

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING

Monday, July 27, 2020
7:00 p.m.

Held Remotely via Zoom

PRESENT: Mayor Hall, Deputy Mayor Scully, Councilmembers McConnell, McGlashan, Chang, Robertson, and Roberts

ABSENT: None.

1. CALL TO ORDER

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

2. ROLL CALL

Upon roll call by the City Clerk, all Councilmembers were present with the exception of Deputy Mayor Scully, who joined the meeting at 7:08 p.m.

3. REPORT OF CITY MANAGER

Debbie Tarry, City Manager, shared reminders related to COVID-19 and as well as reports and updates on various City meetings, projects and events.

4. COUNCIL REPORTS

Councilmember Roberts attended the Puget Sound Regional Council (PSRC) Executive Board Meeting, at which many transportation projects were approved, including the Shoreline project at 145th and Interstate-5. He said the PSRC is moving forward with the adoption of Vision 2050.

5. PUBLIC COMMENT

Laethan Wene, Shoreline resident, shared his experience as a resident living near the recent violent crime activity on 175th Street and Linden Avenue.

6. APPROVAL OF THE AGENDA

The agenda was approved by unanimous consent.

7. CONSENT CALENDAR

Upon motion by Councilmember McConnell and seconded by Councilmember Chang and unanimously carried, 7-0, the following Consent Calendar items were approved:

- (a) Approving Minutes of Regular Meeting of June 8, 2020
Approving Minutes of Regular Meeting of June 15, 2020**
- (b) Approving Expenses and Payroll as of July 10, 2020 in the Amount of
\$6,330,557.90**
- (c) Adopting Ordinance No. 892 - Amending Shoreline Municipal Code Chapter
13.12 - Floodplain Management**
- (d) Adopting Ordinance No. 893 - Interim Regulations to Allow for Additional
Extensions of Application and Permit Deadlines Beyond Those Provided for in
SMC Title 20 Due to COVID-19 Impacts**

8. ACTION ITEMS

- (a) Adopting Ordinance No. 895 - Interim Regulations for Outdoor Dining**

Andrew Bauer, Senior Planner, delivered the staff presentation. Mr. Bauer reviewed the draft interim regulations for outdoor dining in response to the Safe Start Washington guidelines and gave an overview of the current restrictions in place. He said the interim regulations are intended to reduce the regulatory barriers related to outdoor seating.

Mr. Bauer said with the Council direction received last week, Ordinance No. 895 establishes regulations for both seating on private property and the Right-of-Way. He shared details on the specifications for each category, which include registration for outdoor seating on private property and a site permit for Right-of-Way use.

He said staff recommends adoption of Ordinance No. 895, which includes a public emergency clause with an immediate effective date. If adopted, a Public Hearing would be held on August 10, 2020.

Councilmember McConnell moved adoption of Ordinance No. 895, establishing interim regulations to allow for outdoor seating on private property and City Right-of-Way. The motion was seconded by Councilmember Chang.

Councilmember McConnell said the discussion last week was thorough and she is happy that the Council supported the inclusion of the public emergency clause. She hopes this helps support businesses in the community.

Mayor Hall recognized the staff work done to incorporate the revisions in such a short turn-around time. He issued the reminder that public health officials still recommend people stay home, and dining via take out or delivery is a safer option than public dining.

The motion passed unanimously, 7-0.

9. STUDY ITEMS**(a) Discussing the Structure of Law Enforcement in Shoreline and King County,
Including Current Policy Changes Under Consideration**

Jim Hammond, Intergovernmental and Communications Program Manager, delivered the staff presentation. Mr. Hammond said the death of George Floyd has sparked the realization of the need to look at systemic bias and institutional racism. He said tonight's discussion is the first step in taking a deep look at law enforcement and other and other areas in which discriminatory practices may exist. The conversation will set the foundation to understanding the roles and responsibility, as well as discuss proposals for change that relate to law enforcement. Mr. Hammond stated that Shawn Ledford, Shoreline Police Chief; Patti Cole-Tindall, King County Sheriff's Office (KCSO) Undersheriff; and Debora Jacobs, Director of the Office of Law Enforcement Oversight (OLEO) were available for questions and discussion and they each introduced themselves.

Mr. Hammond shared details and history on the contract for services between the City of Shoreline and KCSO. He displayed a summary table of the roles and responsibilities of the County Executive, City Council, OLEO, and KCSO, as well as those directed by the Revised Code of Washington. Mr. Hammond explained that OLEO is a charter-mandated office with authority established by ordinance, and whose work falls into five categories. He said KCSO's policies are articulated through their General Orders Manual, and that KCSO is responsible for training, accountability, and discipline of staff, and include an internal investigations unit. He said the State labor law comes into play in the areas of working conditions and interest arbitration and described key components of each.

Mr. Hammond said there have been new developments in recent years, and additional scrutiny in light of recent events. He described aspects of the Law Enforcement Safety and Community Training Act and the '8 Can't Wait' reform program. He said there has been a lot of activity on proposed King County Charter amendments going to the ballot in November and gave a broad overview of the proposed amendments. He said other measures being discussed include the use of body and dashboard cameras, changes to State labor laws, and shifting funding to prevention programs.

Mr. Hammond said he is impressed with the continual evaluation and assessment of policies and practices, as well as the efforts for improvement, made by the Shoreline Police Department. He described the alternative policing programs Nurturing Trust and Response, Awareness, De-escalation, and Referral (RADAR). He said these partnerships reflect efforts to bring additional resources to the effort to keep the community safe.

Councilmember Chang said she has appreciated the community conversations sharing different experiences people have had with the police. She asked what kind of tracking could be done to help determine if there is a disparity of experience by race in Shoreline. Undersheriff Cole-Tindall said statistics are kept, and recently use-of-force dashboards were posted to the King County website that provide data for a wide range of criteria, including race. She noted their

records management system has presented some challenges to providing data, which are being addressed. Councilmember Chang said she does not think race statistics have been tracked closely in the City's annual Police Report and suggested revisiting the data. Ms. Jacobs said her office provided some complaint statistics to the City Manager's Office. She offered that the data being shared is more in depth than many departments would share and spoke to the continuous improvement efforts in data collection. She said if race discrimination is a particular concern, looking at stop, complaint, and arrest data would give additional insight. She said it is important to recognize that in assessing the data from a complaint system it is important to think about how accessible it is and how accessible it is perceived to be. She said what would be ideal is a State law that requires keeping statistics on racial stop, arrest, and complaint data.

Councilmember Chang said there have been positive outcomes from the RADAR program and asked if it needs to be expanded. She also questioned who the lead is when both a mental health professional and police officer are dispatched for incident response. Chief Ledford said between the five-City partnership for RADAR, there are four shared part time mental health professionals. He said he would love to see the program expanded and replied that it depends on the situation whether the police or mental health professional lead in response. Councilmember Chang asked how having subpoena power would benefit OLEO's work. Ms. Jacobs explained that the idea behind the subpoena power relates to situations in which OLEO would do independent administrative investigations.

Councilmember Roberts said he has had good experiences with Shoreline officers, and he shared his connections to the law enforcement community as well as the reports he has heard from community members who are fearful of interacting with the police. He said the Council has received emails that indicate that Blacks and other People of Color are more likely to be stopped by a police officer. He asked why this continues to occur. Chief Ledford said Shoreline's population is five to six percent Black, and the traffic data shows that approximately 10 percent of citations issued are to Black motorists. He added that citations are not solely issued to Shoreline residents, so this comparison is not apples to apples. He said there will need to be more discussion and research on the data to determine where Shoreline is in comparison with neighboring jurisdictions and agencies to more deeply evaluate whether People of Color are issued citations disproportionately to white motorists. Chief Ledford informed the Council that the Police Department participates in implicit bias training, which has raised awareness of biases. Councilmember Roberts asked if that data was broken down by type of citation. Chief Ledford said he could break it down that way. Councilmember Roberts confirmed that some citations may be citations of poverty.

Councilmember Roberts said the amount of money spent on criminal justice is a large percentage of the City's General Fund. He said the Council recognizes that the police may not be the best resources for individuals in a mental health crisis. He observed that in addition to mental health issues, the police are often called out to handle noise complaints and other disturbances that are not criminal in nature. He asked if there were types of incidents that Chief Ledford would prefer the police play a secondary role in response, with primary responsibility going to the Code Enforcement/Customer Response Team. Chief Ledford replied that police are often dispatched to incidents that are quality of life issues, but it might not feel safe for City employees to respond to these incidents. He expressed support for looking at using the proper entity to handle certain

types of calls. He said there would need to be a discussion to make sure the entities have the resources and are available and comfortable in responding without law enforcement. Ms. Cole-Tindall replied that KCSO will hold community listening sessions to find out what services are wanted, since they are hearing from the public that something different is desired. She added that KCSO would also like to see the RADAR program expanded to the rest of King County but have been unsuccessful in securing funding.

Councilmember Robertson said she looks forward to the community discussion. She asked if the number of Police contacts is increasing or decreasing over time. Chief Ledford said the tracked police contacts include dispatched calls for service as well as initiated contacts. He said dispatched calls for services have steadily increased over the years and shared details on response times. Councilmember Robertson said she wonders if our society has become potentially too reliant on the police, and that there is interest in having a conversation on how to spread out some of the contacts to other agencies: fire, medics, social services, etc. She asked if there is data on the requests for police support for other entities. Chief Ledford said he will find that information and share it with Council.

Councilmember Robertson wondered what trainings are provided to those who answer calls. Ms. Cole-Tindall said call receivers in the 9-1-1 center use a resource guide in their work to connect callers with the type of help they need. She said the call receivers have de-escalation and implicit bias training and supervisors are available to support on challenging calls. She added that as new processes are developed, tools will also be developed to help get the right resource to the right person. Ms. Jacobs said it is important to remember that the police have a good portion of interactions through on views (observed actions that spur proactive engagement) and it would be interesting to review the outcomes of those engagements and any related escalations.

Councilmember Robertson asked if Chief Ledford, Ms. Jacobs and Ms. Cole-Tindall felt their departments were adequately funded, over-funded, or underfunded. Chief Ledford replied adequate; Ms. Cole-Tindall said there are many resource needs at KCSO and gave examples; and Ms. Jacobs said OLEO is underfunded, as confirmed by an independent staffing analysis. Ms. Jacobs said police funding decreased in the last recession and further defunding the police could potentially defund accountability in the form of training and supervision. She offered that her highest priority is training. She said that statewide there is a 24 hour per year training requirement for law enforcement officers, and she hopes KCSO can continue to have at least three days of in person training annually.

Councilmember McGlashan asked if the City has some say in policing policies. Chief Ledford replied that Shoreline Police follow the General Orders Manual which is standard throughout the Sheriff's Office and the cities that contract with them. He added that when policy changes are released, there is work with commanders on establishing how they apply to best practices and how the change will work in the field. He said not all policy changes have to be bargained. Ms. Cole-Tindall added that while specific tools available to officers are not necessarily bargained, working conditions are, so if tools that officers feel are necessary were to be removed by KCSO, the Police Officers Guild would raise the concern as an Officer Safety Issue, which is a mandatory subject of bargaining.

Deputy Mayor Scully said that while he recognizes the problems, he does not have the solutions. He said the public comment that has been received expresses many different opinions. He is concerned that the panel on Police Accountability is made up of people who are employed with the Sheriff's Office. He said he is not convinced this is the appropriate approach, and he is not sure that tiny changes are the way to go. He expressed hope that future panels can include outside voices that are thoughtful and critical.

Deputy Mayor Scully asked for confirmation that a proposed contract with KCSO could include negotiations on certain means of enforcements, and KCSO could decide whether or not to bid on the contract. Ms. Cole-Tindall said that Shoreline's Interlocal Agreement spells out the terms of service but probably is not granular enough to dictate things like prohibiting the use of chemical agents. As a customer, Shoreline can decide what services they want, and if KCSO cannot agree to the terms, Shoreline has to make a choice to continue as a customer, or not. She said the opportunity to engage in discussion about what cities specifically want, given where we are today, makes sense, and she appreciates Deputy Mayor Scully's request for a more diverse panel to bring other perspectives to discussions. Ms. Jacobs said that OLEO is a completely different branch from KCSO, and noted their biggest challenge is that they don't have any authority to require KCSO to do anything; they can only make recommendations. She offered that the OLEO website has a lot of good substance in terms of reviewing policies and actions. And she suggested changes to current practices and resources for gaining other perspectives on defunding police.

Councilmember McConnell praised the work of the Shoreline Police Department. She said she also has heard reports from the public related to police interactions that are not that pleasant. She commented on the importance of racial diversity in the police force.

Mayor Hall expressed appreciation for the conversation and recognized that we can always do better. He spoke to the fact that internal biases can become prejudices, which then can be expressed as racism. He said 24 hours a year of training does not seem like enough, so investing more in that has some potential. He stated that the City needs to continue to work on solutions with the police and the community. He emphasized the important next step of inviting the community into these conversations. Mayor Hall said it is also important to pay attention to the equity and economic issues brought up by Councilmember Roberts, because racism is systemically built in. He summarized that more than just policing needs to be addressed and stated the next steps for action.

(b) Discussing the Update of the Feasibility Study for Transfer of Development Rights and the Landscape Conservation and Local Infrastructure Program (LCLIP) in Shoreline

Steve Szafran, Senior Planner; and Sara Lane, Administrative Services Director, welcomed Nick Bratton, Senior Policy Manager, Forterra; Morgan Shook, ECONorthwest; and Michael Murphy, Transfer of Development Rights Program Manager for King County, who joined staff for the presentation. Mr. Szafran shared the background on the feasibility study, beginning with the grant funding secured in 2014 and said the discussion will focus on the findings of the report and planning next steps.

Mr. Bratton shared a refresher of the purpose and use of Transfer of Development Rights (TDR). He said under this mechanism landowners of farms and forest land can sell the development rights for their property, and those that buy it (typically developers) can then transfer the development potential to areas where growth is desired, which results in permanently protecting the land. He noted King County has the country's most successful TDR program in terms of the area of acres conserved. Mr. Bratton said that when asking cities for ways to improve the TDR program, common feedback received is that cities are having a difficult time paying for infrastructure and services to meet the needs of their existing residents, and as growth is coming they need more tools to pay for infrastructure and public facilities that can support that growth. In response to that feedback, in 2011 Forterra created and supported the adoption of a State program called the Landscape Conservation and Local Infrastructure Program (LCLIP). He described the program as a combination of TDR with a form of Tax Increment Financing (TIF). He said since the constitution of the State of Washington does not allow TIF outright, this combination helps create a new stream of revenue for cities. He said LCLIP is a financial incentive for cities to use TDR.

Mr. Bratton defined infrastructure as parks, stormwater, transportation, streetscapes, and utilities, and can even go so far as to include operations and maintenance. He said that the revenue is a redistribution of an existing tax process, in which a city being able to retain a portion of the incremental revenue from property taxes on new construction within a portion of the city for a period of 25 years, which would otherwise go to the County. He shared a graphic depicting how the revenue source, stemming from the growing property tax base from new construction, would increase over time. Mr. Bratton then shared the program requirements, obligations, and limitations. He said LCLIP is a risk-free proposition for cities to use, since there is no early termination fee, and once the revenue has been transferred the City does not have to repay it.

Mr. Shook displayed maps of the study area and described the vicinity. He said the limitation to LCLIP is no more than 25 percent of the City's current assessed value at the time of district formation, so while designing the LCLIP areas a city must find ways to place the all of the credits that have been allocated. Mr. Shook said after analysis, the findings indicate that LCLIP can work in Shoreline, and should the City choose to adopt it, to maximize the benefits of the program, the City should commit to using its full allocation of TDR credits. He listed the revenue projections, noted the need for Development Code revisions to create a viable incentive mechanism for development to use TDR, and listed other possible incentives that were explored and gave examples of the types and quantities of projects that would maximize the benefits.

Mr. Bratton reviewed the team recommendations, which include creating an effective TDR incentive structure and to start LCLIP before the Light Rail Stations open. He gave an overview of the suggested implementation strategy and Mr. Szafran reviewed the next steps should Council decide to go forward with a TDR program to implement LCLIP and listed the incentives to consider to sell TDRs.

Councilmember Robertson said the program seems overly complicated. She observed that although LCLIP is being presented as a net-positive opportunity, the idea of having eight to ten 140' residential buildings in the community is not appealing to her. She asked if there is any

discussion happening now, in the COVID-19 era, on rethinking density. Mr. Szafran replied that currently there is not any conversations he is aware of discussing changes to provisions. She said it is her understanding that this is the only program of its kind in the country, and only Seattle and Tacoma have functioning programs right now. Mr. Bratton said Seattle is the only eligible city that has adopted LCLIP. He said there are 17 TDR programs in place in the region and explained the reasons why they are not using LCLIP tool. He agreed that LCLIP is a complex tool and explained that it needs to be in order to achieve the flexibility. Mayor Hall asked if TDR is only being used locally, or if there are other places using it. Mr. Bratton said there are over 200 TDR programs in use around the country, and King County has the most successful program. Councilmember Robertson said she would like to save every last bit of farmland and forest possible, but it is going to take time for her to understand the impacts LCLIP would have on the City. She said the numbers that are presented are very seductive, but it sounds like it really only works if you have incentives that appeal to developers, which may be difficult to do.

Deputy Mayor Scully said in his work with TDR what was missing was an interest in accepting TDR credits within urban areas. He noted LCLIP creates a reason for the City to give up something in order to save farmland in another city. He expressed support for the program and said he shares some of Councilmember Robertson's concerns on the program details but asked staff to move forward while continuing to explore ways to minimize impact. Mr. Bratton offered, for contextualization, that the 140' height incentive described in the presentation stays within the boundaries of the existing development framework.

Councilmember Roberts said he has significant concerns with the program. While he thinks TDR is a great program that has helped preserve farmland and other critical areas in King County and he hopes the program can continue to preserve land across the Puget Sound region, he is concerned the program approach is backwards. He recalled a previous Council discussion about making sure development is efficient, and that Council was willing to put more restrictions on developers who did less to achieve this. He said participation in LCLIP has to be considered along with all the other things Council is thinking about for how MUR-70 zones are developed.

Councilmember McGlashan said that upon review of the TDR/LCLIP pros and cons list in the staff report, he became aware that every one of the incentives creates a sizable impact on Shoreline residents. He asked how the incentive options would be decided upon and presented to developers. Mr. Szafran said the incentives listed are suggestions for Council consideration and direction. Councilmember McGlashan said the Council worked hard at establishing the height restrictions and regulations so as to not overpower the neighborhoods, and these incentives could change the impact. He thinks the City should pursue it further, but he wants to be mindful that all the incentives come with impacts.

Councilmember McConnell said she has reservations about some of the incentives and shared her opinions. She said she wants to make sure the incentives do not provide too many negative impacts.

Councilmember Chang said there are already many requirements and incentives for MUR-70' zones, so she wondered if the whole package of incentives would need to be redone to include them. Mr. Szafran said he would imagine this culminating in a group of Development Code

amendments or a new Code section, which would include the geographical areas where the TDRs would apply and the list of incentives and what they would provide. Councilmember Chang said while she supports what the program is trying to do, she only finds some of the suggested incentives palatable. Mr. Szafran emphasized that making the incentives attractive to developers make them more likely to be purchased.

Mayor Hall shared he is optimistic about the City's ability to find a win-win with the program. He said he sees tremendous benefits to residents if development is done in a way that aligns with policies, but recognized work still needs to be done to achieve this. He agreed with Councilmember Roberts' characterization of the prior discussion and added that when he thinks about accommodating growth, he would prefer to see a tall building with nearby trees and parks over everything being built to 35' with nowhere to walk your dog. He reminded Council that they adopted TDR policies when the first Station Area Plan was adopted in 2014, and he is frustrated that it has not been done yet. He said he likes the idea of being explicit in regulations for MUR-70' zones instead of requiring a developer agreement, and that giving clear regulations through the development code saves time and money. He sees an opportunity in increasing building height requirements, shrinking the footprint, and at the same time improving the landscape and streetscape. He recognized that the staff report indicates there is currently no market for taller buildings than we currently allow, but five years ago there was also no market for 70' buildings, so he thinks the market will get there. He shared his initial thoughts on each of the suggested incentives, specifying that parking reduction incentives make sense only in the station areas. He said he is not personally inclined to do a tradeoff of development versus trees; he likes the expanded map of identified TDR areas; and that it is best to try to use the full allocation of credits available to get the maximum amount of funding from King County.

Deputy Mayor Scully emphasized that what the City gets is revenue, which is a significant benefit. He asked staff to calculate some hypothetical revenue numbers of how some scenarios might play out in terms of revenue if the LCLIP program is adopted. Councilmember Roberts said since Council only seems interested in some of the suggested incentives, he would like to know the projected revenue numbers only including the narrowed list of incentives including parking, height, and PTE. He said they need to have a serious discussion about whether they actually want to expand the area to that which was identified in the 2020 map, and talk about how it would impact the identified geographies outside of the station areas.

Councilmember McGlashan said he once heard a National League of Cities presentation that said successful transit-oriented development is dependent on removing all height and parking restrictions. He said at the time that idea was overwhelming, but now he thinks those two incentives are ones that should be considered for the TDR package, leaving the other proposed incentives up for debate.

Councilmember Roberts moved to extend the Council meeting until 10:30 p.m. The motion was seconded by Councilmember McConnell and passed unanimously, 7-0.

With Councilmembers expressing both interest and concern with the program, it was agreed that prior to action, the Council needs another opportunity for discussion on the topic.

10. EXECUTIVE SESSION: Property Acquisition – RCW 42.30.110(1)(b)

At 9:54 p.m., Mayor Hall recessed into Executive Session for a period of 15 minutes as authorized by RCW 42.30.110(1)(b) to consider the selection of a site or the acquisition of real estate by lease or purchase and stated Council is not expected take final action following the Executive Session. Staff attending the Executive Session included Debbie Tarry, City Manager; John Norris, Assistant City Manager; Margaret King, City Attorney; Eric Friedli, Parks, Recreation, and Cultural Services Director; and Nathan Daum, Economic Development Program Manager. The Executive Session ended at 10:10 p.m.

11. ADJOURNMENT

At 10:12 p.m., Mayor Hall declared the meeting adjourned.

Jessica Simulcik Smith, City Clerk