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CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF REGULAR MEETING

Monday, August 26, 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.

3. CITY MANAGER'S REPORT

City Manager Steve Burkett briefly highlighted the items on next week's agenda, noting the meeting will be held Tuesday, September 3, 2002.

Mayor Jepsen reviewed Council meeting rules of procedure, noting that disruptive, impertinent, or slanderous comments are prohibited in public meetings. He also reviewed rules relating to public comment as stated in the agenda.

4. REPORTS FROM BOARDS OR COMMISSIONS: none

5. PUBLIC COMMENT

(a) Anthony Poland, Shoreline, felt Item 7(e), the Richmond Beach Overcrossing bridge project, needed further discussion and asked that it be removed from the consent calendar. He said community opinion is that the money would be better spent on a public crossing rather than for private residents who live in the area.

(b) Gretchen Atkinson, Shoreline, said she was appalled by the disruptive and slanderous comments at last week's Council meeting. She said personal attacks should not be directed at Councilmembers. She objected to using tax dollars for slanderous remarks and hoped the rules would be enforced at future meetings.

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(c) David Townsend, Shoreline, reported that he has been trying to get safety equipment installed at the intersection of 170th Street & 15th Avenue NE since the death of his daughter in March. He felt the City has been evasive in response to citizens' questions regarding signage, school crossings, and in-light paving. He asked the Police Department to implement a pedestrian safety sting operation but the City has yet to initiate the program. He described meetings with Mayor Jepsen and Mr. Burkett and expressed a strong desire for straight answers and open dialogue with the City.

(d) Donald Scoby, Shoreline, expressed support for pedestrian safety operations as implemented by the City of Redmond. He read an article outlining Redmond's formula for enhancing pedestrian safety and asked whether the City of Shoreline plans to implement a similar program.

(e) Pat Crawford, Shoreline, discussed the topic of personal attacks, explaining that she does not know any of the Councilmembers personally. She said the term "personal attack" is unfair, and cited many instances in which her home, family, and property rights have been threatened by the City.

(f) Kay Jones, Shoreline, agreed with the request to continue discussion of the Richmond Beach overcrossing, Item 7(e), because it is a much greater issue than is being portrayed. He said the majority of Richmond Beach residents will be denied access to the beach, and if federal funds are accepted, only a small minority of citizens will be served.

(g) Deborah Todd and Marcia McAuliffe, Shoreline, discussed the Day of Unity Proclamation on September 11th and invited Councilmembers and citizens to attend the evening program at the Shoreline Conference Center auditorium.

(h) Stan Terry, Shoreline, said recent public comments have unfairly characterized the City Council as anti-environment. He said residents perceive a lack of clear, comprehensive environmental policy, and recommended the City Council establish an Environmental Quality Commission to avoid problems in the future. He added that many of the problems associated with the Aegis project could have been resolved through such a commission.

Responding to public comment, Mr. Burkett said traffic safety issues will be discussed in detail at next week's meeting. He noted the City is likely to use enforcement techniques such as sting operations. He said he has no idea what the warrant study will show in September, but the City is evaluating in-street pavement lighting at two intersections and will make a decision after careful analysis.

Mayor Jepsen thanked Mr. Scoby for bringing Redmond's program to the Council's attention. He added that Shoreline would most likely be implementing similar sting operations in the City. He then discussed the Richmond Beach Overcrossing project, noting he was unaware of a permit application on Appletree Lane. Mr. Burkett was not aware of any application and noted that private property owners are not required to provide public beach access.

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Councilmember Ransom asked staff if there was any relationship between the bridge project and beach access. He said he did not see a relationship between the two.

Mr. Burkett said there was no relationship between the two, but noted Mr. Poland's contention that the City should not use public funds to replace the bridge.

Councilmember Hansen added that funds for the bridge are not available for use on other projects since most of it is federal grant money.

Mayor Jepsen said the Planning Commission should consider the Environmental Quality Commission proposal as a part of its review of the Critical Areas Ordinance.

Deputy Mayor Grossman noted that Lake Forest Park has an environmental commission to provide input to its City Council and expressed support for a similar system to improve the environment and minimize communication breakdown.

Councilmember Gustafson concurred with Deputy Mayor Grossman and expressed interest in establishing advisory groups in several relevant areas. He also expressed a desire to investigate the use of traffic safety down-arrows as used in Seattle. Mr. Burkett noted the City plans to install down-arrows at several locations throughout Shoreline.

Councilmember Hansen supported the City's use of green fluorescent signs and encouraged staff to pursue all potential funding sources for enforcement operations.

Mr., Burkett mentioned that the Neighborhood Traffic Safety budget approved by Council authorizes overtime for traffic safety enforcement.

Councilmember Gustafson suggested the bridge issue be discussed with the Richmond Beach Community Council.

6. APPROVAL OF THE AGENDA

Councilmember Montgomery moved approval of the agenda. Councilmember Hansen seconded the motion, which carried unanimously, and the agenda was approved.

7. CONSENT CALENDAR

Councilmember Montgomery moved approval of the consent calendar. Councilmember Hansen seconded the motion, which carried 7-0, and the following items were approved:

**Minutes of Regular Meeting of July 8, 2002
Minutes of Workshop Meeting of July 15, 2002
Minutes of Joint Dinner Meeting of July 22, 2002**

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Minutes of Regular Meeting of July 22, 2002

**Approval of expenses and payroll as of August 16, 2002
in the amount of \$3,492,768.63**

**Resolution No. 192 ratifying three amendments to the King
County Countywide Planning Policies**

**Ordinance No. 308 granting a franchise to Puget Sound
Energy for the distribution of Natural Gas within the
City of Shoreline**

**Motion to authorize the City Manager to execute a
Local Agency Agreement and Project Prospectus
obligating federal grant monies for design of the
Richmond Beach Overcrossing bridge replacement project**

**Motion to authorize the City Manager to execute a contract
for professional services with Otak, Inc. in an amount not
to exceed \$435,000 for design of the 3rd Avenue Drainage
Project**

**Motion to authorize the City Manager to execute the Commute
Trip Reduction Act Interlocal Agreement with King County**

8. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

- (a) Motion to authorize the City Manager to enter into a contract with Olympic Associates of Seattle in the amount of \$479,591 for project management services for City Hall

Bob Olander, Deputy City Manager, briefly reviewed the contract, explaining that the contract is divided into Phase 1 and Phase 2. Phase 1 will include a study of existing space and cost estimates, and Phase 2 will be project delivery. He noted that the contract is written to allow Council the option to proceed to Phase 2.

Councilmember Hansen moved to authorize the City Manager to enter into a contract with Olympic Associates of Seattle in the amount of \$479,591; provided that the City reserves the right to terminate the contract at any time.

Councilmember Montgomery seconded the motion.

Councilmember Hansen said he considered it to be a \$50,000 contract since it is Council's decision to continue on to Phase 2.

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Councilmember Ransom asked whether there will be an opportunity to review the results of Phase 1 before Phase 2 is approved. Mr. Burkett said Phase 1 identifies various stages in which staff and Council will have opportunities to discuss progress.

Councilmember Gustafson emphasized the need for Council to be updated on the siting process as frequently as possible.

Councilmembers were assured that Council will be kept informed as the process moves forward, and there will be another decision point before moving to Phase 2 of the contract. **A vote was taken on the motion to approve the contract, which carried unanimously.**

- (b) Ordinance No. 309 to amend the Development Code to address State requirements for siting Secure Community Transition Facilities

Rachael Markle, Planning Manager, provided the staff report, explaining the background and implications of the Secure Community Transition Facilities (SCTF) siting process. Her report contained the following points:

- Washington State sexual predators have been committed to special commitment centers (SCC) after serving criminal sentences at special commitment centers, formerly on McNeil Island.
- A 1991 civil rights complaint alleged violation of the constitutional rights of SCC residents, and a 1994 federal court ordered the State to provide constitutionally-adequate mental health facilities /treatment.
- A 1999 court ordered the State to pay \$50/day per SCC resident; fines now total over \$4 million, and the court ordered the State to transfer qualified SCC residents to less-restrictive housing.
- In 2001 the State Legislature passed a bill creating the concept of SCTF, less restrictive facilities for those who have already served criminal sentences. It also authorized DSHS to operate a 24-bed SCTF on McNeil Island, and reformed the State sentencing structure for sexual offenders.
- King County is scheduled to receive 15 SCTF beds between 2004-2007
- No local jurisdiction's comprehensive plan or development regulations may preclude the siting of SCTF's. Local plans/codes must address SCTF siting by Sept 1, 2002.
- The Planning Commission conducted a public hearing on the proposed amendments on July 18, 2002, and testimony was provided by DSHS and one SCTF resident.
- At the Planning Commission's request, the City Attorney reviewed DSHS comments and made minor adjustments to ordinance.
- City staff analyzed alternatives and determined that current code may preclude siting of SCTF's. The code does not currently list them as a use, and in applying unlisted use criteria to an SCTF, there is a chance the City would deny that use and preclude the siting of SCTF.

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- The City risks the State preempting local regulations if no action is taken. Staff does not recommend the "do nothing" alternative.
- Amending the Comprehensive Plan is another alternative. Staff found that the CP is consistent with regulations siting essential public facilities, and while it does not specifically State SCTF, it does not preclude them. Staff does not recommend amending the CP.
- The Planning Commission and staff recommend the third alternative -- amending the Development Code. The proposed amendment adds changes to definitions and to the use table. Since SCTF is not a listed use, it would add SCTF as a specific use in the table. SCTF's would be permitted under this proposal in regional business and industrial zones as a special use if it meets index criteria.
- Potential siting locations are limited in Shoreline due to the restrictive nature of the State Index Criteria. Criteria limit the size of the SCTF to three beds and require adequate/safe transportation, on-site dining, laundry, and recreation at SCTF location. Criteria also require applicants to submit the following: documentation of siting process used; analysis of why the preferred site will have no undue impact on any one racial, cultural, or social-economic group; mitigation measures; and proof there is an established interlocal agreement regarding security and operational procedures. The City would also ask for a schedule and analysis of public input.
- Staff recommends a 200-foot absolute buffer between SCTF's and high-risk activity locations. It is important to understand that line-of-sight can be less than the 600-foot rule established by DSHS. Staff supports a 200-foot standard, whether or not an obstruction exists.
- Both the Planning Commission and staff believe the process should be quasi-judicial, and noticing should be expanded to include residents and property owners within a 1/2 mile radius.
- Staff recommends the Hearing Examiner be the reviewing and decision-making authority. The Planning Commission favors itself as the recommending authority and the City Council as decision-making authority. Either option is consistent with City policy.
- Other jurisdictions have used the Burien model as a starting point for SCTF policy. Bellevue, Issaquah, Kirkland, Kent, and Renton relegated SCTF's to industrial zones as a conditional or special use. Some jurisdictions require buffer zones from residential areas as well as risk-potential activities.

Deputy Mayor Grossman moved adoption of Ordinance No. 309(A)[Planning Commission version]. Councilmember Gustafson seconded the motion.

Councilmember Ransom mentioned the fact that only 39 acres (Aurora Village) meet the State's 600-foot requirement. He expressed concern that the City's restrictive SCTF boundaries do not live up to the intent of the State mandate, although it may be technically legal. He asked Mr. Doennebrink, Planning Commission Chair, for input on this question.

Mayor Jepsen asked Ms. Markle for clarification about what locations would be available for SCTF's in Shoreline, recalling that her presentation mentioned Aurora Village.

Ms. Markle responded that the City is not proposing anything greater than the State required 600-foot unobstructed view buffer. She clarified that the City is recommending the 200-foot absolute buffer in addition to the State requirement.

Councilmember Ransom referred to the map and said even the sites in North City may not meet the criteria if measurements are taken for unobstructed site, implying that staff does not really know how many eligible sites exist in Shoreline. Ms. Markle concurred, noting that DSHS would take measurements if Shoreline was chosen as an SCTF location.

Councilmember Gustafson questioned Shoreline's potential for siting an SCTF given the restrictive criteria. Ms. Markle said DSHS is looking for three acres and at least twelve beds, noting that such a scenario would be difficult to find in Shoreline.

Councilmember Gustafson said the State law amounts to an unfunded mandate and pointed out the section that recommends cities collaborate on the SCTF process. Responding to his question whether Shoreline was part of a consortium, Ms. Markle replied that it was not.

Mr. Burkett added that DSHS made presentations to the King County City Managers group, but that it has been difficult to agree with other cities about who will accommodate facilities. He added that State law provides grants to cities to serve as pilot projects.

Councilmember Gustafson referred to page 196 and asked whether a meeting between northend citizens and Representative Carolyn Edmonds took place. He noted that SCTF is a controversial issue that should be considered with input from State legislators.

Tim Stewart, Planning and Development Services Director, said he attended the meeting and various alternatives were discussed. He said cities are taking various positions, noting that Lake Forest Park is allowing the State to preempt their local regulations. Other cities are consciously amending their codes.

Councilmember Gustafson asked about the consequences of not amending the code. Ms. Markle said the State could preempt the City based on their guidelines, noting that the State will try to honor minimum requirements. Mayor Jepsen mentioned that Lake Forest Park believes this option presents a lesser risk for them.

Councilmember Gustafson asked if there was any analysis on existing Level 2 offenders in Shoreline. Ms. Markle said the City was aware of 12 Level 2 offenders, noting that she is not sure how that compares with other cities.

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Councilmember Gustafson felt it does not make sense to house offenders in facilities with only three beds. He supported the motion to allow the Planning Commission and City Council to decide rather than the Hearing Examiner.

Councilmember Montgomery emphasized that offenders are sexually violent predators who are highly likely to re-offend. She questioned whether Shoreline citizens were adequately protected from such offenders. She asked Mr. Doennebrink why he feels the recommending authority should be by the Planning Commission rather than the Hearing Examiner.

Brian Doennebrink, Planning Commission Chair, said the Planning Commission feels the community should have some input on siting of such facilities.

Councilmember Hansen said his discussions with other Association of Washington Cities members tell him the City is doing the right thing in amending the code to comply with State law. He said sex offenders are high-risk cases and that their facilities amount to prisons. He agreed with the staff recommendation to amend the code.

Councilmember Chang agreed with Councilmember Hansen's comments and emphasized the City's commitment to protecting the public.

Mayor Jepsen agreed with the direction of the discussion and expressed thanks to staff and the Planning Commission for its timely completion of this issue.

Staff asked that Section 20.40.505(4) of the proposed ordinance be replaced with the following language as outlined in the staff report: "In no case shall a SCTF be sited adjacent to, immediately across a street or parking lot from, or within 600 feet of unobstructed sight distance or 200 feet of risk potential activities or facilities as defined in this title in existence at the time a site is listed for consideration; provided, the 200-foot criteria shall not apply if the State Department of Social and Health Services determines it is not needed to protect the public safety. The distances specified in this subsection shall be measured by following a straight line from the nearest point of the building in which the SCTF is to be located, to the nearest point of the property line of the lot occupied by the risk potential activity or facility."

Ian Sievers, City Attorney, explained why staff suggests adding this language, noting that the City should comply with specific mandates but do whatever it can to protect citizens as Councilmember Chang mentioned. He said the amendment addresses the inadequacy of the State law relating to 600 feet line-of-sight.

Councilmember Hansen suggested this as a friendly amendment. Deputy Mayor Grossman and Councilmember Gustafson included the change in their motion.

A vote was taken on Ordinance No. 309(A) as amended, which carried 7 – 0, and Ordinance No. 309 amending the Development Code to address State requirements for siting Secure Community Transition Facilities was passed.

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- (c) Ordinance No. 312 regarding the allocation of City Funds for works of arts in public places; creating a Municipal Art Fund; and adding a new Section 3.35.150 to the Shoreline Municipal Code

Rob Beem, Assistant Director of the Parks, Recreation and Cultural Services Department, reminded Council that the following motion is on the floor: “to adopt Ordinance No. 312 and Public Art Policy and Procedure Option #2 delegating final authority in the art selection process to the Parks, Recreation and Cultural Services Advisory Committee except where the cost of the contract exceeds \$50,000.”

Mayor Jepsen called for public comment.

(a) Anthony Poland, Shoreline, opposed adoption of the ordinance, saying that the City cannot afford it and the money could be better spent elsewhere. He expressed concern about the City running short of funds and strongly urged Council to oppose the measure.

(b) Roz Bird, Executive Director of the Shoreline/Lake Forest Park Arts Council, supported adoption of the ordinance but asked Councilmembers to delete the limiting language “provided, contribution from a particular Qualifying Municipal Construction Project budget may be eliminated or reduced if the City Council determines that the public interest would be better served by the reduction.” She said the 1% for public art does not come from operating funds and is not an added expense, only a nominal set-aside. She assured Council that the limiting language is not necessary, citing examples of successful arts projects in other cities.

Councilmember Ransom said that Council considered Ms. Bird's recommendation but has decided to keep the original language of the ordinance. He continued to feel that Option #1 is a better choice, since the vast majority of projects will total less than \$50,000.

No Councilmembers who voted for Option #2 wished to reconsider their votes.

Councilmember Gustafson asked for clarification of the proposed ordinance and what determines whether money is spent for a project or is pooled and transferred elsewhere.

Mr. Burkett noted that Council makes the final determination on art projects since Council makes final budget decisions.

Deputy Mayor Grossman expressed support for the ordinance, characterizing it as a good compromise given budgetary constraints.

Addressing Mr. Poland's and Ms. Bird's comments, Mayor Jepsen expressed support for the ordinance and said it does not unnecessarily limit arts projects.

Councilmember Chang expressed support for combining the Municipal Art Fund with the Gateways Project in order to eliminate the possibility of duplicate spending. Mayor Jepsen said Council could look into that issue in the future. Mr. Burkett noted that the Parks, Recreation and Cultural Services Advisory Committee could put together a proposal and present it to Council for future consideration. Councilmember Hansen agreed with Councilmember Chang's sentiments, noting that the Gateways program is a kind of art project.

A vote was taken on the motion, which carried 7 – 0 and Ordinance No. 312, including Public Art Policy and Procedure Option #2, was adopted.

Councilmember Chang commented on the Puget Sound Energy franchise, noting that some utility companies unfairly discriminate against citizens in terms of providing service. He added that utility companies tend to perform poor road maintenance after completing work. Mayor Jepsen questioned whether utility companies provide a warranty bond to insure their work. Mr. Burkett commented that City ordinance requires utilities to repair roads after work is performed, noting that Shoreline streets are protected under the PSE franchise.

9. CONTINUED PUBLIC COMMENT

(a) Anthony Poland, Shoreline, said the franchise agreement with Puget Sound Energy amounts to a tax windfall for the City. He said the Council should prepare for public discontent resulting from the decision on the Richmond Beach Overcrossing Project, noting that the money is better spent by providing beach access to the entire community. He said the City should deed back to homeowners the entire portion of Appletree Lane and let them deal with their own problems.

(b) Kay Jones, Shoreline, urged Council's careful consideration of the Richmond Beach issue and expressed concern that Shoreline Police are trying to enforce Burlington Northern's responsibilities. He said the bridge project is an unfair situation, noting that it will only serve 35 homes on a short piece of public road. He expressed hope that Council would reconsider its decision in the name of public harmony and fairness.

(c) Dale Wright, Shoreline, explained the findings of a Texas A&M University study that showed that raised medians restrict access to businesses, but the restricted access allows for more efficient signalization and traffic flow, potentially providing more customers for businesses. He said the study is a valid economic indicator, noting that many studies on the effects of traffic operations exist but little research is available on the economic impact from raised medians on adjacent businesses and properties. The research found that raised medians do not equate to economic losses by adjacent businesses. He said the study is appropriate and relevant to Shoreline, and wanted to ensure that Council has a clear understanding of the information that forms the basis of his opinion.

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(d) Brian Doennebrink, Shoreline, reported on the Aurora Corridor Draft Environmental Impact Statement public hearing hosted by the Planning Commission, noting that the issues raised will also apply to future developments along Aurora Avenue. He said the Commission decided not to make a formal recommendation. He said there are many difficult, emotional issues to debate, but he will support whatever the Council decides. He expressed support for the Environmental Quality Commission idea, noting that the Planning Commission has discussed similar issues. Lastly, he expressed concern about the number of issues to be discussed by the Planning Commission within a limited time frame, noting in 2004 there will be another cycle of Planning Commissioners.

Councilmember Hansen commended the meeting participants for the quality of public comments. He then expressed support for the bridge project, noting the City has an obligation to take care of the bridge/road for the use of all citizens. He said people have a right to access their own property on Appletree lane. He noted the complicated nature of the problem and expressed a preference for constructing either an undercrossing or overcrossing. He added that the public beach access issue is totally separate from the bridge project.

Mr. Burkett said the City is looking at options and opportunities for providing more beach access and will be providing information to the Council in the future.

Regarding the question of raised medians, Councilmember Chang said he spoke with the Georgia Department of Transportation and plans to contact the Texas DOT as well for input on the economic impact of medians. He noted that Lynnwood is not adding additional raised medians along Aurora Avenue but only replacing existing medians.

10. ADJOURNMENT

At 9:40 p.m. Mayor Jepsen declared the meeting adjourned.

Sharon Mattioli, CMC
City Clerk

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