

# DRAFT

## CITY OF SHORELINE

### SHORELINE CITY COUNCIL SUMMARY MINUTES OF REGULAR MEETING

Monday, January 12, 2004  
7:30 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

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

2. FLAG SALUTE/ROLL CALL

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

3. CITY MANAGER'S REPORT

Steve Burkett, City Manager, reported that the conversion of the "roving eyes" project to pedestrian-activated lights at 165<sup>th</sup>/ 170<sup>th</sup> Streets and Aurora Avenue has been completed.

Councilmember Ransom reported that the Library Board will have four open positions that need to be filled before March 31, 2004.

4. PUBLIC COMMENT

(a) Bill Meyer, Shoreline, said he is deeply troubled by the Council's responses last week regarding the lack of television coverage of the Council appointment process. He said "civil disobedience" is not a valid reason to cancel the meeting broadcast. He felt the election process of the Mayor and Deputy Mayor was equally disturbing, and he characterized the process as a "railroad." He distributed a handout and urged the new Council to rebuild its credibility and repair the damage it has caused.

(b) Chris Kuehn, Shoreline, urged the Council to direct the Parks, Recreation and Cultural Services Board to study the possibility of establishing a canine off-leash area in a Shoreline park. He noted that he advocated for this idea as a member of the Citizens Bond Advisory Committee (BAC). He gave survey statistics showing that Shoreline residents indicate a need for this kind of facility in Shoreline. He described the

many benefits associated with dog parks, noting that several other jurisdictions have established successful off-leash parks.

(c) Cindy Ryu, Shoreline, referred to the staff report regarding “Legislative Priorities for 2004” and said many of the stated goals suggest that Shoreline seeks all possible avenues for funding, bonding, and taxing authority. She asked why Shoreline seems to be trying to increase taxes when citizens supported and passed initiatives that limit increased taxation. She asked why the City is seeking more funding sources for the Aurora Corridor project, given that the first mile is funded and the City stated in Superior Court that “there is no project” regarding the second mile. She asked how likely it is to receive State funds when a shortfall of \$1.1 billion is predicted for the 2005-2007 biennial budget.

(d) Janet Way, Shoreline, commented favorably on the staff report recommending that the City appeal the Brightwater Final Environmental Impact Statement (FEIS). She said appealing the FEIS on the grounds of protecting homes, streams, wetlands and critical areas is a welcome change in Shoreline policy. She urged the Council to consider the use of “best available science” as it reviews changes to the Comprehensive Plan and Stream Inventory. She expressed support for using the remaining property at Fircrest for mixed use that will provide for the greatest benefit to the overall community.

(e) Larry Owens, Shoreline, likened the City Council’s decision not to broadcast the Council appointment process to censorship of public comment that he had observed many years ago in the former Soviet Union. He said that the Mayor should not decide what citizens should see or hear. He said censorship attacks the foundation of a free society and shows disrespect for liberty, justice and American values.

(f) Richard Johnsen, Shoreline, noted that Quality Food Center (QFC) at Midvale and N 185<sup>th</sup> Street intends to close January 31, 2004. He felt the City or the property manager should try to do something to ensure that valuable community services such as the post office will continue at that location. He felt the lack of access to mail services, groceries, and the pharmacy could have an appreciable human service impact on the community.

Mayor Hansen supported Mr. Kuehn’s desire to approach the PRCS Board with the off-leash park proposal.

Councilmember Ransom concurred, noting that the BAC discussed the costs and requirements of such a project.

Responding to Councilmember Fimia, Mr. Kuehn said the BAC estimate for a dog park was \$75,000 (reduced from \$150,000), and that Hamlin Park and Boeing Creek Park were considered preferred sites.

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Councilmember Fimia noted that people used to walk dogs along the Interurban Trail before it was paved. She agreed that a dog park might be warranted in Shoreline due to the loss of this habitat. She also suggested that the Council consider reserving at least one position on City boards for youth 18-25 years old.

Councilmember Chang said he supports a citizen request that either the City or METRO install a garbage receptacle at NE 155<sup>th</sup> Street and Aurora Avenue, a frequently littered area. He also supported the idea of providing canine waste bags at the garbage receptacles along the Interurban Trail.

Responding to Mr. Meyer's comments, Deputy Mayor Jepsen clarified that he did not consult exclusively with Mayor Hansen about whether or not to televise the Saturday Council candidate interviews. He said he polled Councilmembers at the Friday meeting and a decision was made at that time not to televise the interviews.

Councilmember Ransom questioned Harley O'Neill, the owner of the building in which QFC is located. Mr. O'Neill commented on the notice he had received that QFC was vacating the building and whether the post office would be continued at that location. He said he would pursue this issue and keep the Council informed.

## 5. APPROVAL OF THE AGENDA

**Upon motion by Councilmember Gustafson, seconded by Councilmember Ransom and unanimously carried, the agenda was approved.**

## 6. CONSENT CALENDAR

**Upon motion by Councilmember Gustafson, seconded by Councilmember Grace and unanimously carried, the following consent calendar items were approved:**

**Minutes of Dinner Meeting of November 24, 2003  
Minutes of Regular Meeting of November 24, 2003  
Minutes of Special Meeting of December 1, 2003  
Minutes of Adjourned Special Meeting of December 15,  
2003 and Special Meeting of December 19, 2003  
Minutes of Special Meeting of December 20, 2003**

**Approval of expenses and payroll as of December 26, 2003 in  
the amount of \$2,748,524.08**

Councilmember Chang commented that although the minutes of the Special Meeting of December 19 accurately reflect what he said at that time, he wished to correct the record to note that he had not read the memo referred to during the discussion on that day. He did not agree that he had declined the four options presented to him in Nashville regarding review of the Council applicant packet.

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

- (a) Motion that Council continue to appeal the Brightwater Final Environmental Impact Statement (FEIS) and submit a Statement of Appeal

Tim Stewart, Planning and Development Services Director, said that although the Brightwater FEIS is very complete, there are still outstanding issues because a few impacts are not fully described or mitigated that have direct effects on the environment and residents of Shoreline. Therefore, staff recommends appealing the FEIS. He said the appeal fee is \$250 and it should cost less than \$5,000 in staff time to process the appeal.

Rachael Markle, Planning Manager, reviewed the items of concern and the proposed remedies for each, which are summarized as follows:

- Although the FEIS states that there is only a very small chance of needing to construct Portals 23, 27 and 7, the City believes these portals should be removed from consideration entirely, especially Portal 23. Potential harm includes displacement of homes and businesses and potential degradation of critical areas including streams, wetlands and steep slopes. The remedy is to definitively determine that Portals 23, 27 and 7 are not needed and remove them from the project.
- The City requests that unneeded portions of portal sites be transferred to the City for redevelopment as mitigation for construction impacts such as noise, increased traffic, and incompatible land use changes.
- The FEIS refers to the impacts of construction on residents and businesses. King County responds that the specific mitigation measures will be worked out during the permitting phase. However, Shoreline does not have jurisdiction over permitting at Portal 19 because it is in Snohomish County. Therefore, Shoreline is not guaranteed input during the permitting phase due to lack of jurisdiction, despite the fact that the majority of the impacts are on Shoreline residents, the environment and the City's infrastructure. The remedy is to specifically identify Shoreline as an effected jurisdiction that will be consulted as part of the permitting phase for Portal 19 for the purposes of developing specific mitigation.
- King County does not concur with the City's comments regarding mitigation for odor impacts. No additional mitigation or monitoring beyond the design of the system are proposed. Shoreline fears odor release due to environmental conditions, vandalism, or other unforeseen events so the City asks for redundant odor control systems, including back up power sources at Portal 5 to ensure uninterrupted odor management.
- The City requested a dock be built at the proposed outfall site for the purpose of barging materials in and spoils out. The FEIS does not confirm the construction of a dock to mitigate traffic impacts due to onshore construction of Portal 19 and

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the tunnel. The City is very concerned about the impacts on the residential and commercial areas adjacent to the construction route. Although the County has proposed some mitigation measures to reduce the impacts, the City is still concerned about such impacts. The remedy is to procure use of the existing Texaco/Chevron dock or construct a new dock to transport materials, equipment and spoils by barge.

- As mitigation for short and long term impacts associated with construction and operation of the outfall, Shoreline requested the development of public access to the beach and/or an interpretative nature component. The City's request for public beach access is not directly addressed in the response and the County states that the identified locations are not feasible for construction. The remedy is to procure and construct public access to the beach from Point Wells, the King County Pump Station in Richmond Beach or another location in Shoreline yet to be identified.
- Many of Shoreline's transportation concerns are being delayed for consideration until the Transportation Management Plan is created. The FEIS states that all affected jurisdictions will be involved in the development of the TMP during the permitting process. The risk is that the City will not be given ample opportunity or status in the development of the TMP because it is not the permitting authority for construction of Portal 19. The remedy is to request King County to be more specific in defining "affected" jurisdictions.

**Deputy Mayor Jepsen moved to continue the appeal of the Brightwater FEIS and submit a Statement of Appeal based on the impacts and remedies sought as identified in the staff report or as augmented by Council. Councilmember Gustafson seconded the motion.**

Deputy Mayor Jepsen pointed out that although it has been a relatively good process, the FEIS does not address some critical issues for Shoreline. He said even though Shoreline is not considered a permitting authority, it needs to be recognized as a participant.

Councilmember Grace expressed support for the appeal process. He pointed out that ambiguities relating to the number of portals as well as other issues still need clarification. He noted that appealing the FEIS is the only way to resolve issues of jurisdiction. He said even though the City may not succeed on the dock/barge issue, the appeal could result in additional mitigation for transportation impacts.

Councilmember Gustafson agreed with the appeal, noting that while the process has been good, he still has concerns relating to odor control and neighborhood impacts. He also wanted assurance that the outflow will not have detrimental environmental impacts on the shoreline.

Councilmember Ransom concurred that the FEIS was too vague about the number of portals that may be required. He agreed that the appeal gives the City a better chance of having significant influence on mitigation.

Councilmember Fimia explained that mitigation is usually an attempt to lessen the adverse impacts of a particular action. She questioned how the remedy “transference of property” would help reduce the impacts of noise, dust, and increased traffic volumes.

Ms. Markle clarified that the FEIS adequately addressed dust control and noise, so the staff report did not include those issues. She explained that although transference of property does not directly correspond to community impacts, unused property could be redeveloped by the City to benefit the neighborhoods affected by construction.

Mayor Hansen emphasized the need for resolving the jurisdictional question so that Shoreline can have standing in the TMP.

Councilmember Chang was glad that staff is interested in Shoreline’s environmental interests. He wondered how long the appeal process might take, and if the costs estimates were accurate.

Mr. Stewart replied that the stated costs are the City’s best estimate, although additional resources could be needed if additional issues surface. In that case, staff would return to Council for direction.

Councilmember Chang asked if the City plans to collaborate with other jurisdictions on shared issues.

Mr. Stewart explained that most of Shoreline’s issues are unique to Shoreline, although staff is willing to work with other cities if common issues arise.

Mayor Hansen suggested that the appeal process would maintain the City’s options and act as an “insurance policy” for unexpected issues that may arise in the future.

Gunars Sreibers, King County’s Conveyance Manager for the Brightwater Project, told Council that he did not think any of the issues raised tonight could not be resolved between the two parties.

**A vote was taken on the motion to continue the appeal and submit a Statement of Appeal, which carried 7-0.**

- (b) Motion to adopt the City of Shoreline’s 2004 Legislative Priorities

Joyce Nichols, Communications and Intergovernmental Relations Director, reviewed the priorities as presented in the packet. She noted that during this short (60-day) legislative session, the priority issues will probably be K-16 education, job creation and addressing the primary election system. She also discussed the governor’s proposed budget, which proposes \$200 million in “unavoidable expenses” such as increasing prison populations and school enrollments.

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Staff proposes that the City focus its legislative efforts on the following high priority areas for the 2004 session:

- Support funding for the City's Capital Improvement Projects including the Aurora Corridor and Interurban Trail projects.
- Support protection of existing revenue sources and legislation approving additional options for local governments to replace these revenues.
- Oppose new unfunded mandates and program responsibilities.
- Support legislation designed to remove inefficiencies in providing services and provide new ways to provide essential services, including the protection of our ability to purchase goods and services through intergovernmental agreements and work cooperatively with other cities to provide municipal court services.
- Support the multi-state sales tax streamlining initiative as the best means to allow eventual collection of legally owed sales and use taxes from online/mail order sales.
- Support participation in redevelopment or other activities related to future uses of the Fircrest campus if the Legislature acts to close or substantially reduce the Fircrest School operations.
- Oppose expansion of gambling activities by the State that impact local governments but do not allow adequate revenue sharing and/or input from affected jurisdictions.
- Oppose reductions in the maximum tax rate on mini-casinos and other gambling activities.
- Support changes in legislation for the Regional Transportation Improvement District to allow use of a voter-approved gas tax as a revenue option in place of reliance on sales taxes to fund transportation improvements.
- Oppose legislation that reduces or changes transportation funding and revenue sharing between the state and cities.
- Strongly support legislative action to increase state funding for a balanced transportation revenue package that provides additional revenue to cities to fund large-scale projects that relieve congestion on regionally significant roads.
- Support passage of a meaningful tax increment financing mechanism to enhance the ability of cities to create economic development opportunities.

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- Support legislation granting King County authority to impose utility taxes in unincorporated areas if King County acts to deal with “urban subsidy” issues and a better definition of King County’s role as a regional service provider.
- Monitor proposed cuts in health/human services programs that reduce the safety net for our most vulnerable residents and/or that shift costs and responsibilities for these programs to cities without appropriate funding.

Ms. Nichols addressed comments made by the public that it appears that Shoreline supports all types of tax increases. She said the priorities simply try to ensure that Shoreline receives whatever funds it can for local projects, since many other jurisdictions compete for the same funding resources.

**Deputy Mayor Jepsen moved to adopt the 2004 Legislative Priorities. Councilmember Gustafson seconded the motion.**

Councilmember Ransom addressed the reduction of the maximum tax rate for mini-casinos, noting that the current rate is up to 20 percent. However, in those jurisdictions where the maximum has been imposed, no mini-casinos have survived. He pointed out that the legislature has lowered the maximum rate to 10 percent on three different occasions, although this never was signed into law. He said Shoreline currently taxes at 11 per cent. However, it requires approximately 80 percent of mini-casino revenues to operate under the requirements of the State’s Gambling Commission (security cameras, staffing levels, etc.). This leaves only 20 percent of the revenue, of which the City of Shoreline takes 11 percent and the State B&O tax takes two percent. So only seven percent remains as profit on the investment. This is why the proposal has been put forward three times in the past to reduce the tax to ten percent.

Continuing, Councilmember Ransom suggested that Shoreline consider support for a new gambling tax category for electronic pull tabs, giving cities the option of approving it or not. This would generate new revenues for the City.

**Councilmember Ransom moved to amend the Legislative Priorities to support a new gambling tax on electronic pull tabs, with the city option to accept or reject it. Councilmember Fimia seconded the amendment.**

Councilmember Gustafson commented that the legislative priorities are “a work in progress” since changes are made throughout the session. He said he would be more comfortable looking at this at a future meeting after he had had the opportunity to study the proposal.

Councilmember Ransom responded that under the time constraints of a short session, it was better to act now.

Councilmember Fimia suggested the following wording: **The City of Shoreline supports legislation that it is a city option to allow electronic pull tabs.**



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Ms. Nichols commented that at this point, based on previous actions and proposals on taxation of electronic gambling, this might not generate revenue for cities. In past sessions, it has been suggested that the State own and operate the gambling hardware. This would mean that the State would derive all the tax revenue. Local governments felt that impacts accrue to local jurisdictions; therefore, cities should receive some tax for having gambling within its jurisdiction. She urged caution until a tax scheme is put forward.

**Councilmember Ransom agreed to add as a friendly amendment that the City would only support legislation providing a city option to allow electronic pull tabs if at least one-half of the tax revenue goes to the City.**

Councilmember Gustafson reiterated his need for more information to make a decision.

Deputy Mayor Jepsen felt this is still too vague.

Councilmember Fimia commented that the priorities only give general direction, and that Ms. Nichols understands the Council's intent.

Councilmember Grace concurred that these are only general statements and Ms. Nichols or our lobbyist will know how to respond to concrete proposals.

Mayor Hansen noted that in general he does not support enhancements of gambling.

**A vote was taken on the amendment, which carried 4 – 3, with Mayor Hansen, Deputy Mayor Jepsen and Councilmember Gustafson dissenting.**

Councilmember Ransom next brought up the issue of removing barriers in State law that prohibit Chambers of Commerce and non-profit agencies from combining to offer insurance and other benefits to their combined memberships. **He moved to support the efforts of Chambers of Commerce and non-profit agencies to remove these legislative barriers. Councilmember Fimia seconded the motion.**

Councilmember Gustafson commented he would oppose the motion for the same reason that he opposed the previous amendment. He wanted to have a better understanding of the issue before casting his vote.

Councilmember Chang supported the motion, noting he is a self-employed business person and a member of a Chamber of Commerce. He said in the current climate in which health insurance costs are skyrocketing and it is difficult to get insurance and benefits, he supported the removal of barriers to addressing this concern.

Councilmember Ransom explained that his proposal came out of discussion of trying to find insurance benefits, etc. for members in Shoreline. He said the Monroe Chamber and others want to combine so they can offer a bigger package. He said the City of Seattle

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Chamber has the great advantage of many members, but small Chambers are at a disadvantage and there is currently legislation that prevents them from combining to offer benefits.

Deputy Mayor Jepsen wondered why this legislation is currently in existence.

Councilmember Ransom said he did not have any specific information at this point but he was sure the legislation did exist.

Councilmember Gustafson reiterated that the priorities can evolve, and he was very uncomfortable acting now without understanding the pros and cons of the issue.

Deputy Mayor Jepsen concurred that Council needs more information about why the legislation exists.

Responding to Councilmember Grace, Ms. Nichols said the cut-off for new legislation is at the end of the month. Councilmember Grace said he would need to see specific legislation before making a decision. He said this differs from the earlier amendment, wherein there could be a direct benefit to the City.

In deference to the Council's request for more information, **Councilmember Ransom withdrew his motion and Councilmember Fimia her second.**

**[At the end of the meeting, there was Council consensus to bring back for discussion on January 26, Councilmember Ransom's proposal to support the efforts of Chambers of Commerce and other non-profit organizations to remove legislative barriers so that these organizations can combine to offer insurance and other benefits to their combined memberships.]**

Councilmember Grace stated that his priorities for this session are transportation funding, health and human services, and Fircrest.

**Councilmember Fimia moved to amend the Clean Water item to say "supports best available science-based administration of state and federal clean water regulations . . ." Councilmember Ransom seconded the motion.**

**Deputy Mayor Jepsen suggested saying "supports administration of state and federal clean water regulations based on best available science . . ." Councilmember Fimia accepted this friendly amendment and a vote taken on the motion carried 7 – 0.**

**Councilmember Fimia moved to amend the Water Resources item to say "support best available science-based regional planning . . ." Councilmember Gustafson seconded the motion. Again, Deputy Mayor Jepsen suggested "Supports regional planning based on best available science . . ." Councilmember Fimia accepted this friendly amendment. A vote taken on the motion carried 7 – 0.**

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**Councilmember Fimia moved to amend Fircrest #2 to say “supports and would help facilitate proposals to allow City, citizens, and other major stakeholders participation in redevelopment of the Fircrest campus.” Councilmember Ransom seconded the motion.**

Deputy Mayor Jepsen suggested it not be limited to “citizens,” so Councilmember Fimia changed “citizens” to “residents.” He also said this changes the meaning because it sounds as if the City, citizens and other major stakeholders are going to do the redevelopment. Councilmember Ransom suggested adding “planning process” after “redevelopment.” Mayor Hansen objected to the word “would” and Councilmember Fimia changed this to “could.”

**A vote was taken on the motion, which carried unanimously, and this item was changed to read “Supports and could help facilitate proposals to allow the City, residents, and other major stakeholders participation in the redevelopment planning process of the Fircrest Campus.**

**Councilmember Fimia moved to add a fifth item to the Fircrest list (“The City of Shoreline supports a mix of public and private development on the site”), but this failed for lack of a second.**

Councilmember Gustafson commented that the internet sales tax item is a priority for him. He felt that it is a very important issue that should be addressed nationally.

**A vote was taken on the motion, which carried 7 – 0 and the 2004 Legislative Priorities were adopted as amended.**

## 8. EXECUTIVE SESSION

At 9:32 p.m. Mayor Hansen said Council would recess into executive session for thirty minutes to discuss litigation.

## MEETING EXTENSION

At 10:00 p.m. Mayor Hansen announced that the Council had extended the meeting and the executive session for fifteen minutes. At 10:14 p.m. the executive session concluded and the regular meeting reconvened.

## 9. ADJOURNMENT

At 10:15 p.m., Mayor Hansen declared the meeting adjourned.

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Sharon Mattioli, City Clerk

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