

## CITY OF SHORELINE

### SHORELINE CITY COUNCIL

### SUMMARY MINUTES OF REGULAR MEETING

Monday, May 9, 2005  
7:30 p.m.

Shoreline Conference Center  
Mt. Rainier Room

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

ABSENT: Mayor Hansen

1. CALL TO ORDER

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

2. FLAG SALUTE/ROLL CALL

Deputy Mayor Jepsen led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present, with the exception of Mayor Hansen.

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

(a) Shoreline Star – Charlotte Haines

Deputy Mayor Jepsen presented the fifth Shoreline Star to Charlotte Haines and recognized her many contributions to Shoreline through her involvement with the North City Neighborhood Association, Council of Neighborhoods, Shoreline Water District Board, Celebrate Shoreline, and the relocation of the parade from Aurora Avenue to 15<sup>th</sup> Avenue NE. Ms. Haines thanked the Council for this recognition, noting that she became involved in the community to help Shoreline grow and to help to east side of the City develop its own identity.

3. CITY MANAGER'S REPORT

Steve Burkett, City Manager, noted that Councilmembers received a revised agenda on Friday, which includes item 7(g), Ordinance No. 385.

Councilmember Fimia distributed three documents relating to the proposal to reduce 15<sup>th</sup> Avenue NE from four lanes to three. She said INCA Engineers Inc., King County Department of Transportation (Metro Transit), and a former Interim Public Works

# DRAFT

Director all recommended against the lane reduction. She asked why this information was not shared with the Council and requested a future discussion on this issue.

4. REPORTS OF BOARDS AND COMMISSIONS: none

5. PUBLIC COMMENT

(a) Janet Way, Shoreline, reported on the South Woods Preservation Group's (SWPG) effort to preserve the property currently owned by the Shoreline Water District and Shoreline School District. SWPG hosted a group of people, including representatives of the Conservation Futures Trust Fund and King County Councilmember Carolyn Edmonds, in an effort to gain support for protecting the property for environmental and educational purposes.

(b) Dale Wright, Shoreline, said clarified the purpose and goals of "Progress Shoreline." He said it is a diverse, non-partisan group of citizens who are concerned about the long-term effects the upcoming City Council election may have on the future of the Shoreline. He commented on Shoreline's significant progress over the past 10 years and emphasized the need for Councilmembers that strive to accomplish the hopes and aspirations of Shoreline citizens. He said Progress Shoreline will actively support candidates who are committed to achieving the citizens' vision for the City, not those who are beholden to special interests. He said Progress Shoreline will endeavor to present the facts and will not participate in slander, negativity, or misinformation.

(c) Alan Sharrah, Director of Operations for Frank Lumber the Door Store, commented that the three-lane configuration on 15<sup>th</sup> Avenue NE has been the single biggest item of contention in the North City Project. He expressed concern about how the documents Councilmember Fimia distributed could have been omitted from the decision-making process. He said it calls into question the whole process if these documents were not made available to the Council and the public. He questioned how the traffic would be handled when the contractor begins staging equipment on 15<sup>th</sup> Avenue NE in the three-lane segment between N 172<sup>nd</sup> and N 175<sup>th</sup>. He felt this segment should be increased to four lanes at least during construction in order to avoid increased traffic congestion.

(d) Vicki Westberg, Shoreline, speaking on behalf of SWPG, expressed support for the City's grant application to the King County Conservation Futures Trust Fund for the South Woods property. She urged the City to read the portfolio she provided, which supports preservation of this urban forest.

(e) LaNita Wacker, Shoreline, said that SWPG is dedicated to preserving the entire South Woods property, and that any kind of development there will "destroy the forest." She noted that the Cascade Land Conservancy assisted in finding out the asking price and the timetable for the sale of the property. She said the Shoreline Water District (SWD) will put its portion on the market to private developers by the end of May if no public party has expressed an interest. The intent of the SWD is to sell the property at

May 9, 2005

full market value, and if necessary, divide the property and sell its half for development. She said the City Manager has indicated there is no will on part of Council to preserve the entire portion of the property using City funds and the City's goal is to have the property developed privately.

(f) Richard Tinsley, Shoreline, concurred with previous speakers in support of preserving the entire area of the South Woods property. He said the City would lose an environmental asset forever if the property is developed into apartments or condominiums. He said one of the school district's goals was to use the property as an environmental education site. On another topic, he said Superior Court voided the building permit for the north Aegis building in June 2003, but Aegis has continued to develop the site against the judge's warnings. He felt the City has handled the Aegis development in an arbitrary and capricious manner, noting that the City has not acted on the judge's 2003 remand order. He said the City has violated its own codes and has done everything to benefit Aegis.

(g) Gretchen Atkinson, Shoreline, commented that hunger continues to be a serious problem in Shoreline because food distribution only takes place two days per month. She noted that while some churches have some resources, supplies are quite minimal and do not come close to addressing the need. She noted that 30% of elementary school students receive free or reduced-price lunches, but this only happens during the school year. She said Shoreline needs to come up with a solution to the hunger problem. She announced a food drive on Saturday and encouraged everyone to participate and give generously.

Mr. Burkett responded to Council questions regarding the three-lane configuration on 15<sup>th</sup> Avenue NE. He pointed out that the three-lane design has been contested since the project was initiated in 2000, noting that traffic engineers have provided varying opinions. He said part of the goal for 15<sup>th</sup> Avenue was to balance traffic with a pedestrian-oriented business district and traffic calming. He pointed out that a year's worth of traffic data was recently presented to the Council on how the three-lane configuration is working.

## RECESS

At 8:07 p.m. an audience member began speaking and continued speaking without the recognition by Deputy Mayor Jepsen, who declared a five minute recess. The meeting reconvened at 8:12 p.m.

Mr. Burkett was willing to discuss the three-laning issue with the Council in the context of all other relevant data and consultant reports at a future meeting. He noted that the three-lane configuration was accomplished through restriping, so it could be easily converted back to four lanes if that is Council policy. He said he would follow up with Mr. Sharrah's concerns regarding construction staging on 15<sup>th</sup> Avenue.

Continuing, Mr. Burkett asserted that the comments attributed to him by Ms. Wacker were inaccurate. He said the Council has not made a decision on the South Woods property, and he has not stated that his goal was to develop the property. He felt the appropriate time to discuss the issue would be as part of the Parks, Recreation and Open Space (PROS) plan discussion next week. The main reason the property is listed as a lower priority in the PROS plan is because ownership is currently held by the water and school districts.

Bob Olander, Deputy City Manager, responded to the concern about the Aegis development, noting that the judge did not void the building permit for the north building. He explained that the City is following up with the items the judge identified for further consideration and it is complying with the remand order. Regarding construction staging for the North City project, he said the details will be worked out as soon as the consultant provides the traffic control plan. He said staff will communicate with Mr. Sharrah as soon as it is finalized.

Councilmember Fimia's understanding was that the court order stated the building permit was void. Ian Sievers, City Attorney, said the term "void" was not used in the order, but the practical effect is that the permit is suspended until a new review is completed. He said the judge wanted to emphasize that he was not determining that the permit was in violation, but wanted his interpretation followed with a new review.

Councilmember Fimia reiterated the need to determine whether the Council had access to the documents she provided when the Council made its decision on the configuration of 15<sup>th</sup> Avenue NE.

Councilmember Ransom noted that he was present when the Conservation Futures group toured the South Woods property, but he was unclear about how much money the City might have to invest, with or without matching grant funds. He expressed interest in reconvening the Bond Advisory Committee (BAC) so it can at least provide a recommendation before the property is no longer available. He suggested working with the water district to postpone the sale until the BAC has an opportunity to consider it. On another topic, he noted that he had not seen the documents Councilmember Fimia provided, but he did hear the Interim Public Works Director make oral comments to the Council. He said the documents reinforce his concerns regarding traffic overflow onto 10<sup>th</sup> Avenue NE.

Deputy Mayor Jepsen encouraged interested parties to approach the two districts about the process for sale of the South Woods, since they are the current property owners. He asked if the sale of half of the property would require a subdivision or new legal description. He felt that these unresolved issues might make a May selling date unrealistic.

Mr. Burkett noted that the property owners would likely have to undertake a legal process to subdivide their interest.

Councilmembers Chang and Ransom asked that the purchase of the South Woods property be added to next week's agenda. It was pointed out that the PROS plan is already on the agenda, but there was consensus to specify this issue within the overall discussion. Councilmembers Gustafson and Ransom asked that field turf for Fields A and B also be called out specifically in the agenda during the discussion of the PROS plan.

Deputy Mayor Jepsen felt it would be necessary to have the owners of the South Woods attend the meeting in order to have an effective discussion. Councilmember Fimia asked for a list of potential funding sources (voter-approved bonds and councilmanic bonds) for land acquisition projects that might not be included on the revenue sheet.

## 6. APPROVAL OF THE AGENDA

**Councilmember Gustafson moved to approve the agenda. Councilmember Ransom seconded the motion, asking that Item 7(g) be pulled from the consent calendar and added as Action Item 8(c). A vote was taken on the motion and the agenda was unanimously approved as amended.**

## 7. CONSENT CALENDAR

**Councilmember Gustafson moved to approve the Consent Calendar as amended. Councilmember Ransom seconded the motion, which carried 6-0, and the following items were approved:**

**Minutes of Dinner Meeting of April 11, 2005**

**Minutes of Workshop Meeting of April 18, 2005**

**Minutes of Dinner Meeting of April 25, 2005**

**Approval of expenses and payroll as of April 28, 2005  
in the amount of \$857,488.15**

**Resolution No. 230 ratifying amendments to the King  
County Countywide Planning Policies**

**Motion to request the Planning Commission to  
conduct a Public Hearing and Provide a  
Recommendation to Council on Proposed Amendments  
to the Development Code and Shoreline Municipal  
Code regarding Enhancements to the Code  
Enforcement Program**

**Ordinance No. 384 reclassifying two positions within  
the City's Classification and Compensation Plan**

**Motion to select Skyhawks Sports Academy, Inc. as the**

# DRAFT

**sole source vendor to provide instructional services for twenty-three youth sports camps in Shoreline this summer and to authorize the City Manager to enter into a contract for these services in an amount not to exceed \$75,000**

8. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

- (a) Ordinance No. 382 amending the City's Official Zoning Map Tile number 452 to change the zoning of four parcels generally located at 17505 Linden Ave. N. (Parcel #07260492102, 0726049056, 0725049128 and 0726049166) from Residential 12 DU-AC (R-12) and Office (O) to Residential 24 DU-AC (R-24)

Tim Stewart, Planning and Development Services Director, briefly reviewed the application by the Ronald Wastewater District (RWD) to rezone four parcels from R-12 and Office (O) to R-24 to accommodate future expansion of the utility. He explained how the proposal meets the following five decision criteria listed in Shoreline Municipal Code 20.30.320(B):

- Criteria 1: The rezone is consistent with the Comprehensive Plan.
- Criteria 2: The rezone will not adversely affect the public health, safety or general welfare.
- Criteria 3: The rezone is warranted in order to achieve consistency with the Comprehensive Plan.
- Criteria 4: The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone.

He explained the Planning Commission's recommendation to approve the rezone, noting that one commissioner voted against it because of concerns about how the rezone might affect the surrounding neighbors. Public comments received expressed concerns that RWD might construct a tall building on the site. The majority of the Commission supported the rezone because it met the criteria and because the current zoning of Office (O) would already allow a 35-foot high building on the site. Mr. Stewart clarified that the proposed rezone does not include a development proposal. A development proposal would likely reopen the SEPA process, thereby providing neighbors with an additional opportunity to discuss any specific building proposal. He said RWD has expressed interest in working with the neighbors to mitigate any potential impacts of future development.

**Councilmember Fimia moved to pass Ordinance No. 382. Councilmember Gustafson seconded the motion.**

Councilmembers Ransom and Chang expressed concerns about the compatibility of the proposal with the adjacent neighborhood. Councilmember Ransom noted that adjacent

# DRAFT

May 9, 2005

neighbors expressed concern that their view from their homes could be obstructed by a structure. He wondered if the rezone could be approved with conditions.

Mr. Stewart said that development conditions on a rezone application would not be appropriate. However, these issues can be addressed when a specific project is proposed.

Councilmember Chang was concerned that approving this rezone might open other properties on the west side of Linden Avenue to rezoning. He questioned whether the interests of the neighbors could be maintained.

Mr. Stewart said the current zoning designation for the west side of Linden is high density residential, so an R-24 district is consistent with this zoning. He reiterated that the current zoning would allow a building of the same mass and scale as would be allowed under the zoning change.

Councilmember Chang wondered if expansion of RWD was consistent with the City's plans to assume wastewater management services as part of a new City Hall facility. He inferred that a new City Hall would include facilities for these services, in which case the rezone would be unnecessary.

Mr. Olander said that some minor office space for utilities was assumed in the space projections for a future City Hall, but not space for maintenance or parking. RWD is responding to the need for increased maintenance and parking space as a result of taking on the responsibility of providing wastewater services formerly provided by the City of Seattle.

Councilmember Chang felt that Shoreline taxpayers would ultimately be paying for RWD's expansion.

Councilmember Gustafson expressed support for the motion, noting that it meets the criteria and is compatible with the surrounding area. He felt it would not be detrimental to the community.

Councilmember Ransom supported the motion since development issues could be addressed as part of a building permit process.

**A vote was taken on the motion, which carried 5-1, with Councilmember Chang dissenting, and Ordinance No. 382 was passed.**

- (b) Continued deliberations on the 2004 Update of the Comprehensive Plan and master plans for Transportation, Surface Water, and Parks, Recreation and Open Space

Paul Haines, Public Works Director, and Jill Marilley, City Engineer, reviewed the goals, policies, and projects contained in the transportation master plan. They explained that the plan must be balanced by three elements: 1) land use growth (population/employment/

# DRAFT

destinations); 2) Level of Service (measure of delay); and 3) facility investments. The plan is divided into three distinct categories: Roadway & Intersection; Pedestrian; and Bicycle. The categories of general revenue sources include: Fuel Tax; Real Estate Excise Tax (REET); Reimbursements; Investment Income; Grants; and General Fund Contribution. Of the \$208 million in identified priorities, Priorities 1B-3 total \$82.7 million and do not have a reasonable funding source. The total revenue for the 20-year plan (2005 – 2024) is estimated at \$126.6 million for Priority Level 1A priorities. This does not include the projected \$4 million from the recently approved 9-cent gasoline tax.

Mr. Haines concluded his remarks by noting that there are many other unresolved issues that go beyond the Capital Facilities Element. These include street classifications, local funding options, regional coordination priorities, Level of Service refinement, outside growth impacts on Shoreline, speed limits on arterials, business access routes, trip demand management, and bicycle routing.

Ms. Marilley went on to outline the various capital projects in the current 2005-2010 CIP and future capital plans, including the Interurban Trail Pedestrian Crossing, Interurban Trail North Central Segment, Curb Ramp, Gutter and Sidewalk Program, Traffic Small Works, Pedestrian Program and Bicycle Program. She emphasized that the list does not contain many new projects due to limited revenue sources.

Mr. Stewart reiterated the importance of maintaining the balance between growth, capital facilities, and level of service, because if the priorities are shifted there must be compensating adjustments.

**Councilmember Grace moved to accept the transportation components of the Capital Facilities Element dated April 7, 2005. Councilmember Gustafson seconded the motion.**

Councilmember Ransom asked about the apparent discrepancy between the \$22 million in General Fund allocations in the 20-year forecast of the draft master plan versus the \$3 million in tonight's presentation.

Debbie Tarry, Finance Director, explained that the \$22 million in revenue represents the amount anticipated to be contributed towards capital over the 20-year period. It does not relate to the priority levels of the projects, but actually represents the resources available to fund Level 1A projects. It is an overhead allocation to the capital funds, which is different from revenue that is transferred from the GF to the capital fund to provide resources to complete capital projects.

Councilmember Gustafson said he generally agrees with the Planning Commission recommendation, although he might prefer some changes to the project priorities in the future. He emphasized that the plan is a working document that can be changed.

Councilmember Grace noted that there was consensus at the Council retreat on a comprehensive sidewalk plan, but this is not reflected until the 2011-2024 time period.



He pointed out that moving it into the 2005-2010 CIP would require something else to recede.

Deputy Mayor Jepsen said he would like to know how much additional revenue could be expected in the first six years as a result of the 9-cent gas tax. It was his preference to put this revenue into the City's Street Fund in order to bring it back up to \$700,000, with the remainder being allocated to the pedestrian program.

Councilmember Fimia noted a discrepancy between projections in the master plan (\$16 million) and past CIPs (\$20 million) for the Aurora Corridor project. Ms. Tarry noted that an inflation factor was assumed in the CIP projections. Mr. Haines said this approach is consistent with all the master plans.

Councilmember Fimia noted that most of the pedestrian/non-motorized projects would not be funded if the staff recommendation is adopted. She added that 70% of the total \$126.6 million goes to only three projects: Aurora Avenue, North City, and the Interurban Trail. She also asked about the proportion of grant funding to City funding in the Aurora Corridor projects.

Mr. Haines said the Level 1B-3 priorities are not funded in the plan because there is no reasonable revenue source identified. Mr. Burkett noted that there is only about \$1 million on General Fund money put into the plan each year.

Mr. Burkett said that 87 percent of Aurora Corridor Phase 1 is funded by grants. For both Phase 1 and Phase 2, the total projected amount of City funds needed is \$11 million. Responding to Councilmember Fimia, Mr. Burkett noted that the Council will have to discuss its priorities if sufficient grant funds are not acquired. Staff would likely recommend delaying Phase 2 because the project is dependent upon acquiring grants from the state and federal governments.

Councilmember Fimia emphasized that the Council is unsure about impacts to neighborhoods because the Council did not have access to the documents regarding 15<sup>th</sup> Avenue NE. She felt this calls into question whether the transportation plan is balanced, because the City might need additional funding for neighborhood traffic calming.

Councilmember Grace objected to Councilmember Fimia's comments. He felt it was unfair to draw conclusions on documents that other Councilmembers have not yet read.

**Because Council had determined that at 9:45 p.m. Item 7(g) from the consent calendar would be considered, Deputy Mayor Jepsen expressed the consensus that the motion would be postponed for further consideration at the next meeting.**

- (c) Ordinance No. 385 providing for the Use of Eminent Domain to Acquire Additional Temporary Construction Easements and Authorizing Corrections to Legal Descriptions, Entering into Stipulations, and Taking

## Less Property

Ian Sievers, City Attorney, explained the necessity of this ordinance because of the potential impacts of the Aurora project on the Parkwood Plaza shopping center. He explained that the proposal is an expansion of an existing Temporary Construction Easement (TCE) to accommodate access points for Parkwood Plaza. The ordinance offers two alternatives to the property owner to mitigate his damages and the City's costs. Mr. Sievers explained that the amendment is needed so the parties and court know that the Council has approved this as an alternate means of getting the project done and still accommodating both accesses to this shopping center.

**Councilmember Ransom moved to pass Ordinance No. 385. Councilmember Grace seconded the motion.**

Referring to Exhibit B-1 on page 82.5 of the staff report, Councilmember Ransom inquired about the different right-of-way (ROW) widths on N 152<sup>nd</sup> Street. He also asked if sidewalks would be located.

Mr. Sievers explained that the City is widening N 152<sup>nd</sup> Street as it approaches Aurora Avenue, where there will be a signalized intersection. He clarified that sidewalks would be built within the City ROW, and that this ordinance simply allows the use of a TCE instead of a retaining wall easement currently authorized in the ordinance. He noted that future condemnation ordinances will include similar language because it adds flexibility for scrivener's errors and to use less property if damages can be reduced.

Councilmember Fimia asked if the property owner supports the ordinance. Mr. Sievers said the City has been working with the property owners for the past few weeks, and they are aware the City intended to propose this as an alternative. The property owners received a copy of the TCE last week.

**A vote was taken on the motion to pass Ordinance No. 385, which passed 6-0.**

## 9. ADJOURNMENT

At 9:58 p.m., Deputy Mayor Jepsen declared the meeting adjourned.

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Sharon Mattioli, City Clerk