

CITY OF SHORELINE

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

Monday, February 13, 2006
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

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

ABSENT: None

1. CALL TO ORDER

The meeting was called to order at 7:36 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.

3. CITY MANAGER'S REPORT

Bob Olander, Interim City Manager, reported that the bridge foundations and gridwork for the Aurora Corridor bridges are being constructed. He added that the City has been enhancing the Neighborhood Traffic Safety Program (NTSP) and new stop bars and speed limit signs in neighborhoods have been placed in City problem areas. There will be a grant writing workshop for non-profit organizations on February 28, at the Shoreline Center. February 20th is President's Day and the Council meeting will be moved to February 21st.

4. REPORTS OF BOARDS AND COMMISSIONS

Councilmember Way called attention to the fact that Shoreline resident Kelly Stephens is on the United States Olympic Women's Hockey Team competing in the 2006 Olympic Games.

Mayor Ransom noted that the applications for the Library Board and Planning Commission vacancies will be accepted until 4:00 p.m. on February 21st at City Hall.

Mayor Ransom read the guidelines for the public comment period.

5. PUBLIC COMMENT

(a) Chris Eggen, Shoreline, stated that the Aurora Corridor is a point of contention in the City and people view small businesses along the corridor as “ugly.” However, they are owned by people who are just trying to make a living. The vision, he said, should be about projects that benefit more than one group of people. He stated that there should be more input from residents in City decision-making.

(b) Troy Arms, Everett, speaking on behalf of the Waste Management/Allied Garbage Company, said the company is not responding to employees concerns. Many employees have environmental concerns relating to garbage trucks leaking hydraulic fluid, oil, and antifreeze. He highlighted that the equipment is old and the daily routes the trucks have to manage are overwhelming. Employees are working a lot of overtime, and part-time employees are working nearly full-time hours and are not getting benefits.

(c) Bob Barta, Shoreline, said the Council of Neighborhoods Program was created in the City in 1996. However, there was no Council existing in Highland Terrace until 1997. The Highland Terrace Association, along with the City, has worked to improve traffic safety. He urged residents to get involved with the City’s neighborhood associations to get issues resolved. He thanked Joyce Nichols and Susan Will for the “Currents” publication and said it is a great newsletter. He suggested that the City conduct town meetings.

(d) Bronston Kenney, Shoreline, said the land use policy in the City should not be determined by developers. He said he opposes the developer-driven push for cottage housing. He also felt the majority of the City opposes cottage housing. He said there is opposition on Innis Arden, Progress Shoreline, and the Highlands. He commented that there were residents who were purposely prohibiting the Council from doing their jobs. In his opinion, people live in Shoreline because of the low density residential neighborhoods, character, and quality schools. He felt the Council majority is representative of the citizens.

(e) Jerome Lyons, Duvall, also commented on concerns related to Waste Management/Allied Garbage Company. He said out-of-pocket medical expenses for employees have greatly increased and salary increases have not kept pace with healthcare costs. He pointed out that illness is a direct result of their jobs. He also pointed out that most of the employees work more than 40 hours per week, and the route sizes have increased. He said employees are forced to work overtime, and the company desperately needs to hire more drivers to spread out the workload. He outlined that Waste Management is the country’s largest collections firm, with an 8.6% increase in revenue in 2005. Lastly, there is a lack of fleet maintenance due to understaffing.

(f) Tom Herriman, Seattle, stated he represents Teamsters Local 154 and works for the drivers and garbage collectors. He noted the trucks are leaking crankcase oil, hydraulic fluid, transmission fluid, and other liquids onto the streets. Another issue, as discussed previously, is the healthcare expenditures they have to pay to take care of their families. He urged the residents to sign an appeal for justice and for the Council to draft a letter supporting their concerns.

(g) Scott Blair, Shoreline, president of the Richmond Little League, urged the Council to put the bond issue on the ballot as soon as possible. He said upgrading and repairing the parks will bring in more baseball and softball tournaments into Shoreline. This, in turn, brings in people to put more money into the economy. Ball players will stay in our local hotels and eat in our local restaurants. He concluded that the City has a great baseball program which draws quality players and athletes.

(h) Jim Leigh, Shoreline, expressed his support for the current Council. He said it needs to work together and urged them to provide legal support for Ransom, Way, Fimia, and Chang. He felt that past Councilmembers conducted meetings in the same manner that the accused Councilmembers have done. He said in the City's first ten years, there were children being killed by cars and the Council did nothing. In the past seven years, the City did nothing to improve pedestrian safety, but spent \$5 million for North City. He said the former majority ran the City improperly.

(i) Rick Stephens, Shoreline, noted that staff has recommended funding legal defense. He urged the Council to approve legal defense unanimously based on the staff recommendation. Kelly Stephens, he said, is a wonderful person and resident. He urged residents to watch the U.S. Women's Olympic Hockey Team. He noted that construction of a new sidewalk and crosswalk in front of the Highland Ice Arena on Aurora Avenue. During the process, he said, several things went wrong, but City staffer Jim Curtin worked to solve the problems in 30 minutes or less. He is extremely impressed with the City staff.

6. APPROVAL OF THE AGENDA

Deputy Mayor Fimia wished to remove the January 3, 2006 City Council minutes from the consent agenda for further consideration. Councilmember Ryu wished to remove Consent Agenda Item 7(c), making it Action Item 9(b). Councilmember Way suggested the Council take Critical Areas Ordinance public comment first.

Upon motion by Councilmember Hansen, seconded by Councilmember Gustafson and carried 7-0, the agenda was approved as amended.

7. CONSENT CALENDAR

Deputy Mayor Fimia moved approval of the Consent Calendar. Councilmember Gustafson seconded the motion, which carried 7-0, and the following consent items were approved:

Minutes of Special Meeting of December 27, 2005
Minutes of Workshop of January 17, 2006
Minutes of Housing Workshop of January 19, 2006
Minutes of Regular Meeting of January 23, 2006

Approval of expenses and payroll as of February 3, 2006 in the amount of \$3,560,927.48

Motion to Authorize the Interim City Manager to execute an Interlocal Joint Purchasing Agreement, or substantially similar agreement, with the City of Tacoma

Motion to authorize the Interim City Manager to execute an Extension of the SeaShore Forum Agreement

Motion to authorize the Interim City Manager to approve a contract amendment extension with Hewitt Architects for \$89,160 to prepare the Richmond Beach Saltwater Park Master Plan

Ordinance No. 411, amending interim controls on the Removal of Hazardous Trees

8. ACTION ITEM: PUBLIC HEARING

- (a) Public hearing to receive citizens' comments regarding: 1) any public comment, written or oral, received at or after the October 24, 2005 City Council hearing relating to proposed amendments to the Critical Areas Ordinance set forth in Ordinance No. 398; and 2) proposed amendments to the Critical Areas Ordinance posted on the City's website pursuant to the notice dated January 25, 2006

Joe Tovar, Planning and Development Services Manager, explained the scope of the item. He noted the Council questions that were received and addressed by City staff over the past couple days were not posted to the website.

Mayor Ransom opened the public hearing.

1) Bob Barta, Shoreline, is concerned about the critical areas in Shoreline. He said when trees are removed, trees need to be replaced. He inquired what is being done about the critical areas around Central Market. He said there are fewer and fewer animals in the wooded areas of Shoreline.

2) Cheryl Gruwell, Shoreline, discussed an article that was written about her and her daughter who rescued a Blue Heron in Boeing Creek.

3) Randy Bannecker, Seattle, on behalf of the King County Association of Realtors, said residential properties will be constrained in the future if the proposed restrictions are approved. He said the Council can make it easy for residents to remodel their homes and restore their buffers affordably. He urged the Council to consider the possibility of smaller buffers that are actively restored.

4) Vicki Westberg, Shoreline, supported the amendments to the Critical Areas Ordinance (CAO) as proposed by Councilmember Way and Deputy Mayor Fimia. She said the City must keep the approved CAO intact and not make it easier for developers to build in the City.

5) Rob Garwood, Shoreline, said piped streams are not critical areas. In 2005, he pointed out, the Council adopted the Surface Water Master Plan (SWMP) that removed the buffers on piped streams. He said this further hinders Public Works from dealing with surface water flooding issues.

6) Michelle McFadden, Shoreline, representing Patti and Timothy Crawford, supported Councilmember Way's amendments concerning piped streams and refining the stream typing system. In the Gaston case, she said, the court noted that Thorton Creek was a Class II stream. She said the additional amendments are going to help in the future.

7) Nancy Rust, Shoreline, supported Councilmember Way and Deputy Mayor Fimia's amendment and encouraged all people to restore the surface water system in the City.

8) Susan O'Donnell, Shoreline, favored the protection of stream buffers in Shoreline. This minimizes the influences from reaching the streams, she added. She felt it would be easier to protect the areas now rather than having to recreate them in the future. She supported Councilmember Way's amendments to encourage daylighting of streams where possible.

9) Elaine Phelps, Shoreline, said Shoreline residents know and appreciate the community-wide benefits that flow from a well-maintained environment. Any exemptions to regulations must be only for public benefit, she stated. She added that all other exemptions outside that purpose should be eliminated. She supported the amendments of Councilmember Way and Deputy Mayor Fimia and recommended the Council read the letter from the Washington State Department of Fish and Wildlife on page 118 of the packet.

10) Eric Lindahl, Shoreline, said the amendments from Councilmember Way and Deputy Mayor Fimia clarify the Shoreline Municipal Code and he supports them. He urged the Council to adopt them.

11) Peter Henry, Shoreline, commended the Council and City staff in crafting the amendments for the CAO. He agreed with the amendments of Councilmember Way and Deputy Mayor Fimia.

12) Yuigi Shoda, Lake Forest Park, on behalf of the Lake Forest Park Stewardship Foundation, felt that an increase in impervious surface in Shoreline will cause large downstream flows and the eventual flooding in Lyons Creek. Such flooding, he said, creates property damage and harms the salmon habitat. He urged the use of

porous materials in developments and said everyone has some form of responsibility in protecting downstream neighbors.

13) David Freidman, Shoreline, supported the amendments by Councilmember Way and Deputy Mayor Fimia. He added that the City's critical areas are important to our children and they should be taught to be responsible stewards of the environment.

14) Gene Maddox, Shoreline, said the Puget Sound Basin is glacial till (sand) and it runs off into the Puget Sound. He urged that the Council think about their children and grandchildren when it comes to making decisions on the CAO.

15) Matt Loper, Seattle, biology professor at Shoreline Community College, reminded the Council about the flooding in 1997. He said the CAO is a great example of stewardship and pointed out that the cutthroat and coho salmon of Boeing Creek need protection. He claimed that the biological index in the City waterways was low. He concluded that unhealthy fish means unhealthy people.

Councilmember Gustafson moved to close the public hearing on the Critical Areas Ordinance. Councilmember Hansen seconded the motion.

Councilmember Gustafson said there have been several public hearings with some new amendments discussed which have been refined. He suggested that the Council conclude the CAO discussion for this meeting and continue the discussion at the next meeting.

Councilmember Way inquired if people could send in questions about the CAO to the Council and City staff after the public hearing was closed.

Councilmember Gustafson responded that if the public hearing was closed the Council would only take into consideration the documents and public comment they have already heard, so no further public comment would be allowed.

Mr. Tovar responded that the permanent development regulations governing vegetation and tree cutting will be addressed before the Planning Commission in March and to the Council shortly thereafter. If residents have concerns, they can bring them to the Council or the staff during that process. Closing this issue to public comment does not affect the vegetation or tree cutting decision-making process.

A vote was taken on the motion, which carried 7-0.

Councilmember McGlashan moved to postpone deliberation on the Critical Areas Ordinance to the end of the meeting or until the next City Council Regular Meeting. Deputy Mayor Fimia seconded the motion, which carried 7-0.

9. PUBLIC COMMENT (continued)

(j) Ken Cottingham, Shoreline, said the residents want a seven-member Council that works together, so he supports providing legal defense for councilmembers.

(k) Sherry Winston-Tracy, Shoreline, asked the Council to adopt the Parks and Recreation Bond for the May ballot this year. She said she is a board member of the Parks, Recreation, & Cultural Services (PRCS) Board and the Richmond Little League. She said the bond serves the best interest of the community and the residents will lose a chance to preserve open space if it is not approved now. She felt approve this bond issue is common sense decision for voters.

(l) Elaine Phelps, Shoreline, said there is an abundant amount of files concerning Innis Arden at the King County Records Center. She clarified that the Association for Responsible Management (ARM) of Innis Arden withdrew from negotiations with the Innis Arden Club (IAC) because trees were still being cut down at a rapid pace in the midst of discussions. Additionally, it seemed as though negotiations were being delayed so more trees could be cut prior to negotiating with ARM. She said there was heavy machinery in the Reserves and the IAC doesn't care if trees are in the buffer or not.

(m) Eric Lindahl, Shoreline, favored providing legal defense for the Councilmembers named in King et al vs. Fimia et al. He said it would set a bad precedence if it was not approved.

Councilmember McGlashan inquired if the Highland Terrace neighborhood program website was being done by the members of their council.

RECESS

At 9:22 p.m., Mayor Ransom called for a recess. The meeting reconvened at 9:30 p.m.

10. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS, AND MOTIONS

(a) Ordinance No. 408, repealing the cottage housing regulations in the Shoreline Development Code; or

Ordinance No. 409, amending land use regulations allowing development of cottage housing; and amending Shoreline Municipal Code 20.30.060, 20.40.120, and 20.40.300

Mayor Ransom pointed out that the public hearing on this issue has been closed.

Mr. Tovar read a brief staff report and pointed out that staff was directed to bring back legislation on Option 3 and Option 6 for Council consideration.

Paul Cohen, Senior Planner, reported that Ordinance No. 409 would include accommodations for a competitive selection process for proposals, an enhanced design review process, and the best development standards the staff could put together. All proposals will be moved through established filters, and the final filter is the “failsafe” that any proposal could be denied. The first step would be the competition filter for a maximum of two projects a year, in which only one project could be in a particular neighborhood. In this filter, developers would meet with the City to set expectations, he said. The next filter would be to discuss the most realistic proposals in a public meeting. Next, he outlined, a design review board would conduct a public hearing on the subject. At that meeting, design standards and design review criteria would be introduced to move into the final failsafe phase.

Mayor Ransom called for public comment.

1) George Mauer, Shoreline, expressed opposition to cottage housing. He said there is overwhelming opposition to it in Shoreline. He urged the Council to repeal cottage housing.

2) Elaine Phelps, Shoreline, said the City needs to plan for higher density, affordable housing. She said cottage housing is high density and the City needs to allow for higher densities where the facilities can support it. She felt the City needed more low-income, affordable housing. She supported Ordinance No. 408 with a proviso to “start from scratch” if cottage housing is accepted by the Council.

Councilmember Hansen moved to approve Ordinance No. 408, repealing the cottage housing regulations in the Shoreline Development Code. Councilmember Ryu seconded the motion.

Councilmember Hansen stated he is not in favor of cottage housing.

Councilmember Ryu stated she is a proponent of affordable housing but cottage housing is not affordable. She said the residents want laws that give them certainty and repealing this cottage housing code provides that.

Councilmember Gustafson supported the motion and said it has been controversial. He encouraged the Council to look at the housing strategy in Shoreline.

Councilmember Way agreed with the motion and concurred the City needs to start over. She said the City needs housing options that will work for the entire City and all communities.

Councilmember McGlashan said he is opposed to the motion. He said there is still a need for cottage housing in Shoreline. He doesn't see an “overwhelming” opposition to cottage housing. Additionally, he did not believe that cottage housing decreases property values.

Deputy Mayor Fimia supported the motion. She added that this started out as a good goal to provide alternative, affordable, and environmentally-sound housing. She said allowing eight houses when the property is zoned for four is not right, and it should not be considered again. She will be offering a motion to start a comprehensive housing strategy in the future.

Mayor Ransom said this process started eight years ago, and cottage housing was billed as affordable housing but it is not. Cottage housing cannot work in R-12 zoning and it is not an ideal housing solution. He said he supports the public sentiment on this and will vote for repealing cottage housing.

A vote was taken on the motion to adopt Ordinance No. 408, repealing the cottage housing code, which carried 6-1, with Councilmember McGlashan dissenting.

Deputy Mayor Fimia moved to direct City staff to return with a draft work plan with a timeline, scope, and potential stakeholders for a housing strategy for Shoreline by April 3, 2006. Councilmember Gustafson seconded the motion.

Deputy Mayor Fimia said the scope of a future comprehensive housing strategy should be consistent with the adopted 2005 goals, strategies, and policies if adopted before the 2006 items are complete. Shoreline has a strong set of housing goals, she said, and a comprehensive housing strategy processing plan would provide the Council and the community with more detail of short and long-term needs, economic drivers, community values, and goals.

MEETING EXTENSION

At 10:00 p.m., Councilmember Hansen moved to extend the meeting until 10:30 p.m. Councilmember Gustafson seconded the motion, which carried 7-0.

Responding to Councilmember Hansen, Mr. Olander affirmed that it is feasible for staff to draft a work plan by April 3.

Mayor Ransom felt it would be worthwhile to obtain and review materials from previous studies and utilize them for this project.

Councilmember Way supported the motion and encouraged staff to work with non-profits to get their input on affordable housing options.

A vote was taken on the motion, which carried 7-0.

- (b) Motion to authorize the City Manager to Execute a Fuel Tax Grant Distribution Agreement and Required Amendments with the Transportation Improvement Board (TIB) and to execute a contract amendment for professional services with KPFF for design services of the N 172nd Street portion of the Dayton Avenue North at North 175th Street

Retaining Wall Project in the amount not to exceed \$13,365.00 plus contingency

Councilmember Hansen moved to authorize the City Manager to Execute a Fuel Tax Grant Distribution Agreement and Required Amendments with the Transportation Improvement Board (TIB) and to execute a contract amendment for professional services with KPFF for design services of the N 172nd Street portion of the Dayton Avenue North at North 175th Street Retaining Wall Project in the amount not to exceed \$13,365.00 plus contingency. Councilmember Gustafson seconded the motion.

Councilmember Ryu expressed concern about visibility for traffic moving north on Dayton Avenue due to the narrowing of the road. She asked for suggestions on what could be done to improve the situation.

Paul Haines, Public Works Director, clarified that this motion is to accept a grant and have design work done and have it included in the overall project. The project is broken down into three components; the sidewalk, the retaining wall, and the channelization needs at the Dayton/St. Luke's intersection. He pointed out that when the design work is done, safety and sidewalk integration will be occurring at that site. Most comments, he noted, were received prior to the demonstration phase and now that it is complete the City is data gathering and taking in complaints and information to be summarized in a future staff report to the Council.

Mr. Olander added that this item will be brought back to the Council for their final input at a future meeting.

Councilmember Way inquired what the term "channelization" referred to.

Mr. Haines responded that channelization refers to providing specific safety zones for both vehicular traffic and pedestrians. It provides more predictable routes for the cars and the pedestrians to travel.

Councilmember Ryu appreciated Mr. Haines' report and input. She commented that the residents prefer traffic being directed towards Aurora Avenue instead of being routed through neighborhood streets.

A vote was taken on the motion, which carried 7-0.

11. UNFINISHED BUSINESS

(a) Bond Issue

Mr. Olander stated the Council referred the item back to the Bond Advisory Committee (BAC) to include the purchase of the South Woods property which would bring the bond total to \$18,500,000. This amount would mean \$0.285 per \$1,000 assessed value or an

average of \$82.36 per year per home in Shoreline. He thanked the BAC for their effort in putting this well-balanced bond package together.

Dick Deal, Parks, Recreation & Cultural Services Manager, read the project list as recommended by the BAC and City staff.

Councilmember Hansen moved to direct City staff to proceed with the bond election in the amount of \$18,500,000 as recommended by the Bond Advisory Committee. Councilmember Gustafson seconded the motion.

Mayor Ransom called for public comment.

1) Vicki Westberg, Shoreline, favored the proposal and said it was balanced and contained a mix of active and passive parks. She said it provides geographical equality to the City of Shoreline. She urged the Council to pass this item.

2) Bill Clements, Shoreline, said, as a member of the Parks Board and the Bond Advisory Committee (BAC), that the bond package is a result of work that the BAC began three years ago. It will provide \$6 million to approve facilities. He emphasized the need to bring in more volunteers, organize a campaign, and advertise the bond for its approval. He asked informed citizens to talk to their neighbors in support of this bond.

3) Dennis Lee, Shoreline, appreciated that the bond issue is going out to the voters. He said the citizens will know exactly what the money is for.

4) Rebecca Olson, Shoreline, supported the bond issue. She specifically said it was the "Save the South Woods" project which drew her into this issue.

5) Tanya DeMarsh-Dodson, Lynnwood, on behalf of the Kruckeberg Gardens Foundation, thanked the BAC and all citizens for including the Kruckeberg Gardens in this bond. She added that the area is a part of the City's heritage. She commended the Council and the City for adding the South Woods purchase to the bond.

6) Matt Loper, Seattle, stated he is a teacher and a botanist who is a member of the Kruckeberg Gardens Foundation. He said Shoreline has a great opportunity to set aside some valuable land. He noted that the students love the gardens and supported the bond.

MEETING EXTENSION

At 10:30 p.m., Councilmember Ryu moved to extend the meeting until 11:00 p.m. Deputy Mayor Fimia seconded the motion, which carried 7-0.

7) Eva Sledziewski, Shoreline, regretted that the City did not include Reserve M in the bond issue, which consists of 21 acres of Innis Arden land that is owned by the City. She said the area is dangerous to people who utilize it because it is a high bluff with steep slopes and no railings or steps. She said it is urgent that something is done.

Mr. Olander stated that Reserve M could be an eligible project to be addressed with the \$2.5 million in the trail corridors line item in the bond.

Councilmember Way requested information on the plans for the Seattle Public Utilities (SPU) property and for sidewalks in the City.

Mr. Haines said this area was considered under the Transportation Master Plan for linking transportation corridors in the future. However, he said there is no design, just a proposed route.

Councilmember Way responded that it is priority #1 on the map. She added that it is a thick forested area that has a value of its own for groundwater infiltration.

Councilmember McGlashan said there is no designation on where the parks money is going to go. He also inquired who determines what kinds of improvements happen in the parks.

Mr. Deal said there will be meetings to solicit community input and determine what is wanted in the parks. He added that input will be received through the public process and the master site plan meetings.

Councilmember McGlashan inquired if money left over from one specific project can be allocated to another project.

Mr. Sievers stated he is working on an ordinance that will allow the Council to shift monies that are not utilized on one project to another open space or capital project

Councilmember Gustafson thanked the BAC and Mr. Deal for all the work in putting the bond package together. He believed this bond will allow the City to leverage matching monies for grants. This, he said, would allow the City to enhance those funds and either increase the number of projects or reimburse the voters if all of the funding is not needed.

Deputy Mayor Fimia thanked the BAC, the PRCS Board, and staff for the work on the bond. She also thanked them for the tour to determine what is needed in the City. She pointed out that this is the City's first bond, and hopefully not the last one.

Mayor Ransom said this has been a part of his dream for ten years to expand and enhance the parks in Shoreline. He noted that parks provide a quality of life and he is pleased with what this bond represents. He urged the Council and the residents to pass this bond package.

DRAFT

Councilmember Ryu said she agreed with the purchase of South Woods and the item that provides for a preliminary plan for a dog park. She supported the bond and appreciated all those who helped get it to the Council and to the vote.

Councilmember Way said her family has visited many local and national parks and they have great meaning to many people. She said South Woods is invaluable to the City and she urged residents to support the bond.

A vote was taken on the motion, which carried 7-0.

(b) Motion Authorizing Legal Defense of King et al. v. Fimia et al

Scott Passey, City Clerk, pointed out that he incorrectly stated that there was a motion on the table to approve this item at the last Council meeting. He clarified that a motion is in order to discuss this item. Councilmember Hansen inquired as to why the amendment to the main motion is not considered as the main motion. Mr. Passey responded that Council could do so if that is the consensus view.

Mayor Ransom inquired what the amended motion was.

Mr. Sievers clarified that the motion was to approve legal defense with the provision that defendants would be required to reimburse the City for legal costs if they are found to have knowingly, willfully, or intentionally violated the Open Public Meetings Act.

Mayor Ransom inquired if more public comment could be heard on this issue.

Mr. Sievers noted that there was no additional information from the City staff and this is a continuation of the Council deliberation on this item.

Deputy Mayor Fimia noted that there was a sign up sheet prepared and put out for the public to speak. Therefore, she concluded, the public should be allowed to speak to the item.

Councilmember Ryu moved to have the people who haven't spoken on this item in the past a chance to comment on it, seconded by Councilmember Way.

Mr. Passey commented that although the Council already heard public comment on this item, providing a sign-in sheet for this item created an expectation that people would be allowed to speak. He suggested that those persons who haven't spoken on the issue be allowed to do so.

MEETING EXTENSION

At 11:00 p.m., Councilmember Hansen moved to extend the meeting until 11:15 p.m. Councilmember Ryu seconded the motion, which carried 7-0.

Councilmember Hansen felt the motion allowing further public comment to be out of order.

Mayor Ransom called for public comment.

1) Rob Garwood, Shoreline, said the amendment puts the three voting Councilmembers in an odd position. He said there may be a conflict of interest. He felt that providing defense is not a good way to spend government funds.

2) George Mauer, Shoreline, felt the lawsuit is an attempt to thwart the will of the people of Shoreline. He said the lawsuit results in a loss to everyone, will not prevail on its own merits, and is being done for political purposes.

Mr. Sievers noted that the ordinance covers any conflict of interest issues. He pointed out that the Municipal Research Service Center (MRSC) affirmed that Councilmember Ryu can vote on the issue since she is not a defendant or an affected member in the lawsuit. Additionally, a Foster & Pepper insurance attorney concluded that defense should be provided up front, however, a reservation of rights with a cost reimbursement could be a stipulation.

Councilmember Gustafson moved to approve legal defense for defendants in King et al. v. Fimia et al., as stated in the letter dated February 13, 2006, with the provisions of paragraph 2 stipulating that defendants agree to reimburse the City for defense costs if found to have knowingly, willfully, or intentionally violated the Open Public Meetings Act. Councilmember Hansen seconded the motion.

Councilmember Gustafson felt if people were liable of knowingly, willfully, or intentionally violating the Open Public Meeting Act then they would be obligated to repay the taxpayers of the City of Shoreline. He felt this is fair compromise.

Councilmember Ryu agreed with the first part of the motion because the decision is up to the legal process. The City won't know the outcome of the legal process until the judge decides. She felt that if the defendants lose, they will have no option but to sue the City. This will be a lose-lose situation, she said. She said she doesn't support the motion because of the extra cost to taxpayers. This is setting a bad precedent.

Mayor Ransom said there is a Washington State policy that says legal counsel is provided. He outlined that if there are damages, the City will have to pay the damages. He pointed out that the insurance attorney has given a second opinion that they should be covered.

Deputy Mayor Fimia agreed with providing legal defense, but said the second part of the motion is different from the amendment presented last week. She said there is a provision that the defendants "have to agree to the terms," which is coercive language. She proposed that it read "if the defendants are found to have violated the Open Public

Meetings Act, they would be required to pay the City back,” which would not be coercion. She strongly recommended the language be changed.

Councilmember Gustafson stated that he added the language so it would be binding and asked the City Attorney about revising it.

Mr. Sievers noted that the legal effect does not change by revising the language or deleting the entire signature portion of the document.

There was Council consensus to delete the signature portion of the document.

MEETING EXTENSION

At 11:16 p.m., Councilmember Hansen moved to extend the meeting until 11:30 p.m. Councilmember Ryu seconded the motion, which carried 7-0.

Councilmember McGlashan explained that this decision is very difficult but he will support the motion to provide defense for the Councilmembers with the proposed conditions.

A vote was taken on the motion to approve legal defense as amended, which carried 3-0, with Councilmembers Gustafson, Hansen and McGlashan voting in the affirmative, and Councilmember Ryu abstaining.

10. ADJOURNMENT

At 11:22 p.m., Mayor Ransom declared the meeting adjourned.

Scott Passey
City Clerk

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