

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

Monday, January 30, 2017  
7:00 p.m.

Council Chambers - Shoreline City Hall  
17500 Midvale Avenue North

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

ABSENT: None

1. CALL TO ORDER

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

2. FLAG SALUTE/ROLL CALL

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

(a) Proclamation of Black History Month

Mayor Roberts read a proclamation declaring February 2017 as Black History Month in the City of Shoreline. Yadesa Bojia, a Shoreline resident featured in the *Aftermath: Local Artists on African American Experience* Exhibit at City Hall accepted the Proclamation. Mr. Bojia expressed his gratitude to the Council and said he has been a proud resident of the City of Shoreline since its incorporation in 1995. He stated he was happy to hear that Shoreline is a safe and inviting community for immigrants and that the City celebrates diversity. He said it is important to invite people to celebrate their differences and he encouraged people to speak against hate.

3. REPORT OF CITY MANAGER

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

4. COUNCIL REPORTS

Deputy Mayor Winstead reported attending a Regional Law, Safety and Justice Committee meeting, and shared that the City of Seattle gave a report on their comprehensive gang model program. She said she also heard a briefing on the legislative session to-date and that other agencies' legislative agendas were presented.

Councilmember Salomon reported attending a Salmon Recovery Group meeting. He shared that the State is stressed with trying to fund education and there is concern that funding for habitat and wildlife restoration will fall by the wayside. He said committee members have been asked to contact their Legislative District Representatives and request funding.

Councilmember Scully shared he is testifying before the Legislature in favor of Senate Bill 5407 on Housing Discrimination, on behalf of the Sound Cities Association. He asked Councilmembers for approval to also represent the City of Shoreline. Councilmembers supported the request and agreed that Senate Bill 5407 is consistent with City Council values.

Mayor Roberts reported attending the Puget Sound Regional Council Executive Board Meeting and said the draft work plan and the initial biennial budget were presented.

5. PUBLIC COMMENT

**Deputy Mayor Winstead moved to waive Council Rule 6.1 to allow all speakers signed up for public comment an opportunity to speak. The motion was seconded by Councilmember McConnell, and passed unanimously, 7-0.**

Cynthia Roat, Shoreline resident and Greater Seattle Cares President, commented that the proposed transitional encampment amendments will make it hard for churches to host encampments, and that the 20 foot setback reduces potential host churches to three. She expressed concern about the requirement for churches to be the managing agency.

Pam Russell, Prince of Peace Lutheran Church Pastor, stated they just finished sheltering people at their church and shared that the number of churches that are closing means church property wealth is going away. She said she does not feel it is the Council's intent to make it difficult for churches to host encampments, and cautioned them to be careful in writing municipal code for transitional encampments.

Hillary Coleman, Seattle/King County Coalition on Homelessness, commented that homelessness is increasing, and shared 381 Shoreline school age children experienced homelessness from 2015-2016. She stated limiting the temporary use permit to 90 days will make it difficult to find hosts and provide stability to people experiencing homelessness. She said the 20 foot setback requirement reduces potential churches that could host a transitional encampment to three. She thanked the Council for waiving the temporary use permit fee.

Richard Potter, Shoreline resident, said last year the Shoreline School District served 370 homeless students and is currently serving 270. He said they are treated with dignity, compassion, and respect which does not compare with the City's proposal. He commented that the proposed Ordinance would create roadblocks for homeless people and make it difficult for them to live in a clean and safe environment. He asked how increased city taxes and the Ordinance will improve life for the homeless, and for Council to put themselves in their shoes.

Brad Lancaster, Shoreline resident, commented that 14 months ago the Council directed staff to remove a provision in the zoning code that discriminated against homeless people. He expressed disappointment with the outcome, specifically the 20 foot setback and managing agency

requirements. He commented that there is no provision in the code to let children attend school year round. He urged Council to abandon Ordinance No. 762 and send it back to the staff and Planning Commission with instructions.

Roger Franz, Seattle resident, shared he was a five year tent city resident, and that the 20 foot setback violates federal and state law. He read excerpts from the Washington State Encampment Law passed in 2009. He said the 20 foot setback requirement will prevent most churches from hosting encampments and requested that the provision be eliminated.

Eugene McPhail, Shoreline resident and military veteran, shared that he has specific concerns about homeless veterans. He said he wants to invite everyone to read the letter written by Michael Ramos, Executive Director of the Church Council of Greater Seattle, and provided a copy of the letter to the City Clerk.

Anne Kleinecke, Shoreline resident, shared that the homeless problem is not going away and that encampments have been shown to have positive results. She shared by working together that a safe place can be provided to homeless people.

Pam Cross, Shoreline resident, expressed that everyone wants to help the homeless, but stated saying no to backyard encampments is the right thing to do. She said she supports church encampments and all the services they provide to homeless people.

Margaret Willson, Shoreline resident, commented that the issue of backyard encampments was the impetus for the 20 foot setback recommendation which made it difficult for churches to host encampments. She commented that Camp United We Stand is a model encampment and that she would like to see the City find a permanent site for the Camp with tiny houses on a commercial lot.

Stu Tanquist, homeless veteran, shared that he has lived in multiple encampments, and said they are a safe place, and that the proposed amendments are barriers to homeless encampments.

Ginny Scantlebury, Shoreline resident, recommended starting the process over, removing the 20 foot setback, the managing agency aspect, and the ownership/leasing provision requirements because they create barriers to homeless people. She said Resolution No. 379 adopted by the City Council on December 14, 2015 supported the removal of barriers to homeless people and not the creation of them. She shared that Camp United We Stand is pursuing 501c tax status.

Dan Jacoby, Shoreline resident, commented on the Property Tax Exemption Program deadline proposal, and shared it does not resolve the lack of affordable housing in Shoreline. He said programs require a bold new approach to get affordable housing built and suggested that affordable housing be mandatory. He submitted his proposal for the Council to review.

Paul Ashby, Shoreline resident and Richmond Beach Congressional Church Pastor, invited the Council to share in success. He shared that their church has hosted Camp United We Stand twice, shared their successes, and said it provided him an opportunity to make connections and honor life. He stated we hear about homelessness, but how often do we see it and feel it with our

souls. He stressed that homeless people should not be pushed back 20 feet, rather they should be given a hand up instead of another setback.

Les Patton, Shoreline resident and veteran, stated the Shoreline Free Methodist Church has hosted three encampments that were positive experiences and helped to deter criminal activity. He commented on the unorganized encampments in Seattle, and said Shoreline is blessed because it does not have a mess like that to clean up. He cautioned that we are on the brink of a holocaust.

Christopher Carter, Camp United We Stand resident, commented that the 20 foot setback would prevent the camp from having a “boneyard”. He suggested that people be provided a tax write-off for hosting backyard encampments, and stated that the City of Shoreline and Seattle should be the managing agency. He talked about healing and the principle of providing a hand out and hand up and invited people to visit the Camp.

Dan Stern, Richmond Beach Congregational Church, commented that it has been a rewarding experience being close to an encampment. He said he is proud to be connected to a progressive urban community like Shoreline, and shared the real test is not what we print but what we do.

Elizabeth Hansen, Lake Forest Park resident, commented that the number of homeless people has doubled since the recession. She shared that King County’s One Night Homeless Count in 2012 was 2,600, and over 4,500 in 2016. She stated income inequality is growing and that the 20 foot setback is immoral. She said she is required to help the poor and homeless and we should be looking for and addressing the underlining reasons for homelessness. She encouraged support for Senate Bill 5464 establishing the Washington Investment Trust to provide money for homeless encampments and urged that the right thing be done.

Trent Mummery, Magnolia resident and developer of Malmo and Paceland apartments, stated his support for Ordinance No. 771. He said it is positive for development in Shoreline. He shared that Malmo has 26 units designated for affordable housing and are priced significantly less than the rest of the units in the building. He said the Ordinance would allow an additional 45 affordable units at Paceland.

Meghen Peterka, Shoreline resident, said she read comment letters from people who have not had a connection with homeless people. She told a story about speaking to homeless children on the street and about their situation. She said we need to be a part of the solution and have citywide discussions to support people in our community that find themselves homeless.

Gerty Coville, Shoreline resident, thanked everyone for the discussion on homelessness and said she has learned a lot. She thanked the Council for passing Resolution 401, talked about President Trump’s executive order on immigration, and asked the Council to consider making the City of Shoreline a sanctuary city.

Julio Daza, Shoreline resident, thanked Council for doing a good job. He commented that homelessness is affecting everything and said a 20 foot setback will put people on the street. He commented that people not born in this county are scared and have been in the country long

enough to have rights. He said he has been working hard in this country to support his family and asked the Council to support everyone in the community.

Greg Logan, Shoreline resident, commented that he sent the Council a link today on information regarding what is happening behind his home. He shared that he had to leave his home for four hours due to heavy equipment usage next to his home. He said he is traumatized, feels beat up, and asked the Council if they could live with that kind of noise.

6. APPROVAL OF THE AGENDA

**The agenda was approved by unanimous consent.**

7. CONSENT CALENDAR

**Upon motion by Councilmember Hall and seconded by Deputy Mayor Winstead and unanimously carried, 7-0, the following Consent Calendar items were approved:**

- (a) Authorize the City Manager to Approve the Conditional Certificate of Property Tax Exemption for 205 Apartments**
- (b) Authorize the City Manager or Designee to Execute an Interlocal Agreement with the US Department of Justice for Participation in the Organized Crime Drug Enforcement Task Force Program**
- (c) Adoption of Resolution No. 403 Delegating Authority to the City Manager or Designee to Legally Bind the City of Shoreline for the Sole Purpose of Requesting Federal Reimbursement for Transportation Projects**

8. STUDY ITEMS

- (a) Discussion of Ordinance No. 762 - Amending SMC for Temporary Encampments

Paul Cohen, Planning Manager, provided background and reviewed the Planning Commission's deliberation process regarding Ordinance No. 762. He identified the following key changes from existing regulations: Remove transitional encampments as an allowed use in the City's Land Use Table; require a Temporary Use Permit (TUP); and waive permit fees for transitional encampments. He reviewed amendments, conditions in previous TUPs that staff is proposing be codified, new encampment criteria, and additional staff recommendations. He recalled camp sizes that have been hosted in Shoreline in the past.

Councilmember McGlashan asked clarifying questions about the definition of managing agency, if the encampment host could serve in that capacity, and how much risk would be assumed by the church if they were the managing agency. Mr. Cohen stated that it is up to the City to decide and recognize what a managing agency is. Margaret King, City Attorney, explained that the City is adding the definition of managing agency, and said she would like to research it further. She shared it is her understanding that hosting agencies require indemnification.

Deputy Mayor Winstead stated that the intent of the Ordinance was not to make the process more difficult or to create barriers to helping people find homes. She commented that the managing and host agency definitions are confusing, and shared that although the Director has the discretion to waive the 20 foot setback, she would like something more definitive. She offered support for the 10 foot setback with a minimum lot size, and expressed concern about backyard encampments.

Councilmember Hall asked how many family members can live on a single family lot without a temporary use permit, and requested clarification on the 20 foot setback adjacent to the City's right-of-way. Mr. Cohen responded that the Shoreline Municipal Code states eight unrelated people can live in a single family residence, and explained that 20 feet is the typical setback for residential but may need to be redefined. Ms. Tarry added that the 20 foot setback was proposed in response to public comment regarding backyard encampments; the intent was never to prevent churches from hosting encampments. She shared staff discussed many options, such as overlays for church properties, as they addressed concerns from the public regarding backyard encampments.

Councilmember Salomon shared that he works with people who are homeless in his capacity as a public defender, and he co-founded a nonprofit for homeless youth called Peace for the Streets by Kids from the Streets (PSKS). PSKS started out as an advocacy organization, so he appreciates hearing from members of the audience advocating for homeless encampments. He apologized if anyone has felt discriminated against, and stressed it is not the Council's intent. He said he feels the camps Council are talking about are organized and orderly and that the 20 foot setback is not needed for religious and commercial properties. He recommended a discussion of a 5 foot setback, or a zero setback. He said there needs to be a balance between single family homeowners' interests and to expand the ability for churches and commercial properties to host transitional encampments. He suggested keeping the code to allow eight unrelated members of a family living in single family housing and asked if there is a reason to limit transitional encampments to 180 days, considering the concern for child homelessness and school stability. He expressed surprise that the managing agency and host agency is controversial, and said he would like to hear more about it. He concluded by saying the Ordinance may need to go back to the Planning Commission for improvement.

Ms. King advised Council that the definition of family as allowing eight unrelated persons to live together is a density requirement, and stated there are considerations under state and county law that might preclude people from living in tents in backyards that need to be researched. Councilmember Salomon requested a legal memo to address how these laws work together. Ms. King responded that she will draft the memo for the Council.

Councilmember Scully commented that he has a differing opinion on the definition of a managing agency and offered a way to simplify it. He suggested taking a look at screening measures instead of implementing setbacks and noted not all property lines need a 20 foot setback. He expressed concern about the identification requirement and said he does not want to collect a list of people's names. Mr. Cohen responded that identification is not a new regulation and is currently required for temporary encampments.

Mr. Cohen pointed out that the 180 day limit was suggested by the churches, and that the 20 foot setback is the multifamily and commercial setback requirement adjacent to single family zoned property.

Deputy Mayor Winstead commented that she would like to take another look at the 180 day limit, and expressed that her priority is to build housing stock for kids. She shared there are legal requirements to ensure people have gone through background checks to keep camp residents safe. Ms. King added that there is a requirement to do background checks to keep kids in the camp safe, and often comes at the request of the camp residents.

Councilmember McConnell asked if the identification list is turned over to King County, and how the churches settled on 180 day duration for encampments. She said she wants language to give control back over to churches on how long the camps can stay. She said her preference is to ease up on the setback language where it is not necessary, except when you are close to single family residential. She commented on the definitions for managing agency and host agency, and asked if the term “host” is sufficient to identify a church’s responsibilities. Ms. Lehmborg answered that the list is turned in directly to the King County Sheriff’s Communications Office.

Mayor Roberts asked if the screening recommended by the Planning Commission is at the setback line or at the property line. He stated that 20 foot setbacks do not seem right, and suggested requiring a minimum lot size to host transitional encampments with a 5 foot setback. He pointed out there is also a provision in the Ordinance to waive the \$1,500 TUP fee. Ms. Lehmborg responded that the screening could be at the property line. Mr. Cohen answered staff will work on language supporting a minimum size lot and corresponding setbacks required to host a transitional encampment.

Councilmember Hall shared the intent of the setback is to manage situations where encampments are 5 feet away from a single family home’s property lines and could negatively impact them. He said a list identifying churches’ lot sizes in the City might be of assistant to Council. He conveyed that the goal is to find ways to have transitional encampments be on church property with a minimum distance from a residential structure. He said he would like to entertain a spectrum of ideas and prefers taking more time to find a better solution.

Councilmember Salomon clarified that setbacks would be smaller if a minimum lot size requirement was implemented. But if a church property cannot accommodate the minimum lot size, it cannot host an encampment; therefore he is not sure he can support this recommendation. He asked if the City could allow the church to host a transitional encampment for up to 12 months, and if the Temporary Use Permit can currently be waived. Ms. Tarry explained part of the reason churches do not host encampments for that long is due to their ability to manage the unwanted wildlife on the property. She said a host can extend up to one year, but churches have stated a preference for 180 days. She said the City Manager can waive the \$1,500 fee.

Mayor Roberts commented that the Council wants to get this right, and pointed out that the Director already has ability to waive fees so there is no urgency to move quickly. He said another Study Session with new ideas identifying setbacks from buildings, taking another look at the definition of managing agency, and discussion on identification requirements is needed.

(b) Discussion of Ordinance No. 771- Amending the Property Tax Exemption Program to Encourage Affordable Housing Application Deadline

Dan Eernisse, Economic Development Manager, explained Ordinance No. 771 encourages affordable housing in the City of Shoreline, and provides incentives to developers with light local burden, and allows the application process to be extended through construction and prior to occupancy.

Councilmember McGlashan questioned how common is a temporary occupancy granted. Mr. Eernisse provided examples.

Councilmember Salomon said he is supportive of the Ordinance. He agreed with public comment that using King County's AMI, which is higher than Shoreline's, makes "affordable" units less affordable to Shoreline residents. However, due to building costs, a developer needs to charge more than Shoreline's 80% AMI to make a project pencil out. He admitted the PTE program is not enough to solve the housing problem, but he still thinks it works because it provides units with lower rents than the market rate units.

Mr. Eernisse responded that PTE is a public/private partnership that provides a public benefit by providing more housing and more housing for the workforce.

Councilmember Hall said he supports the Ordinance because more affordable housing options will be available in the future, and he does not have a problem with adjusting the application deadline.

Mayor Roberts asked if the developer still pays the underline property tax under the PTE Program, and clarified that PTE is not offered in the 145<sup>th</sup> and 185<sup>th</sup> Light Rail Station Subareas because mandatory affordable housing is required. Mr. Eernisse responded that the PTE is on improvement value, and said developers will continue to pay taxes on the land. He confirmed that PTE is not offered in the Light Rail Subareas and because affordable housing is mandatory.

(c) Discussion of Paid Parental Leave Policy

Paula Itaoka, Human Resource Director shared that the Paid Parental Leave Policy originated from the Council's 2016 Strategic Planning Workshop and was presented to Council on December 5, 2016 where staff was asked to bring forward a draft policy for discussion. She reviewed the draft policy and said it mirror's King County's Policy. She explained the policy supplements accrued leave banks allowing employees to take up to 12 weeks paid leave when welcoming a child through birth, adoption, or foster care placement. She discussed existing leave benefits, employee leave demographics, estimated value of supplemental paid parental leave, and an equitable alternative for regular employees. She reviewed types of leave covered under the Family Medical Leave Act (FMLA).

Councilmember Scully shared that he would like for the City to adopt the equitable alternative option, and wants it adopted sooner rather than later. Deputy Mayor Winstead commented that she also likes the equitable alternative option.



Mayor Roberts asked if in the alternative option the City will handle paid parental leave differently than other leaves. Ms. Itaoka answered no and said all leaves would be available once every three years. Mayor Roberts said that some families do have multiple children within a three year period and limiting leave to once every three years would jeopardize the bonding period with a child. He asked if staff's recommendation mirrors King County's policy. Ms. Itaoka explained the similarities and differences, and Ms. Tarry advised that Council can provide direction to staff on what they want the policy to be.

Councilmember Hall said he can see making paid parental leave available once a year but pointed out that with paid FMLA leave the City could have an employee caring for an aging parent for 10 years. This would put the City in a position of compensating an employee with a full time salary for 10 years when they are only working three quarters of the time. He proposed that a limit should be considered, or the types of purposes for leave should be broadened.

Councilmember McConnell commented the City is a small organization and extended employee absences would adversely impact the City.

Mayor Roberts said he thinks it is okay to have separate policies and he wants birth/adoption/foster leave to be available to employees every twelve months, and FMLA leave every three years.

Deputy Mayor Winstead suggested reducing paid leave for birth/adoption/foster to two years, and said a person should not have to choose between taking care of their child or parent. Ms. Itaoka provided examples of qualifying FMLA events.

Councilmember Hall expressed concern about the authority being delegating to the City Manager under Agenda Item 8d. Ms. Tarry shared that the authority delegated to the City Manager has to meet certain budget requirements, have a minimal impact on future costs, and requires that the City Council be notified.

(d) Discussion of Res. No. 402 - Amending the Personnel Policies

**Councilmember Salomon moved to table the discussion to a future date. The motion failed for lack of a second.**

Ms. Itaoka explained that the Employee Handbook was first adopted in 1996 and since then periodic isolated edits have been performed, and one comprehensive review in 2016. She reviewed housekeeping edits, and noted staff's recommended moderate to substantial updates are: adding city manager authority, adding limited term definitions, addressing outdated inaccurate or non-applicable text, clarifying recruitment and selection, clarifying job classification and classification review, adding reasonable accommodation, clarifying vacation carry over, and adding a vaping free workplace.

Councilmember Hall asked how often the Council has updated the Employee Handbook. Ms. Itaoka answered it is updated when a law changes or a policy is updated, approximately every

three or four years, and Ms. Tarry added at the most every two years. Councilmember Hall stated he is fine with staff's recommended edits and updates, with the exception of giving delegating authority to the City Manager.

Councilmember Salomon commented that he is not supportive of giving delegating authority to the City Manager or with the vaping free workplace recommendation. He said he does not think vaping smoke effects people the same as tobacco, and said he does not want to place added restrictions on what people can do outside of city buildings.

Councilmember McGlashan commented that he is okay with the delegation clause because the City Manager would have to provide Council with a 30 day notice prior to exercising authority.

Councilmember Scully commented that he does not support delegating authority to the City Manager.

Deputy Mayor Winstead stated giving delegating authority to the City Manager is fine because of the 30 day notice requirement. She stated she is supportive of a vape free workplace.

Mayor Roberts stated he is not comfortable with giving delegating authority to the City Manager, and asked a clarifying question about telecommuting. Ms. Itaoka explained that there is a clause in the Handbook regarding telecommuting and the employee's purchase and ownership of equipment that needs to be corrected.

Mayor Roberts clarified that the Paid Supplemental Family Leave Alternative and the Employee Handbook updates, without giving delegating authority to the City Manager, will be placed as an Action Item on the February 27, 2017 Agenda.

## 9. ADJOURNMENT

At 9:51 p.m., Mayor Roberts declared the meeting adjourned.

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Jessica Simulcik Smith, City Clerk