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CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF REGULAR MEETING

Monday, August 22, 2005
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Hansen, Deputy Mayor Jepsen, Councilmembers Chang, Fimia, Grace, and Ransom

ABSENT: Councilmember Gustafson

1. **CALL TO ORDER**

The meeting was called to order at 7:35 p.m. by Mayor Hansen, who presided.

2. **FLAG SALUTE/ROLL CALL**

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

Upon motion by Councilmember Grace, seconded by Deputy Mayor Jepsen and carried 6-0, Councilmember Gustafson was excused.

3. **CITY MANAGER'S REPORT**

City Manager Steve Burkett commented that over 10,000 people attended the Celebrate Shoreline event this year. The City's booth gave away t-shirts commemorating the "Best Place to Live" nomination by Seattle Magazine. He stated about 70 people attended the Aurora Project Phase II open house. The next open house will be held in early 2006. He informed the Council that construction on the Aurora Corridor continues. Traffic was rerouted from Westminster Way and more business signage has been installed. Planning Director Tim Stewart is departing the City and this is his last City Council Meeting. Mr. Stewart will be going to Africa to teach planning and community development.

Deputy City Manager Bob Olander announced that Mr. Burkett was the recipient of the WCMA Award for Excellence for City Managers and Administrators in cities with populations over 5,000. He was selected for his leadership and initiation of programs to improve employee satisfaction, including the adoption a communications training program and updating the City Recognition Program. Mr. Olander commented that employees feel valued and recognize the City's mission under Mr. Burkett's leadership.

The City Council congratulated Mr. Burkett on his recognition by the WCMA and thanked him for the job he is doing.

4. REPORTS OF BOARDS AND COMMISSIONS: None

5. PUBLIC COMMENT

(a) Bronston Kenney, Shoreline, refuted claims made in a campaign flyer that there were over 700 police calls in the last six years at Councilmember Chang's business. He said the calls amount to only 2.25 calls per week, and most were related to community policing, warrant servicing, civil process, traffic accidents, traffic stops, recovery of stolen vehicles, and service calls. He said many of the calls are not directly attributable to the motel. Furthermore, there is no specific allegation that Councilmember Chang was involved directly or indirectly in any illegal activity. He pointed out that different police reports have included contradictory information over the years and he intends to determine how the reports were compiled, noting that Police Chief Burt refuses to discuss the issue with him. He felt the police department should exercise caution in producing reports directly related to elected officials. Finally, he noted that the crime maps show no concentrated criminal activity near Councilmember Chang's motel.

(b) Arnie Moreno, Shorewood High School Girl's Tennis Coach, thanked the City Council for the proclamation honoring the team on July 11, 2005. He explained he was unable to attend the meeting and wanted to personally thank the City for this recognition.

(c) Gretchen Atkinson, Shoreline, expressed her belief that this year's Celebrate Shoreline parade was the best yet, noting she has participated in all eleven City parades. She commended the construction contractor for getting the parade route ready, adding that North City is starting to look great.

At 7:51 p.m., Councilmember Fimia left the meeting. At 7:55 p.m., Councilmember Fimia returned to the meeting.

Councilmember Ransom said the March 11, 2003 memorandum from former Police Chief Pentony indicates that fifty-one businesses had two or more calls for felony and misdemeanor crimes from 1998 to 2002, but the Quest Motel is not on this list.

Councilmember Fimia requested a copy of the April 21st memorandum which cites the 700 phone call occurrences and a copy of the March 11, 2003 memorandum. She asked for the specific locations where criminal activity is occurring and wanted to know why the data is inconsistent.

Mr. Burkett clarified that the number of calls originated from the newspaper report, citing the difficulty of responding to the news media allegations. He said staff would provide all the memorandums to the Council, and that the City's role is to remain neutral. The documents were provided to a Council candidate through the public disclosure process

and the request was submitted by a councilmember. If a candidate requests information, that information will automatically be provided to all the candidates. Mr. Burkett clarified if the City receives a request for all the police reports for the last five years for a particular address, the request will be filled because it is public information. He stated he would like Council direction on whether or not to provide the information to the Council as a whole and, if so, in what format.

Councilmember Ransom said the reports imply that enforcement actions are taking place at only one address. He clarified that the crime statistics include a variety of infractions, including traffic and bicycle citations.

Councilmember Chang requested clarification of the documents regarding the crime reports as soon as possible. On another topic, he said North City businesses along the Celebrate Shoreline parade route have requested the parade be held at a later time, since it affects their business revenue for the entire day. He also asked that North City project manager John Vicente communicate with 15th Avenue businesses on ways the City can support them.

Councilmember Fimia emphasized the need to receive all the data related to the allegations against Councilmember Chang.

Deputy Mayor Jepsen concurred with the request for all source documents related to this issue so all Councilmembers can speak from the same documents.

Mr. Burkett stated that staff would review the various source documents and determine whether the police reports are related to an actual address or to the general vicinity. If there are inconsistencies in the reports, City staff will attempt to resolve them. He did not feel it appropriate for staff to research this information unless the Council directs him to do so.

6. APPROVAL OF THE AGENDA

Councilmember Ransom moved approval of the agenda with the revision to move Consent Item 7(e) to Action Item 9(b). Councilmember Fimia seconded the motion, which carried 6-0, and the revised agenda was approved.

7. CONSENT CALENDAR

Deputy Mayor Jepsen moved approval of the consent calendar. Councilmember Ransom seconded the motion and the following items were approved unanimously:

**Minutes of Special Meeting of July 18, 2005
Minutes of Regular Meeting of July 25, 2005**

**Approval of expenses and payroll as of August 11,
2005 in the amount of \$3,563,211.30**

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Motion to authorize the City Manager to Execute the Commute Trip Reduction Interlocal Agreement with King County

Motion to authorize the City Manager to Execute an Agreement with the Interagency for Outdoor Recreation (IAC) to Obligate Grant Funds for the Interurban Trail North Central Section

8. ACTION ITEMS: PUBLIC HEARING

- (a) Public hearing to receive citizens comments on proposed amendments to the Code Enforcement Program; and

Ordinance No. 391 amending regulations defining public nuisances and enforcement procedures in Title 10, Title 13, Title 15, and Title 20 of the Shoreline Municipal Code

Tim Stewart, Planning and Development Services Director, explained that the proposed amendments are the result of a year-long process by a team composed of Planning and Development Services, Community and Intergovernmental Relations, Customer Response Team, City Attorney, and the City Manager's Office. Community input came from seven meetings with the Council of Neighborhoods, the Echo Lake, North City, and Ridgecrest neighborhoods, the Planning Commission, and the City Council. On July 7th, the Planning Commission conducted its public hearing and forwarded its recommendation to the Council. The recommendation, he stated, is to adopt the City staff proposed amendment addressing problems for vehicles, traffic utilities, and the Development Code. It was also recommended not to adopt the property management standards for interior property maintenance.

Kristie Anderson, Code Enforcement Officer, outlined the three types of code enforcement priorities: 1) urgent priorities, which are imminent threats to public health, safety and the environment; 2) important priorities, which are violations of permit conditions or mitigation; and 3) routine priorities, which are the minor accumulation of junk or land use violations with minimal impact. She introduced the International Property Maintenance Code (IPMC) which was created by the International Code Council (ICC) and is comprised of the Uniform Building Code and the Dangerous Building Code. The IPMC establishes minimum standards for the exterior of property and the interior and exterior of structures. She stated the proposed amendments would not change the administration or the appeals process, but all IPMC regulations pertaining to the interior of the structures would be deleted. Ms. Anderson presented slides containing examples of Code enforcement violations in the City.

Councilmember Fimia inquired if the proposed amendments contained provisions for assisting property owners with home repair.

Ms. Anderson outlined the new requirements relating to exterior standards, such as window coverings, siding, and gutters. The new amendments would also provide the City with a process for abating nuisances. Mr. Stewart added that abatement of rodent infestation would be the responsibility of homeowners under the new provisions.

Councilmember Fimia expressed her preference that code enforcement actions be viewed objectively, not subjectively. She said the main purpose of code enforcement is to ensure safety and health standards are met, not to beautify neighborhoods.

Ms. Anderson said deteriorating properties was a major concern among those who attended the public meetings. She said residents are concerned about the quality of the neighborhoods and what the Council can do to fix the problem.

Continuing her presentation, Ms. Anderson stated the current Code does not have any prohibition against graffiti. However, the IPMC does provide a means to deal with people who refuse to remove it. Furthermore, the IPMC outlines the minimum standards for exterior property maintenance and it addresses deteriorating exterior conditions. The Planning Commission recommended no Code amendments to address minimum housing standards. She said if interior standards are not adopted there would be no local regulation of interior structures, pest control, lights and ventilation, plumbing and sanitation systems, mechanical and electrical systems, and fire safety.

Mr. Stewart stated the Planning Commission's recommendation to monitor the level and severity of interior violations to see if this is a problem requiring attention in the future.

Continuing, Ms. Anderson discussed junk and/or abandoned vehicles and vehicles used for human habitation located on the public right-of-way. The proposed Code amendments in Title 10, Parking, prohibit the reparking of a vehicle to avoid a time limit and prohibits utilizing a vehicle for habitation on a City street. Additionally, the junk/abandoned vehicle portion the law is rewritten to prohibit the parking of an unlicensed or unregistered vehicle on a public street. In addition, there is now a provision stating the junk/abandoned vehicle can be removed by the police.

Councilmember Fimia asks how the enforcement of this amendment would be executed. She also asked for clarification on the number of registered vehicles that are allowed on private property.

Ms. Anderson responded that the vehicle would have to be licensed or show operability. She stated this type of Code enforcement would help control the problem, but not eradicate it. The current Code allows six vehicles on private property, but this excludes recreational vehicles (RVs) boats, and trailers. She clarified that the proposed amendment would allow a total of six vehicles per property, including RVs, boats, and trailers. Another problem is generated when vehicles are parked partially on the right-of-

way and partially on private property. The proposed Code amendment would add the term "wholly or partially" to Section 20.50.410(b) to clarify this issue.

Ms. Anderson noted the community did not confirm that weed control, signage, or animals present major code enforcement concerns in Shoreline, therefore, provisions related to these items were not included in the amendments. However, the proposed amendment requires that refuse be removed at least every two weeks from residential properties. Based on the "dot exercise" that identified community priorities, the most important issues included deteriorating properties, removal of garbage, junk vehicles stored on private property, and vehicles that are inhabited in the right-of-way. Lower priority issues included mowing and cutting of weeds, keeping of animals, enforcement of sign regulations, and the maintenance of planting strips.

Mr. Stewart added that the Code Enforcement Program is based on a voluntary compliance model that responds to complaints. In other words, if a complaint is received, City staff will work with the violator to educate, inform, and request voluntary compliance. As a result, the City resolves 90% to 95% of Code enforcement cases by voluntary compliance. In those cases where compliance does not occur, the City moves to carry out a more rigorous enforcement mode. If compliance still does not occur, then the final step involves imposing fines or taking legal action. He concluded that the Code enforcement revisions are targeted at the 5% cases that the City is unsuccessful in obtaining voluntary compliance.

Mayor Hansen opened the public hearing.

(a) Janet Way, Shoreline, agreed that weed abatement is complex and difficult to enforce. She inquired whether or not there is a provision in the junk/abandoned vehicle language for a collector of vehicles and "shade tree" mechanics. Ms. Way also inquired about the definition of refuse. She questioned how the City would fund, manage resources, and staff these issues if the amended Code were adopted by the Council.

Upon motion by Councilmember Grace, seconded by Councilmember Chang and carried 6-0, the public hearing was closed.

Councilmember Grace moved to adopt Ordinance 391. Deputy Mayor Jepsen seconded the motion.

Councilmember Ransom voiced concerns with vehicle regulations. He felt the City is being too restrictive and is imposing more standards than are necessary or being required by other communities.

Councilmember Chang questioned whether or not vehicles under carports or garages are included in the six vehicle restriction. Additionally, he asked whether or not passage of this proposed Code amendment would adversely affect someone who collected vehicles or had large families. He wishes to further discuss this item at the next Council meeting.

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Ms. Anderson responded by stating only vehicles parked outside are counted in the restriction. She said this provision may affect a person who collects vehicles or has large families. However, this is complaint-based, and vehicles that are used on a regular basis would not be cited.

Councilmember Grace agreed with the approach of the Planning Commission. The parking strip issue, he said, should be discussed further because it is an obstruction or harms the overall character of the neighborhood. He inquired as to what type of structure would be acceptable for vehicle repair.

Ms. Anderson responded that the type of structure depends on the activity. Activities such as painting and sandblasting must be done in a fully enclosed area. Tarps are considered temporary structures, which must be obtained by permit and expire after six months.

Councilmember Grace concurred that the complaint-driven process is a judicious and reasonable approach. He asked about tenant rights as they pertain to interior housing standards.

Ms. Anderson responded that current tenants are referred to the Landlord Tenant Act, which involves civil action between a landlord and a tenant. This process may or may not assist them in solving their particular issue. Under the Landlord Tenant Act, if a City inspection is requested, the City is required to focus only on the specific item the tenant has identified.

Councilmember Grace appreciated the effort by the City staff and the community. He wished to see some action and corrections beginning to take place in the City.

Councilmember Fimia appreciated City staff's work and the public process done on this project. She said the proposed process is deliberate and inclusive, yet imposing the standards will be difficult. The existing Code is not objective enough and language on property values and beautification need to be avoided. She stated she disagreed with the Planning Commission and would like the interior maintenance language added to the Code amendments because they involve safety, health, and welfare. She also felt there should be language in the Code that outlines the current administrative process.

Mr. Stewart responded that once these Code enforcement amendments are adopted the administrative rules will be updated and made consistent with the current proposal.

Councilmember Fimia stated she would like to see the administrative rules written into the Code instead of having them as separate document. She agreed with the Code revision to add the RVs, boats, and trailers to the total number of vehicles (six) allowed on a given property. She questioned what the standard was in other cities.

Ms. Anderson replied that the maximum number of vehicles that can be parked outside a given residential property in Seattle is three. Seattle's code language states that any

vehicle that had to be registered by the State is considered a vehicle. Everett lowered its maximum number to four, but it is not known if this includes RVs, boats, and trailers.

Councilmember Fimia said she supports the six vehicle standard, however, for some lot sizes it may be too many. At some point, the language should be refined to correlate with the lot size. She believed the fines were too low for environmental violations. However, she said the City should collect the fines and put them in a dedicated fund to help businesses and homeowners remove graffiti and assist citizens with other issues. She asked whether or not a fund similar to this currently exists.

Mr. Stewart stated there is an existing Code abatement fund which the City subsidizes with the General Fund. At present there is \$100,000 in available funds for abatement.

Councilmember Fimia proposed that the City put the monies from the fines into that fund.

Ms. Anderson stated the block grant assists seniors and low income residents. The City does not presently have a fund for graffiti removal.

Deputy Mayor Jepsen thanked City staff and the Planning Commission for their efforts. He recommended this action go forward. He felt the City should still address the planting strips issue. Additionally, he said the definition of garbage needs to be revised and commercial properties should be added to the amended Code language. He agreed with the Planning Commission recommendation to monitor the interior maintenance problem in the future and report on it at a later date.

Ms. Anderson stated there are no complaints on record concerning commercial garbage. Additionally, the language referring to commercial garbage in the current City Code does not allow for adequate enforcement.

Councilmember Fimia stated she would like to see the minimal interior standards language added to the Code amendments. She questioned if the situations shown in the slide presentation currently exist in the City.

Ms. Anderson stated the City currently does not monitor housing standards, so it has not commented or taken action on the situations in the presentation.

Councilmember Fimia suggested the Council postpone action for two weeks to allow staff to return with a recommendation on adding interior maintenance standards. With that additional language, she concluded, she would gladly support the amendments. Councilmember Chang concurred.

Mr. Burkett described the difficulty of gaining access into a home and involving the City in legal disputes between tenant and landlord. He recommended that staff monitor the issue and report back to Council at a later time.

Mayor Hansen was supportive of passing this ordinance tonight. He read a letter from Councilmember Gustafson which stated his support for Ordinance No. 391.

Councilmember Grace suggested the Council move ahead with the proposed ordinance. He wondered about the impacts of including interior maintenance standards in terms of staff time and landlord/tenant law conflicts.

Councilmember Ransom suggested amending the definition of unauthorized vehicle. He felt the City should allow residents a certain amount of time to register an unregistered vehicle.

Noting that the enforcement program is complaint-driven, Deputy Mayor Jepsen stated the police are not going to look for unregistered vehicles on private property.

Ms. Anderson said that state law requires the City to follow a process before removing a vehicle from private property.

Councilmember Chang stated this item should be discussed and voted upon at the next Council meeting.

Councilmember Ransom read the amended code language prohibiting moving a vehicle to a nearby location to avoid a posted time limit. He felt this law could be difficult to enforce and too rigid if people park near their place of employment and have to move their vehicle one block away as required by the code.

Mayor Hansen stated business owners would object to vehicles being moved into parking spaces. This would inhibit customers from being able to park in close proximity to the businesses.

Councilmember Ransom asked for clarification of the phrase "no inoperative vehicle should be parked, kept, or stored on any exterior premises." This, he stated, seems to preclude parking a vehicle in an open carport while someone works on it.

Mr. Stewart stated if the carport is open to the air, weather, and visible from the street, then it would probably be considered open.

Councilmember Ransom stated that the current Code allows for eight unrelated adults to reside in a single-family home and allows for six vehicles at that home. He supported maintaining these limits.

Councilmember Fimia outlined her amendments to the Interior Structures section of the IPMC.

MEETING EXTENSION

**Councilmember Ransom moved to extend the meeting until 10:30 p.m.
Councilmember Chang seconded the motion, which carried 6-0.**

**Councilmember Chang moved to postpone action on Ordinance No. 391 until
September 12, 2005. Councilmember Fimia seconded the motion, which carried 6-0.**

Mayor Hansen directed staff to return with language on the interior structures. Since the Planning Commission has removed this language, it would be helpful if the Planning Commission Chair could explain the Commission's rationale for removing it. Once that is done, he said, the Council would like to hear if City staff concurs with the revisions. If not, staff should be ready with recommendations.

Councilmember Fimia also requested language for an additional motion to add the administrative language to the Code.

9. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

(a) Process for Cottage Housing Review

Mr. Burkett noted that Councilmember Fimia requested the Council consider a different review process for Cottage Housing. The staff report outlined the process to date. The staff recommendation is to keep utilizing the same review process as adopted by the City Council in January 2005.

Mayor Hansen called for public comment.

(a) Bronston Kenney, Shoreline, asserted that the opposition against cottage housing is overwhelming, and that there is no compelling need for cottage housing in Shoreline. He asked what problem cottage housing is supposed to solve, and whether it is the best or unique solution to the supposed problem. He concluded there is no way to avoid the density element in the zoning code when designing a cottage housing development.

**Councilmember Fimia moved to adopt the revised timeline and process for the
Cottage Housing Ordinance as outlined in Attachment B of the staff report.
Councilmember Ransom seconded the motion.**

Councilmember Fimia stated her intent was to have the Council discuss this item and decide whether or not to revise the Cottage Housing review process. She said the City staff revisions were a starting point and the Council should lay out a process. She said the public is not engaged in this at a level where they feel they have any real input. The newly revised process is to recap everything the Council has learned, summarize all the public comments, do an objective analysis of the issues, hold a less formal joint City Council and Planning Commission public meeting, and form a Cottage Housing Workgroup consisting of ten to twelve volunteers which would include representatives from the Planning Commission and the City Council. The Cottage Housing Workgroup

would then return to the Council with recommendations. In turn, the City Council would hold a workshop to review the recommendations and incorporate them into a final draft to be heard by the Planning Commission or City Council for adoption. She felt this would provide a predictable process for the City staff, the Council, and the public to follow.

The Council then discussed elements of Councilmember Fimia's proposal.

Mr. Stewart said that while most of the issues have been addressed, the appraisal issue is problematic, as is the issue of status of existing sales. He noted the Planning Commission has Cottage Housing on its agenda for September 1, and City staff expects a recommendation by September 15.

Councilmember Fimia felt the appraisals could be handled through sampling, so every single property would not require an appraisal. She maintained that an analysis must be done to make legislative decisions, and the public needs to be informed and involved. Otherwise, it is a waste of the Planning Commission and the Council's time.

Councilmember Chang supported Councilmember Fimia's proposal and stated that "the key players need to get involved."

Councilmember Grace voiced his support for a joint open workshop as long as it occurs after the Planning Commission recommendation.

Mayor Hansen stated he does not support this proposal. He felt the Planning Commission should conduct their meeting on September 15th, make their recommendation to the Council, and then Council should work to adopt it.

MEETING EXTENSION

At 10:30 p.m., Councilmember Ransom moved to extend the meeting until 10:45 pm. Councilmember Fimis seconded the motion, which carried 6-0.

Mr. Burkett asked Council to clarify its proposal for a joint workshop.

Councilmember Fimia stated the meeting would have to be a Council-sponsored event with the Planning Commission invited in a joint meeting supported by City staff.

A vote was taken on the motion to adopt the revised timeline and process for the Cottage Housing Ordinance, which failed 3-3, with Mayor Hansen, Deputy Mayor Jepsen, and Councilmember Grace dissenting.

Councilmember Grace moved to hold a joint workshop of the Planning Commission and the City Council after the Planning Commission recommendations are received on a date to be determined. Councilmember Ransom seconded the motion, which carried 6-0.

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- (b) Motion to authorize the City Manager to execute a construction change order in an amount not to exceed \$40,000 with Paul Brothers, Inc. to complete the South Central and North B Interurban Trail Segments.

Councilmember Fimia said it is disconcerting that the City did not anticipate unsuitable soils in the estimates for this project. She pointed out that the City has already used the 10% contingency funds of \$134,000, and is now requesting \$40,000 additionally for unsuitable soils. The total budget of this project now is \$1.7 million. She said she did not support this change order, pointing out that staff has asked for change orders multiple times.

Jill Marilley, City Engineer, explained that unsuitable soils cannot always be predicted without spending a significant amount of money on geotechnical excavations. The contract included an estimated amount of unsuitable soils, and this was made a bid item. She said while the exact amount was not predicted correctly, the City ensured it was included in the contract so it did not have to overpay. She commented that the south central section had the greatest concentration of unsuitable soils. There were a number of property owners who reopened negotiations about what local improvements the City could make, and monies were spent during the construction phase on vegetation, driveway aprons, and a stairway on 166th for better neighborhood access. If the extras were not done, there would be no need for the change order. The unsuitable soils, the extra rock, and the delays by City Light caused the overruns. She concluded that the specifications do allow for this and it is a negotiated item.

Mayor Hansen stated that the City could have done soil sampling and test drilling, but if it was done the City still would have had to pay for that work and still pay to address the unsuitable soils issue. He supported this change order.

Councilmember Ransom moved to authorize the City Manager to execute a construction change order in an amount not to exceed \$40,000 with Paul Brothers, Inc. to complete the South Central and North B Interurban Trail Segments. Councilmember Grace seconded the motion, which carried 5-1, with Councilmember Fimia dissenting.

9. ADJOURNMENT

At 10:42 p.m., Mayor Hansen declared the meeting adjourned.

Scott Passey, CMC
City Clerk