

CITY OF SHORELINE

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

Monday, May 21, 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 Salomon, and Councilmember Roberts

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 Interim City Clerk, all Councilmembers were present with the exception of Councilmember Winstead.

Upon motion by Councilmember McConnell, seconded by Councilmember Salomon and carried 6-0, Councilmember Winstead was excused.

3. REPORT OF THE CITY MANAGER

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

4. COUNCIL REPORTS

Councilmember Hall reported on the Puget Sound Partnership Ecosystem Coordination Board meeting.

Deputy Mayor Eggen reported on a National League of Cities conference session and on the Green Building Code conference at City Hall.

Mayor McGlashan commented on meetings with Seattle Councilmember Richard Conlin and King County Executive Dow Constantine about Seattle Public Utilities.

5. PUBLIC COMMENT

- a) Lance Young, Shoreline, commented that the committee worked hard on the City's tree ordinance revisions and provided suggestions to the Planning Commission recommendations.
- b) Pat Murray, Shoreline, commented favorably on the Planning Commission's tree recommendations and expressed concern about the City's literature regarding the United Nations.
- c) Janet Way, Shoreline, on behalf of the Shoreline Preservation Society, encouraged the Council to adopt the Planning Commission's tree code amendments because they are extremely reasonable.
- d) Boni Biery, Shoreline, encouraged the Council to adopt the proposed tree code revisions and thanked the Planning Commission for their work.
- e) Chris Southwick, Shoreline, expressed concern about several aspects of the 2011 Urban Tree Canopy Assessment related to species differentiation, hazardous trees, and tracking cut trees.
- f) Tom Jamieson, Shoreline, said he is personally focused on helping the Council accomplish Council Goal #4 over the next couple year and expressed concern about Council meetings, minutes, policies and procedures, and public disclosure.
- g) Bob Allen, Shoreline, said the time spent adopting and enforcing tree regulations is a waste of taxpayer dollars and homeowners should be allowed to landscape their property without City oversight.
- h) Elaine Phelps, Shoreline, commented on the thousands of trees cut in Innis Arden and on the value of preserving tree canopy, adding that she supports the Planning Commission recommendations.
- i) Ruth Williams, Seattle, expressed support for the Planning Commission's tree code revisions, urged the City to do more routine and detailed assessments, and do what it must to preserve trees.
- j) Carrie Mandich, Shoreline, discussed tree code issues related to the Innis Arden covenants, solar panels on her home, and views, adding that she would need to cut trees in order to capture enough solar power.
- k) Carol Hoe, Shoreline, urged the Council to support the Planning Commission recommendation, noting that trees are included in the City logo.
- l) Fran Lilleness, Shoreline, commented that tall trees belong in commercial areas and along the freeway to block homes from traffic, adding that the wrong type of trees were planted in Innis Arden.

m) Don Dudley, Shoreline, stated that the work done on Aurora Avenue by the Blakely Apartments is a hindrance for those getting to the property.

n) Joanne Stewart, Shoreline, noted that emergency vehicles have problems getting to the Blakely Apartments property and the light on 192nd is slow which causes drivers to use 192nd as a shortcut.

o) Melanie Patton, Shoreline, commented on the problems with road improvements at the Blakely Apartments, including the narrow road, parking, and the traffic island that is a waste of taxpayer dollars.

p) David Enruth, Shoreline, Blakely Apartments resident, urged the City to remove the traffic island due to safety issues, noting that there is no left turn access for southbound traffic.

q) David Cleater, Shoreline, urged the Council to make immediate adjustments to the road fronting the Blakely Apartments and cure the problems related to ingress/egress for school buses, emergency/delivery vehicles, and garbage trucks.

r) Angie Blackwell, Shoreline, expressed dissatisfaction with the road configuration at the Blakely Apartments and asked the City to help solve the ingress/egress problem and speed issues along Aurora Avenue.

s) Thomas Bagnall, Shoreline, presented some photos to the Council concerning the traffic conditions at the Blakely Apartments.

t) Shannon Martsoff, Shoreline, urged the Council not to adopt the Planning Commission recommendations and spoke in favor of solar panels/access, pervious surfaces, and views, noting that the regulations would limit property owners.

u) Steve Johnston, Shoreline, provided various statistics to illustrate that the City is not losing tree canopy, adding that the proposed code revisions track trees that have been removed but does not count planted trees.

Julie Underwood, City Manager, noted that the City will continue to work with the residents of the Blakely Apartments, noting that the median was a condition of the project to mitigate neighborhood traffic impacts. She added that the signaling of the light at 192nd should be addressed by the third quarter of this year.

Deputy Mayor Eggen expressed concern about residential traffic and wondered if any traffic flow control could be placed up the street from the Blakely. He encouraged the staff to work directly with the residents to identify the problem areas.

Councilmember Roberts suggested postponing the construction until more information is received by the Council.

6. APPROVAL OF THE AGENDA

Upon motion by Councilmember McConnell, seconded by Councilmember Roberts and unanimously carried, the agenda was approved.

7. ACTION ITEMS

(a) Adoption of Ordinance No. 638 Amending the Application of the Exemption from Utility Tax for Utilities in Good Standing and Amending Section 3.32.030 of the Shoreline Municipal Code

Ian Sievers, City Attorney, provided the staff report and explained the ordinance had to be revised based on the non-renewal of the water district franchise. He noted that an exemption has been included in the language for franchises that are “in effect.”

Councilmember Roberts moved to adopt Ordinance No. 638 Amending the Application of the Exemption from Utility Tax for Utilities in Good Standing and Amending Section 3.32.030 of the Shoreline Municipal Code; waiving second reading per Council Rule 3.5(b). Deputy Mayor Eggen seconded the motion, which carried 7-0 and Ordinance No. 638 was passed.

8. STUDY ITEMS

(a) Discussion of the Planning Commission Recommendations for the Tree Code Amendments

Paul Cohen, Planning Manager, Planning and Community Development, provided a presentation to the Council. Mr. Cohen reviewed the history of the tree code and the five Planning Commission amendments. He identified what the City defines as a significant tree, where this code applies in the City, and the revised permitting recommendations.

Mr. Cohen responded to Councilmember Salomon that a resident with a permit can remove their allowed number of exempt trees, and then apply for a clearing and grading permit to remove any trees that are 30 inches or more if they have retained the right percentage of trees.

Councilmember Salomon confirmed that the cost to secure a maintenance bond is about \$280, which is the approximate cost to replace a tree. Councilmember Salomon confirmed that removal of an eminent hazardous tree in a critical area would not require an arborist opinion.

Councilmember Roberts noted that the City of Issaquah has a 30-inch definition for a significant tree, to which Mr. Cohen replied that 30 inches is the landmark tree standard in the Shoreline Municipal Code.

Councilmember Roberts verified that the Planning Commission recommendations were unanimously passed; it was noted that three Planning Commissioners were absent when the vote was taken.

Councilmember McConnell voiced concerns about the number of trees that can be removed and the intent of having that many. She inquired what paperwork is needed to remove up to six trees and Mr. Cohen replied that exempt trees don't require any permit or notification to remove. However, hazardous trees require the residents to submit a completed hazardous tree evaluation form to be filled out by an arborist on the City's approved list. After the form is turned in, the City makes sure the requirements are met, does a site visit, enters the tree into the system, and provides the applicant with the approved documentation.

Deputy Mayor Eggen clarified that residents can immediately cut a non-exempt, hazardous tree if they haven't already cut their allotment of six trees. He said that it should be clearly expressed in the municipal code. He added that there will be situations where this isn't documented properly by residents. He confirmed with Mr. Cohen that there weren't any provisions for maintaining solar access in the code and that the cost of obtaining a non-exempt tree permit is \$480 which is mostly made up of about three hours of staff time.

Discussion continued concerning the process and inspection of non-exempt trees by the City staff.

Councilmember Salomon expressed concern with this "cut first then notify the City" policy, but agreed that some type of solar access exemption should be included in the code. He expressed concern about the fees for cutting significant trees.

Councilmember McConnell expressed concern about the \$480 fee when the expense would be over \$1,000 to remove the tree anyway. Mr. Cohen noted that the \$480 fee is what the City is currently charging for staff review and that staff can consider revising the fee.

Deputy Mayor Eggen suggested issuing the permit to the applicant for free if it takes more than seven days for the City to inspect the site.

Mayor McGlashan expressed concern about the number of trees per lot size and the number of trees they can cut. He noted the results of the tree canopy study which revealed the City isn't losing its tree canopy.

Councilmember Salomon said the intent of the Planning Commission proposal to have a permit fee for the cutting of significant trees (trees 30 inches or more) is to effectively slow down the number of trees being cut.

Mayor McGlashan wondered why this legislation is being proposed if there has been no change in tree canopy. He said there should be a balance between those residents who want their property rights to cut one tree and those who want to clear cut their properties. He expressed mixed feelings about the proposal.

Deputy Mayor Eggen discussed a past tree cutting incident in the City and felt the provision is reasonable, but suggested that two different ordinances be prepared at the next meeting for Council consideration. Mr. Sievers advised that the ordinance should be left as-is, with amendments being brought forth by the Council.

Councilmember Salomon noted that the Planning Commission has put a considerable amount of thought into their proposal and he is going to take that into account in his decision. He added that he still isn't convinced that the tree canopy study is scientific because it didn't take into account the biological functioning and types of trees.

Councilmember McConnell expressed concern about how much this will affect individual owner property rights. She stated that she doesn't want to impose her will on property rights and discourage a property owner's right to enhance their views and property value.

Deputy Mayor Eggen inquired how many view properties would be affected by this proposal, to which Mr. Cohen replied that the Highlands and one half of Innis Arden are the areas that can potentially remove the most trees.

Ms. Underwood noted that the City staff will look into the clearing and grading permit for a 36-inch tree, the criteria for the Planning and Community Development Director challenging the removal of hazardous trees, and the possibility of having the permit approved if the City staff takes more than seven days to visit the site.

(b) Discussion of Development Code Amendment Regarding Transportation Impact Study

Alicia McIntire, Senior Transportation Planner, reviewed the staff report, which was a Planning Commission recommendation to amend a section of the Development Code regarding when Transportation Impact Studies (TISs) are required in conjunction with private development. She highlighted that transportation impact studies assess the impacts of a proposed development and identify mitigation. She explained that the City's existing standard is when a development results in 20 or more new trips during the p.m. peak period. The revision, she noted, is to require a study if there are 20 or more new trips during the developments peak period of operation. She communicated that this item will return for Council adoption on June 11.

Councilmember Salomon communicated that he isn't sure this is needed and isn't in favor of the item. Deputy Mayor Eggen stated that he felt this discourages housing and development on Aurora Avenue and wondered why this is being proposed. He inquired if there has been any public comment on this item. Ms. McIntire replied regarding notification procedures and public comment. She added that this would codify existing procedures and does not discourage development. Councilmember Salomon confirmed that there is language in the code that allows the City's traffic engineer to request a TIS from a developer. Ms. McIntire noted that this will not affect residential development.

(c) Discussion of State Legislative Session Recap and Planning for the 2013 Session

Scott McColl, Intergovernmental Relations Manager, discussed the state budget cuts. He highlighted that the City's 2012 revenues will be reduced by \$72,000 and an additional \$47,000 in 2013. He added that the State cut local government excise taxes and specifically discussed the loss of liquor revenues. He explained that the cities need to band together and utilize the Association of Washington Cities (AWC) to make the loss of revenues one of their priorities. He recommended three core principles for the Council to discuss with other elected officials in the future:

- 1) Increase the local revenue options for local governments possibly through an increase of the property tax cap;
- 2) Provide for the consideration of utilities within cities as the most proficient provider of urban services; and
- 3) Create viable, dedicated funding opportunities for transportation purposes, such as the transportation benefit district fee or the motor vehicle excise tax.

Councilmember Hall pointed out that the statewide cap on property tax revenues for cities is 1% and the escalating costs for municipal government are at 3% per year, with the forecast at 4%. He said this must be addressed by the legislature because it is a statewide problem. He expressed support for AWC working with the cities and the legislature to fix the fundamental problem of financing services.

Councilmember Roberts noted that the City has a duty to lead this issue and services cannot be maintained if the cost of services exceeds revenues. He noted that cities will always be struggling with a 1% cap on property tax revenues. He agreed with the City being a leader on this issue and isn't sure AWC will back the City with the current language. He suggested revising the language.

Mayor McGlashan added that he agreed with going forward with this and discussing it with other legislators and jurisdictions.

Deputy Mayor Eggen commented that when AWC doesn't support issues, they seem to fail in the legislature. He said it would be worthwhile to have some background discussions with AWC and our legislators.

Councilmember Roberts verified with Mr. McColl that the Council legislative priorities are broad policy statements that communicate the direction the City, State, and region should be going. Mr. McColl felt the City should move this forward and introduce this to the AWC as much as possible until the legislature hears the message.

Ms. Underwood noted that the City can introduce this to AWC, listen to the feedback, and adopt the formal legislative priorities in the fall. Councilmember Roberts suggested that the Council support Councilmember Hall's language.

Deputy Mayor Eggen clarified the language with Councilmember Hall. Councilmember Hall noted that his language was to have the legislature restore the revenue streams that local governments need to continue providing services to its communities. He added that cuts to universities is one of the key

things limiting the growth of major employers. He said someone needs to stand up and inform legislature that they can't keep cutting funds to the cities. Additionally, he noted that health services have been cut by legislature.

Mayor McGlashan felt the message also needs to be communicated at the AWC Conference in Vancouver and it should also be on the AWC's legislative agenda.

Councilmember Roberts clarified with the City staff that Mr. McColl will prepare talking points for the Council for the AWC Conference.

9. ADJOURNMENT

At 10:00 p.m., Mayor McGlashan declared the meeting adjourned.

Jessica Simulcik-Smith, Clerk Pro Tem