

DRAFT

CITY OF SHORELINE

**SHORELINE CITY COUNCIL
SUMMARY MINUTES OF WORKSHOP MEETING**

Monday, February 2, 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**

The meeting was called to order at 6:30 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 AND FUTURE AGENDAS**

Steve Burkett, City Manager, responded to questions from last week relating to the intersection at 15th Avenue NE and NE 170th Street. He read a letter from the Federal Highway Administration (FHWA) stating that it reviewed the intersection and determined that Shoreline has exceeded the minimum requirements of the Manual on Uniform Traffic Control Devices (MUTCD) for pedestrian/traffic safety. He added that the new three-lane configuration has dramatically improved safety along the corridor as well. He said staff would return with further recommendations on a possible pedestrian-activated signal in that area.

Responding to Councilmember Ransom, Mr. Burkett clarified that FHWA inspectors have seen 15th Avenue NE since the three-lane configuration was implemented.

Tim Stewart, Planning and Development Services Director, responded to questions from last week relating to Development Code definitions, Twin Ponds playground equipment, parking at the Aegis development and Twin Pond Park, and Planning Commission directives to staff regarding the stream inventory. He said based on his investigation of aerial photographs and current regulations, parking on the east side of 1st Avenue NE is permissible, unless restricted by sign or statute. He said the City has the option of posting the area as a No Parking zone. Regarding the concern about overflow parking at

Twin Ponds Park, he said there are no regulations prohibiting the use of public parking by members of the public. He explained that while the Planning Commission did not review the recommended definition for Reasonable Use, it was clearly delineated in the staff report as a change from the Planning Commission report to the Council. He said the Planning Commission Chair was at the Council meeting when the ordinance was passed and indicated that he had no concern about the changes. He explained that the play structure at Twin Ponds Park was located on land that had previously been a grass playfield and that has identical drainage characteristics. He said outdoor recreational activities that do not have an adverse effect on Critical Areas are exempt from the code. He added that minor activities determined by the City to have a minimal impact are also exempt from Critical Areas regulations.

Finally, Mr. Stewart responded to the comment that staff is ignoring Planning Commission directives regarding artificial open watercourses in the stream inventory. He said staff takes Planning Commission recommendations very seriously. He explained that the Council was informed in December of the intention to delete the artificial open watercourse and substitute that with open watercourses throughout the report. He concluded by stating that after the stream inventory is completed, it will be submitted to the Planning Commission and Council for review.

Councilmember Fimia felt the staff report left the false impression that the Thornton Creek Legal Defense Fund (TCLDF) agreed with the changes made to the Reasonable Use definition.

Mr. Stewart said he did not intend to leave the impression that the TCLDF agreed with all changes made to the Development Code. He pointed out that there were many discussions about contentious issues over several months between the City, TCLDF, and Washington Department of Fish and Wildlife. He said the discussions culminated in the staff report of June 23, 2003 that clearly outlined the changes from the Planning Commission and identified a new definition for Reasonable Use. He said the staff report and meeting minutes indicate that Reasonable Use was clearly articulated.

Councilmember Fimia emphasized that the TCLDF would not support a less stringent definition for Reasonable Use as the staff report seems to convey.

4. COUNCIL REPORTS

Councilmember Gustafson reported on his attendance at the Partnering for Success Conference, which focused on the effect of parental involvement on academic achievement. He hoped the City could perhaps look at ways to get parents more involved in the schools.

Councilmember Grace thanked the City Manager and staff for the orientation he received at City Hall. He reported that he and Councilmembers Fimia and Ransom met to discuss issues relating to community input, and that their recommendations would be coming forward soon.

Councilmember Ransom reported on the Association of Washington Cities Legislative retreat in Olympia, and on a particularly helpful session about influencing the legislature. He reported that even though the issue of city annexation was resolved through the courts, the legislature did not seem to want to deal with it. Cities can again use annexation petitions, although some still have concerns about the practice. He expressed concern that other than using some reserves, the legislature is not adequately addressing the \$500 million budget shortfall this year. He was also concerned about how the legislature would deal with a deficit of \$1 billion projected for 2005. He said cutting reserves to a proposed 1% level would not maintain a sufficient buffer for necessary expenditures.

Councilmember Fimia thanked Councilmember Grace for the effective planning meeting. She also thanked City staff for her tour and orientation at City Hall.

Responding to Mayor Hansen, Councilmember Chang reported that a teacher and his student from Boryeong, South Korea are currently visiting Shoreline. The student plans to stay in Shoreline for the next several years and attend Shoreline Community College.

Deputy Mayor Jepsen reported on the Sister Cities Association's planning sessions in anticipation of a reciprocal visit from Boryeong City delegates this spring. Another planning meeting will be held this Thursday. He also reminded the Council about the Top Foods Grand Opening on Wednesday, February 4.

5. PUBLIC COMMENT

(a) Janet Way, Shoreline, described the efforts of the TCLDF to oppose unrestricted development along Thornton Creek, and said TCLDF will challenge anyone who refutes the viability of Thornton Creek. She said TCLDF chose not to fight the Reasonable Use issue but was not made aware of any changes to the definition. She said there is a "perception of deception" because the City makes it appear that the TCLDF agreed with the change. She said the only reason "artificial watercourses" was taken out of the code is because the TCLDF, Twin Ponds Fish Friends, and other citizens were forceful about that issue.

(b) LaNita Wacker, Shoreline, addressed proposed Resolution No. 212. She explained the difference between part-time Councilmembers (decision-makers) and full-time staff paid by tax dollars to conduct City business. She said the distance between workshop sessions and regular meetings allows part-time decision-makers to do independent research, outreach, and think independently. She asked Councilmembers to ask themselves whether the staff serves the needs of the Council, or if Council serves the desires of the staff. She said if Resolution No. 212 is passed as proposed, Council will be "rubber stamping" staff reports and waiving its right to independent thinking and outreach.

(c) Ginger Botham, Shoreline, was pleased that “artificial watercourses” was taken out of the Development Code amendments. She cautioned that the proposed changes to the zoning variance regulations do not specify that variances should be the minimum necessary to grant relief to the applicant. She suggested that the City research how other jurisdictions handle zoning variances. She said her biggest concern with Resolution No. 212 is that it eliminates the practice of noticing for special meetings. She said she relies on special meeting notices to alert her to action items.

(d) Patty Crawford, Shoreline, said she also relies on a mailed agenda to inform her of potential Council action. She asserted that the City is spending money to attack citizens such as herself and Janet Way. She said it is not the citizens’ responsibility to take the City to court, but it is the City’s responsibility to follow its development requirements. She said the ordinance that adopted the new Development Code requirements is misleading because there was no public discussion about the changes to the Reasonable Use definition. She requested more time to respond to Mr. Stewart’s report.

(f) Barbara Lacy, Shoreline, reminded Council that the City assured the Echo Lake Neighborhood Association that it would take water quality samples of Echo Lake during fall/winter. She said the timing is still excellent because of the high water level.

(g) Pat Murray, Shoreline, asked that the warning signal for public comment be set to allow more time for speakers to formulate concluding remarks. He said the Aegis development should not be allowed to work on its south site because it is contested. He warned that Shoreline could face legal challenges similar to Seattle if it permits development in hazardous areas, such as the Casper development in Richmond Beach. He said Shoreline should not try to protect applicants from their own mistakes because it will assume legal liability. He felt public input would be reduced by Resolution No. 212 because citizens would not be allowed to comment at appropriate times.

(h) Cindy Ryu, Shoreline, noted that the money allocated for gateways (\$100,000 each year for 2004 and 2005) could be better spent on essential items such as sidewalks, road maintenance, and traffic safety improvements. She said the City should opt for less elaborate designs. She also asked for assurances that the City would not tear out and reinstall gateways at additional costs.

(i) Bob Barta, Shoreline, described his proposal for developing the Dayton Triangle property into a City gateway. He noted that other jurisdictions erect monuments to establish desired values and to inspire. He said the site could include a large, multi-sided monument embedded with the inspirational messages of hope, respect, and civic responsibility. He felt that inspiring people is part of what government should do.

(j) Tim Crawford, Shoreline, reminded Council that there is a buffer-averaging suit against the City for the Aegis south site, and that the City has not yet measured the ordinary high water mark. Regarding the Reasonable Use definition, he

said the Planning Commission Chair does not represent a majority of Planning Commission members. He noted that the playground equipment at Twin Ponds Park has more impacts than a grass field.

(k) Diane Murray, Shoreline, asked Council to reconsider the amount of time it allows citizens to comment at meetings. She felt that agenda items are an implied invitation for citizens to offer their input. She said letters written to Councilmembers are not made public in the same way as comments at a Council meeting. She said many people rely on the replay of Council meetings in order to stay in touch with City business. She said citizens deserve to be heard.

(l) Richard Johnsen, Shoreline, noted that no Councilmembers responded to his concerns expressed last week regarding the closure of QFC. He felt that the Council or City staff should do something to show some concern and empathy towards citizens. He characterized the sudden closure and decision by the ownership to cancel lease agreements as "backdoor dealing."

Mr. Burkett noted that staff would follow up on Ms. Lacy's request.

Mayor Hansen noted that letters sent to individual Councilmembers become public documents and are circulated to the entire Council. He noted that the public currently has two opportunities to speak at workshop meetings.

Councilmember Fimia asked that staff responses to citizen questions be provided to the citizen prior to any Council presentation. She was disappointed that staff did not follow up with Ms. Crawford or Ms. Way prior to the staff report on playground equipment and Reasonable Use. She requested that stakeholders be given an adequate opportunity to respond.

Councilmember Chang commented that the information he gets from staff, the public, and the Planning Commission seems to be inconsistent. He felt that all parties should be brought together to resolve issues in an honest way. He wondered if staff is adequately addressing Ms. Crawford and Ms. Way's concerns.

Councilmember Ransom agreed that he is hearing mixed messages. He thought it strange that the water level at Peverly Pond has been reduced, even though staff has stated that the dam is unchanged. He noted that Council is not well informed about the QFC closure, primarily because it is private property issue. He also commented that the Council does not have a role in the Critical Areas Reasonable Use Permit in Richmond Beach because the Hearing Examiner is the decision-making authority on that issue.

Councilmember Chang felt the City Manager or City Attorney need to respond to the question about parking at the Aegis site.

Mayor Hansen explained that the staff report was simply a response to citizen questions that were raised at the last Council meeting. He noted that there will always be differing

opinions about whether issues have been adequately addressed, and that it is unlikely such complex issues will be resolved in a Council meeting during public comment. He said Council's responsibility is to evaluate what staff says and ensure that items are followed up appropriately.

Councilmember Grace felt that as a matter of courtesy, staff should provide their reports to the members of the public who brought up issues prior to the meeting so citizens have a chance to prepare.

Councilmember Fimia agreed, noting it also would not be fair to allow citizens to comment on the staff report and then prevent staff from responding. She agreed that while meetings should not be entirely devoted to public input, citizens should have prior notice and be given an opportunity to respond.

Mayor Hansen noted that while public comment is one of several ways to communicate with the Council, it is not necessarily the best way.

Councilmember Fimia felt the City is inviting antagonism if answers to questions are not viewed as correct or if there is no opportunity to respond.

Mayor Hansen said as a Councilmember it is his responsibility to be an advocate if he feels someone's issue is not being adequately addressed. He said he goes to the City Manager or staff with such issues but does not necessarily address them at a Council meeting.

Councilmember Ransom pointed out that public comment has increased from two minutes to three minutes, and that other jurisdictions still only allow two minutes per speaker. He felt that speakers should be alerted when they have 30 seconds remaining instead of 15 seconds. He felt the Council is doing as much as it can in terms of providing public comment opportunities.

Mayor Hansen pointed out that he has not been enforcing the 30-minute time limit or the three-speaker limitation on the same topic.

Councilmember Gustafson felt the Council should consider strategies and guidelines for addressing these issues outside of Council meetings. He agreed with time limitations, noting there are many ways to contact Council. He suggested the Council continue to consider ways to improve the process.

6. WORKSHOP ITEMS

(a) Boeing Creek Water Quality Study

Bob Olander, Deputy City Manager, introduced Mark Newman, from the Ronald Wastewater District, and Alison Guise, teacher at Shorewood High School. Ms. Guise was accompanied by Chris Nordstrand and James Anderson, who are part of a student

club called Students Active for the Environment (SAFE). They have been involved in a project counting fish and testing water quality in Boeing Creek. Ms. Guise reported the results of their four-year study, noting that water quality is in the tolerable range. She expressed interest in exploring ways to allow fish further upstream through dam removal/reconstruction.

Councilmember Gustafson thanked the participants for their efforts. He pointed out that the Water Resource Inventory Area 8 committee provides grant funding for projects such as dam reconstruction. Ms. Guise expressed interest in learning more about what grants may be available. She noted that removal of the dam would require a coordinated effort with the Innis Arden Board.

Mayor Hansen commented on the success of the fish hatchery on Deer Creek in Edmonds. He said it would be nice if Council had technical information such as oxygen content and temperature in order to better understand the quality of fish habitat in Boeing Creek.

Responding to Mayor Hansen, Ms. Guise said any hatchery project would have to consider the particular species of fish planted in a given watershed. She noted that chum and coho salmon are the two species that return to Boeing Creek. Mayor Hansen said his brother, a fisheries biologist, felt that fish habitat could be supported as far as Boeing Creek Park.

Councilmember Fimia asked if SAFE has collaborated with either the Home Waters Project (North Seattle Community College) or the Thornton Creek Legal Defense Fund. Ms. Guise said SAFE mainly focuses on Boeing Creek since not as much attention has been paid to it. She noted that Thornton Creek is a separate watershed that goes in a different direction. She also added there is no real threat of development along Boeing Creek.

Councilmember Fimia noted the passion in the community for watershed issues. She felt the City should be consistent in its willingness to listen and incorporate ideas.

(b) Gateway Implementation Sites for 2004

Mr. Stewart introduced this item and provided background on the City's adopted Gateway policy, including identification of several "priority" locations for gateways.

Andrea Spencer, Planner, asked for Council input on the designs of the next implementation sites and confirmation of which gateways would be constructed in 2004. She outlined the following three options organized by staff:

Option A (Staff Recommendation)

Direct staff to proceed with construction of the 175th & I-5 East (cost estimate \$60,000).

Direct staff to proceed with 30% design of the Westminster Dayton Triangle gateway.

Provide feedback on the designs for the identified gateways.

Option B

Direct staff to proceed with construction of the southern portion of the Westminster/Dayton Triangle gateway (cost estimate \$75,000 plus environmental remediation).

Provide feedback on the designs for the identified gateway.

Option C

Direct staff to proceed with construction site(s) from the Gateway Manual Priority List as determined by Council.

She concluded by saying that staff seeks direction to proceed with both the final design and construction of the gateway at East 175th & I-5 and 30% design of the Westminster/Dayton Triangle gateway (Option A). Staff recommends Option A because the City has already coordinated extensively with the Washington State Department of Transportation on the I-5/175th site.

Responding to Councilmember Fimia, Ms. Spencer explained that the City is about to sign a "turn back" agreement, which will return ownership of the I-5 property to the City. Councilmember Fimia emphasized the importance of getting public input in the design of the Dayton Triangle gateway.

Mr. Stewart noted that public outreach is a part of the 30% design process. He pointed out that 30% is very preliminary, and any decisions on design would require Council approval each step of the way.

Councilmember Grace supported the approach at the Dayton Triangle of leaving space for potential reconfiguration of 155th Street. He commented that clean-up costs for the property should be kept separate from the design/construction costs. He also emphasized the importance of a consistent image at all the gateways.

Deputy Mayor Jepsen agreed that clean-up costs should not come out of the Capital Improvement Program (CIP) budget. He felt that there should be funding with Option A to develop design concepts for the I-5 pedestrian bridge gateway. Councilmember Gustafson supported this. He also said the Council should discuss the philosophical question of whether \$100,000 per year should be spent on gateways.

Councilmember Ransom expressed support for Option A. He agreed that design concepts for the pedestrian bridge should be included if possible. He reminded Council of his recommendation to have a plaque with the current City population at each gateway.

Councilmember Chang agreed that it is time to move forward. He stressed the importance of public participation in the design process.

Mayor Hansen asked staff to consider Mr. Barta's idea for erecting a monument at the Dayton Triangle. He expressed interest in seeing the 30% design and what will be proposed for that site.

There was Council consensus to move forward with Option A.

(c) Interlocal Agreement for Jail Administration

Bob Olander, Deputy City Manager, reviewed the background on the issue of providing jail services for Shoreline's misdemeanor offenders. He said the interlocal agreement provides the framework document for cities within King County to work together to manage the King County and the Yakima County jail service contracts, dispose of property held for jail purposes by the City of Bellevue, and develop a plan to manage the city's inmate population after the termination of the King County jail contract in 2012. He said the agreement has been carefully crafted and balanced to meet the needs of all participating cities. He noted that the Suburban Cities Association has reviewed and approved agreement.

He said while the agreement does not decide the outcomes of future planning efforts or bind any city to participate in these efforts, it does establish a process for how these future efforts will be undertaken. The interlocal agreement creates three different committees with specific responsibilities, an annual budget and assessment method for all cities to pay for staff support, and a fiscal agent (currently Tukwila) to manage fiscal responsibilities. The three groups include:

1. Oversight Group of Elected Officials
2. Administrative Entity – JAG (Jail Administrative Group)
3. Operations Entity - JOG (Jail Operations Group)

He said Shoreline's share of funding one position in the Jail Administrative Group totals \$3,497, which is available in the City's jail budget. Mr. Olander concluded by recommending that the City Council review and discuss the interlocal agreement and forward it to the next available Regular Meeting for adoption.

Mayor Hansen was glad the agreement was finally reached, noting the challenges that have come up along the way.

Councilmember Chang suggested that Shoreline look into the Marysville model of building its own facility and selling jail beds to surrounding jurisdictions. Mr. Burkett responded that it seems a better approach to share the risk with a larger group. He also commented on the difficulty of siting a jail in Shoreline.

Councilmember Ransom noted that Lynnwood and Issaquah also have jails, so Shoreline should consider this approach as a solution to contract termination with King County. He also offered to serve as the SCA representative on the Jail Administrative Group since he served on the jail administration committee for five years.

Mr. Burkett pointed out that the interlocal agreement is a ten-year commitment with Yakima County. Mr. Olander said one long-term solution to managing the City's inmate population might be to expand existing jails in the area.

There was a brief discussion of the possibility of using property in the City of Bellevue, which King County bought for a jail site.

Councilmember Ransom raised the possibility of reestablishing minimum-security jails in Shoreline (such as the North Rehabilitation Facility at Fircrest).

Councilmember Fimia suggested the use of the site of the North Rehabilitation Facility at Fircrest as a jail facility. She thought the community would support this as long as it included a drug treatment program. She also suggested implementing prevention/treatment programs in Shoreline to try to reduce inmate populations.

After discussion about King County's reasons for canceling the contract with Shoreline, Councilmember Fimia suggested that SCA request a performance audit of the County to determine why its jail costs are so high.

Councilmember Ransom theorized that the County is canceling the contract because it can keep more of its own prisoners at the jail at a higher operating cost, rather than contracting with cities for less money.

Councilmember Grace expressed support for the agreement and for exploration of possibilities in the future.

There was Council consensus to bring this item forward for action.

- (d) Resolution No. 212 amending Section 5.5 and 5.7 of the Rules of Procedure for the City Council

Mr. Burkett summarized the discussion from last week on this item and reminded Council that this change to the Rules of Procedure allows Council the flexibility of taking final actions at all four of its monthly meetings. He distributed a new copy of the resolution containing the following changes made by staff:

~~“(3) taking final action on items placed~~ should only be placed on the Workshop Agenda under Rule 3.2 for final passage when consideration at a Regular Meeting would be detrimental due to time constraints, and no ordinance shall be passed at a Workshop without a Special Meeting notice of the agenda item.”

Mayor Hansen said he looked very closely at the proposed changes and supports them as written. He noted that the revisions do not give the Council any more rights than what already existed under Rules of Procedure Section 3.2.

Ian Sievers, City Attorney, pointed out that neither state law nor the current rules require that the public receive notice of special meetings; past notices have been issued as a matter of practice and fortunate circumstance. He said typically most items have been added to the agenda with enough time to include them on the agenda notice.

Councilmember Grace asked staff to clarify what the practice has been regarding decisions made at workshop meetings. Mr. Burkett explained that when Council achieves consensus on a particular project or option, staff interprets that consensus as direction, even though no vote is taken. He used the Gateways agenda item to illustrate that there is consensus for proceeding with Option A.

Councilmember Grace asked for examples of items that would be considered detrimental due to time constraints. Mr. Burkett said although it is rare, Council has identified deadlines for certain projects or actions in the past that have required special meetings.

Mayor Hansen inferred that the rule change would prohibit passing an ordinance at a workshop without notice, which seems to be even more restrictive than current practice.

Mr. Sievers explained that since workshops are considered regular meetings under state law, the real conflict is in the City's language that defines the scope of a workshop. He said the rules should reflect the current practice that Council can give direction or make positive or negative decisions. He felt that Council would be less productive if workshops are made to be purely informational sessions without any consensus-building or decision-making.

Mayor Hansen described Bellevue's process for taking action on time-sensitive items.

Councilmember Ransom generally supported the proposed changes, noting that they seem to reinforce the process Council has followed for the past eight years. He pointed out that other jurisdictions actually have a longer process for proposing and passing legislation.

Councilmember Fimia emphasized that the needs of Council and staff can sometimes conflict with the public's need for predictability, accountability, and due diligence. She suggested that the process should try to balance the need to make decisions with adequate noticing and predictability. She felt that only items of an emergency nature should be added to workshop agendas, and then only by a two-thirds majority vote of Council. She said she would be proposing further amendments for next week's meeting. Deputy Mayor Jepsen asked that the amendments be provided with enough time to allow Council and the public to sufficiently review them.

Councilmember Gustafson felt Councilmembers are not only elected to take public input, but also to conduct City business and make decisions in a timely manner. He pointed out that the Council has always been able to add or remove agenda items in the past based on Robert's Rules of Order. He was supportive of the proposed changes because they conform to current practice and state law.

7. CONTINUED PUBLIC COMMENT

(a) LaNita Wacker, Shoreline, asserted that adoption of the Reasonable Use definition was improper since there was no public comment taken on it at the Planning Commission. She noted that the Council meeting of May 12 did not include discussion of Reasonable Use, and that the opinion of the Planning Commission Chair does not represent the opinion of the entire Commission. She felt the City Attorney should have explained the legal ramifications of the definition before it was adopted. On the topic of gateways, she pointed out that other cultures erect monuments for the sole purpose of lifting the spirit.

(b) Janet Way, Shoreline, felt the City has been inconsistent in its approach to fish habitat issues in Boeing Creek and Thornton Creek. She asserted that the City has sought to undermine the value of habitat in Thornton Creek, and that the City even questions whether it is a salmon stream. She said City staff has been ignoring laws prohibiting inappropriate development along Thornton Creek as well as court rulings. She felt Gateway funding could be better spent on creeks, air quality, pedestrian safety, and sidewalks. She characterized the gateway program as "pretentious." She said the water level at Peverly Pond is significantly lower than it used to be.

(c) Patty Crawford, Shoreline, said the new play structure in Twin Ponds Park has a greater impact on the environment than the grass that was there before. She noted that people continue to park vehicles within the creek buffer along 1st Avenue NE. She said while the park is open to the public, the parking should not be available for private businesses such as Aegis. She reiterated that there was no public participation process for the Reasonable Use definition.

(d) Richard Johnsen, Shoreline, said the Council was elected to listen to the citizens, no matter how long they may wish to speak. He felt the Council should have provided more feedback when he commented on the closure of QFC two weeks ago. He also felt the City Manager or staff should have followed up on the closure of the post office. Finally, he expressed opposition to the design concepts proposed for the pedestrian bridge, which he thought would serve as a distraction to motorists. He urged the Council to contact a citizen in the Ballinger neighborhood who also opposes the design.

8. ADJOURNMENT

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

Sharon Mattioli, City Clerk