

# DRAFT

## CITY OF SHORELINE

### SHORELINE CITY COUNCIL SUMMARY MINUTES OF SPECIAL MEETING

Monday, January 5, 2004  
6:30 p.m.

Shoreline Conference Center  
Mt. Rainier Room

PRESENT: Mayor Hansen, Deputy Mayor Jepsen, Councilmembers Chang, Fimia, Grace, Gustafson, and Ransom

ABSENT: none

1. CALL TO ORDER

Mayor Jepsen called the meeting to order.

(a) Swearing In Ceremony by Judge Richard Eadie

Judge Richard Eadie quoted Judge J.T. Ronald, a resident of this area who was a long-time judge and the Mayor of Seattle in 1892. He noted that Judge Ronald wrote about the difficulties of being a City Councilmember in his memoirs. Then Judge Eadie swore in the following Councilmembers:

- Rich Gustafson elected to Position #2
- Maggie Fimia elected to Position #4
- Robert Ransom elected to Position #6
- Paul Grace appointed to Position #3 to fill an unexpired term

2. FLAG SALUTE/ROLL CALL

Mayor Jepsen led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present.

(a) Election of Mayor and Deputy Mayor

Sharon Mattioli, City Clerk, conducted the election of the Mayor. Ms. Mattioli opened nominations. Mayor Jepsen nominated Ronald Hansen. Councilmember Chang nominated Robert Ransom. Seeing no further nominations, Ms. Mattioli closed the nominations. Mayor Jepsen, and Councilmembers Grace, Gustafson and Hansen voted for Ronald Hansen and he was declared Mayor for a two-year term concluding in December 2006.

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Mayor Hansen opened nominations for Deputy Mayor. Councilmember Gustafson nominated Scott Jepsen. Councilmember Fimia nominated Robert Ransom. Seeing no further nominations, Mayor Hansen declared the nominations closed. Mayor Hansen and Councilmembers Grace, Gustafson and Jepsen voted for Scott Jepsen and he was declared Deputy Mayor for a two-year term concluding in December 2006.

### 3. REPORT OF CITY MANAGER

Steve Burkett, City Manager, reported that the effort to convert the Washington State Department of Transportation "roving eyes" pilot project to pedestrian-activated lights is almost complete.

Paul Haines, Public Works Director, said the work at 170<sup>th</sup> Street and Aurora Avenue was completed and work at 165<sup>th</sup> Street and Aurora Avenue is scheduled for completion tomorrow, weather permitting.

He also explained the preparations made by the City for the snow storm expected tomorrow. He described the sanding priorities for the City's streets and other activities to prepare for snow/ice control and potential flooding. He noted that citizens can report problems to the City's 24-hour hotline, and that emergency preparedness information is available on the City's website.

Councilmember Gustafson asked staff to check with the school district to ensure that road clearing is coordinated with emergency bus routes.

### 4. COUNCIL REPORTS

Councilmember Gustafson reported that the recommendations regarding salmon recovery by the Water Resource Inventory Area 8 will be finalized in the coming months.

Deputy Mayor Jepsen noted a Sister Cities Association meeting on January 15. It will be a planning meeting for the Boryeong visit in the spring.

Councilmember Ransom commented on the need to fill some vacancies in various regional committees. He said he would be willing to accept appointment to any of those committees. Mr. Burkett said this topic will be discussed next week.

### 5. PUBLIC COMMENT

(a) Janet Way, Shoreline, noted that she and her neighbors were disappointed with the lack of television coverage of the Council appointment process. She said many people still do not know the outcome. She emphasized that many people watch the government access channel every week.

(b) Cindy Ryu, Shoreline, also commented on the lack of TV coverage during the appointment process. She said democracy only works when citizens are kept

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informed on the issues. She noted that the whole Council did not vote to cancel the TV broadcast, but that Mayor Jepsen decided on his own. She asked his reasons. She concluded by asking current Mayor Hansen if it is important to keep citizens informed, and if he plans on "blacking out" any Council meetings in the next two years.

(c) Pat Murray, Shoreline, followed up on his request at a previous Council meeting to extend public comment to allow individual speakers to complete their remarks. He requested that Councilmembers respond to speaker's comments while they are still at the podium. He also asked that an armed security person always be in uniform at Council meetings.

(d) Dennis Lee, Shoreline, proposed that Council create a forum wherein the public can talk about process issues (as opposed to individual projects) in order to improve communication. He suggested that a new Councilmember's experience in mediation may prove useful in improving communication between the Council and the public. He suggested that in the future the entire Council respond to public comments instead of only the Mayor.

(e) Ginger Botham, Shoreline, commented that people were disappointed the Councilmember selection process was not televised. She called attention to a potential appearance of fairness issue relating to a current Critical Areas Reasonable Use Permit application. She asked if it is appropriate for a member of the Planning Commission to represent a party before the Hearing Examiner.

(f) Richard Johnsen, Shoreline, commented that the newly painted lines along 15<sup>th</sup> Avenue NE are not consistent from block to block. Regarding the Robinson Water Tower, he said that structure should be preserved at all costs, despite King County's analysis of the building. He said the City cannot rely on King County to preserve its history. He asked that he be allowed to comment on agenda item 6(c) relating to dance hall regulations.

Responding to Mr. Lee, Mayor Hansen said the issue of Council's response to public comments is a matter of style. He said he will allow Councilmembers to respond to whatever comments they wish.

Councilmember Ransom was disappointed the Council interviews were not videotaped, noting it would have been one of the most highly-watched sessions in City history. He complimented Councilmember Grace on his performance in the interview and said the public could have benefited from seeing all six candidates. He felt that having a uniformed police officer at Council meetings is not necessary because the police chief is present at all meetings and is a well-known figure in the community. He felt that if a relatively unknown officer is at the meeting instead of the police chief, then perhaps that person should be in uniform.

Responding to Mr. Johnsen, Councilmember Gustafson felt the striping of 15<sup>th</sup> Avenue NE was done in accordance with the North City Business District Plan, although there are some inconsistencies due to left-turn lanes.

Paul Haines, Public Works Director, acknowledged Mr. Johnsen's observation, noting that lane widths are not consistent over the entire length of the corridor due to bus stops. He explained that the travel lanes narrow at bus stops to eliminate confusion about whether vehicles can pass stopped buses.

Councilmember Fimia noted that the majority of comments seem to focus on a lack of or change in process. She suggested that the Council schedule time to get at the core of these concerns so it can move forward in a constructive way. She noted that ignoring these concerns, which have been expressed by numerous people, will only make things worse. She said the public might have been more forgiving if the entire Council made the decision in open session not to televise the Council proceedings.

Councilmember Ransom thanked the *Shoreline Enterprise* for the very clear article that explained the Councilmember selection process.

Deputy Mayor Jepsen commented that there was Council concurrence not to televise the interview session on Saturday.

Mayor Hansen said he agreed with the decision not to broadcast the interviews due to threats of civil disobedience expressed in circulating e-mail correspondence. He said he has no intention of televising meetings preceded by such threats.

Responding to Ms. Botham, he said generally speaking, a person on a council or commission would not be able to represent someone to that same group. Responding to Ms. Ryu, he said it is important that citizens are kept informed. He also said he does not plan on "blacking out" any more Council meetings, although circumstances will always determine what is done in the future.

Councilmember Fimia clarified that Ms. Botham's issue relates to the fact that a Planning Commissioner, Marlin Gabbert, is representing the applicant on an issue before the Hearing Examiner.

Ian Sievers, City Attorney, said the City has examined the assertion and could not find any conflict of interest or appearance of fairness issue. He said the issue will not be part of the Critical Areas Reasonable Use Permit Hearing on January 21<sup>st</sup> because the application involves legislation that preceded Mr. Gabbert's activity in the recent amendments to the Critical Areas procedures. He said Council is welcome to read the City's memos that have been prepared on this issue.

Responding to Mr. Lee's comments, Councilmember Grace said it is critically important that the Council agrees on its own established process and how members communicate with each other and with the public. He suggested that these topics could be discussed at

at the upcoming Council Retreat on January 16. Acknowledging the widely-differing opinions on communication, he said he would like to have a common understanding of the Council's and the public's expectations.

RECESS

At 7:35 p.m., Mayor Hansen declared a recess. The meeting reconvened at 7:45 p.m.

6. WORKSHOP ITEMS

- (a) Review of Options for the Robinson Water Tower located at the intersection of NW 195<sup>th</sup> Street and 3<sup>rd</sup> Avenue NW

Tim Stewart, Planning and Development Services Director, and Jeff Thomas, Senior Planner, reviewed the options for the tower, which was declared a hazardous structure in November 2000. They explained that an architectural firm provided a feasibility analysis for a preservation/restoration option, as well as a reconstruction option for the tower. The findings and conclusions for each of these options, as well as a demolition option and a no action option, are summarized as follows:

- Preservation/Restoration Option – This option is not feasible. The existing tower has deteriorated beyond salvage. Significant labor and material cost would be required to make exact determinations for the preservation/restoration of individual pieces of the existing tower. Because of this very detailed work, a cost estimate was not prepared. However, it appears that this option may cost up to twice as much as the reconstruction option, with historical specifications and new materials.
- Reconstruction Option – This option is feasible and includes demolition of the existing tower and using new materials to reconstruct the tower either at the current site or at an unidentified location. Reconstructing the tower at the current site presents both safe parking and access issues for the general public. Reconstructing the tower at another location removes it from the historical neighborhood context. The cost estimate for this option, as detailed in the final report, is approximately \$117,000, without any additional cost of land.
- Demolition Option – This option would result in the demolition of the existing tower and relieve the risk of maintaining a hazardous structure. Prior to demolition, a detailed architectural inventory and photographic record of the existing tower may be created for use in any future reconstruction effort. A specific cost estimate has not been prepared for this option; however the final report allocated approximately \$17,000 in the cost of the reconstruction option for demolition.
- No Action – This option would leave the existing tower in its current state - exposed to the weather elements and rapidly deteriorating. Both the City of Shoreline and the

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private property owner would be continuing the risk of maintaining a hazardous structure.

Staff recommends that the City move forward with the demolition option without any cost allocation plan, as the private property owner has already incurred significant expense in removing a Seattle City Light power line.

Responding to Councilmember Fimia, Mr. Stewart surmised that most of the wood on the structure is rotted and beyond salvage. He noted that a detailed inventory of the structure would enable the City to reconstruct it in the future.

Councilmember Fimia asked if the \$17,000 demolition estimate would cover all aspects of tower removal and grading. Mr. Stewart said if Council moves forward with the demolition option, the City would issue a detailed bid specification which would identify the final condition of the site.

Councilmember Fimia suggested that the demolition alternative consider the possibility of having a non-profit corporation or other volunteer group help with the salvage and/or rebuild effort.

Councilmember Grace wondered if the architectural inventory would be an addition to the demolition cost. He felt there was already a fairly detailed historical record of the structure.

Mr. Thomas said the architect did not include a detailed bid of the preservation/restoration option because of the time and additional expense of evaluating individual pieces. He said the architectural inventory is based on existing information, including historical documents and photographs.

Councilmember Fimia suggested the City could conduct community outreach to determine if there are volunteers who are willing to help with inventory/restoration in order to save on demolition costs.

Mr. Stewart reiterated that the reconstruction option is always available to the City at a future time.

Councilmember Ransom pointed out that the Shoreline Historical Museum agreed that the preservation/restoration options were not feasible and that the tower was not eligible to be designated as a landmark. He wondered if the water district is partly responsible for the structure, and whether it could share the costs of demolition.

Mr. Stewart noted that two-thirds of the land the tower sits on is public right-of-way owned by the City. He said the City has not researched the potential liability of prior owners.

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Councilmember Gustafson expressed support for immediate demolition based on the proximity of the hazardous structure to Einstein Middle School and the input from the Shoreline Historical Society. He concurred that architectural records could be preserved for possible reconstruction at some future point.

Councilmember Chang expressed concern about the building's condition and whether the community has been alerted it is a hazardous structure.

Mr. Stewart said although the tower is locked and presumably not accessible, there is always the possibility of partial or total collapse in heavy wind or with a sizeable snow load. He said although the building official did not deem the building an immediate danger, it is a problem that should not be ignored for long.

Councilmember Chang agreed with the suggestion to let volunteers participate in a salvage/restoration effort if it would not be considered a public safety risk.

Councilmember Grace supported demolition as the only feasible option, noting the tower can still be preserved through photographs and documentation.

Mayor Hansen concurred, noting that maintaining a hazardous structure is a legal liability for the City. He wished to ensure that the adjacent property owner concurs with the City's decision.

There was consensus to pursue the demolition option and work with others to see if there is any way to salvage at least parts of the structure. Councilmembers also discussed the possibility of considering preservation for a similar structure in Richmond Beach. It was noted that the City has no control over this structure since it is wholly located on private property.

Mr. Burkett said staff will return with a report on a demolition option that will include the estimated costs and feasibility of salvaging any parts from the existing structure.

With Council consensus, item 6(c) was taken next.

(b) Adoption of new Specialty Business Licensing Regulations and repeal of Ordinance No. 34

Ms. Mattioli and Police Chief Denise Turner presented this item, noting that shortly after incorporation, the City adopted the specialty licensing provisions established by King County. These licensing provisions are separate from the adult entertainment regulations previously adopted in the Shoreline Municipal Code, which generate the bulk of revenue from specialty licensing. Their presentation included the following additional points:

- The specialty licensing regulations, as adopted by reference to the King County Code, are outdated and contain provisions and definitions no longer applicable. The City Clerk's Office is now issuing specialty licenses and must distribute these

old and outdated regulations and try to interpret which parts are still applicable and which are not.

- The City Council has never reviewed the specialty licensing provisions or made a determination about which licenses should be continued and which should be eliminated.
- The proposed ordinance eliminates the following specialty licenses: go-kart tracks; junk dealers; shooting ranges; amusement devices; music machines; pool/billiard tables; theater screens; amusement places and outdoor musical entertainments. The recommendation to eliminate these licenses is based on the following reasons:
  - Some uses are prohibited outright in Shoreline
  - There are no health or safety reasons to require a license
  - Some business activities are already regulated through land use provisions
- Eliminating some of the specialty licenses will have a minimal impact on the City's revenue stream. Furthermore, Council has generally taken the position in the past that business licenses are not to be viewed as a method of generating revenue.
- Staff proposes that specialty licenses continue to be required for the following activities: Youth public dances; regulated massage parlors and bathhouses; pawnbrokers; secondhand dealers; for-profit solicitors; and taxicabs (through King County).
- King County has requested that if the City wishes the County to continue taxicab licensing, the City should adopt the related section of the King County Code (Chapter 6.64) and execute an interlocal agreement providing for the continuance of this service. If this does not occur, the County will discontinue its taxicab licensing program for the City of Shoreline.

Responding to Councilmember Fimia, Ms. Mattioli clarified that only for-profit businesses would be required to have a specialty license to hold public youth dances.

Councilmember Fimia asked if the costs to monitor such activities were the rationale for requiring for-profit entities to get a license. Ms. Mattioli said the primary reason is to monitor those activities that pose a greater public safety risk. She also clarified that the proposed definition of a massage therapist is a "state-licensed massage therapist."

Responding to Councilmember Fimia, Chief Turner explained that pawnbrokers and secondhand dealers are considered a higher public safety risk because of the potential of dealing in stolen merchandise.

Councilmember Fimia felt that exempting used book stores to the exclusion of other similar businesses could be problematic and inconsistent. She suggested that the list of businesses for secondhand licensing be narrowed down to include only those that are considered a high risk for stolen merchandise.



Ms. Mattioli said the proposed exemption for use book stores was to allow a business like "Half Price Books" to locate in Shoreline. She said Half Price Books indicated they could not locate in Shoreline under the current regulations.

Councilmember Ransom commented on the need for Shoreline to specify its own licensing requirements. He agreed that licensing requirements should only apply to solicitations by for-profit organizations. He expressed concern that King County does not provide adequate taxicab service in Shoreline, noting that reduced bus service and other factors limit transportation options for Shoreline residents. He commented on the limited number of cabs dispatched to Shoreline and on the unduly long response times. He felt the City should look into options for improving cab service in the City.

Councilmember Fimia felt the issue of taxicab service could possibly be addressed by the Suburban Cities Association.

Councilmember Grace supported the continuance of King County as the licensing authority for taxicabs due to the complex and time-consuming nature of the work. He pointed out the possibility of using King County's response time records to determine the quality of Shoreline's taxicab service.

Deputy Mayor Jepsen asked if the City regulates the activities of itinerant merchants who often sell goods on Shoreline street corners. Ms. Mattioli said neither City nor county code addresses that type of retail activity. Deputy Mayor Jepsen wondered if the City should take a role in regulating their activities.

Councilmember Ransom said collecting taxes from these mobile merchants and other uncertainties about sales tax revenue are all the more reason to consider a general business registration policy for the City. He said such a policy would allow the City to maintain a current inventory of the number and type of businesses. He felt the Chamber of Commerce could also benefit from this information. He suggested that the administration of the program could be self-supporting through registration fees.

Councilmember Chang expressed support for the proposed changes as explained by staff. He said the main objective is for the police department to keep track of any public safety risks.

Councilmember Gustafson concurred. He suggested that itinerant businesses and registration policy could be discussed at the upcoming Council retreat.

Councilmember Fimia requested that staff look into past records to determine if there is a legitimate public safety risk with non-profit organizations that operate secondhand stores (such as Deseret and Children's Hospital). Absent any legitimate safety risk, she would recommend that they be exempt from licensing.

Councilmember Fimia suggested that the public be given an opportunity to respond to the proposal before the Council takes action. It was noted that the public has an opportunity

to comment on agenda items at the beginning of regular meetings. Additionally, Councilmembers can pull any item off the consent calendar for discussion.

(c) Draft Hazard Mitigation Plan

Chief Turner introduced Bob Freitag from the University of Washington Institute for Hazard Mitigation. The City contracted with the University of Washington Institute for Hazard Mitigation to prepare the Hazard Mitigation Plan. The scope of work includes developing all elements of the plan, coordinating efforts with City stakeholders and key agencies, and submitting the plan to the State/FEMA.

Mr. Freitag introduced Rebecca Spinks, who provided a presentation of the Draft Hazard Mitigation Plan. She explained the plan's methodology, the City's three primary hazards (earthquakes, landslides and flooding), and potential mitigation strategies. It was emphasized that local governments are required to have their hazard mitigation plans approved and adopted by November 1, 2004 in order to receive hazard mitigation grants.

Mr. Freitag explained that the goal of the Hazard Mitigation Plan is to identify and recommend projects that would eliminate, minimize, or mitigate the vulnerability of the City to the impacts of future disasters. He also emphasized the importance that FEMA places on community input and involvement in the plan. Staff has conducted outreach to residents to seek their input on the draft plan. When completed, the plan will guide the efforts of agencies as they seek funding, authority or other resources necessary for implementation of the mitigation initiatives. Staff will incorporate public and Council input into the final plan, which is targeted for Council approval July 2004.

Mayor Hansen reiterated that without this plan, the City will not be eligible for FEMA grants in the future.

Chief Turner noted that the Shoreline School District is also working with the University of Washington to complete their plan.

Deputy Mayor Jepsen pointed out that some storage facilities, including the state health laboratory, seem to be missing from the list of Tier II reporters for hazardous materials. Chief Turner said the state health lab was excluded from the list, although the City is aware of its hazardous material inventory. Deputy Mayor Jepsen also asked staff to find out if there are other retailers that store large quantities of fertilizer, propane, and other chemicals.

Ms. Spinks said information on the state health lab can be provided to Councilmembers. She noted that fuel stations are not listed as Tier 2 reporters, although it may be advisable to add gas stations to the vulnerability report.

Councilmember Fimia pointed out the existence of a large fuel storage facility bordering Shoreline on N 145<sup>th</sup> Street. She assumed that the City would coordinate with other jurisdictions if hazard lie in close proximity.

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Chief Turner clarified that the Hazard Mitigation Plan is a coordinated effort between the City, school district, and other agencies. She added that other agencies are either developing their own plan or contracting with consultants. She said Shoreline opted to do its own process utilizing the University of Washington because it could not meet King County's timeline.

Councilmember Fimia acknowledged Bob Phelps as a member of the development team and thanked citizens and staff for their efforts.

Councilmember Grace asked about the mitigation process after Tier II facilities are identified.

Mr. Freitag said that although the City has not reached the mitigation phase, actions have been taken to reduce risks in other areas. For example, training programs and ordinances have already encouraged the separation of chemicals, the use of equipment that limits movement, and retrofitting buildings for earthquakes.

Mayor Hansen noted that businesses often evaluate their risks and take independent action to prepare for emergencies. Mr. Burkett commented that fire departments often know what kind of hazardous materials to expect before they arrive on a scene.

Councilmember Grace emphasized the importance of conveying this information to the public after the plan is finalized.

Councilmember Gustafson asked if there has been any thought about using Channel 21 for live emergency broadcasts in the future.

Chief Turner indicated that the City would like to use every mode of communication available to get information to the public. Mr. Burkett noted that the City already uses Channel 21 for emergency information. Councilmember Gustafson emphasized the need to include the possibility of live broadcasts in the overall plan.

Mr. Freitag said the overall plan will consider things that can be done to mitigate potential communication problems.

Councilmember Chang emphasized the importance of including the Planning and Development Services Department in the overall plan so that people who plan to build in flood, landslide, or earthquake hazard areas can be made aware of the dangers and are prepared. It was noted that the department has been part of the plan development team.

Councilmember Ransom commented on the apparent lack of severe weather information listed for the period 1950-1993. Mr. Freitag said he would double check the severe weather data, which is based on FEMA and National Weather Service information.

Councilmember Fimia asked what the City will be responsible for in terms of mitigation costs compared with other jurisdictions.

Mr. Freitag said the City will only be responsible for those projects that are identified in this plan with an accompanying cost-benefit analysis. He emphasized that individual items for which the City applies for funding must be included in such a plan and also must have a positive cost-benefit ratio.

Mayor Hansen said that Council looks forward to seeing the final report.

7. CONTINUED PUBLIC COMMENT

(a) Elaine Phelps, Shoreline, said it is a type of censorship to suspend the broadcast of a public meeting on the chance that someone might disrupt it. She said if there was a threat of civil disobedience, then police can be made aware of the threat and preparations can be made to address it if it happens. She noted that there were no disruptions at the meetings of December 19 and 20. She asserted that the Council prevented Shoreline citizens from seeing a very important public process. She asked the Council to rethink what it means to suspend access to public meetings because of some supposed threat.

(b) Richard Johnsen, Shoreline, wondered why the Robinson Water Tower was built on a portion of public right-of-way. He reiterated that King County has not done much to preserve Shoreline's history, and that Shoreline must take the lead in its own historical preservation. He asked whether the City has contacted the National Historical Trust for Preservation or Trust for Public Lands on the water tower issue. On another topic, he wondered if dance groups that perform at rented halls would be required to get a City license even if they are already covered under the license of another organization.

Councilmember Ransom pointed out that the County does not seek out old buildings for historical preservation unless someone nominates them for the review process.

3. ADJOURNMENT

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

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Sharon Mattioli, City Clerk