

CITY OF SHORELINE

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

Monday, January 23, 2006
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Ransom, Deputy Mayor Fimia, Councilmembers Gustafson, Hansen, McGlashan, Ryu, and Way

ABSENT: None

1. CALL TO ORDER

The meeting was called to order at 7:36 p.m. by Mayor Ransom, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Ransom led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present.

3. CITY MANAGER'S REPORT

Bob Olander, Interim City Manager, reported that the City of Shoreline had 12.5 inches of rain since December 19 and there have only been a handful of service calls for water collecting near capital projects; none of the calls were for residential flooding. He pointed out that there is no Council meeting on January 30th and the next meeting will be February 6th. He stated he has responded to Council inquires in writing from the last meeting to include; 1) street lighting, 2) a traffic analysis at the intersection at 180th & 15th Avenue, 3) the use of herbicides/pesticides in the City, 4) making contact with Ms. Bolender and Lake Forest Park Public Works concerning outflows to Brookside Creek, 5) providing information on the termination of the first City Manager, and 6) information concerning a meeting with LFP staff for a connecting bicycle route. He noted he will be reporting at each meeting on the requests submitted to him from the public or the Council.

4. REPORTS OF BOARDS AND COMMISSIONS: none

Mayor Ransom announced there are two (2) vacant positions on the Library Board, so a committee will be appointed to screen applicants.

Mr. Olander also announced that there would be four positions coming available on the Planning Commission. The vacancies on both the Library Board and the Planning

Commission will be advertised on the website. Completed applications must be submitted to the City Clerk's office no later than February 21st at 4:00 pm.

Councilmember Way announced that the South Woods Preservation Group (SWPG) will be holding ivy-out projects every third Saturday to remove invasive weeds. She said they are good opportunities for students to receive community service hours for their graduation requirements.

Councilmember Hansen announced that the Shoreline Rotary Club had a clean-up of parks in Shoreline. He said several Rotary members participated in spreading new gravel at the park at 185th Street NE and 10th Avenue NE. This group also trimmed the sidewalks and spread wood chips around the holding pond, as well as cleaned up the property at 185th Street NE and Aurora Avenue NE.

Councilmember Ryu reported on her attendance at the Vision '06 Economic Forecast Conference. She noted that economists predict the prime rate will only go up once or twice this year. She said a key point that was made is that economic development is not just real estate; it is based on leadership, vision, strategy, planning, outreach, public relations, leveraging public and private assets, and developing intellectual capital.

Councilmember McGlashan reported on his tour of Shoreline parks hosted by the Parks Director. He said it was an eye-opening tour and he now understands what the needs are. He also commented on his attendance at the Economic Forecast Conference, noting that economists rate the U.S. economy as very good to excellent.

Deputy Mayor Fimia also attended the Economic Forecast Conference and shared that the key to competition and sustained success is workforce development. She said employers look carefully at the segment of the population between 25 and 44 years of age. She commented that higher education would be the cornerstone of economic development, and colleges and universities should be working on getting students to graduate with two-year engineering degrees.

Mayor Ransom said is on the Suburban Cities Association (SCA) Public Issues Committee. He said the committee recommended Councilmember Way for appointment to the King County Solid Waste Committee and her appointment has been confirmed. Councilmember Ryu was not selected for the King County Economic Development Committee, nor was Councilmember McGlashan selected for the Homeland Security Committee. He commented on the Hopelink grand opening, noting that Hopelink is linked with the Department of Social and Health Services and administers social service programs from its facility. He reported on the Seashore Transportation Forum meeting, where the discussion indicated reduced numbers of proposals due to reduced funding. Finally, he reported on the King County Regional Transit Committee meeting, where the discussion included increasing bus fares and hiring security at the park-n-ride lots. There was also discussion about fees for parking in the park-n-ride lots to offset the cost of security.

Councilmember Way said she attended an excellent workshop on housing options last week by City staff. There were a number of experts there who gave testimony and concepts that she looks forward to working on.

There was Council consensus to revise the agenda to take the public hearing first.

5. ACTION ITEMS: PUBLIC HEARING

- (a) Public hearing to receive citizens' comments on cottage housing in Shoreline

Joe Tovar, Planning and Development Services Director, said the Growth Management Act has a number of goals and requirements that deal with housing issues. One of the goals is to "encourage" affordability for all segments of the population and with all building forms, to include existing stock. The population in Shoreline and King County is growing and the City should look at its position in the region. He said it is important to keep in mind that cottage housing is one piece of the entire housing picture in Shoreline.

Paul Cohen, Senior Planner, provided a brief background on cottage housing in Shoreline. He said that presently there are seven cottage housing projects with a total of 55 units built in Shoreline, all with some degree of controversy surrounding them. He outlined the background on the current moratorium and reported that the City has received 129 comment and testimony letters from 58 different citizens. Of the 58 residents, 39 clearly oppose cottage housing, 11 support it, and eight have concerns. He noted the concerns in priority from highest to lowest being compatibility, potential densities, public process, property values, GMA targets, design quality, traffic and environmental impacts, development review process, and the future owners. He read the Planning Commission recommendations and pointed out that the Greenwood development is the only one that meets all of the recommended Code amendments at this time. He outlined the following options available to the Council:

Option 1: not adopt the amendments and allow the moratorium to lapse. This option is not recommended by the City staff.

Option 2: adopt the Planning Commission recommendations.

Option 3: adopt the Planning Commission recommendations with additional conditions from staff. Staff conditions include separating all cottage housing developments by no less than ½ mile (10 blocks) to provide some predictability so that neighborhoods do not receive a concentration of them; and to improve the public review process through perhaps a design review committee and better neighborhood notification.

Option 4: restrict cottage housing to R-8 and R-12 zones. This will effectively eliminate any future cottage housing developments in Shoreline.

Option 5: extend the moratorium for another two years for further review and study.

Option 6: repeal the cottage housing code to possibly consider in the future.

He concluded that staff's recommendation is that Option 3 or Option 6 would resolve the cottage housing issue most effectively.

Mayor Ransom opened the public hearing.

(a) Bronston Kenney, Shoreline, stated that the GMA goals also included property protection. He outlined that zoning for cottage housing has two elements: use and density. He said the residents in Shoreline oppose it. He concluded that Option 3 will not satisfy the public and zone densities in Shoreline must be respected.

(b) Jim Soules, President of the Cottage Company and developer of the Greenwood Cottages, pointed out that versions of the cottage housing code are being adopted in several other cities. He felt Option 3 would respond to some of the outstanding issues. He felt the real issue is the relationship of the cottage housing development to adjacent houses. He challenged the City to find a way to achieve good design review and implement other restrictions to help resolve the issues.

(c) LaNita Wacker, Shoreline, said the ordinance has been worked on extensively by the public, City staff, and the Council and it addresses the concerns that have been expressed in the community. She asked for clarification of the Planning Commission's recommended change in radius from 1,000 feet to one-half mile. She suggested adding "pervious surface" in condition K as recommended by the Planning Commission. She concluded that cottage housing is environmentally sound and uses less land.

(d) Mark Deutsch, Shoreline, said the Council needs to resolve this issue now. He said there is a clear need for this housing in Shoreline for single parents and small families. He said it is better to have cottage housing rather than "mega houses" built in Shoreline. He supported the recommended changes in Option 2 or 3.

(e) Bob Niskanen, Shoreline, noted he was upset that there was a plan to put 16 houses next to his. He said he has a lack of trust in the capabilities of the Council and the City staff. He felt other cities should go ahead with cottage housing and Shoreline should learn from them. He considered the development on 8th Avenue to be "dismal."

(f) Pat Murray, Shoreline, noted a conversation in which a developer told him that he couldn't build cottage housing in an area zoned for apartments "because he couldn't make any money off the development." He felt there should be a permanent moratorium and asked the Council not to proceed with cottage housing.

(g) Darlene Feikema, Shoreline, resident of Greenwood Cottages, said the need for cottage housing has been well-documented by the media and trade magazines. She pointed out that 60 percent of all households in the United States are made up of one to two people. She said housing "is about options," and many people are attracted to cottages because they offer a small, detached housing option that does not

work in high density zones. She asked the Council to approve the proposed amendments or have honest reasons about not allowing it.

(h) Mike Nelson, Shoreline, resident of Greenwood Cottages, asked the Council to consider the issue of diversity and the right to live in different ways. He said people should respect diversity, and nobody should have to live in poorly rendered structures.

(i) Pat Moyers, Shoreline, expressed concern that cottage housing constitutes "spot zoning" which effectively changes a residential zone to a multi-family zone. He asked if there were going to be 365 units built in Shoreline, since that is the GMA goal. He said both the Planning Commission and the Council have an obligation to maintain zoning, but this process does not do that. He urged the Council to repeal the code and consider alternative housing designs.

(j) John Behrens, Shoreline, said he lives between two bad cottage housing projects that didn't meet old zoning requirements when they were constructed. He felt once this ordinance is adopted, there will be an overwhelming amount of cottage housing developments being constructed. He felt the fact that the Ashworth cottages are still for sale is proof there is little support for it.

(k) George Mauer, Shoreline, favored repeal of the ordinance, noting that this issue has been going on for eight years. He felt cottage housing is an equity issue relative to where the land use laws can be applied. He said there are two Shoreline communities that are exempt from cottage housing, and density is not a value. He urged the Planning Commission and the Council to start over. He said Mr. Tovar should look at and encourage smart growth rather than cottage housing.

Deputy Mayor Fimia suggested this item be placed in the agenda under Action Items.

Councilmember Hansen moved to close the public hearing. Councilmember Gustafson seconded the motion, which carried 7-0.

Mr. Olander stated that the current moratorium expires on February 16th, so the Council would need to take action at or before the February 13th City Council meeting.

6. PUBLIC COMMENT

(a) Bob Mascott, Shoreline, thanked the City Manager for responding to his remarks. He said the City has a valuable resource in the older residents in the City. These residents turn history into very interesting stories. He stated that a person with a tape recorder could interview and record the testimony of older Shoreline residents. He said he would like to nominate his wife as the longest living Shoreline resident because she has been living here for 75 years.

(b) Charlotte Haines, Shoreline, said advocates of a four-lane configuration on 15th Avenue NE want bus turnouts, bike lanes, a stoplight at 170th, a 25 mph speed limit, and a dedicated left-hand turn lane at all intersections. She expressed concern about the City purchasing more residential and commercial property in North City to accommodate these requests. She felt the current project should be complete before any revisions are made. She said three-lane configurations are safer for pedestrians, and if they were in place, Tia Townsend would not have been killed. She felt the City should conduct a traffic study in Lynnwood from Aurora to 56th and one from Aurora to 76th Avenue W for comparison.

(c) Martin Kral, Shoreline, expressed concerns about pedestrian safety. He said the construction of the new Walgreen's on Midvale Avenue forces pedestrians into the street. He urged that the Customer Response Team (CRT) and the police enforce parking and speed standards on Midvale Avenue. He said he sent a letter to CRT and he has not received a response. He urged that this situation be addressed immediately.

(d) Dennis Lee, Shoreline, referring to remarks he made at a previous meeting on the possible rezoning on South Woods, said the property will be short platted since the City has purchased the three acres. He said this is the time to rezone it to Open Space. He felt that City processes need to change so residents can fully engage the Council and concerned parties. He concluded that three minutes is not enough time to address the Council in public comment.

(e) George Mauer, Shoreline, requested five minutes at the end of public comment to respond to comments Councilmember Gustafson made at the January 17 meeting.

(f) Walt Hagen, Shoreline, asked if 15th Avenue NE would be a four-lane configuration, noting that residents have asked for a four-lane road. He commented that the property adjacent to Echo Lake looks much better and he would like the City to consider purchasing it.

(g) LaNita Wacker, Shoreline, discussed the five levels of Maslow's Hierarchy of Needs and provided a written copy to the clerk for the Council. She also discussed an article by David Campbell regarding sustainable economic development with environmental conservation, social and cultural cohesion, and good governance. She concluded by saying that Maslow's Hierarchy could be applied to local government.

(h) Mark Deutsch, Shoreline, commented on remarks made at the housing workshop, noting that Shoreline is meeting the GMA requirement for affordable housing for those above 30% of median income. However, it appears the City's primary need is for housing for people with less than 30% of median income. He felt the GMA target was relatively low. Finally, he said he thought City staff had some good ideas and the City may be able to let developers build on limited land stock.

(i) John Behrens, Shoreline, pointed out that he is still waiting for reimbursement from the City for the claim he filed when his car was damaged by a pothole last month on Aurora Avenue. The City's insurance carrier, Washington Cities Insurance Authority (WCIA), gave him the telephone number to Merlino Construction. He was told Merlino Construction would reimburse him, but he's been waiting 30 days and hasn't received anything yet.

Deputy Mayor Fimia moved to suspend the Council rules to allow George Mauer an additional two minutes for public comment. Councilmember Ryu seconded the motion. Following a brief Council discussion, a vote was taken on the motion, which passed 5-2, with Councilmember Gustafson and Councilmember Hansen dissenting.

(j) George Mauer, Shoreline, stated for the record that Councilmember Gustafson damaged his reputation in a politically motivated move. He said Councilmember Gustafson falsely stated his resume was incomplete, and clarified that he did sign the background check authorization form, contrary to Councilmember Gustafson's statement. He affirmed that he received campaign contributions from certain members of the Council, but it only amounted to \$255 and this is nothing unusual. He said he withdrew his employment application before the January 17 Council meeting; therefore, it should not have been discussed at the meeting. He withdrew his application because he found himself in an untenable position. He concluded that Councilmember Gustafson's statements do not support the values of truth, honesty, and fairness and that he has dishonored the position of Councilmember.

Mr. Olander noted that a staff member has spoken to Mr. Kral about the pedestrian safety issue on Midvale Avenue. He clarified that the City cannot rezone South Woods because taking away development rights would constitute an illegal taking of property. Regarding Mr. Hagen's inquiry, he said the Council chose to modify the North City downtown business section to four-lanes in 2004, but there has been no action to change the remainder of 15th Avenue to four lanes. He noted that staff will contact Mr. Behrens about his claim. Finally, he said there is still a traffic analysis being conducted on 15th Avenue and 180th Street NE.

Councilmember Way said there was some confusion about the South Woods notice that went out to residents with language on it about the Triad Association.

Mr. Tovar said that the engineering firm's use of "inartful" words in the notice may have given the impression it is a development proposal. He clarified it is a proposal to subdivide the land, not develop it. He said this issue and others would be addressed at the applicant's meeting with all concerned parties.

Deputy Mayor Fimia noted that a speaker asked for better visibility for the Council meetings.

Councilmember Gustafson commented on the limitations created by using the Mt. Rainier Room for Council meetings. He is proposing to change the meeting day from

Monday to Tuesday or Thursday so the Shoreline School Board Room could be used. He said he would likely propose this at the Council retreat.

Councilmember Way concurred and added that the City's website could also use some enhancements.

Mayor Ransom pointed out that the School Board Room is smaller than the room they are currently using.

6. APPROVAL OF THE AGENDA

Mr. Olander recommended adding Action items 9(c) and 9(d). Item 9(c) is a Motion to Authorize Legal Action to recover for breach of building permit conditions and Item 9(d) is a Motion Authorizing Legal Defense of King et al v. Fimia et al.

Deputy Mayor Fimia moved to approve the agenda with the addition of Action items 9(c) and 9(d). Councilmember Way requested that Consent item 7(d) become item 8(a). Councilmember Hansen requested removing the January 3 Minutes from the Consent Calendar. Councilmember Gustafson seconded the motion, which carried 7-0, and the agenda was approved as amended.

7. CONSENT CALENDAR

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

**Minutes of Regular Meeting of November 28, 2005
Minutes of Regular Meeting of January 9, 2006**

Approval of expenses and payroll as of January 12, 2006 in the amount of \$844,674.32

Motion to authorize the City Manager to execute the amended lease to the Shoreline Business and Professional Center (City Hall) lease providing for a two (2) year extension from March 1, 2006 to February 29, 2008

Approval of contract amendment with D.A. Hogan in the amount of \$63,000 to provide all remaining design, engineering, bidding assistance and construction administration services for the Shoreline Park A and B artificial soccer field surfacing project

8. ACTION ITEMS: PUBLIC HEARING

- (a) Public hearing to receive citizens' comments on cottage housing in Shoreline

Councilmember Ryu asked staff how long it would take to refine a specific design code based on Option 3.

Mr. Cohen stated he could have the information ready before the next meeting.

Councilmember Gustafson said there has been a lot of time spent on this process and he thanked the public, the Planning Commission, and the Council. He recommended the Council choose from Option 3 and Option 6 for discussion at the next meeting.

Deputy Mayor Fimia wanted to thank the staff, the Council, and the public for the work done.

Deputy Mayor Fimia moved to direct staff to prepare an Ordinance to repeal cottage housing, thus executing recommended Option 6 and appoint a Council subcommittee to work with the Planning Commission, public, and City staff to prepare a draft plan, timeline, and work plan for developing a comprehensive housing strategy for Council review by March 1, 2006. Councilmember Way seconded the motion.

Deputy Mayor Fimia explained that is not to rewrite the housing strategy, but to come back with a time and a work plan on how to approach a housing strategy.

Ian Sievers, City Attorney, felt the intent of the motion is to propose that at the next regular meeting staff introduce an ordinance repealing the cottage housing sections and that the City Manager propose to Council a work plan to develop a comprehensive housing strategy. He felt that the two items were linked and they should be in the same motion.

Councilmember Hansen moved to amend the motion and partition it into 1) direct staff to prepare an Ordinance to repeal cottage housing, thus executing recommended Option 6 and 2) to appoint a Council subcommittee to work with the Planning Commission, public, and City staff to prepare a draft plan, timeline, and work plan for developing a comprehensive housing strategy for Council review by March 1, 2006. Councilmember Gustafson seconded the motion.

Councilmember Gustafson agreed that separating the two items is logical. He said there are other pieces to discuss and it will take the Council more than a couple months to review and adopt. He felt it was important to discuss both items separately. He requested both items be brought back on February 13 so the Council and the public may have time to review the proposal and options.

Councilmember Way stated that it is premature to divide the motion if the options haven't been discussed yet.

Mayor Ransom felt there should be a “clean” response from the Council on cottage housing and it is not a good idea to tie the response to a lengthy comprehensive plan.

Deputy Mayor Fimia said it doesn’t make any functional difference to divide the motion. The ordinance would be repealed and we would start fresh, she explained.

Councilmember McGlashan supported dividing the motion, however, he did not support repealing the ordinance. He stated the ordinance is the foundation and he felt Option 3 would be an amendment to make minor revisions and improve it. He said it would take years and years to start over and redo the entire process.

Councilmember Hansen said it doesn’t make any logical sense to repeal an ordinance and describe how to set it up again in the same ordinance. These subjects should be separate and there is no need to tie them into each other. He asked the Council not to “cloud the issue.”

A vote was taken on the amendment, which carried 4-3, with Deputy Mayor Fimia and Councilmembers Ryu and Way dissenting.

MEETING EXTENSION

Upon motion by Councilmember Hansen, seconded by Councilmember Gustafson and unanimously carried, the meeting was extended until 10:15 pm.

Councilmember Way said it is clear there is a definite need for housing options in Shoreline, and cottage housing does not fulfill all of them. She said the Council should work towards that goal and expressed support for directing staff to prepare an ordinance for Option 6.

Councilmember McGlashan moved to amend the motion to include Option 3. Councilmember Gustafson seconded the motion.

Deputy Mayor Fimia spoke against the amendment. She said the public has waited eighteen months to develop property; waiting another two weeks is unnecessary and the Council needs to regain public trust and proceed. She said the Council needs to give certainty to developers and repeal this code, which is fundamentally flawed.

Councilmember Gustafson expressed support for including Option 3.

Deputy Mayor Fimia stated that Option 3 is “not in stone” and will not be that easy to draft without further discussion.

Mr. Olander clarified that staff would be drafting Option 3 for the February 13th meeting.

A vote was taken on the motion to direct staff to return with ordinances addressing both Option 3 and Option 6, which carried 5-2, with Deputy Mayor Fimia and Councilmember Ryu dissenting.

Deputy Mayor Fimia withdrew the motion to appoint a Council subcommittee to work with the Planning Commission, public, and City staff to prepare a draft plan, timeline, and work plan for developing a comprehensive housing strategy for Council review by March 1, 2006.

Mr. Olander stated the staff would bring to the next Council meeting an ordinance to repeal cottage housing and an optional ordinance that includes the planning commission recommendations and the two additional staff recommendations for Council discussion and deliberation. He said staff would also bring an additional ordinance to extend the moratorium.

MEETING EXTENSION

Councilmember Ryu moved to extend the meeting until 10:45 p.m. Councilmember Way seconded the motion, which failed 3-4, with Mayor Ransom and Councilmembers Gustafson, McGlashan, and Hansen dissenting. Upon motion by Councilmember McGlashan, seconded by Councilmember Gustafson and unanimously carried, the meeting was extended until 10:30 p.m.

9. NEW BUSINESS

- (a) Economic Development Task Force Report

There was Council consensus to postpone discussion of this item to a future meeting.

- (b) Discussion of Potential Bond Issue

Councilmember Way said the Council should open this item to public comment.

Mayor Ransom called for public comment.

1) LaNita Wacker, Shoreline, urged the Council to be decisive. She said on July 11, 2005, \$6 million was voted into the Capital Improvement Plan for South Woods. She suggested the total bond proposal be raised to \$6 million, making the total bond issue \$19 million. This would amount to an additional \$0.06 per \$1,000 accessed property value. She said this has been studied extensively and it is a well-balanced proposal. She urged the Council to adopt it so the residents can start soliciting support for the May ballot.

2) Peter Henry, Shoreline, concurred with the previous speaker, noting there has been no opposition to the City purchase of South Woods. If needed, he

said the Council could allocate the SPU funding for South Woods. He urged the Council to approve it now so it can appear on the May ballot.

Mr. Olander said the bond proposal is recommended to be sent back to the Bond Advisory Committee (BAC) for review because it would like to be involved in reducing the bond back to \$18.5 million.

Councilmember Gustafson agreed with Ms. Wacker's statements but felt there should be a strategy. He felt the BAC should analyze what amount can be supported by the residents, whether it is \$18.5 million or \$19 million, and they should be the ones to make a recommendation. In addition, he felt this should also be reviewed by the Parks Board.

Deputy Mayor Fimia moved to confirm that Council's intent is to include the remainder of the South Woods property in the bond as outlined in the staff report, directing the Bond Advisory Committee to provide a revised project recommendation list not to exceed \$18.5 million. Councilmember Gustafson seconded the motion.

Responding to Councilmember Way, Mr. Olander stated that the SPU property has been declared surplus and they intend to sell it to the City. The current agreement gives the City the first right of refusal and until the May election to make a decision.

Councilmember McGlashan felt the difference between \$18.5 million and \$19 million to be minimal. He inquired how the \$18.5 total was generated and why the total can't be \$19 million.

Mayor Ransom said the total was based on the probability of passage; if the amount is raised to \$19 million, it decreases the likelihood of passage. The \$18.5 million total, he explained, was based on the calculation of the minimum amount that would be needed to purchase South Woods.

Councilmember McGlashan agreed and stated the BAC should be included in reviewing the proposal again.

MEETING EXTENSION

Councilmember Ryu moved to extend the meeting until 10:45 pm. Deputy Mayor Fimia seconded the motion, which carried 4-3, with Councilmembers Gustafson, Hansen, and McGlashan dissenting.

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

- (c) Motion Authorizing Legal Action to Recover for Breach of Building Permit Conditions

Upon motion by Councilmember Hansen, seconded by Councilmember McGlashan and unanimously carried, staff was directed to file a lawsuit to recover legal costs for breach of building permit conditions.

- (d) Motion Authorizing Legal Defense of King et al v. Fimia et al

Councilmember McGlashan moved to postpone action on Item 9(d) until the February 6, 2006 Council meeting. Councilmember Hansen seconded the motion.

Councilmember McGlashan stated there is a large quantity of information in this item. He said he needs to understand it and study it before he makes a decision.

Councilmember Hansen concurred and urged the Council to postpone a decision on this until the next meeting. Councilmember Gustafson agreed.

Councilmember Ryu said this is a simple request and the recommendation from staff is to provide legal defense. She said most or all employers provide counsel for their employees, depending on the offense. She felt that this was a simple legal question and she supported the staff recommendation.

Mayor Ransom stated although he is not a voting party, the legal materials state that the pleadings are to be liberally construed. Therefore, if allegations are subject to the interpretation that creates a duty to defend, then the City must defend its officials. He said in his past work experience employees and officials have always been defended by the employer. He highlighted that civil penalties have been rejected in the past when City officials were involved.

Mr. Sievers said this item should follow the rules for public comment similar to any other agenda item.

Mr. Olander stated that by ordinance any councilmember named in a lawsuit must recuse themselves from the vote.

Councilmember Way inquired if there would be any problems if this item was postponed.

Mr. Sievers said he would need to submit a reservation of rights to the defendants.

Councilmember Fimia said she has two years of working together on the Council, and the residents want the Council to move on. She noted that nothing illegal was done, and public, she argued, can sue anyone for anything. She felt that delaying this action is not a good precedent to set. She said convicting and trying people outside of the courts needs to stop in Shoreline. Councilmembers deserve legal council. She added that delaying this does not facilitate cooperation and it is not serving the people of the City. She concluded that taking another two weeks to decide this will only bring more unnecessary angst.

Councilmember McGlashan said he is not doing this to win anything or increase angst. He pointed out that he is being asked for the City to spend its dollars. Meanwhile, it will possibly cost the City thousands of dollars.

MEETING EXTENSION

Councilmember Ryu moved to extend the meeting until 11:00 pm. Councilmember Way seconded the motion, which failed 2-5, with Councilmembers Ryu and Way voted in the affirmative.

Upon motion by Councilmember Hansen, seconded by Councilmember Gustafson and unanimously carried, the meeting was extended until the vote was taken on the final item.

A vote was taken on the motion to postpone action on Item 9(d) until the February 6, 2006 Council meeting, which carried 3-1, with Councilmembers Gustafson, Hansen, and McGlashan voting in the affirmative and Councilmember Ryu dissenting.

10. ADJOURNMENT

At 10:46 p.m., Mayor Ransom declared the meeting adjourned.

Scott Passey, City Clerk