

CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF REGULAR MEETING

Tuesday, May 27, 2003
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

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

ABSENT: Councilmember Montgomery

1. **CALL TO ORDER**

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

2. **FLAG SALUTE/ROLL CALL**

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

Upon motion by Councilmember Ransom, seconded by Deputy Mayor Grossman and unanimously carried, Councilmember Montgomery was excused.

(a) **Proclamation of "Shorewood High School Drill and Flag Teams Week"**

Mayor Jepsen presented a proclamation recognizing the efforts and achievements of the Shorewood High School Drill and Flag teams. Coach Keys and Coach Kinzel and several of the drill and flag team members accepted the proclamation on behalf of Shorewood High School.

3. **CITY MANAGER'S REPORT**

Paul Haines, Public Works Director, introduced the City's new Traffic Engineer, Richard Meredith, and elaborated on his background and credentials.

4. **REPORTS OF BOARDS AND COMMISSIONS:** none

5. **PUBLIC COMMENT:** none

6. **APPROVAL OF THE AGENDA**

Councilmember Hansen moved approval of the agenda. Councilmember Ransom seconded the motion, which carried unanimously, and the agenda was approved.

7. CONSENT CALENDAR

Deputy Mayor Grossman moved approval of the consent calendar. Councilmember Hansen seconded the motion, which carried 6-0, and the following items were approved:

**Minutes of Workshop Meeting of May 5, 2003
Minutes of Dinner Meeting of May 12, 2003**

**Approval of expenses and payroll as of May 16, 2003
in the amount of \$396,470.70**

Mayor Jepsen noted that the public hearing (Item 8(a)) was scheduled to begin at 8:00 p.m. Therefore, Council moved on to Item 9(a).

9. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

- (a) Ordinance No. 328, which amends the Shoreline Municipal Code §2.50; adopts the Emergency Operations Plan (2003); and authorizes execution of an Emergency Management Interlocal Agreement

Eric Swansen, Senior Management Analyst, presented the staff report, noting that the 2003 Emergency Operations Plan (EOP) outlines the roles, responsibilities and organization that the City will undertake in response to threats on life, health, public or private property, the economy, and natural resources. At an earlier workshop, Council suggested that staff develop a timetable to ensure that the plan is rehearsed and reviewed on an annual basis. These suggestions have been incorporated into Ordinance No. 328. It also addresses a number of concerns that arose during the revision of the plan. Mr. Swansen summarized the proposed changes to the Shoreline Municipal Code:

- 1) Modifying the purpose to broaden the scope and applicability to include protection of persons, private property, natural resources, and the economy.
- 2) Removing language that prevents using the EOP to prepare for the remote possibility of a nuclear attack. Removing this section clarifies that the City will act if a credible threat exists.
- 3) Providing the City Manager with explicit authority to proclaim an emergency and establish rules and regulations reasonably required to achieve the plan's purposes. The City Council still has the authority to take legislative action on these matters as soon as practical after they are proclaimed or implemented.
- 4) Replacing the Emergency Services Director with the City Manager. This is done to clarify and reflect current practice. As the administrative officer of the City, the City Manager is ultimately responsible for this function.

- 5) Requiring an annual review and drill of the plan.

Councilmember Hansen moved adoption of Ordinance No. 328. Councilmember Gustafson seconded the motion.

Councilmember Gustafson commented on the thorough nature of the plan and emphasized the need for citizens to achieve 72-hour preparedness. He was glad that the amateur radio group will provide the City an additional means of communication in the event of an emergency. He said a recent bomb threat at Shorewood High School illustrated the need for coordination between the City and the school district, noting that that there was confusion about which emergency evacuation shelter to use.

Mr. Swansen responded that the standard version of the plan did not include all available shelters because not every facility may be available, and the City does not wish to publish shelters that are not available. He said the City has taken steps to update emergency shelter information, noting that schools have their own specific action plans. He said the EOP is a broad-based plan that covers the entire community.

Councilmember Hansen mentioned that 72-hour emergency kits are available for purchase at Costco.

Mr. Swansen noted that libraries and various websites have excellent resources to help people determine what to include in 72-hour emergency kits.

Councilmember Gustafson asked if there is a capability to broadcast live on Channel 21 in case of an emergency.

Mr. Swansen responded that the City currently broadcasts live text and audio, although a live video feed may be a possibility at a future time. Councilmember Gustafson said the City may want to have that capability eventually.

A vote was taken on the motion, which carried unanimously, and Ordinance No. 328 was adopted.

- (b) Motion to authorize the City Manager to execute a Discretionary Work Request with King County for the 2003 Road Overlay Program

Paul Haines, Public Works Director, explained that the purpose of this item is to secure the resources to maintain Shoreline streets by means of the 2003 Road Overlay Program. His presentation included the following points:

- At the March 17, 2003 Council workshop meeting staff reported that the City's streets rated an overall score of approximately 76 (fair to good condition). From 2000 to 2002 the City's budget allocated \$700,000 for the Road Overlay Program, which has allowed the City to maintain the streets in fair to good condition.

- The 2003 Budget was reduced to \$500,000 due to the passage of Initiative 776. At this level, deferred maintenance costs will increase, and the average condition ratings of the roads will decrease over time.
- Under the \$500,000 budget scenario, the Pavement Maintenance and Rehabilitation Program would consist of overlay (80%: \$400,000) and slurry sealing (20%: \$100,000) as the methods of treatment. This program would overlay approximately 5.2 center-line miles of roadway; slurry seals would cover about 6 miles of roadway.
- If staff finds that slurry seals are not an adequate remedy, they can be converted to approximately .75 miles of road overlays.
- Option #2, which staff is recommending, is to include an additional \$100,913 from carryover in the Roads Capital Fund, and \$99,087 from the 2002 General Fund surplus, thereby increasing the program to \$700,000. Although this option would require a budget amendment, staff feels it to be a worthwhile investment in City infrastructure.
- Lost street fund revenues may be regained to cover the costs of this added program if Initiative 776 is found unconstitutional. If I-776 is upheld, staff would view this program as a one-time investment as the City makes the transition to a smaller budget allocation.

Mr. Burkett refreshed the Council's memory regarding Initiative 776, noting that a majority of Shoreline voters did not support the measure.

Councilmember Gustafson moved adoption of Option #2 for a total of \$700,000. Councilmember Hansen seconded the motion.

Responding to Councilmember Ransom, Councilmember Hansen expressed confidence that there would be sufficient resources to support Option #2 even if I-776 funds are not returned to the City. He noted that the tax is still being collected and it is highly unlikely there would be a refund of those taxes, even if I-776 was upheld.

Councilmember Ransom expressed reservations about the slurry seal method due to last year's failed effort. He asked staff what it will do differently this year to ensure success.

Mr. Haines said the program would be divided into two phases: 1) road overlays and 2) slurry seal testing. He said staff would test the slurry formula on a City-owned site, monitor how it functions, and get feedback from those using it. He said it can be determined fairly quickly if the slurry seal will hold up. He expressed optimism that staff can find the right slurry formula to successfully treat the proposed roadways, emphasizing that the City needs more than road overlays to address all City streets in a timely manner.

Councilmember Hansen questioned whether the effectiveness of slurry sealing could be determined in a relatively short period of time. He suggested it could take up to a year to determine whether slurry seals are effective.

Mr. Haines reiterated his optimism, noting that he would not recommend slurry sealing if he was not confident of its success.

Mayor Jepsen said although he would support the motion this year, unless the funds are restored that were cut by Initiative 776, Council must take a different approach next year. He said he views the additional funding this year as a one-time expenditure.

Councilmember Chang also wished to ensure the success of the slurry seal method.

A vote was taken on the motion, which carried 6-0, and the Discretionary Work Request with King County for the 2003 Road Overlay Program in an amount not to exceed \$700,000 was approved, taking an additional \$100,913 from carryover in the Roads Capital Fund, and \$99,087 from the 2002 General Fund surplus.

8. **ACTION ITEMS: PUBLIC HEARING**

- (a) Public hearing to receive citizens comments on the proposed vacation of N. 188th Street generally located between Midvale Avenue N. and the Seattle City Light right-of-way

Ordinance No. 327 vacating N. 188th Street between Midvale Ave. N. and the Seattle City Light transmission right-of-way

Andrea Spencer, Planning and Development Services, provided the staff presentation on this item. Her presentation included the following points:

- The ownership of Sky Nursery submitted a Petition of Street Vacation to the Planning and Development Services Department on December 21, 2001. The right-of-way to be vacated is located at N 188th Street between Midvale Avenue N and Seattle City Light (SCL) property on the eastern side of Aurora Avenue N. City staff has coordinated with affected utilities and analyzed future City plans for the area in question, and is recommending approval of this request.
- The Planning Commission conducted a public hearing on the proposed street vacation on May 15, 2003. There were no public comments received at this hearing. The Planning Commission unanimously recommended approval of the proposal with the conditions listed under "Option 2" for property remuneration as outlined in the staff report. During production of the proposed ordinance, staff slightly modified "condition 4" (regarding right-of-way encroachments) after the Planning Commission recommended allowing greater flexibility.
- Approval of the street vacation ordinance by City Council would entitle the City to monetary or other consideration for the vacation. Planning Commission and City staff recommends a combination of property trade as well as payment.
- The street vacation meets all criteria listed in the Development Code.

- The Planning Commission and staff recommend that City Council adopt Ordinance No. 327, thereby approving the street vacation subject to conditions.

Mayor Jepsen opened the public hearing.

(a) Bruce Deans, Shoreline, expressed concerns that truck access to Sky Nursery and other traffic factors may adversely affect the residential character of the adjacent neighborhood. He said in the past, Sky Nursery has not complied with the permit process and has encroached into the SCL right-of-way. He expressed concern about future traffic volumes, property values, and whether the neighborhood would be properly maintained as a residential zone.

Upon motion by Councilmember Hansen, seconded by Councilmember Gustafson and unanimously carried, the public hearing was closed.

Councilmember Hansen moved approval of Ordinance No. 327. Councilmember Gustafson seconded the motion.

Councilmember Ransom asked about the width of the area (8,100 square feet) to be dedicated to the City of Shoreline as a condition of the vacation.

Ms. Spencer replied that it is an additional ten feet, which will increase the current right-of-way from 20 feet to 30 feet, which is the Development Code standard.

Responding to Councilmember Ransom, Ms. Spencer noted that the SCL right-of-way is the area that is currently occupied by Sky Nursery's parking lot.

Councilmember Chang wished to ensure that Mr. Deans' concerns were addressed.

Following up on Councilmember Chang's comment, Mayor Jepsen asked if the City has any idea how Sky Nursery might redevelop the property.

Ms. Spencer responded that no application or pre-application for redevelopment has been filed, so the City does not know Sky Nursery's plans for the future. It is anticipated that the parking lot would be located to the north where the current right-of-way is because it is encumbered with utility easements.

Councilmember Chang asked staff to address Mr. Deans' concerns, adding that any future plans must satisfy the neighborhood's concerns.

Tim Stewart, Planning and Development Services Director, explained that the future land use of this area (which is designated as Regional Business) was discussed and decided during the Comprehensive Plan reconciliation process last year. He said any proposed development by Sky Nursery will be required to comply with all the standards in the Development Code.

Councilmember Chang wondered if nobody commented at the Planning Commission public hearing because of a possible lack of notification.

Ms. Spencer noted that a land use action sign was posted on the right-of-way nearly six weeks ago. She noted that many people attended the Planning Commission Meeting to comment on a different agenda item, so there was ample opportunity to comment.

Mayor Jepsen clarified that the City is not required to mail notification for this type of activity.

Mr. Burkett assured Council that the impacts of any future redevelopment will be reviewed when Sky Nursery applies for permits. He noted that there are two separate issues for Council to consider: 1) the street vacation, and 2) future redevelopment.

Deputy Mayor Grossman noted that when the Council vacates a street, there is an implication that the City supports some changes in the area. He expressed concern about potential traffic ingress/egress problems resulting from reconfiguration of the property. He asked if Aurora Avenue N. through the SCL right-of-way would continue to serve as business access, or whether Midvale Avenue N. would be converted into a low-grade arterial.

Ms. Spencer said that issue would likely be part of traffic impact study that would be done at the time of redevelopment.

Responding to Councilmember Hansen, Ms. Spencer said the Comprehensive Plan designation is mixed use for the entire area.

Councilmember Ransom asked whether this issue would affect the City's plans to construct the Interurban Trail on the front (Aurora Ave. N) side of the property.

Ms. Spencer noted that the street vacation will allow the parking lot to be removed from the right-of-way, thereby making room for the Interurban Trail.

Mr. Burkett added that the property owner was made aware of the City's plans to modify Aurora Avenue and build the Interurban Trail at least a year ago, so he has been making his own plans to expand in other directions. He said the owner understands that he will not have use of the SCL right-of-way indefinitely.

Councilmember Gustafson asked staff to look into a statement he had heard that Seattle City Light had given Sky Nursery a very long-term lease of this right-of-way.

Deputy Mayor Grossman expressed confidence that the City and affected parties will be able to address related issues due to Sky Nursery's planning and proactive approach.

Responding to Mr. Deans' concern about future use and access, Mayor Jepsen speculated that numerous points along the Interurban Trail will be needed for business access.

Deputy Mayor Grossman and staff confirmed that the extension of land from N 188th Street to Aurora Avenue N remains the City's right-of-way in the SCL right-of-way.

A vote was taken on the motion and Ordinance No. 327 vacating N. 188th Street between Midvale Avenue and the Seattle City Light transmission right-of-way was unanimously passed.

10. ADJOURNMENT

At 8:40 p.m., Mayor Jepsen declared the meeting adjourned.

Sharon Mattioli
City Clerk