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CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF SPECIAL MEETING

Monday, March 7, 2005
6:30 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 6:30 p.m. by Mayor Hansen, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Hansen led the flag salute. Upon roll call by the Deputy City Clerk, all Councilmembers were present, with the exception of Councilmembers Chang, Fimia and Gustafson, who arrived shortly thereafter.

3. CITY MANAGER'S REPORT

Steve Burkett, City Manager, briefly reported on the following items:

- Construction of various segments of the Interurban Trail
- Richmond Beach Overcrossing Open House, April 7
- Parks, Recreation and Cultural Services Board study of potential off-leash park
- March 29 Workshop on Hunger, United Way of King County
- KPLU radio feature of Shoreline during the month of March

4. REPORTS OF BOARDS AND COMMISSIONS

Councilmember Gustafson reported on the Water Resource Inventory Area 8 (WRIA-8) Steering Committee proposed salmon conservation plan. He said elected officials have 90-days to review the plan and provide comments.

Councilmember Ransom commented on the concern about water reserves in the region.

5. PUBLIC COMMENT

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(a) Bob Barta, Shoreline, questioned the stability of surface soil at the Echo Lake site in the event of an earthquake or other natural disaster. He wondered if the engineers could guarantee there would be no damage to the buildings constructed there from soil liquefaction. Noting that City Hall is part of the command center for the City's emergency operations, he said the site is a poor location because it has poor radio communications.

(b) Paul Blauert, Shoreline, said that tree cutting in the Innis Arden Reserves has caused slope instability, erosion, sinkholes, and landslides in and around the Innis Arden neighborhood. He noted the large sinkhole that occurred in the Hidden Lake area ten years ago. He said trees have been cut in sensitive areas, and the debris has clogged up the streams, causing excessive surface water runoff. He said the people who spoke at the Council meeting a couple weeks ago do not speak for everyone on Innis Arden, even though they implied they represented over a thousand people. He expressed concern that the City is not enforcing its current codes, and wondered why the City would grant anyone an exemption from a sensitive area permit. He said the City should have access to all areas of Innis Arden to investigate complaints, since the City owns the property designated as Innis Arden Reserve M. He urged the City to strengthen the sensitive areas ordinance rather than weaken it.

There was Council consensus to allow Mr. Blauert to provide a brief slide presentation of environmental conditions in Innis Arden.

(c) Virginia Paulsen, Shoreline, reported on topics from two town hall meetings held on the City Hall project and the Comprehensive Plan update. She noted that speakers discussed process issues, citizen involvement, "zero impact development," landscaping options, housing problems, managed growth, finances, and other techniques to mitigate development impacts. She encouraged Deputy Mayor Jepsen to talk to the Deputy Mayor of Federal Way regarding its process for building a new city hall. She said an attorney presented information on financial estimates for purchasing City Hall and indicated the City is going to be "ripped off" under the current proposal. She invited the Council to view the town hall meetings on videotape.

(d) Vicki Westberg, Shoreline, urged the City to purchase the Shoreline Water District property known as the Southwoods, located at NE 150th and 25th NE in order to preserve the area for environmental education opportunities. She felt this property could provide the "laboratory" for environmental study by local middle schools and high schools. She said the time is right to think of the forest as a positive and unique feature of junior and senior high school curricula, and as a resource that "doesn't need to be cut down." She said the resource could be used year after year to train students in the environmental sciences. She urged the Council to be leaders in the fields of education and environment, noting that the property would be a source of pride from many perspectives.

(e) Janet Way, Shoreline, representing the Sno-King Environmental Council, Thornton Creek Legal Defense Fund, and Paramount Park Neighborhood Group, said

that several of the policies in the Comprehensive Plan support the purchase of the Southwoods property, including PR2, PR8, PR18, PR13, PR32, PR25, PR34, and PR38. She concurred with the points made by the previous speaker, noting that forests are extremely valuable for preventing erosion, improving water quality, air quality, and providing open space. She supported Mr. Blauert's statements regarding Innis Arden and read from last week's staff report that indicated the City has the potential to improve fish habitat. She encouraged the Council to follow the City's stated policies, including the prevention of tree cutting.

(f) Gene Maddox, Shoreline, said he has observed the erosion and degradation of the Innis Arden reserves for the past 45 years. He said the Innis Arden Board does not represent his views, and are "defrauding me of my property rights and my liberty." He referred to a study showing that Innis Arden is a very sensitive area and susceptible to slides. He volunteered to escort the Council on a tour of the area to show them the conditions. He said tree cutting causes unstable soil and increases the flow of water into gullies, thereby accelerating the erosion.

(g) George Mauer, Shoreline, asked the Council to consider formal recognition of the Shoreline Chamber of Chamber sponsorship of the two public open forums on the siting of city hall. He also urged the Council to formally recognize the efforts of the Shoreline firefighters who participated in an annual fundraising event in Seattle. He asked the City Manager to respond to a Seattle P.I. article which quoted Mr. Burkett as saying that no financial compensation is available for Monarch Appliance because it would be considered an unlawful use of public funds. He noted that Seattle uses its community development funds for precisely that purpose.

(h) Dom Amor, Shoreline, thanked the Council for its work over the past 10 years in maintaining the vision of a more progressive community. He used Federal Way's improvements to the Highway 99 corridor to illustrate that such progress is still possible. He said although he is encouraged by the number of people speaking at Council meetings, he would still like to hear more people suggest solutions and compromises to the more contentious issues. He felt that too few people were talking about the progress and positive accomplishments Shoreline has already made. He encouraged the Council to build City Hall on the Echo Lake site if the conditions are right and move forward with upgrades to the Aurora Corridor. He urged people to talk about community agendas rather than personal agendas.

(i) Elaine Phelps, Shoreline, felt that the City's current process for pre-application neighborhood meetings is deficient because the meetings are controlled entirely by the applicant. She wondered how she could get access to the audio recording of a recent pre-application meeting. She expressed concern about the City's Critical Areas Ordinance, noting that tree cutting in critical areas to preserve views has nothing to do with protecting critical areas. She also asked about the process for getting access to City staff, noting her understanding that staff work for the City Council, who in turn work for the citizens. She felt the City Manager should not intervene between the actions of a Councilmember and a staff member. She noted that Innis Arden has had a

vegetation management plan since 1997, but City staff is not aware of it and the plan is never consulted. She urged the City to strictly enforce its codes. She said it took her until today to get answers about the Echo Lake site, noting that the City is spending \$183,770 for the buffer.

(j) Brian Derdowski, Bellevue, noted that three geologists testified last week at an appeal hearing that there is great potential for slide/slope instability as a result of issuing a clearing and grading permit in Innis Arden. He said although appeals of the Hearing Examiner's decision are heard in Superior Court, the Council is on constructive notice of a public emergency in Innis Arden. He urged the Council to impose a moratorium on additional tree cutting in Innis Arden because of the potential for significant liability on the part of the City. He said the City has no geologist or qualified arborist on staff, and it did not consult its surface water expert in the aforementioned permit. He said voting on the Comprehensive Plan amendments in "blocks" poses a substantial procedural problem, since it appears that the Council has prejudged the amendments without detailed analysis. He urged the Council to follow correct parliamentary procedures as well so it "doesn't stub its toe on minor technical procedural problems."

Responding to Mayor Hansen regarding Ms. Phelps' comment, Mr. Burkett explained that as City Manager, he can either answer Council questions directly or select the staff member that most appropriately can answer the question. He said the Mayor has the responsibility to direct and approve responses to questions.

Ian Sievers, City Attorney, noted that state law gives the City Manager independent statutory authority and responsibilities that are separate from the Council. He clarified that Councilmembers must refrain from interfering with the City Manager's responsibilities, which is the administrative affairs of the City.

Councilmember Fimia noted that she was only asking a question of a staff member at the podium at the previous meeting. She was not directing staff.

Deputy Mayor Jepsen asked staff to follow up on the sinkhole near 18303 17th Place NW, and the 1997 vegetation management plan.

Responding to Deputy Mayor Jepsen, Tim Stewart, Planning and Development Services Director, explained the process of a pre-application neighborhood meeting, which is required prior to application for development permits. He said sometimes neighborhood meetings result in a permit application, and sometimes they don't. He clarified that there are formal hearings for SEPA appeals held by the Hearing Examiner.

Councilmember Gustafson urged the public to approach the school board regarding the Southwoods issue.

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Councilmember Chang requested that staff brief the Council on erosion and critical areas issues in the near future. He noted that Shorewood Hills and Innis Arden have experienced similar erosion problems.

Councilmember Ransom pointed out that some of the Southwoods property could be developed as a neighborhood park, since there are no such parks in Briarcrest. He felt the City should take more control over the pre-application neighborhood meeting process. He noted that a past neighborhood meeting he attended was not adequately conducted and did not fulfill the stated requirements. He also felt the City should have nationally certified or licensed professionals either on staff or providing professional opinions in land use matters.

Councilmember Fimia requested that the Shoreline firefighters and the Shorewood High School Jazz Band be recognized by City proclamation.

Mr. Burkett introduced Tom Boydell, the City's new Economic Development Manager.

6. ACTION ITEM

- (a) Ordinance No. 375 adopting a six month reduction in the City gambling tax on social cardrooms to 10% of gross receipts; amending Shoreline Municipal Code 3.30.020; and providing a sunset of the tax reduction

Robert Olander, Deputy City Manager, provided a brief staff report, explaining that staff does not recommend that Shoreline adopt a gambling tax reduction. However, if there is Council consensus to do so, then staff recommends the City work with Moss Adams to complete further analysis of individual casino profitability and return to Council with findings in July. He said a six-month gambling tax would reduce City revenues by approximately \$120,000, and a contract with Moss Adams would cost about \$10,000.

Mayor Hansen called for public comment.

- (a) Virginia Paulsen, Shoreline, expressed support for a gambling tax reduction, noting that the *Seattle PI* states that 58% of all gambling revenues are earned by native tribes casinos. She felt this indicates that local casinos are "endangered," which is a particular problem since Shoreline has problems with retaining businesses. She said the Interurban Trail and Gateway Plaza are putting additional stress on local businesses.

- (b) Greg Logan, Shoreline, supported the tax reduction and commented favorably on the facilities at Club Hollywood Casino. He felt the City should do what it can to keep businesses healthy.

Councilmember Ransom moved to pass Ordinance No. 375. Councilmember Fimia seconded the motion.

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Councilmember Ransom urged the Council to support the motion, noting that many gambling establishments have failed due to high taxation. He described his efforts to persuade the state legislature not to pass Senate Bill 5287, which would increase gambling taxes by an additional 10 percent. He said the fiscal note to the bill analyzed all the expenses and financial statements of local casinos, so that information is available to the City. He commented on various estimates of how many casinos would survive if the additional tax is imposed. He urged the Council to pass the temporary reduction, since it would give the City time to analyze the financial statements to determine if a permanent reduction is necessary.

Councilmember Gustafson wondered if this decision could be postponed until the legislature decides the status of SB 5287.

Mr. Olander said the City will not know the outcome of SB 5287 until the end of the legislative session.

Councilmember Chang said it could cost the City significantly more than the \$120,000 it will lose during the six-month moratorium, because if businesses fail, the City will collect no tax. He felt the loss of \$120,000 could be made up in different ways. He suggested that the City work with the gambling businesses on ways to become more profitable, thereby increasing revenues for everyone.

Mr. Burkett noted that it is not really the City's role to be involved in business marketing programs. He said the real policy question is whether a 1% tax reduction will make a difference in the profitability of local casinos, and whether they would go bankrupt without a tax reduction.

Mr. Olander noted that the City has worked cooperatively with local casinos in many ways in the past. The City has supported their efforts to expand and improve their facilities through the permitting process as well as through legislative acts such as the extension of off-track betting.

Councilmember Grace expressed support for the motion, although his support of an extension of the tax reduction would depend on cooperation from the casinos in supplying their financial statements so a comprehensive analysis can be made. He felt the Council should make any long-term decision on a policy basis rather than on an emergency basis.

Councilmember Gustafson concurred, adding that the Council needs to make an informed decision.

Deputy Mayor Jepsen wished to ensure that the intent is to eliminate the 1% reduction if the State Legislature passes SB 5287 or any other similar bill. Mr. Sievers confirmed that the rate would revert back to 11% on the day the legislature enacts such measures.

Councilmember Fimia expressed support for the motion, noting that this measure is not an expansion of gambling in Shoreline. She emphasized that Shoreline is dependent upon gambling revenues, both in the operating and capital budgets, and that gambling is the only industry which is taxed at such a high rate. She stressed the need to complete the financial analysis in a timely manner, since the businesses have offered to provide their financial statements.

Mayor Hansen supported the staff recommendation not to pass a tax reduction because it is uncertain how state legislation might affect the City's ability to collect gambling taxes. He said if the state raises the rate to 20%, then the City's reduction will have no effect. Additionally, the casinos' expenses will go up, and the \$120,000 in lost City revenues will be spent by the state.

Councilmember Ransom pointed out that the increase from \$2.5 million in gambling tax revenue in 2003 to \$3.3 million in 2004 can essentially be attributed to Club Hollywood, which paid the City \$750,000 last year. This amount was not reflected in 2003, so the increase from that one additional club more than compensates for the difference a 1% tax cut would make. He emphasized that the casinos made an emergency request for a tax cut in November 2004, and there is no reason to delay it because the Council already voted to approve a tax cut last month.

A vote was taken on the motion adopting Ordinance No. 375, which carried 6-1, with Mayor Hansen dissenting.

7. WORKSHOP ITEM

(b) Traffic Services Program – 2004 Status Update

Paul Haines, Public Works Director, Rich Meredith, Traffic Engineer, and Sergeant Fagerstrom, Shoreline Police Department, provided an update of the City's 2004 traffic services program.

Sergeant Kevin Fagerstrom, Shoreline Police, reported on traffic enforcement activities of the Shoreline police department. He pointed out that prior to incorporation, the sheriff's office only had 14 traffic officers working the entire county, with minimum traffic coverage in Shoreline. Following reprioritization by the City Council, Shoreline's traffic enforcement unit grew from two to five officers. Morning and afternoon school zone enforcement is a major priority for the traffic unit. The traffic unit issues approximately 5,000 citations in a 12-month period, and also handles the majority of accident investigations throughout the City.

Mr. Haines explained the threefold approach of education, engineering, and enforcement in achieving the City Council's goal of "safe and friendly streets." He stated that the existing infrastructure inherited from King County does not lend itself to changing driver behavior very easily, so enforcement will always be part of the traffic services equation.

He explained the various pilot programs and initiatives begun in 2004, which will serve as a baseline for further studies. He said the Council has demonstrated its commitment to traffic issues by allocating additional staff to the program. He described the traffic services staff, the department organizational chart, the mission statement, and the overall work plan. He noted that a citizen survey identified traffic flow and congestion as some of the public's top priorities.

Mr. Meredith narrated a slide presentation highlighting 2004 projects dealing with channelization, traffic control signals, warrant studies, traffic calming devices, traffic data

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collection, plan reviews, pedestrian safety enhancements, Neighborhood Traffic Safety Program (NTSP), parking programs, and school walking routes.

He pointed out that Aurora traffic signals are being equipped with battery backup in the event of power outages. These will become standard on all signalized intersections as the Aurora Corridor Project progresses. He described the City's efforts to expand its database of information by conducting more counts of traffic speeds, volumes, and turning movements. Since the City invested in its own equipment, it can do many more traffic counts at a lower cost. He explained the City's monitoring of North City traffic, the pilot pedestrian flag project, the curb ramp program, and improvements to the Neighborhood Traffic Safety Program (NTSP). He explained the various phases of the NTSP, noting that the road closure at N 183rd and Dayton Avenue N was the result of this program. He described the City's efforts to calm traffic and increase pedestrian safety through the installation of traffic circles and asphalt sidewalks. Responding to Council questions, he noted that most people are pleased with the traffic circles and are encouraged to take ownership of them, which includes maintenance of landscaping. Asphalt sidewalks are anticipated to have at least a 25-year lifespan.

Continuing, Mr. Meredith discussed the success of the Residential Permit Zone (RPZ) program, noting that the Highland Terrace Neighborhood is very pleased with the positive results. He noted the efforts to make revised school walking route maps available to the public before the start of school next year. He concluded his presentation by outlining the City's next steps. The City plans to evaluate the effectiveness of current pilot projects, streamline the review process for permits, and develop neighborhood traffic action plans. The City will continue to update its inventory, review street design standards, prioritize sidewalks, manage the NTSP, and provide traffic engineering support.

Mayor Hansen called for public comment.

(a) David Townsend, Edmonds, commended the City for the progress it has made in traffic services since his daughter was killed. He urged the City to look into standardizing school crossing signs and ensuring they are posted on arterial collector streets as required by engineering standards. He wondered if the City coordinated with the school district in developing the revised school route map. He encouraged the City to consider installing a traffic signal at the intersection of NE 170th Street and 15th Avenue NE. He felt the traffic accidents in the past three years alone would qualify this intersection for a warrant, and that the issue does not need continued study. He noted that the school route plan is only for elementary students, but there are some middle and high school students that could benefit from it.

Responding to Mayor Hansen, Mr. Meredith explained that the school route maps he revised were the maps developed for the school district six years ago. Mr. Haines added that before the maps are finalized, they will meet with school principals to ensure they are accurate and complete.

(b) Fran Lilliness, Shoreline, suggested a change in national driving laws that would require a car to activate its hazard lights when stopped for a pedestrian in a crosswalk. She felt this would alleviate the danger of pedestrian/vehicle accidents, since this would alert the vehicles following behind or in the adjacent travel lane. She described the status of a child struck by a car in a Seattle crosswalk. She felt Shoreline should lead this pedestrian safety effort, and suggested the legislation could be called the "Townsend-Messenger Law."

Deputy Mayor Jepsen asked about the working relationship between the City and the District Court, since the police issued 5,000 tickets last year and the court has to adjudicate them.

Mr. Burkett said the new agreement with King County stipulates that the District Court receives 86% of the revenues generated by traffic citations, so the City's portion is not a significant source of revenue.

Responding to Deputy Mayor Jepsen, Sergeant Fagerstrom described the sting operations the traffic unit conducts to determine if drivers are stopping for pedestrians in crosswalks. He noted that the unit issued 17 citations in less than two hours in one location. He added that the traffic unit issues jaywalking tickets as well.

Mr. Haines pointed out that intersections are considered crosswalks even if there are no marked crosswalks present. He reported that traffic services counted 260 people crossing Aurora Avenue at N 180th Street during a 12-hour period, 59 of which were categorized as "near misses." He said this information will hopefully be used to validate the need for a traffic signal at that intersection, which currently has no marked crosswalk.

Councilmember Gustafson commended Public Works, the Customer Response Team and the traffic unit for their responsiveness, particularly to reports of missing traffic signage. He wondered if there were any traffic results from the new pavement and speed signs at Shorewood High School. He also asked if narrowing road from four lanes to three is the right direction for the City.

Mr. Meredith responded that survey data should be available soon for the improvements at Shorewood. He said in a number of other traffic projects he has worked on, road narrowing has always resulted in safety improvements. Overall speeds were decreased, the multiple threat to pedestrians was eliminated, and there was only a slight decrease in traffic capacity.

Mr. Haines concurred, noting that a four-lane configuration is a driver-focused orientation, whereas a three-lane configuration is more of a pedestrian-focused design.

Councilmember Ransom noted that the business community has supported a reduction in the speed limit on Aurora Avenue to 35 miles per hour because current speeds create access hazards. He said if the City desires a true business community, there should be pedestrian lights at least every two blocks, since most people are not willing to walk five

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or ten blocks to find a crosswalk. He supported a pedestrian light at N 180th Street, since there is not enough time for wheelchairs, transit users, or handicapped persons to cross Aurora Avenue. He urged staff to study 10th Avenue NE, noting he continues to receive reports about speeding and cut-through traffic.

Mr. Haines noted that the 2005 work plan will include recommendations on arterial speeds based on traffic studies. He said since Aurora Avenue is a state highway, there is an added level of state review that must occur before changes are made. He said the state standard for traffic signal spacing on state highways is 10 blocks, approximately each half mile. He agreed that the current lack of signalized crossings make it nearly impossible for pedestrians to cross Aurora Avenue safely. He said staff intends to work cooperatively with the state to try to get a signal installed at N 180th Street.

Councilmember Fimia spoke favorably of the expanded NTSP program, noting that traffic safety is one of the most important functions government can fulfill. She said people will not tolerate more growth if existing growth is being ignored. She noted that traffic safety issues in Westminster Triangle motivated her to run for the King County Council. She said she helped form an interdepartmental team and increased the County budget ten-fold to address countywide traffic issues. She supported increasing the NTSP budget for an ongoing public awareness campaign to emphasize the need to share the road. She also supported a decrease in the speed limit on residential streets. She wished to ensure that the City's transportation plans address the needs of the aging population.

Mayor Hansen encouraged staff to look into the possibility of using metal sign poles treated with reflective tape, noting that neighboring jurisdictions use them quite effectively.

MEETING EXTENSION

At 9:15 p.m. Councilmember Grace moved to extend the meeting until 10:30 p.m. Deputy Mayor Jepsen seconded the motion, which carried unanimously.

8. CONTINUED ACTION ITEM

- (a) 2004 Update of the Comprehensive Plan and master plans for Transportation, Surface Water and Parks, Recreation and Open Space

With regard to Category E (Amendments to clarify the process for neighborhood plans and master plans, including single family institutional land use designations), Deputy Mayor Jepsen moved the staff recommendation to amend LU 68 to insert "as an amendment to the Comprehensive Plan" and to amend LUa to insert "Neighborhood plans shall be adopted as an amendment to the City's Comprehensive Plan before they become valid under GMA." Councilmember Gustafson seconded the motion.

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Following brief Council discussion, a vote was taken on the motion, which carried 6-0 (Councilmember Gustafson stepped away from the Council table).

With regard to Category F (Amendments which would change the intent of the Planning Commission Recommendation), Deputy Mayor Jepsen moved the staff recommendation to adopt the policies included in the memorandum, with the exception of items identified by Councilmembers Grace and Fimia. Councilmember Grace seconded the motion. Councilmember Grace requested the following items be pulled from the list for further consideration: 39, 49, 180, 185, 195, 246, 386, and 401. He withdrew his previous objection to #532. Councilmember Fimia asked that the following items be pulled from the list: 29, 37, 39, 49, 130, 154, 156, 158, 163, 166, 178, 180, 182, 183, 205, 208, 254, 255, 292, 372, 373, 383, 386, 401, 427, 430, 443, 477, 479, 496, 498, 514, 522, 559, 590, 607, and 611. The motion carried unanimously.

Councilmember Fimia clarified that Councilmembers could further amend the final document following tonight's action.

Regarding Item 29, LU 25, Deputy Mayor Jepsen moved the staff recommendation but to substitute the word "shall" for "should." Councilmember Chang seconded the motion.

Councilmember Fimia felt this amendment would create higher standards for infill single-family housing.

Councilmember Ransom moved an amendment to retain the language originally stricken by the Planning Commission. Councilmember Fimia seconded the motion, which carried 5-2, with Mayor Hansen and Councilmember Gustafson dissenting.

A vote was taken on the motion to approve LU 25 as amended, which carried 7-0.

Regarding Item 37, LU 33, Councilmember Fimia moved to strike "compatible with the surrounding land uses" and insert "consistent with underlying zoning." Councilmember Chang seconded the motion. Councilmember Fimia felt that the language "compatible with surrounding land uses" is too subjective, and that this change would provide an added level of protection.

Deputy Mayor Jepsen felt this change would dilute the Planning Commission's recommended language, which he felt was stronger than the proposed change. After further Council discussion, **Councilmember Fimia moved an amendment to her previous motion to insert "and consistent with underlying zoning" without striking "compatible with the surrounding land uses." This motion carried unanimously.**

A vote was taken on the motion as amended, which carried 7-0.

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Regarding Item 39, LU IV, Councilmember Grace moved to retain the language of the existing goal. Councilmember Gustafson seconded the motion. Councilmember Grace felt the existing language was more clear and specific than the Planning Commission's recommendation.

Councilmember Fimia moved to amend the motion by inserting "high frequency" before "transit." Councilmember Chang seconded the motion, which carried unanimously.

A vote was taken on the motion as amended, which carried 7-0.

Regarding Item 49, LU 43, Councilmember Grace moved to retain the language of the existing policy. Councilmember Fimia seconded the motion.

Councilmember Grace felt the existing language should be retained to allow for the possibility for expansion on property. Mr. Stewart said the Planning Commission felt it was not appropriate to include a provision for expansion of industrial areas when there are no realistic opportunities in Shoreline.

A vote was taken on the motion, which carried 7-0.

Regarding Item 130, EN III, Councilmember Fimia moved to retain the language of the existing policy but to strike the word "Provide" and insert the substitute language "Protect, enhance, and restore." Councilmember Chang seconded the motion.

Deputy Mayor Jepsen and Councilmember Gustafson opposed the motion because of the absence of protection to critical areas as provided for in the Planning Commission recommendation.

Councilmember Grace moved an amendment to add the words "and critical areas" at the end of the existing policy. Councilmember Fimia seconded the motion, which carried 6-1, with Councilmember Gustafson dissenting.

A vote was taken on the motion as amended, which carried 5-2, with Mayor Hansen and Councilmember Gustafson dissenting.

Regarding Item 154, EN 59, Councilmember Gustafson moved the Planning Commission recommendation to retain the existing policy. Councilmember Grace seconded the motion.

The Council discussed this item at length. Councilmember Fimia questioned the necessity of the language "in cases where stream alternation is necessary." and whether it was compatible with state law. She recommended that the Council reconsider the policy of altering streams.

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Mr. Olander commented on stream channelization measures in the City of Des Moines, which resulted in an enhanced habitat condition.

Mr. Stewart said that in some circumstances, stream channelization can increase public safety and provide soil stability. He noted that the Comprehensive Plan provides the general policy, which then guides the specific provisions in the Development Code.

Councilmember Fimia moved to table this item for further discussion. Councilmember Ransom seconded the motion, which carried 5-2, with Mayor Hansen and Councilmember Gustafson dissenting.

Regarding Item 156, ENh, Deputy Mayor Jepsen moved to accept the Planning Commission recommendation, which creates this new policy. Councilmember Gustafson seconded the motion.

Staff and Council discussed various details of this policy.

Paul Inghram, Berryman and Henigar consulting firm, said the Planning Commission recommendation recognizes that higher priority should be placed on preserving existing habitat rather than pursuing creation of new habitat at the expense of existing habitat. It also recognizes that the GMA specifically requires special consideration of the preservation and enhancement of anadromous fisheries.

Councilmember Fimia wondered if state law and the Endangered Species Act (ESA) allow the City the discretion to only protect existing habitat. She felt that protection of potential habitat is also required.

Mr. Inghram said the thrust of the ESA is on the taking of species, which includes the degradation of habitat. He did not feel it is focused on potential habitat.

Councilmember Fimia moved to table this item for further discussion. Councilmember Ransom seconded the motion, which failed 3-4, with Councilmembers Chang, Fimia and Ransom voting in the affirmative.

A vote was taken on the motion, which carried 5-2, with Councilmembers Chang and Fimia dissenting.

Regarding Item 158, EN 63, Councilmember Gustafson moved the Planning Commission recommendation. Councilmember Grace seconded the motion.

Councilmember Fimia moved to add "aquifer" to the policy. Councilmember Ransom seconded the motion, which carried 4-3, with Mayor Hansen, Deputy Mayor Jepsen, and Councilmember Gustafson dissenting.

A vote was taken on the motion as amended, which carried 7-0.

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Regarding Item 166, EN 35, Councilmember Fimia moved the existing goal but to insert “including the optional purchase of homes” at the end of the policy. Councilmember Ransom seconded the motion. Councilmember Fimia felt this change would provide the City with additional options.

Mayor Hansen felt the policy should remain more general, because it is difficult to predict all possible circumstances.

A vote was taken, which failed 2-5, with Councilmembers Fimia and Ransom voting in the affirmative.

Councilmember Fimia moved an amendment to insert “including but not limited to the purchase of property.” Councilmember Ransom seconded the motion, which failed 2-5, with Councilmembers Fimia and Ransom voting in the affirmative.

A vote was taken on the main motion, which carried 7-0.

Regarding Item 178, EN 58, Councilmember Fimia moved to accept the Planning Commission recommendation but to strike “Actively pursue funding for” and insert “Fund.” This motion died for lack of a second.

Deputy Mayor Jepsen moved to approve the existing language of EN 58. Councilmember Grace seconded the motion, which carried 7-0.

Regarding Item 180, ENe, Councilmember Grace moved to accept the Planning Commission recommendation, but to strike “in lieu of” and insert “as well as.” Councilmember Gustafson seconded the motion.

Mr. Ingham felt this amendment would change the intent of the Planning Commission. He said the idea is that in some locations it may make sense to have a grouped system rather than an on-site system, especially for the small commercial properties with too little space to support redevelopment.

Councilmember Grace felt the intent of the policy should not be to substitute regional systems for on-site systems. He felt this change would provide the City with more options.

A vote was taken on the motion, which carried 7-0.

Regarding Item 182, EN IV, Councilmember Fimia moved to retain the existing language but to strike “compact human.” Councilmember Ransom seconded the motion, which carried 7-0.

Regarding Item 183, EN 31, Deputy Mayor Jepsen moved the Planning Commission recommendation. Councilmember Gustafson seconded the motion, which carried 7-0.

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Regarding Item 195, H7, Councilmember Grace moved to accept the Planning Commission recommendation, but to insert the phrase “while maintaining opportunities for public involvement and review” at the end of the policy and striking item #196. Councilmember Fimia seconded the motion, which carried 7-0.

Regarding Item 205, H15, Councilmember Fimia moved to accept the Planning Commission recommendation but to strike “Explore the feasibility of creating” and insert “Create.” Councilmember Chang seconded the motion.

Council debated the merits of creating a housing trust fund versus exploring the feasibility of creating one.

A vote was taken on the motion, which failed 2-5, with Councilmembers Chang and Fimia voting in the affirmative.

9. ADJOURNMENT

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

Scott Passey, Deputy City Clerk

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