

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING

Monday, March 21, 2022
7:00 p.m.

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

The agenda was approved by unanimous consent.

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 gave an update of the North King County Coalition on Homelessness stating that The Oaks still has a wait list and will be working to move current residents from transitional to permanent housing. She announced a change in leadership at Lake City Partners and said they are interested in adding Shoreline community members to their board. She also spoke about a couple of courses she attended at the National League of Cities (NLC) Conference.

Councilmember Mork said she attended the March 16 Community Climate Conversation and recommended others take part in the series.

Councilmember Roberts also spoke about the NLC Conference and as a member of the Board, shared the adoption of a resolution in support of the people of Ukraine and said it was interesting to hear what peer cities were doing with funding from the American Rescue Plan Act.

Councilmember McConnell congratulated Councilmember Roberts' for receiving an award at the conference for exemplary leadership for his work with the Democratic Municipal Officials Organization.

Mayor Scully said he also attended the NLC Conference and explained the benefit the NLC has on funding projects in Shoreline. He also reported his attendance at the WRIA 8 meeting where they focused on diversity, equity, and inclusion and said he and Councilmember Pobee met with Representative Ryu to speak about stakeholders for the Fircrest Green Involvement Plan.

6. PUBLIC COMMENT

Steve Hanson, Shoreline resident and Interim President of Shoreline Community College, announced his support for the agreement with Washington State University and said he has witnessed the benefits a small business development center can have on the business community.

Gayle Janzen, North Seattle resident and member of the Tree Preservation Code Team, provided comments on the group's proposed tree code and urged Council to approve the amendments on an interim basis to slow the loss of trees and consider if more staff is needed to carry out code.

Wally Fosmore, Shoreline resident, spoke regarding Amendment 5 and emphasized the importance of the proposed penalties for removal or injury (beyond rescue) of a protected tree.

Susanne Tsoming, Shoreline resident and member of the Tree Preservation Code Team, recommended the Sidewalk Project on 5th Ave NE be delayed until more project designs are considered and requested that the amendment to the definition of a significant tree be approved with the provision that it be reviewed after studies are completed.

Nancy Morris, Shoreline resident, cited a report from IPCC stating the urgent need of immediate and ambitious action to address climate risks and expressed dissatisfaction that staff recommended denial of certain tree codes amendments, which she asked Council to approve.

Janet Way, Shoreline resident and member of the Shoreline Preservation Society, said she was proud of staff for their work with the Community Climate Conversations but pointed out that it is up to Council to set the policy to protect the City's tree canopy and improve the quality of life for people and wildlife.

Lee Keim, Shoreline resident, described the urgency for the world to become climate neutral. She reminded Council that they will be determining policy that will affect the City for years to come and that we must utilize trees to combat climate change.

Kathleen Russell, Shoreline resident, asked Council to approve the amendment to require a permit to remove a 24-inch DBH tree, reiterated that the codes would not apply citywide, and asserted that tree permits would protect neighborhood trees.

Alex Stein, Shoreline resident, encouraged Council to support Ukraine by joining the Foreign Legion.

Jackie Kurlle, Shoreline resident, expressed support for the proposed tree codes, encouraged continued transparency for the Enhanced Shelter and their initiatives, and advocated for active communication and involvement for the public.

Melody Fosmore, Shoreline resident, said aerial photos show how sparse Shoreline’s tree canopy has become and suggested that maintaining the trees on 5th Ave NE will make the sidewalk more welcoming whereas replacement trees would take decades to be useful for carbon sequestration. She asked Council to approve the tree code amendments.

Rebecca Jones, Shoreline resident, shared temperature measurements she took at various locations during the heatwave in 2021 and reported the large contrast being due to significant trees. She concluded that keeping mature trees is the simplest way to combat the climate crisis and asked Council to approve the proposed trees code amendments.

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 28, 2022**
- (b) Authorize the City Manager to Execute an Agreement with Award Construction, Inc. in the Amount of \$4,008,302 for Construction of the Pump Station 26 & Citywide Stormwater Safety/SCADA Improvements Project and Approving Change Order Authorization up to an Additional \$400,830**
- (c) Authorize the City Manager to Enter into a Contract with CI Security in the Amount of \$145,000 for Managed Cyber Security Detection and Response Services**
- (d) Authorize the City Manager to Execute an Agreement with Washington State University in the Amount of \$363,000 for Small Business Advising and Technical Assistance to Small Business Through its Small Business Development Center**
- (e) Authorize the City Manager to Approve Real Property Acquisitions for the 145th Corridor Phase 1 Project for Property Located at 14509 3rd Avenue NE**

8. ACTION ITEMS

- (a) Appointment of the 2022 Members to the Planning Commission

Senior Planner, Steve Szafran, presented on the Planning Commission appointments stating that there were three vacancies to be filled due to term expirations and the election of Councilmember Mork to City Council. He explained the recruitment process conducted by an appointed subcommittee who recommended Mei-shiou Lin, Leslie Brinson, and Christopher Mosier to be appointed as Commissioners.

Deputy Mayor Robertson moved to appoint Mei-shiou Lin, Leslie Brinson, and Christopher Mosier to the Planning Commission for four-year terms that run from April 1, 2022 to March 31, 2026. The motion was seconded by Councilmember Roberts and passed unanimously, 7-0.

Council expressed gratitude for the work of the Planning Commission and encouraged the applicants to continue to engage with the City.

- (b) Authorize the City Manager to Execute a Construction Contract with Rodarte Construction, Inc. in the Amount of \$3,291,215 for the 5th Avenue NE (NE 175th – NE 182nd) Sidewalk Project

City Engineer, Trish Juhnke, started off the presentation commenting that she wanted to specifically address tree impact alternative designs and impacts to Shoreline’s climate footprint. She explained the two projects along 5th Ave are to provide sidewalk connections to the Light Rail Station with the first being a Sound Transit project from NE 182nd Court to NE 185th and second a City project starting from NE 175th. She noted \$2 million in Sound Transit funding is for bike and pedestrian facilities to accomplish the goal of increasing nonmotorized traffic before the Station opens. Ms. Juhnke restated there is an impact to 23 trees resultant of the projects along 5th Ave. She explained the dynamics of the trees and sidewalks in relation to several alternative designs that staff considered for the sidewalk but resolved that existing infrastructure and required supportive infrastructure for the new sidewalk do not leave much room for design alternatives to spare more trees. She noted the option to remove the bike lane or sidewalk would not meet the City’s goals or ADA standards but emphasized that changing our modes of transportation is a way we can reduce carbon emissions and advocate for healthier lifestyles.

Deputy Mayor Robertson moved to authorize a Contract with Rodarte Construction, Inc. for the 5th Avenue Sidewalk Project. The motion was seconded by Councilmember Pobe.

Deputy Mayor Robertson said she would be voting in support of the contract and gave assurance that Council and staff have heard the comments from the public and done what they can to save as many trees as possible and create a safe path to the Light Rail. This was echoed by other Councilmembers and they added that changing the community’s mode of transportation away from cars will significantly improve our climate impact.

When asked what options were not considered for the sidewalk designs and why, Ms. Juhnke responded that to her knowledge, pin piles and Sonotubes were not considered but she was not able to confirm this as Project Manager, Laura Reiter was on vacation.

The motion passed unanimously, 7-0

- (c) Action on Ordinance No. 955 - Amending Shoreline Municipal Code Chapters 20.20 and 20.50 Regarding the Tree Related 2021 Batch Development Code Amendments

Senior Planner, Steve Szafran, introduced his presentation as a response to comments and questions gathered from the previously presented amendments and began with Amendment C2,

lowering the diameter breast height (DBH) for significant trees to 6-inches, which was denied by the Planning Commission, and he provided language for Council to reject the denial. In relation to Amendment 5, Mr. Szafran provided two examples of how fines were applied for violations of General Requirements detailed in SMC 20.50.300 and explained the Planning Commission's denial of the amendment was due to the greater value of penalties using the standard calculating method. Next, he spoke about Amendment C6 specifically amending SMC 20.50.310(B)(2) to reduce the permit exemption to remove a significant tree from 30-inches to 24-inches DBH and provided language to reject the Planning Commission's denial. Finally, Mr. Szafran went over Amendment C8 which would authorize the Director to reduce or waive tree retention requirements and clarified that the City may still require the trees to be replaced on site at a greater DBH than standard code requires and provided language to deny the amendment. He concluded with staff's recommendation to adopt Ordinance No. 955.

Councilmember Roberts moved to adopt of Ordinance No. 955. The motion was seconded by Councilmember Pobe.

Councilmember Roberts moved to amend Ordinance No. 955, rejecting the Planning Commission's recommendation for Batch Amendment C-2 related to the denial of the proposed definition of Significant Tree and approve the applicant's revision to the definition of Significant Tree as shown in the PowerPoint. The motion was seconded by Councilmember Pobe.

Council commented that a 6-inch DBH for significant trees is a common standard among other cities so it makes sense to have this as a consistent standard throughout the City and recommended that staff document unintended consequences moving forward with this amendment opposed to waiting for a study to be done.

The motion was unanimously approved, 7-0.

Councilmember Roberts moved to amend Ordinance No. 955, rejecting the Planning Commission's recommendation for denial of Batch Amendment C-6 only in regard to SMC 20.50.310(B)(2) and to amend SMC 20.50.310(B)(2) to read as follows: The removal of any tree greater than 24 inches DBH shall require a clearing and grading permit (SMC 20.50.320 through 20.50.370). The motion was seconded by Deputy Mayor Robertson.

Council noted how much the community cares for the trees and asked for clarification on where the amendment applies and Mr. Szafran responded confirming the amendment only applies where trees protection is not part of the code.

The motion was unanimously approved, 7-0.

Councilmember Ramsdell moved to approve Amendment C-5 and C-6 related to penalties and financial guarantee requirements that was not recommended by staff. The motion was seconded by Councilmember Roberts.

Councilmember Ramsdell expressed discomfort with the lack of clear methodology and supports the idea of definitive upfront and straight forward penalties to reduce the opportunity for bias. City Manager, Debbie Tarry, clarified that the value of trees is not determined by the Director but instead done by professional arborists. Council asked for examples of violations with larger developments to compare the current code against proposed penalties and asked what the code enforcement action process is. Mr. Szafran answered that staff did not have other examples where substantial monetary penalties were assessed and explained that the City becomes aware of a violation when staff performs an inspection or it is reported to the City. Council asked for more information on Amendment 6 and Mr. Szafran explained that Amendment 6 covers language that currently exists in the Critical Area Code for financial guarantee requirements but it adds two more years of monitoring for projects within the MUR 35 and MUR 45 zones.

Mr. Szafran was asked if there could be incentives for developers to retain trees, and whether the proposed penalties would be in addition to the current penalties. He replied that Council could direct staff to add 'incentives' as a Work Plan item and clarified the amendment reads the responsible party in a violation could be subject to civil penalties in SMC 20.30.770(D)(2) in addition to the per tree cost listed in the community proposed amendment. Council questioned if this item could be postponed for further review to better understand the amendments and Assistant City Attorney, Julie Ainsworth-Taylor, confirmed that Council may postpone this amendment while still adopting the Ordinance.

Councilmember Ramsdell moved to postpone discussion on Amendments C-5 and C-6 to a future meeting. The motion was seconded by Councilmember McConnell and passed unanimously, 7-0.

Councilmember Roberts moved to reject the Planning Commission's recommendation for Batch Amendment C-8 and deny the amendment. The motion was seconded by Councilmember Pobee and passed 4-3, with Deputy Mayor Robertson and Councilmembers Mork and McConnell dissenting.

The motion to adopt of Ordinance No. 955 as amended passed unanimously, 7-0.

9. STUDY ITEMS

- (a) Discussion of Resolution No. 488 Approving the Relocation Plan and City Manager Property Acquisition Authority, and Ordinance No. 957 Authorizing the Use of Eminent Domain for Acquisition of Certain Real Properties - to Construct the State Route 523 (N/NE 145th Street) & I-5 Interchange

Ms. Juhnke discussed Resolution No. 488 in two parts explaining that the first part would increase the spending amount the City Manager is authorized to acquire property from \$50,000 to \$1,000,000 for the SR 523 and I5 Interchange Project with anything over \$1,000,000 requiring Council approval. She pointed out the rapidly increasing real estate prices and determination to stay on project schedule as cause for this change to accelerate the approval process for property owners. She said the second part of the Resolution is the relocation plan that was developed by City staff and reviewed by the Washington State Department of Transportation according to the

Uniform Relocation and Assistance and Real Property Acquisition Policy to support relocation claims. Ms. Juhnke detailed projections for the ten parcels in need of partial acquisition, and potentially two parcels becoming full acquisitions, that all range from \$50,000 to over \$1,000,000 and stated that staff identified up to three parcels that could have relocation costs ranging from \$2,500 - \$150,000 per parcel.

Ms. Juhnke next presented on Ordinance No. 957 to exercise the power of eminent domain to acquire private property for public use and said this would be necessary for the acquisition of six parcels within the City of Shoreline but does not include two parcels within the City of Seattle, and two parcels owned by Seattle Public Utilities (SPU). She clarified that the City will have to negotiate with the property owners and SPU for acquisition and if needed, carry out an agreement with City of Seattle to proceed with eminent domain on behalf of Shoreline. She also provided clarification that funding within the discretionary amounts is provided by Sound Transit and the City of Shoreline will not contribute any general fund dollars.

10. ADJOURNMENT

At 9:14 p.m., Mayor Scully declared the meeting adjourned.

Jessica Simulcik Smith, City Clerk