated in a short period of time. She noted the benefits that forests provide the community.

(e) Mike Jacobs, Shoreline, representing the Innis Arden Club, said there is no illegal cutting occurring in Innis Arden, and every tree that is cut is recommended by a ceritifed arborist. He said Innis Arden Club is the steward of 58 acres of forest, and it has a responsibility to remove unsafe or failing trees. He added that tree cutting is not occurring in critical areas, and many statements made about this matter are false.

(f) Pam Smith, Shoreline, said Councilmember Way's statements are incorrect and the Council must look at both sides of the argument. She said the Innis Arden Board is elected to represent the residents, and she is well aware of the hazardous tree conditions in the Reserves. She felt the Council is considering inaccurate information, and that some Councilmembers have already made up their minds.

MEETING EXTENSION

At 1:10 a.m., Councilmember Ryu moved to extend the meeting until 1:30 a.m. Deputy Mayor Fimia seconded the motion, which carried 5-2, with Councilmembers Gustafson and Hansen dissenting.

(g) Eva Sledziewski, Shorleine, describing the ordinance as a "pathetic document" that she suspects some Councilmembers may not even have read. She described the hazardous conditions in the Innis Arden Reserves and spoke about the liability that residents are exposed to. She urged the Council to allow the Innis Arden Club to manage its reserves.

(h) Pat Murray, Shoreline, felt that many problems could be solved by employing a City arborist who can determine whether trees are hazardous or not.

Mr. Olander said staff is not alleging illegal cutting, but the current regulations are inadequate and the City cannot adequately inspect conditions. He said the moratorium is a temporary solution until a permanent one can be decided.

Councilmember Gustafson moved to postpone action on this item until January 9. Councilmember McGlashan seconded the motion.

The Council then discussed whether this item should be postponed for further deliberations or whether action should be taken tonight. Councilmembers Gustafson and McGlashan favored postponing in order to analyze the correspondence and get more information from the public. Mayor Ransom and Deputy Mayor Fimia emphasized the serious nature of this proposal and the need to act upon it tonight.

A vote was taken on the motion, which failed 3-4, with Councilmembers Gustafson, Hansen and McGlashan voting in the affirmative.

Deputy Mayor Fimia moved to adopt Ordinance No. 407. Councilmember Ryu seconded the motion.

Councilmember Hansen had mixed feelings about the measure but agreed that the ordinance is difficult to understand. He asked staff to clarify if the ordinance suspends Section 20.50.310(A)(1) and prevents cutting trees without City permission.

Mr. Tovar responded that the measure only imposes a moratorium on cutting hazardous trees in critical areas, which is currently exempt from City code.

Councilmember Gustafson felt he needed more time to consider this proposal and possibly tour the sites in question. He noted that this was added to the agenda this evening so most people just found out about it. He did not consider it a "dire emergency."

Councilmember Way expressed support for the motion, which she considered a serious proposal. She said under the present situation, permits and variances are, in effect, being issued without any findings of fact, appeal opportunities, or other public process. She felt the moratorium would provide legal protection until a better solution is crafted in the Critical Areas Ordinance (CAO).

Mayor Ransom felt the moratorium to be appropriate for this situation, since it permits further opportunity for consideration. He pointed out that the City has only issued emergency ordinances about four times in the past ten years, so this is very rare.

Mr. Olander clarified that the City does not issue permits or variances for tree cutting in this particular situation. The problem the City is trying to address is the fact that cutting hazardous trees in critical areas is currently exempt from the code. He said the reason a moratorium is proposed without much notice is to prevent the potential cutting of trees in anticipation of a moratorium.

Mr. Sievers noted that state law upholds the process of having a hearing following adoption of the moratorium ordinance; the findings can be adopted before the public hearing. He explained that if Council wishes, the emergency clause could be removed. This would mean that the ordinance is effective five days after passage and publication rather than taking effect immediately.

Responding to Councilmember Hansen, Mr. Tovar affirmed that this is more restrictive than what is in the present CAO. He clarified that this is an interim measure.

MEETING EXTENSION

At 1:30 a.m., Councilmember McGlashan moved to extend the meeting until 1:35 a.m. Deputy Mayor Fimia seconded the motion, which carried 5-2, with Councilmembers Gustafson and Hansen dissenting.

A vote was taken on the motion to adopt Ordinance No. 407, which carried 4-3, with Councilmembers Gustafson, Hansen, and McGlashan dissenting.

Deputy Mayor Fimia moved to postpone action on item 8(d) to the January 9 Council meeting. Councilmember Ryu seconded the motion, which carried unanimously.

9. ADJOURNMENT

At 1:35 a.m., Mayor Ransom declared the meeting adjourned.

Scott Passey, City Clerk

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