

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF BUSINESS MEETING

Monday, July 28, 2008 - 7:30 p.m.
Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Ryu, Deputy Mayor Scott, Councilmember Eggen, Councilmember Hansen, Councilmember McConnell, Councilmember McGlashan, and Councilmember Way

ABSENT: None

1. CALL TO ORDER

At 7:35 p.m., the meeting was called to order by Mayor Ryu, who presided.

2. FLAG SALUTE/ROLL CALL

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

(a) Proclamation of 25th Annual National Night Out Against Crime

Mayor Ryu proclaimed August 5, 2008 as Shoreline's 25th Annual National Night Out Against Crime and invited David Bannister and Londa Jacques to accept the proclamation. Mr. Bannister, representing the Richmond Beach Neighborhood Association, thanked the Council for their support and the police officers. Ms. Jacques from the Ballinger Neighborhood Association accepted the proclamation and announced upcoming events. She especially thanked Nora Smith and the City's neighborhood program. Sergeant Fagerstrom from the Shoreline Police Department thanked the residents of the City of Shoreline and encouraged those not involved to contact storefronts.

(b) Proclamation of Celebrate Shoreline

Mayor Ryu read the proclamation and proclaimed August 11-17 as "Celebrate Shoreline Week." She presented the proclamation to Pam Barrett and the other 14 committee members. She highlighted the events of this year's Celebrate Shoreline event. Ms. Barrett accepted the proclamation and thanked the committee members. Lynn Cheney, Recreation Superintendent, thanked the volunteers and the Council for their support. Mayor Ryu also presented a proclamation to Jane and Dorothy Stephens who were chosen as Grand Marshals for the 2008 "Celebrate Shoreline" parade. She highlighted their accomplishments in the City and presented them with the proclamation. Mrs. Stephens thanked everyone. Mr. & Mrs. Stephens' son thanked

everyone and discussed his parents' sacrifices and how proud he is of them. Mayor Ryu presented the 2008 Lifetime Achievement Award to Dr. Arthur Kruckeberg. She read the proclamation and highlighted the work he has done for the City on Kruckeberg Botanical Garden. Mayor Ryu and Councilmember Way present a plaque and the proclamation to Dr. Kruckeberg. Dr. Kruckeberg thanked the City for his recognition and stated that the garden is experiencing outstanding attendance numbers.

3. REPORT OF THE CITY MANAGER

Bob Olander, City Manager, provided reports and updates on various City projects, meetings, and events. Mr. Olander also thanked the proclamation and award recipients. Mr. Olander reminded the public that there would be no City Council meetings on August 4 and 11 and that the next City Council meeting is on August 18.

4. REPORTS OF BOARDS AND COMMISSIONS

Councilmember Hansen reported on the Seattle City Council bag ordinance and said he found it interesting that at Home Depot they are collecting plastic bags for proper disposal. He also highlighted that Bartells has a drug disposal program and his family has used it. He said it is the proper way to dispose of expired and unused prescriptions rather than contaminating the waterways. He said in April he knew the drug disposal program was starting in Edmonds, Lynnwood, and Shoreline. He attended the Brightwater meeting and they are working on the outfall. He said "Elizabeth", the tunnel boring machine, was delivered on Sunday and it will bore a hole from the Puget Sound to the Ballinger area. He added that he went to the Puget Sound Regional Council meeting and there was discussion on the Highway 520 bridge and proposed tolls which would start in 2010 or 2016. He noted that the range being considered for the toll amount was \$.90 during off-peak to \$3.80 during peak hours.

Councilmember McGlashan shared that he attended the board meeting for the Committee to End Homelessness in King County, which consists of twenty-five people. He stated that there was discussion concerning how far the committee has gotten in their four year existence. He noted that the committee established smaller committees to look at what has been done and where committee is going. He felt that the committee may be reorganizing and a report will be released in October.

Councilmember Eggen reported that he attended the WRIA-8 meeting and they applied for a low impact development (LID) grant to help cities with LID ordinances. However, he announced that they didn't get the grant but will apply for another one at a later date. He noted that it is unlikely that there will be a Chinook salmon season in Lake Washington, but there may be a local season. He explained that WRIA-8 is a council focused on salmon recovery which supports the King Conservation District with money and invests in recovery efforts. He stated that there was a Small Cities Association Public Issues Committee meeting on July 9 that he attended.

Mayor Ryu noted that it is the 75th year of the Association of Washington Cities and she is the Chair of the Board. She noted that there was discussion at their last meeting about City officials managing resources and needs.

5. GENERAL PUBLIC COMMENT

a) Eve Phillips, Shoreline, said that on July 12 her small dog was attacked by an unleashed German Shepard. She reported it to the police and they said an officer would be out to investigate, but no one came out until seven days later. She also discussed the "invisible" stop sign at the corner of NW 200th Street and 10th Avenue NW. She stated there was an officer writing tickets for people running the stop sign and wanted her neighbors to know that she had nothing to do with it.

Councilmember Hansen commented that it is a shame it took so long for an officer to respond to her. He suggested that she call the City's Customer Response Team (CRT).

b) Mary Weaver, Shoreline, noted that the food banks are running low on food, including the one located in Shoreline. She urged residents to drop off food there. She commented that she has been listening to the bag issue on the radio and highlighted that Seattle residents aren't happy about the bag legislation; they will shop in the outlying areas, including Shoreline, where they will spend their money.

c) Donna Eggen, Shoreline, discussed neighborhood electric vehicles and found out that they are legal on all streets and roads with speed limits up to 35 miles per hour. She said State Farm and Farmers Insurance will insure them. She said MC Electric and the Green Car Company sells them. She discussed plug-ins for the vehicles and stated electrical permits can be received from the City to operate them. The City of Edmonds, she said, has plug-ins for electric vehicles and urged that they be installed at the new City Hall and places of business at a low cost.

d) Bill Myers, Shoreline, stated that on June 16 he addressed the Council about utility taxes and franchise fees. He stated that they are supposed to be 6%, but they are not. He explained the taxing and said it is closer to 6.7%. He said it is confusing and questioned if the City is being deceptive. He asked the Council to revise the process so it resembles the sales tax for services received. He said he received a letter in early July from the City that said it is legal and he questioned the truthfulness. Additionally, he wanted legislation passed to prohibit utilities from placing a tax on top of what the City's utility tax is. Councilmember Eggen asked which utility was doing this. Mr. Myers responded that he has seen this on his natural gas and garbage bills. Councilmember Eggen replied that he checked his bills and they are at a 6% tax rate.

Mr. Olander stated that the food banks always need help and communicated the addresses of those located in Shoreline. He added that the City is examining putting electric plug-ins in the new City Hall.

Councilmember Way suggested having the National Night Out events work to help the neighborhoods and food banks.

Mr. Olander suggested putting a collection space at the Celebrate Shoreline event for the food banks.

Councilmember Way asked that the Finance Director do a report on the 6% utility tax issue; Mr. Olander responded that she would.

6. APPROVAL OF THE AGENDA

Councilmember Eggen asked that item 7(e) be pulled from the Consent Calendar and placed as item 8(c). Deputy Mayor Scott moved approval of the agenda. Councilmember Hansen seconded the motion, which carried 7-0 and the agenda was approved.

7. CONSENT CALENDAR

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

- (a) Minutes of Business Meeting of June 9, 2008
Minutes of Special Meeting of June 16, 2008

- (b) Approval of expenses and payroll as of July 16, 2008 in the amount of \$1,296,689.50

***Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
6/15/08-6/28/08	7/3/2008	24698-24902	7737-7811	37001-37009	\$418,961.98
					<u>\$418,961.98</u>

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
7/1/2008	36878	36895	\$24,452.53
7/2/2008	36896	36910	\$101,383.21
7/2/2008	36911	36916	\$3,225.00
7/2/2008	36917		\$6,142.00
7/2/2008	36918	36923	\$49,117.86
7/2/2008	36924	36926	\$26,684.51
7/3/2008	36927	36952	\$95,633.14
7/9/2008	36953		\$460.00
7/9/2008	36954	36971	\$47,124.04
7/10/2008	36972		\$3,070.00
7/11/2008	36973	37000	\$338,584.70
7/11/2008	37010		\$4,000.00
7/16/2008	37011		\$2,955.27

7/16/2008	37012	37032	\$167,424.70
7/16/2008	37033		\$1,351.98
7/16/2008	37034	37035	\$6,118.58
			<u>\$877,727.52</u>

(c) **Motion to Approve a Mini-Grant for the Meridian Park Neighborhood**

(d) **Ordinance No. 511, Amending Ordinance No. 109 and Increasing the Police Investigation Account**

(f) **Motion to Authorize the City Manager to Award a Construction Contract for the Richmond Beach Saltwater Park Phase 1 Improvements**

(g) **Ordinance No. 514, Approving the Shoreline Water District Franchise**

(h) **Motion to Approve an Amendment to the City Manager's Employment Contract**

8. **ACTION ITEMS: PUBLIC HEARINGS**

(a) Public hearing to receive citizens' comments on an Amendment to the 2008 CDBG Curb Ramp Project, Authorizing the City Manager to Approve the Contract Implementing the Amendment

Rob Beem introduced the item and discussed the Community Development Block Grant (CDBG) Curb Ramp Project allocation to the 2008 Curb Ramp Program. He noted that the process of moving funds from one year to the next requires a public hearing.

Mr. Olander noted that the sidewalks and ramps bring the City into compliance with the American with Disabilities Act (ADA).

Mayor Ryu opened the public hearing. There was no one wishing to provide public comment. There was Council consensus to close the public hearing.

Councilmember Hansen moved to adopt the amendment to the 2008 Community Development Block Grant (CDBG) Curb Ramp Project, authorizing the City Manager to approve the contract implementing the amendment. Councilmember McConnell seconded the motion.

Councilmember Hansen stated this should be under the consent calendar as a required budget amendment. Mr. Beem responded that the rules under the CDBG program call for this to be an action item.

Councilmember Way wondered how many curb ramps have been completed and how many still need to be done. Mr. Olander replied that the City staff would need to research it and prepare a response for the Council.

Councilmember Way asked if any of the curbs or ramps coincided with the Aurora Corridor Project Improvements. Mr. Beem said there are none along the Aurora Corridor and that all Aurora construction will be paid by Aurora project monies.

Councilmember McGlashan discussed the funds needed for the public health center and asked if these funds could be allocated for that. Mr. Beem replied that these funds are from the prior year and the action Council took last week concerning the International Community Health Services would come from 2009 funds.

Mayor Ryu said she is in favor of this and these curb ramps need to be done. She said this is progress and a priority of the City Council.

Councilmember McGlashan was concerned about cuts to human services and asked if these funds could be used for human services allocations.

Councilmember Way inquired if curb ramps are considered as a part of the transportation master plan. Mr. Olander responded that it is and there are a host of projects on that 20-year list. He added that it probably will be an ongoing item on the next plan as well. Councilmember Way felt there are accessibility issues in the City and this addresses them.

Deputy Mayor Scott asked how a citizen who is interested in this could find out more. Mr. Beem replied that residents can contact him directly.

A vote was taken on the motion to amend the 2008 Community Development Block Grant (CDBG) Curb Ramp Project, authorizing the City Manager to approve the contract implementing the amendment, which carried 7-0.

(b) Public hearing to receive citizens' comments on City of Shoreline Resolution No. 280 Supporting Shoreline Fire Department Ballot Proposition No.1 Authorizing a Property Tax Levy Rate of Up To \$1.50 per \$1000 of Assessed Valuation for a Six Year Period (2009 - 2014)

Mr. Olander introduced this item and Mr. John Norris, Management Analyst.

Mr. Norris acknowledged the Fire Department staff at the meeting and displayed a PowerPoint presentation. In the presentation, he highlighted that 90% of the Fire Department operating revenue came from property taxes. He explained that Proposition No. 1 will be on the ballot in August and would authorize a tax levy of \$1.50 per 1,000 of assessed valuation for a one year period and would allow specific increases of up to 6% for each of the five following years to maintain the \$1.50 levy rate. Additionally, Proposition No. 1 would also authorize the property tax levy rate in the sixth year to serve as the base rate for establishing the future years levy. He added that there has been an increased need for services in the City every year and in order to keep pace, more funds are needed. He pointed out that the increased levy rate would cost the average Shoreline resident \$67.00 next year.

Mr. Olander stated that the Fire Department is essential to the City for public safety and the relationship has been great. He noted that the City utilizes the Fire Department to enforce fire regulations in buildings. He pointed out that the City itself has other revenue options, but the Fire Department is almost solely dependent on property taxes. He highlighted that if the proposition isn't adopted by the voters it will have a severe impact on their ability to provide services.

Mayor Ryu opened the public hearing.

a) Bob Phelps, Shoreline, favored Proposition No. 1 and is the team manager of the ham radio operators. He noted that there are 31 volunteer ham radio operators in the City and all of them have passed FEMA courses. He said they provide communication for public service events to include the North City Jazz walk and Celebrate Shoreline. He pointed out that the ham radio group wouldn't exist without the fire department and that the group uses the facilities at the Fire Station for their emergency kits and equipment. He added that the communications van was upgraded with FEMA and Fire Department funding.

b) Bill Myers, Shoreline, recommended the Council not adopt Resolution 280 because the information in the packet and the Fire Department website justifies a significant tax increase. He explained that the Fire Department had over 9,300 responses to calls last year and their website said they have 6,700 calls for service in 2007 and about the same in 2006. He asked if they had 40% more responses to calls than actual calls. He added that they stated that the current levy isn't enough to fund existing and planned services, however, the planned services aren't noted anywhere. He added that he doesn't understand the comparisons on current levy rates that were made and he gave some examples. He compared some figures and stated that the tax dollars he pays to the Fire Department will go up 22%. He asked for an explanation on the 1% cap and the lower assessment rate and discussed forecasts and Sound Transit tax increases. He encouraged the Council to withhold their endorsement until more information supporting this measure is received.

c) Jeanne Monger, Shoreline, commented that if there is an emergency she wants the best trained and equipped Fire Department that Shoreline can have responding to that call. She said the City has top quality fire department personnel and they should never wonder where the funding is coming from. She supported Proposition No. 1 and urged the Council to adopt Resolution 280.

There was Council consensus to close the public hearing.

Deputy Mayor Scott moved to adopt Resolution No. 280 Supporting Shoreline Fire Department Ballot Proposition No. 1 Authorizing a Property Tax Levy Rate of Up To \$1.50 per \$1,000 of Assessed Valuation for a Six Year Period (2009 - 2014). Councilmember Way seconded the motion.

Councilmember Eggen said he agrees that the Fire Department is one area that we don't want to "pinch pennies," as they are being pressured for more services from Homeland Security and other agencies. He noted that this proposition represents a 12% increase in residential taxes next

year and additional increases after that. He said all of the information concerning this levy needs to be supplied to the citizens.

Chief Kragness noted that to maintain existing services the Fire Department needs to maintain performance standards. As call volume, traffic, and the number of residents increase, service levels increase, he explained. He said that in order to match the increases, funds are needed. He added that their six-year plan addresses staffing issues. He noted that with 90% of the operating revenues coming from property taxes, 80 – 85% of their budget is for salary and benefits. He said the June CPI is about 5.8% and medical costs and fuel have gone up. He explained that planned services don't include another aid car or pumper, but they are working to increase response times.

Councilmember Way thanked the Fire Department for their services and for inviting her to the "Green Firefighting Techniques Drill." She noted that their day-to-day operations are well-organized and impressive. She extended her condolences about the two firefighters who were lost in California. She pointed out that one projection says the impact will be \$67 per household, yet another says it will be \$72 per household.

Mr. Norris commented that the City and the Fire Department were utilizing different assessed value numbers. He stated that the best science would be to take the average between the two numbers.

Councilmember Way said while she is sympathetic to the taxpayers, she supports this measure because of the importance of fire response services.

Mr. Olander asked the Chief to respond why this levy will be maintained, as opposed to the levy decreasing and asking for more each time assessed values decrease. Chief Kragness explained that the State allowed Fire Districts to maintain levy lid lifts for longer periods of time to save election monies and to assist Fire Districts in future planning. Mr. Olander noted that each election costs the City about \$100,000.

Councilmember McConnell noted that items going to ballot are very expensive and this levy wouldn't appear every year on the ballot. She pointed out that this is a recommendation and the voters will vote on this. She said she supported the recommendation and noted that this is the cost of doing business.

Deputy Mayor Scott agreed with the discussion and the Chief's words about planning and stability. He said if you are in trouble you want the best personnel and equipment responding to you. He added that we don't want to pinch pennies on this and supported the recommendation.

Councilmember Eggen supported consistent security for people who run into burning buildings and for the police who dodge bullets. He is in favor of the item. However, he felt the citizens needed more information.

Councilmember McGlashan supported the motion and said it is amazing how fast the Fire Department responds. He discussed the call numbers and stated that the numbers average out to 25 calls per day.

Mayor Ryu noted that Shoreline has been voted as the #1 neighborhood in the Seattle area and a part of that is because of the Fire Department. She appreciated the Fire Department services and supported the Resolution. She noted that 1% a year doesn't keep up with the cost of their services. She asked if the Department is respected by the rest of the firefighting community as a place new firefighters want to work. Chief Kragness noted that they have done lateral hiring and the Fire Department has a great reputation in the region. Councilmember Eggen commented that the average firefighter cannot buy a home in Shoreline.

A vote was taken on the motion to adopt Resolution No. 280, which carried 7-0.

(c) Ordinance No. 512, Work Release Fee Schedule and Sliding Scale Payment

Mr. Olander stated he would like to work with Councilmember Eggen and draft a staff report.

Councilmember Eggen stated that this item was discussed by the Council last week and he had questions. He pulled it to discuss his questions and the responses he received. He explained that this ordinance establishes a work release program for misdemeanants in the Shoreline judicial system. He said they would be released to work in the City and that this program is very important. He suggested a sliding scale for people with children. He also stated that there is no provision for release education programs. He urged the Council to consider some type of a GED program with this item because judges cannot add language about attending a GED program. He suggested language be added to the ordinance.

Mayor Ryu asked if the City could revise the program.

Mr. Norris noted that the judge has been fairly firm that if a Shoreline defendant is to enter the work release program, they are to do it at their own expense and that there aren't a lot of misdemeanants utilizing work release, maybe 20 per year. He added that the sliding scale will not be a part of the program and the judges do not favor it. He pointed out that the requirement for them to pay is on the commitment order and if they don't pay they are brought back to find out why.

Mr. Olander stated that this item can be postponed for a month or two. Mayor Ryu questioned if it is an option for the Council to adopt this and to refine it in the future. Mr. Norris replied that amendments could be done in the future and that this would add language to the fee schedule stating that the sliding scale is available for defendants to utilize.

Councilmember Eggen moved to adopt Ordinance 512. Councilmember Hansen seconded the motion.

Councilmember Way thanked Councilmember Eggen for the amendment he brought forward. She asked if King County Jail offers GED services to prisoners.

Mr. Norris noted that the services offered are dependent upon the length of stay and GED programs aren't going to work if the terms aren't long enough. He communicated that he isn't 100% sure if there is a GED program but will research it further.

Councilmember Hansen supported the ordinance and stated that these people are getting out of jail if they choose the work release program. He felt it is fair and supported ordinance.

Councilmember McConnell supported the ordinance and felt the amendments are more work than they are worth.

Councilmember Way felt this may be worth the work to provide it for someone with children and supported the sliding scale if it can be refined.

Mr. Olander stated that the Council can pass this legislation and the City staff can bring it back in six months with the sliding scale added; however, he isn't confident that there will be many who will qualify.

Councilmember Eggen agreed with Mr. Olander, but didn't think six months would be enough time and felt the Council should continue to think about this and make more inquiries in the justice system.

Mr. Olander commented that he would seek the advice and expertise of the district court judges and the prosecutor.

A vote was taken on the motion to adopt Ordinance No. 512, which carried 7-0.

RECESS

At 9:32 p.m., Mayor Ryu called for a five minute break. Mayor Ryu reconvened the meeting at 9:37 p.m.

9. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS, AND MOTIONS

(a) Ordinance No. 513 Rezoning the Property located at 14800 1st Avenue NE from R-12 to R-24

Mr. Olander introduced Joe Tovar, Planning and Development Services Director, and Steve Szafran, Planner.

Mr. Szafran displayed slides of the proposed rezone and explained how the proposal met the zoning criteria and was consistent with the Comprehensive Plan and land use policy. He noted that during the public hearing process there were concerns from the neighborhood about traffic from 1st Avenue NE, density, parking, and the lack of sidewalks. He concluded that the Planning Commission recommended approval of this rezone to R-24.

Mr. Olander stated that no public comment is heard on this rezone because it is quasi-judicial.

Deputy Mayor Scott moved to revise the City's zoning map and adopt Ordinance No. 513 rezoning the property located at 14800 1st Avenue NE from R-12 to R-24. Councilmember Hansen seconded the motion.

Councilmember Way noted that this received a Mitigated Determination of Non-Significance (MDNS) and a copy of the notice which wasn't in the packet. She said she felt like when these rezones are being done the Council needs to be given all of the pertinent information. She also stated that there should have been a copy of the SEPA checklist in the packet. She pointed out that this rezone proposal occurs next to a critical area, Thornton Creek, which is a Type 2 salmon stream. She highlighted that the language about a determination of non-significance has been issued in the ordinance; however, it failed to state that it was mitigated. She expressed concern that there is a site development plan but the applicant has not applied for permits.

Mr. Tovar said this is a rezone and there isn't a permit. He explained that it is only a legislative change, not a project. Additionally, he noted that an MDNS and the SEPA checklist should not be included because they are not needed until there is a project. He added that the property owners did have some things in mind, but nothing has been approved.

Councilmember Way said she struggles with that and knows that the creek is there so she wanted to know what the mitigation was. She wanted to know what this rezone would do and what is being proposed on the site. She said this sounds as if there would be residential at some point. She said she is glad that there will be mitigation there to enhance the creek, but creeks are affected mostly by adjacent surfaces, and this surface is a parking lot. Therefore, she is interested in how the impact can be reduced.

Mr. Olander stated that the standard that has been imposed is a 115-foot stream buffer and it is sufficient to mitigate a critical area stream and whatever gets developed on that site would have to meet the requirements.

Mr. Tovar stated that whatever the use is, it is governed by the critical area regulations and will be inspected for compliance. He noted this changes the zone from R-12 to R-24 and doesn't permit anything.

Councilmember Way noted that the mitigation performance standards note that impervious coverage shall be minimized. She noted that a 115-foot buffer is good, but if the parking lot is directed into the creek, the buffer doesn't help.

Mr. Olander stated that the technical aspects will be reviewed according to the administrative development regulations, and at this point it is hard to say what that will be.

Councilmember Way added that that is a problem because the Council won't be able to vote on any application that might be submitted for this site.

Mr. Olander added that she is correct and it would also be difficult to add to any development regulations at this stage.

Mr. Tovar again stated that there isn't a permit application to vest at this time, only a legislative rezone.

Councilmember Hansen commented that there is already an existing parking lot on this site.

Councilmember Eggen stated that the Council should assume that 85% of the surface will be covered.

Mr. Tovar responded that the code allows for that much coverage, but no site plan or building permit application has been submitted. He said it is likely that all of the surface water will be directed away from the creek.

Mayor Ryu asked about the possibility of zoning this site as R-18. She confirmed impervious surface regulations and building coverage for R-12, R-18, and R-24 zones. Mr. Szafran read into the record the City regulations on R-18 standards.

MEETING EXTENSION

At 10:00 p.m., Councilmember Eggen moved to extend the meeting for 15 minutes. Councilmember Way seconded the motion, which carried 7-0.

Councilmember Way discussed the traffic issue and noted that Commissioner Piro asked residents at the Planning Commission meetings about 1st Avenue travel and parking; they responded that there is congestion in this area. She asked if a copy of the traffic study was in the packet. Mr. Szafran commented that the traffic study was specific to the Northwest Center property on Queen Anne. He noted that there hasn't been an actual study done.

Councilmember Way wondered how much the traffic will increase. Mr. Tovar said SEPA noted that citywide traffic would increase. He added that the Comprehensive Plan included the SEPA for citywide traffic and it was approved by Council. He said there was no need for another SEPA analysis and traffic study because it is within what has been previously analyzed.

Mr. Olander said the Commission noted that the higher amount of traffic was appropriate because of increased bus and light rail at that location. He added that the Council needs to decide where increased density is appropriate.

Councilmember Way said there may be additional bus service, but light rail or any relief for that neighborhood won't come for quite a while. She added that there currently aren't any sidewalks and they would be required. She noted that this street is busy already and is concerned with the impacts once something gets developed.

Councilmember Eggen returned to Mr. Tovar's comments about the traffic analysis and said the definition of high density has changed; the maximum density was R-36 at that time, now it's R-

48. He questioned if there was some hazard in relying on that past analysis. Mr. Tovar commented that if it was about a specific development he would be concerned about relying on it.

Councilmember Eggen asked how the traffic impacts would be mitigated. Mr. Tovar replied that the traffic would be mitigated through lane widening, signal additions, roadway improvements, adding turning lanes, and so forth. He said there are a host of other changes that could be made to mitigate traffic.

Mr. Olander pointed out that if service levels increase then mitigation would occur. Mr. Tovar said the engineer looked at this and no red flags came up with this proposal.

Mayor Ryu asked if the Council could revise this to R-18. Assistant City Attorney Flannery Collins noted that they can and R-18 was discussed. Councilmember Hansen highlighted that the Commission rejected R-18.

Mayor Ryu noted that the proposed developer is interested in working with the City and is looking for certainty that if they invest, they will have the ability to branch out into some residential uses. She suggested the Council consider rezoning this to R-18 instead of R-24.

Councilmember Way inquired if there was any discussion concerning the steep slope. Mr. Szafran stated that there wasn't anything in the SEPA concerning this.

MEETING EXTENSION

At 10:15 p.m., Councilmember Eggen moved to extend the meeting for ten minutes. Councilmember Hansen seconded the motion, which carried 7-0.

Deputy Mayor Scott commented that when the Council is considering legislative land use actions, references to specific projects and developers need to be excluded from the documents they consider. He noted that the packet included several references to NW Center.

Councilmember Way moved to amend the previous motion to adopt Ordinance No. 513, by rezoning the property located at 14800 1st Avenue NE from R-12 to R-18. Mayor Ryu seconded the motion.

Councilmember McGlashan noted that R-18 allows for more pervious surface and parking lot area. However, it does revise the building coverage on the lot. He opposed the motion.

Deputy Mayor Scott noted that Planning Commissioner Broili explained at the Commission meeting that R-18 reduces the density and allows for a project to go in. He felt R-18 would address the density concern.

Councilmember McConnell wondered why R-18 wasn't adopted by the Commission. She pointed out that the Commission unanimously recommended R-24 to the Council.

Mr. Szafran explained that the Commission reviewed that Linden Avenue was rezoned to R-24 and it is similar to this item. He said the Commission took that into consideration when they recommended rezoning this to R-24.

Deputy Mayor Scott commented that one of the challenges of having a specific plan is that the discussion was about the NW Center development. He stated that as long as the NW Center was a part of the discussion it clouded the decision-making process. He said the Council is not here to minimize the recommendation of the Commission. However, he felt R-18 is a reasonable compromise because it adds capacity to the community.

Councilmember McGlashan noted that 1st Avenue NE is messy and the speed limit on the street is 30 miles per hour. He felt there should be strict mitigation to include speed revisions and that cut through traffic is going to be an issue. He commented that there is a park across the street for residents to use when the density is increased and doesn't support the motion to rezone this property to R-18.

MEETING EXTENSION

At 10:25 p.m., Councilmember McGlashan moved to extend the meeting until 11:30 p.m. Councilmember Hansen seconded the motion, which carried 7-0.

Councilmember Way stated that there is no way to control additional density, and she isn't sure any more mitigation would do anything to fix the problem. She felt R-18 would put a damper on the neighborhood and hold off any further environmental impacts.

Councilmember Eggen asked what the most common type of development under R-24 zoning was. Mr. Szafran replied that it was townhouses. Councilmember Eggen deduced from the site plan that a stream buffer will control the impervious surface. Mr. Tovar replied that compliance to the stream buffer must occur. Councilmember Eggen concurred that that is true with building coverage. He added that the intersection at 1st Avenue NE and 155th Street SW isn't safe because there is only a stop sign there. However, he felt it is a great site for density because of pretty good transit service. He also stated that one of the reasons the Commission didn't pursue R-18 because there wasn't any analysis done comparing R-18 to R-24.

Deputy Mayor Scott echoed Councilmember Eggen's comments and said R-18 wasn't introduced because R-24 was heavily considered. He read from the Commission minutes and said that there was significant focus on the applicant and plan and not on the zoning by the City staff and at the Commission level. Additionally, he pointed out that it is unfortunate the applicant and the financial implications for the applicant were discussed at the Commission meeting.

Mayor Ryu communicated that Planning Commissioner Broili also expressed that the City staff didn't take the time to compare R-18 and R-24 for this area. She continued and reviewed what the Council options were for this item.

Councilmember Way suggested this item be remanded back to the Commission and that the City staff review zoning the area to R-18.

Mr. Olander commented that the information is in front of the Council and stated that they probably won't get any new information from the Commission concerning this rezone.

Councilmember Hansen supported the R-24 rezone and said the property can handle the density and the Commission has looked at this thoroughly and the Council is forcing development to go into the neighborhoods. He said the Council should make a decision and move on.

Councilmember McGlashan highlighted that the option to rezone this property to R-18 was moved twice and failed twice in the Planning Commission. He supported zoning this property R-24.

A vote was taken on the amendment to rezone the property located at 14800 1st Avenue NE from R-12 to R-18. Motion carried 4-3, with Councilmembers McGlashan, Eggen, and Hansen dissenting.

A vote was taken on the motion to adopt Ordinance No. 513 rezoning the property located at 14800 1st Avenue NE from R-12 to R-18. Motion carried 4-3, with Councilmembers McGlashan, Eggen, and Hansen dissenting.

10. ADJOURNMENT

Ronald Moore, Deputy City Clerk

This page intentionally left blank.