DRAFT

CITY OF SHORELINE

SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING

Monday, October 24, 2005
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

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

ABSENT: None

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 City Clerk, all Councilmembers were present.

(a) Proclamation of Environmental Stewardship Week

Paul Haines, Public Works Director, provided a presentation of the Ballinger Creek rehabilitation project completed by Washington State Department of Transportation and the students of Room Nine Community School. He noted that the school invested 57 volunteer hours to plant 460 plants and trees from 18 different species.

Mayor Hansen then read the proclamation and thanked the school for their efforts to improve the environment. Sid Carden, Room Nine Community School teacher, accepted the proclamation and thanked the City for this recognition.

3. CITY MANAGER'S REPORT

Steve Burkett, City Manager, provided updates on the 5th Avenue Drainage Project, the North City Project, and the Aurora Corridor Project. He described the water quality improvements that would result from a new water filtration system on the Aurora Project. He noted that the City received recognition from the Innovation Group for innovative ways to improve City services. The City was one of the 28 case studies chosen to receive this recognition. He noted the upcoming Parks and Recreation Crafts market will feature 50 juried artists, and a local food bank will be accepting donations at the door in preparation for the upcoming holiday season. He introduced the City's new Director of

Planning and Development Services, Joe Tovar. Mr. Tovar has 11 years experience with the City of Kirkland and 12 years experience as a member of the Growth Management Hearings Board.

4. REPORTS OF BOARDS AND COMMISSIONS: none

5. PUBLIC COMMENT

(a) Charlotte Haines, Shoreline, complimented the contractor who is doing the work on the North City project. She said although there is "a mess" and there are delays, they are going out of their way to make sure people have access to businesses. She concluded that traffic problems are temporary and that the people who reside in the area are very appreciative of the work.

(b) Bronston Kenney, Shoreline, said the City Manager has dodged questions regarding Councilmember Chang's business and that he generates "bogus reports." He added that the City Manager has political motivations and he has no source documents to support the reports he released. He said the City Manager's ethical position is a problem.

(c) Dom Amor, Shoreline, disagreed with an assertion from last week that the public comment period is not the time for political campaigning. He said the public comment period is a place for the well-informed to pass their knowledge, and for the ill informed to "spread something else." He felt the Aurora Project could have started four years ago and could have saved millions of dollars if certain interest groups had not delayed the process. He said although not everyone agrees, the City is making good progress and is poised for great success. He said the City Council "has changed the face of the City of Shoreline for the better."

6. APPROVAL OF THE AGENDA

Councilmember Gustafson moved approval of the agenda. Councilmember Ransom seconded the motion, which carried 7-0, and the agenda was approved.

7. CONSENT CALENDAR

Councilmember Fimia moved approval of the consent calendar. Councilmember Gustafson seconded the motion, which carried 7-0 and the following consent items were approved:

Minutes of Special Meeting of October 3, 2005

Approval of expenses and payroll as of October 13, 2005 in the amount of $2,084,169.90

Councilmember Fimia moved to allow public comment for the people who are not able to stay. Councilmember Chang seconded the motion, which carried 5-2, with Mayor Hansen and Councilmember Fimia dissenting.

PUBLIC COMMENT (continued)

(d) Dan Mann, Shoreline, felt that the right to speak at the podium is a privilege and people are abusing it. He said the Council should address the slandering of residents that goes on during the public comment period. When someone defames another individual at the podium it is unfair and shows a lack of respect of process. He urged the Council to "reign in" comments that have nothing to do with Council or City business.

(e) Rick Stephens, Shoreline business owner, stated that the Comprehensive Plan for Aurora Corridor (CPAC) was changed by City staff and "shelved" by the Council. In 1999, the City formed the Citizen's Advisory Task Force (CATF) that came up with a design that was elaborate and expensive. After three open houses in 2000, 90% of the respondents did not support the design of the project. The Draft Environmental Impact Statement (DEIS) was not complete or available for public review until one year after the City filed a Categorical Exemption (CE). He urged for complete public disclosure of City projects and plans in the future.

(f) John Lombard, Thornton Creek Alliance (TCA), said TCA hopes the Council allocates more funds to the purchase of South Woods than what was recommended by the Bond Advisory Committee. He said Seattle Public Utilities (SPU) has indicated to TCA there is no urgency in selling its surplus property to Shoreline. There is, however, an urgency to purchase South Woods. TCA believes it would be prudent to divert funds for SPU property acquisition to the South Woods property.

8. ACTION ITEMS: PUBLIC HEARING

(a) Public hearing to receive citizen's comments on updates to the Critical Areas Ordinance (CAO) as recommended by the Planning Commission

Steve Burkett, City Manager introduced the CAO and said the Planning Commission has recommended passage of the CAO. He said this item would be placed on the agenda at the December 12 Council meeting for final approval.

David Harris, Planning Commission Chair, outlined that the process began in December 2004 and over 100 comments were considered. Most of them, he pointed out, were concerning tree and view issues. The Planning Commission voted to remove these two issues and the stewardship plan from the CAO final draft. The final vote of the Planning Commission to forward this draft to the Council for adoption was 7-1.

Matt Torpey, Planner, highlighted the four major issues the CAO encompasses. He said the Planning Commission increased the wetland replacement, wetland enhancement, stream buffer, and wetland buffer requirements and ratios. The buffer types were also revised so the buffers for the same types of streams will be the same. Additionally, the definition of stream was expanded to include private dam removal so when an area becomes fish passable it will be called a "fish stream". There are also new provisions which encourage the restoration of piked or denigrated water courses, and the term "salmonid fish use" was added. Another issue was that there is no definition for fish and wildlife habitat areas in the Code. The revised Code adds the classification of designated fish and wildlife habitat areas to the Puget Sound and all streams, wetlands, and buffers up to the ordinary high watermark. A portion of the Code was deleted because legislation was passed that prohibits a City telling a developer where they can place mobile homes. Mr. Torpey said four letters were received by the City pertaining to the CAO and were distributed to the Council for consideration. He concluded that City staff recommends Council adoption of the proposed CAO.

Mayor Hansen opened the public hearing.

a) Erica Seether, Shoreline, said she is concerned that the current Code allows for the cutting of up to six trees in a 3 year time frame without a permit. She informed the Council that this occurs in Richmond Highlands and there is no tracking of the trees being cut. She urged the Council to inventory all of the trees in Shoreline, noting that there is no basis for the current six tree rule.

b) Janet Way, Shoreline, concurred with the previous speaker and said the City should have a tree inventory. She felt the meeting should be continued and the SEPA checklist is her primary concern. She contended that there are Chinook salmon in Thornton Creek and the CAO incorrectly reflects there are no fish in the City at all. She questioned why the spraying of toxic chemicals is not listed in the environmental health hazards section because the City endorses spraying the streets. She disagreed with staff's summary that there were no historical sites in the City of Shoreline. She said the mediation of the stewardship and tree cutting/preservation issue is inappropriate because other parties need to be a part of the mediation. Additionally, it is inappropriate to piecemeal the CAO. She concluded that the City needs to protect all fish and wildlife as outlined in the Pilchuck decision of the Growth Management Hearings Board.

c) Barbara Lacy, Shoreline, said she would like to see more interaction between the Planning Department and the Surface Water Department. She said the definition for lake is not in the Code and the definitions for bodies of water in the Code are confusing. However, she said she was encouraged by page 10 of the CAO about exemptions and the efforts to conserve the fish, birds, and other wildlife.

d) John Lombard, Thornton Creek Alliance (TCA), thanked the Planning Commission for thoughtful consideration of the City's proposed CAO and urged the Council to adopt the Commission's recommendations. However, TCA remains concerned that the proposed ordinance does not follow the Department of Ecology's

recommended rating system for wetlands and the lack of a buffer on the City's marine shorelines does not adequately protect their functions and values. Nonetheless, TCA accepts the Planning Commission's commitment to addressing these issues in the future. He stated that TCA is concerned about the mediation because the entire City has a stake in the result. TCA is in favor of the new buffering provisions to protect daylighting for piped streams and the definition of salmonid fish use. He pointed out that the definition of stream in the proposed ordinance does reflect the Planning Commission recommendation to delete the word "open", but the CAO still includes this word.

e) Randy Bannicker, Seattle-King County Association of Realtors, urged the Council to balance all thirteen goals of the GMA in the City's CAO. He noted that buffer size is not an indication of quality. Smaller, smarter "managed" buffers will offer immediate benefit to the function and value of critical areas. The City should provide incentives for property owners to take advantage of this. He emphasized that as the City looks for an enhancement and management program for buffers that it checks to see if the program is affordable and easy to understand and that it is something a property owner can execute. He summarized that the Department of Ecology's buffer rating system is based on rural areas which are outside the Puget Sound region.

f) Patty Crawford, Shoreline, distributed two documents to the Council and City staff. She said the larger buffer simply integrates the setbacks. She said there are standards for urban development and the City is going in the wrong direction. The City needs to protect fish hatchery areas, and the City should not be adopting the CAO because it is not a consensus document. Most of the changes are in direct conflict with court orders. She noted that page 117 provides more confusion than clarity.

g) Tim Crawford, Shoreline, stated that the 10-page letter from the Washington State Department of Fish and Wildlife was solicited by his wife. He said the entire process is flawed and cloistered. He said the City has kept state and federal agencies out of the process concerning the buffer issue.

h) Nancy Rust, Shoreline, said the functions and values of the critical areas have been damaged so the City needs to have a plan to restore the trees. The hazardous tree definition, she felt, is good and the increase of buffer widths is also good. She is in favor of adopting the proposed CAO.

i) Michelle McFadden, Wauna, expressed opposition to the ordinance. She commented that Mr. Tovar is great for the City. She felt the rewrite of the classification system completely undoes the increased buffer widths, and that the revisions will accomplish nothing. She said the Washington State Department of Fish and Wildlife has an obligation to get all of the streams out of pipes. She urged the City to take more time on this ordinance, noting it would be actionable before the Growth Management Hearings Board.

j) Elaine Phelps, Shoreline, representing Association for the Responsible Management (ARM) of Innis Arden, emphasized certain aspects of the letter sent by

ARM concerning mediation. The Planning Commission, she said, has defined hazardous trees and it should not be a part of the mediation. She said ARM is concerned how the City is dealing with the CAO; the City needs overall City planning, not piecemeal solutions. She said ARM asked the Council to keep the previously removed definition of hazardous trees in the CAO. Additionally, ARM would like to see a special provision that deals with land that is excluded from development. She concluded by stating that preservation and restoration needs to take place in the areas that have been adversely affected in Shoreline.

k) Peter Henry, Shoreline, said he is not opposed to mediation, but he is concerned with the City using the outcome to influence City policy. The people in the mediation are only a small percent of the people residing in Shoreline. He urged the City Council to preserve trees as best as possible.

l) Michael Rasch, Shoreline, stated Innis Arden is a unique situation and the residents in Innis Arden thank the Council for the mediation proposal. ARM is a faction of Innis Arden and no one knows how many members they have. The Innis Arden Board appreciates the time the Council spent to consider the mediation proposal. He said he is disappointed that the stewardship plan was removed from the CAO. He emphasized that all Innis Arden residents want to see the wetlands preserved.

Councilmember Ransom moved to close the public hearing. Councilmember Gustafson seconded the motion, which carried 6-1, with Councilmember Fimia dissenting.

Deputy Mayor Jepsen moved to consider and take action on the Critical Areas Ordinance at the City Council Meeting on December 12, 2005. Councilmember Chang seconded the motion, which carried 7-0.

Councilmember Fimia felt the Council needed a process to make amendments to the CAO.

Based on the workload for the CAO, Councilmember Grace felt there should be an interim step before December 12th. The Council concurred and decided to include it on its November 28th agenda as a discussion item.

Councilmember Fimia stated she would like Mr. Tovar to look at the action the Council took on October 3rd concerning mediation and conduct a risk assessment.

(a) 2006 Budget Department Presentations

Debbie Tarry, Finance Director, gave an overview of the budget schedule and said the City is in excellent financial position with a balanced budget of $78.9 million. She reviewed the City's revenues and expenditures including the major changes in the budget to include upcoming one-time allocations and major capital projects. Ms. Tarry concluded stating the 2006 Budget supports the City's vision and the Council's goals.

Mayor Hansen opened the public hearing. Seeing no one wishing to provide public comment, Councilmember Grace moved to close the public hearing. Councilmember Gustafson seconded the motion.

Councilmember Fimia moved an amendment to close the public hearing for October 24th. Councilmember Ransom seconded the motion, which failed 3-4 with Mayor Hansen, Deputy Mayor Jepsen, Councilmember Gustafson, and Councilmember Grace dissenting.

Councilmember Grace pointed out that the public can comment on the 2006 Budget during the Council meetings on November 7, 14, 21, and 28.

A vote was taken on the motion to close the public hearing, which carried 6-1, with Councilmember Fimia dissenting.

Deputy Mayor Jepsen suggested putting together an ad hoc committee to revisit public participation rules.

There was Council consensus to finish the public comment agenda item.

PUBLIC COMMENT (continued)

g) Dale Wright, Shoreline, described the costs of the Aurora Corridor Project. He said Councilmember Chang publicly stated that the project costs twice as much as similar projects in other jurisdictions. He said Cindy Ryu said the project would cost the City $30 million per mile. The cost for Shoreline's project is $20.3 million dollars. CH2M Hill has designed the Federal Way, Des Moines, and SeaTac Highway 99 Projects, and Shoreline's cost per mile, according to CH2M Hill, is slightly less than Des Moines, slightly more than Federal Way's Phases I and II, and less than Federal Way's Phase III. Lynnwood and Edmonds projects were built to different standards, and were therefore less than the Shoreline project. The statements, he concluded, misrepresent the facts.

h) Janet Way, Shoreline, thanked the students from Room Nine and the teacher that volunteered for the Ballinger Creek restoration project. project. She commented on the two SEPA Threshold Determination Notices she received this week for antenna arrays to be affixed to lightpoles in Shoreline Park and Twin Ponds Park. She expressed concern about corporate interests taking over the City parks. Parks are a sacred trust, she said, and the land should not be for sale and there is no hearing for the proposals under the City process. She expressed support for a public hearing to see the proposal, noting the need for further exploration and a study on the health aspects.

i) Kay Peterson, representing Shoreline Community College (SCC), announced that SCC is soliciting community input on the selection of a new president from November 1 – 10. She invited the public to the 8th Annual Community Breakfast

fundraiser on November 15. She said she met City employee Maggie Brown to discuss the implications of the Aurora Corridor Project and found her very responsive and professional.

j) Elaine Phelps, Shoreline, representing ARM of Innis Arden, asked what response was received from the Innis Arden Club about the mediation proposal. She added that personal attacks are inappropriate and the ARM has never said anything antagonistic at the podium. She said other Innis Arden groups do not release their membership numbers. She said instead of giving opinions at the podium, people should bring facts and there should not be any political campaigning at the podium.

k) Peter Henry, Shoreline, thanked the Council for dedicating money to the South Woods acquisition through a bond issue. He stated that he attended the last school board meeting and they intend to surplus the property. He spoke at the meeting and requested that the board work with the City so the City can acquire the entire parcel. He urged the Planning Commission to rezone the property as public open space. Additionally, he requested that the City not divide the property up into separate parcels.

MEETING EXTENSION

Councilmember Gustafson moved to extend the meeting until 10:30. Deputy Mayor Jepsen seconded the motion, which carried unanimously.

10. NEW BUSINESS

(a) Report of Council Ad Hoc Committee on Human Services

Rob Beem, Human Services Manager, discussed the members, purpose, and goals of the Ad Hoc Committee. He outlined that the committee is recommending the Human Services Department emphasize the issues of affordable housing and adult literacy in the City of Shoreline. He noted that the information on the need for these services is included in the documentation provided to the Council. He concluded that in the future the City will utilize the Housing and Urban Development benchmarks in determining the definitions of low-income families.

Councilmember Grace elaborated that the percentage of the population for which housing is a serious need is between 30 – 45% of the low income population. He urged the City to work with housing partners and not go into the affordable housing business. He concluded that the recommendation is to commit some staff to study the issue so the Council has a better understanding of the need and what the City might be able to provide in conjunction with other funding partners.

Councilmember Fimia stated she was pleased with the subcommittee format and she is pushing to take a broad look at the issue. There is a tremendous need in Shoreline, she said. She said one out of every five families in the City are in great need of housing, food, and healthcare. She stated the City should put money in a housing trust fund in

order to attract partners and investors. The City should also look at other issues that came out of the committee besides literacy. She concluded that this should be done on a broad-based approach throughout the City.

Deputy Mayor Jepsen said an approach that is too broad makes the project become unfocused. The committee had to make a tough decision on the priorities because the City cannot put money towards every program or it will become diluted. The highest priorities, housing and literacy, should be addressed, but the City should not put more funding in the budget to create new housing or create new literacy programs. He felt the City should work with the partners that are providing these services and identify what the City can do to leverage the services those partners are already providing. However, if funding is what the partners need to accomplish this, then the City should provide it.

Councilmember Gustafson stated he went to a conference that outlined an emphasis on youth education and the family. He said he was surprised how many cities are starting to develop a "Youth Master Plan." This plan gets the youth involved and is a good investment of funding. He would like to include this in April retreat discussions and will have a plan to incorporate it as a Council goal for the upcoming year.

Councilmember Ransom asked how the housing program interfaces with King County Housing Authority (KCHA) and the City of Seattle, since there is a high quantity of low income housing in the Northgate area. Regarding literacy, he felt the statistics could be skewed because of the 37% college graduate rate and 30% illiteracy rate. He thought the 30% illiteracy rate could be based on King County numbers. He noted that Shoreline Community College (SCC) has an adult education program and a high school program (GED), so the City already has a service provider performing this role. Therefore, he questioned what role the City could play in literacy. He felt the recommendations could use further development.

Councilmember Chang said these are all good questions, noting that the City needs to determine the facts so it can assess its abilities and the direction to proceed. Another resource is the church community. He agreed with the housing trust fund and that it will take a long-term solution to solve this issue. He also agreed that the City should work with other partners on these issues.

Mayor Hansen agreed that the City needs to partner to find answers to these problems. There are many semi-private organizations as well as government agencies to assist the City. Literacy problems are mostly a school district issue. He noted that the list of 40 developmental assets can help young people.

Councilmember Grace clarified that the committee did look at the King County Housing that was available in Shoreline. He also pointed out that the issue is adult literacy. He read the committee recommendation to the Council, which is "to develop policy options to guide the City's efforts to support the development of affordable housing and the reduction of low literacy levels among adults using the work program outlined in this staff report". He urged the Council to support the recommendation.

Councilmember Ransom stated that homelessness is also an issue in Shoreline. There are significant costs involved with homelessness and it was not a serious problem in Shoreline until recently.

Councilmember Chang pointed out that SCC offers English as a Second Language (ESL) classes, but non-native speakers also have transportation problems. This has something to do with the illiteracy problem. Other impacts include the elderly. He felt there should be a more in-depth study of all these issues to aid Council's decision process.

Deputy Mayor Jepsen gave Mr. Beem several publications he received at a conference concerning affordable housing and homelessness strategies and solutions.

Deputy Mayor Jepsen moved that the Council direct the City Manager to develop policy options to guide the City's efforts to support the development of affordable housing and the reduction of low literacy levels in all adults using the work program in the staff report. Councilmember Grace seconded the motion.

Councilmember Fimia supported the general direction but did not support allocating $30,000 - $40,000 to this effort. She said she would like to see this accomplished with existing staff. She said the recommendation does not absolve the Council of the need to look at all the gaps in social services and actually send money to agencies that have existing needs. The City should be able to "put money on the table" if it intends to partner with other agencies. She said she will support moving this forward but not with the proposed allocation.

Mr. Beem clarified that the allocation is simply an estimate.

Councilmember Grace said it is reasonable that some time and effort is put towards this.

Councilmember Fimia stated she does not support hiring a consultant for $10,000 to accomplish this.

A vote was taken on motion, which carried 6-1, with Councilmember Fimia dissenting.

There was Council consensus to start the November 14 Council meeting at 6:00 p.m.

9. ADJOURNMENT

At 10:34 p.m., Mayor Hansen declared the meeting adjourned.

Scott Passey, CMC
City Clerk