

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF BUSINESS MEETING

Monday, June 2, 2014
7:00 p.m.

Council Chambers - Shoreline City Hall
17500 Midvale Avenue North

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

ABSENT: None

1. CALL TO ORDER

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

2. FLAG SALUTE/ROLL CALL

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

3. REPORT OF THE CITY MANAGER

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

4. COUNCIL REPORTS

Councilmember Salomon reported he attended the Regional Law, Safety and Justice Committee meeting. He commented on “case weighing” public defense guidelines and recommended an analysis of the City’s caseloads. He reported attending the Ridgecrest Neighborhood Association Million Step Challenge Celebration.

Councilmember Hall reported he attended the Puget Sound Partnership Ecosystem Coordination Board meeting and commented that a panel of scientists identified conversion of land as the number one stressor on Puget Sound’s ecosystem. He reported attending the Puget Sound Regional Council General Assembly and Awards Meeting and commented on the award received by the City of Mountlake Terrace for Arbor Village, a mixed-use redevelopment in an Urban Setting.

Deputy Mayor Eggen asked Councilmember Hall to provide Council with the scientific references from the Puget Sound Ecosystem Coordination Board meeting.

5. PUBLIC COMMENT

Guy Alloway, Richmond Beach, read a statement on behalf of Tom McCormick that he also supports. The statement requested that the Point Well Traffic analysis, related documents, and files be made available to the public for review. He also requested a Council vote to have City staff release the traffic analysis.

Dan Dale, Shoreline, commented on the upcoming Light Rail DEIS meeting, and asked that Council revisit the BAE Market Study. He commented on residential growth, development opportunity options and advised Council to take a historical perspective when considering an aggressive growth plan.

Lisa Gustaveson, Program Manager for the Faith and Family Homelessness Project at Seattle University, commented on educating communities about family homelessness in Washington State. She provided information on the Project, sponsored by the Bill and Melinda Gates Foundation, in partnership with Ronald United Methodist Church and the City of Shoreline. The exhibit is currently on display in the City Hall Lobby.

Tom Mailhot, Save Richmond Beach, talked about the Traffic Corridor Study agreement with BSRE and encouraged Council to ensure that a comprehensive study is completed. He commented on the potential effects of the Point Wells Project, and questioned why the City has not fought to limit the size of the project.

Al Rutledge, Edmonds, commented on the Costco site opening at Alderwood Mall and increased vehicle trips. He commented on the minimum wage increase and the potential for traffic increases resulting from an increase in development.

Debbie Tarry, City Manager stated the City is currently reviewing the BSRE traffic analysis and looking at ways to make the information available to the public in a usable format. She explained that if the development goes forward as proposed, future residents will likely use Shoreline services and should pay for the services they are using. She commented on the annexation of Point Wells in the future. She encouraged everyone to go see the "Housing for All" photo exhibit on display in the City Hall lobby.

6. APPROVAL OF THE AGENDA

The agenda was adopted by unanimous consent.

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 April 28, 2014; Minutes of Business Meeting of May 5, 2014; Minutes of Special Meeting of May 12, 2014; Minutes of Business Meeting of May 12, 2014; Minutes of Business Meeting of May 19, 2014

8. ACTION ITEMS

(a) Adoption of Ordinance No. 688 - Stay Out of Drug Area

Ms. Tarry introduced Shawn Ledford, Shoreline Police Chief, and Julie Ainsworth-Taylor, Assistant City Attorney, to present the staff report. Chief Ledford provided background on the development of the Ordinance, reviewed past Council discussions, identified drug related calls for service, and presented a map of the proposed SODA area. Ms. Ainsworth-Taylor talked about the constitutionality of the Ordinance.

Councilmember Salomon asked about constitutionality and the challenges of banning someone from an entire area. Ms. Ainsworth-Taylor responded she was not aware of any challenges, and commented on the data and statistics received from other jurisdictions and the University of Washington. She reviewed proposed amendment #1 and proposed amendment #2. Chief Ledford stated the ordinance will provide officers more discretion in arrest decisions.

Councilmember Hall moved adoption of Ordinance No. 688 establishing designated SODA areas. Councilmember McGlashan seconded the motion.

Councilmember Hall stated his appreciation for the work Police are doing to keep the City safe. He views the Ordinance as a tool to make certain that the Aurora Corridor is an active and family friendly part of the city and communicated that it is not a place for drug dealing.

Councilmember Salomon moved to amend Ordinance No. 688 to read under Penalties:

- 1. Pre-Trial SODA Order: Any person who knowingly disobeys a SODA order entered as a condition of pre-trial release shall be found in contempt of court.**
- 2. Post-Sentencing SODA Order: Any person who knowingly disobeys a SODA order entered as a condition of sentencing shall be guilty of a gross misdemeanor.**

The motion was seconded by Councilmember Roberts.

Councilmember Salomon commented on the issue of civil liberties, and the presumption of innocence until proven guilty. He is concerned about charging someone with a crime who has not yet been proven guilty of the underlying charge. Councilmember Roberts asked about the maximum penalty for a gross misdemeanor. Deputy Mayor Eggen asked for clarification of the process with or without the amendment, and asked if arrests can occur with the amendment. Councilmember McGlashan asked if a SODA Order would only be placed on people who had drugs found on them, and asked questions regarding contempt of court penalties and jail time. He stated he is not in support of the amendment and wants a deterrent for offenders to stay out of Shoreline. Chief Ledford explained that penalties can be a maximum of one year in jail, but are typically one to two days in jail. Ms. Ainsworth-Taylor offered examples of remedies to violations of the SODA Order provided by the prosecuting attorney. Chief Ledford explained the review process that will be completed by detectives to refer cases for a SODA Order and stated that the SODA Order provides officers a clear direction in the field. He commented that contempt of court could be unclear based on what is entered into the system regarding violation

of the Order. Chief Ledford stated that most arrests for drugs are felonies and commented on the challenge of getting the offender back in front of the judge in a timely manner. Councilmember Hall commented that he appreciates civil liberties, but he is inclined not to support the amendment based on the fact that this is how the Ordinance is done routinely in other jurisdictions.

Deputy Mayor Eggen asked for clarification of the contempt of court case process. Ian Sievers, City Attorney, explained that a felony charge would be tried in Superior Court, and a misdemeanor would be tried by the city prosecutor in District Court. A contempt of court would have to go back to the judge that imposed the contempt of court order. Deputy Mayor Eggen stated his support for the amendment and believes people should be treated innocent until proven guilty. Councilmember McConnell stated she will not be supporting the amendment. She stated she does not feel the contempt of court penalty is strong enough, and accepts the advice of the practicing attorneys, and looks forward to seeing the same results with SODA Ordinance as experienced with the SOAP Ordinance. Mayor Winstead stated she will not support the amendment and that the Ordinance aligns with the SOAP Ordinance, which has been effective, as well as with the RCW. Councilmember Salomon commented on the distinction between probable cause and standards for convictions. He commented on the large number of incarcerations in the United States and stated that because there is precedent that it does not make it right.

The proposed amendment, 1. Pre-Trial SODA Order: Any person who knowingly disobeys a SODA order entered as a condition of pre-trial release shall be found in contempt of court. 2. Post-Sentencing SODA Order: Any person who knowingly disobeys a SODA order entered as a condition of sentencing shall be guilty of a gross misdemeanor, failed 3-4 with Councilmembers Roberts, Salomon, and Eggen voting yes; and Councilmembers McGlashan, Hall, Winstead and McConnell voting no.

Councilmember Salomon moved to amend Ordinance No. 688 under SMC 9.10.285 to read: A person is deemed to have notice of the SODA order when:

- 1. The signature of the person prohibited in the order is affixed to the bottom of the order, acknowledging receipt of the order; or**
- 2. The order otherwise indicated that the person appeared before the court at the time the order was entered.**

Councilmember Hall seconded the motion.

Councilmember Salomon commented on the difficulty some attorneys have in reaching people charged with SODA since they are often indigent or homeless.

The motion passed unanimously.

Councilmember Salomon stated the main motion as amended is a good Ordinance for the most part, but he perceives a conflict with civil liberties and will be voting against the Ordinance. Deputy Mayor Eggen expressed his support for the main motion as amended and stated it will

provide more crime prevention options and safety for the Aurora residents and business owners. Councilmember Roberts commented on drug related activities, asked about parameters for seeking a SODA Order, and about the enforcement process for violation of a SODA Order.

Chief Ledford responded on the difficulty of observing hand-to-hand drug transactions and identified drug related activities that can lead to arrest. Ms. Ainsworth-Taylor responded there are no limitations on seeking a SODA Order and stated it is the prosecuting attorney's discretion to ask for it and the judge's discretion to grant it. She explained the SODA Order violation is a separate criminal offence from the underlying arrest or prior conviction. Councilmember Roberts stated that he will oppose the Ordinance because it sends a message that we are setting up a no trespassing ordinance in the City, commented on its potentially negative impact on people reentering society, and spoke on the list of exemptions. He stated he does not agree with the language where a judge "may" allow an individual to travel along the Aurora corridor. Councilmember McGlashan stated his support for the ordinance and commented that law abiding citizens also deserve civil liberties and need to feel safe in their communities. He stated that it is not a targeted Ordinance, and believes that it is an important tool for police officers to have.

The main motion to adopt Ordinance No. 688 establishing designated SODA areas and establishing regulations for the enforcement of these areas as amended, passed 5-2, with Councilmembers Salomon and Roberts voting no.

(b) Adoption of Ordinance No. 691 - Amending the 2014 Budget by Increasing the Appropriation in the Limited Tax General Obligation Bond Fund 2013

Bob Hartwig, Administrative Services Director, presented the staff report and reviewed the need to budget in one additional fund (Debt Services fund) and to approve an Interfund Loan before December 31, 2014 from the General Fund to the Surface Water Fund.

Councilmember McConnell moved adoption of Ordinance No. 691 - Amending the 2014 Budget by Increasing the Appropriation in the Limited Tax General Obligation Bond Fund 2013. The motion was seconded by Councilmember McGlashan. Deputy Mayor Eggen stepped away from the dais. The motion passed 6-0.

9. STUDY ITEMS

(a) Continued Discussion of Concurrency and Impact Fees

Alicia McIntire, Senior Transportation Planner, was joined by Julie Ainsworth-Taylor, Assistant City Attorney, and Randy Young, Henderson, Young and Associates to present the staff report. She provided background regarding direction from Council to update the City's concurrency methodology and adopt impact fees, and reviewed where Council is in the process. She reviewed questions from the May 12, 2014 City Council Meeting discussion, debriefed Council on the meeting with the Master Builders Association, and talked about exemptions for economic development.

Councilmembers stated support for impact fees, and expressed the need to keep the implementation process simple. They stated that the impact fees are fair in that the cost of new infrastructure should be paid for by new growth. Councilmembers asked for clarification regarding the funding cap, expressed concerned about carving out exemptions, and preferred that property tax exemptions address affordable housing needs. Questions were asked about deferring impact fees for single family homes and providing consideration to small restaurants and small businesses. Ms. McIntire provided an example of how the funding cap would work. Ms. Tarry responded that there is still some thought that exemptions may be appropriate for new affordable housing projects. Mr. Young explained the distinction of deferral between single family and multifamily developments. He stated that a small restaurateur is not likely to build a big restaurant and incur impact fees, but rather they are likely to find an existing building. He commented on the relationship between the mitigation for development and growth with impact fees, and stated that exemptions will require additional funding strategies. A discussion ensued on deferrals, exemptions, and the Master Builders Association's request for deferrals. Mr. Young explained the recovery cost process and stated all costs are assumed by the buyer in the sale price.

Ms. Tarry stated staff will bring back an ordinance that does not include deferrals or exemptions per Council's direction.

At 8:58 p.m. Mayor Winstead called for a recess, and the meeting reconvened at 9:04 p.m.

(b) Discussion and Update - Sound Transit

Alicia McIntire, Senior Transportation Planner commented that this report provides an update on the Lynnwood Link Extension and introduced Nytasha Sowers of Sound Transit. Ms. Sowers presented the Sound Transit Newsletter, discussed the schedule and timeline, and talked about the first segment of the preferred alternative regarding station locations at 145th, 185th, Mountlake Terrace, Lynnwood, and 130th Street. She reviewed the plan and provided a simulation demonstration of the 145th and 185th Streets station locations. Councilmembers commented on traffic issues at the 145th and the I-5 interchange, on transit access roads, pedestrian walkways, and asked if elevation at 145th is high enough to accommodate different interchange options. Councilmembers also asked about the bridge costs, the possibility of federal highway funding, and about the initial rating for grant applications resulting from land use changes.

Councilmembers requested that City staff work with Washington State Department of Transportation (WSDOT) on conceptual design options of the interchange at 145th and I-5. Ms. Sowers provided examples of traffic mitigation options including the use of signal lights, and commented that the existing transit access roads will not be active, and discussed potential uses of those roads. Ms. McIntire stated that 145th and I-5 interchange will be included in the Route Development Plan (RDP) in partnership with WSDOT and Sound Transit. Ms. Sowers commented that the bike pedestrian bridge could cost \$2 million depending on placement, stated the Northgate Bridge will cost approximately \$10 million, and reminded Council that the bridge is not a mitigation requirement. She reviewed costs and funding, and commented that the RDP gives them the ability to be stronger when requesting funding. She stated that Shoreline land use

changes have been communicated to the Federal Transit Administration. She reviewed next steps for remainder of 2014, and early 2015.

10. ADJOURNMENT

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

Jessica Simulcik Smith, City Clerk

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