

CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF REGULAR MEETING

Monday, July 14, 2003
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

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

ABSENT: Councilmember Hansen

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**

Mayor Jepsen led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present, with the exception of Councilmember Hansen.

Upon motion by Deputy Mayor Grossman, seconded by Councilmember Gustafson and unanimously carried, Councilmember Hansen was excused.

3. **CITY MANAGER'S REPORT**

City Manager Steve Burkett pointed out that staff corrected a grammatical error in Ordinance No. 330. He also noted that the September 2 Workshop is proposed to be cancelled due to schedule consolidation.

4. **REPORTS OF BOARDS AND COMMISSIONS:** none

5. **PUBLIC COMMENT**

(a) Janet Way, Shoreline, expressed concern about pedestrian safety problems on Aurora Avenue N related to the "roving eyes" crosswalk. She recommended that the City conduct pedestrian safety studies throughout Shoreline, noting that Paramount School Park has a particular problem with pedestrian safety.

(b) Ginger Botham, Shoreline, said the "roving eyes" crosswalk on Aurora Avenue is not an effective solution to the pedestrian traffic safety issue, noting that drivers do not recognize it as a pedestrian crosswalk. She said her repeated requests for painted white lines on the crosswalk at NE 165th Street and Aurora have not been heeded.

(c) Rick Stephens, Shoreline, contended that the City's inter-office memos confirm that Shoreline should not be doing a non-project SEPA process for the right-of-way (ROW) area since there are many references to proposed projects. He said if the City adopts the proposed ROW lines, it is required to reissue a new SEPA checklist because of non-compliance with SEPA procedural requirements, and for improperly preparing the checklist as a non-project action. He said action on the ROW will constitute a "taking" because of inverse condemnation.

(d) Diana Stephens, Shoreline, read a letter from attorneys for the Shoreline Merchants Association asserting that Shoreline's adoption of the preferred right-of-way for Phase 2 of the Aurora Corridor Project will constitute property "taking" through inverse condemnation. She asserted that property values will decrease along Aurora if the proposed right-of-way widths are approved.

(e) Pam Russell, Shoreline, invited the Council to attend a fundraiser at Prince of Peace Lutheran Church on Saturday. She said the proceeds will be used to help several charities, including the Helpline and Hopelink foodbanks, Interfaith Hospitality Network of Seattle, and Compass Center Veterans Center in Shoreline.

(f) Randy Ferrell, Shoreline, urged Council to consider alternative ROW alignments, including shifting the ROW to the west, or dividing the difference between both sides of Aurora Avenue. He said while the proposal may establish some certainty, it does not consider what will be sacrificed if the preferred ROW lines are adopted. He felt the project has been a failure not only in terms of design, but in terms of public process. He asked the Council to have a fair and open public process that involves citizens early, and to consider the economic impact on the community.

(g) Maggie Fimia, Shoreline, asked the Council to defer voting on this measure until there is proper public notice and debate. She pointed out that this action will have major financial and voter trust ramifications. She asserted that the proposed action will negatively impact existing businesses unnecessarily, and that there would be "de facto" condemnation of property without compensation. She urged the Council to be a "referee" and use its power rationally, adding that there is no reason to move so quickly on this proposal.

(h) Cindy Ryu, Shoreline, commented on the proposed Capital Improvement Plan, asserting that debt service for a new City Hall will exceed current lease payments. She asked that Interurban Trail Project Manager Kirk McKinley attend the Planning Commission meeting on Thursday to discuss a Special Use Permit involving a wireless transmission facility to be located near the trail.

(i) Ginger Botham, Shoreline, noted that the Draft Environmental Impact Statement for Shoreline Community College's master plan is now available, and that there will be a public comment opportunity on July 29. She urged the Council not to

adopt the amendment to the Comprehensive Plan that will establish a maximum ROW width along Aurora Avenue.

(j) Robin McClelland, Shoreline, member of the Shoreline Planning Commission and tenant of the Shoreline Business and Professional Center, described the diversity of the Aurora business district between NE 175th and NE 185th and asked the Council to consider its long-range future. She said each business deserves individual treatment to ensure it can stay in Shoreline. She also said that the maximum ROW is an important first step that will provide certainty to businesses/owners affected by redevelopment. She urged the Council to move forward with adoption of the proposal.

(k) Wally Crow, Shoreline, executive director of Shoreline Chamber of Commerce, asked the Council not to adopt the future ROW lines, and to be more proactive in meeting with Central area businesses. He asked the Council to recommunicate the City's "32 Points" to Aurora businesses, noting that they indicate the City's desire to involve the business district in planning and redevelopment. He also urged the Council to consider options for Phase 2, including: diverting buses to Midvale Avenue N; using less than the maximum ROW; developing the "wedge" into a vibrant business district; reducing sidewalk widths to eight feet; and retaining as much of the two-way turn lane as possible.

(l) Brian Doennebrink, Shoreline, Chair of the Shoreline Planning Commission, explained the process wherein the Planning Commission unanimously supported the adoption of the proposed ROW lines. He said the Commission was comfortable with the overall proposal as well as the City's plan for relocation of any affected businesses.

(m) Marlin Gabbert, member of the Planning Commission and Shoreline Chamber of Commerce, expressed support for the amendment, noting that establishing the maximum ROW does not result in property takings. However, he wondered if the amended Comprehensive Plan would restrict a business that wanted to expand its building up to the property line.

(n) Russ McCurdy, Shoreline, read a letter from the Shoreline Merchants Association asking that the amendment be postponed indefinitely. He said the amendment will be damaging to businesses and property owners, particularly those on the east side of the street, and that property takings may result due to inverse condemnation. He said there is no reason to adopt the measure tonight if the City is willing to consider the design alternatives that came from the charrette process. He asserted that no small businesses on Aurora favor the City's plan.

(o) Keith Tuffnel, Shoreline, urged the Council not to adopt the proposed ROW amendment, noting that a majority of people are against the amendment. He said the Council should consider a "win-win" agreement that works for everyone, noting that many people were satisfied with the design alternatives identified in the charrette process. As a Shoreline business owner, he said he was not contacted about the proposed

amendment, which puts a line down the middle of his building. He urged Council to explore opportunities to create a vibrant business district that benefits everyone.

Mayor Jepsen, asked staff to address the "roving eyes" issue, noting that it is a state, not City, project.

Paul Haines, Public Works Director, explained that the "roving eyes," is a Washington State Department of Transportation (WSDOT) pilot project to make Aurora Avenue safer. He said due to some confusion about how the facility works, staff has been talking with WSDOT about changes that may enhance the project. WSDOT feels the project has been successful in making the street safer than it was before.

Mayor Jepsen shared the feeling that a traditional striped crosswalk might be more effective than the "roving eyes." He said he does not want the City to take over the project if and when it is time to turn it over to Shoreline.

Councilmember Ransom advocated for pedestrian lights at 170th Street and 165th Street. He said even though the "roving eyes" has produced favorable results in other states such as Florida, they do not seem to have the same effect here. He wondered if the project has actually created a more dangerous situation at that location.

Mr. Haines said the State found there has been an improvement in driver behavior, but it is still clear that many people doubt their effectiveness. He explained that the "roving eyes" do not require anyone to stop; they simply alert drivers that something is happening. Therefore, pedestrians should still proceed with caution. He said staff has told WSDOT that the City would prefer something else at these locations but the grant funding for the project has already been expended. He noted that there will be a full signal at 165th Street as part of the Aurora Project, but this is at least two years away.

Councilmember Gustafson favored removal of the "roving eyes" as soon as possible, noting that they create a false sense of security.

Mr. Burkett said the discussion illustrates that the effectiveness of the "roving eyes" is highly debatable. He assured Council that the City will not assume the project from the State at this time.

6. APPROVAL OF THE AGENDA

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

7. CONSENT CALENDAR

Councilmember Montgomery moved approval of the consent calendar. Councilmember Ransom seconded the motion, which carried 6-0, and the following items were approved:

**Minutes of Workshop Meeting of June 16, 2003
Minutes of Dinner Meeting of June 23, 2003
Minutes of Regular Meeting of June 23, 2003**

**Approval of expenses and payroll as of July 3, 2003
in the amount of \$1,297,842.25**

**Resolution No. 209 ratifying five amendments to the
King County Countywide Planning Policies**

**Motion to authorize the City Manager to execute
a contract with Berryman and Henigar, Inc. for
\$500,000 and change orders up to \$75,000 to
complete the update of the Comprehensive Plan
and development of the Transportation and Surface
Water Master Plans in coordination with the update
of the Parks, Recreation, and Open Space Plan**

**Ordinance No. 330 amending Ordinance No. 281 to
allow additional design options and phasing to be
considered in the design and construction of measures
mitigating impacts resulting from improvements to
the North City Business District**

**Motion to authorize the City Manager to execute a
professional services agreement with Onsite PC Care
in the amount not to exceed \$158,080 to provide
help desk and network operation services under the
direction of Information Technology Division Staff
through December, 2004**

8. ACTION ITEMS: PUBLIC HEARING

- (a) Public hearing to receive citizens comments on
the 2004-2009 Transportation Improvement Plan
and the 2004-2009 Capital Improvement Plan**

Debbie Tarry, Finance Director, outlined the major features of the two plans, noting that this is the second hearing on the CIP.

Jill Marilley, City Engineer, explained that the Transportation Improvement Plan (TIP) is a document that communicates the City's plans about transportation projects to the State

so that the City maintains eligibility for federal and regional transportation grants. The TIP is required to be submitted to the WSDOT before July 31, 2003. She said the TIP is not financially constrained, but the City has chosen to make the TIP reflect exactly the Roads Capital portion of the CIP. The City of Shoreline's TIP is incorporated into the Puget Sound Regional Council's (PSRC) adopted TIP and Statewide Transportation Improvement Program (STIP).

Mayor Jepsen opened the public hearing.

(a) Janet Way, Shoreline, expressed concern about the expenditure for City Hall, noting that opinion surveys show that citizens do not support a new City Hall. She asserted that pedestrian safety issues are a higher priority than City Hall.

(b) Cindy Ryu, Shoreline, said the citizen survey showed that citizens would support a bond if used for roads, sidewalks, and safety items, but not for City Hall. She asserted that Shoreline citizens would be required to pay the debt for a new City Hall through increased taxes, noting that the City Manager estimates the cost at approximately \$12 million. She said municipal bonds are not tax-free, and that residents would like to know the actual costs of financing a new City Hall. She said even though the City will be gaining equity in the future, it cannot afford increased payments of \$500,000 now. She asked the Council to look at the survey results and prioritize accordingly.

(c) Maggie Fimia, Shoreline, said the CIP should reflect the priorities of citizens and taxpayers, noting that the limited budget should be spread evenly and fairly. She advised that the City should not depend so much on grants, noting that 59 percent of the CIP is based on grant funding. She suggested that Phase 2 of the Aurora Corridor Project may not be finished due to insufficient funding. She recommended a more modest budget that includes funding for other important items such as sidewalks.

(d) Daniel Mann, Shoreline, said the Council is misleading citizens about the true costs of the Aurora Corridor Project and City Hall, noting that 80 percent of the roads budget is dedicated to the Aurora Project. He said the City should emulate Lynnwood, which built its project for \$5 million per mile. He said the City should not have to issue bonds or pay so much more for its projects than other cities.

Upon motion by Deputy Mayor Grossman, seconded by Councilmember Ransom and unanimously carried, the public hearing was closed.

Councilmember Ransom explained that the City is moving forward with City Hall now because of the long lead time that is required to work out the land and building issues. He explained that specific costs cannot be calculated because a site has not been selected yet. He pointed out that the City Hall plan proposes a building of modest size at a reasonable cost.

Councilmember Montgomery added that Council is looking out 20 years and trying to be reasonable stewards of public funds. She felt that the Council has an obligation to consider the long-term impacts of the decisions it makes.

Councilmember Chang felt that there are more important priorities than a City Hall, even though a new City Hall fits into the City's long-term plan. He pointed out that grant money is not free because Shoreline residents contributed to it.

Deputy Mayor Grossman said there will probably not be another time when interest rates are as low as they are now and the costs can only go up, so this is the time to invest in a City Hall. He said the money used to retire bonds is currently being spent on rent, and that the Aurora Project is a large proportion of the CIP because it responds to community needs. He said that people who assert the project is too expensive also favor other expensive options for the corridor. He said it is important to keep in mind that many people have personal agendas and interests regarding the Aurora Corridor Project.

Councilmember Gustafson commented that there has been a great deal of input on the CIP, and it does reflect the interests and priorities of Shoreline. He said there will always be areas of disagreement.

Councilmember Ransom noted that even if the Council chose a site for City Hall today, it would not be completed for an additional four years. He said even though there are different views on TIP and CIP projects, it is time to move forward to the next phase.

Mayor Jepsen said the CIP and TIP reflect the diversity of opinion of both Council and the community. He suggested that every government tries to take the "referee" idea to heart and make the necessary compromises to achieve reasonable projects. He asked if the attorney for the Shoreline Merchants Association is still working on the case, and if there is an effort to delay resolution in an attempt to increase costs. He commented that he continues to have concerns about master planning without identified funding for design or construction, but said that he is willing to leave the master plans in the CIP at least for another year.

Councilmember Ransom asked staff to comment on what a typical government assumes in terms of proportion of grants to local funding.

Mr. Burkett summarized by explaining that right now the City has no debt and the City Hall proposal is well within the benchmarks for debt service in a budget the size of Shoreline's. He also commented that it is a City policy to try to fund as much of its projects from grants as possible. He said the Aurora project is a critical north-south arterial that is a high priority for both the state and federal government. He said the CIP and TIP will come to Council next Monday night for action.

Councilmember Gustafson added that good planning, which is an important piece of the CIP, is what makes the City eligible for grant funding.

9. **ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS**

- (a) Ordinance No. 326 amending the Land Use and Transportation Elements of the Comprehensive Plan; and amending Ordinance No. 178 for the purpose of defining future right-of-way needs for Aurora Avenue North in the Central Shoreline Area (172nd Street to 192nd Street)

Tim Stewart, Planning & Development Services Director, explained that this item has undergone extensive public process and that the goal is to provide certainty about the location of the right-of-way on both sides of Aurora Avenue. He emphasized that the ordinance will provide certainty to business and property owners about the potential ROW needs of the City of Shoreline, and that they would no longer be limited by a 10-foot front yard setback. He confirmed that this amendment is the only one resulting from the 2002 Comprehensive Plan Annual Review.

Mr. Stewart responded to comments that this action would put a "cloud" on the properties involved by saying that because the uncertainty is removed, the full and fair market value of the property would need to be paid if the property is taken for a public use. It also completely clears any possible "cloud" for the properties on the west side of the street.

Ian Sievers, City Attorney, responded to the letter written by the Shoreline Merchants Association's attorney. He addressed the allegation that this ordinance would be a "taking" of property and the contention that a non-project SEPA checklist was not appropriate. He emphasized that SEPA rules anticipate non-project actions such as this one. Later, specific projects will require additional SEPA review.

Mr. Stewart confirmed that tonight's action would not change the Development Code regulations, so the City would apply current code standards to any building permit that might be submitted.

Mayor Jepsen confirmed that there is a motion on the floor that was postponed from June 9 to adopt Ordinance No. 326.

**Councilmember Ransom moved to postpone this motion indefinitely.
Councilmember Chang seconded the motion.**

Councilmember Ransom recalled other controversial City actions, such as the Bluff Trail renovation or Shoreview Park expansion, where it took a long time and compromises on both sides to finalize the project. He felt the present issue is in the same category, and the City should "go the extra mile" to try to find a solution acceptable to all sides. He felt that ultimately the project will be built more quickly because litigation will be avoided.

Councilmember Montgomery stated that this issue has been through an extensive public process and it is time to move ahead. She emphasized that this amendment grew out of

the charrette process and that there are business supporters of this approach. She also noted that the Planning Commission forwarded this ordinance on a unanimous vote, and that removing uncertainty will benefit everyone involved.

Mayor Jepsen agreed that it is time to move forward, but also wanted to ensure that the City will move quickly to work with property owners to find individual solutions.

Councilmember Gustafson emphasized the benefits of advance planning, which will not preclude alternative designs. He wanted to be sure that changes in the "wedge" and Midvale Avenue and Ronald Place, and that the "32 Points" are considered.

Councilmember Chang expressed his support of Councilmember Ransom's motion. He said the people who should be considered are the businesses whose livelihoods are at stake. He felt that no action should be taken until the City answers their questions.

Deputy Mayor Grossman pointed out that there are a number of property owners who have acquired more property on Aurora Avenue over the past few years. He appreciated the Chamber of Commerce clarifying its concerns and going back to the "32 Points" adopted by Council with regard to the Aurora Project. He clarified that the Comprehensive Plan amendment is a preliminary step, and that the details will come later in the design phase.

Councilmember Ransom felt that Council should delay action since a significant majority of businesses along Aurora have expressed opposition to this measure.

Councilmember Gustafson expressed concern about delaying action, noting that the Shoreview project grew from \$900,000 to \$2.3 million over twelve years. He conveyed Councilmember Hansen's opinion that this amendment should be adopted tonight. He said Councilmember Hansen believed the City can still consider alternative designs.

A vote was taken on the motion to postpone indefinitely the motion to pass Ordinance No. 326, which failed 2-4, with Councilmembers Chang and Ransom voting in the affirmative.

Responding to Councilmember Chang about the ability of current property owners to build on Aurora, Mr. Burkett reiterated that building permits will be processed according to the current Development Code. He clarified that the City is obligated to issue building permits as long as projects meets the current criteria. However, if the Council adopts an Aurora design that requires the acquisition of those properties, it will likely increase the cost of the project.

Responding to Mayor Jepsen and Councilmember Chang about the maximum ROW width, Mr. Burkett pointed out that some properties on the east side of Aurora are closer to the ROW than the required 10-foot setback, which may create some proximity issues.

A vote was taken on the motion to pass Ordinance No. 326, which carried 5-1, with Councilmember Chang dissenting.

Mayor Jepsen moved to direct staff to come back on August 18 with a recommendation for next steps to work directly with property owners in pursuing the Central Shoreline Subarea Plan, including alternatives that may be available to address the land use issues for properties abutting Ronald Place. Councilmember Gustafson seconded the motion.

Councilmember Ransom was assured that the motion includes pursuing with Metro at all levels the idea of rerouting the buses onto Midvale Avenue N.

A vote was taken on the motion, which carried 6-0.

10. ADJOURNMENT

At 9:50 p.m., Mayor Jepsen declared the meeting adjourned.

Sharon Mattioli
City Clerk