

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF SPECIAL MEETING

Monday, March 17, 2008 - 6:30 p.m.
Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Ryu, Deputy Mayor Scott, Councilmember Eggen, Councilmember Hansen, Councilmember McConnell, Councilmember McGlashan, and Councilmember Way.

ABSENT: None.

1. CALL TO ORDER

At 6:30 p.m., the meeting was called to order by Mayor Ryu, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Ryu led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present, with the exception of Councilmember Hansen, who arrived at 6:45 p.m.

3. CITY MANAGER'S REPORT AND FUTURE AGENDAS

Bob Olander, City Manager, provided reports and updates on various City meetings, projects, and events.

Mark Relph, Public Works Director, provided a brief update on the transition from Waste Management to Cleanscapes as the City's waste service provider. Councilmember Way asked how many calls the City staff has received concerning the transition. Mr. Relph responded that detailed records are not yet available. However, he stated that actionable requests numbered approximately 200.

4. COUNCIL REPORTS

Councilmember Eggen reported on the National League of Cities (NLC) Conference. He said he attended a session on green buildings and signed up for the First Tier Suburbs Committee.

Councilmember Way commented that her biggest highlight was meeting with the legislators. She added that the session with Senator Cantwell was very enlightening. She also said the regional watershed planning session was informative. She commented that the session she attended with Congressman McDermott was very effective because he was interested in a number of issues

such as Aurora Avenue, trails, watershed planning, renewable energy, basin planning and flood prevention, and Business Access & Transit (BAT) lanes. She said her favorite session concerned arts and cultural matters and how they can bring up to a sixty times return on investment to a City. She also said she attended a grant funding workshop on renewable energy.

Councilmember McConnell announced that she attended a Human Development Steering Committee meeting and said it is an exciting time to be elected official. She commented that Senator Murray is working to get the Boeing tanker contract.

Councilmember Hansen reported that the National League of Cities Conference is a great opportunity to lobby and learn. He felt this trip was very rewarding.

Deputy Mayor Scott echoed the comments of the Council and said it is an honor to lobby on behalf of the City. He added that it is also reassuring to know that Senators Murray and Cantwell are working hard to bring funds back to our community. He said that the Council was also able to discuss issues with Congressman McDermott.

Mayor Ryu communicated that there is a funding gap in surface transportation nationwide and is facing increased congestion. She added that there is a report from the Transportation Commission at www.transportationfortomorrow.com. There is an energy efficiency and conservation block grant program, she said, and felt the City could qualify for it. She noted that the Federal economic stimulus package will result in 2.8 million households in Washington receiving tax rebates.

Mr. Olander stated that the NLC is a collective voice for the State of Washington and the cities do have impact at the national level. He felt the cities are heard there because there are common issues such as gaps in civic infrastructures, the mortgage crisis, energy efficiency, green building, human services, and housing.

5. GENERAL PUBLIC COMMENT

a) Guy Olivera, Shoreline, questioned if the development code prohibited condominiums in R-4 and R-6 single family neighborhoods. He said it appears that such developments are not regulated in Shoreline. He noted that "air condos" are being developed which exceed the number of homes or condos allowed on single-family lots such as the one in Greenwood. He noted that these are being made possible by calling them "single-family condominium developments." He urged the Council to impose a moratorium against anything that differs from one home on one lot, in R-4, R-6, and R-8 zones.

b) Arthur Maronek, Shoreline, said he was surprised when he was told by the Planning staff that the code is silent on air condos and that they are now being called single family condos. He said he was told by the Planning staff that since applications for "air condos" are unregulated, they have to be approved. He also said he was told that the only standards that had to be met were front and side yard setbacks and base densities. He urged the Council to institute a moratorium on single family condos.

c) Dale Simonson, Shoreline, stated that when Shoreline became a City it adopted zoning codes to ensure developments happen in a manner consistent with neighborhoods to maintain character and desirability. He stated that there is a developer who wants to build seven new homes in Greenwood. He noted that creating shared lot ownership circumvents the code.

d) LaNita Wacker, Shoreline, stated that the Council was sworn in to represent all the people; however, they can't please all the people all of the time. She said the Council is responsible for conducting meetings and they need to be conducted in a business-like fashion. She pointed out that legislators are restricted to three minute speeches and recently there was one Councilmember who spoke on one issue for thirteen minutes. She suggested the Council address this at their retreat. She pointed out that there are parliamentary rules to move the agenda forward.

e) Dennis Lee, Shoreline, discussed the Southeast Neighborhood Subarea Planning Process and said the outline was distributed at the beginning of the year. He stated that there is an organization called the International Association of Public Participation which discusses collaboration, and that is what the City should focus on. He invited people to participate in the Southeast Neighborhood Subarea Planning Process.

Mr. Olander replied to the comments concerning subdividing property in Washington. He said there are only two ways to do it; through the normal short plat process and through the Washington Condominium Act.

Joe Tovar, Planning and Development Services Director, stated that dividing property is done through a formal subdivision or a short plat or through the Horizontal Property Regimes Act, RCW 64.32 which regulates condominiums. He added that the City doesn't prohibit usage of RCW 64.32, thus the City doesn't regulate condominiums. However, he explained it is the property owner's choice which subdivision regulation he or she uses to divide property. He noted there are issues of building placement, size, orientation, and tree retention that are site development specific issues that could be modified in the site permit requirements in the future. At present there are regulations which apply in the zone such as maximum unit counts. Lot coverage, parking requirements, and tree retention would apply under both subdivision scenarios. He noted that there would be six units if this property was subdivided by a formal subdivision or short plat or seven units if it was divided the condominium way. He noted that the Council will look at planning priorities with the Planning Commission on April 7.

Mr. Olander highlighted that this doesn't change the use because it is still single family use; however, the technical details is where the differences show up. He stated that the City staff will prepare a more detailed memorandum and get some legal advice on the range of options.

Councilmember McGlashan stated that the City is guided by state statutes and asked if the City could amend them. Mr. Tovar explained that the City adopts local ordinances under the state statutes. He was unsure of the local ordinance that correlates to the Horizontal Regimes Act, or what has been referred to as the condominium method of property division.

Ian Sievers, City Attorney, explained that the message under the Act is that if you can build a use to that density under the local ordinances, the City can't discriminate against condominium builders.

Councilmember Hansen submitted that it is because of the shared right-of-way in condominiums that allows for an extra unit to be built. Mr. Tovar concurred.

Councilmember Way said she is sensing that the community is feeling that this is like cottage housing resurfacing. She asked Mr. Tovar to present a more detailed opinion at a future Council meeting, adding that she was also concerned that there hasn't been any mechanism for public comment because it is an administrative action.

Councilmember Eggen feared that applications that circumvent the development code will come in and become vested.

Mr. Olander replied that in some cases there are benefits because they can preserve more open space. He added that the condominium act can sometimes allow for more flexibility.

Mayor Ryu pointed out that by sharing the right-of-way, not every property has to have the setbacks. She asked if there is any requirement under the Horizontal Regimes Act to save trees, add more natural drainage, or to demand higher quality or amenities.

Mr. Tovar replied that there are no additional conditions that the City can impose on this project as opposed to a short plat. He said when the City staff brings the item back there will be more information and possible options for the Council to consider.

Mr. Olander noted that one of the legal challenges that have to be met is whether or not this is an emergency throughout the City, thus requiring a moratorium.

Councilmember McGlashan questioned if this is a widespread issue in Shoreline.

Mr. Tovar noted that the last moratorium that was adopted concerning RB, CB, and I zoning applied to many properties throughout the City. However, there has only been one other property developed under this provision.

6. APPROVAL OF THE AGENDA

Councilmember McGlashan moved approval of the agenda. Councilmember Hansen seconded the motion. Mr. Olander pointed out that there are still minor language changes needed to the OPUS contract. He requested pulling the item from the Consent Calendar and suggested adding it as a study session item. He further explained that this item can be added to a future Council agenda for adoption. **Councilmember Way moved to amend the agenda to remove item 7(a) from the Consent Calendar and add it as item 8(a). Deputy Mayor Scott seconded the motion, which carried 7-0. A vote was taken on the motion to approve the agenda as amended, which carried 7-0.**

7. CONSENT CALENDAR

Consent Calendar item 7(a) was moved to Study Item 8(a).

8. STUDY ITEMS

(a) Resolution No. 274 amending Resolution No. 266 authorizing a Civic Center/City Hall Development Agreement with OPUS Northwest LLC

Mr. Olander noted that the revised agreement has no cost increase and pertains to its legal and technical aspects. He noted that the subcategories of funding were moved into different areas and the land-lease issues were clarified. He pointed out that the overall project development costs are still the same.

Debbie Tarry, Finance Director, commented that the Resolution is meant to memorialize what the Council has previously approved. She added that adoption of the resolution assists OPUS in moving forward. She said there are some discussions on some legal aspects that will continue, however, the City is hopeful everything will be finalized next week.

Jesus Sanchez, Public Works Operations Manager, noted that this is a design, build, and lease-to-own project. He noted that both parties provided input to make sure all the information was correct so that the document withstands the test of state statutes with respect to the construction done for this project. The agreement provides protection for the City and is defensible, he commented. He submitted that the cost doesn't change and it has been negotiated to ensure all parties are protected. He communicated that the changes related to defaulting and what the remedies are so both parties are protected.

Ms. Tarry added that default language is important because there needs to be a contractual obligation to buy out the developer on project completion. The lease agreement, she said, states that if the City cannot fulfill the agreement, the City will lease the building from OPUS at a certain fair market rate.

Mayor Ryu stated that there is a possibility that the bond market will change and wondered if the City should wait to purchase the bonds.

Ms. Tarry stated that the big issue going on now is that the insurance companies are on a ratings watch, so the most effective way is to go forward.

Mr. Olander stated that Congressman Barney Frank, Chair of the House Banking Committee, said insurance companies have a license to make money. He said they charge municipalities a fee to insure the bonds and they never fail. So they make money off of the bond premiums with no risk. However, they have invested those premiums unwisely and now they are in trouble. He summarized that the City always has the option not to buy insurance, but the City is in pretty good position to take its time to decide.

Councilmember Way asked for clarification on the differences between current agreement and from the agreement presented in December.

Ms. Tarry responded that the Resolution itself has changed. She explained that Resolution 274 has Sections 1, 2, and 3 which clarifies the total price and includes a predevelopment agreement. She said it also stipulates that the design and architectural costs will be paid in cash, before the construction starts, and that the ground lease language hasn't changed much.

Mr. Sievers commented that there are two leases to save financing costs. He explained that the first lease goes into effect when the City accepts the substantially completed building and when the garage is complete the City will also have a lease payment due. Finally, he explained that once both of the buildings are completed the two leases will be combined into one lease. He noted that page 25 concerning lien security interests and leasehold financing provisions were left as a placeholder for OPUS which will be completed once they complete their construction financing.

Mr. Olander submitted that this restructuring saves the City some money in that the City doesn't carry the architectural design costs throughout the 18 months of the loan. Additionally, the City doesn't have to pay construction interest on the new City Hall while the parking garage is being finished.

Councilmember Way discussed the funding sources and asked why the City is financing \$20 million while contributing \$16.1 million. Ms. Tarry replied that the \$16.1 million includes the acquisition of the Highlands Professional Center.

Mayor Ryu asked Mr. Olander to give the new Councilmembers a historical background on what the Council has spent so they can understand the whole process. Mr. Olander responded that they can provide the financial analysis documentation then focus on any specific questions the Council may have.

8. STUDY ITEMS

(a) Capital Improvement Program Update

Dick Deal, Parks, Recreation and Cultural Services Director, outlined the many projects the City staff are working on to create, acquire and improve facilities for the citizens of Shoreline. He introduced Trisha Juhnke, Capital Projects Manager, and Maureen Colaizzi, Parks Planner.

Ms. Juhnke noted that there are lots of construction projects in 2008 and staff are working at keeping the community informed of them with "no surprises". She noted that these projects will be announced in the *Currents*, the website, and through various means of communication in the City.

Maureen Colaizzi, Parks Planner, highlighted the accomplishments through the beginning of 2008 and some that are in the design and planning phase for construction in 2009-2010. She noted that there are 11 projects and two that are outside of the Parks bond. She communicated

that the City owns three new properties which are South Woods, the Seattle Public Utility parcel northeast of Hamlin Park, and Kruckeberg Gardens. She discussed the future enhancements and design plans for the three properties. She noted that there are also eight Park Development Projects which are a part of the Parks bond.

Councilmember Way commented that she would like to see a phasing plan for Richmond Beach Saltwater Park. Ms. Colaizzi responded that both of the parking areas at that site would be improved first then the roadway would be addressed last. She noted that there will be a traffic control plan in place. Councilmember Way communicated that a Seattle Councilmember said they are scheduled to finish their portion of the Interurban Trail and it will be a great connection to the work Shoreline has done.

Ms. Colaizzi continued and summarized the status of and enhancements to the rest of the eleven parks projects.

Ms. Juhnke discussed the other Capital Improvement Program (CIP) projects outside of the parks program. She communicated that there are two maps on the City's website which allow the citizens to link to project information. She discussed the priority sidewalks, those that were completed in 2007 and those planned in the future. She highlighted that the City staff is actively pursuing grant opportunities that will be funded in 2009. She highlighted that many of the priority routes that have been identified are around schools and high pedestrian corridors.

Mr. Relph added that obtaining a grant for a bus stop on N 205th Street has come up in recent discussions and for other improvements on the south side of that street.

Councilmember Way hoped the City could look at N 145th Street upgrades with Seattle, the Washington State Department of Transportation (WSDOT), and King County because there needs to be some pedestrian routes built. Mr. Olander responded there have been discussions about N 145th Street. However, there are jurisdictional issues and the City doesn't own the right-of-way. Therefore, the City has had to rely on those jurisdictions to build the sidewalks.

Councilmember Eggen commented that there was discussion at the National League of Cities (NLC) about a federal grant program called "Safe Routes to School" and asked if the City staff has explored it. Ms. Juhnke responded that there are two federal grants given to the state to administer and the City has applied for both of them.

Ms. Juhnke continued her presentation and highlighted the Annual Road Surface Maintenance overlay routes and noted that asphalt is a construction item that is very dependent on fuel costs, so the cost has been increasing.

Mr. Olander explained that every few years the City goes through a pavement rating program where each segment of roadway is rated based on its condition, surface, drainage, cracking, subsurface and a priority array is established.

Ms. Juhnke then discussed the Richmond Beach Overcrossing and the Aurora Avenue North project from 165th to 205th.

Mr. Relph announced that the design consultant HDR has hit some extremely big milestones concerning the Aurora Avenue North project. He added that the schedule is aggressive and the City is sticking to it. Ms. Juhnke updated the Council on the Dayton Avenue Retaining Wall.

Deputy Mayor Scott inquired if there was a process for doing design-build on any of these projects. Mr. Relph replied he has used the design-build process in the past for road capital construction and it wasn't successful. He commented that larger scale projects, such as the new City Hall, are better served by the design-build process.

Ms. Juhnke discussed the traffic signal at 150th and 15th Avenue NE. She noted that this project has entered the construction phase. She highlighted the following construction projects; 18th Avenue NW Drainage Improvements, East Boeing Creek, 167th and Whitman, the Pan Terra Pond and Pump Station, and the Ronald Bog South Drainage Improvements. She concluded that the 2008 season is underway and there will be ten projects under construction by the end of summer with an approximate construction cost of \$9 to \$10 million dollars. She concluded that that the bid climate in the Puget Sound is improving over the past few years.

Mayor Ryu called for public comment on this item; there was no one wishing to provide public comment.

Councilmember McGlashan inquired if there could be any additional parking for Hamlin Park vis-à-vis the Fircrest Master Plan. Mr. Olander stated that having additional parking is contingent on the state supplemental capital budget and whether or not the state can fund the continuation of the master plan process. Mr. Deal added that there have been preliminary discussions concerning the master site plan. Additionally, he noted that there is a series of trail connectors identified and three master site plans options being discussed and each of them have strong trail connections. Unfortunately, he communicated that there haven't been any definitive decisions concerning parking.

Councilmember McGlashan wondered if there have been any light pollution complaints from the residents who live close to the newly installed tennis court lighting. Ms. Colaizzi replied that there was a study done and putting in smaller poles was analyzed to keep the light focused. She said the test was run Monday through Friday and they haven't received any complaints. Mr. Deal commented that the analysis shows that there is virtually no light impact to residential units.

Councilmember McGlashan inquired about Interurban Trail lighting issues in the vicinity of Westminster and those between N 200th and N 192nd. Mr. Relph responded that he could provide more detailed information to the Council at a later time.

Councilmember McGlashan asked if there would be public parking or access on the west side of Boeing Creek Park. Ms. Colaizzi responded that it is there for King County personnel to access the sewer facility off of 3rd Avenue NW.

Councilmember McGlashan asked if the City is coordinating with other utility jurisdictions so the City can avoid disturbing fresh road overlays. Ms. Juhnke responded that a letter has gone out to schedule coordinating meetings with the utilities to see what their plans are for the future. Mr. Olander said this process goes on annually as each jurisdiction shares their six year plans.

Councilmember McGlashan inquired about the foot bridge over I-5 and if there were any plans to enhance it in the future. Mr. Deal communicated that the artist who did the work on the Aurora bridges just completed a master plan to determine what it might take to get that done. He added that there is research going on with WSDOT and he will report back to the Council with more details. Responding to Councilmember McGlashan, Mr. Olander clarified that the foot bridge belongs to WSDOT.

Responding to Councilmember Way, Mr. Relph said he was going to bring a detailed report back to the Council on the planned Interurban Trail lighting.

Mayor Ryu asked if some obvious signage could be installed at Hamlin Park about it not being an off-leash dog park. Mr. Deal commented that there is less off-leash activity now, and the King County animal control officer has worked the area. He said Ms. Colaizzi and an off-leash group are putting together a plan, but it will not completely eliminate off-leash activity. Mayor Ryu added that sometimes it is easier for people to point out the laws using the signage. Mr. Olander agreed that there needs to be good signage and enforcement.

(b) Council Subcommittee Recommendations for Study Sessions and Public Input Opportunities

Julie Modrzejewski, Assistant City Manager, provided the staff report and outlined the proposed changes to Council study sessions in an effort to make them more effective. She explained the recommendations focus the public comment on study session items only and to have general public comment at the business meetings. Additionally, it was suggested to move the meetings from the Mt. Rainier to the Highlander Room to create more of a dialogue between the Councilmembers. She added that another suggestion was to reduce the public comment from three to two minutes. Additionally, she said there was a suggestion to enhance public involvement by allowing the public more direct access to the Council and department managers by adding more telephone numbers on the website and *Currents*. Mayor Ryu also made a suggestion to have a generic City business card made which lists telephone numbers for the community and City Hall. She noted there were also suggestions about an online community calendar linked to a non-City website. She stated there are online surveys that have been done by the City on their website and the suggestion from the subcommittee was to continue doing them.

Mayor Ryu called for public comment.

a) LaNita Wacker, Shoreline, opposed eliminating general public comment at study sessions. She said the public has the right to speak to public officials. She disagreed with the idea of giving the Mayor discretion on who to allow to speak because she could prevent people from voicing dissenting opinions. She added that two minutes is not enough time to speak and puts too

much pressure on people. She supported the idea of a community calendar, but was concerned about the appearance of the City sponsoring events on the website.

b) Dennis Lee, Shoreline, concurred with the previous speaker and said maybe the City can allow residents to have public comment on the website. He noted that there are people who don't like the public process and would like to speak on the website about it. He said he likes when the Planning Commission Chair dialogues with the speakers, but it gets too informal sometimes. He said he would like more dialogue between the Council and speakers. He noted that three minutes seems to be the right amount of time.

Councilmember McConnell said although she understands the speakers' point of view, the subcommittee is trying to change the study session atmosphere so that the Council has more dialogue with each other and have more efficient meetings. She said maybe the time limit can be at the discretion of the Council as a whole and not the sole discretion of the Mayor.

Councilmember Eggen commented that the Council is trying to "tweak" the rules to allow them more time to consider more contentious issues in a more focused manner, but not trying to cut off public comment.

Mayor Ryu stated that the website is extensively used and it will be used even more in the future. She recognized that online participation is coming and encouraged young people to get involved. She disagreed with the suggestion to reduce public comment to 2 minutes per speaker, or remove public comment from study sessions. She asked that the City staff document when the direct dial telephone numbers were published in *Currents*.

Councilmember Way commented that she isn't in favor of changing the public comment to two minutes because it isn't practical. However, she doesn't have a problem with moving the general public comment at the beginning of the meetings.

Mr. Olander commented that the City is facing a number of major issues and the Council and public need quality time, and focusing comment on those issues will help the Council make better decisions. He added that if the particular issue is of high importance, the Council can decide if they want to hear three or two minutes of public comment per speaker. He added that the public doesn't understand how effective their e-mails, phone calls, and letters are. He felt that the alternatives to public comment are sometimes more effective in communicating with the City staff and Council.

Councilmember Way suggested holding town hall meetings at different locations throughout the City. She added that the contact cards are good and maybe Deputy Mayor Scott could promote them during the meetings.

Councilmember McGlashan expressed opposition to the blog idea. He said other city councils and members of the different state and federal associations that the Council meets with are surprised by what the Council does in their study sessions. He stated that most jurisdictions don't televise their study sessions or take public comment. He said he is more comfortable with public comment taking place at the beginning of the meeting and not taking it after each item. He is also

opposed to changing rooms if the cost is going to be higher. He felt a round table setup would be good for study sessions. He noted that the setup in the Mt. Rainier room wouldn't be any different in the Highlander Room and the full council should have the discretion concerning public comment, not the Mayor. He concluded that the lighting in the Highlander Room is much worse than the Mt. Rainier Room.

Councilmember McConnell stated that the subcommittee did discuss the cost difference, and if meeting productivity is enhanced then the cost is worth the expenditure.

Mayor Ryu also noted that moving the meetings to another room would be on a trial basis and would only be for four weeks. She said the Council would evaluate whether or not to stay in the Highlander Room or move back into the Mt. Rainier Room.

Deputy Mayor Scott said it is noble try to create an environment that fosters discussion with more time to learn and understand each Councilmember's perspective. He said the two or three minute allocation for public comment is debatable; if you can't say what you want to say in two minutes, three isn't really going to make that much of a difference. The City is trying to provide other means for the public to have comment such as e-mail and website communication, which is the way of the future. Residents don't have time to work all day and come to the podium and speak at a meeting. He felt e-mail and website communication is an effective way to communicate with the residents. With the meeting location, he felt that the cost is a concern. He supported having sessions where good deliberation and policy decisions can be made.

Mayor Ryu suggested that the full Council, rather than the Mayor, be given discretion on allowing speakers to comment. She commented that the subcommittee worked well.

Councilmember Way commented that she is not opposed to the Mayor making the decision on public comment, but it inhibits free speech. She commented that residents are nervous about speaking to the Council and reducing the amount of time they have makes it harder.

Mr. Olander suggested language for the motion and highlighted the proposed motion to accept committee recommendation in the handout.

MEETING EXTENSION

At 10:02 p.m., Councilmember Eggen moved to extend the meeting until 10:10 p.m., seconded by Deputy Mayor Scott. Motion carried 5-1, with Councilmember McGlashan dissenting and Councilmember Hansen abstaining.

After brief discussion, Councilmember Way moved to postpone action on this item to a future meeting, seconded by Councilmember McGlashan. Motion carried 6-1, with Councilmember McConnell dissenting.

9. ADJOURNMENT

At 10:08 p.m., Mayor Ryu declared the meeting adjourned.

Scott Passey, City Clerk