

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING

The purpose of these minutes is to capture a high-level summary of Council's discussion and action. This is not a verbatim transcript. Meeting video and audio is available on the [City's website](#).

Monday, May 23, 2022
7:00 p.m.

Held Remotely via Zoom

PRESENT: Mayor Scully, Deputy Mayor Robertson, Councilmembers McConnell, Mork, Roberts, Pobe, 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 Roberts moved to remove Item 7(i), Adopting Resolution No. 491 - Repealing Resolution No. 459 – Temporarily Authorizing Meetings and Public Hearings to be Held Electronically Due to the COVID-19 Public Health Emergency, from the Consent Calendar.

Mayor Scully stated Consent Calendar Item 7(d) would now become Action Item 8(a).

The agenda was approved by unanimous consent.

4. REPORT OF CITY MANAGER

Debbie Tarry, City Manager, reported on various City meetings, projects, and events.

5. COUNCIL REPORTS

Councilmember Ramsdell reported his attendance to a Shoreline Rotary Club meeting where he heard a presentation on the program from Homestead Community Land Trust to provide affordable homeownership opportunities. He stated he also attended the Westminster Triangle Neighborhood Leadership Group meeting where they elected two new co-chairs and planned for the Night Out Against Crime. He then shared an updated from a meeting of the North Urban

Human Services Alliance stating that the conversation centered around the future of the Enhanced Shelter as the contract ends in the middle of 2023.

Deputy Mayor Robertson gave an update on the Regional Transit Committee and said the main purpose of the meeting was to discuss the Metro Connects Implementation report and gaps in funding sources. She shared information on ridership, the new Orca card program, and on a proposal to reduce youth fares.

Councilmember McConnell said she attended a meeting for the Domestic Violence Initiative and stated that victim's access to resources is challenging due to several barriers. She also reported her attendance to the Shoreline Arts Gala and said at least \$60,000 was raised to support arts education.

Councilmember Mork reported her attendance to the King County-Cities Climate Collaboration (K4C) Town Hall where they spoke about the addition of two cities to the consortium and Vision Zero.

Mayor Scully said he attended a meeting of the Lake Ballinger Forum where he heard a presentation from the Washington State Department of Transportation about salmon accessibility through a tunneling project. He announced that Representative Jayapal has made a funding request for the Ballinger Creek Restoration Project which is a step towards making the creek passable for fish.

6. PUBLIC COMMENT

The Council heard comments from the public from approximately 7:14 p.m. to 7:53 p.m. Written comments were also submitted to Council prior to the meeting and are available on the [City's website](#).

Councilmember Roberts moved to suspend Council Rules to allow for enough time for all people who are signed up to speak for two minutes. The motion was seconded and passed by unanimous consent.

The following members of the public spoke in support of Ordinance No. 967:

Sandra Gillette, Shoreline resident, said the purchase of Parcel No. 727810-0905 is an opportunity for the City to acquire a beautiful piece of land for the use of the people. She relayed that the current access to the beach is very unsafe and suggested it can be done safely while addressing illegal use.

Jack Malek, Shoreline resident, said that until recently he did not know Parcel No. 727810-0905 was private property and offered that the only utility of the parcel is recreation as it has been used to access the beach. He stated his support for Ordinance No. 967.

Tom Mailhot, Shoreline resident, shared his support for the acquisition of Parcel No. 727810-0905 stating it would help meet the City's goal to increase public access and remove confusion about the north boundary of Saltwater Park. He recommended an easement be made with BNSF

Railway to ensure public access and stated support for prohibiting public parking at 27th Avenue Northwest.

Tom McCormick, Shoreline resident, recalled signage posted in 2020 that indicated the end of the City road along Parcel No. 727810-0905 and stated that Saltwater Park's boundary extends north to the south boundary of the parcel. He advised that the boundary be extended to the bulkhead; property line issues will be worked out, but safety and access needs to be a priority.

Forrest Taylor, Shoreline resident, expressed his support for the purchase of Parcel No. 727810-0905 and stated that the next entrance to the beach is a long walk up the hill. He said people will use the route to access the beach whether it is private or not and proposed the City make public access official.

Thomas Petersen, Shoreline resident, agreed that Council should meet with residents to study their concerns and shared his support for the acquisition of Parcel No. 727810-0905. He stated his support to prohibit parking on 27th Avenue Northwest and recommended the City improve signage and enforcement and work with BNSF Railway on a dedicated route to the beach.

The following members of the public spoke in opposition of Ordinance No. 967:

Richard Kink, Shoreline resident, shared anecdotes involving eminent domain that supported his idea that there are many variables that could dramatically affect the acquisition cost of Parcel No. 727810-0905. He requested that Council table Ordinance No. 967 in order to perform a survey and resolve bulkhead issues to determine the value of the property.

Bryan Chow, Shoreline resident, spoke regarding Ordinance No. 967 and said he is troubled that there was not meaningful dialogue about the parcel purchase with the people who live on 27th Avenue Northwest and he expressed concern over the cost to make the property compliant with the Shoreline Master Program.

Jim McCurdy, Shoreline resident, commented on the process for the purchase of the beach property. He asked Council to delay voting on the item until there is more discussion.

Nathan Beard, Shoreline resident and President of the Richmond Beach Preservation Association, asked that the City postpone consideration of Ordinance No. 967 until a plan is created to address issues that he listed that will arise from acquiring and converting the property to a park.

David Barnett, Shoreline resident and Chairman of the Cowlitz Indian Tribe, spoke of the history of Native American people being forced off the land due to government authority but stated that with the permission of the property owner, Native Americans use Parcel No. 727810-0905 for traditional purposes, and he advocated to keep the property as it is.

David Spellman, Seattle resident and Lawyer for Peter Vitaliano, spoke regarding Ordinance No. 967 requesting that Council postpone the vote until a more inclusive process and analysis can be conducted.

Randy Stime, Shoreline resident, suggested that the use of eminent domain is a bullying process and asked how much is enough being that there are 34 parks and the neighborhood on 27th Avenue Northwest. He said public use would disrupt their living with heavy traffic, reduced parking, and litter.

Additional comment was offered by the following members of the public:

Theresa LaCroix, Edmond resident and Director of Shoreline Lake Forest Park Senior Center, spoke in support of the Older Americans Month proclamation and shared that the Center has been hosting events all month which will culminate on June 11th with a Wellness Fair. She said she looks forward to continuing working with Council to serve the aging community.

Kathleen Russell, Shoreline resident and representative of Save Shoreline Trees, commented regarding Agenda Item 9b and asked for a location list of the projects that make up the 7,947 units to be developed by 2025. She also advocated for a continuous 8-foot-wide sidewalk along 20th Avenue Northwest, and requested a fact sheet to answer the questions previously directed to the Project Manager and Council.

Derek Blackwell, Shoreline resident, suggested that Mill Creek Residential wants to minimize discussion around the development to replace Garden Park Apartments and stated that the proposed access to the building is ill suited for the surroundings. He said the company has not rationally addressed their concerns and asked who in the City could undertake the safety issues.

7. CONSENT CALENDAR

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

- (a) Approval of Minutes of Regular Meeting of April 25, 2022
Approval of Minutes of Regular Meeting of May 2, 2022**
- (b) Approval of Expenses and Payroll as of May 6, 2022 in the Amount of
\$2,968,078.64**
- (c) Authorizing the City Manager to Execute Professional Services Agreement with
DOWL LLC. in the Amount of \$454,550 for Design of the 1st Avenue NE (NE
145th Street to NE 155th Street) Sidewalk Project**
- (d) Authorizing the City Manager to Execute Contract Amendment with Nature
Vision, Inc in the Amount of \$240,000 for 2022-2025**
- (e) Authorizing the City Manager to Execute Contract Amendment #9543.02 with
Skyhawks Sports Academy LLC in the Amount of \$374,997 for 2022-2024**
- (f) Authorizing the City Manager to Execute Contract Amendment #9999.01 with
Play-Well TEKnologies in the Amount of \$104,997 for 2022-2024**

(g) Authorizing the City Manager to Execute a Construction Contract with Quilceda Excavation, Inc. in the Amount of \$1,005,714 for the 2022 Stormwater Pipe Repair and Small Drainage Projects

(h) Confirmation of Mayoral Appointments of the 2022 Salary Commission Members

8. ACTION ITEMS

- (a) Adopting Resolution No. 491 - Repealing Resolution No. 459 – Temporarily Authorizing Meetings and Public Hearings to be Held Electronically Due to the COVID-19 Public Health Emergency

City Attorney, Margaret King, presented legislative actions regarding remote virtual meetings including City Council’s Resolution No. 459 that suspended City Council Rules 5.3 and 5.5 and allowed for virtual meetings. She stated House Bill 1329 recently amended the Open Public Meetings Act to require a physical location for meetings and allows virtual meetings during a state of emergency. She also noted the Governor’s Proclamation 20-28.16 which requires public meetings to be held virtually terminates on June 1, 2022. She then spoke about new technology in City Hall that integrates cameras and microphones and allows staff presentations and public comments to be shared through a videoconferencing platform for City meetings.

Mayor Scully opened the Public Comment period. Seeing no one wishing to provide comment, the Public Comment period was closed.

Deputy Mayor Robertson moved to adopt Resolution No. 491 repealing Resolution No. 459.

Councilmember McConnell said it was important to discuss this Resolution so the public is aware of the move back to the Council Chamber and that they meetings will be hybrid. She explained why she would be participating in the hybrid meetings remotely and encouraged the public to continue engaging in the meetings.

It was asked what the public and Councilmembers could expect going back to in person meetings, specifically regarding Chamber capacity and public comment requirements. Ms. Tarry stated that capacity limits have yet to be discussed and explained historical overflow protocols. She shared the public may continue to participate remotely and sign-up requirements for public comment will continue to be in effect.

Regarding in-person appearance of Councilmembers and Board Members, Ms. King clarified that Resolution No. 459 mandated meetings be held in a virtual setting only and Resolution No. 491 would undo that and allow remote attendance. City Clerk, Jessica Simulcik Smith, confirmed that hybrid equipment is being installed in several City Hall meeting rooms to allow for remote participation as needed. Mayor Scully stated that Council decided not to implement policing mechanisms for how Councilmembers decided to participate in meetings and expects that to extend to Boards and Commissions, and that the City would revisit issues as they come up.

The motion passed unanimously, 7-0.

(b) Public Hearing and Discussion of Ordinance No. 965 – Extension of Interim Regulations for Outdoor Seating

Planning Manager, Andrew Bauer, explained that Ordinance No. 965 would extend the interim regulations for outdoor seating for another six months to provide for ongoing flexibility and response to the COVID-19 pandemic and stated that the regulations have been extended three times with the latest extension expiring June 21st. This is the last extension staff expects to need as the Planning Commission has drafted regulations to allow outdoor seating on a permanent basis.

Mayor Scully opened the Public Hearing. Seeing no comment, he closed the Public Hearing.

Deputy Mayor Robertson brought up a section of the ordinance that suspends minimum off street parking requirements and suggested looking further into reducing the minimum requirements for off-street parking for food and drinking establishments. Mayor Scully added his support for the regulations becoming permanent to which Councilmember Roberts agreed and commented that it would add to the vibrancy of the street.

9. STUDY ITEMS

(a) Discussion of Ordinance No. 966 – Amending Shoreline Municipal Code Chapter 13.20 to Add a New Section SMC 13.20.060 – Deferred Underground Facilities

Assistant City Manager, John Norris, discussed two related ordinances to allow for the construction of temporary three phase overhead power in the MUR-70 zones through Ordinance No. 958 and Ordinance No. 966. This action would add section 13.20.060 to Shoreline Municipal Code to allow the same construction within a limited area to operationalize a development property if entered into deferred underground facilities agreement (DUFA) that would establish connection to the underground facilities. He explained that the ordinance would require Seattle City Light (SCL) to perform work for the construction and removal of the overhead facilities as well as enforcement provisions should SCL fail to comply with the code. He said staff shared and received feedback from key stakeholders including SCL on code components to help ensure code requirements could be met.

Questions were asked regarding the ordinance's extension to MUR-45 zones, the usage of the temporary power facilities, and clarity on the timing of the completed capital project and connection. Mr. Norris answered that Council could expand the ordinance to include MUR-45 zones but the code as it is currently proposes allowing the Director of Public Works to identify what zone is in the map and to modify that when needed through a judicial process. He believes the temporary power would be used by telecom or fiber optic companies as it may replace existing single phase poles and he explained the intent of the proposed code and stated that staff could clean up the language to prevent confusion about timelines. Mr. Norris also clarified that developers would be required to install underground infrastructure as part of their development project for future connection to underground facilities once available.

(b) Discussion of Ordinance No. 964 -Planning and Community Development and Public Works Staffing Request to Support Increased Development Permit Volume

Planning & Community Development Director, Rachael Markle, spoke about the plan for additional permit staffing as development has been steadily increasing over the years. She said with staff working to achieve certified green standards, adopt more stringent versions of the State Energy Code, and adhere to stormwater and critical area regulations, administration has become more complex causing the City to begin to exceed its ability to provide predictable and timely reviews and permit issuance. She stated that the Department is seeking a budget amendment to hire 6.5 full-time equivalent staff to primarily provide permitting services and reduce turn-around time for permits as well as a .5 FTE to full-time increase to an existing GIS position. Ms. Markle said this request comes ahead of the 2023-2024 Biennial Budget in order to have time to recruit and train new staff and she explained the plan to pay for the requested staff will almost entirely be supported by permit revenue.

Responding to a question about the long-term sustainability of the additional staff, Ms. Markle said the projections for the staff report were inclusive of projects in the pipeline through 2025 with an expected revenue of about \$7 Million per biennium and stated that staff also have indications of future projects likely past 2025. Ms. Tarry commented that staff expect the positions to be funded through the next four years and would have to address a decline in funding from a staffing perspective. She said much of the revenue from this biennium will cover work happening into the next biennium but stated that monitoring is necessary as the work is tied to a specific revenue source.

Ms. Markle elaborated on the role of the two requested Development Review Engineers stating that they are part of the permit review process who would contribute to the work of the three current Engineers and City Engineer. Tricia Juhnke added that the three positions hired in 2021 were allocated to the Wastewater Division with one serving as support for development review.

Councilmember Mork commented that staff should be hired if truly needed to solve problems. Mayor Scully said that many people are frustrated with the permitting process and, while providing sustainable employment is important, permit turnaround is the priority.

Ms. Tarry asked if Council was comfortable with staff proceeding with the recruitment process to which Council consented with the understanding that offers would not be made until Council has taken action to fund the positions.

(c) Discussion of Ordinance No. 967 – Authorizing the Use of Eminent Domain for Acquisition of Certain Real Property identified as King County Tax Parcel No. 727810-0905 for Public Park Land

Councilmember McConnell stated that she will continue to recuse herself from the topic and excused herself for the evening.

Ms. King explained the purpose of the Ordinance is to authorize the use of eminent domain to acquire 2nd class tidelands which she said will be used to add land to the City's public park

systems and she shared photos of tax Parcel No. 727810-0905 and three surrounding access points including two unauthorized at-grade crossings to tidelands owned by BNSF at Innis Arden Reserve and Kayu Kayu Park. She stated that the City's consultant has reached out to negotiate a purchase and sale agreement with the property owner and eminent domain would only be used if good faith efforts fail and added that just compensation would be paid to the property owner.

There was concern expressed over a dispute on who owns sections of 27th Avenue, and Ms. King said she did not have clarification on the issue at this time but stated that the dispute would be a separate issue from the proposed ordinance. In discussing access to the beach along 27th Avenue, Ms. King confirmed that individuals would need to cross the railroad and rocky terrain, and Ms. Tarry added that staff have requested a lease to access the Burlington Northern right-of-way to allow people to traverse the tideland but have yet to hear back on the request. To address comments about parking on 27th Avenue and adherence to procedural process, Ms. King said the Ordinance only focuses on eminent domain and parking would be a separate issue that staff could investigate. She confirmed that all legal requirements have been met to move forward with this Ordinance and acknowledged some members of the public would prefer a more robust public process.

Deputy Mayor Robertson stated support for the Ordinance because it would create safe access to the beach and she looks forward to continued discussion, and Councilmember Mork concurred. Mayor Scully spoke of his experience using the private property in question to access the beach and stated that this is an opportunity to make the shorelines a public domain and continue the community traditional of accessing the beach at this location. He acknowledged the ongoing challenge for emergency services accessing the beach and homes on 27th Avenue, so he asked for police and fire data on service calls to this beach and noted that there were zero. He reminded Council that this Ordinance is not proposing an expansion of use but would rather preserve the existing use. Mayor Scully suggested that more could be done to address the parking situation if it becomes an issue, and the seawall issue would be sorted out later in the process. This action would give staff the go-ahead to acquire the parcel through eminent domain, if necessary.

10. ADJOURNMENT

At 9:22 p.m., Mayor Scully declared the meeting adjourned.

Jessica Simulcik Smith, City Clerk