

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF BUSINESS MEETING

Monday, March 26, 2007 - 7:30 PM
Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Ransom, Deputy Mayor Fimia, Councilmember Gustafson,
Councilmember Hansen, Councilmember McGlashan, Councilmember Ryu,
and Councilmember 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.

(a) Update from Metropolitan King County Councilmember Bob Ferguson

Bob Ferguson, Metropolitan King County Councilmember, updated the City Council on the County budget process. He noted that there are two budget committees which review the budget in King County; the Operating Budget Committee and the Capital Budget Committee. He stated that he chairs the Operating Budget Committee and since he will be negotiating with the Executive branch on the budget he wants to know the City of Shoreline's issues and priorities. He noted that this year there have been a series of focus groups in every district, and the results from these focus groups will be discussed at two open public meetings. The first public meeting will be held on March 28 regarding budget priorities. He hopes to have a document ready for the Executive based on these public meetings in May. He noted that one of the main issues for Shoreline residents is the future of public health clinics in King County. He said there is no guarantee for keeping both of the local clinics open next year, however, this was shown to be a priority in the County following the focus groups. Thus, there is a town meeting with the King County Public Health Director on May 3 at Meridian Park Elementary. There will be a King County Committee of the Whole meeting on June 25, and one of the main topics is the future of mental health and chemical dependency in King County. This meeting will discuss the fact that the average jail stay is much higher for those with mental health or chemical dependency issues. He discussed Conservation Futures Trust funding and the three projects for Shoreline. Two of these projects include the \$100,000 for South Woods and \$100,000 Seattle Public Utilities properties, which he co-sponsored, and

another is the \$21,000 for Paramount Park. He said he understands that there is an additional \$300,000 being introduced by the Citizen's Board for the Conservation Futures Funds, and he will research that proposal.

Councilmember Ryu stated that she was happy to support King County Public Health last year.

Councilmember Ferguson thanked Councilmember Ryu for her support and said he is heavily involved in these discussions and is pleased when his colleagues follow up. He added that he is pleased there are existing funds for this year, but the future is unclear.

Councilmember Gustafson hoped that the June 25 mental health meeting would emphasize homelessness, since mental health is one of the components in the 10-year project to end homelessness.

Councilmember Ferguson agreed that it is and there are briefings which relate to homelessness. He shared two stories of people who have gone through the criminal justice system and have succeeded.

Councilmember Way commented favorably on the Paramount Park funding, noting that Paramount Park has been an ongoing need for the past 17 years. She asked about fluorescent light bulb recycling and how King County is addressing bulb disposal. She noted that another issue is Aurora Avenue and its effect on water quality. She asked if King County has some baseline monitoring records on Boeing Creek. She felt information pertaining to the life index of the creek would be useful to have, since Aurora Phase 2 is ready to begin.

Councilmember Ferguson responded that he would look into both issues and report back.

Councilmember McGlashan questioned if there is absolutely no funding for Public Health next year.

Councilmember Ferguson said they have been running it at a deficit, but there needs to be a policy decision as to whether it will continue in this way or if other alternatives are available. He added that the proposal last year to close two clinics was unacceptable to him. Last year, it was decided to apply the funding for 2008 to 2007, which allows time to bring an expert panel together and look at options. The King County Council and the Executive will need to come up with a long-term solution.

Deputy Mayor Fimia said public health is core essential service. She stated that one of the Council goals is to work with the State on a Fircrest master plan. She pointed out that the 300-bed North Rehabilitation Facility (NRF) used to be there and it was run by public health and the jail for drug-based treatment offenders. It was a well-rounded program which had treatment, job-training and education programs. She commented that the facility had good results and the County was on track to rebuild it, with overwhelming support from the community, but it was suddenly closed. The community was upset when it closed and now there is an opportunity in this master plan process for the County to join us and correct the

loss.

Councilmember Ferguson said he has heard about that facility during his campaign last year and learned a lot of about it. He said he would be happy to work with the Council on it.

Deputy Mayor Fimia added that there is a need for additional bus service, to include local routes in Shoreline.

Councilmember Ferguson said that one of the Rapid Ride routes was earmarked for Shoreline. However, he said he needs to get the details back to the Council. He agreed that there is a need for routes within Shoreline and he is aware of the problems.

Deputy Mayor Fimia summarized that all the new funding is going to Sound Transit and that should be changed if the County is serious about growth management.

Councilmember Hansen thanked Councilmember Ferguson for his work in supporting the City of Shoreline and the issues. He added that public health is very important. He also thanked him for the Conservation Futures funding.

Mayor Ransom restated that the Council is interested in health clinics. He added that the NRF was very effective in this area and would like to see it rebuilt. He noted that there was also an alcohol abuse center there and it worked very well. Mental health and substance abuse counseling are both key issues with regard to jails, he said. Rehabilitation is also a key component, as well as the ability to help people find jobs and housing to assist them in being more stable so they may get their problems resolved. Another issue is the transfer station and whether they can handle hazardous waste and other products. He also wondered if there was a hazardous waste program for businesses to utilize. He also asked that Councilmember Ferguson notify the Council about the scheduling of the town meetings.

3. REPORT OF THE CITY MANAGER

Bob Olander, City Manager, reported that there is a Forum on King County Budget Priorities on March 28th. There is also a Richmond Beach Saltwater Park Restoration Work Party on March 31, and the City is seeking volunteers. The next Comprehensive Housing Strategy Citizen's Advisory Committee meeting will be on March 27 at the Shoreline Fire Department, and the next Shoreline 2010 Speaker Series event will be on April 5th at 7 the Shoreline Conference Center. He noted that as the application process for the Parks Board is closed, it would be appropriate for Council to appoint a subcommittee to review the applications and make a recommendation to the full Council.

Mayor Ransom noted that there are 16 applications with four positions and two youth positions and only two youth applied. He said that he and Councilmember Gustafson are interested in this issue and have been involved for three years. He added that Councilmember Ryu was a member of that committee prior to becoming a Councilmember. Additionally, Deputy Mayor Fimia and Councilmember Way are interested in being on the subcommittee. He said he will postpone the decision until next Monday.

Councilmember Hansen suggested that the Mayor put all five interested Councilmembers on the subcommittee and make all of the meetings open to the public.

Mayor Ransom was concerned about applicants sitting in as observers during other applicant interviews. This would cause one applicant to be able to observe the interview and already know what questions would be asked.

Councilmember Gustafson felt that three Councilmembers on the subcommittee has worked well in the past, adding that the full Council will be making the decision.

Councilmember Way appreciated Councilmember Hansen's suggestion and added that it is a matter of establishing ground rules for the committee and applicants.

4. REPORTS OF BOARDS AND COMMISSIONS

Councilmember Way attended a WRIA-8 event called "Lead Entities for Salmon Recovery" in Olympia. She said it was a nice way for people to share information and ideas. Additionally, she also attended the WRIA-8 meeting last week and they re-elected their leadership; Bellevue Councilmember Don Davidson and King County Councilmember Larry Phillips. There were several issues discussed, such as the allocation guidance for the King County Conservation District, salmon recovery funding, and Cocanee conservation.

Councilmember Ryu said she attended the March SeaShore Transportation Forum meeting and an open house hosted by them. She highlighted that the entire Sound Transit and Regional Transportation Investment District (RTID) area is being divided into corridors which will make it more important that SeaShore stay intact. She said she passed out the draft forum minutes from February 21 to the Council and the update on those minutes is that every single city except Woodinville has responded to the SeaShore Transportation Forum agreement. Seattle has not had chance to consider it and Shoreline is the only city that hasn't agreed to it. She said the RTID study is not very representative of Shoreline and she appreciated the City's household tax burden study.

Mayor Ransom said the Council should give a report on the National League of Cities conference next week.

5. GENERAL PUBLIC COMMENT

(a) Sally Granger, Shoreline, commented on the proposed cable tax. She said it would result in a 12% tax on her only entertainment source. She calculated it to be an increase of \$5.38/month, or \$65/year. She said the cable bill goes up every year and she already pays taxes on other utilities and isn't in favor of the cable tax.

(b) Virginia Paulsen, Shoreline, discussed the Seattle City Light 3% contract payment. She said it is basically a tax increase. She urged the Council and the City staff to reduce expenditures rather than increase taxes. Specifically she wanted to reduce the almost half-

million travel budget. She pointed out that teachers pay for their own professional development and get training on their own time. She said there are other critical needs in Shoreline such as chemical dependency treatment. She added that there are also additional counseling needs in the City. She said the Council needs to take care of citizens needs and spend more money on preventative measures.

(c) LaNita Wacker, Shoreline, corrected a misstatement she made last week regarding the average cable utility bill. She noted that under the proposed cable tax increase, the tax rate on a \$60 bill would be \$3.60. She said she is very sympathetic to people on fixed incomes, but she is looking at overall health of City. She pointed out that the driving force of the shortfall is the police contract and health benefits increasing at a greater rate. These inflationary increases cannot be avoided, and the City needs to build up the revenue stream. She added that the Seattle City Light increase is minimal compared to the health benefits and salary increases impact on the budget. She favored the cable tax increase, noting that the City must keep pace and cannot pass an unbalanced budget.

(d) Dennis Lee, Shoreline, thanked the Council for the Traffic Safety Citizen's Advisory Committee that was established a year ago. He said traffic circles were installed because of this committee. He said there was an open house that had a large turnout that led to sidewalk prioritization in the community. However, no decision was made on 25th Avenue. He said neighbors have been coming to him with concerns that there is a public comment deadline on sidewalks on 25th Avenue. He asked that the City define stakeholders in the future so they can assist with the planning of the meetings. He said his community is clearly the stakeholders in this case. He asked the Council for an extension of the public comment deadline and to allow neighbors to participate. He said the work on 25th Avenue needs to be looked at comprehensively because of several outstanding issues.

(e) Randall Logerberg, Shoreline, commented on the parking and traffic issues related to the 25th Avenue project. He said there is a bike path on the west side of the street and east side parking problems. He asked that those issues be addressed, noting that if cars are forced to park on the street, the bike path would be eliminated.

(f) Dom Amor, Shoreline, asked the City to coordinate a solution at the intersection of NE 205th Street and 6th Avenue NE. He said he was informed by Metro that they are closing down the bus stops on State Highway 104. He said Metro sees them as problem because the location has been deemed unsafe for pedestrians. He noted that King County Councilmember Bob Ferguson's office and the City have been very helpful with this issue and they are committed to finding a solution. He said there are approximately 90 to 110 homes that have this as their only bus stop. He commented that Metro's solution is to get rid of the bus stops instead of finding a solution for the community.

Councilmember McGlashan inquired if the buses continue onto the freeway from that stop.

Mr. Amor responded that they continue to the Bellevue Transit Center via Ballinger Way, Kenmore, Bothell, and then to Interstate 405. However, there is another bus that runs down

Ballinger Way. In addition, Community Transit buses utilize that bus stop and continue to downtown Seattle.

Councilmember Hansen inquired if the bus was coming from the Aurora Transit center and if it used to stop on 5th Avenue NE. Mr. Amor responded that it does come from the Aurora Transit Center but he didn't think there was a stop on 5th Avenue. Councilmember Hansen confirmed that 6th Avenue is the entrance to Northridge. He wondered if the buses could possibly come up 5th Avenue, because to eliminate a bus stop from that neighborhood is essentially "telling people to get back in their cars." Mr. Amor agreed and stated that taking that bus stop away is counterproductive to their efforts of increasing ridership. Councilmember Hansen said they should replace that stop if they remove it because it is hazardous for residents to have to walk to another one in that area due to the lack of pedestrian crossings.

Mr. Olander stated that eliminating the bus stop is not the answer to what is a pedestrian safety issue.

Mr. Olander stated he would have the Public Works Director speak to Mr. Lee and the people in that community about extending the public comment period. He said he would follow up on Mr. Amor's bus stop closure concerns and contact the State and King County Metro to see what can be done. Deputy Mayor Fimia clarified that the specific question was if the Friday deadline could be extended. Mr. Olander said he knows it can be extended, but wasn't sure how far it could be extended because of project timetable commitments.

6. APPROVAL OF THE AGENDA

Mayor Ransom asked that the March 5, 2007 Special Meeting minutes be pulled from the consent agenda for future consideration. Deputy Mayor Fimia asked that Consent Item 7(c) be moved to Action Item 8(d). Upon motion by Deputy Mayor Fimia, seconded by Councilmember Hansen and carried unanimously, the agenda was approved as amended.

7. CONSENT CALENDAR

Deputy Mayor Fimia moved to approve the Consent Calendar. Councilmember Hansen seconded the motion, which carried unanimously, and the following items were approved:

Minutes of Business Meeting of November 13, 2006

Approval of payroll and expenses as of March 14, 2007 in the amount of \$22,235,589.07

Ordinance No. 462 Deleting All References to Cottage Housing and Amending Shoreline Municipal Code Sections 20.20.014, 20.40.030, 20.40.230, and 20.50.020

Ordinance No. 465 Reclassifying the Human Services Manager within the City's

Classification and Compensation Plan and creating the Community Services Division

Motion to Authorize the City Manager to Approve a Settlement in the amount of \$199,000 for a portion of the Joshua Green Corporation parcel required for the Aurora Corridor Project Phase 1

Motion to Authorize the City Manager to execute a contract with Susan Black & Associates, Inc. for professional services in an amount not to exceed \$146,007 for the Cromwell Park and Hamlin Park Facility Upgrade Improvements and Shoreline Park Tennis Court Lighting Projects

RECESS

At 8:46 p.m., Mayor Ransom called a five minute recess, during which time Councilmember McGlashan stated that he was recusing himself from the next agenda item and left the meeting. At 8:56 p.m., Mayor Ransom reconvened the meeting.

8. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

(a) Ordinance No. 460 amending the City's Official Zoning Map changing the zoning from Office (O) and Residential 48 DU-AC (R-48) to Community Business of two parcels located at 18501 and 18511 Linden Avenue North (parcel numbers 7283900302 and 7283900303).

Mr. Olander introduced Planning and Development Services Director Joe Tovar and City Planner Steve Szafran. He reminded the Council that this is a quasi-judicial item.

Mr. Tovar commented that when the Planning Commission discussed this proposal, the past practice of conditioning rezones was addressed. He highlighted that this rezone comes to the Council with the recommendation not to impose any conditions on the property owner, and the rationale for this is explained in the report. There was a discussion of densities in certain zones (the unit count) and the history of the zoning code and designations in Shoreline. He also said there are some problems with the way zones are interpreted today.

Steve Szafran, Planner, presented slides of the area which highlight the comprehensive plan and current zoning for the area. He stated the area is zoned for mixed use (MU) and community business (CB). He noted it is zoned for R-48 to the north, with a single family home on the site that is used as storage space.

Deputy Mayor Fimia asked Mr. Szafran to briefly explain the comprehensive plan designation and zoning.

Mr. Tovar clarified that the Comprehensive Plan is the policy document of the City which generally talks about preferred uses of the property. Zoning, and text of the zoning ordinance, spells out specifically what is permitted on a parcel in terms of building height, unit count, and parking requirements. Zoning controls the use of the property and the plan provides

direction to the zoning, but doesn't speak directly to the permits on the project. Therefore, he pointed out, zoning is the most important subject tonight.

Mr. Szafran described the adjacent uses and explained that the proposed CB zone is for 15 dwelling units, has a 60 foot height limit, allows for a mix of commercial and residential uses, provides a transition from Aurora from the east to single-family to the west, and provides services for surrounding neighborhoods. He highlighted that the Planning Commission recommended approval of CB zoning.

Mayor Ransom inquired how community business differs from a neighborhood business (NB).

Mr. Szafran explained that NB allows fewer units per acre for commercial and no maximum densities for residential.

Councilmember Gustafson moved to adopt Ordinance No. 460 amending the City's Official Zoning Map changing the zoning from Office (O) and Residential 48 DU-AC (R-48) to Community Business of two parcels located at 18501 and 18511 Linden Avenue North. Councilmember Hansen seconded the motion.

Councilmember Gustafson inquired why the parcel was changed to CB as opposed to regional business (RB).

Mr. Szafran explained that it involves the number of units the property owner wanted to have on the parcel. RB doesn't have a density maximum for commercial properties.

Councilmember Ryu stated there was discussion in the Planning Commission meeting about traffic and that the parcel has nine parking spaces where eight are required under the Shoreline Development Code. She also added that there isn't any on-street parking on the west side. However, there is parking on the Linden Street side. Therefore, she wondered if the Council can discuss the current need aside from what the Code requires. She added that a salon usually has a person working for each chair, so that would mean two people per chair.

Mr. Tovar stated that the parking standards will apply to the use regardless of the zoning, so the type of retail use the parcel will have is not an issue. Mr. Szafran noted that retail parking is based on one space per 300 square feet according to the Code.

Councilmember Way referred to a letter from a citizen concerned about adequate parking. She expressed concern about future usage and future development at this site and its capacity. She wanted to know if the Comprehensive Plan would address the parking and its impacts.

Mr. Tovar replied that the Comprehensive Plan doesn't involve that level of detail. If a rezone occurs, then the code would control any new permits, including what parking would be required for the type of use. There would be a SEPA review and a look at the square footage and what parking impacts would occur. This is the way future redevelopment would be evaluated by the City. He noted that parking would have to be reviewed at the time a

permit application is submitted.

Mr. Olander added that if the property is redeveloped under current zoning, the property owner would have to meet the current parking requirements for multifamily/office.

Councilmember Way inquired if community business zoning would permit adequate parking to get cars off of the street.

Mr. Tovar said they must have enough parking on the site to accommodate the requirements of the specific use.

Mr. Olander commented that the SEPA overlay also requires that all traffic and safety requirements are met.

Mr. Tovar added that there would be a new SEPA done regarding the use, square footage, parking and traffic count, and conditions could be imposed on the project or the permit application and the public would be involved in the SEPA process.

Mr. Olander also noted that the SEPA can't be arbitrary and must pertain to the specific impacts.

Councilmember Way said Mr. Howe's letter expressed issues about sidewalks; specifically, he called attention to the fact that there are no sidewalks on one side of the street. Mr. Szafran replied that eight-foot sidewalks with an amenity zone would be a condition that would be required.

Councilmember Way said, according to Ken Howe's letter, there will be a shifting of zoning. Mr. Szafran clarified that he was referring to the defining of Linden Avenue as the division line between residential and commercial use properties on the street. However, the salon is a commercial property already.

Councilmember Way felt that since the first house is a residence there is no major reason for concern and presents less of a burden on the neighborhood than what was requested. She added that this type of development is typical of much of the neighborhood.

Councilmember Ryu clarified that about half of the area is R-48 and half of it is office. She questioned if the NB zoning would intensify use above the current "half-and-half" use. Mr. Szafran responded that R-48 would be fifteen units; thus, NB would yield a higher intensity.

Mr. Tovar added that owner was trying to achieve retail on the ground floor with multifamily on the second floor. He explained that the Planning Commission noted that the NB allowed for too many units and CB allowed too few units. Therefore, the applicant is willing to work with City with the understanding that the unit count may be revisited in the future.

Councilmember Ryu said she is concerned about the "creep" of commercial zoning into the single family zoning within same block. The surrounding areas are designated as R-12 and R-

18. She is also worried about parking issues and the letters ask whether the on-street parking would be intensified. She asked if NB zoning was discussed as an option. Mr. Szafran replied that it wasn't.

Councilmember Gustafson noted that there was a lengthy discussion at the Planning Commission level. He added that the Planning Commission voted unanimously to pass as this as a CB zone and he supports the decision of the Planning Commission.

Deputy Mayor Fimia supported the recommendation, but with two reservations. She said the changes to the Shoreline Development Code are not available to the Council and they may or may not pass. She added that the applicant must understand that and must be willing to assume that risk. Another concern, she added, is that people keep coming into Shoreline, but traffic and parking continue to be a problem. She stated the City can't keep growing without transit.

Mayor Ransom felt the record was very comprehensive and he found answers to his questions. He supported the motion. He stated for the record that Councilmember McGlashan recused himself from the discussion because he is a partial owner of the property.

A vote was taken on the motion to adopt Ordinance No. 460 amending the City's Official Zoning Map changing the zoning from Office (O) and Residential 48 DU-AC (R-48) to Community Business of two parcels located at 18501 and 18511 Linden Avenue North, which carried 5-0-1, with Councilmember Way abstaining.

At 9:26 p.m., Councilmember McGlashan rejoined the meeting.

(b) Ordinance No. 461 amending the City's Official Zoning Map changing the zoning from R-4 to R-6 of two parcels located at 20309 8th Avenue NW and 20320 10th Avenue NW (parcel numbers 0126039216 and 0126039632).

Mr. Tovar stated that the same dialogue took place at the Planning Commission regarding this rezone. He reminded the Council that this is a quasi-judicial rezone.

Mr. Szafran highlighted that the entire area has a comprehensive plan designation of low density residential. The zoning of this particular site is R-4, which is surrounded by R-6 zones. The two homes on the site are consistent with existing zoning, and the Planning Commission recommended approval of this rezone.

Mr. Tovar stated that historically there may not have been utility services to the area and R-4 may have been used to signify that.

Councilmember Gustafson moved to adopt Ordinance No. 461 amending the City's Official Zoning Map changing the zoning from R-4 to R-6 of two parcels located at 20309 8th Avenue NW and 20320 10th Avenue NW. Councilmember Hansen seconded the motion.

Councilmember Way stated she is confused by the discussion and testimony in the Planning Commission hearing because there was discussion concerning the open space and the steep slope adjacent to the property. Despite reading the Planning Commission minutes, she felt like she didn't have any information on the site. She asked if there was a technical report or a SEPA determination to review.

Mr. Tovar responded that there was a SEPA done on the rezone, but this isn't a project so there are no buildings, roads, or lot lines to review. The changing of the map from R-4 to R-6 doesn't involve any type of construction or project. If any future projects are proposed, they will be properly reviewed by Public Works and Planning.

Councilmember Way then questioned why the open space and topography aren't defined; she believed it was designated R-4 because this parcel is in a heavily-treed ravine. She added that according to the criteria on page 146, a steep slope would impact the area.

Mr. Tovar said there is a description in the Planning Commission record relating to the topography and the existing buildings. He noted that the northwest corner of the City involves a pattern of natural systems, and this zoning is not unusual. The Planning Commission concluded that if it is rezoned to R-6, the potential for more housing is apparent, but there are no site plans to consider at this time.

Councilmember Way wondered if the City's own information is part of the record. She inquired if the characterization report can be considered.

Mr. Tovar said if it wasn't a part of the record in the Planning Commission, then it wasn't added as a part of the documentation for this meeting.

Ian Sievers, City Attorney, said a description of the property as a part of the SEPA checklist would have been discussed.

Mr. Tovar noted that the City's topography and a wetland/stream characterization report was not considered in the context of the Planning Commission hearing.

Councilmember Way inquired if a site visit is permissible.

Mr. Sievers advised that if the Council needs to rely on information from a site visit, then it should be included in the record.

Councilmember Way felt the slope is a part of a network of steep slopes running east-west down to Puget Sound. She suspected that there is some water feature involved and maybe it is the fault of neighbors for not bringing it up.

Mr. Olander said Mr. Szafran did mention that there is one small corner of the parcel that might include a steep slope. However, this, along with other site considerations, is determined at the time of permit application. It is not something the City deals with at the rezone level. He added that all of those are implemented on the ground at time of application.

Councilmember Way clarified that the proposal states that up to ten units are allowed on this property.

Mr. Olander further clarified that it would allow up to ten units minus the areas of slope setbacks and roadway improvements. The on-site development would need to be looked at to see what would fit based on the topography and the critical areas.

Councilmember Way said this seems backwards and the developer will come in with a proposal to build on a steep slope. She said she can't support this.

Mr. Tovar added that there is a reference in the checklist that is a part of the record that the maximum slope on this site is 20%, which is well below what a significant or critical areas slope would be.

Councilmember Gustafson read on page 161 that any development would be located away from any sensitive areas, and natural landscaping would provide a buffer between the homes to the north and south. He also noted that the Planning Commission passed this item by a vote of 7-0.

Councilmember Ryu said it seems that eleven units are allowed, and ten are being considered. She stated if the zoning stays at R-4, seven units would be allowed. Thus, it is a matter of building three more units and maximizing it to eleven units. She asked how close the 20% maximum grade was to the "gully."

Mr. Tovar stated that the term "gully" is not defined in the Code. The information in the checklist is from a geotechnical survey. He felt the term "sensitive" is not used properly in the minutes.

Councilmember Ryu said she is concerned about intensifying the use, especially to the south and west of the property where there is a lot of level ground. She added that there haven't been others that have asked for rezoning and she is also concerned about sensitivity of that area and the topography. She is also worried about the potential increase in maximum impervious surface area and the addition of four more housing units. She had reservations about approving this proposal.

Councilmember McGlashan stated that there were several references, one of them on page 138, concerning a greater consistency with the Comprehensive Plan through area-wide rezoning. He asked if there was anything coming before the Council concerning this.

Mr. Tovar responded that the general subject will come to the Council through the Comprehensive Housing Citizen's Action Committee strategy, but nothing is proposed by staff or the Planning Commission.

Councilmember McGlashan clarified that there is a possibility that it will be brought to the Council someday to rezone the entire area to R-6. He inquired if there was access to 10th

Avenue.

Mr. Tovar said the possibility is there, but it would entail crossing two separate property owners land. Therefore, it is unlikely.

Deputy Mayor Fimia noted that the Development Code allows for six significant trees to be cut without a permit. She asked if it was just an administrative permit, and whether they would just apply for a permit to cut more than six. She felt more than six trees would need to be cleared to make room for homes. Mr. Szafran clarified that it is six "significant" trees. He said it is allowable to cut more than six "insignificant" trees. She said this rezone is close to 5th Avenue and it is hard to increase the density in a neighborhood with an R-4 zone.

Councilmember Way inquired if this could be remanded back to the Planning Commission.

Mr. Tovar said that is always a possibility, however, the Council would need to provide some direction about what it wants done as part of the remand.

Mr. Olander commented that we are legally advised to separate the requirements which are a part of the development regulations. As a rule, there are lines that shouldn't be crossed with respect to specific rezones. In viewing the issue broadly, these R-4 lots are no different than most areas of the City. However, there has been a general baseline of R-6 established as an acceptable suburban density. He noted that lower densities are getting harder to defend in Growth Management hearings. He summarized that accepting our fair share of the increasing densities versus trees, open space, and those types of issues is always a part of the tradeoff.

Mayor Ransom commented that his concern is the continuity with the zoning. He pointed out that there was considerable debate when there was "big five" zoning with 2,500 square foot lot sizes surrounded by R-6. Critical areas will define what can be built, so he felt R-6 is reasonable. This, he added, is a density issue, and R-6 is our standard. He said there is no reason to treat this differently, so he supports the proposal.

Councilmember Way urged the Council to consider remanding this item. She said you can see why it was zoned as R-4 by the shape of the lot. She said it is tough to build on because it has a heavily treed, deep ravine. She also believed it is a part of the extended watershed. She said it is reasonable to remand it back to the Planning Commission to seek more information on nearby critical areas, the number of trees, the open space, and the impact to neighborhood.

**Councilmember Way moved to remand this item back to the Planning Commission.
Councilmember Ryu seconded the motion.**

Councilmember Hansen spoke against the motion. He said this is an issue of fairness, pointing out that the property across the street is zoned R-6 to include all of the properties to the south and the property to the west. He favored the original motion to rezone the property from R-4 to R-6.

Councilmember Ryu referred to the photo of trees and said there is a reason why the trees are still there. She said the reason is because the land cannot be developed. She questioned if the City would be liable for issuing permits for homes that eventually slide down the hill.

Mr. Sievers advised that the City would not be liable, noting that the Phillips case, a storm water project, provides legal precedence. He explained the case law and stated the City would not be found liable for permitting on private property.

MEETING EXTENSION

At 10:00 p.m., Councilmember Gustafson moved to extend the meeting until 11:00 p.m. Councilmember McGlashan seconded the motion, which carried 7-0.

Councilmember Ryu clarified that whether the City rezones the property or not, if the application is approved and the property owner sells it to future homeowners, they are taking on all the risk.

Deputy Mayor Fimia commented that the Council needs to be very careful and must adhere to the record since this is a zoning question, not a permitting issue.

Councilmember Gustafson spoke against the motion, noting that the City has changed from 2,500 to 7,200 square-foot lots. He said this is a private property owner who has requested something reasonable that has been approved by the Planning Commission by a vote of 7-0. He favored the original motion.

Councilmember McGlashan asked about the date of the photo that was presented in the meeting materials. He noted that an aerial photo he found on the internet shows fewer trees and a house built in the upper corner of the parcel.

Mayor Ransom stated that photo cannot be considered. He asked the City Attorney if Councilmember McGlashan is still allowed to vote based on his viewing of that photo.

Mr. Sievers responded that Councilmember McGlashan does not have to recuse himself; however, he must limit his decision to the record.

Councilmember Way noted that this photo issue demonstrates why this item should go back to the Planning Commission. The Council doesn't have enough information to make a proper decision, she said.

A vote was taken on the motion to remand this item to the Planning Commission, which failed 3-4, with Deputy Mayor Fimia and Councilmembers Ryu and Way voting in the affirmative.

A vote was taken on the motion to adopt Ordinance No. 461, amending the City's Official Zoning Map changing the zoning from R-4 to R-6 of two parcels located at

20309 8th Avenue NW and 20320 10th Avenue NW, which carried 4-3, with Deputy Mayor Fimia and Councilmembers Ryu and Way dissenting.

Deputy Mayor Fimia stated that Item 7(c) needs to precede Item 8(c) because she has amendments to 7(c) that might affect her vote on Item 8(c). **There was Council consensus to consider Item 7(c) next.**

(c) Ordinance No. 463 Amending the 2007 Budget for Uncompleted 2006 Capital and Operating Projects and Increasing Appropriations in the 2007 Budget

Debbie Tarry, Finance Director, explained that the need for the budget authorization is largely due to timing and billing issues. She explained the budget carryover process and the fact that they don't increase project budgets. She discussed the budget amendments including a \$100,000 grant for Zone 1 Emergency management, \$30,000 for software licensing, and other minor additions. The total amendment amount is \$249,000, most of which is offset by revenue.

Mayor Ransom stated that most of the capital project amendments are for parks projects and the Aurora Avenue project.

Ms. Tarry concurred, adding that they are in the Capital Improvement Plan (CIP) and the parks projects are funded through the bond issue.

Deputy Mayor Fimia moved to adopt Ordinance No. 463 amending the 2007 Budget for Uncompleted 2006 Capital and Operating Projects and increasing appropriations in the 2007 Budget. Councilmember Gustafson seconded the motion.

Mayor Ransom called for public comment. There was no one in the audience wishing to provide public comment.

Councilmember Hansen supported this amendment. He noted that this is something the Council has done routinely as a "housekeeping" entry. He said he has reviewed all the data.

Deputy Mayor Fimia asked how proposed reductions show up on the budget.

Ms. Tarry stated that City staff would come back to the Council with a budget amendment with the reductions, which would become effective in July.

Deputy Mayor Fimia moved to direct City staff to reduce the 2007 budget for travel, lodging, membership dues, and training by 10 percent, or approximately \$45,000, and reallocating \$22,000 to Human Services, \$10,000 to the Neighborhood Traffic Safety Program, and \$13,000 to Facility Long-Term Maintenance. Councilmember Ryu seconded the motion.

Deputy Mayor Fimia explained the rationale for her amendment and stated that the Council and Departments can determine where the reductions will be made with the exception of

training. She added that because there is a growing budget gap, the Council must first fund essential services such as safety, maintenance, and human services. She added that before taxes are raised, the City must execute some fiscal prudence. She said this budget item is high for large cities in our region (\$450,000).

Mayor Ransom asked Ms. Tarry for a breakdown of the \$450,000.

Ms. Tarry responded that there are \$156,000 in dues and memberships. These include memberships to organizations such as the Association of Washington Cities (AWC) and the Puget Sound Regional Council (PRSC) which total \$102,000 of the \$156,000. She added that the rest of the \$156,000 are City staff memberships in professional organizations needed for their profession or as a part of City government. She noted that the travel budget is almost \$162,000. She explained that 80% of this budget is related to Council and staff development. This represents attending conferences and association training sessions, to include the National League of Cities Conference. In addition, a small portion of this budget represents required certifications, licensing, grant eligibility requirements which City staff are required to attend. Another category is called Program Requirements and pertain to Teen Program trips, Sister Cities trips, and visits to Olympia for legislative issues. The final 9% of the travel budget is for "other" which covers retreats, local meetings, Chamber of Commerce meetings, etc. Training is the last portion of this budget item and is \$140,000. It generally covers the same types of training opportunities discussed above.

Councilmember Way said she is surprised that a teen program item is in this budget.

Ms. Tarry explained that the State Auditor's office requires that this recreation item be accounted for in this budget.

Councilmember Hansen inquired if this is the first, second, or third reading for this amendment. He inquired about the Council policy that items need to be considered by the Council more than once before bringing them for a vote.

Mayor Ransom said this is the third reading for this particular item, but not for this amendment.

Mr. Olander clarified that an amendment to a consent calendar item would only need to be read twice, and it is the Council's right to amend this item.

Councilmember Ryu said she has advocated for additional Human Services counseling funding since it will be exhausted by June. She mentioned that a large portion of this budget item (\$101,000) is for National League of Cities (NLC) dues. There were nine representatives from the City of Shoreline attending the NLC conference in Washington, D.C. Conversely, most other local cities sent fewer representatives than Shoreline.

Mayor Ransom clarified that Shoreline only sent six representatives to the NLC conference.

Councilmember Ryu stated that it looks like the Council spent about \$2,300 per person to attend. She said she isn't sure the City needs a larger representation than Seattle at that conference. She concluded that she is in favor of the amendment.

Mayor Ransom noted that the City allocates less than 0.5% for training which is less than private businesses spend. This makes us efficient, he said. He added that the City has two-thirds the number of employees per capita compared to other comparable cities who are doing the same functions. He added that the City is 50% more efficient because the City keeps its employees highly trained. The Council has already committed \$93,000 for Human Services counseling and now this proposal will be for an additional \$10,000. He felt the City didn't need to spend these funds when the County is mandated to provide counseling services.

Councilmember Gustafson noted that the staff has worked hard to cut costs; he asked for the staff recommendation on this amendment.

Mr. Olander said the staff recommendation is extensive and entails \$78,000 in cuts which would assist in getting the budget back to even. Deputy Mayor Fimia's cuts would increase this amount by \$45,000, he stated. He added that the staff recognizes that increasing taxes is difficult. However, there have been several years of budget efficiencies. He made note that the staff voluntarily proposed a program to cut health care costs by \$300,000. He said he doesn't feel comfortable cutting much more.

Councilmember Way said she is cutting down on food and meals provided at City expense, noting that she has had no free meals since the first of the year. She said she is willing to contribute that little bit to the City budget. She said if the City is going to ask for more cable tax from the residents, then it is very little for the Council to do. She felt if the residents will have to pay more for cable, then the City needs to provide counseling services. She supported the amendment.

Deputy Mayor Fimia noted that this amendment gives direction to the City staff to execute the cuts. This amendment doesn't cut essential training; that is left up to the departments. She felt the City can cut back. She also mentioned that there are several subscriptions to journals that can be terminated. She urged the Council to support the motion.

A vote was taken on the motion to direct City staff to reduce the 2007 budget for travel, lodging, membership dues, and training by 10 percent, or approximately \$45,000, and reallocating \$22,000 to Human Services, \$10,000 to the Neighborhood Traffic Safety Program, and \$13,000 to Facility Long-Term Maintenance, which failed 3-4, with Deputy Mayor Fimia, Councilmember Way and Councilmember Ryu voting in the affirmative.

A vote was taken on the motion to adopt Ordinance No. 463 amending the 2007 budget for Uncompleted 2006 Capital and Operating Projects and increasing appropriations to the 2007 budget, which carried 7-0.

(d) Ordinance No. 464 Increasing the Cable Utility Tax to 6% of Gross Receipts and

Motion Authorizing the City Manager to Notify Seattle City Light of the City's Intent to Apply a 3% Contract Payment to the Distribution Portion of Electric Revenues Effective April 1, 2008, and an Additional 3% Effective January 1, 2009.

Ms. Tarry reviewed the staff report for this item. She said City staff has recommended a short term strategy to address future budget gaps to include budget reductions and a possible increase in usage fees. Items discussed at this meeting include a cable utility tax increase and to authorize the City Manager to notify Seattle City Light that the City intends on collecting a 3% contract payment effective April 2008 and an additional 3% which would be effective on January 1, 2009. She noted that the average Shoreline resident cable bill would increase by \$34 annually and the average SCL bill would increase \$8 for each 3% increase. She noted that SCL provides reduced rates for seniors, disabled, and low income levels.

Mr. Olander stated the City received a letter stating that Comcast is opposed to the cable tax increase.

Mayor Ransom asked if this item should be separated into two votes. He noted that there was discussion about forming a property tax committee, but it isn't mentioned here.

Mr. Olander suggested voting on Ordinance No. 464 first, and then addressing the motion relating to Seattle City Light. He added that he hopes to discuss the long term strategy at the upcoming retreat.

Councilmember Hansen moved to adopt Ordinance No. 464 increasing the cable utility tax rate to 6% of gross receipts and amending Shoreline Municipal Code Section 3.32.030. Councilmember Gustafson seconded the motion.

Deputy Mayor Fimia called for public comment. There was no one in the audience wishing to provide public comment.

Councilmember Ryu said she did get a letter from a citizen, Pat Murray. She read from a letter in which Mr. Murray states that electricity is a necessity, and so is cable in our current society. Cable TV was the only way he could be fully informed about the decisions the City makes on a routine basis. Cable also provides entertainment for adults and educates children. He argued that the Council's "Republican block" feels a need to tax cable and electricity to the maximum. He expressed concern that this taxing will create a surplus which will be spent in the future on ways not approved by the voters. He said increasing tax rates to the maximum extent will make it difficult to ask for more funds in the future.

Councilmember Hansen asked for the City Manager's response to the letter.

Mr. Olander said the Council is well aware that this cable tax increase will only keep the City even with current service levels, not produce a surplus.

Councilmember Hansen added that this revenue increase is to maintain present services. He noted that Councilmembers pay taxes also, so they have to make choices too. He said if

residents don't want the cable tax, then they can cancel their cable subscriptions. He said he wanted police services at least at the current levels, and he wanted training to continue. He said he will not vote for anything that degrades the City staff and the City. He expressed support for the motion.

Councilmember Way agreed with Councilmember Hansen and said the staff provides great service. She said they are creative about cutting where necessary to get the most from the tax dollars available.

Councilmember Way moved to direct the City staff to provide staff reports and meeting minutes at no charge to anyone that doesn't subscribe to cable. Deputy Mayor Fimia seconded the motion.

Councilmember Hansen supported the concept but didn't feel an amendment to the motion was necessary.

Councilmember Way noted that the City Clerk's office stopped providing staff reports to save money. She stated it is important to view City meetings and information on cable. She said she would like the Council to support having this service provided again.

Mr. Olander responded that the staff reports and meeting minutes are available on the internet. However, he said this is a small expense and the staff has no objection to the request.

Councilmember Gustafson concurred, but he said there doesn't need to be a motion. He said it just needs to be a directive to the staff. Therefore, he said he isn't in favor of the amendment.

Councilmember McGlashan asked how this would be enforced.

Mr. Olander summarized that mailing the Council packet is a very minor issue and expense. However, since there were several other avenues available to obtain the packet, staff recommended eliminating the service.

Councilmember McGlashan added that the people who would actually need it is pretty small, and if someone can't get it, the City can just mail it to them. He supported the amendment.

A vote was taken on the amendment to direct the City staff to provide staff reports and meeting minutes at no charge to anyone that doesn't subscribe to cable, which carried 5-2, with Councilmember Gustafson and Councilmember Hansen dissenting.

MEETING EXTENSION

At 11:00 p.m., Councilmember Gustafson moved to extend the meeting until 12:00 a.m. Councilmember Hansen seconded the motion, which carried 4-3, with Deputy Mayor Fimia, Councilmember Way, and Councilmember Ryu dissenting.

Deputy Mayor Fimia stated she doesn't support this item. She said that the Council is obligated to "scrub" the budget before raising taxes and she won't support this until the travel budget is reduced.

A vote was taken on the motion to adopt Ordinance No. 464 increasing the cable utility tax rate to 6% of gross receipts and amending Shoreline Municipal Code, Section 3.32.030, which carried 5-2, with Deputy Mayor Fimia and Councilmember Ryu dissenting.

Councilmember Hansen moved to authorize the City Manager to notify Seattle City Light of the City's intent to apply a 3% contract payment to the distribution portion of electric revenues effective April 1, 2008, and an additional 3% on the distribution portion of electric revenues effective January 1, 2009. Councilmember Gustafson seconded the motion.

Councilmember Way said it is hard to vote for this because the City is in a situation in which it must ensure the bills are paid. She added that this amount isn't a considerable amount to tax the residents, but it does mount up. She sympathized with the residents, however because there is an allowance for low income residents, she supported the City's recommendation.

Councilmember Ryu spoke against the motion, noting that Seattle City Light is the sole provider of electricity and there aren't other options for residents to use. She said you cannot turn off lights and electricity in a house. She noted that based on the March 23 memorandum, median income earners who also have the expense of raising families earn between \$30,000 and \$50,000 a year. She said this tax is an additional burden for them and it is very unfair, especially when the City is not willing to cut a very generous travel budget.

Mr. Olander noted that a part of the proposal is to set aside \$25,000 for emergency utility assistance. He stated there are a couple agencies that provide this, but most of the money comes from federal funds. Unfortunately, there is only a few thousand dollars in the community that can be allocated for less restrictive purposes. He said that \$25,000 will go a long way towards unrestricted assistance for the low income residents. He added that this is something the City would like to track. He added that there may be other ways Seattle City Light and the City can assist residents, such as insulation programs, conservation programs, and low wattage bulbs.

Councilmember Gustafson pointed out that he is generally opposed to raising taxes, but he has considered it within the context of the budget. He said although there are people on fixed incomes, City staff have done a good job in saving money. He noted that the City has saved \$459,000 by moving inmates to Yakima County, and saved an additional \$169,000 with baseline reductions. He noted that when he first joined the Council, he thought the travel budget needed to be reduced also. However, now that he has been on the Council for ten years he has come to appreciate what this budget can provide. He said he wants the staff trained, and that means that the Council and staff attend conferences. He said he is convinced that the time spent at conferences in Washington, D.C. has built relationships

and raised over \$40,000,000 for this City through lobbying and spending time with legislators. Therefore, he felt the travel budget is a small investment in raising funds for the City. He noted that the passage of the streamlined sales tax is partially attributed to discussions at these conferences. He added that there is ongoing discussion about telecommunications and many future conversations with other cities that need to occur. He said attending conferences and training opportunities have become a valuable experience for him and he supported the staff recommendation. He also said there are Councilmembers who have national input on several committees. He concluded that while he hates to raise taxes, he will vote in favor of this.

Councilmember Hansen added that couple years ago the City was about to lose the Community Development Block Grant (CDBG), but it didn't happen because of the Council efforts at the National League of Cities conference.

Councilmember McGlashan noted that Representative Jay Inslee and Representative David Reichert both came out of committee meetings to meet with the Council. He commented that the City has more influence on the legislators if more City representatives attend.

A vote was taken on the motion to authorize the City Manager to notify Seattle City Light of the City's intent to apply a 3% contract payment to the distribution portion of electric revenues effective April 1, 2008, and an additional 3% on the distribution portion of electric revenues effective January 1, 2009, which carried 5-2, with Deputy Mayor Fimia and Councilmember Ryu dissenting.

Mr. Olander called attention to the memorandum distributed to the Councilmembers regarding jail booking alternatives. He said the staff has recommended shifting King County short term jail stays to Issaquah, which can save the City approximately \$200,000. He added that although it will take additional travel time, the savings will allow the City to hire an additional street crimes officer. He said he will bring this issue back for Council consideration.

9. ADJOURN

Councilmember Hansen moved to adjourn the meeting. Councilmember Gustafson seconded the motion, which carried 7-0. At 11:22 p.m., the meeting was adjourned.

Scott Passey, CMC
City Clerk

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