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AGENDA
City of Lynnwood
Transportation Benefit District (TBD) Board
Council Chambers, City Hall
19100 44th Avenue W, Lynnwood, WA, 98036

Special Meeting
September 15, 2014
6:00 P.M.

10 Call to Order

20 Roll Call

30 Approval of Minutes – July 21, 2014 Special Meeting and August 4, 2014 Special Meeting

40 Executive Session: Potential Litigation

50 Adjournment

23 City of Lynnwood
24 Transportation Benefit District Board
25

26 **Item 30**
27

28 Special Meeting
29 September 15, 2014
30 6:00 P.M.
31

32
33 **TITLE:** Approval of Minutes – July 21, 2014 Special Meeting and August 4, 2014 Special
34 Meeting
35

36 **DEPARTMENT:** Public Works
37

38 **DEPARTMENT CONTACT:** David Mach
39

40 **BACKGROUND:** The July 21, 2014 special meeting and August 4, 2014 special meeting
41 were two of three recently held Board meetings. Approval of the September 3, 2014 special
42 meeting will come before the Board for approval at a later meeting.
43

44 **ACTION:** Approve the meeting minutes from the July 21, 2014 special meeting and the
45 August 4, 2014 special meeting.
46

47 **ATTACHMENTS:**

- 48 1) July 21, 2014 special meeting minutes
49 2) August 4, 2014 special meeting minutes
50
51

CITY OF LYNNWOOD
TRANSPORTATION BENEFIT DISTRICT BOARD SPECIAL MEETING MINUTES
July 21, 2014

1
2 10. CALL TO ORDER – The July 21, 2014 Special Meeting of the City of Lynnwood
3 Transportation Benefit District (TBD) Board, held in the Council Chambers of Lynnwood
4 City Hall, was called to order by Board President Simmonds at 7:16 p.m.

5
6 20.

ROLL CALL

Board President Loren Simmonds
Board Vice President Sid Roberts
Board Member Van AuBuchon
Board Member Benjamin Goodwin
Board Member M. Christopher Boyer
Board Member Ruth Ross
Board Member Ian Cotton

OTHERS ATTENDING

Public Works Director Franz
Project Manager Mach
Asst. City Admin. Ceneza
Community Devt. Director Krauss
Community Devt. Deputy Director Loch
Senior Planner Rivera
Interim HR Director Roberts
Acting City Atty. Reitan
Council Assistant Morris

7
8
9 Board President Simmonds reviewed the history and purpose of the Transportation Benefit
10 District (TBD).

11
12 30. APPROVAL OF MINUTES – Special Meeting June 30, 2014

13
14 *Motion made by Board Member Ross, seconded by Board Member Boyer, to approve the*
15 *minutes of the March 10, 2014 Meeting.*

16
17 It was noted that Mayor Smith should be listed as attending the June 30, 2014 meeting.

18
19 *Motion passed unanimously to approve the minutes as corrected.*

20
21 40. VOUCHER APPROVAL - None

22
23 50. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON RESOLUTION #5
24 AND OTHER VARIOUS DOCUMENTS AND PROCEDURES ASSOCIATED WITH A
25 BALLOT PROPOSITION TO IMPOSE A SALES AND USE TAX

26
27 Public Works Director Franz reminded the TBD of the process staff and the consultant had
28 gone through to get community input which had shown support for a TBD ballot measure.
29 The TBD then directed staff to prepare a draft ballot proposal. Staff has prepared that and
30 has included information about dos and don'ts related to this.

31
32 Project Manager Mach commented that staff looked at other cities (Stanwood, Marysville,
33 and Arlington) in Snohomish County that have successfully passed sales tax TBDs. Staff has
34 reviewed and modified samples from those jurisdictions to create a draft Resolution,

1 including proposition language, and an explanatory statement in conjunction with the City
2 Attorney. He explained that if the TBD wants to move forward with putting this proposal on
3 the November 4 General Election, the Resolution which contains the proposition language,
4 the explanatory statement, and the pro and con committee members information need to be
5 submitted by August 5. He then reviewed these documents as contained in the TBD packet.
6

7 Project Manager Mach explained that staff was looking for action on the Resolution,
8 comments on the explanatory statement, and suggestions for committee members.
9 Additionally, if the Board agrees, staff is recommending advertising on the website and in
10 the *The Herald* to solicit members for those committees.
11

12 Board President Simmonds thanked staff for their work on this. He solicited questions and
13 comments about the material in the packet.
14

15 Board Member Goodwin asked staff how recently the other cities had their ballot initiatives.
16 Project Manager Mach replied Marysville's was in the April 2014 Special Election,
17 Arlington's was in the August 2013 Primary Election, and Stanwood's was in the February
18 2013 Special Election. Board Member Goodwin asked if other cities had proposed ballots
19 that did not pass. Project Manager Mach commented that the City of Edmonds recently put a
20 vehicle tab tax on the ballot which did not pass. He wasn't aware of any others, but thought
21 it was a possibility.
22

23 Board Member Boyer referred to line 133 of the Resolution and lines 10 and 11 of the
24 Explanatory Statement and suggested the City provide examples of some of the "other"
25 projects. Director Franz replied that there is a 200-word limit on the Explanatory Statement.
26 Project Manager Mach commented that the City could get that information out in other ways
27 such as on the website, but there is some limitation as to the amount of information that the
28 City can put out.
29

30 Board Member Cotton suggested adding a banner to the City of Lynnwood website
31 regarding this, if allowed. Acting City Attorney Reitan stated that normal and regular contact
32 from the City is allowed, but nothing solely for the ballot would be allowed. Project
33 Manager Mach commented that anything staff is anticipating putting out regarding the ballot
34 measure would be run by the City Attorney to ensure it is done correctly.
35

36 Board Member Goodwin asked if the City would be bound to completing a certain project if
37 it was included in the explanation. Acting City Attorney Reitan suggested that they refer to
38 the list of TIP projects that were adopted by the Board. Board Member Boyer asked about
39 referencing the projects rated highly by the survey. Acting City Attorney Reitan indicated
40 that would be allowed.
41

42 Board President Simmonds commented that the ballot itself is actually asking for an action
43 that, if it passes, is in effect for ten years. On the other hand, from year to year when the
44 TBD adopts the budget, they do spell out specifically where the money is going to be
45 applied.
46

1 *Motion made by Board Member Boyer, seconded by Board Member Cotton, to adopt*
2 *Resolution #5.*

3
4 Public Works Director Franz asked about staff's ability to make minor changes to the
5 documents, such as adding a project, without having to come back to the TBD for specific
6 approval. Acting City Attorney Reitan replied that if it is the intent of the maker of the
7 motion that could be incorporated. Also, Section 4 talks about staff being able to
8 administratively tinker with the documents as long as it doesn't change the substance of the
9 document.

10
11 Board Member Boyer stated that was his intent.

12
13 *Board Vice President Roberts moved to amend the motion to reduce the percentage to 0.1%.*
14 *Board Member Goodwin seconded the motion.*

15
16 Board Vice President Roberts commented that the highest sales tax in the state of
17 Washington is 9.5%. He expressed concern that upon passage of the proposed ballot
18 measure the City of Lynnwood would have the highest sales tax in the state by 0.2%. He is
19 worried that that is too much and that it might jeopardize whether or not it passes.

20
21 Board Member AuBuchon commented that if the tax is cut in half the revenue would be cut
22 from \$4 million to \$2 million which would leave the City \$2 million short to meet the
23 programmed projects. Director Franz concurred, and stated that in his opinion the City
24 would continue to ride the roadway rating curve downward without the full amount. Staff
25 would feel bound to find ways to make up that difference. Board Member AuBuchon asked
26 about a combination of sales tax and vehicle tabs. Director Franz replied that they could, but
27 they have heard that tab fees are not as successful with voters.

28
29 Board Member Boyer commented that the proposed amendment would not solve the
30 problem that they set out to solve which would be illogical and undesirable. Additionally, he
31 doesn't think it makes much difference whether they are tied for first place or in first place
32 all alone. He thinks reducing the proposed sales tax would make this whole process almost
33 meaningless.

34
35 Board Member Cotton concurred with Board Member Boyer. He thinks the proposal is the
36 fairest to the people of the City. A tab fee would put the burden of the many people who use
37 the infrastructure on the shoulders of just the residents of the City. A sales tax more justly
38 represents the usage of the infrastructure. He acknowledged that Board Member Roberts
39 brought up a good point, but he thinks the original proposal is still the right way to go.

40
41 Board Member Goodwin said he agreed that they don't necessarily want to be at the top of
42 the pack in this situation, but bringing in \$2 million revenue wouldn't do what needs to be
43 done. He spoke in support of continuing on with the 0.2% sales tax proposal because it will
44 allow the City to do what needs to be done to improve the streets and is a fairer solution.

45
46 Board Member Ross commented that this is the first time Lynnwood has ever gone for a
47 ballot measure for transportation. She noted that the traffic is what people always complain

1 about with Lynnwood and it needs to be addressed. She thinks it would be detrimental to
2 only ask for some help.

3
4 Board Vice President Roberts spoke in support of the sales tax approach as opposed to the
5 vehicle tabs. His concern is that they run the risk of not getting this approved by asking for
6 too much. He also pointed out that the City of Lynnwood did not have Transportation
7 Impact Fees until 2010, but these are being gradually phased in. He reminded the Board that
8 that is a major revenue source. He also reminded the Board that Marysville went from 8.6%
9 to 8.8% sales tax, but Lynnwood is proposing going from 9.5% to 9.7%. When someone is
10 buying a car, this makes a big difference.

11
12 Public Works Director Franz clarified that Transportation Impact Fees, by law, cannot be
13 used for preservation or upkeep of pavement. They can only be used for capacity-related
14 projects. Board Vice President Roberts acknowledged this, but noted that it could definitely
15 have impacts on other projects that are coming out of the same pot of money. Staff agreed.

16
17 Board President Simmonds commented that there is always the possibility of any ballot
18 measure not passing. If that should happen, they can go back to the drawing board and take
19 some corrective action. He stressed that if this does pass it will have a positive impact on the
20 General Fund.

21 *The amendment to the motion failed.*

22
23 Board President Simmonds solicited comment on the main motion.

24
25 Board Member AuBuchon expressed concern about this making automobile tax higher in
26 the City. He stated, however, that he would be supporting this primarily because they would
27 be letting the citizens make the decision.

28
29 *Upon a roll call vote, the motion passed unanimously (7-0).*

30
31 **60. PROHIBITION ON USE OF PUBLIC FACILITIES TO SUPPORT OR OPPOSE BALLOT**
32 **MEASURE**

33
34 Acting City Attorney Reitan discussed state law which prohibits the use of public facilities
35 to oppose or assist in re-election or a ballot measure. She summarized that the same rules
36 that applied to candidates also apply to ballot measures. Board Vice President Roberts asked
37 at what point these rules become applicable. Acting City Attorney Reitan replied that since
38 the TBD just adopted a resolution, it was her opinion that the rules were effective
39 immediately.

40
41 Board Member Goodwin asked for clarification on page 60.3, lines 77-83, regarding public
42 comment during public comment time. Acting City Attorney Reitan commented that it
43 would be important to make an announcement prior to the meeting. If someone did use
44 public comment period to express support or opposition of a ballot measure, it would be
45 important to let them know it's illegal.

1 Public Works Director Franz referred to the pro and con committees and stated staff would
2 like to put an ad in the paper and on the TBD website soliciting anyone who would be
3 interested in either committee. Staff would then discuss this with the Board President and
4 the City Attorney and submit those names by August 5 to the County. Board President
5 Simmonds spoke in support of this, but stressed that these conversations should be in the
6 presence of the City Attorney. Staff concurred.

7
8 70. ADJOURNMENT

9
10 *Motion made by Board Member Boyer, seconded by Board Member Ross, to adjourn the*
11 *meeting. Motion passed unanimously.*

12
13 The meeting was adjourned at 8:05 p.m.

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Loren Simmonds, TBD Board President

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Lorenzo Hines, Jr.
24 Finance Director, acting as Board Treasurer

CITY OF LYNNWOOD
TRANSPORTATION BENEFIT DISTRICT BOARD SPECIAL MEETING MINUTES
August 4, 2014

1
2 10. CALL TO ORDER – The August 4, 2014 Special Meeting of the City of Lynnwood
3 Transportation Benefit District (TBD) Board, held in the Council Chambers of Lynnwood
4 City Hall, was called to order by Board President Simmonds at 7:01 p.m.

5
6 20.

ROLL CALL

Board President Loren Simmonds
Board Vice President Sid Roberts
Board Member Van AuBuchon
Board Member Benjamin Goodwin
Board Member M. Christopher Boyer
Board Member Ruth Ross
Board Member Ian Cotton (Absent)

OTHERS ATTENDING

Public Works Director Franz
Deputy PW Director Elekes
Project Manager Mach
Council Assistant Morris
Mayor Nicola Smith
Asst. City Admin. Ceneza
Ec. Devt. Director Kleitsch
Interim HR Director Roberts
Project Tourism Manager Monroe
City Attorney Larson

7
8
9 Board President Simmonds stated that Board Member Cotton had notified the Board that he
10 would not be present this evening.

11
12 30. APPROVAL OF MINUTES – Special Meeting July 21, 2014

13
14 *This item was pulled due to the need for corrections.*

15
16 40. VOUCHER APPROVAL - None

17
18 50. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON APPOINTMENT OF
19 PRO/CON COMMITTEE MEMBERS AND OTHER POTENTIAL DOCUMENTS AND
20 PROCEDURES ASSOCIATED WITH A BALLOT PROPOSITION TO IMPOSE A
21 SALES AND USE TAX

22
23 Project Manager Mach reminded everyone that at the July 21 Special TBD Meeting the
24 Board passed Resolution #5 which proposes to put a ballot measure in the November 4
25 General Election to raise sales tax by 0.2%. The funds of this would be used for
26 transportation improvements. In order to submit the ballot proposition, the Snohomish
27 County Auditor's Office requires a signed resolution, an explanatory statement, and
28 nomination of pro and con committee members. The signed Resolution and Explanatory
29 Statement have already been submitted. He explained that the Explanatory Statement was
30 slightly adjusted based on comments received from the Board at the last meeting. That
31 revised Explanatory Statement is in the packet on page 50-13.
32

1 The purpose of tonight's meeting is to nominate pro and con committee members. Project
2 Manager Mach explained that the roles of the pro and con committees is to prepare
3 arguments for and against the measure and also to prepare rebuttal statements. The
4 arguments and the rebuttal statements will be published in the Voters Pamphlet alongside
5 the actual proposition. He explained that three individuals had expressed interest in serving
6 on the Pro Committee. Those individuals are Larry Ingraham, Reid Shockey, and Wayne
7 Anthony. Theodore Hikel and Jim Smith have expressed interest in serving on the Con
8 Committee.

9
10 *Motion made by Board Member Boyer, seconded by Board Member Ross, to appoint Pro*
11 *Committee members as Larry Ingraham, Reid Shockey, and Wayne Anthony. Motion passed*
12 *unanimously.*

13
14 *Motion made by Board Member Roberts, seconded by Board Member Goodwin, to appoint*
15 *the Con Committee Members as Theodore Hikel and Jim Smith. Motion passed*
16 *unanimously.*

17
18 60. ADJOURNMENT

19
20 Noting no further business, Board President Simmonds stated that the next regularly
21 scheduled meeting is on October 13, 2014. There is a possibility that a special meeting may
22 be needed before that date.

23
24 *Motion made by Board Member Boyer, seconded by Board Member Ross, to adjourn the*
25 *meeting. Motion passed unanimously.*

26
27 The meeting was adjourned at 7:14 p.m.

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32 _____
33 Loren Simmonds, TBD Board President

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36 _____
37 Lorenzo Hines, Jr.
38 Finance Director, acting as Board Treasurer

52 City of Lynnwood
53 Transportation Benefit District Board
54

55 Item 40
56

57 Special Meeting
58 September 15, 2014
59 6:00 P.M.
60

61
62 **TITLE:** Executive Session: Potential Litigation
63

64 **DEPARTMENT:** Executive
65

66 **DEPARTMENT CONTACT:** Board President Simmonds
67

68 **BACKGROUND:**
69

70 **ACTION:**
71

72 **ATTACHMENTS:**
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