

DRAFT

CITY OF SHORELINE

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

Monday, October 2, 2006
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

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

ABSENT: none

1. **CALL TO ORDER**

The meeting was called to order at 6:40 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, City Manager, reported on the following items:

- The Fall Clean Sweep Recycling Event, to be held Saturday, October 7
- Candidate forums, sponsored by the Shoreline Chamber of Commerce and Richmond Beach Community Association, to be held October 5 and October 10
- The success of the specialized recreation event Pirate Dance, held on September 23
- The future installation of traffic calming devices throughout the City
- The cancellation of the October 5 Planning Commission meeting
- A King County-sponsored meeting regarding the Hidden Lake Pump Station project, to be held Wednesday, October 11
- Washington State Odyssey Days, to be held October 13 & 14

Councilmember Ryu noted that the SeaShore Transportation Forum will be meeting the third Wednesday of the month, and that she still needs direction from the Council on this matter.

Councilmember Way reported on her attendance at the Alliance for Puget Sound Shorelines. She explained the goals and objectives of the organization and said she looks forward to the City participating and offering coordination.

Deputy Mayor Fimia reported on her attendance at the rally to retain the North Seattle health clinics. She noted that the City sent a letter in support of retaining the health centers. She also reported that she and Councilmember Ryu attended a Cascadia-sponsored conference entitled "New Vision for Developing Transit." She highlighted the main points of the conference, which included using existing infrastructure to improve traffic and transit. She said she would provide a full written report to the Council.

Mayor Ransom reported on the topics discussed at the Northend Mayors meeting, which included North Seattle health clinics, Transit Now, and Initiative 933. He noted that all the Northend cities are opposed to the proposed closure of the health clinics, and they are considering signing a resolution to send to the state legislature. He noted that the public hearing on the Transit Now levy will be held at the October 16 Council meeting.

4. REPORTS OF BOARDS AND COMMISSIONS: none

5. PUBLIC COMMENT

(a) Amy Pleasant, Shoreline, discussed the proposed installation of an additional wireless antenna at Richmond Beach Congregational Church and the inadequacies of the current City code. She pointed out that she appealed the last wireless antenna project at that location. She noted that the term "overdevelopment" must be defined because many locations have multiple wireless antennas installed. She stated that wireless facilities have been developed "by default" in Shoreline, and the code needs to be more specific.

(b) William Akers, Shoreline, warned that not addressing the wireless facilities issue could become a liability issue for the City. He pointed out that there have been no studies on the cumulative impacts of wireless antenna emissions. He urged the Council to deny the proposed project at Richmond Beach Congregational Church until the code is clarified to define "overdevelopment." He noted that City records indicate 11 pages of permits for Crista tower alone, and each represents multiple wireless antennas.

(c) Larry Owens, Shoreline, invited the Council and the public to participate in the 11th National Solar Tour, to be held Saturday, October 7 at 10:00 a.m. The kickoff will be held at Northwest Mechanical. It is a self-guided tour that can be taken at www.solarwashington.org. He described it as a great opportunity to talk and explore options for implementing renewable energy solutions.

(d) LaNita Wacker, Shoreline, emphasized the importance of funding for human services. She pointed out that funding for mental health counseling is critical because it encompasses so many things: suicide prevention, child/spousal abuse,

employment, and so forth. She advocated for spending taxpayer money on human services because “it meets the needs of the people.”

(e) Cindy Neff, Shoreline, said although she does not know Beth O’Neill, she supports people who feel there is a code enforcement problem in the City. She noted that she and others feel that the Mayor does not seem to be in control of the Council meetings, and that other Councilmembers interrupt him. She said it appears a classic case of a dysfunctional Council, and there is a need for Councilmembers to reexamine their roles.

(f) Beth O’Neill, Shoreline, discussed comments made by Deputy Mayor Fimia and the City Manager at the last Council meeting, noting that the City Manager stated that “code enforcement issues are not a Council matter.” She said the Deputy Mayor is not more qualified than others to address Ms. Simon’s e-mail, and she should cease the groundless personal attacks in what is not a Council matter.

(g) Tom Corbett, Shoreline, noted that citizens raised a land use violation issue on September 11, and that they are still waiting for a report from the Planning Department.

Mr. Olander noted that staff would look into the wireless facility question and report back to Council. The Planning Director is still meeting with various parties regarding the code enforcement issue, but he will report back when that process is concluded.

Mayor Ransom confirmed that the Planning Director will make a decision, which is then appealable to the Shoreline Hearing Examiner.

Councilmember Way asked if the issue of wireless facilities will be addressed in the next round of code amendments.

Mr. Olander said staff will examine the issue to determine if it should be proposed for any changes.

6. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

- (a) Resolution No. 250, revising Personnel Policies regarding Definitions of Immediate Family and Domestic Partner and Adding Domestic Partner Benefits

Julie Modrzejewski, Assistant City Manager, provided the staff report on this item. She outlined the current approach to providing health care benefits through the Association of Washington Cities (AWC) Trust. The AWC permits cities to add domestic partner coverage as an option, although it is not legally required. The question before Council is whether the City should approve Resolution No. 250, which adopts this option. If approved, the next question is whether it should include same sex partners, opposite sex partners, or both. Ms. Modrzejewski outlined the criteria for Domestic Partner and

discussed labor market statistics, noting that 20 jurisdictions offer domestic partner benefits (out of 200+ members). 16 of these offer benefits for same and opposite sex couples; 2 offer for opposite sex only and 2 offer for same sex only. The possible benefits of adding Domestic Partner in the personnel policies include: 1) competitive recruiting advantage; 2) retention of staff; and 3) promotion of existing City policy of equal treatment regardless of marital status or sexual orientation. If the staff recommendation is approved, it would add coverage for both same sex and opposite sex couples and amend the definition of "immediate family" in personnel policies to include "domestic partner." This would allow domestic partners to be included in health benefits coverage and the use of sick/bereavement leave. The financial impact to the City of this policy is estimated at 3% based on the experience of AWC Trust member cities.

Mayor Ransom called for public comment.

(a) LaNita Wacker, Shoreline, favored this proposal, noting that health care is a major national issue that is primarily provided through employers. She felt it would be wrong to deny domestic partners this coverage when the AWC includes it as an option. She pointed out that the City doesn't ask for a marriage license when hiring employees, and all employees deserve equal access to health care. Even if 10% of the employees chose this coverage, it would represent a miniscule part of the budget. She concluded that whether it's same sex or opposite sex couples, they both need health benefits.

(a) Steve Gibbs, Shoreline, opposed the proposal, pointing out that even part-time employees don't get full employee benefits. He said one of the reasons that Shoreline became a City was to exert independence from Seattle, not to copy Seattle. He felt this is an area that citizens feel the City should not get involved.

Deputy Mayor Fimia moved to approve Resolution No. 250, revising Personnel Policies regarding Definitions of Immediate Family and Domestic Partner and Adding Domestic Partner Benefits. Councilmember Way seconded the motion.

Staff confirmed for Councilmember McGlashan that the resolution includes coverage for same sex and opposite sex couples.

Deputy Mayor Fimia spoke in support of the motion based on the staff rationale and to promote equity among employees.

Councilmember McGlashan urged support of the motion for the reasons mentioned by staff and Ms. Wacker.

Councilmember Way concurred, emphasizing the need to provide security to employees through health insurance. She said the measure also supports our values on diversity.

Councilmember Hansen spoke against the motion, noting that dozens of arrangements won't qualify for coverage under this proposal, even though they probably should. He

felt the proposal is not necessary and that the City should not be on the “leading edge” of this issue.

Councilmember Gustafson said he has struggled with this issue and has received numerous calls and e-mails. He said that he does not support taxpayer’s money going toward paying for benefits for people living together and who are not married.

Deputy Mayor Fimia asked staff to respond to the public comment regarding benefits for part-time employees.

Debbie Tarry, Finance Director, explained that the City provides benefits for “regular” full-time or part-time employees, and part-time employees are those who work 20 hours or more per week. They receive prorated benefits. Temporary and seasonal employees are not covered by the City’s benefits policy.

Councilmember Ryu supported the motion, noting the benefits of employee retention, turnover reduction, diversity, and equal treatment of all employees. She said the City should not be complacent, but should work toward the issue of the uninsured in society.

Mayor Ransom pointed out that only 10% of the cities in the region provide such benefits, and only one city (Kirkland) in Shoreline’s comparison pool does this. He felt the Council should defer this issue until it is a more accepted, less controversial practice.

A vote was taken on the motion to approve Resolution No. 250, which carried 4-3, with Mayor Ransom and Councilmembers Gustafson and Hansen dissenting.

7. STUDY ITEMS

(b) Urban Forest Assessment Discussion

Dick Deal, Parks, Recreation and Cultural Services Director, and Maureen Colaizzi, Parks Planner, provided the staff report, noting that an urban forest assessment meets City Council Goal #6 (Create an environmentally sustainable community) and the objectives of the Parks, Recreation and Open Space Plan. The assessment would create a comprehensive approach to maintain our parks’ forests and protect natural features such as creeks, steep slopes, forest canopy and understory from degradation and provide the urban wildlife with nourishing habitat.

Ms. Colaizzi presented an overview of the proposed Shoreline Habitat Mapping and Forest Inventory Project that would be conducted for the following selected Parks: 1) South Woods (16 acres); 2) Hamlin Park (80 acres); 3) Shoreview (48 acres); and 4) Boeing Creek (40 acres). Habitat types based on plant species associations will be mapped using aerial photography and GPS, and this information will be transferred to GIS for mapping and analysis. Approximately fifty 1/10 acre plots will be used to collect vegetation data in forested portions of the parks. The data analysis will show the extent of habitat types for each park, the types, densities and sizes of trees and seedling trees,

and the composition of the understory native species and extent/location of invasive species.

Staff concluded the presentation by outlining the proposed schedule if Council approves the proposal. If approved, PRCS will prepare a contract with Seattle Urban Nature Project (SUNP), which will begin delineating the habitat types for the four parks later this year. By September 2007, SUNP will analyze the data and prepare the report with management recommendations to the Park Board. The public review period and Council review will follow. It is anticipated that general implementation strategies will be identified as part of the urban forest assessment, and PRCS will develop a work plan to implement these strategies for presentation to the Council.

Mr. Olander pointed out that our City parks contain severely degraded urban forests with significant understory issues, erosion, and invasive species. He emphasized the need to get a firm “scientific handle” on the issues, and that it will be a long-term process once the project begins.

Mayor Ransom called for public comment.

(a) LaNita Wacker, Shoreline, speaking as a member of the board of the South Woods Preservation Group, supported the proposal. She emphasized the need for the best scientific data in order to determine the health of the forests. She noted that a member of the Planning Commission suggested that all trees in Shoreline should be inventoried, not just those on public property.

(b) Wendy DiPeso, Shoreline, speaking on behalf of Sustainable Shoreline, emphasized the need for a partnership between SUNP and other groups such as Homewaters and the Native Plant Society. She noted that Homewaters uses the same technology that SUNP does, and Homewaters works with students to apply science and math in this effort. She suggested that SUNP do the technical portion, but allow students working through the Homewaters program to augment the project by doing the long-term monitoring.

Councilmember Gustafson expressed support for the proposal. He wondered if this process included a Request for Proposal (RFP), and whether there were any other vendors besides SUNP providing such services.

Mr. Deal said the SUNP specializes in this type of work, and they do it as a non-profit organization. He noted that Jeff Bash, Executive Director, and Ella Elman, Field Ecologist, are present and available for questions.

Councilmember Gustafson asked why Richmond Beach Saltwater Park was not considered for this initial assessment.

Mr. Deal replied that although it is a major park, Richmond Beach Saltwater Park is going through a master planning process, and the already City has consultants working on it.

Responding to Council questions, Ms. Colaizzi noted that the 1/10 acre plot assessments will consider habitat types, regardless of whether they are forested, so they will include both landscaped and open-canopy areas.

Councilmember Gustafson asked if the distinction of active versus passive parks was considered, or if it is strictly a habitat-related assessment.

Mr. Deal said it is an assessment of forests only. Although the assessment will not make recommendations relating to the conversion of parks from active to passive or vice versa, the scientific data could assist the Council's policy-making decisions.

Councilmember Gustafson asked if the assessment will utilize prior studies on habitat or invasive plants, and if it includes streams.

Jeff Bash, SUNP Executive Director, explained the approach the SUNP will take, noting that they utilize existing data but also produce their own through extensive surveying. He described the approach as infusing science in the City's ability to manage its urban forests. He pointed out that the SUNP discovered through its research that holly is an invasive species. The assessment will include measurement and analysis of wetland and riparian habitats.

Councilmember Hansen asked why Twin Ponds Park wasn't included in the proposed list of parks. He said although he supports the proposal, Twin Ponds Park also has needs.

Mr. Deal noted there is long-term funding in the Capital Improvement Plan for site planning at Twin Ponds Park. He said given the limited budget, the selected parks represent the highest priorities.

Councilmember Way asked SUNP staff to give the Council an initial assessment of the existing habitat in terms of downed logs, woody debris, and snags.

Ms. Elman commented on the need to have snags and woody debris on the ground, noting that conifers will not regenerate if there is not enough of a downed wood component.

Responding to Councilmember McGlashan regarding how to increase the downed log component, Ms. Elman said that they simply encourage jurisdictions to leave the fallen logs in place.

Councilmember Way commented on the abundance of wildlife that a local Shoreline photographer documented in photographs submitted to the Council. She asked SUNP staff to comment on the importance of plant diversity, and asked about the number of species in a healthy forest versus an urban forest.

Ms. Elman noted that 1998-99 data showed only an average of 14 native species in urban forests. She commented that there were many more species present prior to the logging of the Seattle area. She stressed the need to preserve and inventory the urban forests, noting that most of them are approximately the same age.

Mr. Bash noted that new seedlings are more invasive, which raises the question of what people think urban forests should look like 50-100 years from now.

Councilmember Way emphasized the need to combine SUNP's expertise with local knowledge to come up with a complete picture. She felt that the City's stream inventory is a good baseline from which to start.

Councilmember Ryu expressed support for the proposal and asked if there is potential for volunteers to participate in applied science. She noted that she participated in sampling in Lewis County as a college student.

Mr. Bash said they will try to lay the groundwork for future volunteerism, but the initial survey requires technical expertise.

Mr. Deal added that the City continues to seek volunteers, and there will be many future opportunities to volunteer.

Deputy Mayor Fimia used the metaphor of a physical examination to illustrate that the assessment is similar to a diagnostic test to show where improvements are needed. She asked SUNP staff to respond to this example and to comment whether the goals are realistic.

Mr. Bash said SUNP tries to provide a scientific framework to help policy-making process by laying the baseline data. Responding to Deputy Mayor Fimia, he said the City will own the data.

Deputy Mayor Fimia said she would like the proposed schedule to reflect checkpoint meetings in which Parks Board members, Councilmembers, and citizens can sit in and get the information.

Mr. Deal noted that the project will check in with the Parks Board regularly.

Mr. Bash clarified that the SUNP will not be doing wildlife surveys.

Mayor Ransom said he was somewhat disappointed to learn that the initial survey would only cover 50 1/10-acre plots out of a total of 184 park acres. He pointed out that a licensed forester is capable of inventorying 80 acres. He also expressed concern that only one sample of some of the habitat types would be conducted, which makes big assumptions about the rest of it.

Mr. Bash noted that foresters conduct a different kind of survey that they do. Ms. Elman added that foresters are mostly concerned with tree densities as opposed to species, sizes, understory, shrub layer, downed wood, and snags. She said they take detailed measurements, and it takes approximately 3-4 hours to do each 1/10-acre plot. She said it's not just a matter of how much standing wood there is.

Mayor Ransom summarized that there is Council consensus to move forward with the project as proposed.

RECESS

At 8:50 p.m., Mayor Ransom called for a ten minutes recess. At 9:00 p.m., the Council meeting reconvened.

(c) Business License Program Update

Debbie Tarry, Finance Director, provided the staff report on this item and reminded Council of its prior direction to move forward with a regulatory (flat fee) business licensing program. She outlined the goals of the program, which include providing a master list of businesses and types of businesses that conduct business within Shoreline. Another goal is to provide the City with a record of the owners and other contact information for businesses. Additionally, it will assure proper allocation of sales tax from Shoreline business activity as well as compliance with zoning, fire and life safety, etc. She provided statistics on other Washington cities that issue business licenses, noting that over 180 cities in Washington have business license programs. The Council consensus earlier this year was to pursue a business license program partnership with Washington State Department of Licensing - Master Licensing Services to implement a regulatory business license program. The City has completed a contract and is working with MLS staff and the Department of Revenue to get accurate business listing to initiate the program. The Economic Development Task Force also recommended implementation of a business license program.

Continuing, Ms. Tarry explained that under the current proposal, all businesses would be required to have a business license except: 1) those that have to get specialty/occupational licenses; 2) government agencies; 3) farmers/gardeners selling their own products; 4) casual/isolated sales such as garage sales; 5) delivery of an item purchased outside the City if delivery is the only action occurring in the City; and 6) minors engaged in baby-sitting, delivery of newspapers, lawn mowing, and so forth. She went on to explain the details of the licensing requirements as well as target dates for implementation. She estimated that the program could be fully implemented by January or February 2007 if Council approves the proposal soon. The City anticipates extensive outreach efforts to notify the public and the business community of this proposed action, including advertising in the City newsletter, on Channel 21, in flyers, and in presentations to local business organizations.

The Mayor called for public comment. There was no one signed up to speak and no one in the audience wishing to comment on this item.

A Council discussion of the proposed fees, license requirements, and the definition of business then followed.

Councilmember Ryu wondered if the application form could ask for business e-mail addresses.

Ms. Tarry said the State MLS asked the City not to change the form because it is standardized for all the participating cities.

Mr. Olander noted that once we collect the information it becomes the public domain.

Ms. Tarry clarified that further refinements are needed to the letter that will be sent to businesses.

There was Council discussion of whether a state-registered non-profit organization and/or a federally tax-exempt non-profit organization would be exempt from the license fees. Ms. Tarry said she would follow up on this question.

Responding to Councilmember Way regarding the definition of a business, Ms. Tarry read the definition as contained in Section 5.05.020 of proposed Ordinance No. 441. She clarified that a business would be any of the entities stated therein that are engaged in with the object of economic gain, benefit, or advantage. Mr. Olander noted this is a standard definition that most other jurisdictions use.

Councilmember Way commented on the difficulty of determining who owns a business, or whether they even qualify as a business. She referred to landlords, contractors, group homes, and so forth. She said the purpose of the business license program is not to just collect a fee, but to create a business-friendly atmosphere and recognize the economic value taking place. She suggested revising the language of the letter to make it more inviting. She wondered if a brief survey could be added to the letter to inform the City what services the businesses provide. She further commented that the program should demonstrate what value the businesses will get from the program, noting that Aurora Corridor businesses have been heavily impacted by the construction project. Now the City will be requiring a fee, so the City should be sensitive to their needs. She suggested that the City should not be intrusive and wondered if it's possible to provide different businesses classifications.

Mr. Olander noted that the proposed regulatory license program is the least expensive, least intrusive method for implementing a license program. Under a different scenario, more staff and higher fees would be required.

Mayor Ransom noted that he spoke with over 100 Shoreline businesses about this item, and it was his understanding that there would be a license fee exemption for businesses

whose gross income is less than \$12,000 annually. He said this proposal raises a real problem now that they told them this exemption would be part of the program.

Mr. Olander said the real question is whether the state will allow the City to add this exemption as part of a regulatory license program.

Ms. Tarry pointed out that if the exemption list is too broad, the City will lose the ability to acquire a comprehensive list of businesses and ensure sales tax collections are accurate.

Mr. Olander added that home occupations are a case in point. In some cases, home occupations create problems in neighborhoods, so it's important for the City to keep track of them through a license program. He emphasized that the City needs to have some handle on these issues in order to ensure equity and to enforce zoning and other code requirements.

Deputy Mayor Fimia asked if we have access to a preliminary list of businesses from the state. Ms. Tarry noted that staff is trying to get a list from the Department of Revenue. She affirmed for Deputy Mayor Fimia that group homes would have to be licensed by the City under the proposed scenario.

Mr. Olander commented that he has asked the police department to research the advisability of a specialty business license for group homes because of the unique issues involved.

Deputy Mayor Fimia expressed general support for the proposal. She asked if the \$90,000 figure in the staff report is the estimated net revenue the program would generate.

Ms. Tarry clarified that it is the estimated net revenue, although the number of licenses issued or the staff impacts are not yet known.

Deputy Mayor Fimia wondered if the revenues could be used to provide some type of tangible resource to the businesses.

Councilmember McGlashan said the feedback he has received indicates people are concerned that the City is proposing more regulations on businesses.

Ms. Tarry said the program is simply a way to get a business inventory and to ensure sales tax collections, not to apply additional regulations.

Councilmember McGlashan asked how the City would enforce the license requirements, particularly for transient business people like realtors.

Ms. Tarry said the City will rely primarily on self-regulation.

Councilmember McGlashan commented on the difficulty of monitoring for compliance, noting that it will be nearly impossible to enforce.

Ms. Tarry said strict enforcement is not proposed; rather, the City will compare its sales tax database with its business license database for inconsistencies.

Councilmember McGlashan pointed out that \$50 is a nominal license fee, but some businesses are struggling and it seems unfair for some. He commented on how the salon business is operated and said the proposed system is not going to capture everyone doing business in Shoreline.

MEETING EXTENSION

At 10:03 p.m., Deputy Mayor Fimia moved to extend the meeting until 10:15 p.m. Councilmember Way seconded the motion, which carried 5-2, with Councilmembers Gustafson and Hansen dissenting.

Councilmember McGlashan expressed concern what would be done with the sensitive business information the City would collect.

Ms. Tarry clarified that the information cannot be distributed for commercial purposes. People requesting such information would have to sign a disclaimer to that effect.

Councilmember Ryu suggested revising the language of the letter. She asked if the state's implementation schedule would be impacted if the Council delayed its decision beyond one week.

Ms. Tarry said a delayed decision could have an impact on the implementation schedule, so and staff would have to negotiate with the state regarding a revised schedule.

Councilmember Way commented that Shoreline citizens value their freedom. She hoped that their freedom could be retained under a business license program. She expressed concern that a business license requirement might discourage innovation.

Deputy Mayor Fimia felt it might be wise to implement the program after Aurora Corridor Phase I is completed. She suggested revising the letter to make it friendlier, doing additional outreach to the business community, and identifying some tangible resources that businesses might gain from the program.

Mayor Ransom noted that the Chamber of Commerce has approved of this program. Councilmember Ryu disagreed, noting they have not necessarily approved of the program in its proposed format.

There was Council consensus to not take action on this item at the next Council meeting.

The Council discussed potential future dates to take action on this item. It was noted that October 23rd is the earliest date following the Chamber of Commerce Board meeting.

Councilmember Way asked for an analysis of what an alternative license program would look like.

Mr. Olander pointed out that staff prepared an analysis on a regulatory license program based on Council's direction in February. The only other alternative program would be to adopting our own license system, which would involve more staff time and higher license fees.

Deputy Mayor Fimia said she supports the proposed policies, but her biggest concern is the letter and the timing of implementation.

On another topic, Mr. Olander announced that the contractor is commencing the final paving on Aurora Avenue.

9. ADJOURNMENT

At 10:17 p.m., Mayor Ransom declared the meeting adjourned.

Scott Passey, CMC
City Clerk

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