



AGENDA

SHORELINE CITY COUNCIL WORKSHOP DINNER MEETING

Monday, January 12, 2009
6:00 p.m.

Shoreline Conference Center
Highlander Room

TOPICS/GUESTS: Debriefing of Visioning Town Hall Meeting #2

SHORELINE CITY COUNCIL BUSINESS MEETING

Monday, January 12, 2009
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

	<u>Page</u>	<u>Est. Time</u>
1. CALL TO ORDER		7:30
2. FLAG SALUTE/ROLL CALL		
(a) Proclamation of Martin Luther King, Jr. Day	<u>1</u>	
3. REPORT OF THE CITY MANAGER		
4. REPORTS OF BOARDS AND COMMISSIONS		
5. GENERAL PUBLIC COMMENT		7:50
<i>This is an opportunity for the public to address the Council on topics other than those listed on the agenda and which are not of a quasi-judicial nature. Speakers may address Council for up to three minutes, depending on the number of people wishing to speak. If more than 15 people are signed up to speak each speaker will be allocated 2 minutes. When representing the official position of a State registered non-profit organization or agency or a City-recognized organization, a speaker will be given 5 minutes and it will be recorded as the official position of that organization. Each organization shall have only one, five-minute presentation. The total public comment period under Agenda Item 5 will be no more than 30 minutes. Individuals will be required to sign up prior to the start of the Public Comment period and will be called upon to speak generally in the order in which they have signed. If time is available, the Presiding Officer may call for additional unsigned speakers.</i>		
6. APPROVAL OF THE AGENDA		8:10
7. CONSENT CALENDAR		8:10
(a) Minutes of Study Session of October 20, 2008	<u>3</u>	
Minutes of Business Meeting of October 27, 2008	<u>13</u>	
Minutes of Town Hall Visioning Meeting of November 19, 2008	<u>27</u>	
(b) Approval of expenses and payroll as of December 31, 2008 in the amount of \$ 5,873,661.73	<u>33</u>	

(c) Motion to authorize the City Manager to execute a contract with the Shoreline Historical Museum in the amount of \$66,124	<u>35</u>
(d) Motion to authorize the City Manager to execute a contract with the Shoreline Lake Forest Park Arts Council in the amount of \$66,124	<u>39</u>
(e) Motion to authorize the City Manager to execute Local Agency Agreements to obligate Grant Funds totaling \$10,724,227 for the Aurora Corridor Project	<u>45</u>
(f) Motion to authorize the City Manager to Execute a Contract for the Construction of Richmond Beach Pump Station Park; and Approve "Kayu Kayu Ac Park" as the Park's Official Name	<u>49</u>
(g) Ordinance No. 532, amending Ordinance No. 527 authorizing the use of Eminent Domain for Acquisition of Certain Real Property to Construct the Aurora Corridor Project, N. 165 th – N. 185 th	<u>59</u>
(h) Ordinance No. 533, amending Chapter 5.10 of the Shoreline Municipal Code related to the regulation of Adult Entertainment Businesses	<u>81</u>

8. NEW BUSINESS

(a) Discussion of Council Travel Guidelines	<u>101</u>	8:15
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9. ADJOURNMENT

9:00

The Council meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2231 in advance for more information. For TTY service, call 546-0457. For up-to-date information on future agendas, call 801-2236 or see the City Web site at www.shorelinewa.gov. Council meetings are shown on Comcast Cable Services Channel 21 Tuesdays at 8 p.m. and Wednesday through Sunday at 6 a.m., 12 noon and 8 p.m. Council meetings can also be viewed on the City's Web site at <http://www.shorelinewa.gov>.

Council Meeting Date: January 12, 2008

Agenda Item: 2(a)

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Proclamation declaring January 19 th as Dr. Martin Luther King Jr. Day in Shoreline and recognizing Shoreline teens for their efforts to honor Dr. King
DEPARTMENT:	Human Services and Parks Recreation and Cultural Services
PRESENTED BY:	Sigrid Batara, Teen Programs Coordinator

ISSUE STATEMENT:

On January 19, 2008 the nation celebrates Dr. Martin Luther King Jr. Day. In Shoreline, teens at Shorewood and Shorecrest High Schools and in the City's Teen Program each produce events that honor Dr King's accomplishments and celebrate his message of equality, empowerment, justice and the worth of all people.

This evening, representatives will join the Council to receive the proclamation and to share their celebration of Dr. King's message and legacy with the City Council and the community.

RECOMMENDATION

No action is required.

Approved By: City Manager  City Attorney ____



PROCLAMATION

- WHEREAS, the Reverend Dr. Martin Luther King, Jr. believed that a person's worth should not be measured by his or her color, culture, or class, but rather by their commitment to creating a better life for all; and
- WHEREAS, Dr. King's message of peace and service and his dream of pursuing a world free from prejudice and injustice lives on and has not been forgotten since his tragic death on April 4, 1968; and
- WHEREAS, the majesty of his message, the dignity of his bearing and the righteousness of his cause are his lasting legacy and are commemorated on Martin Luther King, Jr. Day every January; and
- WHEREAS, Dr. King's dream of racial equality, understanding, service and social justice is an inspiration to all of us; and
- WHEREAS, service to others helps us to define a vision achievable by working for the common good; and
- WHEREAS, teens at Shorewood and Shorecrest High Schools and in the City's Teen Program make special efforts to recognize both the diversity in our community and the bonds that unite us all;
- NOW, THEREFORE, I, Cindy Ryu, Mayor of the City of Shoreline, on behalf of the Shoreline City Council, do hereby proclaim January 19, 2009 as

MARTIN LUTHER KING, JR. DAY

in the City of Shoreline and thank our teens for giving voice to Dr King's message, urge our citizens to reflect on our common goals, and celebrate his life and his ideals of freedom and justice for all.

Cindy Ryu, Mayor of Shoreline

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF STUDY SESSION

Monday, October 20, 2008 - 6:30 p.m.
Shoreline Conference Center
Mt. Rainier Room

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

ABSENT: Mayor Ryu

1. CALL TO ORDER

At 6:30 p.m., the meeting was called to order by Deputy Mayor Scott, who presided.

2. FLAG SALUTE/ROLL CALL

Deputy Mayor Scott led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present with the exception of Mayor Ryu and Councilmember Hansen. Councilmember Hansen arrived shortly thereafter.

Councilmember Eggen moved to excuse Mayor Ryu. Councilmember Way seconded the motion, which carried 5-0 and Mayor Ryu was excused.

Deputy Mayor Scott announced that the Council would recess the meeting at approximately 6:50 p.m. to attend a short meeting down the hall.

3. CITY MANAGER'S REPORT AND FUTURE AGENDAS

Bob Olander, City Manager, provided reports and updates on various City meetings, projects, and events. He discussed the beginning of the Richmond Beach Saltwater Park project and the amenities that are being added to include sidewalks, parking, and a new gathering space. He noted that the Ronald Bog Arboretum and Rotary kiosk were dedicated on October 13 by Mayor Ryu and the Rotary Club. He then outlined the next set of Visioning meetings, which all begin at 7:00 p.m. Continuing, Mr. Olander stated that there is a meeting of the King County Council Budget Review and Adoption Committee. The Committee will review the 2009 King County Executive Proposed Budget and take public comments. He concluded his report with a reminder about upcoming meetings.

4. COUNCIL REPORTS

Councilmember Eggen stated that he typed up a report on the Public Issues Committee (PIC) meeting from last week. He said they made some recommendations and released some prospective ideas regarding lobbying. These ideas were sent to the Council today and he asked for direct comments to be given to him or Mayor Ryu.

5. GENERAL PUBLIC COMMENT

There was no one wishing to provide public comment.

6. STUDY ITEMS

(a) 2009 Proposed Budget - Department Presentations

Debbie Tarry, Finance Director, noted that the City Manager presented the 2009 Proposed Budget to the City Council on October 13, 2008. She noted that this staff report includes the review of department's 2009 budget requests and that the proposed 2009 budget has been made available to the public and is available at the City Hall, the Shoreline Police Station, Neighborhood Police Centers, and at Shoreline and Richmond Beach libraries. In addition, she said the November issue of "*Currents*" is a special 2009 Budget issue that is being sent to all City residents. The departmental presentations will focus on any significant changes between the department's 2008 budget and the 2009 proposed budget which will serve to expedite the budget review process and make the best use of the Council meeting time, she highlighted. She noted the department review schedule and said future budget workshops are planned for October 27 and November 3. Public hearings on the budget will be held on October 27th and November 17th. The hearing on November 17th will have special emphasis on revenue sources and the 2009 property tax levy with the budget scheduled for adoption on November 24. She highlighted that this budget includes a cost of living allowance (COLA) of 5.22% and that health benefits will only increase 3%.

Mr. Olander communicated that the 2009 budget is balanced.

RECESS

At 6:47 p.m., Deputy Mayor Scott called for a ten minute recess. The Council meeting reconvened at 7:08 p.m.

Debbie Tarry continued the budget presentation, starting with the City Council budget which she said had no major changes. She continued and reviewed the City Manager, City Clerk, and Community Services Division budgets.

Councilmember Way noted that on page 136, the average number of CRT service requests increased in 2008. She said she is glad residents are reporting their issues and she is glad to see five neighborhood mini-grants funded. She felt that the City needs to address the King County cuts and said she is looking at possibilities to get more help to the Human Services Department and would like to get some details from Rob Beem, Community Services Director.

Deputy Mayor Scott inquired if Shoreline will be affected by the King County cuts and suggested that Mr. Beem could provide a report to the Council.

Ms. Tarry discussed the City Attorney and Finance budgets.

Councilmember Way asked if the City ended up paying for the impacts from the flood that occurred in December of 2007. Ms. Tarry replied that the City has received some reimbursement from applied FEMA funds and sent in a request to the Washington Cities Insurance Authority (WCIA) for insurance coverage. She predicted that the City will recapture all the costs incurred from the flood.

Councilmember Way inquired about page 156, the interfund payment for service contingency and depreciation. Ms. Tarry replied that this amount was related to the operational and insurance contingency, including the City Hall move, vehicle contingency, and salary survey. She continued and discussed the Human Resources budget and the Police Department budget.

Councilmember Eggen asked if the King County cuts will lead to a reduction in investigative services. Mr. Olander replied that it possibly would and the City could pick up an additional officer in the fraud unit to offset that loss.

Dan Pingrey, Police Chief, commented that it doesn't make sense for Shoreline fraud cases to be handled by Kenmore officers. He noted that the fraud unit handles identity theft, fraud, and forgery cases. He said his goal is to enhance Shoreline services and increase the number of cases handled.

Councilmember Way asked if there are credit card and cash machine fraud present in the City. She related a story in which one of her family members was defrauded. Chief Pingrey replied that it has happened both in the City of Shoreline and he has seen it in the King County region too.

Councilmember Hansen departed at 7:51 p.m.

Councilmember McGlashan asked if the City could contract this fraud investigator directly with Lake Forest Park. He commented that if the officer is our employee he could contract to work their fraud investigation. He asked if that would help the budget. Mr. Olander concurred that the City would save money by having our own fraud investigation officer.

Ms. Tarry continued and discussed the criminal justice budget.

Councilmember Eggen asked if \$5,000 was required to have a public defender at all the jail facilities. Mr. Olander replied that public defenders are required for the first appearance hearings. Ms. Tarry continued outlining the criminal justice budget.

Councilmember Way asked for clarification on the property crimes threshold change. She asked if there would be an impact on the prosecution of those cases. Mr. Olander replied that she was correct and that the responsibility for the cost is shifting from county to city.

Ms. Tarry continued her presentation with the Parks, Recreation and Cultural Services budget.

Councilmember Eggen asked about the experimental enrichment program for special needs youth and if it is budgeted in 2009. Ms. Tarry replied that it is and it is at the same level of funding.

Councilmember Way inquired about the revenue from facilities use and how well the City was doing. Referring to page 21, Ms. Tarry replied that the revenue is separated by program. She noted that the facility rentals are for the fields, gym, and picnic shelters. Councilmember Way commented that South Woods and Kruckeberg Botanical Gardens should be added to this program so they can be rented.

Councilmember Eggen discussed the salary survey and asked if there was a comparison done between public and private salaries. Ms. Tarry replied that under the City's compensation policy salaries are reviewed every 2-3 years. She noted that the salaries are compared to cities with no private sector entities included. She said that three years ago the City staff recommended reviewing 1/3 of the classifications every year and the current policy is for salaries to be at the median of the comparables.

Mr. Olander added that there is no cost impact to doing a 1/3 salary study every year.

Ms. Tarry said she will conclude the budget presentation with the Planning and Development Services (PADS) and Public Works (PW) departments next week.

Deputy Mayor Scott called for public comment.

a) Mary Weaver, Shoreline, requested to know the approximate date when the new City Hall will be completed so she can review the property management services contract for estimated services. She noted that there was a vote to increase their services by \$210,000 and an additional \$30,000 in the budget for transportation for this firm. She asked why it is needed. She urged a consideration of a per diem and mileage on their own vehicles. She also stated that it looks like the funds used for vehicles will be coming out of the Street Fund. She asked what additional items have been cut to take the place of street maintenance. She urged the Council to revisit the building moratorium and drop it. She concluded that grants may be drying up soon.

Councilmember Hansen returned 8:05 p.m.

b) Bill Meyer, Shoreline, said his impression is that this is a business-as-usual budget. He said he read the 2008 budget on the City website, and the original budget was adopted for \$94 million and now the projected actuals are \$103 million. Now, he said the City is talking about adding another 1% to the budget. He said things are getting worse and King County has layoffs and across-the-board cuts. He asked the Council to "keep their pencils sharpened."

Ms. Tarry stated that Ms. Weaver was referring to the Council increase in the contract for services related to City Hall. That increase is a separate contract from the reclassification recommended in the 2009 budget. The City staff, she said, is recommending that the construction inspection supervisor will need a vehicle since this person works with all the capital projects.

Mr. Olander added that the City isn't adding positions and this is actually add to efficiencies and save about \$90,000 in the General Fund.

Ms. Tarry noted that carryovers account for the difference between the 2008 budget and current budget, most of which are related to the capital budget. Mr. Olander clarified that a vast majority of the budget amendments are grants and carryovers.

Councilmember Hansen commented that the \$94 million figure and the \$103 million figure have to be broken down between capital and operating budgets in order to understand them correctly. He explained that the operating budget shouldn't change much, but the capital budget can because of project timing.

Mr. Olander said the City recognizes the difficult budget and economic times and is fortunate to have Ms. Tarry. He noted that the City staff and Council are constantly reviewing the revenues, estimating conservatively, and have a fewer employees per capita than comparable cities.

Ms. Tarry submitted that given the economy and because there are lots of rapid changes late in the year the City will continue to monitor projections and update the Council on revenues and expenditures.

Mr. Olander added that's why the City staff isn't recommending spending the savings from jail or health care costs.

Councilmember Eggen inquired if the 1% increase in the 2009 budget over the 2008 budget is relative to the \$94 million figure or the \$103 million figure. Ms. Tarry said it is relative to the \$103 million figure, but that's the original budget plus carryovers. She clarified that less may actually be spent in 2008. This figure reflects the current 2008 budget as amended by Council.

Councilmember Way asked if Mr. Angle's contract will show up on the 2008 budget. Mr. Olander replied that it would and it is already included so no budget increase is needed.

Councilmember Eggen questioned if the long range financial planning committee has made any comments yet. Ms. Tarry answered that they haven't but they've been doing a higher level budget analysis. Mr. Olander said their interim conclusion is that the majority of the community wants to maintain the current levels of service.

Councilmember Way said she would welcome comments from the long range financial planning committee if they want to come to a Council meeting and give their observations.

Mr. Olander communicated that the committee is talking about long-range issues, maintaining the level of service, and finding efficiencies.

Councilmember Hansen stated that the long range financial planning committee makes recommendations to the Council and he would be interested to know what their recommendations are. He felt that the Council has far more responsibility and sets policy.

Mr. Olander noted that even though no programs are being added, this budget focuses on the Council goals.

Councilmember McConnell commended the City staff on the 1% budget increase and said there are a lot of challenges trying to increase and maintain services. She commented that the City staff does an excellent job watching the money very carefully.

Mr. Olander pointed out that a lot of the reason for the 1% is that the one-time expenses are not repeating in 2009.

RECESS

At 8:24 p.m., Deputy Mayor Scott called for a five minute break. Deputy Mayor Scott reconvened the meeting at 8:33 p.m.

(b) SEPA Nominal Lead Agency Agreement for a Regional Jail Facility

Scott MacColl, Intergovernmental Program Manager, and Eric Bratton, Management Analyst, provided the staff report. Mr. MacColl explained that Shoreline's contract to house misdemeanants in the King County Jail ends on December 31, 2012, as the County no longer has space for misdemeanor prisoners. Shoreline, he explained, must replace the functions that King County currently provides for their misdemeanor jail population, which specifically includes 1) a booking facility; 2) medical, drug treatment and psychiatric services; and 3) long-term jail bed space. He said Shoreline is partnering with other North and East King County cities to develop a facility to meet these needs for the long term and the first step in that partnership is an agreement to assess potential sites for a regional municipal jail.

Mr. Bratton noted that King County was the regional service provider of jail services for King County municipalities until 2002, then the county notified cities it would not accept city prisoners after 2012. While it makes financial and operational sense for jail services to be coordinated and managed by a regional agency, such as a county, King County has explicitly expressed its desire to discontinue providing this service, with the exception of felony and unincorporated King County misdemeanor inmates.

Currently, he explained that Shoreline's jail model for meeting the misdemeanor population, which municipalities are responsible for, is a complex system of multiple jails and contracts. He said the City has two main jail contracts, one with Yakima County and the other with King County which are due to expire in 2010 and 2012, respectively. Rather than plan for dozens of small, inefficient jails, or relying solely on contracting, cities have determined that a more effective model is to partner together for a long-term solution - building and operating a regional jail by 2013. He highlighted that the roles and obligations of each City were established during

an Environmental Impact Statement (EIS) study process on potential sites and provides the first step in implementing a long-term solution.

Mr. MacColl communicated that the options for housing misdemeanor populations are limited and it is better to partner with other jurisdictions. He noted that the total cost of \$3.3 million would be spread out over all the cities and that Shoreline has money for the siting study.

Mr. Bratton outlined the SEPA Nominal Lead Agency Agreement and noted that Shoreline contracts for all its jail services and is working to extend the contract to 2014 by using the Yakima contract. He noted that the City had a contract with Issaquah and was trying to use Issaquah as a primary booking facility instead of King County, but Issaquah restricts special needs misdemeanants. He noted that the feasibility study is going on and the Northeast cities are looking at building a facility.

Councilmember Way noted that the average Shoreline daily population is 41 inmates per day. She questioned if that is correct because the numbers also reflect that 20% of those inmates are in for 20 days or more. Mr. Olander replied that the consortium went into all the records in detail and this is a best projection.

Mr. Bratton commented that the agreement sets out the rules and obligations of all the parties involved. Seattle, he explained, would be the nominal lead agency and each city will designate a representative.

Councilmember Way discussed page 19 and asked how the committee designates representatives and if it was a committee designed by the Suburban Cities Association. Mr. Bratton replied that the designated representatives are elected or appointed officials and each of the five cities will appoint someone to serve in that capacity. He added that the committee will meet based on how the committee is set up.

Mr. MacColl added that no city can "go it alone" and the representatives on the committee will need to consult with their own city councils and report back to the committee. He said there are a number of check-in points with the city councils so they can obtain direction on voting issues. He noted that the committee would make a decision on the scoping environmental impact statement with direction from the city councils.

Mr. Bratton commented that the agreement states that the committee will attempt to reach consensus, and that means that three cities have to agree, and one of them has to be Seattle.

Mr. MacColl commented that the current contracting model doesn't hold up and King County served as the launching point because they were unable to control service costs. He said Shoreline doesn't have a voice in operational issues because it is a contracted city.

Deputy Mayor Scott asked if it is more cost effective to go with a larger, joint facility. Mr. MacColl replied that partnering on a regional jail is the way to go.

Councilmember Eggen clarified that this new facility would accommodate all of Shoreline's capacity.

Councilmember Way questioned if the savings will come from not having to send misdemeanants to other facilities.

Mr. MacColl commented that the Issaquah and Yakima contracts don't require a minimum, so they would essentially be a "wash." He said they can obtain more accurate figures, but it's really a matter of the daily bed rate. He noted that this Council will be voting on the SEPA Nominal Lead Agency Agreement and outlined the options. He clarified that final action for this is scheduled for the next meeting.

Deputy Mayor Scott called for public comment.

a) Bill Meyer, Shoreline, asked if the regional facility must be built in King County, noting that King County is expensive.

Mr. MacColl replied that the facility will be built in King County because it needs to be close to a booking facility. Mr. Olander added that the transfer to and from the courts takes a lot of officer time when the facility is far way.

Councilmember McGlashan asked what the other 17 cities need to do to be included. Mr. MacColl explained that they would have to contract with us and pay a higher rate than the owner cities.

Councilmember Eggen questioned if the cities outside of the five principal cities are guaranteed a certain amount of bed space. Mr. MacColl replied that even with a guarantee, they can only fill 10% of the beds in the facility.

Deputy Mayor Scott noted that the inmate population could increase with the general population increase. Mr. Olander responded that this is a long-term plan that anticipates population growth.

Mr. MacColl confirmed for Councilmember Eggen that people charged with felonies will still be booked into the King County facility.

Councilmember McGlashan inquired if 600 beds will be enough. Mr. MacColl replied that 640 beds is a 20-year projection, and eventually the Consortium wants to find a site to expand on and utilize single cells. He said it would double the capacity if two inmates could be put into single cells.

Councilmember Way asked who would own the facility. Mr. MacColl replied that the five cities including Shoreline are only signing on to be included in the SEPA process, and over time the remaining cities could sign on.

Councilmember Way said she seems to recall some issue with the King County facility in Kent and some of the beds weren't being utilized. She asked if there are projections that by 2012 there won't be any space for Shoreline.

Councilmember McConnell stated if the five cities are utilizing 90% of the total beds she can't see why other cities would not eventually follow suit.

Councilmember Hansen stated that if 17 cities were involved in negotiating for a new jail, it would be an unwieldy process. He speculated that all of the cities will probably join at some point.

Councilmember Eggen pointed out that King County is very eager to offload its unincorporated urban areas, one of which is the Finn Hill area east of Kenmore. He wondered if things would change if they joined, since they make up a large proportion of the King County population. Mr. MacColl replied that they weren't included in the 640 figure; however, there is room for expansion.

Councilmember Hansen commented that there is a lot of pressure on those areas to incorporate, especially due to the King County budget issues.

Mr. Olander commented that the City should update the Richard Green study.

7. ADJOURNMENT

At 9:25 p.m., Deputy Mayor Scott declared the meeting adjourned. .

Scott Passey, City Clerk

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CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF BUSINESS MEETING

Monday, October 27, 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 7:36 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 City Clerk, all Councilmembers were present, with the exception of Councilmember Hansen, who arrived shortly thereafter.

3. CITY MANAGER'S REPORT

Bob Olander, City Manager, provided reports and updates on various City meetings, projects, and events. He noted that the next set of Visioning meetings all begin at 7:00 p.m. and are being held at the following locations:

- October 28, Fire Station #61, 175th & Aurora Avenue
- October 29, Fircrest School, Building 200
- October 30, Meridian Park Elementary School, Cafeteria

He highlighted other public meetings and events occurring in Shoreline, including:

- Off-leash area pilot site discussion, October 29, 7:00 – 9:00 p.m., Shoreline Historical Museum, 749 175th Street
- Halloween Costume Carnival, October 31, 9:30 – 12:00 p.m., Shoreline Recreation Center, \$2.00 fee, for children 1 to 4 years old
- Community Priorities/Long Range Finance Committee Meeting, October 30, 6:30 p.m., Shoreline Center, Arden Room
- Park Board Meeting, October 30, 7:00 p.m., Shoreline Conference Center

He announced that the City of Shoreline has received some funding for some flooding and stormwater projects through the King County Flood Control District in the amount of \$155,000.

4. REPORTS OF BOARDS AND COMMISSIONS

Mayor Ryu reported on the Sister City trip to Korea. She said she looks forward to economic opportunities for the City of Shoreline through the sister city relationship.

5. GENERAL PUBLIC COMMENT

a) Merlita Sansano, Shoreline, on behalf of the Shoreline/Lake Forest Park Senior Center, discussed the outreach and various senior center activities, computer classes, and fundraising events available. She said the services the Senior Center provides are valuable.

b) Beverly Kaye, Shoreline, also discussed the Shoreline/Lake Forest Park Senior Center. She outlined the volunteer activities and invited everyone to the annual bazaar held from October 31 to November 1.

c) Dale Wright, Shoreline, on behalf of Vision Aurora, commented that on October 6 the City received the 2008 Award of Excellence for best city project for the Aurora and Interurban Trail Bridges from the Washington State Department of Transportation (WSDOT). He said it is an exceptional project that serves as a model for the state. He noted that the primary parties that were involved were the Federal Highway Administration (FHWA), WSDOT, and the City of Shoreline. He outlined the public process involved in getting Aurora done, including the task force, public hearings, and the preferred design. He said the Shoreline business community and City Council had objections, lawsuits, delays, and attempts to make significant changes. He recognized City staff and Councilmembers who supported the project.

d) Les Nelson, Shoreline, discussed the issue of public hearings. He said that the public hearing at this meeting is listed on the website, however, if you click the Council meeting link it takes the user to the Council page, where they have to look at the agenda and scroll down through it to see the public hearing listed. He felt the City is meeting the bare minimum as far as noticing requirements. He said the City's website calendar shows a business meeting but not a public hearing. He noted that the City survey shows 25% of City residents learn about events from the website.

e) Bill Meyers, Shoreline, encouraged the adoption of Ordinance 522 to grant Verizon a cable franchise. However, he urged them to pass it without the double tax, adding that he is disappointed with the staff recommendation to include it.

6. APPROVAL OF THE AGENDA

Councilmember Eggen requested that item 7(f) be removed from the Consent Calendar and placed as new item 9(b).

Deputy Mayor Scott moved approval of the agenda as amended. Councilmember Way seconded the motion, which carried unanimously and the agenda was approved.

7. CONSENT CALENDAR

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

- (a) Minutes of Workshop Dinner Meeting of May 12, 2008
Minutes of Special Meeting of May 16, 2008
Minutes of Workshop Dinner Meeting of May 27, 2008
Minutes of Workshop Dinner Meeting of July 14, 2008
Minutes of Study Session of September 2, 2008
Minutes of Business Meeting of September 8, 2008
Minutes of Workshop Dinner Meeting of October 13, 2008

- (b) Approval of expenses and payroll as of October 15, 2008 in the amount of \$1,702,760.88 as specified in the following detail:

***Payroll and Benefits:**

Payroll	Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
9/7/08-9/20/08	9/26/2008	25960-26142	8115-8149	37866-37877	\$507,065.74	
9/21/08-10/4/08	10/10/2008	26143-26327	8150-8189	37976-37984	\$401,472.00	
						<u>\$908,537.74</u>

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
10/2/2008	37837	37864	\$155,144.14
10/2/2008	37865		\$13,200.00
10/3/2008	37878		\$12,400.31
10/6/2008	37879		\$2,140.25
10/6/2008	37880		\$3,750.00
10/8/2008	37881		\$290.54
10/8/2008	37882	37915	\$179,922.08
10/9/2008	37916	37917	\$230,300.65
10/10/2008	37918	37939	\$123,677.64
10/13/2008	37519		(\$150.00)
10/13/2008	32519		(\$150.00)
10/13/2008	37940		\$150.00
10/13/2008	37941	37975	\$73,547.53
			<u>\$794,223.14</u>

- (c) Motion to Authorize the City Manager to Execute a Multi-Family Housing Limited Property Tax Exemption Agreement with Ridgecrest Equities, LLC

(d) Motion to Authorize the City Manager to Execute an Easement Agreement with King County for Cromwell Park

(e) Adoption of the Regional Jail Siting Environmental Impacts Agreement

8. ACTION ITEM: PUBLIC HEARING

(a) 2009 Budget Discussion and Public Hearing

Debbie Tarry, Finance Director, provided a brief presentation on the 2009 Proposed Budget and outlined the guiding principles in developing the proposed budget which reflect the Council's strategic objectives. She said the City's financial position is sound, maintains adequate reserves, supports Council goals, maintains human service funding levels, and does not add new services or personnel positions. She pointed out that 60% of the \$104 million budget is for capital projects. She then outlined the proposed expenditures and revenue sources, including the property tax levy. She highlighted that the tax levy rate continues to go down over the years due to the 1% limit. She announced that the City staff is made up of 2.6 FTE per 1,000 residents. She reviewed the Capital Improvement Program (CIP) and the projects for 2009. She concluded that the 2009 Budget supports the City's Vision and the Council Goals.

Mr. Olander noted that departmental budgets will be reviewed following public comments. He reiterated that in today's difficult economic times, it is outstanding that this City has presented a balanced budget to the Council, with no service or budget cuts. He noted that the credit goes to past Councils and Finance staff.

Mayor Ryu opened the public hearing.

a) Morgan Moore, on behalf of the Ballinger Family Support Center (a division of Community Health Services), works to facilitate the voice of the youth. She introduced four teens, who explained what the City funding for their program has provided. They noted that the City should continue to support Ballinger Homes and that they were a part of the Ballinger Action Team which keeps the community safe and makes the City a better place. They commented on the Homework Factory program, adding that it teaches them leadership skills, instruction in fourteen different languages, summer camp, and role modeling.

b) Beratta Gomillion, on behalf of the Center for Human Services (CHS), thanked Deputy Mayor Scott and Councilmember Way for comments at the King County budget meeting. She thanked the Council for its past support and asked that as the Council to consider human services funding for 2009. She reminded everyone of the importance of CHS work, which aligns with the City's goals and strategies. She stated that she is concerned about ongoing funding for Family Centers. She highlighted that for every dollar spent on human services, many more dollars are saved in criminal justice. She noted that their substance abuse department won a state award and CHS was a finalist for the NWSource best place to work. She said CHS would be very good stewards of any funds received from the City.

c) Bruce Titcolt, Board President, Center for Human Services (CHS), said he has recognized the importance of the CHS Back to School Event and After School Programs which provide a safe environment. He said they need the continued financial support of the broader community and this Council.

d) Jerry Evergreen, Director of Counseling Services, Center for Human Services (CHS), thanked Shoreline and the people who really care about strong families. He said it takes courage to admit mental health problems and come to counseling, and this service is important. He informed the Council that CHS has a small dedicated staff that can provide mental health services in Shoreline. He noted that there are five therapists who serve over 100 families and the City of Shoreline has stood by and supported CHS along the way.

e) Tanya Schaffer, on behalf of the Shoreline Family Support Center and Tabara Pevin, communicated that both programs have been operating with a deficit of over \$91,000. She said they are both worried about their out-of-school programs. They communicated that although their needs continue to grow, their funding does not. She asked if there was any way to designate additional funds to these after-school programs.

f) Jeff Sackett, Shoreline, on behalf of the Coalition for the Preservation of Cedarbrook, noted that the Shoreline School District has surplused the Cedarbrook property. He presented the Council with a petition of over 700 signatures asking that it be kept as a City park, adding that there aren't many parks on the east side. He noted that they are working on a grant and private funding; however, it takes some seed money to accomplish this acquisition. He said he realizes that there are some constraints but asked for this to be considered in the budget process.

Mr. Olander asked Mr. Sackett if he have approached the City of Lake Forest Park, since it is adjacent to the park. Mr. Sackett replied that they have and Lake Forest Park is attempting to figure out annexation and maintenance issues.

Mr. Olander commented that the sheet passed out shows the recommended allocations to CHS.

Councilmember Hansen moved to close the public hearing. Councilmember Way seconded the motion.

Councilmember Way noted that people can still submit comments. Mr. Olander commented that it is helpful to close the public hearing. Councilmember Way clarified that comments that come in after the public hearing is closed are kept as part of the record and are accessible and collated.

Councilmember McGlashan left the meeting.

A vote was taken on the motion to close the public hearing, which carried 6-0.

Ms. Tarry provided information addressing issues raised in previous public comments. She reviewed the budgets of the Planning and Development Services (PDS) and Public Works (PW) departments and highlighted the City's capital improvement plan projects. She communicated

that the PDS budget totaled \$2.9 million and they have experienced an FTE drop of .5 from 2008 - 2009. There has been some slowing in permit revenues and financing has become an issue for those developers attempting to build. She reminded the Council that one of their policies makes it possible for them to establish a reserve for economically sensitive revenues.

Councilmember Way asked for data showing what the cost of certain types of development might bear on services and the actual cost to administer those services for certain levels of development.

Mr. Olander replied that it is a very complicated question because it depends on specific development. He noted that revenues and the service mix varies by development and can only be determined on a case-by-case basis.

Councilmember Way said she received an e-mail about a workshop that explains this kind of accounting to measure those kinds of factors and felt it would be useful to have at some point.

Ms. Tarry continued and noted that the PW budget is on pages 253-276 and consists of the General Fund, the City Street Fund, and the Stormwater Utility fund. She said they are recommending some reclassifications on some positions, but with no additional personnel proposed.

Ms. Tarry highlighted the 2009 CIP projects which totaled \$65 million. She reviewed the Stormwater Utility fund, flood protection projects, and the Thornton Creek Basin Plan. She also reviewed budgeted contingencies.

Councilmember McGlashan inquired about the 2009 major capital projects; specifically, the Aurora Corridor Project between 165-185th Avenue.

Councilmember Eggen stated that the total PW budget shows a peak in 2008 because of large capital projects, yet staffing is constant. He asked if the City hires contractors to do the extra work. He inquired about the stormwater utility taxes and asked if they were collected by King County the same way they collect property taxes.

Ms. Tarry replied that it is a utility fee and King County agreed to collect that as part of the property tax bill.

Councilmember Eggen asked if these taxes were computed by the value of the property.

Ms. Tarry replied that they are based on the utility rate and the impacts on the system. She said there is a flat rate for single family residential and in 2008 it was \$124, which is increasing to \$130 in 2009.

Councilmember Eggen pointed out that the relationship of the tax rate in the initial presentation shows that the downward trend occurs because we have a 1% limit per year on the tax increase. Therefore, as the assessments go up, the rate goes down.

Ms. Tarry noted that on page 257 there is a breakdown of the stormwater fees and how they're charged to properties.

Councilmember Way discussed the Aurora project and said people are probably wondering why the trees didn't survive the rigors of summer. She asked if the trees were covered under the contract.

Mr. Olander replied that the City contracted with the grower to pre-grow the trees, and the problem was with the planting by the contractor. In the next phases the City will clarify who is responsible for the trees and have the contractor supply them outright.

Mayor Ryu questioned if there is a way to guarantee that next set will survive more than a few years.

Mr. Olander replied that a warranty can provide some guarantee that the trees will survive for a certain number of years. He noted that disease, not the species, was the issue in this case.

RECESS

At 9:06 p.m., Mayor Ryu called for an eight-minute break. Mayor Ryu reconvened the meeting at 9:18 p.m.

9. UNFINISHED BUSINESS

(a) Ordinance No. 507, amending the Comprehensive Plan to rename the Single Family Land Use Designation as Institution/Campus; establish that a Master Plan Area is created as an Amendment to the Development Code; and amending development regulations to implement these Comprehensive Plan changes by creating a Master Planned Area zoning designation and adopting a Master Planned Area Permit Process

Rachael Markle, Assistant PDS Director, provided a brief presentation on this item. She explained that the Council instructed the City staff to come back with two versions of this ordinance. She noted that the first version eliminates the ability of master plan new uses and version two does the same and removes Fircrest and the Health Lab from the master plan. She noted that the City cannot preclude expansion of essential public facilities and that the City staff does not advise implementing the second version. She concluded that the City staff recommends adoption of version one.

Mayor Ryu called for public comment.

a) Bill Bear, Shoreline, commented that citizen input is assurance that the Council listens. He stated that Ordinance No. 507 is flawed because it puts the decision-making for planning of major pieces of Shoreline land into a quasi-judicial process that limits citizen input. He said that the master plan is a comprehensive planning process that needs lots of citizen involvement.

b) Jim Hardman, on behalf of Friends of Fircrest, felt that neither version of Ordinance No. 507 provides for a quasi-judicial process. He communicated that there hasn't been any meaningful input or study done to protect the residents and neighbors. The Growth Management Act (GMA) doesn't mandate a quasi-judicial course, but it encourages citizen involvement. He stated that the City Attorney letter doesn't say why quasi-judicial is mandated. He suggested a two week delay and stated that no one at the visioning meetings has said anything in favor of the DSHS hybrid plan. He felt DSHS is not going to protect the residents, and said it's up to the City to protect them. He added that these issues are too critical to rush into and the Council shouldn't make premature decisions.

c) Saskia Davis, on behalf of her sister at Fircrest, urged the Council not to vote on Ordinance No. 507. She said both options rob the Council of their authority and power. This, she explained, is a matter which will affect the future of Shoreline. She recommended that the Council defer its vote tonight so more consideration and review can occur. She suggested that the Council reconsider just going with the Comprehensive Plan of 2005 that allows for the public participation that is needed.

d) Terry Anderson, on behalf of her son at Fircrest, said she has seen what the DSHS vision of Fircrest is and she has more questions than answers. She commented that if the DSHS Lands and Building Department admits there are questions out there, then the residents and the Council should take the opportunity to meet with them to get answers.

e) Kyle Roche said he oversees building management for Crista Ministries and is patiently watching this process. He supported what the City staff has done on the major issues that impact Crista. He communicated that he wants the Council to help Crista get back on track with its own plans. He stated that there is a good public process within the Planning Commission and requested that the Council adopt Ordinance No. 507.

f) Dennis Lee, Shoreline, said that the planning for these large parcels is frustrating, and that having a permit that allows compliance in a certain zoning code with a quasi-judicial process without the planning steps is backwards. He felt the claim that this would involve "no change" is incorrect because it increases density. He stated that that this process needs to remain as a legislative, comprehensive plan process. He concluded that the Council was never comfortable with this as a quasi-judicial item.

g) Maria Walsh, Mountlake Terrace, on behalf of her son at Fircrest, said that the City Council is accountable to the public and its decisions will impact its residents for years to come. She felt that if the decisions are based on profits only, then a second look needs to be taken. She said the people at the Fircrest School will suffer the most when these decisions are made. She said it is wrong to put 360 houses for 720 people next to a disabled community, and DSHS has not done its job. She said she doesn't oppose using the additional excess land, but wanted to remind the Council who lives there.

h) Dwight Gibb, Shoreline, wanted the City Manager's Office to pay more attention to the website because the last two meetings were incorrectly listed as being in the Highlander Room. He said he is concerned about the inattention to the Comprehensive Plan and that there

are other projects that should have been involved in a CP amendment. He felt the master plan idea has been marred by twists and turns. He felt the City should do a thorough legislative process with public participation on the CP instead of having master planning.

i) Les Nelson, Shoreline, said the last CP has been referred to as old and outdated, but the GMA states that the CP is the place to identify land use densities. He said that revisions need to be reflected in CP amendments. He said to take large portions of land out of the CP seems contrary to GMA law. He noted that the two areas of confusion that the Council should answer are whether Institutional Campus (IC) is a land use or a zoning designation. Additionally, what is the associated density and height restrictions for IC? He said it seems as though the City is mixing negotiations among the different entities. He felt the City is confusing issues at Fircrest and Crista. He concluded that it seems the 2005 CP should be used.

Mr. Olander commented that the MP is not something the City staff made up and brought to the Council and residents. He stated that this was included in the original CP. He pointed out that the speakers correctly note that the City doesn't have a process or criteria, which is precisely why this meeting is being held. He said the CP sets general decision criteria and parameters on how you decide on project applications. Because the CP is silent on this, that's the whole reason these topics are on the agenda -- to provide the guidelines and process for particular project applications. He highlighted that the mitigations aren't on hand until the application is in hand to see what these entities are proposing. He noted that the PC and Council don't have to accept the hybrid plan just because it is proposed by the DSHS. He said it is critically important that the Council draws the parameters around the decision criteria. He added that it is possible to go back to the CP amendment and get rid of MP and just go to zoning designations. He suggested that if the Council wants to continue with the MP process they should concentrate on the decision criteria.

Mr. Tovar added that Goal #8 is where this all came from, not from the City staff. He said if the City wants to investigate what can be done on a specific property, then an applicant has to pursue a permit. He noted that the Council has decision-making discretion all along the way. The proposal concerning what can and can't happen on that property came from the Council.

Councilmember Eggen moved to adopt Ordinance No. 507, Version 1. Councilmember Hansen seconded the motion.

MEETING EXTENSION

At 9:58 p.m., Councilmember Hansen moved to extend the meeting to 10:30 p.m. Councilmember Way seconded the motion, which carried 7-0.

There was Council consensus to address item 9(b) concerning the Verizon Northwest, Inc. franchise agreement.

(b) Ordinance No. 522, Granting a Franchise to Verizon Northwest, Inc. to Operate a Cable System in the Public Rights-Of-Way to provide Cable Services in the City Shoreline for a Twelve Year Term

Mr. Olander introduced John Norris, Management Analyst, who reviewed this item. Mr. Norris stated that there are two versions of the cable franchise agreement. The first version includes fees that would be included in the gross revenue definition. He noted that the City staff has provided alternate language, which excludes that. He noted that Attachment C of the staff report has three alternate pages.

Mr. Olander highlighted that the financial impact of this would be \$32,000 that would not be collected.

Mayor Ryu commented that the issue involves truth is taxing. She inquired if there is a way to own up to the charging of the fee and a way to clarify the language for the consumer.

Mr. Norris replied that the issue is that the City receives 5% from cable provider and what is more than 5% is on the subscriber's bill. He said we wouldn't be able to request that Verizon put an explanation on their bill. The City has control over the amount of franchise collected and what the definition of gross revenues is, he explained.

Councilmember Eggen moved to adopt Ordinance No. 522. Councilmember Hansen seconded the motion.

Mayor Ryu called for public comment. There was no one wishing to provide public comment on this item.

Councilmember Eggen commented that he sent an e-mail posing three questions. He asked if the language is the same in the Comcast contract, including the right-of-way fee in the list of revenues, then does this result in a fee on a fee? He felt that the Council doesn't know the full effect of this language. He suggested asking Verizon or Comcast if they have the answer. He added that he doesn't want to remove that item from the revenue list and have the result be that the City gets a 4.75% fee. The other question is whether we have collected a fee on a fee it seems that changing this on everything done would result in sizable loss of revenue. He asked how much revenue the City would be forfeiting. Third, he suggested posting both the City's fee and what the utility tax structure is on the website.

Mr. Norris replied that doing this is up to the Council because it is the City's franchise. He said they can choose to act when they want to and doesn't know how much more information we'll get if we don't act tonight.

Councilmember Hansen felt that it is unreasonable to limit discussion because the Council has a tough situation. He compared this to the Truth in Lending Act and didn't care whether it is a franchise fee. He said it is important for the City to be honest. However, he warned that by eliminating item T, Verizon will have a competitive advantage. He said he could be satisfied if the City states that there is a nominal rate of 5% and an actual effective rate of 5.26%, just like regulation Z of the Truth in Lending Act. He supported the ordinance but wanted to make sure the effective rate of 5.26% is clear.

Councilmember Way asked that disclosures regarding Councilmember Hansen's suggestion be included on the website and wherever it is appropriate.

Mayor Ryu commented that if the residents are willing to pay taxes the City owes them honesty and full disclosure.

Councilmember Eggen suggested that when the Council reviews the budget and revenues in the future, things like this should be thought about more clearly. He said the Council should consider the effect of this and other statements and address them in more comprehensive way.

Councilmember Hansen commented that his preferred solution is to state the rate as 5.26% and remove the reference to regulation T, but the City Attorney says that isn't legal according to federal regulations.

A vote was taken on the motion to adopt Ordinance No. 522, Granting a Franchise to Verizon Northwest, Inc. to Operate a Cable System in the Public Rights-Of-Way to provide Cable Services in the City Shoreline for a Twelve Year Term, which carried 7-0.

(a) **CONTINUED:** Ordinance No. 507, amending the Comprehensive Plan to rename the Single Family Land Use Designation as Institution/Campus; establish that a Master Plan Area is created as an Amendment to the Development Code; and amending development regulations to implement these Comprehensive Plan changes by creating a Master Planned Area zoning designation and adopting a Master Plan Area Permit Process

Councilmember Way noted that there are a few technical items that need to be corrected on the CP maps and that the City should have a version that accurately reflects South Woods, the Hamlin Park extension, and Kruckeberg Garden.

Mr. Tovar said the City could have a recital in the Ordinance that would include these, but it can't be changed outside of the process.

Councilmember Way said she talked to the Municipal Research Services Center (MRSC) and she was told it makes sense for cities to make updates that reflect new parks as part of the annual CP process.

Mr. Tovar reiterated that it could be a recital and acknowledged that there are other things that need addressing.

Councilmember Way stated that another issue is determining whether applications are compatible with Fircrest and if there are true opportunities for public input. Additionally, she is concerned about measuring cumulative impacts and the expansion of excess property.

MEETING EXTENSION

At 10:30 p.m., Councilmember Hansen moved to extend the meeting until 11:00 p.m. Councilmember Eggen. seconded the motion, which carried 7-0.

Mr. Olander replied that the criteria talks about compatibility and cumulative impacts.

Ms. Markle commented that the two options before the Council don't allow for new uses and is not intended to be and not interpreted that way. She said the intent is for the Council to use the criteria to decide if something is compatible or not. She explained that the purpose of the criteria is to make compatibility decisions such as those that relate to design, density, and environment. She clarified that Councilmember Eggen added an amendment on page 194 which combines items #7 and #9.

Mr. Olander stated that Mayor Ryu's comments were about intent, and versions 1 and 2 won't allow new uses.

Mayor Ryu felt that the City needs to tighten up page 187 and is uncomfortable moving this from a legislative process. She added that if the definition of non-significant is in the language, she can't support it. She felt this was taken from a planning process to a permitting process.

Mr. Tovar inquired what the Council imagined that an applicant would submit.

Mayor Ryu responded that she liked the Ridgecrest process and pointed out that it was done legislatively.

Mr. Tovar explained that a legislative process is not just the CP, and Ridgecrest didn't involve a CP amendment. He added that if the Council expects a higher degree of certainty about the details, it can't be done with a CP, but it could be done with a code amendment like Ridgecrest. Additionally, if the Council wants something in between, the City staff can write regulations for Council approval. He felt the solution could be a legislative code amendment. Ms. Markle reminded the Council that doing this legislatively would be very expensive and affect the budget. She noted that it would be a huge financial commitment.

Mr. Olander suggested doing detailed development regulations for these sites, which are different from MP applications. However, doing it this way would be very time consuming, he warned.

Mr. Tovar added that most of the focus and Council comment was on a 2.5 acre piece of Ridgecrest. He noted that Fircrest is 92 acres, which is much bigger and more complicated.

Councilmember Hansen commented that it is a shame that this issue has gotten so politicized over Fircrest. He said the Council is holding up SCC and Crista because there isn't any agreement on Fircrest. He said he can support either version because it supports the Council goal. He said the Council has a duty to move this on for the other entities. People should be talking to the state, he said, and it is great that the state invited them to talk about their concerns.

Councilmember McGlashan agreed with Councilmember Hansen. He said SCC was told they would not get any more permits until they go through the master planning process.

Mr. Sievers said it was imposed as a condition, and this ordinance reiterates that.

Mr. Olander stated that the neighbors are concerned about incremental approvals.

Councilmember McGlashan stated that this doesn't approve anything and only starts the process. He expressed support for either version.

Councilmember Eggen expressed concern about the quasi-judicial process for new applications. He noted that the Council purposely separated out existing and new uses. He also communicated that there are some issues he identified through the criteria. He stated that without strengthening the criteria he cannot support this item at this time.

Mayor Ryu noted that she will not go to the National League of Cities (NLC) conference for budgetary reasons. She suggested working on this item in about three weeks.

Mr. Olander said he was thinking about the same timeline. He suggested forming a three person committee with Mayor Ryu, Councilmember Eggen, and Councilmember McGlashan.

Councilmember McConnell supported version 1 or version 2, adding that the discussion has been very frustrating.

Deputy Mayor Scott noted that there was discussion last week about separating Fircrest and the Health Lab out of the master planning process. He noted that after tonight's discussion the Council isn't there yet. He stated that he thought the Council had come to some resolution by separating the two entities but said he has heard that Council is not comfortable taking this from a legislative to a quasi-judicial process. He added that he liked Councilmember Eggen's earlier e-mail in which existing uses for Crista and Fircrest are fine, as long as the criteria are clearly and narrowly defined.

Councilmember Hansen noted that there may be four votes to separate Fircrest and Crista under version 2.

Deputy Mayor Scott felt there needs to be more discussion on this issue and doesn't want to vote on this issue tonight.

10. ADJOURNMENT

At 11:00 p.m., upon motion by Councilmember Hansen, seconded by Councilmember McGlashan, and carried 5-2, with Mayor Ryu and Councilmember Way dissenting, the meeting was adjourned.

Scott Passey, City Clerk

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CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF TOWN HALL VISIONING MEETING

Wednesday, November 19, 2008
7:00 p.m.

Shoreline Conference Center
Shoreline Room

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

ABSENT: none

GUESTS: Will Hall, Vice Chair, Planning Commission; Ben Perkowski, Commissioner; John Behrens, Commissioner, David Pyle, Commissioner; Michele Wagner, Commissioner

CITY STAFF: Bob Olander, City Manager; Julie Underwood, Assistant City Manager; Joe Tovar, Planning & Development Services Director; Debbie Tarry, Finance Director; Dick Deal, Parks, Recreation & Cultural Services Director; Mark Relph, Public Works Director; Mark Mayuga, Economic Development Manager; Steve Cohn, Long-Range Planner; David Levitan, Planner; Eric Bratton, Management Analyst; John Norris, Management Analyst; Scott Passey, City Clerk

1. **CALL TO ORDER**

The meeting was called to order at 7:00 p.m. by Mayor Ryu, who presided. Mayor Ryu welcomed the audience and explained that the purpose of the meeting is to assist in the development of the community's preferred vision for Shoreline's future. This shared community vision will serve as the guiding principles for the update of the Shoreline Comprehensive Plan, which is required by the state's Growth Management Act. She added that developing a vision statement is an important first step because the City must finish the Comprehensive Plan update by 2011.

2. **PLANNING COMMISSIONER PRESENTATIONS**

Mayor Ryu then introduced Will Hall, Planning Commission Vice Chair, who introduced Commissioners Ben Perkowski, John Behrens, David Pyle, and Michele Wagner. He stated that their purpose tonight is to present the primary themes that emerged from the Community Conversation sessions conducted in October.

Vice Chair Hall thanked everyone who participated in the Community Conversations sessions, noting that the Commissioners reviewed every comment that was submitted. He pointed out that the themes are intended to introduce and organize the feedback. He commented that over 400 people participated in the Conversations, and many new people came out from “every corner of the City.” He said although some were skeptical about the process, most people appreciate the City’s commitment and the opportunity to provide input. He added that the comments received focused on local as well as global issues. However, tonight’s focus will be on the larger themes.

Protecting Natural Areas and Conserving Resources

Commissioner Perkowski reported that many comments focused on the protection and conservation of natural resources, recreation areas, and trees. He stated that many of the comments are consistent with the goals of the City’s Environmental Sustainability Strategy, including low-impact development (LID) in critical areas. Managing and protecting ecosystems was also a major theme that emerged from the community. Some of the solutions identified included: 1) addressing the impacts of past practices; 2) proactively managing and protecting ecosystems; 3) improving and expanding waste reduction and resource conservation programs; 4) finding energy solutions as a key to reducing our carbon footprint; 5) managing expected growth in a sustainable way; and 6) providing a diversity of active and passive recreation opportunities for all ages to gather and play.

Walkability, Transportation, Transit, and Services

Commissioner Behrens commented on the need for trails and corridors for bicycles and transit to smooth the circulation of both north-south and east-west traffic. He said most people are pleased with the aesthetics of Aurora Avenue, but others are concerned about how it functions. He said people want safe places to walk throughout the city, and sidewalks and bicycle trails need to be connected so they really work as a network. People need more transit, including east-west transit connections, and most people said they really like the first mile of Aurora Avenue. He said although there are definitely concerns about some things being slower or more difficult, people like the look of it. He also said that people value the high level of services we enjoy in Shoreline, but people would like to see even more variety and selection in retail, restaurants, brewpubs and other evening entertainment. He concluded that people have mixed opinions about the casinos but everyone seems to agree that we don’t want them to be dominant.

Community Gathering Places, Economic Development, and Unique Opportunities such as Fircrest

Commissioner Pyle noted that comments focused on extending social networks beyond neighborhood boundaries. He said people want more community gathering places, commercial establishments or informal open spaces. Regarding economic development, he stated that people want choices when it comes to services and amenities, but they also recognize that we must be able to fund those services and amenities. People want to increase the job opportunities in Shoreline so they can work closer to home. Other themes

included small business development and preservation, preparing for future needs through vocational opportunities, and retraining opportunities. There are some unique places in Shoreline, such as Fircrest, and the community has very strong feelings about them. People feel the city should stay very involved in planning for major institutions like Fircrest to make sure they meet the needs of the community. He concluded that protecting resources for future generations is another major theme that emerged from the sessions.

Housing and Neighborhood Compatibility

Commissioner Wagner reported that housing and neighborhood compatibility was a major theme identified in the Community Conversations. She then elaborated on the sub-themes that emerged, which included density, neighborhood character, housing options, affordability, and senior housing. She said there was a strong feeling to protect traditional single family neighborhoods by directing growth to appropriate places, which include along Aurora, in North City, and at carefully chosen locations throughout the city. She also said people want to protect the character of neighborhoods by keeping the size of lots and houses compatible with existing homes so new development fits in. She pointed out that people want a consistent look and feel when it comes to neighborhood character, but they also value diversity. Regarding housing options, she said that some people would like the City to revisit the issue of smaller houses on smaller lots (i.e. "cottage housing"), but felt it should be done in targeted areas. There is room for a variety of housing types, large lots, small lots, single family, and multifamily housing. She added that people want options for affordable housing, including ownership and rental choices.

Vice Chair Hall summarized that there were many suggestions for incremental changes, but one overall message is that most people think Shoreline is a great place to live already. He said radical change isn't what we need. Our schools, parks, trees, and neighborhoods make people want to live here. As one of the closest suburbs to downtown Seattle, and one with I-5, 99, and transit connecting us to cities north and south, we can expect more people to want to live here in the future. He said the Commissioners heard how important it is for the City to accommodate growth in carefully chosen places so we can protect traditional neighborhoods and still provide for vibrant economic growth, a sustainable natural environment, and a range of housing choices. He concluded that to become a truly walkable and sustainable community, people want services and community gathering spaces within walking distance of every neighborhood, and they want the sidewalks, bike trails, and transit to connect us.

3. ROUNDTABLE CONVERSATIONS

Joe Tovar, Planning and Development Services Director, then explained that the audience would be divided into small groups in order to provide feedback on these themes directly to Councilmembers and to one another in a roundtable format. These roundtable conversations lasted approximately 45 minutes.

4. PUBLIC COMMENT

At 8:30 p.m. Deputy Mayor Scott called for public comment.

(a) LaNita Wacker, Shoreline, commented that visionary leadership is one of the intangible goals of the visioning process. She said that the City needs a leader to rise to the level of statesman. She concluded that visionary leadership in the style of Rockefeller or Carnegie is what is needed to lead Shoreline towards a new vision.

(b) Elaine Phelps, Shoreline, commented that the City Council has demonstrated its vision through this wonderful event. She said although there will always be disagreements, what is important is how you disagree. She said this is a wonderful way to begin the process and commented favorably on the Mayor's leadership.

(c) Maryn Wynne, Shoreline, noted that heightened interest and enthusiasm are common side effects of this process. She indicated a strong interest in peak oil. She commented that urban planning in a post peak-oil era is an important consideration and that uncertainty is an overarching theme.

(d) Dale Wright, Shoreline, commented that the current visioning process is an attempt to identify values. He suggested looking at the current vision to see what might be missing. He noted that over 300 separate activities led to the City's incorporation and the creation of the Comprehensive Plan. He concluded that while some things should probably change, the current vision requires few amendments.

(e) Les Nelson, Shoreline, commented that everything that is being offered in this process is already considered in the Comprehensive Plan. He noted that we have a choice of where we want density to occur, and although the Growth Management Act (GMA) dictates much of this, the City doesn't follow the existing Comprehensive Plan. He said allowing developers to build in conflict with the GMA also conflicts with the Comprehensive Plan goals. He urged enforcement of the Comprehensive Plan.

(f) Dan Mann, Shoreline, commented that respect for the quality of neighborhoods is an important theme. He said the City-enabled commercialization in residential areas is not needed. He noted that Richmond Beach, North City, and areas along the Aurora corridor are endangered neighborhoods.

(g) Wendy DiPeso, Shoreline, commented that a healthy community is what is needed, but Shoreline already has many amenities. She addressed the need for enhanced economic development in order to prevent increasing tax burdens on the community. She advocated for increased connectivity between public, private, and non-profit organizations. She hoped the City will actively promote community relationships.

(h) Bill Bear, Shoreline, spoke in favor of increasing the natural and social capital in Shoreline. He said if social capital does not increase, we risk having a city in which nobody trusts each other. He also advocated for increasing "natural capital" in

terms of environmental quality. He pointed out that quality of life is not measured solely in financial terms.

(i) Michelle Shafer, Shoreline, urged the community to work together so Shoreline can become the best place possible. She said she would like to see opportunities for cooperation and collaboration between the older and younger generations. She said she would like to see more people working side-by-side on joint projects. She encouraged a union between the high schools and residents.

(j) Marlin Gabbert, Shoreline, spoke in favor of protecting local neighborhoods, parks, schools, and enhancing economic development. He stressed the need to work together and getting to know one's neighbors. He said although we have lost some of the interconnectivity with one another, we can accomplish the City vision by working together.

5. MAYOR'S CLOSING REMARKS

Mayor Ryu thanked everyone for attending and for all their honest feedback. She then outlined the next steps in the Visioning process. She invited individuals and groups to compose their own vision of Shoreline, which will made available on the City website for everyone to review. In January, the City Council and Planning Commission will meet jointly to review all of the community's input. Council will then provide direction to the Planning Commission about key points to include in preparing a draft Vision and Framework Goals. In early February, the Council and Commission will conduct a joint public hearing to hear additional public comment on the draft Vision and Framework Goals. Mayor Ryu concluded by stating that the goal is to review and approve the final Vision and Framework Goals in March 2009.

6. ADJOURNMENT

At 8:55 p.m., Mayor Ryu declared the meeting adjourned.

Scott Passey, City Clerk

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CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Approval of Expenses and Payroll as of December 31, 2008
DEPARTMENT: Finance
PRESENTED BY: Debra S. Tarry, Finance Director *PR for DT*

EXECUTIVE / COUNCIL SUMMARY

It is necessary for the Council to formally approve expenses at the City Council meetings. The following claims/expenses have been reviewed pursuant to Chapter 42.24 RCW (Revised Code of Washington) "Payment of claims for expenses, material, purchases-advancements."

RECOMMENDATION

Motion: I move to approve Payroll and Claims in the amount of \$5,873,661.73 specified in the following detail:

***Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
11/16/08-11/29/08	12/5/2008	26881-27067	8327-8368	38590-38599	\$400,610.18
11/30/08-12/13/08	12/19/2008	27068-27260	8369-8406	38710-38721	\$464,926.74
					<u>\$865,536.92</u>

***Wire Transfers:**

Expense Register Dated	Wire Transfer Number	Amount Paid
12/15/2008	1000	\$42,330.50
		<u>\$42,330.50</u>

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
12/1/2008	38480	38482	\$26,709.51
12/1/2008	38483	38494	\$58,607.32
12/2/2008	38495	38512	\$24,891.61
12/3/2008	38513	38528	\$63,775.01
12/3/2008	38529		\$600.00
12/3/2008	38530	38549	\$81,911.15
12/3/2008	38550	38559	\$2,848.58
12/10/2008	38560	38562	\$67,440.00
12/10/2008	38563	38589	\$757,064.45
12/11/2008 33	38600	38603	\$63,529.03

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
12/15/2008	38604	38642	\$822,015.75
12/17/2008	38643		\$3,137.49
12/17/2008	38644	38650	\$48,376.37
12/18/2008	38651	38664	\$45,627.80
12/18/2008	38665	38688	\$1,494,035.55
12/18/2008	38689	38706	\$46,085.18
12/19/2008	37431		(\$133.80)
12/19/2008	38707		\$133.80
12/19/2008	38708		\$3,459.24
12/19/2008	37440		(\$10.00)
12/19/2008	38709		\$10.00
12/23/2008	38722	38737	\$207,323.48
12/30/2008	38738	38740	\$26,709.51
12/30/2008	38741	38758	\$1,112,001.59
12/31/2008	38759		\$2,055.00
12/31/2008	38760	38771	\$7,590.69
			<u>\$4,965,794.31</u>

Approved By: City Manager _____ City Attorney _____

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: 2009 Shoreline Historical Museum Contract DEPARTMENT: Parks, Recreation & Cultural Services PRESENTED BY: Lynn M. Cheeney, Recreation Superintendent

PROBLEM/ISSUE STATEMENT:

The City of Shoreline has contracted with the Shoreline Historical Museum since 1996 to provide educational and heritage opportunities for the citizens of Shoreline. There is \$66,124 allocated in the 2009 Parks, Recreation and Cultural Services budget for these services. Under this contract the Museum provides exhibits, lectures, tours, historic preservation research and a facility as specified in Attachment A. The Executive Director also provides a detailed update and briefings on programs and attendance annually to the City Council.

FINANCIAL IMPACT:

This contract was anticipated and included in the 2009 budget at \$66,124. This amount is a 3.5% increase over 2008. City purchasing policies require contracts exceeding \$50,000 be reviewed and approved by City Council action.

RECOMMENDATION

Staff recommends City Council to authorize the City Manager to execute a contract between the City of Shoreline and the Shoreline Historical Museum in the amount of \$66,124 to provide educational and heritage opportunities for the citizens of Shoreline.

Approved By: City Manager  City Attorney _____

INTRODUCTION

The City of Shoreline has had a contract with the Shoreline Historical Museum since 1996. The Museum provides value historic preservation and information to the City and the community. In 2006, a special exhibit was created for the City's 10 year anniversary. The Museum facility is open year-round, with typical hours being Tuesday through Saturday 10 a.m. to 4 p.m. Archives are open to the public each Wednesday from 10:00 a.m. to 1:00 p.m. for research. The Museum Director provides special tours and related research to the City as needed.

BACKGROUND

The Shoreline Historical Museum will be providing the following heritage programs for City of Shoreline residents:

- Museum exhibits – 2 rotating exhibits
 - Mareen Schultz Kruckeberg – A Horticultural Legacy for the Washington Community
 - The Alaska-Yukon-Pacific Exposition: World's Fair, Local Outcomes
- Lectures – Approximately 6 lectures per year.
- Tours and related programs – Approximately 30 to 50 tours per year, plus monthly hands-on days and Passport to History.
- Historic Preservation Research
Services provided year-round for citizens and community groups.
- Traveling Exhibits – Outgoing
- Provide three different traveling exhibits, available to other museums, schools and/or organizations.

RECOMMENDATION

Staff recommends City Council to authorize the City Manager to execute a contract between the City of Shoreline and the Shoreline Historical Museum in the amount of \$66,124 to provide educational and heritage opportunities for the citizens of Shoreline.

ATTACHMENTS

A. Scope of Work

**EXHIBIT A
CITY OF SHORELINE
SCOPE OF WORK AND COMPENSATION**

17544 Midvale Ave., N., Shoreline, WA 98133
(206) 546-1700 ♦ Fax (206) 546-7870

Shoreline Historical Museum

1. The Shoreline Historical Museum agrees to provide the following heritage programs for City of Shoreline residents:
 - Museum Exhibits – 2 rotating exhibits
 1. Mareen Schultz Kruckeberg – A Horticultural Legacy for the Washington Community
 2. The Alaska-Yukon-Pacific Exposition: World's Fair, Local Outcomes
 - Lectures – Approximately 6 lectures per year
 - Tours and related programs – Approximately 30 to 50 tours per year, plus monthly hands-on days and Passport to History

Historic Preservation Research

Services provided year-round for citizens and community groups.

Traveling Exhibits – Outgoing

Provide three different traveling exhibits, available to other museums, schools and/or organizations.

2. Janitorial services will be performed at least twice per week.
3. The Museum facility will be open year-round, with typical hours being Tuesday through Saturday 10 a.m. to 4 p.m. Archives open to public each Wednesday from 10:00 a.m. to 1:00 p.m. Special tours and related research to be available by appointment. Unscheduled programming to include both outreach and site-based lectures and oral histories.
4. The total compensation shall be \$66,124 payable in four equal payments. A Bill Voucher (Exhibit B) shall be submitted each quarter. Requests are to be submitted at the end of March, June, September and November. A completed Program Attendance Form (Exhibit D) must accompany each Billing Voucher. A Taxpayer Identification Number (Exhibit C) must be submitted prior to any requests for funds.
5. In an effort to increase program publicity, Museum Director will provide information and photos on upcoming activities for submittal in the PRCS Recreation Guide. PRCS staff will notify Museum Director well in advance of deadlines.

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CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: 2009 Shoreline Lake Forest Park Arts Council Contract
DEPARTMENT: Parks, Recreation & Cultural Services
PRESENTED BY: Lynn M. Cheeney, Recreation Superintendent

PROBLEM/ISSUE STATEMENT:

The City of Shoreline has contracted with the Shoreline Lake Forest Park Arts Council since 1996 to assist in providing educational and cultural opportunities for the citizens of Shoreline. Within the 2009 Parks, Recreation and Cultural Services budget there was \$66,124 approved for this contract. These programs include but are not limited to Concerts in the Parks, Children's Series and the annual Shoreline Arts Festival. It also includes the agreement for the use of the Showmobile. The Executive Director of the Arts Council also provides an annual detailed briefing to the City Council on programs and attendance at the events sponsored by the Arts Council.

FINANCIAL IMPACT:

This contract was anticipated and included in the 2009 budget at \$66,124. City funding for the Arts Council is a 3.5% increase over 2008. City purchasing policies require contracts exceeding \$50,000 be reviewed and approved by City Council action.

RECOMMENDATION

Staff recommends City Council to authorize the City Manager to execute a contract between the City of Shoreline and the Shoreline Lake Forest Park Arts Council in the amount of \$66,124 to provide educational and cultural opportunities for the citizens of Shoreline.

Approved By: City Manager  City Attorney _____

INTRODUCTION

The first contract between the City of Shoreline and the Shoreline Lake Forest Park Arts Council was created in 1996 to provide cultural services to the City. Since 1996, the City and the Shoreline Lake Forest Park Arts Council have enjoyed a positive relationship serving our Shoreline community with a variety of programs and events that would not be possible without this partnership. Over 18,650 Shoreline residents participated in these events and programs made possible by the 2007 contract.

In 2004, the City of Shoreline contributed \$25,000 to the Arts Council for the Showmobile (a portable stage). This contribution gave the City authorization to use the Showmobile for City concerts and special events. The City provides the Arts Council transportation of the Showmobile for programs and events in the city of Shoreline.

BACKGROUND

The 2009 Contract contains the following services and programs to the city of Shoreline:

Shoreline Arts Festival

Two-day summer event presenting a wide variety of arts for all ages, including visual, performing, cultural and literary event, activities, exhibits, and programs.

Concerts/Performances in the Parks

Six evening summer concerts/performances in Shoreline parks.

Arts in Cultural Series

Adult/family series featuring a minimum of four different performances events during the fall, winter and spring.

Children's Series

Children's/family series featuring a minimum of three different performance events during the winter and spring.

Community Outreach

Includes responding to and working with a variety of community organizations on arts related projects.

Showmobile

The City may use the Showmobile for events in the City of Shoreline at no cost to the City. The City agrees to transport Showmobile for the Arts Council events held in the City of Shoreline at no cost to the Arts Council.

RECOMMENDATION

Staff recommends City Council to authorize the City Manager to execute a contract between the City of Shoreline and the Shoreline Lake Forest Park Arts Council in the amount of \$66,124 to provide educational and cultural opportunities for the citizens of Shoreline.

ATTACHMENTS

A. Scope of Work

**EXHIBIT A
CITY OF SHORELINE
SCOPE OF WORK AND COMPENSATION**

17544 Midvale Ave., N., Shoreline, WA 98133
(206) 546-1700 ♦ Fax (206) 546-7870

Shoreline-Lake Forest Park Arts Council

1. The Shoreline-Lake Forest Park Arts Council agrees to provide the following cultural programs and community outreach for the city of Shoreline citizens:

Shoreline Arts Festival

Two-day summer event presenting a wide variety of arts for all ages, including visual, performing, cultural and literary event, activities, exhibits, and programs.

Concerts/Performances in the Parks

Evening summer concerts/performances in Shoreline parks.

Arts in Culture Series

Adult/family series featuring a minimum of four different performances events during the fall, winter and spring.

Children's Series

Children's/family series featuring a minimum of three different performance events during the winter and spring.

Community Outreach

Includes responding to and working with a variety of community organizations on arts related projects.

2. The Shoreline Lake Forest Park Arts Council agrees to contract with performers of the City's choosing for the following City events:

Celebrate Shoreline

One performance at the City's Celebrate Shoreline festival.

Hamlin Haunt

One evening performance at the City's Hamlin Haunt Halloween event.

3. The Shoreline Lake Forest Park Arts Council agrees to comply with all City regulations.
4. Identify the city of Shoreline as the primary "co-sponsor" of these program, defined as follows:

- A. For all printed program promotional materials, appropriately list the words, "with support from the City of Shoreline." Separate listing will include City logo and standard phrasing. Printed program promotional materials shall include, but not limited to, posters, signs, flyers, newsletter listing, media advertising, etc. The City recognizes that publications of articles may be subject to edits by the new media, but that the Shoreline-Lake Forest Park Arts Council will make every attempt to acknowledge the City by name.
 - B. Inclusion, when appropriate, of the City's name in City-funded programs in Public Service Announcements, and any other non-print media.
 - C. Display of City's identification banner at outdoor events and easel and signage for use at indoor events.
5. In an effort to increase program publicity, Shoreline Lake Forest Park Arts Council Executive Director will provide information and photos on upcoming activities for submittal in the PRCS Recreation Guide. PRCS staff will notify Executive Director well in advance of deadlines. The Arts Council agrees to allow the City of Shoreline the use of the Showmobile for City sponsored events. The City agrees to provide in-kind labor from the Parks, Recreation and Cultural Services Department to assist with the transportation, set-up and take down of the Showmobile for Arts Council events in the City of Shoreline.
6. Total compensation shall be \$66,124 payable in four equal payments. Bill Voucher (Exhibit B) shall be submitted each quarter. Requests are to be submitted at the end of March, June, September and November. A completed Program Attendance Form (Exhibit D) must accompany each Billing Voucher. A Taxpayer Identification Number (Exhibit C) must be submitted prior to any requests for funds.

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CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorize the City Manager to Approve Three Grant Contracts Totaling \$10,724,227 for the Aurora Corridor Project
DEPARTMENT:	Public Works
PRESENTED BY:	Kirk McKinley, Transportation Services Manager Bethany Wolbrecht-Dunn, Grants Specialist

PROBLEM/ISSUE STATEMENT: Staff is requesting that Council authorize the City Manager to execute agreements for the following grant funds:

- Local Agency Agreement to obligate \$2,224,227 of Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU) grant funds for the Construction Phase of the Aurora Corridor Project (N 165th Street to N 205th Street).
- Local Agency Agreement to obligate \$3,000,000 of Surface Transportation Program (STP) grant funds for the Construction Phase of the Aurora Corridor Project (N 165th Street to N 205th Street).
- Transportation Improvement Board (TIB) agreement to obligate \$5,500,000 grant funds to the Engineering, Right-of-Way, and Construction Phases of the Aurora Corridor Project (N 185th Street to N 192nd Street).

In accordance with the City's purchasing policies, Council authorization is required in order for staff to obligate grant funds exceeding \$50,000. Both the Washington State Department of Transportation (WSDOT) and the Washington State Transportation Improvement Board (TIB) require formal authorization of their contracts prior to execution.

WSDOT administers federal transportation funds awarded to the City of Shoreline. These funds have been approved by the local Metropolitan Planning Organization, Puget Sound Regional Council, and have been included in the Washington State Transportation Improvement Program. The Transportation Improvement Board (TIB) administers the revenue generated by three cents of the statewide gas tax to cities and counties for funding transportation projects. These TIB funds were approved at the November 2008 TIB Meeting.

Below is a summary of key requirements of each grant fund:

SAFETEA-LU Grant of \$2,224,227:

- Can only be used for the Construction Phase of the Aurora Corridor Project (N 165th Street to N 205th Street).
- Provides for 100% of eligible construction-related costs.

- Administered by the WSDOT Local Programs Office.
- Identified in the Washington State Transportation Improvement Program.

STP Grant of \$3,000,000:

- These STP funds can only be used for the Construction Phase of the Aurora Corridor Project (N 165th Street to N 205th Street).
- The STP grant funds require a 13.5% match.
- Quarterly project status reports are required by WSDOT for this grant.

Transportation Improvement Board (TIB) Grant of \$5,500,000:

- These TIB funds can only be used for Design, Right-of-Way, and Construction of the Aurora Corridor Project (N 185th Street to N 192nd Street).
- These TIB funds require a 40.4% match.
- These funds are administered by the Washington State Transportation Improvement Board.

FINANCIAL IMPACT:

The Aurora Corridor Project (N 165th Street to N 205th Street) is identified in the City's 2009-2014 Capital Improvement Program. The following provides a summary of the funding sources for this project and the items under consideration are highlighted in bold.

Funding Sources	Amount
Roads Capital Fund	\$8,743,421
Federal STP – C	\$7,393,631
SAFETEA-LU	\$855,472
SAFETEA-LU	\$1,368,755
Surface Transportation Program (STP)	\$3,000,000
Surface Transportation Program (STP)	\$3,600,000
STP-U	\$525,361
King County	\$1,401,742
King County	\$1,000,000
Nickel Gas Funding	\$2,100,000
Transportation Partnership Act	\$10,000,000
In Lieu Funds	\$158,689
Transportation Improvement Board (TIB)	\$6,000,000
Transportation Improvement Board (TIB)	\$5,500,000
Regional Mobility Grant*	\$2,500,000
Surface Water Funds	\$1,300,000
Future	\$37,568,321
Total	\$93,015,392

* Proposed for reauthorization as part of the 2009-2011 Washington State Budget.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to execute the follow agreements:

- Local Agency Agreement to obligate \$2,224,227 of Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU) grant funds for the Construction Phase of the Aurora Corridor Project (N 165th Street to N 205th Street).
- Local Agency Agreement to obligate \$3,000,000 of Surface Transportation (STP) grant funds for the Construction Phase of the Aurora Corridor Project (N 165th Street to N 205th Street).
- Transportation Improvement Board (TIB) agreement to obligate \$5,500,000 grant funds to the Engineering, Right of Way, and Construction Phases of the Aurora Corridor Project (N 185th Street to N 192nd Street).

Approved By: City Manager  City Attorney ____

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CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorize the City Manager to Execute a Contract for the Construction of Richmond Beach Pump Station Park; and Approve "Kayu Kayu Ac Park" as the Park's Official Name
DEPARTMENT:	Parks, Recreation and Cultural Services Public Works
PRESENTED BY:	Dick Deal, Director of Parks, Recreation and Cultural Services Tricia Juhnke, Capital Projects Administrator

PROBLEM/ISSUE STATEMENT:

This agenda item is to request two Council actions in support of the new park at the Richmond Beach Metro Pump Station site, currently known as "Pump Station Park," located at 19911 Richmond Beach Drive NW.

The first action is Council's authorization for the City Manager to award a construction contract with Langsholt Construction, Inc. in the amount of \$416,598 for construction of a new park on 2.08 acres of the Richmond Beach Pump Station site. The project was advertised for bid on November 19, 2008 and bids were opened on Wednesday, December 17, 2008. Twelve bids were received, with Langsholt, Inc. being the lowest responsible base bid at \$416,598. The Engineer's Estimate for the base bid was \$500,000.

The second requested action is Council's approval for naming this new park "Kayu-Kayu Ac" Park (pronounced "Ki-U, Ki-U, Atch" - "ki" like in "kite" and "U" like the letter "U." The last part, "Ac," is pronounced "atch" like in "watch"). The Parks, Recreation and Cultural Services Board recommended this name for approval on November 20, 2008 after a nearly six-month review of potential park names.

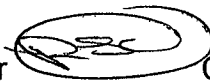
RECOMMENDATION

Staff recommends that Council authorize the City Manager to award a construction contract to Langsholt Construction, Inc. in the amount of \$416,598.00 for construction of Richmond Beach Pump Station Park.

Staff further recommends that Council approve "Kayu Kayu Ac" as the official name for this new 2.08-acre park. This name will be placed on park signage and printed materials associated with this new facility.

Approved by:

City Manager



City Attorney

BACKGROUND

PARK IMPROVEMENTS

King County has operated the Metro Pump Station site for over two decades on a four-acre waterfront site in the Richmond Beach Community of Shoreline. In December of 2003, the King County Executive selected the Point Wells site as the primary outfall for the new King County Brightwater Sewerage Treatment program.

As partial mitigation for the impacts of the proposed Brightwater program on the City of Shoreline, the County agreed to provide the City the sum of \$750,000 and the right to use and develop for park purposes the southernmost two acres of the Pump Station site. As a condition of this use agreement, the City agreed to provide security fencing for the Pump Station facility and to maintain full vehicular access to the Pump Station site from Richmond Beach Drive NW. In October 2004, Council approved the Brightwater Mitigation Agreement and in March 2007, Council approved the Surface Land Use Easement Agreement to maintain the 2.08 acres of the Pump Station site for a future park site.

Preliminary Design and Site Assessment Work

Beginning in 2005, the City began the development of preliminary concepts for use of the new park site. Soils tests were carried out to determine the subsoil condition on site and to test the extent of wetlands adjacent the Pump Station site. Community meetings were held in 2005 and 2006 in an effort to determine the most appropriate mix of facilities at this new park site. Picnic facilities and a children's play area were consistent elements expressed through this community review. The Parks, Recreation and Cultural Services Board expressed a preference for the ability of park users to have a vantage point to view train traffic and boating activity on Puget Sound. A public restroom facility was also determined to be a high priority. A draft master plan for the site was completed in June of 2006. The final design and construction process for the park was delayed until 2008, due to construction by King County at the pump station site to support the Brightwater Sewerage Treatment expansion program.

Design Coordination with King County

The Surface Land Use Easement agreement approved by Council in March of 2007 outlines property management and coordination responsibilities for both the City and King County. The on-going operations at the Pump Station site require that the County be provided 24-hour access to the pumping equipment at the site. Separation of site utilities and irrigation systems between County and City operations will be required, in order to enable each entity to track its utilities use. At each phase of design, the County expressed a desire to review and comment on design proposals for the site. The timing for the design and construction of the project was also coordinated around King County's construction of improvements at the Pump Station Site. Work at the site was completed by King County in early 2008, which enabled the City to proceed with final design. At completion of the City's construction activities with this new site, a sign will be erected at the site, acknowledging King County's financial involvement with the new park project.

Final Design

Public review of design development drawings for the new park at the Pump Station site occurred in early 2007. The interpretive panels for installation in the park's viewing platform were reviewed by the PRCS Board and approved in late 2007. In the summer of 2008, the final design drawings were completed and reviewed by both King County and the City of Shoreline's department of Planning and Development Services. The construction elements for the new park will include a play area with swings, a viewing platform with interpretive panels describing railroad and boating activity in Puget Sound, picnic tables, a unisex restroom facility and a small parking area at the site.

PARK NAME CHANGE

The name "Pump Station Park" has always been considered a placeholder name for this future park site. Over the last six months, the PRCS Board has been deliberating over name choices for this new park. Park naming was discussed at a number of PRCS Board meetings, and the Board solicited naming ideas from the general public.

Naming of a new park facility should be approached with caution, patience and deliberation. Names often come through:

- . Neighborhood or geographical identification
- . A community name or widely accepted existing name
- . Natural or geological features
- . Historical or cultural references
- . An individual, family or organization that has made outstanding civic or monetary contributions to the community.

In the summer of 2008, staff received several ideas for park names. All names were reviewed by the PRCS Board. The Board wanted to avoid duplicative or names similar to existing facilities in Shoreline, so names with "Richmond Beach", "sound", "view", "sunset" or "mountain" were not considered. The PRCS Board appointed a subcommittee to further investigate naming choices. Historical references were considered, and an interest emerged in the significant contributions to this area from the Native American community in this region. The PRCS Board and staff enlisted the help of Edith Nelson, an Elder of the Duwamish tribe here in the Northwest, to provide suggestions for possible names. Ms. Nelson consulted with a tribal member who is doing language research of the early Duwamish people. It was learned that present-day "Richmond Beach" was a well-known area among the Duwamish, and the name for this space was Kayu Kayu Ac. The phonetic pronunciation would be "Ki-U, Ki-U, Atch."

This name, Kayu Kayu Ac is also the Duwamish Dialect name for the plant known as "kinnikinnick", also called "Indian Tobacco." This beautiful plant was a valuable resource for personal use, for gifting and for trading. Richmond Beach must have been a good place for harvesting kinnikinnick. On November 20, 2008, the PRCS Board recommended "Kayu Kayu Ac" for consideration to the City Council as the official name for this new park at the Richmond Beach Pump Station site.

ACTION ITEM

Award Construction Contract to Langsholt Construction, Inc.

On November 19, 2008, the new park at the Pump Station site was advertised for bid. The project was bid as a lump sum bid, with no alternates. A pre-bid conference was held on December 2, 2008, and bids were opened on December 17, 2008. Twelve bids were received by the City. Base bids ranged from a low of \$416,598.00 to a high of \$592,960.00. The Engineer's Estimate for the improvements was set at \$500,000. Nine bids were below the Engineer's Estimate, and the low bid was a full 17% below the estimate. The low bid was received from Langsholt Construction Company from Monroe, Washington, in the amount of \$416,598.00. A table of bid results follows:

Company Name	Total Base Bid
1. Langsholt Construction, Inc.	\$416,598.00
2. Clements Brothers, Inc.	\$444,973.97
3. Interwest Construction, Inc.	\$448,405.00
4. Precision Earthworks, Inc.	\$464,776.00
5. Paul Brothers, Inc.	\$473,986.50
6. Construct Company, LLC	\$474,041.00
7. Razz Construction, Inc.	\$474,150.00
8. Callen Construction, Inc.	\$486,685.00
9. L.W. Sundstrom, Inc.	\$488,865.00
10. Archer Construction, Inc.	\$511,253.60
11. Plats Plus, Inc.	\$515,469.72
12. Ohno Construction Company	\$592,960.00

Staff has completed all applicable reference checks on Langsholt Construction, Inc., including State agency fiscal compliance. References were satisfactory regarding quality of construction and their history of managing budget, materials, and personnel. Staff is confident in Langsholt's ability to complete the project within the terms of the contract.

FINANCIAL IMPACT:

Richmond Beach Pump Station Park Improvements are funded in the 2008-2013 Capital Improvements Plan. A summary of the financial information for this project is as follows:

Project Costs:

Engineering

Contracted Services	\$117,870
Direct City Costs	\$39,600

Construction

Contract with Langsholt Construction	\$416,598
Contingency	\$50,000
1% for the Arts	\$4,166

Total Project Costs	\$628,234
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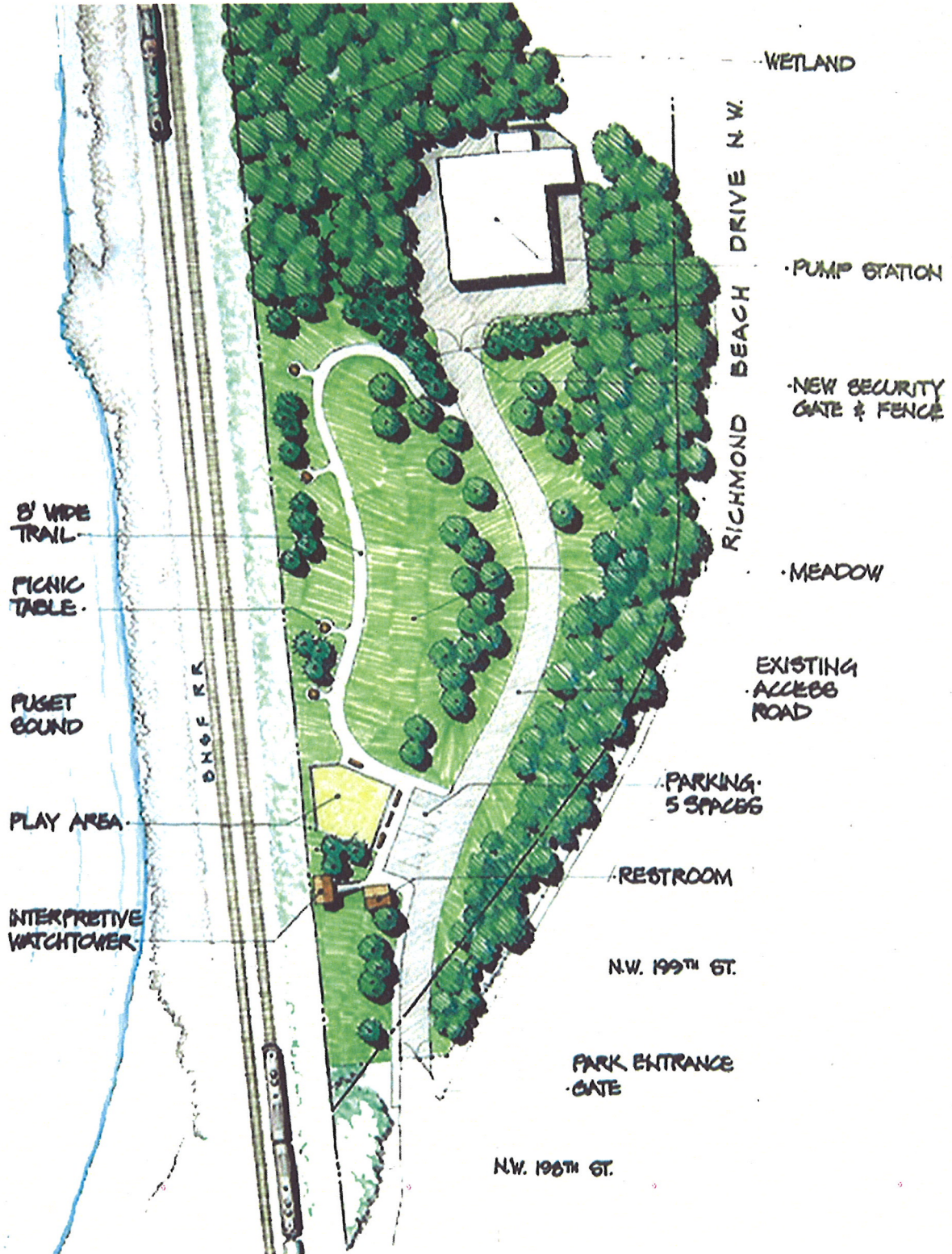
Project Revenue:	
King County Mitigation fund	\$750,000
Total Project Revenue	\$750,000
Project Balance (Revenue – Project Costs)	\$121,766

RECOMMENDATION

Staff recommends that Council authorize the City Manager to award a construction contract with Langsholt Construction, Inc. in the amount of \$416,598.00 for construction of a new park at the Richmond Beach Pump Station site.

Consistent with the City of Shoreline Policy and Procedures 01-02 for park naming, Staff recommends that Council approve "Kayu Kayu Ac" as the official name for this new 2.08-acre park, located on the Richmond Beach pump station site. This name will be placed on all park signage and printed materials associated with this park facility.

Approved: City Manager_____ City Attorney_____





SHORELINE

Geographic Information Systems

City of Shoreline **Metro Pump Station**

 School Boundary
 Park Boundary
 Stream
 Road
 Outside City
 Open
 Piped

0 195 300 Feet



City of Shoreline		POLICY & PROCEDURE	
Subject: Parks and Facility Naming Policy		Department: Parks, Recreation and Cultural Services Number: 01-02	
Effective Date February 11, 2002	Supersedes Not applicable		Approved By: City Council

1.0 PURPOSE:

The purpose of this policy is to outline the procedures and criteria for the official naming of parks and recreation facilities.

2.0 POLICY:

It is the policy of the City of Shoreline for designation of names for park and recreation facilities to be in accordance with the following criteria:

- a. The naming of parks and facilities should be approached with caution, patience, and deliberation.
- b. A name, once adopted, should be permanent, and changes should be strongly resisted.
- c. Existing facility names shall be reviewed in order to avoid duplication, confusing similarity and/or inappropriateness.
- d. A prospective park or major facility name should be one likely to be widely accepted and used by the public.
- e. Whenever possible, a facility shall be named prior to construction of the improvement. Timing is important in naming facilities, since temporary designations tend to be retained. In the development of facilities, a number designation shall be used until formal naming of the facility is complete.
- f. A park's interior features and/or facilities may have names other than that of the entire park.
- g. If a park or sub-element of a park is named after an individual, family or organization, the final recommendation shall include a narrative describing or quantifying in some detail, the contribution. The qualifying achievement should be the result of extraordinary dedication, significant donation or contribution to the City parks and recreation system, over and above the satisfactory performance of normal duties.

- h. There should be a lapse of at least six months between the receipt of the name proposal and the final recommendation for its adoption.
- i. In cases where the person is deceased, the person shall have been deceased for a minimum of two years.
- j. Elected/appointed City of Shoreline officials and currently employed City staff shall not be eligible for consideration until they are no longer in office or have retired from city service.
- k. Length of service, in and of itself, does not meet this criteria.
- l. Names may reflect:
 - 1. Neighborhood or geographical identification
 - 2. Community name or widely accepted name,(e.g., North City Park, Richmond Beach Saltwater Park, Innis Arden Reserve, Meridian Park, Ballinger Open Space)
 - 3. Natural or geological feature (e.g., Boeing Creek Park, Twin Ponds Park)
 - 4. Historical or cultural significance
 - 5. The name may include an individual, family, or organization that has made a significant land and/or monetary contribution to the park and recreation system, or has performed significant public service which made a tangible contribution to the parks and recreation system justifying a permanent memorial.

3.0 PROCEDURES:

- a. Suggestions for names for any park, or public facility may be solicited from individuals and/or organizations. All suggestions, solicited or not, shall be recorded and forwarded to the Parks, Recreation and Cultural Services Advisory Committee for review and consideration.
- b. Staff may review suggestions for names and make a recommendation(s) to the Parks, Recreation and Cultural Services Advisory Committee for consideration.
- c. The Parks, Recreation and Cultural Services Advisory Committee after review of public and staff input shall make a recommendation to the City Council for consideration.
- d. Following adoption of the facility name by the City Council, the Parks, Recreation and Cultural Services Department shall develop facility signage using the name.

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CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 532 Amending Ordinance No. 527 Authorizing the Use of Eminent Domain for Acquisition of Certain Real Property to Construct the Aurora Corridor Project, N. 165 th – N. 185 th
DEPARTMENT:	Public Works
PRESENTED BY:	Kirk McKinley, Aurora Corridor Project Manager Ian Sievers, City Attorney

BACKGROUND

The purpose of this action item is to amend Ordinance No. 527, which authorized the use of eminent domain for acquisition of certain real property located along Aurora Avenue North necessary for construction of the Aurora Corridor Project, N. 165th – N. 185th ("Project"). Legal descriptions and maps for the Seattle City Light transmission right-of-way included in Ordinance No. 527 are amended to include a larger area needed for the Project.

RECOMMENDATION

Staff recommends that Council adopt proposed Ordinance No. 532 amending Ordinance No. 527 correcting errors in the legal descriptions and maps for acquisition within the Seattle City Light transmission right-of-way.

Approved By: City Manager  City Attorney 

DISCUSSION

On November 18, 2008, the City Council passed Ordinance No. 527 authorizing eminent domain to acquire certain portions of properties needed for the Aurora Corridor Project, N. 165th – N. 185th ("Project"). Seattle City Light ("SCL") transmission right-of-way extends over seven separate parcels that were included in Ordinance No. 527: 0726049156, 0726049155, 0726049154, 0626049028 and 18510 and 18528 Aurora Avenue North, and 1111 North 175th Street. The project requires fee acquisitions and temporary construction easements from these parcels.

Exhibit B of Ordinance No. 527 sets forth the legal descriptions and depictions of those portions of all of the properties required for the Project, including the SCL parcels. However, the legal descriptions and maps for the SCL properties included in Exhibit B were in error. Ordinance No. 532 replaces the incorrect legal descriptions and depictions for the SCL parcels.

RECOMMENDATION

Staff recommends that Council adopt proposed Ordinance No. 532 amending Ordinance No. 527 correcting errors in the legal descriptions and maps for acquisition within the Seattle City Light transmission right-of-way.

ATTACHMENTS

Attachment A: Proposed Ordinance No. 532

Exhibit A: Legal descriptions of fee acquisitions and temporary construction easements and maps of same for SCL transmission line right-of-way.

ORDINANCE NO. 532

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING ORDINANCE NO. 527 AUTHORIZING THE USE OF EMINENT DOMAIN TO ACQUIRE CERTAIN PORTIONS OF REAL PROPERTY IDENTIFIED AS TAX PARCELS 0726049156, 0726049155, 0726049154, 0626049028 AND PROPERTY LOCATED AT 18510 AND 18528 AURORA AVENUE NORTH, AND 1111 NORTH 175th STREET, SHORELINE WASHINGTON

WHEREAS, on January 14, 2008, the Shoreline City Council adopted the final design for the Aurora Corridor Project N. 165th - N. 205th ("Project") which has been identified in the 2009-2014 Capital Improvement Plan ("CIP"); and

WHEREAS, the purpose of the Project is to improve the safety and mobility of pedestrians, transit users, people with disabilities, and drivers along Aurora Avenue from North 165th Street to North 205th Street; and

WHEREAS, this Project will improve the economic development potential of the corridor, enhance the livability of adjacent communities, and support the City's Comprehensive Plan; and

WHEREAS, the CIP calls for the right-of-way acquisition in 2008 for Aurora Avenue N. 165th – N. 185th with construction of Aurora Avenue N. 165th – N. 185th to begin in 2009; and

WHEREAS, the Shoreline City Council determined that the property described in Ordinance No. 527 was necessary to complete the Project including the construction of BAT lanes, medians, sidewalks and underground utilities; and

WHEREAS, Ordinance No. 527 authorized the condemnation of portions of tax parcels 0726049156, 0726049155, 0726049154, and 0626049028 and of portions of property located at 17505, 18510 and 18528 Aurora Avenue North and 111 North 175th Street, identified as parcels 359, 360, 361, 453, 451, 452 and 269, respectively, but did not accurately describe the property required for the Project; and

WHEREAS, the City of Shoreline has the power to acquire lands through eminent domain for the establishment, construction, enlargement, improvement, and maintenance of public streets; and

WHEREAS, acquisition of property is categorically exempt from SEPA review under WAC 197-11-800(5)(a); now, therefore,

**THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO
ORDAIN AS FOLLOWS:**

Section 1. Amendment. Exhibit B to Ordinance No. 527 is amended to replace the legal descriptions and maps for parcels 359, 360, 361, 453, 451, 452 and 269 with the legal descriptions and maps attached as Exhibit A to this ordinance.

Section 2. Effective Date and Publication. A summary of this Ordinance consisting of the title shall be published in the official newspaper and the Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON January 5, 2009.

Mayor Cindy Ryu

ATTEST:

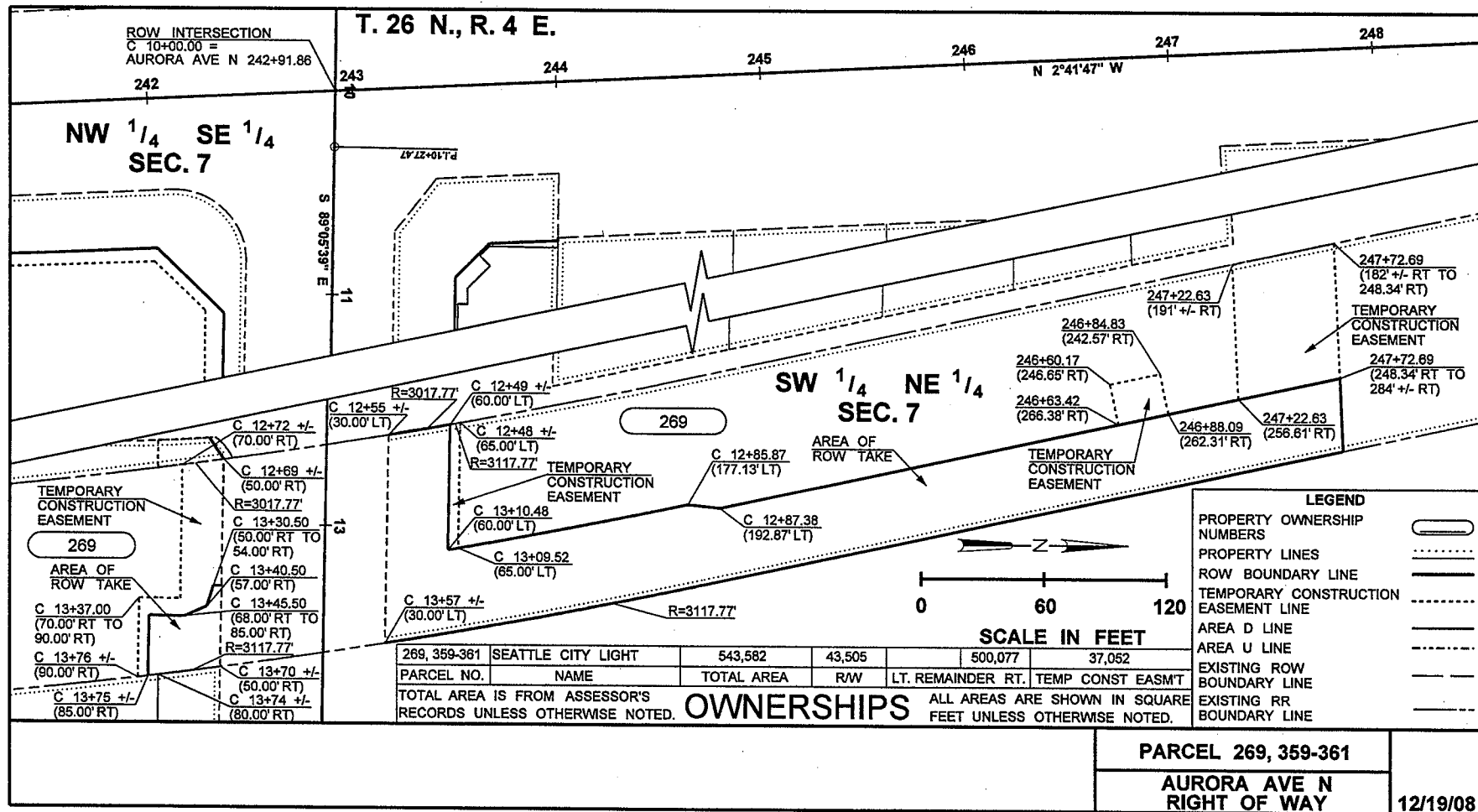
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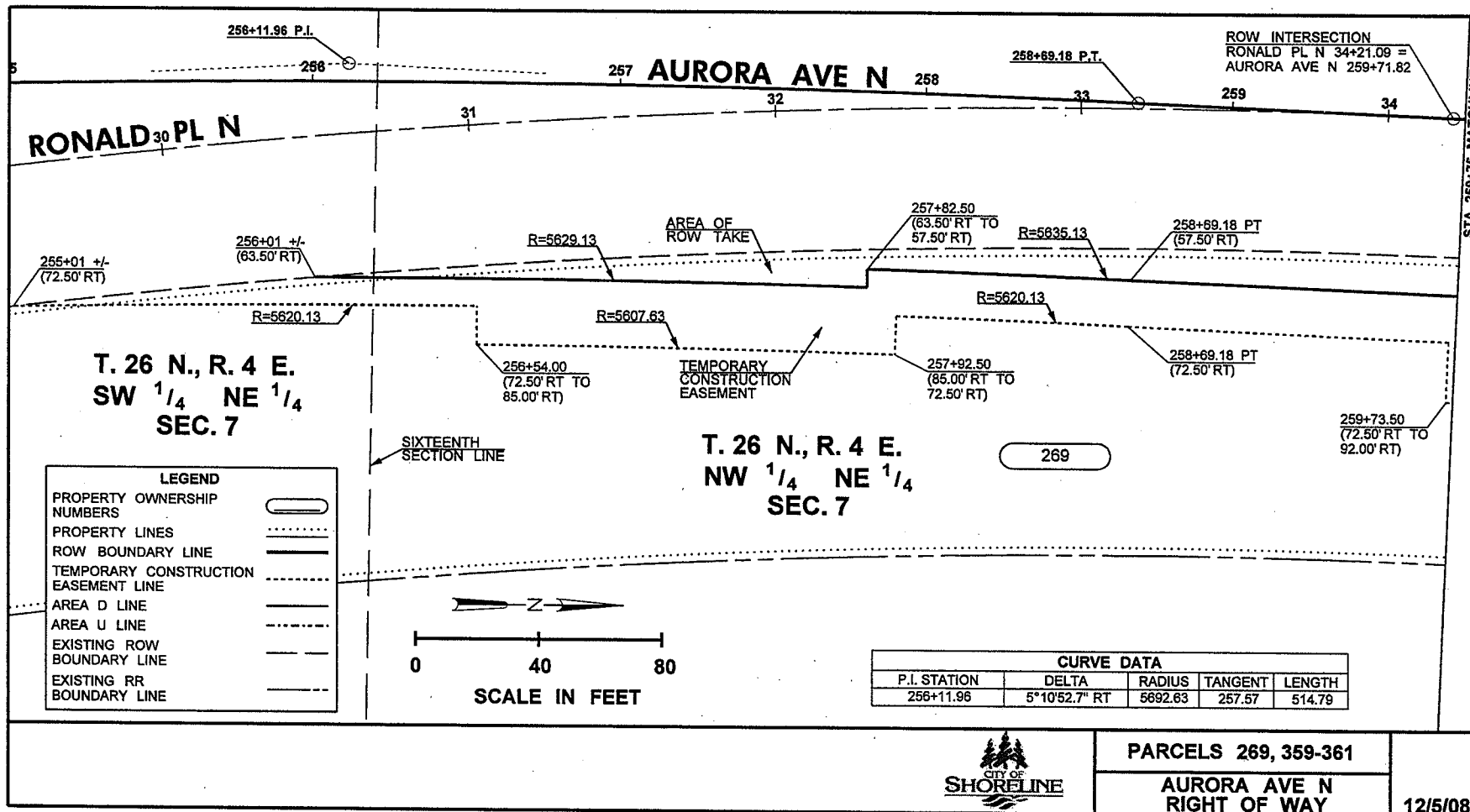
Scott Passey
City Clerk

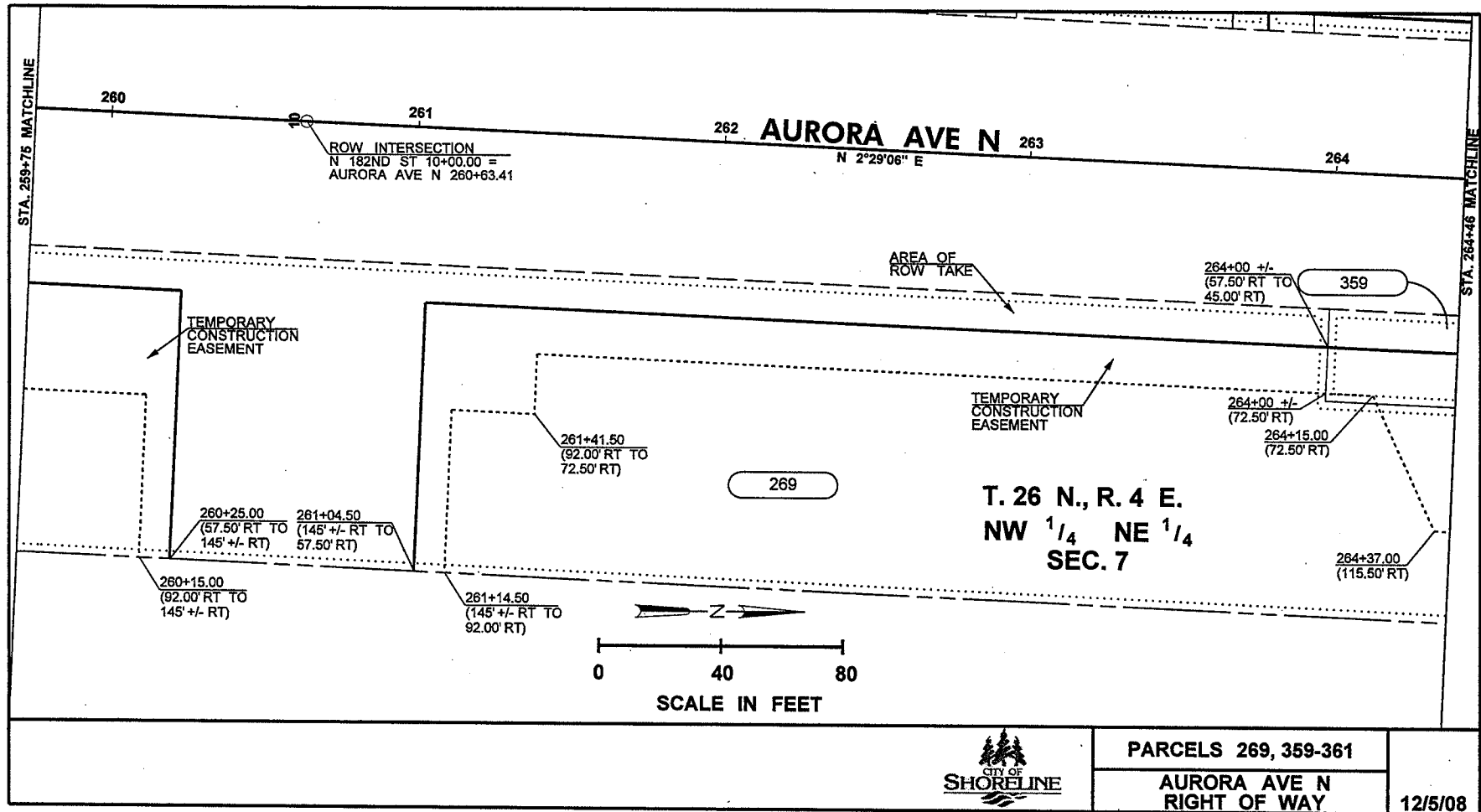
Ian Sievers
City Attorney

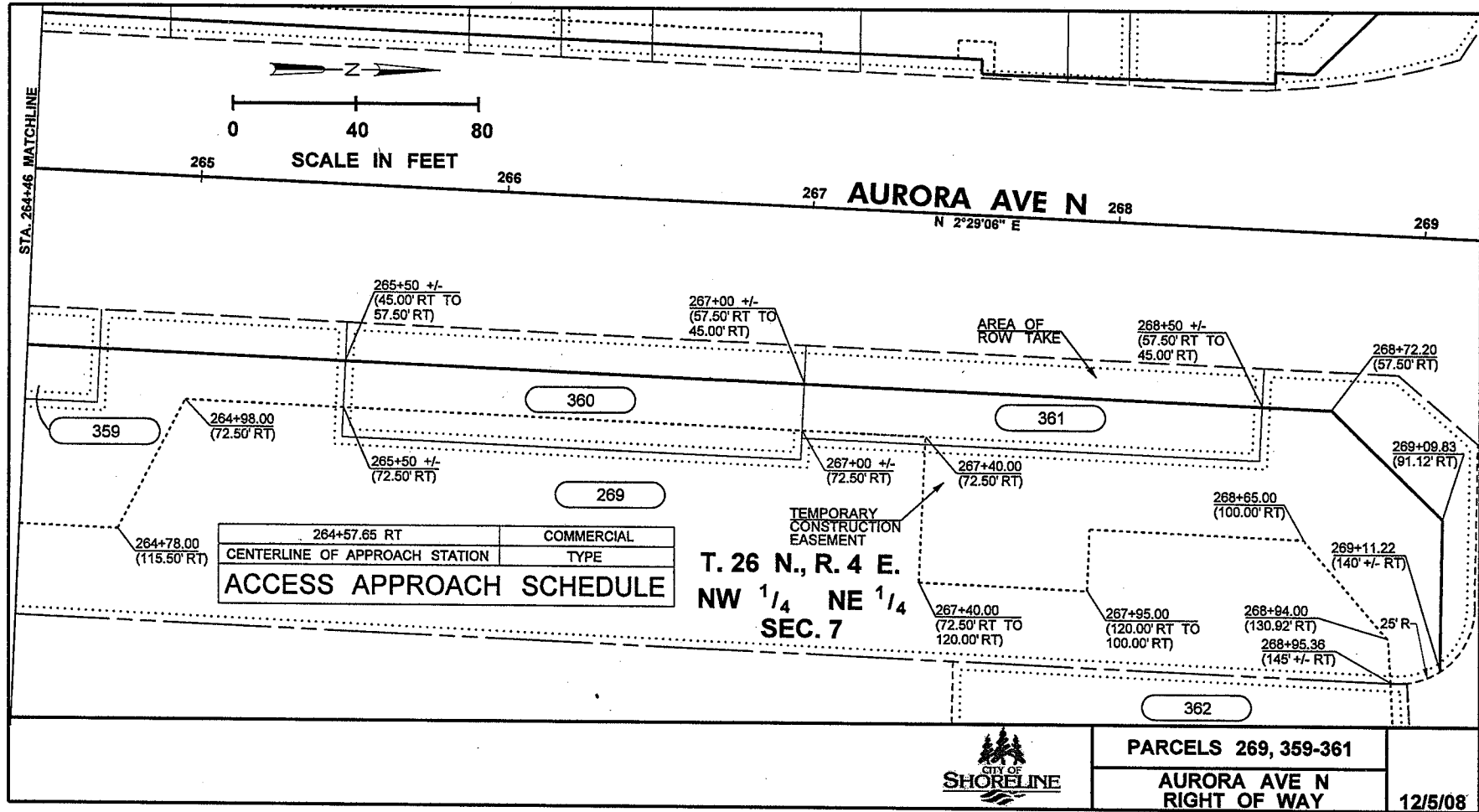
Date of Publication:
Effective Date:

EXHIBIT A












PARCEL 269, 359-361
CITY OF SEATTLE TRANSMISSION LINE RIGHT-OF-WAY

A PERMANENT RIGHT-OF-WAY IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER, SECTION 7, TOWNSHIP 26 NORTH, RANGE 4 EAST, W.M., CITY OF SHORELINE, KING COUNTY, WASHINGTON, BEING THAT PORTION OF THE SEATTLE AND EVERETT INTERURBAN LINE RIGHT-OF-WAY ALSO KNOWN AS TRACT "X"; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF LAND LYING EASTERLY, NORTHERLY, NORTHEASTERLY, EASTERLY AND NORTHERLY OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT A POINT 50.00 FEET SOUTHERLY MEASURED AT RIGHT ANGLES FROM ENGINEER'S STATION 13+30.50 OF THE "C" LINE AS SHOWN ON THE RECORD OF SURVEY RECORDED AT AUDITOR'S FILE NUMBER 20080305900001 RECORDS OF KING COUNTY; THENCE SOUTHERLY TO A POINT LYING 54.00 FEET THEREFROM ENGINEER'S STATION 13+30.50; THENCE SOUTHERLY TO A POINT LYING 57.00 FEET THEREFROM ENGINEER'S STATION 13+40.50; THENCE SOUTHEASTERLY TO A POINT LYING 68.00 FEET THEREFROM ENGINEER'S STATION 13+45.50; THENCE SOUTHERLY TO A POINT LYING 85.00 FEET THEREFROM ENGINEER'S STATION 13+45.50; THENCE EASTERLY TO A POINT ON THE EAST BOUNDARY OF TRACT "X", ALSO BEING 85.00 FEET THEREFROM ENGINEER'S STATION 13+75 +/- OF SAID "C" LINE, AND THE TERMINUS OF THIS LINE.

TOGETHER WITH ALL THAT PORTION OF LAND LYING EASTERLY, SOUTHERLY AND EASTERLY OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT A POINT 30.00 FEET NORTHERLY MEASURED AT RIGHT ANGLES FROM ENGINEER'S STATION 12+55 +/- OF THE "C" LINE AS SHOWN ON THE RECORD OF SURVEY RECORDED AT AUDITOR'S FILE NUMBER 20080305900001 RECORDS OF KING COUNTY, ALSO BEING A POINT ON THE WEST BOUNDARY OF TRACT "X"; THENCE NORTHERLY ALONG THE WEST BOUNDARY OF TRACT "X" TO A POINT 60.00 FEET THEREFROM ENGINEER'S STATION 12+49 +/-; THENCE EASTERLY TO A POINT 60.00 FEET THEREFROM ENGINEER'S STATION 13+10.48; THENCE NORTHWESTERLY TO A POINT 177.13 THEREFROM ENGINEER'S STATION 12+85.87; THENCE NORTHERLY TO A POINT 192.87 FEET THEREFROM ENGINEER'S STATION 12+87.38; THENCE NORTHWESTERLY TO A POINT 248.34 FEET EASTERLY AS MEASURED AT RIGHT ANGLES FROM ENGINEER'S STATION 247+72.69 OF THE CENTERLINE OF AURORA AVENUE AS SHOWN ON THE RECORD OF SURVEY RECORDED AT AUDITOR'S FILE NUMBER 20080305900001 RECORDS OF KING COUNTY; THENCE EASTERLY TO A POINT ON THE EAST BOUNDARY OF TRACT "X", ALSO BEING 284 FEET +/- THEREFROM ENGINEER'S STATION 247+72.69 OF SAID AURORA AVENUE CENTERLINE, AND THE TERMINUS OF THIS LINE.

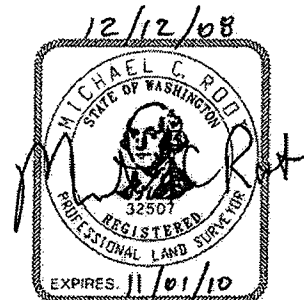
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PARCEL 269, 359-361 CONTINUED

TOGETHER WITH ALL THAT PORTION OF LAND LYING WESTERLY, SOUTHERLY, WESTERLY AND NORTHERLY OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT A POINT 63.50 FEET EASTERLY AS MEASURED AT RIGHT ANGLES FROM ENGINEER'S STATION 256+01 +/- OF THE CENTERLINE OF AURORA AVENUE AS SHOWN ON THE RECORD OF SURVEY RECORDED AT AUDITOR'S FILE NUMBER 20080305900001 RECORDS OF KING COUNTY; THENCE NORTHERLY ALONG A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 5629.13 FEET TO A POINT 63.50 FEET THEREFROM ENGINEER'S STATION 257+82.50 OF SAID AURORA CENTERLINE; THENCE WESTERLY TO A POINT 57.50 FEET THEREFROM ENGINEER'S STATION 257+82.50 OF SAID AURORA CENTERLINE; THENCE NORTHERLY ALONG A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 5635.13 FEET TO A POINT 57.50 FEET THEREFROM ENGINEER'S STATION 258+69.18 OF SAID AURORA CENTERLINE; THENCE NORTHERLY TO A POINT 57.50 FEET THEREFROM ENGINEER'S STATION 260+25.00 OF SAID AURORA CENTERLINE; THENCE EASTERLY TO A POINT ON THE EAST BOUNDARY OF TRACT "X", ALSO BEING 145 FEET +/- THEREFROM ENGINEER'S STATION 260+25.00 OF SAID AURORA CENTERLINE, AND THE TERMINUS OF THIS LINE.

TOGETHER WITH ALL THAT PORTION OF LAND LYING SOUTHERLY, WESTERLY, NORTHWESTERLY, AND NORTHERLY OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT A POINT 145 FEET +/- EASTERLY AS MEASURED AT RIGHT ANGLES FROM ENGINEER'S STATION 261+04.50 OF THE CENTERLINE OF AURORA AVENUE AS SHOWN ON THE RECORD OF SURVEY RECORDED AT AUDITOR'S FILE NUMBER 20080305900001 RECORDS OF KING COUNTY, SAID POINT BEING ON THE EAST BOUNDARY OF TRACT "X"; THENCE WESTERLY TO A POINT THAT IS 57.50 FEET THEREFROM ENGINEER'S STATION 261+04.50 OF SAID AURORA CENTERLINE; THENCE NORTHERLY TO A POINT THAT IS 57.50 THEREFROM ENGINEER'S STATION 268+72.20 OF SAID AURORA CENTERLINE; THENCE NORTHEASTERLY TO A POINT THAT IS 91.12 FEET THEREFROM ENGINEER'S STATION 269+09.83 OF SAID AURORA CENTERLINE; THENCE EASTERLY TO A POINT ON THE EAST BOUNDARY OF TRACT "X", ALSO BEING 140 FEET +/- THEREFROM ENGINEER'S STATION 269+11.22 OF SAID AURORA CENTERLINE, AND THE TERMINUS OF THIS LINE.



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PARCEL 269, 359-361

CITY OF SEATTLE TRANSMISSION LINE RIGHT-OF-WAY

A TEMPORARY CONSTRUCTION EASEMENT IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER, SECTION 7, TOWNSHIP 26 NORTH, RANGE 4 EAST, W.M., CITY OF SHORELINE, KING COUNTY, WASHINGTON, BEING THAT PORTION OF THE SEATTLE AND EVERETT INTERURBAN LINE RIGHT-OF-WAY ALSO KNOWN AS TRACT "X"; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF LAND LYING WITHIN THE FOLLOWING DESCRIBED LINE: COMMENCING AT A POINT 50.00 FEET SOUTHERLY MEASURED AT RIGHT ANGLES FROM ENGINEER'S STATION 12+69 +/- OF THE "C" LINE AS SHOWN ON THE RECORD OF SURVEY RECORDED AT AUDITOR'S FILE NUMBER 20080305900001 RECORDS OF KING COUNTY, ALSO BEING A POINT ON THE WEST BOUNDARY OF TRACT "X" AND THE TRUE POINT OF BEGINNING; THENCE EASTERLY TO A POINT LYING 50.00 FEET THEREFROM ENGINEER'S STATION 13+30.50 OF SAID "C" LINE; THENCE SOUTHERLY TO A POINT LYING 54.00 FEET THEREFROM ENGINEER'S STATION 13+30.50 OF SAID "C" LINE; THENCE EASTERLY TO A POINT LYING 57.00 FEET THEREFROM ENGINEER'S STATION 13+40.50 OF SAID "C" LINE; THENCE SOUTHEASTERLY TO A POINT LYING 68.00 FEET THEREFROM ENGINEER'S STATION 13+45.50 OF SAID "C" LINE; THENCE SOUTHERLY TO A POINT LYING 85.00 FEET THEREFROM ENGINEER'S STATION 13+45.50 OF SAID "C" LINE; THENCE EASTERLY TO A POINT LYING 85.00 FEET THEREFROM ENGINEER'S STATION 13+75 +/- OF SAID "C" LINE, ALSO BEING A POINT ON THE EAST BOUNDARY OF TRACT "X"; THENCE SOUTHERLY ALONG SAID EAST BOUNDARY TO A POINT LYING 90.00 FEET THEREFROM ENGINEER'S STATION 13+76 +/- OF SAID "C" LINE; THENCE WESTERLY TO A POINT LYING 90.00 FEET THEREFROM ENGINEER'S STATION 13+37.00 OF SAID "C" LINE; THENCE NORTHERLY TO A POINT LYING 70.00 FEET THEREFROM ENGINEER'S STATION 13+37.00 OF SAID "C" LINE; THENCE WESTERLY TO A POINT LYING 70.00 FEET THEREFROM ENGINEER'S STATION 12+72 +/- OF SAID "C" LINE, ALSO BEING A POINT ON THE WEST BOUNDARY OF TRACT "X"; THENCE NORTHERLY ALONG SAID WEST BOUNDARY TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH ALL THAT PORTION OF LAND LYING WITHIN THE FOLLOWING DESCRIBED LINE: COMMENCING AT A POINT 60.00 FEET NORTHERLY MEASURED AT RIGHT ANGLES FROM ENGINEER'S STATION 12+49 +/- OF THE "C" LINE AS SHOWN ON THE RECORD OF SURVEY RECORDED AT AUDITOR'S FILE NUMBER 20080305900001 RECORDS OF KING COUNTY, ALSO BEING A POINT ON THE WEST BOUNDARY OF TRACT "X" AND THE TRUE POINT OF BEGINNING; THENCE NORTHERLY ALONG SAID WEST BOUNDARY TO A POINT 65.00 FEET THEREFROM ENGINEER'S STATION 12+48 +/- OF SAID "C" LINE; THENCE EASTERLY TO A POINT 65.00 FEET THEREFROM ENGINEER'S STATION 13+09.52 OF SAID "C" LINE;
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THENCE SOUTHERLY TO A POINT 60.00 FEET THEREFROM ENGINEER'S STATION 13+10.48 OF SAID "C" LINE; THENCE WESTERLY TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH ALL THAT PORTION OF LAND LYING WITHIN THE FOLLOWING DESCRIBED LINE: COMMENCING AT A POINT 266.38 FEET EASTERLY MEASURED AT RIGHT ANGLES FROM ENGINEER'S STATION 246+63.42 OF THE CENTERLINE OF AURORA AVENUE AS SHOWN ON THE RECORD OF SURVEY RECORDED AT AUDITOR'S FILE NUMBER 20080305900001 RECORDS OF KING COUNTY, AND THE TRUE POINT OF BEGINNING; THENCE WESTERLY TO A POINT 246.65 FEET EASTERLY MEASURED AT RIGHT ANGLES FROM ENGINEER'S STATION 246+60.17 OF SAID AURORA CENTERLINE; THENCE NORTHERLY TO A POINT 242.57 FEET EASTERLY MEASURED AT RIGHT ANGLES FROM ENGINEER'S STATION 246+84.83 OF SAID AURORA CENTERLINE; THENCE EASTERLY TO A POINT 262.31 FEET THEREFROM ENGINEER'S STATION 246+88.09 OF SAID AURORA CENTERLINE; THENCE SOUTHERLY TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH ALL THAT PORTION OF LAND LYING WITHIN THE FOLLOWING DESCRIBED LINE: COMMENCING AT A POINT 256.61 FEET EASTERLY MEASURED AT RIGHT ANGLES FROM ENGINEER'S STATION 247+22.63 OF THE CENTERLINE OF AURORA AVENUE AS SHOWN ON THE RECORD OF SURVEY RECORDED AT AUDITOR'S FILE NUMBER 20080305900001 RECORDS OF KING COUNTY, AND THE TRUE POINT OF BEGINNING; THENCE WESTERLY TO A POINT ON THE WEST BOUNDARY OF TRACT "X" 191 FEET +/- EASTERLY MEASURED AT RIGHT ANGLES FROM ENGINEER'S STATION 246+84.83 OF SAID AURORA CENTERLINE; THENCE EASTERLY TO A POINT 262.31 FEET THEREFROM ENGINEER'S STATION 246+88.09 OF SAID AURORA CENTERLINE; THENCE SOUTHERLY TO THE TRUE POINT OF BEGINNING.


TOGETHER WITH ALL THAT PORTION OF LAND LYING WITHIN THE FOLLOWING DESCRIBED LINE: COMMENCING AT A POINT 256.61 FEET EASTERLY MEASURED AT RIGHT ANGLES FROM ENGINEER'S STATION 247+22.63 OF THE CENTERLINE OF AURORA AVENUE AS SHOWN ON THE RECORD OF SURVEY RECORDED AT AUDITOR'S FILE NUMBER 20080305900001 RECORDS OF KING COUNTY, AND THE TRUE POINT OF BEGINNING; THENCE WESTERLY TO A POINT ON THE WEST BOUNDARY OF TRACT "X" 191 FEET +/- EASTERLY MEASURED AT RIGHT ANGLES FROM ENGINEER'S STATION 247+22.63 OF SAID AURORA CENTERLINE; THENCE NORTHERLY ALONG SAID WEST BOUNDARY TO A POINT 182 FEET +/- EASTERLY MEASURED AT RIGHT ANGLES FROM ENGINEER'S STATION 247+72.69 OF SAID AURORA CENTERLINE; THENCE EASTERLY TO A POINT 248.34 FEET THEREFROM ENGINEER'S STATION 247+72.69 OF SAID AURORA CENTERLINE; THENCE SOUTHERLY TO THE TRUE POINT OF BEGINNING.

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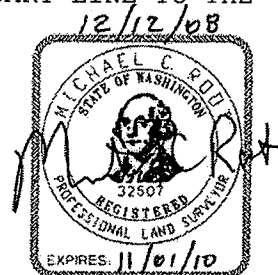
			<p>PARCEL 269, 359-361</p> <p>AURORA AVE N RIGHT OF WAY</p>	<p>12/12/2008</p>
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TOGETHER WITH ALL THAT PORTION OF LAND LYING WITHIN THE FOLLOWING DESCRIBED LINE: COMMENCING AT A POINT 72.50 FEET EASTERLY MEASURED AT RIGHT ANGLES FROM ENGINEER'S STATION 255+01 +/- OF THE CENTERLINE OF AURORA AVENUE AS SHOWN ON THE RECORD OF SURVEY RECORDED AT AUDITOR'S FILE NUMBER 20080305900001 RECORDS OF KING COUNTY, ALSO BEING A POINT ON THE WEST BOUNDARY OF TRACT "X" AND THE TRUE POINT OF BEGINNING; THENCE NORTHERLY ALONG SAID WEST BOUNDARY TO A POINT 63.50 FEET THEREFROM ENGINEER'S STATION 256+01 +/- OF SAID AURORA CENTERLINE; THENCE NORTHERLY ALONG A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 5629.13 FEET TO A POINT 63.50 FEET THEREFROM ENGINEER'S STATION 257+82.50 OF SAID AURORA CENTERLINE; THENCE WESTERLY TO A POINT 57.50 FEET THEREFROM ENGINEER'S STATION 257+82.50 OF SAID AURORA CENTERLINE; THENCE NORTHERLY ALONG A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 5635.13 FEET TO A POINT 57.50 FEET THEREFROM ENGINEER'S STATION 258+69.18 OF SAID AURORA CENTERLINE; THENCE NORTHERLY TO A POINT 57.50 FEET THEREFROM ENGINEER'S STATION 260+25.00 OF SAID AURORA CENTERLINE; THENCE EASTERLY TO A POINT ON THE EAST BOUNDARY OF TRACT "X" 145 FEET +/- THEREFROM ENGINEER'S STATION 260+25.00 OF SAID AURORA CENTERLINE; THENCE SOUTHERLY ALONG SAID EAST BOUNDARY LINE TO A POINT 145 FEET +/- THEREFROM ENGINEER'S STATION 260+15.00 OF SAID AURORA CENTERLINE; THENCE WESTERLY TO A POINT 92.00 FEET THEREFROM ENGINEER'S STATION 260+15.00 OF SAID AURORA CENTERLINE; THENCE SOUTHERLY TO A POINT 92.00 FEET THEREFROM ENGINEER'S STATION 259+73.50 OF SAID AURORA CENTERLINE; THENCE WESTERLY TO A POINT 72.50 FEET THEREFROM ENGINEER'S STATION 259+73.50 OF SAID AURORA CENTERLINE; THENCE SOUTHERLY TO A POINT 72.50 FEET THEREFROM ENGINEER'S STATION 258+69.18 OF SAID AURORA CENTERLINE; THENCE SOUTHERLY ALONG A CURVE CONCAVE TO THE EAST WITH A RADIUS OF 5620.13 FEET TO A POINT 72.50 FEET THEREFROM ENGINEER'S STATION 257+92.50 OF SAID AURORA CENTERLINE; THENCE EASTERLY TO A POINT 85.00 FEET THEREFROM ENGINEER'S STATION 257+92.50 OF SAID AURORA CENTERLINE; THENCE SOUTHERLY ALONG A CURVE CONCAVE TO THE EAST WITH A RADIUS OF 5607.63 FEET TO A POINT 85.00 FEET THEREFROM ENGINEER'S STATION 256+54.00 OF SAID AURORA CENTERLINE; THENCE WESTERLY TO A POINT 72.50 FEET THEREFROM ENGINEER'S STATION 256+54.00 OF SAID AURORA CENTERLINE; THENCE ALONG A CURVE CONCAVE TO THE EAST WITH A RADIUS OF 5620.13 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH ALL THAT PORTION OF LAND LYING WITHIN THE FOLLOWING DESCRIBED LINE: COMMENCING AT A POINT 145 FEET +/- EASTERLY AS MEASURED AT RIGHT ANGLES FROM ENGINEER'S STATION 261+04.50 OF THE CENTERLINE OF AURORA AVENUE AS SHOWN ON THE RECORD OF SURVEY RECORDED AT AUDITOR'S FILE NUMBER 20080305900001 RECORDS OF KING COUNTY, ALSO BEING A POINT ON THE EAST BOUNDARY OF TRACT "X"
(CONTINUED...)

INCA ENGINEERS INC. <small>Water Test Company</small>	HDR ENGINEERING INC.	 CITY OF SHORELINE	PARCEL 269, 359-361 AURORA AVE N RIGHT OF WAY	12/12/2008
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AND THE TRUE POINT OF BEGINNING; THENCE WESTERLY TO A POINT THAT IS 57.50 FEET THEREFROM ENGINEER'S STATION 261+04.50 OF SAID AURORA CENTERLINE; THENCE NORTHERLY TO A POINT THAT IS 57.50 THEREFROM ENGINEER'S STATION 268+72.20 OF SAID AURORA CENTERLINE; THENCE NORTHEASTERLY TO A POINT THAT IS 91.12 FEET THEREFROM ENGINEER'S STATION 269+09.83 OF SAID AURORA CENTERLINE; THENCE EASTERLY TO A POINT ON THE EAST BOUNDARY OF TRACT "X", ALSO BEING 140 FEET +/- THEREFROM ENGINEER'S STATION 269+11.22 OF SAID AURORA CENTERLINE; THENCE SOUTHERLY ALONG SAID EAST BOUNDARY BEING A CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 25.00 FEET TO A POINT THAT IS 145 FEET +/- THEREFROM ENGINEER'S STATION 268+95.36 OF SAID AURORA CENTERLINE; THENCE WESTERLY TO A POINT THAT IS 130.92 FEET THEREFROM ENGINEER'S STATION 268+94.00 OF SAID AURORA CENTERLINE; THENCE SOUTHWESTERLY TO A POINT THAT IS 100.00 FEET THEREFROM ENGINEER'S STATION 268+65.00 OF SAID AURORA CENTERLINE; THENCE SOUTHERLY TO A POINT THAT IS 100.00 FEET THEREFROM ENGINEER'S STATION 267+95.00 OF SAID AURORA CENTERLINE; THENCE EASTERLY TO A POINT THAT IS 120.00 FEET THEREFROM ENGINEER'S STATION 267+95.00 OF SAID AURORA CENTERLINE; THENCE SOUTHERLY TO A POINT THAT IS 120.00 FEET THEREFROM ENGINEER'S STATION 267+40.00 OF SAID AURORA CENTERLINE; THENCE WESTERLY TO A POINT THAT IS 72.50 FEET THEREFROM ENGINEER'S STATION 267+40.00 OF SAID AURORA CENTERLINE; THENCE SOUTHERLY TO A POINT THAT IS 72.50 FEET THEREFROM ENGINEER'S STATION 264+98.00 OF SAID AURORA CENTERLINE; THENCE SOUTHEASTERLY TO A POINT THAT IS 115.50 FEET THEREFROM ENGINEER'S STATION 264+78.00 OF SAID AURORA CENTERLINE; THENCE SOUTHERLY TO A POINT THAT IS 115.50 FEET THEREFROM ENGINEER'S STATION 264+37.00 OF SAID AURORA CENTERLINE; THENCE SOUTHWESTERLY TO A POINT THAT IS 72.50 FEET THEREFROM ENGINEER'S STATION 264+15.00 OF SAID AURORA CENTERLINE; THENCE SOUTHERLY TO A POINT THAT IS 72.50 FEET THEREFROM ENGINEER'S STATION 261+41.50 OF SAID AURORA CENTERLINE; THENCE EASTERLY TO A POINT THAT IS 92.00 FEET THEREFROM ENGINEER'S STATION 261+41.50 OF SAID AURORA CENTERLINE; THENCE SOUTHERLY TO A POINT THAT IS 92.00 FEET THEREFROM ENGINEER'S STATION 261+14.50 OF SAID AURORA CENTERLINE; THENCE EASTERLY TO A POINT ON THE EAST BOUNDARY OF TRACT "X" THAT IS 145 FEET +/- THEREFROM ENGINEER'S STATION 261+14.50 OF SAID AURORA CENTERLINE; THENCE SOUTHERLY ALONG SAID EAST BOUNDARY LINE TO THE TRUE POINT OF BEGINNING.



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TRACT "X"




PARCEL A: PN 072604-9154

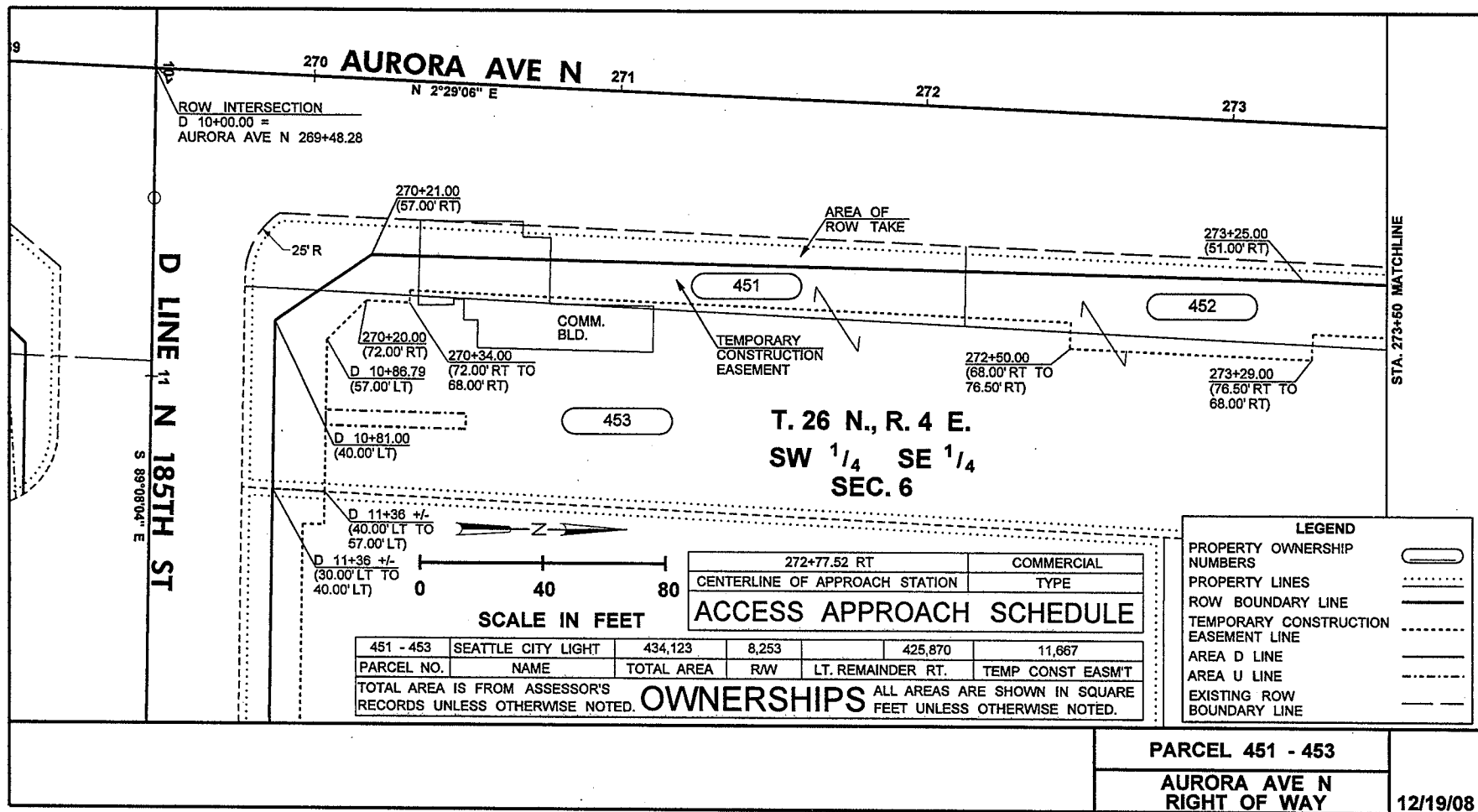
THAT PORTION OF THE CITY OF SEATTLE TRANSMISSION LINE RIGHT-OF-WAY LYING WITHIN THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 26 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

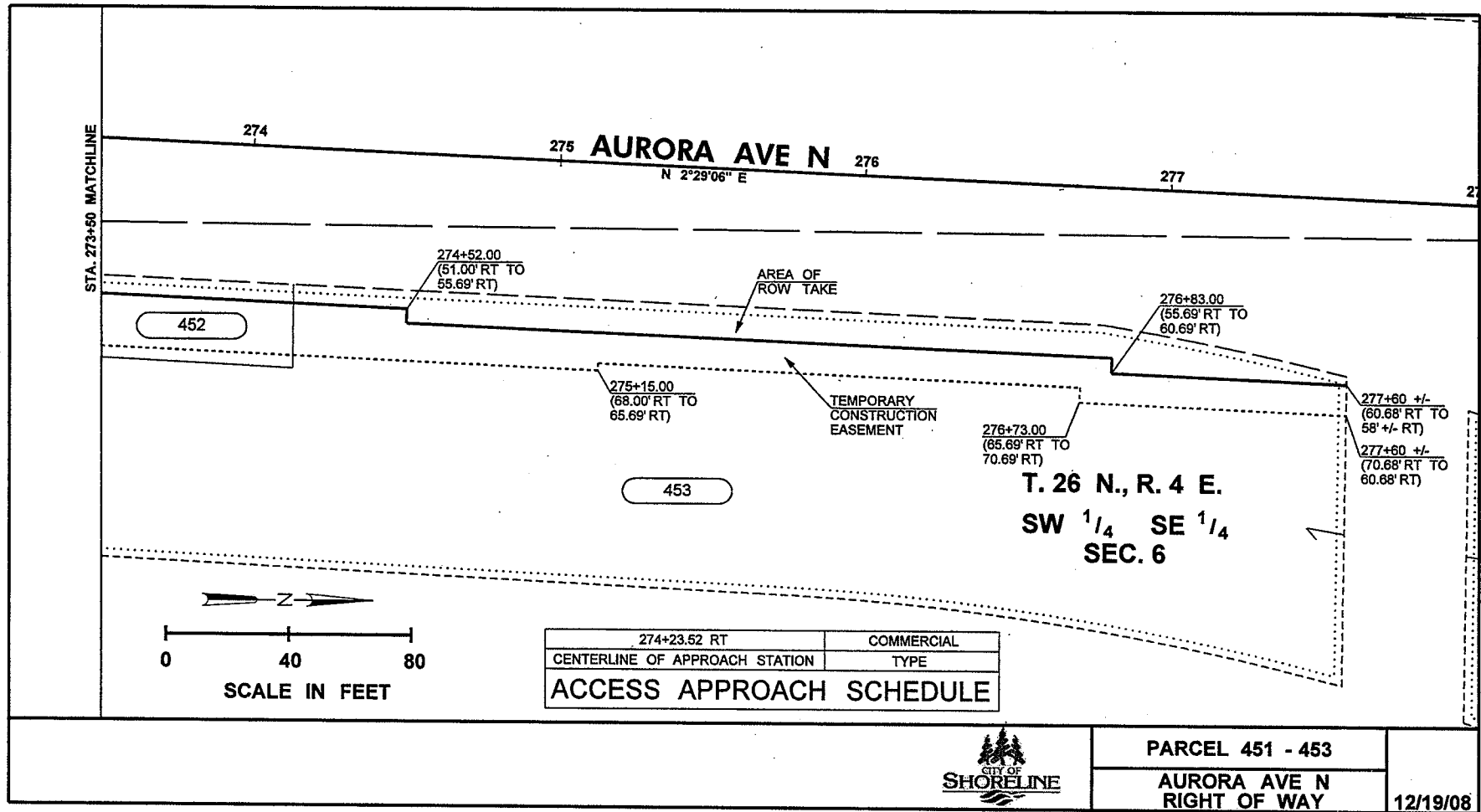
BEGINNING AT THE INTERSECTION OF THE WEST LINE OF SAID RIGHT-OF-WAY WITH THE NORTH LINE OF THE NORTHEAST QUARTER; THENCE SOUTH ALONG SAID WESTERLY LINE 100 FEET TO THE POINT OF BEGINNING;
THENCE EAST AT A RIGHT ANGLE 30 FEET;
THENCE SOUTH PARALLEL WITH SAID WEST LINE 150 FEET; THENCE WEST AT A RIGHT ANGLE 30 FEET TO SAID WEST LINE; THENCE NORTH ALONG SAID WEST LINE 150 FEET TO THE POINT OF BEGINNING.

PARCEL B: PN 072604-9155

THAT PORTION OF THE CITY OF SEATTLE TRANSMISSION LINE RIGHT-OF-WAY LYING WITHIN THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 26 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING BETWEEN THE EASTERLY LINE OF STATE ROAD NO. 1 AND A LINE 13 FEET WESTERLY OF AND PARALLEL TO THE CENTER LINE OF SAID RIGHT-OF-WAY AND LYING BETWEEN A LINE 250 FEET SOUTH AND 400 FEET SOUTH OF THE NORTH LINE OF SAID SECTION MEASURED ALONG AND AT RIGHT ANGLES TO SAID EASTERLY LINE.

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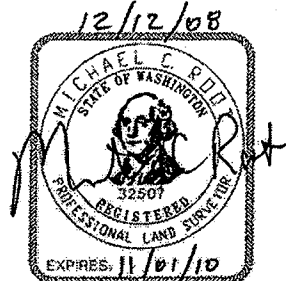







PARCEL 451-453

A PERMANENT RIGHT-OF-WAY IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, SECTION 6, TOWNSHIP 26 NORTH, RANGE 4 EAST, W.M., CITY OF SHORELINE, KING COUNTY, WASHINGTON; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF THE CITY OF SEATTLE AND EVERETT INTERURBAN LINE RIGHT-OF WAY LYING SOUTHERLY, SOUTHWESTERLY, WESTERLY, NORTHERLY, WESTERLY, NORTHERLY AND WESTERLY OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT A POINT WHICH IS 40.00 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, OF ENGINEER'S STATION 11+36 +/- ON LINE "D" AS SHOWN ON THE RECORD OF SURVEY RECORDED AT AUDITORS FILE NUMBER 20080305900001 RECORDS OF KING COUNTY; THENCE WESTERLY TO A POINT LYING 40.00 FEET THEREFROM ENGINEER'S STATION 10+81.00 OF SAID "D" LINE; THENCE NORTHWESTERLY TO A POINT LYING 57.00 FEET EASTERLY, MEASURED AT RIGHT ANGLES, FROM ENGINEER'S STATION 270+21.00 OF THE CENTERLINE OF AURORA AVENUE NORTH AS SHOWN ON THE RECORD OF SURVEY RECORDED AT AUDITORS FILE NUMBER 20080305900001 RECORDS OF KING COUNTY; THENCE NORTHERLY TO A POINT LYING 51.00 FEET THEREFROM ENGINEER'S STATION 273+52.00 OF SAID AURORA CENTERLINE; THENCE NORTHERLY TO A POINT LYING 51.00 FEET THEREFROM ENGINEER'S STATION 274+52.00 OF SAID AURORA CENTERLINE; THENCE EASTERLY TO A POINT LYING 55.69 FEET THEREFROM ENGINEER'S STATION 274+52.00 OF SAID AURORA CENTERLINE; THENCE NORTHERLY TO A POINT LYING 55.69 FEET THEREFROM ENGINEER'S STATION 276+83.00 OF SAID AURORA CENTERLINE; THENCE EASTERLY TO A POINT LYING 60.69 FEET THEREFROM ENGINEER'S STATION 276+83.00 OF SAID AURORA CENTERLINE; THENCE NORTHERLY TO A POINT LYING 60.68 FEET THEREFROM ENGINEER'S STATION 277+60 +/- OF SAID AURORA CENTERLINE; SAID POINT BEING THE TERMINUS OF THIS LINE; CONTAINING 8,253 SQUARE FEET MORE OR LESS.






			<p>PARCEL 451-453</p> <p>AURORA AVE N RIGHT OF WAY</p>	<p>12/12/2008</p>
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PARCEL 451-453

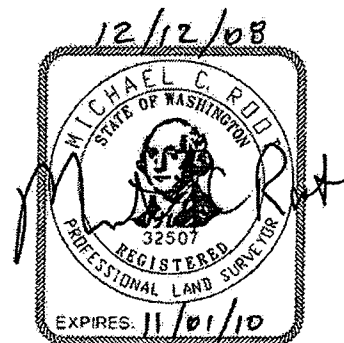
CITY OF SEATTLE TRANSMISSION LINE RIGHT-OF-WAY

A TEMPORARY CONSTRUCTION EASEMENT LOCATED IN THE SOUTHWEST QUARTER of the SOUTHEAST QUARTER, SECTION 6, TOWNSHIP 26 NORTH, RANGE 4 EAST, W.M., CITY OF SHORELINE, KING COUNTY, WASHINGTON; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF THE CITY OF SEATTLE AND EVERETT INTERURBAN LINE RIGHT-OF WAY LYING WITHIN THE following DESCRIBED line:
commencing AT A POINT 40.00 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, OF ENGINEER'S STATION 11+36 +/- Of the "D" line AS SHOWN ON THE RECORD OF SURVEY RECORDED AT AUDITOR'S FILE NUMBER 20080305900001 RECORDS OF KING COUNTY; THENCE WESTERLY TO A POINT LYING 40.00 FEET NORTHERLY, measured at right angles, FROM ENGINEER'S STATION 10+81.00 OF SAID "D" LINE; THENCE NORTHWESTERLY TO A POINT LYING 57.00 FEET EASTERLY, measured at right angles, FROM ENGINEER'S STATION 270+21.00 OF THE CENTERLINE OF AURORA AVENUE NORTH AS SHOWN ON THE RECORD OF SURVEY RECORDED AT AUDITORS FILE NUMBER 20080305900001 RECORDS OF KING COUNTY; THENCE NORTHERLY TO A POINT LYING 51.00 FEET thereFROM ENGINEER'S STATION 273+25.00 OF SAID AURORA CENTERLINE; THENCE NORTHERLY TO A POINT LYING 51.00 FEET thereFROM ENGINEER'S STATION 274+52.00 OF SAID AURORA CENTERLINE; THENCE EASTERLY TO A POINT LYING 55.69 FEET thereFROM ENGINEER'S STATION 274+52.00 OF SAID AURORA CENTERLINE; THENCE NORTHERLY TO A POINT LYING 55.69 FEET thereFROM ENGINEER'S STATION 276+83.00 OF SAID AURORA CENTERLINE; THENCE EASTERLY TO A POINT LYING 60.69 FEET thereFROM ENGINEER'S STATION 276+83.00 OF SAID AURORA CENTERLINE; THENCE NORTHERLY TO A POINT LYING 60.68 FEET thereFROM ENGINEER'S STATION 277+60 +/- OF SAID AURORA CENTERLINE; THENCE EASTERLY A POINT LYING 70.68 FEET therefrom ENGINEER'S STATION 277+60 +/- OF SAID AURORA CENTERLINE; THENCE SOUTHERLY TO A POINT LYING 70.69 FEET thereFROM ENGINEER'S STATION 276+73.00 OF SAID AURORA CENTERLINE; THENCE WESTERLY TO A POINT LYING 65.69 FEET therfrom ENGINEER'S STATION 276+73.00 OF SAID AURORA CENTERLINE; THENCE SOUTHERLY TO A POINT lying 65.69 FEET thereFROM ENGINEER'S STATION 275+15.00 OF SAID AURORA CENTERLINE; THENCE EASTERLY TO A POINT 68.00 FEET thereFROM ENGINEER'S STATION 275+15.00 OF SAID AURORA CENTERLINE; THENCE SOUTHERLY TO A POINT lying 68.00 FEET thereFROM ENGINEER'S STATION 273+29.00 OF SAID AURORA CENTERLINE; THENCE EASTERLY TO A POINT lying 76.50 FEET thereFROM ENGINEER'S STATION 273+29.00 OF SAID AURORA CENTERLINE; THENCE SOUTHERLY TO A POINT lying 76.50 (CONTINUED...)

			PARCEL 451-453	12/12/2008
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FEET thereFROM ENGINEER'S STATION 272+50.00 OF SAID AURORA CENTERLINE; thence easterly to a point lying 68.00 feet thereFROM engineer's station 272+50.00 of said aurora centerline; thence southerly to a point lying 68.00 feet therefrom engineer's station 270+34.00 of the aurora centerline; thence easterly to a point lying 72.00 feet therefrom engineer's station 270+34.00 of said aurora centerline; thence southerly to a point lying 72.00 feet therefrom engineer's station 270+20.00 of said aurora centerline; THENCE SOUTHEASTERLY TO A POINT lying 57.00 FEET therefrom ENGINEER'S STATION 10+86.79 OF SAID "D" LINE; THENCE EASTERLY TO A POINT lying 57.00 FEET therefrom ENGINEER'S STATION 11+36 +/- OF SAID "D" LINE; THENCE SOUTHERLY ALONG THE east boundary of said tract "x" TO THE POINT OF BEGINNING; CONTAINING 11,667 SQUARE FEET MORE OR LESS.



			<p>PARCEL 451-453</p> <p>AURORA AVE N RIGHT OF WAY</p>	<p>12/12/2008</p>
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CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Adoption of Ordinance No. 533 Amending Adult Cabaret Regulations
DEPARTMENT: City Attorney's Office
PRESENTED BY: Ian Sievers, City Attorney

PROBLEM/ISSUE STATEMENT:


- There are ambiguities present in Chapter 5.10 of the Shoreline Municipal Code, regulating Adult Cabarets which have become issues in recent license enforcement actions. In particular, the use of criminal history in issuing and suspending licenses should be clarified.
- Recent 9th Circuit case law involving ordinances similar to Shoreline's has determined that elements of the adult cabaret licensing regulations may be prior restraint of free expression in violation of constitutional safeguards.

FINANCIAL IMPACT:

- There will be no financial impact.

RECOMMENDATION

Staff recommends that Council pass proposed Ordinance No. 533 amending adult cabaret regulations and Chapter 5.10 of the Municipal Code.

Approved By: City Manager  City Attorney ____

INTRODUCTION

The City received an inquiry from an attorney representing a number of adult entertainers employed at Club 21 aka Sugar's on Aurora Ave, requesting clarification of the requirement for disclosure of criminal history on applications for entertainers' licenses and the use of the information in denying or suspending licenses. In particular, the letter questioned whether criminal history unintentionally omitted would be considered intentional misrepresentation leading to license denial. The argument was made that the failure to accurately report was not "material" to the application since the City does background checks anyway and prior convictions cannot form the basis of denial. The same attorney subsequently brought a civil action in federal court following two enforcement actions at Sugar's in December 2007 and January 2008. The suit reiterates the challenge to the criminal history licensing requirement among other claims for declaratory relief and damages brought in this suit.

The City Attorney's Office has completed its review of these sections, the licensing practice of the clerk's office and the legislative record created in support of the licensing requirements in Chapter 5.10. Proposed amendments address these licensing and enforcement issues.

In addition, confidentiality of entertainer's license applications and standards of conduct have been addressed in a recent 9th Circuit review of an adult entertainment ordinance similar to Shoreline's. Based on the decision in this 2004 case, amendments to standards of conduct and license disclosure are proposed to remove possible challenges of prior restraint of first amendment rights.

BACKGROUND

1997 was the first time the City addressed the issue of adult entertainment in Shoreline with the adoption of Chapter 5.10 of the Municipal Code. The Council last approved significant amendments and reorganization of this chapter in 2003.

Regulation of adult entertainment must invariably strike a balance between public nudity and sexual conduct with freedom of expression. Both the First Amendment to the United States Constitution¹ and Article 1, Section 5 of the Washington State Constitution² guarantee the right to free speech. The U.S. Supreme Court and the Washington Supreme Court have held that nude dancing is protected, albeit in a limited manner, by the right to free speech. One of the cornerstone doctrines within free speech law is "prior restraint". A prior restraint, viewed by the United States Supreme Court as one the greatest impediments to exercise of this right, is a prevention of future speech rather than a punishment for past conduct. Similarly, the Washington Supreme Court defines a prior restraint as "official restrictions imposed upon speech or other forms of expression in advance of actual publication."³ Prior restraints are presumptively

¹ "Congress shall make no law ... abridging the freedom of speech" U.S. Const., amend I.

² "Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right." Wash. Const., art. I, § 5.

³ JJR, Inc. v. City of Seattle, 126 Wn.2d 1, 6, 891 P.2d 720 (1995).

unconstitutional, and licensing schemes are traditionally viewed in the prior restraint context. Under the Washington Constitution, a city imposes a prior restraint when it prevents individuals from performing protected nude expression and establishments from showcasing nude dancing. However, in the context of adult entertainment licensing, so long as procedural safeguards are available, the licensing scheme will not be struck down under the general rule.

Conviction Licensing Requirements. Staff believes that the intended use of prior convictions in the adult entertainment licensing process is ambiguous. Case law on use of prior convictions as a restriction on adult entertainment licenses is unsettled nationwide. However, two Washington cases that predated our ordinance, one dealing with nude dancing, indicate that prior convictions should not be used to deny the initial license; a fundamental freedom such as expression should not be restrained by abuse of that freedom in the past. This context supports a similar interpretation of SMC 5.10.

A search of the extensive record of the original adoption of this chapter gives little additional insight into the intended use of pre-license convictions. Our ordinance closely resembles Bellevue's adult entertainment ordinance, except that on this point, Bellevue's ordinance is more specific. It requires action against the licensee for the convictions of activity on the premises. This is clearly license action taken only upon convictions after licensing.

Based on the above analysis of chapter 5.10 and case law when the chapter was adopted, it is the apparent intent of our ordinance to use prior convictions to suspend or revoke the license if violations of the chapter or other related crimes occur after issuance of a license. Criminal history before licensing will be used to demonstrate that post license offenses are an ongoing pattern justifying a longer suspension and the licensee will have knowledge of this consequence before the offense is committed.⁴ If an entertainer is convicted of one of the listed offenses in SMC 5.10.090(A) after issuance of the license, a 30 day suspension will be imposed. A 90 day suspension will be imposed if the entertainer is convicted of a listed offense after issuance of the license *and* has been convicted of the same offense within the last 24 months. The license will be revoked if the entertainer is convicted of one of the offenses after license issuance *and* has two convictions of the same offense within the last 24 months.

Requesting prior criminal history is necessary. Although the staff attempts to confirm the reported history this may not always occur. For example, an under aged dancer began dancing before application information was verified and was subsequently arrested at Sugar's (a license must be issued without confirmation within 24 hours). Resources for background checks have improved efficiency since the chapter was first adopted, but there is no guarantee that the resources will continue to be available for regular confirmation in the future. Truthful application information is needed for appropriate action on the license if violations occur during the license term. The proposed amendment adds clarification to code section 5.10.090 to assure uniform licensing and enforcement.

⁴ The recent arrests at Sugar's provides further support of the Council's findings in SMC 5.10.005 that illegal sexual activity occurs regularly and repetitively in adult cabarets. The December 2007 enforcement effort resulted in 10 arrests for violating standards of conduct. In the January 2008 enforcement these violations increased to 16, including two for prostitution.

On a related concern, the language in SMC 5.10.030 is strengthened to limit use of inaccurate criminal history to only those associated crimes that are actionable after the license is issued. To make the application easier to complete for the dancer, the question on the application asks for all past crimes except traffic offenses, so that the applicant does not have to be knowledgeable about content of the particular state laws that may be used to enhance a suspension. However, if the applicant does not include a crime that is not a crime associated with adult entertainment, the omission would not be material and the license would not be denied. The history requested has been shortened from five to two years, since the enhanced suspension only considers violations within a two-year period.

License Confidentiality. The 9th Circuit has recently ruled that prior restraint of free speech associated with adult dancing would occur if patrons of adult clubs could track down dancers by requesting applications with identifying information through a public records request⁵. Dancers would be less likely to be involved in this occupation given this public access. The court found that the atmosphere created by public disclosure laws similar to Washington's constituted a prior restraint on expression. An exemption for licensing information is added to SMC 5.10.040 as a reminder to staff and an assurance to applicants.

Standards of Conduct. The same 9th Circuit case addressed simulated sex acts as prohibited conduct. This behavior is also prohibited under our standards of conduct in section SMC 5.10.070. As stated by the Court this particular limitation applies to a dancer even if partially clothed, could describe Elvis' gyrating hips, and presents a certain circularity of logic: the ordinance defines adult cabarets by reference to adult live entertainment, then prohibits the presentation. This restriction goes beyond reasonable content neutral time, place and manner restrictions on conduct (such as the four foot rule) and seeks to control expression by dictating what particular movements and gestures a dancer may not make during a performance. The limit of expression is obscenity, which is defined in detail in RCW Chapter 7.48A *Moral Nuisance* (Attachment B). It is suggested that the incorporation of this standard in the standards of conduct is sufficient without adding an overly- broad redefinition of prohibited expression.

RECOMMENDATION

Staff recommends that Council pass proposed Ordinance No. 533 amending adult cabaret regulations and Chapter 5.10 of the Municipal Code.

ATTACHMENTS

ATTACHMENT A: Proposed Ordinance 533

ATTACHMENT B: Chapter 7.48A RCW.

⁵ *Dream Palace v. County of Maricopa*, 384 F.3d 990 (2004).

ORDINANCE NO. 533

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON,
AMENDING CHAPTER 5.10 OF THE SHORELINE MUNICIPAL CODE
RELATED TO THE REGULATION OF ADULT ENTERTAINMENT
BUSINESSES**

WHEREAS, recent enforcement actions have demonstrated ambiguity in the use of criminal history in the issuance of adult cabaret licenses;

WHEREAS, Chapter 5.10 should be amended to reflect recent case law protecting free expression involved in adult entertainment;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE
WASHINGTON DO ORDAIN AS FOLLOWS:**

Section 1. Amendment. Chapter 5.10 SMC, *Cabarets and Adult Entertainment*, Sections 5.10.030, 5.10.40, 5.10.070 and 5.10.090 are amended as set forth in Exhibit A attached hereto and incorporated herein.

Section 2. Effective date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City and the ordinance shall take effect and be in full force five (5) days after publication.

ADOPTED BY THE CITY COUNCIL ON JANUARY 12, 2009.

Cindy Ryu, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of Publication: January 15, 2009
Effective Date: January 20, 2009

Exhibit A

5.10.030 License prohibited to certain classes.

No license shall be issued under this chapter to:

- A. A natural person who has not attained the age of 21 years, except that licenses may be issued to persons who have attained the age of 18 years with respect to cabarets where no intoxicating liquors are served or provided.
- B. A limited liability company, unless all managing members thereof are qualified to obtain a license as provided in this chapter.
- C. A partnership, unless all general partners thereof are qualified to obtain a license as provided in this chapter.
- D. A corporation, unless all the officers and directors thereof are qualified to obtain a license as provided herein.
- E. A proposed adult cabaret operator whose place of business does not comply with all applicable requirements of the fire, building, and zoning codes of the city.
- F. An applicant for any adult cabaret license who is delinquent on city taxes, fees, fines, or penalties assessed in relation to an adult entertainment.
- G. An applicant for an adult cabaret operator's license whose place of business is conducted by an agent, unless such agent has obtained a manager's license.
- H. An applicant who ~~has failed attempts to obtain a license by fraud or misrepresentation by intentionally failing to provide material information required on a license application for the issuance of the a license or has made, making, with the intent to mislead, a~~ materially false statement in the application, ~~for a license under this chapter. "Materially false statement?"~~ No new application shall be accepted for one year. "Material" means any omission or false statement, oral or written, which could have affected the course or outcome of the license application or retention of the license.
- I. An applicant who has had a license previously issued under this chapter revoked within one year of the time the applicant seeks a new license.

5.10.040 Adult cabaret licenses.

A. Adult Cabaret Operator's License.

1. All applications for an adult cabaret operator's license shall be submitted to the clerk in the name of the person or entity proposing to conduct an adult cabaret on the business premises and shall be signed by such person and certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the city, and shall be complete when the following information and submittals are provided:

- a. For each applicant: names; any aliases or previous names; driver's license number, if any; Social Security number, if any; business, mailing, and residential address; and business and residential telephone number.
- b. If a corporation, date and place of incorporation, evidence that it is in good standing under the laws of Washington, and name and address of any registered agent for service of process.
- c. Whether the applicant holds any other licenses under this chapter or any license for similar adult entertainment or sexually oriented business, including motion picture theaters and panorams, from the city or another city, county or state, and if so, the names and addresses of each other licensed business.
- d. A summary of the business history of each applicant owning or operating the adult entertainment or other sexually oriented businesses, providing names, addresses and dates of operation for such businesses, and whether any business license or adult entertainment license has been revoked or suspended, and the reason therefor.
- e. For each applicant, any and all criminal convictions or forfeitures within ~~five~~ two years immediately preceding the date of the application, other than parking offenses or minor traffic infractions, including the dates of conviction, nature of the crime, name and location of court and disposition.
- f. For each applicant, a description of business, occupation or employment history for the three years immediately preceding the date of the application.
- g. The location and doing-business-as name of the proposed adult cabaret, including a legal description of the property, street address, and telephone number, together with the name and address of each owner and lessee of the property.
- h. Two two-inch by two-inch color passport-quality photographs of the applicant, taken within six months of the date of application showing only the full face.
- i. Documentation that the applicant has attained requisite age as stated in SMC 5.10.030(A). Any one of the following shall be accepted as documentation of age:
 - i. A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth;
 - ii. A state-issued identification card bearing the applicant's photograph and date of birth;
 - iii. An official passport or military ID issued by the United States of America;
 - iv. An immigration card issued by the United States of America.
- j. A scale drawing or diagram showing the proposed configuration of the premises for the adult cabaret, including a statement of the total floor space occupied by the business, and marked dimensions of the interior of the premises. Performance areas, seating areas, manager's office and stations, restrooms and service areas shall be clearly marked on the

drawing. An application for a license for an adult cabaret shall include building plans which demonstrate conformance with SMC 5.10.070(C).

k. A nonrefundable application fee as set forth in the business license fee schedule in SMC 3.01.035 must be paid at the time of filing an application in order to defray the costs of processing the application.

2. Notification of the acquisition of new general partners, managing members, officers or directors, subsequent to the issuance of an adult cabaret license, shall be provided in writing to the city clerk no later than 21 days following such acquisition. The notice required shall include the information required for the original adult cabaret license application.

3. The adult cabaret license, if granted, shall state on its face the name of the person or persons to whom it is issued, the expiration date, the doing-business-as name and the address of the licensed adult cabaret. The permit shall be posted in a conspicuous place at or near the entrance to the adult cabaret so that it can be easily read at any time the business is open.

4. No person granted an adult cabaret license pursuant to this chapter shall operate the adult cabaret business under a name not specified on the license, nor shall any person operate an adult cabaret under any designation or at any location not specified on the license.

5. Upon receipt of any complete application and fee, the clerk shall provide copies to the police department, and to other appropriate city departments or contractors, for a full investigation and review to determine compliance of the proposed adult cabaret with this chapter and other applicable laws. Each adult cabaret operator's license shall be issued with a notification that it shall be subject to revocation for noncompliance of the premises with building and zoning codes and this chapter.

6. In the event the premises are not yet constructed, the departments shall base their recommendation as to premises compliance on their review of the drawings submitted with the application. Any adult cabaret license approved prior to premises construction shall contain a condition that the premises must be inspected prior to occupancy, and determined to be in substantial conformance with the drawings submitted with the application and other applicable building and development regulations.

7. An adult cabaret operator's license shall be issued or the application denied by the clerk within 14 days of the date of filing a complete license application and fee, unless the clerk determines that the applicant has failed to meet any of the requirements of this chapter or provide any information required under this subsection, or that the applicant has made a false, misleading or fraudulent statement of material fact on the application for a license. Upon request of the applicant, the clerk shall grant an extension of time, up to but not to exceed 20 additional days, in which to provide all information required for license application. The time period for granting or denying a permit shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application. If the clerk finds that the applicant has failed to meet any of the

requirements for issuance of an adult cabaret operator's license, the clerk shall issue a notice of nonissuance in writing, and shall cite the specific reasons therefor.

8. No person granted a license pursuant to this chapter shall operate the adult cabaret under a name not specified in the license, nor shall he or she conduct business under any designation or location not specified in the license.

B. Adult Cabaret Manager's License.

1. No person shall work as a manager at an adult cabaret without an applicable manager's license issued by the city. Each applicant for a manager's license shall complete an application on forms provided by the city containing the information identified below. A nonrefundable application fee as set forth in the business license fee schedule in SMC 3.01.035 shall accompany the application. A copy of the application shall be provided to the police department for its review, investigation and recommendation. All applications for a manager's license shall be signed by the applicant and certified to be true under penalty of perjury. The manager's license application shall require the following information:

a. The applicant's name, home address, home telephone number, date and place of birth, Social Security number, and any stage names or nicknames used in entertaining.

b. The name and address of each business at which the applicant intends to work as a manager.

c. Documentation that the applicant has attained the requisite age as stated in SMC 5.10.030(A). Any one of the following shall be accepted as documentation of age:

i. A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth;

ii. A state-issued identification card bearing the applicant's photograph and date of birth;

iii. An official passport or military ID issued by the United States of America; or

iv. An immigration card issued by the United States of America.

d. A complete statement of all convictions of the applicant for any misdemeanor or felony violations in this or any other city, county, or state within five two years immediately preceding the date of the application, except parking violations or minor traffic infractions.

e. A description of the applicant's principal activities or services to be rendered.

f. Two two-inch by two-inch color passport-quality photographs of the applicant, taken within six months of the date of application showing only the full face.

2. The clerk may request additional information or clarification when necessary to determine compliance with this chapter.

3. Upon receipt of the complete application and fee, the clerk shall provide copies to the police department for its investigation and review for compliance with this chapter.

4. A manager's license shall be issued by the clerk by the end of the next business day following receipt of a complete application and fee, unless the clerk determines that the applicant has failed to provide any information required to be supplied according to this chapter, or that the applicant is a person of a class specified in SMC 5.10.030. Upon request of the applicant, the clerk shall grant an extension of time not to exceed 20 additional days in which to provide all information required for license application. If the clerk determines that the applicant has failed to meet any of the requirements for issuance of a manager's license, the clerk shall deny the application in writing and shall cite the specific reasons therefor, including applicable laws. If the clerk fails to approve or deny the application by the end of the next business day, the applicant may, subject to all other applicable laws, commence work as an adult cabaret manager in a duly licensed adult cabaret until notified, in writing, by the clerk that the application has been denied or the final disposition of the appeal if the applicant appeals the clerk's decision.

C. Entertainer's License.

1. No person shall work as an entertainer at an adult cabaret without an applicable entertainer's license issued by the city. Each applicant for an entertainer's license shall complete an application on forms provided by the city containing the information identified below. A nonrefundable application fee as set forth in the business license fee schedule in SMC 3.01.035 shall accompany the application. A copy of the application shall be provided to the police department for its review, investigation and recommendation. All applications for an entertainer's license shall be signed by the applicant and certified to be true under penalty of perjury. The entertainer's license application shall require the following information:

a. The applicant's name, home address, home telephone number, date and place of birth, Social Security number, and any stage names or nicknames used in entertaining.

b. The name and address of each business at which the applicant intends to work as an entertainer.

c. Documentation that the applicant has attained requisite age as stated in SMC 5.10.030(A). Any one of the following shall be accepted as documentation of age:

i. A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth;

ii. A state-issued identification card bearing the applicant's photograph and date of birth;

iii. An official passport or military ID issued by the United States of America; or

iv. An immigration card issued by the United States of America.

d. A complete statement of all convictions of the applicant for any misdemeanor or felony violations in this or any other city, county, or state within five two years

immediately preceding the date of the application, except parking violations or minor traffic infractions.

e. A description of the applicant's principal activities or services to be rendered.

f. Two two-inch by two-inch color passport-quality photographs of the applicant, taken within six months of the date of application showing only the full face.

2. The clerk may request additional information or clarification when necessary to determine compliance with this chapter.

3. Upon receipt of the complete application and fee, the clerk shall provide copies to the police department for its investigation and review for compliance with this chapter. An entertainer's license shall be issued by the clerk by the end of the next business day following receipt of a complete application and fee, unless the clerk determines that the applicant has failed to provide any information required to be supplied according to this chapter, or that the applicant is a person of a class specified in SMC 5.10.030. Upon request of the applicant, the clerk shall grant an extension of time not to exceed 20 additional days in which to provide all information required for license application. If the clerk determines that the applicant has failed to meet any of the requirements for issuance of an entertainer's license, the clerk shall deny the application in writing and shall cite the specific reasons therefor, including applicable laws. If the clerk fails to approve or deny the application by the end of the next business day, the applicant may, subject to all other applicable laws, commence work as an entertainer in a duly licensed adult cabaret until notified, in writing, by the clerk that the application has been denied or the final disposition of the appeal if the applicant appeals the clerk's decision.

4. Name, address, phone numbers and other identifying information shall be redacted from applications disclosed in response to a public records request.

5.10.070 Standards of conduct and operation.

A. Entertainers and Employees. The following standards of conduct must be adhered to by employees of any adult cabaret while in

any area of an adult cabaret in which members of the public are allowed to be present:

1. No employee or entertainer shall be unclothed or in such less than opaque and complete attire, costume or clothing so as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, except upon a stage at least 18 inches above the immediate floor level and removed at least eight feet from the nearest member of the public.

2. No employee or entertainer mingling with members of the public shall be unclothed or in less than opaque and complete attire, costume or clothing as described in subsection (A)(1) of this section, nor shall any male employee or entertainer at any time appear with his genitals in a discernibly turgid state, even if completely and opaquely covered, or wear or use any device or covering which simulates the same.

3. No employee or entertainer mingling with members of the public shall wear or use any device or covering exposed to view which simulates the breast below the top of the areola, vulva, genitals, anus, any portion of the pubic region, or buttocks.

4. No employee or entertainer shall caress, fondle, or touch any member of the public, including another entertainer unless both such entertainers are on a stage meeting the requirements of subsection (A)(1) of this section, for the purpose of sexual arousal of either party. No employee or entertainer shall permit any member of the public to caress, fondle, or touch any employee or entertainer, for the purpose of sexual arousal of either party.

5. No employee or entertainer shall perform ~~actual or simulated acts of sexual conduct as defined in this chapter, or~~ any act which constitutes a violation of Chapter 7.48A RCW, the Washington Moral Nuisances Statute.

6. No employee or entertainer mingling with members of the public shall conduct any dance, performance or exhibition in or about the nonstage area of the adult cabaret unless that dance, performance or exhibition is performed at a distance of no less than four feet, measured from the forehead of the entertainer to the forehead of the customer paying for the dance, performance, or exhibition.

7. No tip or gratuity offered to or accepted by an adult entertainer may be offered or accepted prior to any performance, dance or exhibition provided by the entertainer. No entertainer performing upon any stage area shall be permitted to accept any form of gratuity offered directly to the entertainer by any member of the public. Any gratuity offered to any entertainer performing upon any stage areas must be placed into a receptacle provided for receipt of gratuities by the adult cabaret or provided through a manager on duty on the premises. Any gratuity or tip offered to any adult entertainer conducting any performance, dance or exhibition in or about the nonstage area of the adult cabaret shall be placed into the hand of the adult entertainer or into a receptacle provided by the adult entertainer, and not upon the person or into the clothing of the adult entertainer.

5.10.090 License suspension and revocation – Hearing.

~~A. The clerk may suspend or revoke any license issued under the provisions of this chapter at any time where the same was procured by fraud or false representations of fact, or for the violation of, or failure to comply with, the provisions of this chapter or the provisions of any applicable fire, building or zoning code.~~

A.B. A license procured by fraud or misrepresentation shall be revoked. Where other violations of this chapter or other applicable offenses ordinances, statutes or regulations are found, to have been committed by the licensee during the term of a license issued under this chapter, the license shall be denied or suspended for a period of 30 days upon the first such violation, 90 days upon the for a second violation within a 24-month period, and revoked for third and subsequent violations within a 24-month period, not including

periods of suspension. ~~“Other applicable ordinances, statutes or regulations”~~ “Other applicable offenses” are:

1. ~~A conviction of~~ Chapter 9A.44 RCW, Sex Offenses; or
2. ~~A conviction of~~ Chapter 9A.88 RCW, Indecent Exposure; or
3. ~~A conviction of~~ Chapter 9.68 RCW, Obscenity and Pornography; or
4. ~~A conviction of~~ Chapter 9.68A RCW, Sexual Exploitation of Children; or
5. ~~A conviction of~~ Chapter 69.50 RCW, Washington Uniform Controlled Substances Act.
6. Local laws of other jurisdictions substantially similar to this chapter.

~~C-B.~~ The clerk shall issue and mail to the licensee the decision to suspend or revoke the license at least 14 days prior to the effective date of the action. Such notice shall inform the licensee of the right to appeal the decision to the hearing examiner or other designated hearing body, pursuant to SMC 5.10.060, and shall state the effective date of such revocation or suspension and the grounds for revocation or suspension. The decision of the clerk shall be stayed during the pendency of any appeal to the hearing examiner or appeal of the hearing examiner’s decision to superior court.

Attachment B**Chapter 7.48A RCW
Moral nuisances**Chapter Listing**RCW Sections**

7.48A.010 Definitions.

7.48A.020 Moral nuisances -- Declaration of.

7.48A.030 Civil actions -- Who may bring.

7.48A.040 Maintenance of moral nuisance -- Fine -- Maximum.

7.48A.050 Fines -- Payment.

7.48A.060 Exceptions to application of chapter.

7.48A.070 Findings.

7.48A.080 Temporary injunction.

7.48A.090 Restraining order -- Service -- Violation of order or injunction.

7.48A.100 When bond or security not required.

7.48A.110 Hearing -- Service of notice.

7.48A.120 Production of discovery materials -- Temporary injunction.

7.48A.130 Precedence of hearing on injunction.

7.48A.140 Violation of order or injunction -- Penalties.

7.48A.900 Severability -- 1982 c 184.

7.48A.901 Severability -- 1989 c 70.

Notes:

Drug nuisances -- Injunctions: Chapter 7.43 RCW.

7.48A.010**Definitions.**

The definitions set forth in this section shall apply throughout this chapter.

(1) "Knowledge" or "knowledge of such nuisance" means having knowledge of the contents and character of the patently offensive sexual or violent conduct which appears in the lewd matter, or knowledge of the acts of lewdness or prostitution which occur on the premises, or knowledge that controlled substances identified in Article II of chapter 69.50 RCW and not authorized by that chapter, are manufactured, delivered or possessed, or where any such substance not obtained in a manner authorized by chapter 69.50 RCW is consumed by ingestion, inhalation, or injection or any other means.

(2) "Lewd matter" is synonymous with "obscene matter" and means any matter:

(a) Which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest; and

(b) Which explicitly depicts or describes patently offensive representations or descriptions of:

(i) Ultimate sexual acts, normal or perverted, actual or simulated; or

(ii) Masturbation, fellatio, cunnilingus, bestiality, excretory functions, or lewd exhibition of the genitals or genital area;
or

(iii) Violent or destructive sexual acts, including but not limited to human or animal mutilation, dismemberment, rape or torture; and

(c) Which, when considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political, or scientific value.

(3) "Lewdness" shall have and include all those meanings which are assigned to it under the common law.

(4) "Live performance" means any play, show, skit, dance, or other exhibition performed or presented to or before an audience of one or more, in person or by electronic transmission, with or without consideration.

(5) "Matter" shall mean a live performance, a motion picture film, or a publication or any combination thereof.

(6) "Motion picture film" shall include any:

(a) Film or plate negative;

(b) Film or plate positive;

(c) Film designed to be projected on a screen for exhibition;

(d) Film, glass slides, or transparencies, either in negative or positive form, designed for exhibition by projection on a screen;

(e) Video tape or any other medium used to electronically reproduce images on a screen.

(7) "Person" means any individual, partnership, firm, association, corporation, or other legal entity.

(8) "Place" includes, but is not limited to, any building, structure, or places, or any separate part or portion thereof, whether permanent or not, or the ground itself.

(9) "Prurient" means that which incites lasciviousness or lust.

(10) "Publication" shall include any book, magazine, article, pamphlet, writing, printing, illustration, picture, sound recording, or coin-operated machine.

(11) "Sale" means a passing of title or right of possession from a seller to a buyer for valuable consideration, and shall include, but is not limited to, any lease or rental arrangement or other transaction wherein or whereby any valuable consideration is received for the use of, or transfer of possession of, lewd matter.

[1990 c 152 § 4; 1988 c 141 § 2; 1982 c 184 § 1.]

Notes:

Severability – 1990 c 152: See note following RCW 7.48.050.

Severability – 1988 c 141: See RCW 7.43.900.

7.48A.020

Moral nuisances — Declaration of.

The following are declared to be moral nuisances:

(1) Any and every place in the state where lewd films are publicly exhibited as a regular course of business, or possessed for the purpose of such exhibition, or where lewd live performances are publicly exhibited as a regular course of business;

(2) Any and every lewd film which is publicly exhibited, or possessed for such purpose at a place which is a moral nuisance under this section;

(3) Any and every place of business in the state in which lewd publications constitute a principal part of the stock in trade;

(4) Every place which, as a regular course of business, is used for the purpose of lewdness or prostitution, and every such place in or upon which acts of lewdness or prostitution are conducted, permitted, carried on, continued, or exist;

(5) All houses, housing units, other buildings, or places of resort where controlled substances identified in Article II of chapter 69.50 RCW and not authorized by that chapter, are manufactured, delivered, or possessed, or where any such substance not obtained in a manner authorized by chapter 69.50 RCW is consumed by ingestion, inhalation, injection, or any other means.

[1990 c 152 § 5; 1988 c 141 § 3; 1982 c 184 § 2.]

Notes:

Severability -- 1990 c 152: See note following RCW 7.48.050.

Severability -- 1988 c 141: See RCW 7.43.900.

7.48A.030

Civil actions — Who may bring.

Any of the following parties may bring a civil action in the superior court of any county where a moral nuisance is alleged to have been maintained:

- (1) The prosecuting attorney for the county where the alleged moral nuisance is located;
- (2) The city attorney for the city where the alleged moral nuisance is located; or
- (3) The attorney general.

The rules of evidence, burden of proof, and all other rules of court shall be the court rules generally applicable to civil cases in this state: PROVIDED, That the standard of proof on the issue of obscenity shall be clear, cogent, and convincing evidence.

[1982 c 184 § 3.]

7.48A.040

Maintenance of moral nuisance — Fine — Maximum.

(1) No person shall with knowledge maintain a moral nuisance.

(2) Upon a determination that a defendant has with knowledge maintained a moral nuisance, the court shall impose a civil fine and judgment of an amount as the court shall determine to be appropriate. In imposing the civil fine, the court shall consider the wilfulness of the defendant's conduct and the profits made by the defendant attributable to the lewd matter, lewdness, or prostitution, whichever is applicable. In no event shall the civil fine exceed the greater of twenty-five thousand dollars or these profits.

[1985 c 235 § 1; 1982 c 184 § 4.]

Notes:

Severability -- 1985 c 235: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1985 c 235 § 4.]

7.48A.050**Fines — Payment.**

All civil fines assessed under RCW 7.48A.040 shall be paid into the general treasury of the governmental unit commencing the civil action.

[1985 c 235 § 2; 1982 c 184 § 5.]

Notes:

Severability -- 1985 c 235: See note following RCW 7.48A.040.

7.48A.060**Exceptions to application of chapter.**

Nothing in this chapter applies to the circulation of any material by any recognized historical society or museum, any library of any college or university, or to any archive or library under the supervision and control of the state, county, municipality, or other political subdivision.

[1982 c 184 § 6.]

7.48A.070**Findings.**

The legislature finds that actions against moral nuisances as declared in RCW 7.48A.020 (1) through (4) involve balancing the safeguards necessary to protect constitutionally protected speech and the community and law enforcement efforts to curb dissemination of obscene matters. The legislature finds that the difficulty in ascertaining and obtaining originals and copies of obscene matters for evidentiary purposes thwarts legitimate enforcement efforts. The legislature finds that the balancing of the concerns warrants specific discovery procedures applicable to actions against moral nuisances involving obscene matters.

[1989 c 70 § 1.]

7.48A.080**Temporary injunction.**

After the plaintiff files a civil action under this chapter, the plaintiff may apply to the superior court in which the plaintiff filed the action for a temporary or preliminary injunction. The court shall grant a hearing within ten days after the plaintiff applies for a temporary injunction.

[1989 c 70 § 2.]

7.48A.090**Restraining order — Service — Violation of order or injunction.**

After the plaintiff applies for a temporary or preliminary injunction, the court may, upon a showing of good cause, issue an ex parte restraining order restraining the defendant and all other persons from removing or in any manner interfering with the personal property and contents of the place where the nuisance is alleged to exist, until the court grants or denies the plaintiff's application for a temporary or preliminary injunction or until further order of the court. However, pending the court's decision on the injunction, the temporary restraining order shall not restrain the exhibition or sale of any film, publication or item of stock in trade. The order may require that at least one original of each film or publication shall be preserved pending the hearing on the injunction. The court may require an inventory and full accounting of all business transactions.

The officer serving the restraining order or preliminary injunction may serve the order by handing to and leaving a copy with any person in charge of the place or residing in the place, or by posting a copy in a conspicuous place at or upon one or more of the principal doors or entrances to the place, or by both delivery and posting. The officer serving the restraining order or injunction shall forthwith make and return to the court, an inventory of the personal property and contents situated in and used in conducting or maintaining the alleged nuisance.

Any violation of the temporary order or injunction is a contempt of court. Mutilation or removal of a posted order that is in force is a contempt of court if the posted order or injunction contains a notice to that effect.

[1989 c 70 § 3.]

7.48A.100

When bond or security not required.

A bond or security shall not be required of the city attorney, the prosecuting attorney, or the attorney general.

[1989 c 70 § 4.]

7.48A.110

Hearing — Service of notice.

A copy of the complaint, together with a notice of the time and place of the hearing on the application for a temporary injunction, shall be served upon the defendant at least three business days before the hearing. Service may also be made by posting the required documents in the same manner as is provided in RCW 7.48A.090. If the defendant requests a continuance of the hearing, all temporary restraining orders and injunctions shall be extended as a matter of course.

[1989 c 70 § 5.]

7.48A.120

Production of discovery materials — Temporary injunction.

If the court finds at the hearing for an injunction, that the accounting, inventory, personal property, and contents of the place alleged to be a nuisance provide evidence of a moral nuisance as defined by RCW 7.48A.020 (1) through (4), the court may order the defendant to produce to the plaintiff a limited number of original films, film plates, publications, videotapes, any other obscene matter, and other discovery materials the court determines is necessary for evidentiary purposes to resolve the action on the merits.

The court may issue a temporary injunction enjoining the defendant and all other persons from removing or in any

manner interfering with the court-ordered discovery. This discovery procedure supplements and does not replace any other discovery procedures and rules generally applicable to civil cases in this state.

[1989 c 70 § 6.]

7.48A.130

Precedence of hearing on injunction.

The hearing on the injunction shall have precedence over all other actions, except prior matters of the same character, criminal proceedings, election contests, hearings on temporary restraining orders and injunctions, and actions to forfeit vehicles used in violation of the uniform controlled substances act, chapter 69.50 RCW.

[1989 c 70 § 7.]

7.48A.140

Violation of order or injunction — Penalties.

An intentional violation of a restraining order, preliminary injunction, or injunction under this chapter is punishable as a contempt of court.

[1989 c 70 § 8.]

7.48A.900

Severability — 1982 c 184.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1982 c 184 § 9.]

7.48A.901

Severability — 1989 c 70.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1989 c 70 § 9.]

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CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Council Travel Guidelines Discussion
DEPARTMENT:	City Manager's Office
PRESENTED BY:	Julie Underwood, Assistant City Manager John Norris, CMO Management Analyst

PROBLEM/ISSUE STATEMENT:

During the 2009 Budget adoption process in November, the Council requested that a discussion regarding Council travel and registration be scheduled for early in 2009. From time to time, the Council has contemplated the appropriate amount to allocate for Council travel and registrations as well as how to fairly distribute those funds to each Councilmember.

Since incorporation, the City Council has recognized the constructive value of professional conferences, seminars, national, regional and statewide meetings, and training opportunities and provides travel funds for City officials and employees who attend such official events. Opportunities for the Council to attend conferences and trainings that enhance their knowledge and understanding of governing are especially valuable to the citizens of Shoreline. Likewise, opportunities to meet with national leaders in Congress as well as statewide leaders have helped to raise the City's profile thereby helping to secure grants and funding. Additionally, these contacts and relationships are essential in protecting and enhancing direct services that benefit Shoreline residents such as "Section 8" federal housing vouchers, local housing repair funds, transit service allocations, Sound Transit routing and stations, homeless programs, local public health services, water quality and habitat improvements, and many others. In recognition of the importance of these efforts Council has adopted a goal as part of the Strategic Plan for Councilmembers to actively participate in regional and national committees.

While funds are set aside for the stated purposes above, there is a reasonable expectation that a more systematic prioritization be developed to further guide how these funds are allocated and spent. The discussion at tonight's meeting is intended to formulate guidelines for allocating the Council's travel and registration budget.

RECOMMENDATION

Staff recommends that the City Council develop an annual travel plan to help guide travel and registration allocations for the coming year.

Approved By: City Manager  City Attorney ____

BACKGROUND

During the 2009 Budget adoption process in November, the Council requested that a discussion regarding Council travel and registration be scheduled for early in 2009. This discussion focuses on funds for:

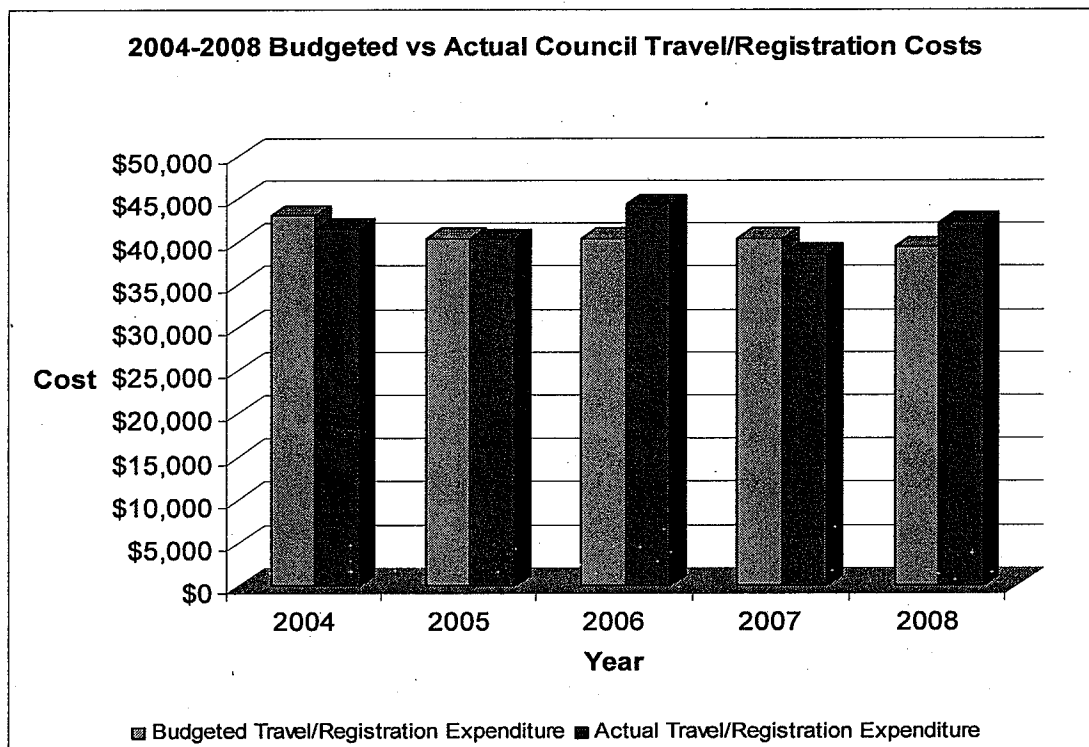
- Travel: transportation (mileage, airfare, taxis, parking fees, etc.), meals, and lodging
- Registration: conference, seminar, training or meeting fees

The table below provides the actual costs for travel and registration over the last five years, starting with 2004.

2004-2008 Actual City Council Travel, Lodging, Meals and Registration Costs						
Expenditure	2004	2005	2006	2007	*2008	5-Year Average
Travel	\$31,544	\$34,129	\$32,788	\$31,401	\$33,691	\$32,711
Registration	\$9,925	\$6,145	\$11,520	\$7,085	\$8,460	\$8,627
Total	\$41,469	\$40,274	\$44,308	\$38,486	\$42,151	\$41,338

**2008 data may not include all expenditures from December 2008*

The chart below illustrates that from year-to-year the Council is consistently using what is budgeted for travel and registration, with some years slightly going over and some slightly going under.



Naturally, the Council is required to follow the City's Business Expense Reimbursement Policy for city-related business travel (see Attachment A). It is also worth noting that

some Councilmembers do not request reimbursement from the City and are paying for these travel expenses out of pocket.

There are several events and/or conferences that Councilmembers attend on a regular basis, including:

- Suburban Cities Association monthly meetings (approximately \$45 per person)
- Association of Washington Cities Annual Conferences:
 - Legislative Conference in February (average cost is \$340 per person)
 - Annual Meeting in June (average cost is \$640 per person)
- National League of Cities (NLC) Annual Conferences:
 - Congressional City Conference in March in Washington, DC (average cost is \$2,500 per person)
 - Congress of Cities and Exposition in November/December, usually held in a major city (average cost is \$1,700 per person)

Other events that are funded through the Council travel budget include the North-end Mayor's Luncheon Meeting, which Shoreline sponsors a few times per year (annual average cost is \$200) and the bi-monthly Council Dinner Workshop Meetings (annual average cost is \$4,200).

Likewise, there are several Councilmembers who serve on national committees for the National League of Cities. These committees generally meet three to four times per year, during the national conferences and once or twice outside of these national conferences. In addition, some Councilmembers are active on statewide boards or committees and occasionally these meetings require some limited travel. A list of the various committees that the Councilmembers serve on is attached (see Attachment B).

Also, from time-to-time Councilmembers will attend specific topic oriented conferences or seminars such as the Economic Forecast Conference hosted by Enterprise Seattle and the Green Cities Conference and Expo hosted by NLC.

The table below provides a breakdown of what each Councilmember spent on travel and registration for 2008.

*2008 City Council Travel, Lodging, Meals and Registration Costs									
Expenditure	Ryu	Scott	Hansen	McGlashan	Way	Eggen	McConnell	**Other	Total
Travel	\$4,269	\$2,567	\$3,312	\$5,461	\$2,283	\$4,360	\$4,415	\$7,026	\$33,691
Registration	\$1,750	\$655	\$835	\$980	\$1,135	\$2,010	\$1,095	\$0	\$8,460
Total	\$6,019	\$3,222	\$4,147	\$6,441	\$3,418	\$6,370	\$5,510	\$7,026	\$42,151
% of Total	14.28%	7.64%	9.84%	15.28%	8.11%	15.11%	13.07%	16.67%	100.00%

*2008 data may not include all expenditures from December 2008

**Other includes meals for Council Dinner Workshop meetings, various meeting refreshments, meals/registrations for regional meetings such as Suburban Cities Association, etc.

Notably it is not surprising that the Mayor, as well as Councilmembers who serve on national committees, spend a higher proportion of the funds, ranging from 13-15% each, or an estimated 60% of the total budget.

Council Travel and Registration Budget

Staff develops the annual budget by determining an estimated cost per conference and projects the number of Councilmembers attending. The table below provides detail for budgeted versus actual expenditures for the AWC and NLC conferences and for a category labeled various meetings. This category accounts for a significant portion of the budget, roughly 17%, and includes Council Dinner Workshop meetings, refreshments for meetings, Suburban Cities Association meetings, various local or regional conferences or seminars, and NLC steering committee meetings. This category was nearly double from staff's projections.

While Council's participation on national committees impacts travel expenditures, this is not a new activity, and in fact, past Councils have had a practice of actively participating on national committees. Staff believes this category has experienced an increase due to Councilmembers attending other events outside of AWC or NLC. For example, a new expenditure that has not been factored into the budget has been the Mayor's visit to Washington, DC to meet one-on-one with our Congressional leaders (this is estimated to cost \$800-1,000). This visit helps the City maintain close relationships with our representatives making them aware of our projects and priorities and of the needs of Shoreline residents; staff would recommend continued funding of this.

2008 City Council Travel and Registration Budget Detail vs Actual Detail						
Conference/Meeting	AWC Yakima	AWC Olympia	NLC WDC	NLC Orlando	Various meetings*	Total
No. of Councilmembers Budgeted	5	6	6	5	NA	22
Budgeted Travel/Registration	\$2,900	\$2,200	\$14,900	\$12,000	\$7,300	\$39,300
No. of Councilmembers Attended	5	6	7	4	NA	21
Actual Travel/Registration	\$3,251	\$1,983	\$17,948	\$4,959	\$14,009	\$42,151
Variance Between Budgeted and Actual Expenditures	-\$351	\$217	-\$3,048	\$7,041	-\$6,709	-\$2,851

* This includes Council meetings, SCA, NLC Steering Committee meetings, AWC Budget Conference, Friday afternoon lunch update meetings, etc.

Current Approach

Currently, Councilmembers register for conferences or meetings on a "first come, first served" basis, with the exception of national conferences. For national conferences, due to the demand, in order to secure accommodations staff will register all Councilmembers and then cancel registrations as Councilmembers confirm their calendars. With the "first come, first served" practice, if funds are available in the budget, then typically Councilmembers may register and attend conferences and/or meetings of their own choosing. Councilmembers register and arrange travel by working directly with the City Manager/Council Executive Assistant.

ALTERNATIVES ANALYZED:

In reviewing this issue, staff has considered three alternatives for allocating travel and registration funds in the Council budget.

No. 1: Status Quo

Certainly one option is to continue the status quo and to provide for travel and registrations based on a "first come, first served" basis and as funds are available. The downside to this approach is that the full Council does not have an opportunity to weigh in on what events or conferences they should attend as a body. In addition, rather than conference attendance being based on the City's priorities or goals, it is based on availability of both funds and a Councilmember's time. Finally, this current practice may lead to overspending of the Council travel and registration budgets, as happened in 2006 and this year.

No. 2: Equal Division

Another option is to divide the funds equally among all Councilmembers such as outlined below:

2009 Adopted Budget		
Travel	\$36,500	\$5,214 each
Registration	\$ 8,000	\$1,143 each
Total	\$44,500	\$6,357 each

On the surface this might be the most "fair" approach; however it is impractical. For instance, some Councilmembers, due to their work commitments, may not be able to attend national conferences. In addition, this does not address adequately funding Councilmembers who serve on national committees, as well as provide flexibility for Councilmembers who wish to attend unforeseen conferences/events, which may make sense for them to attend.

No. 3: Develop an Annual Travel Plan

Finally, a third alternative that was considered focuses on developing a travel plan for the year. This would require that the Council meet in early January to review the calendar for statewide and national conferences and determine availability. In addition, this plan would call for a set portion of the budget be set aside for Councilmembers who serve on national committees--15% (this percent includes attendance at the national conferences). Contingency funding could also be built into the plan for unforeseen conferences or events that require Council participation.

The advantage to developing a plan is that it allows the Council to openly communicate about their collective priorities for travel. Developing a plan would not only provide an opportunity to discuss availability, but would also include a thoughtful discussion about roles and expectations for serving on national committees.

FINANCIAL IMPACT:

The Council travel and registration budget for 2008 was \$39,300, and was increased by 13% for the 2009 budget to \$44,500. This increase is a result of inflationary costs associated with transportation, lodging, meals, and registrations. The staff recommended alternative could possibly reduce costs since planning ahead helps to secure the best airfare as well as minimize cancellation fees, all with the intent of controlling costs.

RECOMMENDATION

Staff recommends that the Council adopt option 3, development of an annual travel plan.

Attachments:

Attachment A: Statement of Policy of Allowable Business Expenses

Attachment B: 2009 Council External Committee Assignments (12-17-08)

STATEMENT OF POLICY OF ALLOWABLE BUSINESS EXPENSES

SECTION 1: GENERAL PURPOSE

This document is the policy of the City of Shoreline, Washington for the reimbursement of business expenses by the City including travel, subsistence and related expenses, and certain non-travel related expenses incurred by authorized persons while conducting City business or providing a service for the City. To qualify for reimbursement, expenses must be reasonable and prudent under the circumstances and directly related to the conduct of business or service for the City. Reimbursement will be made subject to the rules contained in this policy and with Chapter 42.24 RCW.

It shall be the responsibility of the Finance Department to ensure that these policies are adhered to and to provide the forms and instructions necessary for their implementation. Exceptions to the rules set forth herein may be made only for unusual or extenuating circumstances when such expenses reasonably relate to a benefit or service received by the City and compliance was not feasible. Policy exceptions may be authorized in writing by the City Manager or his/her designee.

SECTION 2: CITY EMPLOYEES AND CITY OFFICIALS

2.1 DOCUMENTATION

No claim for reimbursement shall be paid unless it is accompanied by a bona fide vendor's receipt, except for per diem claims. Such receipts should detail the following information, when applicable: date, description of purchase, vendor identification, amount paid, name of individual incurring expense, official title or capacity, nature of topic discussed, and how the expense relates to city business. Meal ticket stubs are generally not considered adequate documentation for reimbursement.

Specific rules for the approval of a reimbursement claim are included in Section 5.

2.2 REIMBURSABLE MEAL COSTS

Payment for table service at a restaurant, commonly referred to as a tip, not to exceed 20% of the restaurant prices of the meal, is reimbursable as a reasonable and necessary cost for such service and as a reasonable and necessary part of the cost of the meal. Such tips may be added to the restaurant prices of business meals for reimbursement.

All City employees and officials claiming reimbursement for meals consumed while on City business shall be entitled to per diem reimbursement based on the following schedule:

Per Diem Meal Allowance Schedule Including Tip and Tax

Breakfast	\$12.00
Lunch	\$12.00
Dinner	<u>\$24.00</u>

Total \$48.00

In lieu of utilizing the per-diem rate table above, meal reimbursement may be claimed at actual meal costs up to 150% of the per diem rates, where adequately documented. Adequate documentation is an itemized restaurant receipt. Meal ticket stubs are generally not considered adequate documentation for reimbursement. In no event shall any single meal be reimbursed in excess of 150% of the per diem rate for that meal, unless approved in writing by the City Manager.

Any planned meals, the cost of which is included in a City-paid registration fee, whether or not the employee or official actually partakes of the meal, will not be reimbursable or eligible for per diem. (Planned meals include continental breakfast, box lunches and banquets. Receptions at which hors d'oeuvres are served are not considered meals.)

When a meal is included in a meeting and the costs cannot be segregated, the actual cost of the event is reimbursable. A vendor receipt or copy of the meeting agenda is required as documentation.

2.3 FOOD AND BEVERAGES AT CITY MEETINGS, EVENTS, AND EMERGENCIES

A. City Council Meetings

- Prior to regular evening meetings, dinners may be provided for Councilmembers, the City Manager, other staff, and invited guests directly involved in the business discussed at the evening meeting.
- It has become a Shoreline tradition to provide beverages and candy at Council meetings.

B. City Sponsored Public Meetings

- The City may expend reasonable funds for food and beverages at City sponsored public meetings to encourage attendance and interaction.

C. Ceremonies/Celebratory Events

- Food and beverages may be served at recognition ceremonies for employees and volunteers.
- Food and beverages may be served at celebratory/recognition dinners for sister city delegates and employees to facilitate meetings between delegates, officials, and staff since the sister city relationship provides a public benefit. (Refer to Section 6, Sister City Program)

D. Training Sessions and Staff Meetings

- Food and beverages may be provided at staff meetings and training sessions of four hours or more.
- Beverages may be provided at citywide staff meetings.

- Food and beverages of minimal value may be provided to volunteers during staff supervised work or training sessions.

E. Council and Staff Retreats

- Food and beverages may be provided at both Council and staff retreats and should be budgeted for and provided as part of the retreat process.

F. Workplace

- Beverage of minimal value may be provided to City employees at the work site during business hours.

G. Emergencies

Emergency situations are events where it is determined that City assets or infrastructure and/or the public for which it protects is at risk. In these cases, City staff may be required to remain on-site outside of their normal work shift.

- Food and beverages may be provided when an emergency situation is expected to span over a regular meal period and employees are required to remain on-site or available to respond to an emergency.
- Reimbursement or direct City purchases may be made for food and beverage expenses incurred within an employee's official capacity to continue the operations of the City's programs or services that are necessary for the life, health or safety of Shoreline's citizens.
- The cost for City provided meals should generally be in line with allowable costs under the City's business expense policy.

2.4 EXPENDITURES NOT ALLOWED AS ACTUAL MEAL COSTS

Unauthorized expenditures include, but are not limited to:

- Liquor (including beer and wine)
- Expenses of a spouse or other persons not authorized to receive reimbursement under this policy.

2.5 TRANSPORTATION AND RELATED TRAVEL EXPENSES

A. CITY VEHICLE

Costs of transportation and vehicle operation are acceptable, such as gas, oil, tires, tolls, ferry charges, parking and necessary repairs.

B. PERSONAL VEHICLE

Expenses shall be reimbursed for travel within a 300 mile radius of the City at such rate per mile as shall be established from time to time by the Finance Department, but not to exceed the then current maximum rate allowed by the United States Internal Revenue Service for reimbursement of such expenses for purposes of business travel expense deductions. Trips beyond this limit will be reimbursed in an amount equal to the lowest appropriate round trip air fare to the destination offered by a regularly scheduled commercial air carrier, plus an allowance for ground transportation based on the circumstances.

The minimum portal to portal round trip mileage will be reimbursed. Trips are measured from a departure work site or home if the destination is the first work site if this mileage is less than departure from the employee's usual starting work site.

When travel is scheduled by public conveyance (bus, train, air, etc) outside a 300-mile radius, surface transportation to and from the conveyance depot/airport is appropriate.

Employees should exercise appropriate judgment and discretion in selecting a parking site when it is required to park a car while using other modes of transportation such as a plane. Often it is more cost effective to use parking services other than those provided directly within airports.

City employees and City officials who receive an automobile allowance in lieu of City provided transportation shall not be entitled to further reimbursement for surface transportation costs within a 300 mile radius of the City. Travel outside of a 300-mile radius will be calculated as described above, except that no mileage reimbursement for surface transportation shall be allowed for travel to and from any Seattle area airport.

C. RENTAL VEHICLE

The cost of vehicle rental is considered an exception to this policy and must be approved by the appropriate supervisor. A copy of the written approval must be attached to the Employee Expense Reconciliation Form or to any City credit card acquisition.

D. AIR TRAVEL

Arrangements for air travel on City related business may be managed by the Purchasing Division or individuals may make their own air travel arrangements. The following policies are applied to the acquisition of air travel.

- The Purchasing Division will purchase the lowest available fare for the nearest regularly scheduled flight at the time of travel requested, and the destination as specified by the requisitioning department.
- When personal travel is combined with business related travel, the traveling employee shall be responsible for paying the increase in airfare necessary to accommodate the personal part of the flight. The City shall pay for the lowest reasonable and available airfare for the round trip between a Seattle area airport and

the business-related destination. The employee's payment for personal travel shall accompany the City's payment to the vendor for the tickets.

- When changes in travel plans occur that are the result of City business requirements, (i.e. delays in departure, cancellations, extended stays, or revised itinerary) any associated costs shall be paid by the City. However, all increases in cost of travel due to changes for personal convenience will be borne by the employee.
- Failure to notify the Purchasing Division in advance of the departure date may result in higher fares. If this occurs, any increase in cost due to lack of sufficient notice, shall be passed on to the traveling employee. If the lack of advance notice was beyond the control of the traveling employee, the City will pay the higher cost, however, the reimbursement claim must include the written certification of the department director stating the reason for the short notice travel plans and why it was beyond the control of the employee.
- Alternatively, employees may make their own air travel arrangements. They may use their own funds and submit a request for reimbursement or they may use a City credit card that has been designated for travel purposes. If they have been given authorization to use their P-card for travel expenses, they may also use that method. The employee is only eligible to receive a reimbursement for self-arranged tickets up to the lowest cost that the City could have obtained directly.

E. OTHER TRAVEL EXPENSES

Miscellaneous travel costs such as bus, taxi, bridge or other tolls, parking, ferry, porter, bellhop and the like (not including any maid service) are authorized by a listing of same as provided by the reimbursement form. Payment of a reasonable amount for porter service, bellhop service and the like is considered to be a necessary payment for such service and, therefore, reimbursable.

A vendor's receipt will be required only when the single item cost of this type of expense exceeds \$10.

F. ACCOMMODATIONS

Reasonable hotel/motel accommodations for employees and officials are acceptable and will be reimbursed or paid at a maximum of the single room rate of the specific hotel or motel. A vendor's receipt for this category is required for all claims. Direct billing of Hotel/Motel charges is only allowed when a purchase order is issued by the Purchasing division.

G. INCIDENTAL EXPENSES

This category includes all reasonable and necessary incidental expenses and includes, but is not limited to, the following:

1. ALLOWABLE INCIDENTAL EXPENSES

- Laundry expenses if away from home three (3) or more working days.
- Baggage checking.
- Business telephone and postage expenses.
- One telephone call home per day if away from home for more than 24 hour duration is considered a business telephone expense. Phone calls home should not exceed 15 minutes per day.

2. NON-ALLOWABLE INCIDENTAL EXPENSES

- Personal entertainment.
- Theft, loss or damage to personal property.
- Expenses of a spouse, family or other persons not authorized to receive reimbursement under this policy.
- Barber or beauty parlor.
- Airline and other trip insurance.
- Personal postage, reading material.
- Personal toiletry articles.

2.6 MOVING EXPENSES

The reasonable moving expenses of new employees in certain management and “hard-to-fill” professional trade positions are reimbursable at the discretion of the City Manager. Moving expenses shall mean the costs of moving household goods, furniture, clothing and other personal effects of the new employee.

SECTION 3: NON-CITY EMPLOYEES AND NON-CITY OFFICIALS

3.1 RECRUITING COSTS

The reasonable expenses of candidates for certain management and “hard-to-fill” professional trade positions are reimbursable when such candidates are invited to visit Shoreline for a personal interview. City Manager approval is required for all expenses to be reimbursed before invitations are issued to candidates.

The invitation shall specify the current per day meal allowance and the requirement that other expenses be documented and turned over to the recruiting official who will prepare the reimbursement claim. Unless otherwise directed by the City Manager, the written invitation for interview and arrangements for transportation and lodging will be made by the Human Resources Department or designee.

A copy of the interview invitation with supporting documents will be used as the customary vendor’s statement.

The expense guidelines contained in Section 2 of this policy will be applied to recruiting claims. Other incidental expenses are limited to transportation to and from the Sea-Tac Airport and necessary telephone calls to City staff.

3.2 BUSINESS EXPENSE REIMBURSEMENT FOR NON-CITY EMPLOYEES AND NON-CITY OFFICIALS

Claims for reimbursement of City related business expenses for non-city employees and non-city officials will be allowed only under the following conditions:

- Authorization by the City Manager, or his/her designee is included with the reimbursement request, identifying the following:
- The name(s) of the individual(s) incurring the expense;
- Their official title or capacity as it relates to City business;
- The nature of the topic or topics discussed; and
- Why the business expense was appropriate.

SECTION 4: SEMINAR OR CONFERENCE REGISTRATION FEES

Payment of seminar or conference registration fees may be processed by the Finance Department by initiating a Purchase Requisition or a Check Request. Fees may also be paid by P-card or by following the appropriate reimbursement policy. Details of the conference/seminar should be included in the body of the requisition or Check Request. Items such as dates, location, sponsoring organization, and registration deadline are useful information to assure prompt payment of the registration fee. If the conference or seminar is out of town and will result in overnight accommodations and/or travel expense, the traveling employee is responsible for obtaining the appropriate travel authorization through his/her department which adheres to this business expense policy. Travel arrangements, i.e. airline passage or automobile travel, are subject to the applicable sections of this policy.

When cancellation of a seminar or conference results in a penalty, then the amount of the penalty will be deducted from the refunded registration fee, and the requesting department will be charged for the penalty.

SECTION 5: EMPLOYEE DUES AND MEMBERSHIPS

It is the policy of the City of Shoreline to pay for the annual dues and memberships for employees in professional and civic organizations which directly relate to their specific job classification and directly benefit the City and the employee by providing staff with the network and information to further develop themselves in their professional capacity.

SECTION 6: CLAIMS AND APPROVAL PROCEDURE

An approved Business and Travel Reconciliation Form must be submitted to the Finance Department within fifteen (15) days after completion of each business trip, regardless of the method of payment of the travel expenses. Travel and subsistence expenses will not be paid from any Petty Cash Fund except as allowed by Petty Cash procedures.

Receipts must be attached to the reconciliation form for all expenses incurred, with the exception of per diem calculations for meals and miscellaneous travel costs less than \$10. If the travel was related to a meeting, conference or seminar, attach a copy of the itinerary or similar document

detailing dates, times and meals provided as a part of the registration cost. If documentation is not available, attach a brief memo with that information.

The reconciliation form should detail expenditures individually applicable to the use of a City P-Card, City MasterCard, and/or cash expended out of pocket.

Any special approvals required by this policy shall be obtained by employees prior to applicable travel and shall accompany the reconciliation form when submitted to the Finance Department. Such approvals shall be by separate memo, which identifies the policy exception being authorized and explains the reasons therefore.

All non-Council reimbursement claims must be authorized by the claimant's supervisor, department director, City Manager, or a management employee authorized to act on their behalf.

Claims may include the reimbursable cost of other City officials or employees who would be entitled in their own right to claim business expenses.

Claims that are rejected may be referred for review and disposition to the City Manager or his/her designee.

SECTION 7: SISTER CITY PROGRAM

The City of Shoreline has established a Sister City Program to seek an enhanced understanding of international culture, heritage and problem solving. The program was originally enacted via Resolution No. 194 on October 14, 2002 and subsequently revised via Resolution No. 213 dated April 12, 2004. Sister City relationships provide mutual benefit by creating opportunities to participate in social, cultural, educational, governmental, environmental and economic exchanges as well as promoting tourism and trade.

Sister City relationships often result in visits of City staff and officials to the Sister City as well as visits to Shoreline by dignitaries and officials of the Sister City. Typical activities when visiting with a Sister City (either at home or abroad) include meals, business meetings, receptions, official gift exchanges and other informational exchanges. Expenses associated with such activities are considered an appropriate public expense. Direct payment of and/or reimbursement of such expenses must comply with the following guidelines and internal controls as adopted by the city's business expense policy:

7.1 TRANSPORTATION

- The city may pay for airfare and transportation costs for Sister City delegates and staff.
- The city may pay for airfare and transportation costs for City staff and City officials traveling to Sister City locations. (State law authorizes cities to pay for travel expenses of its officers and employees while on city business, including transportation, lodging and meals.)
- Airfare and transportation costs for non-staff, including spouses and children, should be avoided. The cost is only allowable if the individual is directly involved in relations between the Sister City and Shoreline.

7.2 ACCOMMODATION

- The city may pay reasonable costs for accommodation of Sister City delegates and staff, and for our city staff visiting our Sister City location.

7.3.1 MEALS

- Meals may be provided to Sister City delegates and staff members when provided as part of meetings with city officials and staff. The costs of all meals provided to the delegates and staff must be reasonable since it is difficult to justify excessive meal costs as a valid public purpose.
- When Shoreline employees travel to our Sister City location, city staff can be reimbursed for the reasonable cost of their meals. The reasonableness of this expense is outlined in section 2 of this policy.
- Pursuant to Section 2 of this policy, public funds cannot be used to purchase alcoholic beverages.

7.4 ENTERTAINMENT

- Entertainment cannot be paid for out of public funds. Entertainment is not considered a public purpose since its main purpose is for the private enjoyment of delegates or staff members.

7.5 CEREMONIES

- The city may expend reasonable funds to sponsor and promote ceremonies and receptions so long as the goal of the public event is to inform citizens of the Sister City relationship and provides a chance for citizens to share ideas and knowledge of the Sister City relationship. The city may provide modest refreshments to encourage attendance and interaction between Shoreline citizens and Sister City delegates and staff.

7.6 GIFTS AND ADVERTISING

- Gifts intended to celebrate the Sister City relationship may be given to the Sister City as a governmental body in an amount commensurate to foster goodwill.
- The city may give away minor promotional items to delegates, staff and the public, such as t-shirts, key chains, mugs, and pens, which advertise the Sister City relationship.
- The city may expend public funds to advertise the Sister City relationship, such as through postings and fliers.
- Official gifts received from our sister city are property of the City of Shoreline, not private individuals. The gifts will be publicly displayed, if possible, and the City will keep an inventory of gifts received.

ATTACHMENT B

2009 COUNCIL EXTERNAL COMMITTEE ASSIGNMENTS (12-17-08)

Committee	Member
Association of Washington Cities <ul style="list-style-type: none"> Board of Directors Legislative Committee 	Cindy Ryu Chris Eggen/Janet Way
Chamber of Commerce Board	
enterpriseSeattle	Cindy Ryu
Evergreen Communities Partnership Task Force	Janet Way
Jail Administration Group (JAG)	Ron Hansen
King County Committee to End Homelessness Governing Board	Keith McGlashan
King County Community Development Block Grant (CDBG) Consortium	
King County Flood Control Zone District Advisory Committee	Ron Hansen
King County Growth Management Planning Council (GMPC)	Chris Eggen – alt.
King County Metropolitan Solid Waste Management Advisory Committee (MSWMAC)	Chris Eggen
King County Regional Policy Committee	Chris Eggen – alt.
Lake Ballinger Forum	Janet Way/Chris Eggen – alt.
Local Hazardous Waste Management Coordinating Committee	Ron Hansen
National League of Cities <ul style="list-style-type: none"> Human Development Steering Comm. Community/Econ Dev (CED) Steering Comm. First Tier Suburbs Council Gay, Lesbian and Bisexual Local Official Board of Directors National Black Caucus of Local Elected Officials 	Doris McConnell Keith McGlashan Chris Eggen Keith McGlashan Terry Scott
North King County Economic Summit	Keith McGlashan (alt)
Puget Sound Regional Council <ul style="list-style-type: none"> Executive Board & Operations Committee Regional Transit Committee 	Ron Hansen – alt. Cindy Ryu – alt.
Regional Water Quality Committee (RWQC)	Ron Hansen
SeaShore Transportation Forum	Cindy Ryu,/Chris Eggen alt: Doris McConnell
Suburban Cities Association <ul style="list-style-type: none"> General Jail Assembly Group/Jail Task Force Local Hazardous Waste Management Coordination Committee North Area Caucus Management Board Inter-City Cooperation Policy Board Public Issues Committee <ul style="list-style-type: none"> Small Cities Subcommittee 	All Ron Hansen Ron Hansen Ron Hansen Ron Hansen Cindy Ryu/Chris Eggen – alt.
Shoreline Water District Citizen Advisory Committee	Keith McGlashan
WRIA 8 & WRIA 9	Janet Way/ Chris Eggen – alt.