

CITY OF LYNNWOOD
CITY COUNCIL BUSINESS MEETING MINUTES
June 8, 2020

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- 10. CALL TO ORDER - The June 8, 2020 Business Meeting of the Lynnwood City Council, held via Zoom, was called to order by Mayor Smith.
- 20. ROLL CALL

Mayor & Council:
 Mayor Nicola Smith
 Council President Christine Frizzell, Chair
 Council Vice President Shannon Sessions
 Councilmember Ruth Ross
 Councilmember Ian Cotton
 Councilmember George Hurst
 Councilmember Julieta Altamirano-Crosby
 Councilmember Jim Smith

Others Attending:
 Finance Director Sonja Springer
 Strategic Planner Corbitt Loch
 IT Director Will Cena
 Communications Manager Julie Moore
 Commander Chuck Steichen

Asst. City Administrator Art Ceniza
 Acting City Clerk Karen Fitzthum
 City Attorney Larson

30. APPROVAL OF MINUTES

Motion made by Council Vice President Sessions, seconded by Councilmember Ross, to approve the minutes of:

- A. *Special Work Session – May 14, 2020*
- B. *Work Session – May 18, 2020*

The minutes were approved as presented.

40. MESSAGES AND PAPERS FROM THE MAYOR (1:15)

Mayor Smith made comments related to recent events around the nation, Lynnwood Police Department’s response to the death of George Floyd, racial equity and social justice ongoing policies and activities in Lynnwood, Pride month, and Phase 2 opening of Snohomish County.

50. CITIZENS COMMENTS AND COMMUNICATIONS (5:42)

- The following individuals made comments:
- Brandon Duncan, Lynnwood
 - Kerri Lonergan-Dreke, Lynnwood
 - Carol McMahan, Lynnwood
 - Ted Hikel, Lynnwood

- 1 • Pam Hurst, Lynnwood
- 2 • Rosa Antoine, Lynnwood

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4 60. PRESENTATIONS AND PROCLAMATIONS

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6 A. COVID 19 Update (26:25)

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8 Council received an update on the COVID-19 situation from staff. Commander
9 Steichen gave an update on the status of COVID-19 in the county and city as well as
10 the reopening of Snohomish County to Phase 2.

11
12 Communications Manager Julie Moore discussed a summary of business responses
13 related to COVID-19, city expenses, CARES Act funding and other efforts underway.
14 Council Vice President Sessions reviewed highlights of the recent Business Relief
15 Funds Work Group meeting; Councilmember Smith reviewed highlights of the recent
16 Community Relief Fund Work Group meeting. Questions and answers followed.

17
18 *Motion made by Council President Frizzell, seconded by Council Vice President*
19 *Sessions, to approve the CARES Act \$700,000 grant with \$500,000 going toward*
20 *businesses and \$200,000 toward community funding.*

21
22 Councilmembers spoke to the motion.

23
24 *Motion made by Councilmember Smith, seconded by Councilmember Hurst, to amend*
25 *the motion to also discuss the details of distribution of funds at the June 15 Work*
26 *Session.*

27
28 Councilmembers spoke to the amendment.

29
30 *Upon a roll call vote, the amendment failed (2-5) with Councilmembers Smith and*
31 *Hurst voting in favor and Councilmembers Sessions, Frizzell, Ross, Cotton, and*
32 *Altamirano-Crosby voting against the amendment.*

33
34 *Upon a roll call vote, the original motion passed unanimously (7-0).*

35
36 B. Presentation: Impacts of COVID-19 on Sno-Isle Library Operations (1:30)

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38 Sno-Isle Library System Executive Director Lois Langer Thompson gave an update on
39 the impacts of COVID-19 on the library operations. She explained how the library
40 pivoted to expand its online offerings following library closures. Questions and answers
41 followed.

42
43 C. Presentation: Impacts of COVID-19 on Administration Services Operations (1:42)

44
45 Director Springer reported on impacts of COVID-19 on Administration Services
46 Operations, especially Utility billing, Emergency Operations expenses, 2021-2022
47 budget development, the annual audit, 2019 Comprehensive Annual Financial Report
48 preparation, and employee telecommuting. Questions and answers followed.

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70. WRITTEN COMMUNICATIONS AND PETITIONS

80. COUNCIL COMMENTS AND ANNOUNCEMENTS (1:57)

Councilmembers commented on recent developments in the City.

Motion made by Council President Frizzell, seconded by Councilmember Cotton, to extend the meeting until the completion of New Business items. Motion passed unanimously.

90. BUSINESS ITEMS AND OTHER MATTERS

90.1 UNANIMOUS CONSENT AGENDA (2:22)

Items listed below were distributed to Councilmembers in advance for study and were enacted with one motion.

Councilmember Altamirano-Crosby moved for unanimous consent of the following items:

A. Voucher Approval

Approve claims and payroll in the amount of \$1,413,862.18 and \$1,070,333.91 respectively.

Motion passed unanimously.

90.2 PUBLIC HEARINGS OR MEETINGS

90.3 OTHER BUSINESS ITEMS

A. Ordinance: Interim Floodplain Development Regulations (2:23)

Motion made by Councilmember Cotton, seconded by Council President Frizzell, to adopt Ordinance No. 3359, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING INTERIM FLOOD HAZARD AREA REGULATIONS; AMENDING CHAPTER 16.46 OF THE LYNNWOOD MUNICIPAL CODE; SETTING A DATE FOR A HEARING ON THE INTERIM REGULATIONS; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION." Upon a roll call vote, the motion passed unanimously (7-0).

B. Resolution: Mayoral Declarations of Emergency (2:25)

Motion made by Councilmember Hurst, seconded by Councilmember Cotton, to adopt Resolution No. 2020-06, "A RESOLUTION OF THE CITY OF LYNNWOOD, WASHINGTON, RATIFYING, CONFIRMING AND ADOPTING RULES AND REGULATIONS STATED IN THE MAYOR'S DECLARATIONS OF EMERGENCY – CITY OF LYNNWOOD COVID-19 RESPONSE DATED

1 *MARCH 4, 2020 AND MARCH 17, 2020.” Upon a roll call vote, the motion*
2 *passed unanimously (7-0).*

3
4 C. Ordinance: Confirmation of Curfew Order (2:28)

5
6 *Motion made by Council Vice President Sessions, seconded by Council President*
7 *Frizzell, to adopt Ordinance No. 3360, “AN ORDINANCE OF THE CITY OF*
8 *LYNNWOOD, WASHINGTON, RATIFYING, CONFIRMING AND ADOPTING*
9 *THE MAYOR’S CIVIL EMERGENCY ORDER IMPOSING CURFEW; AND*
10 *PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY*
11 *PUBLICATION.”*

12
13 Councilmembers spoke to the motion.

14
15 *Upon a roll call vote, the motion passed unanimously (7-0).*

16
17 D. Discussion: Executive Veto of Ordinance 3358 (2:33)

18
19 Council President Frizzell introduced this topic and discussed options available to
20 the Council. Councilmembers discussed this item. Councilmember Hurst read a
21 memo which he requested be included in the minutes (Attached).

22
23 *Motion made by Councilmember Smith, seconded by Councilmember Cotton, to*
24 *override the Mayor’s veto of Ordinance 3358.*

25
26 Councilmembers spoke to the motion.

27
28 *Upon a roll call vote, the motion failed (4-3) due to the number of votes required*
29 *to override a veto. Councilmembers Cotton, Altamirano-Crosby, Smith, and Hurst*
30 *voted in favor; Councilmembers Frizzell, Sessions, and Ross voted against the*
31 *motion.*

32
33 E. Executive Session, if needed

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35 None.

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37 100. NEW BUSINESS

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39 *Scheduling Motion made by Council President Frizzell, seconded by Councilmember*
40 *Cotton, to reinstate the 6/22 Business Meeting, previously cancelled because of AWC, to*
41 *be conducted via Zoom. Motion passed unanimously.*

42
43 *Scheduling Motion made by Councilmember Hurst, seconded by Councilmember Cotton,*
44 *to reinstate the 6/29 Work Session, previously rescheduled as a Business Meeting*
45 *because of AWC, to be conducted via Zoom. Motion passed unanimously.*

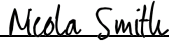
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47 Councilmember Hurst asked about the status of an investigation regarding an anonymous
48 letter sent to the Council by City of Lynnwood employees. Mayor Smith noted that
49 Director Chin is researching the matter.

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110. ADJOURNMENT

Motion made by Councilmember Cotton, seconded by Councilmember Altamirano-Crosby to adjourn the meeting. Motion passed unanimously.

The meeting was adjourned at 10:49 p.m.

DocuSigned by:

281B3CE79E884DA... Nicola Smith, Mayor

June 4, 2020

During New Business at the next City Council Business Meeting, June 8, I will bring a motion for a vote to override the Mayor's veto of the Ordinance 3358 that passed to end the City Utility Tax. Below is my response to the Mayor's objections to the ordinance that she listed in her veto memo to the Council.

The Mayor states that instead of eliminating the City Utility Tax to provide tax relief to residents and businesses, staff is preparing plans to use the federally funded CARES Act to "provide financial assistance to struggling businesses and residents". But the fact is, City staff has already told the Council that of the \$1,188,000 that the CARES Act provides to Lynnwood, only \$500,000 will be used for these assistance programs. The other \$688,000 will be used by staff to recover City Department expenses related to Covid 19. According to the Mayor's memo the City Utility Tax repeal, if enacted, will provide nearly \$1.5 million in tax relief a year to residents and businesses. The Mayor is vetoing a permanent \$1.5 million tax reduction and in exchange only offers \$500,000 of temporary funds from the Cares Act. If the Mayor is sincere about using the CARES Act funding for financial assistance to businesses and residents then the Council should act. As the approving authority for expenditures in the City, the Council needs to be the decision maker to ensure that all of the \$1.188 million CARES Act money is used for relief assistance. A reasonable goal is for those relief programs to be finalized by the next Council Business meeting on June 22, 2020.

The Mayor states that the decision to delay the effective date of the utility tax repeal to January 1, 2021 is outside of the "Covid 19 emergency response time frame". I am not sure what the Mayor means by that phrase because the proclamations by the Governor restricting actions by all city councils to Covid 19 matters does not provide a time limit on any legislation passed by the City Council. The financial impact of the Covid 19 emergency will be felt for years on a City level as well as for the residents and businesses of Lynnwood. The delay to 2021 gives the City ample time during the 2021-2022 budget process to include appropriate spending cuts that offset any revenue deficits.

The Mayor is critical of what she describes as a lack of deliberation and study on the impact of the City utility tax repeal. But if you look at Council minutes the Council discussed the repeal at meetings on May 11, May 18, and May 26. There was ample time for Council to deliberate on the issue and to make an informed decision that resulted in the City utility tax repeal.

In her memo, the Mayor is trying to divert attention away from her veto of a relief tax reduction by suggesting the Council has taken action that violated the Open Public Meeting Act (OPMA). The Governor's Covid Emergency Order in March that created stay at home requirements also suspended many requirements of the OPMA for all city councils statewide. The Governor's order advises city councils to limit any actions to what is routine and necessary but does give all city councils the power to take any action on Covid 19 related matters. If you review the deliberations of the Lynnwood City Council's repeal of the City utility tax the repeal

was a response to Covid 19's impact on residents and businesses in Lynnwood. In addition, the repeal ordinance itself, drafted by the City Attorney, cites the Covid 19 crisis as the reason for the repeal of the utility tax. For the Mayor to imply the Lynnwood City Council violated the Open Public Meeting Act is a disservice to the Council and is simply a diversionary ploy by the Mayor.

The Mayor states that the repeal of the utility tax is a significant budget decision made outside of the adopted budget calendar. But the reality is the Covid 19 emergency is forcing staff and Council to make several decisions outside of the budget process: revenue estimates are changing, HR has created a voluntary separation policy, departments are reducing expenditures, meetings that should have been held per the budget calendar have been cancelled. The budget calendar did not anticipate the financial crisis faced by the City, its residents, and its businesses. The Council needed to act and had the right to do so.

The Mayor says the vote by the Council majority to repeal the utility tax "falls short of our stated goal of being a responsive government". I will vote to override the Mayor's veto because the repeal of the utility tax is actually the first substantial action by the Council during this Covid 19 emergency. The Council has talked for months about how we need to help residents and businesses during this crisis without any results. The repeal of the City Utility tax is a long overdue example of being a responsive government.

George Hurst

Lynnwood City Council