

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF BUSINESS MEETING

Monday, October 26, 2015
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 CITY MANAGER

John Norris, Assistant City Manager, provided reports and updates on various City meetings, projects and events.

4. COUNCIL REPORTS

Deputy Mayor Eggen reported attending the Sound Cities Association Board of Directors Meeting. He learned that a Transportation Benefit District cannot use "Good to Go" as a tolling mechanism. He also reported that United Way is reducing funding to senior services by \$1.8 million. He said the reduction negatively impacts services provided to seniors throughout King County, and that the SCA Board is considering writing a letter of concern about this matter. He announced an increase in SCA dues for next year. He also reported attending the Vision House Fundraiser. He said they are starting to build 10 more residential units for homeless mothers and children. He acknowledged Dunn Lumber for their in-kind donation of \$25,000 worth of building supplies.

5. PUBLIC COMMENT

Cathy Childs, Director of the North City Cooperative Preschool, said Shoreline families are in jeopardy of losing their early intervention and educational programs. She provided background information on the North City Cooperative Preschool. She shared that the Shoreline School District is planning on recapturing their building in June 2016 in order to meet the demands of

the City's growing K-12 population. She said their lease terminates the day before spring classes end and spoke about the ramifications on student recruitment and enrollment, and finding an alternative location. She asked Council to help them find a solution to keep the School going. She provided Council a business card, a copy of her presentation, and Shoreline Cooperative brochures.

Janet Way, Shoreline Preservation Society, read an excerpt from the Critical Areas Ordinance Development Code Regulations, 20.80.276(D)(4)(b)(v), and said in the case of Little Creek, the culvert that runs under 145th Street is illegal. She said it needs to be made passable as a condition of the acquisition of 145th Street, and be included in the Ordinance. She commented that the area around Paramount Park is a valuable wetland, that the section around 9th Place is a liquefaction zone. Both need to be protected. She stressed that there are many areas in Shoreline with steep slopes with trees on them that also need to be protected. She questioned how steep the slope is near the 145th Street Light Rail Station.

Ginny Scantlebury, Shoreline resident, commented that she understands bulkhead slopes are being included in the Critical Areas Ordinance (CAO) and pointed out that they are already covered under the Shoreline Master Program (SMP). She said that there are competing regulations in the CAO and SMP and urged Council to resolve the conflict before rendering a decision.

Richard Kink, Shoreline resident, commented that a letter was sent to the City by Nathan Beard from the Richmond Beach Preservation Society, representing 32 homeowners on 27th Avenue NW, regarding the bulkhead slope calculation. He commented that staff previously told them that the bulkhead slope would be regulated only under the SMP. He said they were recently told that it is also included in the Critical Areas Ordinance (CAO). He explained why they are proposing an edit to the CAO to exclude bulkhead slope height calculations.

6. APPROVAL OF THE AGENDA

The agenda was approved by unanimous consent.

7. CONSENT CALENDAR

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

(a) Minutes of Business Meeting of October 5, 2015

(b) Approval of expenses and payroll as of October 9, 2015 in the amount of \$2,360,902.88

***Payroll and Benefits:**

| Payroll Period | Payment Date | EFT Numbers (EF) | Payroll Checks (PR) | Benefit Checks (AP) | Amount Paid |
|---------------------------------------|---------------------|-------------------------|----------------------------|----------------------------|---------------------|
| Prior period check voided | | | 14069 | | \$0.00 |
| Prior period check cancelled/replaced | | | 14055/14070 | | \$0.00 |
| 9/13/15-9/25/15 | 10/2/2015 | 63146-63351 | 14071-14089 | 61433-61438 | \$470,943.36 |
| Prior period adjustment | 9/18/2015 | | 14061 | | (\$3.47) |
| | | | 14090 | | \$14.03 |
| | | | | | <u>\$470,953.92</u> |

***Wire Transfers:**

| Expense Register Dated | Wire Transfer Number | Amount Paid |
|-------------------------------|-----------------------------|--------------------|
| | 1098 | (Not used) |
| 9/28/2015 | 1099 | \$15,145.16 |
| | | <u>\$15,145.16</u> |

***Accounts Payable Claims:**

| Expense Register Dated | Check Number (Begin) | Check Number (End) | Amount Paid |
|-------------------------------|-----------------------------|---------------------------|-----------------------|
| 10/1/2015 | 61315 | 61328 | \$46,952.09 |
| 10/1/2015 | 61329 | 61347 | \$12,599.32 |
| 10/1/2015 | 61348 | 61376 | \$974,570.77 |
| 10/1/2015 | 61377 | 61377 | \$3,603.94 |
| 10/8/2015 | 61378 | 61407 | \$750,215.76 |
| 10/8/2015 | 61408 | 61415 | \$76,944.19 |
| 10/8/2015 | 61416 | 61432 | \$9,917.73 |
| | | | <u>\$1,874,803.80</u> |

(c) Approval 2016-2025 Water Resource Inventory Area (WRIA) 8 Interlocal Agreement

(d) Approval of Amendment No. 5 to the Interlocal Cooperation Agreement Between King County and the City of Shoreline for the Acquisition of Open Space Through the Conservation Futures Tax Levy Program

8. STUDY ITEMS

(a) Discussion of the Proposed 2016 Budget - Continued Department and CIP Presentation

Ms. Lane recalled that the 2016 Proposed Budget is available on the City’s website, at Shoreline Libraries, and at City Hall. She provided an overview of the Budget and CIP Review Schedule and Citywide budget increases for COLA, Personnel Benefits, and Budget Scrubbing.

Ms. Lane stated that the Public Works General and Street Funds proposed budget is \$4,371,302 and has an FTE count of 18.79. She said there is a 2% decrease from 2015.

Randy Witt, Public Works Director, reviewed services provided by the Operations, Engineering, and Transportation Divisions. He said 2016 ongoing budget requests are two full time positions, a Capital Projects Manager II and an Administrative Assistant II, and Street Operations Extra Help. He said one-time requests are for On-Call Professional Services, and American with Disabilities Act Transition Planning.

Ms. Lane stated the Surface Water Utility Fund proposed budget is \$6,835,663 and has an FTE count of 12.62. She said it includes Operating Programs and Capital Projects and represents an increase of \$600,050. She noted that the primary source of revenue is surface water utility fees. She said that there is a proposed fee increase of 4% for 2016 that is incorporated in the Surface Water Master Plan and covers debt service costs. She also pointed out that commercial credit fees are being phased out and that the School District's credit expires this year.

Mr. Witt said one-time budget requests include Professional Services for the National Pollutant Discharge Elimination System (NPDES) Phase II permit requirements, and a vehicle upgrade. He then reviewed Surface Water Capital Projects.

Deputy Mayor Eggen asked if the two Public Works FTE positions can be filled by Ronald Wastewater District (RWD) Employees. Mr. Witt responded that RWD employees will not be available until 2017. He is not sure how staff will realign but RWD employees usually do not work in an engineering capacity. Ms. Lane added that Administrative Services positions are being held to see if RWD employees can be integrated into them.

Deputy Mayor Eggen commented that businesses are getting hit with a number of cost increases and asked about the surface water commercial credit. Mr. Witt shared that he will add a response to his question in the Budget Matrix.

Tricia Juhnke, City Engineer, reviewed the 2016 Proposed Capital Improvement Program for the General Capital Fund of \$6.54 Million; the City Facilities Major Maintenance Fund of \$759,000; and the Roads Capital Fund of \$13.38 Million. She pointed out an increase in funding for the Parks, Recreation and Open Space Plan, and for Turf and Lighting Replacement Project modifications. She said the 2016 Work Plan includes the Shoreline Pool Long Term Maintenance, and then she reviewed the 2016 Capacity Construction Projects.

Councilmember McGlashan commented on there not being anything in the 2016 Proposed Budget for Richmond Beach rechannelization and pointed out that there is funding for 2017. Ms. Juhnke responded that staffing resources will not be available to work on the project until 2017.

Councilmember Roberts asked what neighborhoods will receive Bituminous Surface Treatment (BST) in 2016. Ms. Juhnke responded that the Department will be focusing on overlay projects in 2016 and that BST repairs are scheduled for 2017. She said alternating years allow staff to better plan and focus on efficiency.

Councilmember Roberts asked if sidewalk maintenance costs have decreased from previous years, and if \$500,000 is the expected annual cost for sidewalk maintenance. Ms. Juhnke responded they will have a better idea of costs when the cost analysis is completed and said she anticipates that \$500,000 will be needed just to catch up on repairs. Councilmember Roberts suggested increasing the vehicle license tax fee by \$5.00 to help build sidewalks. He said he would like to see how that increase helps the budget to address sidewalk repairs, and asked when the sidewalk prioritization discussion is scheduled to come before the Council. Ms. Juhnke responded that the plan is to have the sidewalk prioritization discussion prior to the presentation of the Transportation Improvement Plan.

Deputy Mayor Eggen said the North King County Mobility Coalition is interested in working with the City to increase mobility, that they want to participate in the Transportation Master Plan Update, and will probably be interested in the sidewalk conversation.

Councilmember Salomon asked about repairing the sidewalk on 155th Street. Ms. Juhnke responded that the sidewalk damage was caused by trees and explained that the trees need to be removed and replaced with the right trees in the right locations. Councilmember Salomon recalled the City buying a sidewalk grinder. He asked if it can be used to fix the sidewalk, to keep people from tripping, and help retain the trees. He said the trees are a signature on that corridor and removing them will create a different environment. Ms. Juhnke responded that the grinder is only good for gaps up to 2 inches and that it does not work with displacement of more than 2 inches. She said staff will look at all alternatives and said there still needs to be an acceptable grade for ADA accessibility. She added that in some places the trees are damaging the roadway and have to be removed. Councilmember Salomon asked how these projects will be funded. Ms. Juhnke responded that currently the funding is coming from the Curb, Ramp and Sidewalk Maintenance Program.

Ms. Lane reviewed the General Fund Transfers Out Balance and said it totals \$4,326,063. She then reviewed the General Reserves Ending Fund Balance by Year and said it has a balance of \$10,660,257. She noted that historically the City anticipates spending General Fund Balance and frequently does not spend as much reserves as budgeted. She then reviewed the Debt Service Funds and Other Funds.

Deputy Mayor Eggen asked if the City expects to receive \$800,000 in Federal Crime Forfeiture Funds. Ms. Lane commented that they are only budgeting for funds that they feel certain that the City is going to receive.

(b) Discussion of Critical Areas Ordinance Regulation Updates

Juniper Nammi, Associate Planner, presented the Critical Areas Ordinance Review Schedule. She explained that the five types of Critical Areas required to be regulated under the Growth Management Act (GMA) are Wetlands; Critical Aquifer Recharge Areas; Fish and Wildlife Habitat Conservation Areas, Frequently Flooded Areas; and Geologically Hazardous Areas. She explained the importance of regulating the areas and reviewed the GMA requirements for adoption. She said to remain eligible for State grant funding tied to GMA the CAO has to be adopted within 6 to 12 months of the State's deadline of June 30, 2015. She explained that all critical areas designated and functions and values are protected using Best Available Science

(BAS). She explained what BAS is and said Staff is trying to be clear about the regulations and on what is required in the reports. She shared that the CAO was reviewed by the Community, City Departments, and the Planning Commission. She shared that the Planning Commission is recommending adoption of Ordinance 723, Critical Areas Ordinance Amendments, and Ordinance 724, Related Title 20 Development Code Amendments. She stated that the Planning Commission recommended not moving forward with the Shoreline Master Program (SMP) limited amendments. She explained that the CAO Regulations adopted with the 2013 SMP will apply. She explained that new regulations will apply in Shoreline (the City proper), but not in the Shoreline (the shore near the Puget Sound) jurisdiction. Ms. Nammi then reviewed the Structure of Critical Area Regulations.

Councilmember Hall asked if the two Ordinances will change the current regulations in the Shoreline Master Program. Ms. Nammi responded that they would not.

Councilmember Salomon questioned the Planning Commission's recommendation not to ban development in high risk areas and asked how the City can be assured that even with a geotechnical report that an area is safe to develop. Ms. Nammi said that BAS must be used and that there is no certainty. She said she will provide a more detailed response later in the report.

Councilmember Roberts asked why the Planning Commission supported a delay from the adoption of the Ordinance until the regulations go into effect. Ms. Nammi responded that Staff needed more time to develop the program.

Ms. Nammi presented key changes to the CAO. She said they added critical area report standards, including triggers for third party review; updated terms used in definitions, and wording for consistency and accuracy; and reorganization to group related provisions and for subchapter consistency.

Mayor Winstead, and Councilmembers Hall and Roberts, support staff preparing amendments to make the Code clearer. Councilmember Roberts asked about the process to remove a tree from a critical area. Ms. Nammi responded that they are removed either through a permit exemption or a clearing and grading permit.

Councilmember McConnell said she is uncomfortable with making amendments to the regulations that have not gone through the Planning Commission.

Deputy Mayor Eggen asked if the City should provide an exception to allow the removal of trees without approval in the case of a clear hazard to the property. Ms. Nammi stated that this regulation has not changed and explained the process.

Ms. Nammi reviewed Title 20 Development Code CAO Chapter Amendment recommendations for the General Provisions (Subchapter 1) and Geologic Hazard Areas (Subchapter 2). Ms. Nammi explained that the Planning Commission and Staff is recommending that alteration be allowed in very high risk landslide hazard areas with additional review requirements, including a third party review, certification that criteria is met, a neighborhood meeting, a liability waiver,

and change in conditions process. She talked about the landslide hazard class revision to “moderate to high”, and the revised standards for limits of landslide areas for short steep slopes.

Deputy Mayor Eggen commented that property owners do not develop on native growth areas, but may clear the areas and plant nonnative species, and asked is there any limitations on that in the Native Growth Easement process. Ms. Nammi responded that the easement language will identify whether you can plant anything besides native plants and provide viable alternatives. Deputy Mayor Eggen asked if a site specific analysis of a landslide hazard is adequate to determine safety. Ms. Nammi replied that Staff will respond to Council with that answer.

Mayor Winstead requested a list of the recommended amendments and requested that the Ordinances be placed on the agenda as an Action Item. Mr. Norris replied that Staff will develop a list of the recommended amendments, propose amendment language, and place it under Action Items for the December 7, 2015 Council Meeting.

Councilmember McConnell asked again if the entire package should be sent back to the Planning Commission, even for one change, and said she wants to ensure that the public has the opportunity to provide input on all changes. Ms. Ainsworth-Taylor, Assistant City Attorney, responded that the entire package should be sent back to the Planning Commission and that a Public Hearing would be needed for the items that have changed. She advised that the Council has the authority to make the changes that Ms. Nammi is recommending without sending them back to the Planning Commission.

Councilmember Roberts asked if allowing structures on steep slopes will require additional staff time for permit reviews, and if there is additional liability for allowing alterations in high risk landslide areas. Ms. Nammi responded that additional staff time will be required, and said those costs are captured in the permit fees and passed on to the applicant. Ms. Nammi responded that she will follow up with a memo regarding liability.

Councilmember Salomon commented on the steep slopes in the Point Wells area and asked if it is a high risk landslide or liquefaction area, and if it poses a danger to residents. He said that it is critical to know that information and whether the City accepts that liability if the area is in the City’s jurisdiction. Ms. Nammi replied that according to City’s regulations, the area east of the railroad tracks is a steep slope and appears to be a hazardous area. She said that the area will be surveyed as part of the LiDAR Update.

Councilmember Hall commented that he is still comfortable with bringing back the amendments for changes in wording and cross referencing for Council’s consideration. He said he agrees with concerns about changing current regulations to allow development on very high landside risk areas. He said he wants Staff to prepare an amendment that retains the prohibition of development on very high landside risk areas and shared a couple of stories that illustrated why. He asked for an analysis of the status quo option and the Planning Commission’s recommendation.

9. ADJOURNMENT

At 9:36 p.m., Mayor Winstead declared the meeting adjourned.

Jessica Simulcik Smith, City Clerk

DRAFT