

CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF REGULAR MEETING

Monday, October 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.

3. REPORT OF CITY MANAGER

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

4. COUNCIL REPORTS

Mayor Roberts announced that the amicus brief that Councilmembers signed onto in the case of the Masterpiece Cake Shop vs. Colorado Civil Rights Commission was filed today.

5. PUBLIC COMMENT

Laura Mork, Shoreline resident, thanked Council for discussing the Climate Action Plan. She expressed that there is no Federal leadership on climate change, and therefore cities, counties, and the State need to work on addressing the issue.

6. APPROVAL OF THE AGENDA

The agenda was approved by unanimous consent.

7. CONSENT CALENDAR

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

- (a) Approving Minutes of Special Meeting of October 9, 2017**
- (b) Authorizing the City Manager to Execute a Contract with PAWS in an amount not to exceed \$175,000 for Animal Sheltering Services for 2018-2022**
- (c) Authorizing the City Manager to Execute Contracts with Superior LLC in an amount up to \$700,000 for the Licensing and Professional Services of the Financial and Human Resource Software System Implementation**

8. STUDY ITEMS

- (a) Discussing Ordinance No. 791 - Amending the SMC Chapter 3.75, Implementing a Fire Impact Fee

Julie Ainsworth-Taylor, Assistant City Attorney, introduced the topic and explained the process for implementing a Fire Impact Fee Program.

Fire Chief Matt Cowan shared that the Revised Code of Washington (RCW) 82.02 authorizes the City to adopt impact fees so that new development will pay a proportionate share of the costs of new capital improvement, which will allow the Fire Department to meet growing service demands. He explained that the Fee can be adjusted as Fire Department response performance improves, and that the Mitigation Plan serves as the Fire Department's State Environmental Protection Act (SEPA) and Growth Management Act (GMA) Polices. Chief Cowan identified cardiac arrest and structural fires as critical response incidents, and described the performance measures used to evaluate these incidents. He pointed out that there is a higher response time to the Highlands and Richmond Beach area.

Councilmember Salomon asked if the Highlands has their own fire suppression services and if they are at a higher risk for fire because of all the forested land. He inquired if it is more critical to get to a brush fire or a house fire, and why a fire station is not in this area. Chief Cowan responded that the Fire Department is responsible for fire suppression in the Highlands and explained that the area is at a higher risk for interface fires (wildland brush fire that extends to a structure) but there is fairly good access to get to one to mitigate it. He explained that lifesaving is the highest priority which usually occurs at a structural fire, and that a fire station is not located near the Highlands due to low call volumes. He pointed out there will be a need for a new Station 62 in Richmond Beach as the Aurora Corridor and Light Rail Station Areas are built out and Station 64 is pulled further east to service those areas.

Chief Cowan talked about the amount of time fire rigs are out of service and said that the reliability statistics are trending in the wrong direction and anticipates them getting worse as density increases. Mayor Roberts asked if the downward trend is due to heavy traffic volume or call volumes. Chief Cowan responded that they both factor into the equation, but the more significant issue is that an apparatus has to respond from another station.

Chief Cowan stated the Department's 6-year capital needs are station construction, asset perseveration and fixtures, equipment and apparatus, which total \$8,618 Million. He reviewed 20-year costs and revenue sources, and said 35% of revenues are anticipated from impact fees.

Councilmember McGlashan asked what projects are included in the station construction fund. Chief Cowan responded construction of Station 63 in North City and Station 62 in the Richmond Beach area are included. He reviewed the financing plan and the 20-year capital need expected from new development, noting the new fire stations take up a majority of the costs. He presented the methodology for how the Impact Fee was calculated and service capacity credit options.

Councilmember McGlashan questioned why the low risk Commercial 1 land use type has a higher cost per square foot than medium risk Commercial 2. Chief Cowan responded that the amount of development per commercial type and associated call volumes for each type factor into the fee equation.

Ms. Ainsworth-Taylor reviewed next steps in the process are consideration of Ordinance No. 802 Comprehensive Plan Amendments on November 13, 2017; Ordinance No. 791 Fire Impact Fee Regulations on November 20, 2017; and execution of an Interlocal Agreement prior to December 31, 2017. She stated January 1, 2018 is the proposed effective date for Fire Impact Fees.

Councilmember Hall asked how the construction of new stations will impact response times for residents living in existing structures throughout the City and in the new growth areas. He pointed out that Shoreline is one of the slowest growing cities in King County, and cautioned relying on impact fees to plan for growth when it may not occur until the opening of the Light Rail Stations. He pointed out half the total capital cost identified in the staff report is attributed to new development and questioned why that is the case when growth projections for new units is only 18%. He said the numbers seem high and he would like to see how they arrived at them. Chief Cowan said Fire Impact Fees will protect current response times by providing funding for new stations, additional staff, and fire apparatus needed to prevent the reliability statistic from getting lower, and he hopes response times will improve throughout the City. He said 80% of the total cost for new stations is to serve new development. He explained that fees can be adjusted to align with growth and that they are only looking for one-third of revenue to come from impact fees.

Deputy Mayor Winstead said you cannot build half a station to meet future growth projections, and these factors help explain the high capital costs. She recalled the other impact fees Council has adopted to ensure safety and quality of life for Shoreline residents, and said the City would be remised if it did not support Fire Impact Fees to have the needed crews and apparatus to respond to fires, cardiac arrests, and other incidents. She stated that she supports the Fee and that it is timely and appropriate. Chief Cowan shared that without the Impact Fee, the Fire Department will be short on funding for their capital projects. He said he believes that new development should pay for maintaining levels of service, and talked about the importance of keeping their stellar Department and insurance ratings. He added that if levels of service continue to decrease it puts other services at risk, and without Impact Fees, additional funding would have to be raised from the Community.

Councilmember Scully pointed out that there are more services provided by the Fire Department than just responding to cardiac arrests and structural fires, and stated the Chief has made a case for Impact Fees. He said that although he does not share Councilmember Hall's concerns over the data, he does understand them, and asked if the Impact Fee was not used as a revenue source, what other sources would be used to meet the need. He also asked if the Department would consider providing a fee credit for affordable housing developments. Chief Cowan responded that their funding sources are limited to running a capital bond and increasing assessments on property, or increasing the Fire Benefit Charge. He said an affordable housing credit can be considered, but explained that some of the highest users for service are from these developments, which are already exempt from the Fire Benefit Charge. Costs would be passed on to residents, or levels of service will be reduced. Chief Cowan provided the Sound Transit Light Rail Station as an example of a property exempt from fees. Mayor Roberts asked what payments Sound Transit makes to the Fire Department for services for their property. Chief Cowan said he is currently working with Sound Transit on a contract for services, and noted that some State agencies are exempt from making payments.

Mayor Roberts asked is there is a state law defining capital purchases and general operating costs. Chief Cowan responded affirmatively and said they define a capital purchase as anything over \$5,000.00 with a life cycle of three years or greater, and explained the difference between lifecycle purchases and replacement costs. Mayor Roberts asked how often the service capacity credits can be utilized and if more structures are expected to use these credits. He asked when the Fire Department discovered funding deficiencies and first initiated consideration of impact fees, and if there is a backup plan to pay for capital improvements. Chief Cowan provided an example of how service capacity credits can be used. He explained he started reviewing the budget when he assumed his position four years ago; and three years ago he started looking at impact fees as a potential source of revenue to build Station 63 to serve the increase needs in the area, address the future Light Rail Stations and call center needs, and to serve other developments.

Ms. Tarry stated that the adoption of the Ordinance is scheduled for the November 20, 2017 City Council Meeting. Councilmember Hall stated he would like the item placed on the Agenda as an Action Item, and reiterated his concern that capital costs are not legitimately associated with new growth, and that the Fire Impact Fee as presented does not meet the required standard.

Mayor Roberts asked what the City's options are in approving the Fire Impact Fee. Ms. Ainsworth-Taylor responded that Council can approve or deny the Fees as presented, or determine a percentage of the Fee that the City would collect on behalf of the Fire Department. Ms. Tarry added that the Fire Department would then determine how to make up the difference in revenue.

Ms. Ainsworth-Taylor clarified that Councilmember Hall requested an explicit explanation on the 50% cost attributable to new growth, and asked Councilmembers if other information was wanted. Councilmember Scully stated he would like a legal analysis of what standard has to be met to address Councilmember Hall's concerns.

Deputy Mayor Winstead inquired about the findings of the Consultant the City used to assist with this effort to ensure that standards are met. Ms. Tarry responded that the consultant reviewed the methodology but did not analyze if the capital facilities were appropriate.

Councilmember Hall explained that he interprets the Consultant responses that only the cost of new growth can be paid for with Impact Fees collected. Chief Cowan clarified that they are only attributing the additional square footage of Fire Station 63 to new development.

(b) Discussing Ordinance No. 803 - Amendments to SMC Chapter 10.05 Model Traffic Ordinance Adding Parking Restriction for Bicycle, Transit and Turn Only Lanes

Kendra Dedinsky, Traffic Engineer, recalled that Ordinance No. 27 adopted by reference the Washington Model Traffic Ordinance, Chapter 308-330 of the Washington Administrative Code (WAC), and that it was later codified as Chapter 10.05 of the Shoreline Municipal Code. She reviewed existing amendments, and reviewed proposed amendments are as follows:

- No parking within designated bike lanes.
- No parking within designated bus lanes.
- No parking within designated turn lanes.
- 72 hour time limit for parking before vehicle must be moved.

Ms. Dedinsky reviewed the proposed amendment for 72 hour time limit in detail, and shared that the Ordinance is scheduled for adoption on November 13, 2017.

Mayor Roberts clarified that the existing Model Traffic Ordinance does not explicitly prohibit the rules in the proposed amendments, and asked if it is currently illegal to do them. Ms. Dedinsky responded that the current code relies upon signage, police officer discretion, and that the proposed amendments provide more clarity and make enforcement more defensible.

Councilmember McGlashan asked about the regulations regarding temporary parking for the loading and unloading of recreational vehicles. Ms. Dedinsky responded that if someone was with the vehicle, she does not think it would pose a problem.

Councilmember Salomon said he is unsure how he feels about the 72 hour time limit regarding human habitation and not allowing someone who is temporarily homeless to sleep in their car; prohibiting boats from being parked on streets where there is plenty of road side parking; and penalizing a family with two cars where one is parked on the street. He stated there are other ways to address criminal activity.

Deputy Mayor Winstead stated the language making it illegal to sleep in your car makes homelessness a crime, and that the City has worked to remove barriers for the homeless. Councilmember Scully agreed that the language regarding “unlawful for human habitation” should be removed, and expressed concern over the 72 hour time limit. Councilmember Salomon recommended only imposing the 72 hour time limit for human habitation. Councilmember Hall suggested moving forward with the Model Ordinance, and addressing barriers to housing and

homelessness and use of vehicles for habitation in a separate Ordinance. Ms. Dedinsky noted that the 72 hour time limit would be proactively enforced in the case of a nuisance complaint.

Councilmember McGlashan commented on the complaint driven calls the City receives about cars parked in front of residential properties for long periods of time. He said he is inclined to support the 72 hour time limit, and agreed to strike the human habitation language.

Mayor Roberts asked if the Ordinance addresses parking in City parks. Ms. Dedinsky replied it is limited to the City's right-of-ways. Ms. Ainsworth-Taylor responded that park regulations take effect for parking lots in the parks and overnight camping in parks is prohibited. Mayor Roberts said he generally supports striking the 72 hour time limit.

Ms. Tarry proposed that the 72 hour time limit be removed and that Council proceed with adopting the remaining regulations.

Councilmember McConnell stated that she has not heard enough reasons to strike the 72 hour time limit, and agreed that there are better ways to deal with homelessness.

Councilmember Salomon recommended that boats also be exempted from the 72 hour time limit, and asked when Council will consider the human habitation matter. Ms. Tarry replied it can be addressed in early 2018.

Mayor Roberts stated he would like to move forward with the Ordinance and take steps to not criminalize homelessness, and he believes it can be achieved within the context of this Ordinance. He applauded Councilmember Salomon for bringing this issue to the attention of the Council, and noted that Councilmember Salomon's amendment is included in the staff report.

Councilmember Hall requested that Councilmembers provide amendments to staff so they can be included with the staff report for the public to provide input on.

(c) Discussing an Update on Implementation of the City's Climate Action Plan and Selecting 2018-2021 Priority Recommendations

Miranda Redinger, Senior Planner, recalled that the Council adopted the City's Climate Action Plan in 2013 and said it focused on reducing greenhouse gas (GHG) emissions in the following areas: energy and water; materials and waste; transportation, land use, and mobility; and urban trees, parks, and open spaces. She reviewed Climate Action Plan objectives and reduction targets. She recalled that the City partnered with Climate Solutions to conduct a carbon wedge analysis, performed GHG inventories, and is currently completing an inventory document with 2016 data to update the Forevergreen Website. She noted that although municipal emissions decreased 31% between 2009 and 2016, when you include Community emissions, it resulted in only a 4% reduction. She reviewed 2016 Municipal and Shoreline Community GHG emissions, said the Shoreline pool is the biggest emitter, and that 30% of emissions are from buildings. She provided an update on the 45 Climate Action Plan Recommendations.

Ms. Redinger reviewed that 2016-2019 Priority Environment Strategies include adopting a Living Building Change Ordinance (Deep Green Incentive Program); examining the feasibility of a District Energy; and conducting a Solarized campaign. She shared that staff's 2018-2020 Priority Recommendations are:

- Achieve citywide Salmon Safe Certification (2018)
- Explore expanding green building regulations to commercial zoning (2018)
- Encourage retrofits of existing buildings to use water and energy more efficiently, and to fuel-switch from heating oil and natural gas to electric heat pump or other less carbon-intensive technologies (2019)
- Implement recommendations from the District Energy Feasibility Study (2020)

Ms. Redinger provided highlights of the Salmon-Safe Developer Certification Program, reviewed the assessment process, listed certification benefits, and identified companies and projects that are certified. She displayed pictures showing segments of the Aurora Bridge and discussed plans to filter 1.2 Million gallons of stormwater runoff. Councilmember Salmon asked about the timeframe and measurement of the stormwater runoff, if it is per year or per rain event, in order to put the measurements in context. Ms. Redinger responded that she believes it is annually but will get a definitive answer for the Council.

Councilmember Scully questioned the investment of \$80,000 for a piece of paper, information and marketing, and asked if these issues can be researched by staff. Ms. Redinger responded that the City will receive best management practices and recommendations from a team of scientists on how to improve practices.

Ms. Redinger introduced the Passive House Project, a rigorous voluntary standard for energy efficiency in buildings to reduce their ecological footprint, as another method to expand green building mandates in commercial zones. She shared that King County's goal is to complete 20 Passive House Projects, of 20,000 square feet or larger, and have them under construction by 2020. She shared that the Council can consider expanding the number of eligible certification requirements in the Light Rail, commercial, or mixed use zones, and expand the program options. She then displayed a chart depicting the carbon equivalences of different fuel types.

Councilmember Scully recommended removing the Salmon Safe Certification from the 2018-2020 Priority Environmental Strategies. He stated it is a marketing program, does nothing to restore salmon habitat or improve environmental issues, and said he prefers to spend the \$80,000 on actual improvements, like installing rain gardens. Councilmember Salomon concurred.

Councilmember Salomon talked about how high the level of threat climate change is and the devastation it can have on society and budgets. He voiced how laughable the national and worldwide response to the crisis is compared to the level of threat, and that a 4% reduction in emissions is not sufficient. He recalled the three major storms that devastated parts of Houston, Florida, and Puerto Rico, and stressed the importance of retooling technology and finding different powering sources. He said the focus should be on using new technology to provide people a similar quality of life with less carbon emissions.

Councilmember McGlashan said he struggles with the word mandate and forcing people to use electric heat pump or other technologies, instead of natural gas. He said he would rather provide an incentive to encourage people to switch, and encourage fuel switching in new developments. He pointed out the need to educate people about the return on investment for using solar panels even if a home is surrounded by trees. Ms. Redinger replied that the mandate relates to green building certification in commercial zones and not for fuel switching. She provided examples of incentive based fuel switching programs.

Councilmember Hall stated he shares the hesitancy in paying for a certification if it does not get you much, but sees the value in demonstrating regional leadership, and supports moving forward with all staff's recommendations including the certification.

Mayor Roberts said he learned at the Legislative Energy Horizon Institute that energy efficiency and reducing the demand for energy is the best bang for your buck, and cheaper than adding new sources of energy. He pointed out that utility companies in the area provide energy efficiency rebates and asked if there is a way to help boost those programs. He asked about financing programs for homeowners who install solar power. He said he sees value in the Salmon Safe Certification and would like more information on it. He supports expanding the green incentives in commercial zones, and said that more work needs to be done in residential neighborhoods. He said he would like to revisit the code language to require conduits in roof tops of new buildings. He asked if there should be a 240 volt outlet in single-family garages to accommodate an electric car, and stated he would like the City to look at adding a land use for battery storage in the City's Development Code. Ms. Redinger responded that one of the initiatives is to work with utility companies on incentives, programs, and apply financing models to green development.

Ms. Tarry stated she is hearing consensus regarding the 2018-2020 Priority Environment Strategies recommended by staff, with the exception of the Salomon Safe Certification. She stated Council will have an opportunity to approve or deny the Certification during the 2018 Budget deliberations.

- (d) Discussing Ordinance No. 792 - Repealing in its Entirety Chapter 12.40 Impact Fees for Transportation and Adding a New Chapter to Title 3 Revenue and Finance, Chapter 3.80 Impact Fees for Transportation to the Shoreline Municipal Code

Julie Ainsworth-Taylor, Assistant City Attorney, recalled that the Transportation Impact Fee was adopted in 2014 as Shoreline Municipal Code (SMC) 12.40 and the Park Impact Fee as SMC 3.70, and that the Council is considering the Fire Impact Fee. She explained that Impact Fees are revenue for the City, and Ordinance No. 792 will consolidate impact fees in one location in the Code under Title 3, and repeal Transportation Impact Fees SMC 12.40 in its entirety. She said adoption of the Ordinance is scheduled for November 20, 2017.

Councilmember Hall clarified that the Fire Impact Fees are revenues for the Fire District and not the City. Ms. Ainsworth-Taylor responded in the affirmative.

Mayor Roberts confirmed that the Code has been reviewed to ensure that there are no references to SMC 12.40 and said the item can be placed on the Consent Calendar.

9. ADJOURNMENT

At 9:27 p.m., Mayor Roberts declared the meeting adjourned.

Jessica Simulcik Smith, City Clerk

