

# DRAFT

## CITY OF SHORELINE

### SHORELINE CITY COUNCIL SUMMARY MINUTES OF REGULAR MEETING

Monday, May 24, 2004  
7:30 p.m.

Shoreline Conference Center  
Mt. Rainier Room

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

ABSENT: Councilmember Grace

1. CALL TO ORDER

The meeting was called to order at 7:32 p.m. by Mayor Hansen, who presided.

2. FLAG SALUTE/ROLL CALL

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

**Upon motion by Councilmember Gustafson, seconded by Councilmember Chang and unanimously carried, Councilmember Grace was excused.**

(a) Proclamation of Native Plant Appreciation Week

Mayor Hansen presented the proclamation to Richard Tinsley, board member of the Central Puget Sound Chapter of the Washington Native Plant Society (WNPS). Mr. Tinsley thanked the City for this recognition and outlined several future activities planned by the WNPS.

3. CITY MANAGER'S REPORT

Steve Burkett, City Manager, reported on the joint open house for the Aurora Corridor and Interurban Trail projects. He also announced a farewell party for Police Chief Denise Turner. He noted that three candidates were interviewed for the police chief position, and that a decision would be made soon.

Councilmember Ransom announced that the state tax director would make a presentation to a Korean Chamber of Commerce meeting on Thursday, May 27.

Deputy Mayor Jepsen reported on his attendance at the SeaShore Transportation Forum, where discussion focused on regional transportation recommendations and on Sound

Transit's Draft Environmental Impact Statement coming forward this fall. He noted that the Aurora Corridor project is part of the regional transportation proposal. He also commented on the efforts of the King County Economic Development Council to redefine its vision, and on Shoreline Bank's growth and success.

Mayor Hansen commented on the opening of the new Shurgard storage facility in the Ballinger neighborhood and on that company's plans for improving other locations. He also recognized the efforts of those who participated in the Walk for Life, noting that they raised \$64,000 this year.

4. REPORTS OF BOARDS AND COMMISSIONS: none

5. PUBLIC COMMENT

(a) Virginia Paulsen, Shoreline, commended the City for providing opportunities for the public to provide input into the decision-making process because it means far less antagonism to and alienation from governmental bodies. She said it is imperative that the public knows and understands the costs for various public projects, noting that informed decisions could not be made without knowing the absolute and relative costs. Finally, she asked the Council to consider the implications for the City of Shoreline of global warming, diminishing U.S. oil supply, and escalating gas prices.

(b) Stan Terry, Shoreline, commented favorably on the joint open house for the Aurora Corridor and Interurban Trail Pedestrian Bridge projects. He encouraged the Council to consider the proposal to install a traffic signal at N 149<sup>th</sup> Street and Aurora Avenue because it would help neighborhood residents and alleviate access problems.

(c) Richard Johnsen, Shoreline, noted that his newly acquired knowledge of horticultural issues (street trees in particular) might be of use to the City. He asked staff to clarify if bicycle lanes are a feature of the North Section of the Interurban Trail, between N 200<sup>th</sup> and N 205<sup>th</sup> Street. He then explained that the Civic Light Opera might not be able to return to Shoreline due to increasing costs of rental space at the Shoreline Conference Center. He urged the Council to invite the president and/or board to give a presentation on its operations, and to do what it can to help keep the company in Shoreline.

(d) Patty Crawford, Shoreline, responded to a May 12, 2004 letter from Planning Director Tim Stewart regarding her questions and statements from the May 3 Council meeting concerning the Aegis development. She disputed the arguments in the letter, noting that the site and permit does not require work in the critical areas buffer. She said an updated critical areas report indicates that Aegis found surface water when they installed the vault, which may be a reason why the pond has been lowered. She said she would submit additional information at the remand hearing regarding pond and stream habitat. She urged the City to review the court order issued on April 15, which indicates that the court has jurisdiction over these matters and all "remaining issues." She said the term "remaining issues" indicates that the judge is also referring to issues on

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the south site. Finally, she outlined the remaining schedule for the film "Up Thornton Creek."

(e) Martin Kral, Shoreline, said despite the unanimous opposition to the cottage housing project on N 183<sup>rd</sup> and Ashworth Avenue, the Planning Department disregarded the neighbors' objections and approved the project anyway. He said under the current law, developers can build cottage housing on 15,000-17,000 square-foot lots in residential zones. He said Conditional Use Permits for cottage housing should be considered by the City Council instead of the Planning Director. He feared that under the current law, Shoreline could become host to numerous cottage housing developments and change the residential character of the City.

Mr. Burkett noted that persons aggrieved by the cottage housing project can appeal the decision to the Shoreline Hearing Examiner. He clarified that a bicycle lane is part of the Interurban Trail between N 200<sup>th</sup> and N 205<sup>th</sup> Street.

Councilmember Fimia asked if the cottage housing decision had been appealed. Staff indicated it had not.

Councilmember Ransom said cottage housing was supposed to provide an alternative for people seeking affordable housing. He questioned the affordability of cottage housing developments in Shoreline, and requested that the Council reconsider the whole issue at a future time.

Councilmember Gustafson asked if the Planning Commission has considered any changes to the cottage housing ordinance. Mr. Burkett and Mr. Stewart explained that the Planning Commission did a relatively recent review of cottage housing, and that their recommendations were approved by the City Council.

Councilmember Fimia supported Councilmember Ransom's request for review of cottage housing in preparation for adoption of the Comprehensive Plan.

## 6. APPROVAL OF THE AGENDA

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

## 7. CONSENT CALENDAR

**Councilmember Gustafson moved approval of the Consent Calendar. Councilmember Fimia asked that consent item 7(b) be removed and placed as action item 8(c). Councilmember Ransom seconded the motion, which carried 6-0, and the following consent calendar items were approved:**

**Minutes of Special Meeting of May 3, 2004  
Minutes of Dinner Meeting of May 10, 2004**

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## Minutes of Regular Meeting of May 10, 2004

### Approval of expenses and payroll as of May 7, 2004 in the amount of \$901,154.00

#### 8. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

- (a) Resolution No. 217 approving a special use permit for the purpose of constructing a wireless telecommunications facility located on the Washington State Department of Transportation campus

Paul Cohen, Planner, presented the staff report. He explained that the application for a ground-mounted, uncamouflaged monopole met zoning criteria and was approved by the Planning Commission with the following conditions:

1. The monopole is to be painted and maintained to match the surrounding trees and sky colors;
2. Future co-location of other antenna should match proposed flush-mounted design;
3. The existing WSDOT perimeter landscaping along N. 160<sup>th</sup> Street should be supplemented where 15-foot gaps in the vegetation exist with native conifer trees at least 10 feet in height at planting.

**Councilmember Gustafson moved to adopt Resolution No. 217. Councilmember Ransom seconded the motion.**

Councilmember Ransom inquired about the original proposal to attach the monopole to the existing WSDOT building. Mr. Cohen said the applicant approached WSDOT regarding this option, but WSDOT rejected it due to its need to maintain secure access to its rooftop.

Councilmember Ransom asked how many other monopoles are in Shoreline. Mr. Cohen said only one other monopole has been installed in the past seven years, although others were likely installed before Shoreline incorporated. He said there is another monopole located on the Shoreline Community College campus. There are also some co-located antennas on Seattle City Light power poles in the right-of-way near Aurora Square.

Deputy Mayor Jepsen said he was initially surprised by the application for a monopole because of the negative visual impact they cause, although the applicant seems to argue that the pole will be obscured by vegetation.

After clarification from City Attorney Ian Sievers regarding wording, **Deputy Mayor Jepsen moved an amendment to Resolution No. 217 to change Condition #3 as follows: “This Special Use Permit shall continue as long as tThe existing WSDOT perimeter landscaping and native trees along N. 160<sup>th</sup> Street shall be are preserved**

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**and supplemented where 15 foot gaps in the vegetation exist with native conifer trees at least 10 feet in height in planting.” Councilmember Fimia seconded the motion, which carried 6 – 0.**

Councilmember Fimia wished to ensure that both WSDOT and the cellular telephone company could exercise the option to replace trees as necessary. Mr. Burkett said although the resolution does not specifically state it, that intent would be noted.

**A vote was taken on the motion, which carried 6-0, and Resolution No. 217 as amended was adopted.**

- (b) Ordinance No. 353 adopting the State Building Code, the State Energy Code, and implementing plumbing permit services in furtherance thereof; repealing chapters 15.05, 15.10, and 15.15 of the Shoreline Municipal Code; and amending Section 3.01/010 of the Shoreline Municipal Code

Tim Stewart, Planning & Development Services Director, explained that Ordinance No. 353, adopting the state-mandated building and energy codes, would consolidate and improve the City’s existing codes. The ordinance also includes adoption of the Uniform Plumbing Code, which would allow the City to take over the responsibility of plumbing permit services, allowing customers to obtain most relevant building permits directly from the City. This transfer also means the City’s fee listed in SMC 3.01.010, must be amended to provide for plumbing permit fees.

Noting that Council is scheduled to consider updates to the International Fire Code next month, Mr. Stewart distributed the following recommended change to Ordinance No. 353:

**“Whereas the State Building Code consists of the 2003 International Building Code, the 2003 International Residential Code, the 2003 International Mechanical Code and the 2003 International Fire Code, published by the International Code Council (ICC), the 2003 Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials and ~~the National Electrical Code, published by the National Fire Protection Association~~ the rules adopted by the Washington State Building Code Council establishing standards for making buildings and facilities accessible to and usable by the physically disabled or elderly persons;”**

**Deputy Mayor Jepsen moved to adopt Ordinance No. 353 with the recommended change. Councilmember Chang seconded the motion.**

Councilmember Fimia asked what exceptions are proposed to the state code. Mr. Stewart explained that the new codes require that appendices be specifically adopted in order to be used by the City. Staff is recommending adoption of appendices for the International Fuel Gas Code and the Uniform Plumbing Code. Additionally, staff recommends other

changes to the International Codes in order to account for processes that are specific to the City.

Responding to Councilmember Fimia. Mr. Stewart said fees do not increase under the proposal, although the proposed fee schedule does include new fees to account for the addition of plumbing permit services.

Councilmember Ransom wondered if there were any outstanding controversies relating to the fire code or other building codes. He noted that someone raised a particular staffing issue in the past.

Mr. Stewart said the only potentially controversial issue he is aware of relates to sprinkler provisions. He said the interlocal agreement between the City and the Fire Department resolved any relationship or staffing issues in the past.

**A vote was taken on the motion, which carried 6-0, and Ordinance No. 353 was adopted.**

- (c) Motion to authorize the City Manager to execute an additional change order for the Interurban Trail, North Section Schedule A

Councilmember Fimia asked staff to clarify if the project bid included a contingency.

Jill Marilley, City Engineer, explained that the contractor is not automatically awarded a specific contingency, but it is included as part of the budgeted project. The contingency was 10 percent of the original engineer's estimate for the project, which totaled approximately \$798,000. Ms. Marilley explained that the \$56,000 change order is needed as a result of unanticipated quantities of unsuitable soils that were removed from the site.

**Deputy Mayor Jepsen moved to authorize the City Manager to execute the additional change order. Councilmember Gustafson seconded the motion.**

Councilmember Fimia expressed concern that the work for the additional change order was completed before staff came to Council for approval. She was also concerned that the process did not account for all anticipated costs, and wondered who was responsible for the magnitude of unsuitable soils discovered at the site.

Ms. Marilley said staff estimated a quantity of unsuitable soils in the overall project, but obviously the actual quantity exceeded the estimate. Therefore, the contractor has a right to negotiate a change order contract.

Councilmember Fimia wished to ensure that projects and bids include all anticipated costs.

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Councilmember Ransom outlined his own personal bidding experience and said he has always been held to his bid, regardless of whether it might be too low. He wondered if contractors are being rewarded for low bids through the change order process.

Mr. Burkett noted that change orders are typical in such construction projects because the quantities cannot always be predicted accurately. He said construction bids are based on estimated quantities, so if there happens to be more unsuitable soils than predicted, then there is a negotiated change order. He said without change orders, contractors would be increasing their bids to protect themselves against something that may happen.

Mayor Hansen concurred. He said unless you happen to have absolutely perfect conditions, change orders are very common in this industry.

Councilmember Fimia questioned the necessity of items approved under the City Manager's Change Order authority (\$50,000), noting that they should be for anticipated items. She felt anything over the City Manager's purchase authority should first come back to the Council for consideration.

Paul Haines, Public Works Director, agreed that theoretically this should have come back to the Council first, but stopping the project would have cost far more than the requested amount. He further explained that the \$50,000 was spent for necessary improvements. He said it was a distinct choice to continue the work because it was a routine quantity issue and not a new service item.

Councilmember Fimia asked if the items approved by the City Manager were for things that should have been anticipated or included as part of the original bid.

Ms. Marilley said all of the items were requested by the City in the interest of the project. She explained that construction contracts include unit bid items so the City has flexibility to request more work without having to negotiate each item.

Mr. Haines noted that the ideal is to stay within 5-10 percent of the total construction amount. He said 10 percent is the target that is used on smaller projects; on larger projects the percentage may be smaller.

Councilmember Fimia said she is accustomed to a 10-15 percent contingency. Mr. Haines explained that the City used to have such a contingency until the policy was changed.

Deputy Mayor Jepsen felt the root of issue is the change from a contingency policy to a straight purchasing policy. He said until that changes, bids and contracts would be handled under the current process. He suggested that Council might want to reconsider that policy, noting that a \$50,000 change order authority will not be adequate for larger public projects. He commented on the positive feedback he has received about the trail and commended staff for their efforts in making the project a success. He urged the community to celebrate what to him has become a fabulous project.

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Councilmember Gustafson concurred, noting he was not able to detect where the unsuitable soils were removed from the trail. Although he expressed concern about change orders, he said staff should be allowed to make reasonable decisions and judgments.

Additional discussion focused on the near completion of the trail and the ribbon-cutting ceremony scheduled for Saturday, June 12. It was noted that the City acquired additional bollards that will be needed for future replacement.

Councilmember Fimia said her main concern was that perhaps money was spent on unnecessary items before the City knew it would need it for essential items. She then suggested that the Interurban Trail include access to the businesses on the 145<sup>th</sup> -155<sup>th</sup> section, as well as signage attributing the trail to the City and its partners.

**A vote was taken on the motion, which carried 6-0, and the change order was approved.**

Councilmember Ransom commented that he has not received any further comment from Councilmembers on the draft letter he prepared for WSDOT concerning Aurora access. He noted that the Council in general agreed to send the letter.

Mayor Hansen noted that it is on the agenda for the June 7 Council meeting. He said he was not aware that everyone had approved the letter, and that there are some procedural questions about whether or not it has been aired in a public forum.

Councilmember Fimia said the Council voted unanimously to invite WSDOT to speak to Council about potential modifications to the plan. She said it should not take six months to be able to even ask the questions of WSDOT.

Mayor Hansen disagreed that the issue was raised six months ago, although design changes have been considered all along throughout the 8-year process.

Councilmember Fimia said it has been the Council's will to bring this before WSDOT.

Councilmember Ransom pointed out that various Councilmembers modified the letter several times, and that the four sponsoring Councilmembers (Chang, Fimia, Grace, and Ransom) had generally agreed on its content.

Deputy Mayor Jepsen said he would still like to discuss the letter, but if four Councilmembers wish to send it, then "that's the way it is." He felt the general public is probably not aware of the very specific questions that are being asked of WSDOT.

Councilmember Fimia said the purpose is simply to ask WSDOT if these proposals are possible. She pointed out that it is not entirely clear who is directing the design of the

project – the City or WSDOT. She said the City could not make a reasonable decision until it knows the parameters and how flexible WSDOT is with the design.

Deputy Mayor Jepsen thought that the draft letter involves very specific proposals, not general parameters.

Councilmember Ransom reiterated that the only feedback on the letter he received was a voice mail from the City Manager, who said the Council had not yet approved the letter.

Mr. Burkett recalled that he said the entire Council had not yet discussed the letter or voted on it. He felt the proper procedure would be for the Mayor to sign a letter approved by a majority of the Council following review in a public meeting.

Councilmember Gustafson said even though a majority of the Council supports the language of the letter, he would like an opportunity to discuss it at a Council meeting and vote on it. He said he is willing to discuss it even though he does not support it.

9. ADJOURNMENT

At 9:12 p.m., Mayor Hansen declared the meeting adjourned.

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Scott Passey, Assistant to the City Clerk

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