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CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF REGULAR MEETING

Monday, February 9, 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.

(a) Commendation for Judge Richard Eadie

Mayor Hansen read a proclamation recognizing Judge Eadie's many professional, social, and cultural contributions to the Shoreline community.

Judge Eadie accepted the commendation and thanked the City for this recognition and his family for their support.

3. CITY MANAGER'S REPORT

Steve Burkett, City Manager, commented on the near completion of the Ronald Bog gateway project and the south segment (145th to 155th Streets) of the Interurban Trail. The ribbon-cutting ceremony for Ronald Bog will be held March 1 at 3:00 p.m., and the ceremony for the Interurban Trail will be held in April.

4. REPORTS OF BOARDS AND COMMISSIONS: none

Councilmember Grace reported on his attendance at an Association of Washington Cities (AWC) meeting, which included a seminar on the legal requirements of cities. He also commented on his meeting with the Shoreline Merchants Association and the Chamber of Commerce, which included discussion of the Aurora Corridor project.

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Councilmember Fimia commented on her attendance at the AWC meeting, where she learned more about the differences between city and county government.

Deputy Mayor Jepsen commented on his attendance at the February Council of Neighborhoods meeting. He announced that the Ronald Wastewater District (RWD) will attend a joint neighborhood meeting with North City and Ridgecrest later this month to discuss annexation. He explained that the area must be annexed in order to vote for RWD commissioners.

Mayor Hansen commented on the grand opening of Top Foods and on his attendance at a Suburban Cities Association meeting.

5. PUBLIC COMMENT

(a) Bob Phelps, Shoreline, on behalf of the Shoreline Auxiliary Communications Service (Shoreline Amateur Radio), emphasized the need for a full-time Emergency Management Coordinator and urged approval of Ordinance No. 346.

(b) Vicky Westburg, Shoreline, contended that while Resolution No. 212 may facilitate and expedite the legislative process for Councilmembers, it does not provide for adequate citizen involvement. She questioned the need for an emergency clause, noting that one week is sufficient time to wait to consider City business. She concluded that quality is rarely associated with haste.

(c) Ginger Botham, Shoreline, commented on a project in her neighborhood in which a common play area was created from the easements of two adjoining lots. She explained that one side of a fence has been removed, which gives the impression that the common area belongs to the adjacent property owner. She said the City should specify the rules so that future property owners do not have to negotiate use of the common area. She related this to situation to Resolution No. 212, noting that all rules must be clearly specified or people will figure out ways around them.

(d) Jacqueline Nilsson, Shoreline, expressed concern about the background statement for Ordinance No. 346 and suggested that the job description for Emergency Management Coordinator needs further refinement. She was concerned about the elimination of the Fire Department's Community Emergency Response Training (CERT). She suggested that Council refine the plan before giving City staff full authority to implement it.

(e) Janet Way, Shoreline, representing the Thornton Creek Legal Defense Fund (TCLDF), reported on the sighting of a 20-inch steelhead trout in Thornton Creek. She noted that City staff, the Department of Fish & Wildlife, and Councilmember Fimia confirmed the sighting. She said this event is significant because it demonstrates that Thornton Creek is a Class II salmonid stream that supports fish habitat. On another topic, she clarified that the Planning Commission did not review the Reasonable Use definition

(as discussed last week), and that the TCLDF did not approve all the changes to the Development Code that were made by Ordinance No. 324.

(f) Cindy Ryu, Shoreline, said Resolution No. 212 does impact public comment because Sections 5.5 and 5.7 of the Council's Rules of Procedure affect how and when items are placed on the agenda. She said that although citizens need an effective Council that can act in a timely manner, it is also important to digest the issues and get feedback. She asked that the Council look at its procedures as a whole and not section by section.

(g) Patty Crawford, Shoreline, asked that the City follow up on what is happening in the state appeals court regarding the Gaston lawsuit, since the City submitted a joint brief to the court. She said the City continues to change its code provisions to allow the Aegis development. She said neither the Planning Commission nor the public had a chance to comment on the changes made to the definition of Reasonable Use. She asked if the City plans to amend the recent changes to the Development Code. She also asked for the status of the surface water contract for her property. She concluded that the City is ignoring the fact that the new Twin Ponds play structure is impervious surface.

(h) Tim Crawford, Shoreline, expressed support for the Emergency Management Coordinator position. He explained that the City has created the Critical Areas Special Use Permit and now the Reasonable Use definition solely for the benefit of the Aegis development. He said the City has no credibility on salmon restoration or other resource conservation efforts.

Responding to Ms. Nilsson's comments, Councilmember Ransom asked for clarification about how the Emergency Management position would impact CERT volunteers.

Councilmember Fimia commented that the fish sighting legitimizes the claim that Thornton Creek is a viable fish corridor. She said the entire region faces this dilemma of balancing the preservation of rural areas with urban habitat. She emphasized the need to observe established laws, and said the Planning Commission now wishes to review the Development Code changes again.

Mr. Burkett affirmed that the Planning Commission expressed a desire to revisit the definition for Reasonable Use.

Councilmember Fimia suggested that it be placed on an accelerated review schedule. She also suggested that staff follow up on the Crawford's surface water issue.

Ian Sievers, City Attorney, said the issue is still in litigation and will not likely be resolved until a pending variance issue and disputed facts are resolved.

Councilmember Ransom raised the issue of whether the dam on state property could have been modified to allow fish upstream. Mr. Burkett said the City investigated it with the

property owner (Washington State Department of Transportation) and WDFW and concluded that the dam has not been modified.

6. APPROVAL OF THE AGENDA

Upon motion by Deputy Mayor Jepsen, seconded by Councilmember Ransom and unanimously carried, the agenda was approved.

7. CONSENT CALENDAR

Upon motion by Councilmember Ransom, seconded by Deputy Mayor Jepsen and carried 6-0 (Councilmember Gustafson briefly stepped away from the Council table at 8:20 p.m.), the following items were approved:

**Minutes of Special Meeting of January 5, 2004
Minutes of Workshop of January 20, 2004
Minutes of Regular Meeting of January 26, 2004**

**Approval of expenses and payroll for the period
ending January 30, 2004 in the amount of \$1,366,531.00**

8. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

- (a) Selection of Subcommittee to evaluate Planning Commission applicants
- (b) Selection of Subcommittee to evaluate Library Board applications

Tim Stewart, Planning and Development Services Director, explained that the terms of five Planning Commissioners will expire on March 31, 2004. The vacancies have been advertised, with the application period closing on February 17, 2004. In the past, Council has selected a subcommittee from among its members of two or three Councilmembers to review the applications, conduct interviews, and make recommendations to the full Council. Staff recommends that the subcommittee bring its recommendation to the full Council at the March 22, 2004 regular meeting, so that the new Planning Commissioners would take office at the April 1, 2004 regular meeting of the Planning Commission.

Mr. Burkett explained the need to fill four vacant positions on the Library Board by March 31, 2004 using a similar process.

Responding to Councilmember Ransom, Mr. Stewart explained that City ordinance prohibits Planning Commissioners from serving more than two terms. Therefore, one commissioner is not eligible to reapply.

Mayor Hansen called for volunteers to serve on the subcommittees. All Councilmembers expressed a willingness to serve on the subcommittee to evaluate Planning Commission applicants.

Mayor Hansen appointed Deputy Mayor Jepsen and Councilmembers Chang and Fimia to serve on the subcommittee to evaluate Planning Commission applications. He then appointed Councilmembers Grace, Gustafson and Ransom to serve on the subcommittee to evaluate Library Board applications. He asked that the subcommittees bring their recommendations to the full Council at the March 22 meeting so that appointments can be announced.

Councilmember Ransom noted that of the four vacant positions on the Library Board, one member could not reapply due to term limits. One position is for two years of an unexpired term; the remaining positions are four-year terms.

(c) Ordinance No. 346 creating an Emergency Management Coordinator Position

Police Chief Denise Turner explained the recommendation to authorize an amendment to the 2004 budget to add an Emergency Management Coordinator position to the Police Department. She pointed out that half her time is spent on emergency management, which reduces her effectiveness in directing the police department. She emphasized that emergency management is the City's responsibility, and the City needs a full-time Emergency Management Coordinator to effectively fulfill its responsibilities.

She reviewed the proposed work plan for the position, which includes finalization of the Hazard Mitigation Plan. This plan must be complete by November 2004 for the City to qualify for federal mitigation funding. She explained the difference between adopting a plan and implementing a plan, noting that the Emergency Management Council identified 28 hazard mitigation strategies that were later reduced to eight priorities. Other work plan items include managing the Emergency Operations Center and updating sections of the Emergency Operations Plan.

Chief Turner emphasized the importance of the CERT program and clarified that it will continue as a partnership with the Fire Department. She said funding is available to offer training sessions in the spring and fall of next year.

Ron Mahlert, Shoreline Fire Chief, spoke in support of the proposal. He explained that bringing in a new credentialed employee for this position would save the City time and training costs. He affirmed that the existing budget would support continued training of CERT volunteers and staff. He pointed out that the police and fire departments have integrated more than ever since Chief Turner assumed responsibility for emergency management. He felt that having an Emergency Management Coordinator with a more direct connection to the City and staff would benefit the community.

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Mr. Burkett explained that this position is almost entirely funded with existing police funds and grants. The position will require \$7,427 in new money.

Councilmember Gustafson moved to pass Ordinance No. 346. Councilmember Fimia seconded the motion.

Councilmember Fimia emphasized the need for the Council, staff, and the community to help support this position. She said everyone has a responsibility for emergency management due to the numerous tasks involved. She suggested that the ordinance include language to help reinforce this idea. She also suggested that the qualifications include “people skills,” since coordinating with the public can be challenging.

Councilmember Ransom generally supported the proposal, although he questioned whether the City would be able to find someone matching the education and experience requirements. He also asked for information about how the position was placed on the salary schedule, including the salary survey and any other research on comparable positions in other jurisdictions.

Chief Turner explained that staff researched the comparables and salary survey for this position, although that data was not included in the Council packet. She said the position is comparable to a management analyst, as opposed to a police department position, which has different duties.

Deputy City Manager Bob Olander affirmed that staff worked with the personnel department in analyzing similar positions throughout the Puget Sound area. He explained that direct comparisons are difficult to make because some cities use battalion chiefs and fire captains for emergency management, while others use civilian employees. He said although it is not easy to find direct comparables, the City did its best and is comfortable with the recommended salary range.

Councilmember Ransom wondered if there are enough people with the necessary qualifications to even apply for the position.

Chief Turner pointed out that several people have already expressed their interest in applying for the position, and that jurisdictions have been actively involved in emergency management for many years. She clarified that the job description requires a combination of education and/or experience, so the City can be somewhat flexible about its requirements.

Councilmember Gustafson expressed support for the proposal. He agreed that the job description should emphasize the fact that everyone plays a role in emergency management.

Councilmember Grace pointed out that emergency management is an ongoing commitment that will require a coordinated effort by the City, Fire, Police, and others. He suggested that the Council consider this when it begins its budget process for next

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year. He was also concerned about whether one position could handle all these responsibilities. Chief Turner assured him that there would be opportunities for partnering and community education in order to spread the responsibility evenly.

Councilmember Ransom restated his request for information on salaries and comparables.

A vote was taken on the motion, which carried 7-0, and Ordinance No. 346 was passed.

- (d) Resolution No. 212, amending Resolution No. 183 by amending Sections 5.5 and 5.7 of the Rules of Procedure for the City Council relating to Final Actions of Council (motion postponed from January 26, 2004 meeting)

Mr. Burkett noted that the motion on the floor is for adoption of Resolution No. 212 as proposed on January 26, 2004. Staff has proposed a substitute resolution that addresses some of the issues raised by Council and the public at that time. Councilmember Fimia also proposed additional amendments.

Mr. Burkett said staff viewed this as a solution to a small problem of interpreting what kind of authority Council is giving staff, and also to make the rules conform to current practice. He addressed the question of what type of situations would warrant action at a workshop meeting. He said Council has used special meetings in the past to award bids to meet deadlines for capital projects, and to respond to King County's Brightwater Environmental Impact Statement. He pointed out that the Council held several unplanned meetings in December 2003 to fill the Council vacancy. He was confident that the proposed changes would not infringe on anyone's rights, as some have claimed at prior meetings. He concluded by stating that Council had five options: 1) adopt the initial proposal; 2) adopt staff's revised proposal; 3) adopt Councilmember Fimia's proposal; 4) do nothing; or 5) make other revisions.

Councilmember Grace moved to postpone the motion until the next regular meeting after the Council retreat (April 26). Councilmember Ransom seconded the motion.

Councilmember Gustafson expressed support for the motion, noting he would like to have time for further review.

Councilmember Ransom called attention to the difference between Council's customary practice and what the rules allow. He said the revised proposal is closer to Council's actual practice. He noted that there would be a discussion of all aspects of the community input process coming up in the future and these rule changes can be part of that discussion.

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Councilmember Fimia pointed out that when one part of the rules is changed, other parts could be affected. She agreed that postponing action would ensure that Council does a thorough job.

A vote was taken on the motion to postpone this item until April 26, which carried 7-0.

Deputy Mayor Jepsen asked that the Council meeting of February 23 include an update on House Bill 2442 (including access to family planning services in growth management planning) if the legislature is still considering it by the next meeting. He felt this legislation could affect the City's growth management responsibilities.

Councilmember Fimia raised the issue of what items are placed on the website related to the Council agenda. She noted that currently only the printed packet material is accessible on the web. She felt that proposals by individual Councilmembers should also be posted.

Mayor Hansen said this could be discussed at a future time, possibly the Council Retreat.

9. EXECUTIVE SESSION

At 9:18 p.m., Mayor Hansen stated that Council would recess into executive session for twenty minutes to discuss litigation. At 9:48 p.m. the executive session concluded and the regular meeting reconvened.

10. ADJOURNMENT

At 9:49 p.m., Mayor Hansen declared the meeting adjourned.

Sharon Mattioli, City Clerk