

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF BUSINESS MEETING

Monday, September 12, 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, and Councilmember Scott

ABSENT: Councilmember Winstead

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, with the exception of Councilmember Winstead.

Upon motion by Deputy Mayor Hall, seconded by Councilmember Eggen and carried 6-0, Councilmember Winstead was excused.

- (a) Proclamation Declaring September 2011 as "Emergency Preparedness Month" in the City of Shoreline

Mayor McGlashan read the proclamation declaring September 2011 as "Emergency Preparedness Month" in the City of Shoreline. Rob Beem, Community Services Manager, accepted the proclamation and commented on the importance of emergency preparedness in the City of Shoreline.

3. CITY MANAGER'S REPORT

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

4. COUNCIL REPORTS

Deputy Mayor Hall discussed the upcoming Suburban Cities Association (SCA) Public Issues Committee meeting and that they would be discussing the proposal to seek an amendment to Countywide planning policies for sewers to be extended to rural areas. He confirmed that the Council does not support it.

Councilmember Roberts noted that WRIA-8 is voting on its legislative agenda, and he will forward information to the Council for consideration.

Councilmember Eggen said he attended the Transportation Policy Board meeting and would prepare a detailed report for the Council and the public. Additionally, the Municipal Solid Waste Advisory Committee is drafting a new interlocal agreement, and he said he is going to forward a report on it to the Council and public.

Councilmember McConnell said she attended the Regional Water Quality meeting and stated that the Brightwater Project grand opening is the morning of September 24, and the City's Aurora Avenue Project grand opening is at 1:00 p.m. that same day.

Mayor McGlashan added that he attended the Highland Terrace Recreation Center ribbon-cutting ceremony.

5. PUBLIC COMMENT

a) Kim Bateman, Shoreline, objected to the Briarcrest mini-grant process. She said that the five impacted households were not contacted and she objects to the creation of an informal gathering place.

b) Bettilinn Brown, Shoreline, said there has been more unanimity on the Briarcrest mini-grant and expressed support for it. She added that there has been no final decision on what would occur and there will be more public process in the future.

c) Charlotte Haines, Shoreline, thanked the City for the flower baskets provided in North City by the Parks Department.

d) Suzanne Wynn, Shoreline, expressed support for the Echo Lake mini-grant and thanked the City for the program.

Councilmember Eggen verified with Ms. Underwood that the mini-grant is proposed for funding as part of the Consent Calendar, but it simply proposes funds to remove invasive species on the site. Ms. Underwood noted that the neighborhood program can work with Briarcrest on any future proposal.

6. APPROVAL OF THE AGENDA

Deputy Mayor Hall requested removal of item 7(c) from the Consent Calendar and proposed that it be added as Action Item 8(a). Upon motion by Councilmember Eggen, seconded by Councilmember McConnell and carried 6-0, the agenda as amended was approved.

7. CONSENT CALENDAR

Upon motion by Councilmember Roberts, seconded by Deputy Mayor Hall and carried 6-0, the following Consent Calendar items were approved:

- (a) Minutes of Workshop Dinner Meeting of July 25, 2011
 Minutes of Business Meeting of July 25, 2011
 Minutes of Special Meeting of August 1, 2011
 Minutes of Study Session of August 1, 2011
 Minutes of Workshop Dinner Meeting of August 8, 2011
 Minutes of Business Meeting of August 8, 2011
 Minutes of Special Meeting of August 15, 2011

- (b) Approval of expenses and payroll as of September 2, 2011 in the amount of \$7,479,614.46 as described in the following detail:

***Payroll and Benefits:**

| Payroll Period | Payment Date | EFT Numbers (EF) | Payroll Checks (PR) | Benefit Checks (AP) | Amount Paid |
|--|--------------|------------------|---------------------|---------------------|-----------------------|
| 7/10/11-7/23/11 | 7/29/2011 | 41020-41239 | 10971-11019 | 47630-47635 | \$558,875.70 |
| 7/24/11-8/6/11 | 8/12/2011 | 41240-41460 | 11020-11065 | 47746-47751 | \$438,925.22 |
| Prior period check voided and reissued | | | 10582/11066 | | \$0.00 |
| 8/7/11-8/20/11 | 8/26/2011 | 41461-41679 | 11067-11106 | 47902-47910 | \$560,336.49 |
| | | | | | <u>\$1,558,137.41</u> |

***Wire Transfers:**

| Expense Register Dated | Wire Transfer Number | Amount Paid |
|------------------------|----------------------|-------------------|
| 8/26/2011 | 1039 | \$2,651.52 |
| | | <u>\$2,651.52</u> |

***Accounts Payable Claims:**

| Expense Register Dated | Check Number (Begin) | Check Number (End) | Amount Paid |
|------------------------|----------------------|--------------------|----------------|
| 8/1/2011 | 47627 | 47628 | \$1,908.07 |
| 8/1/2011 | 47629 | 47629 | \$6,868.73 |
| 8/3/2011 | 47636 | 47646 | \$30,404.61 |
| 8/3/2011 | 47647 | 47677 | \$96,922.71 |
| 8/3/2011 | 47678 | 47697 | \$1,194,385.75 |
| 8/3/2011 | 47698 | 47709 | \$128,818.17 |
| 8/4/2011 | 47710 | 47724 | \$17,137.93 |
| 8/5/2011 | 47725 | 47725 | \$120.98 |
| 8/9/2011 | 47726 | 47726 | \$264.31 |
| 8/10/2011 | 47727 | 47736 | \$63,957.07 |
| 8/16/2011 | 47737 | 47745 | \$5,393.53 |
| 8/17/2011 | 47752 | 47764 | \$406,233.10 |

| | | | |
|-----------|-------|-------|-----------------------|
| 8/17/2011 | 47765 | 47776 | \$879,067.24 |
| 8/17/2011 | 47777 | 47793 | \$17,080.04 |
| 8/17/2011 | 47794 | 47808 | \$17,714.81 |
| 8/17/2011 | 47809 | 47820 | \$96,052.96 |
| 8/18/2011 | 47821 | 47822 | \$42,951.00 |
| 8/23/2011 | 47823 | 47841 | \$187,616.71 |
| 8/23/2011 | 47842 | 47858 | \$12,472.99 |
| 8/24/2011 | 47859 | 47878 | \$843,248.14 |
| 8/24/2011 | 47879 | 47893 | \$47,218.04 |
| 8/24/2011 | 47894 | 47901 | \$318,663.91 |
| 8/31/2011 | 47448 | 47449 | (\$40.00) |
| 9/1/2011 | 47911 | 47917 | \$192,315.50 |
| 9/1/2011 | 47918 | 47927 | \$1,250,220.41 |
| 9/1/2011 | 47928 | 47933 | \$5,226.53 |
| 9/1/2011 | 47934 | 47940 | \$19,773.62 |
| 9/1/2011 | 47941 | 47954 | \$32,917.65 |
| 9/1/2011 | 47953 | 47962 | \$3,911.02 |
| | | | <u>\$5,918,825.53</u> |

(d) Motion to Authorize the City Manager to Enter into an Agreement for the 2011 Emergency Management Performance Grant Funds

(e) Appointment of Kayla Caldwell as a Youth Member to the Parks, Recreation and Cultural Services Board

8. ACTION ITEM: PUBLIC HEARING

(a) Approval of Neighborhood Mini-Grant for the Echo Lake Neighborhood Association and Briarcrest Neighborhood Association

Deputy Mayor Hall moved approval of the Echo Lake Neighborhood Association mini-grant application in the amount of \$4,848 to create a pathway on the N. 188th Street in unimproved right-of-way between Densmore Avenue North and Ashworth Avenue North. Councilmember Roberts seconded the motion, which carried 6-0.

Councilmember McConnell moved to approve the Briarcrest Neighborhood Association mini-grant application in the amount of \$866 for invasive plant removal and planting of native species on the NE 147th unimproved right-of-way. Councilmember Roberts seconded the motion.

Nora Smith, Neighborhoods Coordinator, noted that the purpose of this phase of this project is for the neighbors to get out, do a little work, and discuss the future of this site.

Councilmember Scott wanted to know how the associations engage the neighborhoods before asking the Council for money. Ms. Smith responded that staff uses flyers, email, and the mini-grant itself as opportunities to involve more people.

Councilmember McConnell verified that there was an objection by a resident in the Briarcrest neighborhood concerning the process. Councilmember Roberts suggested scheduling a Council discussion on neighborhood associations in the future.

A vote was taken on the motion to approve the Briarcrest Neighborhood Association mini-grant application in the amount of \$866 for invasive plant removal and planting of native species on the NE 147th unimproved right-of-way, which carried 6-0.

- (b) Public hearing to receive citizens' comments on Ordinance No. 611, which adopted Interim Regulations for Collective Gardens and established a Moratorium for Six Months on the filing or acceptance of any Applications for Development of Land or Business Licenses for Collective Gardens except those in compliance with Interim Regulations and Adoption of Ordinance No. 614, Amending Interim Regulations

Flannary Collins, Assistant City Attorney, provided the staff report and outlined the Council's past action which established a moratorium on Medical Marijuana Dispensaries and created interim regulations on Collective Gardens. She recommended that the Council adopt Ordinance No. 614, which amends interim regulations related to medical marijuana collective gardens to provide a reduction in the distance between collective gardens from 2,000 feet to 1,000 feet. The ordinance also clarifies that members may not be substituted within fifteen days where fees are paid to another member or designated provider. Ms. Collins concluded that the next steps are for the Planning Commission to review the Council's action and recommend permanent regulations.

Mayor McGlashan opened the public hearing.

- a) Kurt Boehl, Seattle, supported the amendment to reduce the distance to 1,000 feet but opposed limitation of patients. He said there are 3,000 patients in Shoreline and this would serve only 60 patients every month, which is not monetarily feasible for any access point.
- b) Laura Healy, Lake Stevens, opposed the 15-day waiting period and said it will just push people to the black market.
- c) Chris Healy, Green Hope Patient Network, said he appreciated working with the City Attorney and thanked the City for everything. He added that collective gardens reduce crime.
- d) Dawn Darrington, Seattle, commented that cannabis is saving his life and that there are many shops that should probably be closed down, but Green Hope is a great place.
- e) Patrick Gahan, Seattle, on behalf of A Green Cure, stated that these limitations would force people elsewhere and would not allow businesses to pay their bills. He stated that they are trying to create safe access and they have built a network of 550 patients and 52% are Shoreline residents.
- f) Steven Lee, Seattle, spoke against the limitations on collective gardens. He stated that he goes to A Green Cure because many marijuana providers in Seattle are unprofessional.

g) Whitney Arnot favored the reduction in distance and opposed the 15-day waiting period, adding that A Green Cure is a clean facility.

h) Kimberly Lind, Mill Creek, stated that A Green Cure is good and has safe access to medical marijuana. She said A Green Cure is a professional facility that has always treated her like a patient.

i) Lauren Harris, Shoreline, commented that naturopaths at Hempfest were writing prescriptions for anyone and young people are having more problems with marijuana addiction. She expressed concerns about how this will affect the community.

j) David Semkin, Seattle, commented that proper zoning makes sense and it needs to be kept away from schools. He stated that A Green Cure is a responsible club and that it makes sense to allow this kind of club.

k) Daniel Torres, Mukilteo, stated that his injuries led him to medical marijuana and it has helped him tremendously. He added that A Green Cure is a proper and law-abiding business.

l) Krista Iverson, Mountlake Terrace, voiced her support for Green Cure and said she does not agree with the limitations.

Councilmember Eggen moved to adopt Ordinance No. 614, amending interim regulations. Deputy Mayor Hall seconded the motion. Councilmember Eggen felt there is a need for interim regulations. He noted that the Planning Commission will discuss permanent regulations and they will protect the public in accordance with the State. Responding to Councilmember Roberts, Ms. Collins said she was not aware of other cities establishing limitations on new members for the collective garden model.

Councilmember Roberts moved to strike "Section E. No substitution of members of a collective garden in less than 15 days is allowed where any fee or charge is paid to a garden or a garden member for the delivery of medical marijuana." Councilmember McConnell seconded the motion.

Councilmember Roberts discussed the opinion of the Municipal Research Services Center (MRSC) and said he is not convinced the City can regulate this at a higher level of state law. Ms. Collins also highlighted that Section 4 under designated providers is not spelled out clearly in state law.

Councilmember McConnell expressed concern about how the City ensures a facility is good since there isn't much information about them. She questioned the City staff rationale for the ten patients, 15-day waiting period because she felt having ten patients would not be economically feasible.

Councilmember Eggen also asked about pushing the growth of marijuana out into the neighborhoods and enforceability of the 15-day wait period. Ms. Collins replied that the police would have to enforce and check the collective garden lists by spot checking. She added that commercial gardens are not allowed in residential neighborhoods. The rationale for the 15-day waiting period is to try to put a stop to dispensaries with no limits on marijuana distribution and model what the State did for designated providers.

Councilmember Eggen inquired if the City has the means to assure providers are safe and clean. Ms. Collins replied that the State law requires that each collective garden must ensure each patient has valid documentation and identity. She concluded that there is no language in the City ordinance concerning the safety of the environment or the providers.

Deputy Mayor Hall noted that this amendment means that collective gardens would be allowed to have an unlimited number of patients, but neither State law nor this ordinance intended such an outcome. He opposed the amendment because collective gardens should not be permitted to operate as dispensaries. Mayor McGlashan concurred and opposed the amendment.

Councilmember Eggen inquired if there would be any penalties if the ordinance is violated and Ms. Collins replied that they would fall under a misdemeanor offense through court.

Councilmember Scott asked if the City would be in violation of state law if section E were stricken. Ms. Collins replied that it would not be in direct violation and it would be consistent with the spirit of the law.

Councilmember McConnell wondered if there were any other examples of other cities that have stricken this section. She said she would rather err on the side of access, comfort, and care. She said she was in favor of striking the language from the ordinance.

A vote was taken on the motion to strike "Section E. No substitution of members of a collective garden in less than 15 days is allowed where any fee or charge is paid to a garden or a garden member for the delivery of medical marijuana." Motion carried 4-2, with Mayor McGlashan and Deputy Mayor Hall dissenting.

Deputy Mayor Hall pointed out that this amendment means that he will vote against the main motion because it would allow the retail sale of marijuana in Shoreline.

Councilmember Roberts supported the amendment and ordinance and encouraged the City staff and Planning Commission to look closely at what the City wants from the permanent regulations. He encouraged the City staff to think about the density between mixed use versus Town Center, etc. He added that he hopes the legislature clarifies this law because the spirit of the law does not encourage a retail marijuana establishment.

Councilmember Scott said there might be some abusers, but there are patients out there that really need help. He encouraged residents to make their voices heard in Olympia because the State legislature put cities in this predicament. He supported the ordinance.

Councilmember Eggen said he is also voting for this ordinance and said there needs to be some state regulation. This is necessary medicine for people, he said. He also stated that there should be a way to figure out how to prevent adverse affects to neighborhoods or facilities.

Councilmember McConnell noted that the map does not really leave room for another dispensary to open up in the community and said she wants the Planning Commission to address this.

Deputy Mayor Hall inquired if a collective garden can purchase wholesale products elsewhere and Ms. Collins confirmed that they would have to produce their own products.

Mayor McGlashan communicated that the State left everyone wondering what to do and the City decided to have some control by doing the moratorium. He noted that the amended ordinance allows for a retail operation to serve an unlimited number of patients. He opposed the ordinance. Mayor McGlashan closed the public hearing.

A vote was taken on the motion to adopt amended Ordinance No. 614, amending interim regulations, which carried 4-2, with Mayor McGlashan and Deputy Mayor Hall dissenting.

RECESS

Mayor McGlashan called for a five-minute break at 8:58 p.m. The meeting reconvened at 9:02 p.m.

9. UNFINISHED BUSINESS

(a) Sound Transit Update - North Corridor Transit Project

Kirk McKinley, Transportation Services Manager, Alicia McIntyre, Senior Transportation Planner, and Matt Sheldon, Sound Transit, provided information regarding the Sound Transit plan to extend high capacity transit north of Northgate. Mr. Sheldon discussed the alignment and mode alternatives, the environmental process, and the need for the City to participate in Sound Transit's process by providing technical and policy direction. He said that after a light rail alignment has been determined in 2014, the City will work with the community on station area planning for the selected station locations and to identify appropriate mitigation. The Council and speakers reviewed photos and discussed both the I-5 and Hwy 99 project alternatives.

Councilmember Roberts questioned how the newly adopted Town Center plan and possible regional growth center plans would affect the analysis. Mr. Sheldon responded that the ridership modeling would need to be consistent with the regional model. Councilmember Roberts confirmed with Mr. Sheldon that the stop spacing is consistent with the other lines.

Deputy Mayor Hall stated he wants to make sure Sound Transit works in Shoreline and wants to ensure the grants come through without any issues. He added that he is looking forward to working with Sound Transit.

Councilmember Eggen commented that the Council is committed to helping Sound Transit engage the community and ensure good public process. Mayor McGlashan confirmed with Mr. Shelden that information concerning stations would have to wait until more feedback is received from the community. Councilmember Roberts added that the City should focus on travel times and the need for the City to have at least two transit stations.

(b) 2012 Strategic Budget Issues

Debbie Tarry, Assistant City Manager, provided an update of the significant issues related to the 2011 budget. She also briefed the Council on the policy issues expected to be considered during the preparation and review of the 2012 budget. Ms. Tarry discussed the City's long-term projections and introduced the City Manager's long-term financial sustainability initiatives. She discussed projected 2011 General Fund Savings, expenditures, Intergovernmental Charges, the Revenue Stabilization Fund, the 2012 Property Tax Levy, 2012 Salary and Benefit Considerations, 2012 Supplemental Budget Requests, and 2012-2017 Long-Term Projections. She discussed 2012 and Long-Term Budget Trend topics of Gambling Tax, Development Revenue, Investment Interest, and Public Employees Retirement System (PERS) Contribution Rates. Ms. Tarry concluded that 2011 will end with some savings and no Revenue Stabilization Funds will need to be used.

Councilmember Roberts confirmed with Ms. Underwood that this item was rescheduled from the meeting last week due to other priorities. Ms. Tarry added that the Council input is needed on this to stay on the current schedule, but the Council could choose to delay the budget presentation.

Councilmember Eggen confirmed with Ms. Tarry that if there were another 5% drop in assessed valuation next year, the City would not be able to raise the levy over \$1.60 and would lose revenue that year. He wondered if the City should be as conservative as possible in future expenditures. He also confirmed with Ms. Tarry that health insurance costs have changed 5% from 2011 to 2012 and the premiums will be increasing 9%. However, based on the way the City does its overall budget, it is less. Councilmember Eggen said it is interesting to compare benefits with other cities, including the proportion of benefits paid for by the city and staff.

Councilmember Roberts noted that residents were told that Proposition 1 was necessary to meet inflation. Now, the City might not be able to raise the property tax rate and wanted to know how assessed valuations might change over the next year. Ms. Tarry replied that she is not sure; however, she noted that economists in Puget Sound have done long-term forecasts and they have projected there would be increases in housing prices. He agreed with Councilmember Eggen that the City should take a conservative approach. Additionally, he suggested that the City levy increase should match the cost of living adjustment (COLA) increase.

MEETING EXTENSION

At 9:55 p.m., Deputy Mayor Hall moved to extend the meeting until 10:15 p.m. Councilmember Eggen seconded the motion, which carried 5-1, with Councilmember Scott dissenting.

Councilmember Roberts felt that the economically sensitive revenues are not that sensitive and suggested that the City reassess the way the Revenue Stabilization Fund is formulated.

Deputy Mayor Hall agreed that the City should try to get the levy increase as close to what the voters approved. He added that Proposition 1 was only a part of it and the City is cutting and trimming. He encouraged attracting investment and making Shoreline an attractive place to live and work. He expressed concern about adding positions, like the animal control position. He said he wants detail for each FTE change to support it.

Councilmember Roberts inquired about the school resource officer, to which Ms. Tarry responded that the position is dependent on the City receiving a three-year grant. She noted that the City would be obligated to pay full cost for the officer in the fourth year. Councilmember Roberts expressed concern about this long-term obligation.

Councilmember Scott suggested decompressing the Council agendas because this is not the best time to discuss such a weighty item. He agreed with Councilmember Roberts and said he does not think the City should go for the 3.15% increase, not to exceed the cap. He inquired if there are other jurisdictions doing COLAs. Ms. Tarry replied she would have the Human Resources Department provide that information to the Council. Councilmember Scott also agreed that the health benefit change is risky.

Councilmember Eggen said he appreciated the opportunity to discuss the assumptions going into the budget. Councilmember McConnell agreed with Councilmember Eggen and said this feels more transparent to the community. She added that COLA is an issue since the country is still in a recession and if they are approved she would like them to fall somewhere in middle of what other cities are doing. She added that the school resource officer is crime prevention for the community.

10. ADJOURNMENT

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

Scott Passey, City Clerk