

DRAFT

CITY OF SHORELINE

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

Monday, October 9, 2006
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

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

ABSENT: Councilmember Gustafson

1. CALL TO ORDER

The meeting was called to order at 7:41 p.m. by Mayor Ransom, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Ransom led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present, except for Councilmember Gustafson and Councilmember Ryu. Mayor Ransom indicated that Councilmember Ryu would be arriving late.

Councilmember McGlashan moved to excuse Councilmember Gustafson. Councilmember Hansen seconded the motion, which carried 5-0.

Councilmember Ryu arrived at 7:45 p.m.

(a) Proclamation of "Alternative Fuel Vehicle Day"

Mayor Ransom read the proclamation and presented it to the Dr. Lee Lambert, President of Shoreline Community College (SCC) and the following individuals:

- Gidget Terpstra, SCC Board Chair
- Dick Stucky, SCC Board Vice-Chair
- Shoubee Liaw, SCC Trustee
- Edith Loyer Nelson, SCC Trustee
- Madhuri Hosford, Automotive Project Consultant

Dr. Lambert accepted the proclamation on behalf of the board, trustees, faculty, staff and students of Shoreline Community College. He stated he was looking forward to building and maintaining an environmentally sustainable community with the assistance of the City. He thanked the Council for the proclamation.

Madhuri Hosford thanked the Council and noted that the college has received a tremendous response for the Odyssey Days event. She invited the Council and the public to the event and reminded everyone that the event is October 13th and 14th at Shoreline Community College.

3. REPORT OF THE CITY MANAGER

Bob Olander, City Manager provided updates and status reports on the following items:

- Odyssey Days will be held on October 13 – 14 at Shoreline Community College from 9:30 a.m. to 4:00 p.m.
- There will be an open house at Hamlin Park on October 14 from 10:00 a.m. to 12:00 noon to discuss the possibility of an off-leash dog park in Shoreline.
- Shoreline residents worked to install a new play structure at Ridgecrest Elementary School.
- City staff received an overwhelming response to the Comprehensive Housing Citizens Advisory Committee, with 66 applications received.
- The Richmond Beach Community Association will be sponsoring Candidate Night on October 10 at the Richmond Beach Congregational Church.
- King County is holding an open house concerning the Hidden Lake Pump Station and Boeing Creek Park project for affected residents and the community on October 11.

4. REPORTS OF BOARDS AND COMMISSIONS: none

5. GENERAL PUBLIC COMMENT

(a) Elaine Phelps, Shoreline noted that the Council meeting did not play on Channel 21 last weekend. She thanked the Council for the domestic partner health benefits adoption. She also appreciated the Alternative Fuel Vehicle proclamation. She said there have been some slanderous comments towards City Councilmembers and neighbors, and she felt people should deal with land use and City business-related problems in a public way. She also said the criticism of long meetings is unjustified because the Council is dedicated to community needs.

Mr. Olander stated there have been some issues with Channel 21 this weekend and the City staff is aware and are working to resolve them.

6. APPROVAL OF THE AGENDA

Councilmember Way moved to approve the agenda, pulling Item 7(c) from the Consent Calendar and making it Item 8(a). Councilmember Ryu seconded the motion, which carried 6-0.

7. CONSENT CALENDAR

Deputy Mayor Fimia moved approval of the Consent Calendar. Councilmember Hansen seconded the motion, which carried 6-0, and the following items were approved:

Minutes of Business Meeting of August 28, 2006

Minutes of Workshop Dinner Meeting of September 11, 2006

**Approval of expenses and payroll as of September 28, 2006
in the amount of \$2,679,974.42**

8. **ACTION ITEM: OTHER ORDINANCES, RESOLUTIONS, AND MOTIONS**

- (a) Approval of Design Contract with D.A. Hogan for
Twin Ponds Soccer Field Renovation

Mr. Olander noted that Councilmember Way e-mailed some questions to him regarding water quality and the installation/maintenance of artificial field turf versus dirt soccer fields.

Dick Deal, Parks, Recreation and Cultural Services Director, stated that staff is concerned about water quality because of the proximity of the fields to the creek and ponds. He said the current field was designed for the water to penetrate through the surface to a series of drain lines that are under the existing field. However, the surface has changed and now the water doesn't penetrate the field. A closed system, he said, is optimal at this time to enhance the water quality, playability, and safety of the field. He reported that there has been a Level 1 drainage report and a geotechnical investigation planned at the site for the existing drainage filters. He said the new closed system would allow the water to flow through the turf into the three layers of washed gravel underneath and into the drainage pipes to be carried off the field to the City storm system which runs down 1st Avenue NE. He concluded that water would not run into the pond or into the creek, which is the way it is designed now, but contamination has caused the water to collect on the surface and overflow. Contamination is caused by gypsum, which is the material used to draw the soccer lines. The new fields will have lines that are sewn in and will never fade. The consultant, D.A. Hogan, has installed over 100 turf fields. Mr. Deal noted that there was a field installed next to a sensitive area by Nathan Hale High School, which is adjacent to Thornton Creek. He reported that the water quality samples were better after the synthetic soccer field was installed next to the high school. He added that parking at Twin Ponds Park would not have additional cars, but usage would increase.

David Buchan, Capital Improvement Project Manager, stated that the new turf system with the gravel-to-gravel contact will mean the water will pass through well. He said it is a great solution to enhance water quality and the habitat.

Councilmember Hansen inquired if the water will run through an oil separator or another filtration system.

Mr. Buchan said the level one study will identify what filtration is needed at the site.

Councilmember Way said if the water enters the storm drain, it also goes into the creek. She said she believed the water would be cleaner but asked why it just can't percolate through the soil.

Mr. Buchan noted that turf fields can handle a high concentration of water. He said they didn't know enough about the hydrology or the existing system there to discuss it. That is the purpose of the studies, he explained. Once the reports are completed they will be disclosed and all of these questions will be addressed. Mr. Buchan said the water quality will be improved, but we won't know how much until the reports are done.

Mr. Olander reaffirmed that the groundwater analysis has to be done prior to the design to determine existing conditions.

Councilmember Way asked if the installation of pipes beneath the field is considered a detention system.

Mr. Buchan responded that it is not a detention system. It is a filtration system that features a direct gravel-to-gravel contact and the water that percolates through the synthetic turf travels through three layers of washed gravel so there is no contamination there. He added that there is a geotechnical fabric that creates a barrier between the surfaces below so there is direct contact, gravel-to-gravel, and the water is taken off of the site cleanly and quickly.

Councilmember Way wanted to know how this technology compared to the functions of a wetland, since wetlands already perform some of the functions this field is designed for. She asked if there would be any mitigation for some improvements to the trails next to the pond.

Mr. Buchan stated there will be ball control fencing on the west side and the south side of the field, which will prevent intrusion into the pond areas. Mr. Deal said the trail issue will be addressed in the master site plan process.

Mr. Olander stated there were not sufficient funds available at this time to do extensive wetland mitigation on the buffer in that area. However, he said it will be seriously considered in the master site plan.

Councilmember Ryu suggested the City get a second opinion prior to building the turf fields and contact Tom Holtz, who is a zero-impact development expert.

Mr. Olander suggested that the City bring the water quality analysis, when complete, and staff recommendation back to the Council. Once that is done, he explained, if there are any further questions the staff can address them or proceed with further analysis.

Deputy Mayor Fimia said she would support this but is concerned about the footprint. She concluded that the existing footprint puts the field in the buffer and it should be moved to the east to avoid encroaching.

Mayor Ransom called for public comment. There was no one wishing to provide public comment on this item.

Councilmember Hansen moved to approve the design contract with D.A. Hogan for Twin Ponds Soccer Field renovation. Councilmember Way seconded the motion, which carried 6-0.

(b) Approval of Contract Amendment for Legal Services

Ian Sievers, City Attorney, stated that this is a request to extend the legal services contract with Foster Pepper, P.L.L.C. He commented that the City Attorney's Office has had a rollover contract for over two years with Foster Pepper, P.L.L.C. In 2006, there have been a couple of litigations assigned that have caused the City to amend the contract administratively to an amount not to exceed \$75,000.

Mayor Ransom called for public comment.

1) Elaine Phelps, Shoreline, said she is concerned about this new request for continuance regarding the lawsuit alleging violations of the Open Public Meetings Act. She asked if the City can demand reimbursement from the plaintiffs.

Councilmember Ryu moved to approve an amendment to the contract with Foster Pepper P.L.L.C. extending the contract from December 31, 2006 to December 31, 2007 and increasing the total contract payments from \$75,000 to an amount not to exceed \$120,000 over the new contract term. Councilmember Way seconded the motion.

Mr. Sievers responded to an inquiry from Deputy Mayor Fimia that all Councilmembers can vote on the item. He also noted that the recall suit was dismissed.

Deputy Mayor Fimia asked how much the two lawsuits have cost the City so far.

Mr. Sievers responded that they have cost the City approximately \$83,000.

Councilmember McGlashan said that according to page 28 of the staff report, it seems there is \$20,000 being used for this item coming from the next years' \$25,000 allocation.

Mr. Sievers said he included the contract amount for next year in the amount so he wouldn't have to come back for more funds. However, if the City has to pay for defense for a full trial next June, staff will be back to ask for more funding for the trial.

Regarding the recall suit, Councilmember McGlashan said he thought the attorney withdrew from the case, not that the case was dismissed.

Mr. Sievers said there was a request to withdraw the petition filed in Superior Court.

Councilmember Way inquired if there have been any other instances in the past where the City has had to utilize outside attorneys to defend Councilmembers or City staff.

Mr. Sievers responded that there were outside attorneys utilized in the past. He recalled that outside legal services were utilized in the appeal concerning Aurora Avenue, and "Preston" handled the Parkers Casino land use action cases. Both of these, he added, were to defend claims against staff and the Council.

Mr. Olander summarized that it is not uncommon for City staff and/or Council to be sued. All cities have statutes concerning the defense of public officials. He said that both of these cases fall under the terms and conditions of normal legal defense.

Responding to Deputy Mayor Fimia, Mr. Olander noted that these funds come out of the general operations fund.

Councilmember McGlashan wondered if the plaintiff's attorney had a history of filing lawsuits.

Responding to Council questions, Mr. Sievers explained that Washington law as it pertains to attorney's fees states that everyone pays their own fees, with limited exceptions. The Open Public Meetings Act states that the plaintiffs can be awarded attorney's fees if it is demonstrated that an intentional violation occurred. If the City prevails, no attorney's fees will be awarded.

Councilmember Hansen questioned what the likely cost of continued defense would be, and how much it would cost if it goes to trial.

Mr. Sievers answered that these types of cases are unpredictable, but there will be depositions and the refiling of the summary judgment. The "meat" of this case is whether or not there were intentional violations. If it is determined that there were, the case will go to trial. He concluded that it could cost another \$50,000 through the trial.

Councilmember Ryu said she originally supported this without reservation of rights. The Councilmembers were acting based on the legal counsel of the Washington Cities Insurance Authority (WCIA). She said it is unfortunate that these legal actions were brought and are turning out to be expensive. Legal counsel should be provided for "on-the-job" actions. She said the Councilmembers have the right to ask the City for representation for the possible lawsuits.

A vote was taken on motion to approve an amendment to the contract with Foster Pepper P.L.L.C. extending the contract from December 31, 2006 to December 31,

2007 and increasing the total contract payments from \$75,000 to an amount not to exceed \$120,000 over the new contract term, which carried 6-0.

EXECUTIVE SESSION

At 8:42 p.m., Mayor Ransom announced that the Council would recess into Executive Session for a period of 30 minutes to discuss real estate acquisition.

At 9:13 p.m., Mayor Ransom announced that the Executive Session would be extended for an additional 30 minutes.

10. ADJOURNMENT

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

Scott Passey, CMC
City Clerk

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