

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF BUSINESS MEETING

Monday, January 27, 2014
7:00 p.m.

Council Chambers – Shoreline City Hall
17500 Midvale Avenue North

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

ABSENT: Councilmember Hall

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Mayor Winstead.

2. FLAG SALUTE/ROLL CALL

Mayor Winstead led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present with the exception of Councilmember Hall.

Councilmember McConnell moved to excuse Councilmember Hall from the meeting for personal reasons. Deputy Mayor Eggen seconded the motion, which was approved 6-0.

3. REPORT OF THE CITY MANAGER

Debbie Tarry, City Manager, provided reports and updates on various City meetings, project and events.

4. COUNCIL REPORTS

Mayor Winstead thanked the Shoreline Police Department, particularly its Special Emphasis Team, for providing a presentation regarding the possible implementation of the “Stay Out of Drug Areas” (SODA) laws. The item will come back before the Council at a future dinner meeting.

Mayor Winstead announced that a number of Councilmembers attended an orientation meeting sponsored by the Sound Cities Association for newly appointed members of various committees. She also reported on her attendance at a breakfast meeting for elected women sponsored by the Sound Cities Association, a Board of Health Meeting, a Kruckeberg Botanical Garden Annual Membership Meeting, an Echo Lake Neighborhood Association Meeting, an Urban Forest Strategic Plan Open House, and a Parks Board Meeting.

Mayor Winstead introduced Vadim Dolgov, a candidate for the position of youth member on the Parks, Recreation, and Cultural Services Board. As Mr. Dolgov is the only candidate for the position, the

Consent Calendar includes a request to waive the Rules of Procedure Section 2.4, which outlines the interview and appointment process. Mr. Dolgov said he is excited and happy to participate on the PRCS Board.

Mayor Winstead announced that Deputy Mayor Eggen and Councilmembers McConnell and McGlashan have been appointed to serve on the SeaShore Transportation Forum. Councilmember Roberts will serve on the Sound Cities Association's Public Issues Committee, with Deputy Mayor Eggen as alternate. Councilmember Salomon will serve on the WIRA 8 Committee, with Deputy Mayor Eggen as the Alternate. In addition, Deputy Mayor Eggen, and Councilmembers Hall and Roberts will serve on the Planning Commission Interview Panel.

5. PUBLIC COMMENT

Malynnda Read, Shoreline, spoke in favor of the Chronic Nuisance Ordinance. She recalled a problem property in her neighborhood (North City) where a violent murder took place last May. She commented that she had lived in a very violent, negative environment for three years leading up to the incident. Although she and her neighbors called upon both the City and the Police Department for help, their hands were tied. She expressed her belief that the proposed Ordinance would provide a strong tool to address situations of this type in the future.

Karen Gilbertson, Shoreline, pointed out some of the projects the City has spent money on and asked who decides which projects will be funded. The City has allocated \$50,000 for an efficiency study of its proposal to assume RWD, and she encouraged Councilmembers to allow the citizens to vote on the matter before the money is spent.

Tom Jamieson, Shoreline, recalled that the City Manager's January 20th report in the Shoreline Area News stated that current legislation (SB6008 and HB2413) would prohibit a City or town from assuming the jurisdiction of all or part of a water/sewer district unless voters of the entire district approve a ballot proposition authorizing the assumption under general election law. He commented that if the Council regards the legislation as an impediment, they clearly do not represent the voters. He asked that the Council allow the citizens to vote on the RWD assumption.

Ms. Tarry clarified that the Council has not taken a position on whether or not there would be a vote on the RWD assumption. She reiterated that the 2002 agreement between the City and RWD provides for assumption in 2017, and the City believes the proposed legislation would result in an additional step and make assumption more challenging. She cautioned that requiring a public vote before there is an opportunity to evaluate the benefits of the assumption would be premature.

6. APPROVAL OF THE AGENDA

Upon motion by Councilmember McGlashan, seconded by Councilmember McConnell and carried 6-0, the agenda was approved.

7. CONSENT CALENDAR

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

(a) Approval of expenses and payroll as of January 10, 2014 in the amount of \$2,419,520.67

***Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
12/08/13-12/21/13	12/27/2013	53659-53855	12946-12966	55613-55620	\$550,701.15
					<u>\$550,701.15</u>

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
1/2/2014	55576	55584	\$14,577.20
1/2/2014	55585	55599	\$20,978.57
1/2/2014	55600	55611	\$1,940.01
1/2/2014	55612	55612	\$248.00
1/9/2014	55621	55643	\$115,753.26
1/9/2014	55644	55666	\$175,452.88
1/9/2014	55519	55519	(\$273.00)
1/9/2014	55667	55667	\$273.00
1/10/2014	55668	55674	\$20,082.30
1/10/2014	55675	55701	\$996,835.29
1/10/2014	55702	55709	\$673.63
1/10/2014	55710	55710	\$3,491.33
1/10/2014	55711	55711	\$8,420.50
1/10/2014	55712	55730	\$510,366.55
			<u>\$1,868,819.52</u>

(b) Waive Council Rules of Procedure Section 2.4 and appoint Vadim Dolgov as a youth member of the Shoreline Parks, Recreation and Cultural Services Board effective January 27, 2014 through June, 2015

8. STUDY ITEMS

(a) Discussion King County Solid Waste Transfer Plan Update

Ms. Tarry provided introductory comments, and Scott MacColl, Intergovernmental Relations Program Manager provided the Staff Report. He summarized that the Mayor of Redmond has asked the Council to allow Mayor Winstead to sign a letter that encourages the Solid Waste Division of King County to eliminate a future transfer station in the northeast area from the proposed King County Solid Waste

Transfer Plan Update. He reviewed the process and timeline for the plan update, noting that the comment period ends on February 3.

Mr. MacColl advised that the Solid Waste Division has presented three options in order to eliminate the proposed new northeast station. Option 1 would redirect commercial traffic to Renton and Shoreline; Option 2 would limit self-haul services at Factoria; and Option 3 would supersize the current Factoria Station rebuild. Because of concerns raised by the City of Bellevue, Option 3 was subsequently eliminated, and the Solid Waste Division is recommending the County proceed with rebuilding the Factoria Station at its current level, with slight modifications. They also want to continue the conversation on Options 1 and 2 and keep a future northeast station on the table.

Mr. MacColl noted that there is a fair amount of capacity at both the Renton and Shoreline Stations, but cities in the northeast area would have to pay more to transport the waste further. Option 1 would result in more traffic on 175th Street and Meridian Avenue, but details of the impacts would not be known until an Environmental Impact Statement (EIS) has been completed. It was asked if the increased commercial traffic would come off of Meridian Avenue or Interstate 5, and Mr. MacColl answered that county trucks use the freeway off ramps to haul the waste after it has been compacted. The commercial trucks would use the actual roadways.

Mr. MacColl summarized that there is sufficient capacity in the current system, and traffic and tonnage is actually expected to decrease after 2024. In addition, the Council previously indicated a desire to keep future rate increases as low as possible, and eliminating the new northeast station would result in a capital savings of about \$100 million. This should equate to lower rates through 2040. He recommended the Council authorize Mayor Winstead to sign the letter to indicate support for Redmond's request to eliminate the northeast station from the plan.

Deputy Mayor Eggen recalled that when the Council previously reviewed the proposed King County Solid Waste Transfer Plan update, there was little information about its impacts to Shoreline. As Chair of the Municipal Solid Waste Advisory Committee, he felt it would be appropriate for the Council to reconsider the plan based on the information available to date. He said he views the proposed change as tolerable. There are not a large number of garbage trucks on the roads now, and doubling the number would probably not result in a significant impact. On the other hand, it would save money in terms of rates.

It was pointed out that in addition to more traffic, the City should also consider the pollutants the trucks would emit as they travel greater distances. Questions were raised about how supporting the letter would be in the City's best interest. In addition to eliminating the northeast station, the letter also emphasizes a smaller Factoria station. These two changes, combined, would push more traffic into Shoreline. Mr. MacColl explained that Bellevue is willing to retain a station within its boundaries even though they will be leaving the system after 2028. However, they do not support expansion of the station. The letter attempts to address both issues.

While recognizing the need to be a good neighbor, questions were raised about whether there was anything the City could ask for in exchange for its support. Mr. MacColl advised that, from a policy perspective, the City's residents would get a cost savings on future rates if the northeast station is not

built. In addition, the new facility would not be necessary from a capacity standpoint. He reminded the Council that the Mayor of Redmond was very supportive and helpful on the City's request for a light rail station at 145th Street.

It was asked if reaching capacity at the Shoreline Station is so far out in the future that it should not be a factor in the Council's decision to support the letter. Mr. MacColl pointed out that actual tonnage has only been half of what was projected in 2006. This suggests that perhaps the County needs to look at whether the system needs to be quite so large.

The Council acknowledged that people recycle and compost much more than anticipated 20 years ago, and much less garbage is generated. In addition, future technology, including "waste to energy" will provide alternatives to landfills. Because there is sufficient capacity at the existing stations, including Shoreline, and for the other reasons stated earlier, there was Council consensus for Mayor Winstead to sign the letter as presented.

9. STUDY ITEM

a) Discussion of Chronic Nuisance Ordinance

Ms. Tarry provided introductory comments, and Rachael Markle, Planning and Community Development Director, and Shawn Ledford, Chief of Police presented the Staff Report.

Ms. Markle referred to Council Goal 5, which calls for promoting and enhancing the City's safe community and neighborhood programs and initiatives. An action step for this goal was for the Police Department and Code Enforcement Team to work together to address common problems. The concept of "chronic nuisance" came up as the group discussed options for dealing with repeated problems with residential properties in the Meridian Park, Richland Highlands and Ridgecrest Neighborhoods. She provided pictures and described the problems that were pervasive on the properties, as well as actions taken by the Police Department and Code Enforcement Team to remedy the violations.

Ms. Markle explained that several jurisdictions use chronic nuisance ordinances as tools to effectively eliminate repeat violations at chronic nuisance properties in a timely manner. On July 1, 2013, staff presented the draft Chronic Nuisance Ordinance (No. 675) to the Council for review and comment. Since that time, the Ordinance was updated based on feedback from the Council, Planning Commission and the American Civil Liberties Union (ACLU). She reviewed the various elements of the draft Ordinance, which are described in detail in the written Staff Report. She invited Councilmembers to provide additional feedback so the Ordinance can be prepared for final adoption on February 24.

It was asked if the Ordinance establishes a time period for voluntary compliance plans. Ms. Markle said the Ordinance would require a property owner to submit a plan within a certain amount of time, but the time period for implementation of the compliance plan would vary depending on what the solution is. It was asked if the Ordinance would prevent a property owner from returning to the same activity that caused the problem in the first place. Ms. Markle agreed that is a possibility. She explained that in a lot of situations, the City deals directly with tenants, and landlords may or may not know about the problems. The Chronic Nuisance Ordinance will give the City the opportunity to involve property

owners in the process. However, the Ordinance may not work for owner-occupied properties, and the City may be required to take these issues to court.

When asked about the costs associated with implementing and enforcing the Ordinance, it was explained that, in the long run, the Ordinance could save the City money by handling situations on the front end and getting rid of nuisances in a timely manner.

A question was asked about whether or not the City has an enforceable noise ordinance. Chief Ledford explained that the City has an ordinance, but it can be difficult to enforce and the thresholds are high. Typically, they gain voluntary compliance by simply working with property owners. It was noted that SMC 9.25.020(E)(1)(k) of the proposed Ordinance specifically refers to the City's Noise Ordinance.

Questions were raised about how the City could enforce the Ordinance without a higher burden of proof than just probable cause. Chief Ledford explained that the Police Department's threshold for establishing probable cause is quite high, and it takes a lot of work and justification of the reasons to obtain a search warrant to go onto a property and/or into a home. He reminded the Council that the City's first approach would be to gain compliance from the property owner, and most are going to cooperate with the City. The Ordinance provides a tool to address the few situations where property owners and tenants are not willing to cooperate. Assistant City Attorney Ainsworth-Taylor explained that she spoke to numerous jurisdictions that have similar, if not more restrictive, chronic nuisance ordinances in place, and none have been challenged. She also noted that the Ordinance would establish an appeal process.

There was some discussion about how the proposed Ordinance would address situations that involve people with disabilities who, for reasons beyond their control, are unable to bring their property into compliance with the health code and they are deemed to be chronic nuisances. Ms. Markle explained that a person incapable of cleaning up his/her property would not immediately be subject to the Chronic Nuisance Ordinance. Instead, the City would continue its current policy of issuing a warrant of abatement, cleaning up the site, and then working with the person to pay back the money. However, if a person recreates the issue despite being provided the opportunity for help, the City would then consider the situation a chronic nuisance and action would be taken. She emphasized that the City would continue to do everything possible to link these individuals to services.

It was discussed that the way the Ordinance is currently written, it would apply to entire properties and not just the individual businesses or units that are located on the property. Some Councilmembers expressed concern that, although they anticipate that commonsense would prevail, they were worried about labeling an entire business or apartment complex as a nuisance property because of problems at one or a few units. This would be particularly true if a property owner is willing to work with the City to resolve the problems.

Mayor Winstead summarized that most Councilmembers appear to be in support of the proposed Ordinance, as written or with some minor adjustments. She commented that staff has been thorough in their jurisdictional coverage, and the Assistant City Attorney has provided feedback in support of the Ordinance as drafted. She suggested that Councilmembers who still have concerns should forward their comments to staff via email, and the remainder of the Council can share in the response.

Ms. Tarry summarized that staff would follow up with Councilmembers Roberts and Salomon to discuss their concerns further. Staff would also provide additional feedback regarding whether or not the term “property” should be further defined, particularly as it relates to properties with multiple units. In addition, staff would follow up on concerns about whether or not the Ordinance is on solid legal ground. She requested feedback from the Council about whether the Ordinance should come back for approval as a Consent Calendar item, or if it should be scheduled as a separate item on a future agenda. The Council agreed that the Ordinance should come back before them as a separate item for either continued discussion or possible action.

10. ADJOURNMENT

The meeting was adjourned at 8:55 p.m.

Jessica Simulcik, City Clerk