

CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF BUSINESS MEETING

Monday, February 13, 2012
7:00 p.m.

Council Chamber – Shoreline City Hall
17500 Midvale Avenue North

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

ABSENT: None

1. CALL TO ORDER

At 7:00 pm., 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

Deputy Mayor Eggen reported on the Municipal Waste Advisory Committee meeting, noting that they are still working on the interlocal agreement for extending solid waste services in King County.

Councilmember Roberts reported on the Public Issues Committee meeting and said the next meeting will include a vote on whether the Suburban Cities Association should take a position on marijuana classification.

There was Council consensus to suspend the Council Rules to hear the Local Government Performance Audit Results item under Council Reports.

(a) Local Government Performance Audit Results - Construction Change Order Pricing

Debbie Tarry introduced Chris Cortines, Principal Auditor for Local Government Performance Audits, who reported on the City's recent audit. He highlighted leading practices and change order pricing details. He concluded that the City of Shoreline followed all leading practices, required detailed change orders, and properly paid the labor rate.

Responding to Councilmember Hall, Mr. Cortines noted that the audit concluded that Shoreline follows best practices and there is no need for Council to change policies or take any corrective action. Deputy Mayor Eggen asked what the City staff response is to the findings, and Mr. Cortines noted that there were small amounts the City overpaid on, but overall he felt the City did very well.

5. PUBLIC COMMENT

a) John Dixon, Seattle, recommended the City have an independent tree board for public trees. He said there were trees cut by Public Works in Twin Ponds without public review.

b) Eric Tronsen, Seattle, stated that both Ordinance Nos. 617 and 627 appear unconstitutional and vague and the staff report for Ordinance No. 617 is flawed.

c) Lance Young, Shoreline, stated that the tree board is a good idea and having a guidance or mission statement should be considered. He suggested modifying language in Ordinance No. 627 and said the tree list is very limited.

d) Janet Way, Shoreline, discussed the importance of trees and having an independent tree board, noting that she collected petition signatures from around the world.

e) Bob Allen, Shoreline, stated that Ordinance No. 627 is too restrictive, and the City's attempt to simplify tree regulations will not help the issue.

f) Carol Solle, Shoreline, read from a petition and concluded that the City should preserve views as valuable civic assets.

g) Suzanne Pardee, Shoreline, stated that she values the forest and urged the City to come up with a strong mission statement and have an independent tree board.

h) Judy Allen, Shoreline, stated that the City has 343 lane miles of street trees to maintain, which is too much for one person to manage, and expressed concern about certain tree species and the problems they cause.

i) Steve Johnston, Shoreline, stated that certain trees are not appropriate for urban areas and it is important to analyze the tree list. He added that the City's tree canopy is fine and a 31% canopy is good.

6. APPROVAL OF THE AGENDA

Upon motion my Councilmember McConnell, seconded by Councilmember Salomon and unanimously carried, the revised agenda was approved.

7. CONSENT CALENDAR

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

(a) Minutes of Special Meeting of January 23, 2012

(b) Approval of expenses and payroll as of February 3, 2012 in the amount of \$4,120,935.54 as described in the following detail:

***Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
12/25/11-1/7/12	1/13/2012	43410-43590	11410-11434	49145-49150	\$440,916.74
1/8/12-1/21/12	1/27/2012	43591-43776	11435-11462	49315-49322	\$541,363.11
					<u>\$982,279.85</u>

***Wire Transfers:**

Expense Register Dated	Wire Transfer Number	Amount Paid
1/26/2012	1044	\$3,918.74
		<u>\$3,918.74</u>

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
1/21/2012	49143	49144	\$61,456.21
1/22/2012	49151	49163	\$27,092.51
1/22/2012	49164	49183	\$172,353.07
1/22/2012	49184	49201	\$38,646.99
1/26/2012	49202	49212	\$348,619.80
1/26/2012	49213	49233	\$1,089,222.03
1/26/2012	49234	49236	\$119,387.11
1/26/2012	49237	49243	\$17,483.01
1/26/2012	49244	49261	\$145,839.61
1/26/2012	49262	49266	\$475,921.52
1/30/2012	49267	49267	\$45,556.31
1/30/2012	49268*		
2/2/2012	49269	49275	\$52,620.00
2/2/2012	49276	49288	\$471,882.00
2/2/2012	49289	49294	\$18,694.19
2/2/2012	49295	49307	\$37,216.67

2/2/2012	49308	49314	\$12,745.92
			<u>\$3,134,736.95</u>

(c) **Authorize the City Manager to Execute the 2012 Seattle-King County Department of Public Health Local Hazardous Waste Management Program Grant, Contract EHS2341**

(d) **Authorize the City Manager to Execute the 2012-2013 King County Solid Waste Division Waste Reduction and Recycling Grant Agreement, Contract 592862**

(e) **Authorize the City Manager to Execute the 2012-2013 State Department of Ecology Coordinated Prevention Grant Agreement**

(f) **Adoption of Ordinance No. 628 to Reclassify the Assistant Director, Planning & Community Development to Planning Manager within the City's Classification and Compensation Plan**

(g) **Adoption of Resolution No. 323 Amending the Employee Handbook Policies Regarding Use of Communication Systems and Use of Family Leave and Work Breaks**

8. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS, AND MOTIONS

(a) Adoption of Ordinance No. 617, Designating a Responsible Individual for the Management of City-Owned Public Trees in the City of Shoreline and Establishing a Tree Board

Dick Deal, Parks, Recreation and Cultural Services Director, discussed Tree City USA and highlighted the benefits of the program. He noted that this item has been before the Council in the past. He noted that the adoption of this Ordinance is required in order for the City to be accepted into the Tree City USA program. He added that the PRCS Board would be designated as the Tree Board for the City.

Mr. Norris communicated that regulations concerning street trees and trees in the right-of-way will be considered as a part of Ordinance No. 627. Additionally language was added to have a follow up discussion with the Council in the future on how the Tree Board is functioning.

Councilmember Winstead moved to adoption Ordinance No. 617, designating Parks, Recreation and Cultural Services (PRCS) Director as the City's responsible individual for the management of City-owned public trees in the City of Shoreline and establishing the Parks, Recreation and Cultural Services (PRCS) Board as the City's Tree Board. Councilmember McConnell seconded the motion.

Councilmember Winstead noted that the PRCS Board voted unanimously to take this on and that after one year there will be a review. She felt the next step is to determine a mission and figure out what the board will do. She noted that the reason for this proposal is because the City values trees.

Councilmember Hall noted that trees have been important to the City since its inception and this is an important step forward. He noted that the City does have tree regulations on private property and there

is a limit to the number of trees residents can cut in their backyard. He stated that creating a tree board means creating a framework for the residents to sound off on tree regulations and will allow residents to get involved. He highlighted the separation from street trees and the review period.

Councilmember Roberts asked if there has been a proposed work plan generated for the tree board and Mr. Norris replied that there isn't and that the board should create their own work plan. He noted some tasks such as creating an annual maintenance and care program, revising the street tree list, working on the City tree inventory, creating an educational program, and how to communicate the value of trees to citizens could take several years.

Councilmember Roberts inquired what items may be pushed back from the PRCS Board work plan if they are the tree board for the City. Mr. Deal replied that that is unknown right now. However, he said he would return to the Council with a proposed work plan in six to seven weeks.

Councilmember Winstead highlighted that the PRCS Board meetings are open to the public and public comment is accepted at those meetings.

Councilmember Roberts inquired how much staff time would be needed to staff the tree board. Mr. Deal communicated that it would be minimal, but that would depend if a study group would be needed and how long the meetings are.

Councilmember Salomon also discussed tree board meeting expenditures with Mr. Deal, to include staff hours.

Deputy Mayor Eggen inquired about the claim that the formation of the tree board is unconstitutional and Mr. Sievers replied that he was not aware of the specific concern of the resident.

Mr. Deal noted that since a majority of the Parks Bond goals have been accomplished the PRCS Board has some capacity to tackle the tree board responsibility.

Councilmember McConnell clarified that the motion is with Attachment A. She supported having the tree board responsibility lie with the PRCS Board.

Councilmember Roberts moved to add "Whereas the City is committed to maintaining or increasing the canopy in the City over time" to Ordinance No. 617. Councilmember Salomon seconded the motion.

Councilmember Winstead, Deputy Mayor Eggen, and City Attorney Ian Sievers discussed the proposed amendment. Deputy Mayor Eggen noted that this is a statement of Council intent and he supported the motion. Mayor McGlashan confirmed that the Council discussed it in previous meetings, and Councilmember Hall affirmed that the amendment is consistent with prior Council discussion.

A vote was taken on the motion to insert "Whereas the City is committed to maintaining or increasing the canopy in the City over time," which carried 7-0.

Councilmember Roberts moved to adopt alternate Ordinance No. 617 (Attachment B of the Council packet). Councilmember Salomon seconded the motion. Councilmember Roberts felt an independent tree board should evaluate the tree management in the City as opposed to assigning it to the PRCS Board. Councilmember Salomon spoke in favor of the motion on the table.

Deputy Mayor Eggen opposed the motion on the table and said he could not justify the extra expense to pay for an independent board. Councilmember McConnell also opposed the motion, as did Mayor McGlashan, who said the Council told the voters that there wouldn't be any new programs.

A vote was taken on the motion to adopt alternate Ordinance No. 617 (Attachment B of the Council packet), which failed 2-5, with Councilmembers Roberts and Salomon voting in the affirmative.

Following a brief interchange, **a vote was taken on the main motion to adopt Ordinance No. 617 as amended, which carried 7-0.**

(b) Adoption of Ordinance No. 627, Clarifying the Process for Obtaining a Right-of-Way Use Permit for the Planting, Pruning or Removing of Street Trees

John Norris, Management Analyst, discussed right-of-way street trees. He noted that the City staff recommended adoption of Ordinance No. 627. Mr. Norris responded to various questions about tree removal costs and planting by Deputy Mayor Eggen. He discussed a specific case where a resident cut seven significant conifer trees without a permit and was fined a total of \$14,000 to \$15,000.

Deputy Mayor Eggen moved to adopt Ordinance No. 627 clarifying the process for obtaining a right-of-way use permit for the planting, pruning or removing of street trees. Councilmember Hall seconded the motion.

Deputy Mayor Eggen questioned the difference between a right-of-way tree and planting strip tree. Mr. Norris replied that the Ordinance does not make a distinction, so any tree in the right-of-way regardless of whether the tree is located next to a roadway, amenity zone, or a planting strip, is a City right-of-way tree.

Councilmember Hall pointed out that the City already has rules for removal of street trees and this Ordinance clarifies and codifies the regulations rather than leaving it up to the Director's discretion over time.

Ian Sievers, City Attorney, replied to Councilmember Roberts that pruning and maintenance does not fall under landscaping and there are requirements for pruning. He added that there is more to pruning than just branch size, and the PRCS Director would be the best person to determine when a permit is necessary.

Mayor McGlashan mentioned the issue of agent and adjacent property owner. Mr. Sievers clarified that there is special standing and either the agent or the adjacent property owner can maintain trees under this relationship and it is covered in the ordinance.

Deputy Mayor Eggen moved to add the following language to a new Section 12.30.040(B)(3) “No new permit shall be issued for street end trees for dead end roads unless they are in the planting strip unless they are adjacent to a residence.” The motion died for a lack of a second. Discussion continued and Mr. Sievers assisted Deputy Mayor Eggen with the wording of an amendment. **Deputy Mayor Eggen moved to revise the Section 12.30.040(B)(2) as follows: “No new permit shall be issued for removal of trees on rights-of-way that have not been opened with improved with public improvements, including, but not limited to, streets, sidewalks, or pathways, and underground or overhead utilities.” The motion died for a lack of a second.**

Councilmember Roberts questioned if there are any known street ends that would fit Deputy Mayor Eggen’s conclusion. Ms. Underwood replied that Ms. McIntire inventoried every single unimproved right-of-way in the City and there aren’t a lot that would meet the definition. She added that there are unimproved alleyways in the Ridgecrest area. Deputy Mayor Eggen pointed out that he came across five or six of these when he was doorbelling.

Councilmember Hall stated that when it comes to pruning, some property owners are not aware that certain trees are in the City right-of-way. He felt that some residents probably do routine pruning of right-of-way trees without a permit and he isn’t sure the City should require a permit for all pruning. Councilmember Salomon spoke to Deputy Mayor Eggen’s amendment. Councilmember Winstead agreed with Councilmember Hall’s comments concerning pruning of trees in the right-of-way.

Councilmember Roberts felt that pruning should be removed, but worried about the topping of trees. He agreed with routine maintenance to ensure a tree is healthy. Councilmember Hall questioned if there would be adequate authority for the director to deal with the issue if pruning was taken out of the language. Mr. Deal replied that topping is different from pruning and this is something that can be assessed early on. He felt minor pruning would be acceptable without a permit.

Councilmember Hall moved to strike "pruning or" from Ordinance No. 627.

Councilmember McConnell seconded the motion. Councilmember Hall spoke to the motion and Deputy Mayor Eggen added that this could be handled by putting a limit on pruning and that it could open things up to extreme pruning. Councilmember Roberts supported the amendment, but warned that there needs to be enforceable language. Mayor McGlashan expressed concern about removing "pruning." Councilmember Hall inquired if pruning is covered under current administrative rules. Mr. Norris replied that the administrative rule is focused on removal, not pruning. He added that pruning a tree in Shoreline does currently involve obtaining a right-of-way site permit. Councilmember McConnell suggested adding in language that pruning that results in death of tree should lead to a fine.

Councilmember Roberts read language concerning the cutting and pruning of protected trees that exists in the Shoreline Development Code.

Councilmember Hall requests a five minute recess to allow staff to work with Council to devise an amendment.

RECESS

At 9:20 p.m. Mayor McGlashan called for a five-minute recess. The meeting recovered at 9:29 p.m.

Councilmember Hall withdrew his amendment. Councilmember Roberts moved to amend Section 12.15.060(D) by adding “Permits are not required for the ordinary maintenance of landscaping in the right-of-way, including pruning of trees consistent with SMC 20.50.350(E).” Councilmember Hall seconded the motion, which carried 7-0.

Councilmember Salomon noted that there was some conversation about SEPA even though it is optional. He suggested adding a SEPA review requirement. Mr. Sievers replied that SEPA is not a part of the ordinance, but a part of the procedure a SEPA responsible official takes before an ordinance action. SEPA review has to be complete before an action. Mr. Sievers said the ordinance could be amended with SEPA information at a later date.

Councilmember Salomon moved to insert “The Council directs the City staff to conduct a study of the tree canopy percentage within six months.” Councilmember Roberts seconded the motion. Councilmember Salomon stated that a tree canopy study should be done based on public comments.

Councilmember Hall noted that people remove street trees without a permit and studies show the City is not losing its tree canopy. He did not support the motion because he felt it would be a waste of taxpayer money, adding that nothing in the current code is insufficient.

Deputy Mayor Eggen asked if the analysis would be fairly simple and Mr. Norris replied that there have been 12-13 use permits for removing trees in the canopy in a decade, but a longer time frame would be better to determine this. Deputy Mayor Eggen commented that the results would consist of the number of permits for removal and replacement of trees, and unless there were a lot of permits coming in the results should be easy to do. Mayor McGlashan commented that finding out the number of tree removal and tree replacement permits that the City has processed is different from doing a tree canopy analysis. He did not support the motion.

Councilmember Salomon withdrew the amendment. Councilmember Salomon then moved to direct the City staff to report to the Council the number of permits for removal and number of permits for replacement trees. Mr. Deal noted that the City staff can report on the number of new trees that have been planted with new projects. Councilmember Winstead suggested having the City staff bring the item back to the Council and maybe have a yearly City staff report given to the Council on trees. Councilmember McConnell concurred and felt Council direction to the City staff is adequate. Mr. Sievers noted that informal direction to the City staff

on items such as this has been the norm in the past. **A vote was taken on the motion, which failed 2-5, with Councilmember Roberts and Salomon voting in the affirmative.**

Councilmember Roberts moved to revise Section 12.30.040 (B)(4) by striking the term “significant” and replacing it with “existing” and adding after the comma striking the terms “as defined in SMC 20.20.048” the words “six inches in diameter at breast height or greater.” Councilmember Salomon seconded the motion. Councilmember Roberts spoke in favor of his motion.

Mayor McGlashan inquired if this language is anywhere else in the Shoreline Municipal Code or in the Comprehensive Plan. Mr. Norris explained that the diameter for a significant tree is eight inches in the Development Code and this would reduce the size of the tree that would be required for a permit.

Councilmember Hall said he would rather have the same definition apply citywide, so he is inclined to not support this amendment tonight but supports the idea generally. Councilmember Roberts noted that Councilmember Hall is correct but said it takes a long time for change and would also like to see more code consistency.

Councilmember McConnell said she also wants consistency and inquired if the language should be changed to eight inches. Mr. Sievers responded that the definition of eight inches has been fairly consistent over the years.

A vote was taken on the motion to revise Section 12.30.040 (B)(4) by striking the term “significant” and replacing it with “existing” and adding after the comma striking the terms “as defined in SMC 20.20.048” the words “six inches in diameter at breast height or greater”. Motion passed 4-3, with Mayor McGlashan, Councilmember McConnell and Winstead dissenting.

A vote was taken on the motion to adopt revised Ordinance No. 627 clarifying the process for obtaining a right-of-way use permit for the planting, pruning or removing of street trees, which carried 6-1, with Councilmember Salomon dissenting.

9. ADJOURNMENT

At 9:57 p.m., Mayor McGlashan declared the meeting adjourned.