

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

Monday, February 28, 2022  
7:00 pm.

Held Remotely via Zoom

**PRESENT:** Mayor Scully, Deputy Mayor Robertson, Councilmembers McConnell, Mork, Roberts, Pobee, and Ramsdell

**ABSENT:** None

1. CALL TO ORDER

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

2. ROLL CALL

Upon roll call by the City Clerk, all Councilmembers were present.

3. APPROVAL OF THE AGENDA

**Councilmember McConnell moved to remove Item 7(d), Authorizing the City Manager to Execute a Construction Contract with Rodarte Construction, Inc. for the 5<sup>th</sup> Avenue NE (NE 175<sup>th</sup> – NE 182<sup>nd</sup>) Sidewalk Project, from the Consent Calendar.**

Mayor Scully stated Consent Calendar Item 7(d) would now become Action Item 8(a). **Councilmember Roberts moved to postpone new Action Item 8(a) to a future meeting at the discretion of the Mayor and City Manager. The motion was seconded by Councilmember Ramsdell and approved 6-1, with Councilmember McConnell dissenting.**

4. REPORT OF CITY MANAGER

Debbie Tarry, City Manager, provided an update on COVID-19 and reported on various City meetings, projects, and events.

5. COUNCIL REPORTS

Deputy Mayor Robertson said she attended the Regional Transit Committee where they discussed returning to full transit service and upcoming changes to the Orca Card Program, and worked on the draft for the Regional Transportation Plan.

Mayor Scully reported his attendance at the Lake Ballinger Forum and said Shoreline staff identified a funding opportunity in the amount of \$250,000 to improve stormwater infrastructure

and natural habitat in the Lake George watershed. He said he also attended the Echo Lake Neighborhood Association Meeting with the City Manager where they spoke about how the City responded to the COVID-19 crisis and its financial impacts.

6. PUBLIC COMMENT

Mayor Scully announced that 21 people are signed up for public comment this evening, which exceeds Council's thirty minutes of allotted time for public comment.

**Councilmember Roberts moved to suspend the Council Rules of Procedure to allow all those preregistered for Public Comment to speak for two minutes. The motion was seconded by Councilmember McConnell and passed unanimously, 7-0.**

Jackie Kurle, Shoreline resident, advocated for ongoing updates and transparency of the Enhanced Shelter activities.

Melody Fosmore, Shoreline resident, recounted the efforts of the community-led Shoreline Tree Preservation Code Team (TPCT) to protect trees in the interest of combating climate change and neighborhood aesthetics and expressed her stance against wider sidewalks on 5th Ave.

Wally Fosmore, Shoreline resident, spoke about previously proposed penalties for tree damage or removal, asked why the item was not presented for review to the Council or the Planning Commission, stated penalties are necessary, and asked Council to consider them.

Bill Turner, Shoreline resident, stated his support for TPCT's significant tree proposal based on articles that show the tree's ability to mitigate climate change, disrupt monocultures, and provide other functional values.

Jake McKinstry, Seattle resident and Principal of Spectrum Development Solutions, expressed his support for the amendment to allow for interim three phase overhead power in the 145th Light Rail Station Area to stay on schedule for the completion of 500 units of affordable housing by 2024 and 2025.

Nancy Morris, Shoreline resident, spoke about the efforts of residents along 5<sup>th</sup> Ave NE to protect trees with no success, pointed out the opportunity to make changes to the sidewalk design, and asked Council to adopt a design for a bike path and reduced risk to trees.

Kean Engie, Shoreline resident, spoke in support of Save Shoreline Trees and the TPCT on behalf of himself and his wife and highlighted the idea that development is only possible with environmental protection and the new housing along the Light Rail Station can be built while preserving limited mature trees.

Barbara Johnstone, Shoreline resident, said Council must review the budget for the 5<sup>th</sup> Ave NE Sidewalk Project as there is a \$1.75 million difference in the project estimate provided in the current staff report since the last staff report from February 7, 2022 and asked Council to provide an explanation for the difference and to remove the contract until the design is reviewed.

Chris Kelly, Director of Construction for AAA Management, expressed his support for three phase overhead power in the 145th Light Rail Station Area for the on-time construction of multi-family housing.

Martha Diesner, Shoreline resident, spoke about various tactics listed in the proposed code amendment to save more trees and stated her opposition to the removal of significant trees along 5<sup>th</sup> Ave NE and asked Council to hold off on approving the construction contract until the sidewalk project is redesigned.

Jean Hilde, Shoreline resident, shared her support for the TPCT proposed code amendments and disapproval of authorizing the Planning and Community Development Director to waive or reduce the required minimum significant tree retention or replacement and highlighted the need to protect Shoreline's Urban Canopy.

Rebecca Jones, Shoreline resident, spoke in support of the TPCT proposed code amendments with an emphasis on redefining significant trees and relayed the benefit mature trees have on stormwater runoff, CO<sub>2</sub> sequestration, wildlife habitat, and restoration of Shoreline's tree canopy.

Janet Way, Shoreline resident and member of the Shoreline Preservation Society, said she supports the TPCT proposed code amendments and noted the timeliness of enacting climate change protections by saving more trees on 5<sup>th</sup> Ave NE. She asked Council to take their strongest position possible to save mature trees.

Susanne Tsoming, Shoreline resident and member of the Shoreline Preservation Society, spoke about the proposed amendment to include a tree retention incentive table which was ultimately withdrawn by the code team with the expectation that City staff would explore other opportunities for incentives, and she asked for assurance that the incentives would be researched.

Kara Pomeroy, Shoreline resident, spoke in support of the proposed tree codes saying that it is the responsibility of citizens and Council to slow down climate change by keeping Shoreline's tree canopy intact.

Kathleen Russell, Shoreline resident, explained the work of the TPCT and asked Council to take the time to review the proposed tree codes as many residents are interested in preserving trees and pointed out that several of the proposed codes are not recommended by staff but reasoned that the codes would support the City's goal of no net loss of Shoreline's tree canopy.

Peter Eglick, Attorney for the Innis Arden Club, expressed opposition to the proposed tree code amendments on behalf of the Club specifically regarding the changes to the stringency of tree regulations. He claimed that the City failed to comply with citizen outreach according to the Comprehensive Plan and said more work is needed before the amendments are adopted.

Robert Gregg, Clinton resident, stated his support for the use of three phase overhead power in the Light Rail Station Area until underground connection is available.

Jonna Reeder, Shoreline resident, spoke on policies regarding tree removal expressing discontent with the number of trees to be removed for the project on 198<sup>th</sup> street and hope that more trees can be preserved.

Jack Malek, Shoreline resident and Realtor with Windermere, said the projects in the Light Rail Station Area are threatened due to lack of underground power and advocated for the temporary use of three phase overhead power so the construction projects in the area may continue.

7. CONSENT CALENDAR

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

- (a) Approval of Minutes of Regular Meeting of February 7, 2022  
Approval of Minutes of Regular Meeting of February 14, 2022**
- (b) Approval of Expenses and Payroll as of February 11, 2022 in the Amount of \$5,933,880.61**

**\*Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
1/9/22 - 1/22/22	1/28/2022	100764-100960	17701-17707	84756-84762	\$817,277.07
				WT1240- WT1241	\$107,810.68
					<u>\$925,087.75</u>

**\*Wire Transfers:**

Expense Register Dated	Wire Transfer Number	Amount Paid
2/1/222	1242	\$2,507,874.64
		<u>\$2,507,874.64</u>

**\*Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
2/1/2022	84753	84755	\$22,250.00
2/2/2022	84763	84773	\$247,833.47
2/2/2022	84774	84789	\$85,160.15
2/2/2022	84790	84797	\$210,223.42
2/2/2022	84798	84802	\$7,209.38
2/2/2022	84803	84817	\$58,774.55

2/9/2022	84818	84822	\$494,783.57
2/9/2022	84823	84828	\$150,752.20
2/9/2022	84829	84849	\$209,683.63
2/9/2022	84850	84858	\$15,870.88
2/9/2022	84859	84877	\$998,376.97
			\$2,500,918.22

**(c) Adoption of Ordinance No. 954 – Amending the 2021-2022 Biennial Budget**

**(d) Authorize the City Manager to Execute Professional Services Agreement with DKS Associates in the Amount of \$337,833 for Design of the Meridian Avenue Safety Improvements Project**

**(e) Authorizing the City Manager to Enter into a Contract with the Center for Human Services for February-December, 2022 in the Amount of \$170,000**

8. ACTION ITEMS

- (a) Action on Preliminary Formal Unit Lot Subdivision No. PLN20-0139, Dividing Eleven (11) Existing Parcels Into Seventy (70) Unit Lots at 2105, 2117, and 2123 N 148th Street; 2116, 2122, 2132, 2142, and 2150 N 147th Street; 14704, 14710 and 14718 Meridian Avenue N (East side of Meridian Avenue N, between N 147th and 148th Streets)

Mayor Scully read the Appearance of Fairness doctrine and gave councilmembers an opportunity to disclose any ex parte contacts of which there were none.

Senior Planner, Cate Lee, presented findings of the subdivision application and spoke on the history of the application, development plans, and recommendation for approval by the Hearing Examiner.

**Deputy Mayor Robertson moved to approve the Hearing Examiner’s recommendation. The motion was seconded by Councilmember Pobee.**

It was asked if the property would allow for multidirectional access and Ms. Lee confirmed there would be multiple points for vehicles to access the property. She pointed out the neighborhood would be private and would not have an easement for public access, although walking paths are proposed in the current plans. Ms. Lee added that, following public feedback, the number of units proposed for the development decreased to 70 units to provide for better tree retention.

Council commented on the benefits the project will have on the community saying the construction will increase opportunities for home ownership, offer environmentally friendly transit options, and reduce tree removal in Shoreline by increasing population density with multi-family housing.

**The motion was unanimously approved, 7-0.**

**9. STUDY ITEMS**

- (a) Discussion of Required Electrical Utility Undergrounding in the South Shoreline/148th Light Rail Station Area and the Impact on the Sound Transit Lynnwood Link Extension Project and MUR-70' Development

Assistant City Manager, John Norris described the immediate roadblock impacting several construction projects around the Light Rail Station Area due to the four-year delay of Seattle City Light's installation of underground electrical infrastructure called the Duct Bank Project. He said without the utility in place, the Light Rail Station and other facilities would not be able to operate and as engagement with Seattle City Light continuous in attempt to progress the project, he asked for Council's opinions on adopting code amendments to allow for temporary three phase overhead power and the continuation of the power supply until Seattle City Light's project is complete in order to keep schedule with the start of Light Rail revenue service in 2024.

Council inquired about the details of temporary overhead power and its impacts to public and private development. City Engineer, Trish Juhnke, responded explaining that the overhead power source could be utilized until the end of construction but would need to be removed prior to occupancy which would delay the opening of the Light Rail Station and newly constructed housing and said there must be a focus on both temporary power for construction and a long-term power solution. Mr. Norris added that the proposed amendments would be enacted citywide, however, staff could propose language to tailor the code for the impacted area and explore options to compel Seattle City Light to maintain their commitment.

Council expressed dissatisfaction with Seattle City Light, and the delay of the Duct Bank Project and the subsequent disruptions it will cause for other developments. Council encouraged staff to aggressively pursue a resolution that complies with the objective for underground electrical facilities and concluded that both amendments would need to be supported.

- (b) Discussion of Ordinance No. 955 – 2021 Batch Development Code Amendments Related to Tree Regulations, Amending Shoreline Municipal Code Sections 20.20 and 20.50

Senior Planner, Cate Lee, gave an overview of the current code explaining tree retention and replacement regulations and tree protection criteria and she provided an example of how the codes are enacted in practice.

Senior Planner, Steve Szafran, presented the proposed tree code amendments. He said the proposed amendments approved by the Planning Commission include:

- Amendment #C1, adding definitions for critical root zone and inner chronicle read zone.
- Amendment #C2, amending the definition of tree canopy, clarifying the definition of a hazardous tree, and revising the definition of landmark trees.
- Amendment #C3, amending the definition of urban forests and urban tree canopy.
- Amendment #C4, clarified language for greater treat preservation and protection.
- Amendment #C5, adding sections for best management practices, site violations, restoration plans, and site investigations.
- Amendment #C7, increasing the minimum tree retention requirements.

- Amendment #C8, allowing the Director to waive and reduce the minimum significant tree retention.
- Amendment #C10, proposing greater tree protection measures to clarify best management practices.

Mr. Szafran said the following amendments were denied by the Planning Commission:

- Amendment #C2, amending the definition of significant trees.
- Amendment #C6, revising permit exemptions for tree removal.
- Amendment #C9, allowing the Director to reduce the number of replacement trees.

Councilmembers thanked the community groups for their work on the proposed tree code amendments and offered their thoughts on the entire batch of amendments. Councilmembers voiced concerns with permit exemptions, and with granting the Director authority to waive and reduce tree requirements. An amendment was requested to change the definition of a significant tree from eight inches or greater in diameter at breast height, to six inches; and more information was requested on code enforcement penalties for illegal tree removal. It was stated that the establishment of an urban forestry advisory panel would be valuable to connect with the community about sustainability issues.

Addressing comments regarding amendments related to penalties, Mr. Szafran said the citizen initiated amendments were not recommended by the Planning Commission and therefore were not presented to the City Council as part of Ordinance No. 955. He explained that staff require a performance bond when trees are replaced to ensure they survive, and that he would explore more incentives and penalties to bring back to Council. He also clarified that the Director's waiver of significant tree retention must be justified and does not grant any exemption for tree replacement.

#### 10. ADJOURNMENT

At 8:50 p.m., Mayor Scully declared the meeting adjourned.

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Jessica Simulcik Smith, City Clerk