

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING

Monday, September 9, 2002
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Jepsen, Deputy Mayor Grossman, Councilmembers Chang, Gustafson, and Hansen

ABSENT: Councilmembers Montgomery and Ransom

1. **CALL TO ORDER**

The meeting was called to order at 7:30 p.m. by Mayor Jepsen, who presided.

2. **FLAG SALUTE/ROLL CALL**

Upon roll call by the City Clerk, all Councilmembers were present, with the exception of Councilmembers Montgomery and Ransom.

Upon motion by Councilmember Gustafson, seconded by Councilmember Chang and carried 4 – 0, Councilmembers Montgomery and Ransom were excused. (Deputy Mayor Grossman was out of the room for the vote.)

(a) Proclamation of a "Day of Unity"

Mayor Jepsen read a "Day of Unity" proclamation commemorating the events of September 11, 2001. Marcy McAuliffe accepted the proclamation and announced a commemoration event entitled "Many People, One Heart Moving Forward" to be held September 11 at 7:30 p.m. in the Shoreline Conference Center auditorium.

3. **CITY MANAGER'S REPORT**

City Manager Steve Burkett reported on his attendance at the Chamber of Commerce/Economic Development forum, where former State Senator and Supreme Court Justice Phil Talmadge spoke about opportunities for business improvement districts. He asked Council to plan on attending the opening of the new skateboard park on Friday, October 11, at 1:00 p.m., noting the event will be sponsored by a City-sponsored youth group.

4. **REPORTS FROM BOARDS OR COMMISSIONS:** none

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5. PUBLIC COMMENT

(a) David Townsend, Shoreline, expressed appreciation for Council's cooperation in working with the Tia Foundation to implement traffic safety changes in the City. He commented on his recent trip to St. Paul, Minnesota, where he spoke with traffic engineers about their measures to address safety issues. Finally, he submitted a packet of Shoreline traffic accident statistics and asked Council to consider it.

(b) Elaine Phelps, Shoreline, expressed concern about her difficulties in accessing Council meeting agendas and staff reports. She suggested the City provide an e-mail subscription service. She also expressed disappointment with the format of the Shoreline Hearing Examiner public hearings. She said the City and applicant were provided with unlimited time and resources to present Aegis' case. She recommended that the Council change the format to give the public a fair chance to participate.

(c) Daniel Mann, Shoreline, said the Aurora Avenue Merchants strongly endorse an improved Aurora, but they do not agree with the facts and statements circulated by Washington State Department of Transportation (WSDOT) and the City. He said the *Aurora: Today and Tomorrow* video on Channel 21 falsely claims the Aurora Corridor Project will cost nothing, but said it will costing Shoreline residents \$16 million for just the first mile. He said that tax money could be better spent on parks or education programs. He said the WSDOT statistics falsely claim that Aurora is one of the most dangerous highways in the state, noting that it does not even rank in the top 20 according to the Seattle Times. He said many of the most dangerous highways are the ones that currently have raised medians.

(d) Ken Meyer, Seattle, expressed opposition to changing the format of the public comment period at Council Workshop meetings. He said Highway 99 in SeaTac, WSDOT's model for traffic improvement, still ranks as one of the top ten most dangerous highways in the state according to a recent Seattle Times' article.

Mr. Burkett said the City is planning changes in its website and will offer meeting agendas via e-mail subscription by the end of year.

Ian Sievers, City Attorney, responded to the question of Hearing Examiner meetings. He felt the open record on the Aegis Critical Areas Special Use Permit was fair, but identified the large crowd that wanted to testify as the reason public comment was limited. He said the City's presentation provided background, similar to what Council receives on quasi-judicial matters. He said because the applicant has the burden of meeting the criteria by substantial evidence, it is afforded a reasonable amount of time to make its argument. He noted that the Hearing Examiner left the record open for nearly two weeks to allow additional written comments into the record.

Regarding the Seattle Times' traffic statistics, Mr. Burkett noted that it used limited data in its analysis of SeaTac's road improvements.

Paul Haines, Public Works Director, said the WSDOT information used by the City involves a somewhat different time frame than what the Seattle Times used. He said for the 1999/2000 time period, Aurora Avenue N. had a societal cost of about 10 times higher than the state average. He noted other statistics, but stressed the need for more time to understand the Times article and its findings. He said sections of Highway 99 in SeaTac are either under construction or have been constructed since 1996, which may not have been factored into the Times' analysis.

Responding to Councilmember Chang, Mr. Haines said the City does not try to accumulate independent data but relies on agencies that do statistical analysis, such as WSDOT.

Councilmember Chang asked why there were discrepancies between WSDOT data and the Times' article.

Mr. Haines was unsure as to why there was a difference, but emphasized the importance of analyzing all available information to get a clear picture of the totality of the problem.

Mr. Burkett said that while the Times' article is not a complete source for information on the issue, he will follow up with WSDOT on how to reconcile the conflicting data. He reiterated the point that Aurora Avenue is one of the more dangerous stretches of road, and the discrepancies do not change the fact there is a serious safety problem.

Councilmember Gustafson acknowledged Mr. Burkett's comments but stressed the importance of having accurate information. He said Council must be informed when it speaks about these type of issues, noting he does not want to misrepresent the issue. He said he was shocked by the information in the Times' article.

Councilmember Chang suggested that the City invite representatives from WSDOT to a Council dinner and hear directly from them.

Continuing, Councilmember Chang said WSDOT used some non-Aurora accidents in compiling its Aurora accident statistics. He added that the *Aurora: Today and Tomorrow* video is clearly biased toward one side, especially when it uses terms like "suicide lanes." Deputy Mayor Grossman said the video is an information piece that supports the official position of the Council and staff, so he feels it to be completely appropriate. Although he did not like some elements of the video, Councilmember Hansen objected to the characterization that it is misleading.

6. APPROVAL OF THE AGENDA

Councilmember Gustafson moved approval of the amended agenda.

Councilmember Chang seconded the motion, which carried unanimously, and the amended agenda was approved.

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7. CONSENT CALENDAR

Councilmember Gustafson moved approval of the consent calendar. Councilmember Hansen seconded the motion, which carried 5-0, and the following items were approved:

**Minutes of Workshop Meeting of August 19, 2002
Minutes of Regular Meeting of August 26, 2002**

**Approval of expenses and payroll as of August 30, 2002
in the amount of \$1,827,353.36.**

8. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

- (a) Ordinance No. 313 adding a part-time Domestic Violence Victim Coordinator in the City Attorney's Office

Ian Sievers, City Attorney, explained the need for this action, noting King County has indicated it will no longer provide this service and a part-time staff person can provide the service more inexpensively than King County anyway.

Councilmember Hansen supported the motion, noting the issue is a simple change of service provider that has no effect on the budget.

Deputy Mayor Grossman was pleased that Mr. Sievers in his report had acknowledged the efforts of the Transition Team in analyzing the need for domestic violence advocacy.

Councilmember Gustafson moved to adopt Ordinance No. 313. Councilmember Hansen seconded the motion.

Councilmember Chang asked if there was a need to hire a human services specialist to avoid similar contract cancellations in the future, to which Mr. Burkett responded that the City will evaluate the situation each time a contract is renewed. He said the Domestic Violence Coordinator position is not currently linked to any other issues.

A vote was taken on the motion, which unanimously carried, and Ordinance No. 313 was adopted.

- (b) Resolution No. 196 amending Council's Rules of Procedure and Resolution No. 183 to change the format of Council workshops

Mr. Burkett said the proposal is aimed at increasing the effectiveness of workshop meetings. He pointed out that the public is given several opportunities at regular meetings to provide comment on any topic and no change is proposed. He said the proposal for the change in the workshop format is not an attempt to eliminate public comment, but to balance the public comment with the stated purpose of workshops--to

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provide an opportunity for Council to exchange information and opinions and give direction to staff on relevant issues. He noted that no official action is taken at workshop meetings and public comment is invited after each agenda item. He reported that the Council of Neighborhoods members discussed this item. He concluded there are many ways to communicate with Council, including public meetings, e-mail, and telephone calls.

Mayor Jepsen called for public comment.

(a) Ken Meyer, Seattle, expressed satisfaction with the current format of Shoreline City Council meetings. He said workshops should allow more public input than regular meetings because they are designed to be an informal opportunity for dialogue between Council and the public. He suggested that if Council feels compelled to remove something, it should only eliminate comment after individual agenda items.

(b) Elaine Phelps, Shoreline, suggested that the City modify workshop meetings to include more public comment rather than less. She said radical changes in the public relationship as proposed deserve more time for consideration. She stressed the need have an interchange, noting that sometimes people change their minds in the course of discussion.

(c) Anthony Poland, Shoreline, said public input is the basic building block of society and essential to the function of government. He suggested that the City provide more opportunities for public input, not less, noting the importance of interchange between Council and citizens. He said if Councilmembers vote for the resolution, they do not belong in government. He said he intended to call upon the 13 neighborhood councils to seek dissolution of the City if Council proceeds.

(d) Edsel Hammond, Shoreline, opposed changing Council meetings because public comment is time-sensitive and saves time for other endeavors. He said eliminating public comment at workshops would make regular meetings more burdensome.

(e) Dave Townsend, Shoreline, said Council is supposed to listen to the public. He said despite the fact that some public comment has gotten abrasive and personal, it is important to continue providing an open public forum. He said Council should use its authority to sanction inappropriate comments.

(f) Daniel Mann, Shoreline, said Council is overreacting to passionate citizen comments. He said this resolution sends the wrong message if Council chooses to curtail comments with which it disagrees. He said the City benefits from residents' comments, and Council shows respect to residents by listening to them. He said the public has very little time to make a cogent argument in two minutes

(g) Russ McCurdy, Arlington, said only a few people speak at workshops anyway, so Council should not try to fix a problem that doesn't exist. He noted that Shoreline has one of the best systems for public input and encouraged Council to reflect

on earlier comments about freedom. He implored Council not to take away citizens' right to free speech.

(h) Wally Crow, Shoreline, agreed with the previous comments and felt Council should look for all the public input possible. He said while he does not condone abusive language, elected officials have heard much worse. He said limiting public comment could possibly make abusive people more determined to make a point.

Deputy Mayor Grossman moved adoption of Resolution No. 196. Councilmember Gustafson seconded the motion.

Councilmember Chang said he values public input despite the fact that people disagree at times. He identified with the citizens' position, noting the difficulty of speaking for only two minutes before a public audience. He noted his respect for people who invest time and effort to make public comments.

Councilmember Gustafson favored streamlining workshop meetings, noting that people are allowed input at all regular meetings and on agenda items at workshop meetings. He said he tried to ascertain public opinion at the Council of Neighborhood meeting but there was no clear majority opinion. He also received phone calls and e-mails on the subject, noting there are many opportunities to contact Council. He favored streamlining the workshop by allowing comment on individual items and a three- or five-minute comment period at the end. He felt it was important for Councilmembers to consider public comments at the end of meetings. He noted that many cities do not provide public input before and after at workshop meetings. He offered a compromise that would eliminate the two-minute public comment period but allow five minutes at the end for feedback and open comment.

Councilmember Hansen asked if the proposed five-minute comment period would be limited to workshop items or general comments. Councilmember Gustafson felt the meetings still need a general comment period, although he would prefer feedback on agenda items.

Mayor Jepsen clarified the fact that the resolution would eliminate the two-minute open comment period and the five-minute open comment, but retains the public comment period after workshop items. He said he was originally interested in keeping public comment at beginning and end and eliminating comments after agenda items, but that is not what is proposed. He said there are still many opportunities to address Council, noting the fact that he received voice mail and direct phone calls on this issue. He expressed mild support for Councilmember Gustafson's compromise but thought that a five minute time limit may be excessive.

Councilmember Gustafson moved to postpone consideration until September 23rd, when the full Council would be present. Deputy Mayor Grossman seconded the motion.

Mayor Jepsen said Councilmember Ransom expressed opposition to the proposed resolution but supports a collective Council effort to enforce meeting rules.

Councilmember Hansen said he is not concerned about dissenting public opinions because meeting rules can control personal attacks. He emphasized that Councilmembers often disagree with each other, but agreed that workshops need to be streamlined. He did not object to staying late, but felt that staying late every Monday night was not necessary. He supported increasing time for public comment if the discussion is limited to workshop items. He then announced his City voicemail number, noting that citizens can contact him anytime and leave messages. He was not convinced that limiting public comment at workshops makes a difference in the public's ability to communicate with Council.

A vote was taken on the motion to postpone, which failed 2 – 3, with Deputy Mayor Grossman and Councilmember Gustafson voting in the affirmative.

Councilmember Hansen agreed with Councilmember Chang's prior comments and said Council could amend the proposal to expand the public comment time on workshop items, noting that some expressed concern about the short comment period.

Councilmember Hansen moved to increase the amount of time for comment on workshop items from two minutes to five minutes. There was no second.

Councilmember Gustafson moved to amend the resolution to allow public comment for three minutes per person at the end of the meeting. Deputy Mayor Grossman seconded the motion.

Councilmember Chang commented that many business owners do not have time to attend Council workshop meetings late in the evening, so he preferred keeping the general comment time at the beginning.

Councilmember Gustafson said the public still has the open comment time at the beginning and end of regular Council meetings, so he felt the amendment was a good compromise. He also noted Council's ability to modify the policy in the future.

Councilmember Hansen agreed with Councilmember Chang's recommendation to keep the general comment time at the beginning of meetings, but emphasized the importance of finishing meetings on schedule.

Mayor Jepsen said there are opportunities for submitting general public comment every other week.

Councilmember Chang said the public comment period is a learning process for everyone, including Council. He said the general comments contribute to the City's overall progression, noting the need to share that information with the community instead of barring opposing viewpoints.

Mayor Jepsen said this is not an effort to bar opposing views but an attempt to make workshop meetings more effective by focusing on the agenda.

Councilmember Gustafson moved to postpone the vote on the amendment until the September 23rd meeting. There was no second.

A vote was taken on the amendment to retain public comment at the end of the meeting, allowing each speaker three minutes to speak, which carried 4 – 1, with Councilmember Chang dissenting.

A vote was taken on the motion to adopt Resolution No. 196 as amended, which carried 3 – 2, with Councilmembers Chang and Hansen dissenting.

9. CONTINUED PUBLIC COMMENT

(a) Janet Way, Shoreline, read the First Amendment and said Council was more concerned about efficiency than the democratic process. She said that the public sets the agenda in a democracy, but that Council is dictating the content of speech by limiting comment.

(b) Elaine Phelps, Shoreline, expressed opposition to the City Attorney's account of the Hearing Examiner process. She said Council should give some thought to what a public hearing is supposed to educe. With regard to tonight's action, she noted the difference between leaving a voicemail and speaking in public. She said Council reached an improved resolution but the issue should be reconsidered at some time in the future. She expressed serious concern about staff's insensitivity to the motivations behind Shoreline's establishment.

(c) Pat Crawford, Shoreline, opposed the Council's action to limit public comment and pointed out that Council's insistence on rebutting citizen's comments adds time to the meeting. She commented on the lack of discussion about what is sufficient for the public in terms of speaking time. Lastly, she said Councilmembers should find a different job if they disagree with allowing public comment.

(d) Daniel Mann, Shoreline, addressed Council comments regarding the Aurora Corridor Project video, noting that the video is misleading regarding project costs. He said the Shoreline Merchants Association supports sensible traffic safety measures. Referring to Councilmember Grossman's e-mail, he asked what constitutes legitimate legal standing in Shoreline. He objected to categorizing businesses as "marginal", noting that the City can marginalize anyone by changing the law.

(e) Tim Crawford, Shoreline, said that freedom was compromised tonight. He commented on what he perceived as the City's blatant disregard for its own codes, noting inappropriate involvement in the Aegis project. He also noted his personal interactions with Deputy Mayor Grossman and Councilmember Hansen..

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(f) Anthony Poland, Shoreline, said the problem is not with the format of Council meetings but with the way in which Council reacts to people. He said Councilmembers should resign if they are concerned about meeting schedules. He said Council has its own private agenda and expressed support for dissolving the City and starting over.

(g) Dave Townsend, Shoreline, gave a brief account of his recent trip to Minnesota where he learned about traffic engineering and design. He said other cities hire staff to specifically address pedestrian/bicycle safety issues. He expressed interest in exploring funding to create a similar position in Shoreline.

(h) Ken Meyer, Seattle, objected to how the minutes reflected his comments at the previous Council meeting and asked that his comments be reiterated as follows: "I said that on 145th the sidewalk is five feet wide, and we didn't feel that that constrained us at all, I said that the benches on the corner of 145th and Aurora were really quite silly, whereas the people at the bus stop 200 feet to the north were literally sitting on the sidewalk. I said that the Shoreline sign was rather ostentatious and pretentious and probably unnecessary, and I don't see any similar sign saying welcome to Seattle on the other side of the street. I observed that the trees had been planted in the amenities strip by Shurguard, obscure the view of traffic coming out of the driveways there, looking to the south, and that they also hang over the sidewalks so that the sidewalk may be 8 feet wide but only really 4 feet is useful. It was, and I think that it's a little much to summarize to say that it's a waste of concrete." He added that Councilmember Montgomery had observed that since the population was getting older and more people may be in wheelchairs, eight-foot wide sidewalks are necessary. Mr. Meyer said a wheelchair is 26 inches wide. He felt a person should be able to navigate a wheelchair within a six-foot-wide sidewalk. He asked that his comments be considered in the design of the sidewalk along Aurora Avenue.

Mayor Jepsen said he would follow up with the City Manager about the Hearing Examiner process.

Councilmember Chang reiterated his view that the Aurora Corridor video was misleading in many ways. He said Council has a duty to provide the facts.

10. ADJOURNMENT

At 9:40 p.m. Mayor Jepsen declared the meeting adjourned.

Sharon Mattioli, CMC
City Clerk

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