

## **CITY OF SHORELINE**

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

Monday, May 9, 2011  
7:00 p.m.

Council Chamber - Shoreline City Hall  
17500 Midvale Avenue North

**PRESENT:** Mayor McGlashan, Deputy Mayor Hall, Councilmember Eggen, Councilmember McConnell, Councilmember Roberts, Councilmember Scott, and Councilmember Winstead

**ABSENT:** None

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

At 7:00 p.m., the meeting was called to order by Mayor McGlashan, who presided.

#### **2. FLAG SALUTE/ROLL CALL**

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

#### **3. CITY MANAGER'S REPORT**

Julie Underwood, City Manager, provided reports and updates on various City meetings, projects, and events.

#### **4. COUNCIL REPORTS**

Mayor McGlashan stated that he heard from former City Manager Bob Olander in Italy.

#### **5. PUBLIC COMMENT**

a) Suzanne Pardee, Shoreline, urged the Council to adopt the strongest tree canopy code possible and recommended a tree canopy of 40% or higher.

#### **6. APPROVAL OF THE AGENDA**

**Mayor McGlashan pulled the first item under 7(a), the April 18, 2011 Council meeting minutes. Upon motion by Deputy Mayor Hall, seconded by Councilmember Winstead and unanimously carried, the agenda was approved as amended.**

#### **7. CONSENT CALENDAR**

Upon motion by Deputy Mayor Hall, seconded by Councilmember Eggen and unanimously carried, the following Consent Calendar items were approved:

(a) Minutes of Business Meeting of April 25, 2011

(b) Approval of expenses and payroll as of April 29, 2011 in the amount of \$1,290,424.69 as specified in the following detail:

**\*Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
4/3/11-4/16/11	4/22/2011	39544-39748	10693-10723	46864-46875	\$542,104.10
					<u>\$542,104.10</u>

**\*Wire Transfers:**

Expense Register Dated	Wire Transfer Number	Amount Paid
4/26/2011	1033	\$2,946.71
		<u>\$2,946.71</u>

**\*Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
4/19/2011	46721	46721	\$1,002.87
4/20/2011	46722	46723	\$59,040.96
4/21/2011	46724	46739	\$114,453.75
4/21/2011	46740	46755	\$167,549.65
4/21/2011	46756	46773	\$103,827.82
4/21/2011	46774	46775	\$22,466.01
4/21/2011	46776	46806	\$25,449.73
4/28/2011	46807	46827	\$77,775.74
4/28/2011	46828	46836	\$99,673.46
4/28/2011	46837	46861	\$35,520.61
4/28/2011	46862	46862	\$38,613.28
4/28/2011	46836	46836	(\$32,402.75)
4/28/2011	46863	46863	\$32,402.75
			<u>\$745,373.88</u>

(c) Motion to Authorize the City Manager to Execute a Supplement for the Professional Services Contract with KBA for Construction Management and Inspection Services on the Richmond Beach Overcrossing Replacement Project

8. ACTION ITEM: PUBLIC HEARING

(a) Public hearing to receive citizens' comments on Ordinance No. 601, Granting a Franchise to Comcast of Washington, LLC and Comcast of Washington IV, Inc to Operate a Cable System in the Public Rights-of-Way to Provide Cable Services in the City Shoreline for a Seven Year Term

John Norris, Management Analyst, provided the staff report, noting that the Council is required to hold a public hearing prior to the granting of a renewed cable franchise to determine if the franchisee has complied with the terms and conditions of the current franchise. He noted that the current Comcast franchise expires in July 2011 and the proposed term is for seven years with a possible two-year extension.

Deputy Mayor Hall and Mr. Norris explained that the City chose to join the coalition to negotiate this franchise and the \$25,000 cost was shared based on jurisdiction size, number of subscribers, etc. Mr. Norris added that ten jurisdictions joined together and agreed on the terms that are set by federal law which include a 5% fee cap.

Councilmember Roberts discussed the public access channel and Mr. Norris explained that the coalition decided not include it in the agreement.

**Mayor McGlashan opened the public hearing. There was no one wishing to provide public comment.** Mayor McGlashan noted that Comcast has not signed off on amendments and verified that if there are any substantive changes, the City must hold another public hearing.

**Mayor McGlashan closed the public hearing.**

Councilmember Eggen verified with Mr. Norris that there are five criteria that the Council should consider to determine if Comcast has met the standards. Mr. Norris responded to Councilmember Eggen that the Cable Act regulates streets and rights-of-way in terms of the operation and maintenance of cable system. Internet is semi-regulated and internet to businesses is outside the scope of the Cable Act.

Councilmember Winstead appreciated Comcast offering free cable to public buildings and Mr. Norris confirmed that there is a low-income discount program for cable service.

Deputy Mayor Hall discussed the quality of services and noted that 51% respondents were very satisfied or satisfied and 43% were not. He also questioned the provision of free services to public entities and wondered why Shoreline School District qualifies and Shoreline Community College doesn't. He directed the City staff to pursue that with Comcast, which Councilmember Eggen and Councilmember Winstead supported. Mr. Norris confirmed he would speak to the college about this prior to going back to the negotiating table with Comcast.

Councilmember Roberts confirmed that an extension can be as long as the Council desires. He hoped Comcast would strive for much better survey measures and clearer bills.

Councilmember Winstead confirmed with Mr. Norris that comments accompanied the survey.

Kathleen Putz, Comcast, informed Councilmember Winstead that negotiations will continue with the City in good faith and the current agreement could continue on a month-to-month basis.

Councilmember Eggen requested a five minute break.

RECESS

**At 8:00 p.m., Mayor McGlashan called for a five minute break. The meeting reconvened at 8:07 p.m.**

9. UNFINISHED BUSINESS

(a) Discussion of Tree Ordinance Scope of Work

Joe Tovar, Planning & Development Services Director, and Paul Cohen, Senior Planner, provided a brief staff report, explaining that this is an opportunity for the Council to discuss the City's long-term tree canopy goals and potential revisions to the scope of the tree code. Mr. Tovar added that there never has been a hearing, but lots of public comment. He said currently there is no trend of decreased urban tree canopy and the Council has not confirmed a 31% tree canopy or expressed support for a 40% canopy. Mr. Tovar reviewed ways Shoreline can increase its tree canopy, summarizing that the City staff got the sense that the Council wanted to narrow the tree ordinance scope to the five areas listed on page 85 of the Council packet.

Mr. Cohen discussed the five changes to the current code and replied to Mayor McGlashan that a total of 891 trees will be planted as part of the Aurora Project. Mr. Tovar replied that he would provide a response to Councilmember Winstead and determine how many significant trees were removed on the 185th side of Aurora Avenue. Mr. Cohen replied to Councilmember Eggen concerning National Pollutant Discharge Elimination System (NPDES) guidelines.

Councilmember Eggen said it seems reasonable to set a goal for an increased tree canopy. However, he expressed that the costs for monitoring, enforcement, and permitting of an increased canopy could be costly and it would be nice to have the figures before a tree canopy goal is set. He hoped an incentive program could be started, but the surface water fee is too small to make it pay, so the City is stuck with the prospect of increasing canopy through enforcement, although it is not sustainable for the City. He said work still needs to be done to find a way to increase tree coverage in a non-prescriptive way.

Councilmember Scott asked how the City enforces a retroactive permit for a dangerous tree that has not been removed. Mr. Cohen replied that the City would receive a call from concerned neighbors. Councilmember Scott noted that this is a tough issue, but agreed with the item regarding significant trees.

Councilmember Roberts agreed that the City needs to balance the rights of individuals and the needs of the community. He stated that there are 80 Tree City USAs in Washington and Mr. Tovar replied that to become one the City must spend a certain amount on trees, designate an urban forestry or tree board, and adopt a tree code. The benefits he explained are civic identity and pride and by some extent, it's symbolic, providing public awareness and outreach.

Councilmember Roberts noted that the designation of the board and a proclamation are the last criteria for Shoreline to be named a Tree City. He added that a reorganization of the code is needed and individual owners are not sure what is required. He also inquired if landscaping firms know if and when they need a permit and a business license to cut a tree. Mr. Cohen replied that an education process may be appropriate for the City and Mr. Tovar added that it is in our best interest to let the industry know what has changed once this is implemented.

Councilmember Winstead said she does not want the City policing trees due to budget considerations. She suggested moving forward with the Tree City USA designation and agreed with the staff recommendations. She wants the City to encourage tree canopy growth, not mandate it. There was discussion about tree code enforcement violations and reports of tree cutting.

Councilmember McConnell agreed adding that the City should not be the tree police. She supported encouraging people to plant more by becoming a Tree City USA. She felt the public wants to hear from the City about the tree canopy percentage and encouraged incentivizing tree planting.

Deputy Mayor Hall said he read the American Forest material and verified that the numeric target is not scientific. He noted that Shoreline seems to be managing its tree canopy better than others and highlighted that Shoreline has an Urban Forest Management Plan. He felt the City should balance the 40% goal with other considerations like transit, bike lanes, and so forth. He felt that having a 40% tree canopy goal seems arbitrary and favored the five recommendations. He noted that tree code violations have been complaint-driven in the past; however, he felt that the definition of significant tree should be revised. He said it should bring attention to fact that trees are important before they get to be 10 - 12 inches. However, he said he is struggling with the permit, and data suggests the loss of canopy is not on residential lots. He concluded that finding incentives and encouraging tree planting is good.

Councilmember Roberts discussed the car wash permit for non-profits idea. He added that monitoring is not necessarily bringing the tree police out. He noted that commercial development and home redevelopment is when trees are cut. He felt there is a value in having a process for tracking the removal of significant trees and agreed with the approach to make a positive statement rather than saying "no net loss." Councilmember Eggen favored maintaining an internet permit requirement, which would allow the City to provide information to homeowners.

There was discussion about the specific language being removed from the tree code amendments.

Mayor McGlashan said he is comfortable with the no net loss goal. However, he expressed concern about setting a positive goal. He noted that there does not seem to be an issue with Shoreline's tree canopy. He and Mr. Tovar discussed Commissioner Broili's comments to mean that even if the tree canopy does not change, adding more impervious surface means trees are working harder. Mayor McGlashan stated that 90% of residents are not aware of the tree regulations and he wondered how covenants apply. City Attorney Ian Sievers responded that covenants do not override City regulations. Mayor McGlashan favored tree education and said he

is not interested in added regulations. Deputy Mayor Hall noted that many residents do not know the City's regulations and the loss of tree canopy on individual lots is an issue.

Ms. Underwood summarized the Council discussion concerning the canopy goal and confirmed there is Council consensus for a statement that maintaining the canopy is not enough and to change the language from no net loss to net increase.

Councilmember Roberts said he is not sure Tree City USA is something the Planning Commission needs to do. He favored having the PRCS Board designated as the tree board to move the City closer to the Tree City USA designation. Deputy Mayor Hall felt that the City staff should bring forth a formal staff report and analysis for Council review.

There was discussion about item #1 concerning a voluntary system rather than regulatory enforcement and the filling out of forms for tree removal.

#### 10. ADJOURNMENT

At 9:45 p.m., Mayor McGlashan declared the meeting adjourned.

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Scott Passey, City Clerk