

CITY OF SHORELINE

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

Monday, March 9, 2009 - 7:30 p.m.
Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Ryu, Deputy Mayor Scott, Councilmember Eggen, Councilmember Hansen, Councilmember McConnell, Councilmember McGlashan, and Councilmember Way.

ABSENT: None.

1. CALL TO ORDER

At 7:35 p.m., the meeting was called to order by Mayor Ryu, who presided.

2. FLAG SALUTE/ROLL CALL

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

3. CITY MANAGER'S REPORT

Bob Olander, City Manager, provided reports and updates on various City meetings, projects, and events. He stated that the Washington State Department of Transportation (WSDOT) Highway Safety Improvement Program has selected the Aurora Corridor Project Phase II to receive \$1 million in federal grant funds. He added that the project will also receive an additional \$475,000 of federal funds from the 2009 Omnibus Appropriations Bill.

4. REPORTS OF BOARDS AND COMMISSIONS

Councilmember Way reported on her attendance at a meeting of the Long Range Financial Planning Committee and thanked them for their work. She said she also attended the Washington State University (WSU) Extension and Enterprise Seattle-sponsored event on reinvention, innovation, and investment called "How to Take Advantage of the Obama Stimulus Package."

Councilmember Eggen noted that he attended the SeaShore Transportation Forum and they discussed and recommended two Shoreline transportation projects. The recommendations were to fund \$5 million for the Aurora Phase 2 project and \$600,000 for a dual left turn signal at NE 145th Street & Aurora Avenue. Mayor Ryu added that both of these were passed with unanimous support by the Forum.

5. GENERAL PUBLIC COMMENT

a) Charlotte Haines, Shoreline, noted that the crosswalk at NE 190th Street & 10th Avenue NE was removed and the pedestrian traffic sign was also removed. She said the fields and playground are used frequently and many youth use this area. She said the explanation was that since the school is no longer used, the crosswalk and signs weren't needed. She added that crosswalks are needed as a visual reminder of where pedestrians cross the street.

b) LaNita Wacker, Shoreline, commented that the public is very interested in the City Manager's evaluation. She said City Manager Olander is doing a great job and has instituted efficiencies, obtained grants, and has patience and calmness during this economic turmoil. She urged the Council to give him an A+.

Mr. Olander stated that the Public Works Department would review Ms. Haines concern.

Councilmember McGlashan inquired if the crosswalk removal presents a liability issue for the City. Mr. Olander replied that he would examine it. Deputy Mayor Scott commented that if an accident occurs there the City will be liable. Mr. Olander responded that this is somewhat complicated because some of the crosswalks have been neglected. He noted that many cities install too many crosswalks, which can give a false sense of security. Councilmember Way said she would like the whole area of North City and beyond looked at. She felt it is hazardous to walk up there. Mr. Olander highlighted that the Transportation Master Plan considers pedestrian walkways generally. However, comprehensively the City has little or no money for new sidewalks. Councilmember McGlashan added that NE 180th Street & 8th Avenue NW is another area of concern.

6. APPROVAL OF THE AGENDA

Councilmember McGlashan moved approval of the agenda. Councilmember Way requested that Consent Item 7(c) be pulled and moved to Action Item 8(a). Deputy Mayor Scott seconded the motion, which carried unanimously and the agenda was approved as amended.

7. CONSENT CALENDAR

Councilmember McGlashan moved approval of the Consent Calendar. Councilmember Eggen seconded the motion, which carried unanimously and the following items were approved:

- (a) **Minutes of Study Session of January 5, 2009**
Minutes of Business Meeting of January 12, 2009
Minutes of Study Session of January 20, 2009
Minutes of Workshop Dinner Meeting of January 26, 2009
- (b) **Approval of expenses and payroll as of February 20, 2009 in the amount of \$748,902.87 as specified in the following detail:**

***Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
1/25/09-2/7/09	2/13/2009	27833-28026	8515-8551	39301-39310	\$423,454.85
					<u>\$423,454.85</u>

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
2/11/2009	39224	39257	\$65,467.17
2/12/2009	36987		(\$57.99)
2/12/2009	39258		\$57.99
2/12/2009	39259		\$3,321.03
2/12/2009	39260	39262	\$36,632.61
2/12/2009	39263	39271	\$2,028.72
2/12/2009	39272	39277	\$70,306.26
2/19/2009	39278	39281	\$1,935.77
2/19/2009	39282	39299	\$48,435.76
2/19/2009	38450		(\$1,182.74)
	38505		(\$52.07)
2/19/2009	39300		\$1,234.81
2/20/2009	39311	39352	\$97,320.70
			<u>\$325,448.02</u>

(d) **Motion to Authorize the City Manager to Execute an Amendment with the eCityGov Alliance to Include Aerial Ortho-Photography and Mapping Services**

8. **ACTION ITEMS: PUBLIC HEARING**

- (a) **Motion to Authorize the City Manager to Execute the Construction, Operation, and Maintenance Agreement for the 27th Avenue NW Overpass with Burlington Northern Santa Fe Railway Company for the Richmond Beach Overcrossing Bridge Replacement Project**

Councilmember Way moved to authorize the City Manager to Execute the Construction, Operation, and Maintenance Agreement for the 27th Avenue NW Overpass with Burlington Northern Santa Fe Railway Company for the Richmond Beach Overcrossing Bridge Replacement Project. Councilmember Hansen seconded the motion.

Tricia Juhnke, Capital Projects Administrator, stated that the City been working for many years to get this moving through multiple easements and permissions. She concluded that the City finally has a tentative agreement.

Mr. Olander commented that the bridge needs to be rebuilt because of current load limits. He highlighted that the majority of the funding to rebuild this comes from the federal bridge replacement program.

Councilmember Way asked the City staff to describe the chart on page 44 of the Council packet. Ms. Juhnke explained that the City is widening the bridge and creating a pedestrian improvement. However, she noted that this new bridge will have the same alignment as the existing bridge. Mayor Ryu commented that this has almost been a decade long process. Councilmember Way said it is a great project.

Ms. Juhnke stated that the City staff is asking the Council for authorization to take action, and Burlington Northern has a long and extensive submittal review process.

Councilmember Hansen added that there are weight limitations on the existing bridge and this is costing more because it's taken so long to start the process.

Mayor Ryu called for public comment.

a) Mary Weaver, Shoreline, wanted to know if there will be a weight restriction on the new bridge.

Ms. Juhnke replied that there isn't and that this removes the current restriction.

A vote was taken on the motion, which carried 7-0.

(b) Public hearing to receive citizens' comments on Ordinance No. 534, which adopted an Interim Land Use Regulation Assigning Record Hearings for Certain Quasi-Judicial Project Permits to the Shoreline Hearing Examiner for 2009

Mayor Ryu opened the public hearing.

Joe Tovar, Planning and Development Services (PADS) Director, provided a brief staff report. He reviewed the specific that items would be heard by the hearing examiner in calendar year 2009.

a) Boni Biery, Shoreline, said she is echoing Les Nelson's comments that he sent to the Council earlier today. She wanted to know how the public will be made aware of this new process and that they seem to be unaware of what the Commission is doing. She felt that an explanation for this process must be provided and one place it can be done is in *Currents*, the City's website, and the *Enterprise*. She said the ordinance was well-written for a test period and it was only presented as an interim process, but she understood it is to be permanent if it is adopted at the end of the year. She felt that any examiner should be able to do this work and wanted the City to provide a wider base of experience. She stated that it would be more appropriate to have more than two examiners.

b) Dennis Lee, Shoreline, said he agreed with this on an interim basis but he doesn't want it to become permanent. He stated if there aren't too many rezones happening then it shouldn't be permanent. However, if it becomes a problem the hearing examiner is the only

place the record gets created. He urged the Council to make sure this process is renewable and the public knows what's going on.

Mr. Tovar responded to comments. He pointed out that Section 4 of the ordinance states that this process expires after 12 months. He stated that the City staff can take some time to explain the hearing examiner process, adding that the examiner uses the same rules as the Commission. He said the only difference is that there is a single person making the recommendation.

Mr. Olander highlighted that many of these hearings are related to site-specific applications, so the affected parties will be notified.

Councilmember Way said she has expressed her concerns about this in the past. She said the current issue is the lack of public understanding. She noted that she has been an appellant in the past and this isn't as friendly; with a different level of decorum. The average person, she explained, might find it difficult to understand all the rules. She added that there is a problem with communication because the liaison is in the City Clerk's office. She noted that it isn't appropriate for the appellant to discuss their issue with City departments because they are opposing parties. She felt this needs some further education to the public.

Councilmember Way moved to amend Ordinance No. 534 by inserting the following at "Commission": "direct staff to develop and provide a handbook of effective public record and hearing examiner process practices in order to educate the public on their rights, procedures, and process for effective public participation pertaining to land use. Further, this handbook shall be reviewed by the Planning Commission and the Council and adopted and published by the City for public usage. This public records policy shall be posted in appropriate locations." The motion died for lack of a second.

Mr. Olander suggested this may be a separate motion to direct the City Manager to prepare a new ordinance. Mr. Tovar noted that he can explain the examiner process and document it.

Flannary Collins, Assistant City Attorney, pointed out that the City has adopted Resolution Number 182a, "Rules of Procedure for Administrative Hearings of the City of Shoreline." However, the City staff can put together a simple brochure. Scott Passey, City Clerk, highlighted that the resolution is provided to the appellant and all parties to any hearing.

Councilmember McGlashan said this is asking the City staff to duplicate work.

Ms. Collins replied she would have to research it and thinks this can be solved by coming up with a quick document to explain the conduct of these hearings.

Councilmember Way noted that the City needs to have a publication on the six procedures of an effective public records program and have these policies posted as a guide so the average person can know what their rights are.

Councilmember McGlashan called for a point of order. He suggested the City continue this item and schedule it for a study session.

Councilmember Hansen felt this isn't relevant to Ordinance No. 534 and this represents the first reading and the Council would be ignoring Council rules if this is being passed tonight or if an amendment is being adopted. He felt the first step is to give direction to the Council. He is concerned about the usage of City staff hours and the cost to create a brochure.

Mr. Olander replied that there are already a lot of materials available and in place. He noted that it would be a very extensive task to formulate a City of Shoreline User's Guide to Public Records. However, he said he is hearing that Councilmember Way is concerned about public education and that can easily be done.

Councilmember Way reaffirmed that is her intent is to educate the public.

Councilmember Eggen suggested the City staff put something together then bring it back to the Council at a study session.

Mayor Ryu supported Councilmember Way's intent. She asked if the City attorneys are available for consultation at hearing examiner hearings. Mr. Tovar noted that there isn't any need for an attorney to give testimony at the hearings. Deputy Mayor Scott agreed.

Mr. Olander said he would take the Council comments as general direction on this item.

Councilmember Eggen moved to close the public hearing, seconded by Councilmember Hansen. Motion carried 7-0.

9. NEW BUSINESS

(a) Capital Improvement Plan Update

Tricia Juhnke, Capital Projects Administrator, and Maureen Colaizzi, Parks, Recreation and Cultural Service (PRCS) Project Coordinator, provided a status report of the active projects identified in the City's Capital Improvement Plan (CIP), including the voter-approved 2006 Bond Levy Projects. They outlined the main features and key projects contained within the General Capital Fund, Roads Capital Fund and Surface Water Utility Fund. The projects covered included: City Hall, South Woods Property Acquisition, Seattle Public Utilities (SPU) Hamlin Property Acquisition, Kruckeberg Botanic Garden, Richmond Beach Saltwater Park (RBSWP) Improvements, the Vegetation Management Plan, Cromwell Park Improvements, Twin Ponds Soccer Field Improvements, Hamlin Park Facility Upgrade Improvements, City-Wide Field Improvements, Off-Leash Dog Area, Shoreline Center Tennis Courts, Trail Corridors, Kayu Kayu Ac Park, Boeing Creek Park Improvements, Roads Capital Projects, Annual Road Surface Maintenance Program, Richmond Beach Overcrossing, Aurora Avenue North (165th - 205th), Traffic Signal at NE 150th Street and 15th Avenue NE, Traffic Signal at NE 170th Street and 15th Avenue NE, Transportation Master Plan, 18th Avenue NW Drainage Improvement, Boeing Creek Park Storm Water Project, East Boeing Creek, NE 167th Street and Whitman Drainage Improvements, Pan Terra Pond and Pump, Ronald Bog South, and the Thornton Creek Basin Plan.

Continuing, they noted that 2008 was a very active year for construction. They stated that construction occurred on approximately ten projects, which added significant investment in the City's infrastructure and will continue through 2009 with at least ten other projects in construction, including the next mile of Aurora Avenue and City Hall. They explained that the economic downturn has been beneficial to the bid climate, as the City experienced an increase in the number of bids submitted on projects. They pointed out that all of the City's bids came in significantly under the engineer's estimate in 2008. City staff anticipates 2009 will continue to be a very competitive market for construction, and staff continues to be engaged in opportunities to receive funding from an economic stimulus package.

Councilmember Way reported on the potential for pedestrians to damage the newly-planted hillside near the upper parking lot at Richmond Beach Saltwater Park. She inquired if low fencing can be placed along that area to stop people from walking on the planted areas. Ms. Colaizzi noted that the City staff has concerns too and are investigating it.

Mayor Ryu said the tennis courts are great and they dry quickly. She noted that it was lighted at 11:30 p.m. and the lights should be shut-off at 10:00 p.m.

Councilmember McGlashan questioned if the citywide trail corridors work has started. Ms. Colaizzi responded that it has not; however, the soft surface trails will be implemented this summer with the hard surface work occurring in 2010.

Councilmember McGlashan questioned if there is money in the bond that can be used for the city-owned reserve in Innis Arden. Ms. Colaizzi responded that she is looking into it, including working with the community on how to implement it.

Mayor Ryu stated that the City couldn't have timed the bond projects any better. Ms. Juhnke communicated that her biggest fear in 2008 was the construction market. However, the bids came in low for almost all the City's projects. She continued and provided the CIP projects report.

Councilmember Way inquired about the performance of Ronald Bog and Pan Terra and wondered if there has been any testing done. Ms. Juhnke replied that the City has seen improvements and it hasn't had to operate the pumps on Pan Terra, but each storm is different. She added that there hasn't been any flooding in "Happy Valley."

Councilmember Eggen noted that if a resident has a house that is in the flood plain it will be more expensive to get flood insurance after the flood plain redefinition is done. However, he noted that if residents get insurance before the redefinition, you will be grandfathered in at a lower cost. Ms. Juhnke replied that a FEMA representative can explain it. Mayor Ryu suggested that their insurance could be three times more expensive. Mark Relph, Public Works Director, stated that there is a process for grandfathering and the City staff would work with all residents before acting on it. He said the options will be unfolded in more detail later.

Councilmember McGlashan asked how the retention ponds at the Transfer Station performed this past winter. He said Thornton Creek goes into the retention pond on the Transfer Station property. Councilmember Way replied that the pond was created to retain runoff and it is functioning well. Councilmember McGlashan confirmed that the conveyance at the entrance was improved with a swale.

Debbie Tarry, Finance Director, explained some budget and funding impacts on the Roads Capital Projects. She added that the economic downturn is impacting the projects the City is able to do. The Real Estate Excise Tax (REET), she pointed out, is significantly down for 2009 and reducing the gambling tax would further reduce collections by \$850,000.

Mr. Olander pointed out that the City staff will bring back specific budget recommendations on March 23.

Mayor Ryu questioned if staff would be reallocated to adjust to the lack of permitting. Ms. Tarry replied that City staff would be reallocated to reduce consultant costs on the capital side that normally would be contracted out.

Councilmember Eggen asked if there would be an update and/or recommendation on the casinos at the March 23 meeting. Mr. Olander replied that that information affects the CIP element. The recommendation, he explained, is still being formulated and will be available in the next three to four months.

Ms. Juhnke continued and discussed the priority sidewalks map and reported on the annual road surface maintenance.

Mayor Ryu called for public comment. There was no one wishing to provide comment on this item.

Councilmember McGlashan inquired about the \$1.475 million award for the Aurora Avenue Project and how much of the project is left to fund. Mr. Relph replied that the City staff is putting together a summary pertaining to the funding status. Mr. Olander commented that the City still needs about \$20 million to complete the project up to NE 205th Street.

Councilmember Way brought up the priority sidewalks map and said there was public comment about the North City area. She noted that the City has a Priority 2 project proposed to proceed up 10th Avenue NE and Perkins Way. She said she would like the City staff to look at safety and connections with surrounding areas.

10. EXECUTIVE SESSION

At 9:17 p.m., Mayor Ryu stated that the Council would recess into Executive Session for a period of 30 minutes to discuss the City Manager's performance evaluation. At 9:47 p.m., the Executive Session concluded and the business meeting reconvened.

11. ADJOURNMENT

At 9:47 p.m., Mayor Ryu declared the meeting adjourned.

Scott Passey, City Clerk

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