

July 22, 2002

## CITY OF SHORELINE

### SHORELINE CITY COUNCIL

### SUMMARY MINUTES OF REGULAR MEETING

Monday, July 22, 2002  
7:30 p.m.

Shoreline Conference Center  
Mt. Rainier Room

PRESENT: Mayor Jepsen, Deputy Mayor Grossman, Councilmembers Chang, Gustafson, Hansen, Montgomery and Ransom

ABSENT: None

1. CALL TO ORDER

The meeting was called to order at 7:30 p.m. by Mayor Jepsen, who presided.

2. FLAG SALUTE/ROLL CALL

Upon roll call by the City Clerk, all Councilmembers were present.

(a) Proclamation of "National Night Out 2002"

Mayor Jepsen proclaimed "National Night Out 2002" in Shoreline. Police Chief Denise Pentony accepted the proclamation on behalf of the Police Department.

(b) Commendation for Shoreline Police Explorers

Mayor Jepsen commended the Police Department's Explorer program and the accomplishments of three Explorers (Joshua Holmes, Jesse Baltzeel and Michael Leigh) at the 2002 Colorado Regional Law Enforcement Explorer Challenge. Several other Explorers were also on hand. Explorer Advisor Officer Steve Marshall noted that the Explorers have been contributing 15-30 hours per hour of volunteer service.

3. CITY MANAGER'S REPORT

City Manager Steve Burkett reported on future agendas and mentioned the reopening of Shoreview Park. He said public comment on the Aurora Corridor Draft Environmental Impact Statement (DEIS) will be taken at the hearing on August 6<sup>th</sup>, and written comments will be accepted until August 16<sup>th</sup>. Staff will report back to Council on August 19<sup>th</sup> regarding the Aurora Corridor DEIS.

July 22, 2002

Responding to Councilmember Ransom, Communications & Intergovernment Relations Director Joyce Nichols replied that DEIS information was translated into Korean and distributed to Korean businesses. She said the City's publicity efforts include an Aurora newsletter, which will contain information about the hearing and the project.

4. REPORTS FROM BOARDS OR COMMISSIONS: none

5. PUBLIC COMMENT

(a) Patty Crawford, Shoreline, asked Deputy Mayor Grossman what he meant by a "negotiated agreement" in his e-mail correspondence relating to the Aegis project. Referring to Mayor Jepsen's comments of July 15<sup>th</sup>, she emphasized that Mayor Jepsen has a greater responsibility than other Councilmembers because he holds the title of Mayor. She then asked the Council if Deputy Mayor Grossman spoke for the whole Council on the matter of the Aegis permit.

(b) Gretchen Atkinson, President of the North City Business Association, read a NCBA resolution expressing support of the City's efforts to improve the business district in North City. She agreed with Seattle and Shoreline's approach to economic development and hoped the City will not listen to those who falsely claim to speak on behalf of the North City businesses.

Councilmember Hansen commented that no Councilmember speaks on behalf of other Councilmembers unless he/she has their permission. Councilmember Gustafson concurred with his comments.

Councilmember Ransom reiterated last week's comments that the Council as a whole was not aware of any discussions involving Aegis.

Deputy Mayor Grossman stated that he had no meeting with Aegis. He felt that some people misinterpreted the meaning of his e-mail statements.

6. APPROVAL OF THE AGENDA

**Councilmember Gustafson moved approval of the agenda, placing Item 8(d) on the Consent Calendar. Councilmember Hansen seconded the motion, which carried unanimously, and the agenda was approved as amended.**

7. CONSENT CALENDAR

**Councilmember Gustafson moved approval of the consent calendar as amended. Councilmember Ransom seconded the motion, which carried 7-0, and the following items were approved:**

**Minutes of Workshop Meeting of July 1, 2002  
Minutes of Dinner Meeting of July 8, 2002**

# DRAFT

**Approval of expenses and payroll as of July 12, 2002  
in the amount of \$770,079.87**

**Resolution No. 189 accepting the final plat for  
Hillwood Estates**

**Motion to authorize the City Manager to execute an  
interlocal agreement with Lake Forest Park for the  
Annex Teen Program**

**Motion to authorize the City Manager to sign a purchase  
agreement with Class Software Solutions to acquire an  
automated software application system to support the  
operations of the Parks, Recreation and Cultural Services  
Department**

8. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

- (a) Ordinance No. 311 adopting the Capital Improvement Plan

Mr. Burkett highlighted the following CIP changes during the review period since it was introduced:

- Facilities Management Plan reduction from \$150,000 to \$70,000
- Revised schedule for the Interurban Trail
- Interurban Bridge Project cost increase from \$3.4 million to \$3.6 million
- Modified Ronald Bog six-year plan totaling \$5.7 million
- Revised schedule for the 3<sup>rd</sup> Avenue Drainage Project

He noted that Dayton Place/183<sup>rd</sup> and other projects were included in his memo but not in the CIP due to budget considerations. He acknowledged the Council's debt service policy and noted that the CIP is conservative in terms of debt service. He added that the Public Works Trust Fund loan is at .5%, which was consistent with the Council's policy of the lowest borrowing rate. While he prefers the Council's "pay as you go" approach, the CIP reflects some assumed debt that the City has the ability to repay. In the case of storm water funds, he said the projected \$315,000 annual debt service for Surface Water Management is at 13% and falls within the recommended range of 10-15% of operating funds. He said staff is comfortable with the debt amount and that Ronald Bog and 3<sup>rd</sup> Avenue projects would have to be postponed 10-15 years without the financing. The plan also includes a comprehensive plan for storm water management that will identify long range projects and financial plans. He provided a revised Richmond Beach Saltwater Park Master Plan and said Council will have to explore a bond issue or other construction funding solutions.

Mayor Jepsen called for public comment.

# DRAFT

July 22, 2002

(a) Anthony Poland, Shoreline, said the CIP is not balanced. He felt that Gateways, municipal arts, and Interurban trail funding are not good expenditures of public money. He said the money for Richmond Beach Saltwater Park Repairs and the Master Plan could be better spent by providing more public beach access.

(b) Fred Clingan, Shoreline, recognized the lack of funds for Dayton Place/183<sup>rd</sup> but questioned whether the water flow under Richmond Beach Road could be diverted and connected to the 3<sup>rd</sup> Avenue Project. He said such a move could address the problems at Dayton Place/183<sup>rd</sup> at a considerable savings to the City.

Mr. Burkett said the City will be looking at the whole system of storm drainage and will explore ways to link solutions to other areas such as the 3<sup>rd</sup> Ave. Project.

Councilmember Chang asked if staff has looked into cost estimates for Dayton/183<sup>rd</sup>. Mr. Burkett said the City has done some preliminary studies and estimated the cost at \$1.5 million.

**Councilmember Hansen moved to adopt Ordinance No. 311. Councilmember Chang seconded the motion.**

Councilmember Chang expressed grave reservations about the gateway project and the funding for the City Hall project.

Councilmember Hansen also had reservations but said that adoption of the CIP does not guarantee moving forward on a particular project. He emphasized the fact that the Council will have future opportunities to make decisions on specific projects.

Councilmember Ransom said his greatest concern was City Hall and reiterated Councilmember Hansen's point that the City is not forced to spend money just because it is included in the CIP. He agreed with the majority of CIP projects, but expressed moderate concern about the bridge project.

Councilmember Gustafson described the CIP as a "working document" and approved of adopting it as-is.

Councilmember Ransom asked if there would be more information forthcoming on the Dayton Pl./183<sup>rd</sup> St. project and Mr. Burkett said there would.

**A vote was taken on the motion, which carried 7-0 and Ordinance No. 311 adopting the CIP was passed.**

Councilmember Gustafson said the Council will be considering a future bond issue and expressed an interest in possibly sending some of these projects to the voters.

(b) Resolution No. 190 adopting the Transportation Improvement Program

# DRAFT

Mr. Burkett followed up with Councilmember Chang's concern about the City Hall project, noting that staff will be asking for Council priorities in terms of cost and site location. He noted that State law requires adoption of the Transportation Improvement Program (the roads section of the CIP) by separate resolution and recommended adoption.

Mayor Jepsen called for public comment.

(a) Anthony Poland, Shoreline, asked why the Council was adopting the CIP and TIP out of sequence, since the TIP is a subsection of the CIP.

Mr. Burkett responded that there was no need or preference to adopt one plan before another, and that each was a separate action.

**Councilmember Montgomery moved adoption of Resolution No. 190.  
Councilmember Gustafson seconded the motion, which carried unanimously.**

(c) Ordinance No. 312 adopting Public Art Policies and motion to adopt Public Art Policies and Procedures

Wendy Barry, Parks, Recreation and Cultural Services Director, reviewed the following elements of the 1% for Arts Ordinance:

- There is no spending cap;
- It is based on eligible funding sources;
- Council retains discretion in limiting or eliminating projects;
- Council can choose to delegate authority to Parks, Recreation and Cultural Services Advisory (PRCS) Committee for art selection.

She noted that the ordinance preserves the Council's wishes and emphasized that arts funding is only based on eligible funding sources. She said with federal grants less maintenance costs, the fiscal impact on the City will be \$489,430 for the six-year plan.

She said the two options in the Arts Policies and Procedures allow Council to choose whether to retain final approval of the art pieces (Option #1) or delegate that authority to the Parks, Recreation and Cultural Services Advisory Committee (Option #2). She then outlined the advantages and disadvantages to both options. By selecting Option #1, the Council could be criticized for choosing potentially controversial material. By selecting Option #2, the Council could be criticized for leaving the final decision to others.

She then outlined the specific provisions of the ordinance, noting that it calls for 1% of the total amount of project construction based on eligible funds. She noted that the funding amount no longer reflects soft costs or acquisition of property, or projects that are considered routine maintenance, such as lifecycle replacement.

Mayor Jepsen called for public comment.

(a) Anthony Poland, Shoreline, opposed adoption of the ordinance and claimed that the figures do not match the CIP and were deliberately scaled down. He said not only will the ordinance be expensive, but the City will be forced to define what art is, which is always difficult and controversial. He also expressed concern about the hidden cost of repair and maintenance and insurance issues associated with art collection.

Mayor Jepsen assumed that the difference in costs between the ordinance and the CIP were soft costs. Mr. Burkett explained that the limitation on eligible funding sources accounted for a discrepancy.

**Councilmember Montgomery moved adoption of Ordinance No. 312, including Option #2. Councilmember Gustafson seconded the motion.**

Councilmember Montgomery felt that the Council would be held responsible for any controversial decisions regardless of who had the final authority for art decisions.

Mr. Burkett concurred with Councilmember Montgomery and said that Council will not be eliminated from the process either way. He felt that the authority should be delegated to the PRCS Committee to avoid arts debate and to allow Council time to consider more important matters. He also mentioned the fact that any contract over \$50,000 would come before the Council anyway.

**Councilmember Ransom moved to amend the motion to Option #1. Councilmember Hansen seconded the motion.**

Councilmember Hansen concurred with Councilmember Ransom in saying that Councilmembers were elected to make these kinds of controversial decisions.

Councilmember Gustafson favored Option #2 because it delegates authority to responsible citizens and allows the Council more time to consider other issues.

Mayor Jepsen concurred and felt that judging art was not a top priority for the Council.

Deputy Mayor Grossman also preferred Option #2.

After brief discussion, a vote was taken on the amendment, which failed 3-4, with Councilmembers Chang, Hansen and Ransom voting in the affirmative.

Councilmember Hansen was uncomfortable with the idea of using General Fund money to finance arts and landscaping in the event that landscaping runs over the 3% of grant funding allocated for landscaping. He referred to the Richmond Beach overpass and asked Ms. Barry to clarify the 1% ordinance stipulation. She said the 1% would be tied to those projects that have art as an eligible expense, and that the Council would still have the choice to limit or eliminate funding when the project reached the bid phase.

# DRAFT

Councilmember Hansen disagreed with the idea that the Council had an "escape route" and said the funding would already be approved before the bid phase.

Mr. Burkett commented that the 3% limit on art and landscaping is only included in Transportation Improvement Board-funded projects, and if landscaping exceeded 3%, the City would not be required to add on the 1% for art. He also clarified that federal grant funds determine whether the City has to spend money on particular projects.

Councilmember Hansen expressed his preference to allow Council to remove art projects if the 3% limit were to be exceeded. He also supported building art into the project itself, as was done at the Shoreline Fire Station.

Ms. Barry said that the Policies and Procedures includes the option to include art in the building structure. Mayor Jepsen said the annual art plan is the opportunity for Council to review and add/delete projects. Ms. Barry added that the ordinance allows Council to eliminate or reduce the funding if the Council determines that the public would be better served by such elimination or reduction.

Councilmember Gustafson was comfortable in knowing that the forthcoming art plan will be a chance for Council to provide additional input.

Councilmember Ransom noted that art programs in other cities have worked well, so he felt comfortable with taking action on the motion tonight.

Councilmember Chang asked what would happen if the City did not spend the entire 1% allocated to a particular project. Ms. Barry replied that if it was funded entirely by General Fund money, it would revert back to the Municipal Art Fund and be pooled to be used on other projects in the community. If the project was funded with federal dollars or other grant monies, the City would be required to spend the money at the specific site or project. Any surplus funds would be returned to the source.

**Councilmember Hansen moved to postpone action on the motion until the meeting of August 26. Councilmember Chang seconded the motion, which carried 4-3 with Mayor Jepsen, Deputy Mayor Grossman and Councilmember Gustafson dissenting.**

Mr. Burkett followed up on Councilmember Chang's concern and assured Council of the safeguards built into the budget process whereby Council would have the final decision on projects funded from either City dollars or federal grants.

## 9. CONTINUED PUBLIC COMMENT

(a) Dale Wright, Shoreline, addressed the Aurora Corridor Project, noting the decision on the preferred alternative was made after a three-year public process in which everyone had the opportunity to provide input. He said the community wanted several things, including safety improvements, raised medians, and attractive construction. He shared statistics about other cities using raised medians and noted that they experienced

fewer accidents, lower injury rates, and fewer pedestrian fatalities. He said the raised medians could reduce accidents and possibly lower societal costs by \$4 million annually. He said that the business community's opposition to the Aurora Corridor Project is not supported by the facts, and that the proposed improvements will actually stimulate economic growth and investment. He also said that Mr. Mann and his supporters in the Aurora Merchants Association refuse to honor the democratic process and want to derail the project. He concluded by offering his support of the Council's defense of the project.

(b) Anthony Poland, Shoreline, said the public wants general improvements on Aurora but the current Aurora Corridor Plan does not accomplish this. He said the public does not want bus-only lanes and 12 foot sidewalks and he challenged Councilmembers to observe existing traffic patterns, such as the section of Aurora Avenue from 85<sup>th</sup> Street to 145<sup>th</sup> Street, to determine what the City needs. He added that the Aurora Corridor Project will simply move traffic accidents from the right lane to the left lane and create a more dangerous situation. He also disagreed with the planting of trees in the median because of its negative impact on businesses.

Councilmember Ransom recognized that Charlotte Haines has been appointed as a Water District Commissioner.

Responding to Mr. Poland, Councilmember Hansen said he has never had any problems accessing the businesses on the 85<sup>th</sup> Street to 145<sup>th</sup> Street section of Aurora.

10. Adjournment

At 9:14 p.m. Mayor Jepsen declared the meeting adjourned.

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Sharon Mattioli, CMC  
City Clerk