

CITY OF SHORELINE

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

Monday, December 13, 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) Proclamation of Eagle Scout Week

Mayor Hansen read the proclamation recognizing those who have earned the rank of Eagle Scout and their contributions to the Shoreline community. Dick Deal, Parks, Recreation and Cultural Services Director, commended the scouts who have worked on service projects in the parks for their efforts to make Shoreline a better place to live.

3. CITY MANAGER'S REPORT

Steve Burkett, City Manager, commented that this is the last scheduled Council meeting of the year.

Councilmember Grace thanked City staff for its assistance throughout the year.

4. REPORTS OF BOARDS AND COMMISSIONS: none

5. PUBLIC COMMENT

- (a) LaNita Wacker, Shoreline, agreed with the Council's decision to proceed with the feasibility study on the Echo Lake property. She said Echo Lake was her third choice for location, but it is her first choice in terms of a vision for City Hall. She felt the City Hall could include a "village green" or "town square" concept, along with bandstand

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and possibly a speaker's venue. She felt it was the Council's duty to protect Shoreline against inflationary rent increases by investing in its own facility. She commented on the favorable economic climate, noting that the \$5 million investment in land now will seem like an insignificant amount in seven years.

(b) Caralee Cook, Shoreline, concurred with the previous speaker regarding the Echo Lake site. She thanked the Council for investing in the City's future with the decision to purchase its own building. She hoped the City would consider working with non-profit housing developers to provide low-income housing to offset the low-income housing losses at the Echo Lake site. She felt this could be accomplished by leveraging social services funding next year.

(c) Keith McGlashan, Shoreline, thanked the Council for its decision to pursue the Echo Lake property for City Hall. He pointed out that the site is close to the Aurora Village bus transfer station to the north, the Metro Park-n-Ride to the west, and the Interurban Trail to the east. He said because of the vision of property developer Harley O'Neil, the City will have a new waterfront park on the south edge of Echo Lake.

(d) Patty Crawford, Shoreline, said everyone would be more supportive of the Echo Lake site if it had been selected in an open public process. She felt Echo Lake is not a centralized location for all Shoreline residents, and that some residents are not receiving the amenities afforded to other neighborhoods. She provided elementary school educational materials in response to the Planning Director's request for information regarding the difference between a pond habitat and a stream habitat. She said she has spent her family's money proving the City is not obeying its own development code or protecting the environment.

(e) Viola Gay, Shoreline, commented on the lack of accountability in the King County Sheriff's Office. She explained that she has not received a response or acknowledgment of an official complaint she filed with the Internal Affairs Department. She encouraged the City to consider having its own police department with a civilian oversight review board to ensure accountability to the public. She said her requests for information have been denied numerous times, and that failure to acknowledge receipt of her complaints or investigate her claims constitutes police corruption. She said she has many signed statements that demonstrate the King County Sheriff's Department believes it is above the law.

(f) Tom Ruhlman, Shoreline, thanked everyone involved in finding a solution to the flooding problem on 10th Avenue NE at NE 175th Street. He reported that residents experienced no flooding in their yards or homes following the heavy rains last week. He acknowledged the efforts of the Mayor, City Council, City Manager, Jesus Sanchez, Jerry Shuster, the Enterprise, and the Public Works crew on behalf of his family, the Harvey family and the Delavallade family.

6. APPROVAL OF THE AGENDA

Councilmember Grace moved approval of the agenda. Deputy Mayor Jepsen seconded the motion, asking that the minutes of the regular meeting of November 22 be pulled. A vote was taken on the motion and the amended agenda was unanimously approved.

7. CONSENT CALENDAR

Councilmember Grace moved approval of the consent calendar as amended. Deputy Mayor Jepsen seconded the motion, which carried 7-0, and the following consent calendar items were approved:

**Minutes of Special Meeting of November 15, 2004
Minutes of Dinner Meeting of November 22, 2004**

**Approval of expenses and payroll for the period
ending November 26, 2004 in the amount of \$2,201,405.20**

**Motion to authorize the City Manager to executive a
contract supplement for professional services for
Phase II design of the Richmond Beach Overcrossing
Bridge Replacement Project in an amount not to
exceed \$225,000; and to execute a local agency agreement
supplement to obligate federal grant monies for
Phase II design**

**Motion to authorize the City Manager to execute an
Intergovernmental Cooperative Purchasing Agreement
to join in a Shared Architects and Engineers Roster
with the City of Lynnwood**

**Motion to authorize the City Manager to execute a
contract with Onsite PC Care in an amount not to
exceed \$212,000 to provide network and Help Desk
services to the Information Technology Division
through December 2006**

8. ACTION ITEM: PUBLIC HEARING

- (a) Public hearing to consider citizens comments on the
Comprehensive Plan 2004 Update and the master plans
for Transportation, Surface Water and Parks, Recreation
and Open Space**

**Mr. Burkett noted that this is the first of two public hearings scheduled for the
Comprehensive Plan update.**

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Tim Stewart, Planning and Development Services Director, provided a brief background on the public process involved in updating the Comprehensive Plan. He said staff expects the public hearing to be continued into January, and that the plan would be updated with any additional comments.

Mayor Hansen opened the public hearing.

(a) Virginia Paulsen, Shoreline, commented that the Council's closed executive session on the proposed City Hall site was not a transparent process because residents and business owners did not have a chance to provide input before the decision was made. She said representative democracy requires transparency with respect to decisions, policies, and projects funded with taxpayer dollars. She said the problem with the Comprehensive Plan is that there are major projects (Aurora Avenue, North City, City Hall) competing for the basic kinds of services the plan provides. She was concerned there are many projects that are taking precedence over the basic services that Shoreline citizens are paying for.

(b) Janet Way, Shoreline, representing the Thornton Creek Legal Defense Fund, Paramount Park Neighborhood Group, and Sno-King Environmental Council, commented on the need for more time to study the details of the proposed plan. She concurred with the previous speaker, noting that major capital projects such as City Hall are not even mentioned in the matrix. She felt citizens should be concerned that Council approved the option to purchase the City Hall property before it approved the Comprehensive Plan, especially when surveys showed City Hall was a low priority. She asked how City Hall, utilities, and other capital projects fit into the overall plan. She noted that page 111 of the matrix encourages "the use of ecologically sound site design in ways to enhance the provision of utility services through measures such as drought tolerant vegetation, natural buffer, and solar orientation," but it does not specifically refer to any particular project. She feared the plan as written approves using huge amounts of taxpayer money for undefined projects. She said average citizens want to know where their money is going and have difficulty understanding how all this information fits together in the plan.

(c) Brian Derdowski, Bellevue, said his firm, Public Interest Associates, evaluated the draft Comprehensive Plan and master plans and concluded that the plan is deficient in several ways. First, the master plans are being adopted as part of the Comprehensive Plan, but the plan does not state this, nor does it make the link between the master plans and the overall Comprehensive Plan. Second, the plans should be written to show how they conform to the Growth Management Act (GMA), GMA Hearings Board decisions, the Washington Administrative Code (WAC), and countywide planning policies. He suggested removing the words "where practicable" on page 40 relating to environmentally critical areas, noting that it would not conform to GMA standards. He said the concurrency analysis for the Transportation Master Plan is not based on a fiscally-constrained capital plan. He said his firm would provide recommendations on how the plans could be corrected before Council has its final deliberations.

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(d) Peter Henry, Shoreline, commented on the ambitious scope of the Comprehensive Plan and on the opportunity to provide comment on what the plan will look like. He was concerned that the plan is too general and does not include long-term projects such as City Hall. He said he is not personally convinced that the City needs to build a new City Hall. He felt the public should be the final arbiter on the decision and scope of City Hall through the bond issue process.

(e) Patty Crawford, Shoreline, questioned the timing of these updates, noting that code changes and Comprehensive Plan amendments always seem to be considered at the summer break or winter holidays. She urged the City to correct the mistakes it made in its code changes before considering the Comprehensive Plan. She described deficiencies in the public participation process that prevented citizens from actively participating. She said workshops were held at inconvenient times, and that citizen comments were not considered during workshop business. She said the matrix does not identify changes made by the public, emphasizing that the public is supposed to be updating its Comprehensive Plan. She said the proposed changes to the Comprehensive Plan conflict drastically with Superior Court orders regarding Thornton Creek.

(f) Mark Deutsch, Shoreline, said he views the Comprehensive Plan update within the three-part framework of a strong community (citizens), economic development (business), and the environment. He said while he is generally pleased with most of the changes, he would like to see more emphasis on the natural environment. He felt environmental goals should be reflected in the City's critical success factors and the Council work plan, commenting that the 2004 budget did not have such an environmental focus. He said areas for improvement include public participation and the sequencing of work. He felt the Capital Improvement Plan (CIP) was not well integrated with the Comprehensive Plan update to properly account for the public's priorities relative to the Transportation Master Plan. He said it is difficult to understand the range and magnitude of such projects when there is no subtotal of identified capital projects. He emphasized the importance of updating the Development Code as quickly as possible after the Comprehensive Plan is adopted so that the goals and policies are consistent with actual practice.

Upon motion by Deputy Mayor Jepsen, seconded by Councilmember Gustafson and unanimously carried, the public hearing was continued until January 10, 2005.

Councilmember Fimia commented that she would likely request that the public hearing be kept open until January 18, 2005.

(b) City Council Staff Support

Councilmember Ransom provided background on the existence of the 8-hour rule which allows Council to request 8 hours of research a month on issues of interest. He read into the record his memorandum outlining the history of the use of the 8-hour rule and various examples of when he has used it over the years. He said some of the research he has

requested led to policies that have saved the City money, such as the use of volunteers to remind individuals of their court and sentencing dates. He said he has used the 8-hour rule once or twice every year since 1996. He opposed the City Manager's proposal that research requests be brought to the Council for majority support.

Councilmember Ransom moved that the Council keep the 8-hour rule which allows a Councilmember up to eight hours per month for research on issues. Councilmember Fimia seconded the motion.

Councilmember Gustafson wondered if other cities have a similar practice. Councilmember Ransom said the 8-hour rule is based on Bellevue's model, which has been quite successful. He said he did not research what other cities were doing because the 8-hour rule has been Shoreline's practice for the past nine years.

Councilmember Fimia supported the motion, noting that eight hours per month is a reasonable amount of time for preliminary research. She explained that while she worked to reduce the overall amount of staff at King County, the legislative branch of government needs to have the ability to do research on its own. Considering the sizable workload, she was surprised that the City does not have staff that answers only to the City Council. She felt the 8-hour limitation would ensure that the process is balanced.

Mayor Hansen asked the City Attorney if state law addresses the issue of staff support in a council-manager form of government.

Ian Sievers, City Attorney, said in a council-manager system, the entire staff works for the Council through the City Manager, and the City Manager assigns functions of his staff to serve the Council's needs. He said the issue is trying to get a Council majority to approve major undertakings.

Councilmember Fimia said the issue is whether Councilmembers should be required to get Council approval for preliminary research, as the City Manager has suggested. She felt it would be unreasonable to require Council approval for every minor research request. She emphasized the importance of timing, noting that sometimes it would cause excessive delay to get Council approval on every issue.

Mr. Burkett said the key issue is the distinction between a routine request for information and a major research effort requiring many hours of staff time. He noted that many issues have been successfully researched in the past, so he did not especially feel there was a problem with the current system. He concurred that state law provides that staff work for the City Manager, who in turn works for the Council in a council-manager form of government. He felt it would not be consistent with state law if every Councilmember were contacting various City staff to do research. He favored the one-page memo approach that would notify the Council of the resources it would take to fulfill a substantial request. He said there have only been two cases in which he denied Councilmember Ransom's request because he felt they were substantial commitments of time and staff. However, he would fulfill such requests with Council approval.

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Deputy Mayor Jepsen said he preferred to maintain the informal process of having Councilmembers work with the City Manager. He believed Councilmembers could always bring their issues to the full Council if they felt the City Manager was not being responsive.

Councilmember Grace felt the informal practice has worked fairly well to this point. He said making Council aware of more complex research items not only allows it to decide whether the resources should be used, but it also helps identify potential deficiencies related to staff allocation.

Councilmember Chang supported the motion, noting that the Council already knows the scope of work under the 8-hour rule, so anything above it would automatically come to the Council for consideration. He agreed that timing is critical, since it could take an excessive amount of time for four Councilmembers to approve a given request. He felt the 8-hour rule has not been abused or misused in the past. However, he felt there is a greater potential for abuse if it remains an informal process.

Councilmember Gustafson supported an informal process, noting that the Council establishes goals and gives the City Manager authority to work towards those goals. He felt the City Manager is the one to make judgments about staff allocations. He supported the one-page memo approach, emphasizing the importance of using resources wisely and directing requests through the City Manager.

Mayor Hansen said he would not feel comfortable asking staff to do substantial work without the support of other Councilmembers. He considered the separation between staff and the Council as very important. He also felt that 8 hours is an unreasonable amount of time for staff to research an issue without the support of other Councilmembers. He said he has always been able to either get information or support from the Council on important issues.

Councilmember Fimia clarified that the motion does not propose to circumvent the City Manager's office. She identified two occasions in which her requests for draft language for potential legislation were denied, explaining that she merely wanted to offer them to the Council as potential agenda items. She pointed out that it sometimes takes two weeks for Councilmembers to receive correspondence, and often they only receive it after the Mayor has already sent a response. She said staff has generally been very helpful in providing Councilmembers with information on issues that are "on the table," but there are times when Councilmembers need assistance with new issues. She said she is not comfortable with the informal process that leaves the City Manager vulnerable to charges that he is not being fair. She urged the Council to vote for the motion, noting that it would help clarify the process.

Councilmember Ransom pointed out that the 8-hour rule was never formally adopted or written down, so it has served primarily as an informal guideline. He felt the rule should be formally adopted in order to clarify current practice. He reiterated that he has never

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used the 8-hour rule more than twice per year. He said the present system is deficient because the City Manager can selectively approve or disapprove anything he wishes. He reiterated that the 8-hour rule allowed him to do the preliminary research that resulted in cost-saving programs for the City.

Councilmember Chang brought up the issue of whose judgment has more value, a member of the Council or the City Manager's. He felt that Councilmembers should be able to make the judgment when they ask staff to look into something they believe will help the City. He affirmed his support of the motion.

Mayor Hansen said if the City Manager denied his request, he would either try to get Council support for the issue or assume his request was "out of bounds."

Councilmember Ransom pointed out that even simple requests can take several months to appear on a Council agenda, noting that he requested this agenda item over three months ago.

Councilmember Fimia moved to amend the motion to add the phrase "and such requests shall be directed to the City Manager, Deputy City Manager, Assistant City Manager or City Attorney." Councilmember Ransom seconded the motion.

Councilmember Fimia's understanding of the original motion was that the 8-hour rule would apply to requests for initial research and drafting legislation.

Mayor Hansen felt that requests for draft legislation should require Council approval.

Deputy Mayor Jepsen noted that he receives Council correspondence well before the Mayor drafts a response. It was his understanding that this was the current practice.

Councilmember Grace said his support of the 8-hour rule would be contingent upon all requests being directed to the City Manager. He noted that the City Manager is the City's executive officer and staff supervisor, so it is only proper to direct requests through him.

A vote was taken on the amendment, which failed 3 -4, with Councilmembers Chang, Fimia and Ransom voting in the affirmative.

Councilmember Fimia moved to amend the motion to say that such requests will go through the City Manager. Councilmember Chang seconded the motion.

Councilmember Gustafson opposed the motion, noting that the Council has always used the informal process without difficulty. He felt that someone on staff should be able to determine the appropriateness of requests, and that person is the City Manager. He said each Councilmember has received help on reasonable requests that are germane to the City's goals.

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Mr. Burkett pointed out the distinction between policy initiatives and requests for information. He noted that each year the Council has a retreat to determine priorities and focus the agenda for the year. He said the reason for this approach is to try and stay focused on issues the majority of the Council want to pursue. He felt it would not be effective if Councilmembers are directing staff to pursue new policy initiatives that might possibly have conflicting purposes. He felt the purpose of the council-manager system is for the Council to set the policy agenda and for the City Manager to implement it.

Responding to Deputy Mayor Jepsen, Councilmember Ransom noted that in his experience, almost all the correspondence he has received has already been answered by the Mayor. He said usually he has no input on the response, and sometimes it takes three weeks from the time a letter is stamped-in at City Hall for him to receive it. He said he would like to be able to send personal letters that address the concerns he feels are important, but in almost no case does he get a letter before it's already been answered. He recalled only one case in which he was able to change the content of a response letter.

Mayor Hansen noted that each Councilmember has a right to draft individual response letters. He pointed out that Councilmembers receive their mail on Mondays, but they can retrieve their mail earlier at City Hall if they wish. He said most letters he receives are pre-screened by the City and include a draft response, which he then modifies to fit his individual style.

Deputy Mayor Jepsen said he supports Councilmember Fimia and Councilmember Ransom if they are not receiving letters when they first arrive. He wished to ensure that all Councilmembers are getting the same treatment.

A vote was taken on the amendment, which carried 6-1, with Councilmember Gustafson dissenting.

Deputy Mayor Jepsen moved a substitute motion that Councilmembers have the ability to request 8 hours of research up to twice per year, with requests directed to the City Manager. Councilmember Grace seconded the motion.

Deputy Mayor Jepsen felt this would be more reasonable than seven Councilmembers making twelve requests per year.

Responding to Councilmember Fimia, Deputy Mayor Jepsen clarified that his motion is for up to 16 hours per Councilmember per year, not necessarily a predetermined number of requests.

Councilmember Ransom said although his request was somewhat larger, he felt he could support the motion in order to create a definite policy.

A vote was taken on the substitute motion, which carried 5-2, with Mayor Hansen and Councilmember Gustafson dissenting.

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9. EXECUTIVE SESSION

At 9:28 p.m. Mayor Hansen announced that the Council would recess into executive session for 30 minutes to discuss liability issues. At 10:00 p.m. Deputy Mayor Jepsen announced that the meeting and the executive session had been extended to 10:40 p.m.

9. ADJOURNMENT

At 10:40 p.m., Mayor Hansen declared the meeting adjourned.

Sharon Mattioli, City Clerk