

## **CITY OF SHORELINE**

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

Monday, November 16, 2009 - 6:30 p.m.

Shoreline Conference Center

Mt. Rainier Room

**PRESENT:** Mayor Ryu, Deputy Mayor Scott, and Councilmembers Eggen, Hansen, McConnell, McGlashan, and Way

**ABSENT:** None

#### **1. CALL TO ORDER**

At 6:32 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, with the exception of Councilmember Hansen who arrived at 6:43 p.m.

#### **3. CITY MANAGER'S REPORT AND FUTURE AGENDAS**

Bob Olander, City Manager, provided updates and reports on various City meetings, projects, and events.

#### **4. COMMUNITY GROUP PRESENTATION**

##### **(a) North Urban Human Services Alliance (NUHSA)**

Rob Beem, Community Services Manager, introduced George Smith, the City's Human Services Specialist and President of NUHSA. Mr. Smith explained the mission of NUHSA, which is to organize human service resources in the community. He introduced Gary Kingsbury and Kelsey Beck, of NUHSA, and provided a brief overview. He stated that this coalition wants to see a sustainable system of human services.

Ms. Beck provided an overview of the human services report and a baseline of the human services needs in King County. She reported on the statistics concerning the number of people utilizing food banks and human services to provide daily needs.

George Smith explained that the human services "toolkit" is a way for jurisdictions in North King County to connect people to resources. He noted that one problem of low and

moderate income people is they pay more money on routine financial transactions. For example, they use payday loan places to have checks cashed, and have to pay to have them cashed. He stated that one answer to save them funds is the Express Credit Union and it provides no cost checking and financial services to low income people.

Mr. Kingsbury discussed housing, which is toolkit goal #3. He pointed out that there needs to be more emergency shelters and transitional housing, and it is the leadership of the Council that is needed to help bring the various parties to the forum. He added that several factors are serving as barriers to human services, including language and location.

Councilmember Eggen asked Mr. Kingsbury what support the Council could provide. He assumed the City could sponsor a work group or forum consisting of landlords and health providers to work on housing issues. Ms. Beck added that they recognize that there is a role for the Council in the toolkit and that is to be the catalyst to bring people together. Councilmember Eggen inquired how the City could use the toolkit. Mr. Kingsbury replied that Hopelink can use it, though the Center for Human Services is already using it with their clients.

Mr. Beem highlighted that there is a whole group of people needing help and more education needs to occur to inform people where to turn for assistance. Replying to Mayor Ryu, Mr. Kingsbury stated that United Way has all day training for human service advocates, who are encouraged to train other advocates.

Councilmember Way questioned if there were any other financial institutions participating in this program besides Express Credit Union. Mr. Smith replied that there are 22 banks and credit unions in King County participating in this program. Councilmember Way noted that these serve as a funded resource for people facing challenges such as foreclosure, etc. Mayor Ryu clarified that if there are any credit unions or banks that are interested in joining they should be referred to the NUHSA website.

Councilmember Hansen noted that this sounds good, but the problem is changing the behavior of the target groups. Mr. Smith replied that a key strategy is to decentralize their access and use people and organizations that already assist low income people, such as Hopelink.

Councilmember Way stated that school districts and private schools are also options for the toolkit and she heard Speaker Frank Chopp talk about the legislative session and options for health care and education. She said he mentioned the early learning piece and possibly combining Head Start and the Early Childhood and Parenting (ECAP) program. Mr. Beem stated that NUHSA itself focuses on local issues, but they are interested in watching national progress, too. Mayor Ryu inquired if NUHSA is looking for volunteers. Mr. Smith replied that they are and that they don't have a volunteer coordinator. He highlighted that their website is [www.nuhsa.org](http://www.nuhsa.org).

## 5. GENERAL PUBLIC COMMENT

a) Andrew Seger, Shoreline, stated that there is no way for pedestrians or cyclists to leave Northridge along 205<sup>th</sup> Street. He urged the Council to build a sidewalk and enhance safety in that area.

b) Bronston Kenney, Shoreline, commented that Pro Shoreline seeks to silence opposition. He suggested they change their name to "Pro Developer Shoreline." Public comment, he stated, keeps the public informed and the Council and City staff honest. He stated that public comment is crucial in January because there are developers warming up their bulldozers. However, the Councilmembers want to hear from those they represent.

c) John Chang, Shoreline Sister City Association President, thanked the Council and the City for their warm welcome of the Boryeong, Korea Sister City delegation last week. He said they toured the new City Hall and the King County Transfer Station and were immensely impressed with the "green" infrastructure and minute details the designers put into the structures. He added that Deputy Mayor Scott did a tremendous job. He thanked the Council and City staff and suggested that this year's final Council meeting be held in the Council Chamber at the new City Hall.

Mayor Ryu also thanked Marilyn Chase, Senator Paul Shin, Shoreline Community College, and the Shoreline School District for their role in the sister cities visit. Councilmember Way thanked John Chang for translating for four days.

d) Bob Ransom, Shoreline, thanked the Council for the Boryeong welcome and said he attended four of the functions. He commented that the expenditure of \$16,000 for waterways and salmon recovery to WRIA-8 is a wise expenditure. He pointed out that 65% of the property taxes go to the school district and the proposed \$.20 increase is minor. He noted that the City's 9% of the property tax is supposed to fund the police, courts, and jail, but it doesn't. This \$.20, he said, will be voted on by the electorate and would provide \$1 million for the City budget. He encouraged the City Council to put it on the ballot for the residents to vote on.

e) Nancy Moreyra, Shoreline, stated that some people believe public comment is not helpful. She urged the Council to keep the public comment period because it is a vital part of Council meetings. She noted that it is vital for non-profits and organizations, such as neighborhood groups. Public comment keeps the communications open and in real-time, she said, and without it the residents will not be able to present ideas face-to-face to the Council.

Mr. Olander pointed out that there is no \$.20 proposed tax increase in the 2010 budget and that the proposed property tax increase is 0%. Additionally, he said no Councilmember or City staff member has proposed to eliminate general public comment. Councilmember McConnell added that she isn't sure where all these rumors are coming from and wanted to assure the public that the Council wants to hear from them.

f) Corey Murata, Shoreline, commented that some discussions have revolved around revising public comment and looking at other municipalities. He discussed the school board policies regarding public comment and said they cannot speak about specific school employees, not board members. He added that only residents, employees, and parents of children within the school district are allowed to speak at Shoreline School District (SSD) Board meetings. This, he noted, is different from neighboring cities. He pointed out that the Seattle School Board gives three minutes per person. He further noted that using the SSD Board as a model is not effective.

g) Dan Thwing, Shoreline, Chair of the 32nd District Republicans, stated that even limiting public comment would be a mistake because it is vital for individuals and groups to speak. If restrictions are put into place, someone has to decide where the line is, he said. He recommended that the Council not restrict speech.

h) Bill Bear, Shoreline, opposed limiting speech. He stated that when things go wrong and people are hurt, before faulting the Council or the City staff, he has to ask how the citizens can fix it. He added that public comment makes it possible for him to hear those opposing opinions that he needs to hear.

i) Nancy Rust, Shoreline, encouraged the Council to keep public comment. She said she noticed the dogwood painting on the side of City Hall; they are a beautiful native tree. She said residents should make every effort to preserve the dogwoods in our City, but present code defines a significant deciduous tree as 12 inches in diameter and dogwood trees rarely reach that size.

j) Maria Walsh, Mountlake Terrace, Friends of Fircrest, hoped the City can continue the conversation about Fircrest School and noted that she speaks for the residents there. She commented that Councilmembers take the blame for a lot of stuff and the residents have a proper mode of addressing them. She felt people should respect those willing to serve.

k) Laethan Wene, Shoreline, said it is a good idea to have a community meeting about people with disabilities and it would be appropriate to hear what they have to say.

l) Carin Chase, Chair of the 32nd Legislative District Democrats, said she was compelled to express the organization's position on public comment. She said in a democracy the citizens have the right to participate and accountability is necessary for democracy to reach full potential. She stated that on October 26 the vice president of Pro Shoreline read a policy statement from his organization that was offensive, hateful, and harmful. The statements displayed a lack of respect for civil discourse. However, the 32<sup>nd</sup> Legislative District Democrats believe in freedom of speech and that a profound apology is due to the City. She said that a part of serving the citizens and protecting democracy is to listen to them. Legislation which inhibits public comment, she announced, doesn't serve the purposes of democracy and public comment at Council meetings is the only

public opportunity to bring issues to the Council's attention. However, she felt all people who give comment should be civil.

m) Dan Mann, Shoreline, expressed the value of public comment. He said this isn't about the Council or their comfort level; it's about what is best for Shoreline. He also said he supports the civility comments of the previous speaker. He noted that there were comments about the Aurora Project and that the Shoreline Merchants Association (SMA) tried to be heard but they were blocked out from the process which resulted in a lawsuit and the delay of the project. He noted that there hasn't been a collaborative relationship or respectful dialogue. The Council did hear the truth about cottage housing, he said. He said there were almost fights about the City not holding up to environmental policy and principles. He stated that the Council wasn't listening to the real truth that came from this podium.

n) Elaine Phelps, Shoreline, stated that public comment should be preserved. She said she has been responding to others claims rather than initiating them. She is a civil libertarian, she said, and noted that some say ugly things and do ugly things and some point those things out. She felt it would be impossible for someone to judge what is or isn't allowed.

o) Dwight Gibb, Shoreline, read a statement from Peter Henry which stated that it is improper to limit public comment. Public comment is different from a public hearing, he read. Additionally, the statement said it is improper to prevent or regulate speech during the campaign season.

p) Don Charnly, Shoreline, stated he is honored to have served in the legislature and the voice of the people is where the wisdom is. He said he heartily supports everything that has been said regarding public comment.

#### 6. APPROVAL OF THE AGENDA

**Deputy Mayor Scott moved approval of the agenda. Councilmember McGlashan seconded the motion, which carried unanimously and the agenda was approved.**

#### 7. CONSENT CALENDAR

**Councilmember Hansen pulled the minutes of the Business Meeting of October 12, 2009 and the Study Session of October 19, 2009 from the Consent Calendar. Upon motion by Deputy Mayor Scott, seconded by Councilmember Way and unanimously carried, the following Consent items were approved:**

(a) **Minutes of Workshop Dinner Meeting of October 12, 2009**

#### 8. ACTION ITEMS: OTHER ORDINANCES, RESOLUTION, AND MOTIONS

(a) Motion to Authorize the City Manager to Execute a Contract for the

Construction of the Aurora Corridor Project (165th Street to 185th Street)

Mark Relph, Public Works Director, and Kirk McKinley, Aurora Corridor Project Manager, provided a staff report of the bid results.

Mr. McKinley commented that the project is almost exactly the same as first mile and explained the features of the project, including the landscaping and natural storm drainage system. He stated that construction begins in early January and will finish in the spring of 2011. He said that the process would be much smoother this time based on an outreach and communications plan. He noted that the low bid for this project is \$19 million, the high bid was \$24 million, and the City's estimate was \$22 million.

Mr. Relph pointed out that the City received a bid protest by the second lowest bidder, JR Hayes. However, the City staff and WSDOT reviewed the protest and agreed that there was no substantial advantage given to the low bidder. Mr. Olander added that sometimes there are minor irregularities and they are usually waived by cities when there is no substantial impact on the bidders.

Mayor Ryu called for public comment on this item.

a) John Dippold, stated he is the attorney representing JR Hayes on this matter. He stated that the bid protest relates to the bid submittal list, exhibit A. He said it is clear that there are boxes that must be checked under submittal list and was mandatory for all bidders. Additionally, he stated that there is a line in the bid which states that "Failure to submit all items will result in the bid being non-responsive." He stated that some elements of a bid are discretionary, but some are mandatory, like late bids, substitutions, the bid bond, and certification for federal aid contracts. This item, the submittal list, was not discretionary but mandatory, he said. He said that the City's position is that a signed bid proposal is all that is required, Appendix C, he said, meets the requirements of federal law. He noted that civil penalties can be asserted against the bidder if this section is not added, and that is why the City includes it. He concluded that if the City provides rules to bidding contractors, they must be followed. He urged the City to enforce the bid document requirement and encouraged the Council to do so.

b) Dan Mann, Shoreline, congratulated the City on pushing this forward and recognizing the need to respect businesses and neighborhoods. He stated that every merchant wants this done expeditiously. He thanked the City for the pocket u-turns at more frequent intervals in the first mile. There will be more business failures if the small things aren't done, he said. He noted that Shoreline is the envy of other communities that have chosen not to dialogue with their merchants or neighborhoods. The entire project, he said, will cost about \$160 million which is about three times the original estimate. He encouraged the City to work together and hopes it gets done quickly and smoothly.

c) Laethan Wene, Shoreline, stated that he maintained the bus stop on 185<sup>th</sup> and took care of it. He said he should be allowed back at that bus stop and would be happy to clean it.

**Councilmember Hansen moved to authorize the City Manager to execute a contract in the amount of \$19,069,831.68 with Marshbank Construction, Inc. for the construction of the Aurora Corridor Project from 165th Street to 185th Street. Councilmember Way seconded the motion.**

Ian Sievers, City Attorney, stated that Mr. Dippold's arguments are well taken, but there is nothing new the City staff didn't address in the Council memo. He said the question is whether a failure to provide something is a material requirement or not. WSDOT reviewed the protest and the specifications and if the City favors Mr. Dippold's request there would be a protest from the low bidder.

Mayor Ryu inquired about the risks of rejecting the low bid, to which Mr. Sievers replied that it is always an option but he felt there isn't enough time for the project to resolve this matter in court. He felt that the quickest option is to accept the motion on the table.

Councilmember Eggen referred to page 33 and said there is a footnote that applies to low bidder and the 3rd low bidder. Mr. Relph noted that this is made up of over 100 bid items and it is what happens when there are simple math errors. He said they checked the math of every single bidder and that is why there are footnotes with corrections.

Mr. Relph also responded to Councilmember Eggen and said that Marshbank's original estimate was \$30,000 higher than what is showing. Councilmember Eggen noted that if Marshbank's final amount was much lower than the sum of unit counts then they wouldn't have been able to do the work within their bid. Mr. Relph explained that the City staff makes sure it reflects a reasonable cost to do the work. Councilmember Eggen also stated that the attorney for JR Hayes has asked for some delay so they can have the option to file for an injunction. He inquired of City Attorney Sievers if they would be granted that. Mr. Sievers replied that the state law allows a certain amount of time when a protest is filed before the Council can award the contract and it has expired so there is no reason the City would grant an extension. Mr. Relph added that there has already been a delay of five days and that's why the item is on the Council agenda today. Councilmember Eggen stated that depending on the decision tonight, JR Hayes may decide to file an injunction. Mr. Olander said that may be the case, but they need to follow the statute of limitations in state law.

Councilmember McGlashan said that he thought seven companies did not supply the information being protested by JR Hayes and wondered why seven bidders would miss a mandatory requirement. Mr. Relph replied that the form was just referenced and it was duplicated in the contract documents. Mr. Sievers stated that it could be that the other seven realized they were certifying their bids by signing the contract documents.

Mr. Relph clarified with Councilmember McConnell that the footnotes were only math corrections and the bids wouldn't change. Councilmember McConnell said she understands the second lowest bidder's concern, but if it was clearly an issue with duplication and an attorney has verified it is, she supports the motion. Mr. Relph

reemphasized that staff has communicated with WSDOT extensively and they concur with the City. Councilmember McConnell questioned if there could be a delay in the project itself and Mr. Relph replied that the City has a partial notice to proceed and believes there is sufficient time to defend the challenge, but the project will largely stay on schedule.

Councilmember Hansen stated he always felt that once the first section of Aurora was done most of the opposition would collapse when they saw how it turned out. However, he didn't realize it would take 10-15 years. He noted that the total cost doesn't surprise him. He communicated that he feels a great deal of pride seeing the City get this far through this project.

Mr. Olander thanked Dan Mann, the other Aurora Corridor merchants, and the Chamber of Commerce for supporting the City's funding efforts through constant dialogue and cooperation.

Councilmember Way said she is proud that many issues with the businesses and neighborhoods have been resolved, especially the environmental issues. She said this project gets the City back to having a system that will mimic natural systems. She said she is curious about the range of the bids and wanted to know what was included in the higher bids. Mr. Relph replied that he has never seen a project of this magnitude with the bids so close together. He said he was hoping to get three or four bidders but there were nine which all were in between \$19 and \$24 million. He added that he appreciates the approach the City has taken with the property owners and that it has been extremely rewarding. However, he warned that the construction process will be difficult, long, hard and noisy. Councilmember Way inquired about the outreach and communication plan, to which Mr. McKinley replied that there is a website link and a 24-hour hotline for residents to call. Environmental issues can be reported to Kris Overleese.

Mayor Ryu said she appreciates the efforts to keep the lanes open and that the Economic Development program does have a plan now which was shared with the Chamber at their luncheon.

Councilmember Eggen complimented the City staff and citizens. He stated that he hopes the contractor takes down their barriers on the side streets on the weekends. Mr. Relph added that the City wouldn't tolerate that. Councilmember Eggen said he was a little troubled by the bid process, but will vote yes.

#### RECESS

**At 8:44 p.m., Mayor Ryu called for a five minute break. The meeting reconvened at 8:50 p.m.**

**A vote was taken on the motion to authorize the City Manager to execute a contract in the amount of \$19,069,831.68 with Marshbank Construction, Inc. for the**



**construction of the Aurora Corridor Project from 165th Street to 185th Street, which carried 7-0.**

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

**9. STUDY ITEMS**

- (a) Continued Public Hearing to receive citizens' comments on the Proposed 2010 Budget, including the Proposed Property Tax Levy and Other Budget Resources; and continued Council Discussion of the Proposed 2010 Budget

Debbie Tarry, Finance Director, provided a brief staff report outlining the proposed budget resources and expenditures which total \$84.1 million. She noted that a city of our size could levy up to a 1% property tax rate, but at the current time the City staff recommends not increasing it.

Mayor Ryu called for public comment. There was no one wishing to provide public comment at this hearing.

**Councilmember Hansen moved to close the public hearing. Councilmember Eggen seconded the motion, which carried 7-0 and the public hearing was closed.**

Councilmember Eggen discussed Debbie Kellogg's email and Mr. Olander commented that the City staff will be responding to it.

Councilmember Hansen commented that he felt that the City staff recommendation to declare a substantial financial need is inconsistent and felt the City should go to 101%, since it is allowed. Each 1% increment is only worth \$50,000, he said.

Mayor Ryu commented that on page #5 the City is considering a 0% property tax levy increase, but wondered if there have been any actions over the past year or coming in the future that might cause the taxpayers to see an increase. Ms. Tarry responded that it depends upon what each entity decides to do with their tax levies. She stated she isn't aware of any issues coming up.

Mr. Olander summarized that at least a 0% property tax increase is more consistent with the local CPI which is slightly negative at this time. Councilmember Hansen replied that a levy lid lift will be needed to get out of this situation in the future.

- (b) Water Resource Inventory Area (WRIA) 8 Update

Mr. Relph introduced Rika Cecil, Environmental Programs Coordinator, who provided an update on WRIA-8. Ms. Cecil discussed the WRIA 8 history and the Chinook Salmon Conservation Plan. Shoreline, she said, is a Tier 3 area which means it is more degraded and less inhabited by salmon. She noted that the City adopted the 2009 Department of

Ecology (DOE) Stormwater Manual which includes low impact development (LID) standards. She also stated that the City has been restoring the habitat and wetlands in Ballinger, Boeing and Thornton Creek watersheds.

Councilmember Way thanked Councilmember Eggen for attending the WRIA 8 meetings throughout the year. She noted that it is important for Shoreline residents to understand that even though the City doesn't have major salmon streams, some salmonids use Shoreline waterways. It is appropriate to talk about this tonight, she said, because of the rain and the pollution running down Aurora which significantly impacts McAleer Creek. As the City continues to improve different segments of its streams, she assumed that eventually the salmon return will increase. She stated that it is vital to our quality of life and that improving fish habitat improves the human habitat. She stated that she hopes the Council continues to "carry the torch."

Councilmember Eggen clarified for the public what goes on at WRIA 8 and that it's a forum that has access to some funding for habitat restoration. He noted that a major portion of the funding is from the King Conservation District, which gets \$10 per property tax parcel, then divides those funds between WRIAs, counties, and cities. Every year WRIA gets project requests for habitat restoration and most of them come from Issaquah and Maple Valley because that's where the funds will have the greatest impact. They restore areas that are degraded and purchase property to preserve it from development, etc. The major purpose for this is to administer to these projects, he said. He also noted that some of the participants aren't with municipalities and that this year WRIA 8 has reviewed its projects and decided on a plan. He said this is a very worthwhile organization and wish it could do more.

Mayor Ryu commended the Councilmembers who supported the sixteen environmental mini-grants. Councilmember Eggen pointed out that former Councilmember Gustafson is still active with WRIA 8.

Mayor Ryu called for public comment.

a) Bill Bear, Shoreline, commented that he watched the water rise rapidly at Brugger's Bog and part of the problem is that the City focuses on planning and development rather than paying attention to the cumulative impacts of development.

Councilmember Way appreciated Mr. Bear's comments. She said places like Brugger's Bog are opportunities for the City and that channeling works well. She asked Mr. Relph about the amount of environmental mini-grants used in the City. Mr. Relph responded that this information could be provided to Council at a later date.

Mayor Ryu thanked Councilmember Way and Councilmember Eggen for serving on WRIA 8.

(c) Trail Corridor Study Update

Dick Deal, Parks, Recreation and Cultural Services Director, provided an update of the Trail Corridor Study. He stated that there are several projects underway and being planned for next year. The challenge in Hamlin Park, he said, is the understory. He discussed South Woods Park, Boeing Creek Park, and the Shoreview Park trail systems. He also reviewed the Interurban Trail and Burke Gilman trail link.

MEETING EXTENSION

**At 10:00 p.m., Councilmember Eggen moved to extend the meeting 15 minutes. Councilmember Way seconded the motion, which carried 7-0.**

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

Mayor Ryu and Councilmember Way agreed that the City should utilize pervious surfaces wherever possible. Councilmember Way pointed out that there is an active project for Jackson Park in Seattle and the City of Seattle wants to connect with Shoreline. She noted that it is an opportunity that should be pursued. Mr. Deal replied that there is a group that is looking at updating the Transportation Master Plan and considering non-motorized connections.

10. ADJOURNMENT

At 10:10 p.m. Mayor Ryu declared the meeting adjourned.

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Scott Passey, City Clerk

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