

DRAFT

CITY OF SHORELINE

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

Monday, October 11, 2004
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Hansen, Councilmembers Chang, Fimia, Grace, Gustafson, and Ransom

ABSENT: Deputy Mayor Jepsen

1. **CALL TO ORDER**

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

2. **FLAG SALUTE/ROLL CALL**

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

Upon motion by Councilmember Gustafson, seconded by Councilmember Grace and unanimously carried, Deputy Mayor Jepsen was excused.

(a) **Proclamation of Breast Cancer Awareness Month**

Mayor Hansen presented the proclamation to members of the Shoreline Junior Jaycees and recognized their efforts to bring awareness to breast cancer. Karen Hauger, president of the Junior Jaycees, accepted the proclamation and described a kickoff fundraising event to bring awareness to breast cancer research.

3. **CITY MANAGER'S REPORT**

King County Councilmember Carolyn Edmonds presented Mayor Hansen with a check for \$750,000 as a mitigation payment for the Brightwater wastewater treatment plant. She congratulated Deputy City Manager Bob Olander for his role in negotiating the agreement with King County.

Bob Olander, Deputy City Manager, described a proposal to use part of this mitigation funding to transform the Richmond Beach Pump Station into a community park, noting that part of the cost of improving the park would be defrayed by transferring ownership of some of the property to Shoreline. He noted that the Richmond Beach Community Council (RBCC) would be hosting open houses to get community input on this proposal.

Councilmember Ransom wished to ensure that staff involves the Parks Advisory Board on this proposal. Mr. Olander confirmed that staff has already met with the Parks Board at the site, as well as with the RBCC.

Responding to Councilmember Fimia, Mr. Olander affirmed that the \$750,000 is not dedicated entirely to the park site, and could be used to mitigate the impacts to a number of areas. Councilmember Fimia wished to ensure that Council would provide the process for bringing spending proposals forward.

Mr. Olander then reported on the budget prioritization exercise undertaken by members of the public and community leaders on the City's long-range financial plan. He said a report would be prepared and presented to Council detailing the results of the exercise. He also commented on the Parents Night Out Program, jointly sponsored by the City of Shoreline and the YMCA, and the 2003 United Way award received by City employees for charitable contributions.

Sheila Austria, United Way, and Linda Avril, principal of the Shoreline Children's Center, presented the United Way Outstanding Employee Campaign Award to Assistant City Manager Julie Modrzejewski. Mr. Olander commented on the new contribution campaign that City employees would undertake this season.

Councilmember Grace commented favorably on the Parents Night Out program. He wondered how successful the City was in getting a representative sample of the community at the long-range financial plan exercise.

Mr. Olander felt the gender distribution was good, but there could have been more age and racial diversity. He explained that those who participated in the City's citizen survey last year selected this random group. He felt that making the selection process less random might compensate for any age or racial deficiencies in the future. Responding to Councilmember Ransom, Mr. Olander explained that the ETC Institute (the firm that conducted the citizen survey last year) conducted the random selection of participants.

4. REPORTS OF BOARDS AND COMMISSIONS: none

Mayor Hansen announced that members of the Shoreline City Council have been invited to the grand opening ceremony at Sam's Club on November 11.

Councilmember Ransom requested that the Council discuss the process for filling the vacancy on the Planning Commission. **There was Council consensus to add Planning Commission Selection Process, Item 9(b), to the agenda.**

Councilmember Chang expressed concern that the Washington State Department of Transportation (WSDOT) has not adequately responded to Council's request that a WSDOT representative discuss the Aurora Corridor project at a Council meeting. He felt the State has not acted in partnership with the City on what is a very important

transportation project. He felt the Secretary of Transportation, a public servant, has the duty to respond when a majority of Council has specific questions about a project of this magnitude.

Councilmember Fimia concurred, noting that the Council should persist in getting a WSDOT representative to respond. On another topic, she commented on her attendance at the second long-range planning session. She expressed concern that the sessions were not publicly announced, that the City Council was not involved in developing the sessions, and that the process of selecting participants were not necessarily random. She felt the people who use City services were not represented in these sessions. She commented on the cost of hiring a facilitator, pointing out that staff could have conducted the exercise. She also felt participants were not given enough information to make informed decisions.

Mr. Olander said the prioritization exercise was simply one method of getting public input. He said such exercises, along with citizen surveys, public hearings, and town hall meetings, can all be utilized to determine public priorities. He said staff hopes to expand and improve the process of collecting public input.

Mayor Hansen noted that this exercise was a staff function, not a Council function. He said Council has directed staff to gather information on public input, and Council should allow staff to do its job. He felt the information derived from the sessions would be valuable in establishing the City's long-term priorities.

Mr. Olander emphasized the need to maintain both the reality and appearance of neutrality when collecting public input. He said a facilitator was hired for these sessions so people would feel free to share their ideas and not perceive staff or Council as trying to influence the process.

Councilmember Ransom was also concerned that the Council was not informed about the program. He wondered when the Council could expect the results. Mr. Olander indicated that a report would be available in the next few weeks.

Councilmember Fimia felt the sessions should have included more information exchange, and that the City could have gotten the same results for much less money. She did not feel it was an objective process, and that the public was not able to weigh the costs and benefits because it did not get enough budget information.

Mayor Hansen noted that the sessions dealt with elements of service, not costs.

Councilmember Gustafson felt the Council should have a more in-depth discussion of the Council's management role in relation to full-time, administrative staff. He expressed his opinion that the Council's role is to approve the budget and establish general policies, and that he expects full-time staff to implement the policy. He felt the Council was starting to get into "micromanaging," noting that most elected officials have full-time jobs and limited time to spend on the detailed work that staff should manage.

Councilmember Grace said although the participant selection process could be improved, the prioritization sessions reflect the direction the Council has given to staff about public input on long-range goals. He felt Council would be debilitated as a policy-making body if it gets too involved in the lower-level decisions. He emphasized the importance of good two-way communication and delegation to staff.

Mr. Olander suggested that issues of delegation and Council responsibility could be discussed at the upcoming Council retreat.

Councilmember Fimia said although there has been discussion, there has been no real consensus on exactly what form an enhanced process of public input would take. She said it is astounding that such meetings could take place without Council knowledge.

Mayor Hansen pointed out that Mr. Olander negotiated a favorable mitigation agreement with King County without significant Council involvement.

5. PUBLIC COMMENT

(a) Joe Phillips, Shoreline, thanked the City for the opportunity to participate in the long-range planning exercise. On another topic, he urged the Council to do something about the dangerous traffic situation in Richmond Beach. He explained that drivers frequently speed on 8th Avenue NW and run stop signs in the vicinity of 10th Avenue NW and NE 200th Street. He noted that the entire area is a safety hazard for other drivers and pedestrians, especially school children. He submitted a petition signed by neighbors asking for a solution to the problem. He urged the Council to consider reducing the speed limit on 8th Avenue to 25 miles per hour.

(b) David Townsend, Shoreline, said he is appalled that the City is arguing in court that his daughter was responsible for her own death. He said documents state that his daughter was 100% innocent, and that her death could have been prevented if the City took action in 1999 when it had grant funding for traffic improvements. He said the City needs to start listening and working together as a team before someone else dies. He said he plans to move from Shoreline, vowing he will no longer shop in the City or do anything else to support its needs.

(c) Patty Crawford, Shoreline, stated that Seattle Public Utility has documented a migrating steelhead in Thornton Creek, contradicting the Mayor's previous statement that no one could confirm the fish sighting. She said she attended David Townsend's court proceedings and agrees that the City attorney's arguments were appalling. She said the City has "thrown out" its own police report, which seems to indicate something is wrong with the City's defense. She felt there is an increasing separation between east and west Shoreline, pointing out that there are no Councilmembers that live east of Aurora Avenue. She said people only started opposing cottage housing when a development was proposed in Richmond Beach. She said the

City is destroying salmon habitat, that it is “callous and heartless,” and that Council is not doing its job if it does not question the reports of City staff.

(d) Tom Nasky, owner of property at 16053 Aurora Avenue N, said while he supports the Aurora Corridor project, he is very concerned about the location of u-turns proposed for N 160th Street. He noted the difficulty for southbound drivers leaving his business to access the left turn lane at N 160th Street in order to make u-turns. He said this presents a serious traffic hazard for other drivers and pedestrians. He urged the Council to modify the design, noting there would be accidents in this very congested area if u-turns are allowed at this intersection.

(e) Omum Onum Esonu, Lynnwood, representing the owner of European Motors on Aurora Avenue, concurred with the previous speaker’s comments. He said allowing a u-turn at this location would have disastrous consequences for vehicles and pedestrians. He felt it could be a potential liability issue for the City. He advised caution and urged the Council to consider another alternative to the current proposal. responding to Councilmember Ransom, he said he represents European Motors as a land use planner and zoning analyst with traffic study experience.

(f) Mark Deutsch, Shoreline, commented favorably on the Council’s intention to enhance opportunities for public participation. He supported the proposal to allow public comment on agenda items, and supported the overall objectives of Council Goal # 8 – Enhancing Public Participation in City Government. He said despite the shortcomings of the long-range planning sessions, staff took the initiative to encourage more citizen participation in the financial planning process. He said he welcomes more opportunities to participate as a citizen via hearings and town hall meetings, adding that the citizen academy is a particularly effective tool in educating citizens on City government.

Mayor Hansen requested information on what the City has done to address the traffic situation at 8th Avenue NW and NW 10th Street. He encouraged staff to communicate directly with Mr. Phillips on the problem.

Mr. Olander said he would report back to Council, noting that the police chief will also follow up with Mr. Phillips.

Councilmember Gustafson suggested that the area might qualify for the Neighborhood Traffic Safety Program (NTSP).

Councilmember Chang confirmed the severity of the traffic problem, noting that the area is dark and vegetation obscures the stop signs. He suggested that a raised median with a stop sign in the middle might solve the problem. He agreed the City should consider reducing the speed limit on 8th Avenue NW to 25 mph.

Mayor Hansen agreed that the area might be a good candidate for the NTSP’s threefold strategy of education, engineering, and enforcement.

Councilmember Ransom suggested that Mr. Nasky could work with neighboring businesses so his employees and customers could safely access northbound Aurora Avenue. He then asked the City Attorney to clarify what was stated in court regarding Mr. Townsend's lawsuit.

Ian Sievers, City Attorney, clarified that he was not at the court proceeding because the defense is being handled by the Association of Washington Cities risk pool. He said he could arrange for the attorney assigned to the case to explain his defense approach if Council wishes. Councilmember Ransom affirmed he would like that to be arranged. Mayor Hansen noted it would have to take place in an executive session.

6. APPROVAL OF THE AGENDA

Councilmember Ransom moved approval of the Agenda, adding Planning Commission Selection Process as Item 9(b). Councilmember Fimia asked that Consent Item 7(c) be removed from the consent calendar and added as Action Item 8(c). Councilmember Chang seconded the motion, which carried unanimously, and the agenda was approved as amended.

7. CONSENT CALENDAR

Councilmember Grace moved approval of the consent calendar. Councilmember Ransom seconded the motion, which carried unanimously, and the following consent calendar items were approved:

Minutes of Workshop Meeting of September 20, 2004

Minutes of Dinner Meeting of September 27, 2004

Minutes of Regular Meeting of September 27, 2004

**Approval of expenses and payroll for the period ending
October 1, 2004 in the amount of \$669,743.01**

**Resolution No. 225 approving ICMA Retirement
Corporation as administrator of the City's 401(a)
Money Purchase Pension Plan and terminating
Nationwide Insurance Company as a 457 Plan
Provider**

**Motion to authorize the City Manager to execute
lease for Highland Plaza**

8. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

- (a) Ordinance No. 363 vacating Ronald Place N.
approximately 421 feet north of N. 175th Street

Tim Stewart, Planning and Development Services Director, and Paul Cohen, Project Manager, explained the Planning Commission recommendation to approve the street vacation. Mr. Cohen outlined the refinements that staff made to the Planning Commission recommendation. The Planning Commission recommended that the full 60-foot width of the right-of-way (ROW) be vacated, but staff recommends vacating only the west 50 feet, leaving 10 feet of Ronald Place in the Midvale Avenue ROW. He noted this would give the City the opportunity to preserve 10 feet of Ronald Place so the 100-foot ROW could be adjusted (thereby placing Midvale entirely within the City's ROW). This would make it easier to improve Midvale Avenue without direct permission of Seattle City Light. The staff changes clarify legal responsibilities and conditions of property exchange for the future Aurora Corridor ROW. Staff also added provisions to improve access for businesses currently existing in the Seattle City Light ROW, and for the reuse and preservation of the red brick road.

Continuing, Mr. Cohen explained how the street vacation would result in improved traffic circulation and safety, as well as how it facilitates the future development of the Aurora Corridor, the properties in the "wedge," and the Interurban Trail. He outlined the conditions of the approval recommendation and how it meets the following criteria for street vacations:

1. The vacation will benefit the public interest.
2. The proposed vacation will not be detrimental to traffic circulation, access, emergency services, utility facilities, or other similar right-of-way purposes.
3. The street or alley is not a necessary part of a long-range circulation plan or pedestrian/bicycle plan.
4. The subject vacation is consistent with the adopted comprehensive plan and adopted street standards.

Councilmember Fimia expressed her preference that staff make its changes in legislative format (underline and strikethrough) to more clearly indicate which sections have been modified.

Mr. Stewart distributed a substitute ordinance and explained changes made to Sections 2 and 3, which were suggested by a property owner and Councilmember Fimia. He noted the intent to salvage as many bricks as possible from Ronald Place N. to commemorate the history of the red brick road. Mr. Sievers said Section 2 was changed to make the vacation severable for property owners, instead of making it an "all or nothing" proposition.

Councilmember Gustafson moved to adopt revised Ordinance No. 363 as distributed by staff. Councilmember Grace seconded the motion.

Councilmember Ransom noted that while he generally supports the proposal, the designs for the street do not necessarily meet the standards of the Central Subarea Plan.

Councilmember Grace moved to strike “in the vicinity between N. 175th St, Aurora Avenue N., Midvale Ave N. and N. 180th St.” from Condition #2. Councilmember Gustafson seconded the motion. Councilmember Grace felt this amendment would give the City more opportunities to incorporate the bricks into many projects if they could not be reused in the specified areas.

Councilmember Ransom wondered if there were any legal ramifications to Councilmember Grace’s amendment. Mr. Sievers said while the City should try to place the bricks as close as possible to where the historic road existed, the amendment simply allows the City more flexibility to construct a commemoration.

Councilmember Fimia expressed her preference that the bricks are used functionally and that the commemoration is not constructed too far from the subject site.

Mayor Hansen said he has many specific ideas for using the bricks in the vicinity, but he is very open to suggestions.

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

Councilmember Chang inquired about how the vacation would benefit the City, and what kind of development is proposed for the vacated area.

Mr. Cohen said the vacation is an opportunity to reroute traffic, reduce turning movements, and improve safety and traffic circulation on and off N. 175th Street between Aurora Ave. N and Midvale Avenue N. It also facilitates development of the “wedge” properties, constructs a section of the Interurban Trail, and accommodates the future improvements to Aurora Avenue N.

Mr. Stewart explained that since the vacation is consistent with the plan for future ROW needs of the Aurora Corridor project, staff expects there will be redevelopment proposals coming forward in the future for properties in the wedge.

Mr. Olander pointed out that the vacation would allow properties to develop adjacent to the Seattle City Light ROW, where more parking can be constructed. He noted that this solves one of the historical development problems in the wedge.

Mayor Hansen noted that the public testimony indicated that the vacation would make Ronald Place much safer.

Councilmember Fimia noted that staff changed the recommendation after it has been deliberated in a public hearing before the Planning Commission. She questioned the legality of this, particularly since the change was based on the testimony of a single property owner.

Mr. Sievers responded that the Council is not bound by the conditions of the Planning Commission, although it does establish the record for this quasi-judicial procedure. He

clarified that this is a legal process, and that staff simply adjusted a condition to allow property owners to opt out if they so desire.

Councilmember Ransom wondered how the road could be designed consistently if only one property owner opts out.

Mr. Sievers said the subject property is located at the end of Ronald Place, so the vacation could be implemented up to that point. He said the long-term design of this area would be addressed when the Aurora Corridor project advances to this central portion.

A vote was taken on the motion, which carried 6-0, and Ordinance No. 363 vacating Ronald Place N. approximately 421 feet north of N. 175th Street was adopted as amended.

- (b) Resolution No. 224, adding a new Section 4.4 and amending Sections 5.6, 6.1, 6.2 and 6.3 of the Rules of Procedure for the City Council to revise the procedures for public comment at Council meetings

Mr. Olander provided the staff report, noting that Resolution No. 224 includes Council's recommendations for changing the format of Council meetings to enhance opportunities for public input. Resolution No. 224 eliminates public comment at the end of workshop meetings, but includes public comment periods on each agenda item. It maintains the general public comment period at the beginning of regular and workshop meetings, and eliminates the rule restricting the number of speakers per side of each topic. It also allows for public comment on agenda items that Council is considering moving to the consent calendar.

Councilmember Fimia moved to pass Resolution No. 224. Councilmember Ransom seconded the motion.

Councilmember Ransom moved to add the title "Public Comment" to Section 6.1, and "Agenda Items" to Section 6.2. Councilmember Fimia seconded the motion. Councilmember Ransom accepted the friendly amendment to reword the titles "General Public Comment," and "Agenda Items Public Comment." Councilmember Ransom felt these titles would further clarify the rules for public comment and distinguish between general public comment and agenda-specific comments. A vote was taken on the motion, which carried 6-0.

Councilmember Gustafson supported the overall proposal, but felt the Council should enforce its rules and evaluate the effectiveness of these changes in six months.

Councilmember Grace pointed out that the proposed changes are the result of public input provided at a series of community forums held earlier this year. He stressed the

importance of keeping people informed about the rule change, and ensuring that stakeholders are encouraged to participate.

Councilmember Ransom clarified that under this proposal, public comment would only be taken at the beginning of meetings; public comments would no longer be taken at the end. The trade-off is that the public would now be allowed to address agenda items.

Councilmember Gustafson speculated that some people might not want to stay until late in the evening to provide public comments. Councilmember Fimia felt the Council could maintain some flexibility in the agenda to allow for extenuating circumstances. Councilmember Grace felt it would be a rare exception to allow people to speak out of order.

Councilmember Fimia moved an amendment to replace the word “may” with “can” in Section 6.1 to read “Members of the public may can address the City Council...” Councilmember Ransom seconded the motion. Councilmember Fimia felt the word “may” could be construed as patronizing. Councilmember Grace felt using “can” in this case would not constitute proper word usage. **A vote was taken on the amendment, which failed 3-3, with Councilmembers Fimia, Ransom and Chang voting in the affirmative.**

Councilmember Fimia moved to insert the phrase “and before Council action” in Section 6.2 to read “...after the staff report and before Council action on any Regular or Workshop agenda item.” Councilmember Grace seconded the motion, which carried 6-0.

Councilmember Fimia moved to strike the phrase “authorized in Sections 6.1 and 6.2” from Section 6.3. The motion died for lack of a second.

Turning the gavel over to Councilmember Grace, **Mayor Hansen moved to create a new Section 6.4 to read “Members of the public will be limited to three speaking opportunities at any one Council meeting.” Councilmember Gustafson seconded the motion.**

Mayor Hansen felt this was a reasonable limitation, noting that in the past, some people had spoken five or six times at the same meeting.

Councilmember Ransom felt this would defeat the purpose of allowing public comment on agenda items, since there could be numerous items on a given agenda.

Councilmember Fimia said although some people might abuse the privilege, the public should not be discouraged from providing input.

A vote was taken on the motion, which failed 1-5, with Mayor Hansen voting in the affirmative.

A vote was taken on the main motion, which carried 6-0, and Resolution No. 224 was passed as amended.

MEETING EXTENSION

At 9:27 p.m., Councilmember Fimia moved to extend the meeting to 10:30 p.m. Councilmember Ransom seconded the motion, which carried unanimously.

- (c) Ordinance No. 359, amending Ordinance No. 342 by increasing the appropriation for the General Fund, the Surface Water Management Fund, the Vehicle Operations/Maintenance Fund and the Unemployment Fund due to unanticipated grant awards and expenditures; by increasing the appropriation in the Roads Capital Fund and the Surface Water Capital Funds to complete the 2004 portion of capital project work as approved in the 2005-2010 Capital Improvement Program

Councilmember Fimia moved adoption of Ordinance No. 359. Councilmember Gustafson seconded the motion. Councilmember Fimia inquired about the rationale for this budget amendment.

Debbie Tarry, Finance Director, explained that the amendment is necessary because the billing for capital improvement work completed in 2003 was not carried forward in the 2004 budget.

Councilmember Fimia requested information relating to the original timelines and budgets for these funds, and asked about the use of the \$16,000 the City received in grant funding for Commute Trip Reduction (CTR).

Ms. Tarry explained that the \$16,000 was one-time funding available through the state to enhance the current CTR program, and was specifically written to benefit six businesses with a collective total of 1,600 employees.

Councilmember Fimia expressed interest in working with clusters businesses to reduce commute trips by creating incentives. She felt this could be part of the update to the Comprehensive Plan and Transportation Master Plan.

A vote was taken on the motion, which carried 6-0, and Ordinance No. 359 was adopted.

There was Council consensus to address item 9(b) next.

9. NEW BUSINESS

- (b) Planning Commission Selection Process

Regarding the current Planning Commission vacancy, **Councilmember Ransom moved that Council exclusively consider those who applied and were interviewed for the Planning Commission vacancy in early 2004. Councilmember Chang seconded the motion.**

Councilmember Ransom contended that many of the well-qualified candidates who previously applied would still be interested in serving on the Planning Commission. He described the extensive process used to recruit these candidates and expressed optimism that Council could reach an agreement on a qualified candidate.

Mayor Hansen noted that the position has already been advertised, and some who previously applied might not be interested in the position anymore. He noted that potential applicants have already approached him about the position.

Councilmember Grace wondered if the Council is allowed to do as Councilmember Ransom suggested, or if there was an established process in City ordinance. His primary concern was that the position has already been advertised to the public.

Mr. Sievers said although there is a charter ordinance that establishes the Planning Commission and outlines its assigned duties, there is no detailed instruction relating to the selection process.

Mr. Olander said that staff could contact those who previously applied and ask them if they would be interested in reapplying. If so, their previous application could be considered. He said this would allow consideration of past applicants while including new people who wish to apply.

Councilmember Fimia moved a substitute motion to contact prior applicants who were interviewed and ask them if they would like to be considered again for the position. If so, their prior applications would be accepted. This motion died for lack of a second.

Councilmember Gustafson felt the Council should follow the process used in the past, particularly since the position has already been advertised.

Councilmember Ransom said his reason for the motion is that this is the first opportunity the Council has had to discuss the Planning Commission vacancy since Carol Doering resigned. He felt Council first has a commitment to those who went through the application process previously.

Councilmember Chang and Councilmember Fimia expressed support for the motion. Councilmember Chang noted that he still recalls those who were interviewed. He said if advertising is an issue, perhaps the Council should reevaluate its policy regarding Planning Commission vacancies. Mayor Hansen noted that this is a relatively unique situation.

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Councilmember Fimia noted that those who previously applied would avoid the burden of having to reapply for the position. She pointed out that the Council developed the application process and candidate questionnaire when the last appointment was made. She said if staff did not use this same process in the current situation, it would make it difficult for the Council to do its job.

A vote was taken on the motion, which failed 3-3, with Councilmembers Ransom, Fimia and Chang voting in the affirmative.

Councilmember Fimia moved to contact prior applicants who were interviewed and ask if they would like to be considered again for the position. If so, their prior application would be used. Councilmember Ransom seconded the motion. Councilmember Ransom suggested a friendly amendment to include everyone who applied, which Councilmember Fimia accepted.

After further discussion, a vote was taken on the motion, which carried 4-2, with Mayor Hansen and Councilmember Gustafson dissenting.

There was Council consensus to move Item 9(a), Discussion of Council Goal No. 8, to the October 18 Workshop meeting.

10. ADJOURNMENT

At 10:32 p.m., Mayor Hansen declared the meeting adjourned.

Scott Passey, Deputy City Clerk