



AGENDA

SHORELINE CITY COUNCIL WORKSHOP DINNER MEETING

Monday, July 10, 2006
6:00 p.m.

Shoreline Conference Center
Highlander Room

TOPIC/GUESTS: Water Resource Inventory Area (WRIA) 8 Interlocal Agreement

SHORELINE CITY COUNCIL BUSINESS MEETING

Monday, July 10, 2006
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

	<u>Page</u>	<u>Estimated Time</u>
1. CALL TO ORDER		7:30
2. FLAG SALUTE/ROLL CALL		7:30
3. REPORT OF THE CITY MANAGER		7:31
4. REPORTS OF BOARDS AND COMMISSIONS		7:36
5. GENERAL PUBLIC COMMENT		7:36
<i>This is an opportunity for the public to address the Council on topics other than those listed on the agenda, and which are not of a quasi-judicial nature. The public may comment for up to three minutes; the Public Comment under Item 5 will be limited to a maximum period of 30 minutes. The public may also comment for up to three minutes on agenda items following each staff report. The total public comment period on each agenda item is limited to 20 minutes. In all cases, speakers are asked to come to the front of the room to have their comments recorded. Speakers should clearly state their name and city of residence.</i>		
6. APPROVAL OF THE AGENDA		7:58
7. CONSENT CALENDAR		7:59
(a) Minutes of Regular Meeting of April 10, 2006	<u>1</u>	
Minutes of Regular Meeting of May 15, 2006	<u>19</u>	
Minutes of Special Meeting of June 5, 2006	<u>37</u>	
Minutes of Community Workshop of June 6, 2006	<u>57</u>	
Minutes of Community Workshop of June 14, 2006	<u>83</u>	
Minutes of Workshop Dinner Meeting of June 12, 2006	<u>109</u>	

Minutes of Business Meeting of June 12, 2006	<u>113</u>
Minutes of Workshop Dinner Meeting of June 26, 2006	<u>125</u>
Minutes of Business Meeting of June 26, 2006	<u>129</u>

(b) Approval of expenses and payroll as of June 29, 2006 in the amount of \$2,271,632.10	<u>141</u>
(c) Ordinance No. 435 amending the public records act in Shoreline Municipal Code Chapter 2.35 by updating the RCW references and clarifying procedures, and amending the public records fee schedule in SMC Chapter 3.10	<u>143</u>
(d) Ordinance No. 432 renewing the franchise agreement with Electric Lightwave	<u>153</u>

8. ACTION ITEM: PUBLIC HEARING

8:00

Public hearings are held to receive public comment on important matters before the Council. Speakers wishing to speak should sign in on the form provided. After being recognized by the Mayor, speakers should approach the lectern and provide their name and city of residence. Individuals may speak for three minutes, or five minutes when presenting the official position of a State registered non-profit organization, agency, or City-recognized organization. Public hearings should commence at approximately 8:00 p.m.

(a) Public hearing to receive citizens' comments on proposed amendments to City of Shoreline Hazardous Tree Regulations; and Ordinance No. 434 amending the Shoreline Municipal Code to update regulations relating to tree cutting, amending SMC 20.50.310 regarding exemptions from permit requirements for hazardous trees	<u>169</u>
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9. ACTION ITEM: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

9:00

(a) Ordinance No. 433 increasing the General Fund appropriation in the 2006 budget to add a new development review engineer position and an on-call contract for engineering services to perform permit review; and amending Ordinance No. 404, Ordinance No. 414 and Ordinance No. 420	<u>225</u>
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10. ADJOURNMENT

10:00

The Council meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 546-8919 in advance for more information. For TTY service, call 546-0457. For up-to-date information on future agendas, call 546-2190 or see the web page at www.cityofshoreline.com. Council meetings are shown on Comcast Cable Services Channel 21 Tuesdays at 12pm and 8pm, and Wednesday through Sunday at 6 a.m., 12 noon and 8 p.m.

DRAFT

CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF REGULAR MEETING

Monday, April 10, 2006
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Ransom, Deputy Mayor Fimia, and Councilmembers Hansen, McGlashan, Ryu, and Way

ABSENT: Councilmember Gustafson

1. **CALL TO ORDER**

The meeting was called to order at 7:35 p.m. by Mayor Ransom, who presided.

2. **FLAG SALUTE/ROLL CALL**

Mayor Ransom led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present with the exceptions of Deputy Mayor Fimia, Councilmember Gustafson and Councilmember Hansen. Deputy Mayor Fimia arrived shortly thereafter.

Upon motion by Councilmember McGlashan, seconded by Councilmember Way and carried 5-0, Councilmember Gustafson was excused.

(a) Proclamation of "Donate Life Month"

Mayor Ransom read the proclamation and named the month of April, 2006 "Donate Life Month." He presented the proclamation to Patti Knight and Patrick Broadgate of the Living Agency Foundation.

3. **CITY MANAGER'S REPORT**

Bob Olander, City Manager, noted that the purchase of three-acres of South Woods has closed. He thanked the Shoreline School District, King County for the Conservation Futures Grant Program, and the residents of Shoreline. There was a bid opening for the Field A&B Improvements and the low bid was under the City's estimate. He announced that Seattle City Light (SCL) has an Energy Incentive Program that offers six monetary incentive programs to encourage residents and businesses to take action to reduce energy needs. He announced that Mayor Ransom swore in four new Planning Commission members: Rocky Piro, Sid Kuboi, David Pyle, and Michelle Wagner. Rocky Piro was nominated as the new chair and Sid Kuboi was nominated as the vice chair. On April 15th there will be a construction party at the Shoreview and Boeing Creek trails for City volunteers.

Councilmember Way added that the City has several Earth Day 2006 events planned and interested parties should refer to the City's website or Channel 21 for more information.

Mr. Olander also mentioned that there are several "Ivy Out" events scheduled throughout the parks and trails of the City and any interested parties should call the City for more information.

4. REPORTS OF BOARDS AND COMMISSIONS:

Councilmember Way announced that she attended the WRIA 8 meeting. She said it was a complex meeting and speakers talked about priorities and the processes for the committees. She noted that she also attended an excellent workshop on Crisis/Risk Management given by King County. She said the main topic of the workshop was to identify ways organizations deal with crisis situations.

Councilmember Ryu noted that on April 5th she attended a presentation given by Sergeant Leona Obstler on the City's Business Watch Program. Additionally, she said that even though the transfer station is being closed residents shouldn't stop recycling at their homes. She added that she went to a dinner given by Presidents Advisory Commission on Asian-American and Pacific Islanders on Thursday, April 6th. She concluded and announced that this week is "Small Business Week" as proclaimed by Governor Gregoire.

Councilmember McGlashan said he would be attending the Juvenile Justice Conference as part of the Northshore/Shoreline Community Network on May 1st.

5. PUBLIC COMMENT

(a) Chris Eggen, Shoreline, stated that the Parks bond provides improved sports facilities, ballfields, trails, and complete the Interurban Trail. He added that the City has a unique opportunity to acquire forest land. He urged the public to vote "yes" for the parks bond to purchase the three properties; South Woods' 12.6 acres, the Seattle Public Utilities' (SPU) property next to Hamlin Park 8.3 acres, and the Kruckeberg Botanic Gardens.

(b) Anne Fishburn, Shoreline, spoke in support of the parks bond on behalf of "ShoreDog", a group of citizens supporting an off-leash dog park in Shoreline. She said this bond is important for the acquisition and parks improvements throughout the City. She particularly supported the \$150,000 for an off-leash area in a City park. She reported that there are over 12,000 dogs in Shoreline and no off-leash area, while in Seattle there are 11 of them. She also said North Acres Park in Seattle has over 500 users per day. She felt that an off-leash park here would also mean fewer dogs would be lost in the City.

(c) Peter Henry, Shoreline, spoke in support of the parks bond and invited the public to come to the Shorecrest High School parking lot on April 15th to a rally in

support of it. He thanked the Mayor, the Deputy Mayor, the Council, and the City Manager for doing a fantastic job. Responding to Councilmember Way, Mr. Henry replied that the rally would be taking place at 11:00 am and King County Councilmember Ferguson and Representative Marilyn Chase would be attending.

(d) Greg Logan, Shoreline stated he is dismayed about the recall article and recent articles in the Enterprise about illegal City Council meetings. He said this is a horrible burden that has been put on the City and the Council needs to be doing something more meaningful like dealing with more serious issues such as juvenile behavior and homelessness.

6. APPROVAL OF THE AGENDA

Councilmember Way moved approval of the Consent Calendar, pulling Item 7(c) and moving it to Item 9(a). Deputy Mayor Fimia seconded the motion, which carried 5-0.

7. CONSENT CALENDAR

Deputy Mayor Fimia moved approval of the Consent Calendar as amended. Councilmember Ryu seconded the motion, which carried 5-0, and the following items were approved:

Minutes of Special Meeting of February 21, 2006

Minutes of Workshop of March 6, 2006

Minutes of Special Meeting of March 20, 2006

Approval of expenses and payroll as of March 30, 2006 in the amount of \$2,742,080.60

Motion to authorize an Interlocal Agreement between the City of Shoreline and the City of Lake Forest Park relating to Recreation Program Reimbursement

Ordinance No. 419, updating City Funds and Amending Chapter 3.35 of the Shoreline Municipal Code

Councilmember Way asked that the public submit its ideas and priorities for the Council to consider at its Retreat on April 27-28. She noted there will be an input form on the City website called "Community Goals Survey" for the submission of ideas from residents.

Mayor Ransom added that emails, comment forms, and submissions that are sent via voicemail will also be accepted.

Councilmember Ryu asked that this be advertised on Channel 21 as well.

8. ACTION ITEM: PUBLIC HEARING

- (a) Public hearing to receive citizens' comments on Ordinance No. 421, extending a Moratorium on Hazardous Tree Exemptions; and

Ordinance No. 421, Extending a Moratorium and Interim Control pursuant to RCW 35A.63.220 Prohibiting the Cutting of Trees in Critical Areas and Prohibiting Land Clearing or Grading in Critical Areas until July 3, 2006

Mayor Ransom opened the public hearing.

Joe Tovar, Planning and Development Services Director, stated that staff has been refining the proposed permanent regulations regarding tree cutting over the past weeks. He estimated that a recommendation would be brought to the Council in early June since it's on the Planning Commission agenda for May 18.

1) Nancy Rust, Shoreline, favored extending the moratorium because she said Mr. Tovar is busy speaking to the residents on both sides of the issue and the Planning Commission still needs to work on this.

2) Elaine Phelps, Shoreline, concurred with the previous speaker, stating it has been a pleasure working with Mr. Tovar. There are many interests at stake and so is the City of Shoreline. This will effect how Shoreline works toward preservation and how the City retains, sustains, and improves critical areas.

Upon motion by Councilmember Way, seconded by Councilmember Ryu and carried 5-0, the public hearing was closed.

Deputy Mayor Fimia moved to extend the moratorium on hazardous trees until July 3, 2006. Councilmember McGlashan seconded the motion.

Deputy Mayor Fimia asked if the Planning Commission could have their public hearing earlier than May 18.

Mr. Tovar responded that due to notice requirements and the status of the final draft, it will not be possible to hold public hearing sooner then May 18. He noted that the public will be able to view the presentation at the May 4 Planning Commission meeting.

Councilmember McGlashan inquired if the Association for the Responsible Management of Innis Arden (ARM) and the Innis Arden Club had made any progress toward resolution of their disagreements. He said he would like to see both parties work out

their differences on their own and wondered if they were even meeting on their own any longer.

Mr. Tovar was not sure, but he has heard from several residents from both organizations.

Councilmember Way noted that this isn't only an Innis Arden issue. She said there are many trees in Shoreline that may need protection and hazardous trees to deal with. This matter involves everyone in the City. She noted that in Bellevue there are enormous trees that are allowed to stay despite the downtown development that City is experiencing. Our City needs to explore opportunities just like that. These trees add water/air quality and provide a healthy habitat. She stated that the City needs to work for the best outcome in the interest of the public.

Councilmember Ryu asked that the City Manager ensure the May 4 and May 18 Planning Commission meetings are aired on Channel 21.

Deputy Mayor Fimia inquired about the cost to televise the two meetings and whether or not there was money in the budget they could use for it.

Scott Passey, City Clerk, estimated a cost between \$700 - \$1,200 to record each meeting.

Mr. Olander responded that he would find the money in the budget.

Mayor Ransom expressed support for the extension because he is satisfied that staff is thoroughly covering this issue. He felt the two meetings concerning the hazardous tree regulations are important enough to televise and agreed with allocating funds towards it.

Councilmember Hansen arrived at 8:28 p.m.

Councilmember Way wanted Mr. Tovar to clarify the tree issues in the City.

Mr. Tovar replied that there are two different kinds of items that will be a part of the regulations; one involves what the regulation will be for hazardous trees. The next is what should happen to trees in critical areas that may not be hazardous, but impact views.

Councilmember Way wondered if any provisions of the proposed ordinance would preserve significant trees or heritage trees, or if this would be a separate topic.

Mr. Tovar said there are provisions in the Code for landmark trees and the staff will discuss them when it is presented to the Planning Commission and the Council. The staff report will provide a narrative summary on all of the City regulations that involve trees both on private property and in the public right-of-way.

A vote was taken on the motion to extend the moratorium on hazardous trees until July 3, 2006, which carried 6-0.

9. NEW BUSINESS

- (a) Motion to Approve a Professional Services Contract
or the Thornton Creek Corridor Preliminary Design Project

Councilmember Way requested that staff highlight what has been done with this project.

Jill Marilley, City Engineer, said that in 2001 the Council approved a \$5 million plan for Ronald Bog. In 2002, the new Public Works Director, Paul Haines, advocated for lower cost solutions to do more with less money. There were several maintenance projects which needed to be done downstream and upstream such as detention and incremental improvements which were done in 2003 and 2004. These have led to the elimination of any flooding problems in the bog over the past two years.

Jerry Shuster, Surface Water Manager, noted that they videotape the downstream flows of Ronald Bog and every year sections of the pipe are settling and reverse grade. Therefore, the focus of this project is directed at the downstream of Ronald Bog which potentially could cause some flooding of homes in the area if this work is not done.

Mr. Olander added that the downstream piping is full of roots and some pipe separation.

Ms. Marilley stated the system is older and is leaking.

Councilmember Way referred to page 42 of the packet and inquired what the system will look like.

Mr. Shuster said he is not sure what it will look like, but it will provide more water storage volume in Ronald Bog.

Councilmember Way asked if the structure would have a "naturalistic style" and fit into the look of the bog.

Mr. Olander said it may have to be a variable level wier to avoid the downstream issues.

Councilmember Way said she would be interested in identifying ways of improving the wetland functions at Ronald Bog and even at Cromwell Park from a natural aspect. She noted that the words "bypass pipeline" scare her and it refers to an engineered solution that was popular 10 or 15 years ago. She asked about the impact of using bypass pipelines.

Mr. Shuster responded that they do not have any idea what this system will look like because it is in the concept phase.

Councilmember Way asked how much sediment was being sent downstream. She said it outlined that no erosion has taken place in the creek. She state there was lots of sediment in Sunde Pond and it may be coming from other sites. Sediment, she said, is a big water

quality problem. She wished to know what this project will do to address the sediment issue.

Deputy Mayor Fimia moved to approve the Professional Services Contract for the Thornton Creek Corridor Preliminary Design Project. Councilmember Ryu seconded the motion.

Mayor Ransom wanted to know how much the piping in Ronald Bog would cost if it had to be replaced.

Mr. Shuster replied that it would cost \$1.5 million for this project and that is a fairly high estimate depending on the configuration.

Mr. Olander said part of it would be paid for by the Public Works Trust Fund Loan.

Deputy Mayor Fimia asked if the scope could be expanded on page 42 on property acquisition. She said the City could use properties to enhance the system and look at the pervious areas along the corridor and remove them. She argued that the City could devise an incentive program for commercial and residential property owners who wish to use a portion of their property to be less-impervious instead of the City having to do such a large capital project to accommodate all of the runoff.

Mr. Shuster responded that Corliss Avenue and Corliss Place are right-of-ways and the only impervious surfaces in the area except for homes.

Deputy Mayor Fimia noted that Echo Lake abuts several parking lots, some of which are probably unused. She felt the City should reclaim that pervious surface that is now impervious surface.

Ms. Marilley noted that Public Works is looking at utilizing different types of materials such as pervious pavement in parking lots to reduce impervious area.

Mayor Ransom asked if it would change the contract as written.

Mr. Shuster responded that it would not. He highlighted that this contract has a six-month term and they will have 30% designed by then.

Ms. Marilley explained that 30% design marks the "conceptual design phase" of the project. At this point, general cost estimates, timeframes, and general environmental impact and alternatives will be completed.

A vote was taken on the motion to approve the Professional Services Contract for the Thornton Creek Corridor Preliminary Design Project, which carried 6-0.

- (b) Motion to authorize to the City Manager an increase of \$120,000 in additional change order authority and to execute an amendment to the

Seattle City Light agreement not to exceed \$25,000, and adopt Ordinance No. 420 to increase the overall project programmed funds from \$9,971,831 to \$10,091,831 for the North City Project

Ms. Marilley highlighted that the project is on schedule and relatively on budget with the contingencies added. She said the project has stayed close to the 8.5% contingency level, but an additional \$120,000 is needed for specific City-related improvement. She clarified that \$25,000 is reimbursable, so the amount impacting the City is \$89,000.

Councilmember Hansen moved to authorize to the City Manager an increase of \$120,000 in additional change order authority and to execute an amendment to the Seattle City Light agreement not to exceed \$25,000, and adopt Ordinance No. 420 to increase the overall project programmed funds from \$9,971,831 to \$10,091,831 for the North City Project. Councilmember McGlashan seconded the motion.

Deputy Mayor Fimia inquired if the decision on this item could be delayed a week. She also asked if additional money for flaggers was approved a couple of months ago.

Ms. Marilley said it would delay some work items and potentially cause the contractor to charge the City more for the delay. She also said the money for the flaggers was approved in November for Seattle City Light (SCL) to use them so they can complete their portion of the work. SCL pays for 30% of the traffic control costs on this project.

Councilmember Ryu appreciated the response from staff and inquired if Qwest had any reimbursables to the City.

Ms. Marilley said the City's attempt to have some of the costs reimbursed by Qwest was unsuccessful.

Councilmember Way said she has heard some concerns that there may be some sidewalk issues. She wondered who was handling the quality control for them.

Ms. Marilley replied there are full-time inspectors on site from the construction management firm. She said there are some panels that are cracked which will be replaced. Since the project is not complete, there are items that need to be corrected. She said emails she received said the shading on the concrete was different, however, she said they will blend in and resemble each other.

Mr. Olander added that the 5% retainer does not get paid out to the contractor unless all project errors are corrected.

Deputy Mayor Fimia stated that she reluctantly supports this item. She said it is critical that staff take a close look at the concrete sections because they are very different in color.

Mayor Ransom said he was very concerned also, but he realized that the City is trying to keep the cost down on this project. He supported the item.

A vote was taken on the motion, which carried 6-0.

Deputy Mayor Fimia moved to televise the Planning Commission meetings of May 4 and May 18. Councilmember Ryu seconded the motion.

Mayor Ransom pointed out that the meeting on May 4 is a closed session with no public comment being taken.

Councilmember McGlashan inquired where the money would come from to televise these meetings.

Mr. Olander replied that the funds could come from the professional services line item in the Planning Department budget or the City Manager's budget.

A vote was taken on the motion, which carried 4-2, with Councilmembers Hansen and McGlashan dissenting.

- (c) Motion to adopt Ordinance No. 422, approving a Formal Subdivision for 18 Zero-Lot-Line Lots and One Critical Area Tract located at 1160 N. 198th Street

Mr. Tovar noted that this is the first example of a private project implementing low-impact development. He announced that many kinds of innovative projects will be processed by the Planning and Development Services Department (PADS) in the future. Deputy Mayor Fimia asked that Mr. Tovar explain to the Council any special process that is unique to this decision.

Mr. Tovar responded that the Planning Commission did have a public hearing on this proposal. Tonight's meeting, he said, is not a public hearing; it is to explain the Planning Commission's recommendation and answer questions about the application or the recommendation.

Councilmember Way asked how flexible the proposal was.

Mr. Olander replied that any additional conditions to the proposal should be fact-based and record-based; otherwise, the proposal should be remanded back to the Planning Commission.

Glen Pickus, Planner, outlined that the specifics of this subdivision was discussed in public hearing on March 16, 2006. He described the location, including the access requirements of the subdivision. He noted that the proposal is for 18 dwelling units in four buildings with a wetland, a buffer, rain garden, access via the adjacent property to the south. Zoning for the building is R-48 which would have been 55 dwelling units if

developed to full potential. The development also has three easements and one tract that will be set aside for the wetland and the buffer. The development has gone through a SEPA review, and a mitigated determination of non-significance (MDNS) was issued on February 7, 2006. Some of the MDNS conditions were acquiring a Hydraulic Project Application (HPA) permit from the state to do work in bodies of water. There were also MDNS conditions to clean up contaminated soil at the site, an underground storage tank, and a 55-gallon drum. There is a Type II wetland on the site which vested in September 2005, under the previous critical area regulations. The HPA permit was needed for the removal the top portion of an existing concrete bulkhead wall just above the ordinary high water mark in an effort to prevent erosion into Echo Lake. Additional staff requirements are for a raised boardwalk to protect the wetland and replacing invasive plant life with native vegetation. He noted that the drainage plan for this project will utilize bio-retention (gathering water in a vegetated area so it can permeate the ground), open grassy swales, and permeable pavement to generate less surface runoff, less erosion, and less pollution. He discussed the rain garden and displayed illustrations. He noted that they are protected and King County requires certain covenants and easements that go with the plat when a rain garden is established. He added that they can't be changed without the approval of the City.

Councilmember Hansen moved to adopt Ordinance No. 422, approving a Formal Subdivision for 18 Zero-Lot-Line Lots and One Critical Area Tract located at 1160 N. 198th Street. Deputy Mayor Fimia seconded the motion.

Councilmember Way stated she was excited to see innovations considered as a part of this project. She inquired as to where the wetland edge was located with the project and how far back that was from the existing wall.

Mr. Pickus replied that he wasn't sure of the exact distance, but estimated it was less than 20 feet.

Mr. Tovar said the path is on the lake side of the inside edge of the buffer.

Councilmember Way said originally there was a standard 100-foot buffer for this type of development and it was reduced to 50-feet because of all the mitigations being offered.

Mr. Pickus said the Code allows a 50-foot buffer if there is a habitat enhancement plan or if it is a low-impact development. He felt this project met both of those requirements.

Councilmember Way revealed that she knew Erik Davido from the Thorton Creek Alliance. She said she was discussing the permeable pavement topic with Planning Commissioner Michael Broili who told her that he has concerns about how permeable asphalt pavement performs after a hot summer takes place. She said it congeals and becomes less permeable.

Mr. Pickus noted that the King County Surface Water Design Manual specifies the types of pavement that are allowed. The site development stage has to be completed in order to

determine what type of pavement is going to be used. Staff will review and inspect the pavement once it is installed to ensure it is working properly.

Mr. Tovar noted that there was a lot of Planning Commission discussion on this point and Mr. Davido explained that there are ways to protect the pavement to prevent against any failures.

Councilmember Way made reference to page 166 of the packet and said the biologist found no fish in Echo Lake. She said just because one person doesn't see fish on a certain day doesn't mean there aren't any in the lake. She added that a letter from a neighbor reports they frequently see otter and heron on Echo Lake; animals that eat fish. She expressed concern about not seeing Echo Lake listed as draining into the McAleer Creek Watershed, a Chinook stream. She said she is also concerned about the environmental site assessment report with the underground storage tank, the 55-gallon drum, and the diesel fuel leak from an old abandoned flatbed truck. She inquired how the chemicals will be mitigated.

Mr. Pickus replied that all of the products found in the ground are all associated with gasoline. He said that the site is excavated up to 10 yards deep and the dirt hauled to a regulated site. Testing is then done to ensure all the contaminants are removed before the excavated site is filled.

Councilmember Way inquired if there was any other mitigation that needed to be done and how far down into the ground has the site been tested.

Mr. Pickus said there is no reason to think there was any significant damage done. He said it was from the fuel in the 55-gallon drum and he didn't know how deep into the ground the testing was done.

Mr. Olander also said it was a small spill and it has been relatively contained and there are procedures through the state which address the issue.

Councilmember Ryu expressed excitement about the project and thanked staff and the developer, Prescott Homes. She inquired how much more does a project like this one cost compared to a standard development.

Mr. Pickus estimated that this type of project will be less expensive in the long term.

Mr. Tovar stated that this type of low impact development would not work everywhere; this is just one location that it will work well.

Councilmember Ryu inquired what the filtration system lifespan is, to which Mr. Pickus responded that there is no limit on how long the system will last.

Mr. Olander added that it will last for a long time if it is maintained properly.

Responding to Councilmember Ryu about whether it would be appropriate to update our regulations to ensure people know how to maintain the system, Mr. Pickus said those provisions would be in the design manual and would be available to current and future owners of the property.

Mr. Tovar added that it would also be a part of the covenants of the homeowner's association.

Councilmember McGlashan inquired if the condominiums would be for adults only and how would a resident would access the park. He also asked why the entire concrete bulkhead wall wasn't proposed for removal.

Mr. Pickus responded that each unit would have three bedrooms so children would be a possibility and access to the park would be from Aurora Avenue with no access on 199th because it is a private road. He said the Washington Department of Fish and Wildlife told the developer that all of the bulkhead could not be removed.

Deputy Mayor Fimia expressed support for the project, noting there are developers that want to do these types of projects. She pointed out that the condominiums have three bedrooms each, which would attract families with children. Thus, she is concerned about split-rail fencing when children are present. She also commented on the lack of access to Echo Lake Park from this site.

Mayor Ransom wondered if the Council could add a condition for the developer to create a small, on-site "tot lot" for children to play.

Mr. Tovar said it is at the Council's discretion, but the Planning Commission felt that development had so many other amenities that it didn't want to make it a requirement.

Councilmember Way inquired where the tot lot could be placed on the property.

Mr. Pickus stated there is space at the end of the pervious path at the edge of the buffer.

Councilmember Hansen said he was glad to see the developer is willing to work under these conditions. He asked if the developer thought about oil-eating microbes to eliminate the spill. He suggested that the time to put restrictions on the project is at the building permit phase.

Mr. Olander clarified that the Council will not consider this project again if they approve it tonight.

Mayor Ransom expressed concerns with the difference in a 100-foot and a 50-foot buffer. He said there will be developers who inquire why this one site was allowed a 50-foot buffer. This will set a precedent and the Council needs to make it clear what the developer is doing differently on this site as compared to others.

Mr. Tovar noted that because this is a low impact development, it is able to have a smaller buffer with more enhancements. He mentioned that the Planning Commission has recommended revisiting the Department of Ecology (DOE) 2005 Wetland Manual for categorizing wetlands. He said this is a pilot project and doesn't really set a precedent in Shoreline.

Councilmember McGlashan said he would not support the item without a tot lot amendment. He felt that even with a tot lot on the premises, children would be attracted to play in the buffer area.

MEETING EXTENSION

At 10:00 p.m., Deputy Mayor Fimia moved to extend the meeting until 10:30 p.m. Councilmember Ryu seconded the motion, which carried 5-1, with Councilmember Hansen dissenting.

Responding to Councilmember Way, Mr. Pickus said that he wasn't sure of how much water percolates into the ground, but there is a natural setting there now and the proposal is to enhance water flows into the ground instead of into the lake. This will make the entire system amenable to infiltration.

Mr. Tovar added that this would be a substantial improvement to the quality and volume of flows if we believe in the 2005 DOE Wetland Manual.

Councilmember Way said she spoke to a neighbor about algae blooms. She added that the City needs to work backwards and improve the quality of the lake.

Mr. Tovar responded that he is working on another project at the south end of the lake and if all the properties had these types of low impact improvements the lake would be substantially better.

Councilmember Ryu supported the project with the tot lot condition and agreed to direct staff to work on it.

Mr. Pickus stated that the most logical spot for a tot lot on this development would be by the trail.

Deputy Mayor Fimia moved to add a condition in which the "developer shall provide a fenced tot lot on-site as per Shoreline Municipal Code 20.50.160." Councilmember Ryu seconded the motion.

Deputy Mayor Fimia said a fenced tot lot would assist in lowering the potential danger for children.

A vote was taken on the amendment, which carried 5-1, with Councilmember Hansen dissenting.

A vote was taken on the motion to adopt Ordinance No. 422, approving a Formal Subdivision for 18 Zero-Lot-Line Lots and One Critical Area Tract located at 1160 N. 198th Street as amended, which carried 6-0.

(d) Motion Authorizing Legal Defense of Recall Petition

Flannary Collins, Assistant City Attorney, explained that a petition was filed on March 30, 2006 with the same allegations as in King vs. Fimia et al. She outlined the criteria for providing defense as provided in the Shoreline Municipal Code. The City Manager's recommendation is that legal defense should be provided without a reservation of rights. In this case, the Superior Court will hold a hearing which will not inquire on the actual truth or falsity of the claim or allegation. There will be no findings, thus no reservation of rights is necessary. She said the two separate motions to be made are for the legal defense of Mayor Ransom and for the legal defense of Deputy Mayor Fimia.

Mayor Ransom called for public comment.

1) Frank Moll, Shoreline, suggested that the Council look at the petition closer. One aspect involves the provision of money for the defense, and another involves whether the recall parties should vote on it. He cited RCW 42.23.030 and the Shoreline Code of Ethics and said the Council should at all times avoid conduct that appears improper. He noted that he is one of the petitioners against the Council.

2) Elaine Phelps, Shoreline, said this recall suit is exactly like the previous suit. She felt the allegations in the suit are unsupportable and amount to harassment. She emphasized that if the City doesn't support it's Councilmembers against this kind of harassment then nobody will run for Council in the future.

3) Wendy DiPeso, Shoreline, thanked the City for its hard work and read an excerpt from the staff report which quotes a State Supreme Court ruling on this kind of case. She was in favor of providing legal defense.

Councilmember Ryu moved that the criteria for providing a defense under Shoreline Municipal Code Chapter 2.40 are met for Mayor Bob Ransom and the City Attorney is authorized to provide legal defense for the Mayor in his recall litigation. Councilmember Way seconded the motion.

Councilmember Hansen announced that he was made aware of this issue on Friday and has not had sufficient time to review it. He asked for it to be deferred for a week. He said if he must vote at this meeting he will vote against the motion.

Mr. Olander said this will move very quickly to a Superior Court hearing once the prosecutor certifies the petition. He believed there was a sense of urgency if the Council wished to provide defense.

Ms. Collins said that the prosecutor said the case should be on the Superior Court calendar within the next 2 to 3 weeks.

MEETING EXTENSION

At 10:30 p.m., Deputy Mayor Fimia moved to extend the meeting until 10:45 p.m. Councilmember Ryu seconded the motion, which carried 6-0.

Councilmember Way said the Councilmembers have already been served and legal counsel is required now so they can be prepared.

Councilmember Hansen replied that it can be done next week after the Council is better informed.

Councilmember Way felt the lawsuit was another attempt to intimidate Councilmembers. She said she will not be intimidated by these tactics. She believed this was brought by people who lost the last election. She noted that the Council has been working collaboratively and getting work done over the past several months.

Councilmember Ryu supported the motion based on the recommendation of the staff. She said the Council is obligated to provide support. This legal action, she said, is not strengthening the City.

Councilmember McGlashan agreed with Councilmember Hansen and said that this item was "thrown at the Council" on Friday. He said he spent several hours on his computer at home trying to understand the issue. He asked if there was some differentiation because this item involves the elections office.

Ms. Collins responded that it definitely involves the elections office because the King County Prosecutor has to do a ballot synopsis.

Mr. Olander added that it starts out being a legal issue. The legal test, he continued, is whether the allegations are true and if the allegations meet the recall requirements. There is a mix of the legal and elections process, he concluded.

Councilmember McGlashan outlined that RCW 35.21.023 states all recall defense expenses shall be paid by the city or town if the officials approve such defense.

Mr. Olander highlighted that in this type of case, there is no verdict of guilty or innocence. The electorate, at a later date, will make that decision at the polls. He added that the recall petition was filed 7-10 days prior to the meeting and a decision is needed as soon as possible.

Councilmember McGlashan agreed in that Councilmembers should expect legal defense when these matters arise.

DRAFT

Councilmember McGlashan moved that the City appoint in-house counsel through the City Attorney's Office for Mayor Ransom and Deputy Mayor Fimia instead of hiring an outside attorney. Councilmember Hansen seconded the motion.

Ms. Collins stated she spoke to City Attorney Ian Sievers and said since the Council is split on the issue, representation is not feasible.

MEETING EXTENSION

At 10:45 p.m., Councilmember Ryu moved to extend the meeting until 11:00 p.m. Deputy Mayor Fimia seconded the motion, which carried 6-0.

Mr. Olander advised that it may be a good idea to utilize the same counsel that represented the Councilmembers previously because the issues are similar and there would be some time and cost savings.

Councilmember Hansen moved to table this item until the April 17, 2006 City Council Meeting. Councilmember McGlashan seconded the motion.

Councilmember Way noted this item was triggered by outside citizens, not by the court.

Mayor Ransom said it is unreasonable to restrict the preparation of a case to one week before going before a judge, so he opposed the motion to postpone.

Councilmember Way agreed and said this is a violation of a Councilmember's right to defense.

A vote was taken on the motion to table this item until the April 17, 2006 City Council Meeting, which failed 2 – 4, with Councilmembers McGlashan and Hansen voting in the affirmative.

A vote was taken on the amendment to add "in-house" before "legal defense," which failed 2 – 4, with Councilmembers Hansen and McGlashan voting in the affirmative.

Mayor Ransom read a statement pertaining to a recent State Superior Court case involving the Port of Seattle from the staff report to illustrate that the state statute provides each councilmember a voting right on the question of legal defense, even when they may be the subject of the recall. He said the City Attorney confirmed this with a second opinion, so Mayor Ransom is voting in favor of the motion.

Deputy Mayor Fimia announced she is voting in favor and stressed that the case and the basis for recall are baseless. She felt this is only eroding trust and preventing the Council and residents from working collaboratively. She said she hopes the City can move beyond this, and the people who have brought the lawsuit have no evidence. Negative things are read into things like this, however, she said it will not stop the Council from moving forward and addressing City issues.

Councilmember Hansen said he will vote against it. He added that he is voting against it because he has not had adequate time to review it and come to a reasoned decision.

A vote was taken on the motion that the criteria for providing a defense under Shoreline Municipal Code Chapter 2.40 are met for Mayor Ransom and the City Attorney is authorized to provide legal defense for the Mayor in his recall litigation, which carried 5 – 1, with Councilmember Hansen dissenting.

Councilmember Way moved that the criteria for providing a defense under Shoreline Municipal Code Chapter 2.40 are met for Deputy Mayor Maggie Fimia and the City Attorney is authorized to provide legal defense for the Deputy Mayor in her recall litigation. Councilmember Ryu seconded the motion.

Councilmember McGlashan asked to have his previous questions and statements considered under this motion.

A vote was taken on the motion that the criteria for providing a defense under Shoreline Municipal Code Chapter 2.40 are met for Deputy Mayor Maggie Fimia and the City Attorney is authorized to provide legal defense for the Deputy Mayor in her recall litigation, which carried 5 – 1, with Councilmember Hansen dissenting.

10. ADJOURNMENT

At 10:57 p.m., Mayor Ransom declared the meeting adjourned.

Scott Passey, City Clerk

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CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF WORKSHOP MEETING

Monday, May 15, 2006
6:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Ransom, Deputy Mayor Fimia, and Councilmembers Hansen, McGlashan, Ryu, and Way

ABSENT: Councilmember Gustafson

1. CALL TO ORDER

The meeting was called to order at 6:37 p.m. by Mayor Ransom, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Ransom led the flag salute. Upon roll call by the Deputy City Clerk, all Councilmembers were present with the exception of Councilmember Gustafson.

Upon motion by Councilmember Hansen, seconded by Councilmember McGlashan and carried 6-0, Councilmember Gustafson was excused.

(a) Proclamation of "Kelly Stephens Week"

Mayor Ransom read the proclamation and named the week of May 15 – 19, 2006 as "Kelly Stephens Week" in the City of Shoreline. He presented the proclamation to Kelly Stephens for her efforts in being a bronze medal recipient on the United States Women's Hockey Team during the 2006 Winter Olympics in Turin, Italy.

Ms. Stephens thanked the City Council and the Mayor for the proclamation. She noted that she skated at the Highline Ice Arena, where she scored her first goal. She said the Olympics was "a dream come true" and appreciated the City of Shoreline for recognizing her.

(b) Legislative Report – House Representative Ruth Kagi

Representative Kagi said that this is the first time in four years the legislation met without a deficit. She noted that almost \$900 million was set aside in the budget for pensions, education, and healthcare which will be available next year. She added that \$500 million was invested to restore some of the previous healthcare and education cuts. She announced that tutoring, summer school, and supplemental programs will be available for

students who fail the WASL. She said there is a portfolio option for a child that fails the WASL twice. For students who fail in an area but have the same grades of those who passed the WASL, that child will be able to get a credit for the portion they pass based on a formula. She also highlighted that SAT and ACT scores will be incorporated to determine if the math portion of the WASL can be "excused." She said that one of her main issues this session was funding for school districts with staffed residential homes where the state is placing out-of-district children with high needs. She said the final budget contains an allocation of funding for this. The Shoreline School District (SSD) has the second highest concentration in the state, and they are working to come up with an agreement on exchanging information and how those children will be served. She said there will be \$22,000 per child available from the state for this school year and next school year to defray the special education costs of these children. If the costs are higher, the SSD can assist the parents and apply for safety net funding. Another education bill she worked on this session is early childhood programs. Expenditures for remediation for older kids have been overwhelming, but scientific research points to addressing the issues earlier (preschool). The Governor proposed a Department of Early Learning and the forming of a private/public partnership. This passed the legislature 47 – 1. The partnership "Thrive by Five" is co-chaired by Gregoire and Gates, Sr. She said the partnership has almost \$100 million and will focus on parent education. Several private firms have partnered with the state on improving the quality of preschool childcare. The state will provide increased reimbursements to childcare providers who strive for higher standards. She continued and discussed other items she worked on during this session, including legislation related to secure loads (transportation), streamlined sales tax, and unfunded liability pensions.

She highlighted that there were tremendous deadlocks on several major issues and Governor Gregoire did a tremendous job through her leadership to bring the House and the Senate together to reach consensus. She said the Governor was the reason this session was so successful.

Councilmember Ryu noted that interested local teachers could get involved with the "Thrive by Five" program by contacting Representative Kagi's office.

Councilmember Hansen asked for more information on the pension contribution bill.

Representative Kagi stated that the employer contribution rate increase was modest because legislators were mindful of the obligation they are creating on the part of all cities and counties in Washington.

Councilmember Way thanked Representative Kagi for her report and inquired if children can get any credit for excelling in other areas such as the arts and sports on the WASL.

Representative Kagi said students who graduate need to be able to have basic skills in reading, writing, and math in order to function in society. These skills tie in directly with the ability to secure a job. She said she is concerned about how to tie the WASL in with

the arts and sports. This issue of how students with gifts in other areas are able to succeed needs to be worked out, she commented.

Councilmember Way added that students who do well in sports do well in competing. She asked about the amount of the allocation for the special needs children in group homes. Representative Kagi responded that the allocation was \$22,000. Councilmember Way asked what they would need to access all of the funding. Representative Kagi said the funding is available through the school district in order to meet the needs of these children. Councilmember Way inquired whether \$22,000 was an adequate amount. Representative Kagi replied that she felt it wasn't but there were more funds available through the school district. Councilmember Way inquired about the current Department of Social and Health Services (DSHS) investigations.

Representative Kagi said she has spoken to the Children's Administration Assistant Secretary numerous times and a report was due out last Friday. A provisional license plan is to be established, and there are deficiencies that will have to be addressed. Safety for these children is the most important issue, she said.

Councilmember McGlashan thanked Representative Kagi for coming and for an incredible year, noting that she personally passed five bills. He pointed out that the League of Education voters named her as Champion of Education. He said she also received an award from the Children's Alliance and she was named the "Champion of Children." He thanked her for doing a great job and fighting for the City of Shoreline.

Deputy Mayor Fimia questioned whether the state speaks with the school districts prior to placing children in group homes.

Representative Kagi replied that the Children's Administration and the Division of Developmental Disabilities are responsible for the children's residential care. She noted that there are limited residences for these children; however, these organizations work to find the best placement for the child. After the child is placed the providers are responsible for exchanging information with the school district to provide for the needs of the child. Safety and placement of the child is the state's first priority.

Deputy Mayor Fimia inquired if Fircrest has a program for their children.

Representative Kagi replied that Fircrest doesn't have many children, and she is sure the school district receives an institutional grant for the teacher to go to Fircrest, or the student comes to the school.

Mayor Ransom thanked Representative Kagi for the sales tax attempt in the last legislative session. He noted that the \$22,000 amount was different from Fodor Homes, which calculated the average expense to be \$31,000. This, he calculated, leaves a \$9,000 gap between the need and the allocation. He said he hopes there is adequate funding if a family needs to appeal for the additional assistance.

Representative Kagi noted that the proviso addresses most of the needs under the "Safety Net Program;" however, there is one example of a child in a special school in Mercer Island which is above the basic amount of \$22,000, but the Safety Net Program should meet the need.

Mayor Ransom said one of the options he wanted to see was alternative testing (power testing) instead of the WASL. He said that wasn't an option derived by the legislature. He asked if there was a push for any other timed tests being utilized.

She said she was unaware of any other testing methods but she said she would research it and report back to the Council.

Mayor Ransom inquired about the article regarding the utilizing of unaccredited degrees from universities as Class A felony.

Representative Kagi said she and several other House members agreed it should be a felony for companies who give them out, but not for people who are holding these degrees. She said she hopes the bill doesn't say that the people will be charged with Class A felonies. She concluded that she will check on that and if need be rescind the bill so that the companies be charged, not the people who seek to obtain a degree.

Representative Kagi said it is a joy to work with Joyce Nichols and she enjoys her timely communications and support over the years.

3. CITY MANAGER'S REPORT AND FUTURE AGENDAS

Mr. Olander, City Manager, noted there has been a significant increase in traffic citations because of the high priority placed on traffic enforcement by the Council. He highlighted the traffic enforcement statistics and said the citations increased by 200% since the police department began this emphasis. He reported that the City has been receiving good feedback from citizens and business owners. He added that the bridge girders will be installed on Aurora Avenue on Friday, May 19th and the road will be closed from 7:00 p.m. until 6:00 a.m. He announced that the King County Wastemobile will be at the Sears parking lot from May 19 – 21, 2006. He announced that there is a Planning Commission Meeting on May 18th at 7:00 p.m. regarding the permanent hazardous tree regulations and the critical areas stewardship plan. He noted that the paving on 15th Avenue NE from 173rd Street to 15th Place NE is complete. He noted that the City's Spring Clean Sweep Recycling Event occurred last week and a report on the quantity will be given to the Council at a later date. He noted that the average wait at the event was 35 minutes per vehicle. He added that the Park Bond vote was on May 16th and citizens are invited to Ivy Out events this week at Hamlin Park and Echo Lake Park. He said there are many events going on in the City and referred the public to the City's website for more information.

Deputy Mayor Fimia said it is great that there are traffic enforcement results. She asked if there was a follow-up letter sent to the District Court to let them know there is more activity and that they should enforce the violations to the best of their ability.

Mr. Olander noted that the City did inform the prosecutor that there would be an emphasis and he said we could check to see how many have been mitigated and reduced.

Deputy Mayor Fimia noted that she went on a police ride-along and there was little activity, which was expected.

Councilmember McGlashan thanked the police for the increased enforcement and he said inquired about an e-mail he forwarded to the City Manager. He said the e-mail stated there were no warnings about the speeds in the school zones, just enforcement.

Mr. Olander responded that the signage is appropriate for the school zones in Shoreline.

Councilmember Way noted that she also went on a ride-along. She expressed that Officer Hurley was very professional with a driver who did not have a driver's license. Turning to another topic, she asked if the City had invited local businesses to the bridge event on May 19.

Mr. Olander said the City has provided adequate notice and spoken to business owners about making it an event to promote sales in their stores.

Councilmember Way asked how citizens would come to see the event.

Paul Haines, Public Works Director, responded on the plan to reroute traffic on alternate routes.

Councilmember Way pointed out that the street trees in North City were going to be installed. She asked how they will be watered all summer.

Mr. Haines said the contractor has a warranty on the trees and they should survive or the contractor will replace them.

Councilmember Hansen is pleased that the cars were lined up to participate in Clean Sweep. However, the North City project completion date was supposed to be May 31 and there have been several different dates communicated. He asked for the correct completion date.

Mr. Haines said there have been extensions and he doesn't have the exact completion date. He reminded the Council that there are "punch list" items and they should look for substantial completion in June.

Mr. Olander noted that Seattle City Light and Qwest still have work to do.

Councilmember McGlashan asked if there was a completion date for the trestles at N. 155th Street.

Mr. Haines said he would return to Council with a time estimate.

4. PUBLIC COMMENT

(a) Rick Stephens, owner of Highland Ice Arena, said there was no place for Kelly Stephens to play hockey, and she outplayed the boys. He said she had a passion to play hockey since she was 8. Her father allowed her to leave home and play in Canada. He said living in Canada was hard for her and she is full of determination that carries through her family. He urged all parents to support their children in fulfilling their dreams, just as Kelly's parents have.

(b) Diana Stephens, Snohomish, on behalf of the Shoreline Chamber of Commerce, said there are 20 scholarships under the "Dollar for Scholars" program. She said they will be presented at the Chamber Award Luncheon on Friday, June 9 and she invited the Council to attend.

Mayor Ransom announced that the Park Bond was passed unanimously by the Council and he encouraged all residents to go out and vote tomorrow.

RECESS

At 7:46 pm., Mayor Ransom called for a five-minute recess. The meeting reconvened at 7:53 p.m.

Mayor Ransom introduced Boy Scout Troop 853 for the purpose of conducting a Color Guard Flag Salute.

Troop 853 led the Color Guard Flag Salute. The Troop Master announced that they are chartered by the Lunchtime Rotary Club of Shoreline and meet at Sunset Elementary School every Monday night. He said their participation tonight helps them complete requirements for two merit badges: citizenship in the nation, and communications.

5. COUNCIL REPORTS

Deputy Mayor Fimia thanked Troop 853 and said they are the future of Shoreline.

Councilmember Way thanked Troop 853 and encouraged them to go for a visit to the Police Department.

Councilmember Ryu said the last SeaShore Transit meeting was April 19 and the funding for the second and third mile for Aurora Avenue is in the funding competition endorsement list. The next meeting is May 17 and the agenda item has been forwarded to the rest of the Council for their input. She added she went to Korea for the National

Unification Advisory Council meeting. She reported that she went to the Korea Times on May 8 and delivered the plaque and proclamation for Ambassador Kim that the Mayor presented in March.

Councilmember McGlashan noted that he attended the Children's Justice Conference. He attended several classes and discussed several items he learned at the conference. He said he is doing a report for the Northshore/Shoreline Community Network on developing a children's advocacy center and will give a copy to the Council once it is completed. He added that he will be attending the National League of Cities (NLC) Community and Economic Development Conference in Wichita, Kansas.

Mayor Ransom said he also attended the SeaShore Conference and members from the Eastside submitted a bid in competition with Shoreline's bid. He said that currently there are twenty grants, which would be reduced to twelve if the Eastside bid is allowed to stand. This would mean Shoreline would lose \$6.6 million for phase two of the Aurora Corridor Project. He said they met with King County Councilmember Ferguson because Kenmore and Bothell are not in SeaShore. Ferguson agreed that they don't have authority to bid in this jurisdiction, and he will meet next week to let them know they can leave and join SeaShore or stay on the eastside. He explained that they cannot submit their names on two bids, one for the Eastside and one for Seashore. He said he is also attending the conference in Wichita, Kansas as part of the NLC Human Development Committee.

6. WORKSHOP ITEMS

(a) Report – Community Storefront Program

Mr. Olander introduced this item and briefly discussed the Storefront Program.

Tony Burt, Police Chief thanked the Councilmembers Way and Deputy Mayor Fimia for their comments about the ride-along program. He introduced the Eastside Storefront Officer, Officer Elfenson, and the Westside Storefront Officer, Officer Obstler.

Officer Obstler defined a storefront as a police center located close to homes and businesses. She noted that there are two storefronts known as Shoreline Neighborhood Police Centers that were established in 1996. She continued by highlighting the mission and the volunteers of each storefront. She discussed staffing levels, the responsibilities of the volunteers, and the different programs they include. These programs and responsibilities include:

- Citizen Park Patrols - bi-weekly patrols to deter criminal activity (over 100 per year).
- Court Notification Program - 3,338 calls made with an estimated savings of \$100,000 per year. Each courthouse had a 36% drop in Failure To Appear (FTAs). This program was initiated by a former City Council Member and has received National Recognition.

- Crime Prevention Through Environmental Design (CPTED) Program surveys homes and businesses for potential weaknesses which make their property more susceptible to burglary or damage. For example, a business was burglarized three times and through the removal of a large tree in front of the business, the burglaries ceased. This allowed the neighbors to see the front of the business and be able to report any illegal activity.
- False Alarm Reduction Program - over 500 false alarms per year with approximately 300 citations written which has generated approximately \$13,000 in false alarm citations
- Updating E-911 Business Emergency Contacts - volunteers contact businesses to update cards
- Crime Analysis - Business Watch Crime Mapping and Summaries
- Vacation House Checks - over 300 per year
- Victim Call Back Program - over 670 calls per year
- Volunteer Databases
- Block Watch mapping
- Senior Interaction Group - assisted by the Community Services Officer
- Community Events - Celebrate Shoreline Parade, Festivals
- Safety Presentations
- Pet Licensing
- Assist with Neighborhood Traffic Safety Program (NTSP) by training with an available Radar gun and Reader Board
- Answer phone inquiries and help citizens who daily drop in with concerns with over 2,400 walk-in's per year and over 1,800 phone calls
- Court Transports
- Crime Prevention Articles for Community
- School Resource Officers
- Attend Council of Neighborhoods meetings
- Attend Community Notification Meetings for recently released Level II and Level III sex offenders
- Annual Block Watch Captain's Meeting
- Coordinate National Night Out Against Crime
- Anti-Auto Theft Program - Task Force device (The "Club")
- Project Home Safe - gun locks and gun safety education
- Provide ongoing training and annual recognition for police volunteers

Officer Obstler distributed some reading material to the Council pertaining to the various programs outlined above.

Mr. Olander reminded the Council that one of their potential goals was combating auto theft. He said he requested that the Police Chief Burtt and the King County Sheriffs Department develop a prevention program. He noted that at the Regular Meeting on June 12 the program will be presented to the Council.

Councilmember Ryu asked how someone would volunteer to work at a storefront and how business owners could update their E-911 forms. Officer Obstler noted they can call or visit the precinct or the police centers.

Councilmember McGlashan inquired about the storefront business hours. Officer Obstler said the storefronts are open from 9:00 a.m. until 4:00 p.m. every day.

Councilmember Way inquired what calls would be referred to the precinct and which would go to the police centers. Officer Obstler responded that they believe in "one stop shopping" at the storefronts and they would help anyone with any issue.

Chief Burt said a crime in progress would go to the precinct or 911, but follow-up would go to the police centers.

Councilmember Way asked about paintball guns and if there are any programs to discuss them. Officer Elfenson noted that the officers carry real guns and paintball guns should not be pointed at them. She said the kids need to think because the officers will not take the time to ask if the gun is real if they get an emergency call.

Councilmember Way inquired if they had any programs that could benefit from more City funding. Officer Obstler responded that their most treasured asset is their volunteers, so there are no specific budget requests at this time.

Deputy Mayor Fimia thanked them for the work and asked about the next Citizen's Academy. Officer Obstler said there is a Citizen's Academy in Shoreline for Shoreline, Woodinville, and Kenmore and there is one in Burien. The academy is held once per year and classes are held every Tuesday night. The academy provides an overview of what the police department does and what services the residents have available to them.

Deputy Mayor Fimia asked about the Landlord Training program. Officer Obstler responded that speakers come from King County and other agencies to discuss ways to research tenants and take legal action if needed. They are trained in background checks, credit checks, domestic violence, drug enforcement, and how to identify tenant drug use.

Deputy Mayor Fimia noted the City could place one police-related item in the Currents or another advertisement venue. She asked for their feedback as part of the Council goals process.

Councilmember Hansen thanked Chief Burt for the program and said the Academy program is outstanding. He noted that his family has been through it and it should be advertised throughout the City. He congratulated them on their success over the past 10 years.

Mayor Ransom said he is pleased with the storefronts and the community policing. He congratulated both of the officers on being a school resource.

Councilmember McGlashan asked about the ability of handicapped citizens to take the Citizen's Academy and becoming volunteers. Officer Elfenson said she had a blind volunteer, however, they have not been at the storefront in months. She said volunteering is open to any and all residents and the Citizen Academy it is not a prerequisite for volunteers. She noted that there is an application and interview process which includes a polygraph for volunteers at the storefronts and the police station.

Mr. Olander noted the City is enthusiastic to have such outstanding volunteers. He said that there are many cities of our size that don't have these types of programs available.

Police Chief Burtt said he is very proud of the volunteers and he wants them to keep moving forward in the program.

(b) Council Rules of Procedure

Mr. Olander opened the discussion on Council Rules of Procedure and outlined what has been done to date.

Mayor Ransom called for public comment.

1) Mark Deutsch, Shoreline, said he was surprised that he was the only person to speak on this item. He said reducing the general public comment to two minutes is wrong. He said it would not allow the public to speak on multiple issues. He discussed the three readings proposal and said the first one would be just a subject and it would not receive too much feedback from the public. He added that the community presentation portion needs to be clarified to determine how many could speak each month. He also said there is no rule that says people must sign up to speak. He concluded that the City should accept more e-mail and letters to encourage the acceptance other forms of communication.

Councilmember Way inquired if the staff had any input on the item.

Mr. Olander responded that there was no comment from the staff and it is self-explanatory.

Councilmember Hansen said the modified sections 6.1, 6.2, and 6.7 to allow individuals when speaking on behalf of organizations up to five minutes to speak doesn't clarify how a group gets to be a registered organization.

Julie Modrzejewski, Assistant City Manager, responded that a non-profit organization has a registration number that is acquired through the State. She said the hope is that there would be some ability through a registration number to ensure the organization is recognized. She also said that the staff may need to modify language to clarify how to do that.

Councilmember Way said it is a right of a citizen to form a non-profit and it is cumbersome and unnecessary for the City to have a list of every organization on hand. She said we should just ask for them to write their number down when they want to speak.

Mr. Olander concurred and said we need to be open to the public and trust that they are truthful.

Councilmember Hansen suggested that they be registered with the City Clerk's Office and that would be a way to check. He added that it is a privilege to have more time to speak during a Council meeting.

Mr. Olander asked the City Attorney if the City can require people to sign in to speak during general public comment.

Ian Sievers, City Attorney, responded that the City can make that requirement since it is allowing business representatives an additional two minutes to speak.

Ms. Modrzejewski noted that in the future, the business licensing program may address this issue.

Deputy Mayor Fimia said if a person gets up to speak the Council should be able to ask if they are a registered non-profit company with the State. She said the Council can impose a restriction on them at the next speaking opportunity if it is found they provided false information.

Councilmember Ryu agreed that the credibility of the speaker will be the deterrent. She added that the Council should not discourage the public from speaking, and staff should not be doing research or wasting time with this.

Councilmember Way believed it to be unconstitutional to prevent people from speaking or asking them to clarify whether or not they are with a group. She said groups bring and have brought great ideas to the Council. She felt the Council is going too far in the restriction of speech. She said she is not in favor of this and will not support it.

Councilmember Hansen recommended various grammatical corrections and clarifications to Sections 5.1, 5.3, and 5.13. Regarding Section 5.21, he asked if it is the City Manager's duty to appoint a Clerk pro tem instead of the Mayor. He also felt there was a conflict between Section 7.15 and Section 7.16.

Mayor Ransom noted that 7.15 emphasized a Councilmember recusing themselves. He added it was so the Councilmember could be counted as an abstention, meaning they have left the table or left the room. Section 7.16, he added, is a Council practice that if a Councilmember is silent on a vote it is counted as an affirmative vote.

Mr. Olander said the later version which should have been included clarifies that. He concurred with the Mayor and added that any silence is counted as an affirmative.

Councilmember Hansen said a Councilmember shouldn't be recusing himself unless they have an appearance of fairness question or a conflict of interest. Technically, they are supposed to leave the room until the decision is rendered.

Mr. Olander added that Section 7.15 outlined that point. He said Section 7.16 should be modified to note that any abstention or silence should be counted as affirmative.

Mr. Sievers suggested the Council add to Section 7.16 that a Councilmember could either vote or abstain.

Mr. Olander clarified that currently the Council intent is if there is a legitimate recusal based on the appearance of fairness or a conflict of interest the Councilmember leaves the room during the discussion and vote. In any other case, he continued, the Councilmember would be required to vote and any silence would be counted as an affirmative vote. He said the proposed revisions to the language resolve that conflict.

Councilmember Way questioned an instance when Councilmember McGlashan disclosed information about him possibly having a conflict of interest during a vote in the past.

Mr. Sievers said that is a part of the process when the Councilmember may have information about a conflict and he needs to disclose it on the record. The second decision is if the disclosure is grounds for recusal. Normally, he said the Councilmember says whether or not they are biased because they know the person from a past encounter. He added that a potential bias must be put on the record, and if there is no one on the Council or member of the audience that disagrees at that time, there can be no legal challenge later.

Mr. Sievers expressed concern that Section 7.15 says the Councilmembers have to vote and immediately in Section 7.16 it recognizes that someone isn't voting.

Councilmember Hansen noted that this is contrary to Robert's Rules of Order, which states that while it is the duty of every member who has an opinion on the question to express it by his vote, he cannot be compelled to do so. He may prefer to abstain from voting though he knows the effect is the same as if he voted on the prevailing side. He said it further states that abstention is considered a neutral vote. He noted that he believed a person should not be allowed to abstain without stating a reason for the abstention. He felt it is the duty of every member to vote on the question unless there is a conflict of interest or an issue with the appearance of fairness doctrine. If that arises, he felt a Councilmember should recuse themselves and leave the room. He also said he doesn't have a problem with a Councilmember remaining silent, however, he felt the vote should not be counted or be placed on the prevailing side, either one is fine. However, he said the procedure should be stated.

Councilmember Ryu agreed with the recommendation that silence should be counted as an affirmative vote. Deputy Mayor Fimia concurred.

Councilmember Ryu suggested corrections and clarifications to various sections.

Councilmember McGlashan expressed concern about community presentations and asked how the Council will decide when and what groups each Councilmember can invite. He was concerned that some Councilmembers will monopolize meetings to ensure their groups get to speak during the meetings. He felt the list of suggested organizations that was passed out to the Councilmembers contained several controversial organizations. He inquired how the Council will handle organizations that utilize the public podium as a place to argue their points.

Mayor Ransom said this has been tried before and usually there were less than four groups per year who came to speak. He said the organizations were usually conservative and didn't attack other organizations. He noted that the program was lost in the past because of a lack of interest, but there seems to be interest now.

Councilmember McGlashan responded that he knows there are going to be "attacks" going on. He said he didn't agree with this item unless there are ways to deal with opposing point of views..

Councilmember Way added that staff could just ask and if there is a time issue they could change places with another group. She said staff could manage the speakers.

Councilmember McGlashan said he is not afraid of controversy, but the Council should have a way to manage this.

Councilmember Way felt like it is a customized situation for each topic and issue. There may be some controversial organizations and every situation will have to be dealt with individually.

Mr. Olander sympathized with Councilmember McGlashan and said the City Manager's Office schedules all of the agenda items. He said the City Manager can manage the schedule based on Council guidance, and groups need to realize that they are tentative and need to be flexible with scheduling.

Mayor Ransom said there won't be any problems if they can ensure the issues are factual. He said if they are based on current issues there shouldn't be any controversies. If it becomes highly controversial then he said the standards can be changed.

Deputy Mayor Fimia pointed out that the Council passed this policy over a year ago and this was one of the recommendations that came out. This, she said, did not get implemented because the Council did not favor it at the time. She said it is not the intent to have controversy in front of the Council, however, it is to highlight what is going on in the community and have a group discussion on what's happening. There are many

organizations doing great work and we need to understand that there are other criteria. She said there is uneasiness on the Council that Councilmembers will usurp this and to clear this up the sponsorship should be rotated between Councilmembers.

Councilmember Ryu felt this is a positive invitation to the community and she said it makes sense to have a way for community presenters to speak to the Council. She doesn't think abuse will occur and she endorsed the item.

Councilmember McGlashan noted that in Section 3.2, two Councilmembers can put items on the agenda. Thus, he concluded, this section about community presentations is not needed in the procedures.

Mayor Ransom explained that Section 3.2 is for an action item and this is for a special presentation, once a month, for no more than 30 minutes.

Councilmember McGlashan said that if the City is not going to require registration numbers then all references to it should be taken out of the document. He also stated that he would like to see a revision in the policy so that members of organizations maintain a copy of the minutes which gave them authorization to speak to the Council for five minutes. He highlighted that in Section 9.1, Councilmembers must clarify when making public statements at meetings or conferences whether it is their own opinion or the consensus of the Council. He said he doesn't agree with any Councilmember speaking on behalf of the Council anywhere.

Mr. Sievers noted that there are some actions that the Council decides upon collectively and Councilmembers may reflect that in public. Additionally, he said just because a person is a Councilmember does not limit them from giving their personal perspective as long as prior to speaking they inform the audience that they are speaking as an individual.

Mr. Olander said there needs to be restrictions to ensure the groups are recognized and registered.

Councilmember Way said she still is opposed to the restriction of the right to speak by groups. She said the City should not require organizations to register with the State to speak for five minutes. She once again said she would not support this item.

Mr. Olander noted that there is no restriction on groups speaking; there is a restriction on the amount of time allotted.

MEETING EXTENSION

At 10:00 p.m. Deputy Mayor Fimia moved to extend the meeting until 10:30 p.m. Councilmember Ryu seconded the motion, which carried 5-1, with Councilmember Hansen dissenting.

Deputy Mayor Fimia noted that there is no section in the policy that restricts the total time for a public hearing.

Mayor Ransom discussed his concerns with Section 4.4, stating that the public should be able to speak on an item before it is moved to the Consent Calendar.

Councilmember McGlashan asked if Section 4.4 could be removed because the Council was no longer accepting public comment after Action Items.

Mayor Ransom responded that the public should be allowed to speak on the record on an item if it is moved to the Consent Calendar.

Mr. Olander said this doesn't stop the public from coming to the general business meetings and speaking under public comment on an item.

Mayor Ransom noted that in Section 5.4 (a) business meetings should have reports of boards and commissions and study sessions should have Council reports.

Deputy Mayor Fimia inquired how a Councilmember could report something at a business meeting. She suggested adding "and Councilmember Reports with Mayor's approval." Mayor Ransom accepted the revision.

Mayor Ransom noted that the City needs a way to verify non-profit organizations. He felt the City business license would be a way for them to verify that they could speak. He said there needs to be some way for them to justify that they are a viable non-profit.

Councilmember Way suggested an organization give the name of their officers to suffice as a way to determine if they are a viable organization.

Mayor Ransom said they should be able to give the Council a business license registration number.

Deputy Mayor Fimia said these items were discussed during the Council Retreat. They were discussed at length and she thought there was consensus. She added that part of the rationale was to make a distinction between business meetings and workshop meetings. The focus, she said, is to make Council meetings less lengthy. The workshop meetings would be for public comment. The business meetings would be for adopting legislation and if there were more opposition to an item at that meeting then the Council would be more likely to withdraw the item for more work. She continued that she did not have a problem with either asking if they are registered in the state or just stating that they are a non-profit organization. She said maybe the Council should clarify whether or not they are a Washington State or City of Shoreline registered organization. The Council could ask them for business telephone number, address, and officers in their group. She said she would not support asking speakers for their registration number. She supported the criteria in the draft application for community presentations.

Mr. Olander noted that they could register with the City Clerk's Office instead of being registered with the State.

Deputy Mayor Fimia said a current list of City businesses with contact information from the City Clerk's Office would be very helpful when it came to public outreach.

Councilmember Way agreed that it may be useful to have a list of organizations. However, she said it is a bad precedent to start keeping a list of groups in the City. She said she doesn't feel the City should keep one.

Councilmember Ryu said she views it as "opting in." If you wish to speak for 5 minutes, then you should register your group. She added that maybe the City shouldn't require speakers to disclose their physical home addresses. She said registration should be voluntary and no fee should be charged for it.

Councilmember Way agreed with businesses wanting to voluntarily be on a list. She inquired on the definition of a public hearing.

Mr. Sievers responded that there is no definition in the Council rules. He said the legal definition is to take public testimony on a subject.

Councilmember Way inquired on the signup sheet process.

Ms. Modrzejewski responded that it may be a good idea to add in the Council rules that if individuals wish to speak they should sign up.

Mr. Olander added that it is a general practice that we ask if individuals wish to speak before general public comment periods and public hearings.

Deputy Mayor Fimia suggested that we should add language on that process in the Council rules.

MEETING EXTENSION

At 10:30 p.m., Councilmember Ryu moved to extend the meeting until 10:50 p.m. Councilmember Way seconded the motion, which carried 5-1, with Councilmember Hansen dissenting.

(c) 2006 - 2007 Council Goals Public Input Process

Councilmember McGlashan asked what the ramifications would be if this item was postponed to the next meeting.

Ms. Modrzejewski responded that it could be held off until the end of June.

Councilmember Way suggested adding into Section F: "Create an environmentally sustainable community". On page 32 she suggested adding a bullet: "Adopt an energy efficiency report card showing the City's conservation efforts through traditional and renewable energy solutions." Mayor Ransom suggested changing the bullet to "Adopt an energy efficient report card" and placing the remaining text in the body of the paragraph. Councilmember Way concurred.

Mr. Olander suggested the wording be changed to "Adopt an energy efficiency plan" and through the town hall meetings and public sessions have staff revise it so they can present it to the Council prior to adoption.

Councilmember McGlashan noted that the Council goals are not in any specific order. He agreed with Councilmember Gustafson that there should be no more than seven or eight goals.

Mayor Ransom called for public comment on this item.

1) Richard Johnsen, Shoreline, suggested that Susan Reichland be brought back as a consultant to the City. He recognized her work with the neighborhood councils ten years ago.

Deputy Mayor Fimia said she likes the proposed process that the staff laid out for the Council goals. She said she agreed that the list should be reduced to eight to ten goals. She recommended a number of clarifications to various sections of the proposed goals. She added that the Council would welcome more comments from the public and groups.

Councilmember Ryu appreciated the process the staff has worked out and said it is working well.

Councilmember Hansen said he would not support a list of more than seven Council goals.

Councilmember Way added she would like to see the list alphabetized.

Ms. Modrzejewski noted that it makes more sense to keep a broad list for the public to assist the Council in focusing in on the more important issues. Mr. Olander said they will not be listed in any specific order.

7. ADJOURNMENT

At 10:48 p.m., Mayor Ransom declared the meeting adjourned.

Ronald Moore, Deputy City Clerk

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DRAFT

CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF SPECIAL MEETING

Monday, June 5, 2006
6:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Ransom, Deputy Mayor Fimia, and Councilmembers Gustafson, Hansen, McGlashan, Ryu, and Way

ABSENT: none

1. **CALL TO ORDER**

The meeting was called to order at 6:42 p.m. by Mayor Ransom, who presided.

2. **FLAG SALUTE/ROLL CALL**

Mayor Ransom led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present.

(a) **Legislative Report – Representative Maralyn Chase**

State Representative Maralyn Chase reported on the highlights and issues of the past legislative session, noting that she has tried to be a “voice for the community in Olympia rather than a voice for Olympia in the community.” She commented on the state’s duty to educate children, noting that Washington ranks 46th in class size and 42nd on education spending. She noted that the problem of high drop-out rates among high school and college students must be addressed. She discussed the challenge that local jurisdictions face as state services are shifted to local budgets.

Continuing, she provided the Council with the brochures “Jobs for the Sidewalk Economist” and “UN Decade of Education for Sustainable Development” and commented on creating positive economic growth by nurturing environments for new companies. She emphasized the need to increase jobs through entrepreneurship, noting that 55% of new jobs come from business expansion. She continued by emphasizing the need to pursue energy conservation, alternative energy sources, sustainable growth, and reduced greenhouse gas emissions. She detailed the various technologies that have the potential to address these concerns, including bio-diesel fuel, wave power, wind farms, solar energy, methane, micro-algae, and geothermal energy.

Councilmember Way asked Representative Chase to detail her work on Hood Canal.

Representative Chase noted that as a member of the Governor's commission on Hood Canal, the State has contracted with the university to study the source of pollution in Hood Canal. The commission is also considering an overall oceans policy, since the State currently has no such policy. She said the commission's final report is due in December.

Councilmember Ryu thanked Representative Chase for her representation in Olympia. She asked her to expand on her comments regarding potential partnerships between small businesses and government.

Representative Chase emphasized the need for communities to reinvent themselves and to consider opportunities for collaboration. She said government can assist contractors and businesses through a number of programs, including business incubators. She noted that Shoreline Community College is a valuable resource in this respect.

Councilmember Gustafson asked about Representative Chase's sponsorship of House Bill 3027, relating to the transfer of patients to Fircrest Rehabilitation Facility.

Representative Chase noted that she proposed amendments to the bill that would transfer patients with traumatic brain injury who have committed crimes from mental institutions to Fircrest. She said although the bill did not proceed and she will not submit it again, it sent the appropriate message that people should be treated fairly.

Mayor Ransom asked about the number of alternative jobs created vis-à-vis the sustainable energy industry. He also asked for clarification of the study relating to the percentage of jobs created through business relocation.

Representative Chase said the industry is relatively new, so exact figures have not been developed yet. She commented on the potential benefit of the bio-diesel industry in Washington State. She clarified that the job study was performed by David Birch of MIT.

Deputy Mayor Fimia thanked Representative Chase for her presentation and requested that she clarify her bill relating to Fircrest.

Representative Chase noted that if her bill had passed, patients transferred from Western State Hospital would be heavily supervised at Fircrest. She commented that there is no purpose in "keeping people locked up at Western State when they've served their time."

Councilmember Way thanked Representative Chase for her advocacy on behalf of the developmentally disabled. She noted that Fircrest is on the list of potential goals of the Council.

Representative Chase outlined her experience working on issues from the developmentally disabled and emphasized that people need a choice of where they want to live. She pointed out that the level of service that Fircrest offers is not provided in the

community, and it doesn't cost more at Fircrest. She commented on the need for respite care and the potential to enhance the Fircrest property as a community center with a full range of services.

3. CITY MANAGER'S REPORT

Bob Olander, City Manager, provided updates and reports on the following items:

- Park staff planting project along the Interurban Trail
- Planning Commission's work on the Hazardous Tree regulations and Stewardship Plan
- Ronald Wastewater District's extension of sewer availability to 42 Shoreline properties
- Aurora Corridor Update – expected installation of bridge girders over N 155th Street is July 6
- Drainage and pedestrian improvements at 3rd Avenue NW and NW 191st Street
- City Food Drive to support Hopelink
- Permanent catch basin markers
- Community workshops to solicit comment on the City's proposed goals/values - June 6 and June 14

4. COUNCIL REPORTS

Councilmember Ryu reported on the effort to finalize the SeaShore Transportation agreement.

Councilmember Way reported on her attendance at the Memorial Day event held at Evergreen- Washelli as well as the American Legion luncheon. She also asked staff to follow up on the theft of electronic equipment from Shoreline Community College.

Councilmember McGlashan noted that a report of the National League of Cities (NLC) Community and Economic Development Committee is included in the Council information packet.

Councilmember Gustafson reported on his attendance at the Hidden Lake Pump Station Open House at Sunset Elementary. He noted that King County is turning over some property for a City park.

Mr. Olander clarified that part of the Brightwater mitigation agreement is that King County would turn over property to the City to build a public park.

Councilmember Ryu thanked staff for holding open houses to get public input from the Richmond Beach community on this matter.

Mayor Ransom reported on issues discussed at the National League of Cities conference. He noted that Medicaid must be addressed because it is consuming a greater proportion

of states' budgets each year. He said if Medicaid continues to increase, then other budgets such as education, corrections, and transportation must be reduced. He explained the proposal to reform immigration to allow for guest workers and citizenship if certain criteria are met. He reported that the SeaShore contract is expected to be finalized in June. The contract will cover Sound Transit and Metro KC, including all federal grants administered through King County. A continuing controversy is whether cities can compete for grant funding in multiple jurisdictions. He pointed out that Bothell wishes to compete for the same grants that Seattle and Shoreline apply for. He opposes this, as does the City of Seattle.

Councilmember Way invited the public to attend a ground-breaking event on Wednesday at Northgate Mall relating to a development aiding Thornton Creek.

5. PUBLIC COMMENT

(a) Bob Barta, Shoreline, felt that neighborhoods should get more accurate information on the impacts of potential development as a part of the pre-application neighborhood meetings that developers are required to host. He felt that City staff should make audio recordings or take notes at the meetings. He thanked the City for the Council of Neighborhoods program and for City staff member Nora Smith for assisting neighborhoods with their grant applications and efforts to improve.

6. WORKSHOP ITEMS

6(a) Economic Development Program – First Year Accomplishments and Aurora Business Promotion

Tom Boydell, Economic Development Manager, gave an overview of the accomplishments in the Economic Development Program and how they align with the Economic Development Strategic Plan. He discussed the major objectives of the Strategic Plan and outlined the seven categories of work, including:

1. General Government, Outreach and Communications
2. Major Projects
3. Small Business Assistance
4. Media, Marketing and Promotion
5. Intellectual Capital
6. Partnerships and Collaboration-Building
7. Sustainable Neighborhoods

Continuing, Mr. Boydell explained that the current priorities include: 1) Exploring and Supporting Development Opportunities; 2) Exploring Development Road Blocks; and 3) Marketing Efforts. Additionally, the Program includes both quantitative and qualitative measures of performance, which include the following categories:

- Jobs

- Business Activity
- Investment and Building Activity
- Tax revenues
- Alliances or collaboration-building
- Outreach
- Information resources
- Small Business Resources
- Improving Shoreline's Image
- Network of businesses and developers

He concluded by outlining the performance philosophy of tracking, learning from experience, and empowering businesses to celebrate their success with the community.

Mr. Olander pointed out that an attitude of openness and a willingness to assist can be difficult to quantify, but they are important nonetheless. He emphasized the need to build a strong foundation and to be patient because quantifiable results will take time.

There were no members of the public signed in to speak on this item, so the Council proceeded to deliberations.

Councilmember Ryu was pleased that the Economic Development Program has responded to some of the concerns expressed by the Shoreline Chamber of Commerce. She inquired about the effort to relocate businesses displaced by the Aurora Corridor project.

Mr. Boydell responded that the City assisted in helping six out of twelve businesses stay in the community.

Councilmember Ryu emphasized the need to help businesses and keep jobs in Shoreline because it will ultimately help the City's budget outlook. She thanked Mr. Boydell for the plan to conduct a charrette as outlined on page 9 of the Council packet, and she asked for clarification of the 2005 North King County Economic Survey.

Mr. Boydell noted that a summit was held after the report was completed, but it needs further follow-up.

Responding to Councilmember Way, Mr. Boydell explained the workings of the Community Capital Development program, a \$250,000 revolving loan fund that is expected to be self-supporting in three years.

Councilmember Way pointed out that many business owners need help with very simple requests, and often it is "the little things that go a long way." She requested a copy of the Aurora Square information and the Buxton Company summary.

Mr. Boydell said the Aurora business team is being reactivated and he is willing to work with anyone who wants to "talk marketing."

Councilmember McGlashan asked if any projects or proposals have been submitted to the Washington State Department of Community, Trade and Economic Development (CTED).

Mr. Boydell said the Aurora Square plan has been shared with CTED, as well as the business incubator program. He said he is impressed that CTED is willing to work with the City.

Deputy Mayor Fimia asked about a work plan for implementing the Economic Development Strategic Plan. She wondered if the Task Force would be reactivated in order to implement the plan.

Mr. Boydell noted that the Task Force members requested specific direction from the City Council and City Manager.

Mr. Olander clarified that staff would bring back a proposed work plan and tasks after the Council establishes its goals. He noted that there are several work elements and details that the Council doesn't see.

Mr. Boydell added that a business inventory is underway, and information on the estimated number of jobs as well as other statistics will be provided to the Council as it becomes available.

Deputy Mayor Fimia said she envisions Mr. Boydell's job as an advocate for the businesses to help them interface with the City.

Councilmember Hansen thanked Mr. Boydell for his very informative report. He asked that staff comment in the next segment on the Aurora Corridor sales tax revenue collections for 2004 and 2005.

Mayor Ransom asked Mr. Boydell to briefly report on his work with Enterprise Seattle, Puget Sound Regional Council (PSRC), Shoreline Chamber of Commerce, and the Buxton Company.

Mr. Boydell said Enterprise Seattle met with the Task Force a number of times, and they've also come to Shoreline to tour commercial properties in order to understand the market. They are a willing partner, but the City needs to engage them more concretely. Mr. Boydell outlined his interactions with the Chamber and commented that the Chamber has very practical ideas for marketing and small business services. He has a no interaction with the PSRC. He met with the Buxton Company three times last year, but the real issue is how to disseminate the information more effectively. He said although the Buxton report provides valuable information, site master planning must occur first, which requires a more detailed work plan and collaboration with the existing businesses at Aurora Square.

Mr. Olander said that a necessary first step in making the marketing plan successful is to look at the area as a whole rather than targeting individual businesses. He said businesses want to know who their neighbors will be, adding that they want a “synergistic, complementary relationship” with other businesses.

Mayor Ransom asked how many acres of land and how many owners are involved at Aurora Square. It was his understanding there are 12 owners and only 24 acres of commercial property, but staff seems to allude to a potential development of over 40 acres.

Mr. Boydell said the City’s grand vision for Aurora Square is about 58 acres, but developers are looking in the 30-40 acre range. He said while Aurora Square has wonderful potential for redevelopment, there are serious obstacles due to the ownership profile.

Aurora Business Promotion

Turning to the topic of Aurora Business Promotion, Mr. Olander noted that staff has identified \$50,000 within the existing Aurora Corridor budget to help businesses impacted by the construction project.

Mr. Boydell outlined the background and framework of the Aurora Business Promotion effort, noting that the two major objectives are to: 1) Encourage visitors and shoppers; and undertake a 2) “Support Local Businesses” Publicity Campaign. He explained the proposal and steps to accomplish these objectives, which include:

- Initial Budget Items: Newspaper ads in June and July, 2006
Media advertising (radio)
Direct Mail
- Non-Budget Items: Support Local Business Publicity Campaign
Deploy Small Business Service Providers

The next steps include:

- Gauging the feedback from initial actions
- Planning to repeat and expand
- Researching other ideas
- Working directly with businesses in each round of effort to understand their creative ideas and priorities
- Facilitating partnership efforts

Mr. Olander emphasized the need to begin this promotion effort immediately because many of the businesses have already been adversely affected by the project. He said although he could have approved this item with his budget authority, he wanted to bring it to Council because it was not part of the original Aurora Corridor proposal.

Councilmember Ryu expressed support for the proposal and urged the City to explore opportunities to collaborate with the City's business organizations. She noted that the City could partner with the Chamber on some of its existing business promotion efforts.

Councilmember Gustafson expressed support and encouraged the City to move forward with the plan.

Councilmember Way expressed support for the proposal and heartily endorsed the "door-hanger" concept as part of the effort to encourage visitors and shoppers. She noted that doorbelling and similar efforts made a difference in the parks bond campaign.

Mr. Boydell outlined the proposed content of a door-hanger packet and stressed the urgency to complete this action right away.

Councilmember Way suggested a volunteer outreach campaign in order to canvass the community and advocate for Aurora businesses.

Mr. Olander encouraged the Council to communicate its ideas and then prioritize them so staff has clear direction. He noted that Central Market has been very successful in promoting businesses without spending a lot of money on advertising.

Deputy Mayor Fimia noted that the businesses themselves will be the greatest resource for ideas on how to effectively promote Aurora business. She suggested a different framework for the goals, noting that "recapturing Aurora business customers" should be a main objective. She suggested that the Council take a pledge to shop in Shoreline with the hope that the community will follow. She pointed out that "businesses are people," so Shoreline should "put a face on these businesses." She suggested that business promotion could be done in a fun, community-building way. She asked about the possibility of assisting with the advertising of products and services vis-à-vis a business directory, either in hard-copy or on the City website.

Mr. Boydell said he has explored the possibility of developing a business directory that the City can participate in funding, as well as an on-line directory that could be maintained by the Chamber. He commented on the need to consult with the City Attorney to ensure that public funds are spent appropriately, but assured Council that there are many creative ways to provide information and incentives that can help promote business in Shoreline.

Mr. Olander noted that there are many business promotion ideas that have been used successfully in other jurisdictions, such as Renton, so Shoreline can benefit from their experience.

Mayor Ransom expressed support for the proposal, noting that the funds are already budgeted in the Aurora Corridor project. He appreciated the fact that the plan includes using the Chamber and Forward Shoreline. He noted that he and the Deputy Mayor have been meeting with many businesses, so he would like staff to check back with the

Council before publishing any literature so the Council has a chance to provide feedback and direction.

Deputy Mayor Fimia said she would like more direct involvement with this business promotion effort. Councilmember Ryu also expressed interest in being more involved.

Mr. Boydell and Mr. Olander requested that Council provide general direction on the proposal, after which staff will take their ideas to the advertising professionals and the business community for additional input and direction.

Councilmember Hansen expressed support for the proposal and asked staff to respond to his previous question regarding analysis of sales tax collections. He pointed out that some businesses sales have increased and others have decreased, but there is an overall increase in revenues over the past two years. He suggested finding out "what some businesses are doing right and what others are doing wrong," because this information can help elevate the entire field. He suggested a more detailed breakdown of the sales tax figures.

Mr. Olander said he has not identified any concrete "lessons" from the raw sales data, but noted that a lot of the detailed information is confidential. He expressed his opinion that the businesses most adversely affected are the "impulse purchase" businesses that have more competition along the corridor, such as fast-food restaurants. Businesses that are less-affected include destination businesses, such as medical and law offices.

Debbie Tarry, Finance Director, concurred with Mr. Olander and affirmed that restaurant businesses are disproportionately affected. She noted that staff tried to classify the information to the extent that business categories could be identified. She said the smaller, service businesses tended to be impacted the most.

Councilmember Hansen said it would be helpful to know the percentage decline among the businesses that declined, as well as the percentage increase among those that experienced sales increases. He speculated that the business impact to small businesses could be due in part to lack of management expertise.

Mr. Boydell commented that the businesses that do better have been in business longer and have less competition.

Councilmember Ryu provided statistics on restaurant and service-related businesses and noted that the real decline is close to 25% for restaurants and 15% for service businesses. She wished to see the statistics broken down for businesses with more than \$600,000 in sales and those with less than \$600,000.

Ms. Tarry commented that despite the decline, businesses are still seeing overall growth during the Aurora construction. Councilmember Ryu concurred, although the rate is declining.

Mayor Ransom pointed out that lunchtime business has decreased dramatically at several restaurants and casinos.

Mr. Boydell suggested encouraging Shoreline employers to allow their employees some extra time for lunch if they patronize Shoreline restaurants.

6(b) Forward Shoreline Update

Jeff Lewis, Board Chair, Forward Shoreline, reported on the activities that have been performed by Forward Shoreline since the City contracted for services in July 2005. The philosophy of Forward Shoreline is to make Shoreline a better place for our children and grandchildren by focusing on the following areas:

- Schools
- Community college
- Community festivals
- Arts and heritage
- Neighborhood quality of life
- Small business success
- Parks and open spaces
- Public safety

Mr. Lewis outlined the following Forward Shoreline goals: 1) Establishing forums to highlight and discuss important topics; 2) Encouraging capital investment; 3) Facilitating collaborative private-public efforts; and 4) Helping define Shoreline better to the regional business community and outside the region. Forward Shoreline has engaged in a number of activities over the past year to include:

- Bi-monthly board meetings
- Conversations among business and government leadership
- Publicity to enhance and support Shoreline's regional image
- Support for development proposals
- Efforts to support local businesses

Continuing, Mr. Lewis outlined other specific activities and forums held during the past year as well as future activities, such as promotion of Aurora Avenue businesses during project construction. He concluded his presentation by thanking the City and civic organizations for their support and said he looks forward to working with City officials and staff in the coming years.

The Mayor called for public comment.

(a) Richard Johnsen, Shoreline, asked what could be done to preserve the small businesses along Aurora which have been heavily impacted by construction activity. He noted that some businesses may be "going under," and either Forward Shoreline or the Economic Development Program should do something about it.

Responding to Councilmember Ryu, Mr. Boydell outlined the total City investment in Forward Shoreline of \$50,000 for two years, or approximately \$2,000 per month. This is the same amount as the ECOSS program and less than the Community Capital Development program.

Mr. Lewis said he could provide a balance sheet of all revenues and expenditures, noting that 2005 gross revenues totaled about \$85,000.

Councilmember Ryu asked about the North King County Economic Survey and other cities' interests in this effort.

Mr. Lewis said the Survey was a two-pronged effort to: 1) conduct a survey and 2) present the results. There was hope of following up but it was not a strong priority for some cities. Mr. Boydell added that some cities don't have an Economic Development manager and therefore their commitments are different.

Councilmember Gustafson thanked Mr. Lewis for his leadership and said he appreciates all the groups that support the City's economic development goals. He also appreciates the focus on the positive and the effort to achieve partnerships.

Councilmember Hansen thanked Mr. Lewis for his many years of volunteer service as Chair of Forward Shoreline. He noted that Forward Shoreline is credited with the acquisition of the Showmobile. He hoped the relationship with Forward Shoreline would continue.

Councilmember Way asked about Forward Shoreline's specific programs to help schools.

Mr. Lewis said one of Forward Shoreline's roles is to hold forums to support the school system, so anything it can do to support the institutions that attract people to Shoreline will benefit the City.

Deputy Mayor Fimia thanked Mr. Lewis for his time. She felt it has been a strain to split the efforts of the business community by having Forward Shoreline operate independently from the Chamber of Commerce. She said the business community should "speak with one voice" because there is a lot of talent in both organizations and it makes sense to consolidate resources and efforts. She felt the Shoreline-Lake Forest Park Arts Council is a model the City should follow.

Councilmember McGlashan disagreed, noting that many jurisdictions have a variety of organizations, and there has not been much response from the Chamber. He said Forward Shoreline and the Chamber are totally different organizations that can cooperate, but it's not happening.

Mr. Lewis noted there are many cities in which multiple business organizations not only exist but cooperate. He said it's not about the organization, but about whether the goals

and work are getting done. He commented that Mayor Ransom, Deputy Mayor Fimia and Councilmember Way visited his business, which shows the City is increasing its communication and visibility.

Mayor Ransom felt the presentation focused on public relations and promotion, but he thought the main emphasis was recruiting new businesses to Shoreline.

Mr. Lewis said the goal is to balance public relations with creating awareness that Shoreline is a place to invest. He said the 2005 emphasis was on public relations, but it must be balanced with attracting investment.

MEETING EXTENSION

At 10:00 p.m., Councilmember Gustafson moved to extend the meeting until 11:00 p.m. Deputy Mayor Fimia seconded the motion, which carried 7-0.

Councilmember Hansen's impression was that the original vision was to build pride in the City.

RECESS

At 10:01 p.m., Mayor Ransom called for a five-minute recess. The meeting reconvened at 10:08 p.m.

6(c) Shoreline Fields A and B Rate Policy

Dick Deal, Parks, Recreation and Cultural Services Director, provided the staff report and explained the rationale for the proposed fee structure, which must be adopted by Council prior to the opening of the Shoreline A and B Soccer Fields. He noted that even with the proposed increases in the youth and adult fees, it's still a less expensive hourly charge to individuals than other organized sports. With the investment in synthetic infill turf for Fields A and B, the Council directed staff to generate an additional \$800,000 in user fees over the next 10 years to help subsidize the cost of this improvement. Mr. Deal described the reduced maintenance costs associated with synthetic turf as well as the process used to maintain the surface.

Mr. Olander noted that the City is already accepting reservations for fall scheduling, so the fee structure is time-sensitive. He pointed out the synthetic turf has a lifespan of 8-10 years, so the City should establish a reserve policy to ensure there will be replacement funds accumulated.

The Mayor called for public comment.

(a) Mark Bishop, Seattle, Assistant Manager for Co-Rec Soccer Association, noted that all adults will be charged the \$65/hour fee because most players are non-residents. He said soccer teams quit when rates become cost-prohibitive, so the City

should try to stay competitive with fields such as Marymoor Park. He urged the Council keep field rates affordable.

Responding to Councilmember Ryu, Mr. Deal noted that 50 percent of participants must be from Shoreline in order to get the resident rate.

Responding to Councilmember Gustafson, Mr. Deal said the Parks, Recreation and Cultural Services Board reviewed the recommendation and support the proposed rates. He also responded to Councilmember Gustafson regarding the agreement with the school district, which allows for school teams to use the fields at no charge from 3-5 p.m.

Councilmember Gustafson felt the proposed fees were reasonable and said he would support it when the time comes. He felt the PRCS Board should discuss scheduling at a later time and report back to Council.

Mr. Deal emphasized the need to achieve a fair balance between scheduling for both adult and youth time.

Councilmember Way asked about the total number of Shoreline participants, as well as the amount of time the fields are used by groups or teams. She also asked if gas prices have affected field reservations, and if Mr. Bishop's comments disturb him.

Mr. Deal responded that the Hillwood and Shorelake soccer groups have a combined total of approximately 2,000 players. He noted that there is ample field time available during the day, and that gas prices have not noticeably affected field reservations. He felt the proposed rates are reasonable when compared to other jurisdictions, and since the Council directive is to increase revenues, he is comfortable with the proposal.

Councilmember Hansen expressed support for the proposal, noting that the City can consider discounted rates if customers can guarantee a certain number of reservations each year. He asked if the surface would need to be completely replaced after 10 years.

Mr. Deal said there haven't been any major renovations of existing fields, so he felt it would cost less to replace it than the original installation cost. He clarified that the new field rates would net the City about \$80,000 above existing revenues.

Councilmember Hansen commented on the poor conditions and flooding at the soccer fields at Twin Ponds Park. Mr. Deal replied that funds were included in the parks bond to address this issue.

Responding to Councilmember McGlashan, Mr. Deal confirmed that most organizations said they would continue to use the Shoreline fields under the new rate structure. Councilmember McGlashan also asked how the City determines whether to charge a resident or non-resident rate to sports teams. Mr. Deal said the City can get player rosters to determine which rate to apply. Councilmember McGlashan expressed support for the proposed rate structure.

Deputy Mayor Fimia also supported the proposed rates. She suggested that the advertising of these rates include an analysis of travel costs to show that these rates are reasonable because people will end up spending more money to travel to other destinations due to increased fuel prices.

There was Council consensus to direct staff to return with a motion to approve the proposed rate structure.

7. ACTION ITEMS

- (c) Motion to Execute a Construction Contract for the 2006 Sidewalk Priority Routes

Paul Haines, Public Works Director, explained that there were no bids for this contract on May 1, so staff went back and packaged the project differently to make it more appealing to contractors. The City received two bids, which were both higher than engineers' estimates. Staff recommends the Council authorize a construction contract with Kemper Construction for Project 1 and Project 3 of the 2006 Sidewalk Priority Routes. Project 1 and Project 3 would construct pedestrian improvements on 10th Ave NE, 3rd Ave NW, and 8th Ave NW.

Councilmember Ryu moved to authorize the City Manager to execute a construction contract with Kemper Construction for Project 1 and Project 3 of the 2006 Sidewalk Priority Routes. Councilmember Gustafson seconded the motion.

Deputy Mayor Fimia wished to explore ways to find additional funding to complete the other projects not funded under this proposal. She expressed support for the motion.

Mr. Olander said an additional amount could be brought forward from next year's capital fund, but he would recommend against it.

Councilmember Hansen commented on the fact that the bids were much higher than engineers' estimates. He asked for the rationale for proposing Project 1 when it's 72% over the engineer's estimate, which is a much higher proportion than Project 2. He also expressed his preference for concrete sidewalks.

Mr. Haines noted that sidewalks near schools were a stated priority of the Council. The improvements on Dayton Avenue (Project 2) were not considered to provide the most immediate benefit. He affirmed that concrete sidewalks would increase the total project cost by 25%.

Councilmember Hansen pointed out the need to monitor the construction cycles carefully, noting that this is the "wrong time to hit the bid cycle." He expressed his preference for doing a "first-class project" using concrete at the right time.

Mr. Olander noted that the timing was less than desirable, but the Council felt it was important to pursue.

Councilmember Way noted that "the perfect is the enemy of the good," so she will support the motion.

Councilmember Hansen asked if it would be feasible to modify the project to include concrete instead of asphalt.

Jesus Sanchez, Public Works Operations Manager, noted that the project would have to be rebid in order to specify concrete.

Councilmember Gustafson said although he would prefer concrete, he has seen good asphalt projects.

A vote was taken on the motion, which carried 7-0, and the City Manager was authorized to execute a construction contract with Kemper Construction for Project 1 and Project 3.

MEETING EXTENSION

At 11:00 p.m., Councilmember Ryu moved to extend the meeting until 11:30 p.m. Deputy Mayor Fimia seconded the motion, which carried 5-1, with Councilmember Hansen dissenting (Deputy Mayor Fimia left the Council table).

- (a) Resolution No. 244, amending the Council Rules of Procedure

Mr. Olander introduced this item and suggested that the Council adopt the recommended changes to the Council Rules of Procedure without changes. He noted that a sunset clause could be added to the motion so the Council could implement the new rules on a trial basis.

Deputy Mayor Fimia moved to adopt the Council Rules of Procedure as contained in Attachment F of the Council meeting packet. Councilmember Gustafson seconded the motion.

Deputy Mayor Fimia said she incorporated Councilmember Gustafson's suggestions into this version of the Rules, which provides more opportunities for the public to comment at meetings.

Deputy Mayor Fimia moved to insert the following as Section 4.4: "If, after the motion is made to approve the agenda, the Council is considering moving an item to the Consent Calendar, the Mayor will first call for public comment on that item in order to enable members of the audience to provide input if they wish to do so." Councilmember Gustafson seconded the motion.

Following brief Council discussion, a vote was taken on the amendment, which carried 6-1, with Councilmember Hansen dissenting.

Deputy Mayor Fimia moved to insert “Presentation by staff” after “Staff Reports” in Section 5.4A. Councilmember Gustafson seconded the motion, which carried 7-0.

Deputy Mayor Fimia moved to strike “documentation that they represent” and insert “the action which authorizes them to speak for” in Section 6.8C. Councilmember Gustafson seconded the motion.

Deputy Mayor Fimia noted that this change would make it easier for a speaker to demonstrate that they speak on behalf of a given organization without being required to provide documentation.

After further discussion, a vote was taken on the amendment, which carried 7-0.

Councilmember Gustafson moved to amend Section 7.16 to read “If a member of the Council abstains or is silent on a vote, it shall be recorded as a vote for the prevailing side.” Councilmember Hansen seconded the motion.

Councilmember Gustafson felt the current language allowing silence to be counted as an affirmative vote was deficient. It was noted that Robert’s Rules of Order regards abstentions and silence as neutral votes.

Ian Sievers, City Attorney, pointed out the current inconsistency between Section 7.15 and 7.16. Section 7.15 suggests that Councilmembers must vote on all questions put to them, but 7.16 implies that Councilmembers can abstain or remain silent on a vote. He suggested language to remedy this problem.

Councilmember Hansen said that while he supports the motion, a neutral vote essentially has the effect of favoring the prevailing side. He noted that this particular rule has been ignored for the past 10 years.

MEETING EXTENSION

At 11:30 p.m. Councilmember Ryu moved to extend the meeting until 11:45 p.m. Deputy Mayor Fimia seconded the motion, which carried 7-0.

Councilmember Ryu felt that allowing neutral votes could delay the meetings because a division of the house would be needed every time a vote is taken.

Deputy Mayor Fimia felt that the Council Rules should be consistent with Robert’s Rules of Order.

A vote was taken on the motion as restated by Councilmember Gustafson to read “If a member of the Council abstains or is silent on a vote, it shall be recorded as a neutral vote for the prevailing side.”, which carried 7-0.

Deputy Mayor Fimia moved to accept the City Attorney’s recommendation for Section 7.15 as follows: “If a Councilmember has a conflict of interest or an appearance of fairness question under state law, the Councilmember may recuse themselves from the issue and shall leave the Council chambers during discussion and voting on the issue. That Councilmember shall be considered absent when voting occurs.” Councilmember Ryu seconded the motion, which carried 7-0.

In Section 5.4B.8., Councilmember McGlashan moved the following amendment: “Organizations which may have alternative positions or information ~~from those already scheduled should be given priority scheduling if they also request to do a~~ Community Group Presentation will be scheduled at the next Study Session.” Councilmember Gustafson seconded the motion.

Deputy Mayor Fimia spoke against the motion, noting that there was already compromise language in the original draft.

Councilmember Gustafson noted that with this amendment, there is a potential for having two Community Group Presentations at the following Study Session.

Councilmember Hansen expressed enthusiastic support for the amendment, noting that it would be good to get both sides of an issue quickly. He added that it wouldn’t require staff to reschedule the group for a future meeting.

Councilmember Ryu was opposed to the motion because staff will have already scheduled another group for the following Study Session.

Councilmember Way concurred, noting that the schedule should include some flexibility. She said it is not unreasonable to have a group wait a month to respond.

Deputy Mayor Fimia moved to call the question. Councilmember Ryu seconded the motion, which failed 3-4, with Deputy Mayor Fimia and Councilmembers Ryu and Way voting in the affirmative.

Mayor Ransom did not feel this would be a significant issue because there were very few group presentations in the past under previous Council rules. However, he felt if Council allows the amendment, it should read “alternative, controversial positions...” to ensure that the issues are important and timely.

Councilmember Hansen agreed, noting that while he feels group presentations won’t generally be a problem, this amendment allows the Council to handle controversial issues in a timely way. He felt opposing sides should not be denied the opportunity to make a timely response.

MEETING EXTENSION

At 11:45 p.m., Councilmember Ryu moved to extend the meeting until 11:59 p.m. Deputy Mayor Fimia seconded, the motion, which carried 7-0.

Deputy Mayor Fimia pointed out that there is ample opportunity for opposing sides to utilize the public comment period at Study Sessions. She urged that the Council oppose the motion.

A vote was taken on the amendment as restated, which read “Organizations which may have alternative, controversial positions or information ~~from those already scheduled should be given priority scheduling if they also request to do a~~ Community Group Presentation will be scheduled at the next Study Session.”, which carried 4-3, with Deputy Mayor Fimia and Councilmembers Ryu and Way dissenting.

A vote was taken on Resolution No. 244, adopting the Council Rules of Procedure as amended, which carried 6-1, with Councilmember Way dissenting.

Councilmember Gustafson noted that Council and staff have a responsibility for time management. He said the Council should do it’s “homework” and ask questions ahead of time in order to move business along more quickly.

Councilmember Ryu moved to adjourn the meeting. Deputy Mayor Fimia seconded the motion, which failed 3-4, with Deputy Mayor Fimia and Councilmembers Ryu and Way voting in the affirmative.

(b) 2007-08 Council Goals

Councilmember Gustafson explained his proposal to adopt a number of the Council goals prior to holding the two Community Workshops scheduled for June 6 and June 14. He felt this would expedite the goal adoption process.

The Mayor called for public comment.

(a) Wendy DiPeso, Shoreline, said the City has done a wonderful job in getting the public to participate in the priority-setting process. She opposed the proposal because the public is not aware of Councilmember Gustafson’s idea. She urged the Council to act with caution and not jeopardize the trust it has established with the community.

Councilmember Gustafson moved to adopt the following Council goals, with Councilmember McGlashan seconding the motion:

- **Complete Interurban Trail Connectors to Local and Regional Destinations**

- **Complete the Aurora Project**
- **Complete the City Hall Project**
- **Complete the Projects Approved in the 2006 Parks Bond**
- **Implement Economic Development Strategic Planning**

Councilmember Gustafson felt the Council should be honest with the public by adopting the goals for which there is already Council consensus. He said although the public can still comment on these goals, it should be clear that these are long-established and ongoing objectives that the Council has discussed in the past.

A vote was taken on the motion, which failed 3-4, with Councilmembers Gustafson, Hansen, and McGlashan voting in the affirmative.

8. ADJOURNMENT

At 12:00 p.m., Mayor Ransom declared the meeting adjourned.

Scott Passey, City Clerk

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DRAFT

Minutes of Shoreline City Council Community Workshops

Tuesday, June 6, 2006

6:30-9:00 pm

Shoreline Historical Museum

Councilmembers Present: Mayor Bob Ransom, Deputy Mayor Maggie Fimia, Councilmembers Keith McGlashan, Rich Gustafson, Janet Way, Cindy Ryu and Ronald Hansen

Staff Present: Bob Olander, City Manager, Julie Modrzejewski, Assistant City Manager, Dick Deal, Director of Parks, Recreation and Cultural Services, Debbie Tarry, Director of Finance, Joyce Nichols, Director of Communications & Intergovernmental Relations, Marci Wright, Director of Human Resources, Paul Haines, Director of Public Works, Joe Tovar, Director of Planning and Development Services, Bernard Seeger, City Manager's Office Management Analyst, Steve Cohn, Long-range Planner, Planning and Development Services, Alicia Sherman, Planner, Planning and Development Services, George Smith, Planner, Office of Human Services, and Carolyn Wurdeman, Executive Assistant, City Manager's Office

Community Members: The following community members participated.

- | | |
|----------------------|---------------------------|
| 1. Patty Hale | 18. Dwight Stevens |
| 2. Robert Phelps | 19. Dale Wright |
| 3. Bob Barta | 20. Greg Logan |
| 4. Gary Kingsbury | 21. Jan Hansen |
| 5. Mark Deutsch | 22. Eileen Dunnihoo |
| 6. Nick Anderson | 23. Katie Havck |
| 7. Chris Eggen | 24. Tina Forster |
| 8. Bill Bear | 25. Wendy DiPeso |
| 9. Beratta Gomillion | 26. Candy Hamel |
| 10. Laethan Wene | 27. Richard Johnsen |
| 11. Dave Jackson | 28. Gary Keller |
| 12. Charles Brown | 29. Robin McClelland |
| 13. Dennis Lee | 30. Michael Boili |
| 14. Bronston Kenney | 31. Lisa Thwing |
| 15. Dave Pyle | 32. Larry & Jeanne Monger |
| 16. David Buzard | 33. Lan Lan Chen |
| 17. Walt Hagen | 34. Gretchen Atkinson |
| 35. | |

Opening Remarks: Mayor Bob Ransom started the event at approximately 6:50 pm with the following remarks: Good evening, I am Mayor Bob Ransom. Welcome to the Council's Community Workshop – I am delighted that you are here. First, I would like to start off by asking our Councilmembers to stand and to introduce themselves.

Now, I would like to introduce our City Manager, Bob Olander, and ask him to introduce our staff.

Thank you all for coming and giving us your valuable time. Every year the Council holds a retreat to determine the City's goals for the upcoming year. This year, we wanted to get your feedback prior to formally adopting our goals. Tonight's workshop is primarily focused on getting your feedback on the proposed goals that we developed at the retreat. We want to learn, from you, what factors or things we should think about when considering these as potential goals.

At this year's retreat, we also looked at the City's vision and values. I hope that you had a chance to comment on the proposed draft. If you haven't done this yet, perhaps you could before the end of the evening.

The role for Council at this workshop is to observe. We will refrain from participating so as not to influence the outcome of your feedback. We hope that you will feel comfortable providing us with honest and open feedback.

Again, I want to thank you all for participating. Now, I'll turn the program over to Julie who will be the workshop moderator.

Community Input: The following are the individual comments collected from post-it notes that were received from residents who attended the Community Workshop.

Draft Vision and Values Statements

Keep (I like it)

- Respect for each other – definite keeper
- Goals already underway: Aurora Corridor; Interurban Trail; Economic Development Plan

Add (something is missing)

- Human Services – all citizens should have access to quality human services such as counseling, family support, food, etc.
- Preserve and enhance the character of neighborhoods
- Reduce economic disparity, i.e. 6.9% poverty in ShorelineSingle framework to cover goals – triple bottom line
- High quality educational facilities
- Sustainable needs to incorporate all factors of life in Shoreline

Drop (it doesn't sound right)

- Too long winded. Read one line (or two) then put it away.
- Too many goals: no more than ten; suggest eight
- 17 items under "we value" is too long and windy. Six to seven items max.
- Too many values – gets diluted and reads like "mom & apple pie"
- Drop restating comp plan work (too generic; no concrete work). Diversity, neighborhood goals; transit opportunities.
- Too many!

CITY COUNCIL DRAFT 2007–2008 GOALS

NEIGHBORHOODS

Increase Emergency Preparedness Training and Education

Neighbors Helping Neighbors/Involvement/Outreach

- Block watches.
- Get all groups involved – senior center, PTA's, rotary, churches, scouts.
- Emergency prep by block what do people have/need skills assets.
- Through the Emergency Management Council – more support for neighborhood CERT groups and emergency management
- Build block or "cells" in neighborhoods that can organize quickly in an event
- Involvement from community groups
- Take inventory of who has what skills in what neighborhood, i.e. who is CPR certified, who has medical knowledge, etc.
- Inventory of skills and training.
- Urge more block watches, crime is increasing!
- Get block watches up and strong – they segue into strong emergency prep programs
- Neighborhood program like Seattle's SDART.
- Use school district as one tool to get information/education to community
- Actively encourage and promote block watches as a vehicle for emergency preparedness.
- Establish central neighborhood precinct for Meridian, Echo Lake, Parkwood.

Training/Education

- CERT, CPR, first aid, Parks classes
- Different levels of training
- Have one a month training sessions.
- Promote CERT training. Publish emergency plan.
- CPR training notices to neighborhoods.
- Free CPR and first aid training for everyone.
- CERT training broken down in shorter sessions/number of weeks.
- Do more preparedness programs for citizens – i.e. park programs, rec guide classes
- Give individuals opportunities to have training and educations at different levels according to their time and motivation.
- Promote more emergency preparedness classes via college, high school, and city staff
- Boost citizen emergency readiness knowledge, response knowledge and skills, recovery knowledge skills and preparation.
- Publicize the CERT program through the currents.
- Every month have a readiness, or response, or recovery tips for emergency response preparedness.
- Continue citywide emergency preparedness training and information workshops for all citizens.
- Increase CERT and other individual emergency training (Red Cross) through City and partners
- More citizen police patrol training for emergency.

- Work with fire department to develop more safety education programs.
- Define “emergency.” Include personal/family catastrophes as well as natural disasters.

Environment

- Study global warming
- Earthquake faults
- Have a geological survey done to study shorelines impacted by rising tides. Resulting data to use for dealing with sound.
- Study what we can do to global warming – guest speakers/forums.

Emergency Planning

- Develop citywide and neighborhood emergency plans
- Work with police and fire departments
- Coordinate with Shoreline Fire Department and Police.
- Ensure communication systems are compatible for all responders.
- Assess what resources Shoreline has and what we need to be more self sufficient.
- Use Lake Forest Park’s plan for emergency prep as basis for Shoreline’s program
- Make it legal to loot grocery stores.

Emergency Kits/Shelters

- Sell kits
- Low income citizen grants for kits
- Offer low cost (bulk) items to purchase and put into kits.
- Provide emergency kits for sale at cost. Encourage residents to purchase and have grants for low income.
- Incentive for emergency prep kit.
- Red Cross
- Churches
- Do complete modification of the Spartan Rec Center as a shelter.

General Comments/Ideas

- City advocate to Olympia and insurance industry to continue earthquake insurance.
- Increase Emergency Preparedness Training and Education is one of my seven priority goals for the City Council. It is commonly accepted that at some point in time we will experience a catastrophe of some type that will require individual citizens to be self sufficient for a period of 10 days. It is the responsibility of the city to see that the governmental agencies are prepared to react adequately to such future events. It is also the responsibility of the city to inform and motivate the general public to take steps to become properly prepared for the potential emergencies. These are very difficult and daunting tasks and should be a priority goal for the city. New Orleans is a prime example of what can happen if a city is not adequately prepared.

Increase Opportunities for Neighborhood Involvement

Structural Changes

- Re-construct grant program – need “small projects” anyone can apply.
- Let neighborhoods decide boundaries – not city

- Formalize vote for neighborhood association reps
- Independent neighborhood association not depend on city for funding.
- Require neighborhood reps have 20% of neighbors to claim they represent neighborhood.
- Make neighborhood association the source of ideas and comments. Not all from city to neighborhood.
- Allow neighborhood to decide their own boundaries.
- Way back coordinator was and activist, people were getting involved but she was let go.
- Re-organize Office of Neighborhoods.
- Make sure neighborhood organizations are operated on an open, democratic basis.
- Include all neighborhood groups when collecting neighborhood input.
- Smaller neighborhood association boundaries. Split Meridian Park into three new neighborhood groups. Resurrect the old Cromwell Neighborhood organization – 185th to 175th (courthouse fight – Don Aicher). New Meridian/160th – 175th to 165th and Ashworth on west, freeway on east. Create new Ashworth neighborhood – Ashworth on the east, Aurora west, 175th south to 165th/160th.
- Provide for the neighborhood association to have a time on the Council agendas.

Activities

- Develop programs to empower people to get involved.
- Create “adopt a park,” “adopt a street,” etc. programs.
- Hold city open houses in the neighborhood.
- Look at King County VIP (volunteers in parks) program as a model
- Make neighbors aware of crime, poverty, education, health issues by neighborhood.
- Try to improve at least one park per neighborhood.
- Implement an “incentive” program to support neighborhood participation.
- Increase neighborhood involvement by developing block watch program to use as basis for emergency preparedness.
- Encourage neighborhood associations to form park maintenance volunteer groups.
- Continue maintenance on all rights-of-way, as well as all public areas of our city.
- Promote block parties around constructive themes – volunteer based.
- More neighborhood meetings.
- More block watch groups.
- Have neighborhood social events – get to know your neighbors.
- Adopt volunteer clean-up program.
- Neighborhood parties!
- Promote block watch and local clean-up.
- Sponsor more neighborhood get-togethers for people of ALL ages.
- Implement a reorganization of neighborhood groups so they represent community base.

Marketing/Outreach/Involvement

- Try to get young families involved, they are the future of Shoreline.
- Explore having a website for each neighborhood modeled after the Highland Terrace Neighborhood website – www.highlandterrace.org.
- Try to tap into a different group of people by targeting non-city groups – softball teams, churches, professional organizations.
- Recruit precinct captains to invite more participation by the public.

- Be culturally appropriate in doing this.
- Include college and high school students in neighborhood organizations – multi-generational.
- Ask small business to get involved in neighborhood centered activities – cohesiveness.
- Publish where neighborhood meetings are located – chairperson, address, phone.
- Emphasis on Neighborhood Association will spill over into volunteer programs.
- Get more types of people involved – young parents, elders, singles.
- Emphasis on restarting inactive neighborhoods
- Budget for more than one “all neighborhood” mailing a year for each neighborhood.
- More directly/personally invite citizens to participate in neighborhood groups. Proactive not reactive.
- City should encourage community neighborhood picnic/field day.
- Encourage neighborhood
- Responsive Council encourages neighborhood participation.

Neighborhood Council

- Council of Neighborhoods needs to be broken down into smaller groups to facilitate action in emergencies block by block. Representatives of blocks can report to larger council or police department.
- Continued support of the Council of Neighborhoods especially publicizing neighborhoods – highlights in the Currents.
- Neighborhood Council in place is excellent for this.
- Have proportional representation on the Council of Neighborhoods according to the number of precincts in the Neighborhood Association.
- Abolish Neighborhood Council – restructure to allow for greater participation by residents.

Education/Keep Informed

- Help people understand the issues – be broad minded – think of the whole city.
- Consult neighborhood about zoning and other significant changes.
- Require a mailing to a set perimeter (3 blocks each way) of residents when something is moving into changing, building, happening in neighborhood.
- Keep citizens updated on city hall decisions, request input of citizens on important matters, create an environment for controversy (controversy always brings people out in large numbers).
- City supervised notifications process for land use proposals.

General Comments/Ideas

- Most important of all.
- Neighborhood driven development plan.
- Let neighborhoods decide where traffic calming devices will be installed because they have more 24 hour knowledge of traffic problems in the neighborhood.
- If neighbors believe their input will be listened to, then they will show up.
- Why doesn't Shoreline have neighborhood plans?
- More city involvement in neighborhood discussions.

INFRASTRUCTURE

Complete the Aurora Project

Keep Design

- Complete phase I, don't recreate the wheel for phase II
- Complete Aurora at the same design level as section one.
- Finish the rest to look like phase I.
- Maintain the standards of phase I in the design parameters and completion of phase II.
- This is an ongoing Council goal. The Aurora plan was developed through a three year, legitimate public process which reflected the consensus of our community. The Council should honor this process and consensus by completing the remaining two miles using the current design.
- The community set a number of goals for Aurora and the project was designed to achieve them. We should honor these goals by maintaining the current design and not do the next two miles on the cheap.

Costs

- Scale Aurora Corridor way back.
- Bring costs into line with other similar projects.
- Complete-full disclosure of Aurora first mile project.
- Reduce scale and cost to not burden citizens for years.
- Let the public know the tax affect on residents (do a bond vote).
- Stay on track to get this completed on a timely manner and on budget.
- Phase II and III more conservative and fiscally responsible. Get the basics taken care of and leave the fancy stuff for later.
- After what we've spent, finish the Aurora Project and sell it. Real progress is coming!!
- Interim report to community on costs, options, etc.

Do Project

- Let's get it completed as soon as possible.
- No interruption in construction. Work on design, etc., only if needed.
- To complete the Aurora Project – get it done.
- Complete the Aurora Project is one of my seven priority goals for the Council. This is the most important project for Shoreline as it can make the greatest contribution to the economic development of our city. Economic growth is essential for the long term financial stability of our city.
- Keep the Aurora Project going so that time of construction and cost will be lower.
- The Aurora Project should continue to be a priority.
- Stay on task with Aurora Project. Do not water down funding or commitment.
- This is the greatest opportunity to reduce the high accident rate on Aurora. We can reasonably expect the current design (first mile) will reduce the accident rate by 30% to 40%. By doing so it will save millions of dollars annually of accident related "Societal Costs" and make it much safer for approximately 43,000 vehicles per day.
- Move on second phase before we lose federal funding!

General Comments/Ideas

- Once completed it will significantly improve the overall opinion of Shoreline and build a sense of pride in our citizens.
- Give citizens updates to show progress toward goals and further their acceptance of the reasons for the project.
- Linkage with Seattle's plans.
- Aurora Project builds a city – walkable, better services and development.
- Neighborhood friendly business development.
- Phase II and III – increase small business input into process.
- Complete project with continued respect for businesses disrupted temporarily.
- Keep Celebrate Shoreline parade off Aurora – too expensive, too wide – doesn't feel like community.
- Include attractive, city oriented or city themed art work to publicize the cultural and educational identity of our city, not just a place to spend money – a place to appreciate.

Complete the City Hall Project

Citizen Involvement

- Purchase site that citizens approve. Make citizens feel they are having needs met in other ways – sidewalks, etc. – besides having a new city hall.
- Involve citizens for input – location, design to meet needs of city while sensitive to public needs.
- City hall needs a status, options report to the community.
- Put the city hall project to community vote.
- Remove city hall from Council goal.

Do Project – Save Costs

- Build city hall. Save the rental costs.
- Educate the public how we save tax dollars by having/owning city hall.
- Keep city hall plan conservative and fiscally responsible.
- Go quickly on city hall to save money and make it a model of “green” building which would bring in more grants.
- Fast track this item to save money.
- It would be worthwhile to complete the city hall project; it should save money in the long run.
- A city owned city hall will result in significant savings over the years and will contribute to the financial stability of our city.
- Complete the city hall project is one of my seven priority goals for the Council. This is an ongoing Council goal and should be continued to completion.
- Move forward with acquiring a site and building a city hall to enhance city services. Delay will increase cost.
- Reduce scale and cost.
- Our city hall should be a workshop not a palace. Control costs!!

Design/Work Place

- City hall should consider the impact on local traffic, the duration of the project, and the impact it has on convenient access to local businesses.

- City hall with a public atrium with a coffee shop, lounge reading space, kiosks of information about the city assets and how to use – i.e. parks, library, etc.
- Locate city hall on a high spot in the city because city hall is the emergency management center for the city. Emergency radio communications are enhanced for recovery management.
- City hall designed in a way to also accommodate neighborhood meeting or get togethers.
- Build a beautiful city hall that can be an inviting civic center.
- City hall should include themes that reflect the diversity of the City of Shoreline.
- City hall as a catalyst for town center.
- Wherever it is located, make it aesthetically and physically neighborhood and people friendly. Not a looming monstrosity.
- Aesthetic – make sure if in neighborhood that it works with the neighborhood.
- Building must also allow for future growth.
- An appropriate and functional building will enhance morale and result in a more effective and efficient staff.
- Make the building environmentally sustainable.
- Use best practices – green building, underground parking.
- Make the building easy on people working in it.
- Technologically advanced.
- The current working conditions for city employees are atrocious. Owning our city hall gives the city an opportunity to design a building that meets the requirements of city staff.
- Well planned – input from all departments, all staff – to meet needs. Inviting for staff – a place staff likes to work.
- Good work place for staff, not a gilded palace!
- Must include disabled access.

Location

- Consider building at Fircrest. Can we get land cheap?
- Consider locating at NE 165th and 15th NE.
- Look at Fircrest as a location?
- Central location can not be the main concern if town center and commercial development are both to be included in the complex.
- Do not take vital property off tax roles.
- Keep it centrally located in Shoreline (middle of town).
- City hall anywhere but Echo Lake, why destroy it?
- Could it go on Fircrest property?

Complete Interurban Trail Connectors to Local and Regional Destinations

Connections

- East/west connectors needed.
- Interurban connector where nice is not a high priority.
- By developing connector to the trail it will double its use.
- Connect local business to Interurban Trail, will increase commerce, pedestrian traffic, and convenience.
- Include a connection with the Burke-Gilman Trail.

- Emphasize sidewalk development adjacent to the “mini-villages” developing in Shoreline like North City, Richmond Beach, Westminster Village, Aurora Avenue.
- The trail basically goes through the business district of our city. It can contribute to economic development by making connections to local destinations.
- Our trail by itself is a wonderful asset for the city, but its value to our city can be greatly expanded by connecting it with the overall network of trails and to our local destinations.
- Let’s not go around the block (185th to 192nd). Let’s work with Sky nursery to go a straight-away as possible.
- Work with Edmonds to safely cross N 205th.
- Work with Seattle and Edmonds should be advisory.
- Completing the Interurban Trail connections should have very high priority.
- Interurban connectors (parking spaces) at entry points.
- Connector bike lane to Burke-Gilman trail.

Project dollars

- Full disclosure of trail costs.
- Restore monies moved from roads fund to trail. Give the monies back to roads.
- Be sure that trail maintenance is included in the budget.
- Consider the frequency of usage by locals after completion. If trails and connectors will be mostly used by non-locals, would it be fair to have it paid by mostly locals?

Bike Lanes

- Do more bike lanes on surface streets
- Finish bike lanes on 185th from 1st NE to 10th NE.
- 15th NE bike lanes or not? Right now there are bike lanes on pavement only in one section.
- Finish bike lanes on NE 155th from 5th NE to 15th NE.

Do It

- This is an ongoing City Council goal and should be completed now. If it is put aside, it might never be done.
- Yes! Complete the trail system.

General Comments/Ideas

- Interurban Trail adequate signage for cross trail roads, flags, etc.
- When planning where to locate trail, go around business instead of replacing business with a trail. Retain more small business and income.
- City to promote urban hiking and urban hiking events.
- Keep up the good work in making the Interurban a desirable asset to the citizens.
- Encourage bicycle use to combat global warming.
- The trail is a wonderful addition to Shoreline and will encourage walking and fitness for years to come.

Complete the Projects Approved in the 2006 Parks Bond

Partnerships/Keep Informed

- Consider opportunity to take these projects further with volunteers and collaboration with neighbors.
- Partner with local groups like boy scouts, girl scouts, senior students who need community service credit, etc. to reduce invasive plant species and education to youth on sustainable landscaping.
- Partner with educational institutions including colleges to teach environmental classes.
- This project is a way of bringing together factions in the city with common goals, shown by the highly accepting vote. Keep us informed of how our dollars are being spent.
- Break out projects and costs and form citizens advisory committees

Do It

- Implement projects included in Parks Bond to keep costs within plan.
- Dr. Kruckeberg property – ASAP. Southwoods – ASAP. Hamlin – ASAP. Other parks improvements when it can be done.
- Move quickly to purchase the three parcels of land before the price goes out of sight!!
- Go ahead with park improvements now – pay for them later with bonds.
- The citizens of Shoreline approved and committed to pay for the projects in the 2006 Parks Bond. The bond levy passed with a 70+% favorable vote. It is incumbent upon the City Council to immediately begin implementing the plan.
- Don't debate.
- Do work where new dollars are now available (Parks Bond).

Dog Parks

- Create off-leash dog area
- Need a dog park on east and west sides of Shoreline

Play Equipment

- All neighborhood parks should have basic play equipment for smaller kids under 12 years of age.
- Echo Lake Park needs play equipment for kids.

General Comments/Ideas

- Twin Ponds - There are three ponds, not twins – fix field now
- Determine sale price for Southwoods
- Keep disruption for current users at a minimum
- Address ADA needs along with improvements
- New lights on timers which eliminate late night use of facilities
- Eliminate use of toxic chemicals on park and city property.
- Take stock of what we have and build its value.

LAND USE/ENVIRONMENTAL PLANNING**Create an “Environmentally Sustainable Community”****Study**

- Study what we have – give it value and enhance its viability.
- Do geologic survey to understand and respond proactively to impact of rising Puget Sound water.
- Define stakeholders for planning purpose.
- These items should be addressed in an in-depth revision of the comp plan.
- Define environmentally sustainable community.

Trees

- Restrict tree cutting and removal by ordinance.
- Need a street tree ordinance.
- Need to hire a city arborist/landscape planner

Community Action and Education

Encourage back yard wildlife sanctuaries and preservation of significant trees.

- Take an inventory of residents with professional experience in natural systems management and restoration and try to invoke their involvement.
- This requires education and constant updates and change in thinking on part of citizens to have the goals adopting environmentally sustainable community.
- Have CAO in alignment with growth management act and educate public.
- Reuse and recycling education.
- Locally owned business are more willing to be environmental conscious.
- Work where you live, live where you work.
- Sustainability means don't use up resources that are not replaced.
- Neighborhood sub-area plan – do one.
- Consistency with comp plan – decisions don't always tie back to existing planning documents.

Energy

- Lower energy use in every possible way.
- Create our own energy (power plant).
- Energy use reduced, solar panel, solar heat, more mass transit.
- Promote solar energy.
- Participating in renewable energy fair.
- Emphasize solar power.
- Have planning and development facilitate solar/alternative energy projects.

Code Enforcement

- Follow-through on cleaning up areas after warnings are given.
- Time deadlines to remove graffiti, litter, etc.
- ...use existing regulations and policies to remove litter, weeds, etc.
- Continue noise ordinance and a ban on fireworks.

Water Quality

- Protect water quality of Echo Lake.
- Incorporating advanced storm water quality practices is a great goal.
- Clean drains now – use existing regulations and policies to remove litter, weeds, etc.

Bike/Pedestrian Mobility

- More sidewalks.
- Sidewalks and bike lanes.
- More bike ways.
- Create an incentive for people to exercise (e.g. bike to work commercial and residential occupancy mixes (condos on top of businesses).
- More recreation opportunities within our city so no need to leave city to recreate.

Green Building and Environmentally Sensitive Infrastructure Design and Management

- Make city hall a model of a “green” commercial building.
- Promote with lower building permits for “green buildings.”
- Provide funding for environmentally friendly infrastructure in parks, schools.
- A sewage system that uses natural processes to purify waste.
- Urban parks need strategic management to overcome invasives and other human influences.

General Comments/Ideas

- More time needed for group discussions to develop a consensus theme.
- *The following is a single submittal by a citizen:* Urban Forestry
What is the Council’s vision for Shoreline seven generations from now? Mine is of a city in a forest, an urban forest. While an urban forest is not an old growth forest and should not be managed as one, it can provide all of the same functional qualities of an old growth forest. The city’s boundaries cover around 12 square miles (over 7,600 acres), much of which is vegetated in a broad variety of native and exotic trees, shrubs and herbaceous plants. 330 acres (4.3%) of Shoreline are designated parks and open space with another 1061.8 acres (13.8%) of streets and pedestrian corridors all of which represent an important community resource of materials and social opportunities.

Of the 16 draft City Council goals suggested for 2007-2008, five of seven bullets listed under the goal of “**Create an “Environmentally Sustainable Community”**” would be addressed if the Council were to adopt an Urban Forest Management Strategy.

- ☒ Develop a Natural Resources Management Plan
- ☒ Review and implement low impact development standards
- ☒ Incorporate advanced storm water quality practices into Aurora and other capital projects
- ☒ Complete Forest Management Plan
 - Adopt an energy efficiency plan
 - Actively remove litter, graffiti, weeds, abandoned vehicles, etc. on public properties and right-of-way

There is a strong environmental ethic in the City of Shoreline and this goal is intended to place the City in the forefront of protecting and enhancing the local environment. Stewardship for the environment is a critical and essential challenge as we continue to develop and grow as an urban/suburban community.

What is an Urban Forest Management Strategy?

It is a managed forest where trees and other vegetation are periodically harvested. It is a resource that manages for aesthetics, wildlife habitat and environmental functions and health. It contains all of the varying aspects and functions of an old growth native forest and there is a dominant stewardship ethic ingrained throughout its programs.

There are many aesthetic, environmental, sociological and economic benefits that accrue from a comprehensive vegetation management strategy. The city needs to be proactive and set the example, by taking inventory of city parks and street vegetation, developing a citywide management strategy, and by creating educational opportunities and incentives for local small businesses and landowners to do the same. These three steps set the stage for an environmentally friendly approach to creating a healthier landscape and creating sustainable benefits. The following list some of the more obvious opportunities and benefits from the proposed approach.

- Stormwater management;
- Improved soil stability and health,
- Improved water quality,
- Wind and temperature moderation;
- Energy conservation;
- Noise suppression, screening and buffering;
- Reduced CO₂ via carbon sequestration;
- Improved air quality;
- Creation, enhancement & protection of wildlife habitat;
- Utilization of salvaged materials;
- Employment opportunities;
- Business opportunities;
- Student opportunities in urban forest management, research and monitoring;
- Enhanced economic value of properties;
- Improved quality of life and health;
- Sustainable, localized economic and environmental control and oversight;
- Third party lawsuit protection

Develop a Comprehensive Housing Strategy

Preserve Single-Family – Owner Occupied

- Shoreline is a primarily low-density, residential community – preserve that.
- Retain the neighborhood character.
- Keep neighborhood for single family housing.

- This is imperative so we can attract and keep families with school-age children in our city.
- Housing should be owner occupied as opposed to rental.
- Single family owner occupied.
- Neighborhood driven development standards. Include all stakeholders.

Notification

- Verify land use notices!
- Land use/neighborhood notice meetings – either tape record or have city rep at meeting so developer does not distort/downplay opposition.
- Neighborhood notification meetings should be held with city supervision.
- The city should control the notification process for land use action notification. Verify home owners have been notified.
- Require notices when something other than land use changes happen, i.e. if a certain type of business is moving into your neighborhood.

Affordable Housing

- Consider lack of affordable housing in Shoreline.
- Encourage more affordable housing options.
- Stop taxing homeowners to the limit every year. Make sing in Shoreline.
- Encourage more affordable housing options.
- Stop taxing homeowners to the limit every year. Make their homes affordable also.
- Ensure that affordable housing does not mean “project housing” and segregation. Try to maintain integration.
- Missing affordable single housing.
- Need to develop plan that satisfies different income levels, protects environment, doesn’t “over” develop, and provides for needs of citizens.
- Define city government’s role in housing.
- Define stakeholders for planning purposes.
- What are the growth goals GMA for Shoreline?
- Housing strategy: a citizen ad-hoc committee seems highly advisable.
- Define successes and maximize number of population needs met without reducing quality of life/environment.
- Adopt cottage housing laws that are acceptable to city.
- General review of zoning heights and boundaries for the whole city.
- Balance between houses, apartments, and condos a must!

Density in Commercial Areas

- More density along Aurora.
- Create more commercial and residential mixes, i.e. condos on top of businesses.
- Higher density along arterials.
- Concentrate apartment and condo building to arterials.
- Commercial business with housing on upper floors.

Study

- Study what other small cities have done successfully.

- Since incorporation the city has emphasized correcting our infrastructure problems inherited from the County, improving traffic and public safety, improving North City, and the Aurora business districts, etc. The time has come to make an extensive study to identify our housing stock, our shortcomings, and potential resolutions to our problems. This requires a Comprehensive Housing Strategy and it should be a priority goal for the Council.

General Comments/Ideas

- We already have built more apartments than there are renters.
 - Move to Affordable Housing
 - From Bob Barta – Shoreline Citizen - bbarta@appleisp.net:
Explore ways to accommodate Affordable Housing across all age groups in Shoreline - Would this work in Shoreline?
1. Income Thresholds? Modest income levels?
 2. Board of Directors – Determines pricing levels?
 - A. Attract and hold proud homeowners who take pride in their City!

Article in “The Retiree Advocate,” June 2006

Homes that are affordable now – and forever by Sheldon Cooper

Skyrocketing land values in the Puget Sound have pushed home prices far out of reach for average workers, putting increasing strain on our families, communities and environment. Throughout the Puget Sound region and across the country, communities are starting Community Land Trusts (CLTs) as a community-based response to runaway housing process.

Through membership in a CLT, the community owns land and ensures the ongoing affordability of homes on its land as a community asset. While the CLT model dates back four decades, widespread implementation is a more recent phenomenon, especially in the western U.S.

In 2000 there were only a few CLTs in Washington. Today there are nine working CLTs and five more are forming. More than 400 Washington residents now live in permanently affordable CLT homes. That number is growing rapidly, making our state one of the hotbeds of CLT growth.

CLTs keep homes affordable forever and give communities control of some of their land resources. How? By assembling grants from public and private sources, CLTs can offer homes to modest-income buyers for 25% to 50% below market prices. In return, buyers sign an (affordability contract with the CLT, promising to sell to another modest-income buyer for an affordable price if they decide to sell in the future.

This contract is in the form of a ground lease for single-family homes, or a covenant for condos. Either way, CLTs offer modest-income buyers the security and wealth-building opportunity of home ownership at an affordable price.

Members of a CLT are everyday community people and CLT homeowners, who make up a majority of the CLT’s board of directors. The membership preserves the affordability of CLT homes and makes sure that the CLT is addressing the most urgent community needs.

Recent Washington state legislation clarifies the authority of local jurisdictions to create powerful housing incentive programs (sometimes called inclusionary zoning) that have the potential to generate a large number of affordable units. Irvine, California, recently started a city-wide CLT to receive and preserve the permanent affordability of 10,000 housing units projected to be generated through their inclusionary zoning program. Pairing CLTs with inclusionary zoning can generate significant amounts of affordable housing and retain it for our communities forever.

Homestead Community Land trust is working to ensure that Seattle adopts a similar arrangement, so that we can begin to gain real traction on our affordable-housing crisis. For more information about Homestead's work, call (206) 323-1227 or email at info@homesteadclt.org.

Develop a Fircrest Master Plan

The State

- Partner with the State on supporting/expanding Fircrest.
- Wait until state decision. We may have little impact.
- How can we discuss a Fircrest plan when the state owns the land?
- Why is the city spending money for a master plan at Fircrest when the property belongs to the state?

Future Land Uses

- Use Fircrest for community needs such as city hall.
- Need community access to existing facilities, i.e. pool.
- Do not rezone all of property as high density residential.
- Use some of property as right-of-way for 15th to re-establish four-lanes plus turn lane at 155th.
- Develop a Fircrest culture center to include drop-in art classes for youth groups to express their ideas.
- Plan for implementation of multi-cultural center at Fircrest.
- Develop a plan to create an education center in Fircrest that will serve the greater Puget Sound area.
- Fircrest still needed for seriously DD population.
- Try to maintain disabled facility as much as possible.
- Buy Fircrest property and turn it into a park with recreational facilities.

Public Input/Planning Process

- Look at past work done 10 years ago with C-PAC.
- Involve all stakeholders - be inclusive.
- Friends of Fircrest should not be the lead in this issue.
- Develop plan with more citizen input. Use part of land to have bigger facility for human services which is so cramped at 172nd and 15th NE.
- If Fircrest becomes available, a master plan is a must. We don't need haphazard!!
- Conduct a national search for a Fircrest master plan.
- Involve local neighborhood in Fircrest master plan.
- Fircrest included in in-depth comp plan revisions.

- Keep holding off.
- Link King County's goals with city plan.

General Comments/Ideas

- Would this really benefit the community as a whole?
- Just say yes to Fircrest.

Provide Safe, Affordable and Environmentally Sustainable Transportation Options to Support Current and Projected Land Use Plans

Bike

- Offer free or low-cost bicycle maintenance classes to ensure pedestrians are operating functional equipment to maintain a safe pedestrian environment.
- Promote bicycling and public transportation.
- Link bike lanes – finish NE 155th to 15th NE; finish NE 185th to 10th E; 15th NE only has bike lanes mid-section, finish!
- New bicycle trails – especially on east/west streets – are badly needed.

Bus

- Test – possibly a special free weekend pass for shopping along the Aurora Corridor to encourage use of city businesses by bus.
- Vacate the lower section of Westminster Way by Sherwin Williams paint store and make it into a transit center.
- Forget the train, increase and improve Metro and the buses.
- Increase bus system.
- Work on better transportation throughout city with reasonable frequency.
- Re-assess bus routes, shelters, etc. Some big buses could be changed to shuttle size within Shoreline.
- Local “DART” service within Shoreline.
- Fund a local shuttle service to more children and seniors.
- More buses going east and west.
- More buses.
- Circulator buses.
- Re-assess bus routes.

Pedestrian

- Develop a plan for pedestrian safety, i.e. sidewalks to encourage walking especially in school zones.
- Strong emphasis on safe streets, sidewalks, traffic calming.

Traffic

- Repaint lines on 155th Avenue to help traffic flow better.
- Restore four-lanes on 15th Avenue, end traffic jams.

Land Use

- Why does housing have to be denser the nearer it is to commercial? A home is a home – wherever it is and it's affordable.

- Raise height limit for commercial properties with upper floors for housing.
- Shoreline needs more higher density housing near our new “city center.”

General Comments/Ideas

- Start developing Aurora Corridor to accommodate the possible expansion of the light rail system.
- Cut back on city vehicles. Cut back on diesel and gas powered city vehicles.
- Establish neighborhood priorities for capital funds.
- Support solar fair each year.

GENERAL PROGRAM PLANNING

Develop a Shoreline Youth Master Plan

Partnerships

- Outcome: youth master plan that meets the needs of students. How: Engage college and high school students to participate.
- Work in with other community organizations like Seattle Folklore Society (contra dancing), Folklife Festival, Ethnic Heritage Council.
- Support the Shoreline School District.
- Partner with senior consumer economics classes at high schools (all seniors have to take to graduate).

Job Programs

- Promote youth work apprentice programs to help young adults learn skills.
- Job shadow youth programs = youth master plan and vibrant economy.
- Include a “find-a-job” entry level job resource.
- Shoreline students “shadow” city jobs.
- Tax incentive youth apprentice in local business. This is done to some extent by schools.

At Risk

- Strategies and priorities – need to include youth who are not “mainstream,” those who are disenfranchised, disadvantaged, and often forgotten.
- Less drug use and alcohol abuse among youth. Implement treatment program.
- Help for youth in trouble or at high-risk of developing problems.
- Recognize the vast diversity of youth including some very troubled youth – how can we reach in positive manner?

Programs

- Looking for more than just recreation and sports – after school programming, summer programs, etc. need to be accessible and affordable.
- Expand arts program – teaching life skills via arts.
- Encourage outdoor activity.
- Scholarship for every graduating senior. How? Promote dollars for scholars.
- Education plan to include artistic component.
- Include teen council and council aids.

- Include environmental education opportunities in tandem with Parks Bond Natural Reserve Plan.
- Summer workshop camps at Shoreline
- How are different youth programs, family support, rec center, etc. used to develop youth master plan?
- Provide more programs that evolve around the youth of Shoreline in the governmental process.

Teen Center

- Build, support or encourage a realistic “teen center” – one kids choose over alternatives.
- Need eastside rec center.

Questioning This Goal

- Drop youth goal – this is focus for the school district.
- Re-categorize – “master plan” under “long term planning.”
- “Youth” should not be a separate plan but part of the master planning.

Do It

- Do what it takes to keep young people in town. Teens must need activities.
- Make it a high priority.
- The more attention to kids the better.
- This should be one of the priorities of Shoreline to nurture our youth. They ARE the future of Shoreline.

General Comments/Ideas

- Develop a strategy for getting input from young family age people and youth.
- Remember to include home school representation.
- Make education relevant!!! Then provide opportunities.
- Students should remain on school property during school hours.
- Location for “under age” for dances and activities. Fun – don’t be too strict, don’t be governed by fear, let them explore.

Implement Economic Development Strategic Plan

Programs

- Great goal: Continue and expand the small business assistance programs, especially for those impacted by the Aurora project
- Begin grant program for business lost due to City projects
- Explore low interest loans for businesses suffering losses from City projects
- Outside consultant measures results of programs

New Business

- Economic development should help match businesses to our City and help fast track start up
- Find way to allow start up small businesses to operate at low cost for a short amount of time
- Develop tax incentives to attract new business

- Get community input of potential new businesses for the City

Increase Opportunity for Inclusion and Cultural Diversity

Partnerships

- Partner with agencies already offering cultural celebrations and events
- Use family support center to offer good ideas for inclusion and cultural diversity
- Ensure that Shoreline Schools have proper cultural diversity programs in place
- Tie to existing events i.e. Arts Festival, Celebrate Shoreline, Central Market, etc.
- Definitely continue supporting the Arts Council and keep on promoting public performance opportunities for all ages
- More Sister City Events

Valuing Diversity/Awareness/Involvement

- Diversity and inclusion are a must
- Diversity, YES! Include single people not just families they are part of community. Shoreline is more than families.
- Do not need to proclaim “inclusive community”. Just model it!
- Cultural diversity. Especially in structure and accessibility of public process
- Promote ways for different races to meet each other
- Create awareness of our cultural groups
- Look for ways to include Spanish speaking and other languages interpreters in processes to get a “real” level of participation from a diverse group
- Encourage events that promote an understanding of diverse cultures. One example of this is at the Shoreline Arts Festival
- We already live in a “diverse” community. Waste of resources
- Drop diversity – No clear work to do
- Cross generational opportunities as part of cultural diversity
- Representations include all races, ages, genders, religions (if possible) or non religion. Observe activity that dehumanizes any peaceful human being
- Need inputs from ethnic community. Not getting it here
- Figure out how to get diverse groups involved

General Comments/Ideas

- Create Affordable housing that is culturally economically mixed
- Promote a “window to the east” area near 155th as part of economic development
- Do not need a separate facility for cultural whatever
- Remember that service providers can be trained to provide culturally competent services

GOVERNMENT ACCOUNTABILITY

Complete the Implementation of Performance Measures

Audits

- Regular cost/benefit analysis of all city departments
- Audit the city! Especially city projects that have grossly run over budget.

- Be able to have “something to show” as a result of city programs. Some kind of product.
- The manpower costs of performing performance audits.
- Use state performance audit – for expertise and it’s free.
- Outside review.

Outreach/Communication

- Create a graph that is updated monthly that can be accessed on the website.
- Publish expenditures with some detail
- Computer tracking of permits for public. Drawings etc. so neighbors can get correct info.
- Include planned and actual expenditures in performance measures.
- Like the “report card” idea.
- Complete GASB 34, 44 requirements and do CAFR report.
- Community “report card” is a good idea.
- How about a citizen oversight committee?
- Need to do citizen satisfaction survey.
- Develop community report card with the community, i.e. citizen ad-hoc.
- Develop staff, Council performance cards – Council member, staff management. Develop project report cards.
- Full disclosure of first mile costs of the Aurora Project.
- Have monthly ratings of how the City Council is performing on important issues that affect the community.

Performance Measures

- Performance Measures must be “measurable” and “reportable.”
- Emphasize performance measures for all employees that reflect what the citizen “owners” would surveys reveal.
- Include concrete measurable criteria such as cost vs. result, environmental impact vs. benefit to environment, public benefit vs. cost to public.

General Comments/Ideas

- Need resources to gather the statistics, must be included in budget.
- Clear “process factors” for all city work.
- Employee recognition program.
- Environmental performance evaluation.
- What is being done about accountability for poor performances?
- Annual expectations of performance as well as three year expectations.

Implement Long Range Financial Review and Public Participation Plan

Revenue Options

- Section on new revenue opportunities.
- Section regarding trends that impact revenues at national, state, and regional levels.
- Levy lid lift.
- Increase revenues, do not reduce service.
- Reduce dependency on casino income.

Living Within Our Means

- Section on potential cost savings, efficiencies, and areas for elimination.
- Change philosophy to a plan to live within current tax streams.

Education of Citizens

- Real costs are different than just what something costs to buy. Help citizens understand real dollars.
- Help citizens understand hidden taxes, utility franchise.
- Help citizens to understand income sources. Where does money come from?
- Help citizens understand income projections.
- More public involvement in budget process and service selection, i.e. bucket budget exercise.
- Find a way to educate our citizens about the impact of some initiatives – without politicizing the information. Recognize that our current financial situation with property is a result of citizen's voting (and being un-informed).
- Email/post out budget proposals in an easy and understandable format.

Public Input

- Create a process for how to create a long range financial plan.
- Include a study of what our community has vs. what we want/need.
- Continue public workshops related to financial management as has been done in the past.
- Hold meetings or workshops that details and reviews the City of Shoreline's financial history. How we got where we are.
- Encourage public speaking out at Council meetings.
- Stop Councilmembers from limiting public participation and comment on past projects!
- We need a 10 year plan for financial review and we need to listen to the residents and merchants about their concerns.
- Resident input on fiscal responsibility.

Capital Projects

- Complete Aurora and sell it.
- Neighborhood wants for walkways, business, etc.
- Don't spend money on a new city hall if we are stretched on salaries, asphalt, gas, etc.
- Do cost comparisons with similar projects in region.
- Every capital project incurs a long term obligation. Ensure that the affect on future discretionary income is used in planning all projects.
- All capital costs imply future operation costs. These need to be included in capital decisions.

General Comments/Ideas

- Encourage more economic development. Note: Shoreline could use more restaurants.
- Should follow from goals.
- Keep our financial recordkeeping and budget planning in place, same people.

Provide Meaningful Public Participation in Implementation of Selected Goals and Work Elements

Public Input

- Stop Councilmembers from limiting public participation and comments on past projects.
- Some public ideas are worthwhile. Implement them! Listening is useless if public comment is always ignored.
- Continue the public participation as in this workshop. Complete implementation of performance measures.
- Input like tonight's.
- Home surveys for mail in response.
- Get neighborhood associations involved in interacting with citizens regarding work selections.
- Utilize online discussion forums.
- Balanced participation from all neighborhoods.
- Repeated complaints and frustration from citizens' cries this as a priority so process, expectations, and 2-way communication.
- Develop feedback process for public input.
- Continue providing public workshops to encourage public input. (This workshop being offered at two times was great.)
- Provide and advertise public survey opportunities for goals and work elements – 1) on city website; 2) in currents; 3) in Shoreline Enterprise.
- Get input from professionals who can also inform the public.
- Respond to public input.
- There are groups of people who will not participate in traditional ways of providing input. Outreach needs to target the poor, immigrants, non-English speakers, etc.
- Continue whatever will continue the recall process.
- Survey citizens (survey monkey).
- Present to Council of Neighborhoods.
- Let citizens define survey questions.
- Where performance is low, ask students, citizens, and employees how to solve the problem.
- Have more of these meetings.
- Educate public on the process.
- Public educated about the agenda and contract limits City Council is working with.
- Primary goals should be set by Council; staff suggest implementation, then public comment.

General Comments/Ideas

- Bull stuff! What does this mean?

NEW IDEAS/PARKING LOT

- Community Workshop = needs better public communication, use the newsletter (not all of us use cable, visit city website)
- Need Long-Term Planning Group –
 - LT Financial
 - Master Plans
 - Performance Measures
- Like the old process of group discussions and facilitator writing it down
- More staff/citizens meetings to finish discussions.
- Concentrate on producing enhanced services rather than amenities
- Re-stripe 15th Avenue NE back to 4 lanes as requested by citizens and businesses
- Develop plan to acquire south Echo Lake for a park
- Factor – Project work already underway, In general for infrastructure
- All Infrastructure Goals ought to be focused on in 2006
- Better Co-ordination with all utilities and other Public Works projects to avoid tearing up the same street 3 years in a row!
- Divide City into 6 districts. Elect a Council member from each district and one council member at Large.
- Restore 15th Ave. NE to 4 lane configuration.
- Consider an independent Police Department rather than contract with King County Sheriff.
- True comp plan review – where we are and how are we doing.
- City Hall Quantitative Matrix – Where to get a copy, bbarta@appleisp.net, Bob Barta
- One citizen submitted the following: “The Following are My Seven Priority Goals for the City Council in Descending Order”
 1. Complete the Aurora Corridor
 2. Complete the City Hall Project
 3. Complete Interurban Trail Connectors to Local and Regional Destinations
 4. Complete the Projects Approved in the 2006 Park Bond
 5. Implement Economic Development Strategic Plan
 6. Increase Emergency Preparedness Training and Education
 7. Develop a Comprehensive Housing Strategy

Closing Remarks: Mayor Bob Ransom closed the event at approximately 9:00 pm with the following remarks: On behalf of the Council, I would like to thank everyone for attending tonight’s community workshop. You have provided up with lots of great information to think about as we make our decision in the next few weeks.

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DRAFT

**Minutes of Shoreline City Council
Community Workshop**

Wednesday, June 14, 2006

6:30-9:00 pm

Shoreline Center, Spartan Room (North end)

Councilmembers Present: Mayor Bob Ransom, Deputy Mayor Maggie Fimia, Councilmembers Keith McGlashan, Janet Way, Cindy Ryu and Ronald Hansen

Staff Present: Bob Olander, City Manager, Julie Modrzejewski, Assistant City Manager, Dick Deal, Director of Parks, Recreation and Cultural Services, Debbie Tarry, Director of Finance, Joyce Nichols, Director of Communications & Intergovernmental Relations, Marci Wright, Director of Human Resources, Paul Haines, Director of Public Works, Rachael Markle, Assistant Director of Planning and Development Services, Jeff Forry, Permit Services Manager, Planning and Development Services, Ray Allshouse, Building Official, Planning and Development Services, Rob Beem, Manager of Office of Human Services, Tom Boydell, Economic Development Manager, and Carolyn Wurdeman, Executive Assistant, City Manager's Office

Community Members: The following community members participated.

- | | |
|----------------------|-----------------------|
| 1. Dom Amor | 23 Jud y Parsons |
| 2 Millie Ball | 24 Patt y Crawford |
| 3 Joseph Irons | 25 Tim Crawford |
| 4 Melissa Irons | 26 Bett y Cantrell |
| 5 Dorothy Brenchley | 27 Scott Jepsen |
| 6 Barbara Guthrie | 28 Michael Pollowitz |
| 7 CaraLee Cook | 29 Donn Charnley |
| 8 Pat Murray | 30 L a Nita Wacker |
| 9 Carolyn Ballo | 31 Marcie Riedin ger |
| 10 Vicki Westberg | 32 Jerome Burns |
| 11 Jan Stewart | 33 L arry Owens |
| 12 Ji m Hardman | 34 Maril yn Peterson |
| 13 Gretchen Atkinson | 35 Rick Stephens |
| 14 Harle y O'Neil | 36 Dan Thwin g |
| 15 William Bear | 37 Theresa Lee Miller |
| 16 Alan Sharrah | 38 Wend y DiPeso |
| 17 Clark Elster | 39 Ji m DiPeso |
| 18 Herb Bryce | 40 Valerie Spe ed |
| 19 Dale Hanb erg | 41 Dan Mann |
| 20 Dale Wright | 42. Ken Cottingham |
| 21 Maria Walsh | |
| 22 Ji m Walsh | |

Opening Remarks: Mayor Bob Ransom started the event at approximately 6:50 pm with the following remarks: Good evening, I am Mayor Bob Ransom. Welcome to the Council's Community Workshop – I am delighted that you are here. First, I would like to start off by asking our Councilmembers to stand and to introduce themselves.

Now, I would like to introduce our City Manager, Bob Olander, and ask him to introduce our staff.

Thank you all for coming and giving us your valuable time. Every year the Council holds a retreat to determine the City's goals for the upcoming year. This year, we wanted to get your feedback prior to formally adopting our goals. Tonight's workshop is primarily focused on getting your feedback on the proposed goals that we developed at the retreat. We want to learn, from you, what factors or things we should think about when considering these as potential goals.

At this year's retreat, we also looked at the City's vision and values. I hope that you had a chance to comment on the proposed draft. If you haven't done this yet, perhaps you could before the end of the evening.

The role for Council at this workshop is to observe. We will refrain from participating so as not to influence the outcome of your feedback. We hope that you will feel comfortable providing us with honest and open feedback.

Again, I want to thank you all for participating. Now, I'll turn the program over to Julie who will be the workshop moderator.

Community Input: The following are the individual comments collected from post-it notes that were received from residents who attended the Community Workshop.

DRAFT VISION AND VALUES STATEMENTS

Keep (I like it)

- I like it but wonder if in order of importance
- Sounds GREAT!

Add (something is missing)

- Reduce the economic disparity by not relying on franchise fees

Drop (it doesn't sound right)

- Stop using casino money

CITY COUNCIL DRAFT 2007–2008 GOALS

NEIGHBORHOODS

Increase Emergency Preparedness Training and Education

Neighbors Helping Neighbors/Involvement/Outreach

- Have meaningful, participatory neighborhood meetings & discuss, understand and better prepare for (all) emergencies.
- Increasing neighborhood involvement is a source of strength against crime and in times of emergency.

- Respond to individual groups to personalize area responses
- Maybe this could be coordinated through the block-watch program.
- Increasing involvement will help fight crime and help in emergency situations.
- Neighbors need to know each other; City can do more to facilitate block parties.
- Coordinate with block-watch and night-out gatherings.
- Get senior groups and schools/students involved in participating in and then teaching emergency preparedness.

Training/Education

- Hold neighborhood level earthquake drills
- Are you going to encourage training thru the neighborhood or city-wide?
- Find a gimmick to advertise and energize people to get trained.
- Expect to advertise the emergency preparedness classes through the whole city.
- Emergency training should be/could be conducted at schools
- Annual or more classes in CPR, Red Cross planning; review how could organize neighbor emergency planning.
- Repetitive education: review police & fire procedures with groups on a quarterly basis.
- Offer free training at schools use PTSA to facilitate involvement.
- Concentrate on developing a reciprocal agreement with neighboring cities to respond. Develop an effective command center staff capability. Don't waste too much resources on public education.
- Coordination: Who has the responsibility for emergency training?

Emergency Planning

- How are you going to plan the emergency preparedness?
- Expand the role of "ham operators" throughout the city as first responders.
- Review Stop Light coordination in emergencies.
- Develop a plan to care for shut-ins living alone, following a disaster
- Emergency preparedness all phone numbers accessible to people with disabilities
- Phone numbers people who take medications need to have these pamphlets
- Coordination: Coordinate with State so local & state work in complementary manner.
- Studies: Get a geologic survey of the Shoreline area – specifically the costal areas - what impact will rising water have here?
- In each neighborhood, inventory skills, assets (generator), needs (disability).
- Emergency preparedness is a very important issue. Having the opportunity for each neighborhood to create a plan would be excellent.
- Provide a checklist of emergency supplies needed in each issue of Currents for one year.
- An important responsibility of our city should be a long-term/continuing commitment - "just in case" we will be ready.

Emergency Kits/Shelters

- Work with businesses to promote products and/or services related to emergency preparedness (e.g. Generators @ Home Depot, food @ Costco, etc.)
- Kits of water, first aid, materials for all homes in case of natural disasters
- Lists of emergency supplies, phone #, etc.
- Think of other emergency shelters that will automatically attract people in an emergency (large public places)

- Foresight is essential in this area. Previous efforts have resulted in waste of supplies and no value received from long term storage in shelters with limited life.
- Assess what the community has and what it needs to be self sufficient for a 2 week period – inform.

Investigate Solar/Other Resources

- Solar powered emergency backup systems. (For communications, refrigeration, water purification, etc.)
- Solar powered (with battery backup) emergency water purification kits.
- Invest in alternative energy such as solar electricity and solar water, alternative fuel & generators.
- Have City buildings powered by solar in part of their energy when possible.

General Comments/Ideas

- There are so many meetings that no one comes to on this subject.
- Encourage pea patch & home gardens – get schools involved.
- The Big One is coming.

Increase Opportunities for Neighborhood Involvement

Structural Changes

- Adjust boundaries to increase involvement
- I am not sure that having the Neighborhood Association define their own boundaries is a very high priority.
- Reform existing neighborhood groups so that more people can participate and are notified of activities. Little announcements are made public.
- Revamp neighborhood groups to be representative.
- Require N.A. representatives to have 20% of the citizens in a neighborhood be able to claim they represent.
- Neighborhood associations should be the source of direction for the City, not just the target of City information and requests.
- Allow neighborhoods to define their own boundaries.

Activities

- Neighborhood Associations should be grass roots. Maybe City can fund pot-lucks or publications, but they can't be the "invigorators"
- Create opportunities for volunteers
- Have well-publicized, well-led, volunteer projects of all sorts for citizens to come to and personally, directly participate in, i.e. cleanup removal of weeds.
- Contact (directly) all Boy Scout (and other groups) to provide them opportunities to do "public service" projects they require of their constituents – e.g. Eagle Scout projects.
- A volunteer clean-up program is always a good opportunity for citizens to feel like they can participate in a civic activity.

Outreach/Education/Involvement

- Increase involvement
- Come people are very involved, but most are not. Neighborhood ambassadors are needed to increase relationships before we can expect involvement.
- It would be great if the Neighborhood Association were re-energized.
- Neighborhoods are our City. The more involvement the better.
- Some neighborhoods lack active associations. The City should try to be a catalyst in jumpstarting these associations.
- Make use of existing neighborhood associations to get broader neighborhood involvement.
- Involve all Shoreline groups in neighborhood concerns and needs at well-publicized, well-planned and local meetings.
- This is a real challenge in today's world where neighbors don't "need" each other as they did for survival. I don't know if the City can help this or not. But anything they can do is important. Just encouraging neighbors to greet each other would be a big step. Gated communities discourage involvement
- Can the neighborhoods be encouraged to reach out to new people?
- Neighborhood involvement in their parks, sidewalks, etc.
- Invite teachers and students to participate in special projects.
- Already lots of opportunities for neighborhood involvement – those that want to be involved are involved. "You can take a horse to water – but can't make him drink." Boundaries are ok now
- "Gated" communities decrease involvement with larger community. These should be minimized.
- Info in Currents on things neighbor might help improve the City i.e. cleanups for Celebrate Shoreline.
- Give more recognition for neighborhood contribution and provide ability to share.
- Use school functions and space as natural meeting places – have booths of the neighborhood association and gather e-mails to facilitate communication.
- Notify neighborhood leaders with adequate lead time, newspaper notice and time allotment during Council meetings. Notify church groups, public service groups, Fircrest groups.
- Neighborhood involvement includes Fircrest residents going out and neighbors coming in for events and services.

Neighborhood Council

- Provide greater meaningful and independence for neighborhood councils. They should report directly to City Council.
- Actively promote the Council of Neighborhoods.

Traffic

- Traffic Safety
- Traffic accidents: How to quiet neighborhood sound, making homes more energy efficient.
- Control traffic cut through the neighborhoods.
- I think the traffic calming has gone a little overboard. It makes it very difficult to get from one point to another in Shoreline.

Block Watch

- Strengthen the program
- Block watches, emergency prep and policing issues are boring – let's face it, let's find something more fun for people to bond over – sex offender notification or group home placement for instance ;) Sorry. Maybe celebrations around anniversaries, etc.
- Establish more block-watch organizations as an integral component of the city's Council of Neighborhoods.
- Block watches get to know your neighbors. Once a month meeting at individual homes.
- Work on a clear plan for neighborhood watch thru neighborhood association

General Comments/Ideas

- Involve Fircrest as a neighbor in your long-term planning.
- There are lots of opportunities: neighborhood councils, city council meetings, city websites, channel 21, city offices, police storefronts. When people care, they will come.
- More/stronger presence at neighborhood meetings and/or local, frequently attended locations (e.g., pools, halls, businesses).
- If neighborhood groups aren't surviving after 10 years of help from the City, what makes you think you can artificially reinvigorate them.
- Neighborhood association less dependent on City staff.
- Fircrest RHC is a neighborhood.
- Energy Efficiency
- May not belong.
- This should be coordinated with goal of cultural diversity under general programs
- Limit taxes: Let's not get carried away with things that will do little but raise our taxes and little else. It must be really essential to justify raised taxes.
- Enforcement: Neighborhood families, how we use our parks, alcohol at bus stops, noise problems.
- Keep in mind that a "vocal" and persistent voice does not necessarily represent a majority view.
- Not a priority: This is not a priority for '06-'07. There are too many other more important items to consider for goals.
- How will this goal improve the condition and appearance of public property and ROW? There appears to be a disconnect.
- Pamphlet of our Shoreline community which includes map of mayor's office/major offices, library, all fire departments.

INFRASTRUCTURE

Complete the Aurora Project

Keep Design

- Make it safe for pedestrians and vehicles like Phase I
- Undergrounding medians, sidewalks, landscaping are all critical to the design. Keep them in.
- Continue the next phase ASAP with no change in design!

- We need to keep the momentum – same design – let's complete it so that all the disruption will be worth it!
- Complete the Aurora as soon as possible. Keep the design going.
- Don't let 192 Aurora development move into 2nd and 3rd blocks.
- Top Priority. Aurora finish at the level of Section one.
- Complete ASAP!!!! – with identical design, etc. as 1st phase. Do not delay as will only get more expensive.
- Aurora Corridor has to set a benchmark for future city projects, to be completed correctly as well as exemplary. Top priority.
- Top Priority. Complete Aurora Project as planned.
- Keep the current design continuous as project moves north.
- It is very important to continue with the process for completion with Phase 2.

Costs

- Reduce the cost. \$78 million is 2 – 3 X too high, taxing people out of Shoreline.
- Cost too high
- Aurora phase is over budget at a cost of \$37 million for one mile. The City CE said 16-18 million. Phase 2 - 97 million. It needs a redesign.
- Money costs. Can you update public? Publicize full costs.
- Find ways to reduce costs in next phases.
- Reduce the cost. 1st mile too much.
- Scale back the Aurora Project to a more realistic plan.
- Complete Phase I. Obtain Grants for II and III
- Continue to leverage city dollars like Phase I so that tax payers get tremendous benefit for city dollars going into the project.
- Cost estimates on projects must be open and honest, i.e., Phase I started out at \$20M with opponents saying \$30M. Actual costs are over \$33M.

Do Project

- This should be a goal for '06 or '07!
- Hurry up with the EA for the next phase
- Complete the Project!
- I see lots of progress on phase one! Keep up the good work and complete the entire Aurora Corridor!

Don't Do It

- Cancel Aurora Project
- Do NOT restrict right-most lane to right turning only as now seen North in Snohomish County – Dumb

Business Impact

- Pay close attention to merchant input (and property owner)
- Reduce the impact on small business
- Aurora Phase I has been a major disruption to business district.
- Do even more to advertise business and encourage they are supported during construction – discount coupons? Free advertising in the city newsletter?

- The issues of speed need to be in the forefront. Business can't be closed or infringed on for months on end.

Planning/Design

- Complete the Aurora Project, but with attention to low impact and energy efficient development. The cost should be less per mile than it is costing now.
- Buses having problems at special planning safety issues metro safety. 1.) Pedestrian Safety. 2) Compatibility of Transit and other Traffic.
- Cost for road to be widened - sidewalks for disabled to get on and off buses, 155th/Sears
- Ensure sidewalks are wide enough for safe transport of wheelchairs. Buffer zones are very important on a high speed highway.
- Develop a more open and inclusive planning process in partnership with existing business participation.
- Be diligent in traffic planning on side streets around projects – Aurora Corridor
- Provide honest accident data. Lower speed limit to 35 mph as required by State for a class 4 highway.
- Is there a timeline for completing Aurora Project?

General Comments/Ideas

- Connect the "Aurora" project with Edmonds/Lynnwood's projects on 99
- Don't make the same mistake on Aurora you made in North City. People now avoid North City after 3 PM because it is too hard to get there with one lane. We improved the Business District and channeled potential customers away from it.
- Monarch Appliance was not supported like many other companies on Aurora.

Complete the City Hall Project

Do It/Top Priority

- City Hall needs to be built. We need to have a real City Hall.
- We need to own our own building
- Make this a priority goal for '06, '07
- City Hall ASAP! Interest rates are rising. Please make this a building we can be proud of and, of course, model green building.
- Top Priority. City Hall - plan and complete multi-use campus
- Number one priority – complete City Hall

Don't Need

- No Need
- Waste of Funds
- City Hall is not needed and is not a goal of the community. City Hall very low on community surveys from past years. Should be at the bottom still. City Hall the budget # 18.4 mil. Building, 6 mil. Land. 24+mil. How does this help the poor infrastructure in the community?
- Not needed. Hold for 5 years.

Costs

- Reduce the Cost of City Hall

- Keep City Hall small enough to meet our budget and large enough to get the job done. No frills.
- Why not rent or lease?
- Is there an alternative to City Hall where we are not dependent on a landlord?
- City Hall should be purchased, not rented.
- Why rent a city hall, would help community
- Among top priorities. More sense to stop renting - should be a town center – for government – police – performing arts – meeting space – etc.
- City Hall project? Money spent in the next two to five years. Bringing community together.

Design/Planning/Work Place

- LEED Platinum building with Solar
- Build City Hall ergonomic
- Build City Hall energy efficient
- Use “Green Building” low impact to be a model for future development
- City Hall should reflect the personality of the city.
- Should be a dynamic nicely designed city hall - not built on the cheap.
- It is very important that City Hall becomes the heart of the city and unites East and West
- City Hall needs to move forward so the City has an identity.
- City Hall provides the community a sense of identity and permanence
- Have a great looking building with some great art work
- Be diligent in traffic planning around project – City Hall
- Integrated design process to ensure resource efficient construction, including building commissioning after construction
- What is the timeline to have our own City Hall?

Location

- Look at Echo Lake again
- Locate City Hall at the now vacant bingo Hall at 5th NE and 165th
- City Hall – utilize existing structure at 5th NE and 145th – close proximity to I-5 and 15th NE and NE 175th. Strategic location.
- City Hall must be located in the middle (center) of Shoreline.
- Needs to be centrally located. Midvale? Library? Old Olympic Boats? Needs to be a shelter and access by bus.
- Locate City Hall to optimize bus, bicycle and pedestrian access
- Plan for City Hall carefully – make sure it is workable for all citizens

General Comments/Ideas

- Sidewalks and housing concerns more important

Complete Interurban Trail Connectors to Local and Regional Destinations

Connections/Design/Planning

- We need to strong arm Seattle to make the N. 145th crossing safe and continue the trail south. Linden is full of potholes and does not have a safe corridor for non-vehicular traffic N. bound from N. 130th

- Work with connecting jurisdictions (e.g., Seattle and Edmonds)
- Flags on road intersections with Trail. Warn car drivers of pedestrians.
- Accessibility for disabled
- Add lights to Trail.
- Ensure that the 157th (?) overpass (ped. Bridge) on east of Aurora, is accessible to disabled. 160th is too steep to access from the top – could be a right of way access from Ashworth at about 156th.
- Extend the “Interurban” Trail laterally east and west!!
- Coordinate with goal of sustainable transportation options under land use
- Make sure you ask bike clubs to look at design before concrete is poured.
- The Trail Head at 155th was finished off then destroyed for the bridge. That was a lot of extra cost for little apparent benefit. Could this be curtailed?

Do It

- This should be a goal for '06, '07
- Should be among top priorities – finish!
- Top Priority. Complete Interurban and connecting trails.
- Get it done!
- High priority to finish what we started - at least the basics – accessibility, connections, lighting and safety.

General Comments/Ideas

- Interurban Trail – Keep it simple and serviceable. We can add frills later. Keep budget in mind.
- Interurban Trail is important but not as important as City Hall and Aurora
- Yes, but not at the highest.
- The Interurban Trail should be a priority and it makes Shoreline just a little more personable. Preserving Shoreline's Heritage.
- Yes. Also Trails. Where?

Complete the Projects Approved in the 2006 Parks Bond

Do It

- Need to complete the projects in the Parks Bonds. How will citizens be kept informed of the progress. Would like to know the process/timeline on this.
- Acquire open space voted by public by 70% yes. Begin citizen involvement for other projects.
- Purchases should be made now, and begin planning next steps. Very long range – Saltwater Park and other
- Yes! Yes! Yes!
- A million times Yes!
- Complete projects as soon as possible
- This should be a goal for '06/'07
- Develop a timeline goal for park projects and tell public
- The Parks Bond passed because it had support from a wide and varied interest groups – dog owners, sports enthusiasts, wood preservationists, botanic garden supporters. Don't

let these supporters down. Make sure what is promised is delivered so future bonds will also garner support.

- Get this done before costs increase (such as for South Woods)
- Complete the purchase of South Woods. Use it for environmental education. Establish an Environmental Learning Center, overnight camping facilities for programs. The Woods should not be cut!
- Yes – a priority goal without question.
- Top Priority. Complete projects identified in Park Bond.

Design/Planning

- Parks: Make sure all parks are done to a high standard.
- Complete: Parks 2006. Leave many trees! Do no harm to creeks or other water sources. People friendly – space for animals.
- Green Building Designs – Energy Efficient
- Solar Heating for Shoreline Pool
- Cut high maintained landscaping on City Land.

General Comments/Ideas

- Look ahead. Be prepared for maintenance costs, replacement costs extensions and additions to the Bond's goals.
- Keep citizens informed on status.
- The Parks Bond money must be spent as promised to insure the support for any future Bonds.

LAND USE/ENVIRONMENTAL PLANNING

Create an “Environmentally Sustainable Community”

Outreach/Education

- Educate the community to what is environmentally sustainable Shoreline.
- Again, use local utilities to provide energy-wise information through schools.
- Provide incentives for green building if possible. Provide training in this area/workshops.
- Foster a respect for our natural environment by: 1) teaching environmental programs throughout our K-12 curriculum; 2) Establish an environmental learning center at or near South Woods; 3) promote the improvement of our natural environment by encouraging planting native plants, weeding out invasives and noxious weeds.
- This is a very high goal in our current society – recognize the small steps that add up like the recycling events, tree chipping, and having green recycling at the transfer station.
- Use local utilities to promote energy efficiency measures.
- Become a prime sponsor (supporter) for the annual renewable energy fair (shoreline solar project).

Trees

- Minimize cutting of evergreen trees, especially large ones.
- Do not allow wide spread, mindless cutting down of major tree stands – just to improve a view – especially!

Water Quality

- Incorporate advanced storm water quality practices into Aurora and all capital projects.
- Piecemeal development leads to unintended accumulative effects related to storm water drainage, traffic congestion, etc
- Provide cost benefit analysis of extra cost for storm water on Aurora. Don't remove sidewalk and median street trees, these treat water. Keep there and make further improvements.

Comp Plan/Development Code

- Reopen and redo the comp plan to restore the environment and sustainability provisions contained in the last plan.
- Restore and protect the existing environmentally sensitive areas, i.e. Thornton Creek, sensitive slopes, Echo Lake.
- Prohibit relaxing development code regulations (variances) that permit development in environmentally sensitive areas – “no more Aegis!”
- Develop plan to move city government operations to carbon neutrality.
- Consider all geologic factors – and potential problems in deciding how every section of land area should or should not be used/developed/preserved.
- It's extremely important to have an energy efficiency plan and use low impact techniques in development.
- Land use must not contribute to pollution of streams, i.e. Thornton Creek.

Promote Sustainability

- Promote green building designs, retention of trees, use of swales for water retention, use of permeable concrete, use of native vegetation in parks and public spaces.
- Promote neighborhood, urban revitalization that incorporates common, large, storm water detention for non-potable uses non-row streets, energy efficient construction, less impervious surface.
- Increase the now fledgling moves to create and use alternate energy sources – solar, wind, etc.
- This is tip top priority: as community grows more need for sustainable practices.
- Encourage new housing to use solar heating.
- The city needs to set an example by using green building in public structures – solar, green roofs, etc. Use of hybrid vehicles for city vehicles.
- Encourage “green” building for our city.
- Use zero impact development on all new capital improvement projects.

Right-of-Way/Public Properties Maintenance

- Actively remove litter, graffiti, weeds on public properties and right-of-way yes! Replace missing trees in right-of-way also. Who is watching for that?
- Support removing litter, weeds, graffiti, etc. on right-of-way and public properties.
- Center median growing areas should be low shrubs and many colorful flowers.

Shoreline Businesses

- At some point, we will have enough Walgreen's, Subways, and other mega-chain stores. My hope is the city will truly support small, individual business owners so that future development will include a myriad mix of business ventures and entrepreneurs.
- A priority has to be on helping businesses through the Aurora Corridor project. Have funds available, low-interest loans, relocation help.

General Comments/Ideas

- Sustainability has to include reason when applying costs. Existing budgets must be trimmed if new expenses are planned. No new taxes! Energy efficiency falls into the same arena.
- An "Environmentally Sustainable Community" is already and will become a major economic factor in our city's future.
- Community issues. How important it is to have good community mentors contacts.
- Environmental strategies may change over the years and can be suggested but not regulated in big steps.
- Promote job creation that uses the skills of Shoreline residents. Work where you live.
- When considering how to solve problems such as transportation, a commercial development, housing, etc., look at those problems in the context of the whole community – not in isolation.
- Too general – without specific definition I can't comment on.

Develop a Comprehensive Housing Strategy

Important Issue

- This is a "top 5" item. Can't have short plats, cottages, single homes, businesses anywhere, has to be organized, well thought out. Should be able to have a variety of housing citywide.
- Housing strategy should be included and changed during the CIP process and updated every few years.
- It is important to have comprehensive housing strategy. Need for overall planning vision not just case by case development.
- Top priority. Complete comprehensive plan for housing in Shoreline.
- The city has had so many problems because it doesn't have one. We need this. A good one will define us.
- Need overall planning vision: no piecemeal development in high density areas.

Density Issues – More or Less

- Remember to require ample parking for high density housing. North City parking is very limited yet we have massive apartment complex being built with half the needed parking.
- Use low impact/green building in high density areas.
- "Special study areas?" Involve neighbors to get acceptance for higher density.
- Determine what the ultimate maximum population of Shoreline should be. Overcrowding breeds hostility, anger, and antisocial actions.
- Develop "urban density" housing with mixed use that is linked by public transport/bike/pedestrian safe corridors. Link these to naturally occurring areas that lend

themselves to density: “The Crest,” North City, Richmond Beach, several locations along Aurora, etc.

- Concentrate densification housing to the Aurora Corridor area and leave residential neighborhoods alone.
- New housing should include apartments or other high density units and limit building in people’s backyards. No cottage housing.
- Remember the lessons we learned on the cottage housing issue. Protect citizens’ neighborhoods and property values.
- Revisit cottage housing! Less support for mega mansion projects, more of environmentally sound, small housing.
- Allow smaller homes on smaller plots.
- What is our density goal in Shoreline? How does the city keep track of it and how will we citizens be informed as to when it has been achieved?
- Build apartments on main transportation corridors.

Specific Needs – e.g. Seniors, Low Income, Etc.

- Comprehensive housing strategy should provide a wide mix of housing to accommodate all social-economic categories. They can all be well planned and inviting.
- Not sure this is role of city, but maybe work with private sector to build more appropriate housing.
- The HUD definition of affordability is “30% of a person’s income going towards housing which includes utilities.” The document does not include the utility piece.
- We need more senior housing close to buses and shops. We could use Fircrest for part of this.
- Incorporate affordable housing policy into redevelopment – economic incentive based.
- Housing difficulties. Bringing low income into higher areas! We need more good housing!
- In developing affordable housing, is the goal to provide housing for Shoreline residents only or for folks outside Shoreline? How many people will you attract from other areas?
- In Shoreline documents it is mentioned “housing for low-income” or “limited income.” Shouldn’t we also consider someone’s assets? (i.e. 70 year old on social security income but \$1 million worth of Microsoft stock.) Would this person be eligible?
- What about having affordable housing for students at Shoreline Community College?
- Housing must have a cap at what we purchase otherwise we will be pushed out of our homes. The low-income people will not be able to keep their homes up.
- This will have to involve a mixed use complex with mixed income housing so our mid-level workers (teachers, cops) can afford to live here.
- Include affordable/senior housing.
- Include low-income housing for disabled adults.
- Housing should be affordable and owner occupied instead of \$250 condos. \$150 starter homes (maintain single family homes.)
- Offer low-income housing, but get advice on how to do it without creating pockets of poverty.

General Comments/Ideas

- Good priority but not an immediate one (medium priority).
- Get more public input for comp. housing.
- What does this mean? 2,500 square foot lots? Cottage housing? Low income? Rental? Home ownership? The goal is extremely vague.
- Study what we have and what we need. Notice our population has dropped. Don't over build apartments. (High vacancy rate right now.)
- Consider housing codes that promote net-zero energy usage.
- "Special Study Areas: needs to be defined to the community and get neighborhood acceptance and involvement.
- Must also incorporate environmentally sustainable practices in the housing strategy.
- Push for larger scale production of solar panels so we can recharge our future electric cars.
- What does "encourage the dispersal of special needs" mean?
- Set a reasonable height limit and make exceptions very hard to provide. Keep sizing compatible.

Develop a Fircrest Master Plan

The State

- Develop an alternate use plan. Monitor the state closely as they are leasing out space in ways that are incompatible with current zoning.
- Fircrest needs a long-term plan between the city and the state. It is time to start working on this.
- No – do not do!!! Do not spend money on something city does not own.
- Do not waste taxpayers money on Fircrest. It belongs to the state.
- Not a priority until the state makes a decision on it. (State reps. should be addressing this issue.)
- Alternate use plan should include goals for this land in case there is a sudden closure – must work with the state so they can meet their goals for this property.

Future Land Uses

- Develop Fircrest master plan with low income housing, adult family housing, and current use of residential housing for people with developmental disabilities.
- Can build some senior housing on Fircrest.
- Protect as much of the Fircrest facility as possible. Redevelop the south portion to mixed use/missed income housing.
- Use excess property at Fircrest for multi-cultural center, low-income housing, foster care, etc.
- Redevelopment should coordinate with existing campus. Minimize retail possibly put in senior housing.
- Essential to preserve Fircrest as the only residential center serving the Puget Sound corridor.
- Fircrest "south forty" should be developed with projects compatible with the residential habilitation center.
- Include RHC compatible services; work training, sheltered workshops, medical services.

- Expand Fircrest. They provide a level of service unmatched by other community services.

Public Input/Planning Process

- The Fircrest master plan was started, but stopped. Now we can begin to work on this with worries about closure.
- Need to develop Fircrest master plan with public participation.
- Get a citizen committee and stakeholders to help develop ideas for development while keeping Fircrest.
- Need public process in plans for Fircrest. Public input!!

Preserve Current Use

- We need our community to learn more about Fircrest School.
- Save Fircrest, the RHC facilities, and services. Utilization of the property and facilities is a great goal. This place has a lot to offer.
- Fircrest facility is used as a jobsite for special education students at Shorecrest High School. It is a useful training ground and should remain a facility for Shoreline.
- Don't lose this valuable resource.
- Fircrest is a vital community asset.
- Fircrest still meets the needs of disabled community. "Fodor" proves not all clients can fit in community places.
- Citizens committee to create overall plan to lobby state. Keep Fircrest School. Use resources for low-income, daylight Hamlin Creek, multi-cultural center.
- Social services for people with disabilities.
- Develop a Fircrest plan that will save Fircrest.
- Remember that residential habilitation center residents are medically and behaviorally vulnerable.

General Comments/Ideas

- Keep area wheelchair accessible.
- It would be good to have a Fircrest master plan, but it is not in my top eight priorities.
- Fircrest master plan? Don't know but need to know.
- Fircrest does welcome people to tour the campus with an appointment. Call 361-3033 for tour.

Provide Safe, Affordable and Environmentally Sustainable Transportation Options to Support Current and Projected Land Use Plans

Bus Service

- Bus transportation in Shoreline has always been a challenge. It is very important to maintain what we have and attempt to increase the service – a circulation bus would be perfect.
- What does this mean? How much influence does Shoreline have on KC Metro? Is the Council committed to giving Shoreline more transit service?
- Cross town east/west bus routes.
- Offer more bus routes east and west. Long range plan – biodesiel buses. Talk to Sound Transit to see what is possible. Do a survey to see what the public wants.

- Buses should be more frequent and move out of flow of traffic during stops.
- Work cooperatively with Metro to provide more bus shelters.
- Work with Metro to make sure bus stops are safe and comfortable.
- Work with Metro/Sound Transit to improve service
- Provide transportation to and from parks for all citizens. Stops at senior housing, retirement, home, Fircrest, etc.
- I see this as top off the list. East/west transportation is limited, we need more, maybe a community transit plan.

Pedestrian/Bike Facilities

- Transportation – bring more bicycle routes to outside areas of busy streets.
- Bike routes.
- Increase pedestrian and bike safety. Need more sidewalks and access to business via Interurban Trail.
- Not all streets need sidewalks but they do need to provide safe passage for non-vehicular traffic by: enforcement of speed limits; traffic calming; review of current speed limits – should some be lowered?

General Comments/Ideas

- Support higher density in commercial routes; circular bus routes; dollars for sidewalks; dollars for traffic calming.
- Do anything to help people move about without using their cars.
- This is not a priority. Too many other more important goals that need to get done. King County should do this through Metro
- Link Land Use and Transportation
- Incentive (tax breaks) for businesses that issue bus passes or encourage walking/biking.
- Who will pay for these improvements and what source will be used?
- Central areas for park. Rides to assist people moving in a timely manner.
- Coordinate with “trails completion” so people can get around in many ways.
- Try to plan economic development in ways that make driving less necessary. Pockets of mixed shopping as frequent as possible, with destination shops on Aurora or 15th.
- Create pockets of shops so we can walk to what we need – make Aurora walkable!

GENERAL PROGRAM PLANNING

Develop a Shoreline Youth Master Plan

Partnerships

- Why reinvent the plan? Join forces with our schools
- Work more closely with the School District, community college and local organizations
- Use City funds to help the School District
- CHS has great skills here – a key partner especially in lower income
- Incorporate youth organizations from other areas
- Good to address youth but don't know this would be done – maybe work with school district

Job Programs

- Use high school students for job experience apprenticing in City jobs
- Youth – Put them to work! Public service, work programs where you get work credits for school, build responsibilities

Programs

- More things at parks to accommodate older kids like skateboard park
- Remember alternative education for high school kids to encourage positive use of teen time – not everyone can fit into traditional schools
- Shoreline master youth plan! More mentor reading groups for youth
- Offer more sports leagues for students (e.g. basketball) for students who can't be accommodated by schools. This is a good program for students especially for low income families who can't afford to join expensive training

Involve Youth In Process

- Make sure youth have an opportunity to speak out
- Ad hoc committee 2007 goal youth master plan
- “Youth” master plans must regard “youth” as equal and valued members of the total population of Shoreline.
- What plans are there for youth? How can we approach them?
- Youth do have needs and wants and we should listen to them 1st
- Any plans for the youth in Shoreline must include realistic goals that include input from the kids
- Include the youth, of course. Use the indicators of healthy communities to frame goals
- Recruit students to develop a youth master plan (drug reduction, increase academic excellence, job opportunities – job shadow, participation in government)

General Comments/Ideas

- Youth Center at Shoreline Center with use of playfields for after school activities
- It is very important to have a strong plan for our youth and opportunities for community involvement
- Great idea, support for our future
- Cut down all the tennis shoes from the power lines and trees – they are landmarks for where to go for drug deals
- Support getting the word out on the Dollars for Scholars fund (Shoreline Chamber)

Implement Economic Development Strategic Plan

Tax Base Concerns

- City needs to understand where its tax base is
- Remember that increasing the tax base is a goal (as much as I want a Trader Joes ☺)
- With all the new business and existing business remodel, how much additional revenue is being added to the City coffers?
- With over 30 businesses closed because of City projects how will the City create a tax base, put people back to work, find living wage jobs, create goodwill with its business community?

Environmental Concerns

- Develop economic plan to fully consider environmental concerns. Utilize and enhance nature in building plans.
- All “economic” plans should always include environmental factors – especially those which lead to cleaner air and water and preservation of valued characteristics of Shoreline
- Evaluate the potentially severe impacts from Peak Oil
- When we build we: a) increase run off, b) increase cost to deal with run off, c) loose watershed, habitat, clean air and noise reduction. When we build we can: a) use zero impact development, b) apply best use practices measurements, c) stay in compliance with the Growth Management Act, d) include buffers
- Promote “green businesses,” create a place where they thrive
- Economic development should coincide with our goals around transportation and environment by making walking to shops/business possible

Concerns for Local/Existing Businesses

- Adopt policies that place a higher priority to preserving existing businesses
- Protect existing small business being forced out by developers who want to max profits at the expense of our citizens
- Shoreline businesses are in trouble because of lack of insight the City has had on the impacts of projects on business. The City needs a better plan
- Economic development starts at home. Priority to building local businesses rather than recruiting outside business
- Use local currency to facilitate investment capital staying in Shoreline

Do It!

- Should be among top goals – extremely important for future: 1) quality of life, 2) tax base for City revenue
- Further economic development planning
- Absolute necessity (no revenue = no growth)
- Any economic development plan must 1) look at the whole community not solve problems piece meal, 2) Include public input that comes from all socio-economic groups, 3) include the cost of lost services the environment provides
- The-City government has an important role here, business areas really need to be developed and maximized. This should be a high priority goal (top 5)
- Knowledge and knowing and supporting each issue! Helping each other understand the issues
- Economic redevelopment of Aurora Corridor should be paramount goal. If we build it they will come? And who will come?
- Economic development plan. Working together as a community!
- Adopt a plan that utilizes existing vacant land in the Aurora Corridor for mixed use multi story residential development.

Town Center

- My vision of a central “town center” (170th – 185th): bustling with small businesses, cafes with outdoor eating, bicycle, pedestrians part of ebb and flow of shoppers, on-lookers, a vital, fun, high-energy colorful place. Restaurants!., bakeries!!

- I like the ideas outlines in the Economic Development Strategic Plan especially a Town Center concept between 170th & 185th. I could see it continued all the way to 205th.
- Extend Midvale south of 175th to 162nd for “mainstreet” development rather than development oriented toward Aurora.

Code Concerns

- The city has to be more aggressive and use more intervention about which businesses locate where. Building height should maximize our land availability. For instance, having the new development on 185th/Aurora be only one story is a huge waste although I know this is hard to control.
- Raise height limit for development in the Aurora Corridor
- Do not try to gentrify or beautify the private portions of the City via code enforcement type laws

General Comments/Ideas

- Sheltered workshops and business that can hire disabled are compatible with Fircrest and can be located on Fircrest “south forty.” Disabled in Shoreline needs jobs
- Support home based business
- This is an area where a public poll could be of great benefit – asking people what makes them leave Shoreline to spend money elsewhere and trying to recruit tax producing businesses here instead. This may take more staff but would pay for itself
- Survey the City. What are needs? Promote business that meet these needs
- Explain to the public a need for Economic Development Plan

Increase Opportunity for Inclusion and Cultural Diversity

Partnerships

- Hiring more diverse population in schools and government offices in Shoreline
- Join with our schools. We may be close to cultural diversity
- Japanese cultural languages potlucks in homes
- Promote block parties to get neighbors to know each other
- The efforts made by the Shoreline Arts Council at the summer festival are excellent – encourage this showcasing with grants

Involve Fircrest/Cultural Center

- Coordinate with community involvement in neighborhoods such as Fircrest
- Support an Internal Cultural Center at Fircrest property
- Cultural centers are compatible with Fircrest RHC – good choice for “south forty” development on Fircrest campus
- Include disabled residents at Fircrest and those in private care outside of Fircrest
- Develop a Cultural Center in the south end of Fircrest complex for use by the various ethnic communities
- Establish a multicultural center at Fircrest
- Increase opportunity for inclusion and cultural diversity – yes, Fircrest would be a great place to learn about the customs of other
- Public housing with tenant support housing could be located for DD clients on a part of Fircrest School – this provides inclusion

Yes, do it!

- We must do many (any!) thing to encourage, enhance, welcome new residents of varying ethnic backgrounds!!
- Involve ethnic organizations on a stronger basis
- Encourage active participation of all members of our diverse ethnic groups in the political process
- Diversity – can we encourage new citizens to honor their roots while learning the ropes here?
- Cultural diversity – bringing older and younger programs together in all issues

Not a High Priority

- Shoreline is an inclusive, diverse community – it should be in the mission statement – proclamation – schools, churches, business demonstrate this, why do you need to increase?
- Cultural diversity should not alienate majority groups nor prefer deviants over responsible hard-working Americans. We need to focus on “out of the many – one” rather than splitting up the “one” into many parts! (people, races, gender, sex preferences)
- City already has huge opportunity for diversity. Not goal of city government. No social engineering!!!
- Diversity should be a very low priority

General Comments/Ideas

- How the money is spent for these programs creating diversity!
- Work for new law at state level. Your residence is taxed at what you paid for it. This way our low income people will be able to keep them home and not be forced out
- How many Councilmembers are dues paying members of Sister Cities, Museum, Arts Council, Senior Center, CHS, etc? If they don't participate currently in these culturally diverse organizations who will believe they are committed to this as a goal?

GOVERNMENT ACCOUNTABILITY

Complete the Implementation of Performance Measures

Audits

- Does this include performance audits?
- Performance reports must be fair and explore all factors.
 - Business
 - Economy
 - Workers
 - Students (local & imports)
- Performance audits should be implemented for annual review. Annual performance report to Council, staff and public.

Report Card/Communication/Public Involvement

- Solicit public involvement. Create a vehicle by which written and oral input will be included in any review.
- Include public input into development and evaluation of performance measures.
- Do you have citizens review some of these things?
- Develop a plan for measure that the public can understand and make it public.
- I appreciate the information that has been provided in the Currents regarding the budget and taxes.
- Community Report Card should be “reported” regularly.
- Government graphs that shows us these government implementation.
- If the Council didn’t like the previous community survey how will they use a community report card?
- Goals, disability pamphlets to help them understand financial accountability.

Performance Measures

- Performance Measure
 - Staff Ethics:
 - Responsiveness
 - Competence
- Performance measures needed to judge true value of staff work.
- Performance measures need to include staff performance as well as program performance.
- Performance measures follow Council goals. These should be set by staff and manager. Staff and manager should have an annual plan to implement the public/Council goals. Manager should periodically report to Council/public.
- Why? What is broken with the current performance measures in the budget?
- Measures currently used seem to be great & the comparison to other cities is a good way to have a check of our success.
- I am unaware of any “Performance Measures” – to be able to comment thereon.
- As part of performance measures: study cost to environment & dollars as benefit to community for all new projects.

General Comments/Ideas

- All Council persons report their votes on all controversial issues yearly – to all constituents.
- Publish regular reports of how each Council member voted on all ordinances, variances, etc. issues – Simple, one line sentences!
- Provide individual city departments with incentives to carry out operations at lowest possible cost.
- Consult other jurisdictions’ experiences and/or use experienced consultants.
- Do not waste tax dollars on performance. Do not micromanage. This is job for City Manager in performing his duties.
- We (city) seem to be doing great as is – No \$\$ should be spent on this – Spend \$\$ instead on infrastructure, Aurora, Trail, City Hall.
- This should not be a goal for ‘06/’07. There are too many other important items.
- Are the lowest economic groups (disabled & seniors) getting their needs?

Implement Long Range Financial Review and Public Participation Plan

Living Within Our Means

- Don't make the present citizens pay for future development and become forced out.
- Stick to realistic goals that are within the financial means of the city. Do not mortgage the future!
- Maintain a conservative budget for SL to keep the city in the black to avoid increase of taxes & lowering or decreasing social services.
- Revenues actually increase with housing assessments that are not limited to 1%. Focus should be on prioritizing expenditures not increasing taxes, unless a totally new program is carefully planned.

Education/Public Input

- Financial review quarterly – public announcements. A simple packet plan to show this.
- Current financial reviews are very good. I like the comparisons to levels at other cities.
- Explain long-range financial plan & review to the public.
- “Daylight” this process to facilitate public monitoring.
- Don't get bogged down with non-professionals. Citizen participation ok but limited.
- Include all community resource members incl. Fircrest personnel and parents group.
- Conduct periodic surveys to measure public participation effectiveness.
- Public needs to be kept up to date on city finances – always need to do long-range planning.
- The process that Debbie Tarry used was a good one. Continue that form but add random phoning if budget allows to invite people to ensure it's not always the same group of people who already have a voice in the city who make all choices.
- How do you engage the city residents? Make sure you give different options & means for engagement.
 - Email
 - Public meetings
 - Mailings
 - Other
- Please keep in mind that Fircrest residents are part of this public participation.

Capital Projects/Maintenance Costs

- Always include in all (new) project proposals the long-term costs of maintenance, replacement & extension at least 20 years.
- People need to understand the hidden costs in city projects.
- People need to know the total costs, i.e. \$78 million for next to (two?) miles of Aurora.
- Build in maintenance (medians, etc.).
- Review short term – can it be redirected? Review interim and review long-term should look at results and corrections.

General Comments/Ideas

- Plan for future events, controlled costs. Understand needs of citizens.
- Don't look at each topic in isolation. Housing, transportation, environment, education, etc. are all connected to each other.

- Include environmental goals of sustainability in any long range planning. Environment provides services to us. Quantify value of clean air, water, etc. and include that in plan.
- A very important issue – should be an ongoing goal.
- How has cutting the gambling tax affected city revenues?
- How are REET revenues looking with the high number of homes being sold? Can fund be used for housing?

Provide Meaningful Public Participation in Implementation of Selected Goals and Work Elements

Public Input Process/Communication

- Respect public information & effort. Encourage more public input.
- Please ensure public comments & discourse are respectful. It is key for city to model civility.
- City Council must treat all speakers in a respectful and professional manner regardless if they agree or disagree with the speaker.
- Public participation with setting the goals is very important and make the citizens feel that their ideas are listened to.
- How can you get the public to respond to public participation?
- Include outreach in public participation. (Not just the regulars who always participate).
- Use web survey technology to determine public attitudes.
- There is plenty of public participation. Some of Council goals are not realistic.
- Public participation with multi-opportunities for input re – goals and how to achieve results. Time of one review per week over a 4-6 wk timeline.
- Revamp neighborhood groups so they truly represent the people – then use them to participate in selecting goals and implementation.
- Find ways of selling “non-regulars” involved in citizen input.
- How do you engage city residents? Make sure you give different options & means for engagement.
 - Email
 - Public meetings
 - Mailings
 - Other
- Process must be demonstrably inclusive of all Shoreline citizens – priority on citizens and not developers.
- Explain to the public their role in selecting goals.
- Goals – short-term goal and long-term goal need to be discussed on a regular basis. Improve awareness.
- More interaction with staff & citizens.
- Isn't the Council currently in the process of asking public comment at meetings? How does this goal mesh with that?
- City always does a good job with public participation. Continue to do this.
- The important word here is “meaningful.” It is so easy for this process to be superficial, the public input not used or considered.
- Avoid jargon in public reports. Plain English, always.
- Consider knowledge based focus groups for public participation, e.g. Social service providers for SS issues.

- Do not use property owners as definition of stakeholder. Include renters and customers.
- Include Fircrest residents in participation – might do this through Friends of Fircrest parent/guardian group.

General Comments/Ideas

- Highest priority.
- Need to be first on the list.
- This should not be a goal for '06/'07. There are too many other more important items.
- Time at Council - How by limiting us to 3 mins. or less to speak and not being able to address an issue more than once.

NEW IDEAS/PARKING LOT

- Pathways Trails – Less costly than \$70 foot sidewalks – Can be beginning of S.W. with a good base.
- Help me clean up south end of Echo Lake
- Parking Lot – “DayLight” the City’s ethical processes to keep public better informed. – improve citizens “watch dog” functions
- Accessory structures – i.e. tarp structures, code keeps them out of front 20’. Our driveways are in the front 20’ and most of us need a structure to keep our cars as intact as the NW permits us.
- More walks of all types including Innis Arden where they walk in the streets.
- Why do homeowners in Shoreline have to shoulder the expense of towing when somebody unknown parks their vehicle in somebody’s private property like an alley?
- Sidewalks – needed everywhere, near schools, all Innis Arden, borders of parks.
- There should be no more than 6 goals.
- Old business: Complete 1) North City; 2) first mile of Aurora; 3) Interurban with Tivoli lights.
- Address accessory structures within 20’ of street.
- Return to 10” side yard setbacks.
- Limit Council goals to 9.
- Success is knowing your options.
- Non-arterials in neighborhoods. There is a move for citywide sidewalks. Need to agree on need and desirability of sidewalks and the negatives like higher taxes.
- Communicate to citizens how GMA/density compliance is measured – when are we “there”
- 2007: Ad Hoc committees/or commission.
 - 1) Fircrest master plan purpose – lobby state.
 - 2) Youth master plan partner schools.
 - 3) Economic advisory.
 - 4) Housing plan committee.

Closing Remarks: Mayor Bob Ransom closed the event at approximately 9:00 pm with the following remarks: On behalf of the Council, I would like to thank everyone for attending tonight’s community workshop. For next steps, the Council will review and consider your input at Monday night’s Council meeting. At this meeting, we hope to provide staff with general direction of what the City’s top goals will be for the next year. Again, thank you all for taking the time to participate.

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DRAFT

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF WORKSHOP DINNER MEETING

Monday, June 12, 2006
6:00 p.m.

Shoreline Conference Center
Highlander Room

PRESENT: Mayor Ransom, Deputy Mayor Fimia, and Councilmembers Gustafson, Hansen, McGlashan, Ryu, and Way

ABSENT: none

STAFF: Bob Olander, City Manager; Julie Modrzejewski, Assistant City Manager; Joyce Nichols, Communications and Intergovernmental Relations Director

GUESTS: Jim Fisher, Fire Commissioner; Scott Keeny, Fire Commissioner; Jon Kennison, Fire Commissioner; Marcus Kragness, Fire Chief; Dave Jones, Deputy Fire Chief; Jim Batdorf, Deputy Fire Chief; Tony Burt, Police Chief; Gail Marsh, Emergency Management Coordinator

TOPICS: Disaster Preparedness; King County Medic 1 Levy

Bob Olander, City Manager, convened the meeting at 6:30 p.m. by explaining the purpose of dinner meetings – to build relationships with members of other agencies; to get to know each other; and to discuss issues that affect us in the community.

Mayor Ransom introduced Gail Marsh, who explained her role as Emergency Management Coordinator. She described the “Neighborhood Ready” program, the community education program she administers with Melanie Granfors of the Shoreline Fire Department. Ms. Marsh is responsible for updating the City’s Emergency Operations Plan as well as the Hazard Mitigation Plan. She also works to get grants for the Emergency Operations Center and other programs, such as acquiring more emergency generators.

Councilmember Way asked if the City had coordinated communications among the different agencies, pointing out the poor coordination during the 9/11 attacks.

Ms. Marsh described efforts among police, fire, and other agencies to ensure communication redundancies and inter-operability of systems.

Councilmember Hansen asked what the City has done to ensure it doesn’t repeat the situation when the 800MHz radios failed during the Nisqually earthquake.

Ms. Marsh described communication efforts like our communications van with ham radio capacity and other redundancies.

Councilmember Ryu asked how the City is dealing with home health care calls, and whether the City is receiving more calls from group homes now than in the past.

Deputy Jones said the large number of group homes in Shoreline does have an impact on calls for 911 service. He said the department is trying to get another aid car to meet the need.

Chief Kragness said a key objective of the Department's education program is to work with the caregivers to ensure they are prepared to handle emergencies. He noted that some group homes are understaffed, and some staff members are not trained to respond to needs 24-hours a day.

Councilmember Ryu said some elderly people have expressed the concern that if they call 911, they may not get a quick response because the Fire Department is responding to so many service calls from group homes.

Mr. Olander asked what the Fire Department sees as major challenges in the next few years.

Commissioner Keeny identified the rising age of our population, which equates to more need for services, and infill development (more density) as two challenges that will continue to put a strain on resources.

Councilmember Way asked about the process the Fire Department uses to communicate with the public in an emergency.

Chief Kragness noted that an entire section of the plan is devoted to communication with the public.

Ms. Nichols and Ms. Marsh described the communication efforts used to help people become more prepared and more self-sufficient, including the City newsletter *Currents*, Channel 21, and the Web site.

Mr. Olander said the City will be working with established groups, including the PTA, in an effort to reach more people.

Councilmember McGlashan asked about the City Council's role in an emergency.

Mr. Olander said the Council is responsible for declaring an emergency, as well as any emergency legislative action that might be necessary in a given circumstance.

Commissioner Fisher noted that the agencies are always battling complacency.

Deputy Mayor Fimia pointed out that the primary role of government is public safety, and the Council needs to keep this a high goal and priority. She stressed the need for having the necessary shelters and facilities as well as making sure people are informed and prepared. She said the City needs to make emergency kits available and easy to get.

The Council then turned to the topic of the Medic 1 Levy.

Chief Kragness explained that the Medic 1 Levy, which funds Emergency Medical Services, is in the fifth year of a six-year levy. The levy will expire at the end of 2007, and the Department is now discussing the next potential levy. The City has a role in getting the measure on the ballot because Shoreline's population exceeds 50,000. The current recommendation is an increase from 29 cents to 30 cents per \$1,000 valuation, and possibly a 10-year levy or perhaps a permanent levy. He noted the levy has always been on the general election ballot, but they might recommend it for the 2007 Primary ballot in August because they would still have time to submit it for the November election if it fails. He noted that King County will be setting up stakeholder meetings so people can be informed.

Mayor Ransom asked what lessons were learned from the failure of the 1998 levy.

Chief Kragness emphasized the importance of good communication and always including EMS in the levy. It is also important that people know if they vote against the levy, there will be no EMS services.

Deputy Mayor Fimia raised the issue of group home alarms and wondered if the Department should be charging for their service calls.

Chief Kragness concurred that alarms from group homes are a problem.

Deputy Mayor Fimia suggested that the Council be provided with emergency information cards, similar to those given to the King County Council.

Councilmember Gustafson suggested working more cooperatively with the School District on emergency management issues.

Mr. Olander commented on the good relationship and communication between the City, the Shoreline Fire Department, and Shoreline School District.

At 7:25 p.m., Mayor Ransom declared the meeting adjourned.

Joyce Nichols, Communications and Intergovernmental Relations Director

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CITY OF SHORELINE

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

Monday, June 12, 2006
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Ransom, Deputy Mayor Fimia, and Councilmembers Gustafson, Hansen, McGlashan, Ryu, and Way

ABSENT: none

1. CALL TO ORDER

The meeting was called to order at 7:40 p.m. by Mayor Ransom, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Ransom led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present.

(a) "StormReady Community" Recognition Award

Ted Buehner and Brad Colman, of the National Weather Service, along with Gail Marsh, Emergency Management Coordinator, and Paul Haines, Public Works Director, presented the StormReady Community Recognition Award. Mr. Buehner congratulated the City for becoming the 35th city in the State of Washington to be designated as a "StormReady" city. The StormReady designation is awarded to cities that have adopted formal hazardous weather plans and community education/emergency preparation programs. He noted that the StormReady designation can be put on City logos and advertisements to publicize the City's commitment to emergency preparedness, and this designation can benefit the City in many ways. He pointed out that although Shoreline is StormReady-rated, emergency planning takes continued commitment and support. Mr. Buehner presented the City with signage that can be posted to notify the community of this designation. He concluded that the StormReady rating will be up for renewal in 2009.

3. CITY MANAGER'S REPORT

Bob Olander, City Manager, reported on a number of issues and events. The 3rd Annual Dance Recital had record participation, with 168 dancers in all. It has been one year since the Spartan Gym remodel, and the improvements are paying dividends in increased use and revenues. Mr. Olander reported on the status of the North City Project, noting that this past week's work involved utility pole installation and landscaping. He noted

that several City employees participated in the Group Health Challenge Bike to Work Month for the month of May. He provided a reminder of the Community Workshop on June 14, and announced that the North City Festival would be held on Saturday, June 17.

Councilmember Ryu added that the Shoreline Historical Museum's "History of Cars" exhibit is also scheduled on Saturday, June 17.

4. REPORTS OF BOARDS AND COMMISSIONS: none

5. PUBLIC COMMENT

(a) Chris Eggen, Shoreline, on behalf of Shoreline Solar Project, said his organizations' mission is to provide information and solutions on alternative energy sources. He noted that a demonstration project was installed at Parkwood Elementary School with grant funds from Seattle City Light's "Green Power" program. This idea came from the Parkwood Elementary faculty. He announced that the Renewable Energy Fair will be held on Saturday, July 22 at Meridian park Elementary from 10-6 p.m.

(b) Todd Linton, Shoreline, thanked the City for approving the parks bond, which will provided needed funding for athletic field improvements. He pointed out that a speaker from last week who spoke against the soccer field rate proposal represents a for-profit organization. He assured the Council that more people will want to play on Shoreline Fields A and B, even with the proposed rate increase. He suggested that perhaps there should be different rates for non-profit and for-profit organizations.

(c) Ellen Sullivan, Shoreline, invited the community to participate in the North City Festival on June 17. The Festival will feature a "corvette" car show, a "Music Walk," local artists, chalk art, and sidewalk sales sponsored by local vendors. The Festival is co-sponsored by the City, the Shoreline-Lake Forest Park Arts Council, and the North City Business Association.

6. APPROVAL OF THE AGENDA

Councilmember Gustafson moved to add Action Items 8(a) and 8(b) to the Consent Calendar as Consent Items 7(e) and 7(f). Deputy Mayor Fimia seconded the motion. Councilmember Way wished to have more information on these items before approving them as part of the Consent Calendar.

Mr. Olander provided a brief explanation of the proposal to add electrical permitting services as part of the in-house services provided by the City. He noted that customers currently have to go to Bellevue or elsewhere in order to get electrical permits for their projects. He said although electrical permitting is more complicated, it can be accomplished by updating the City's code and contracting with the Department of Labor and Industries through an interlocal agreement.

A vote was taken on the motion, which carried 7-0, and Action Items 8(a) and 8(b) were moved to the Consent Calendar as Items 7(e) and 7(f).

Councilmember Hansen moved approval of the agenda as amended. Councilmember Gustafson seconded the motion, which carried unanimously, and the agenda was approved.

7. CONSENT CALENDAR

Deputy Mayor Fimia moved approval of the Consent Calendar. Councilmember Hansen seconded the motion and the following items were approved unanimously:

**Minutes of Regular Meeting of May 8, 2006
Minutes of Dinner Meeting of May 22, 2006**

**Approval of expenses and payroll as of June 1,
2006 in the amount of \$5,170,905.22**

**Motion to Authorize the City Manager to execute
an Agreement with King County to obligate Grant
Funds totaling \$1,000,000 for the Aurora Corridor
Project (N 165th Street to N 205th Street)**

**Ordinance No. 415 amending the garbage regulations
in Shoreline Municipal Code Chapter 13.14 by specifying
placement of garbage receptacles and dumpsters, adding
materials to household hazardous waste, and updating
definitions and references**

**Ordinance No. 426 adopting the National Electrical
Code and the Washington State Ventilation and Indoor
Air Quality Code, amending SMC 3.01.010 and
Repealing SMC 3.01.015 and SMC 3.01.020**

**Adoption of Interlocal Agreement with Washington
State Department of Labor and Industries (L&I)**

8. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

Action item 8(a), Ordinance No. 426, and 8(b), Interlocal Agreement with Washington State Department of Labor and Industries, were adopted as Items 7(e) and 7(f) under the Consent Calendar.

9. NEW BUSINESS

(a) Shoreline Emergency Management Program Overview

Gail Marsh, Emergency Management Coordinator, gave a presentation outlining the goals, mission, and accomplishments of the Emergency Management Program. The mission of emergency management is to enhance the City's ability to coordinate city services to mitigate, prepare for, respond to and recover from any emergency.

She described the various accomplishments of the program, which include: a Hazard Mitigation Plan; education brochures; exercises and drills; facilities readiness (Emergency Operation Centers, Red Cross Sheltering Equipment Facility); StormReady Recognition; training; community education (CERT, Block Watch, Ready Neighborhood); updated City website and cable channel with Emergency Preparedness and Hazard Mitigation information; Incident Command System (ICS) 100 training for staff; fulfillment of Homeland Security Mandates; compliance with the new National Response Plan (NRP); formally-adopted National Incident Management System (NIMS); NIMS compliance; grants Management (grants funded satellite phones; 800MHz radios); and threat assessment.

Ms. Marsh concluded by outlining the next steps of the program, which include:

- Expanding the Neighborhood Readiness Program
- Establishing a Safety Committee with the Shoreline Fire Department & School District
- Developing business readiness program in partnership with the Chamber of Commerce
- Training – ICS 200, 300, and 400 level classes for staff
- Emergency Operations Plan (EOP) – Complete the update of the EOP in order to meet the mandates of Homeland Security and State WAC
- NIMS Requirements – Continue to meet the timelines for training, equipment, readiness exercises, etc. as set forth by Homeland Security to ensure the City remains eligible for federal grants
- Continuity of Operations Plan – Work with the City Manager's Office to develop plan
- Hazard Mitigation Plan – Implementing strategies outlined in the plan

Councilmember McGlashan congratulated Ms. Marsh for the StormReady recognition. He asked how often the computer servers are tested, and if the neighborhoods receive basic emergency training.

Ms. Marsh replied that the servers are tested every time there is a drill, and she attends the Block Watch captain's meetings to provide basic training.

Councilmember McGlashan commented favorably on the City's state of readiness and stressed the need for businesses to prepare as well. He said in his business he must take into consideration the welfare of his employees and clients in an emergency.

Ms. Marsh said she is working with the Chamber of Commerce on business issues.

Councilmember Way emphasized the need to continue to improve. She asked for clarification on the threat assessment, and asked about the status of a back-up generator at Spartan Gym.

Ms. Marsh explained that much of the information is confidential, but suffice it to say that sensitive infrastructural systems have been identified with regard to potential criminal acts.

Mr. Olander differentiated between hazard mitigation (earthquakes, floods, wind) and threat assessment, which usually involves infrastructure.

Ms. Marsh noted that a back-up generator is being requested as part of a grant application.

Mr. Olander said although Spartan Gym has been designated as a shelter, it will require a constant effort to upgrade and equip the facility to serve as a fully-operational shelter.

Councilmember Way asked what it would take to upgrade the Spartan Gym to an acceptable level. She also asked about outreach to the Senior Center.

Ms. Marsh said a comprehensive assessment of the facility is needed to make such determination. She added that an increased outreach effort to the Senior Center is also needed.

Responding to Councilmember Way, Ms. Marsh explained that the City's Emergency Operations Plan (EOP) must conform to the format of the National Incident Management System (NIMS).

Mr. Olander commented on the benefits of coordinating the City's plan with the federal government. This allows for the use and understanding of the same instructions and terminology while still allowing local flexibility.

Councilmember Gustafson said it is exciting to be fulfilling the Council goal of emergency readiness. He asked about the different emergency management organizations and if they conduct drills regularly. He wondered about Shoreline's readiness in the event of a 9.0 earthquake.

Ms. Marsh explained the difference between the Regional Emergency Advisory Committee, the Emergency Management Council (EMC), and the Safety Committee. She clarified she was appointed to the regional (King County) committee. The EMC is made up of City staff and neighborhoods representatives. The idea behind the Safety Committee is to develop policies and procedures in partnership with the School District.

She noted that a major drill would be coordinated with King County Metro on June 15. She speculated that while Shoreline is well-prepared, a 9.0 earthquake would be overwhelming. She stressed the need for residents to be prepared.

Mr. Olander said while the City has been making good progress, the biggest gap is in community education/awareness.

Councilmember Ryu thanked Ms. Marsh for the presentation, noting that spending money now to be prepared will be less expensive than after a major incident occurs. She supported the community education element, pointing out that the plan has more tools in it than last year. She urged Ms. Marsh to continue to provide presentations to neighborhood groups.

Deputy Mayor Fimia said she would like to see Emergency Management continue as a Council priority. She summarized some of Ms. Marsh's main points and urged that more focus be put on personal and neighborhood preparedness. She felt that a five-year goal could be to have every facility, household, and neighborhood in the City fully equipped and prepared. She suggested the City could be divided into zones to accomplish this task. She asked if there were updated lists of emergency shelters and contact information.

Ms. Marsh said the American Red Cross has a list of Shoreline shelters, but they won't make any recommendations to residents until they know the nature of the specific incident. She said she is trying to get more schools and churches to become emergency shelters.

Councilmember Hansen commended Ms. Marsh for her efforts in the Emergency Management Program. He pointed out that the City has been working on emergency preparedness since incorporation.

Mayor Ransom commented on the 35% decrease in funding from 2005 to 2006. He asked how this decrease will relate to addressing the City's needs.

Ms. Marsh said there was some shifting of funds; and there is actually \$5,000 more in operations this year. She was comfortable the budgeted amount is enough to meet the work plan.

Councilmember Way commented on the devastation in past incidents in New Orleans and San Francisco and asked if the City is coordinating with neighboring cities and jurisdictions.

Ms. Marsh responded affirmatively, noting that planning occurs on a regional basis so everything is coordinated with neighboring jurisdictions.

- (b) Shoreline Police department's Auto Theft Prevention Efforts and Accomplishments

Tony Burt, Police Chief, outlined the goals, objectives, and accomplishments of the department's auto theft prevention program. He explained that Shoreline detectives have been and continue to work with surrounding law enforcement agencies on this very regional issue. Detectives compiled a list of 200 known persons arrested in stolen cars stopped in Shoreline since January 2005. Most of the people come from neighboring cities such as Everett, Marysville or Seattle. Detectives also collect and share information learned at these meetings with patrol and traffic officers as well as the King County Crime Analysis Unit.

Chief Burt reported on the vehicle recovery success achieved by using wireless technology. Many of the recovered vehicles are a direct result of officers running license plates using the wireless technology. Regarding prosecution, he reported that the King County Prosecutor has put into place very specific criteria for the prosecution of suspects of stolen vehicles. Officers are required to document any damage, the driver's seat position, and if possible, the method used to gain entry to the car and how the car was started. Shoreline Police Officers also process the vehicles for fingerprints. The officers at the Police Department continue to aggressively pursue those involved in auto thefts.

In 2005 our arrests of suspects for auto theft/possession of stolen property in the first degree rose 68%. Crime analysis has shown that 38% of auto thefts occur at apartment complexes. He noted that Ballinger Homes is a success story due to the substantial decrease in auto thefts at that location.

Chief Burt then outlined the efforts to reduce auto theft through the use of the Police Storefronts, updated information in the Block Watch News publications, the City Web site, *City Currents*, and the Auto Theft Prevention Brochure.

He commented on the auto anti-theft device program, which is based on a national campaign and will entitle citizens to obtain the anti-theft device at a reduced cost. The initial investment of the City would be \$1,290.00. This amount would cover the initial purchase of 120 car "clubs" and 48 truck/SUV clubs. He concluded by emphasizing the importance of community education, noting that 38% of auto thefts in the City happen when the car owners leave their car doors unlocked. He commented that there is a favorable trend in the past two months, and the Seattle police recently caught a very high-profile offender who is responsible for hundreds of auto thefts in the region.

There was no one wishing to provide public comment.

Councilmember Way asked about the price of the anti-theft device.

Chief Burt estimated the cost to be \$5 for cars and \$10 for trucks. Responding to Councilmember Way, he identified transportation as the primary reason auto theft is occurring. He pointed out that most of the stolen cars are driven through the City for one-way transportation purposes.

Councilmember Way expressed appreciation for the police department's efforts, noting that catching auto thieves is "a daunting task."

Councilmember McGlashan asked if the wireless technology is hindered by the same "dead zones" (lack of signal reception) that affect cell phone users.

Chief Burtt did not identify "dead zones" a significant problem. He noted that the bank robber apprehended in Shoreline was due largely to wireless technology; however, not all vehicles are equipped with wireless.

Councilmember Ryu felt the City needs to send the message that Shoreline is a "tough place" to steal cars. She appreciated the effort to emphasize education through Ready Neighborhood and Block Watch. She speculated that reduced crime could have huge implications for the City's budget vis-à-vis reduced jail days. She wondered if King County provided bus passes to released offenders. Chief Burtt doubted that the County had such a program.

Mr. Olander said in general, jurisdictions have done a poor job in terms of prevention and rehabilitation.

Deputy Mayor Fimia regretted the loss of the North end Rehabilitation Facility (NRF), adding that it was a great model for offender rehabilitation. She speculated that car insurance rates could decrease if the City's auto theft rates are reduced.

Responding to Deputy Mayor Fimia, Chief Burtt affirmed that the chance of becoming an auto theft victim is reduced if the car is parked in a driveway rather than on the street.

Councilmember Gustafson noted that his car was stolen from his locked garage, but the offender was eventually caught. He expressed appreciation to the police department for following-up on his particular case.

Mayor Ransom was pleased with Shoreline's recent auto theft statistics. He pointed out that Shoreline's auto theft rate is 30% less than neighboring jurisdictions, but it is still high in the region.

(c) Presentation of the 2007-2012 Capital Improvement Plan

Mr. Olander provided a presentation of the 2007-2012 Capital Improvement Plan (CIP). He outlined the proposed review schedule and described the various capital projects and the revenue sources for each. His presentation included the following points:

- The CIP is a long-term policy document which identifies future capital investment priorities. It is a financial planning tool for future capital investments that assists in forecasting future capital demands on current revenues, levels of outside assistance, and borrowing capacity.
- The CIP is not a precise project cost estimate or a detailed project schedule.

- The proposed CIP reflects priorities identified in the Comprehensive Plan Capital Facilities Element (CFE), which includes 67 Projects and total projected expenditures of nearly \$158.8 million. The allocation of City resources totals \$36.9 million.
- Aurora Road & Utility Improvements (N 165th to N 205th) comprise \$78.5 million of the total CIP. The City anticipates grants to fund 85% of the improvement costs.
- Project categories include: facilities; parks & open space; pedestrian/non-motorized transportation; road system preservation; transportation safety; flood protection; water quality; stream rehabilitation/habitat enhancement.
- Priority projects as identified by Council from General Capital, Roads Capital, Surface Water Capital include: Parks bond items (South Woods - \$6 million; Seattle Public Utilities Property - \$3.3 million; Kruckeberg Botanic Garden: \$950,000); City Hall; Aurora Avenue; East Boeing Creek Drainage Improvements and Boeing Creek Park; Hillwood Park Emergency Bypass; Pan Terra Pond and Pump Project; Pump Station #25; Ridgecrest Drainage at 10th Avenue N.E.; Cromwell Park Wetland and Pond; Thornton Creek Corridor; 18th Ave Drainage Improvements; N 167th & Whitman Ave N. Drainage Improvements; Ronald Bog Park; Darnell Park Wet pond; Ridgecrest Drainage at 10th Avenue N.E. Wet pond; Cromwell Park Wet pond; Boeing Creek Reach 1 and 8 Bank Stabilization; Green (Shore) Street Initiative.
- New Projects Proposed: Paramount Open Space (07); N. 180th & Midvale Ave. Park Development (06-07); General Property Acquisition (06); City Maintenance Facility Plan (06-07); 18th Ave. Drainage Improvements (08); N. 167th & Whitman N. Drainage Improvements (07-08); Ronald Bog Park Wetland (07); Green Streets Implementation Development (07)
- Significant changes to the 2007-2012 General Capital Fund (24 projects totaling \$34 million) relate to City Hall, City Gateways, and Spartan Gym.
- Limited discretionary funding, reduced gambling revenues, 2005-2006 Real Estate Excise Tax collections, and prices for steel, concrete, & oil may have long-term implications on the 2007-2012 Roads Capital Fund (17 projects totaling \$107 million).
- The CIP reflects Master Plan recommendations for the 2007-2012 Surface Water Capital Fund (23 projects totaling \$17.4 million). Staff recommends a rate study in 2007, and many project estimates have been revised to more accurately reflect current costs as project planning has occurred.

Councilmember Hansen asked if the Parks bond is included in the projections.

Debbie Tarry, Finance Director, noted that page 35 of the CIP contains more detail, including a revenue line which includes the Parks bond items.

Deputy Mayor Fimia asked for clarification as to why the Council approves the CIP before the operating budget in the fall.

Ms. Tarry said approving the CIP in advance of the operations budget provides a way to manage the discussion and gives the public a better opportunity to comment on capital expenditures. She noted that many jurisdictions approve their capital budgets in advance of their operating budgets. Additionally, state law requires the Transportation Improvement Plan (TIP) to be approved in July.

Mr. Olander noted that the decreased revenues in gambling tax were the result of the Council's policy decision to decrease the gambling tax rate in response to businesses requesting tax relief.

MEETING EXTENSION

At 10:15 p.m. Councilmember Ryu moved to extend the meeting until 10:25 p.m. Councilmember Way seconded the motion, which carried 4-3, with Councilmembers Gustafson, Hansen, and McGlashan dissenting.

Councilmember Ryu pointed out that operational needs go "hand-in-hand" with capital expenditures planning. Referring to page 23 of the proposed CIP, she asked if the \$10 million for utility undergrounding improvements will be repaid by the utility ratepayers.

Mr. Olander responded affirmatively. He added that with the exception of the Parks bond improvements, there are few significant changes to last year's CIP.

Councilmember Way said it is important for the public to understand the difference between the capital budget and the operations budget.

Mr. Olander noted that many revenue sources are restricted by granting authorities; most capital funds cannot be taken from or used for operations.

Councilmember Way requested that Mr. Olander continue to point this out as the CIP discussion progresses.

Councilmember Ryu noted that the Council has not yet digested the public input that was received at the Community Workshops held on June 6 and June 14. She noted that the CIP is still subject to change.

Ms. Tarry stated that the CIP should be a reflection of the priorities that were adopted in the Master Plan process.

Mayor Ransom noted that the City budget has always been considered in two parts: capital, and operations, in order to adequately concentrate on each.

Responding to Mayor Ransom, Ms. Tarry said that copies of the CIP would be available at City Hall and on the City's Web site.

10. ADJOURNMENT

At 10:24 p.m., Mayor Ransom declared the meeting adjourned.

Scott Passey, City Clerk

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CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF DINNER MEETING

Monday, June 26, 2006
6:00 p.m.

Shoreline Conference Center
Highlander Room

PRESENT: Mayor Ransom, Deputy Mayor Fimia, and Councilmembers Gustafson, Hansen, McGlashan, Ryu, and Way

ABSENT: none

STAFF: Bob Olander, City Manager; Julie Modrzejewski, Assistant City Manager; Joyce Nichols, Communications and Intergovernmental Relations Director

GUESTS: Lee Lambert, Shoreline Community College (SCC) President; Jeff Lewis, SCC Board of Trustees Chair; Edith Loyer Nelson, Board Member; Dick Stucky, Board Member; Gidget Terpstra, Board Member

TOPIC: Introduction of new Shoreline Community College President

Mayor Ransom convened the meeting at 6:15 p.m. with introductions around the table. It was noted that SCC Board Member Shoubee Liaw was unable to attend this evening.

Mayor Ransom reviewed the agenda and discussed tonight's topics. Mr. Olander mentioned that he and Lee Lambert met last week and he was hoping Mr. Lambert would share some of the challenges SCC is facing. He added that the City wants to help make the college successful and to build a productive relationship.

Mr. Lewis described two goals the SCC Board set for itself: 1) to conduct a successful search for a new president; and 2) to improve the governance of the Board.

Mr. Lambert discussed upcoming challenges on SCC's list of priorities: preparing for a 10-year accreditation review in the fall of 2007; and developing a formal enrollment management plan (to address declining enrollment). He noted that SCC has the smallest community college district service area with only two feeder high schools.

The state says it should have 5,200 FTE, but 4,700-4,900 is a more comfortable level for them. He noted that SCC only had two years with more than 5,000 students. More students equal more stress on their facilities and surrounding areas. Each student enrolled contributes \$1,800 in revenue. Declining enrollment caused SCC to have to cut \$2 million out of its budget.

Mr. Olander said that in periods of an up economy, fewer people need training, which hurts SCC's enrollment.

Mr. Lambert said when unemployment is higher, their enrollment increases. Also, declining enrollment in Shoreline schools hurts their enrollment as well. The "Running Start" program also is a bit of a touchy issue for SCC and SSD.

Deputy Mayor Fimia asked if SCC develops an annual legislative agenda.

Mr. Lambert responded that the college presidents get together each year to do this. They will discuss placing "Running Start" on the agenda for 2007. They also have a CEO program – Career Education Options, for helping people get their GED. However, students in these programs are not counted for FTE funding purposes.

Mr. Olander raised the issue of online competition from colleges such as University of Phoenix and other competitive challenges.

Mr. Lambert said the competition is becoming fierce from distance learning programs, and the enrollment management plan is a critical part of beginning to address these challenges.

Councilmember Ryu asked what SCC can do to provide incentives for teachers.

Mr. Lambert said teachers are part of the state's salary and benefits scale, but it's not the most up-to-date system of compensation. On average, SCC faculty is the highest paid in the state. 65% of their budget is faculty salaries – higher than most schools. K-12 and four-year schools are funded at higher per-pupil rates than the two-year colleges.

Mr. Lambert also discussed other goals:

- Updating the Strategic Plan – educating students for the global, competitive economy.
- Diversity – the need to prepare students for the diversity they will encounter in the workplace and community.
- Environmental Responsibility – addressing the question of what it means to be an environmental steward. The school would like to be a statewide leader in this area.

Councilmember Gustafson asked what the City could do to help SCC accomplish its goals.

Mr. Lambert said one potential area is legislative – to help inform legislators about some of the community college funding issues. He noted that the college is a need of a new health sciences building; this is an area where the City might be able to partner with SCC.

Mr. Olander said that the state must be more consistent in setting priorities for programs and then funding the programs that produce those graduates. Another area where the City might help is with neighborhood support; helping to create a better partnership between SCC and surrounding neighborhoods.

Ms. Loyer Nelson said she attended some of the neighborhood meetings and the college has modified some of its policies and procedures to respond to neighborhood concerns.

Mr. Olander suggested that the college consider holding tours for the neighborhoods in order to increase understanding,

Mr. Olander then reviewed the list of City Council goals for 2006-07. The Council has arrived at preliminary agreement on eight goals and is still discussing another eight goals. The City's economic forecast predicts deficits in coming years, so the City may have to cut back in programs or services. He said he hopes the City's Economic Development program will help address some of these financial issues.

Councilmember Way asked if SCC had an emergency management plan, and about the status of its Master Plan.

Mr. Lambert said the college does have an emergency management plan, but it needs further refinement and more advertisement.

Mr. Lewis said the college's Master Plan is on the SCC Board's agenda this week.

Mr. Lambert noted that he is looking for a home closer to the college so he can work on building a good relationship with the City and neighborhoods as well as to increase his visibility in the community.

Councilmember Gustafson emphasized the need to keep each other informed and work together.

Deputy Mayor Fimia concurred, noting that the community expects good communication and collaboration between the City and the college. She appreciated his commitment to environmental stewardship, education, and ethnic diversity.

Mayor Ransom declared the meeting adjourned at 7:25 p.m.

Joyce Nichols, Communications and Intergovernmental Relations Director

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DRAFT

CITY OF SHORELINE

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

Monday, June 26, 2006
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Ransom, Deputy Mayor Fimia, and Councilmembers Gustafson, Hansen, McGlashan, Ryu, and Way

ABSENT: none

1. CALL TO ORDER

The meeting was called to order at 7:36 p.m. by Mayor Ransom, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Ransom led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present.

3. CITY MANAGER'S REPORT

Bob Olander, City Manager, provided updates and status reports on the following items:

- Eagle Scout volunteer project in Brugger's Bog Park
- Pole banners reinstalled throughout the City for Summer 2006
- Aurora Corridor Improvement Project (N 145th – N 165th)
- Pedestrian Pathway Priority Routes
- North City Business District Improvement
- Public Reminders: no City Council meeting on July 3; next City Council meeting is July 10

Councilmember McGlashan pointed out that Mr. Olander's sculpture won "Best in Show" at the Shoreline/Lake Forest Park Arts Festival over the weekend. The Council commended Mr. Olander for his accomplishment and talent.

4. REPORTS OF BOARDS AND COMMISSIONS: none

5. GENERAL PUBLIC COMMENT

(a) Bob Barta, Shoreline, expressed appreciation for the Council of Neighborhoods program, noting that gives citizens a viable way to influence City

decisions. He commented favorably on the completion of a neighborhood clean-up project of the urban forest at 160th Street and Greenwood Avenue. He also commended Public Works staff for their help in assisting the neighborhood in clearing out the vacant lot at 160th Street and Fremont Avenue. He said neighbors were impressed with City staff's congeniality. He urged the Council to continue to support the Council of Neighborhoods, which encourages people to get involved and help achieve City goals.

(b) George Mauer, Shoreline, compliment the Council for initiating goal setting, but warned that executing and delivering on goals is where most processes fail. He said the following framework will ensure that goals will be achieved: 1) a program plan; 2) identification of key actions; 3) manager responsibility; 4) timelines; 5) identification of necessary resources; and 6) management compensation incentive plan. He said the added bonus of following this framework is transparency and accountability. On another topic, he pointed out that the franchise fee paid to the City from the Ronald Wastewater District does not appear on customer billing. He asked for the rationale for covering up the bill expense related to the franchise fee.

Mr. Olander said he would research the water utility billing issue and report back to the Council.

6. APPROVAL OF THE AGENDA

Mayor Ransom wished to pull the minutes (item 7a) from the Consent Calendar for further consideration. Councilmember Hansen moved approval of the agenda as amended. Councilmember Way seconded the motion, which carried unanimously, and the agenda was approved.

7. CONSENT CALENDAR

Councilmember Hansen moved approval of the Consent Calendar as amended. Councilmember Gustafson seconded the motion and the following items were approved unanimously:

**Approval of expenses and payroll as of June 15,
2006 in the amount of \$1,330,619.25**

**Ordinance No. 428, approving updates to the Parks,
Recreation and Cultural Services Department fee schedule
and establishing the fee structure for the improved Shoreline
Park A and B Fields**

**Ordinance No. 427 extending the Seattle Public
Utilities Water Franchise**

**Resolution No. 247, approving the Richmond Beach
Saltwater Park Applications to the Interagency Committee**

for Outdoor Recreation (IAC)

8. **ACTION ITEM: PUBLIC HEARINGS**

- (a) Public hearing to receive citizens' comments on proposed extension of Moratorium on Hazardous Tree Exemption: and

Ordinance No. 429 extending a Moratorium and Interim Control pursuant to RCW 35A.63.220 prohibiting the cutting of trees in Critical Areas and prohibiting land clearing or grading in Critica Areas until September 3, 2006

Joe Tovar, Planning and Development Services Director, provided the staff report and explained that the Planning Commission has been taking public testimony and deliberating permanent hazardous tree regulations. The requested action would extend the current moratorium until September 3. The extension is necessary because the Planning Commission report will be transmitted to the Council in July, after the current moratorium expires.

At 8:00 p.m. Mayor Ransom opened the public hearing.

(a) Elaine Phelps, Shoreline, expressed support for the moratorium extension, noting that she has been impressed with the work in the Planning Commission. She said the Council should have a good report from the Commission in July.

Deputy Mayor Fimia moved to close the public hearing. Councilmember Ryu seconded the motion, which carried unanimously.

Councilmember Ryu moved to adopt Ordinance No. 429 extending a Moratorium and Interim Control pursuant to RCW 35A.63.220 prohibiting the cutting of trees in Critical Areas and prohibiting land clearing or grading in Critical Areas until September 3, 2006. Councilmember Way seconded the motion, which carried unanimously.

- (b) Public hearing to receive citizens' comments on the proposed 2007-2012 Capital Improvement Plan (CIP)

Debbie Tarry, Finance Director, highlighted the proposed 2007-2012 Capital Improvement Plan (CIP). She explained that the CIP is a long-term policy document which identifies future capital investment priorities. It is a financial planning tool for future capital investments that assists in forecasting future capital demands on current revenues, levels of outside assistance, and borrowing capacity. She said the CIP is not a precise project cost estimate or a detailed project schedule, but it does reflect priorities identified in the Comprehensive Plan Capital Facilities Element (CFE), which includes 67 Projects and total projected expenditures of \$158.8 million.

She then outlined each of the major funds - General Capital Fund, Roads Capital Fund, and Surface Water Capital Fund, including priority projects and their accompanying revenue sources. Project categories include: facilities; parks & open space; pedestrian/non-motorized transportation; road system preservation; transportation safety; flood protection; water quality; stream rehabilitation/habitat enhancement. She explained that the Transportation Improvement Plan (TIP) is the Roads Capital Fund portion of the CIP, so the TIP is essentially a subset of the CIP. The major funding sources include Real Estate Excise Tax (REET), fuel taxes, surface water utility fees, and grants. Grants comprise 44% of the total funding of CIP projects. Staff anticipates issuing municipal financing to fund the proposed Civic Center as well as revenue bonds to complete CIP projects within their estimated timeframes. She said staff is also considering the possibility of local improvement districts (LIDs) for 2009 and beyond. She concluded by suggesting that Council select a date to hold a special meeting to discuss the details of the CIP because the CIP is scheduled for adoption on June 24.

Mayor Ransom opened the public hearing. There were no speakers signed in for this item. **Councilmember Hansen moved to close the public hearing. Councilmember Gustafson seconded the motion.**

Councilmember Way asked if there would be any harm in keeping the public hearing open in order to allow people further opportunities to comment on the CIP before Council takes final action. She also asked about the relationship between the CIP and the TIP.

Ms. Tarry suggested that the hearing on the CIP could remain open, but the hearing on the TIP should be closed as soon as all comments are received.

Mr. Olander explained that the TIP is the Roads Capital portion of the CIP, so closing the hearing on the TIP doesn't necessarily preclude people from commenting on transportation projects. He said it might be preferred to keep the CIP hearing open rather than closing it and allowing additional comment on it later.

Councilmember Way moved to substitute "to keep the public hearing open until July 17, 21006" for the motion "to close the public hearing." Councilmember Ryu seconded the motion, which carried 5-2, with Councilmembers Gustafson and Hansen dissenting.

A vote was taken on the motion to keep the public hearing open until July 17, 2006, which carried 7-0.

- (c) Public hearing to receive citizens' comments on the proposed 2007-2012 Transportation Improvement Plan (TIP)

Mayor Ransom opened the public hearing. There were no speakers signed in for this item. **Upon motion by Deputy Mayor Fimia, seconded by Councilmember Ryu and unanimously carried, the public hearing was closed.**

Councilmember Gustafson suggested that the Council select a date for the CIP discussion. After coordinating schedules, there was consensus to hold a special meeting on July 18 at 6:30 p.m. for the sole purpose of discussing the CIP.

Deputy Mayor Fimia moved to extend the CIP public hearing through July 18. Councilmember Ryu seconded the motion, which carried unanimously.

Mr. Olander announced that Jill Marilley resigned from her position as City Engineer. He thanked her for her service on behalf of the City, noting that she has played an instrumental role in capital projects.

9. **ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS, AND MOTIONS**

(a) Continued Deliberations of 2006-07 Council Goals

Councilmember Ryu moved to adopt the first eight goals included in the staff report, and two additional goals (#9 and #10) as follows:

- 1. Complete the Projects Approved in the 2006 Parks Bond**
- 2. Implement the Economic Development Strategic Plan**
- 3. Implement an Affordable Civic Center/City Hall Project**
- 4. Complete the Aurora Improvements from 165th to 205th Streets including, but not limited to Sidewalks, Drainage, and Transit**
- 5. Develop a Comprehensive Housing Strategy**
- 6. Create an "Environmentally Sustainable Community"**
- 7. Provide Safe and Affordable Transportation Options to Support Land Use Plans including Walking, Bicycling, Transit and Vehicular Options**
- 8. Develop a Fircrest Master Plan in Partnership with the State**
- 9. Increase Emergency Preparedness Training and Education**
- 10. Increase Opportunities for all Residents, including our Youth, to get more involved in Neighborhood Safety and Improvement Programs**

Councilmember Way seconded the motion.

Councilmember Gustafson moved to substitute for the main motion adoption of the following Council goals:

- 1. Complete the Projects Approved in the 2006 Parks Bond**
- 2. Implement the Economic Development Strategic Plan**
- 3. Implement an Affordable Civic Center/City Hall Project**
- 4. Complete the Aurora Improvements from 165th to 205th Streets including, but not limited to Sidewalks, Drainage, and Transit**
- 5. Develop a Comprehensive Housing Strategy**
- 6. Create an "Environmentally Sustainable Community"**

- 7. Provide Safe and Affordable Transportation Options to Support Land Use Plans including Walking, Bicycling, Transit and Vehicular Options**
- 8. Complete the Interurban Trail Connectors to Local and Regional Destinations**

Councilmember McGlashan seconded the motion.

The Mayor called for public comment.

(a) Dom Amor, Shoreline, advised that decisions regarding Fircrest remain with the state, so the Council's priorities should involve matters the City can control or influence. He said the Fircrest goal could remain as a secondary priority and could be reexamined if the state decides to act at a later time. He noted that Southwoods was brought forward as a high priority, and the same could be done with Fircrest.

(b) Elaine Phelps, Shoreline, urged the Council to include Fircrest in the list of goals, noting that the City should have a voice in state legislative decisions. She also advocated for adopting the Emergency Preparedness goal. She said although the City cannot prepare for every imaginable contingency, it should do everything it can to prepare its citizens.

Councilmember Gustafson spoke in favor of the substitute, pointing out that Council should be mindful of staff workload. He suggested limiting the list to seven or eight goals. He concurred that Fircrest should be pursued, but not as a primary goal. He said he suggested adding Interurban Trail Connectors to the list because many of the citizen surveys and feedback focus on transportation and walking trails. He emphasized the need to connect the Trail to neighboring jurisdictions, including Seattle, Lake Forest Park, and Redmond. He said although Emergency Preparedness is also a goal, it doesn't rise to the level of his top eight goals. He felt strongly that the list should be limited to seven or eight goals and include the Interurban Trail.

Councilmember Way said while the Interurban Trail is important, work on the Trail will continue even if it's not on the list because it has been an existing goal. She felt the Interurban Trail not could be kept as part of the transportation priority. She emphasized the importance of focusing attention on Fircrest, which serves the most vulnerable people in the community and their families. She noted that Fircrest employs 700 people, and the City can experiment with all kinds of innovations on sustainability and human services. She felt the City has an obligation to look after such an important place.

Deputy Mayor Fimia said she and staff are comfortable with the ten proposed goals, noting that the City Manager suggested that the Fircrest goal would have to be in partnership with the state. She said the proposed goals are synergistic and can be further defined at a later time because none of them have an associated work plan yet. The goals serve as a signal to the public that their input has been incorporated into the City's plan. She characterized the goals as inclusive, progressive, and visionary, and they also serve to inspire hope in people. She noted that the list was narrowed down from 36 goals to 10,

and encouraged Councilmembers to help achieve consensus by voting for the list of 10. She said the Fircrest goal sends a signal to the state that the City is serious about planning with them. She added that the Interurban Trail goal will be covered under Safe and Affordable Transportation Options.

Councilmember Hansen supported the substitute motion, noting that if consensus is to be achieved, the Council should vote on the original eight goals. He said the state is doing a good job operating Fircrest, but the implication is there is some threat to the facility. He said when the time is right and the state wants to proceed with a master plan, the City can participate. He noted that this discussion is supposed to be about the City's primary goals, but the more goals that are added, the more staff time and resources are required to produce the work plans. He felt eight goals should be the maximum number the Council approves. He felt adding the Fircrest goal is simply setting the Council up for failure, and he can't vote for a package that promotes failure.

Councilmember Ryu felt the City should participate in developing a Fircrest master plan because of the far-reaching impacts the site has on the City. She said a master plan provides a way for stakeholders to get together and study the site comprehensively. She urged the Council to support the Fircrest goal so the City can decide the future for itself rather than responding to the state. She said there was consensus last week to support a Fircrest goal, and last week's staff report suggested the Interurban Trail goal could be accomplished as a work element under Goal #7.

Mayor Ransom said he would support Councilmember Ryu's motion because there was consensus on the compromise to add "in partnership with the state" to the Fircrest goal.

Councilmember Hansen noted that the consensus last week was a 4-3 vote.

A vote was taken on the substitute motion, which failed 3-4, with Councilmembers Gustafson, Hansen, and McGlashan voting in the affirmative.

Councilmember Ryu restated her motion and said she favors an increased role in helping coordinate with agencies on Emergency Preparedness and increasing the citizens' voice in safety and capital projects. She said safety is a top priority and this goal sends a signal to residents that we care about their input. She said it is a synergistic goal that helps tie all 10 goals together.

Councilmember Hansen said he has no choice but to vote against the motion if it remains a package of 10 goals, so there will be no consensus.

Councilmember Way noted that proposed Goals #9 and #10 are interrelated and work well together. She read from recent community workshop comments which stated support for having "meaningful participatory neighborhood meetings" and "increased neighborhood involvement...in times of emergency." She said safety and active neighborhoods are integral and relate well to the objectives defined under Emergency Management. She emphasized the need to prepare because the magnitude and frequency

of emergencies cannot be predicted. She said the public comments indicate there aren't any objections to adding these additional goals.

Councilmember Gustafson noted that Emergency Management has been an ongoing Council goal for many years, and the City continues to make it a priority. However, it does not rise to the level of his top eight goals, and he is not comfortable with more than eight goals.

Mayor Ransom noted that while the final two goals are not as significant and the first eight, the Council has had 10 goals in the past. He expressed support for the motion.

Councilmember Hansen, moved to partition the question by dividing the motion into the following: 1) adoption of the first eight goals (1-8); and 2) adoption of the last two goals (9 and 10). Councilmember Gustafson seconded the motion, which failed 2-5, with Councilmembers Gustafson and Hansen voting in the affirmative.

Deputy Mayor Fimia noted that the staff comments are a reflection of Council's direction, so the recommendations in the staff report originated from the Council. She noted that other jurisdictions have responsibility for connecting the Interurban Trail at the north and south boundaries. She said making sure people are ready in case of an earthquake takes precedence over the Interurban Trail, and Goal #9 is important because the average person is not prepared for an emergency. She felt the goals comprise a well-balanced package addressing a variety of issues, including economic development, infrastructure, future planning, and environmental considerations. She noted that the City could do fewer goals, but it is just arbitrary to limit it to seven or eight.

Councilmember McGlashan said he stated at the Council Retreat that more public comment on the goals wasn't necessary, and he felt the Council didn't get any more than it already had. He said 80 comment letters does not necessarily represent the entire 53,000 population of Shoreline, and he is saddened that there will be no consensus on the Council goals. He said the consensus fell apart last week when Councilmember Way produced a list of 10 goals that were different than those discussed previously by the Council. He said he would vote against the motion because he felt four Councilmembers already knew that the proposed items would end up becoming the Council goals.

A vote was taken on the motion to adopt the package of ten Council goals, which carried 4-3, with Councilmembers Gustafson, Hansen, and McGlashan dissenting.

Mr. Olander noted that although there are policy differences, there are far more goals the Council agrees on than those they disagree on. He said staff would bring back work plans and resource allocation recommendations for the adopted goals, and the Council can provide further direction based on that information.

RECESS

At 9:19 p.m., Mayor Ransom called for a ten minutes recess. The meeting reconvened at 9:30 p.m.

(b) Property Acquisition – Civic Center Site

Mr. Olander explained that acquiring a site to build City Hall has been a Council goal since incorporation over ten years ago. During that time the Council has looked at numerous sites, and staff has surveyed over 50 different sites in Shoreline. The Council established several criteria for a City Hall site, including affordability, accessibility, and centrality of location. While there have been advantages and disadvantages to all potential sites, the proposed site meets all of the established criteria as well as community expectations. In addition, the site will continue to increase in value in the coming years. He urged the Council to authorize staff to proceed with the purchase of the Highland Plaza site and the Highland Park site. He noted that material presented in prior Executive Sessions can be released to the public at this time.

Mayor Ransom called for public comment.

(a) Bob Barta, Shoreline, speaking as the Council of Neighborhoods representative to the Emergency Management Council, supported the Civic Center site purchase from an emergency management perspective. He noted that communication is the most important aspect in emergency recovery, and the proposed sites are located at higher elevations, which is conducive to good communications. He felt it would not be wise to influence the relocation of Shorewood High School. He also speculated that the parking lot at Top Foods could function as a major transportation hub.

(b) Harley O'Neil, Shoreline, said he has always supported the idea of the City purchasing its own property for a City Hall. However, his calculations suggest that the cost-per-square-foot for the Highland Plaza site is higher than the estimated cost for the Echo Lake site, and he thought price was the major reason the Echo Lake site was refused. He wondered if the Highland Plaza site would meet the future needs of the City and if the \$24.75 million investment includes all the costs associated with building a City Hall. He suggested that the storage facility on Midvale Avenue might provide adequate space for a Civic Center. He urged the City not to hurry and to ensure it builds what it needs.

(c) Elaine Phelps, Shoreline, supported the proposed purchase, noting that the location is "perfect." She said the site is near public transportation and walking trails, and she is excited to see it move forward. She concurred with a previous speaker about the importance of emergency communications and surmised that the storage facility site is a lower elevation than the proposed site.

Mr. Olander responded to public comments. He noted that the City considered the mini-storage site, but it was expensive property and it did not meet as many criteria as the proposed site. He concurred with Mr. O'Neil that the Echo Lake property was less

expensive, but the proposed property is better for the City's long-range needs and is therefore worth the added cost.

Deputy Mayor Fimia moved approval of the Purchase Agreement in Lieu of Condemnation executed by the City Manager on June 20, 2006 for the purchase of the Highland Plaza property at 1110 N. 175th Street, Shoreline, for \$5,750,000, and authorize the City Manager to waive remaining contingencies related to physical condition of the property, leases, and title if he finds no condition that will materially effect use of the property for the intended civil center. Councilmember Ryu seconded the motion.

Mr. Olander noted that the Council achieved consensus on a civic center in the past. He urged Councilmembers to put aside any current differences of opinion and move forward on the site purchase.

Councilmember Hansen noted that former City Manager Burkett followed through on any deal the Council directed him to follow through on. He said if the City didn't acquire the Highland site, it was because we couldn't get a negotiated agreement with them.

Mayor Ransom disagreed. He spoke in favor of the motion, noting that the long-term cost of leasing space will exceed the cost of purchasing property. He said it is to the City's economic advantage to purchase this site. He clarified that this action involves acquiring the site only -- a public process and discussion on the building will come later.

Councilmember Way asked the City Manager to explain the public process that will come later if Council passes this motion tonight.

Mr. Olander replied that the public process will largely depend on the Council. He said following site acquisition, staff will begin working on site and building design. He anticipated that the public would have considerable input in that process. He suggested that a design competition might be a creative way to get public input in the process. He pointed out that a two-year estimate for building completion is quite optimistic, so there will be a significant period of time to consider proposals. He clarified that the Civic Center project will not raise taxes because it will utilize existing revenues. He further clarified that the motion delegates authority to him to ensure the site is feasible.

Councilmember Gustafson supported the motion, noting that Council has spent a lot of time discussing options over the years. He considered the site an ideal location and expressed appreciation to staff for their work on this project.

Deputy Mayor Fimia expressed enthusiastic support for the motion, primarily because of the site location. She noted that she participated in the charrette process several years ago, and the civic center idea has always been in the Comprehensive Plan. She said the Council took direction from the established criteria, and this site fits the criteria very well. She thanked the City Manager and staff for doing a great job, noting that this site looks to the future.

Mayor Ransom pointed out that the Council considered over fifty potential sites and eventually narrowed the list down to twelve. From the twelve, there was unanimous agreement on this site and the Echo Lake site. He expressed strong support for moving forward with the purchase and making the site a location the City can be proud of.

Councilmember Way noted that last year she was against the Echo Lake site because of environmental concerns and the fact that it would be using open space. She stated that there would be greater impacts on that area because it is a sensitive area.

MEETING EXTENTION

At 10:00 p.m. Councilmember McGlashan moved to extend the meeting until 10:10 p.m. Deputy Mayor Fimia seconded the motion, which carried 7-0.

Continuing, Councilmember Way described the many attractive features of the site, including affordability, proximity to walking trails, and improved communications. She said the long-term advantage is that it is better to own rather than rent, and it is better to select a site that will not take up open space or park land. She speculated on whether the site could accommodate limited open space areas. She wished to ensure that the public has adequate opportunities to provide input in the design process. She emphasized the need to explain to the public the benefits of the site, because “it’s all about the people of Shoreline.”

Councilmember Ryu noted that City Hall was the major topic that got her involved in City business. She said despite her initial reservations regarding Councilmanic bonds and municipal financing, she favors the proposal because it doesn’t increase taxes. She said the site purchase is balanced with the Council goals, and as a package with the goals it is much easier for her to “come to peace” with the proposal. She thanked staff for all the work and negotiations regarding this site.

A vote was taken on the motion, which carried 6-1, with Councilmember Hansen dissenting, and the Purchase Agreement in Lieu of Condemnation for the Highland Plaza property was approved.

Deputy Mayor Fimia moved that Council exercise the option to purchase the property located at 1306 N. 175th Street, Shoreline for \$3,300,000 under the terms of the Option and Real Estate Purchase and Sale Agreement executed by the City Manager on May 17, 2006, and authorize the City Manager to waive remaining contingencies related to physical condition of the property, leases, and title if he finds no condition that will materially effect use of the property for the intended civil center. Councilmember Ryu seconded the motion.

Mr. Olander stated that all the arguments he made in favor of purchasing of the Highland Plaza property also apply to this site.

A vote was taken on the motion, which carried 6-1, with Councilmember Hansen dissenting, and the Council exercised the option to purchase the property located at 1306 N. 175th Street, Shoreline, under the terms of the Option and Real Estate Purchase and Sale Agreement.


10. ADJOURNMENT

At 10:09 p.m., Mayor Ransom declared the meeting adjourned.

Scott Passey, City Clerk

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Approval of Expenses and Payroll as of June 29, 2006
DEPARTMENT:	Finance
PRESENTED BY:	Debra S. Tarry, Finance Director 

EXECUTIVE / COUNCIL SUMMARY

It is necessary for the Council to formally approve expenses at the City Council meetings. The following claims/expenses have been reviewed pursuant to Chapter 42.24 RCW (Revised Code of Washington) "Payment of claims for expense, material, purchases-advancements."

RECOMMENDATION

Motion: I move to approve Payroll and Claims in the amount of \$2,271,632.10 specified in the following detail:

***Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
6/4/06-6/17/06	6/23/2006	14623-14813	5155-5229	29588-29601	\$435,273.46
					\$435,273.46

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
6/26/2006	29485		\$41,755.00
6/26/2006	29486	29514	\$103,932.35
6/27/2006	29515	29539	\$666,957.37
6/28/2006	29540	29549	\$647,615.28
6/28/2006	29550	29573	\$372,540.88
6/29/2006	29574	29587	\$3,557.76
			\$1,836,358.64

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CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 435 amending the public records act in Shoreline Municipal Code Chapter 2.35 by updating the RCW references and clarifying procedure, and amending the public records fee schedule in Shoreline Municipal Code Chapter 3.10
DEPARTMENT:	City Attorney's Office
PRESENTED BY:	Flannary P. Collins, Assistant City Attorney

PROBLEM/ISSUE STATEMENT:

Chapter 42.17 RCW, which previously contained the Public Disclosure Act, also contained laws on other distinct subjects, including campaign financing and lobbying. Effective July 1, 2006, the Washington State Legislature recodified the Public Records Act into its own chapter (Chapter 42.56 RCW), separate from campaign finance and lobbying. Ordinance No. 435 updates the Shoreline Municipal Code to reflect the new RCW references and also updates the outlined public disclosure procedures and fee schedule to reflect actual practice and costs.

FINANCIAL IMPACT:

The ordinance updates the fee schedule to reflect actual costs, but the adjustments are of a minimal monetary amount so any financial impact will be minute.

DISCUSSION:

I. Changes to Chapter 2.35 SMC, *Public Records*

Effective July 1, 2006, the Public Disclosure Act, previously found in Chapter 42.17 RCW (along with campaign financing and lobbyist reporting) was recodified into its own chapter - Chapter 42.56 RCW. The new chapter reorganizes the existing public records disclosure procedures and exemptions, providing a more coherent structure.

In addition to updating the Chapter 42.17 RCW references in the Shoreline Municipal Code to the new Chapter 42.56 RCW references, this ordinance also clarifies the public records disclosure procedure in order to reflect actual practice.

SMC 2.35.030, *Definitions*, is amended to add the definition of "public records officer", meaning the city clerk or designee. WAC 44-14-020 recommends designating a public records officer; the city is following this recommendation by inserting the public records officer into the code.

SMC 2.35.050, *Exemptions*, updates RCW references, and adds exemptions frequently used and "other statute" exemptions. The City is required to maintain a list of "other statute" exemptions. (In addition to the exemptions listed in the public disclosure act, the act recognizes an exemption for records exempt by "other statute." For example, the attorney-client privilege is an "other statute" exemption found in RCW 5.60.060.)

In SMC 2.35.060, *Procedure for inspection and copying*, and SMC 2.35.080, *Decisions on requests*, the recipient and "manager" of public disclosure requests is changed from the city clerk to public records officer. The sections are also changed to permit disclosure requests to be submitted to and handled by departments generally, rather than the department heads. This reflects actual practice, as departments routinely receive and handle public disclosure requests.

SMC 2.35.070, *Reimbursement for copying costs*, notes that the city council establishes the cost for reproduction by ordinance, rather than resolution. The costs are adopted in the public records fee schedule, and are found in SMC 3.01.050.

II. Changes to Chapter 3.01 SMC, *Fee Schedules*

SMC 3.01.050, *Public records*, is amended to clarify different fees for the public records. Most notably, it reduces the fee for CDs from \$3.00 to \$2.00, and indicates photographic slides are charged by the vendor.

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 435 amending the public records act in Shoreline Municipal Code Chapter 2.35 by updating the RCW references and clarifying procedure, and amending the public records fee schedule in Shoreline Municipal Code Chapter 3.10.

Approved By:

City Manager



City Attorney



ATTACHMENTS

Attachment A: Ordinance No. 435

ORDINANCE NO. 435

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE PUBLIC RECORDS CHAPTER 2.35 BY UPDATING THE RCW REFERENCES AND CLARIFYING PROCEDURE, AND AMENDING THE PUBLIC RECORDS FEE SCHEDULE IN CHAPTER 3.01 OF THE SHORELINE MUNICIPAL CODE

WHEREAS, the state legislature recodified the public records act chapter from Chapter 42.17 RCW to Chapter 42.56 RCW; and

WHEREAS, Shoreline Municipal Code 2.34, Public Records, need to be updated to reflect the legislatures recodification; and

WHEREAS, portions of the public records fee schedule need to be updated to accurately reflect the costs incurred by the City for public records materials;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE DO ORDAIN AS FOLLOWS:

Section 1. Amendment. Shoreline Municipal Code Chapter 2.35.010 is amended to read as follows:

2.35.010 Relationship to Public Records Disclosure Act.

This chapter constitutes the city's rules and regulations to carry out and implement the Public Records ~~Disclosure Act~~, Chapter ~~42.56~~ 42.17 RCW. Except as provided in this chapter, Chapter ~~42.56~~ 42.17 RCW shall apply to disclosure of all city public records.

Section 2. Amendment. Shoreline Municipal Code Chapter 2.35.030 is amended to read as follows:

2.35.030 Definitions.

A. "Public record" means any writing, maps or drawings containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by the city regardless of physical form or characteristics.

B. "Public records officer" means the city clerk or designee.

B. C. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

Amendment. Shoreline Municipal Code Chapter 2.35.040 is amended to read as follows:

2.35.040 Maintenance.

A. All substantive and procedural rules of general applicability, including but not limited to ordinances and resolutions of the city council, minutes of the regular meetings of the city council, and statements of general policy, and all public contracts, deeds, easements and leases shall be indexed and maintained in the office of the city clerk for the use of the city and of the general public.

B. All other records of the city relating to the specific function or responsibility of a particular city department shall be maintained for the use of the department and the general public in the office of the department. The department shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records:

1. Final opinions and orders made in the adjudication of cases;
2. Statements of policy and interpretations of policy which have been adopted by the city;
3. Administrative staff manuals and instructions to staff that affect a member of the public;
4. Planning policies and goals, and interim and final planning decisions;
5. Factual staff reports and studies, factual consultants reports and studies, scientific reports and studies and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others;
6. Correspondence, and materials referred to therein, by and with the city relating to any regulatory, supervisory, or enforcement responsibilities of the city, whereby the city determines, opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party; and
7. The job classification, pay and tenure of employees hired by the city shall be public information. In addition, unless exempt from disclosure pursuant to RCW 42.56.230 and RCW 42.56.050 ~~42.17.310(1) and (2)~~, records pertaining to an employee's: (a) prior employment history including names of employers, titles or job classifications, and duties and responsibilities; (b) education including names of institutions, dates attended, and degrees obtained; and (c) occupational licensing shall be public information.

Section 3. Amendment. Shoreline Municipal Code Chapter 2.35.050 is amended to read as follows:

2.35.050 Exemptions.

A. All records listed in Chapter 42.56 RCW, as amended, are exempt from public inspection, including but not limited to: ~~The following shall be exempt from public inspection and copying:~~

1. Personal information in files maintained for employees, appointees, or elected officials, to the extent that disclosure would violate their right to privacy, as defined in RCW 42.56.050 ~~42.17.255~~.

2. Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would be prohibited to such persons by RCW 82.32.330 or violate the taxpayer's right to privacy, as defined in RCW 42.56.050 ~~42.17.255~~, or result in unfair competitive disadvantage to the taxpayer.

3. Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy, as defined in RCW 42.56.050 ~~42.17.255~~.

4. Credit card numbers, debit card numbers, electronic check numbers, card expiration dates or bank or other financial account numbers except when disclosure is expressly required by or governed by other law.

~~4.~~ 5. Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property; provided, that if at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern.

~~5.~~ 6. Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

~~6-7.~~ Except as provided by Chapter 8.26 RCW, the contents of real estate appraisals made for or by any agency including the city relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

~~7-8.~~ Valuable formulae, designs, drawings, and research data obtained by the city within five years of the request for disclosure when disclosure would produce private gain and public loss.

~~8.~~ 9. Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by the city in connection with any city action.

~~9.~~ 10. Records which are relevant to a controversy to which the city is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

~~10.~~ 11. Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

~~11.~~ 12. Financial and commercial information and records supplied by businesses during application for loans or program services provided by Chapters 43.160, 43.163, 43.168 and 43.330 RCW.

~~12.~~ 13. All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

13 14. The residential addresses and residential telephone numbers of employees or volunteers of the city which are held by the city in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

14 15. The residential addresses and residential telephone numbers of the customers of a city utility contained in the records or lists held by the city utility of which they are customers.

15 16. Client records maintained by the city under any domestic violence program as defined in RCW 70.123.020 or 70.123.075 or rape crisis center as defined in RCW 70.125.030.

16-17. Information that identifies a person who, while a city employee:

a. Seeks advice, under an informal process established by the city, in order to ascertain his or her rights in connection with a possible unfair practice under Chapter 49.60 RCW against the person; and

b. Requests his or her identity or any identifying information not be disclosed.

17-18. License applications under RCW 9.41.070.

18 19. Information revealing the identity of child victims of sexual assault who are under age 18. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator.

20. A law enforcement authority may not request inspection or copying of records of any person, which belong to a city electrical utility, unless the authority provides the city electrical utility with a written statement in which the authority states that it suspects that the particular person to whom the records pertain has committed a crime and the authority has a reasonable belief that the records could determine or help determine whether the suspicion might be true.

21. Names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program; however, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

22. Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

23. Attorney-client privileged communications under RCW 5.60.060.

24. Abstracts of driving records under RCW 46.52.130(2).

25. Any other record which is exempt from disclosure under any state law.

B. The exemptions from public disclosure set forth in this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of

statistical information not descriptive of any readily identifiable person or persons.

C. Inspection or copying of any specific records exempt under this section may be permitted if the King County superior court finds, after a hearing with notice thereof to every person interested and to the city, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

D. Nothing in this section shall affect a positive duty of the city to disclose or a positive duty to withhold information which duty to disclose or withhold is contained in any other law.

Section 4. Amendment. Shoreline Municipal Code Chapter 2.35.060 is amended to read as follows:

2.35.060 Procedure for inspection or copying.

A. Persons wishing to inspect or copy city records shall first make such request to the public records officer ~~city clerk or the department head of the city department which maintains the requested records~~. If the requester does not know which department maintains the records, the request shall be made to the ~~city clerk~~ public records officer. ~~The city clerk shall direct the requester to the appropriate department.~~ All assistance necessary to help the requester locate the particular record shall be provided promptly either by the ~~city clerk~~ public records officer or by the particular department maintaining the records. The provision of such assistance shall not unreasonably disrupt the normal operations of the ~~city clerk~~ public records officer, the department, or the assisting employee.

B. The ~~city clerk~~ public records officer or other city employee shall not distinguish among persons requesting records. Persons requesting records shall not be required to provide information as to the purpose for the request, except to establish whether the inspection or copying would violate RCW 42.56.070 ~~42.17.260(9)~~ or other statute or ordinance which exempts or prohibits disclosure of specific information or records to certain persons.

Section 5. Amendment. Shoreline Municipal Code Chapter 2.35.070 is amended to read as follows:

2.35.070 Reimbursement for copying costs.

A. Copies of written records, maps, photographs including slides, audio tape recordings, video tape recordings, and digital recordings shall be ~~made and~~ provided by the city upon request and payment of the actual cost of reproducing the same, which cost shall be established by city council ordinance. ~~resolution.~~

B. Labor and mailing costs shall be included in the cost of reproduction. The costs of reproduction provided for by resolution shall include, but not be limited to, the following records: street maps, zoning maps, zoning codes, ordinances, public meeting minutes, resolutions, verbatim transcripts, deeds, contracts, and other records of the character contemplated in SMC 2.35.010.

C. Where the request is for a certified copy, there shall be an additional charge in the amount established by city council ordinance ~~resolution~~ to cover the additional expense and time required for certification.

D. The ~~city clerk~~ public records officer or a department ~~head~~ may provide copies of city records at no charge to individuals or government agencies doing business with the city, if the ~~city clerk~~ public records officer or department head determines such action is in the best interests of the city.

Section 6. Amendment. Shoreline Municipal Code Chapter 2.35.080 is amended to read as follows:

2.35.080 Decision on requests – Procedure for review of decision.

A. Upon receiving an oral or written request to inspect or copy a public record, the ~~city clerk~~ public records officer or the department ~~head~~ shall grant the request unless the ~~city clerk~~ public records officer or department ~~head~~ determines that the record requested ~~is or~~ may be exempt from disclosure in whole or in part, or if the record is not immediately available, in which case the ~~city clerk~~ public records officer or department ~~head~~ shall ~~require request~~ that the requester customer complete a written request for public records form. The public records officer shall document a request in writing when a customer declines to fill out the request form.

B. A department ~~head~~ shall immediately deliver a ~~completed written~~ request for public records ~~form~~ to the ~~city clerk~~ public records officer.

C. Upon receiving a ~~completed written~~ request for records ~~form~~, the ~~city clerk~~ public records officer shall determine whether the requested record is exempt by law from inspection and copying in whole or in part. Within five business days of the date of receipt by the city of the written request for a record, the ~~city clerk~~ public records officer shall:

1. Provide the record; or
2. Acknowledge that the city has received the request and provide a reasonable estimate of the time the city will require to respond to the request; or
3. Deny the public record request.

Additional time to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt. If a public records request is unclear, the ~~city clerk~~ public records officer may ask the requester to clarify what information the requester is seeking. If the requester fails to clarify the request, the city need not respond to the request.

D. If the ~~city clerk~~ public records officer determines that the document is exempt in part but can be made available after deletion of exempt portions, or after deletion of portions which would violate personal privacy or vital governmental interests, the request shall be granted; provided, that such exempt portions shall first be deleted. If the ~~city clerk~~ public records officer determines to deny the request, in whole or in part, a written statement of the specific reasons for the denial shall be provided to the requester.

E. A decision by the ~~city clerk~~ public records officer denying inspection shall be reviewed by the city attorney. Such review shall be deemed complete at the end of the second business day following the denial of inspection and shall constitute final city action for the purposes of judicial review. The requester shall be notified by mail of the decision to grant or deny the request

Section 7. Amendment. Shoreline Municipal Code Chapter 3.01.050 is amended to read as follows:

3.01.050 Public records.

	Fee
Publications Copied on the Copier <u>Black and White Photocopies up to 11x17 inches</u> – if more than five pages	\$0.15 per page
<u>Black and White Photocopies Larger than 11x17 inches</u>	\$3.00 per page
Materials Provided on Computer <u>Diskettes</u>	\$1.50 per disk
Publication on CD	\$3.00 \$2.00 per CD
<u>Recording on DVD</u>	\$3.00 per DVD
Video Tapes	\$12.00 per tape
Audio Tapes	\$2.00 per tape
<u>Photos/Slides Photographic Prints and Slides</u>	\$2.00 \$21.00 <u>Cost charged by vendor,</u> depending on size and process
<u>Maps: Tabloid and Letter Size Color Photocopies and GIS Maps up to 11x17 inches</u>	\$1.50 per <u>page</u> map
<u>GIS Maps Larger than 11x17 inches 11 inches by 17 inches</u>	\$1.50 per square foot
<u>Large Copies (24 inches by 36 inches)</u>	\$3.00 per copy
Mylar Sheets	\$5.30 per sheet
Clerk Certification	\$1.00 per document
Custom GIS Mapping and Data Requests	\$75.00 per hour (1 hour minimum)
Financial Fees	
Insufficient funds or a closed account shall be assessed a collection fee	\$25.00

Section 8. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. The ordinance shall take effect and be in full force five days after passage and publication.

PASSED BY THE CITY COUNCIL ON JULY 10, 2006.

Mayor Robert L. Ransom

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of Publication:
Effective Date:

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Approval of Electric Lightwave Franchise Agreement
DEPARTMENT:	City Attorney's Office; City Manager's Office
PRESENTED BY:	Flannary P. Collins, Assistant City Attorney Bernard Seeger, Management Analyst

PROBLEM/ISSUE STATEMENT:

In 1996, the City of Shoreline granted Electric Lightwave, LLC a ten-year franchise to provide local telephone, data, network, and long distance services to businesses within the City. The franchise agreement expires on July 3, 2006, and the agreement has no renewal option, thus ELI is required to secure a new franchise in order to continue to legally provide their service within the City of Shoreline.

DISCUSSION:

The City of Shoreline granted a 10 year franchise to Electric Lightwave, LLC ("ELI") effective July 3, 1996 to provide local telephone, data, network, and long distance services to businesses within the City. The franchise agreement expires July 3, 2006, and the agreement has no provision for extension or renewal of the franchise. Therefore, ELI is required to secure a new franchise.

I. FRANCHISE SECTIONS

The proposed franchise is in substantially the same form as the 1996 franchise. The substantive portions of the franchise are outlined below. If a star appears next to the section, then substantive changes have been made to the section.

Section 2: The term for this franchise is 10 years with 2 options for 5 year extensions.

Section 3: ELI is granted a non-exclusive franchise; thus, the City is not in any way prevented from granting other franchises within the right-of-way or from using the right-of-way itself.

Section 4: ELI must relocate its facilities if required by the City.

*Section 5: ELI is required to update their as-built plans, maps, and records showing the location of their facilities at the end of every calendar year upon request by the City. This is a change from the previous franchise, which only required ELI submit plans, maps and records upon application for the franchise. Requiring submittal every calendar year keeps the City informed about ELI's use of the right-of-way. Otherwise, it is easy to lose track of private use of the right-of-way.

Section 6: ELI is required to comply with SMC 12.25, Use of Right-of-Way.

Section 7: ELI must comply with SMC 13.20, requiring undergrounding of aerial facilities in the event the City engages in a capital improvement or public works project, or an entity initiates a joint trenching project.

Section 8: ELI must secure a permit prior to excavation in the right-of-way and must take care to not disrupt the flow of traffic while performing maintenance or relocation. ELI is also required to inform area residents of any construction of facilities (including wire, line, cable, and supporting structures).

Section 9: ELI must repair broken or damaged equipment in the right-of-way immediately.

Section 10: ELI is required to pay all permit fees.

Section 11: ELI must fix dangerous conditions caused by their equipment; if ELI fails to fix the condition, the City may fix and charge the costs to ELI.

Section 12: ELI must employ ordinary care in installing, maintaining and repairing their equipment in the right-of-way.

Section 13: With the City's approval, ELI may trim trees overhanging the right-of-way to prevent interference with their equipment. ELI must notify the owner of the work prior to trimming.

Section 14: No franchise fee is charged since RCW 35.21.860 prohibits cities from imposing franchise fees on telephone businesses. However, a 6% utility tax is collected per SMC 3.32.010.

Section 15: The franchise authorizes ELI to conduct a telephone business only. Any other operations that include activities other than providing signal carrying capacity require another franchise.

Section 16: ELI agrees to indemnify, defend, and hold harmless the City all claims for personal injury and property damaging resulting from negligent acts, and for any suits brought against the City for ELI's use of the right-of-way.

*Section 17: \$1,000,000 auto liability insurance, \$1,000,000 single occurrence and \$2,000,000 aggregate for commercial general liability, and excess liability insurance in the amount of \$5,000,000 for single and for aggregate is required. The City must be added as additional insured to each policy. WCIA recommended the City require the excess liability insurance rather than requiring commercial general liability insurance for a higher amount (which is more difficult for the company to secure).

Section 18: ELI may not abandon facilities in the right-of-way without written consent of the City.

Section 19: After work in the right-of-way, ELI must restore the right-of-way to the same condition it was in prior to the work.

Section 20 and 21: ELI must post a performance bond upon effective date of the franchise. The City may utilize the bond for emergency repairs, or to correct franchise violations.

Section 31: The City must approve any transfer of the franchise.

II. CONCLUSION

The City has not received any complaints regarding ELI's use of the right-of-way since the grant of the franchise in 1996. Likewise, the City has not penalized ELI for violation of the franchise or improper use of the right-of-way. Since ELI has shown no inappropriate use of the right-of-way, provides a valuable phone service to businesses within the City of Shoreline, and has a very minor impact on the City's revenues and ROW; staff recommends that Council grant ELI a second 10-year franchise.

FINANCIAL IMPACT:

The financial impact of this franchise is relatively small. In 2006, the revenues from this franchise are estimated to be \$2940. ELI is a telephone company and state law prohibits imposition of a local government franchise fee on telephone companies. However, under SMC 3.32.010, ELI is required to pay a 6% utility tax (i.e., 6% of their gross proceeds of sales from customers within the city). For the past four years, ELI has paid the following annual utility taxes:

- 2002 = \$360
- 2003 = \$480
- 2004 = \$576
- 2005 = \$1,160
- 2006 (Jan – April) = \$980 (Annualized = \$2980)

RECOMMENDATION

Staff recommends that Council adopt franchise Ordinance 432 granting Electric Lightwave the authority to operate a telecommunications system within the City of Shoreline right-of-way for ten additional years.

Approved By:

City Manager



City Attorney



ATTACHMENTS

Attachment A: Ordinance 432, Franchise Agreement for ELI

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ORDINANCE NO. 432

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, GRANTING ELECTRIC LIGHTWAVE, LLC, A DELAWARE CORPORATION, A NON-EXCLUSIVE FRANCHISE FOR TEN YEARS, TO CONSTRUCT, MAINTAIN, OPERATE, REPLACE AND REPAIR A TELECOMMUNICATIONS SYSTEM, IN, ACROSS, OVER, ALONG, UNDER, THROUGH AND BELOW CERTAIN DESIGNATED PUBLIC RIGHTS-OF-WAY OF THE CITY OF SHORELINE, WASHINGTON.

WHEREAS, RCW 35A.11.020 grants the City broad authority to regulate the use of the public right-of-way; and

WHEREAS, RCW 35A.47.040 grants the City broad authority to grant nonexclusive franchise agreements; and

WHEREAS, the Council finds that it is in the best interests of the health, safety and welfare of residents of the Shoreline community to grant a non-exclusive franchise to Electric Lightwave, LLC, for the operation of a telecommunications system within the City right-of-way; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Definitions. The following terms contained herein, unless otherwise indicated, shall be defined as follows:

- 1.1 City: The City of Shoreline, a municipal corporation of the State of Washington, specifically including all areas incorporated therein as of the effective date of this ordinance and any other areas later added thereto by annexation or other means.
- 1.2 Days: Calendar days.
- 1.3 ELI: Electric Lightwave, LLC, a Delaware corporation, and its respective successors and assigns.
- 1.4 Facilities: All wires, lines, cables, conduits, equipment, and supporting structures, located in the City's right-of-way, utilized by the grantee in the operation of activities authorized by this Ordinance. The abandonment by grantee of any facilities as defined herein shall not act to remove the same from this definition.
- 1.5 Grantee: As incorporated or used herein shall refer to ELI.
- 1.6 Permittee: A person who has been granted a permit by the Permitting Authority.
- 1.7 Permitting Authority: The head of the City department authorized to process and grant permits required to perform work in the City's right-of-way, or the head of any agency authorized to perform this function on the City's behalf. Unless otherwise indicated, all references to Permitting Authority shall include the designee of the department or agency head.

- 1.8 Person: An entity or natural person.
- 1.9 Public Works Director: The head of the Public Works department of the City, or in the absence thereof, the head of the Planning and Development Services Department of the City, or the designee of either of these individuals.
- 1.10 Right-of-Way: As used herein shall refer to the surface of and the space along, above, and below any street, road, highway, freeway, lane, sidewalk, alley, court, boulevard, parkway, drive, utility easement, and/or road right-of-way now or hereafter held or administered by the City of Shoreline.

Section 2. Franchise Granted.

- 2.1 Pursuant to RCW 35A.47.040, the City hereby grants to ELI, its heirs, successors, and assigns, subject to the terms and conditions hereinafter set forth, a franchise for a period of ten (10) years, beginning on the effective date of this Ordinance. The term of this Franchise shall be renewed automatically for two (2) successive five-year periods on the same terms and conditions set forth herein unless either ELI or the City notifies the other party of its intention not to renew on or before the date which is six (6) months prior to commencement of the relevant succeeding renewal term.
- 2.2 This franchise shall grant ELI the right, privilege and authority, subject to the terms and conditions hereinafter set forth, to construct, operate, maintain, replace, and use all necessary equipment and facilities for a telecommunications system, in, under, on, across, over, through, along or below the public right-of-way located in the City of Shoreline, as approved under City permits issued by the Permitting Authority pursuant to this franchise and City ordinances.

Section 3. Non-Exclusive Franchise Grant. This franchise is granted upon the express condition that it shall not in any manner prevent the City from granting other or further franchises in, along, over, through, under, below or across any right-of-way. Such franchise shall in no way prevent or prohibit the City from using any right-of-way or other public property or affect its jurisdiction over them or any part of them, and the City shall retain the authority to make all necessary changes, relocations, repairs, maintenance, establishment, improvement, dedication of the same as the City may deem fit, including the dedication, establishment, maintenance, and improvement of all new right-of-ways or other public properties of every type and description.

Section 4. Relocation of Telecommunications System Facilities.

- 4.1 ELI agrees and covenants at its sole cost and expense, to protect, support, temporarily disconnect, relocate or remove from any right-of-way its facilities when so required by the City, provided that ELI shall in all such cases have the privilege to temporarily bypass, in the authorized portion of the same right-of-way upon approval by the City, any facilities required to be temporarily disconnected or removed.
- 4.2 If the City determines that a public project necessitates the relocation of ELI's existing facilities, the City shall:
 - 4.2.1 At least sixty (60) days prior to the commencement of such project, provide ELI with written notice requiring such relocation; and

- 4.2.2 Provide ELI with copies of any plans and specifications pertinent to the requested relocation and a proposed temporary or permanent relocation for ELI's facilities.
- 4.2.3 After receipt of such notice and such plans and specifications, ELI shall complete relocation of its facilities at no charge or expense to the City at least ten (10) days prior to commencement of the project.
- 4.3 ELI may, after receipt of written notice requesting a relocation of its facilities, submit to the City written alternatives to such relocation. The City shall evaluate such alternatives and advise ELI in writing if any of the alternatives is suitable to accommodate the work that otherwise necessitates the relocation of the facilities. If so requested by the City, ELI shall submit additional information to assist the City in making such evaluation. The City shall give each alternative proposed by ELI full and fair consideration. In the event the City ultimately determines that there is no other reasonable alternative, ELI shall relocate its facilities as provided in this Section.
- 4.4 The provisions of this Section shall in no manner preclude or restrict ELI from making any arrangements it may deem appropriate when responding to a request for relocation of its facilities by any person other than the City, where the improvements to be constructed by said person are not or will not become City-owned, operated or maintained, provided that such arrangements do not unduly delay a City construction project.
- 4.5 Whenever any person shall have obtained permission from the City to use any right-of-way for the purpose of moving any building or other oversized structure, ELI, upon fourteen (14) days written notice from the City, shall raise or remove, at the expense of the Permittee desiring to move the building or structure, any of ELI's facilities that may obstruct the movement thereof; provided, that the moving of such building or structure shall be done in accordance with regulations and general ordinances of the City. Where more than one path is available for the moving of such building or structure, the path of least interference, as determined by the City, shall be utilized.

Section 5. ELI's Maps and Records. As required by Shoreline Municipal Code 12.25.050 and as a condition of this franchise, ELI agrees, at its sole expense, to provide the City with as-built plans, maps, and records that show the vertical and horizontal location of its facilities within the right-of-way using a minimum scale of one inch equals one hundred feet (1"=100'), measured from the center line of the right-of-way, which maps shall be in hard copy plan form acceptable to the City and in Geographical Information System (GIS) or other digital electronic format acceptable to the City. Updated information shall be submitted annually as requested by the City.

Section 6. Incorporation By Reference. Shoreline Municipal Code Chapter 12.25 is hereby incorporated by this reference. In the event of a conflict between Shoreline Municipal Code 12.25 and this Ordinance, this Ordinance shall control over any conflicting provisions incorporated by this Section.

Section 7. Undergrounding. ELI hereby affirms its understanding and agreement that its activities within the City must comply with Shoreline Municipal Code Chapter 13.20, and in exchange for an exemption from the requirements of Shoreline Municipal Code 13.20.060(b) and in accord with Shoreline Municipal Code 13.20.060(b)(1), ELI hereby agrees and covenants to the following:

- 7.1 Information - ELI shall provide to the City of Shoreline, or any entity that has noticed ELI of a joint trenching project under Shoreline Municipal Code 13.20.120, all reasonably requested information regarding the nature and location of facilities installed, owned, operated, or maintained by ELI within a proposed undergrounding area. Said information will be provided within a reasonable period of time, not to exceed thirty (30) days following the request.
- 7.2 Notice - ELI shall respond to any notification pursuant to Shoreline Municipal Code 13.20.120 within 45 days following such notification with written commitment either to participate in the proposed project or to remove its facilities.
- 7.3 Cost - ELI agrees to bear its proportionate share of all costs common to participants in any joint trenching project and to bear the entire cost of all materials and labor particularly necessary for the underground installation of its facilities and, upon the completion of that installation, the removal of the overhead facilities replaced thereby.

Section 8. Excavation And Notice Of Entry.

- 8.1 During any period of relocation or maintenance, all surface structures, if any, shall be erected and used in such places and positions within the right-of-way so as to interfere as little as possible with the safe and unobstructed passage of traffic and the unobstructed use of adjoining property. ELI shall at all times post and maintain proper barricades and comply with all applicable safety regulations during such period of construction as required by the ordinances of the City or state law, including RCW 39.04.180, for the construction of trench safety systems.
- 8.2 Whenever ELI excavates in any right-of-way for the purpose of installation, construction, repair, maintenance or relocation of its facilities, it shall apply to the City for a permit to do so in accord with the ordinances and regulations of the City requiring permits to operate in the right-of-way. In no case shall any work commence within any right-of-way without a permit, except as otherwise provided in this Ordinance. During the progress of the work, ELI shall not unnecessarily obstruct the passage or use of the right-of-way, and shall provide the City with plans, maps, and information showing the proposed and final location of any facilities in accord with Section 5 of this Ordinance.
- 8.3 At least ten (10) days prior to its intended construction of facilities, Grantee shall inform all residents in the affected area, that a construction project will commence, the dates and nature of the project, and provide a toll-free or local number which the resident may call for further information. A pre-printed door hanger may be used for this purpose.
- 8.4 At least twenty-four (24) hours prior to entering right-of-way adjacent to or on private property to perform the installation, maintenance, repair, reconstruction, or removal facilities, a written notice describing the nature and location of the work to be performed shall be physically posted upon the affected private property by the Grantee. The Grantee shall make a good faith effort to comply with the property owner/resident's preferences, if any, regarding the location or placement of underground facilities (excluding aerial cable lines utilizing existing poles and existing cable paths), consistent with sound engineering practices.

Section 9. Emergency Work, Permit Waiver. In the event of any emergency where any facilities located in the right-of-way are broken or damaged, or if ELI's construction area for their

facilities is in such a condition as to place the health or safety of any person or property in imminent danger, ELI shall immediately take any necessary emergency measures to repair or remove its facilities without first applying for and obtaining a permit as required by this franchise. However, this emergency provision shall not relieve ELI from later obtaining any necessary permits for the emergency work. ELI shall apply for the required permits not later than the next business day following the emergency work.

Section 10. Recovery of Costs. ELI shall be subject to all permit fees associated with activities undertaken pursuant to this franchise or other ordinances of the City. If the City incurs any costs and/or expenses for review, inspection or supervision of activities undertaken pursuant to this franchise or any ordinances relating to a subject for which a permit fee is not established, ELI shall pay the City's reasonable costs and expenses. In addition, ELI shall promptly reimburse the City for any costs the City reasonably incurs in responding to any emergency involving ELI's facilities.

Section 11. Dangerous Conditions, Authority for City to Abate.

11.1 Whenever installation, maintenance or excavation of facilities authorized by this franchise causes or contributes to a condition that appears to substantially impair the lateral support of the adjoining right-of-way, public or private property, or endangers any person, the Public Works Director may direct the Grantee, at the Grantee's expense, to take actions to resolve the condition or remove the endangerment. Such directive may include compliance within a prescribed time period.

11.2 In the event the Grantee fails or refuses to promptly take the directed action, or fails to fully comply with such direction, or if emergency conditions exist which require immediate action to prevent imminent injury or damages to persons or property, the City may take such actions as it believes are necessary to protect persons or property and the Grantee shall be responsible to reimburse the City for its costs.

Section 12. Safety.

12.1 The Grantee, in accordance with applicable federal, state, and local safety rules and regulations shall, at all times, employ ordinary care in the installation, maintenance, and repair utilizing methods and devices commonly accepted in their industry of operation to prevent failures and accidents that are likely to cause damage, injury, or nuisance to persons or property.

12.2 All of Grantee's facilities in the right-of-way shall be constructed and maintained in a safe and operational condition.

12.3 The City reserves the right to ensure that the Grantee's facilities are constructed and maintained in a safe condition. If a violation of the National Electrical Code or other applicable regulation is found to exist, the City will notify the Grantee in writing of said violation and establish a reasonable time for the Grantee to take the necessary action to correct the violation. If the correction is not made within the established time frame, the City, or its authorized agent, may make the correction. The Grantee is responsible for all the costs and expenses incurred by the City in correcting the violation.

Section 13. Tree Trimming. Upon approval of the City and in accordance with City ordinances, the Grantee shall have the authority to trim trees and other plant life upon and

overhanging the right-of-way to prevent interference with the Grantee's facilities. The Grantee shall provide at least seven (7) days written notice to the owner of the property on which any tree or plant life Grantee desires to trim is located. Said notice may be in the form of a doorknob hanger and shall contain a contact name, address, and telephone number where the property owner can obtain information from the Grantee regarding its tree trimming plans and express concerns regarding the trimming of the trees or plant life on their property. The Grantee shall make a good faith effort to conform with property owners' requests regarding trimming trees or plant life on their property. The Grantee shall be responsible for debris removal from any trimming activities. If such debris is not removed within twenty-four (24) hours, the City may, at its sole discretion, remove such debris and charge the Grantee for the cost of removal and disposal.

Section 14. Franchise Fee - City's Reservation of Rights. Pursuant to RCW 35.21.860, the City is currently precluded from imposing a franchise fee on a telephone business as defined in RCW 82.04.065, except for administrative expenses or any tax authorized under RCW 35.21.865. ELI has represented to the City that its operations as authorized under this franchise qualify as a telephone business as defined by RCW 82.04.065. Based on this representation, the City will not impose a franchise fee under the terms of this Ordinance. However, if the statutory prohibition on imposing a franchise fee is repealed, the City reserves its right to impose a franchise fee on ELI for purposes other than to recover its administrative expenses or taxes. The amount of any franchise fee imposed under this paragraph shall be as agreed by the parties and equal that charged to telecommunications providers.

Section 15. Authorized Activities. The franchise granted herein is solely for the operation of a telephone business as defined by RCW 82.04.065. The Grantee is required to obtain a separate franchise for any operations that include activities other than providing signal carrying capacity.

Section 16. Indemnification.

16.1 ELI hereby releases, covenants not to bring suit, and agrees to indemnify, defend and hold harmless the City, its elected officials, employees, agents, and volunteers from any and all claims, costs, judgments, awards or liability to any person, including claims by ELI's own employees to which ELI might otherwise be immune under Title 51 RCW, arising from injury, sickness, or death of any person or damage to property resulting from the negligent acts or omissions of ELI, its agents, servants, officers or employees in performing activities authorized by this franchise. Unless the result of the City's sole negligence, ELI further releases, covenants not to bring suit and agrees to indemnify, defend and hold harmless the City, its elected officials, employees, agents, and volunteers from any and all claims, costs, judgments, awards or liability to any person (including claims by ELI's own employees, including those claims to which ELI might otherwise have immunity under Title 51 RCW) arising against the City solely by virtue of the City's ownership or control of the right-of-ways or other public properties, by virtue of ELI's exercise of the rights granted herein, or based upon the City's inspection or lack of inspection of work performed by ELI. This covenant of indemnification shall include, but not limited to claims against the City arising as a result of the negligent acts or omissions of ELI, its agents, servants, officers or employees in barricading, instituting trench safety systems or providing other adequate warnings of any excavation, construction, or work in any right-of-way or other public place in performance of work or services permitted under this franchise. If final judgment is

rendered against the City, its elected officials, employees, agents, and volunteers, or any of them, ELI shall satisfy the same.

- 16.2 Inspection or acceptance by the City of any work performed by ELI at the time of completion of construction shall not be grounds for avoidance of any of these covenants of indemnification. Said indemnification obligations shall extend to claims that are not reduced to a suit and any claims that may be compromised prior to the culmination of any litigation or the institution of any litigation.
- 16.3 In the event ELI refuses to undertake the defense of any suit or any claim, after the City's request for defense and indemnification has been made pursuant to the indemnification clauses contained herein, and ELI's refusal is subsequently determined by a court having jurisdiction (or such other tribunal that the parties shall agree to decide the matter), to have been a wrongful refusal on the part of ELI, then ELI shall pay all of the City's costs and expenses for defense of the action, including reasonable attorneys' fees of recovering under this indemnification clause as well as any judgment against the City.
- 16.4 Should a court of competent jurisdiction determine that this franchise is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of ELI and the City, its officers, employees and agents, ELI's liability hereunder shall be only to the extent of ELI's negligence. It is further specifically and expressly understood that the indemnification provided in Section 16 constitutes ELI's waiver of immunity under Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties.

Section 17. Insurance.

- 17.1 ELI shall procure and maintain for the duration of the franchise, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the exercise of the rights, privileges and authority granted hereunder to ELI, its agents or employees. ELI shall provide an insurance certificate, together with an endorsement naming the City, its elected officials, employees, agents, and volunteers as additional insureds, to the City for its inspection prior to the commencement of any work or installation of any facilities pursuant to this franchise, and such insurance shall evidence:
- 17.1.1 Automobile Liability insurance with limits no less than \$1,000,000 Combined Single Limit per accident for bodily injury and property damage; and
- 17.1.2 Commercial General Liability insurance policy, written on an occurrence basis with limits no less than \$1,000,000 combined single limit per occurrence and \$2,000,000 aggregate for personal injury, bodily injury and property damage. Coverage shall include but not be limited to: blanket contractual; products/completed operations; broad form property damage; explosion, collapse and underground (XCU); and employer's liability.
- 17.1.3 Excess liability insurance written on an occurrence basis of \$5,000,000 per occurrence and \$5,000,000 aggregate.
- 17.2 Any deductibles or self-insured retentions must be declared and approved by the City. Payment of deductible or self-insured retention shall be the sole responsibility of ELI.

- 17.3 The insurance obtained by ELI shall name the City, its elected officials, employees, agents, and volunteers as insureds with regard to the activities these persons perform by or on behalf of ELI. The coverage shall contain no special limitations on the scope of protection afforded to the City, its officers, officials, employees or volunteers. In addition, the insurance policy shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability. ELI's insurance shall be primary insurance for the City, its elected officials, employees, agents, and volunteers. Any insurance maintained by the City, its elected officials, employees, agents, and volunteers shall be excess of ELI's insurance and shall not contribute with it. The insurance policy or policies required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.
- 17.4 Any failure to comply with the reporting provisions of the policies required herein shall not affect coverage provided to the City, its elected officials, employees, agents, and volunteers.

Section 18. Abandonment of ELI's Facilities. No section of cable or portion of the facilities laid, installed, or constructed in the right-of-way by ELI may be abandoned by ELI without the express written consent of the City which will not be unreasonably withheld. Any plan for abandonment or removal of ELI's facilities must be first approved by the Public Works Director, and all necessary permits must be obtained prior to such work.

Section 19. Restoration after Construction.

- 19.1 ELI shall, after any abandonment approved under Section 18, or any installation, construction, relocation, maintenance, or repair of facilities within the franchise area, restore the right-of-way to at least the condition the same was in immediately prior to any such abandonment, installation, construction, relocation, maintenance or repair. All concrete encased monuments which have been disturbed or displaced by such work shall be restored pursuant to all federal, state and local standards and specifications. ELI agrees to promptly complete all restoration work and to promptly repair any damage caused by such work at its sole cost and expense.
- 19.2 If it is determined that ELI has failed to restore the right-of-way in accord with this Section, the City shall provide ELI with written notice including a description of actions the City believes necessary to restore the right-of-way. If the right-of-way is not restored in accord with the City's notice within thirty (30) days of that notice, the City, or its authorized agent, may restore the right-of-way. ELI is responsible for all costs and expenses incurred by the City in restoring the right-of-way in accord with this Section. The rights granted to the City under this paragraph shall be in addition to those otherwise provided by this franchise.

Section 20. Bond. No later than the effective date of this franchise, ELI shall furnish a bond executed by ELI and a corporate surety authorized to do a surety business in the State of Washington, in a sum to be set and approved by the Director of Public Works as sufficient to ensure performance of ELI's obligations under this franchise. The bond shall be conditioned so that ELI shall observe all the covenants, terms and conditions and faithfully perform all of the obligations of this franchise, and to erect or replace any defective work or materials discovered in the replacement

of the City's streets or property within a period of two years from the date of the replacement and acceptance of such repaired streets by the City.

Section 21. Recourse Against Bonds and Other Security. So long as the bond is in place, it may be utilized by the City for the following purposes, including, but not limited to, reimbursement of the City by reason of ELI's failure to pay the City for actual costs and expenses incurred by the City to make emergency corrections under Section 11 of this Ordinance or to correct franchise violations not corrected by ELI after notice, and monetary remedies or damages assessed against ELI due to default or violations of the requirements of City ordinances:

- 21.1 In the event ELI has been declared to be in default by the City and if ELI fails, within thirty (30) days of mailing of the City's default notice, to pay the City any penalties, or monetary amounts, or fails to perform any of the conditions of this franchise, the City may thereafter obtain from the performance bond an amount sufficient to compensate the City for damages. Upon such withdrawal from the bond, the City shall notify ELI in writing, by First Class Mail, postage prepaid, of the amount withdrawn and date thereof.
- 21.2 Thirty (30) days after the City's mailing of notice of the bond forfeiture or withdrawal authorized herein, ELI shall deposit such further bond, cash, or other security, as the City may require, which is sufficient to meet the requirements of this Ordinance.
- 21.3 The rights reserved to the City with respect to any bond are in addition to all other rights of the City whether reserved by this Ordinance or authorized by law, and no action, proceeding, or exercise of a right with respect to any bond shall constitute an election or waiver of any rights or other remedies the City may have.

Section 22. Modification. The City and ELI hereby reserve the right to alter, amend or modify the terms and conditions of the franchise upon written agreement of both parties to such amendment.

Section 23. Remedies to Enforce Compliance. In addition to any other remedy provided herein, the City reserves the right to pursue any remedy to compel ELI to comply with the terms of this franchise, and the pursuit of any right or remedy by the City shall not prevent the City from thereafter declaring a breach or revocation of the franchise.

Section 24. City Ordinances and Regulations. Nothing herein shall be deemed to direct or restrict the City's ability to adopt and enforce all necessary and appropriate ordinances regulating the performance of the conditions of this franchise, including any reasonable ordinance made in the exercise of its police powers in the interest of public safety and for the welfare of the public. The City shall have the authority at all times to control, by appropriate regulations, the location, elevation, and manner of construction and maintenance of any fiber optic cable or other facilities by ELI. ELI shall promptly conform with all such regulations, unless compliance would cause ELI to violate other requirements of law.

Section 25. Cost of Publication. The cost of the publication of this Ordinance shall be borne by ELI.

Section 26. Acceptance/Liaison. After the passage and approval of this Ordinance and within fifteen (15) days after such approval, this franchise shall be accepted by ELI by its filing with

the City Clerk an unconditional written acceptance thereof. ELI's written acceptance shall include the identification of an official liaison that will act as the City's contact for all issues regarding this franchise. ELI shall notify the City of any change in the identity of its liaison. Failure of ELI to so accept this franchise within said period of time shall be deemed a rejection thereof by ELI, and the rights and privileges herein granted shall, after the expiration of the fifteen (15) day period, absolutely cease and determine, unless the time period is extended by ordinance duly passed for that purpose.

Section 27. Survival. All of the provisions, conditions and requirements of Sections 4, Relocation of Telecommunications System Facilities; 8, Excavation And Notice Of Entry; 11, Dangerous Conditions; 16, Indemnification; 18, Abandonment of ELI's Facilities; and 19, Restoration After Construction, of this franchise shall be in addition to any and all other obligations and liabilities ELI may have to the City at common law, by statute, or by contract, and shall survive the City's franchise to ELI for the use of the areas mentioned in Section 2 herein, and any renewals or extensions thereof. All of the provisions, conditions, regulations and requirements contained in this franchise Ordinance shall further be binding upon the heirs, successors, executors, administrators, legal representatives and assigns of ELI and all privileges, as well as all obligations and liabilities of ELI shall inure to its heirs, successors and assigns equally as if they were specifically mentioned wherever ELI is named herein.

Section 28. Most Favored Community. In the event that the Grantee enters into any agreement, franchise or other understanding with an other city, town, or county in the State of Washington and which provides terms or conditions more favorable to the city, town, or county than those provided in this franchise, such as, but not limited to, free or reduced fee hookups, access or service, the City of Shoreline shall be entitled to request at the City's option, and the Grantee shall be required to execute, an amendment to this franchise that incorporates the more favorable terms and conditions.

Section 29. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this franchise Ordinance. In the event that any of the provisions of this franchise are held to be invalid by a court of competent jurisdiction, the City reserves the right to reconsider the grant of this franchise and may amend, repeal, add, replace or modify any other provision of this franchise, or may terminate this franchise.

Section 30. WUTC Tariff Filings, Notice Thereof. If the Grantee intends to file, pursuant to Chapter 80.28 RCW, with the Washington Utilities and Transportation Commission (WUTC), or its successor, any tariff affecting the City's rights arising under this franchise the Grantee shall provide the City with fourteen (14) days written notice.

Section 31. Assignment. This franchise shall not be sold, transferred, assigned, or disposed of in whole or in part either by sale, voluntary or involuntary merger, consolidation or otherwise, without the written approval of the City. The City's approval shall not be unreasonably withheld or delayed. Any reasonable costs associated with the City's review of any transfer proposed by the Grantee shall be reimbursed to the City by the new prospective franchisee, if the City approves the transfer, or by the Grantee if said transfer is not approved by the City.

31.1 An assignment of this franchise shall be deemed to occur if there is an actual change in control or where ownership of fifty percent (50%) or more of the beneficial interests, singly or collectively, are obtained by other parties. The word "control" as used herein is not limited to majority stock ownership only, but includes actual working control in whatever manner exercised.

31.2 Except as otherwise provided herein, the Grantee shall promptly notify the City prior to any proposed change in, or transfer of, or acquisition by any other party of control of the Grantee's company. Every change, transfer, or acquisition of control of the Grantee's company shall cause a review of the proposed transfer. In the event that the City denies its consent and such change, transfer or acquisition of control has been effected, the City may cancel the franchise. Approval shall not be required for mortgaging purposes or if said transfer or assignment is from the Grantee to another person or entity controlling, controlled by, or otherwise under common control with the Grantee.

Section 32. Notice. Any notice or information required or permitted to be given to the parties under this franchise may be sent to the following addresses unless otherwise specified:

Electric Lightwave, Inc.
Legal Affairs Department
4400 NW 77th Avenue
Vancouver, WA 98662
Office 360-816-5377
Fax 360-816-3700

City of Shoreline
Director of Public Works
17544 Midvale Ave. N.
Shoreline, WA 98133
Office 206-546-1700
Fax 206-546-2200

Section 33. Alternate Dispute Resolution. If the parties are unable to resolve disputes arising from the terms of this franchise, prior to resorting to a court of competent jurisdiction, the parties shall submit the dispute to an alternate dispute resolution process agreed to by the parties. Unless otherwise agreed between the parties or determined herein, the cost of that process shall be shared equally.

Section 34. Entire Agreement. This franchise constitutes the entire understanding and agreement between the parties as to the subject matter herein and no other agreements or understandings, written or otherwise, shall be binding upon the parties upon execution and acceptance hereof.

Section 35. Effective Date. This ordinance shall take effect and be in full force five (5) days after the date of publication and upon acceptance by the Grantee. The City Clerk is hereby directed to publish this ordinance in full.

PASSED BY THE CITY COUNCIL ON _____.

Mayor Robert L. Ransom

ATTEST:

Scott Passey, CMC
City Clerk

APPROVED AS TO FORM:

Ian Sievers
City Attorney

Date of Publication: _____
Effective Date: _____

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Permanent Hazardous Tree Regulations: Ordinance 434
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Matthew Torpey, Planner II Joseph W. Tovar, FAICP, Director

PROBLEM/ISSUE STATEMENT:

The proposed Ordinance No. 434 repeals SMC 25.50.310.A.1 (Attachment A), which is the City's existing exemption from permit requirements for the cutting of hazardous trees. This text has been set aside since January 3, 2006 when the City Council adopted Ordinance No. 407 adopting a moratorium on this language. By that same ordinance, the City Council adopted interim controls that have been utilized during the period of moratorium. The City Council subsequently conducted a public hearing on the moratorium and interim controls, slightly amending the provisions of the critical areas regulations, and on April 10, 2006 adopted Ordinance No. 422 that extended the moratorium and interim controls to July 3, 2006. On June 26, 2006 the moratorium and interim controls were again extended to September 3, 2006 by Ordinance No. 429.

The proposed Ordinance adopts permanent regulations to replace the interim controls. The proposed permanent language is patterned on the language of the interim controls, but has been augmented with a "Statement of Purpose" section, definition of certain terms, and clarification of the procedures necessary for the City to evaluate and authorize the abatement of hazardous situations.

The provisions of the Ordinance apply to all properties in the City, including non-critical areas. However, because the code already allows property owners to entirely remove up to six healthy trees every 18 months per SMC 20.50.310.B, in most instances there would be no need for a property owner to invoke this exemption language for hazardous tree removal in non-critical areas. This text would come into play on non-critical area properties only if a property owner had reached the limit for cutting trees and was then faced with a hazardous tree situation.

FINANCIAL IMPACT:

There would be no financial impact to the City by adopting Ordinance No. 434.

PLANNING COMMISSION FINDINGS OF FACT:

On June 1, following the public hearing, the Planning Commission developed the following findings of fact:

- Some members of the public expressed support of the staff proposal, and some opposed it. Some indicated they would support the proposal if it had more stringent conditions for removal of a hazardous tree. Others indicated they would support it if it had less stringent conditions.
- The record supports the finding that removing hazardous trees has the potential to reduce hazards to human life, health and property.
- The record also supports the finding that cutting trees in steep slopes has the potential to reduce slope stability and possibly create a hazard to human life, health and property.
- The Director did communicate with and meet several times with individual citizens as well as stakeholder groups in order to hear their suggestions and concerns regarding the City's tree regulations.
- The Director broadly disseminated public notice of the availability for public review of the proposed permanent tree regulations at City Hall and on the City's website, and likewise gave public notice of scheduled review and public hearings before the Shoreline Planning Commission.
- Cutting trees anywhere in the City, inside or outside of critical areas, has the potential to degrade ecosystems and the natural environment and to alter the character of Shoreline and its treescape.
- The City of Shoreline has an obligation to develop regulations regarding tree cutting in critical areas.

The Planning Commission voted 8-1 to recommend the passage of Ordinance 434.

DISCUSSION:

The proposed code amendments, as recommended by the Planning Commission would institute several changes from the existing (pre-moratorium) hazard tree exemption. The existing pre-moratorium hazardous tree exemption states that an applicant is to provide to a hazardous tree evaluation form and contact the City prior to tree removal, if practical. As written, there is no indication of what constitutes a hazard (i.e. target of the hazardous tree), nor is there a process that allows the City to review the proposed exemption. The proposed code amendments establishes a list of targets that a tree would have to strike in order to determine whether the tree is hazardous. Additionally, the ordinance proposes provisions that allow for the Director to review the hazard tree evaluation form, conduct a site inspection, issue approval or denial of the exemption, and establish a list of City approved arborists.

The Planning Commission conducted a workshop and public hearings on May 4, May 18 and June 1, 2006 to solicit public comment on the staff proposed changes to the existing hazardous tree regulations. All three meetings were televised on the City's channel 21. During the written public comment period, the Planning Commission received 81 written comments and heard from 24 citizens during oral comment.

Many of the comments received were directed to the staff proposed Critical Areas Stewardship Plan, as opposed to the provisions for hazardous trees. The Planning Commission was unanimous in its recommendation for denial of the proposed Critical Area Stewardship Plan amendments. Accordingly, the staff has placed in abeyance the Critical Areas Stewardship Plan provisions and will review that matter with the Council later this summer. Note that the scope of the public hearing before Council on July 10 is the hazardous tree provisions described in Ordinance 434 **only** – no public comment on the Critical Areas Stewardship Plan is timely or appropriate on July 10.

Attachment B to this report includes the minutes from the three Planning Commission meetings where the hazardous tree issue was discussed. There was a great volume of public comment. The public and Planning Commission discussion involving the hazardous tree provisions are highlighted in Attachment B for ease of Council reading.

If Ordinance 434 is adopted by Council, two administrative steps would be required of implement the approved ordinance. First, the staff is directed by Subsections 1.e of the proposed code (SMC 20.50.310) to prepare a permit exemption request form and a risk assessment form. Second, Subsection 1.h of the proposed code (SMC 20.50.310) requires an applicant for a hazardous tree exemption to use a City approved arborist. Staff intends to utilize a "request for qualifications" process in order to solicit and select a list of arborists "acceptable to the City" to conduct reviews of hazardous trees. In the interim time between passage of the ordinance and the issuance of the approved arborist list, staff will utilize the City's on-call arborist, Brian Gilles. In addition to being an arborist, Mr. Gilles is also a professional forester.

RECOMMENDATION

The Planning Commission recommends that Council approves Ordinance No. 434.

ATTACHMENTS

Attachment A: Ordinance 434

Attachment B: Planning Commission minutes from May 4, May 18, and June 1, 2006

Approved By:

City Manager



City Attorney



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ORDINANCE NO. 434

**AN ORDINANCE OF THE CITY OF SHORELINE,
WASHINGTON AMENDING THE SHORELINE MUNICIPAL
CODE TO UPDATE REGULATIONS RELATING TO TREE
CUTTING, AMENDING SMC 20.50.310 REGARDING
EXEMPTIONS FROM PERMIT REQUIREMENTS FOR
HAZARDOUS TREES**

WHEREAS, the City of Shoreline is a jurisdiction planning under the Growth Management Act and is therefore subject to the goals and requirements of Chapter 36.70A. RCW during the preparation and adoption of development regulations, including those that pertain to the cutting of trees, whether or not those trees are in a critical area designated pursuant to RCW 36.70A.170; and

WHEREAS, the Shoreline City Council adopted Ordinance No. 407 on January 3, 2006 which placed a moratorium on the use and application of SMC 20.50.310.A.1 (hazardous vegetation exemption for clearing and grading permits on private property) and adopted interim regulations to govern hazardous tree abatement; and

WHEREAS, the Shoreline City Council conducted a public hearing on February 6, 2006 to hear comment on Ordinance No. 407, after which hearing the City Council adopted Ordinance No. 411, amending Ordinance No. 407 by adding "recreational trails" to the list of potential targets to be considered when evaluating requests to cut hazardous trees; and

WHEREAS, by its terms, Ordinance 407, as amended, would have expired on May 3, 2006; and

WHEREAS, the Shoreline City Council has directed the Director of the Department of Planning and Development Services (the Director) to work with various stakeholders and interested citizens in the preparation of proposed permanent regulations to deal not only with the subject of hazardous trees, but to create a regulatory mechanism for the City to consider and potentially authorize the limited cutting of trees for the purpose of view preservation; and

WHEREAS, the Director did communicate with and meet several times with individual citizens as well as stakeholder groups in order to hear their suggestions and concerns regarding the City's tree regulations; and

WHEREAS, in preparing the proposed permanent tree regulations, it became apparent to the Director that additional time would be necessary to circulate the proposal for public review and comment prior to a public hearing before the Shoreline Planning Commission; and

WHEREAS, the Shoreline City Council conducted a public hearing on April 10, 2006 on the subject of whether to extend for an additional two months the moratorium adopted by Ordinance 407, as amended, after which the City Council adopted Ordinance No. 422 to extend the effective date of the moratorium to July 3, 2006; and

WHEREAS, the Director broadly disseminated public notice of the availability for public review the proposed permanent tree regulations at City Hall and on the City's website, and likewise gave public notice of scheduled review and public hearings before the Shoreline Planning Commission; and

WHEREAS, the Shoreline City Council conducted a public hearing on June 26 2006 on the subject of whether to extend the moratorium adopted by Ordinance No. 407, as amended, after which the City Council adopted Ordinance No. 429 to extend the effective date of the moratorium to September 2, 2006

WHEREAS, the Shoreline Planning Commission conducted a study session workshop on the proposed permanent regulations on May 4, 2006 and conducted a public hearing on May 18, 2006 and June 1, 2006; after which the Commission forwarded a recommendation to the City Council;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment. SMC 20.50.310. is hereby amended to read as follows:

20.50.310 Exemptions from permit.

A. Complete Exemptions. The following activities are exempt from the provisions of this subchapter and do not require a permit:

1. Emergency situation on private property involving danger to life or property or substantial fire hazards. ~~Any tree or vegetation which is an immediate threat to public health, safety, or welfare, or property may be removed without first obtaining a permit regardless of any other provision contained in this subchapter. If possible, trees should be evaluated prior to removal using the International Society of Arboriculture method, Hazard Tree Analysis for Urban Areas, in its most recent adopted form. The party removing the tree will contact the City regarding the emergency, if practicable, prior to removing the tree.~~
- a. Statement of Purpose – Retention of significant trees and vegetation is necessary in order to utilize natural systems to control surface water runoff, reduce erosion and associated water quality impacts, reduce the risk of floods and landslides, maintain fish and wildlife habitat and preserve the City's natural, wooded character. Nevertheless, when certain trees become unstable or damaged, they may constitute a

hazard requiring cutting in whole or part. Therefore, it is the purpose of this section to provide a reasonable and effective mechanism to minimize the risk to human health and property while preventing needless loss of healthy, significant trees and vegetation.

- b. For purposes of this section, "Director" means the Director of the Department of Planning and Development Services and his or her designee.
- c. In addition to other exemptions of Subchapter 5 of the Development Code, SMC 20.50.290-.370, a permit exemption request for the cutting of any tree that is an active and imminent hazard (i.e., an immediate threat to public health and safety) shall be granted if it is evaluated and authorized by the Director under the procedures and criteria set forth in this section.
- d. For trees that pose an active and imminent hazard to life or property, such as tree limbs or trunks that are demonstrably cracked, leaning toward overhead utility lines, or are uprooted by flooding, heavy winds or storm events, the Director may verbally authorize immediate abatement by any means necessary.
- e. For hazardous circumstances that are not active and imminent, such as suspected tree rot or diseased trees or less obvious structural wind damage to limbs or trunks, a permit exemption request form must be submitted by the property owner together with a risk assessment form. Both the permit exemption request form and risk assessment form shall be provided by the Director.
- f. The permit exemption request form shall include a grant of permission for the Director and/or his qualified professionals to enter the subject property to evaluate the circumstances. Attached to the permit exemption request form shall be a risk assessment form that documents the hazard and which must be signed by a certified arborist or professional forester.
- g. No permit exemption request shall be approved until the Director reviews the submitted forms and conducts a site visit. The Director may direct that a peer review of the request be performed at the applicant's cost, and may require that the subject tree(s) vegetation be cordoned off with yellow warning tape during the review of the request for exemption.
- h. Approval to cut or clear trees may only be given upon recommendation of the City approved arborist that the condition constitutes an actual threat to life or property in homes, private yards, buildings, public or private streets and driveways, sidewalks, recreational trails, improved utility corridors, or access for emergency vehicles and any trail as proposed by the property owner and approved by the Director for purposes of this section.
- i. The Director shall authorize only such alteration to existing trees and vegetation as may be necessary to eliminate the hazard and shall condition authorization on means and methods of removal necessary to

minimize environmental impacts, including replacement of any significant trees. All work shall be done utilizing hand-held implements only, unless the property owner requests and the Director approves otherwise in writing. The Director may require that all or a portion of cut materials be left on-site.

2. Removal of trees and/or ground cover by the City and/or utility provider in situations involving immediate danger to life or property, substantial fire hazards, or interruption of services provided by a utility. The City retains the right to dispute the emergency and require that the party obtain a clearing permit and/or require that replacement trees be replanted as mitigation.
 3. Installation and regular maintenance of public utilities, under direction of the Director, except substation construction and installation or construction of utilities in parks or environmentally sensitive areas.
 4. Cemetery graves involving less than 50 cubic yards of excavation, and related fill per each cemetery plot.
 5. Removal of trees from property zoned RB and I, CB and NCB, and NB and O, unless within a critical area of critical area buffer.
- B. Partial Exemptions. With the exception of the general requirements listed in SMC 20.50.300, the following are exempt from the provisions of this subchapter, provided the development activity does not occur in a critical area or critical area buffer. For those exemptions that refer to size or number, the thresholds are cumulative during a 36-month period for any given parcel:
1. The removal of up to six significant trees (see Chapter 20.20 SMC, Definitions) and associated removal of understory vegetation from any property.
 2. Landscape maintenance and alterations on any property that involves the clearing of less than 3,000 square feet, or less than 1,500 square feet if located in a critical drainage area, provided the tree removal threshold listed above is not exceeded.

Section 2. Repeal. Ordinance No. 429 extending a moratorium and interim controls on hazardous tree removal is repealed upon the effective date of this ordinance.

Section 3. Effective date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City and the ordinance shall take effect and be in full force five (5) days after the publication date.

APPROVED BY THE CITY COUNCIL THIS _____ DAY OF JULY, 2006.

Robert L. Ransom, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott Passey, CMC
City Clerk

Ian Sievers
City Attorney

Date of Publication: July ____, 2006
Effective Date: July ____, 2006

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These Minutes Approved
May 18th, 2006

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

May 4, 2006
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

COMMISSIONERS PRESENT

Chair Piro
Vice Chair Kuboi
Commissioner Broili
Commissioner Harris
Commissioner Phisuthikul
Commissioner McClelland
Commissioner Pyle
Commissioner Wagner

STAFF PRESENT

Joe Tovar, Director, Planning & Development Services
Steve Cohn, Senior Planner, Planning & Development Services
Matt Torpey, Planner II, Planning & Development Services
Jessica Simulcik Smith, Planning Commission Clerk

COMMISSIONERS ABSENT

Commissioner Hall

CALL TO ORDER

Chair Piro called the regular meeting of the Shoreline Planning Commission to order at 7:02 p.m.

Chair Piro explained that the main item on the agenda is a study session on the Permanent Hazardous Tree Regulations and Critical Areas Stewardship Plan. Staff would provide a formal briefing on the issue to the Commission, and no oral comments would be accepted from the public on this item. While the Commissioners would have an opportunity to ask questions related to the briefing, they would not be discussing or deliberating the proposal now. A public hearing on the issue has been scheduled for May 18th.

ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Piro, Vice Chair Kuboi, and Commissioners Broili, Harris, Phisuthikul, McClelland, Pyle and Wagner. Commissioner Hall was excused.

Because the meeting was being videotaped for television broadcast, Chair Piro invited the Commissioners to briefly introduce themselves.

APPROVAL OF AGENDA

Chair Piro suggested that they have only a brief Director's Report at the beginning of the meeting to focus on the topic of the study session. The remainder of the report could be provided later on the agenda. He also suggested that Reports from Committees and Commissioners be placed after the study session, as well. The Commission accepted the agenda as amended.

DIRECTOR'S REPORT

Mr. Tovar advised that he would wait until after the study session has been completed to provide his report.

APPROVAL OF MINUTES

The minutes of April 6, 2006 and April 20, 2006 were approved as corrected.

GENERAL PUBLIC COMMENT

Chair Piro acknowledged the presence of Council Members Way and McGlashan.

There was no one in the audience who expressed a desire to address the Commission during this portion of the hearing.

STAFF REPORTS

Study Session on Permanent Hazardous Tree Regulations and Critical Areas Stewardship Plan

Mr. Tovar briefly explained the working relationship and roles of the City Council, Planning Commission and City Staff. He said it is important for the public to understand that the staff works with the City Council and Planning Commission as a team to accomplish the shared mission of serving the citizens of Shoreline and protecting their quality of life. The City Council members have been elected by the citizens to adopt plans, budgets, and regulations. They are the policy makers. The Planning Commissioners are the policy advisors and have been appointed by the City Council to serve the function of reviewing materials, listening to public comments, deliberating on the issues and making recommendations to the City Council. Staff is charged with the responsibility of making recommendations to the Planning Commission. Once the Planning Commission forwards a recommendation to the City Council and a final decision has been made, staff becomes the administrator of the adopted policy.

Mr. Tovar advised that staff has an obligation to provide the Commission with their best professional recommendation, keep them apprised of what is going on in the community, etc. While the Commission

does not have to agree with the staff's recommendation, they have an obligation to consider it, along with all other input from applicants, the public, and others. The Commission has an obligation to provide a timely, thorough recommendation to the City Council, and the City Council has an obligation to give fair and full consideration to the Commission's recommendation and then make a decision. The City Council is not obligated to agree with a Commission recommendation.

Mr. Tovar provided a chart to illustrate the differences between administrative actions, quasi-judicial actions, and legislative actions. Administrative actions such as short plats, building and grading permits, etc. are reviewed by staff using the existing codes. For quasi-judicial land use actions such as site-specific rezones, conditional or special use permits, etc. a public hearing is conducted by the Planning Commission. The Planning Commission reviews all of the codes and policies and all of the evidence and forwards a recommendation to the City Council, who makes the final decision. Legislative items such as development code and comprehensive plan amendments, rezones, etc. are reviewed by the Planning Commission and a public hearing is held as part of that process. The Planning Commission weighs all of the evidence and forwards a recommendation to the City Council.

Mr. Tovar emphasized that the public only has a limited ability to provide input on administrative actions. For example, the staff's discretion to approve or deny a building application is limited by the current building code requirements, so the impact of public comment would be small. However, the Commission and City Council have more discretion with quasi-judicial matters so the public's input could have more impact on the final decision. Legislative actions allow the most discretion, so the public has the greatest ability to participate in the process and impact the end result. He summarized that the level of public testimony depends upon the nature of the action. He pointed out that the proposal before the Commission at this time (Permanent Hazardous Tree Regulations and Critical Areas Stewardship Plan) is a legislative action. Thus, the public has a significant opportunity to provide comments to guide the Commission and City Council's decision.

Mr. Tovar explained that in January of 2006, the City Council adopted a moratorium on the Development Code's hazardous tree regulations. In addition, the Council adopted interim regulations to explain what would happen in hazardous tree situations while the moratorium was in place. The moratorium and interim regulations expires on July 3, 2006. The City Council asked the Planning Commission to consider permanent regulations to replace the interim control and forward a recommendation to them for final adoption. They also asked the Commission to amend the code to provide an opportunity for a Critical Areas Stewardship Plan.

Mr. Tovar announced that a public hearing has been scheduled for May 18th, and citizens have already started providing written comments that would be forwarded to the Commission prior to the public hearing. If the Commission develops a recommendation to the City Council by the end of its meeting on May 18th, the City Council could take final action before the July 3rd deadline. However, if the Commission needs more time, they could direct staff to approach the City Council with a request that the moratorium be extended.

Mr. Tovar displayed the text contained in the draft ordinance (Attachment 2 of Staff Report). He noted that the proposed ordinance would repeal the existing language and adopt new language for the

Hazardous Tree Regulations found in Section 20.50.310 of the Shoreline Municipal Code (SMC). It would also add a new section SMC 20.80.087 that would provide for City review and approval of Critical Areas Stewardship Plans. The new language for 20.50.310 is modeled after the interim control. The City Council conducted a public hearing regarding the interim ordinance, and staff has received comments from a number of citizens, as well. Mr. Tovar briefly reviewed the proposed language for this section regarding hazardous trees (Pages 2 through 4 on Attachment 2 of the Staff Report) and invited the Commission to ask questions.

Commissioner McClelland suggested that the language provide a definition of the word "abatement," which is used in Section 1.e. Mr. Torpey referred to SMC 20.20.010, where the word "abate" is defined. Next, Commissioner McClelland referred to Section 1.i and asked if the term "vegetation" includes trees, too. Mr. Tovar agreed that "trees" should be added to this section. Commissioner McClelland also suggested it would be helpful to provide a definition for the word "vegetation."

Commissioner Broili referred to Section 1.i and suggested that the term "recreational trails" be defined. Mr. Tovar agreed that staff would come up with a definition for this term.

Commissioner Wagner asked how many hazardous tree forms the staff anticipates receiving each year. Mr. Torpey said that under the old regulations, the staff processed over 100 hazardous tree forms in an 8-month period. However, since the interim control went into effect on January 3rd, they have only processed two. Commissioner Wagner asked how much time staff anticipates the Director would spend on site visits, and suggested the issue of time be part of the Commission's consideration.

Commissioner Wagner referred to Section 1.j and asked if there is a set standard to enable the City to make sure a property owner used hand-held equipment. Mr. Tovar explained that if a property owner requested to use something other than hand-held equipment, staff would expect him/her to explain where the larger equipment would be placed, why it must be used, and what the impacts would be to the surrounding area. These situations would be determined on a case-by-case basis.

Commissioner Wagner asked if the City has a definition for the term "significant trees," which is used in Section 1.j. Mr. Torpey shared the City's current definition for "significant trees."

Commissioner Pyle asked that staff provide the Commissioners with a copy of the hazardous tree form, which is mentioned in several places in the proposed language. He also requested a copy of the code section that discusses code enforcement. Mr. Tovar agreed that staff could provide more information about code enforcement at the next meeting. The Commission could then decide if additional language regarding code enforcement would be necessary.

Commissioner Pyle questioned why Section 1.j would only require the replacement of significant trees and not significant vegetation, too. He pointed out that, in many cases, the under story canopy is as important as the primary canopy.

Vice Chair Kuboi agreed that the term "recreational trail" should be better defined. He would like the definition to identify how long a trail must exist before it could obtain the status of "recreational trail."

He expressed his concern that if the term “recreational trail” could be used as a definition for creating a hazard, it would be simple for a property owner to put in a trail, and the intent of the language could be distorted.

Vice Chair Kuboi referred to Section 1.g, which lists a “registered landscape architect” as a person who could address whether a tree is hazardous or not. He asked staff to research whether the typical landscape architect would have this particular professional judgment. Commissioner Broili agreed with Vice Chair Kuboi’s concern about whether or not a landscape architect would be qualified to conduct risk assessment on potentially hazardous trees.

Vice Chair Kuboi pointed out that the proposed language would not provide any avenue for a citizen with a precarious tree in a hazardous area to “cut first and ask questions later.” At the very minimum, the citizen would have to contact the Customer Response Team, and obtain verbal approval. Mr. Tovar pointed out that this would only be true for hazardous trees within a critical area. Vice Chair Kuboi asked how the average citizen would know that he/she must get permission to cut a tree in a critical area. Mr. Tovar recalled that staff has talked with the Commission and City Council about the concept of developing a greater awareness amongst the public about the natural systems in the City. The goal would be to cultivate a stewardship for the community through activities and programs, but even that would not provide citizens with a perfect knowledge of what the rules are.

Mr. Tovar said Vice Chair Kuboi raised the question of why the Critical Areas Stewardship Plan language specifies the Olympic Mountains and Puget Sound views as opposed to other types of views. Mr. Tovar reminded the Commission that last year they received a recommendation from an organization asking that the Commission specifically acknowledge the views of the Olympic Mountains and the Sound. The Commission would have to make a policy decision on whether or not views should be limited to just these two views.

Mr. Tovar briefly reviewed the proposed language for SMC 20.80.87 regarding Critical Areas Stewardship Plans. He explained that the purpose of a stewardship plan is to provide a mechanism for the City to comprehensively review and approve, deny, or approve with conditions, private proposals to manage, maintain, cut and/or restore trees, other vegetation, natural resources and trails in large critical areas of the City. The proposed language would also provide a regulatory tool for the City to make a reasonable accommodation for private view rights in view-covenanted communities while still meeting the over-arching statutory mandate to protect critical areas.

Mr. Tovar said that up to this point, the cutting of trees in critical areas has not been permitted by the City unless they are considered hazardous, which is fairly consistent with the critical areas regulations adopted by other jurisdictions in the area. He recalled that last August, the Innis Arden Club submitted a recommendation that would allow non-hazardous trees to be cut to preserve views if certain conditions and requirements could be met. However, the Commission chose not to forward the recommendation on to the City Council for consideration.

Mr. Tovar said it is important for the Commission to carefully sort out the purpose of having a Critical Areas Stewardship Plan Ordinance, since it would drive the details of what would be required to be

submitted, how proposed plans would be evaluated, etc. He emphasized that it is not mandatory that the Commission forward a recommendation regarding the stewardship plan language to the City Council at the same time as the hazardous tree ordinance language.

Mr. Tovar reviewed the proposed language for SMC 20.80.87 (Pages 4 and 5 on Attachment 2 of Staff Report) and invited the Commissioners to ask questions. He particularly referred to Sections 3.a, 3.b and 3.c and explained that the Critical Areas Ordinance does not require that critical areas be left untouched. Instead, it requires that there be no net loss to the functions and values of the critical areas. He explained that the definition of a critical area is an "ecosystem," which is defined as a system made up of a number of pieces that interrelate. When determining the function and value of an ecosystem, the larger the area considered, the greater chance of accounting for all of the parts of the ecosystem. He noted that Section 3.d refers to the interplay between the water, soil, plant materials, habitat value, etc. Section 3.e provides a mechanism for ensuring compliance with the provisions and that the information submitted is accurate.

Mr. Tovar referred to Section 5, which lists the items that must be included in a Critical Areas Stewardship Plan. He specifically referred to Section 5.c which would require an applicant to break up the property into logical sub units and provide a narrative description about how they would manage each one. He also referred to Section 5.f, which he discussed significantly with the City Attorney. He explained that under the provisions of the stewardship plan, certain representations are being made about how plans would be managed, what would happen to the lay of the land, plant materials, circulation on the site, and other details. These issues merit some type of ongoing review; and at some point, it might be warranted for the City to go onto the property to make sure all is going per the approved conditions and approved plan. Section 5.f would grant the City this legal authority.

Commissioner Phisuthikul referred to Section 5.a, which uses the term "known watercourses." He noted that many important watercourses and wetlands might not be known. He suggested that this language be clarified using terms that have already been defined in the code. Also in this section, in accordance with the Commission's previous discussion, Commissioner Wagner asked that the term "significant vegetation" be changed to "significant trees and/or vegetation."

Commissioner Broili said he would like staff to create a definition for view, even though it might be difficult to do. Also, instead of just an inventory of significant vegetation, he would like Section 5.a to require an inventory of all existing vegetation. He pointed out that there might be some undesirable vegetation that should be removed and/or replaced. In addition, he asked if the scientific assessment by a qualified professional (Section 5.d) would be peer reviewed.

Commissioner Broili said he would like the language to include some provision for an adaptive management strategy so that plans could become better in the future. He agreed to work with staff to define the term "adaptive management strategy" and consider how it could be incorporated into the proposed language.

Mr. Tovar cautioned that defining the word “view” is difficult to address in regulations and permits. If the Commission talks about views, they must seek help from the public to understand exactly what views the public is talking about. This is a policy issue the Commission must grapple with.

Commissioner Pyle asked if it would be possible for people to register their views as a benchmark. He noted that the Department of Ecology has developed a number of tools that document functions and values. He suggested that adopting a formal system for assigning, assessing or valuing the landscape would enable the City to stay on track as far as target results.

Commissioner Pyle said that while he understands the benefits of “native vegetation,” (Section 3.d) the City is working in very specific circumstances where native vegetation would never really be allowed to mature. Views are being blocked as a result of growth of the native vegetation. He explained that there are quite a few species that could provide the same functions, but mature at a level that won’t block views in the future. Mr. Tovar advised that the Commission is likely to receive a lot of public testimony regarding the issue of native vegetation, and they would be required to make a policy decision about what the standard of vegetation should be and how it should be managed.

Commissioner Pyle referred to Section 5.a and asked if the dated inventory would require a survey. Mr. Tovar said they need a document that is empirically correct and reflects reality, but he is not sure a survey should be required. He said staff would consider the matter further and provide a response later.

Commissioner McClelland asked if it would be possible for Section 5.a to require a data inventory of known critical areas. The language could then list the five types of critical areas. She recalled that when this issue was reviewed last year, a concern was raised that anything such as a stewardship plan should be within the context of the state’s definition of a critical area. She also asked if it would be possible to make reference to “best available science” in Section 5.d. She stressed the importance of emphasizing throughout the document that the provisions deal with critical areas. She asked if the proposed ordinance could include language to describe what would happen if a stewardship plan failed to perform. Mr. Tovar said staff would provide further information and recommendations at the next meeting regarding enforcement of the ordinance language.

Commissioner McClelland suggested that the word “submittal” in Section 2 be changed to “approval.” She noted that there could be a time lag between when a plan is submitted and when it is approved. Mr. Tovar said the Commission will likely hear testimony that the City should consider views from the remote past out to the remote future and all points in between. The Commission will have to make a policy decision on this matter.

Commissioner McClelland asked if staff has a copy of the Department of Ecology’s outline for preparing restoration plans. She suggested that this document could be extremely useful. Mr. Tovar agreed.

Vice Chair Kuboi pointed out that the purpose statement implies that the ordinance would only apply to view covenanted properties. Mr. Tovar agreed. Vice Chair Kuboi asked if it would be possible for a

person to create a single-lot, view covenanted community. He questioned whether it would be appropriate for the City to treat a community that has covenants differently than one that does not.

Vice Chair Kuboi referred to Section 3.a and inquired if the 10 acres would have to be contiguous. Chair Piro pointed out that Section 3.b states that stewardship plans may include non-contiguous parcels under the same ownership. Vice Chair Kuboi asked if it would be possible for an owner to have parcels fragmented throughout the City that aggregate to 10 acres. Mr. Tovar answered affirmatively, but explained that if such a plan were submitted, it would be difficult for the applicant to describe the ecosystem.

If the proposed language were adopted, Vice Chair Kuboi questioned if an approved stewardship plan would be effective in perpetuity. Mr. Tovar clarified that while they call it a plan, it is really a permit or regulatory tool that authorizes or controls certain activities into the future. As proposed, the plan would have an infinite life, unless conditioned otherwise. Vice Chair Kuboi expressed his concern that once the City approves a stewardship plan and the party implements the plan, there would be no avenue for the City or the property owner to get out of the deal. He pointed out that, in most cases, the applicants would receive the immediate benefit and the payback to the City would occur over a long-period of time. Therefore, it would be important to have a mechanism in place to make sure that all parties in the plan follow through with their obligations. Mr. Tovar asked that staff be allowed to consider these concerns and provide some different scenarios for the Commission to consider as part of the Staff Report for May 18th.

Vice Chair Kuboi pointed out that Section 5 only describes what information is to be included in the submittal package for application. It does not identify the elements that must be included in the actual stewardship plan, itself. Mr. Tovar agreed that more language could be provided to describe what must be included in the approved plan. His understanding is that the approved plan would be based on the information that is submitted, as well as any additional conditions or modifications that might be imposed by the City.

Commissioner Broili recalled that he and Commissioners Hall and Phisuthikul toured the Reserves during a major rainstorm. There was a significant amount of runoff coming from the streets and other properties into the reserves. While Sections 3.b and 5.a address the issue of hydrology, he suggested they must also address the impacts from the built environment surrounding or adjacent to the critical areas.

Commissioner Broili suggested that instead of outlining the elements that must be included in a stewardship plan, the language should state the desired outcome of a plan. Just stating what must be included in the plan does not allow for more creative solutions as best available science improves or adaptive management comes into play. Mr. Tovar suggested that a new Section 6 be added to explain what an approved stewardship plan must include, including how surface water would be managed.

Commissioner Pyle suggested that Section 1 be clarified to identify who would be able to apply for a stewardship plan. As written, no one would be prohibited from applying for a stewardship plan. Mr. Tovar agreed to rework the purpose statement. Commissioner Pyle asked how the City properties have

been impacted by the regulation that only allows six significant trees to be removed during any three-year period. He questioned if a stewardship plan could be utilized by the City's Parks Department as a tool to manage their critical areas, as well.

Chair Piro referred to Section 4 and asked if a distinction could be made between parcels in a covenanted community that are held in private ownership as opposed to joint community ownership. Mr. Tovar said the way the language has been proposed, it would not matter who owns the property, as long as everyone who has some ownership interest signs as an applicant.

Chair Piro asked if the term 'view-covenanted communities' would refer to only view covenanted communities that have provisions in their covenant that define view. Mr. Tovar agreed that a definition for "view" must be discussed further by the staff and Commission. They would also need to discuss the concept of covenants further.

Commissioner Wagner referred to Section 4. She asked if the permit would stay with the property if ownership changed. Mr. Tovar answered affirmatively.

Because the language would allow stewardship plans for non-contiguous parcels, Commissioner Wagner asked if the ecosystem on the properties lying between the parcels that are part of the permit would have to be addressed, as well. Mr. Tovar referred to Item 3.d, which would mandate that all of the significant attributes on properties immediately adjacent to the subject property be disclosed and evaluated, as well. Not only must applicants describe the properties they own that would be part of the permit, they must also describe the ecosystem on adjacent critical areas.

Mr. Tovar said that if the Commissioners have additional questions they would like staff to answer on May 18th, they should forward them to Mr. Torpey by May 10th. Mr. Torpey would also collect all written public comments submitted prior to the hearing. In addition, a separate web page has been established for this particular item, and comments could be forwarded to him via this website. He also provided his mailing address.

Vice Chair Kuboi asked if all of the property within the minimum 10 acres included as part of the permit must be critical areas. Mr. Tovar agreed that the proposed language does not make this clear. Vice Chair Kuboi inquired if part of the property included as part of the application could be located outside of the City of Shoreline. Mr. Tovar answered that the City would not be able to issue a permit for property outside of Shoreline. However, a SEPA review would be required for any stewardship management plan permit. If the subject property is located along the City boundary, the SEPA review would include an analysis of impacts to the ecosystem outside of the City's jurisdiction, as well. He said staff could attempt to make this language clearer.

Vice Chair Kuboi asked if a plan would have to be reevaluated if the functions and values of a parcel outside of the area covered by the stewardship plan changed. Mr. Tovar said this would all depend on the type of change. In some cases, practices and requirements that were in place prior to the change might no longer make sense, and it might be appropriate to come up with some other provisions or

requirements. He suggested that the Commission must discuss how and if the plan could be adapted in the future, if necessary.

Vice Chair Piro reminded the public and Commissioners that the May 18th meeting would be a formal public hearing on the proposals relating to the Hazardous Tree Regulations and Critical Areas Stewardship Plans. He emphasized that the Commission welcomes both written and oral comments from the citizens, and written comments should be submitted by May 10th, if possible, so they can be included in the Commission's packets. Written comments that are received after May 10th would also be shared with the Commission, but not before the hearing starts.

CONTINUED DIRECTOR'S REPORT

Mr. Tovar reported on the City Council's recent retreat, where they reviewed their goals for the City. They started with about 30 potential goals, and narrowed the number down to 17. They are planning to schedule two public town hall meetings in June to solicit public input regarding the potential goals. The City Council's intent is to create a revised set of goals for 2006 and 2007.

Vice Chair Kuboi asked if the City Council provided any amended direction regarding the City's future effort to create a comprehensive housing strategy. Mr. Tovar said the development of a housing strategy was included on the City Council's list of 17 potential goals. Whether identified as a goal or not, comprehensive housing strategies would still be considered part of the staff and Commission's work program. The City Council did not specifically discuss details surrounding this effort, so staff must still seek further direction from them on how to proceed.

Mr. Tovar referred to the Commission Agenda Planner. He noted that a public hearing and additional Commission discussion on the Hazardous Tree Regulations and Critical Areas Stewardship Plans has been scheduled for May 18th. If the Commission needs more time to make a recommendation to the City Council, they could discuss the issue further in June and staff could ask the City Council to extend the moratorium. He reviewed that the June 1st meeting has been scheduled as a joint meeting with the Parks Board to discuss the concept of Urban Forest Management. A speaker from Cascade Land Conservancy would also provide a presentation on June 1st to discuss how activities in Shoreline might relate to what is going on in the region. If time allows, he would also provide a report on "form-based zoning."

Mr. Tovar further reported that two site-specific rezone public hearings have been scheduled for June 15th. In addition, the Assistant City Manager would be present to speak to the Commission regarding their July 20th retreat agenda. A joint Planning Commission/City Council/Park Board meeting has been scheduled for June 29th. At that meeting, the Assistant City Manager and Human Resources Manager would provide training on the "communication styles methodology" that is used within the City organization. Two rezone public hearings have tentatively been scheduled for July 6th, as well as a tentative workshop on potential development code amendments. No meetings have been scheduled for the month of August.

REPORTS OF COMMITTEES AND COMMISSIONERS

Chair Piro announced that the Puget Sound Regional Council is working on an update of the Vision 20/20 document, which is the growth, transportation and economic development strategy for the four-county region. A public event has been scheduled for May 23rd in McCaw Hall at the Seattle Center to kick off the release of a draft Environmental Impact Statement that provides four different alternatives for how the region, including the City of Shoreline, King County and neighboring cities, would accommodate the 1.6 million additional people that are anticipated by the year 2040. More information is available at www.psrc.org. He advised that the Planning & Development Services and Public Works Directors are receiving direct information regarding this event, as are the elected officials. He encouraged Commissioners and fellow citizens to participate, as well.

UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

NEW BUSINESS

Chair Piro noted that the City Council would formally acknowledge the service of two former Planning Commissioners (Don Sands and Bill MacCully) at their meeting on May 8th. He encouraged the Commissioners to notify the staff of their plans to attend.

AGENDA FOR NEXT MEETING

The Commissioners had no additional comments to make regarding the agenda for the next meeting.

ADJOURNMENT

The meeting was adjourned at 9:35 p.m.

Rocky Piro
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission

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CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

May 18, 2006
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

COMMISSIONERS PRESENT

Chair Piro
Vice Chair Kuboi
Commissioner Broili
Commissioner Harris
Commissioner Phisuthikul
Commissioner McClelland
Commissioner Pyle
Commissioner Wagner
Commissioner Hall (arrived at 7:05 p.m.)

STAFF PRESENT

Joe Tovar, Director, Planning & Development Services
Steve Cohn, Senior Planner, Planning & Development Services
Matt Torpey, Planner II, Planning & Development Services
Ian Sievers, City Attorney
Jessica Simulcik Smith, Planning Commission Clerk

CALL TO ORDER

Chair Piro called the regular meeting of the Shoreline Planning Commission to order at 7:03 p.m.

ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Piro, Vice Chair Kuboi, Commissioners Broili, Harris, Phisuthikul, McClelland, Pyle and Wagner. Commissioner Hall arrived at 7:05 p.m.

APPROVAL OF AGENDA

The agenda was approved as submitted.

DIRECTOR'S REPORT

Mr. Tovar reported that on May 16th, Shoreline voters approved the City's first park bond levy of \$18.5 million. This bond money would be used to purchase open space properties, make park improvements and develop trails in the City.

Mr. Tovar announced that the concrete girders for the Interurban Trail bridges across Aurora Avenue North would be installed on May 19th. Aurora Avenue North would be closed from 7 p.m. on May 19th until 6 a.m. on May 20th.

Mr. Tovar advised that two town hall meetings have been scheduled in June, for the purpose of allowing citizens an opportunity to provide input to the City Council regarding the City's 2006 and 2007 goals. The first meeting has been tentatively scheduled for June 8th at the Museum, and the second meeting has been scheduled for June 14th at the Shoreline Center. He noted that final dates would be confirmed within the next week, and copies of the City Council's 17 draft goals would be posted on the City's website prior to the meetings.

APPROVAL OF MINUTES

The minutes of May 4, 2006 were approved as drafted.

GENERAL PUBLIC COMMENT

Bob Barta, 15703 – 1st Avenue Northwest, thanked Commissioner Harris, Commissioner Hall, Mr. Tovar, Mr. Cohn and Mr. Torpey for attending the Highland Terrace Neighborhood Meeting on April 18th. He said the Neighborhood's goal is to help the Planning Commission and Planning Department survey the housing needs over the next 20 years. He referred to their website www.highland-terrace.org, which invites the Commissioners, staff, and citizens to submit survey questions that could help reveal the future housing needs. The website also provides good emergency management and preparedness information. Chair Piro said the Commission welcomes the opportunity to attend the various neighborhood meetings.

PUBLIC HEARING ON PERMANENT HAZARDOUS TREES REGULATIONS AND CRITICAL AREAS STEWARDSHIP PLANS

Chair Piro reviewed the rules and procedures for the legislative public hearing. He noted that the Commission recently revised their public hearing procedures to keep the hearing open until after their deliberation process has been completed and just prior to taking formal action.

Staff Overview and Presentation of Preliminary Staff Recommendation

Mr. Tovar advised that the subject of the public hearing is twofold: proposed amendments related to the City's regulations that govern hazardous trees and the creation of a new permanent process called Critical Areas Stewardship Plans. He noted that the provisions regarding the cutting of hazardous trees would apply throughout the City, whether the land includes critical areas or not. However, the Critical Areas Stewardship Plan provisions would only apply on lands identified as critical areas.

Mr. Tovar reported that the Commission received a copy of all written testimony (Items 1-28) received prior to the staff report. In addition, staff provided copies of the additional written testimony (Items 29-45) received subsequent to the Staff Report. Any written comments submitted by citizens during the meeting should be forwarded to the Commission Clerk so they can be entered as part of the comment log.

Mr. Tovar explained that the Staff draft amendments constitute their preliminary recommendation on the regulations, but they would like an opportunity to present a final recommendation after all public testimony has been provided. He reviewed that numerous written comments were received regarding the issue of covenants, and the Commission would likely hear more. He said the staff's position is that private covenants are "private." The City does not create or enforce covenants, and the City is not bound by covenants. However, the City could take notice of covenants, and they may become the basis for policy decisions the City Council or Planning Commission might consider when crafting regulations such as the Critical Areas Stewardship Plan.

Questions by the Commission to Staff

None of the Commissioners raised questions regarding the staff's initial comments and recommendation.

Public Testimony or Comment

Mike Jacobs, 18301 – 8th Northwest, Innis Arden Club President, said the Innis Arden Board disagrees with Mr. Tovar's comment that the City is not bound by private covenants. He pointed out that in the preamble to the proposed legislation, reference is made to considering the goals and objectives of the Growth Management Act (GMA); and one of the goals of the GMA is to protect private property rights. This goal was recently reiterated by a 2005 Supreme Court decision involving a development that is directly north of Innis Arden that was also developed by the Boeings. In addition, a Court of Appeals decision in 1992 upheld the King County Superior Court's decision that the Innis Arden view covenants were valid and legally enforceable. He further noted that this decision indicated that protection of the area's view would be reasonable, and such views are and always have been one of the principal attractions of the Innis Arden Development.

Mr. Jacobs expressed his belief that the proposed legislation would not respect the private covenants of Innis Arden. He referred to a letter from the Innis Arden Club's Attorney, which states that the proposed legislation would destroy 50 years of private property rights in this neighborhood. With respect to hazardous trees, Mr. Jacobs said he finds the proposed process very cumbersome and unwieldy. He specifically referred to Provision h (Page 3, Attachment B), and said the Club believes a peer review by other professionals would be unnecessary and result in duplicated costs. Instead, the City should simply establish a list of qualified arborists who can perform inspections to determine if trees are hazardous.

Mr. Jacobs said that while the proposed Critical Areas Stewardship Plan language professes to make a reasonable accommodation for view rights in a covenanted community, it really does just the opposite. The proposed language would only allow for views at the time the plan was submitted, and this would violate established law that the Innis Arden covenants protect views that were present when the neighborhood was platted in the 1940's. He expressed his concern that the proposed language would put Innis Arden and the City on a collision course. He asked that the Commission allow the Club representatives to work with the staff to come up with more appropriate regulations.

Mr. Jacobs referred to the requirement that a Critical Areas Stewardship Plan must encompass a minimum of 10 acres, which would preclude any private homeowner from attempting to reclaim his/her view. He asked that the Commission consider the elimination of this requirement. He also referred to Item 3.d (Page 5, Attachment B), which talks about the restoration of streams, etc. He pointed out that

because this could cost millions of dollars, it is simply impractical and makes the plan unworkable. Mr. Jacobs urged the Commission to reject the proposed legislation and send it back to the staff for additional work.

Commissioner Broili asked Mr. Jacobs to define what he considers to be a "view." Mr. Jacobs said "view" is defined in the Innis Arden Covenants as views of Puget Sound or the Olympic View Mountains. Commissioner Broili inquired if the Club's definition would call for an unobstructed view only. Mr. Jacobs answered that the private covenants provide that trees be kept to roof height on private properties. If the trees exceed roof height and obstruct Sound and mountain views for adjoining parcels, they are in noncompliance with the private covenants. While there is no specific marker for tree height in the reserves, they have obtained legal opinions that the reserves are subject to the Innis Arden Covenants. The community believes they have the right to manage the reserves for both safety and view, but this does not mean clear cutting.

Commissioner Pyle asked if the Innis Arden Club has historic photographs to illustrate what the neighborhood looked like when it was originally established. Mr. Jacobs said the Club could provide photographs showing what the views were from many properties in the 1940's and 1950's.

Commissioner Broili asked Mr. Jacobs to explain why a stream restoration requirement would be unreasonable. Mr. Jacobs again referred to Item 3.d (Page 5, Attachment B) and explained that the words "enhanced" and "restored" are very broad. Therefore, meeting this requirement could be very costly, depending on the staff's interpretation.

Vice Chair Kuboi asked Mr. Jacobs to provide further information regarding how the Innis Arden Club's covenants could be linked to their reserve areas. Mr. Jacobs said he could provide the Commission with one or two legal opinions that explain how the original covenants also cover tree heights in the reserve areas.

Carol Solle, 17061 – 12th Avenue, submitted pictures that were identified as Exhibit 2.

John Hollinrake, 1048 Northwest, Innis Arden Drive, said that during the four years he has owned his property, seven of his trees have fallen down; one destroyed his storage shed. In addition, two of his neighbor's trees have fallen onto his property in areas where his children play. His property is adjacent to one of the reserves, where numerous trees have fallen. This presents a dangerous situation, and he has been required to hire an arborist to provide reports so that the trees could be taken care of. This new process would be even more lengthy and costly, and could result in additional risk. He suggested they go back to the prior system where a single arborist report would be sufficient to remove a dangerous and hazardous tree. Delaying the removal of hazardous trees puts people and property at risk.

Mr. Hollinrake referred to what he feels are erroneous statements made by Nancy Rust, Elaine Phelps and others that the Innis Arden Reserves are not subject to covenants. He referred to a written statement he submitted, which included a document that transferred the reserves to the Innis Arden Club. If the Club accepted the properties, the document required that they agree to apply the Innis Arden Covenants to all club properties, including the reserves. The Courts have held that the original covenants were designed to preserve and protect views and that the Innis Arden residents have private property rights.

Mr. Hollinrake pointed out that documentation can refute the statements made by Ms. Rust and Ms. Phelps. The property owners do have view rights for their private properties and the reserves.

Chair Piro asked Mr. Hollinrake if his property has been designated as a critical area. Mr. Hollinrake answered that parts of it are, and most of his hazardous tree situations have occurred within the critical area.

Bonnie Jardine, 18784 Ridgefield Road Northwest, said she moved to Innis Arden in 1960. She recalled that in the early 1960's, the shareholders and Club got together to devise a Reserve Management Plan, which identified certain critical areas where trees could not be cut. However, the present Innis Arden Club Board has thrown out the Original Reserve Management Plan and started cutting "hazardous trees" in the critical areas within the reserves. Now, they are proposing to cut trees in the Eagle Reserve in order to preserve views. She expressed her belief that trees within critical areas should only be cut if they are hazardous. She pointed out that the Eagle Reserve has steep slopes and a creek running through it, and these natural features should be taken into consideration. Ms. Jardine said that while some people believe the proposed Critical Areas Stewardship Plan would take away the Innis Arden Covenants, she doesn't see how this would be possible since the Club worked with the City to create the Reserve Management Plan.

Harley O'Neil, 18645 – 17th Avenue Northwest, said he is a member of the Innis Arden Board, but would be speaking as an individual property owner. He said he is fortunate enough to not live in the part of Innis Arden that has view obstruction by trees, except for those located within the reserve that are part of his view. He explained that many of the residents of Innis Arden have lived in the neighborhood for 50 years, and they have provided testimony and pictures showing the original 180 degree views they enjoyed. Now many of these people have no view at all, and they can't see the water or the mountains. Mr. O'Neil said that when he first got on the Club Board, he reviewed numerous legal documents from the Superior Court and Court of Appeals. The judges have made it very clear that the Innis Arden Board has a responsibility to the residents to protect the views and covenants. He asked that the Planning Commission and the City of Shoreline staff work with the Club Board to come up with a plan that is reasonable.

Mr. O'Neil referred to the proposed language for Section 20.80.087.2 (Page 4, Attachment B), which states that an approved stewardship plan may authorize limited cutting of non-hazardous trees. He expressed his concern that if trees are blocking views, there must be a way to replace them with other trees that would perform the same function. Mr. O'Neil also referred to the proposed language for Section 20.80.087.5 (Page 5, Attachment B) and pointed out that the requirements of a stewardship plan would be very onerous.

Commissioner McClelland said she recently read a statement in the covenants that said if a private property owner did not preserve his/her view, the opportunity to have a view would be lost. Mr. O'Neil said a property owner would not lose the opportunity for a view. He expressed his belief that Mr. Boeing should have planted different kinds of trees that did not grow to block views. In addition, he expressed his belief that prior Club Boards could have maintained a better plan.

Barbara Guthrie, 18531 Ashworth Avenue North, suggested that if removal of a tree is granted by the Director after assessment under the proposed Tree Evaluation Form, and assuming the tree does not

impose an immediate danger to property or life, consideration should be given as to the time of year the removal could occur. She further requested that tree removal be delayed until bird nesting season is over. Also, since Snags are extremely important to wildlife habitat and the Statement of Purpose in Section 20.50.310 notes the importance of maintaining fish and wildlife habitat, Ms. Guthrie requested the Commission consider a "keep the tree standing" policy. She pointed out that Seattle has such a policy, and they convert as many hazardous trees as possible into Snags.

Ms. Guthrie pointed out that, outside of critical areas, Shoreline's code allows any property owner permission to remove six trees every 36 months. She questioned how this is monitored, and suggested that for accurate monitoring, permits should be mandated for all tree removal within Shoreline, except those imposing immediate danger.

Ms. Guthrie stated that because money talks, it can be a great incentive in upholding ordinances. She pointed out that Bellevue has just instituted greater penalties for the removal of trees in environmentally critical areas, and residents who illegally cut trees now have to pay a fine based on the International Society of Arboriculture's prescribed value of a tree. For example, a large Douglas Fir in good condition could cost nearly \$12,000. Ms. Guthrie closed by suggesting that if Shoreline is serious about tree retention and if they want their City logo depicting conifers to mean something in the future, they must put some teeth into the regulations.

Judy Griesel, 648 Northwest 163rd Street, said that although she doesn't live in Innis Arden, she drives through it a lot. She said she is a big supporter of trees since they are very important to the environment and to the landscape. They make the area beautiful and help with erosion. Trees can be very beautiful to look at and through. As the Commission considers tree cutting policies, she asked that they consider not only safety issues but also how trees enhance neighborhoods and make them healthy.

Beverly Tabor, 325 Northwest 199th Street, said she is a former resident of Innis Arden. They purchased their property for the setting. She suggested that when Mr. Boeing developed Innis Arden, he gave no real thought to the environmental impacts. She said she became involved in the effort to preserve trees when she was asked to cut trees on her property to preserve another property owners' view. However, she also feels bad for the property owners who purchased property with a view that no longer exists. She said that when she contacted the King County Assessor's Office, she was told that the residents of Innis Arden had a right to keep the reserve areas undeveloped as greenbelts without being taxed for the view. However, private property owners with a view are assessed a higher tax. She said the property she currently owns has a significant number of trees on it, and she would not want anyone to force her to cut them down to preserve the view of an adjacent property owner.

Marilyn Brown, 17221 – 13th Northwest, said that right now, their view is considered good, and the view from adjacent properties to the north and south is considered excellent. She pointed out that the better the view, the more taxes a property owner is required to pay. She said her view is beautiful to her, and she is thankful her neighbors to the west have obeyed the rules and cut their trees. Ms. Brown distributed pictures depicting the view from her property.

Chair Piro asked if Ms. Brown's property is located in a critical area. Ms. Brown answered that it is not a critical area, and the people who affect their view are all private property owners. Because the neighbors are so considerate to cut the trees, their view has been preserved.

Wendy DiPeso, 328 Northeast 192nd Street, said Commissioner Pyle previously asked why the proposed language focuses on native vegetation and whether non-native vegetation would do the job as well or better (Question 23, Attachment A). Ms. DiPeso asked that the Commission keep in mind that the purpose of maintaining a critical area is to protect the watersheds, prevent erosion, and provide habitat for fish and wildlife. She pointed out that humans have already created disconnected and fractured islands natural areas, and the rapid change in the climate system is also impacting native plant and animal species. Choosing to replace native landscape with non-native plants would further degrade what is left of the existing ecosystem.

Ms. DiPeso said that while she doesn't live in Innis Arden, she has spoke to people on both sides of the debate. Her understanding is that when Innis Arden was originally established, covenants were put in place to require property owners to top trees in private areas to preserve views. She asked if these covenants are being enforced. She pointed out that, in some cases, people who purchased property that did not come with a view want to cut down trees in critical areas so they can get something they didn't pay for. She said she is not in favor of adjacent property owners being allowed to grow trees that end up blocking an existing view. However, she is in favor of protecting critical areas because of the value they provide to the entire community. Whatever they do, the City must be in compliance with the Growth Management Act, and her understanding is that the covenants are subservient to the State or County laws.

Commissioner Pyle asked Ms. DiPeso to define the terms "native" and "invasive." Ms. DiPeso explained that a native species is something that has been part of the ecosystem for a long time and is in balance with the rest of the ecosystem. Native species provide habitat and food and help clean the water before it reaches Puget Sound. She said an invasive species is something that did not originate from a particular area. It is brought in and, because of its nature, is able to spread and multiply and force out the native species.

Elaine Phelps, 17238 – 10th Avenue Northwest, said she represents the Association for Responsible Management of Innis Arden, Inc (ARM). She said that while the proposed regulations for hazardous trees and the cutting of trees and vegetation in critical areas are not yet where she would like them to be, they are a great improvement over what currently exists. She said the tree height amendment to the Innis Arden Covenants was approved in 1982 and was not part of the original covenants. It states in part, "In order to preserve the views of Puget Sound and the Olympic Mountains from lots in said subdivision, all trees, shrubs, brush and landscaping, whether native or planted, on residential lots in said subdivision shall be kept to a height no higher than the highest point of the roof surface nor higher than the height of the house on each lot, whichever is lower." Ms. Phelps said the Innis Arden reserves never were, are not now, and can never be residential lots. It follows from this that the reserves are not subject to the tree height amendment which, as stated, applies only to residential lots. She pointed out that this issue will be going to court soon, so it would be inappropriate for the Commission to make a decision one way or the other right now. Ms. Phelps recommended the Commission carefully consider the letter recently submitted by Paul Blauert that speaks knowledgeably and in great detail regarding this and related issues.

Ms. Phelps recalled that in 1997 she was part of a group that hammered out a compromise in Innis Arden regarding cutting of trees in the reserves for views. On one side were those who wanted to

improve or create views, and on the other side were those who wanted to protect the reserves. The Vegetation Management Plan that was finally adopted and approved by the City did not work mostly because those wanting to create views were not willing to abide by the agreement and also because the City did little or nothing to enforce the plan.

Ms. Phelps said she now comes before the Commission to oppose all cutting for views in critical areas because she has a better understanding of what is at stake and because she has witnessed the total disregard for the environmental consequences of cutting for views. In a letter dated May 8, 2006, the Innis Arden Board's Attorney stated that the Innis Arden Club shares the concern for protection of critical areas. But she pointed out this is not true, as evidenced by the irresponsible and environmentally ravaging cutting the Board has not only permitted but endorsed and promoted. She said pictures of this destruction were presented to the Commission previously. She added that the president of the Innis Arden Board went so far as to assert, in response to a plea to preserve particular trees, "the Board has no interest in whether a tree is in a critical area or buffer."

Ms. Phelps said that cutting trees in critical areas for private views is antithetical to the intent of the GMA and State Environmental Protection Act (SEPA). The Critical Areas Ordinance supplies the foundation on which state measures are implemented locally, and public and private critical areas form a great web of interconnectedness. She urged the Commission to take special measures to ensure that further degradation is as limited as possible. When it is allowed, it must have an urgent and necessary countervailing public benefit; and to the extent practical, it should be subject to strong mitigation processes.

Ms. Phelps pointed out that some letters the Commission received from Innis Arden residents attempt to establish as fact what is yet to be determined by courts. Letters that are most critical of the City staff's proposal are largely based on a particular and, in her opinion, incorrect interpretation of the Innis Arden Covenants. She emphasized that Innis Arden was never clear cut; only the residential lots were cleared. Ms. Phelps said that past court statements that writers attached to their letters were a careful selection of only those documents that support their position. Other documents exist that tend to refute their position on the interpretation of the Innis Arden covenants and support the position of their opponents.

Ms. Phelps advised that one letter suggests that several aspects of the staff proposal would embroil the City in legal controversies, but this assertion seems to be based on the doubly fallacious assumption that Innis Arden covenants establish view rights that embrace all trees and that these purported rights take precedence over state and city laws. She pointed that the City has its own legal advisers so they need not rely on lawyers who are partisans in the debate to determine what is lawful and what can be successfully defended in a court of law. Whatever decision the Commission makes, Ms. Phelps reminded them that the best plan is worth no more than the strength of effective enforcement policies that accompany it. She urged them to consider the enforcement details before they conclude their deliberations.

Commissioner Broili asked Ms. Phelps to provide her definition for "view." Ms. Phelps said ARM has not attempted to provide a definition for "view." Her definition of "view" is what you can see from your home. Innis Arden has wonderful views, and some are territorial views of trees. Even if all of the trees and homes were removed, she would not have a view of the mountains or Puget Sound, but she does have a deep concern about the environmental protection of critical areas.

Vice Chair Kuboi asked if the legal action initiated by ARM has a timetable for completion. Ms. Phelps answered that no timetable has been established yet.

June Howard, 824 Northwest Innis Arden Drive, expressed her opinion that the proposed Critical Areas Stewardship Plan would be impossible to implement to restore views. A 10-acre requirement is far too great, since no one in Shoreline owns 10 acres. She pointed out that the Innis Arden property owners are trying to obtain the views they should have had to start with. She reminded the Commission that the City negated the Vegetation Management Plan that was referenced earlier. She also pointed out that arborists have provided a list of native trees and shrubs that could be used in critical areas to restore views. In addition, she pointed out that hundreds of plants and shrubs have been planted in the reserves where cutting and planting have occurred. They are not desecrating the reserves. Instead they are opening them up. They are very pleasant to walk in. She summarized that just because they want to protect their views does not mean they don't love the environment. They love the trees, but they also want their views. They should be able to do rehabilitation in critical areas when trees need to be replaced. She asked the Commission to listen and understand their situation.

Cass Turnbull, 906 Northwest 87th Street, Seattle, said that 20 years ago she started an organization to promote better pruning. Her main concern is that trees not be topped. While people think this is a good way to save both the view and the trees, it actually destroys trees by making them ugly and dangerous. She said she is not sure the Court of Appeals Judge realized that some residents were being forced to make their trees hazardous by other residents seeking view. She expressed her opinion that people should not be allowed to create a hazardous situation by topping trees. Ms. Turnbull pointed out that a major component about whether or not a tree is dangerous is the target. If there is no target, there is no hazardous tree. A tree can only be considered a hazard if it is going to hit something if it falls over, and that something needs to be there most of the time. For example, a pathway would not have a high hazard rating if, at any given time, a person is not standing directly beneath the tree. On the other hand, a house would have a high target rating. When judging whether or not a tree is potentially dangerous, she urged the legal department to pay close attention to the target and how often it is present during a 24-hour period.

Commissioner McClelland inquired regarding the name of Ms. Turnbull's organization. Ms. Turnbull answered that her organization is called Plant Amnesty, which is an organization to promote better pruning. She said she is also an International Society of Arboriculture (ISA) Certified Arborist. She reminded the Commission that landscape architects are not qualified to identify hazardous trees; but some of the ISA Certified Arborists have training in that regard. She said she would look for a certified arborist who has several years experience and whether or not they have taken the specific courses on hazardous tree evaluation. She said peer review is a good idea to provide a check system to make sure an applicant's expert is not "bought off."

Commissioner Phisuthikul asked if there are guidelines or a formula set forth for determining if a tree is hazardous. Ms. Turnbull said the ISA has identified three factors to consider when evaluating a hazardous tree: the part of the tree which is going to fail and the most likely point of failure, the weight of the tree or portion of tree that will fall, and what it would hit. The hazardous tree must be near something that is present a good part of the day for it to receive a high hazard rating. Commissioner Phisuthikul asked Ms. Turnbull if the City's Tree Evaluation Form would allow for an assessment that is

consistent with the ISA standards. Ms. Turnbull said she has not reviewed the City's form, but she assumed it was the same as the one used by the ISA.

Ewa Sledziewski, 17736 – 15th Avenue Northwest, said she is a past board member of the Innis Arden Club. She pointed out that none of the Commissioners are Native Americans. All of their ancestors came to America for freedom, but now they are considering a proposal that would limit personal freedoms. She expressed her belief that she should not have to come to the City for permission to prune or cut a hazardous tree on her property. She asked how much time it would take for her to apply for and receive this permission. In the meantime, who would be responsible for the damages that occur when a tree falls?

Ms. Sledziewski expressed her concern that none of the residents of Innis Arden really know who the members of ARM are. Only those who share their philosophy are invited to attend their meetings. ARM is a small group that pulls strings in the City to get what they want—being surrounded by trees. They do everything possible to make life hard for those who want to preserve their views. She expressed her opinion that a compromise could take place if both sides were willing to work together. They don't need to have Douglas Firs in Innis Arden when other lower-growing species could be used to serve the same purpose.

Fran Lilleness, 17736 – 14th Avenue Northwest, said she has lived in Innis Arden since 1987. She pointed out that Innis Arden was platted parallel with the Sound deliberately to maximize the number of views that could be offered to the residents. She shared the original plot map of Innis Arden and referred to Number 13 from the reserve language which states that "the reserve tracts would not be dedicated to the public but shall be used for parks, trails, playgrounds or other community purposes, not to be standing and obstructing views." This language gives the residents of Innis Arden every right to create a natural park within their reserves. The proposed language would take property, and this would be in violation of the law. The residents paid dearly for the covenants.

Ms. Lilleness referred to Ms. Phelps' comment that only the residential lots are covered by the covenants. She read from the original covenant document which states that all tracts, parcels, lots and areas are subject to the covenants. She said they have been working for the past 15 years to protect their covenants. Commissioner Hall asked about the date of the map and original covenants that were referenced by Ms. Lilleness. Ms. Lilleness answered that there is no date, but the map is about 60 years old.

Nancy Rust, 18747 Ridgefield Road Northwest, disagreed with many of the previous speakers. She felt that a lot of misinformation has been spread around Innis Arden. People have been told they will lose their property rights and views, but nothing could be further from the truth. The City is not taking away any rights. The view preservation amendment was not part of the original covenants, and it had nothing to do with what Mr. Boeing planned or what was in the original platting. Innis Arden was never entirely clear cut, and she purchased a wooded lot in 1957. Some of the trees were very old at the time. She offered her support for the hazardous tree amendment because the present statute has been abused. In the past, healthy trees have been cut down for views.

Ms. Rust refuted the idea that residents of Innis Arden have a private view right. The attorney for the Innis Arden Board quoted from the judge who ruled that the view preservation amendment was legal,

and she does not dispute this. However, the attorney does not refer to the fact that the judge ruled the amendment does not cover the reserves. He only talked about the part of the suit that dealt with residential lots. She emphasized that the proposed amendments only apply to critical areas.

Richard Ellison, 8003 – 28th Avenue Northeast, Seattle, said he teaches environmental science and biology at Shoreline Community College, and he takes his classes into the Boeing Creek area to study the habitat and changes in ecology. He said he wishes they could return Boeing Creek to the way it was 50 or 60 years ago when the ecosystem was cleaner and the water flowed much better. While he recognizes they cannot do this, the City has a responsibility to do what they can to preserve and enhance the native species and habitat. Non-native species are those things that did not evolve in the ecosystem, and they are not too much of a problem if they are not invasive. But property owners along Boeing Creek are not controlling the invasive species, and this is devastating the habitat. If they whittle away what remains of the critical areas in order to protect or create view, they end up taking away their own heritage. It would be unfortunate to remove the large trees in order to protect a private property owner's view. He urged the Commission to support the proposed ordinance as written. The City's current provision for removing hazardous trees has been abused in the past, and the proposed new language would correct this problem.

Pam Smit, 18229 – 13th Avenue Northwest, said she met with Mr. Tovar a few weeks ago because she was concerned about the activities of ARM, which represents a very small minority of the neighborhood. She pointed out that no proof has been provided to support their statement that the City's hazardous tree ordinance has been abused. On the contrary, the Innis Arden Club President has provided documentation from two different groups of arborists.

Ms. Smit pointed out that the majority of residents in Innis Arden are concerned about the environment. People who like trees for a view can move somewhere else, but they shouldn't ask the residents of Innis Arden to sacrifice their views. She noted that Innis Arden is small and unique. There are 538 homes in Innis Arden, and everyone knows what the covenants are. People should either live by the rules or move. She urged the Commission to reconsider the 10-acre requirement since this would eliminate the possibility of applying the concept to private lots.

Cathryn Carlstrom, 1033 Northwest 175th Street, said she is a real estate developer who lives in Innis Arden. She pointed out that Shoreline was founded on views, with shores to the north, south, east and west. At one time, it was all collectively clear cut. Her grandparents were homesteaders in the Shoreline area, and she has a deep vested interest in the community. When the area was clear cut, many of the trees that grew back were not Douglas Firs. There are many deciduous trees in the reserves. There is a significant amount of wind speed in the area, and over the years the trees in the reserves have reached a critical point in their life and are becoming an increasing maintenance concern. The community needs to come together to create a mutually responsible stewardship program for all of Shoreline. She asked the City to take this responsibility seriously. Where there are policies and laws that conflict with homeowners' rights that have been in existence for many years, they must try to harmonize. There is no reason the City's goals can't be accomplished through compromise.

Robert Blair, 18365 Ridgefield Road Northwest, said he also lives in Innis Arden. He urged the Commission to consider the legal issues and previous court rulings. If the City approves an ordinance that is not legal, it will be challenged and overruled.

John Crooks, 17710 – 24th Avenue Northwest, said he lives in Innis Arden. He applauded the Commission for overseeing the crafting of the proposed document. However, he cautioned them to craft a document that does what it has to do, but does not attempt to resolve an internal dispute in Innis Arden.

Carol Solle, 17061 – 12th Avenue Northwest, referred to Ms. Turnbull's earlier comment that paths are not a target for a hazardous tree. She pointed out that the Innis Arden neighborhood does not have sidewalks. The road shoulders are frequently overgrown with vegetation and there are blind corners. The children use the reserves to get to the swimming pool, school, etc. She urged the Commission to consider paths as being legitimate targets for hazardous trees.

Presentation of Final Staff Recommendation

Mr. Tovar advised that the staff would be interested in further discussions regarding the concept of adopting a list of arborists to perform the hazardous tree evaluations. Staff is concerned that the proposed language not result in a redundant process. The City Council has expressed their concern that the City rely on advice that is not only expert, but as credible and objective as they can make it.

Commissioner Pyle commented that, as part of their recently adopted Critical Areas Ordinance, King County has devised a preferred consultant's list that they use for stewardship plans for critical areas tracts. He suggested that staff find out more information about their program. Mr. Tovar agreed to research the County's language, as well as gather ideas from other jurisdictions. He agreed that creating a list of qualified individuals would certainly simplify the process.

Final Questions by the Commission

Commissioner Broili asked Mr. Jacobs if it was true that the view covenants were conceived and adopted in 1982. Mr. Jacobs answered that the view covenants were part of the original covenants that were created long before 1982. Covenant 11 speaks to nuisance trees and other vegetation and gives the Board conclusive authority to make a decision that a tree or a hedge is a nuisance. The Court of Appeals found that the 1982 amendment was designed to clarify the intent of the original covenants. The Courts found that the 1982 amendment was part of the original intent of the Boeings.

Commissioner Broili referred to the suggestion by some citizens that the view covenants were for private property only and did not extend to the reserves. Mr. Jacobs explained that granting language to the club specifically stated that all tracts, including the reserve tracts, were subject to the covenants. Despite Ms. Rust's and Ms. Phelp's assertions to the contrary, the Club has received legal opinions to this effect from other than their Club Council, which were issued as early as the 1980's.

Commissioner Hall asked Mr. Jacobs to clarify whether Covenant 11 speaks about nuisance or only about noxious uses of property. Mr. Jacobs replied that Commissioner Hall's copy of the covenants was incomplete. He read Covenant 11 in its entirety, pointing out that "the construction or maintenance of a spite or nuisance wall, hedge, fence or tree shall be prohibited on said property." Commissioner Phisuthikul pointed out that Covenant 11 does not say anything specifically about view blockage being classified as noxious or a nuisance. Mr. Jacobs said the courts have held that a tree in violation of a mutually restrictive view covenant is considered to be a nuisance. He further stated that the verbiage he read from Covenant 11 has been interpreted as walls, hedges, fences or trees that block views.

Commissioner McClelland pointed out that the covenants have been in place for many years and there has always been a Board that had authority to carry out the covenants. However, trees have been allowed to grow and views have not been protected. She asked why the Innis Arden Club Board has not created a history of protecting views. Secondly, when the GMA was adopted in 1990 and local governments were required to carry out state law by enacting a critical areas ordinance, did the Board ever talk about the consequences this would have on the Innis Arden covenants and views? Mr. Jacobs said some of the views have been protected and preserved, but some have been lost. Before the tree height covenant was adopted, people felt their only recourse was to file suit in court, and many did not want to have disputes with their neighbors. The Club's Board was encouraged by the court to adopt a procedure to enforce the covenants, and this was done in 1992. The current procedure was adopted in 2005. The Board hears disputes between neighbors and makes a determination about whether a tree is above the roof height and/or obstructs the Sound view. If the property is in a critical area, the Board recognizes that the respondent must obtain a permit from the City in order to remove the tree. However, if the stewardship plan is limited to a minimum of 10 acres, private property owners would not be able to cut trees to restore views.

Mr. Jacobs shared a 2001 project that took place in the Grouse Reserve. The Club worked with the City to remove about 70 diseased and declining trees and plant 350 trees and thousands of plants and ground cover. Grouse Reserve is now flourishing again, but the canopy has been lowered. Mr. Jacobs said that as a result of changes in the King County Sensitive Areas Ordinance in the mid 1990's, the Board developed a Vegetation Management Plan that was approved in 1997. The plan did not work well, and the City revoked it a few years ago.

Chair Piro asked Mr. Jacobs to share some of the issues and problems related to the Vegetation Management Plan's lack of success. Mr. Jacobs said one problem was that it required a density of 125 basal feet before any trees could be removed. This is generally a requirement for old growth forests rather than an urban greenbelt. This threshold was considered too high.

Vice Chair Kuboi pointed out that current code allows a private property owner to cut down significant trees every 36 months in non-critical areas. He further pointed out that the hazardous tree language would apply to the entire City and not just critical areas. He questioned how these two regulations relate to each other. Mr. Tovar explained that the regulation that allows a property owner to remove six trees within a 36-month period applies to trees that are not within critical areas. The hazardous tree ordinance would only come into play in non-critical areas if a property owner had already removed six trees. He clarified that the hazardous tree ordinance would apply to the removal of any tree that is located within a critical area.

Vice Chair Kuboi asked if the proposed language for the removal of hazardous trees makes a distinction between significant and otherwise. Mr. Tovar answered that the impact of the hazardous tree amendments to non-critical areas would be small because a property owner would be allowed to remove up to six significant and any number of smaller sized trees from a property that is not classified as critical. Vice Chair Kuboi said it is not clear to him that the proposed language would not apply to a non-significant hazardous tree. Commissioner Pyle explained that a property owner would be allowed to remove a non-significant tree from a non-critical area without City approval whether it were hazardous or not.

Commission Deliberation

The Commission discussed whether or not they wanted to continue their deliberations or postpone them to a future meeting. Commissioner Phisuthikul suggested that the Commission could also decide to separate the two issues and act on them individually. The Commission agreed to consider each of the items separately, starting with the Hazardous Tree Regulations.

COMMISSIONER HALL MOVED THAT THE COMMISSION RECOMMEND TO THE CITY COUNCIL STAFF'S RECOMMENDED PROPOSED CODE AMENDMENT LANGUAGE REGARDING HAZARDOUS TREES (20.50.310). COMMISSIONER BROILI SECONDED THE MOTION FOR DISCUSSION PURPOSES.

Vice Chair Kuboi asked if staff is planning to propose a definition for "recreational trail." Mr. Tovar said that staff would research definitions from other jurisdictions and provide a proposed definition for the Commission to consider on June 1st. Commissioner McClelland suggested that they take out the word "recreational." Mr. Tovar encouraged the Commission to be as specific as possible about the types of trail they have in mind, particularly if they are identifying legitimate targets for purposes of being concerned about trees falling on them.

COMMISSIONER HALL MOVED TO AMEND THE MAIN MOTION TO DELETE "RECREATIONAL TRAILS" FROM THE LANGUAGE IN SECTION 20.50.310.A.1.i. COMMISSIONER BROILI SECONDED THE MOTION TO AMEND.

Commissioner Harris said his interpretation of a recreational trail is one that is used occasionally for pleasure or enjoyment. If a trail is used everyday by students going to school, it would not be considered a recreational use.

Commissioner Broili pointed out that trails are not high target areas because people pass by quickly. The time a person is near a hazardous tree is generally seconds. He suggested the Commission must first flush out the issue of target, and there is arborist language that could be used to guide them through the process.

Commissioner Hall referred to the list of other targets identified on the Tree Evaluation Form (Attachment D) and noted that most are regulated by the City through other required permits. However, he expressed his concern that anyone could construct a trail without a permit in order to apply the hazardous tree regulations. There is a difference in the risk associated with a City-maintained and permitted sidewalk constructed to engineering standards compared to a trail through the woods.

Vice Chair Kuboi pointed out that at least one City Council Member specifically called out recreational trails as a provision in the moratorium language. Mr. Tovar recalled that the moratorium initially adopted in January did not include "recreational trails" on the list of targets. At the public hearing in February, the Innis Arden Club asked them to include "recreational trails." The City Council agreed to amend the interim control. However, the Commission could still recommend that "recreational trails" be deleted and then explain why. Commissioner Phisuthikul suggested that perhaps it would be helpful to better define the term "recreational trail."

COMMISSIONER BROILI MOVED TO EXTEND THE MEETING ANOTHER 15 MINUTES. COMMISSIONER PYLE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Commissioner Pyle pointed out if recreational trails are covered somewhere in the Parks and Recreation Master Plan or Transportation Master Plan as something that is essential to transportation throughout the City, they should keep the term in the proposed provisions, as well. Commissioner McClelland agreed. She suggested that instead of just listing the targets, perhaps the Tree Evaluation Form should rank the targets in terms of risk. Mr. Torpey referred to the back side of the Tree Evaluation Form and noted that targets are already rated on a 1 to 4 scale, based on the amount of use.

Commissioner Broili expressed his concern that if "recreational trail" is left in the proposed language, they must provide a definition and/or some way of blocking the proliferation of trails and judging whether it is a high or low target. Commissioner Harris said he would be in favor of leaving "recreational trails" in the proposed language. He said he would be opposed to exposing the City to additional liability by not allowing them to act in a rapid manner. Again, Commissioner Pyle suggested that if they keep the term "recreational trails," they should use a definition that is consistent with the one used in the Parks and Recreation Master Plan or Transportation Master Plan. Mr. Torpey agreed that it would be confusing to have different definitions for the same term. He said he would check to see how the term is defined in other areas of the code.

Commissioner Hall pointed out that most of the critical areas in Innis Arden are geologic hazard areas. The GMA requires the City to designate and protect critical areas for a reason, and there are different reasons for each of the five types of critical areas. The purpose of regulating development activities in geologic hazard areas is not so much to protect the habitat functions, but to prevent possible landslides. It might not make sense to provide a trail at the bottom of a gully in an Innis Arden Reserve for school children to use because he suspects that landslides are common occurrence in these locations. Commissioner Broili said that during his tour of the reserve areas he noted that some of the trails that had been constructed in the reserves were far more hazardous than any of the trees. Commissioner Phisuthikul reminded the Commissioners that the Hazardous Tree Ordinance would apply to all areas of the City, and not only the critical areas.

THE MOTION TO AMEND THE MAIN MOTION TO DELETE "RECREATIONAL TRAILS" FROM THE LANGUAGE IN SECTION 20.50.310.A.1.i FAILED UNANIMOUSLY.

Continuation of the Public Hearing

Commissioner Hall suggested the Commission continue the public hearing and allow staff the opportunity to do additional research and bring back a proposed definition for "recreational trails."

Chair Piro advised that if the hearing is continued to the next meeting, no additional public notice would be sent out. Any new language that is developed by staff would be made available on the City's website and in the Planning Commission packets that are distributed prior to the meeting. Because the hearing would be continued, citizens would be allowed to submit additional written testimony until the public hearing is closed at the next meeting. However, he emphasized that it would be helpful for the citizens to submit their comments by May 24th so that they could be forwarded to the Commission as part of the staff report. Mr. Torpey shared his contact information with members of the public.

Chair Piro clarified that when the public hearing is continued at the next meeting, individuals who have already testified would typically not be eligible to testify again. However, if new language is proposed, these individuals would be allowed to address strictly the new information. Anyone who hasn't yet testified would be eligible to speak to the Commission.

Commissioner Phisuthikul referred to a typo in the draft ordinance (Page 4, Attachment B). Staff noted that "SMC 20.80.085" should be changed to "SMC 20.80.030." Mr. Torpey pointed out that SMC 20.80.030 provides exemptions for landscaping, removal of blackberries, etc.

Chair Piro offered appreciation to the staff for the way they provided information back to the Commission based on the questions they raised at the last meeting.

Commissioner Phisuthikul questioned if the Commission wanted staff to work on the concept of providing an approved list of professionals. The Commission agreed to allow staff to bring this idea back as an option for consideration at the next meeting.

Commissioner Hall pointed out that if the public hearing were continued to the June 1st meeting, other issues would have to be postponed to a later date. He reminded the Commission that they have scheduled a joint meeting with the Parks Board to discuss Urban Forest Management. In addition, discussions regarding the Cascade Agenda and Form-Based Zoning have also been scheduled for June 1st. He noted that because other individuals have been invited to participate, he would prefer not to change the June 1st agenda. Chair Piro added that public hearings have also been tentatively scheduled on the June 15th agenda.

Mr. Tovar said staff would likely present a request to the City Council that they extend the moratorium to provide ample time for the Commission and City Council to consider the issue. He noted that the town hall meetings that are scheduled in June will cover some of the topics that are scheduled for discussion on June 1st. Therefore, the Commission could postpone the joint meeting with the Parks Board until after the town hall meetings have taken place and the City Council has whittled down their goals and given clear direction on what their priorities are. Commissioner Hall expressed concern that the joint meeting with the Parks Board was an action item identified by the Commission at their March 2005 Retreat.

VICE CHAIR KUBOI MOVED THAT THE PUBLIC HEARING BE CONTINUED TO JUNE 1, 2006. COMMISSIONER WAGNER SECONDED THE MOTION. THE MOTION CARRIED 7-0, WITH COMMISSIONERS HALL AND BROILI ABSTAINING.

REPORTS OF COMMITTEES AND COMMISSIONERS

There were no reports from committees or Commissioners.

UNFINISHED BUSINESS

There was no unfinished business on the agenda.

NEW BUSINESS

There was no new business scheduled on the agenda.

ANNOUNCEMENTS

No additional announcements were made during this portion of the meeting.

AGENDA FOR NEXT MEETING

Mr. Tovar clarified that the items originally scheduled for June 1st would have to be rescheduled to a future agenda. He noted that the next open agenda would be September 7th. The Commission asked staff to work with the Parks Board to reschedule the joint meeting as soon as possible, perhaps at one of the August meetings.

ADJOURNMENT

The meeting was adjourned at 10:08 p.m.

Rocky Piro
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission

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CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

June 1, 2006
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

COMMISSIONERS PRESENT

Chair Piro
Vice Chair Kuboi
Commissioner Broili
Commissioner Harris
Commissioner Phisuthikul
Commissioner McClelland
Commissioner Hall
Commissioner Wagner
Commissioner Pyle

STAFF PRESENT

Joe Tovar, Director, Planning & Development Services
Steve Cohn, Senior Planner, Planning & Development Services
Matt Torpey, Planner II, Planning & Development Services
Jessica Simulcik Smith, Planning Commission Clerk

CALL TO ORDER

Chair Piro called the regular meeting of the Shoreline Planning Commission to order at 7:05 p.m.

ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Piro, Vice Chair Kuboi, Commissioners Broili, Harris, Phisuthikul, McClelland, Pyle, Hall and Wagner.

APPROVAL OF AGENDA

The agenda was approved as submitted.

DIRECTOR'S REPORT

Mr. Tovar said he would like to discuss the Commission's agenda planner at some point, but he suggested that this discussion be postponed until after the public hearing and Commission deliberation on the Hazardous Tree Ordinance and Critical Areas Stewardship Plan have been completed.

Mr. Tovar announced that the joint City Council/Park Board/Library Board/Planning Commission meeting has been scheduled for Tuesday, June 27th instead of Thursday, June 29th. Therefore, the Commission could decide to schedule a special meeting on the fifth Thursday (June 29th) if need be.

APPROVAL OF MINUTES

The minutes of May 18, 2006 were approved as submitted.

GENERAL PUBLIC COMMENT

Bob Barta, 15703 – 1st Avenue Northwest, pointed out that when any of the plans (Development Code, Shoreline Municipal Code, and Comprehensive Plan) are incongruous with the intent of Shoreline's policy to promote public health, safety and general welfare, corrections must be made as soon as possible. Secondly, Mr. Barta suggested the Commission hold a discussion at a future meeting to determine at what point a City representative or employee would be required to represent or assist the public at neighborhood meetings when land use development projects are being considered. He suggested that one attendee from the neighborhood should be designated as a contact person so the City could verify how an issue was settled. He also suggested that a video or tape recording be made. He said that, in his experience with neighborhood meetings, the public tends to be aced out of the process. Lastly, Mr. Barta encouraged the Commission to schedule a future discussion about ways to accommodate affordable housing in Shoreline, especially for younger couples. The City needs to have children in the community to keep the schools full. He submitted documents regarding the concept of community land use trusts (Exhibit 3) for the Commission's consideration.

Dennis Lee, 14547 – 26th Avenue Northeast, reminded the Commission of the concept of "neighborhood sub area planning" which is called out in the Comprehensive Plan. This concept was designed to protect the character of the existing neighborhoods. He briefly reviewed recent issues that have come up in the City regarding minimum lot size, cottage housing, multi-family residential housing, etc. He also reminded the Commission of a previous suggestion that the City create design standards to prevent developers from taking advantage of the intention of cottage housing (smaller units with lots of open space). Mr. Lee asked the Commission to consider the opportunity to complete a sub area plan for the Briarcrest Neighborhood. This would be a neighborhood driven development process, and the end result would have to be consistent with the Comprehensive Plan. He pointed out that there are some 2 and 3 bedroom starter homes on 7,200 square foot lots in the Briarcrest Neighborhood, but these would likely be replaced in the future with larger homes. The properties along 145th would likely be developed as multi-family units. A neighborhood sub area planning process would allow them to balance the uses, preserve the neighborhood character, and offer home ownership opportunities.

Chair Piro asked staff to contact Mr. Lee and advise him about what is currently happening with sub area neighborhood planning in the City. Mr. Tovar said staff recently discussed the concept of neighborhood planning with the City Council, and they plan to give a short report to the Commission on June 15th. Chair Piro also requested that staff provide an update on the City's progress in reviewing housing issues. Mr. Tovar reminded the Commission that the City Council has scheduled two town hall meetings to solicit public input regarding their 16 draft goals, including the issue of housing choices,

neighborhood planning, etc. The meetings are scheduled for June 6th at 6:30 p.m. at the Historic Museum and June 14th at 6:30 p.m. at the Shoreline Center.

CONTINUED PUBLIC HEARING ON PERMANENT HAZARDOUS TREES REGULATIONS AND CRITICAL AREAS STEWARDSHIP PLAN

Chair Piro reviewed the rules and procedures for the continued public hearing. He explained that, typically, oral comment would only be accepted from those who did not testify on May 18th. However, because revised provisions have been offered that were not included in the May 18th draft, oral comment would be accepted from people who previously testified, as well. He asked that they limit their testimony to the new provisions, only. He noted that previous comments have already been included as part of the record.

Staff Briefing

Mr. Tovar referred to a memorandum from staff dated May 25, 2006, and reviewed the four attachments as follows:

- Attachment A – Proposed text showing staff recommended revisions in strikeout/underline format.

Mr. Tovar referred to Item “h” and explained that the proposed new language would require the director to establish a list of arborists, and persons seeking an exemption would have to choose one of the arborists from the list. The arborist would make a professional recommendation in accordance with the standards of the International Society of Arboriculture, and the Director would make the final determination. He noted that changes were also made in Items “i” and “j” to reference the list.

Mr. Tovar referred to Item “i” and recalled that issues were raised about whether walkways, trails, and sidewalks should be identified in the text of the code. He said it is clear that approved paths made of asphalt or concrete are places where people would walk. However, the issue is not so clear with unimproved trails. Rather than redefining “trails,” staff has proposed language in the code provisions for trees that would give the Director the discretion to determine whether or not a trail is a designated trail for purposes of constituting a target. Mr. Tovar also reviewed the minor changes that have been proposed for Item “j”.

- Attachment B – City of Shoreline Trails Information

Mr. Tovar pointed out that the Shoreline Municipal Code’s definition for trails might be useful for describing where some trails in the City might be, but it does not describe all trails. Again, he reviewed that the recommended changes to Item “i” of Attachment A would allow the Director the discretion to determine whether a trail is a designated trail for purposes of constituting a target.

- Attachment C – Memorandum from City Attorney and Planning Director

Mr. Tovar said this memorandum was written in response to public comments regarding the relevance and effect of prior litigation, including Viking versus Holm, on the City's authority and discretion to craft the proposed regulations.

▪ Attachment D – Additional Public Comment Letters

Mr. Tovar advised that the Planning and Development Services Department has received a number of additional written comments, which were included as Attachment D.

Mr. Tovar advised that since the staff report was written, the City Attorney received additional correspondence on a number of subjects, including the relevance of the Viking versus Holm decision and the City's right to pass critical areas regulations that might conflict with the Innis Arden Covenants. He read the additional memorandum that was provided by the City Attorney to supplement his earlier response to this concern.

Mr. Torpey provided two maps. One identifies the critical areas within the City, including streams, lakes and wetlands and slopes. The other map shows the location of the Innis Arden Reserves. He noted that Reserve M is a City-owned property, although it is contained within the Innis Arden neighborhood. In response to a question from the Commission, he said staff could provide, on a request basis, a map of critical areas for any area of town.

Continued Public Testimony or Comment

Beverly Meln, 1440 Northwest 186th Street, said she would like to address the preservation of the Innis Arden Reserves, which comprise much of the sensitive critical areas in Innis Arden. Some have suggested that strict preservation of these areas would violate the property owners' "right to a view." She expressed her belief that the City cannot violate rights that do not exist. She explained that in 1992, the King County Superior Court mandated that the Reserves are not governed by the view amendment and trees in the Reserves cannot be cut for views under that amendment. She concluded that only residential lots could be cut for views. She emphasized that all the Reserves were, and still are subject to the enforcement of the Critical Areas Ordinance. She urged the Commission to do all they can to protect and preserve all of the sensitive critical areas in Shoreline. They are important to ensuring a healthy quality of life in the City. She submitted legal documents to support her statement, which were identified as Exhibit 4.

Wayne Cottingham 17228 – 10th Northwest, said he has lived in Innis Arden for the past 41 years. He pointed out that there are no Innis Arden Covenants, and they are not a covenanted community. They have restrictive mutual easements that were impressed on the land by Mr. Boeing through the first master deed for each of the three subdivisions. As Mr. Boeing addressed the restrictive mutual easements, his operative words were "subject to." When subsequent lots were sold, they referred back to the master deed and made each lot "subject to." Mr. Cottingham explained that in 1949, when Mr. Boeing wrote the restrictive mutual easements for Innis Arden 3, addressing Section 13 of Paragraph 13, he wrote "Reserve M may be divided into residential lots at which time they shall become subject in all respects to the restrictive mutual easements of Innis Arden 3 in the same manner as all of the other

residential lots.” That was the only tract that could be divided and the only one that was not given to the Innis Arden Club. It was the only tract that could be amended. Thirteen months after Mr. Boeing wrote the deeds, he offered to purchase stock in the Innis Arden Club, Inc. and asked that they be bound by the restrictive mutual easements. Upon receiving that assurance, he quickly claimed the Reserves to the Innis Arden Club, but not subject to those certain restrictive mutual easements.

Art Wright, 1304 Northwest 8th Street, said he is a 20-year resident of Innis Arden. When his lot was first developed, it was not clear cut. It was a wooded lot. In his deed, the word “covenant” does not appear. Instead, the words “restrictive mutual easements” was used. The Commission should understand there is a distinction between a covenant and an easement as far as property rights are concerned. Likewise, the word “view” does not appear in the papers drawn up by Mr. Boeing in the 1940’s. There is a paragraph concerning fences, hedges and walls and the noxious use of property. In this day and age, the public does not consider trees to be a nuisance. The only nuisance in Innis Arden might be said to be the club house because of the noise it creates. Trees absorb carbon dioxide to help the atmosphere, and most cities are working hard to get greenbelts. However, the Innis Arden Board wants to eliminate their greenbelt. Mr. Wright said he supports the proposed ordinance, which would help preserve the greenbelts within the City.

Mike Jacobs, 18301 – 8th Northwest, Innis Arden Club President, advised that Mr. Cottingham, Ms. Meln, Ms. Phelps and a few other residents have sued the club. They have some unique ideas as to what the covenants consist of and require. This matter is in King County Superior Court. To date, they have filed a number of motions, but they have yet to be successful with any of them.

Mr. Jacobs referred to Attachment C (the memorandum submitted by the Planning Director and City Attorney) and said the club is very concerned about its content. The memorandum suggests that the Innis Arden Club representatives have overstated the effects of prior litigation. Mr. Jacobs specifically referred to the Viking Decision (August 2005), and said the court concluded that the City has no authority to invalidate restrictive covenants. Yet, that is essentially what the City is proposing to do now.

Mr. Jacobs pointed out that, as proposed, the Stewardship Plan would prevent Innis Arden residents from removing any trees within critical areas that are less than 10 acres in size, and this includes all private properties. It also limits the removal of trees to the view that existed at the time the plan was submitted. He suggested that this would result in an arbitrary and capricious taking situation. The City Attorney states in his June 1st memorandum, that “The right to have trees cut for view and the owner’s right to cut for view on his or her own property are both subject to local land use regulations, which are not arbitrary or capricious.”

Mr. Jacobs pointed out that in 2002, the club presented a vegetation management plan to the City for Grouse Reserve, which is a critical area. As per the approved plan, the City permitted the club to remove approximately 70 trees in the critical area. He submitted a copy of the vegetation management plan, which was identified as Exhibit 6. He questioned why it was permissible in 2002 to remove trees within a critical area and now it is not. He questioned the science that would support the proposed prohibition of even one tree being removed from a critical area. He asked that the Commission reject

the proposal and allow the club to work further with staff to come up with a plan that is mutually acceptable and beneficial to all.

Fran Lilleniss, 17730 – 14th Avenue Northwest, referred to the list of invasive species that were reviewed at the last meeting and noted that the list did not include human beings, even though they are the most invasive species on the planet. Humans have chosen to live the way they want to without regard to the environment and habitat. She referred to Mr. Ellison's comments at the last meeting that property owners along Boeing Creek are not controlling the invasive species, and this is devastating the habitat. She provided a pictures of an invasive species property that is not being cared for, and asked what the City intends to do about the situation. The pictures were entered into the record as Exhibit 7. She said she does not feel that property with trees cut down would be ugly.

Ms. Lilleniss pointed out that Mr. Boeing paid extra money to give Innis Arden property owners protective mutual easements, which they call covenants. Legally, she suggested that protective mutual easements are actually stronger than covenants. She noted that the Reserves were not included in Judge Ellington's lawsuit because, at the time, the property owners adjacent to the Reserves dealt with trees that were growing in their views.

Harley O'Neil, 18645 – 17th Avenue Northwest, said he is a resident of Innis Arden. He pointed out that when Mr. Boeing sold the lots, he specified which ones were view lots and they were sold for a higher price. Secondly, Mr. O'Neil expressed his belief that the majority of Innis Arden residents are concerned about the critical areas. However, he is not convinced that some of the trees in question are doing a better job than another type of tree that could be used for soil stability, water absorption, etc. He urged the Commission to review best available science to determine what could be done to secure and protect the critical areas and, at the same time, provide the views people were given when they purchased properties. It is sad to see what has happened to the views over the years.

Pam Smit, 18229 – 13th Avenue Northwest, said she also lives in Innis Arden. She said she is confused about the process for reviewing the proposal. She asked why the City didn't use more of a collaborative effort. Since the Innis Arden community would be most impacted, she suggested the City should have held a meeting with the people living in that neighborhood. She urged the Commission to stop the debate about whether or not the covenants should be valued. Since the critical areas stewardship plan provision would only apply to properties that are 10 acres or larger, she questioned how the City would deal with trees being cut from individual private properties within critical areas.

Commission Deliberation and Final Recommendation on Proposed Hazardous Tree Ordinance

Chair Piro reminded the Commission that a motion was put on the floor at the last meeting that still needs to be voted on at some point. He also reminded the Commission that new language was proposed by staff subsequent to the motion on the floor.

Commissioner Broili referred to Item "i" on Attachment A and asked staff to explain how the City would track improved trails over time, and at what point the process would take place. Would the City keep a permanent record of trails? Mr. Tovar said that a trail could be identified at the time an

application for a stewardship plan is submitted. While property owners could wait until they have a hazardous tree situation, he would encourage them to let the City know about trails as soon as possible. Once information has been submitted to the City, it would be digitized and identified on the City's base map as a recognized trail.

Commissioner Wagner suggested that the list of targets contained in the proposed ordinance seems redundant since the same information is included on the Tree Evaluation Form. Mr. Tovar said that many citizens have raised questions about what portions of a larger critical area would be considered a "target."

Commissioner Hall pointed out that the revised proposal would require an arborist to conduct an evaluation of a tree. It would also give the Director the discretion to make the determination on whether or not it is a hazard. He asked if the proposal includes any guidelines or provisions to indicate the required level of evaluation, and how the Director would ensure the consistent application of his discretion over time. Mr. Tovar explained that all the arborists on the City's list would likely interpret the facts somewhat differently. But if all the reports are submitted to the same decision maker, there would be a consistent control point.

Commissioner Wagner suggested that instead of the Director making a final call and having the City take on the liability, it would be more appropriate to have a second arborist evaluate the situation. Mr. Tovar recalled that citizens expressed a concern that the review process not be redundant. Therefore, staff recommends that a second arborist opinion only be required if the Director deems it necessary.

Vice Chair Kuboi pointed out that there are still elements of the proposed language that are not clear, such as how trails can be defined and how the approved arborist list would be created and maintained. He asked at what point in the process these additional elements would be defined. Mr. Tovar said the Commission could decide they want all of the details worked out before making a recommendation to the City Council or they could forward a recommendation on the proposed language and rely on the City administrators to address the details. He pointed out that staff creates a number of forms, procedures and checklists administratively to enforce other parts of the codes where there is no specific statutory direction.

Commissioner Broili referred to Item "h" of Attachment A and asked if it would be appropriate to include language to make it clear that payment for the arborist would be made by the City and reimbursed by the property owner. This would make it clear that the arborist is responsible to report to the City and not the applicant. Mr. Tovar advised that, typically, when cities use a consultant as part of a three-part contract, the applicant would pay the City, the City would pay the consultant and the consultant would report to the City.

COMMISSIONER HALL WITHDREW HIS MAIN MOTION FROM MAY 18TH TO RECOMMEND APPROVAL OF THE PROPOSED CODE AMENDMENT LANGUAGE REGARDING HAZARDOUS TREES. COMMISSIONER BROILI WITHDREW HIS SECOND.

Commissioner Pyle referred to Items “h” and “i” on Attachment A, and suggested that the two items conflict with each other as to who would have the ultimate authority to grant approval for removal of a tree. Item “h” implies that the final determination would be granted to the Director, but Item “i” alludes to the fact that the city-approved arborist would have the ultimate authority. Mr. Tovar agreed and suggested that Item “i” be revised to read, “Approval to cut or prune vegetation may only be given if the Director, upon the recommendation of the city-approved arborist concludes that . . .” The Commission agreed this would be an appropriate change.

Commissioner Wagner questioned if it would be appropriate to replace the word “vegetation” with “trees” to be consistent with the other sections of the proposed language. Commissioner Broili expressed his belief that the underbrush and other vegetation could be just as important as trees to the functionality of a slope in a critical area. Commissioner Hall agreed and pointed out that the hazardous tree provisions are intended to apply citywide to all hazardous trees inside or outside of critical areas and would not alter the protection of critical areas as provided for in the Critical Areas Ordinance. Mr. Torpey agreed that nothing in the hazardous tree provisions would override the protections identified in the Critical Areas Ordinance. The Commission agreed that “vegetation” should be replaced with “tree” in Item “i” of Attachment A.

COMMISSIONER HALL MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE CITY COUNCIL STAFF’S JUNE 1ST RECOMMENDED PROPOSED CODE LANGUAGE REGARDING HAZARDOUS TREES (20.50.310) WITH THE FOLLOWING AMENDMENTS TO SECTION 20.50.310.a.1.I: STRIKE “*VEGETATION*” AND INSERT “*TREES;*” UN-STRIKE “*DIRECTOR*” AND INSERT “*UPON THE RECOMMENDATION OF THE*” [*upon the recommendation of the City approved arborist*]. COMMISSIONER BROILI SECONDED THE MOTION.

Commissioner Hall emphasized the importance of having the Planning Commission enter their findings and conclusions into the record to support their motions. He suggested the following findings:

- Some members of the public expressed support of the staff proposal, and some opposed it. Some indicated they would support the proposal if it had more stringent conditions for removal of a hazardous tree. Others indicated they would support it if it had less stringent conditions.
- The record supports the finding that removing hazardous trees has the potential to reduce hazards to human life, health and property.
- The record also supports the finding that cutting trees in steep slopes has the potential to reduce slope stability and possibly create a hazard to human life, health and property.
- Cutting trees anywhere in the City, inside or outside of critical areas, has the potential to degrade ecosystems and the natural environment and to alter the character of Shoreline and its treescape.

Commissioner Hall concluded that the staff’s proposal strikes a careful balance between the goal of protecting human life, health and property from the hazards of falling trees and the goal of protecting

human life, health and property, as well as the natural environment, from the consequences of cutting trees both inside and outside of critical areas in the City of Shoreline.

Commissioner Pyle indicated his support of Commissioner Hall's findings and conclusions. However, the proposed language does not address circumstances where a hazardous tree becomes a serious threat and the property owner does not have time to contact the City's Customer Response Team and go through the process of obtaining the necessary approval to remove the tree. Commissioner Harris suggested that if there were a significant storm, a property owner would likely experience a delay in finding someone to cut the tree down, as well.

Commissioner McClelland said it is important for the City to make an effort to inform the residents of Shoreline of the new Hazardous Tree Ordinance. This could be as simple as a brochure or information on the City's website. They should not just assume that most people would know about the ordinance without being specifically informed.

Commissioner Phisuthikul reminded the Commission that the provision would only apply to properties where six significant trees have already been removed within a three-year period. Commissioner Hall agreed, but pointed out that the "six tree" provision would only apply to properties that are outside of critical areas.

Commissioner Harris clarified that, as per the proposed language, the City would provide a list of numerous arborists. Mr. Tovar said he anticipates the staff would use a recruitment process to identify qualified arborists. This would likely include an interview process to find out about their qualifications, their availability and their experience. The City's Forester would likely participate in the selection process. Commissioner Harris asked if the City would establish a pre-set fee with each of the arborists on the list. Mr. Tovar said this would likely be spelled out in a three-party contract that all of the arborists on the list would sign. Commissioner Harris said he would prefer that the issue of monetary compensation be between the arborist and the applicant rather than mandated by the City. Mr. Tovar said he would prefer a set fee so an arborist would not be influenced by how much he/she is getting paid.

Closure of Public Hearing on Proposed Hazardous Tree Ordinance

COMMISSIONER BROILI MOVED THAT THE COMMISSION CLOSE THE PUBLIC HEARING ON THE HAZARDOUS TREES PORTION OF THE HEARING. COMMISSIONER HARRIS SECONDED THE MOTION.

Commissioner Hall asked that when the staff prepares findings and conclusions for the City Council's review, they should add the finding that public notice was provided, that the proposed amendments were consistent with the topical area that was discussed and properly publicly noticed, that the changes made by the Commission were designed as improvements, and that there would be adequate opportunity for additional public comment and notice when the item comes before the City Council in a legislative public hearing.

Vice Chair Kuboi pointed out that if the Commission were to close the hearing for the proposed Hazardous Tree Ordinance, they would not be able to further direct staff to craft specific language about how arborist lists or trails would be defined. These details would have to be developed after the fact, with no involvement from the Commission. Chair Piro said his interpretation is that after the public hearing is closed, the Commission would still have the ability to direct staff to do additional work.

THE MOTION TO CLOSE THE PUBLIC HEARING CARRIED UNANIMOUSLY.

Continued Commission Deliberation and Recommendation on Proposed Hazardous Tree Ordinance

COMMISSIONER WAGNER MOVED THAT THE COMMISSION STRIKE ALL OF "c" IN 20.50.310.a.1 AND STRIKE "OR CLEARING VEGETATION" FROM "d." COMMISSIONER PYLE SECONDED THE MOTION.

Mr. Tovar pointed out that if Item "c" were removed, he would not necessarily have the authority to require that a report be done by the City's forester. He added that the term "peer review" does not appear in the draft Hazardous Tree Ordinance, but it is used in the draft language for Critical Area Stewardship Plans. He recommended that if the Commission takes Item "c" out of the draft Hazardous Tree Ordinance, they should place it in the draft Critical Area Stewardship Plan Ordinance, instead.

Commissioner Phisuthikul said he would be in favor of retaining Item "c", as written, since this would allow the Director to use peer review (a third party), if necessary, when making final decisions regarding hazardous trees, as well. Commissioner Harris recalled that the intent of creating a list of approved arborists was to eliminate the City's need for additional peer review. Commissioner Pyle said his understanding of the proposed language is that the Director could go to a third party (the City's forester or another arborist on the approved list) to review the submitted application. However, the cost of the third party review would be the City's responsibility. Commissioner McClelland reminded the Commission that the term "peer review" is no longer included in the proposed Hazardous Tree Ordinance, so there is no need to retain Item "c".

CHAIR PIRO PROPOSED A FRIENDLY AMENDMENT TO STRIKE ALL OF "c" FROM 20.50.310.a.1 AND INSERT THE LANGUAGE INTO 20.80.087, THE CRITICAL AREAS STEWARDSHIP PLAN SECTION OF THE DEVELOPMENT CODE. COMMISSIONERS WAGNER AND PYLE ACCEPTED THE FRIENDLY AMENDMENT.

THE MOTION, AS AMENDED, WAS APPROVED 8-1, WITH COMMISSIONER PHISUTHIKUL VOTING IN OPPOSITION.

Vice Chair Kuboi asked staff to explain how a trail would be documented for the purpose of applying the proposed language. Mr. Tovar explained that if the proposed language were adopted by the City Council, staff would develop a form for this purpose. An applicant would be asked to submit a scale drawing or map, indicating the location and alignment of the trail. Once a trail has been approved by staff, it would be identified on the City's digitized GIS map as an improved trail. Staff could consult the

map whenever someone submits a Hazardous Tree Form. Vice Chair Kuboi said that, in theory, it would be possible for someone to construct a trail near a tree that has some hazardous conditions just to create a target situation that would allow them to cut the tree down. There is nothing in the proposed language that would enable the City to establish whether or not the trail was in place before the tree reached a hazardous situation. Mr. Tovar said that when reviewing trail forms, he would require a property owner to demonstrate that the trail is used on a frequent basis.

Commissioner Pyle cautioned against adding improved trails to the City's GIS mapping system, since this could end up degrading the quality of the GIS system. However, GPS mapping or legal descriptions of the trails might be useful. It would also be useful to hand sketch the trails and attach the drawings to titles.

Commissioner Wagner expressed her concern with the language regarding "recreational trails." She suggested that it would be duplicative to identify the target as part of the tree evaluation form, and then have separate language in the proposed language to define what a target is. She suggested that the language in the regulation should be illustrative and the determination should be based on the risk assessment form.

The Commission discussed the idea of eliminating the list in Item "i" of Attachment A. It was suggested that, instead, the section should refer to the Tree Evaluation Form, which is straight forward. Mr. Torpey said that, from an administrative perspective, without listing the actual targets, anything could be considered a target. Chair Piro cautioned against referencing a form in the code language. The majority of the Commission concurred.

COMMISSIONER WAGNER MOVED TO UN-STRIKE "RECREATIONAL TRAILS" FROM 20.50.310.A.1.i AND STRIKE THE STAFF'S INSERTED LANGUAGE "AND ANY TRAIL AS PROPOSED BY THE PROPERTY OWNER AND APPROVED BY THE DIRECTOR FOR PURPOSES OF THIS SECTION." COMMISSIONER HALL SECONDED THE MOTION.

Commissioner Hall noted that on May 18th, he made a motion to strike "recreational trails," but the motion failed unanimously. He took that as the Commission's intent to retain the term. In the staff report, it was noted that trails are defined elsewhere in the code and are used in the Parks and Recreation Comprehensive Plan.

THE MOTION CARRIED 5-2-2, WITH COMMISSIONERS HALL, HARRIS, MCCLELLAND, WAGNER AND PIRO VOTING IN FAVOR AND COMMISSIONERS PHISUTHIKUL AND PYLE VOTING AGAINST. COMMISSIONERS BROILI AND KUBOI ABSTAINED FROM VOTING.

Commissioner Pyle said his understanding of the motion is that Item "i" would revert back to the original text. Commissioner Wagner explained the intent of her motion.

COMMISSIONER HALL MOVED THAT THE COMMISSION RECONSIDER THEIR VOTE ON THE PREVIOUS MOTION. COMMISSIONER PYLE SECONDED THE MOTION. THE MOTION TO RECONSIDER WAS APPROVED UNANIMOUSLY.

COMMISSIONER WAGNER MOVED THAT THE COMMISSION UN-STRIKE "RECREATIONAL TRAILS" FROM 20.50.310.A.1.i. COMMISSIONER PYLE SECONDED THE MOTION. THE MOTION CARRIED, 6-2-1, WITH COMMISSIONERS HARRIS, MCCLELLAND, PHISUTHIKUL, PYLE, WAGNER AND PIRO VOTING IN FAVOR AND COMMISSIONERS HALL AND KUBOI VOTING AGAINST. COMMISSIONER BROILI ABSTAINED.

THE MAIN MOTION TO RECOMMEND APPROVAL OF STAFF'S JUNE 1ST RECOMMENDED PROPOSED CODE LANGUAGE REGARDING HAZARDOUS TREES (20.50.310) WAS UNANIMOUSLY APPROVED AS AMENDED.

Commission Deliberation and Final Recommendation on Proposed Critical Areas Stewardship Plans

COMMISSIONER HALL MOVED TO RECOMMEND DENIAL OF STAFF'S PROPOSED CRITICAL AREAS STEWARDSHIP PLAN IN SECTION 20.80.087 OF THE DEVELOPMENT CODE. COMMISSIONER WAGNER SECONDED THE MOTION.

Commissioner Hall pointed out that a lot of work has occurred regarding the issue of "Critical Areas Stewardship Plans." However, testimony from both sides indicates that neither side supports the current proposal. The Innis Arden Club has encouraged the Commission to send the issue back to staff for additional work with the help of club representatives. The Innis Arden Club expressed their opinion that the proposed language would make it too difficult to cut trees to protect views. Other citizens expressed opposition to the staff's proposal because it would make it too easy to cut trees in critical areas and that the proposal would create an undue hardship on the City's critical areas and ecosystems. While he doesn't know what the right answer is, he concluded that they did not hear overwhelming support from either side regarding the current proposal.

Commissioner Pyle asked regarding the current mechanism for removing trees within critical areas, aside from a critical areas reasonable use permit. Mr. Tovar said that is the only option available for removing trees in critical areas.

Chair Piro commended the staff and citizens for their hard work on the issue. However, he said he has significant concerns about the proposed language because the definition for "view" is too open ended. Therefore, he would not support bringing the issue of "view" into the Critical Areas Ordinance at this time. He concluded that he would support the motion to deny the proposed language for Critical Areas Stewardship Plans.

Commissioner Harris said he would support the motion to deny the proposed language, as well. Because the stewardship plan could be applied for various reasons throughout the City, he suggested

that the issue of view be removed. Instead, the concept should rely on science and require applicants to prove that critical areas would not be impacted. Rather than focusing on the covenants, the issue should be about whether or not critical areas could be protected and/or improved on a basis of science.

Commissioner Pyle agreed with Mr. Crook's testimony from the May 18th meeting in which he cautioned the Commission to craft an ordinance that does not attempt to resolve an internal dispute. He said he would vote against the proposed language because it has "view" strictly identified as a trigger mechanism for approaching a Critical Areas Stewardship Plan.

Commissioner McClelland expressed her concern that much of the testimony offered to the Commission was not on point with regard to the Commission's responsibility. She reminded the Commission that the City is required by law to adopt and enforce a Critical Areas Ordinance. The Commission is in a difficult and unique situation of trying to figure out how to abide by the law and still allow covenants to be effective. She expressed her belief that the proposed language does not resolve this issue. She suggested there must be some method that would allow the staff, the community and the Commission to work together to develop a solution so that it does not end up in an expensive court battle.

Commissioner Broili said he would also support the motion to deny the proposed stewardship plan language. He said he is in favor of the disparate parties coming together under the umbrella of the City to devise some type of management strategy for the reserves. He said he would not be in favor of the Commission getting involved in the middle of the dispute. Another option would be to form a group, similar to the Economic Development Task Force, to create criteria for a Critical Areas Stewardship Plan.

The Commission discussed whether it was their job to reflect state law or the community values and concerns. Commissioner McClelland said she feels the Commission's responsibility is to find the nexus between what the State law requires of the City's government and what the community feels they are entitled to. Chair Piro agreed that their job is to try to do both. Commissioner Hall pointed out that while State law requires the City to protect critical areas, it does not say how or to what extent they must do so. While the City's Critical Areas Ordinance must meet the test of best available science, state law allows communities to consider what the proper balance should be. He summarized that it is the Commission's job to reflect the values of the local community and do the best they can to make recommendations that are consistent with these values.

Chair Piro summarized that the Commission has a responsibility to deal with the issue of critical areas, and he commended the staff for trying to create ordinance language that would balance the state requirements, as well as the community values. However, it appears the Commission does not feel the proposed language is ready to move forward to the City Council for consideration.

Commissioner Phisuthikul applauded the staff for creating an excellent draft ordinance, which provides and adequate opportunity for check and balance. It also allows flexibility to the applicants to propose certain concepts if they are concerned about view protection. The proposal would not be a blanket "view protection" ordinance, but it would offer property owners an opportunity to present plans that

would result in no net loss to the critical area. If no net loss would result from the removal of a tree, the City should have some mechanism to allow this to occur.

Closure of Public Hearing on Proposed Critical Areas Stewardship Plans

COMMISSIONER HALL MOVED TO CLOSE THE PUBLIC HEARING ON CRITICAL AREAS STEWARDSHIP PLANS. COMMISSIONER BROILI SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Continued Commission Deliberation and Final Recommendation on Proposed Critical Areas Stewardship Plans

Commissioner Hall pointed out that the City's current Critical Areas Ordinance is intended to protect all critical areas throughout the City, and not just Innis Arden. He further pointed out that most of the testimony provided was not really on point with the decision before the Commission. He noted that neither the current regulations nor the proposed regulations would likely end the controversy or litigation between private parties within the community. He did not feel the proposed motion would either hinder or further any of the current private litigation.

Commissioner Pyle asked if the Commissioners would be more willing to support the draft language if the section pertaining to "views" was deleted from the proposal. The ordinance could then be applied unilaterally throughout the City. This would allow a property owner to alter a critical area if they could put together a plan that proves there would be no net loss of function or values. He noted that, with the exception of the section related to views, the remainder of the proposal is positive and would provide the staff with a tool to adequately deal with tree removal and tree management on properties regardless of use.

Commissioner Hall agreed that the "view" section is a significant challenge, but removing it would not likely resolve the issues raised by the community. Most of the opposition was against cutting trees in critical areas regardless of the purpose. He concluded that it would be difficult to craft stewardship plan language until the community is ready to accept that active management of critical areas might be acceptable.

Commissioner Pyle pointed out that one of the requirements of a critical areas reasonable use permit is actually proving there would be no net loss of functions and values. All the proposed language would do is change the process a little. It would take the Hearing Examiner out of the process and make it an administrative decision, but it would still require the same documentation. Anyone could apply for a critical areas reasonable use permit because they are under a hardship, and they would have an opportunity to present their case to the Hearing Examiner. As long as they could prove a hardship and that there would be no net loss in functions or values, their application would be approved.

Commissioner Broili expressed his belief that the City needs to do something. They need a strategy that would allow for no net loss or improve the existing functions and values. He noted that the functions and values of the City's wetlands have been badly degraded and need to be improved. He said that while they cannot get back to an old growth forest, they can obtain an urban forest that functions the

same as an old growth forest but looks different. He urged the City to take the lead and develop an Urban Forest Management Strategy that would restore the functional qualities of both the critical areas and the forested areas. Mr. Tovar invited the Commissioners to attend the town hall meetings that are scheduled of June 6th and June 14th, where the issue of Urban Forest Management would be discussed.

THE MOTION TO DENY THE STAFF'S PROPOSED CRITICAL AREAS STEWARDSHIP PLAN IN SECTION 20.80.087 OF THE DEVELOPMENT CODE WAS APPROVED 8-1, WITH COMMISSIONER PHISUTHIKUL VOTING IN OPPOSITION.

Commissioner Hall asked if the approved motion would preclude the staff from taking the proposal to the City Council for consideration. Mr. Tovar answered that because the Planning Department initiated the proposal, he would expect them to, at the very least, report to the City Council and explain how the process moved forward. The Commission's recommendation would be provided to the City Council, and the City Council would be asked to provide staff with direction on how they want them to proceed.

REPORTS OF COMMITTEES AND COMMISSIONERS

Chair Piro announced that the Puget Sound Regional Council (PSRC) is actively engaged in the public comment period for the four-county regional strategy revision of the Vision 20/20 Plan. He noted that several Commissioners attended the kick-off event. He said citizens could access and provide comments on the four alternatives being proposed by visiting the PSRC's website at www.psrc.org.

UNFINISHED BUSINESS

Mr. Tovar noted that the special meeting that was tentatively scheduled for June 29th would not be necessary.

NEW BUSINESS

There was no new business scheduled on the agenda.

ANNOUNCEMENTS

There were no additional announcements provided during this portion of the meeting.

AGENDA FOR NEXT MEETING

Chair Piro reviewed that the June 15th agenda would include two public hearings. Mr. Tovar said the hearings would be regarding two site-specific rezones. In addition, the Assistant City Manager would be present to talk to the Commission about their retreat agenda.

Commissioner Hall reminded staff that a joint meeting with the Parks Board is a priority of the Commission. Mr. Tovar suggested that the joint meeting would likely be scheduled for September 7th.

ADJOURNMENT

The meeting was adjourned at 9:52 p.m.

Rocky Piro
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Request to Hire an Additional Development Review Engineer and Amend the Budget to Include a Contract for Engineering Services
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Joseph W. Tovar, FAICP Director

I. PROBLEM/ISSUE STATEMENT:

Over the past six months, staff has become acutely aware that the Department lacks sufficient staff capacity to perform the timely and thorough civil review required for development permits. This is due to a variety of reasons such as an increased level of applications, the complexity of infill development, and an increased need to thoroughly review all applications. This has led to a ballooning of the backlog of project applications awaiting review, approval, and issuance by the City and resulted in dramatic increases in the length of time it takes for us to process new permit applications. The burgeoning backlog and lengthening review time has resulted in high stress and needless cost for customers (e.g., permit applicants and the homebuyers who purchase their products). This in turn has resulted in escalating complaints reaching the City administration and even Council.

This problem should be addressed quickly because the unacceptable delays in permit processing will only get worse with the passage of time. To further exacerbate the situation, the only Development Review Engineer on staff resigned and the position is currently vacant leaving us with no onsite engineer to perform permit reviews or to provide "face to face" service for permit customers. We are left with no option but to contract with an engineering consulting firm. Our present inability to keep up with the permit volume compounds the problem since it means we also lack the capacity to address other factors. For example, PADS efforts to perform an overhaul of the Engineering Development Guide and the program to assist in the City's adoption of the 2005 King County Surface Water Manual must be put on hold until we have the in-house ability not only to process present permit volumes, but to make system improvements.

The difficulty that PADS has in doing the civil review for single family redevelopment and short plat applications is complicated by infrastructure deficiencies in Shoreline and the fact that most of our new residential development is in scattered relatively small "infill" sites. The street grid and most of the road/drainage/walkway infrastructure to serve our residential neighborhoods was developed (or not developed) in the 50's and 60's. Many of the parcels that were passed over for development were the more problematic ones with drainage challenges, steep slopes or wetlands. As developers now propose further subdivision and the placement of new housing on these remaining

"infill" sites, we are faced with more difficult and labor-intensive civil review of appropriate frontage improvements and on-site grading and drainage systems. Also, when the City adopted the 1998 King County Stormwater Design Manual, we locally amended the threshold for triggering drainage review from 5,000 sq. ft. of new impervious surface to 1,500 sq. ft. In doing this, we dramatically increased the number of projects that require civil review.

II. BACKGROUND

The Development Review Engineer (DRE) position was moved from Public Works to PADS in September of 2005. This organizational shift was made in order to improve the capacity of the City's permit-review department to simultaneously address the on-site and street frontage civil engineering requirements of City code. Prior to the shift, the DRE's time was also assigned to other tasks within Public Works, and communication and coordination with permit review by PADS was less direct and efficient. To better understand the work performed by the Development Review Engineer, Attachment A contains an outline of the typical steps employed to complete the review of civil plans and Attachment B contains the Development Review Engineer Job Description.

At the time of the position shifting to PADS, there was no quantification of the actual workload that had been performed previously by the DRE, and thus no way to know if one FTE was sufficient capacity to perform the required civil review. Since the position was filled in late summer of 2005, we have had an opportunity to clearly see the fit, or lack of fit, between actual need and available capacity.

As was outlined on May 12 in a memo to the City Manager (Attachment C), our one existing FTE engineer must perform a minimum of 500 civil plan reviews in 220 work days annually, or about two per day. In actual practice, the Development Review Engineer must also spend time daily to deal with resubmitted corrected plans, pre-application meetings with applicants, field inspections and problem solving on permitted projects, and request from citizens for public information. We estimate that we have about half of the DRE resource we need to perform both the civil review and all these other ancillary tasks.

When comparing our community, our department, and our workload to other jurisdictions in the region, it becomes readily apparent that Shoreline is under-resourced for the job of civil review of development permit applications. The table in Attachment E illustrates the basic staffing for engineering review of development permits and permitting levels found at comparably sized cities in the region.

A review of the admittedly cursory data suggests that all of the comparable jurisdictions devote more than one person to perform engineering reviews. The number of permits per civil engineering reviewer varies, but in general it appears that the annual number of permits per civil engineering reviewer is less than 100 permits. This compares with 360 permits per year that we have been attempting to review with just one FTE. Even if we look at the information in Attachment E conservatively (i.e., assume that the average in comparable jurisdictions is twice that, or 200 permits per year per FTE) we are still

dramatically under-staffed to perform this function. The order of magnitude of shortfall is easily 1.0 FTE.

III. ALTERNATIVES ANALYZED

New Full Time Employee (FTE) - hire second Development Review Engineer

There appears to be no question that we require at least one additional FTE for development review engineering in PADS. The only alternative that we have considered, and rejected, was spending the available permit revenues (See Attachment F) on contracted engineering services. This approach is, in fact, what the City did for much of 2005, and even now has resorted to in view of our backlog and recent vacancy in the existing Development Review Engineer position. While the use of outside consultant services does help, it has limitations and can even contribute to other problems.

During the period of 2005 when the City relied on outside engineering services to perform civil review on permit applications, we experienced a number of problems. We found that an off-site consulting engineer has a much more difficult time communicating and coordinating with in-house staff. The portion of the civil review that is technical and prescriptive can usually be handled off-site by a consultant, but virtually every plan review also requires the exercise of engineering judgment, a judgment that definitely benefits from in-house consultation with a manager or peers in PADS or Public Works. Another downside of excessive reliance on contracted outside engineers is the risk that inconsistent reviews will crop up from reviewer to reviewer and even from project to project.

By meeting the need for additional civil review with a second PADS development review engineer, as opposed to contracting for engineering services, we would reap efficiencies of scale and improved communication and coordination with PADS project managers as well as technical staff in Public Works. By having the same engineer reviewing multiple applications over time, we would achieve a greater depth of understanding and a more consistent application of adopted policies and procedures.

A second in-house PADS engineer would also increase our ability to devote informed in-house engineering expertise to improving adopted standards and procedures (e.g., adopting and administering the 2005 surface water manual). A second FTE would also give us valuable depth in the position for when staff turnover occurs, to say nothing of having coverage when sick-leave or vacation is taken by the other PADS engineer. In our present situation, there is no engineer backup in PADS if our engineer is gone for whatever reason.

Another alternative that staff reviewed was the availability of other positions that might be vacant or could be eliminated to create funding for a new DRE position. However, given the current number of major capital projects, upcoming park projects, and PADS role in implementation of the upcoming Council goals 2, 5, 6, and 8 we do not see any current or foreseeable excess staff time that could be reallocated to this need.

Revenue Neutral Contract for Development Review Engineering Services

The Development Review Engineer position is tasked with reviewing all developments that include drainage improvements, frontage improvements and geotechnical analysis. This is a vital part of the City's permitting service. We have only one position, which is currently vacant with the expertise and time allotted to these tasks. In the event that this person's workload becomes too large, the employee is out sick or on vacation, or even leaves employment as is currently the case – these tasks must still be performed.

Therefore, in an effort to anticipate a variety of potential scenarios that would jeopardize the City's ability to efficiently process permits, staff recommends that the budget be amended to include a revenue neutral contract (the City will collect fees from the applicant to cover the review hours) for on call services with an engineering firm. The purpose of this contract would be three-fold. Initially the expanded contract would provide the necessary resources for plan review until the current and proposed positions are filled. Additionally, the contract would allow for us to call upon outside services for fill in when work load surges. Finally, the contract would provide additional capacity for backfilling vacations and possible vacancies.

Applications that require engineering review will be required to submit a fee deposit for engineering services. The amount of the fee will be determined based on the average number of hours it has historically taken to review the civil plans multiplied by the City's hourly service rate of \$127 (for 2006). If the review takes fewer hours than estimated, the applicant will receive a refund. If the review takes more time than the hours estimated the customer will be alerted as soon as possible and given the choice to pay for the additional hours or withdraw and/or refine the permit application. In addition, the City's fee ordinance already allows us to charge applicants for actual hours worked beyond the hours included in the fee schedule. Please see Attachment D: Administrative Order clarifying initial fee deposits for projects that require civil plans review.

As noted, PADS did have a firm perform the engineering reviews for development projects during the seven months in 2005 when the Development Review Engineer position was vacant. We currently have a contract with an engineering firm to assist the PADS Development Review Engineer with the backlog of permit reviews. However, the contract is currently being funded from salary savings and other non renewable sources that will be depleted as soon as the end of July. We have also reached the \$50,000 maximum for administrative approval for contracts thus requiring Council approval to increase the contract amount to continue receiving engineering services.

IV. Budget Request

Staff requests that the budget be amended to include one additional FTE in Planning and Development Services to provide for the hiring of a second Development Review Engineer at a cost of \$94,380.

Additionally, a revenue neutral contract in the amount of \$100,000 is being requested. This is nearly the amount of money that was spent to employ an engineering firm for seven months in 2005 to provide engineering review services to the City during the time

the Development Review Engineer position was vacant. By identifying this revenue in the budget, we will be allowed to expend up to \$100,000 for engineering services.

It is important to note, that if we do not receive approval to increase the budget (i.e. the \$100,000) for the purposes of extending a contract for engineering services for review of permit applications, we will not be able to provide civil engineering review until the current vacancy is filled. This would mean any permit requiring civil review would not be issued.

Council's approval of these budget requests will allow us to: address the immediate need for engineering services to perform the required review of civil engineering plans submitted with permit applications; better address the current back log of permit reviews; process new permits that are submitted; and have a back up resource for the Development Review Engineer. Again, the contract would be revenue neutral – meaning the funds would only be expended when revenue is received from the customer to cover the cost of the services provided.

V. FINANCIAL IMPACT

The proposal to add a second FTE of Development Review Engineer in PADS will have negligible, if any, financial impact on the City. The position can be funded entirely by more accurately charging applicants for the hours expended on the review of civil plans utilizing the existing hourly rate(s). An analysis of the projected revenue from permits for civil engineering review appears in Attachment F.

The contract for engineering services is proposed to be revenue neutral and will have negligible, if any, financial impact on the City's budget.

Effect on Fees

Currently the revenue to offset the costs of performing civil plan review has been assumed to have been met by the submittal fees and supplemental fees paid by the applicant. These fees are based on hourly charges of \$127 per hour. Historically, there has not been an accurate tracking/accounting of the cumulative review time spent on each permit. By more accurately accounting for the hours spent reviewing civil plans associated with permit applications and charging our customers accordingly, some customers will likely see an increase in the total permit cost. In order to perform civil reviews expediently and to adequately safeguard the public infrastructure additional resources are required. Over the years the cost of doing these reviews has been subsidized by the Development Review Engineer working extra hours (Note: this is an exempt position and is not eligible for overtime); or the comprehensiveness of the review was reduced in order to issue permits within an acceptable time frame; or (as is currently the case) we are doing comprehensive reviews with the existing resources and the permit turn around time is unacceptable (4+ months turnaround).

Staff looked at the permitting fees charged by neighboring jurisdictions. The way permitting fees and other fees associated with development and redevelopment are charged varies greatly between jurisdictions making it difficult to create a direct correlation for comparison purposes. For example, some jurisdictions: charge impact fees for stormwater and transportation in addition to the building or land use permit;

charge a separate engineering fee; or have a general clause in the fee schedule allowing for the charge of additional hours for permit reviews that go beyond the scope of the time allotted for the initial review. Another point to consider is economies of scale. We are a smaller and newer jurisdiction trying to provide the same level of service as larger and older jurisdictions that have honed their resources and processes and through increased permitting volumes and associated revenue may be able to offer their permitting services at a lower cost.

The question then becomes, who is going to pay for the service or are we willing to reduce our level of service to match up with our existing fees? We know time is money to many of our customers. Based on prior experience, as well as comments we have heard from a number of our permit applicants over the past six months, staff believes that developers would be willing to pay more to have a more predictable and shorter permitting process.

VI. RECOMMENDATION

Staff recommends that Council adopted Ordinance No. 433 (Attachment G):

1. Approve an amendment to the 2006 Budget of \$94,380 in expenditures to create a new Full Time Employee (FTE) to hire a second Development Review Engineer for Planning and Development Services; and
2. Approve an amendment to the 2006 Budget to include \$100,000 expenditure for an engineering review services contract and an addition of \$100,000 revenue from fees for services rendered.

Approved By:

City Manager 

City Attorney 

ATTACHMENTS

- A. Scope of Review and Services Provided by Development Review Engineer
- B. Development Review Engineer Job Description
- C. Email Memo from Tovar to Olander, dated May 12, 2006
- D. Administrative Order: Clarifying fee deposit for civil plan review
- E. Table of Comparable Staff and Permitting Levels
- F. Projected Revenue for Civil Review
- G. Ordinance No. 433

Development Review Engineer Scope of review and services provided

Preliminary Approval Reviews

- Review of legal description, recorded plat conditions, survey control & project information.
- Site Visit – assess existing conditions and anticipated conflicts.
- Access – alignment, location, easement/tract, pavement width, setbacks, etc.
- Frontage Improvements – alignment, configuration, transitioning, etc.
- ROW dedication – required for improvements/sight distance/grading/etc. as a condition of approval.
- Drainage – See Preliminary Review below
- Easements, setbacks & covenants – access, maintenance, storm, franchise, construction, slopes/walls, etc.
- Undergrounding of power – review of power location, undergrounding/crossing requirements, provision of easement, etc.
- Review of certificate of availability conditions for franchise utilities - conflicts and requirements for easements.
- Other reports/studies needed (i.e. soils reports, traffic impact analysis, etc.)
- Fee-in-lieu of improvement review – Location, Adjacent improvements, connections, schools/businesses, planned improvements, CIP's, etc.
- Comprehensive Plan Review – planned pedestrian/sidewalk/CIP locations/bus-stops/truck routes, etc.
- Maintenance review – Existing and planned overlay routes
- Conditions of Approval – Required submittal information, site-specific conditions, drainage improvements required prior to final plat, etc.
- Recommendations of other permits required (i.e. Site Development or ROW)

Frontage Improvements & typical ROW Use Permits

Note: Dev. Review Engineer is project manager for Right-of-Way Use Permits

- Review Conditions of Approval (typical for plats)
- ROW dedication/public easements – if not in conditions
- Coordination with CIP/Planned improvements – Aurora, Interurban, North City, etc.
- Streets - cross-section, widening, paving, curb location, connectivity, etc.
- Utilities – conflicts, relocations, easements, setbacks, adjustments, etc.
- Striping – restoration, provision, location, details, etc.
- Trenching/Restoration – location, sawcutting, patching, restoration, details, etc.
- Overlays – extents, location, section, details, notes, etc.
- Driveways – location, alignment, landings, conflicts, details, sections, notes
- Sidewalks – connectivity, locations, conflicts, details, etc.
- Curb – elevations, flow direction, details, location, etc.
- Curb returns – radius, location, etc.
- Curb ramps – placement, details, ADA conformance, etc.
- Temporary asphalt transition ramps – details, ADA conformance, etc.

- Intersections – geometric design, grades, transitioning, etc.
- Amenity Zones – provision, location, etc.
- Street Trees – spacing, species, root guard, staking, soil amendments, sight distance conflicts, utility conflicts
- Location/relocation of mailboxes
- Storm drainage improvements & connection to public system
- Sight Distance – driveways, intersections and obstructions
- Grading, Walls, easements (construction/slope)
- Restoration – landscaping, shoulder, seeding, soil amendments, etc.
- Relocations of obstructions – fencing, walls, and other ROW encroachments
- Erosion & Sediment Control – offsite protection
- Traffic Control Plans – sign setup, spacing, tapers, offsets, detours, etc.
- Schools/Bus Routes/Truck Routes – traffic impacts due to construction/limits on activity
- Haul Routes – as needed
- Certificate of Liability Insurance
- License, bonded & insured
- Performance Bonding – Review of amounts, assure posting prior to issuance
- Determine conditions of approval for ROW Permit
- Hansen tracking
- File/record keeping
- Comment letters – ROW permits routed to applicant/other permits to planner

Drainage Review – Preliminary

- Review storm drainage infrastructure mapping to determine known flooding, erosion and conveyance system nuisance problems.
- Review proposed improvements to determine threshold criteria and drainage review triggers
 - Note: adopted threshold for review reduced from 5,000 sq. ft. to 1,500 sq. ft. means that most projects will trigger drainage review
- Research sensitive areas (streams, wetlands, closed depressions, lakes, LHDA, steep slope hazard area, erosion hazard areas, etc.)
- Review hydrology (existing & proposed), existing conveyance and control of stormwater desired by basin/drainage features adjacent to project.
- Identification of type of drainage review required and submittals needed to perform review.
- Identify any project specific concerns or requirements to be addressed during review.

Drainage – Small Site

- Written Drainage Assessments
- Soils reports
- Erosion and Sediment Control Plans
- Small Site Improvement Plan (drainage design)
- Review of Engineering Plans required for portion of Small Site Drainage Reviews

Drainage – Targeted Drainage Review & Full Drainage Review

- Technical Information Reports (TIR) – Generally includes information pertaining to drainage basins, sub-basins, site characteristics, topography, discharge points, existing stormwater deposition, downstream hydraulic structures, surface water travel, background flows, soils mapping & reports, conditions of approval, resource review, field inspection reports, existing site hydrology, developed site hydrology, performance standards, flow control system, water quality system, conveyance system analysis & design, other required permits, ESC analysis & design, bond quantities, facility summaries, declaration of covenant, easements, and operation and maintenance manual.
- Engineering Plans – Components of review
 - Plan format and project information - property areas, legal description, property boundaries, location & alignment, survey information, sensitive areas identification and setbacks, clearing limits, plan notes, details,

Technical Information Reports

Note: Amendments to KCSWDM require review of all Core and Special requirements outlined in the manual.

- Natural Discharge Location (Basin Flows & Offsite Impacts)
- Offsite/Downstream Analysis
 - Engineering has to research and identify offsite drainage problems due to lack of information available to the public
- Flow Control Design
 - Flow control determination needs to be made on case-by-case basis due to lack of applications mapping.
- Conveyance System Design
- Erosion & Sediment Control
- Maintenance & Operations Requirements
- Financial Guarantees & Liability Review
- Water Quality
 - Water Quality determination made by engineering due to lack of application mapping.
- Sensitive Areas, Critical Drainage Areas
- Source Control & Oil Control

Engineered Plans

- Project Information
- Plan format
- Existing conditions – ROW conditions, structures, driveways, utilities, drainage, signing, mailboxes, sensitive areas, sidewalks, curbs, trees, easements, ROW encroachments, walls, etc.
- Survey control, datum, legal description, encumbrances, etc.

- Existing & proposed contours – intervals, slopes, ditches, streams, conveyance system elements, background flows, discharge points, existing hydrology, proposed changes to hydrology, cut/fills, drainage to adjacent properties, setback issues, etc.
- Critical & Sensitive Areas/buffers – setbacks, conflicts with improvements, drainage requirements, etc.
- Traffic Mitigation Improvements – design, details, implementation, location, coordination, etc.
- Soils considerations – proposed improvements don't conflict with soils report findings.
- Removal/Demolition requirements – utilities, existing improvements, etc.
- Conveyance of existing and natural drainage systems – bypassing, diversions, connectivity, recharge, conveyance, dispersion, etc.
- Review of storm conveyance system – Conformance to TIR, inlets, pipe sizing, materials, pipe joints, pipe alignment, max/min slopes and velocities, changes in size, structures, pipe cover, pipe design between structures, clearances/utility conflicts, compaction/backfill, system connections, anchoring, spill control, debris barriers, outfalls, profiles, details, numbering, depth of structures, other details, etc.
- Review of flow control BMP's – Conformance to TIR, function, design elements, design criteria, sizing & geometry, access/maintenance, setbacks/easements, materials, structural/stability, details, etc.
- Review of water quality BMP's – Conformance to TIR, function, sequencing, setbacks/easements, design elements and geometry, etc.
- Additional requirements – oil/water separation, spill control, groundwater protection, sensitive areas recharge (i.e. maintain hydrology), etc.
- Details – conformance with design criteria, dimensioning and operational requirements.
- Roadway – Horizontal Alignment/curves, Vertical curves/transitioning/grades, alignment, superelevation, turn-arounds/street end design, connectivity, section/width, striping, channelization, signalization (traffic control signing), intersections, appurtenances/obstructions, etc.
- Driveways & Intersections - curb radii, sight distance, width, alignment, grades, landings, drainage, curb ramps/returns, crosswalks, details, etc.
- Sidewalks & Curbs – location, section, conflicts, routing, transitioning, flowlines, expansion joints, slopes (of and adjacent), details, etc.
- Amenity Zone – width, street trees, appurtenances/obstructions, mailbox locations, utilities, etc.
- Commercial/Multifamily – review of circulation (drive-isle widths, turning radii, drive-thru queuing, etc.), local deliveries, trash pick-up, source controls, high-use provisions (access/traffic calming/mitigation/signalization/etc),
- Notes – review of plan notes (standard notes needed).

Stormwater Adjustment Procedures (Variance review)

- Evaluate proposed BMP's & stormwater designs that request deviation from the manual (covered in the manual).

Engineering Variances

- Evaluate proposed variance and make recommendation regarding acceptance.

Clearing & Grading

- Erosion and Sediment Control – Plans, details, notes, construction sequence, wet-season dry-season requirements, slope stabilization, etc.
- Clearing Limits Delineated & Protected
- Sensitive Areas delineation, setbacks & protection
- Conflict of improvements, grading, etc. with tree retention/sensitive areas requirements.
- Slopes/walls – grading problems/conflicts, slopes design, walls, surcharging/undermining, mass-excavations, foundation/wall drain connections, building permit review coordination, etc.

Customer Service

- Customer walk-ins - public, engineers, developers, contractors regarding code, standards, drainage, frontage improvements, field problems, design issues, etc.
- Scheduled meetings – project/proposal related pre-design, post-submittal, review revisions, etc.
- Code Interpretation Requests/Requests for Information – Research and provide information primarily to developers and engineers regarding drainage review and assessment, engineering design of storm drainage systems and frontage improvements. Not typical questions as they require time for research, preparation and provision of requested information. Site visits sometimes required.
- Pre-application meetings and preparation (1 to 2 hours preparation time + 1-2 hours preapplication meeting time)
- Internal Support – in order of time spent:
 - Planning & Development Services* – Drainage, Engineering Standards, Reports, Submittals, site development questions, code & land use, review process issues, interpret code/standards, etc.
 - ROW Inspectors* – ROW permit review, field problems/design revisions, questions, etc.
 - Drainage Engineer* – questions, drainage manual adoption and

Building Department – Weekly meetings, review coordination, inspector questions.

Traffic Engineer – Coordinate traffic review of proposals, determine frontage improvement configuration, ADA compliance, sidewalks, traffic mitigation reports and features, details.

Public Works (City Engineer/CIP Project Managers/Maintenance) – Questions, coordination

- Phone Calls/Email
- Other administrative requirements -
 - Staff Meetings – City/Dept./Section, Development Review, Building, Project Specific Internal, Training, etc.
 - Assist with the development of code revisions, review process issues, engineering standards revisions, etc.
 - Develop checklists, submittal requirements, review procedures, etc.

CITY OF SHORELINE

DEVELOPMENT REVIEW ENGINEER

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To provide responsible professional engineering assistance in the review of private development projects, including inspection and approval, in coordination with the Planning and Development Services Department; to oversee and coordinate the permitting and inspection of projects and activities in the City right-of-way; and to perform various office and field duties as required.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Permit Services Manager or other assigned manager.
May supervise the work of assigned technical staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS *Essential and other important responsibilities and duties may include, but are not limited to, the following:*

Essential Functions:

1. Review private development engineering specifications, estimates, and other documents for completeness and accuracy.
2. Conduct inspections of work-in-progress; ensure projects are completed in compliance with applicable codes, regulations and standards.
3. Respond to questions and inquiries from the public regarding street and drainage issues, standards and permits; attend meetings and make presentations to citizen advisory groups and in other public settings.
4. Coordinate assigned engineering projects with outside contractors, government agencies and organizations and the public; provide assistance to project managers and City Engineer.
5. Plan, direct, coordinate and review the work plan for staff; assign work activities, projects and programs; review and evaluate work products, methods and procedures; meet with staff to identify and resolve problems.
6. Prepare and maintain records of work completion; coordinate work in progress to assure projects are completed in compliance with codes, specifications, standards and time schedules.
7. Select, train, motivate and evaluate personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.
8. Attend and participate in professional group meetings; stay abreast of new trends and innovations in the field of development and permitting.
9. Provide information to the public, contractors and developers regarding right-of-way development issues; interpret construction codes, ordinances and zoning regulations.

Marginal Functions:

1. Perform a variety of office and field support duties as required.
2. Perform related duties and responsibilities as required.

QUALIFICATIONS

Knowledge of:

Principles and practices of civil engineering.
Principles and practices of project management.
Principles, practices, materials and terminology related to right-of-way construction.
Principles and practices of permit processing and plan review.
Methods and techniques used in engineering plan review.
Methods and techniques used to conduct on-site engineering and right-of-way field inspections.
Modern office procedures, methods and equipment including computers.
Principles of supervision, training and performance evaluation.
Pertinent Federal, State and local codes, laws and regulations.

Ability to:

Review engineering plans and specifications.
Inspect permitted engineering work and projects in the City's right-of-way for completeness, proper work methods and compliance with applicable regulations and ordinances.
Respond to requests and inquiries from the general public
Oversee, direct and coordinate the work of lower level staff.
Select, supervise, train and evaluate staff.
Manage and coordinate projects as assigned.
Assure work projects are completed according to code specifications and timelines.
Interpret and apply Federal, State and local policies, laws and regulations.
Communicate clearly and concisely, both orally and in writing.
Establish and maintain effective working relationships with those contacted in the course of work.
Maintain physical condition appropriate to the performance of assigned duties and responsibilities.
Provide excellent customer service.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of increasingly responsible development services/engineering experience including some planning or development experience.

Training:

Equivalent to a bachelor's degree from an accredited college or university with major course work in civil engineering or an applicable field. Prefer Professional Engineer's License.

WORKING CONDITIONS**Environmental Conditions:**

Office and field environment; travel from site to site; extensive public contact.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing or sitting for prolonged periods of time, and for conducting work-in-progress inspections; near visual acuity for the review of technical engineering plans and specifications; communication with the public.

Note:

1. Any combination of education and experience may be substituted, so long as it provides the desired skills, knowledge and abilities to perform the essential functions of the job.
2. All requirements are subject to possible modification to reasonably accommodate individuals with disabilities. However, some requirements may exclude individuals who pose a direct threat or significant risk to the health

Joe Tovar

From: Joe Tovar
Sent: Friday, May 12, 2006 2:25 PM
To: Robert Olander
Subject: Heads up about the PADS permit review process

I wanted to give you a heads up that the City Council may soon be getting feedback from a number of unhappy permit applicants, either individually, or collectively via letter or appearance(s) at Council meetings. Mr. Crosby, the gentleman you heard from yesterday, is just one of an increasing number of permit applicants who have been expressing strong displeasure with the City's permit processes. He indicated that there may also be a letter forthcoming from the Master Builders Association. In my experience, customer complaints about timeliness are not unusual – what is unusual is the number and frequency of complaints that have been coming directly to me. I have heard from a dozen different permit applicants over the past month, all complaining bitterly that it takes too long to get a permit processed in Shoreline. Frankly, I have to agree with them.

As our Permit Services Manager Jeff Forry and I briefly discussed with you a few weeks ago, our permit backlog is ballooning. There are many reasons that contribute to and compound this situation, and I have been directing serious efforts at attacking the various pieces of this problem. As you know, we contracted with Roth-Hill Engineers for some near-term help in development engineering review, the key choke-point in our review process. I have also issued several administrative orders to achieve greater clarity and consistency in code administration, initiated a number of code amendments that will go to hearing this summer, and held ongoing meetings with Public Works to improve internal coordination and communication.

Unfortunately, even with these system improvements, our civil review backlog has continued to increase – it now takes 4 months to get applicants a first review in some cases. Our statutory timeline is 90 days or less, and an ideal target would be more on the order of 45 to 60 days. I have reached the conclusion that we won't be able to appreciably reduce the permit review backlog to acceptable levels, much less implement other system improvements (for example, adoption and implementation of the 2005 surface water manual) until we address the underlying resource issue – we simply don't have enough engineering capacity within PADS to review on-site storm drainage and right-of-way frontage improvements. Our one FTE of engineer must perform a minimum of 500 civil plan reviews in 220 work days annually, or about two per day. In actual practice, with added reviews done of resubmitted corrected plans, pre-application meetings with applicants, and public information, this is about half the resource needed for the task.

I had intended to make the case as part of the 2007 budget for a second engineer in PADS to enable us to continue with the reform and streamlining of civil plan review, accelerate the adoption of the 2005 King County surface water manual, and design a better fit between the scale and nature of residential infill in Shoreline and the City's requirements for road/walkway/drainage improvements in the right of way. In view of Council's recent discussions on these topics, including housing affordability (delays in permit processing inflate the cost of housing), I would like to review with you the prospects for moving forward with a mid-year budget adjustment that would both address our immediate predicament and increase our capacity to address these upcoming priorities.

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Shoreline Policy and Procedure
CIVIL PLAN REVIEW FEES – PDS 06-03

ATTACHMENT D

Subject: Policy Establishing Minimum Fees for Review of Civil Drawings	Code and Statutory Authority: SMC Chapter 3.01 IBC IRC
Effective Date: July 1, 2006	Approved By: Director, PADS
Prior Versions and Related Policies None	

1.0 PURPOSE

Authority is granted to the Director under the City of Shoreline Municipal Code (SMC), section 20.10.050 to promulgate procedures and rules to administer the provisions of chapter 20 of the SMC. Section 104.1 of the IBC and IRC provide for the adoption of policies and procedures in order to clarify the provisions of the code. To effectively administer the codes, methods must be employed that provide for timely and predictable review of plans including civil engineering provisions. To fund the review services appropriate fees must be collected to offset the direct cost of providing this service. This policy clarifies the Supplemental Fees that Planning and Development Services may assess for civil plan review of engineering plans and associated documents submitted for review in conjunction with development permits.

2.0 DEPARTMENTS AFFECTED

Planning and Development Services.

3.0 SCOPE

Attachment A provides a sample breakdown of time distribution for a short plat. This distribution appears to be consistent for most land use permits. A minimum fee is paid to cover these initial costs. An initial plan review fee is paid for building permits. This fee is intended to offset building plan review costs. The Director has determined that the minimum submittal fees do not adequately cover the level of civil plan review necessary as indicted in section 6. Accordingly the Director has established additional minimum supplemental fees (submittal fees) that must accompany the applications enumerated in this policy. These fees are based on the estimated hours necessary to perform preliminary civil review of the following permit types:

- **New Construction**
Commercial/Residential
 - **Clearing and Grading**
 - **Short Plat**
Preliminary/Final
 - **Conditional Use**
 - **Addition / Remodel**
Commercial/Residential
 - **Right-of-way w/ Frontage**
 - **Subdivision**
Preliminary/Final
 - **Site Development**
- (those that trigger review)

4.0 PROCEDURE

Preliminary review fees identified in section 6 will be assessed at the time of application.

The time spent for additional review or review of revisions in excess of the minimum submittal fee will be based on the published hourly rate.

5.0 REFUNDS

For those projects where the minimum review time is not reached the balance will be remitted to the applicant.

6.0 PRELIMINARY REVIEW HOURS

Permit Activity	Minimum Civil Review Hours
New Construction	
Commercial	5
Residential	3
Addition / Remodel*	
Commercial	3
Residential	2
Clearing and Grading	3
Conditional Use	2
Site Development	5
Short Plat	
Preliminary	5
Final	1
Subdivision	
Preliminary	8
Final	1

*** Only those projects that exceed defined thresholds will be subject to these fees**

Short Plat Review Allocation of Hours

	Project Manager
Pre-application meeting	3
Determination of Completeness (application review)	1
Notice of Application	2
Field visits	2
Staff report	5
Agency coordination	2
Customer contacts	3
Decision	2
Subtotal	20
	Technical/Administrative Support
Application processing	1
Noticing	3
Document processing	2
Subtotal	6
Total	26
Available civil review fee hours	4
Total Hours charged (from schedule)	30

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Development Review Services Employed by Comparable Jurisdictions

Comparable Jurisdiction	# of staff devoted to development review engineering tasks	Utilizing Contract Engineering Services yes/no	Population of Jurisdiction
Auburn	(3) Development Review Engineers; (1) Development Review Assistant	No	47,470
Bellevue	(6) Non-licensed Development Review Professionals + (4) transportation Engineers (Note: future hires to be licensed engineers)	Yes – for overflow, residential structural review and a few commercial projects	115,500
Edmonds	(2) - Engineering Technician IIs; (1) - Engineering Technician III; (1) Licensed Engineer; (1) Program Comment: could use another Dev. Review engineering professional	Yes – civil structural reviews	39,860
Everett	(1) Engineer for commercial review; (1) architect for commercial review; (1) non licensed plans examiner for residential review; (1) licensed engineer for drainage of large projects; (3) non licensed engineers to review drainage, frontage & utilities.	No	97,500
Federal Way	(4) Development Review Engineers	Yes	85,800
Kent	9 total staff persons: (2) Engineers devoted to frontage and utilities review; 2 Engineering technicians; (2) design engineers; (1) project manager; (1) administrative staff & (1) Development Review Manager – licensed Engineer	Yes	84,920
Kirkland	(3) Development Review Engineers + (2) Office Assistants	No	45,740
Lakewood	(1) Associate Civil Engineer; (1) Assistant Civil Engineer (part time Development Review part Traffic)	No	58,850
Renton	(4) Civil Plans reviewers	Yes – structural engineering reviews	56,840
Shoreline	(1) Development Review Engineer	No	52,500

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TOTAL ESTIMATED REVENUE

FOR CIVIL REVIEW

(Based on 2005 Permit Activity)

Permit Types	A Average Number of Hours Required for Civil Review Including Revisions per Permit	B Average Number of Hours Charged for Civil Review per Permit	C Average Underbilled Civil Review Hours per Permit (A - B)	D Number of Permits Issued in 2005 that Required Civil Review	E Estimated Unbilled Hours in 2005 (C * D)	F Potential New Revenue (E * \$127)	G Existing Revenue
New Construction							
Commercial	8	3	5	23	115	\$14,605	\$8,763
Residential	6	1	5	66	330	\$41,910	\$8,382
Addition / Remodel							
Commercial	5	1	4	19	76	\$9,652	\$2,413
Residential	3	1	2	90	180	\$22,860	\$11,430
Clearing and Grading	5	0	5	22	110	\$13,970	\$0
Conditional Use	3	3	0	1	0	0	\$508
Site Development	8	2	6	11	66	\$8,382	\$2,794
Short Plat							
Preliminary	7	4	3	26	78	\$9,906	\$13,208
Final	2	1	1	26	26	\$3,302	\$3,302
Subdivision							
Preliminary	10	5	5	1	5	\$635	\$635
Final	4	4	0	1	0	0	\$13,208
Subtotals				248	986	\$125,222	\$64,643
Total Estimated Revenue Available to fund (2) Dev. Review Engineers							\$189,865

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2006 City of Shoreline Budgeted Positions and FTE's

Department	Job Title	Position Count	FTE Count
City Council	Mayor	1	1.0
City Council	Deputy Mayor	1	1.0
City Council	Councilmember	5	5.0
<i>Department Total</i>		<u>7</u>	<u>7.0</u>
City Manager	City Manager	1	1.0
City Manager	Assistant City Manager	1	1.0
City Manager	Management Analyst	2	2.0
City Manager	Executive Asst. to the City Manager	1	1.0
City Manager	Administrative Assistant III	1	1.0
<i>Department Total</i>		<u>6</u>	<u>6.0</u>
City Clerk	City Clerk	1	1.0
City Clerk	Deputy City Clerk	1	1.0
City Clerk	Records & Information Manager	1	0.8
City Clerk	Administrative Assistant II	1	1.0
<i>Department Total</i>		<u>4</u>	<u>3.8</u>
Communications & Intergovt. Relations	Communications & Intergovt. Relations Director	1	1.0
Communications & Intergovt. Relations	Neighborhoods Coordinator	1	1.0
Communications & Intergovt. Relations	Communications Specialist	1	1.0
Communications & Intergovt. Relations	Administrative Assistant I	1	0.5
<i>Department Total</i>		<u>4</u>	<u>3.5</u>
Human Services	Human Services Manager	1	1.0
Human Services	Grants Specialist	0	0.3
Human Services	Human Services Planner (Planner II)	1	0.5
<i>Department Total</i>		<u>2</u>	<u>1.8</u>
City Attorney	City Attorney	1	1.0
City Attorney	Assistant City Attorney	1	1.0
City Attorney	Administrative Assistant II	1	1.0
<i>Department Total</i>		<u>3</u>	<u>3.0</u>
Finance & Information Services	Finance Director	1	1.0
Finance & Information Services	Finance Manager	1	1.0
Finance & Information Services	Purchasing Officer	1	1.0
Finance & Information Services	Finance Technician	3	2.1
Finance & Information Services	Staff Accountant	1	1.0
Finance & Information Services	Payroll Officer	1	1.0
Finance & Information Services	Senior Accountant	1	1.0
Finance & Information Services	Budget Analyst	1	1.0
Finance & Information Services	Grants Specialist	1	0.7
Finance & Information Services	Administrative Assistant III	1	1.0
Finance & Information Services	Information Services Manager	1	1.0
Finance & Information Services	Database Administrator	1	1.0
Finance & Information Services	GIS Specialist	1	1.0

2006 City of Shoreline Budgeted Positions and FTE's

Department	Job Title	Position Count	FTE Count
Finance & Information Services	Network Administrator	1	1.0
Finance & Information Services	Web Developer	1	1.0
Finance & Information Services	Computer/Network Specialist	2	2.0
<i>Department Total</i>		19	17.8
Human Resources	Human Resource Director	1	1.0
Human Resources	Human Resources Analyst	1	1.0
Human Resources	Administrative Assistant III	1	1.0
<i>Department Total</i>		3	3.0
Customer Response Team	Administrative Assistant II	1	1.0
Customer Response Team	Customer Response Team Supervisor	1	1.0
Customer Response Team	Lead CRT Representative	1	1.0
Customer Response Team	CRT Representative	2	2.0
<i>Department Total</i>		5	5.0
Police	Administrative Assistant II	1	1.0
Police	Emergency Management Coordinator	1	1.0
<i>Department Total</i>		2	2.0
Parks & Recreation	Parks Director	1	1.0
Parks & Recreation	Recreation Superintendent	1	1.0
Parks & Recreation	Recreation Coordinator II	1	1.0
Parks & Recreation	Recreation Coordinator I	2	2.0
Parks & Recreation	Project Coordinator	1	1.0
Parks & Recreation	Administrative Assistant I	1	0.5
Parks & Recreation	Administrative Assistant II	2	2.0
Parks & Recreation	Recreation Assistant III	1	1.0
Parks & Recreation	Recreation Assistant II	3	2.4
Parks & Recreation	Parks Superintendent	1	1.0
Parks & Recreation	Parks Maintenance Worker II	3	3.0
Parks & Recreation	Parks Maintenance Worker I	2	2.0
Parks & Recreation	Administrative Asst. III	1	1.0
Parks & Recreation	Teen Program Supervisor	1	1.0
Parks & Recreation	Teen Program Assistant	3	2.7
Parks & Recreation	Senior Lifeguard	3	2.4
Parks & Recreation	Lifeguard 2	1	0.9
<i>Department Total</i>		28	25.8
Planning & Development Services	Planning & Development Services Director	1	1.0
Planning & Development Services	Assistant Director, PADS	1	1.0
Planning & Development Services	Management Analyst	1	1.0
Planning & Development Services	Permit Services Manager	1	1.0
Planning & Development Services	Planner III	2	2.0
Planning & Development Services	Planner II	4	4.0
Planning & Development Services	Planner I	2	2.0
Planning & Development Services	Planner III (Aurora Corridor Project)	1	1.0
Planning & Development Services	Building Official	1	1.0
Planning & Development Services	Plans Examiner III	2	2.0

2006 City of Shoreline Budgeted Positions and FTE's

Department	Job Title	Position Count	FTE Count
Planning & Development Services	Plans Examiner I	1	1.0
Planning & Development Services	Project Inspector II	2	2.0
Planning & Development Services	Development Review Engineer	2	2.0
Planning & Development Services	Code Enforcement Officer	1	1.0
Planning & Development Services	Technical Assistant	4	3.5
Planning & Development Services	Administrative Assistant II	2	2.0
Planning & Development Services	Administrative Assistant III	1	1.0
<i>Department Total</i>		<u>29</u>	<u>28.5</u>
Economic Development	Economic Development Program Manager	1	1.0
		<u>1</u>	<u>1.0</u>
Public Works	Public Works Director	1	1.0
Public Works	Public Works Administrative Manager	1	1.0
Public Works	Management Analyst	1	1.0
Public Works	City Engineer	1	1.0
Public Works	Aurora Corridor Project Manager	1	1.0
Public Works	Capital Projects Manager I	1	1.0
Public Works	Capital Projects Manager II		4.0
Public Works	Capital Project Technician	1	1.0
Public Works	Public Works Operations Manager	1	1.0
Public Works	Public Works Maintenance Supervisor	1	1.0
Public Works	Public Works Senior Maintenance Worker	1	1.0
Public Works	Public Works Maintenance Worker II	6	6.0
Public Works	Public Works Maintenance Worker I	1	1.0
Public Works	Surface Water & Env. Svcs. Manager	1	1.0
Public Works	Facility Maintenance Supervisor	1	1.0
Public Works	Facilities Maint. Worker II	1	1.0
Public Works	Administrative Assistant II	2	2.0
Public Works	Administrative Assistant III	1	1.0
Public Works	Engineering Technician (Traffic)	1	1.0
Public Works	Engineering Technician (Surface Water)	1	1.0
Public Works	Administrative Assistant II (Aurora/Interurban)	1	1.0
Public Works	Traffic Engineer	1	1.0
Public Works	Associate Traffic Engineer	1	1.0
Public Works	Engineering Technician	1	1.0
Public Works	Environmental Educator	1	1.0
Public Works	Surface Water Quality Specialist	1	1.0
Public Works	Right-of-Way Inspector	2	2.0
<i>Department Total</i>		<u>33</u>	<u>37.0</u>
Total City Personnel		<u><u>144</u></u>	<u><u>145.3</u></u>

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ORDINANCE NO. 433

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, INCREASING THE APPROPRIATION IN THE GENERAL FUND IN THE 2006 BUDGET TO ADD A NEW DEVELOPMENT REVIEW ENGINEER POSITION AND AN ON CALL CONTRACT FOR ENGINEERING SERVICES TO PERFORM PERMIT REVIEW; AND AMENDING ORDINANCE NO. 404, ORDINANCE NO. 414 AND ORDINANCE NO. 420

WHEREAS, the 2006 Budget was adopted in Ordinance 404 and amended by Ordinances No. 414 and 420; and

WHEREAS, the 2006 Exempt Salary Schedule was included in the 2006 Budget; and

WHEREAS, the City has adopted target timelines for the review of development permits; and

WHEREAS, the City's permit services include the review of engineering plans associated with permit applications for compliance with adopted Codes; and

WHEREAS, sufficient additional revenue from permit fees will offset the increased cost;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Amendment. The City hereby amends Section 1 of Ordinance No. 420 and the 2006 Annual Budget, by increasing the appropriation from the General Fund by \$135,000 for a General Fund appropriation of \$29,398,165 and by increasing the Total Funds appropriation to \$92,858,906 as follows:

General Fund	\$29,263,165	\$29,398,165
Street Fund	2,559,651	
Arterial Street Fund	0	
Surface Water Management Fund	5,162,967	
General Reserve Fund	0	
Code Abatement Fund	100,000	
Asset Seizure Fund	23,000	
Public Arts Fund	115,775	
General Capital Fund	18,951,460	
City Facility-Major Maintenance Fund	60,000	
Roads Capital Fund	34,488,919	
Surface Water Capital Fund	1,762,072	
Vehicle Operations/Maintenance Fund	88,717	
Equipment Replacement Fund	138,180	
Unemployment Fund	10,000	
Total Funds	\$92,723,906	\$92,858,906

Section 2. Amendment. The City of Shoreline 2006 Budgeted Positions and FTE, adopted by Ordinance 404 as amended, is amended to read as set forth in Exhibit B, which is attached hereto.

Section 3. Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. The ordinance shall take effect and be in full force five days after passage and publication.

Approved by the City Council this _____ day of July, 2006.

Robert L. Ransom, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott Passey, CMC
City Clerk

Ian Sievers
City Attorney

Date of Publication: July ____, 2006

Effective Date: July ____, 2006