

CITY OF SHORELINE

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

Monday, January 17, 2006
6:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Ransom, Deputy Mayor Fimia, Councilmembers Gustafson, Hansen, McGlashan, Ryu and Way

ABSENT: none

1. CALL TO ORDER

The meeting was called to order at 6:35 p.m. by Mayor Ransom, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Ransom led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present.

3. CITY MANAGER'S REPORT

Bob Olander, Interim City Manager, reported that citizens brought in over 1700 trees to the City's annual Christmas Tree Chipping Event. He also gave a brief update on the North City Project and invited community members to the Housing Workshop scheduled for January 19. He announced that HopeLink is holding a grand opening event at their new location on January 20, and the Association of Washington Cities Legislative Conference will be held January 25-26.

4. COUNCIL REPORTS

Mayor Ransom pointed out that discussion on the Critical Areas Ordinance update this evening would focus only on buffers and wetlands, not on hazardous trees or the moratorium.

Reserving his right to respond to Deputy Mayor Fimia's remarks from the January 9 meeting, Councilmember Gustafson read a prepared statement saying that Mayor Ransom was untruthful about events leading to the resignation of former City Manager Steve Burkett. He addressed several related issues, including public process and the fact that he was not notified of Mr. Burkett's resignation until just prior to the vote on December 12. He said he was upset and disappointed that several decisions were made in secret, including Mr. Burkett's resignation, the proposal to hire George Mauer, and the

decision to hire Bob Olander. He commented on Mr. Mauer's request for changes to the reference check process as well as the failure of some Councilmembers to provide feedback for the City Manager's performance appraisal process. He pointed out that Councilmembers did not object to or suggest changes to the City Manager appraisal process, which led to the decision to conduct the appraisal in December. He pledged to pursue Deputy Mayor Fimia's goal of "having the best run local government in the Northwest or even the United States." He concluded by thanking those who took the time to comment on what he described as an "inappropriate governmental process."

Mayor Ransom responded that Washington Cities Insurance Authority's legal counsel advised on December 12 that based on the information provided, the Council could proceed with Mr. Burkett's resignation.

Councilmember Ryu mentioned something in Councilmember Gustafson's statement and asked if it was appropriate for Council to discuss conclusions made in executive session.

Ian Sievers, City Attorney, was unsure what material Councilmember Ryu was referring to but said he would review the statement. He noted it is against state law to discuss confidential information.

5. PUBLIC COMMENT

Responding to Council questions, Mr. Sievers explained the rules governing public comment relating to the subject of the Critical Areas Ordinance.

(a) Bob Mascott, Shoreline, said the City Council has shown disregard and prejudice towards Shoreline citizens due to inequities in the way street lighting is provided throughout the City. He said only subsidizing part of the City's street light inventory benefits the privileged at the expense and safety of others. He urged the Council to make arrangements with Seattle City Light to provide street lighting equally throughout the City.

Mr. Olander explained that the City is in the process of negotiating a contract with Seattle City Light, and the 2006 budget includes funding for equitable distribution of street lights in Shoreline.

(b) Patty Hale, Shoreline, stated that a group consisting of Deputy Mayor Fimia, Councilmember Way, Friends of Fircrest, Representative Marilyn Chase, and others are proposing to use the state's budget surplus to possibly fund a 50-unit low-income housing facility on the Fircrest property. She asked how this proposal would benefit Shoreline, noting that "the time is now for asking questions."

(c) Elaine Phelps, Shoreline, said Councilmember Gustafson's comments were entirely inappropriate and felt they have injured the community. She urged him to consider how he approaches sensitive issues in the future. She said she will provide the

Council with pictures of the land sloughing occurring in Innis Arden. She concluded by saying it is the Council's job "to play well together."

(d) Vicki Westberg, Shoreline, emphasized the important role that forests and wooded areas play on wildlife. She said it is especially important to retain tall trees for bird use. She provided a list of species sighted in the Paramount Park area since 1996. She said these species have had a healthy existence due to a lack of development, the upstream and downstream greenbelts, and the interconnectedness of tall trees to South Woods, Hamlin Park, and other areas.

(e) Clark Elster, Shoreline, narrated a slide presentation which urged the Council to: 1) re-stripe 15th Avenue NE to three lanes from NE 150th to NE 172nd; 2) provide north and south left turn lanes at signalized NE 180th to restore a five-lane configuration with left turn pocket; and 3) increase roadway width to 48-feet to comply with standard for transit route lanes. He felt these actions would decrease traffic congestion, "pinch-points," and neighborhood traffic.

(f) Wes Brandon, Shoreline, encouraged the Council and audience to support the kick off of the Shoreline Schools Levy on February 7th. He emphasized the need to retain good schools in Shoreline and urged everyone to vote "yes". He also asked the Council to consider endorsing the levy.

(g) Mamie Bolender, Lake Forest Park, urged the City to work with the Lake Forest Park Stewardship Foundation to improve stormwater flows generated from street and rooftop runoff. She said the flow pattern creates conditions that render the lower reach of Brookside Creek unfit for Coho salmon spawning and rearing. She said the Critical Areas Ordinance, using best available science, must address the needs of all our streams, which have no municipal boundaries.

(h) Walt Hagen, Shoreline, commented on the traffic problems resulting from the three-lane road configuration on 15th Avenue NE. He said since relevant information has been withheld from the Council, this issue must be readdressed. He said the Council can decide now to return 15th Avenue NE to four-lanes. He noted that Council already approved the change from three to four lanes in the North City Business District. He asserted that citizens' concerns were ignored and people were not told the truth.

(i) LaNita Wacker, Shoreline, expressed support for cottage housing and said she can be considered an expert witness on this subject because of her extensive experience in this area. She outlined her background, training, and experience as a real estate broker and market appraiser and urged citizens to contact her for more information.

(j) Dennis Lee, Shoreline, commented that the Shoreline School District and Shoreline Water District jointly purchased the South Woods parcel for educational and infrastructural uses. He urged Shoreline residents to consider the potential consequences of "short platting" the site, noting that the parcel will be worthless if it is developed. He

emphasized that the corridor should be preserved, advising that the parcel should be rezoned as Open Space or Habitat.

(k) Fran Lilliness, Shoreline, commented on Shoreline's heritage and historical roots in the formation of the school district. She said the Aurora Corridor and 15th Avenue NE projects demonstrate that the City is dividing its efforts to make improvements equally throughout the City, but the Council "dropped the baton" in firing the City Manager. She said "secret meetings" have become a pattern in Shoreline, noting that the Council selectively met with some groups in Innis Arden. She advocated for open, honest, and democratic government.

Deputy Mayor Fimia clarified that the Innis Arden Club was not denied the opportunity to meet with the Council.

(l) Virginia Agnew, Shoreline, urged the Council to consider maintaining as much natural habitat as possible. She said the advantages of natural habitat cannot be measured in monetary amounts.

(m) Peter Henry, Shoreline, referred to a letter regarding the spawning patterns of Coho salmon and cutthroat trout in Boeing Creek. He pointed out that 1,200 people signed a petition requesting that the South Woods property be retained in public ownership. He noted that a developer will hold a meeting on January 25 to present plans for the development of the South Woods site.

(n) Norine Federow, Shoreline, urged the Council to support the concept of a "country doctor clinic," which would allow people to receive quality health care in Shoreline. She said this concept is based on the Seattle model of alternative/complementary medicine. She encouraged interested individuals to contact her for more information, noting the need for "love and caring in the community."

(o) Brian Derdowski, Issaquah, representing Public Interest Associates, commended the Council for its Critical Areas Ordinance review but warned that it contains some deficiencies. He urged the Council to categorize streams based on habitat potential, not on fish surveys. He advised the City to use SEPA (State Environmental Protection Act) to customize enhanced buffers on a site-specific basis, and to create formal variance procedures if variances from the requirements are proposed. He said a former King County staff person characterized Shoreline's regulations as "actionable" under the proposed revisions.

Mr. Olander clarified that the South Woods parcel must go through a short plat process in order to provide a clear title to the City for the acquisition of three acres. A short plat is a Type B action which requires a neighborhood meeting, but there is no developer and no proposal to rezone the site.

Councilmember Gustafson expressed his preference to allow time following public comment for Councilmembers and staff to respond.

Deputy Mayor Fimia requested information on the termination process of Shoreline’s first City Manager.

6. WORKSHOP ITEMS

(a) North Central Interurban Trail Design Update

Kirk McKinley, Aurora and Interurban Trail Project Manager, and Dave Buchan, Capital Project Manager, provided a status report of the North Central segment of the Interurban Trail and reviewed possible additive elements. They reviewed funding sources and reported on City efforts to assist displaced businesses in finding new locations. They also commented on coordination efforts with Seattle City Light regarding building removal requirements, existing and future power pole locations, and project schedule. Mr. Buchan commented that the North Central segment of the Trail has been envisioned as the “heart of the City” and is identified as an opportunity to create a number of safety and aesthetic improvements. Staff recommends the Council approve the following additive elements:

North Central Site Improvements:

- 20-stall parking lot – N 178th and Midvale \$76,000
- New sidewalk (N 185th and Midvale) \$31,000
- Trail safety and user enhancements \$150,000

North Central Lighting Improvements:

- Pedestrian Lighting – N 175th to N 185th \$372,500
 - Trellis Lighting \$29,500
 - Tivoli Lighting – N 178th \$44,000
 - Midvale Pedestrian Lighting \$160,000
- Total \$863,000

Mr. Olander emphasized the importance of lighting in the N 175th to N 185th segment because the Trail also serves as the sidewalk in this area. He noted that federal grants provide an opportunity to make the North Central section a special segment of the Trail.

Mayor Ransom called for public comment.

(a) Bob Phelps, Shoreline, said that as an avid cyclist he supports the recommendations. He asked if the proposed lighting uses low-energy LEDs.

(b) Richard Johnsen, Shoreline, expressed opposition to routing the Trail along Midvale Avenue, since the original route was along Aurora Avenue in front of Sky Nursery. He felt if the Midvale route is built, it should feature a historic reference to the original trail route in the form of a kiosk or similar treatment. He asked if cyclists would be able to take an alternate route through the Sky Nursery property. He concluded by commenting on the lack of lighting at the Aurora Avenue entrance to the Gateway development and on the prospect of acquiring an Interurban rail car as a trail amenity.

(c) Brian Derdowski, Issaquah, representing Royal Properties Management, commented on the positive settlement reached between parties in the Echo Lake Rezone appeal. Since the Interurban Trail runs parallel to the Echo Lake property, he felt there were opportunities for modest improvements in access between the Trail and the lakefront. He encouraged a partnership between the City and interested parties and asked that Council “bookmark” this as an issue for further discussion.

(d) Les Nelson, Shoreline, commented on the unsafe nature of the southern section of the Trail (N 145th to N 155th) due to a lack of trail lighting, wondering why it was not proposed for such amenities. He also pointed out that N 145th Street has no crosswalk, which makes crossing the street very difficult. He asked why the City is allowing SCL to install additional power poles in the North Central segment if the goal of the Aurora Corridor project is to bury power lines underground. He felt there to be certain inequities between the North Central and South segments.

(e) Walt Hagen, Shoreline, felt the City should use any excess funding for the South Woods acquisition, not for Trail lighting. He asked why the proposed trail surface is concrete and not a pervious material. He emphasized the need for cost accounting and to be prudent in the use of City funds. He asked for an accounting of all the projected and actual costs of the project.

Mr. McKinley responded that the City is proposing to use energy-saving LEDs on the Trail. He said pedestrians and cyclists would be able to use the Sky Nursery frontage, and lighting is proposed for the Aurora Avenue entrance of Gateway Plaza. He said staff would follow up on the request for recognition of the historical route of the Trail fronting Sky Nursery.

Responding to Mayor Ransom, Mr. McKinley outlined the proposal for new traffic signals at the intersections of Aurora Avenue and N 185th Street and Aurora Avenue and Midvale Avenue N. He explained that the \$150,000 for Trail Safety and User Enhancements is to create more connections between the Trail and businesses and to provide lighting. He clarified that federal grants will be used for the Interurban Trail bridges, so the North Central segment will be partially funded by excess monies from the Aurora Corridor Phase II budget.

Councilmember Way asked staff to provide a comparison of the annual cost differences between using conventional lighting and LED lighting. She also asked if using pervious pavement would be possible in the North Central segment.

Councilmember Hansen expressed general support for the proposal but was concerned about the prospect of installing too much overhead lighting. It was his understanding that lighting along the Trail would be focused along “nodes,” or points. He asked if there was a change in thinking about lighting.

Mr. McKinley replied that part of the intent is to install lighting on existing light poles in the South (N 145th to N 155th) section. He clarified that the \$150,000 line item is for the entire Trail, not just the North Central segment.

Councilmember Gustafson was also interested in an analysis of the costs for maintaining the lighting in this segment. He asked about the prospect of vandalism.

Mr. Buchan said the City has discussed the possibility of using lower, bollard-style lights, but these are more prone to vandalism because they are closer to the ground.

Councilmember Gustafson encouraged the City to work with Edmonds and Seattle to help expedite the completion of their respective sections of the Trail. He wished to see the Trail eventually connect with the Burke-Gilman Trail via the Interstate 5 pedestrian bridge.

Councilmember Ryu asked about the number of businesses that were relocated, and whether staff was able to relocate them in Shoreline. She inquired about the City's capital assistance program, noting that one tenant reported that he has to pay back his loan.

Tom Boydell, Economic Development Manager, responded by outlining the Tools for Success Program, which is led by a real estate professional and focuses on alternatives for displaced businesses. He noted that some businesses made their own decision to relocate outside of Shoreline. He clarified that the Community Capital Program does not provide grants; rather, it provides improved access to loan programs. He commented that regular banks have stringent lending requirements, but the lending institutions provided through Community Capital focus on the special needs of these businesses. Currently, there are about 6-8 businesses working within this program.

Responding to Councilmember Ryu, staff affirmed the proposal to install sidewalks on the east side of Midvale Avenue in front of the Police station.

Commenting on the \$863,000 total project proposal, Councilmember Ryu asked how many linear feet of sidewalks could be built using this amount of funding.

Mr. Olander said the average cost of sidewalks is \$300 per linear foot. He noted that the \$863,000 was set aside for the Aurora Corridor/Interurban Trail project.

Councilmember McGlashan noted that some residents have contacted him regarding inadequate lighting conditions on the North segment of the Trail.

Mr. Buchan briefly commented on the plan to provide reasonable illumination on that section of the Trail.

Councilmember McGlashan commented on the proximity of the Trail to Aurora Avenue in the segment from N 182nd to N 185th Street. Mr. Buchan noted that the Trail would

double as the sidewalk in the N 175th to N 185th section, and that setting the trail back from Aurora Avenue will promote pedestrian safety. He explained that the sidewalk in front of the police station would connect with the existing sidewalk to the north. The City is also working with Dunn Lumber to acquire land for a residential trail access.

Councilmember McGlashan noted that cyclists are not allowed to ride on sidewalks in some jurisdictions. Mr. McKinley confirmed that cyclists would be allowed to ride on this section of the Trail.

Responding to Deputy Mayor Fimia, staff affirmed that the additive elements are not proposed to be funded as mitigation by developers. Mr. Buchan responded to Deputy Mayor Fimia that the estimated width of a potential gathering place is around 120-140 feet.

Mr. Olander commented on the potential to use a gathering place for historical interpretation, using the original red brick and/or an Interurban railcar.

Deputy Mayor Fimia asked about the reason for the high costs of lighting in the North central segment.

Mr. Buchan said half the cost is related to the infrastructural requirements (underground conduit) for this type of lighting. He pointed out that lights can be mounted on existing light poles in the Southern segment.

Deputy Mayor Fimia commented that numerous businesses and locations need access to the Trail. She wondered how many businesses or locations could use enhanced access.

Mr. McKinley said staff has envisioned an annual capital improvement budget for trail enhancements, and staff is presently working with SCL to achieve more connections.

Deputy Mayor Fimia suggested moving the funding from the Trellis and Tivoli lighting in order to achieve these connections. She said there is not an immediate need for a gathering place near the Walgreen's development, but there is an immediate need for access.

Mr. Olander felt that additional access points could be achieved simply and inexpensively in the South section.

Mayor Ransom inquired about the Parks Board's review of the proposal and commented on the ongoing costs of maintenance and repair. He wondered if the maintenance costs would affect the Parks budget, and if the use of solar panels could reduce operating costs.

Mr. Buchan noted that the Parks Board has not reviewed the lighting proposal. He commented that solar-powered lighting is a wonderful opportunity but it is very expensive.

Councilmember Way commented that Shoreline should explore the possibility of a partnership with SCL, which helps jurisdictions acquire solar-powered technology.

Councilmember Hansen commented on the difficulty of using solar power for night lighting. He asked about the plan to incorporate the red bricks in the Trail and about lighting and signage at the entrance to Gateway Plaza. He suggested that the bricks could be used in conjunction with an Interurban railcar at the proposed site for a gathering place.

Mr. Buchan noted that staff considered using the bricks on the trail but they provide for a very slick surface when wet. Mr. McKinley said staff is still considering how the bricks can be utilized in the design.

Mr. McKinley commented on the proposal to light the pedestrian crosswalk at Gateway Plaza, and Mr. Buchan said lighting is still one element to be discussed with the Gateway Plaza developer.

Councilmember Ryu stated that 2,880 feet of sidewalks could be constructed for \$863,000. She preferred that the funding be used for safety first, and then on ambiance and beauty. She felt the priority should be placed on safety and improvements should include the entire corridor.

Mr. McKinley said staff would return with additional options for the Council.

There was Council consensus to postpone item 6(b) to January 23. **Deputy Mayor Fimia moved to allow public comment for agenda item B (Business Registration Policy Discussion) but to postpone Council discussion on the item until January 23. Councilmember Way seconded the motion, which carried 6-1, with Councilmember Hansen dissenting.**

Mayor Ransom called for public comment.

(a) Bob Mascott, Shoreline, urged the Council to consider creating a license category to include home occupations. He noted that an auto shop, barber shop, accounting firm, and landscaping company operate in his neighborhood as home occupations. He said while he objects to licensing businesses purely for tax revenue purposes, they should be regulated because many of them are endangering the public.

6(c) Discussion of Critical Areas Ordinance Update

Joe Tovar, Planning and Development Services Director, referred to Revised Code of Washington (RCW) 36.70A.035 and advised Council to conduct an additional public hearing on the Critical Areas Ordinance (CAO). He said while the Council has the authority to adopt it, it should give the public a reasonable chance to comment on new information or on any amendments proposed by the Council.

Matthew Torpey, Planner, noted that tonight's Council packet contains the same overview of amendments that the Council received on October 24. He said the amendments were approved in the Planning Commission on a 6-1 vote. He noted the packet contains a letter from Washington Department of Fish and Wildlife (WDFW) and the City's response. He added that the CAO must be adopted by the end of April in order to remain eligible for grant funding.

Mr. Olander noted Council's authorization to separate the tree issue from the wetland/stream issues. He anticipated that the tree issue would return with a Planning Commission recommendation for Council review on February 13.

Councilmember Way asked if the public comments submitted to-date could be added to the record.

Mr. Tovar said he proposes to publish the hearing notice, hold the hearing, and include everything that has been submitted thus far and everything between now and the close of the hearing.

Councilmember Way moved to reopen the record on the CAO, including all comments that have been submitted thus far, and to reopen the public hearing on February 13. Deputy Mayor Fimia seconded the motion.

Councilmember Hansen suggested that everything that is said and submitted is made part of the record. He said although a new public hearing can be opened, a closed public hearing cannot be reopened.

Mr. Tovar said he is operating on case law and on what attorneys refer to as "an abundance of caution."

Mr. Sievers concurred with Mr. Tovar that when dealing with specific requirements of the Growth Management Act in a legislative process, it is important that the public be made aware of all available alternatives.

Councilmember Hansen suggested the wording "additional hearing" rather than "reopening the hearing."

Councilmember McGlashan asked if people would be allowed to give the same testimony they provided previously.

Mr. Olander advised that speakers be allowed to address new proposals or amendments only.

Mr. Tovar noted that the public notice can be very clear so that duplicate testimony can be avoided.

Following Councilmember Ryu's motion to conduct an "additional hearing" and then her subsequent withdrawal, **Councilmember Way withdrew her motion.**

Councilmember Way moved to conduct an additional public hearing on February 13 and to accept all comments submitted into the record since October 24, 2005. Deputy Mayor Fimia seconded the motion, which carried 7-0.

Mayor Ransom called for public comment.

(a) Vicki Westberg, Shoreline, read from a Seattle P.I. article regarding restoration using natural flood protection measures. She commented on efforts to reduce ivy and other invasive species from wooded areas, which can have the effect of reducing crime and other problems. She concluded by commenting on the benefits of having healthy wetlands in the City.

(b) Elaine Phelps, Shoreline, urged the Council to consider how it classifies City streams. She said people in Shoreline want to create a special community that passes on a heritage of improved environmental conditions, not a heritage of distress.

(c) Fran Lilliness, Shoreline, displayed photographs depicting hazardous trees and unmanaged areas in the Innis Arden reserves. She also showed pictures where trees had been cut and replanted. She said Association for Responsible Management (ARM) warns of landslides and washouts due to tree cutting, but there have been no such occurrences since Innis Arden's inception.

MEETING EXTENSION

At 10:00 pm., Councilmember moved to extend the meeting until 10:30 p.m. Councilmember seconded the motion, which carried 7-0.

(d) Peter Henry, Shoreline, commented on the City's inadequate response to the WDFW letter, which has not been included in the Council packet until now. He felt the City should consider the specific benchmarks recommended by WDFW. He said "words can make a difference" and that the City is "dragging its heels in creating a stronger CAO."

(e) Patricia Sumption, Seattle, commented on her involvement in WRIA-9 and Friends of Green River in working to preserve wetland and stream habitat. She urged the Council to "get on the same page" and work with other government functionaries to produce a CAO that works for both salmon and people.

(f) Brian Bodenbach, Woodinville, pointed out that the City must use best available science (BAS) in updating its CAO, but it does not seem to be doing so because Thornton Creek appears to be downgraded to a Type 3 stream. He warned that not using BAS would invite legal action, which has also happened in the City of Seattle.

(g) Wendy DiPeso, Shoreline, said she has noticed a decrease in native wildlife species in her backyard wildlife sanctuary. She said non-native species and development have impacted native species in the region. She commented that the Ford Motor Company was able to maintain profitability while enhancing environmental protections. She provided a copy of an article on zero impact standards, noting that technology can be used creatively to decrease environmental impacts.

(h) Michele McFadden, Seattle, provided a copy of a letter she submitted on October 24, 2005 regarding the CAO update. She noted that a 10-foot setback is not sufficient unless a 15-foot building setback is reinstated. She said removing the word "potential" effectively downgrades Thornton Creek to a Type 3 stream. She said there is no scientific basis for this approach, and that the main purpose of the CAO is to preserve habitat.

Councilmember Way called attention to her draft amendments and said she would welcome any comments or suggestions for strengthening the code.

Deputy Mayor Fimia said she intends to propose amendments in the CAO that will eliminate the use of herbicides and pesticides by the City. She felt it appropriate to make this change in the CAO because eliminating toxic substances addresses the issue of reducing cumulative impacts to water quality. She concluded her remarks by asking for the manuals and documents referenced by the WDFW and the Department of Ecology.

Mr. Olander encouraged the Council and the public to forward suggestions and recommendations as soon as possible so that staff has time to put them into draft form.

Deputy Mayor Fimia noted that the update to the hazardous tree code would be moving along a separate track from the main CAO update.

Mr. Tovar summarized that the public hearing on the tree-cutting moratorium is scheduled for February 6, after which staff will work on a proposal for permanent regulations. The hearing scheduled for February 13 will include all other Critical Areas issues. He estimated that the hazardous tree issue would not be resolved before late-April because of the required reviews by the Planning Commission as well as Community, Trade, and Economic Development (CTED).

7. ADJOURNMENT

At 10:28 p.m., Mayor Ransom declared the meeting adjourned.

Scott Passey, City Clerk