

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING

Monday, May 15, 2017
7:00 p.m.

Council Chambers - Shoreline City Hall
17500 Midvale Avenue North

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

ABSENT: Deputy Mayor Winstead

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, with the exception of Deputy Mayor Winstead.

Councilmember Hall moved to excuse Deputy Mayor Winstead for personal reasons. The motion was seconded by Councilmember McGlashan and passed unanimously, 6-0.

(a) Proclamation of Armed Services Appreciation Day

Mayor Roberts read a proclamation declaring May 20, 2017 as Armed Services Appreciation Day in the City of Shoreline. Ray Coffey, U. S. Volunteers-Joint Services Command, and members of the American Legion Post 227 and the Shoreline Veterans Association accepted the proclamation. Commander Coffey said he is accepting the proclamation on behalf of all veterans and invited the Council to the Armed Forces Appreciation Day Celebration on May 20, 2017.

Mayor Roberts thanked current and past Library Boardmembers for their service to the Community and encouraged them to continue to volunteer in the City. He recognized Library Board Chair Eileen Wood-Lim and Boardmembers Karen Thielke and Brooke Shirts, and provided them with a token of appreciation from the City. He acknowledged current Boardmembers Chloe Horning, Lisa Oberg, Robert Smith, Steven Watson, and Youthmember Elohim Shuge, and asked past Boardmembers Mary Jo Heller, Joe Phillips, Evie Phillips, and Mary Lynn Potter, seated in the audience, to stand and be recognized for their participation on the Library Board.

Mrs. Phillips shared she received a King County Library System Life Time Achievement Award, and awards from the City of Shoreline and President Obama recognizing her service.

3. REPORT OF CITY MANAGER

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

4. COUNCIL REPORTS

There were no Council Reports.

5. PUBLIC COMMENT

Jill Palmquist, Hopelink Case Manager, thanked the Council for proclaiming May 15 through 22, 2017 as Affordable Housing Week and recognizing the urgent need for affordable housing in the community. She read excerpts from the proclamation and talked about the goals of Affordable Housing Week. She shared a story about a couple exiting homelessness and raising their income to become homeowners.

David Anderson, Shoreline resident, said crumb rubber for the Twin Ponds Park Field Turf Replacement Project is not a good idea. He stated research from Italy reveals that crumb rubber increases heat on the field, and that the combined effects of carcinogens and field temperatures produce greater risks for cancer.

Vivian Valencia, Shoreline resident, expressed appreciation for the Affordable Housing Week Proclamation.

Janet Way, Shoreline Preservation Society, distributed samples of crumb rubber. She reminded the Council that the Parks, Recreation, and Cultural Services Board (PRCS) voted unanimously, on two occasions, against the use of crumb rubber. She read excerpts from a technical memorandum prepared by OTAK dated March 17, 2017 and presented at the April 27, 2017 PRCS/Tree Board meeting about the dangers of using crumb rubber.

Greg Logan, Shoreline resident, said he is clarifying his comments from a previous meeting regarding the use of a back hoe loader at the Highlands Utility Yard. He talked about the impact it is having on his quality of life. He read from Shoreline Municipal Code 20.40.140 regarding the basis of providing the Utility a Conditional Use Permit, and from SMC 20.40.420 regarding an interim recycling facility's use criteria.

Lauren Johnson, Edmonds resident, shared she was part of a group of parents that started the Washington Alliance for Non-Toxic Play and Athletic Fields advocating for safer athletic fields. She provided a copy of a letter from her son about his experience playing on Shoreline's athletic fields. She said the PRCS Board voted twice to oppose the use of crumb rubber and that she supports their decision to protect the health of citizens and the environment. She said no government has concluded that crumb rubber is safe and the health field cautions its use. She then listed the organizations that are no longer using crumb rubber.

6. APPROVAL OF THE AGENDA

The agenda was approved by unanimous consent.

7. CONSENT CALENDAR

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

- (a) Approving Minutes of Regular Meeting of April 17, 2017**
- (b) Adopting Ordinance No. 775 - Amending the Shoreline Municipal Code to Sunset the Shoreline Library Board**
- (c) Authorizing the City Manager to Execute a Contract with Trinity Contractors, Inc. in an Amount Not to Exceed \$526,493.20 for Construction of the Shoreline Bike Plan Implementation Project**

8. STUDY ITEMS

- (a) Discussing the Selection of Synthetic Turf Infill Material for the Twin Ponds Park Field Turf Replacement Project

Eric Friedli, Parks, Recreation, and Cultural Services (PRCS) Director, explained what synthetic turf infill is, and said in his 20 years' experience in this field its use has been a top recurring issue. He shared that the technology has changed over time and that there are ongoing scientific studies on potential health impacts from the use of crumb rubber. He noted although crumb rubber contains carcinogenic materials that are known to cause cancer, there have been no linkages that crumb rubber causes cancer. He said crumb rubber is approved for use by the Washington State Department of Health. He reported the City of Edmonds conducted a study on the effects of crumb rubber and came to a similar conclusion, and that a wetland and environmental biologist concluded that the risk to the environment is minimal. He said the price differential in using the next lowest cost alternative is \$56,000. He shared the PRCS Board has recommended twice to move away from crumb rubber and recommends using cork material. He said there are 12,000-14,000 fields across the country that use crumb rubber, but if Council decides that crumb rubber is not desired, he would recommend using organic cork.

Councilmember McConnell said the PRCS Board unanimously opposed staff's recommendation to use crumb rubber and as an elected official she has to consider the health of residents, which is more important than cost. She said children are growing and their cells are multiplying making exposure to carcinogens troubling. She said it took decades for tobacco to be recognized as causing cancer. She talked about her children's experience playing on a crumb rubber field, and recalled that the University of Washington's Soccer Coach has raised questions about crumb rubber and the adverse health impacts it has on goalies. She said she supports the PRCS Board's recommendation.

Councilmember Salomon said the smell of crumb rubber is revolting and he cannot imagine exposure to it is a good thing. He questioned if it causes cancer, but said if just one person gets

cancer from crumb rubber, it is going to cost the system as much money as the cost of using an alternative infill material. He commented on the likelihood of the small pellet size rubber finding its way into the water system, and said he is not inclined to support crumb rubber. He said he is not sure about the Nike Grind product and wants to look at cork as an alternative. He asked if cork is reusable and environmentally sustainable. Mr. Friedli replied he has not seen many studies on Nike Grind and it appears to be a rubber product with a lot of unknowns, is less accessible, and more costly. He added he has not seen any studies on cork but it is a renewable material because the trees grow rapidly and can be replaced quickly. Councilmember Salomon conveyed he is not questioning the validity of the studies, but rather who funded them. Mr. Friedli responded the studies cited in the staff report were funded by the Edmonds School Projects and the Cal Ripken Foundation. He explained the Foundation was concerned enough to conduct a study, and if impacts were found they would have replaced the fields. Since they did not find any impacts, the fields are not being replaced.

Councilmember McGlashan talked about conflicting studies regarding crumb rubber's impact on health. He read from the staff report that seven articles published from the past ten years cite that artificial turf is unlikely to expose children/adults to the point of significantly affecting health, but acknowledged a limitation to the research. He asked when the playfield was installed and how long cork lasts. Mr. Friedli responded the field was installed over ten years ago and he has not seen any data on the longevity of cork. Councilmember McGlashan said he is leaning toward crumb rubber because he has not seen anything conclusive about its health impacts and he does not know about the longevity of the cork.

Councilmember Scully inquired if staff has talked to the City of Seattle about the use of cork at Cal-Anderson Park. Mr. Friedli shared that Seattle is satisfied with it, although it squeaked more and froze for a short period of time during the winter. He noted the same maintenance practice is being used. Councilmember Scully said that given the potential health impacts, he only supports the use of cork and no other material.

Councilmember Hall shared it is the Council's job to protect the Community and keep residents healthy and safe. He said being precautionary is good, but there are still costs to discuss. He noted there is bad stuff in vehicle tires and in asphalt that people are exposed to everyday. He said crumb rubber has allowed fields to be open year-round and has reduced the number of injuries to players.

Mayor Roberts said he agreed with the majority of his colleagues and confirmed there is a consensus to move forward with the cork alternative.

(b) Discussing the Update of the 2017-2022 Surface Water Master Plan

Uki Dele, Surface Water and Environmental Services Manager, and Lance Newkirk, Utilities and Operations Manager, provided the staff report. Ms. Dele provided background, reviewed the 2017 Master Plan Schedule, and said staff is looking for guidance on policy issues associated with the Surface Water Utility to complete the Surface Water Master Plan. She presented four Stormwater Management issues, proposed alternatives, and staff's recommendations.

- Issue #1: Use of Utility Funds on Private Property: Should the Utility spend public funds for drainage systems on private properties?

Ms. Dele explained that the City receives about 100 requests a year from private property owners to perform work on their drainage systems where the City does not have an easement to access them. She presented the following two alternatives and explained why staff is recommending Alternative 1.

- Alternative 1: Status quo –City funds used only where public infrastructure is threatened which affirms existing practices.
- Alternative 2: Develop a Program to Acquire Easement or Ownership of Priority Critical Infrastructures on Private Property that the City would then Operate and Maintain

Mayor Roberts, and Councilmembers Hall and Salomon stated their support for Alternative 1. Councilmember Hall suggested a third alternative that would allow staff the flexibility to negotiate with a property owner to grant the City an easement. He said he does not support developing a program to proactively acquire easements. Councilmember Salomon asked if staff knows of any environmental water quality projects that would benefit from Alternative 2, and said he remains neutral on Councilmember Hall's Alternative 3. Ms. Dele replied there are no projects she can think of that would benefit from Alternative 2.

Mayor Roberts asked for examples of what staff would deem critical on a private property for the City to pursue an easement. Ms. Dele recalled a pipe that failed and eroded on 25th Avenue NE that was located on private property and the City did not have an easement. Mayor Roberts agreed with Councilmember Hall that it makes sense to obtain easements without proactively pursuing them.

- Issue #2: Private Property Facility Maintenance Enforcement: How should the City inspect and enforce maintenance of the stormwater facilities on private property?

Ms. Dele presented the following two alternatives and stated why staff is recommending Alternative 2.

- Alternative 1: Status quo -Use Current Inspection, Notification and Enforcement Mechanisms
- Alternative 2: Establish a Self-Certification Process that will provide property owners the opportunity to be proactive rather than reactive in managing their on-site stormwater facilities.

Councilmember Hall said he supports Alternative 2 establishing a self-certification process that gives the property owner the choice to take responsibility.

Councilmember Scully stated he supports Alternative 1 because he does not think a self-certification process will get the same level of compliance as the current inspection system. Councilmember Salomon stated he has doubts about a self-certification process, and he does not support Alternative 2 if it is designed to have staff spend less time inspecting facilities. Mayor Roberts said he is leaning towards self-certification but needs to understand what the program would look like. He asked how many properties passed inspection last year. Ms. Dele responded that 90% passed but stated they were given credits as an incentive. She reminded the Council that this will be the first year without the fee credit. Councilmember McGlashan said he is leaning towards Alternative 2 and asked how the City complies with the National Pollutant Discharge Elimination System (NPDES). Ms. Dele explained the City's inspection process and how the City complies with NPDES. Ms. Tarry clarified that if Alternate 2 is selected, the number of inspections will decrease.

Councilmember McConnell asked why a property owner would self-certify incorrectly and said the worst that can happen is the City deems self-certification unsuccessful and reverts back to the inspection program currently in place. Councilmember Scully said there is a potential for people to lie on a self-certification form if it saves them money, and said he does not see efficiency with less inspections if it ends up undermining the surface water system. Mr. Newkirk added that certification gives control to the property owners.

Councilmember Salomon asked if the City decides to implement self-certification, how the property owner would have control over when they are inspected. He recommended combining an incentive program with self-certification, and said he is not comfortable with the program without it having better checks and balances.

- Issue 3: Permitting for Surface Water Utility: Should the Utility implement a stormwater permit?

Ms. Dele presented the following two alternatives and stated why staff is recommending Alternative 2.

- Alternative 1: Status quo -Utilize existing permit process
- Alternative 2: Establish a Stormwater Permit -A single permit to ensure required surface water information needed for NPDES compliance is collected and tracked consistently.

Councilmembers Hall, Salomon, and Scully stated their support for Alternative 2.

Councilmember Scully stated he does not have a problem establishing a single Stormwater Permit so long as it is not adding more paperwork and fees, or creating more red tape. He said he would like to reduce the amount of paperwork, not increase it.

- Issue 4: Basis for chargeable area for surface water management (SWM) fees: Should SWM fees be based on hard surface or impervious surface area for Multi-Family/Commercial Properties?

Ms. Dele presented the following two alternatives and explained why staff is recommending Alternative 2.

- Alternative 1: Status quo - SWM fees based on impervious surface
- Alternative 2: Use Hard Surfaces for SWM Fees to reduce the risk of revenue decay for Multi-Family/Commercial Properties.

Councilmembers Scully and Salomon stated support for Alternative 1. Councilmember Scully said he likes SWM fees to be based off impervious surface because it motivates developers to use it by offering incentives. Councilmember Scully and Salomon agreed they want to provide incentives for permeable surfaces.

Councilmembers Hall and McConnell stated their support for Alternative 2.

Mayor Roberts asked what the threshold is for redevelopment to trigger the National Pollutant Discharge Elimination System (NPDES). Ms. Dele replied that all properties are now required to implement Low Impact Development (LID) practices and use permeable surfaces. Councilmember Hall said all new developments are required to use LID to the maximum extent feasible in order to achieve run off that matches forested conditions, but sometimes even a forest has run off and a system needs to be built to accommodate it. He said if people want to reduce permeable surface they can put in a rain garden or vegetation. He stated there is also an issue with permeable concrete maintenance. Ms. Dele shared that it is still an emerging technology with various ways to ensure it is functioning, but there is no proven method to ensure it is working properly. She said permeable pavement loses effectiveness over time if it is not maintained.

Councilmember Salomon asked if a developer can choose different types of options to meet requirements of NPDES, and said since permeable pavement is already required, he is now comfortable with Alternative 2. Councilmembers Scully and McConnell agreed.

Mr. Newkirk confirmed that Council endorsed Issues 1, 3, and 4 based on staff's recommendations, and that additional information is required on Issue 2. Ms. Dele concluded by stating the Council's feedback will be incorporated into the development of the Master Plan scheduled to come before Council on July 17, 2017.

(c) Discussing the Repeal of Res. No. 312 - Reduction of Regional and Statewide Association Dues

John Norris, Assistant City Manager, provided background on the Council's adoption of Resolution No. 312 in February 2011. He explained the purpose was to encourage membership associations to work towards reducing their budget and dues. He presented the three options for Council action are: do nothing and Resolution No. 312 would dictate opposing the PSRC dues increase; repeal Resolution No. 312 and address each future dues increase individually; or repeal Resolution No. 312 and adopt Guiding Principles. He presented draft Guiding Principles for

supporting external association dues increases and said staff recommends repealing Resolution No. 312 and adopting the associated Guiding Principles.

Councilmember Hall explained it was a bad economic environment when this item was initially discussed and membership dues were increasing. He said the Resolution provided Council the opportunity to remind associations that local taxpayer's money is being used to pay for membership dues, and valuable services need to be offered to justify the increase. He stated he is okay with repealing the Resolution and using the Guiding Principles. He said he prefers any proposed dues increase that exceeds statutory tax increase limits to come before the Council. Council McGlashan agreed and said there should be a set benchmark that triggers a Council discussion about what increase to approve.

Councilmember Scully conveyed his support for the repeal of Resolution No. 312 and adopting the Guiding Principles.

Mayor Roberts said inflation or some other measure is needed to trigger a discussion about membership cost increases, and that the associations need to justify an increase.

Debbie Tarry, City Manager, stated the preference is for an association to have a systematic way of increasing dues so that it happens slowly over time. She pointed out PSRC is increasing its dues by 4% which is beyond inflation, and that she would like the Council to provide Mayor Robert's direction for the next PSRC General Assembly meeting.

Councilmember Hall said there is value in casting a no vote to express concern about the increase being excessive. Councilmembers Scully and McGlashan agreed. Councilmember McConnell shared why she disagreed with the no vote.

Mayor Roberts confirmed the Council's consensus to take a no vote on PRSC's membership increase, and proceed with repealing Resolution No. 312 and adopting the Guiding Principles.

9. ADJOURNMENT

At 9:26 p.m., Mayor Roberts declared the meeting adjourned.

Jessica Simulcik Smith, City Clerk