

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF BUSINESS MEETING

Tuesday, May 27, 2008 - 7:30 PM
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 7:36 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.

3. CITY MANAGER'S REPORT

Bob Olander, City Manager, reported on various City projects, meetings, and events. He noted there is a Kruckeberg Botanical Garden work party on June 1 from 12:00-4:00 p.m. He stated that there was a great turnout at the first Southeast Neighborhood Subarea Plan meeting on May 20 and neighborhood representatives will be appointed to serve on the citizen advisory committee (CAC). He highlighted that Mayor Ryu met with the University of Washington Asian Student Commission on May 21 and that there is a Ridgecrest Association 9th Annual Spring Garden Program on May 28 at the Ridgecrest Elementary School gym from 7:00 – 9:00 p.m.

Mayor Ryu inquired about the deadline for CAC applications. Mr. Tovar responded that applications were due last Friday, but some were accepted this morning.

4. REPORTS OF BOARDS AND COMMISSIONS

Councilmember Hansen said he attended the Suburban Cities Association quarterly meeting.

Councilmember Way attended the WRIA-8 meeting and the second meeting of the Lake Ballinger Basin committee.

Mayor Ryu stated that the Republic of Korea has sent a new General Consul to the Consulate in Seattle.

5. GENERAL PUBLIC COMMENT

a) Dennis Lee, Shoreline, said the Southeast Neighborhood Subarea Plan meeting was great and expertly co-chaired. He noted that there is a big pool of applicants for the CAC.

b) Les Nelson, Shoreline, said public hearings at the Planning Commission are meant to give the public a chance to help create legislation and to give the Council a chance to deliberate and it seems both should occur. He asked if there would be a public hearing on the proposed Comprehensive Plan amendments. He said the adoption date is June 9 and there hasn't been a public hearing. He added that the Growth Management Act says do a good job informing the public and this needs to be done very clearly.

6. APPROVAL OF THE AGENDA

There was Council consensus to remove Consent Item 7(h), Ordinance No. 506, and make it New Business Item 8(a). **Councilmember Hansen moved approval of the agenda as amended. Deputy Mayor Scott seconded the motion, which carried 7-0 and the amended agenda was approved.**

7. CONSENT CALENDAR

Councilmember Hansen moved approval of the Consent Calendar. Councilmember Way seconded the motion, which carried 7-0 and the following items were approved:

- (a) Minutes of Study Session of April 7, 2008
Minutes of Business Meeting of April 14, 2008
Minutes of Study Session of April 21, 2008
- (b) Approval of expenses and payroll as of May 13, 2008 in the amount of \$1,910,619.65 as specified in the following detail:

***Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
4/6/08-4/19/08	4/25/2008	23701-23895	7536-7573	36207-36218	\$500,758.47
					<u>\$500,758.47</u>

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
4/29/2008	36166	36179	\$18,729.30

4/29/2008	36180	36205	\$593,778.75
4/30/2008	36206		\$182.20
5/2/2008	36219	36221	\$14,639.09
5/2/2008	36222	36224	\$26,684.51
5/2/2008	36225	36238	\$6,266.13
5/6/2008	36239		\$3,750.00
5/6/2008	36240		\$25,000.00
5/7/2008	36241	36269	\$282,312.68
5/9/2008	36270	36288	\$76,518.15
5/9/2008	36289	36338	\$156,133.43
5/13/2008	36339	36365	\$144,766.94
5/13/2008	36366		\$61,100.00
			<u>\$1,409,861.18</u>

(c) Motion to Authorize the City Manager to Execute a Discretionary Work Request with King County for the 2008 Road Overlay Program

(d) Motion to Authorize the City Manager to Acquire Paramount Park Open Space Property

(e) Motion to Authorize the City Manager to Award a Contract for Professional Services with INCA Engineers for the Design of the Traffic Signal at NE 170th Street and 15th Avenue NE in the amount of \$105,000

(f) Motion to Authorize the City Manager to Execute a Contract Amendment with the Berger Partnership, Landscape Architects, for Design of Citywide Baseball/Softball Field Improvements and Citywide Trail Corridors

(g) Motion to Authorize the City Manager to 1) Award Contract with Scarsella Bros., Inc. for Construction of the Pan Terra Regional Stormwater Facility Improvements; and 2) Award Professional Services Contract Amendment with Otak, Inc. for Engineering Services

8. NEW BUSINESS

(a) Ordinance No. 506, amending Ordinance No. 498 by increasing the appropriation in the General Fund and General Capital Fund, and authorizing an amended City Contingency in the Civic Center Development Agreement Budget

Ian Sievers, City Attorney, explained that this ordinance adds carryover from the City Hall/Civic Center Project to the City's contingency and allows OPUS to commence construction orders.

Mr. Olander said this was previously presented to the Council and most of it is contained in the City staff recommendation, but there was additional carryover from 2007 which the City staff is recommending be added to the contingency for the City Hall project. This would increase the contingency to \$2,100,000. He added that it has taken OPUS longer to secure construction financing and the City needs to assure OPUS has sufficient contingency.

Jesus Sanchez, Project Manager, highlighted that OPUS has informed the City that US Steel is expecting a cost increase on steel soon.

Mayor Ryu called for public comment. There was no one wishing to provide public comment.

Councilmember Hansen moved to adopt Ordinance No. 506. Councilmember Eggen seconded the motion.

Councilmember Way said she received the amended staff report on Friday to authorize a total contingency of \$1,000,000 and this represents a substantial change. She thought it was appropriate for the public to see how the City is allocating funds. She wanted to know who is responsible for the increases in the contract that the Council approved.

Mr. Sanchez commented that the City is responsible for increases and OPUS is responsible for the delivery. The biggest cost to the City is the financing costs, which are designed for the City to anticipate what the cost will be to borrow money. Whatever those costs are, if OPUS has to make up the costs, they incur additional costs. They have to charge somebody, financing cost for carrying that equity cost. For OPUS to feel secure, they need to know there is enough financing in the event the first bank doesn't work out, because the City will be paying financing costs. It is up to the City to control contingency costs and if all the funds aren't used, those funds should be available for other uses.

Councilmember Way asked why this wasn't anticipated prior to the agreement being executed. Mr. Olander replied that an estimate of OPUS' cost to finance the project was done and the City is obligated to pay it. He said the City staff did its best to anticipate the future, but markets have changed and are more volatile now.

Mayor Ryu commented that \$616,000 of the funds have already been approved by the Council. She explained that this formalizes that portion of it and adds the \$500,000 extra contingency.

Councilmember Way said this needs to have an expectation of building sustainability. She asked about a solar installation. Mr. Sanchez said there are always opportunities, however, there are increasing costs. He said there are a number of elements pertaining to the completion of the project such as furniture, audio/visual equipment, and an emergency generator. There are a number of elements that will be brought back and measured along with the current priorities.

Mr. Olander noted that a solar array is still in the project budget, but the question is how much and how large it is.

Councilmember Way stated that her goal is to have the capacity designed so we can increase it at a later date if need be.

Councilmember Eggen noted that \$581,000 will be allocated to City Hall/Civic Center project and asked if the remainder will carryover to 2007. Mr. Olander stated that the Council agreed that the remainder would primarily be allocated to the new telephone system. Councilmember

Eggen stated that there is a possibility finance costs will be higher than anticipated and some of the carryover would be held in case this occurs.

A vote was taken on the motion to adopt Ordinance No. 506, amending Ordinance No. 498 by increasing the appropriation in the General Fund and General Capital Fund, and authorizing an amended City Contingency in the Civic Center Development Agreement Budget, which carried 7-0.

(b) Urban Forest Assessment Presentation

Dick Deal, Parks, Recreational and Cultural Services (PRCS) Director, noted that the Council appropriated \$50,000 for an urban forest assessment. He introduced members of Seattle Urban Nature (SUN), Sharon London and Ella Elman, who are helping the City staff with this task.

Ms. London provided a PowerPoint presentation. She said SUN is small non-profit company that creates tools to empower stewards for healthy urban ecosystems. She reviewed her organization's background and history. She said they have worked in South Woods, Hamlin Park, Shoreview Park, and Boeing Creek. She reviewed the three project phases and discussed the data collection, analysis, and three management reports that were generated.

Ms. Elman highlighted that in the Council packets there were three papers titled "15-year Plans" which lists priorities for each park. She explained the habitat delineation maps. She highlighted that the most pressing problem facing South Woods is English holly, which is an invasive species. Boeing Creek/Shoreview Park has a wider variety of noxious weed species. She noted that there are 12 acres of land filled with noxious weeds that are listed on the King County noxious weed list in the Shoreview portion of this park. She also cautioned that the habitat in Boeing Creek is eroding and it is critical to keep the invasive species from entering the intact area of the forest. Hamlin Park is a 15-acre conifer forest with nothing growing under the tree canopy. She added that management issues are similar to the other parks in that there are invasive tree species and English holly. Additionally, there is no formal trail network in Hamlin Park. She added that there were soil samples taken which showed a PH of 4.5, which is very low. This reading, she said, prevents plants from growing. She discussed a scientific experiment that they have set up to determine if trampling affects the plant growth in Hamlin Park; they will be monitoring it over the next 2 years.

Mr. Deal summarized the presentation and noted that it is an ongoing study. He said that some invasive species removal and the report from SUN will help guide us and show the City how to use the resources most effectively. He thanked Charles and Bettilynn Brown and Boni Biery for their help. He discussed the next steps, which are to work towards reducing wear and tear in the parks by having dedicated trails and signage. Additionally, there will be invasive species removal and a strategy will be developed to identify which areas will need to be dealt with first. He stated that this is a long-term strategy and now, there is a great base strategy in place. He stated they will continue to monitor and come back in year or two to report on the test plots.

Councilmember Way asked about the Evergreen Cities bill and wanted to know how the assessments would fit into eventually working with the State on becoming an Evergreen City.

Mr. Deal highlighted that Shoreline is one of the first cities in Puget Sound to have an urban forest assessment.

Ms. London responded that having this information will only help the City in obtaining the designation of an Evergreen City. It establishes a baseline and will assist in Shoreline participating in the program more fully.

Councilmember Way inquired about the areas of erosion and how dogs may be affecting the situation. Mr. Deal replied that it is hard to say if it's more impacted by animals or by people. Councilmember Way asked about the acidity findings. Ms. Elman responded that she noticed there is a different parent material underlying that part of the park than the rest of the park; however, it is a common material. She said it could just be naturally acidic because there are really no human factors.

Mayor Ryu wondered if the website could include an educational piece for residents. Ms. London replied that their website has free fact sheets on invasive species and native alternatives.

Mayor Ryu called for public comment.

a) Boni Biery, Shoreline, stated that she isn't sure how this study got started, but she is glad it did. She said the City has some good things but has to work hard to protect them. She concluded by saying she appreciates the City's foresight.

Councilmember McGlashan asked if there were new aerial photos taken. Ms. London responded that they were utilizing photos that were taken in 2005 or 2006. Councilmember McGlashan also asked what the difference was between a trail and a social trail. Mr. Deal stated that all of them are social trails and that there is little structure to the system. He continued that they need to be identified.

Councilmember McGlashan said he is surprised that Boeing Creek was an active space that isn't being used because it looks like it is nothing but weeds. He asked if there was any future development planned there in the future. Mr. Deal responded that there would be. Councilmember McGlashan inquired if getting natural light into Hamlin would aid in the acidity problem. Ms. Elman responded that tree density at Hamlin is very similar to the surrounding areas and there is a large amount of natural thinning happening. She felt that in about 20 to 30 years it should open up more, but light won't have much impact on soil acidity.

Councilmember McGlashan stated that Point Defiance experienced some underground fires due to compacted needles. He inquired if there was any chance of this happening in this area. Ms. Elman replied that there is only a small layer of organic matter on top of mineral soils here in Shoreline so there is no threat of an underground fire occurring.

Councilmember Eggen stated that the City has quite a bit of forest land, but still only a small percentage of the total area. He wanted to know if the tree canopy can be increased in the future.

Mr. Deal replied that he isn't sure if the City's Geographic Information Systems (GIS) staff has done a complete canopy analysis throughout the City. Councilmember Eggen highlighted that it sounds like the City still needs to worry about the tree cover in the City. Mr. Deal noted that funds were only available to study these four parks for now.

Mr. Olander pointed out that this will be a much broader topic when the City begins working on the sustainability goals. He added that street trees present another problem when the tree canopy falls on private property and involves development regulations.

Councilmember Eggen thanked the 2006 City Council for allocating funding for this and to Mr. Deal for his efforts.

Councilmember Way asked if there were any old growth trees in Boeing Creek. Ms. London responded that there are some significant trees that are over 200 feet tall and are scattered throughout the parks. Ms. Elman also added that Hamlin Park has some of the best white pines in the area.

Councilmember Hansen said he is glad to see a number of diverse tree species, but he is curious to know about the densities. He noted that having a forest of one type of tree represents a great exposure to that forest. He presumed that information would be factored into any plan or recommendation devised to diversify the mix.

Ms. Elman said the City has a very wide variety of conifers, mixed deciduous, and madrone which already addresses that there are many species already. She highlighted that Shoreline is unique because so much of the conifer forest remains.

Mayor Ryu appreciated the presentation and stated that the City will go through a visioning process as a community and the topics of land use and parks will be discussed. She said it is important to know what we have and they have provided that.

RECESS

At 9:10 p.m. Mayor Ryu called for a five minute break. Mayor Ryu reconvened the meeting at 9:17 p.m.

(c) Annual Comprehensive Plan and Development Code Amendments: Master Planning and Planned Areas Procedures

Mr. Olander introduced Joe Tovar, Planning and Development Services Director, and Rachael Markle, Assistant Planning Director.

Mr. Tovar discussed the proposed amendments to the Comprehensive Plan (CP) and the Development Code (DC), which, he added, are totally different things. He stated he has spent time trying to figure out why the CP is the way it is. He noted that the City's CP says a lot, and frankly, it says too much. The dilemma, he explained, is trying to cover all the bases and it creates contradiction and ambiguity. He said there is a recommendation to remove some

references to master plans from the CP. Master plans are regulations, which is what a development code is supposed to do. He explained that the CP is trying to function as a regulation, as opposed to a policy document. He added that the City has discussed the use of innovative zoning techniques such as Planned Area (PA) 1, 2, 3, 4, and 5 and corresponding zoning tools with the Council. These tools, he said, give flexibility to tailor objectives to unique circumstances for different parts of the City.

Ms. Markle outlined the various amendments. She noted that this is the 2008 annual consideration of amendments to the CP and associated DC amendments. She said proposed amendments can be accepted year-round and anyone can submit them. She highlighted that this year the City didn't receive any publicly-initiated amendments. Additionally, the process of amending the CP and DC is a legislative process and public comment is open until adoption. The purposes of the amendments are to codify and clarify the processes and procedures that the City has already employed with the adoption of a previous master plan for 1st Avenue NE, the Shoreline Transfer Station, and for Ridgecrest PA. She stated that the only change is to pull the Master Plan permitting action out of the review cycle and allow it to be done at any time. She noted that the proposed CP amendments identify areas that should be master planned. She explained the specifics of the proposed amendments.

Mayor Ryu called for public comment.

a) Dennis Lee, Shoreline, said the problem is with the master planning being in the DC when it has to be a CP process at some point. He added that he doesn't quite follow all of the details that were presented in the staff report. Master planning for the transfer station was no change, but the underlying zone at Fircrest is R-6 and it was a placeholder until the City revised the CP. He noted that the impacts have to fit into the CP. He said the City staff report is very technical and wanted the City staff to help the residents understand because the master plan seems to be the tool to arrive at a Planned Area.

b) Les Nelson, Shoreline, felt this proposal lacked clarity. He asked if the City is approving Planned Areas without a CP. He said if the zoning isn't changing, then you can adopt a subarea plan out of sequence. He stated that the Ridgecrest zoning code is already approved, and now the CP amendment is being brought forward. He felt it was out of sequence for Ridgecrest. He noted that on page 87 the annual review of the CP is discussed; he thought it should be the annual CP amendment process. He also stated that on page 86 he testified in the Planning Commission meeting concerning subareas being treated the same.

c) Fred Chow, Shoreline, expressed his concerns with public process. He said the City moved very quickly on this CP matter and wants more time for citizens to review this since the CP is a process that offers the community an opportunity to provide input. He is afraid that the master plan process will give citizens less opportunities for input.

Ms. Markle replied that the master planning does not equal less public involvement. She explained that the only requirement is that a public hearing be held at the Planning Commission level. She noted that no neighborhood meeting is required. There is a two-step phase of

becoming a PA, which includes at least two quasi-judicial processes and public processes. She pointed out that the proposed amendments lay out a detailed process.

Mayor Ryu discussed the quasi-judicial process and public comment. She added that the Ridgecrest process was different and it was a legislative action. She asked if Ms. Markle is suggesting the PA process be changed from legislative to quasi-judicial. Ms. Markle replied that if the private party initiates the action it would be quasi-judicial.

Mr. Tovar asked if the Council wants to create a process for a private party proposing a PA, noting that this is a policy question. If the answer is no, then the process won't be codified. If the Council decides there needs to be a PA zone it could be done through a legislative action. The Town Center Subarea process, he said, might end up being created legislatively. He stated that just because it's a PA tool doesn't mean you have to require a master plan process.

Mr. Olander noted that the Shoreline Community College is a good example in that over the years individual applications were brought in. However, if they had a master plan they would have only needed to apply once and look at cumulative impacts.

Ms. Markle added that no changes are being made to Ridgecrest and no change needs to be made to the CP. She noted that Ridgecrest is zoned mixed use and the proposal is for the areas to be named Planned Areas 1 to 5. She stated that under the proposed amendment the Planned Area process would be a part of the CP annual process. However, the master plan permit would be done outside of this process.

Mayor Ryu clarified that this won't back into the CP. Ms. Markle stated that they will first be designated as Planned Areas, then they will adopt master plan permits. There would be a legislative action done to change Fircrest, Crista, and Shoreline Community College to PA.

Councilmember Way stated that quasi-judicial process is still a little confusing. She questioned assigning the quasi-judicial process and the master plan permit process to Fircrest. Ms. Markle explained that Fircrest belongs to a single beneficiary. Councilmember Way said the problem is that many of us have been involved in Fircrest issues. She asked if there will be a "firewall" built between the City and Fircrest. Ian Sievers, City Attorney, replied that the property owner may request a rezone for his parcel, which is quasi-judicial, and that is why the City has to stay unbiased and fair. This is an opportunity for the owner to get the City's judgment. Councilmember Way submitted that the Ridgecrest PA became a better quality product due to the free exchange of ideas.

MEETING EXTENSION

At 10:05 p.m., Deputy Mayor Scott moved to extend the meeting until 10:30 p.m. Councilmember Eggen seconded the motion, which carried 4-3, with Councilmembers Hansen, McGlashan, and McConnell dissenting.

Mr. Tovar pointed out that it is a policy decision to allow a private owner to create a PA. Alternatively, the City can retain both legislative and quasi-judicial oversight on all of them.

Mayor Ryu wondered if there should be a differentiation between the quasi-judicial and legislative processes for the PA process. Mr. Olander replied that the City staff can work up a couple of examples to show how the PA process works with the CP map, requiring specific detailed regulations. Mr. Tovar added that the City staff can briefly describe some hypothetical scenarios with both City-initiated and privately-initiated amendments. Mayor Ryu asked if a hierarchy should be written, to show where the relationships are. Mr. Tovar added that the PA can be zoning, comprehensive plan, and designation tool, etc.

Deputy Mayor Scott said this is a complex issue. He inquired how these changes impact visioning of the CP and the Council goals. He asked if it would be appropriate to hold off on this until the goal process is completed. He also wondered if these changes impact the public's ability to comment, as well as what would happen if nothing was done. Mr. Tovar replied that if legislative matters are treated as quasi-judicial, the public perceives them as such and if there is a process where the Planning Commission is the hearing body, they'll bypass the Planning Commission and bring their issues to the Council. He noted that there should be a discussion regarding what the Planning Commission should hear and the nature of things the Council should hear beyond the Planning Commission hearing. However, the Council should not condition the public to ignore the Planning Commission.

Deputy Mayor Scott commented that the Planning Commission is made up of the "hard-core" land use people. He felt that there are many citizens that learn about these actions for the first time on Channel 21 when they come before the Council.

Councilmember Eggen expressed concern about the quasi-judicial nature of the hearings because the ability to ask a question isn't there. He felt that the bigger the PAs get, the more involved the community gets, and the more information they need to get. He added that if everything is divided into separate areas it makes simple area-wide modifications more difficult. He urged the City staff and Council to explore the opportunity to create regulations that apply to all PAs unless the PA has an alternative interpretation. He inquired why North City wasn't a PA. Mr. Tovar responded that intellectually it is a PA and it could be called PA7 because there is no other North City Business District zone. However, there are some concerns about parking and lack of design standards. He explained if there were 500 different zones in the City it would get cumbersome, but if there are three it is easy to manage.

Mr. Olander noted that there are some mechanisms where some regulations apply universally, but there are specific additional requirements that would apply to PA1, 2 or 3.

Mayor Ryu stated that at the May 24, 2001 Planning Commission meeting a question was posed regarding how the City would eliminate the height requirements in CP and regulate it exclusively through the DC. She noted that seven years later it still is not being done. She inquired if the Council wanted to make a policy decision requiring Crista and Shoreline Community College to apply for a PA. Mr. Tovar noted that the answer to that question will affect how much text is in the amendment.

Councilmember Way inquired how the transfer station got approved when the master plan process was not defined. She also inquired how the City envisions the Fircrest Master Plan will be started. She added that a special district is not defined, nor is a PA. She wanted to know if the sustainability strategy is an overlay on this. She reiterated that the Crista process is confusing. Mr. Tovar explained that the process is going through these existing codes.

Councilmember Way expressed concerns that the City is taking chunks out of the CP review and dealing with them now. Ms. Markle replied that the staff has been working under the premise that since they're designated as single-family institutions, the idea is to develop master plans for them. She added that this is implementing what the CP says which is to master plan for these three sites.

Mr. Olander explained that the current CP says these sites need to be master planned; however, a detailed criteria on how to master plan them does not exist. Mr. Tovar added that a master plan is used in other ways by other people. For instance, the DSHS master plan is a planning process. However, it does not represent a regulatory land use permit.

9. ADJOURNMENT

At 10:30 p.m., Mayor Ryu declared the meeting adjourned.

Scott Passey, City Clerk

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