



## **AMENDED AGENDA**

### **SHORELINE CITY COUNCIL WORKSHOP DINNER MEETING**

Monday, October 9, 2006  
6:00 p.m.

Shoreline Conference Center  
Highlander Room

**TOPICS/GUESTS:** • Citizen Survey/Ron Vine

### **SHORELINE CITY COUNCIL BUSINESS MEETING**

Monday, October 9, 2006  
7:30 p.m.

Shoreline Conference Center  
Mt. Rainier Room

	<u>Page</u>	<u>Estimated Time</u>
<b>1. CALL TO ORDER</b>		7:30
<b>2. FLAG SALUTE/ROLL CALL</b>		7:30
(a) Proclamation of "Alternative Fuel Vehicle Day"	<u>1</u>	
<b>3. REPORT OF THE CITY MANAGER</b>		7:35
<b>4. REPORTS OF BOARDS AND COMMISSIONS</b>		7:38
<b>5. GENERAL PUBLIC COMMENT</b>		7:40
<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>		
<b>6. APPROVAL OF THE AGENDA</b>		8:00
<b>7. CONSENT CALENDAR</b>		
(a) Minutes of Business Meeting of August 28, 2006	<u>3</u>	
Minutes of Workshop Dinner Meeting of September 11, 2006	<u>17</u>	

- (b) Approval of expenses and payroll as of September 28, 2006 21  
in the amount of \$2,679,974.42
- (c) Approval of Design Contract with D.A. Hogan for Twin Ponds 23  
Soccer Field Renovation
- (d) ~~Approval of Contract Amendment for Legal Services~~ 27

## **8. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS, AND MOTIONS**

- (a) Approval of Contract Amendment for Legal Services 27

## **9. EXECUTIVE SESSION**

*The Council may hold Executive Sessions from which the public may be excluded, for those purposes set forth in RCW 42.30.110 and RCW 42.30.140. Before convening an Executive Session, the presiding officer shall announce the purpose of the Session and the anticipated time when the Session will be concluded. Should the Session require more time, a public announcement shall be made that the Session is being extended.*

- (a) Real Estate Acquisition 8:10

## **10. ADJOURNMENT 8:40**

*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](http://www.cityofshoreline.com). Council meetings are shown on Comcast Cable Services Channel 21 Tuesdays at 12 noon and 8 p.m., and Wednesday through Sunday at 6 a.m., 12 noon and 8 p.m.*

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b> Proclamation for "Alternative Fuel Vehicle Day"
<b>DEPARTMENT:</b> City Manager's Office
<b>PRESENTED BY:</b> John Norris, Management Analyst

**PROBLEM/ISSUE STATEMENT:**

October 12, 2006 is National Alternative Fuel Vehicle Day Odyssey, an international event held in over 50 cities throughout the U.S., Canada, Mexico and Germany to heighten public awareness about the importance of using alternative fuels and advanced technologies for cleaner air, energy independence and security, and stronger economies.

To coincide with this, on October 13-14, 2006, Shoreline Community College (SCC) and the Puget Sound Clean Cities Coalition (PSCCC) will co-host the 2006 Washington State Odyssey Days with the City of Shoreline's sponsorship. Washington State Odyssey Days is a two-day event held on SCC's campus to empower the public to understand the role of climate disruption and the importance of using less fossil fuels and reducing greenhouse gas emissions. The Odyssey Days event is part of the college's recent selection by the National Alternative Fuels Training Consortium (NAFTC) as the site of Washington State's National Training Center for Alternative Fuels and Advanced Technology Vehicles. Shoreline Community College is one of only 27 National Training Centers across the nation and Washington State's only member of this consortium.

This is an opportunity to acknowledge 2006 Washington State Odyssey Days, and Washington State's National Training Center for Alternative Fuels and Advanced Technology Vehicles at SCC. It is also an opportunity to highlight the City of Shoreline's commitment to alternatively fuel vehicles and environmentally friendly transportation choices. Tonight, members of SCC's National Training Center for Alternative Fuels and Advanced Technology Vehicles will be present to accept the proclamation.

**RECOMMENDATION**

No action is required.

Approved By: City Manager  City Attorney \_\_\_\_\_



## PROCLAMATION

- WHEREAS, the Shoreline City Council recently identified its council goals for 2007-2008, including Goal No. 6, which is to create an environmentally sustainable community; and
- WHEREAS, Shoreline Community College was recently selected by the National Alternative Fuels Training Consortium as the site of Washington State's National Training Center for Alternative Fuels and Advanced Technology Vehicles and the host of 2006 Washington State Odyssey Days; and
- WHEREAS, the City of Shoreline authorized support for the U.S. Conference of Mayors Climate Protection Agreement; and
- WHEREAS, the Shoreline community can improve its air quality by reducing emissions from the motor vehicles on the City's roads; and
- WHEREAS, the people of Shoreline should know that alternative fuel vehicles are a positive choice for transportation and should have greater options for cleaner transportation; and
- WHEREAS, it is in the public interest of the City of Shoreline to foster support for more environmentally friendly transportation choices such as electric, biofuel-powered, hybrid, and other alternatively fueled vehicles;
- NOW, THEREFORE, I, Robert L. Ransom, Mayor of the City of Shoreline, on behalf of the Shoreline City Council, do hereby proclaim Thursday, October 12<sup>th</sup>, 2006 as

## Alternative Fuel Vehicle Day

in the City of Shoreline and encourage all citizens to support energy independence and the greater use of cleaner transportation.

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Robert L. Ransom  
Mayor of Shoreline

**DRAFT**

**CITY OF SHORELINE**

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

Monday, August 28, 2006  
7:30 p.m.

Shoreline Conference Center  
Mt. Rainier Room

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

**ABSENT:** NONE

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 except for Councilmember McGlashan and Councilmember Gustafson.

**Upon motion by Councilmember Hansen, seconded by Councilmember Ryu and carried 5-0, Councilmember McGlashan and Councilmember Gustafson were excused.**

(a) Proclamation of "Traffic Safety Month"

Mayor Ransom read the proclamation and proclaimed the month of September as "Traffic Safety Month." He presented the proclamation to Police Chief Tony Burt.

(b) Proclamation of "Seattle Shores Chorus Day"

Mayor Ransom read the proclamation and declared the August 28, 2006 as "Seattle Shores Chorus Day" in the City of Shoreline. He presented the proclamation to Chorus Director Bonnie Willis and other members of the group.

The Seattle Shores Chorus performed two songs for the City Council and those in attendance.

3. **REPORT OF THE CITY MANAGER**

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

- The success of the Ridgcrest/North City Neighborhood Association Ice Cream Social held on August 17<sup>th</sup> at Paramount Park.
- Camp Shoreline (youth camp) ended last week for over 2,400 Shoreline children ages 4 – 12.
- The City is undertaking a back-to-school safety campaign to remind drivers to slow down, especially in school zones and near crosswalks. The City has also received a State Traffic Safety Commission grant to assist the City in establishing school zone flashing signs in three additional school areas (Meridian Park Elementary School, Parkwood Elementary School, and Shorecrest High School/Kellogg Middle School).
- The near-completion of priority sidewalk routes throughout the City, and grant funding for three billboard locations throughout the City to remind drivers to drive safely. Bumper stickers have also been distributed to remind drivers that school is in session and to slow down.
- The Hidden Lake Pump Station upgrade continues and eighteen sections (180 feet) of storage piping has been installed. There will be a total of 650 feet of the large storage pipes installed.
- Work continues on the Aurora Avenue construction and the concrete strike has been settled, thus avoiding any significant delays in the project. Most of the work is continuing on the east side south of 155<sup>th</sup> Avenue NE.
- The dedication ceremony on September 9<sup>th</sup> at 9:30 a.m. for Shoreline Soccer Fields A & B.
- The joint Planning Commission and Parks Board meeting on September 7<sup>th</sup> at 7:00 p.m. in the Spartan Room. The Executive Director of the Cascade Land Conservancy will speak regarding environmentally sustainable communities.

4. REPORTS OF BOARDS AND COMMISSIONS: none

5. GENERAL PUBLIC COMMENT

(a) Martin Kral, Shoreline, discussed the rezone of a parcel on Stone Avenue. He said he did not get proper notification and was surprised that Council only spent 15 minutes deliberating the rezone before it was approved. He explained that because the Planning Commission unanimously approved the rezone the City Council didn't feel it was necessary to discuss it at length, and only Mayor Ransom raised an issue because he had some historical insights. He felt the opportunities for residents to speak are very limited. He said he faces the prospect of the third cottage housing development a block from his home. He added that this rezone on Stone Avenue allows developers to get their "foot in the door" on his street. He said the Council needs to take their responsibility seriously because the Planning Commission failed to listen to the public input.

(b) LaNita Wacker, Shoreline, said there needs to be citizen input into the design of City Hall and a process whereby individuals can submit ideas. She noted that the Council has been operating for eight months and has never ended one meeting on time. She added that Councilmembers appear to not be prepared to vote on legislation when they come to their meetings. She said that speaks to the public and relays that they

are not ready or not taking their job seriously. She said it is abusive to the staff, the video crew, the public, the editor of the newspaper, and the public to hold lengthy meetings. She said it is improper for Councilmembers to “blindsided” other Councilmembers with amendments and new items at the meetings. She added that staff should not be blindsided with questions at workshops that can easily be sent to them ahead of time so the staff can come prepared and bring answers. She said the Council needs to be more efficient. She also said she is saddened by the same 4-3 voting and it needs to stop.

Mr. Olander responded to Mr. Kral and stated that the development is not cottage housing. It is another type of development allowed under the current code. He also said that there was one open public hearing which is legal under current Washington land use law and Council procedures. He also said that when an item comes to the Council that the Planning Commission has had an open public hearing on it cannot be reopened. The Council only acts as an appeal body when this occurs and can only review the record of the Planning Commission. In response to Ms. Wacker, he said there will be opportunities for public input on the City Hall design. The City is still in the due diligence stage and has not closed on the property, he said. Within the next 30 to 45 days the City staff will outline the next steps before the City Council, which will include a public process. He pointed out that the general parameters for the building are that it will be up to 60,000 square feet, but no designs are set. He added that Councilmembers often do e-mail City staff with questions in advance of Council meetings.

Councilmember Way asked for clarification on the public notice issue.

Ian Sievers, City Attorney, responded that residents get notice of the public hearing at the Planning Commission level. Thus, the hearing for any site specific rezone, which is a quasi-judicial action, is where comments get submitted, either written or oral testimony.

Mr. Olander noted that the Council agendas are also posted in City Hall and libraries in town. He also added that the Council future agendas are posted on the website.

Mayor Ransom said there will be much participation from the public on the new City Hall. He added that the Council does coordinate with the staff prior to meetings for clarification on issues and to get questions answered. He said there are meetings that have finished on time and the 4-3 voting splits are not common.

## 6. APPROVAL OF THE AGENDA

Councilmember Way proposed pulling item 7(c) to add a word to the scope of work. Mr. Olander noted that her previously stated revision has already been communicated to the City staff, so the addition of the word “prevention” to the contract is an editorial revision.

**Deputy Mayor moved for a point of personal privilege for Councilmember Way.**

Councilmember Way introduced her parents, Dave and Dotti Way from New Jersey. She added that her father was the inspiration for her being on the City Council.

**Deputy Mayor Fimia moved approval of the agenda. Councilmember Ryu seconded the motion, which carried 5-0.**

7. CONSENT CALENDAR

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

**Minutes of Workshop Dinner Meeting of July 10, 2006  
Minutes of Business Meeting of July 10, 2006  
Minutes of Special Meeting of July 17, 2006  
Minutes of Special Meeting of July 18, 2006  
Minutes of Workshop Dinner Meeting of July 24, 2006  
Minutes of Business Meeting of July 24, 2006**

**Approval of expenses and payroll as of August 17, 2006  
in the amount of \$5,234,670.34**

**Approval of amendment to contract for School Resource  
Officer between the City of Shoreline and the Shoreline  
School District**

**Approval of Memorandum of Agreement between the City  
of Shoreline and King County to transfer project funding for  
the Aurora Corridor Project (N 165<sup>th</sup> – N 205<sup>th</sup>)**

**Motion to authorize the City Manager to contract with the  
Washington State Military Department in the amount of  
\$54,531 for Emergency Management Preparedness Assistance  
Grant Funds (EMPAG)**

8. ACTION ITEM: PUBLIC HEARINGS

- (a) Public hearing to receive citizens' comment on  
Resolution No. 249, supporting the Automated Fingerprint  
Identification System (AFIS) Levy at the September 19, 2006  
State Primary Election; and

Council Action on Resolution No. 249, supporting the AFIS Levy

**At 8:07 p.m. Mayor Ransom opened the public hearing. There was no one signed up and no one in the audience wishing to provide public comment.**



**Upon motion by Deputy Mayor Fimia, seconded by Councilmember Ryu and carried 5-0, the public hearing was closed.**

**Councilmember Hansen moved to adopt Resolution No. 249, supporting the Automated Fingerprint Identification System (AFIS) Levy at the September 19, 2006 State Primary Election. Deputy Mayor Fimia seconded the motion.**

Mr. Olander explained that the purpose of AFIS is to rapidly identify suspects and warrants, and the funding depends upon a renewable levy every six years. The passage of this levy will include some enhancements being installed and he urged for positive consideration from the Council.

**A vote was taken on the motion, which carried 5-0, and Resolution No. 249 was passed.**

9. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

- (a) Ordinance No. 438 amending the City's Official Zoning Map Tile Number 443 changing the Zoning from Residential 12 DU-AC (R-12) to Residential 18 DU-AC (RU-18) of one parcel located at 19201 15<sup>th</sup> Avenue NW (Parcel #0226039205)

Joe Tovar, Planning and Development Services Director, summarized that this ordinance is the culmination of a long, complicated code enforcement issue. He said he inherited this issue and there were lots of concerns. The property, he said, is in an area that the Planning Commission determined can be up-zoned. There was a neighborhood meeting held in the spring that was well-attended, and the main concern was to ensure there would be no vehicular access to this parcel from the west. This was echoed by the staff who said the main concern was to protect the property from access by multi-family vehicles.

Steve Szafran, Planner, noted that the structure is currently a fourplex, which allows for residential zoning between R-12 and R-48. He reviewed the densities of the areas adjacent to the parcel, the conditions of the rezone, and any future impacts the rezone would have on the area. He closed by recommending approval of the rezone with conditions.

**Councilmember Hansen moved to approve Ordinance No. 438 amending the City's Official Zoning Map Tile Number 443 changing the Zoning from Residential 12 DU-AC (R-12) to Residential 18 DU-AC (RU-18) of one parcel located at 19201 15<sup>th</sup> Avenue NW (Parcel #0226039205). Deputy Mayor Fimia seconded the motion.**

Councilmember Hansen pointed out that this has been a problem in this neighborhood for a long time. He said the Planning Commission and the staff have worked out a good compromise, noting that the Burt's bought this property in 2002. He added that the

properties adjacent to the parcel are already zoned for R-18. He expressed support for the proposed ordinance.

Councilmember Way agreed with respect to the work done by the Planning Commission and the staff and concurred that the solution seemed amicable for all parties. She inquired if the current owner understood that this issue wasn't resolved when he purchased the property.

Mr. Tovar said this question was not addressed in the record, so therefore he cannot provide an answer.

Councilmember Way said that the process needs to be consistent for rezones, and the Council needs to ensure it is not setting a precedent. She wanted fairness for all citizens in Shoreline regarding rezones.

Mr. Tovar felt this was the best conclusion that could be reached based on the various and very different interests of the parties. He said when a rezone is granted for a specific parcel, people often question whether it is a "spot zone" to benefit one property owner. There is a generic problem on how the City deals with zoning changes to implement the Comprehensive Plan Land Use map. He hoped that there will be discussion on it in the future with the Council and the Planning Commission. He said that maybe the Comprehensive Housing Strategy can be used to outline a clear, more predictable, consistent process to communicate what the appropriate densities or uses ought to be for a given area.

Mr. Olander added that the City's current code enforcement personnel help resolve these types of issues.

Councilmember Ryu highlighted that the entire record needed to be available to the Planning Commission, because only seven neighbors spoke at the hearing and there were 45 letters written to them that they didn't see. She urged City staff to be aware of the traffic impacts on rezones and inquired if there was a way to control the traffic. She asked how much this rezone would have cost the property owner if he had initiated this action. She also asked if it was possible to pass those fees onto the property owner as a condition of the rezone. She wondered how the City goes about enforcing the conditions of the rezone.

Mr. Tovar noted that the conditions have to be satisfied by the applicant. For instance, the landscape plan has to be completed by October 1. If they don't comply, he said, then they don't get an approved permit. At that time, code enforcement would become involved and fines and other actions would be implemented by the City. He noted that at the Planning Commission meeting the property owner, Mr. Burt, was agreeable to the conditions that were discussed.

Mr. Szafran estimated the cost of the rezone for this application at around \$10,000.

Councilmember Ryu asked if reimbursement of this fee to the City could be a condition of the rezone.

Mr. Olander noted that it was a conscientious decision to make this a City-initiated rezone to ensure the applicant did not have to pay the cost. He said the staff felt this was a reasonable City contribution in order to solve the problem.

Mr. Sievers responded that since this has been initiated by the City, it would be an unfair condition to ask the property owner to reimburse the City.

Mr. Tovar pointed out that the property owner will, however, have to pay some permit fees related to this rezone.

Councilmember Ryu clarified that some higher density lots are even more valuable than commercial lots and she felt the rezone makes his parcel more valuable.

Mr. Sievers added that the City tried to find a process that worked for the entire neighborhood and the City.

Councilmember Ryu asked if the fee could be split 50-50.

Mr. Olander said that in such a late stage of negotiations that would be in bad faith. He said this represents a compromise to balance the interests and advised against charging the property owner.

Deputy Mayor Fimia supported the motion and commended the neighborhood, the staff, and the property owner for working through the issues and crafting a solution. She said the property was purchased after the owner thought it was compliant and change is needed. She said the City has to be reasonable and flexible when there is a need.

Mayor Ransom supported the motion and agreed it was a reasonable compromise to a difficult and complex issue.

Councilmember Hansen stated this is a “win-win-win situation.” He added that the City avoids any potential lawsuit, and the Burt’s have their property and the neighborhood traffic problem is mitigated. He commended the staff and supported the motion.

Councilmember Way congratulated the members of the public who commented repeatedly and were consistent about their concerns. She stated that the solution seems to be good compromise.

**A vote was taken on the motion, which carried 4 – 1, with Councilmember Ryu dissenting, and Ordinance No. 438 was adopted.**

RECESS

**At 8:55 p.m., Mayor Ransom called for a five-minute recess. At 9:06 p.m., Mayor Ransom reconvened the meeting.**

10. NEW BUSINESS

(a) 2005 Police Service Efforts and Accomplishments (SEA) Report

Tony Burt, Shoreline Police Chief, presented the 2005 SEA Report. He outlined that the department focused on Council goals to include safe and friendly streets, speed enforcement in school zones, and responding to community concerns. Additionally, the overall goal of reducing crime was analyzed by identifying where crime occurred in Shoreline. He said 2005 was a successful year for policing in Shoreline. However, there is room for improvement in the areas of auto thefts and burglaries because there was a slight 1.8% increase in Part I crimes in 2005. However, there was a 17% drop in Part I crimes in terms of violent crimes towards against persons, he reported. In 2005, he stated there were 20% more arrests made. He noted that they increased their enforcement in traffic safety and auto thefts in 2005. He also reported that collisions are down 20% this year because traffic citations are up 45%. He pointed out that there is an obvious correlation because their primary mission in traffic enforcement is reducing accidents and reducing injuries. He commended Sergeant Kevin Fagerstrom for working successfully on obtaining a large number of grants. The police storefronts have also been very successful in crime prevention, he said. He noted that the police department averages 400 hours of volunteer hours per month; volunteers are doing tasks such as making 607 follow-up calls to crime victims per month, and logging 3,300 reminder telephone calls a month to people that are scheduled for court. He highlighted that Part I crime is down 11% so far this year and is attributed to a reduction in auto theft (down 3.7%) and burglary. He commented that the wireless computer system in patrol cars is excellent and it allows officers to run checks on vehicles inside their patrol cars without having to call dispatch.

Councilmember Ryu inquired if there are any statistics on the reduction of traffic since the construction began on Aurora Avenue, and if this is correlated to fewer accidents in Shoreline.

Mr. Olander said the experience is that drivers are utilizing other routes in Shoreline to avoid Aurora Avenue. He explained that the volumes are there, but along other streets. He added that he would get that information to the Council.

Councilmember Way asked if there were any pedestrian accident statistics in 2005 and 2006.

Chief Burt said the greatest emphasis in preventing accidents has been in school zones, but he will investigate and report back to the Council how many pedestrian traffic accidents took place and their severity over the past two years.

Councilmember Way pointed out that David Townsend's "TIA" Foundation has raised awareness in the neighborhoods, organizations, and on the Council.

Chief Burt said traffic safety is the top priority and they are constantly looking at the statistics. He added that the Public Works department has developed reports that show speed counts throughout the City. These reports demonstrate where the speeding vehicles are so they can be targeted by the police department. He highlighted that there was an increase in burglaries in 2005, however, during the first six months in 2006 there is a significant decline in the number of commercial and residential burglaries. He added that the education of the public by the storefront volunteers and officers had a big impact on the reduction of burglaries in Shoreline. Additionally, the Detective Unit has been fully staffed for most of 2005 and all of 2006, and they have been able to focus on some of the chronic burglars with some significant arrests occurring.

Mayor Ransom pointed out that the 32 percent decline in burglaries Chief Burt discussed in his presentation is incorrect and should be a 24 to 25 percent reduction.

Deputy Mayor Fimia inquired if there was a more prominent time of day that these burglaries occur in Shoreline.

Chief Burt responded that most of them occur during the day when residents are at work.

Mayor Ransom inquired if most of the burglaries are committed by teenagers.

Chief Burt replied that it is difficult to answer because most of these burglaries do not end in arrests.

Deputy Mayor Fimia asked if most of the criminals that are apprehended reside in Shoreline.

Chief Burt replied that an overwhelming majority of auto thefts are done by thieves that do not reside in Shoreline. He added that the number of burglars apprehended who reside in Shoreline is about equal to those who reside outside the City.

Deputy Mayor Fimia asked the age range of those that are arrested.

Chief Burt responded that almost all of them are adults over the age of 18. However, those that are between 18 -25 years of age represent the greatest percentage. He also said they are starting to see more females involved in burglary.

Deputy Mayor Fimia inquired if most of the burglary cases involve drug users.

Chief Burt replied that it is hard to determine because most of the time they do not tell the officers why they are stealing.

Deputy Mayor Fimia added that the information gained from these crimes is important in order to reduce burglaries and auto theft. She said it is important to know who they are, why they are stealing, whether they are on drugs, and where they come from.

Chief Burt said the police normally get their address but it is not routinely collected. He added that the officers normally make assumptions about that type of information, but he admitted that those assumptions may not be accurate. He added that shoplifting declined in 2005 also.

Deputy Mayor Fimia said it is encouraging to see the numbers going down for 2006. She asked if the number of domestic violence cases has decreased as well.

Chief Burt said he would have to look into those statistics. He noted that the department has been encouraging victims to report for a long time now, but he said he would actually like to see that number stabilize because that means more people are reporting the abuse.

Deputy Mayor Fimia asked him to bring some specific points in the future for a more detailed discussion to identify more solutions and focus areas. She said domestic violence and other areas need to have more resources applied in order to continue to reduce the numbers.

Mayor Ransom pointed out that the presentation says there is a 50 percent increase in domestic violence from 2004 to 2005. He said the highest number is 4<sup>th</sup> degree assault and asked if family juvenile disturbances were included in that number.

Chief Burt said these represent cases where officers are called to residences for family disturbances that don't require an arrest.

Councilmember Way inquired what the process was for responding to calls. She asked if there was a protocol that the dispatcher goes through when routing calls. She highlighted that Chief Burt said the response time is 3.98 minutes, however, she said that she hasn't had that experience when she has called.

Mr. Olander said there is a protocol which outlines the classification of calls. Some of the calls are more serious than others and require a more immediate response. He added that most of the officers are busy with routine calls and some calls take a while to respond to, so it all depends on how the call is classified.

Chief Burt referred to page 183 of the SEA Report which explained how each call is classified. He outlined that the classifications are utilized by the person who takes the call and places it in one of the classifications. The dispatcher will examine how many officers are available that moment and what they are working on to ascertain if they can leave to respond to an emergency call, he explained. Higher priorities will be responded to first. Non-priority calls will be taken in order depending on how long the call has been waiting.

Councilmember Way inquired where a burglary call would be classified.

Chief Burtt replied that it depends upon if there is someone in the house or not. The presence of a burglar would have a very high priority. If the burglary took place while the resident was at work and the residence is safe it would not have such a high priority. In between those two would be a burglary that occurred a short time ago, he stated.

Councilmember Way asked how Shoreline compared with other cities on the drug issues.

Chief Burtt said there are very few juvenile arrests for drugs. He said there are some misdemeanor arrests for marijuana, but it is not rampant in schools.

Mr. Olander said there is a need for another officer in the street crimes unit because one was taken from the unit last year for traffic enforcement.

**Deputy Mayor Fimia called for public comment. There was no one wishing to provide public comment.**

Mayor Ransom commented that he is pleased that auto theft and burglaries have not exceeded the 2004 numbers.

#### MEETING EXTENSION

**At 9:57 p.m., Deputy Mayor Fimia moved to extend the meeting until 10:30 p.m. Councilmember Ryu seconded the motion, which carried 4-0-1, with Councilmember Hansen remaining silent.**

#### (b) Surface Water & Environmental Services

Mr. Olander introduced Jesus Sanchez, Public Works Operations Manager, and Jerry Schuster, Public Works Surface Water Manager.

Mr. Sanchez noted that the City inherited a failing “wire and duct tape” drainage system with an equally inadequate maintenance program from King County. There has been substantial progress made, he said, to reduce flooding, water quality, and habitat enhancement. The accomplishments include major capital improvements and the increase of routine maintenance. He introduced the Operations Division personnel and highlighted their professional backgrounds. He said they are an accomplished group with diverse skill sets.

Mr. Schuster discussed the surface water portion of the department. He noted that they work closely with the planning department’s design review engineer and the capital projects manager. He explained that the surface water department does everything from maintaining 7,400 catch basins to working with King County and City right-of-way inspectors. He noted that his team maintains and inspects 240 commercial stormwater facilities to ensure they meet City standards for water flow control and water quality.

treatment. The department also inspects 94 regional sites (large ponds) and 64 residential sites. They also respond to any flood or drainage issues that occur in Shoreline. The department also designs and implements stream restorations, monitors water quality in Hidden Lake, Echo Lake and City streams on a monthly basis, and are the point of contact for King County Public Health on any West Nile virus related issues.

Councilmember Ryu inquired how many catch basins will be added on Aurora Avenue as a result of the project.

Mr. Schuster responded that there will be about the same number of upgraded catch basins, but there will be three new treatment stations added.

Deputy Mayor Fimia inquired if the catch basin cleaning was contracted out and if there was anything else that was contracted to another organization.

Mr. Sanchez responded that they have existing contracts for catch basin cleaning and street sweeping.

Councilmember Way wondered if a performance measure could be implemented for how many square feet of stream habitat has been improved.

Mr. Sanchez responded that he tried to have the same measures as other cities to eventually reach the environmentally sustainable measures. He added that in 2007 they are starting a database to keep track of micro invertebrate counts.

Mr. Olander added that the City has been measuring water quality and it will be a federal requirement under the National Pollutant Discharge Elimination System (NPDES) program. He added that our goal shouldn't be to meet the federal and state requirements, but to exceed them.

Councilmember Way added that Seattle Pubic Utilities does fish counts and measures the sediment load. She suggested that Shoreline begin doing the same.

Mr. Schuster continued his presentation and outlined the major flood protection projects in the City.

Councilmember Ryu inquired about the recommended way to dispose of deciduous tree leaves.

Mr. Sanchez said the preferred way is to pick them up instead of blowing them into the street, which clogs the drainage system. However, there is a program where they are sometimes blown onto the road surface 30 or 45 minutes prior to the street sweeper coming through. He also noted that there is a regenerative air system that the City has contracted for in 2006 which is the highest rated vacuum system on the market.

Councilmember Way asked if the City encourages homeowners to compost.



Mr. Sanchez said the City does encourage composting and there is a compost facility behind Shorecrest High School. This facility saves the City over \$10,000 in transfer station fees per year. The resulting compost is taken by residents and used on their properties.

Mr. Schuster continued the presentation and discussed the NEST (Neighborhood Environmental Stewardship Team) program which was modeled after the neighborhood traffic safety program. The program, he explained, involves City staff conducting and holding meetings to discover what projects communities want to do concerning the environment.

10. ADJOURNMENT

At 10:34 p.m., Mayor Ransom declared the meeting adjourned.

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Scott Passey, CMC  
City Clerk

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

Monday, September 11, 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:** Debbie Tarry, Acting City Manager; Dick Deal, Parks, Recreation & Cultural Services Director; Lynn Cheeney, Recreation Superintendent; Joyce Nichols, Communications and Intergovernmental Relations Director

**GUESTS:** YMCA of Greater Seattle: Courtney Whitaker, Executive Director; Pearl Noreen, Board member; Don Mallett, Board member; Steve Dunn, Board member; Stacy Segal, YMCA Foundation.

At 6:20 p.m., Mayor Ransom opened the meeting with introductions around the table.

Mr. Dunn opened the presentation on behalf of the YMCA with a discussion of the organizations' fundraising efforts. The YMCA is trying to raising \$68 million for its programs and projects. The YMCA Board is composed of 30 members; they alone raised \$1 million. The Board also asked the Gates Foundation for \$6 million. They received more than \$7 million and a pledge from them to fund any child who wants to attend Camp Orkila.

Mr. Dunn provided a PowerPoint presentation which emphasized the following points about the need for a new facility:

1. More than 1,000 teens participate in a variety of programs, but these programs have no fixed location.
2. More than 700 kids participate in child care and summer programs each year. The Y is the largest non-profit provider of child care in the Edmonds School District, but it's losing its presence in Shoreline.
3. From specialized martial arts to summer sports, the Y provides a non-competitive environment for kids to learn sports, but the programs are currently limited to rental opportunities in the City and school facilities.
4. There are currently 220 children per day attending summer day camps.

Noting the partnership with Sherwood, Oregon, Ms. Noreen mentioned the great benefits of creating alliances between cities and the YMCA. The YMCA is a collaborative agency and works with others; not in competition with them. She said the YMCA would like to work with the City and its parks to enhance programs and opportunities for youth in the community.

Dr. Mallett pointed out that their current facility is 56-years old and covers only 7,200 square feet, with two modular units in back. The YMCA would like to build a 50,000 square-foot facility at Echo Lake, which will feature a full gym, a pool, cardio-vascular equipment, and meeting rooms. He said it should be similar to the new YMCA in Auburn, which is a very community-oriented, open facility. This board pledged more than \$1 million over a five-year period for the building drive.

Ms. Whitaker reviewed the proposed site plan, which is slightly less than two acres. The facility will have two levels of underground parking built into the slope of the property. She anticipated that they will close on the property next week.

Ms. Whitaker pointed out that the developer has met all the conditions of the contract rezone with the City. The Inland Group is the developer of the property. Public access to the lake is granted and maintained as part of the agreement with the developer. The facility will also connect with the Interurban Trail.

Councilmember Way asked City staff how they viewed the collaboration between the YMCA and the City. Mr. Deal replied that people want good programs for their kids, but the question of which entity provides them is not as important as ensuring the programs are good. Based on the experience in other communities, it will be a good partnership. He stated that if we do this now, we'll be doing more of it in the future.

Councilmember Way expressed a concern that we need to ensure safe pedestrian crossing of Aurora Avenue.

Councilmember Ryu asked if the YMCA Board had considered buying an existing building and refurbishing it. She also asked if the Board conducted any surveys or market analyses to determine how the community would be served by a new pool.

Ms. Whitaker said they have done these studies and focus groups to find out what people want. She concluded that people want more pool facilities and programs.

Councilmember Gustafson congratulated the Board for its tireless energy and work in getting this facility built. He commented favorably on the YMCA in Mountlake Terrace's family pool. He asked if the proposed YMCA at Echo Lake will feature a climbing wall.

Ms. Whitaker said that a climbing wall is a goal, but they are currently looking for where to place it in the facility.

September 11, 2006

Councilmember Hansen asked why the proposed design does not include an automobile connection between the two garages.

Ms. Whitaker said the grade of the two levels doesn't match, so they couldn't make that connection.

Deputy Mayor Fimia asked if the facility would be serving low income residents.

Ms. Whitaker said the YMCA is committed to serving all people. About 42% of the children they serve are or will be receiving some type of subsidy; their goal is serving 50% in the new facility.

Deputy Mayor Fimia inquired if the YMCA is asking the City for a set amount of financial assistance. She also asked about potential funding sources from the state or county.

Ms. Whitaker replied that the YMCA will try to get verbal and other capital assistance from the City. There is a \$1 million King County earmark for all four YMCA projects, and they will be requesting funds from the state as well.

Mr. Dunn said the City could put its funding into support for the low-income youth programs.

Mayor Ransom said he's been here a long time and thinks this proposed site is a good one. In terms of financial assistance, perhaps the City could help out with permit costs. He commented that the City does not have much discretionary spending right now, and he's not optimistic in the short term.

Responding to Councilmember McGlashan about whether agencies could do a payment plan, Ms. Whitaker answered affirmatively.

Councilmember Way asked City staff what types of assistance the City could provide. Ms. Tarry said staff would like to check with the City Attorney regarding what the City can legally provide. She said we would also have to show the public benefit from any money we provide.

Councilmember Gustafson noted that Hang Time is a teen program that is already a joint City/YMCA effort that benefits teenagers. He described it as a good program and a precedent for City funding. The program averages 75-95 participants per day.

Councilmember Ryu asked if there are any plans to do another feeding program for families in need, or if there are any programs for non English-speaking kids.

Ms. Whitaker said the YMCA would like to expand the feeding program. Currently, the Bothell School District is looking into a non-native English speaking program, and the YMCA is looking into it as well.

Councilmember Way stressed the need to use “green” building techniques and provide environmental learning classes, if possible.

Ms. Whitaker noted that the YMCA of Greater Seattle said the development at Echo Lake will definitely be “green.”

Mr. Dunn expressed a desire to create a partnership with the City to help people in need.

At 7:25 p.m., the meeting adjourned.

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Joyce Nichols, Communications and Intergovernmental Relations Director

## CITY COUNCIL AGENDA ITEM

### CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Approval of Expenses and Payroll as of September 28, 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 \$2,679,974.42 specified in the following detail:

#### **\*Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
8/27/06-9/8/06	9/15/2006	15789-15958	5580-5626	30394-30404	\$340,538.63
					<u>\$340,538.63</u>

#### **\*Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
9/15/2006	30359	30360	\$1,174.39
9/18/2006	30361		\$200,000.00
9/19/2006	30362	30392	\$24,743.99
9/20/2006	30393		\$299,926.31
9/21/2006	30405	30427	\$220,317.73
9/21/2006	30428	30461	\$36,963.95
9/22/2006	30462	30463	\$68,582.30
9/27/2006	30464	30478	\$779,108.86
9/28/2006	30479	30499	\$708,618.26
			<u>\$2,339,435.79</u>

Approved By: City Manager \_\_\_\_\_ City Attorney \_\_\_\_\_

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## **CITY COUNCIL AGENDA ITEM**

### **CITY OF SHORELINE, WASHINGTON**

<b>AGENDA TITLE:</b>	Twin Ponds Soccer Field Improvements – Design Contract
<b>DEPARTMENT:</b>	Public Works
<b>PRESENTED BY:</b>	Dick Deal, Director, Parks, Recreation and Cultural Services Dave Buchan, Capital Projects Manager

This Staff Report provides Council with information regarding a proposed design contract with D.A. Hogan and Associates for design services in connection with the creation of new artificial surfacing and related improvements at Twin Ponds soccer field in Shoreline.

#### **BACKGROUND**

The Twin Ponds soccer field was originally built by King County in the mid-1970's and turned over to the City of Shoreline upon Shoreline's incorporation. The soccer field was updated with an "all-weather" soil mix in the late 1980's. The soccer field at Twin Ponds Park is a heavily used recreational facility serving both youth and adults alike.

In recent years the field surfacing has deteriorated significantly. The field mix that forms the top layer of the playing surface has been gradually contaminated with vegetative matter that slowly breaks down to create silt debris that can clog the field's drainage system. The result is a field that ponds up during the rainy season creating difficult playing conditions. Equally bad is the dry season when normal play kicks up dust that can rise up 20 feet in the air.

On May 16, 2006 Shoreline voters approved the Parks and Open Space Bond Proposition #1 by a 70% plurality and authorizing an expenditure of over \$18,000,000 for acquisition and development of various park, open space, and trail projects. One of the named projects in the Parks Bond Measure, with a capital allocation of \$900,000, is the provision of new artificial soccer field surfacing at Twin Ponds Park. The Twin Ponds project will not only provide a new artificial playing surface but it will create better sideline conditions for players and fans alike. Improved ball control netting will solve the long-standing problem of soccer balls errantly kicked into the natural vegetation near the ponds. The result will be a field that is more controllable and much more appealing to the sport community in Shoreline.

#### **CONSULTANT SELECTION PROCESS**

The consultant team for the recently completed Shoreline Park Soccer Field A and B project was D.A. Hogan and Associates with offices in Seattle. D.A. Hogan and Associates is a nationally known firm specializing in artificial surfacing installations and related improvements. D.A. Hogan and Associates was selected for the Shoreline Park

project from among seven firms that responded to the City's solicitation for consultant services for the Shoreline Park project.

Anticipating that additional artificial surfacing projects might be happening in Shoreline, staff inserted language in the Shoreline Park consultant solicitation that provided for the selected consultant for the Shoreline Park project to be employed for similar projects at the City's discretion. This language was reviewed and approved by the City's Finance Department and the Shoreline City Attorney. The exemplary performance of the D.A. Hogan team in carrying out design services for the Shoreline Park project and the success of the completed project convinces staff to recommend to Council that D.A. Hogan and Associates be selected as the consultant firm for the Twin Ponds project.

### **PROPOSED DESIGN CONTRACT**

Design of Twin Ponds Park soccer field improvements has to be carefully integrated into the existing conditions at Twin Ponds Park. The adjacency of the soccer field to the ponds requires that the design team have a full understanding of storm water flows in and around that area of the park, seasonal variation in pond water levels and run off conditions in the vicinity of the soccer field. To help understand these issues staff has agreed with the consultant team that both a Level 1 Storm Drainage Report and a site geotechnical investigation need to be included as components of the design contract to fully inform the design effort for this project. Of course, a full site topographical survey will be needed to establish elevation control for design and construction. The break out of fees for these services is proposed as follows:

Level 1 Storm Drainage Report	\$5,000
Geotechnical Investigation	\$6,500
Site Topographical Survey	\$7,500
<b>Total Special Services =</b>	<b>\$19,000</b>

**Fees for basic design services for this project are recommended at \$56,874** and include preparation of schematic design documents, construction documents, assistance with the bidding process and construction monitoring services during project implementation.

The combined total of both basic design services and Special services creates a total design contract amount of \$75,874.

### **TOTAL PROJECT COST**

Staff estimates that the total cost of the Twin Ponds Soccer Field project will be in the range of \$1,100,000. \$900,000 of this total cost will come from Parks and Open Space bond funding. The balance of the total project cost, or roughly \$200,000, will come from General Capital Repair and Replacement funds for soccer fields that have been accumulated. The breakdown of Total Project Costs is as follows:

Construction Cost.....	\$894,000
Project Soft Costs.....	\$205,000
(design, Sales Tax, Project management, inspections, etc.)	
<b>Total Project Cost</b>	<b>\$1,099,000</b>

### RECOMMENDATION

Staff recommends that Council approve a design contract with D.A. Hogan and Associates in the amount of \$75,874 for full design services in connection with the installation of artificial soccer field surfacing and related improvements at Twin Ponds Park in Shoreline.

Approved By:      City Manager  City Attorney \_\_\_\_\_

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**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b> Contract Amendment for Legal Services
<b>DEPARTMENT:</b> City Attorney
<b>PRESENTED BY:</b> Ian Sievers, City Attorney

**PROBLEM/ISSUE STATEMENT:**

The City Attorneys Office retains outside counsel to access resources available for specialized areas of municipal law, for complex litigation that would disrupt availability of in-house resources for city departments and other litigation, or for matters where a professional conflict arises. Firms are selected based on a firm's area of expertise and cost considerations. For example, in 2005 contracts were issued to five different law firms for a total of approximately \$39,000.

The City Attorney's Office has an annual stand-by contract with Foster Pepper for matters assigned by the City Attorney or the City Manager that meet the above criteria (e.g. Aurora SEPA appeal, bond counsel support). This contract is typically written for services not to exceed \$25,000 during the calendar year. For example billings for Foster Pepper were \$4,695 in 2005. The contract limits may be amended if litigation is assigned which becomes extended. Such is the case in 2006.

In February, 2006, Council authorized legal defense for Mayor Ransom, Deputy Mayor Fimia, Councilmember Way and former Councilmember Chang in a civil suit filed January 1<sup>st</sup> seeking declaratory judgment, penalties and attorney fees for violations of the Open Public Meetings Act (*King et al v. Fimia et al*, King County Sup. Ct. NO. 06-2-0803-1 SEA). The plaintiffs notified the City Attorney that he would be called as a witness at trial which creates a conflict for attorneys in the City Attorneys Office. All the City defendants have accepted a joint defense using Steve DiJulio of Foster Pepper.

On March 30th a group of citizens filed a petition with King County to recall Mayor Ransom and Deputy Mayor Fimia Deputy based on the same allegations that had been presented in the earlier civil suit. Council approved defense of this recall as allowed by state law on April 10<sup>th</sup>. This matter was also assigned to Steve DiJulio under the Foster Pepper for efficiency given the identity of issues, and in consideration of Mr. DiJulio's past experience in the recall proceedings.

The defense of the recall petition resulted in a dismissal by the court upon request of the petitioners immediately before the superior court hearing and after the City filed an extensive hearing brief. The City filed a partial summary judgment motion in the civil suit on September 25<sup>th</sup> which will be heard on October 20<sup>th</sup>. This motion requests dismissal of allegations that there was a knowing violation of the Open Meetings Act

and penalties assessed for such violations. The Plaintiffs may continue the lawsuit if the motion is successful in establishing the Open Meetings Act was violated even though the violations were not intentional.

The 2006 contract for services has been amended administratively to cover billings to date for fees and costs totaling \$73,720.04 on both the civil suit and the recall petition litigation. It is estimated that additional fees and costs for 2006 will be approximately \$20,000. It is recommended that the council approval include the 2007 stand-by contract amount that has been written for \$25,000 in past years so that funds will be available in 2006 if the estimate is exceeded.

Voting on the contract amendment is limited to councilmembers not benefiting from the defense unless the Council lacks a quorum to take action without the recused members. Defense is provided under the City's reservation of rights to indemnification if there is a finding of intentional violations (see attached reservation of rights letter). This amendment will not affect the existing reservation of rights.

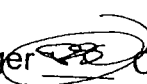

#### **FINANCIAL IMPACT:**

It is expected that a budget amendment will be needed to the City Attorney's budget before the end of the year to cover the increase in this services contract for 2006 (\$20,000). Staff will be doing a budget amendment in November to capture a number of unexpected items (i.e., additional emergency management grant, additional recycling grant, etc.) including this item. Other expenditures, within the City Attorney's Office, are inflexible (principally salary and benefits and prosecution contract payments) and not expected to create savings sufficient to offset this expense.

#### **RECOMMENDATION**

It is recommended that Council move to approve an amendment to the contract with Foster Pepper PLLC extending the contract from December 31, 2006 to December 31, 2007 and increasing the total contract payments from \$75,000 to an amount not to exceed \$120,000 over the new contract term.

Approved By:

City Manager  City Attorney 

#### **ATTACHMENTS**

- Reservation of rights letter accepting defense



*City of Shoreline*

17544 Midvale Avenue North  
Shoreline, WA 98133-4921  
(206) 546-1700 ♦ Fax (206) 546-2200

February 13, 2006

John Chang  
16229 6th Avenue NW  
Shoreline, WA 98177

Maggie Fimia  
729 N. 148<sup>th</sup>  
Shoreline, WA 98133

Robert Ransom  
16745 Burke Avenue N.  
Shoreline, WA 98133

Janet Way  
940 NE 147<sup>th</sup> Street  
Shoreline, WA 98155

Re: *King, et. al. v., Fimia, et. al.*  
King County Superior Court Cause No. 06-2-00803-1SEA

Dear Deputy Mayor Fimia, Mayor Ransom, Councilmember Way, and former Councilmember Chang:

Coverage and defense for the above captioned suit, subject to the following reservation, is offered to you for actions beginning on or about December 5, 2005 to December 27, 2005. Steve DiJulio of Foster Pepper PLLC has been assigned as defense counsel.

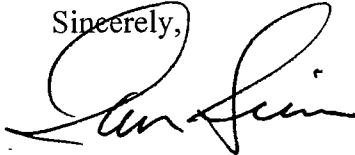
Please know, however, that the allegations if true may prove to be outside the City's coverage. Language in the complaint refers to intentional violation of the Open Public Meetings Act. Such activity, if proven, is excluded from coverage under Shoreline Municipal Code 2.40.030(A)(1).

Since the City is presently without sufficient information to make a determination regarding the occurrence of alleged events or intention of defendants, coverage and defense of this suit is being conducted under a full reservations of rights. Therefore, the City reserves its rights to determine coverage and/or defense or denial thereof until such time as the full facts are known.

Secondly, under the terms of the City Council's approval of coverage on February 13, 2006, to receive City payment of your defense costs you must reimburse legal defense costs paid by the City after February 13 in this matter if there is a final judgment entered that finds you knowingly, willfully or intentionally violated the Open Public Meetings Act. The Council, in approving this conditional coverage, determined such conduct to be outside coverage under SMC 2.40.030(A)(1) and costs for defending such claims should be reimbursed to the City.

If you choose to seek legal counsel other than or in addition to the counsel assigned by the City for your defense, please be advised that any fees and/or expenses that are incurred will be your personal responsibility.

Sincerely,

A handwritten signature in black ink, appearing to read "Ian R. Sievers", written over the word "Sincerely,".

Ian R. Sievers

Cc: Steve DiJulio