

CITY OF SHORELINE

**SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING**

Monday, February 28, 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 Rotary Day

Mayor Hansen presented the proclamation acknowledging Rotary International's 100th anniversary to former Mayor Connie King, President of the Lunch Rotary, Scott Saunders, President of the Breakfast Rotary, and Jeff Wiseman of the Lake Forest Park Rotary Club.

3. CITY MANAGER'S REPORT

City Manager Steve Burkett reported that staff has negotiated a 45-day extension of the due diligence period for the Echo Lake property purchase in order to do more work on the joint development agreement. He also reported that Shoreline has been selected as the featured "neighborhood" for March by radio station KPLU, 88.5 FM.

4. REPORTS OF BOARDS AND COMMISSIONS: none

Councilmember Fimia reported on her attendance at the Cascadia Conference, which focused on the interface between technology and transit. She indicated she would provide a written report to the Council later in the week.

5. PUBLIC COMMENT

(a) Janet Way, Shoreline, extended an invitation to attend forums sponsored by the Shoreline Chamber of Commerce and the Sno-King Environmental Council. The Chamber forum will focus on City Hall, and the Sno-King forum will focus on the Comprehensive Plan and the critical areas ordinance.

(b) Virginia Paulsen, Shoreline, said postponing a decision on the City Hall project is the fiscally prudent and responsible approach, given the cost and complexity of the project. She referred to consent item 7(d) and asked why a motion is needed if this amount has already been approved as part of the Capital Improvement Plan (CIP). She wondered where the money would come from if the City is required to provide "dollar for dollar" matching funds for the \$412,000 grant for the Interurban Trail.

(c) Clark Elster, Shoreline, urged the Council to postpone a decision on the City Hall project until the public has more information to make an informed determination about whether the project should be supported. He expressed concern with the overall process, noting there have been no discussions about future tax appraisals for the Aurora Corridor project. He felt the Council would be considering a "stealth tax plan."

(d) Tom Dunnihoo, Shoreline, noted his suspicion about the "secret" deal between the new owners of the Echo Lake site and the soon-to-be-displaced residents of the mobile home park. He objected to the North City project, noting that the City seems determined to proceed even though it received many letters in opposition to the project. He felt the City wants to spend money on projects that the majority of citizens don't want. He urged the Council to do a better job communicating with citizens and finding out what they want rather than just "rubber stamping" staff recommendations.

(e) Fran Lilliness, Shoreline, felt that the City should totally disregard complaints made by people who wish to remain anonymous. She felt their issues should be ignored if they do not have the courage to stand behind their convictions. She said this practice of anonymous complaints has cost the City and Innis Arden thousands of dollars. She outlined the activities of such "troublemakers" in the community, noting that there is a group going around misrepresenting itself as the Innis Arden Club.

(f) George Mauer, Shoreline, spoke about his experience with Rotary and the positive contributions that Rotary makes to the community. He urged anyone who might be interested to consider joining the organization.

(g) Brian Derdowski, Bellevue, also commented on anonymous complaints, noting that "one person's troublemaker is another person's whistleblower." He said many people in King County have been threatened with physical abuse for filing complaints about egregious code enforcement violations. He urged the City to adopt a policy that protects the identities of people who provide important information to the City.

6. APPROVAL OF THE AGENDA

DRAFT

Upon motion by Councilmember Fimia, seconded by Councilmember Grace and carried unanimously, the agenda was approved.

7. CONSENT CALENDAR

Councilmember Grace moved to approve the Consent Calendar. Councilmember Gustafson seconded the motion. Councilmember Fimia requested that items 7(c), 7(e), 7(f), 7(g) and 7(h) be pulled from the Consent Calendar. A vote was taken on the motion, which carried 7-0, and the following Consent Calendar items were approved:

Minutes of Dinner Meeting of January 10, 2005
Minutes of Workshop Meeting of January 18, 2005
Minutes of Dinner Meeting of January 24, 2005
Minutes of Special Meeting of February 3, 2005
Minutes of Special Meeting of February 7, 2005
Minutes of Dinner Meeting of February 14, 2005

Approval of expenses and payroll as of
February 17, 2005 in the amount of \$1,075,694.13

Motion to authorize the City Manager to (1) execute
Local Agency Agreements and Supplements to obligate
grant funds totaling \$412,000 for the Interurban Trail
Pedestrian and Bicycle Crossing Project, and (2)
adopt Ordinance No. 372, amending the 2005 Roads
Capital Budget

8. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

- (a) (7c) Motion to authorize the City Manager to (1) execute a Nickel Gas Tax Agreement to obligate \$10,026,000 of funding for the Aurora Corridor Project (Phases I and II), and (2) execute a General Maintenance Agreement for the Aurora Corridor Project (Phase 1) with the Washington State Department of Transportation

Mr. Burkett explained that this motion allocates Shoreline's share of the state gas tax increase enacted last year. He clarified that it does not represent a tax increase.

Deputy Mayor Jepsen moved to authorize the City Manager to execute the Nickel Gas Tax Agreement and the General Maintenance Agreement. Councilmember Grace seconded the motion.

Responding to Councilmember Ransom, Mr. Burkett clarified that the sufficiency of funding for Aurora Corridor Phase 1 enables the City to transfer over \$7 million of this funding to Phase 2. This does not reduce any of the City's matching portion needed for Phase 1, which amounts to approximately \$3 million, or 13% of the total project budget.

Councilmember Fimia wondered about the appropriateness of having both the maintenance agreement and the tax issue in the same motion. She wondered if this might violate a scope and object standard.

Mr. Burkett did not feel there was a conflict since the agreement is not executed by ordinance. The motion simply authorizes the City Manager to execute these two agreements.

Mayor Hansen noted that the funding was granted for the Aurora Corridor project without any specific requirements on how the funding should be allocated.

Kirk McKinley, Aurora Corridor Project Manager, noted that the funding came in three different bienniums: \$25,000 in 2003-05; \$7.9 million in 2005-07; and \$2.1 million in 2007-09. He said it would have been very difficult to spend all this funding in Phase 1.

Mr. Burkett affirmed for Councilmember Ransom that the motion is not authorization to spend, but authorization to include \$7.5 million for Phase 2 in the CIP. This funding would ultimately be appropriated through the annual budget process. Responding to Councilmember Chang, Mr. Burkett said the state funding requires that Phase 2 be completed by a specified time.

Mr. McKinley explained that this motion responds to the state's request for prior notice so that it can coordinate its budget with various agency requests. He said staff would return to Council in late March and early April to outline approximate timelines for all stages of Phase 2. The current CIP projects Phase 2 construction beginning in 2007 or 2008.

Councilmember Chang questioned the feasibility of starting Phase 2 in 2007 or 2008. He also wondered if the \$10 million is the maximum amount the City could get from the state. Mr. Burkett said it is the maximum under this particular increase in the gas tax. However, the City has identified \$34 million in potential grants for Phase 2.

Councilmember Ransom noted the potential of obtaining additional funding from other sources, including a local gas tax considered by King, Pierce, and Snohomish counties. He said the Washington State Department of Transportation (WSDOT) recently submitted a request to the state legislature for a 15-cent gas tax.

Councilmember Fimia wondered how prescriptive the agreement is, noting that Council did not have the opportunity to see it. Mr. McKinley said the project is described in fairly general terms, similar to what was included in the pre-design studies.

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

- (b) (7e) Motion to authorize the City Manager to execute a supplement in the amount of \$533,603.23 to the existing Design Services Contract with CH2M Hill for design services during construction (SDC) for the construction phase of the Aurora Corridor Improvement Project, (N 145th - N 165th Streets) and Interurban Trail Pedestrian Bridges projects

Councilmember Gustafson moved to approve the supplemental contract with Ch2M Hill. Deputy Mayor Jepsen seconded the motion.

Councilmember Ransom said many people thought that the word “supplement” meant that an additional \$533,000 was being requested for the project.

Mr. McKinley clarified that the contract is a supplement because it involves providing design services during the construction phase of the Aurora Project. He said this supplement is consistent with the original scope of work and is already included in the construction line item. He further explained that this would allow the City to retain Ch2M Hill to respond to issues as they come up during the construction process.

Mr. Burkett said this required expense has been anticipated and planned for from the beginning.

There was further discussion of design costs to date.

Paul Haines, Public Works Director, explained that this contract and the Harris contract will cover construction management services once the Aurora Phase 1 project is bid. He emphasized the important role that CH2M Hill will play in providing support services to the contractor to resolve any problems that may arise. He described the complexity of the project, which includes building two bridges, undergrounding utilities, and building a water line for another agency.

Councilmember Fimia understood that a project team is necessary but she was concerned about the high cost of the contract. She pointed out that it is not necessary to act on this contract tonight. She asked Mr. Haines if it could be approved later when the final design comes back to Council.

Mr. Burkett responded that Council has expressed a desire that the project move along on schedule.

Councilmember Fimia noted that she was asking questions of the Public Works Director, to which Mr. Burkett responded that as the City Manager he is authorized to speak for any of his employees and he can determine if he needs additional information from Mr. Haines to answer Councilmember Fimia's question.

DRAFT

Councilmember Fimia noted that the Council has not received a copy of the two contracts. She recommended postponing approval since they will not really be needed until after the bidding process.

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

- (c) (7f) Motion to authorize the City Manager to execute Local Agency Agreements, Supplements and a Master Agreement with the Washington State Department of Transportation and the Federal Transit Administration to obligate \$525,361 of STP-U grant funds and \$1,475,518 of FTA grant funds for the Aurora Corridor Project—Phase II

Deputy Mayor Jepsen moved to execute these agreements. Councilmember Grace seconded the motion.

Councilmember Fimia asked about the Environmental Impact Statement for Phase 1 and Phase 2. She said the City argued in court that there was no Phase 2 project, and therefore no EIS was required for the whole project.

Ian Sievers, City Attorney, said the court challenge was to a project-specific environmental review, and at that time there was only one project that had advanced to the point of having that level of environmental review. An EIS was done for Phase 1, but not for Phase 2 because it had not reached the same level of specificity. He said there has always been a corridor project in the CIP that extended beyond the Phase 1 project.

Deputy Mayor Jepsen noted that a discussion of Phase 2 environmental issues is scheduled for March 28.

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

- (d) (7g) Motion to authorize the City Manager to execute a Construction Management Contract with Harris & Associates for an amount not to exceed \$1,651,110 for the Aurora Corridor (N 145th – N 165th Streets) and Interurban Trail Pedestrian Bridge Projects

Councilmember Gustafson moved to authorize the Harris contract. Councilmember Grace seconded the motion.

Councilmember Chang asked how the Shoreline project compares with other road projects, such as Des Moines and Federal Way. He recalled that the one-mile long Federal Way project cost \$900,000 to \$1.3 million for construction management.

DRAFT

Mr. Burkett noted that other cities have had similar contracts and that the amount is within the industry standard of 10% of the construction project cost.

Councilmember Ransom asked for clarification about the construction management costs for the Aurora Corridor versus the Interurban Trail bridges.

Mr. McKinley clarified that the \$1.3 million is for construction management services for the Aurora Corridor Project (N 145-N 165), and the \$350,000 is for the construction management services for the Interurban Trail bridges. The bridges have their own separate funding sources, although the City proposes that they be bid and awarded as one package.

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

- (e) (7h) Motion to delay construction of the Dayton Avenue North at N 175th St Retaining Wall Project to 2006

Councilmember Gustafson moved to delay the construction. Councilmember Grace seconded the motion.

Mr. Haines explained the staff recommendation to delay this project because the community has brought forward some additional items to be included in the scope. Furthermore, several other construction projects are scheduled this year, and Dayton Avenue will carry some of the bypass traffic. Third, staff has determined that the situation is not as urgent as previously thought.

Councilmember Ransom summarized that the delay is to provide an improved project and to relieve some anticipated congestion.

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

9. UNFINISHED BUSINESS

- (a) City Hall Feasibility Assessment Review

Mr. Burkett reiterated that the due diligence period has been extended for another 45 days.

Robert Olander, Deputy City Manager, reviewed the various elements of the 2005 Echo Lake Feasibility Report, noting there are no major issues or impediments relating to title, easements, utilities, or soils. He said the study shows that existing structures can provide adequate water flow for capacity and fire protection purposes. Ronald Wastewater District plans to upgrade the forced main sewer line to the north to accommodate future growth in the area. He outlined the plans to build on the existing fiber-optic and

telecommunications infrastructure in the area, and concluded that there are no particular issues or problems relating to storm drainage. However, the City wishes to make significant improvements to the water quality in Echo Lake and go beyond the normal requirements for detention. Geotechnical engineers state that normal construction techniques and costs can be anticipated for this site. There is some minor environmental contamination along Aurora Avenue, but this can be resolved by removing several hundred tons of soil from the site. The agreement requires the current property owner to take care of any unsuitable soils and deliver a "clean site" to the buyer. The feasibility study also includes updated estimates on traffic and frontage improvement costs as well as space and parking needs.

Concluding, Mr. Olander explained that the 45 day extension is needed to resolve a number of outstanding issues related to the joint development agreement. He said after these are resolved, the Council will be provided with a complete report upon which it can base its decision.

Mayor Hansen called for public comment.

(a) Janet Way, Shoreline, on behalf Sno-King Environmental Council, commented on the amount of contaminated soils. She described her involvement in stream issues at Northgate, noting that the City of Seattle will daylight a piped watercourse and call it the Thornton Creek Channel at Northgate. She said the watercourse running from the METRO Park 'n Ride lot to the Echo Lake site is a stream, and the City's stream inventory shows it as a piped watercourse. She said the City must resolve this issue because there is water flowing in the pipe year round.

(b) Tom Dunnihoo, Shoreline, felt the feasibility study did not adequately address the problems of parking and space allocation. He suggested there would not be enough room to accommodate City Hall, YMCA, housing, and a park. He also suggested that storm runoff would be a problem. He said the study does not adequately consider the historical conditions of the site, and that the project would end up costing more money than the City anticipates.

(c) Peter Henry, Shoreline, expressed sympathy for the residents of the trailer park who would be forced from their homes as a result of developing the Echo Lake site. He suggested that during negotiation of the joint development agreement, the City should try to get some mitigation to help them relocate. He said the residents were supposed to get help from the City, but it has not been forthcoming.

There was discussion of the source of water flowing into Echo Lake. Mr. Olander clarified that the outflow from Echo Lake goes into Ballinger Lake, and then down to McAleer Creek. He provided a brief history on the inflow of water to Echo Lake, noting that a drain pipe reconstructed in the 1950's carried stormwater from the boggy area now occupied by the METRO Park 'n Ride underneath Aurora Avenue to the middle of the mobile home park. This was done to prevent stormwater flows across Aurora Avenue. However, the County abandoned that original line and built a new line in 1982 that runs

DRAFT

along the east side of Aurora Avenue, with a final termination into Echo Lake. He said the documentation never designated that original line as a stream or denoted a stream in that area.

Councilmember Ransom wondered why there would be year-round water running in that pipe.

Mr. Olander said the files indicate the County blocked off or capped the old line in 1981 and installed a new line, so no water should be flowing through the old line.

Jesus Sanchez, Public Works Operations Manager, suggested that some water could be flowing from the Park 'n Ride lot through the old line as a result of groundwater upwellings, but this would be fairly insignificant amounts. He said staff has not observed 24-hour flows, but it has observed periodic flows even when it is not raining. He said this can be understood when comparing what is happening today to conditions prior to the 1980s. He said the water captured from the Park 'n Ride converges with flows originating from other points north and south. During heavy stormwater flows, the force of the water in the pipe is significantly strong. He said any daylighting of the pipe would result in considerable erosion to the buffer, since the water is flowing at a tremendous force.

Councilmember Ransom asked about proximity of the soil boring tests to the lake.

Mr. Sanchez said two test bores were on the southeast corner of the site, and two were on the northeast corner closest to the lake but not within the buffer. He said the two tests closest to the lake were noted as having groundwater seepage, but is not considered traditional groundwater. Mr. Olander concurred that the seepage is not groundwater, but water that has seeped through the strata and made its way into the test pits.

Councilmember Fimia felt staff's description of the area was not consistent with the plaque at the Park 'n Ride, which indicates there was a small lake or pond there originally. She felt there were still unresolved issues related to water quality and quantity. She also requested additional information on the potential partnership between the City and the YMCA, noting that she would like to both projects considered individually. She also suggested that one of the test bores was not conducted on the proposed site.

Councilmember Ransom asked staff to provide additional information regarding the arrangement between the property owners and the mobile home residents. He understood that the residents were to receive compensation for their trailers, but it appears they are not getting the resources they need to move.

Responding to Councilmember Gustafson, Mr. Burkett noted that the current property owners have planned for the past two or three years to develop the mobile home park for another use. That was the plan before the City decided to enter into an agreement to buy the property.

Councilmember Gustafson asked Mr. Burkett to respond to the assertion that the City Hall project has proceeded in secret.

Mr. Burkett noted that the purchase of real estate is one of the few exceptions to the open public meetings law. He said there would not be much sense in negotiating for property if the public is aware of the City's strategy or the maximum amount it is willing to pay.

Mr. Olander noted that consideration of the purchase and sale agreement and the 90-day feasibility study was done in open public meetings, which included opportunities for public comment.

Mayor Hansen pointed out that there is no final agreement at this point, only the possibility of an agreement.

MEETING EXTENSION

**Deputy Mayor Jepsen moved to extend the meeting until 11:00 p.m.
Councilmember Gustafson seconded the motion, which carried 7-0.**

- (b) Comprehensive Plan and master plans for
Transportation, Surface Water, and Parks,
Recreation and Open Space

Mayor Hansen called for public comment.

(a) Virginia Paulsen, Shoreline, said she would rather see the \$11 million in the City Hall budget allocated on maintenance and upgrades to City parks. She noted that the Parks, Recreation and Open Space Master Plan proposes an extensive list of projects in the coming years, and she does not want the City to issue bonds to pay for such projects. She said the City should take care of the "customary and usual kinds of services that cities provide to their residents," including fully funded parks.

(b) Janet Way, Shoreline, representing the Sno-King Environmental Council and the Thornton Creek Legal Defense Fund, noted that the City Council has the obligation as elected officials to review the Comprehensive Plan amendments and not simply rely on Planning Commission recommendations. She said while she has the utmost respect for the Planning Commission's hard work and sincerity, it is up to the Council to analyze the issues based on their merits.

(c) George Mauer, Shoreline, asserted that the City has not followed the requirements for updating its Comprehensive Plan as outlined in Land Use Policy LU7. He said the City Manager did not notify the Council that he would not be able to meet the requirements, and the Council never amended the existing Comprehensive Plan to delete them. He said these amendment requirements are meaningless if they can be voided by

DRAFT

administrative fiat. In the current process, the Council has failed to meet the requirement of government accountability, the most critical element of the Growth Management Act.

(d) Tom Dunnihoo, Shoreline, said despite numerous discussions on the Comprehensive Plan goals of providing safe streets, the City has never been responsive to traffic issues. He commented on the inadequacy of the 15th Avenue NE project, noting that neighbors are extremely upset with higher traffic volumes on residential streets resulting from road narrowing. He suggested that members of the Council would be replaced if changes are not made, because they are not responding the public needs. He said the Comprehensive Plan includes street projects that should commence immediately, but the Council is diverting funds to the City Hall project instead.

(e) Peter Henry, Shoreline, commented on the composition of the Planning Commission, noting that all but one represents the development community. He said although Planning Commission members are well-qualified and their recommendation should be seriously considered, the Council represents all the citizens of Shoreline and should insist on its own analysis and judgment when making its final decision. He did not see the similarity between any of amendments grouped in section F of the staff memo, and urged the Council to examine all the amendments thoroughly and vigorously.

(f) Brian Derdowski, Bellevue, said that SKEC and TCLDF are not interested in pursuing the process issues related to the GMA if the City is willing to make substantive changes to the Comprehensive Plan. He urged the Council to “resist the temptation to take the easy way out” by approving blocks of amendments categorized by staff. He said there are many policy issues hidden within those blocks of amendments that the Council should consider very carefully, such as clustered housing, cottage housing, transportation policies, and maintenance of public facilities. He urged the Council to carefully consider the transportation level of service (LOS), noting that the proposed plan would increase rather than improve traffic congestion in Shoreline. He said Councilmembers are not being served by the preparation of these amendments, because staff should be preparing amendments for each Councilmember so they can be brought up and discussed in a deliberative and careful process.

(g) David Fagerstrom, Shoreline, said Council passed the cottage housing moratorium because a neighborhood meeting was improperly noticed, thereby violating due process. He said the notification process must be supervised by the City to ensure that neighbors are notified. He urged the Council to adopt cottage housing quality standards to protect consumers, and recommended that the term “design review” be more carefully defined to include citizen input. He also preferred a standard for the allocation and frequency of cottage housing developments, which he characterized as “social engineering housing,” and suggested the City consider allocating them via a lottery process. He supported protections in Land Use policy LU24 to ensure that quality standards are high and so “these experiments are not allowed to run amok.”

Mayor Hansen proposed that Council consider the Comprehensive Plan policies by category, as outlined in the February 25 staff memorandum. He said the Council could

DRAFT

entertain a motion to adopt a given category, at which time Councilmembers could remove items for further debate. Councilmember Ransom objected strongly to this approach.

Councilmember Gustafson agreed with the approach. **With regard to Category A (Trees), Councilmember Gustafson moved that the existing policies related to trees and trees in critical areas be retained without further amendment until various interested groups have had an opportunity to meet and work towards language that is agreeable to both sides; furthermore, the following proposed amendments should be docketed for the 2005-2006 Annual Review: EN 15, EN 21, EN 22, EN 23, EN 24 and EN 48. Deputy Mayor Jepsen seconded the motion.**

There was considerable discussion of the process and what was entailed in the motion.

Councilmember Ransom felt the Council should analyze each item individually because it is easy to miss items by considering them in a large block. He felt this would be putting the burden on Councilmembers to think of all the items they wish to pull now rather than considering each item individually. He also felt the people who have concerns about trees are not being fairly considered under the proposed method.

Mayor Hansen reiterated that Councilmembers have the opportunity to remove any items from the block that can be discussed later.

Councilmember Gustafson felt it would be positive to get a consensus on tree issues from both sides of the debate before passing any tree-related amendments.

Councilmember Ransom was skeptical that such a discussion would ever happen, noting that the real issues would likely be postponed for another year.

Councilmember Fimia noted that separating the amendments into technical and substantive changes would have expedited the review process, but staff rejected this approach. She said the amendments are organized in a very intimidating way that emphasizes the negative consequences of failing to follow the Planning Commission recommendations. She emphasized the need to implement a different process next year, noting that the burden should be on staff and the Planning Commission to justify amendments. She pointed out that the second revised matrix did not include public comments. She disagreed with staff's interpretation of Land Use policy LU7, noting that there would not be so many amendments if that policy were followed. She agreed that there are many recommendations she supports, but she does not support the current motion on trees. She said Councilmember Chang has not had an opportunity to review the staff memorandum in detail.

Councilmember Grace said he did not want to postpone the debate on trees and signs just to avoid dealing with difficult issues. He agreed with the current process if it provides a timeline for addressing these issues with the stakeholders in a timely way and if it allows

DRAFT

Councilmembers to pull items for later discussion. He said he is prepared to propose specific items for amendment.

Councilmember Gustafson concurred, noting that he agrees with the recommendations for Categories A and B, but he would also like a timeline so that the issues are addressed relatively soon.

Mr. Burkett said the Council cannot avoid the tree issue because it will return relatively soon through the Planning Commission as the critical areas ordinance.

Tim Stewart, Planning and Development Services Director, briefly outlined the proposed schedule for the review of the critical areas ordinance, noting that the Planning Commission would likely form a recommendation by early April. He said there are four or five proposed amendments to the Development Code that are consistent with the current Comprehensive Plan as well as the Planning Commission's proposed plan. He suggested that sign issues be delayed until the staff workload decreases following the update of the plans.

Councilmember Fimia emphasized that the document has been through a long process, and now it is up to the Council to deliberate these policies. She said the Comprehensive Plan leads the discussion on the critical areas ordinance, not the other way around. She strongly recommended that Council address these policies now because the Comprehensive Plan can only be changed once each year.

After further discussion about the process, Mr. Burkett explained the function of the Comprehensive Plan, which is to provide general policy direction. He clarified that the Development Code is where the Council debates the specific judgments and policy decisions that are adopted as the law of the City. He reiterated that the proposed policy is consistent with proposed changes to the critical areas ordinance. He said the sign code is another issue that cannot be resolved simply through the Comprehensive Plan.

Councilmember Ransom agreed with Councilmember Grace's recommendation to deliberate on the tree and sign issues relatively soon rather than waiting until the next cycle.

Mayor Hansen recommended that the Council deliberate the issues now since the update is already two months beyond the deadline.

Deputy Mayor Jepsen said the purpose of tonight's action is to give staff clear direction on how to write the Comprehensive Plan so it can be brought back for adoption. He wondered if the City intends to respond to Innis Arden Club's formal request for a meeting prior to adopting policies related to trees. He suggested that a meeting be scheduled within the next week, in the same manner in which the meeting with Sno-King Environmental Council was arranged.

DRAFT

A vote was taken on the motion to retain the existing policies related to trees and trees in critical areas without further amendment until various interested groups have had an opportunity to meet and work towards language that is agreeable to both sides; and to docket the following proposed amendments for the 2005-2006 Annual Review: EN 15, EN 21, EN 22, EN 23, EN 24 and EN 48. It carried 4-3, with Councilmembers Chang, Fimia, and Ransom dissenting.

Mr. Burkett said staff recommends the City engage a mediator as part of the critical areas ordinance review in order to reach some kind of agreement on the issues of tree and view preservation.

Councilmember Fimia moved that the City Council formally respond to Mr. Rasch's request for a meeting at a date most available to Councilmembers. Councilmember Grace seconded the motion, which carried 6 – 1, with Deputy Mayor Jepsen dissenting. Deputy Mayor Jepsen did not think such special meetings with the full Council set a good precedent. Mr. Burkett said staff would follow up with noticing and try to find a suitable date for the meeting.

With regard to Category B (signs), Councilmember Ransom moved the amendments proposed by the Shoreline Merchants Association. Councilmember Chang seconded the motion.

After a brief discussion on procedure, **Councilmember Fimia moved to divide the question to take one amendment at a time. Councilmember Ransom seconded the motion, which carried 4-3, with Mayor Hansen, Deputy Mayor Jepsen and Councilmember Gustafson dissenting.**

The amendments were voted upon as follows:

- **CD 14: Encourage signage to be unique and complimentary in scale to the building architecture. Passed 7 – 0.**
- **CD 15: Ensure that signs provide information and make a positive visual contribution to the character of the community in which the sign is located. Passed 7 – 0.**
- **CD 16: No sign shall be located or designed to interfere with visibility required by the City of Shoreline for the safe movement of pedestrians, bicycles and vehicles. Failed 2 – 5, with Councilmembers Chang and Ransom voting in the affirmative.**

Upon motion by Councilmember Grace, seconded by Councilmember Gustafson and unanimously carried, the following proposed language was adopted 6 – 1, with Councilmember Fimia dissenting: Discourage multiple or large signs that clutter, distract, and dominate the streetscape of commercial areas.

DRAFT

Regarding CD 17, initiation of the removal of billboards, Councilmember Ransom pointed out that businesses strongly feel that billboards are an independent business activity that should not be prohibited. He expressed his opinion that billboards are not an undesirable activity and most citizens do not find them objectionable, so there is no legitimate reason to try to discontinue this nonconforming use.

Mr. Stewart noted that the Development Code includes provisions to ensure that billboards are maintained in an orderly and safe condition.

Mayor Hansen supported CD 17.

Councilmember Chang noted that the current code prohibits the movement, enlargement, and creation of new billboards. Only existing billboards are allowed as a nonconforming use.

Responding to Councilmember Chang, Mr. Burkett clarified that the Council adopted the policy several years ago to eliminate billboards on an amortization schedule, although no action has been taken to date.

Deputy Mayor Jepsen felt that deleting CD 17 would void the non-conforming use language in the Development Code, since it would no longer conform to the Comprehensive Plan.

Mr. Stewart did not feel it would void the Development Code language, but he felt strongly that it would leave the City without a policy basis to prohibit billboards.

- **CD 17: Remove this language: Initiate removal of billboards using amortization schedule. Failed 2 – 5, with Councilmembers Chang and Ransom voting in the affirmative.**

Upon motion by Councilmembers Grace, seconded by Councilmember Gustafson and unanimously carried, the existing language was adopted 5 – 2, with Councilmembers Chang and Ransom dissenting.

- **CD 18: Where it may be beneficial to the businesses, encourage the consolidation of signs on a single structure where a commercial development includes multiple businesses. Passed 7 – 0.**

With regard to Category C (Amendments to definitions or to clarify words), Councilmember Grace moved to accept the staff recommendations. Councilmember Gustafson seconded the motion.

Following a discussion about the correct terminology, Councilmember Ransom moved an amendment to substitute the words “Indian tribes” for “tribal governments.” Councilmember Fimia seconded the motion, which carried unanimously.

DRAFT

Councilmember Ransom moved an amendment to substitute the word “feasible” for “practicable.” Councilmember Fimia seconded the motion, which carried unanimously.

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

With regard to Category D (Amendments which do not significantly change Planning Commission intent), Councilmember Grace moved to amend the policies listed in the memo as noted, except for Items #145, #187, and 207. Councilmember Gustafson seconded the motion. Councilmember Fimia suggested that #152 be added to the discussion list. The motion carried unanimously.

With regard to Item #145, Councilmember Grace noted his suggestion that “regional systems should come first” was not intended as an amendment. He moved to accept the Planning Commission recommendation. Councilmember Gustafson seconded the motion, which carried unanimously.

With regard to #187 and #207 (EN A and H 17), Councilmember Gustafson moved to accept the Planning Commission recommendations. Councilmember Grace seconded the motion, which carried unanimously.

Councilmember Fimia wondered if the language in Item #152, EN 27, would conflict with Item #141, EN 30. Mr. Stewart clarified that EN 30, which the Council already voted on, focuses on preservation, while EN 27 focuses on restoration.

With regard to Item #152, Deputy Mayor Jepsen moved to include the language “to the resource.” Councilmember Fimia seconded the motion, which carried unanimously.

Upon motion by Deputy Mayor Jepsen, seconded by Councilmember Chang and unanimously carried, the discussion was continued to the March 7 meeting.

10. ADJOURNMENT

At 11:02 p.m., Mayor Hansen declared the meeting adjourned.

Sharon Mattioli, City Clerk