



AGENDA

SHORELINE CITY COUNCIL REGULAR MEETING

Monday, July 16, 2018
7:00 p.m.

Council Chamber · Shoreline City Hall
17500 Midvale Avenue North

	<u>Page</u>	<u>Estimated Time</u>
1. CALL TO ORDER		7:00
2. FLAG SALUTE/ROLL CALL		
3. REPORT OF THE CITY MANAGER		
4. COUNCIL REPORTS		
5. PUBLIC COMMENT		
<i>Members of the public may address the City Council on agenda items or any other topic for three minutes or less, depending on the number of people wishing to speak. The total public comment period will be no more than 30 minutes. If more than 10 people are signed up to speak, each speaker will be allocated 2 minutes. Please be advised that each speaker's testimony is being recorded. Speakers are asked to sign up prior to the start of the Public Comment period. Individuals wishing to speak to agenda items will be called to speak first, generally in the order in which they have signed. If time remains, the Presiding Officer will call individuals wishing to speak to topics not listed on the agenda 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		7:20
7. CONSENT CALENDAR		7:20
(a) Approving Minutes of Regular Meeting of June 4, 2018	<u>7a1-1</u>	
(b) Adopting Ordinance No. 830 – Amending Ordinance No. 703 for the Aurora Square Community Renewal Area Public-Private Partnership Project: Right-of-Way Vacation and Dedication to Transform Westminster Way N	<u>7b-1</u>	
(c) Authorizing the City Manager to Execute a Listing Agreement with Colliers International, WA LLC for the Sale of the Former Police Station Property at 1206 N 185 th Street	<u>7c-1</u>	
(d) Authorizing the City Manager to Execute an Interlocal Agreement Between the City of Shoreline and the King County Local Hazardous Waste Management Program for Participation in the Voucher Incentive Program	<u>7d-1</u>	
8. STUDY ITEMS		
(a) Discussing Resolution No. 430 - Authorizing Placement of a Ballot Measure on the November 6, 2018 General Election Ballot to Authorize a Sales and Use Tax in the Amount of Two-Tenths of One Percent (0.2%) for a Period of Not More Than Twenty Years to Fund Sidewalk Expansion and Accelerate Repair Funding	<u>8a-1</u>	7:20

(b) Update on Sound Transit Lynnwood Link Extension Project and 8b-1 8:00
Discussing Comments on In-Progress 90% Design

9. EXECUTIVE SESSION: Property Acquisition – RCW 42.30.110(1)(b) 8:40

The Council may hold Executive Sessions from which the public may be excluded for those purposes set forth in RCW 42.30.110 and RCW 42.30.140. Before convening an Executive Session the presiding officer shall announce the purpose of the Session and the anticipated time when the Session will be concluded. Should the Session require more time a public announcement shall be made that the Session is being extended.

10. ADJOURNMENT 9:10

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 web page at www.shorelinewa.gov. Council meetings are shown on Comcast Cable Services Channel 21 and Verizon Cable Services Channel 37 on Tuesdays at 12 noon and 8 p.m., and Wednesday through Sunday at 6 a.m., 12 noon and 8 p.m. Online Council meetings can also be viewed on the City's Web site at <http://shorelinewa.gov>.

CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF REGULAR MEETING

Monday, June 4, 2018
7:00 p.m.

Council Chambers - Shoreline City Hall
17500 Midvale Avenue North

PRESENT: Mayor Hall, Deputy Mayor Salomon, Councilmembers McGlashan, Scully, McConnell, Chang, and Roberts

ABSENT: None.

1. CALL TO ORDER

At 7:00 p.m., the meeting was called to order by Mayor Hall who presided.

2. FLAG SALUTE/ROLL CALL

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

3. REPORT OF CITY MANAGER

Debbie Tarry, City Manager, provided reports and updates on various City meetings, projects and events.

4. COUNCIL REPORTS

Councilmember McGlashan reported that he and Councilmember McConnell attended the Sea Shore Forum on June 1st where Seattle Port Commissioner Peter Steinbrueck reported on Port activities, including projects that will increase SeaTac Airport's capacity.

Mayor Hall reported that he and a few other Commissioners attended a groundbreaking event for Shoreline Community College's new student housing project. He also attended the Puget Sound Regional Council's general assembly meeting where Snohomish County Executive Dave Somers was re-elected to serve as president for the next year. On Friday, he met with elected officials from Shoreline, Edmonds, Lynnwood, Everett and Snohomish County regarding the Sound Transit North Quarter Development.

5. PUBLIC COMMENT

Christina Jones, Shoreline resident, asked that the Council delay approval of the Sidewalk Prioritization Plan in order to solicit additional public feedback and support. She also asked that

the plan provide at least an asphalt walkway along 190th Street between 8th Ave. NW and Richmond Beach Road where pedestrian safety is already a concern.

Fred Seidel, Shoreline Resident, voiced concern that the agenda places the discussion on the Sidewalk Prioritization Plan (Item 9a) after adoption of Resolution No. 822, which is the funding mechanism to improve sidewalks (Item 8a). He also voiced concern that it would take over 100 years to implement the plan using the proposed funding mechanism.

John Cole, Shoreline Resident, asked that the City Council postpone action on proposed Development Code amendments related to Community Residential Facilities, which will come before them on June 11th, and remand the issue back to the Planning Commission for further review of potential impacts.

Deborah Damaz, Shoreline Resident, asked that the Council vote against Ordinance No. 822. She voiced concern that an additional \$20 Vehicle License Fee would create additional hardship for fixed-income residents.

Ginny Scantlebury, Shoreline Resident, submitted a letter requesting clarification about the new bike lanes on Richmond Beach Road.

Tom McCormick, Shoreline Resident, voiced support for Ordinance No. 822, which would provide funding for existing sidewalk repair. He also expressed his belief that the re-channelization project on Richmond Beach Road has improved safety for vehicular, bicycle and pedestrian traffic.

Tom Petersen, Shoreline Resident, also voiced support for Ordinance No. 822, which will fund existing sidewalk repair.

Shirish Nair, Shoreline Resident, questioned why 3rd Avenue between NW 195th and NW 205th Streets was lowered to medium priority when it is a main street leading to Einstein Middle School and cars travel up to 50 miles per hour.

Ms. Tarry clarified that Ordinance No. 822 (Item 8a) is for the purpose of funding repair and maintenance of existing sidewalks. The final Sidewalk Prioritization Plan (Item 9a) is for developing new sidewalks in the future. The City Council is scheduled to have discussions about a potential sales tax ballot measure to fund sidewalk construction starting on June 18th.

Ms. Tarry referred to Ms. Scantlebury's questions and advised that it is legal to use the center lane to go around vehicles or obstructions that are stopped. However, it is not legal to use the center lane to pass a moving vehicle.

Ms. Tarry advised that reprioritization of 3rd Avenue between 195th and 205th Streets can be discussed as part of Item 9a.

6. APPROVAL OF THE AGENDA

The agenda was approved by unanimous consent.

7. CONSENT CALENDAR

Upon motion by Councilmember Roberts and seconded by Councilmember McGlashan and unanimously carried, 7-0, the following Consent Calendar items were approved:

- (a) Approving Minutes of Regular Meeting of April 16, 2018
Approving Minutes of Workshop Dinner Meeting of May 14, 2018**
- (b) Authorizing the City Manager to Execute a Construction Agreement with Hellas Construction, Inc. in the Amount of \$1,364,325.74 and Authorizing a 10 Percent Contingency of \$136,433.00 for a Total Authorization of \$1,500,758.74 for the Shoreline Park Fields A & B Turf Replacement Project**
- (c) Authorizing the City Manager to Executive a Contract with Herrera Environmental Consultants, Inc. in the amount of \$722,347 for Phase 2 of the Hidden Lake Dam Removal Project**
- (d) Authorizing the City Manager to Execute a Local Agency Agreement with the Washington State Department of Transportation to Obligate \$3,546,500 of Surface Transportation Program Grant Funds for the N 175th Street, Stone Way to Interstate 5 Project**

8. ACTION ITEMS

- (a) Adopting Ordinance No. 822 – Authorizing an Additional Vehicle License Fee (VLF) for Twenty Dollars to Preserve, Maintain and Operate the Transportation Infrastructure of the City of Shoreline, Including Funding for Sidewalk Repairs and Retrofits**

Tricia Juhnke, City Engineer, provided the staff presentation. She briefly reviewed the current sidewalk conditions and needs, and reminded Council that in 2009 the Shoreline Transportation Benefit District (TBD) levied a \$20 VLF to provide funding for roadway asphalt maintenance. Under current State Law, the City Council has councilmanic authority to impose up to a \$50 VLF. The proposed Ordinance would increase the fee by \$20, to a total of \$40 per vehicle, and the additional funding would be used for sidewalk repair.

Ms. Juhnke reminded Council that sidewalk repair was identified as the top priority by the Sidewalk Advisory Committee (SAC) and, although the VLF is not their preferred source of funding, they have indicated support for the Ordinance. She concluded that staff is recommending approval of Ordinance No. 822, which would generate about \$830,000 per year for the sidewalk maintenance program, with collection of the additional revenue beginning March 1, 2019.

Councilmember Scully moved adoption of Ordinance No. 822 as proposed by staff. The motion was seconded by Councilmember Chang.

Councilmember Scully recalled that he voted against the proposed VLF when it was presented earlier because he wanted a more comprehensive plan for sidewalks. He recognized the comprehensive plan will not likely happen this year, and the VLF is a mechanism to get some additional funding to fix the worst of the problems. Sidewalks are an essential service that the City must provide to its citizens. He recognized that the VLF is a regressive tax and not nearly enough, but it a step in the right direction towards making the existing sidewalk network safe and useable for all.

Councilmember Chang recalled the video provided by the SAC to illustrate the problems associated with lack of Americans with Disabilities Act (ADA) compliance. Since its incorporation, the City has not devoted enough funding to address the significant ADA issues that exist. She supports Ordinance No. 822, which will provide a steady source of funding for priority sidewalk projects.

Deputy Mayor Salomon said he also voted against the VLF when it was presented earlier, and he will maintain that position. He agreed that it is important to fund sidewalks, but he is concerned that property taxes in King County have increased by about 43% in recent years. He has talked to a large number of City residents who are struggling with this tax burden, and he cannot support an additional tax increase at this time.

Councilmember McConnell observed that it is right for staff to recommend approval of the Ordinance, however, she cannot support it because she does not believe it is what the community wants. Whenever money is involved in a Council decision, she must think of other people, outside of what she can afford. She said she would prefer sending the issue to the citizens as a ballot measure for them to decide. She recalled that she voted for the initial VLF to preserve the City's ability to tax at some point in the future, but she is opposed to any additional VLF at this time because the community is getting very "taxed out."

Councilmember McGlashan observed that via the Citizen's Satisfaction Survey and personal discussions with Councilmembers, citizens have indicated that sidewalks are a high priority. However, he cannot support constructing new sidewalks until the City finds a way to make the existing sidewalks safe and useable. They must come up with a funding source to at least keep moving in a positive direction of making the sidewalks safe and ADA compliant. He recognized that the VLF is a regressive tax, but he will vote in favor of the Ordinance because they have to start somewhere.

Mayor Hall agreed with concerns about the current tax structure, but State law leaves the City very few options. The Council received a written comment suggesting that the fee be based on the value of the car. While he would prefer this option, too, it is not currently allowed under State law. He agreed that they must be able to maintain existing sidewalks before new ones are built, and the City is currently falling behind. He has heard from a lot of people that being able to move safely on sidewalks is very important. In addition to repair needs, many of the sidewalks are unsafe and could result in injury. For these reasons, he will support the Ordinance.

The motion passed 4-3, with Deputy Mayor Salomon, Councilmember McConnell and Councilmember Roberts voting no.

9. STUDY ITEMS

- (a) Discussing the Final Sidewalk Prioritization Plan and Sidewalk Advisory Committee Final Recommendations

Nora Daley-Peng, Senior Transportation Planner, provided the staff presentation. She advised that the proposed Plan is an update of the 2011 Transportation Master Plan (TMP), and staff was assisted throughout the update process by the 15-member Sidewalk Advisory Committee (SAC). She explained that while the data in the 2011 TMP was mostly based on safety and equity, the updated Plan calls out criteria in four categories: safety, equity, proximity and connectivity. She noted the various opportunities for public outreach throughout the process and described how public input and available data was analyzed and incorporated into the draft Plan.

Ms. Daley-Peng reviewed the SAC's Final Recommendation Memorandum, which includes recommendations in the following key topics: Prioritization Scorecard and Plan, additions to the plan, sidewalk treatments, funding, plan implementation, communications, and performance measures. She also reviewed two tables included in the Staff Report, which summarize the recommended adjustments and additions to the draft Plan that were identified by staff following the Plan's initial presentation to the City Council on April 23rd.

Ms. Daley-Peng summarized that the Plan identifies 33 high-priority projects, which equates to 16 miles of improved sidewalk for \$95 million. Accomplishing all of the improvements identified in the Plan would cost \$414 million. She recommended approval of the 2018 Sidewalk Prioritization Plan to allow staff to move the Plan into the Comprehensive Plan amendment process.

Deputy Mayor Salomon said he was happy to see that sidewalk improvements on 20th Avenue NW and 24th Avenue NE were identified as high-priority areas. However, he asked if NW 190th Street would receive a higher prioritization if safety was weighted more heavily than equity. Mayor Hall pointed out that NW 190th Street, from Richmond Beach Road to 8th Avenue NW, only received one point for safety and zero points under equity.

Councilmember McGlashan asked staff to provide clarification on the letter the Council received relative to parking concerns on NW 196th Street between 23rd Avenue NW and 21st Avenue NW. Ms. Daley-Peng advised that Project 6a would prioritize access to a community destination (library), but she does not know what the on-street parking situation is in that location. She agreed to provide additional clarification at a later time.

Councilmember McGlashan asked why NW 195th Street between Aurora Avenue North and Echo Lake has been identified as a high priority when the street, itself, is utilized primarily for condominium parking. Randy Witt, Public Works Director, suggested that the prioritization is likely based on the park and its connection to Aurora Avenue North. If the City wants to improve this connection to the lake, parking adjustments would be needed.

Councilmember Roberts voiced concern about categorizing projects as high, medium, and low priorities. As an example, he noted that NW 195th Street and N 200th Street received equivalent scores. If asked to choose between the two streets, the Council would most likely place NW 195th Street above N 200th Street given its proximity to the school. However, that does not mean N 200th Street should be moved to a lower category. He cautioned that it is not helpful to change the categorization of a project without changing the score. The scorecard needs to speak for itself, and future Councils should be able to make decisions about where and how sidewalks will be funded. He also suggested that perhaps the four types of parks (regional, urban, community and neighborhood) should be treated differently on the scorecard. Ultimately, his preference would be to have a fully-transparent scorecard without making too many adjustments to the prioritization.

Councilmember Roberts asked if the SAC considered a similar scorecard for sidewalk maintenance and repair. Ms. Daley-Peng answered affirmatively, but it is still an ongoing process. This winter, they will beta test and provide guidance on the criteria that was developed for the ADA Transition Plan.

Councilmember Chang expressed concern that not enough weight was placed on the safety criteria. If equity and safety carry the same weight, it would be impossible for certain neighborhoods to have a high-priority sidewalk. She observed that the measures that went into the scorecard are easy to get from the geographic information system and census data, but they do not address other factors such as usage. She would also like a higher score to be given for proximity to schools. She summarized that it is difficult to come up with a scorecard that captures all of the details, and commonsense adjustments will be necessary to ensure geographic distribution, a sense of usage, etc.

Councilmember Scully commented that he is happy with the SAC and Council's level of diligence, and he will support the Plan as currently proposed. He cautioned against getting so embroiled in trying to make it perfect that they end up not taking action on it.

Councilmember McConnell suggested that re-channelization of Richmond Beach Road and the stop sign may lead to more people using the cut-through road from 8th Avenue. She suggested it would help to have a designated shoulder with signage to identify where people will be walking.

Mayor Hall said he could support Councilmember Robert's suggestion that it would be cleaner to base priorities on the numeric scores until the Council makes funding decisions. However, he is more comfortable moving the plan forward with this product than just the numeric product because it exercises a little judgement. The Council will have another opportunity to consider prioritization as part of the Capital Budget each year, and they will undoubtedly deviate from the sequence of numeric scores as they have in the past.

Councilmember Roberts said he would prefer to have the prioritization based on the scorecard and let the Council exhibit its judgements about which projects should be funded. The intent of the Plan was to rank the projects, not make judgments about whether a project is high priority or not. These judgments will be made as funding opportunities come up.

Mayor Hall summarized that having numeric scoring provides clear data that is not colored by staff or Council's judgement. However, as they move forward with funding packages in the future, the Council needs to provide direction to staff as to what projects should be included.

Ms. Daley-Peng clarified that the 2018 Pedestrian Improvement Prioritization Matrix (Attachment F) shows both the base score from the scorecard and the adjusted score based on categorization. Councilmember Roberts expressed his preference for removing the adjusted score from any formal documents. Mr. Witt explained that the adjusted score was used as a tool for mapping (Attachment E). They will have a similar conversation in two weeks as they review the list of projects and identify those they want to put forward in the sales tax initiative.

Mayor Hall suggested removing the adjusted score from Attachment F and going back to the map that was based on the original scorecards. A separate list and/or map could be provided to identify the high, medium and low priority projects based on a combination of the scorecard, public input, geographic equity, etc.

Councilmember McConnell said she respects the due diligence done by the SAC. It is important to keep a paper trail of the process, recognizing that every Council will deal differently with the nuances of the plan based on their own neighborhood agendas. She supports moving the Plan forward as presented.

Councilmember Chang said she supports the Plan as currently proposed because the categorization considers other criteria not included in the scorecard that are more difficult to measure. She does not support moving the Plan forward based solely on the scorecard.

Councilmember McGlashan expressed his belief that the previous numerical plan was inequitable throughout the City, and he supports the proposed update. The City is not likely to find community support for implementation funding if the projects are not spread equitably throughout the City. He did not believe that adopting the Plan would hold any future Council to the decisions that are made now.

Deputy Mayor Salomon asked if adopting the Sidewalk Prioritization Plan into the Comprehensive Plan would allow future Councils to modify the prioritization schedule. Mr. Witt responded that the Comprehensive Plan provides guidance but does not dictate the Council's funding choices.

Deputy Mayor Salomon commented that, without seeing Mayor Hall's recommendation in writing, he is not sure it is the right approach. While he is not in favor of delaying the process, he hopes staff will consider how the re-channelization of Richmond Beach Road might impact the scoring for NW 195th Street project.

Mayor Hall summarized that the majority of the Council is comfortable enough with the final product to move it forward to the next step, and conversations about funding packages will take place in the future. Ms. Tarry commented that both the map that identifies the categorization of projects and the matrix that keeps the original scorecard scores intact will be included in the plan that moves forward.

- (b) Discussing Ordinance No. 826 – Amending the 2018 Budget to Include Additional Personnel for the Parks, Recreation & Cultural Services Department and Amending Fee Table, Chapter 3.01 of the Shoreline Municipal Code to Eliminate a Fee

Mary Reidy, Recreation Superintendent, Amanda Zollner, Recreation Supervisor, and Sara Lane, Administrative Services Director were present to provide the staff presentation. Together, they described the variety of youth programs the City currently offers and explained the new and existing issues that will impact how the City is able to serve youth and the demand level for its services. The issues include the Shoreline School District (SSD) implementing an early release schedule on Wednesdays for every school in the district starting in the fall of 2018, a workload imbalance between direct service and administrative duties, and the challenge of hiring and retaining extra-help given the current economic climate.

The recommended program changes include opening the Shoreline Teen Center at the Richmond Highlands Recreation Center early on early release days, eliminating the drop-in fee for youth at the Spartan Recreation Center, offering a lifeguard class at the Shoreline Pool free of charge for district students only, starting Hang Time at both middle schools early on early release days, and hiring two 0.5 FTE Recreation Specialist I's to bring staffing balance back and meet programmatic needs. She also reviewed alternative approaches for Council's consideration.

Councilmember Scully said his understanding is that the cost of the changes would come from excess revenue in 2018. Staff answered that no budget amendment would be needed at this time. Councilmember Scully voiced support for the proposed program changes and Ordinance No. 826, but he would like the lifeguard classes to be open to all and not limited to district students.

Councilmember Chang asked the proportion of non-resident youth versus resident youth who participate in the drop-in program at the Spartan Recreation Center. Staff agreed to provide this information at a later time.

Councilmember McConnell commended staff for being proactive in addressing potential problems associated with the Shoreline School District's change. She said she particularly supports elimination of the drop-in fee and the offer of free lifeguard training. She supports the staff's recommendation as presented.

Mayor Hall asked if the School District has added any activities or if they are relying on the City and the YMCA to fully meet the needs they have created. Staff agreed to get back to him with information about programs at the elementary school level, but the District not offering any programs at the secondary school level. Mayor Hall said he supports Ordinance No. 826 because it is important to provide programs for children in the community during that time, but he shares the disappointment he has heard from parents and he would have liked to see the School District provide alternatives.

Ms. Tarry advised that Ordinance No. 826 is scheduled to come back to the Council for final approval as part of their June 11th Consent Calendar.

10. EXECUTIVE SESSION

At 9:08 p.m., Mayor Hall recessed the meeting into an Executive Session for a period of 30 minutes as authorized by RCW 42.30.110(1)(b) and RCW 42.30.110(1)(i) to consider the selection of a site or the acquisition of real estate by lease or purchase and to discuss with legal counsel matters relating to agency enforcement actions or litigation. The Council is expected to take final action following the Executive Session. Staff attending the Executive Session included Debbie Tarry, City Manager; John Norris, Assistant City Manager; Margaret King, City Attorney; Eric Friedli, Parks, Recreation and Cultural Services Director; and Paula Itaoka, Human Resources Director; Ted Parry; and Bob Stowe. At 9:38 p.m., Mayor Hall emerged and announced a 20-minute extension to the Executive Session. The Executive Session ended at 9:55 p.m.

Councilmember Roberts moved to approve and authorize the City Manager to sign settlement agreements relating to EEOC Charge No. 551-2018-00225. The motion was seconded by Councilmember McConnell and passed unanimously.

9. ADJOURNMENT

At 9:58 p.m., Mayor Hall declared the meeting adjourned.

Jessica Simulcik Smith, City Clerk

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 830 - Amending Ordinance No. 703 for the Aurora Square Community Renewal Area Public-Private Partnership Project: Right-of-Way Vacation and Dedication to Transform Westminster Way N
DEPARTMENT:	Public Works
PRESENTED BY:	Tricia Juhnke, City Engineer
ACTION:	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

To help the transformation of Westminster Way N, a 7,908 square foot (sf) portion of public right-of-way (ROW) along the eastern edge of Westminster Way N was identified to be vacated by the City to the adjacent property owner. In consideration for the vacated property, the property owner had agreed to pay \$72,600 in cash, dedicate 5,548 sf of Parcel No. 1826049453 to the City, and remove the former Pizza Hut building from the same parcel. Together, the compensation was equivalent to 100% of the Fair Market Value of the vacated ROW. On June 1, 2015, the Council approved Ordinance No. 703 which approved this ROW vacation.

The exchange property subsequently went into federal receivership prior to execution of the Vacation Agreement, receipt of cash consideration, or the transfer of the exchange parcel. The property has come out of federal receivership and is currently under contract to be purchased by a different property owner that desires to conclude the vacation and exchange. Because of the increase in land values since the last appraisal, the City received an updated appraisal and the matter is before the City Council as proposed Ordinance No. 830 (Attachment A) to amend Ordinance No. 703 to increase the required consideration for the vacation to \$200,000.

On June 25, 2018, the City Council discussed proposed Ordinance No. 830, amending Ordinance 703. The staff report for this Council discussion can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2018/staffreport062518-9b.pdf>.

Council directed staff to bring back proposed Ordinance No. 830 on tonight's consent calendar for adoption.

RESOURCE/FINANCIAL IMPACT:

The value of the vacated 7,908 sf of City ROW will be offset by consideration at \$82.83 per square foot. The consideration will be in three parts: (a) 5,548 sf of dedicated property of Parcel No. 1826049453, (b) \$200,000 in cash (rounded per the appraisal), and (c) execution of a Street Vacation Agreement.

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 830 to amend Ordinance No. 703 for the Aurora Square Community Renewal Area Public-Private Partnership Project: Right-of-Way Vacation and Dedication to Transform Westminster Way N.

ATTACHMENTS

Attachment A: Ordinance No. 830

Approved By: City Manager **DT** City Attorney **MK**

ORDINANCE NO. 830

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING ORDINANCE NO. 703 VACATING 7,908 SQUARE FEET OF THE EASTERN EDGE OF WESTMINSTER WAY NORTH RIGHT-OF-WAY BETWEEN NORTH 155th STREET AND NORTH 160th STREET UNDER CERTAIN CONDITIONS

WHEREAS, in accordance with RCW 35.79.010, on August 5, 2013, the Shoreline City Council adopted Resolution No. 347, initiating a street vacation for a portion of the eastern edge of Westminster Way Right-of-Way pursuant to Shoreline Municipal Code 12.17; and

WHEREAS, the land survey accurately describes the area to be vacated to be 7,908 feet and this Ordinance and the updated appraisal all reflect that number; and

WHEREAS, vacation of such right-of-way is conditioned upon the abutting landowner executing a Vacation Agreement, payment for the value of the vacated right-of-way, and conveyance to the City of another parcel of private property needed for upcoming City road improvements in order to better align the rights-of-way in the area; and

WHEREAS, on October 1, 2013, the Shoreline Hearing Examiner held a public hearing on the proposed street vacation and on October 3, 2013 issued a recommendation for approval of the vacation subject to an adjustment to the consideration for the vacation and the reservation of required utility easements; and

WHEREAS, on May 11, 2015 the City Council considered the recommendation of the Hearing Examiner to approve the vacation, and on June 1, 2015 the City Council adopted Ordinance No. 703 and vacated the right-of-way subject to certain conditions; and

WHEREAS, the adjacent landowner's property subsequently went into federal receivership prior to the conditions of the vacation being met; namely, execution of the Vacation Agreement, payment of the required compensation for the vacation, and transfer of the parcel of property; and

WHEREAS, the property is now being purchased by another owner who is seeking to fulfill the outstanding conditions to finalize the previous street vacation; and

WHEREAS, due to the passage of time and demolition of the old buildings the City undertook a new appraisal to update the value of the property being vacated as well as the property being received by the City in the exchange; and

WHEREAS, this amended Ordinance reflects the updated value of the properties; and

WHEREAS, on June 25, 2018 the City Council considered this amended Ordinance with the updated appraisal amount of the properties;

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

Section 1. Findings. The City Council adopts the above findings and incorporates them herein.

Section 2. Incorporation. Ordinance No. 703, and the Exhibits thereto, are hereby incorporated herein.

Section 3. Conditions of Vacation. The vacation approved by Ordinance No. 703 continues to be subject to execution of a Vacation Agreement and the abutting property owner's conveyance to the City of Parcel No. 1826049453, as depicted in Exhibit B attached to Ordinance No. 703, as well as the payment of not less than \$200,000.00, representing the difference owing for the value of the property being received and vacated by the City. The City Manager is authorized to enter into a Vacation Agreement on behalf of the City consistent with this Ordinance and Ordinance No. 703 vacating the right-of-way and taking title to Parcel No. 1826049453.

Section 4. Additional Conditions. Monetary compensation shall be deposited in the General Fund with one-half placed in a restricted amount for future appropriation by the City Council for acquisition, improvement, development, and related maintenance of public open space or transportation capital projects in compliance with RCW 35.79.030, or as may otherwise be expressly authorized by the City Council.

Section 5. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON JULY 16, 2018.

Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik-Smith
City Clerk

Margaret J. King
City Attorney

Date of Publication: , 2018

Effective Date: , 2018

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorizing the City Manager to Execute a Listing Agreement with Colliers International, WA LLC for the Sale of the Former Police Station Property at 1206 N 185 th Street
DEPARTMENT:	Administrative Services
PRESENTED BY:	Sara Lane, Administrative Services Department
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

The Shoreline City Council declared the former Police Station Property (located at 1206 N 185th Street) as surplus and authorized its sale via a real estate broker in May 2017. City staff requested statement of qualifications (SOQ's) from qualified real estate professionals (individuals or firms) to provide commercial real estate brokerage services to the City for the sale of this property. SOQ's were evaluated and finalists were selected to interview with City staff in June 2018, leading to the proposed Listing Agreement with Colliers International, WA LLC. Tonight, Council is being requested to approve the proposed Listing Agreement with Colliers International.

RESOURCE/FINANCIAL IMPACT:

The proposed Listing Agreement requires the City to pay a commission or commissions equal to four percent (4%) of the purchase price when the Property is sold (at closing). The Listing Agreement requires that the commission be split equally between Colliers International, WA LLC and any buyer's broker at closing.

The Police Station Property will be unpriced allowing the market to competitively price the property and provide the most value to the City. The City Manager will confidentially provide a minimum price and other terms related to the sale of the Police Station Property to Colliers International prior to any offering being released to the market.

RECOMMENDATION

Staff recommends that Council move to authorize the City Manager to execute the proposed Listing Agreement with Colliers International, WA LLC for the sale of the former Police Station Property.

Approved By: City Manager **DT** City Attorney **MK**

BACKGROUND

The City of Shoreline purchased the former Police Station Property located at 1206 N 185th Street in 1996. This property had served as the City's primary police station since that time. In 2008, the City built a City Hall Campus on Midvale Avenue North, and in May of this year, completed a new police station on the campus. In May 2017, the Shoreline City Council declared the former Police Station Property as surplus and authorized its sale via a real estate broker.

The former Police Station Property is 30,451 square feet and is generally level and flat. The Property is improved with a 5,481 square foot single story, Class C, masonry wall office building. The building was originally constructed in 1958 and upgraded in 1997. The Property also provides parking for eight (8) vehicles and includes a secure parking area that can accommodate an additional 35 vehicles. Currently, there is a 20 kilowatt fixed emergency generator wired into the building, although the generator and its switch are not being sold with the building.

The Police Station Property occupies a corner lot at the intersection of Midvale Avenue N and N 185th Street. N 185th Street is an east-west arterial that will lead to Sound Transit's 185th Street Light Rail station, which is currently anticipated to open in 2024. The site is approximately one block from the intersection of N 185th Street and Aurora Avenue N (Highway 99), which provides a variety of retail uses and access to transit services including Metro's Rapid Ride E Line and connections to routes served by both Sound Transit and Community Transit.

The Police Station Property is zoned Town Center 2 (TC-2), a commercial zone within the City. The purpose of this zoning district is to provide for the highest intensity of land uses, civic development, and transportation-oriented design. Shoreline Municipal Code (SMC) Tables 20.40.120, 20.40.130, and 20.40.140 denote the uses permitted within the TC-2 zoning district. SMC Table 20.50.020(3) provides the dimensional standards applicable to the TC-2 zoning district, including a base building height of 70 feet. The Property is also located within the City's 185th Street Station Subarea, a SEPA Planned Action Area that allows a development to occur without a separate SEPA process as long as the proposed development is within the scope of the Planned Action SEPA.

DISCUSSION

As noted above, given construction of the new Police Station at the City Hall Campus, in May 2017, the City Council declared the former Police Station Property as surplus and authorized its sale via a real estate broker. The City issued a Request for Statement of Qualifications (RFQ) (Attachment A) from qualified real estate professionals (individuals or firms) with significant relevant experience interested in providing commercial real estate brokerage services to the City of Shoreline for the sale of the Police Station Property.

City staff evaluated each of the eight responsive proposals against the published criteria within the RFQ and invited four firms to present their proposal and answer questions during interviews in June 2018 regarding their approach in providing the most value to the City from the sale and development of the Property.

Following the interviews, City staff selected Colliers International, WA LLC as the most qualified firm based on the City's published RFQ criteria and interests for the Police Station Property. Staff then negotiated the proposed Listing Agreement with Colliers International, WA LLC (Attachment B) for Council's consideration.

Pursuant to SMC 3.55.012(D), any proposed commission rate should not be more than the standard commission being charged in the Shoreline area for similar services. The commission rate (payable at closing) within the proposed Listing Agreement of four percent (4%), which will be split equally between Colliers International, WA LLC and the buyer's broker, complies with this Code provision.

RESOURCE/FINANCIAL IMPACT

The proposed Listing Agreement requires the City to pay a commission or commissions equal to four percent (4%) of the purchase price when the Property is sold (at closing). The Listing Agreement requires that the commission be split equally between Colliers International, WA LLC and any buyer's broker at closing.

The Police Station Property will be unpriced allowing the market to competitively price the property and provide the most value to the City. The City Manager will confidentially provide a minimum price and other terms related to the sale of the Police Station Property to Colliers International prior to any offering being released to the market.

RECOMMENDATION

Staff recommends that Council move to authorize the City Manager to execute the proposed Listing Agreement with Colliers International, WA LLC for the sale of the former Police Station Property.

ATTACHMENTS

Attachment A: Request for Statement of Qualifications 9065 – Real Estate Services
Attachment B: Proposed Listing Agreement with Colliers International, WA LLC

**CITY OF SHORELINE
REQUEST FOR STATEMENT OF QUALIFICATIONS
SOQ 9065**

**Real Estate Services to Assist in Surplus Property Sale
185th Police Station Property**

Submit no later than April 30, 2018

The City of Shoreline, Washington is soliciting a statement of qualifications (SOQ) from qualified real estate professionals (individuals or firms) with significant relevant experience interested in providing commercial real estate brokerage services (**Brokerage Services**) to the City of Shoreline for the sale of surplus real property. The surplus property is currently being used as the Shoreline Police Station, located at 1206 N 185th St, Shoreline, WA 98133 (**Police Station**).

Background and Property Details

The City of Shoreline purchased the Police Station in 1996. Since that time, the City built a City Hall Campus on Midvale Avenue North and will complete a new police station on the City Hall campus in May 2018. In May 2017, the Shoreline City Council declared the Police Station as surplus and authorized its sale via a real estate broker.

The Police Station site consists of Tax Parcel 1643500085 which is approximately 30,451 square feet in size. The site is generally level and flat. The site is improved with a 5,481 square foot single story, Class C, masonry wall office building. Currently, there is a 20 KW fixed emergency generator wired into the building; the generator and its switch is not being sold with the building. The building was originally constructed in 1958 and upgraded in 1997. The site currently provides parking for 8 vehicles and includes a secure parking area that can accommodate an additional 35 vehicles.

The Police Station site occupies a corner lot at the intersection of Midvale Avenue N and N 185th Street. N 185th Street is an east-west arterial that will lead to Sound Transit's 185th Street Light Rail station, which is currently anticipated to open in 2024. The site is approximately one block from the intersection of N 185th Street and Aurora Avenue N (Highway 99) which provides a variety of retail uses and access to transit services including Metro's Rapid Ride E Line and connections to routes served by both Sound Transit and Community Transit.

The Police Station site is zoned Town Center 2 (TC-2), a commercial zone within the City of Shoreline. The purpose of this zoning district is to provide for the highest intensity of land uses, civic development, and transportation-oriented design. Shoreline Municipal Code (SMC) Tables 20.40.120, 20.40.130, and 20.40.140 denote the uses permitted within the TC-2 zoning district. SMC Table 20.50.020(3) provides the dimensional standards applicable to the TC-2 zoning district, including a base building height of 70 feet. More detailed Development regulations can be reviewed at: <http://www.codepublishing.com/WA/Shoreline/>

The Police Station site is also located within the City's 185th Street Station Subarea, a SEPA Planned Action Area that allows a development to occur without a separate SEPA process as long as the proposed development is within the scope of the Planned Action SEPA. More information about the 185th Street Station Subarea and the SEPA Planned Action can be found at: <http://www.shorelinewa.gov/government/departments/planning-community-development/light-rail-station-area-planning>

The City will make no representations with respect to the quality or condition of the Police Station site. The site is being offered for sale "as is," "where is" physical condition, subject to all faults, environmental or otherwise, including latent and patent defects, without any warranty of any kind and subject to restrictions, covenants, easements, and exceptions of record, if any. Buyers will have the opportunity to undertake due diligence. While the information contain in this SOQ and any exhibit provided is from sources deemed to be reliable, the accuracy and/or completeness of such information is not warranted or guaranteed by the City of Shoreline.

Commission Rate

Pursuant to SMC 3.55.012(D), any proposed commission rate should not be more than the standard commission being charged in the Shoreline area for similar services. In rating proposals, scoring will reward proposals that encourage the highest sales price to the City's citizens while also considering the need to conduct the sale within a reasonable period of time.

Scope of Work

The Scope of Work is expected to include, but not be limited to, the following tasks:

- Perform a marketing analysis to determine appropriate listing price;
- Advertise the property broadly and attractively;
- Answer inquiries from potential buyers and their agents;
- Provide due diligence materials to potential buyers and their agents;
- Coordinate with Police Department to give tours and host open house events of the property (until property vacated);
- Communicate actively with the City's representatives;
- Receive and communicate purchase offers;
- Advise the City's representative throughout the process;
- Oversee the closing of the transaction on behalf of the City; and
- All other expected listing functions of a licensed commercial real estate professional selling a commercial property.

SOQ Evaluation Components/Criteria

- Strong approach to achieving optimum and timely results
- Relevant experience working with public sector clients, including elected officials, and community engagement
- Relevant experience marketing government surplus property or commercial property.

- Lead Broker or Agent shall have a Certified Commercial Investment Member (CCIM) credentials, or equivalent training and experience.
- Positive responses from listed references

Submittal Requirements

A Statement of Qualifications in hardcopy or pdf format shall be submitted to the City of Shoreline, City Clerk's Office – **SOQ 9065**, 17500 Midvale Avenue North, Shoreline, Washington, 98133-4905. The deadline for proposals by interested parties is April 30, 2018. Respondent assumes the risk of the method of dispatch chosen. The City assumes no responsibility for delays caused by any delivery service or electronic transmittal error. Postmarking by the due date will not substitute for actual receipt of qualifications. Proposals may be delivered by email to: Purchasing@shorelinewa.gov .

Questions related to this solicitation should be directed to Janet Bulman, Purchasing Coordinator, by email to: purchasing@shorelinewa.gov . Questions via phone will not be accepted.

Supplemental information, such as brochures, may be submitted if desired. Proposals shall be limited to single spaced, 8 1/2" by 11" typewritten pages (min. 12 point font). The submittal shall be no more than 8 pages, excluding resumes. The following format should be adhered to by each firm and presented roughly in the following order:

A. Executive Summary (Page Limit - 1)

An executive summary letter should include the key elements of the respondent's proposal, qualifications, certifications, and an overview of the individual Brokerage Services or Brokerage Services team. Indicate the address and telephone number of the respondent's office located nearest to Shoreline, Washington, or the main office from which Police Station site marketing will be managed.

B. Approach (Page Limit - 4, excluding resumes)

1. **Methodology(ies):** This section should clearly describe the methodology or methodologies planned to be used to carry out the specific tasks described in the Marketing Plan.
2. **Marketing Plan:** Describe the sequential tasks to be used to accomplish this project. Indicate all key deliverables and their contents. Include a specific explanation of how you propose to achieve the City's objectives which includes obtaining the maximum economic benefit for the citizens of Shoreline within a reasonable time..
3. **Organization and Staffing:** Describe the approach and methods for marketing the property.. Provide an organization chart showing all proposed team members. Describe the responsibilities of each person on the project team. Identify the Lead Broker or Agent and the key contact person. The City will be focusing on the experience of the Lead Broker or Agent.
4. Include resumes of each member of the marketing team. List any portion of the work that will be undertaken by someone other than those listed in paragraph 3 , if any, and information describing the qualification and relative experience of that person in relation to such work.

5. Include a list of information you believe will be required or tasks to be completed by City staff, if any, to facilitate the marketing and sale of the surplus property.
6. Schedule: Provide a schedule for completing each task listed in the marketing plan. Provide examples or otherwise demonstrate your or your team's ability to perform the work requested within the schedule you provide. Given market conditions, time is of the essence to maximize proceeds in this sale.

C. Related Experience (Page Limit - 2)

Describe recent (within the last 3 years), directly related experience of listing and marketing governmental surplus properties of a similar nature or commercial private property. The experience listed must be that which was performed by the Lead Broker or Agent, in addition provide any relevant experience of the marketing team and/or team's staff that will be assigned to this project. Include the name of other clients, description of the services performed, address and telephone number, and dates you provided services. At least five references should be included, with three references being within the past two (2) years. For each reference indicate where applicable the reference's name, organization, title, complete mailing address, email, and telephone number. List all Real Estate Designations and Certifications for the Lead Broker and Agent and marketing team. The City reserves the right to contact any organizations or individuals listed and/or to perform its own reference and qualification check.

D. Commission Structure (Page Limit 1)

Pursuant to SMC 3.55.012(D), the commission rate will be no more than that otherwise charged in the Shoreline area for such services.

The responder will explain proposed compensation for Brokerage Services and how said compensation will be determined and why this format is the most appropriate method of compensation for listing and marketing the Police Station site. Consultant must demonstrate that this compensation conforms to SMC 3.55.012(D).

The City's Evaluation Panel will use the following criteria to evaluate each SOQ:

Criteria	Points
Experience and CCIM or related Special Designation/Certifications of Lead Broker or Agent	Maximum 30 Points
Stated Approach to Marketing Property	Maximum 15 Points
Related Experience of Marketing Team	Maximum 15 Points
Responses from References	Maximum 20 Points
Commission Structure	Maximum 20 Points
Maximum Points	Maximum Points 100

The noted criteria will be the basis from which interested individuals or firms will be selected for interviews. Following the City staff evaluation of the qualifications received, selected individuals

or firms may be invited to meet with or make oral presentations before the City's Evaluation Panel. The City's Project Manager will provide additional details outlining the preferred content of the presentation to each firm or team of firms that are invited to participate. Upon completion of the evaluations, the City's Evaluation Panel will determine the most qualified individual or firm based on all materials and information presented. The City will then begin the negotiations for an agreement with the selected individual or firm.

Any individual or firm failing to submit information in accordance with the procedures set forth in the SOQ may be subject to disqualification. The City reserves the right to change the solicitation schedule or issue amendments to the solicitation at any time. The City reserves the right, at its sole discretion, to waive immaterial irregularities contained in the proposals. The City reserves the right to reject any and all proposals at any time, without penalty. The City reserves the right to refrain from contracting with any respondent. Individuals or firms eliminated from further consideration will be notified in writing by the City as soon as practical.

Proposals will remain confidential until closing deadline after which proposals are considered a public record subject to public disclosure under RCW 42.56, the Public Records Act. Proposers shall mark as "proprietary" any information that the Proposer believes meets the exemption under RCW 42.56.270(1). This designation will be considered by the City in response to public records requests.

Any Proposal may be withdrawn, either personally or by written request, at any time prior to the time set for the Proposal submittal deadline.

The City of Shoreline, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation, issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, or sex in consideration.



EXCLUSIVE SALE LISTING AGREEMENT

THIS EXCLUSIVE SALE LISTING AGREEMENT (“**Agreement**”) is entered into on _____, 2018 (“**Effective Date**”) by and between Colliers International WA LLC, (“**Colliers**”) and City of Shoreline as owner (“**Owner**”).

1. **Colliers as Exclusive Selling Agent.** Commencing on the Effective Date and continuing through December 31, 2018, then continue on a month-to month basis until cancelled with thirty (30) days written notice by either party (“**Term**”), Owner hereby appoints Colliers as sole and exclusive agent for the sale of the real property commonly known as 185th Police Station Property and legally described on Exhibit A, attached hereto, with all improvements now or hereafter made on or to the real property (“**Property**”). Owner agrees to promptly disclose to Colliers any personal property to be included in the sale. Owner authorizes Colliers to insert or correct the legal description over Owner’s signature. As Agent, Colliers shall abide by its SOQ proposal submitted to the Owner, unless otherwise modified by the Owner.
2. **Terms of Sale.** The Property shall be unpriced allowing the market to competitively price the property and provide the most value to the Owner. The Owner will confidentially provide a minimum price and other terms related to the sale of the Property in writing to Colliers prior to any offering. If the minimum price and other identified terms of the Owner are achieved, said amount shall be payable in cash at closing by the purchaser.
3. **Negotiations and Cooperation.** All inquiries and offers which Owner receives shall be referred to Colliers and all negotiations shall be conducted solely by Colliers or under its direction. Owner shall cooperate fully with Colliers and shall provide Colliers access to the Property at all reasonable times.
4. **Advertising.** Unless expressly agreed otherwise in writing, Colliers is authorized to publish this listing with the listings sites (online listing site such as CoStar, MLS, etc., “**O.L.S**”) and otherwise advertise the Property and prepare and/or secure plans of the Property in accordance with Colliers written SOQ proposal to the Owner and subject to Owner’s approval. Colliers shall pay costs of brochures and other advertising materials approved by Owner. Colliers shall have the right to place signs advertising the Property for sale on the Property at Colliers’ expense. Owner understands and agrees that the information contained in this Agreement or otherwise given to O.L.S becomes O.L.S’ property, is not confidential, and will be available to third parties, including prospective purchasers, other members of O.L.S who do not represent Owner and who may represent prospective purchasers, and other parties granted access to O.L.S’ listing information.
5. **Cooperation with Other Brokers.** Owner understands and agrees that Colliers may, when appropriate, solicit the cooperation of other real estate brokers and, regardless of whether the cooperating broker is the broker of the purchaser, Owner, neither or both, Colliers may pay them from commissions that are received by Colliers under the terms of this Agreement.
6. **Deposits.** If applicable, after approval by Owner, Colliers is authorized to accept deposits for the purchase and sale of the Property from any prospective purchaser and to retain deposits in its trust account. If Colliers has earned a commission pursuant to Paragraph 8, then Colliers is authorized to apply the deposit to payment of the commission at the time the deposit becomes payable to Owner. In the event any deposit made by a prospective purchaser or tenant and held by Colliers, Owner or any third-party agent is forfeited, then the total sum so forfeited shall be divided equally between Colliers and Owner, provided the amount to Colliers does not exceed the amount of the commissions stated below.
7. **Extension.** If during the Term of this Agreement, an escrow is opened or negotiations involving the sale, transfer, or conveyance of the Property have commenced or are continuing, then the Term of this Agreement shall be extended through the termination of such negotiations or consummation of such transaction.
8. **Commissions.** Owner hereby agrees to pay a commission or commissions equal to four percent (4%) of the purchase price pursuant to the payment provisions set forth in Section 9 of this Agreement. Said commission shall be split equally between Colliers and any Buyer’s broker at closing.

Owner shall pay a commission to Colliers upon the occurrence of one of the following events:

- a) During the Term (i) Colliers, Owner, or any other person or entity procures a purchaser who is ready, willing and able to purchase the Property on the terms set forth in Section 2 hereof, or on other terms acceptable to Owner; (ii) Owner, through any person or entity other than Colliers, enters into any other contract to transfer or exchange the Property or any interest therein or grants an option to purchase the Property to any person or entity; or (iii) Owner withdraws the Property from the market, makes the Property unmarketable, fails to cooperate with Colliers pursuant to Section 3 of this Agreement, or otherwise prevents Colliers from selling the Property, in which event Owner shall be deemed to have sold the Property for the price set forth in Section 2; or
 - b) Within one hundred eighty (180) days after expiration of the Term, Owner sells or exchanges, or enters into any contract to sell or exchange, the Property or any interest therein; or Owner grants an option to purchase the Property; or negotiations commence and continue leading to the sale or exchange of, or an option to purchase, the Property or any interest therein to any person or entity to whom Colliers submitted information regarding the availability of the Property for sale or with whom Colliers negotiated or discussed potential terms of such a sale, or any person or entity who submitted to Owner through Colliers a written offer to purchase the Property. The identity of such persons may but need not be conclusively established by mailing a list of such persons or entities to Owner within fifteen (15) days of the expiration date of the Term; or
 - c) During the Term, Owner receives notice that an entity having the power of condemnation has condemned or intends to condemn all or a substantial portion of the Property; provided, all or a substantial portion of the Property is thereafter conveyed to or condemned by such entity either during or after the Term.
9. **Payment of Commissions.** Any commission due pursuant to Section 8 shall be payable the earlier of: (a) the closing of a sale or exchange of the Property or any interest therein; (b) the date upon which Owner fails to act, which act or omission delays or prevents a closing, sale, or exchange of the Property for which Colliers would be entitled to receive a commission; (c) the date upon which Owner withdraws the Property from the market, makes the Property unmarketable or fails to cooperate with Colliers pursuant to Section 3 of this Agreement, or otherwise prevents Colliers from selling the Property; or (d) the date upon which Owner transfers or contracts to transfer any portion of the Property to any other person or entity, other than by sale, or exchange. Owner agrees that the Property is commercial real estate and that this Agreement may be recorded pursuant to the commercial real estate broker lien laws, if applicable.
10. **Agency/Dual Agency** Owner authorizes Colliers to appoint Arvin Vander Veen and Casey Gibson to act as Owner's Listing Agent(s). It is understood and agreed that this Agreement creates an agency relationship with Listing Agent(s) and Colliers only, not with any other salespersons of Colliers; provided, Owner authorizes Colliers to appoint other salespersons affiliated with Colliers as subagents to act on Owner's behalf as and when needed, at Colliers' discretion. Any broker or salesperson other than Listing Agent(s) will not be representing Owner and may represent the purchaser. Accordingly, for purposes of this Agreement, "Colliers" means Listing Agent(s), including any subagents, and Listing Agent's Broker, Designated Broker or Branch Manager, unless expressly stated otherwise.

Owner agrees that if the Property is sold to a purchaser represented by one of Colliers' salespersons other than Listing Agent(s), then Owner consents to Colliers acting as a dual agent. Owner understands and agrees that different salespersons affiliated with Colliers may represent different sellers in competing transactions involving the same buyer. Owner hereby consents to such representation and agrees that it shall not be considered action by Colliers that is adverse or detrimental to the interests of either seller, nor shall it be considered a conflict of interest on the part of Colliers. If Colliers acts as a dual agent, then Colliers shall be entitled to the entire



commission payable under this Agreement plus any additional compensation Colliers may have negotiated with the purchaser. Acceptance of referral fees between salespersons affiliated with Colliers will not be considered action that is adverse or detrimental on the part of the salespersons or Colliers, nor shall it be considered a conflict of interest by the salespersons or Colliers.

If applicable, Owner acknowledges receipt of the pamphlet entitled "The Law of Real Estate Agency" and/or any such required materials of the state in which the Property is located.

11. **Responsibility for Maintenance.** Colliers shall not be responsible for maintenance of the Property or for damages of any kind to the Property or its contents, including, but not limited to, vandalism and theft, unless Colliers caused such damage by its gross negligence. Owner hereby releases and waives all rights, claims and causes of action against Colliers, except claims based on its gross negligence, for damages to the Property or its contents.
12. **Indemnification.** Owner shall defend, indemnify and hold harmless Colliers, its parent, subsidiaries, affiliates, shareholders, officers, managers, directors, employees and agents, from and against any and all claims, lawsuits, harm, costs, demands, settlements, judgments, losses, liabilities, damages and expenses, including, but not limited to, attorneys' fees, costs and related expenses (collectively, "**Liabilities**"), relating to, arising out of or in connection with (i) any sale or exchange of the Property pursuant to this Agreement, (ii) the use of, or access to, the Property by any person pursuant to this Agreement, (iii) Colliers' performance of its obligations under this Agreement, or (iv) any breach of, or failure to perform, any provision of this Agreement by Owner. Owner shall not be responsible for indemnification for Liabilities or Damages to the extent caused by Colliers' negligent, gross negligence or willful misconduct in performing its obligations under this Agreement.

Colliers hereby indemnifies and agrees to defend and hold Owner and its respective Council members, officers, officials, directors, managers, employees, volunteers, and representatives harmless from and against any and all Liabilities brought by a third party to the extent caused by Colliers' negligence, gross negligence or willful misconduct in performing its obligations under this Agreement.
13. **Third Party Information Disclaimer.** Any provision of third party information or related materials to Owner by Colliers is for general informational purposes only. In addition, any information furnished by Colliers is not intended to be tax, legal, investment, or transaction advice. Colliers makes no guarantees, representations or warranties of any kind, express or implied regarding the accuracy, authenticity, completeness, legality, or reliability of any third party information. Owner and any other interested party should undertake their own inquiries as to the accuracy of the third party information, and acknowledges and agrees that Colliers shall not be liable for any errors, omission or inaccuracies of any third party information provided.
14. **Disclosure; Hazardous Substances.** Owner agrees to promptly disclose to Colliers and any prospective purchaser all known material defects, if any, of the Property and any knowledge Owner has or may hereafter acquire regarding the production, disposal, storage or release of any hazardous wastes or other toxic or hazardous substances in or on the Property. Colliers is authorized to disclose all pertinent information regarding the Property to prospective purchasers, and Owner shall indemnify and hold harmless Colliers and any cooperating brokers to the same extent set forth in Section 12 of this Agreement in the event Owner fails to make any required disclosure or makes any misrepresentation about the Property or its condition.
15. **No Discrimination.** Owner hereby acknowledges that it is illegal to refuse to display, sell or lease the Property to any person because of race, color, religion, national origin, sex, sexual orientation, marital status or physical disability.
16. **Owner's Warranty.** Owner warrants that Owner has full authority to execute this Agreement and to sell, or exchange the Property, and that all information concerning the Property provided by Owner to Colliers is accurate. The person(s) executing this Agreement on behalf of Owner warrant(s) that such person(s) have full authority to do so and in so doing to bind Owner. Owner confirms that following closing of the Property, the amount of the purchase price and any other terms of the sale of the Property shall not be deemed confidential information and Owner authorizes disclosure of the same.



- 17. **Attorneys' Fees.** In the event of dispute between the parties to enforce a right or rights provided by or arising out of this Agreement, the non-prevailing party shall pay to the prevailing party reasonable attorneys' fees and other costs and expenses of enforcement proceedings. The "prevailing party" shall be the party receiving a net affirmative award or judgment.
- 18. **Negotiation and Construction.** This Agreement and each of the terms and provisions hereof have been negotiated between the parties, and the language in all parts of this Agreement shall, in all cases, be construed according to its fair meaning and not strictly for or against either party.
- 19. **Governing Law.** This Agreement is entered into and shall be governed and construed in accordance with the laws of the state in which the Property is located and all proceedings hereunder shall occur in King County, Washington. Each party hereby consents and irrevocably submits to the exclusive personal jurisdiction of the state or federal court of competent jurisdiction located in King County in the State of Washington, and waives any objection to the convenience of each such venue. THE PARTIES WAIVE ANY RIGHT TO TRIAL BY JURY IN ANY ACTION AT LAW OR IN EQUITY IN ANY OTHER PROCEEDING BASED ON OR PERTAINING TO THIS AGREEMENT.
- 20. **Entire Agreement.** This Agreement sets forth the entirety of the agreement between the parties regarding sale of the Property.

IN WITNESS WHEREOF, the parties hereto have reviewed and executed this Agreement and it is effective as of the Effective Date.

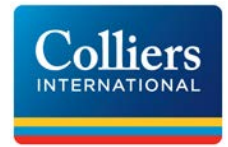
Owner: City of Shoreline

Colliers: Colliers International WA, LLC

Name: **Debbie Tarry**
 Its: **City Manager**
 Date:
 Address: City of Shoreline
 17500 Midvale Avenue North
 Shoreline, Washington 98133

Name: Arvin Vander Veen, SIOR
 Its: Broker
 Date:
 Address: 601 Union St., Suite 5300
 Seattle, WA 98101

Name: Bill Condon
 Its: Managing Broker
 Date:
 Address: 601 Union St, Suite 5300
 Seattle, WA 98101



**EXHIBIT A
LEGAL DESCRIPTION**

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorizing the City Manager to Execute an Interlocal Agreement Between the City of Shoreline and the King County Local Hazardous Waste Management Program for Participation in the Voucher Incentive Program
DEPARTMENT:	Public Works – Surface Water and Environmental Services
PRESENTED BY:	Cameron Reed, Environmental Programs Specialist
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

King County provides vouchers for small businesses to implement best management practices for hazardous waste storage, disposal and transport through the Local Hazardous Waste Management Program (LHWMP) Voucher Incentive Program. Currently, businesses in Shoreline wishing to receive a voucher must be visited by King County staff. City staff already visit small businesses around the city to provide technical assistance on the proper management of hazardous waste. The purpose of this Interlocal Agreement (Attachment A) is to allow City staff to issue reimbursement vouchers on behalf of King County, thus streamlining the process and allowing for greater participation in the program by businesses in Shoreline.

RESOURCE/FINANCIAL IMPACT:

The Voucher Incentive Program is funded by King County LHWMP. This agreement will not have a financial impact for the City. As well, there is a negligible staff time impact to support the distribution of the LHWMP vouchers.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to execute an Interlocal Agreement with King County Local Hazardous Waste Management Program for Participation in the Voucher Incentive Program.

Approved By: City Manager **DT** City Attorney **MK**

BACKGROUND

King County's Local Hazardous Waste Management Program (LHWMP) provides assistance and education for businesses and residents to properly manage hazardous wastes in order to protect human health and the environment. The Voucher Incentive Program is one tool used to help small quantity generators of hazardous waste (SQGs) achieve best management practices. LHWMP vouchers are issued at the discretion of County staff during site visits to SQG businesses. Businesses can use the vouchers for waste testing, designation, transport, recycling, and disposal of hazardous waste. They can also use vouchers for improvements and equipment that protect human health or the environment, such as spill kits or secondary containment units. To receive a voucher, businesses who are SQGs must agree to cease improper hazardous waste management practices. This includes ceasing practices that are obviously contaminating a site or in apparent violation of environmental regulations. Currently, City staff cannot issue the LHWMP vouchers on behalf of King County.

This Interlocal agreement defines the terms and conditions under which City staff are qualified and authorized to issue vouchers on behalf of King County. This is one of a number of such agreements that King County will be entering into with government agencies in the County that have training and expertise in advising businesses and residents on proper management of hazardous waste. City staff in the Surface Water and Environmental Services Division have such training and expertise and would be qualified to issue vouchers under this agreement.

City staff currently conduct technical assistance site visits to businesses in Shoreline using grant funds from LHWMP. In the past, the City has provided spill kits to businesses that receive these visits using grant funds from the Department of Ecology, however this ended when the funds were no longer available.

DISCUSSION

Executing the Voucher Incentive Program Interlocal Agreement would increase the City's ability to provide technical assistance to businesses in Shoreline and augment King County's efforts to properly manage regulated hazardous waste on a countywide basis. If executed, the Interlocal agreement will be in effect for three years.

City staff and representatives already conduct technical assistance site visits to SQGs in Shoreline. Allowing City staff to issue the vouchers directly would increase the effectiveness of the technical assistance provided by the City. It would also significantly streamline the voucher process for the businesses. This could increase the number of businesses in Shoreline that implement proper management practices of hazardous waste, thereby reducing associated health and environmental risks within the city.

RESOURCE/FINANCIAL IMPACT

The Voucher Incentive Program is funded by King County LHWMP. This agreement will not have a financial impact for the City. As well, there is a negligible staff time impact to support the distribution of the LHWMP vouchers.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to execute an Interlocal Agreement with King County Local Hazardous Waste Management Program for Participation in the Voucher Incentive Program.

ATTACHMENTS

- Attachment A: Agreement with King County Local Hazardous Waste Program for Participation in the Voucher Incentive Program
- Attachment B: Exhibit A to King County Local Hazardous Waste Program - Financial Incentive Program Guidelines 2018

**AGREEMENT BETWEEN KING COUNTY'S
LOCAL HAZARDOUS MANAGEMENT PROGRAM
and CITY OF SHORELINE
FOR LOCAL HAZARDOUS WASTE MANAGEMENT PROGRAM
VOUCHER INCENTIVE PROGRAM**

THIS Agreement ("Agreement") is made and entered into by and between King County, as represented by its Local Hazardous Waste Management Program ("King County" or "LHWMP"), and the City of Shoreline ("City"), sometimes collectively referred to herein as the "Parties," or when used to refer to one of the two Parties, "Party".

I. PURPOSE

The purpose of this Agreement is to provide the terms and conditions, and to establish a framework and process, whereby field representatives of the City staff ("Staff") will issue reimbursement vouchers ("vouchers") from the LHWMP's Voucher Incentive Program ("VIP") to small businesses within the City to assist them in complying with pertinent hazardous waste management regulations. This participation in the VIP will augment King County's efforts to properly manage regulated hazardous waste on a countywide basis. This Agreement is one of a number of such agreements that King County will be entering into with government agencies in King County that have training and expertise in advising businesses and residents on proper management of hazardous waste. The staff of the City have such training and expertise.

II. CITY RESPONSIBILITIES:

- A. The City agrees to work with King County in issuing Small Quantity Generator ("SQG") vouchers pursuant to the terms of this Agreement and King County's Small Quantity Generator Voucher Incentive Program (VIP) Guidelines, attached hereto as Exhibit A. These Guidelines are updated annually. The City agrees to follow the updated Guidelines upon their receipt. Should there exist a conflict or inconsistency between the Guidelines and the terms of this Agreement, the terms of this Agreement shall take precedence and shall control.
- B. The City will obtain Small Quantity Generator Voucher forms from King County and will issue them in accordance with the terms of this Agreement and the VIP Guidelines.
- C. The City will provide trained Staff to advise businesses on the proper management of hazardous waste and keep such Staff updated on current federal, state and local regulations related to such management.
- D. Responsibilities of City Staff

1. Vouchers are one tool which Staff may utilize to positively influence the hazardous material management activities of SQGs. Staff should use best professional judgment in evaluating the appropriateness of providing vouchers to SQGs as an incentive to improve waste management practices. Subject to the terms hereof and the Guidelines, the issuance of a voucher to a particular SQG is in the first instance a matter of discretion to be exercised by Staff through the exercise of best professional judgment. A previously issued voucher may be voided by Staff, provided notice of such voidance is given to the VIP Manager, as more fully identified below. The purposes for which vouchers may be used to reimburse SQGs include but are not limited to:
 - **Waste characterization** by certified laboratories, licensed transporters, or permitted Treatment, Storage, and Disposal (TSD) facilities;
 - **Transportation** by licensed transporters, and only if transported to permitted TSDs;
 - **Treatment, Storage, and Disposal** by permitted TSDs;
 - **Recycling performed** in a manner deemed appropriate by Staff, and by a legitimate recycler;
 - **Secondary containment, spill control, and cleanup equipment and supplies** which conform to best management practices (BMPs) given by Staff; and
 - **Equipment** that reduces the use of hazardous products, the generation of hazardous waste, or, by its use, the hazardous nature of the product used or waste generated.
2. Staff has the authority to recommend the specific action(s) to be taken to qualify for reimbursement cost(s) up to the program maximum regarding a particular SQG or site.
3. Staff, in consultation with the VIP Manager, should recommend whether the handling/management of a given material or other SQG expenditure qualifies for reimbursement from the VIP. The VIP Manager retains final decision-making authority concerning the actual reimbursement of SQG expenditures/costs.
4. Staff may request that the VIP Manager contact them before a voucher is paid, by indicating on the voucher space "Contact Field Rep." in the space "Voucher issued for:" on the Voucher. Such text indicates to the VIP Manager to check with Staff to ensure that the SQG has followed the recommendations made by Staff before approving the reimbursement amount provided on the voucher.
5. Staff has the authority to place any voucher "on hold" and delay further processing, at any time. Vouchers may be put on and taken off hold more than once, at the discretion of Staff. Approval of reimbursement by the VIP Manager should be delayed for any voucher placed on hold until Staff is satisfied that the SQG has complied with and completed the recommendations. Staff shall contact VIP Manager and inform Manager of any vouchers placed on or taken off of hold.

6. In the exercise of its reasonable discretion, and subject to the final authority vested in the VIP Manager, Staff has the authority to void any voucher issued by that Staff person. If Staff determines that sufficient grounds exist to void a voucher, the VIP Manager must be notified immediately in writing. It is within the sole discretion of Staff whether to notify the SQG who received the voucher. In the event of such voidance, the VIP manager will notify the SQG in writing of the voidance. Except for expiration, and subject to the final approval of the VIP Manager, a voucher will only be voided by order of the Staff person who issued the voucher. An example of grounds for voiding a voucher is: Staff has solid grounds for believing that the SQG does not intend to follow the recommendations given as the basis for reimbursement under the voucher. Vouchers not remitted by the SQG to King County within 60 days after the specified expiration date will be automatically void and will no longer serve as the basis for receiving reimbursement of costs from King County. Staff should clearly communicate this deadline to the SQG at the time of issuance of the voucher. Voidance of a voucher constitutes a final disposition and such act is not appealable by the voucher holder.
7. Placing a voucher on hold is considered a temporary action. Voiding a voucher is a final action on a voucher. A voucher, once voided, cannot be reactivated. In cases where Staff thinks that offering another voucher will result in an improvement in hazardous materials management actions by the SQG, a new voucher can be issued to a SQG that has had a previous voucher voided.
8. The effective duration of a voucher shall not exceed a period of six months from the date of issuance. However, Staff in its discretion may extend the effective duration for an additional three six months, not to exceed a total of 9 months for the entire life of the voucher. It is the responsibility of Staff to enter an expiration date on the voucher. If no expiration date is expressed, the voucher will expire six months from the day it was issued. One of the purposes of a voucher is to serve as an incentive for an SQG to make timely improvements in its management of hazardous waste materials. If the actions contemplated and described in the voucher are not entirely completed before the expiration date of the voucher, the voucher becomes null and void upon expiration, and may not be used as the basis for seeking reimbursement of costs from King County.

III. KING COUNTY RESPONSIBILITIES

- A. King County agrees to abide by the terms of this Agreement and to work with the City in administering the VIP in a timely and efficient manner.
- B. Guidelines outlining the terms and conditions of the VIP are attached to this Agreement as Exhibit A. King County will provide Guideline updates to the City on an annual basis. The Guidelines provide specific details regarding how vouchers should be used, provide the necessary forms to be used, and identify the processing protocol for remitted forms and reimbursements.

- C. Periodic reports identifying and itemizing the purpose(s) for the requested reimbursements made and the reimbursement dollar amounts remitted will be provided to the cities and jurisdictions participating in the VIP.
- D. Subject to the availability of appropriated funds, the VIP Manager retains sole discretion to pay the costs/expenses identified in vouchers issued by Staff.

IV. EFFECTIVENESS, DURATION AND GENERAL TERMS

- A. This Agreement is effective upon signature by both Parties and shall remain in effect for three years from the effective date unless terminated in accordance with the terms of IV.D. below.
- B. This Agreement may be amended only by the written agreement of the Parties.
- C. This Agreement is not assignable by either Party, either in whole or in part.
- D. This Agreement may be terminated by the mutual agreement of the Parties expressed in writing. Either Party may terminate this Agreement upon thirty (30) days' prior written notice to the other Party. If this Agreement is so terminated, the Parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.
- E. Notwithstanding the terms of provision IV.D. above, the VIP Manager may immediately terminate King County's obligations to pay for or reimburse voucher costs upon a determination that appropriated funds are no longer available to pay such costs.
- F. If for any cause, either Party does not fulfill in a timely and proper manner its obligations under this Agreement, or if either Party violates any of these terms and conditions, the aggrieved Party will give the other Party written notice of such failure or violation. The responsible Party will be given the opportunity to correct the violation or failure within fifteen (15) working days. If failure or violation is not corrected, this Agreement may be terminated immediately by written notice of the aggrieved Party to the other.
- G. The employees or agents of each Party who are engaged in the performance of this Agreement shall continue to be employees or agents of that Party and shall not be considered for any purpose to be employees or agents of the other Party.
- H. This Agreement is a complete expression of the intent of the Parties and any oral or written representations or understandings not incorporated herein, are excluded. The Parties recognize that time is of the essence in the performance of the provisions of this Agreement. Waiver of any default shall not be deemed to be waiver of any subsequent default. Waiver of breach of any provision of this Agreement shall not be deemed to be a waiver of any other or subsequent breach and shall not be construed to be a modification of the terms of

this Agreement unless stated to be such through written approval by the Parties which shall be attached to the original Agreement.

V. INDEMNIFICATION AND HOLD HARMLESS:

The City shall protect, defend, indemnify and save harmless King County, its officers, officials, employees and agents, from any and all suits, costs, claims, actions, losses, penalties, judgments, and/or awards of damages, of whatsoever kind arising out of the Agreement, or services provided thereunder, caused by or resulting from the City's own negligent acts or omissions. The City agrees that its obligations under this provision extend to any claim, demand, and/or cause of action brought by or on behalf of any of its employees, or agents. King County shall protect, defend, indemnify and save harmless the City, its officers, officials, employees and agents, from any and all suits, costs, claims, actions, losses, penalties, judgments, and/or awards of damages, of whatsoever kind arising out of the Agreement, or services provided thereunder, caused by or resulting from King County's own negligent acts or omissions. King County agrees that its obligations under this provision extend to any claim, demand, and/or cause of action brought by or on behalf of any of its employees, or agents. The foregoing indemnity provisions are specifically and expressly intended to constitute a waiver of the Parties' immunity under Washington's Industrial Insurance act, RCW Title 51, as respects the other Party only, and only to the extent necessary to provide each of the Parties with a full and complete indemnity of claims made by each Party's employees or agents. The Parties acknowledge that these provisions were specifically negotiated and agreed upon. This indemnification Article V. shall survive termination of this Agreement.

VI. CONTRACT MANAGEMENT:

The Program Manager for each of the Parties shall be responsible for and shall be the contact person for all communications and billings regarding the performance of this Agreement.

The Contract/Program Manager for King County is:

Patrick Hoermann
VIP Manager
206.263.1658

The Contract/Program Manager for the City of Shoreline is:

Cameron Reed
Environmental Programs Specialist
206.801.2455

VII. DISPUTE RESOLUTION:

In the event that a dispute arises under this Agreement, the Parties agree that they will attempt to resolve the disputed matter(s) through mutual negotiation. If the Parties are not able to reach an agreement through such informal negotiation, the Parties agree to engage in non-binding mediation in order to resolve the dispute. Mediation may be requested by either Party, and shall be attempted prior to the institution of any lawsuit arising under this Agreement. The Parties agree to equally share the costs of

mediation. Venue for any litigation arising out of or related to this Agreement shall vest in the Superior Court of King County, Washington.

VIII. GOVERNANCE:

This Agreement is entered into pursuant to and under the authority granted by the laws of the state of Washington and any applicable federal laws. The provisions of this Agreement shall be construed to conform to those laws.

In the event of an inconsistency in the terms of this Agreement, or between its terms and any applicable statute or rule, the inconsistency shall be resolved by giving precedence in the following order:

- a. Applicable state and federal statutes and rules;
- b. Exhibit A.

IX. SEVERABILITY:

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this Agreement, and to this end the provisions of this Agreement are declared to be severable.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the date shown below.

<p>Approved as to Form</p> <p>_____</p> <p>Senior Deputy Prosecuting Attorney</p>	<p>King County:</p> <p>_____</p> <p>Director, Department of Natural Resources and Parks</p>
<p>DATE:</p> <p>_____</p>	<p>DATE:</p> <p>_____</p>
<p>Approved as to Form</p> <p>_____</p> <p>Name: Julie Ainsworth-Taylor Title: Shoreline Assistant City Attorney</p>	<p>City of Shoreline:</p> <p>_____</p> <p>Name: Debbie Tarry Title: City Manager</p>
<p>DATE:</p> <p>_____</p>	<p>DATE:</p> <p>_____</p>

EXHIBIT A

Financial Incentive Program

Guidelines Effective January 1, 2018

The Guidelines are intended to provide guidance for your efforts in using Financial Incentive vouchers as a part of your work with the Local Hazardous Waste Management Program (LHWMP) and the small quantity generator (SQG) business community in King County. Three financial incentive programs are explained in this document: The Voucher Incentive Program (VIP), the Substantial Improvement Reimbursement program (SIR), and in an Addendum the Secondary Containment program.

The Criteria the SQG must meet to be eligible to receive service from the LHWMP

To be eligible for these financial incentives, the SQG must meet the general eligibility criteria established by the LHWMP, which includes the types and quantities of waste to be managed. The SQG must generate hazardous waste at an SQG rate.¹ The SQG must have a valid business license when required by law. The SQG must be located within the service area of the LHWMP. The SQG may be any entity that generates at the SQG level, whether publicly or privately owned.

The Voucher Incentive Program

Responsibilities the SQG must accept to receive a VIP voucher

The SQG must be the generator of the waste to be managed in order to receive reimbursement from the VIP.² The business site must be the SQG site, not a site where the SQG provides service to another business.

To receive a voucher, the SQG must agree to cease engaging in practices that:

1. Are obviously contaminating the site;
2. Might allow a discharge of hazardous chemicals to the municipal waste streams;
3. Might cause a significant threat to human health or the environment;
4. Are in apparent violation of environmental regulations;
5. Place the SQG in imminent jeopardy of enforcement actions by criminal investigators of agencies of Federal, State or local government.³

1. A SQG must generate less than 100 kg (220 lb.)/month. The SQG rate is defined by State regulations, including, but not limited to Chapter 173-303 WAC, RCW 70.105; and Federal regulations, including, but not limited to 40 CFR Part 260.
2. Although technically businesses that inherit hazardous waste are not the generators, they may qualify for a voucher if they came into possession of the waste through no fault or effort of their own. These businesses must hold a business license where required in order to receive reimbursement from the VIP. An example would be when a property manager had waste abandoned on its property. We do not encourage property managers or others to collect waste and effectively conduct an unlicensed hazardous waste collection operation.
3. A voucher may be used to help a SQG comply with environmental regulations. A voucher cannot be used to help a SQG to avoid an enforcement action, or to reduce the cost of an enforcement action, without the consent and cooperation of the agency taking the enforcement action against the SQG.

The SQG must allow the field representative,⁴ sometimes referred in these Guidelines as "staff," to visit its business site if needed. The SQG must agree to implement the improvements recommended by the field representative (improvements). The SQG must agree to allow a follow-up visit by the field representative to ensure that the improvements that were recommended during the original visit have been followed, or that the process of implementing the improvements has begun. The goal of the VIP is to help the SQG permanently change its hazardous waste and waste management behavior. The SQG must show the motivation to make changes in the way it conducts business now, and to maintain those changes permanently. Please see also the section VIP Vouchers are reimbursed are for making improvements, on page 8.

Responsibilities the SQG must accept to qualify for reimbursement from the VIP

A voucher may be issued by the field representative to the SQG during the follow-up visit if the field representative is satisfied that the SQG has begun the process of accomplishing the improvements agreed to by the field representative and the SQG during the original inspection. A voucher may be issued at the time of the original inspection of a site if, in the best professional judgment of the field representative, the SQG will implement the recommended Improvements agreed to by the SQG and the field representative.⁵

The SQG must have, or implement, and maintain an adequate record-keeping system for its hazardous waste management records, as recommended and confirmed by the field representative. An adequate record-keeping system should make it possible for the SQG to make available all of its records related to hazardous waste management for review by the field representative upon request. These record-keeping requirements come from the Local Hazardous Waste Management Plan, which requires that such records be kept by the participating agencies, and by the participating SQGs.

4. In these Guidelines the term field representative is used, but other qualified persons may be authorized by the Financial Incentive program manager to issue vouchers.
5. A voucher may be provided to the SQG by other means than a site visit under circumstances to be determined by the Financial Incentive program manager.

Waste Characterization

The SQG must characterize its wastes for transport or disposal. Waste characterization is required by State and Federal regulations. Waste characterization is required by King County in order for an SQG to receive a voucher for waste recycling or disposal.

1. If the SQG has not already done so, the SQG may use the voucher to help pay for the services of certified laboratories, licensed transporters, or permitted Treatment, Storage, and Disposal (TSD) facilities to characterize the waste.
2. Known non-hazardous municipal solid waste does not qualify for reimbursement under the VIP. Waste characterization to determine if the wastes in question are hazardous does qualify for reimbursement under the VIP, even if the waste are later characterized to be non-hazardous or municipal solid waste.
3. The field representative may make a recommendation on whether characterization is necessary or appropriate for an SQG's waste on a case by case basis. However, the final decision rests with and is the responsibility of the SQG.

The SQG can receive reimbursement for the management of wastes that are not technically characterized as hazardous, (that is, do not formally meet the regulatory definition of hazardous waste) under certain circumstances. If the SQG would have to pay an additional fee for the disposal or removal of said waste, reuse or recycling options are not readily available, and improper management of said waste could pose a health or environmental risk, then reimbursement may be available. The determination of what waste or wastes qualify for reimbursement, and whether improper disposal of said waste or wastes could pose a health or environmental risk will primarily depend upon the best professional judgment of the field representative.

Completion of the VIP Voucher Form

The field representative should assist the SQG in entering the information in the spaces provided for business name, street, city and ZIP code that is the address to which the reimbursement should be mailed. Usually, this is the same as the site address. However, if the mailing address is different from the site address, the site address should be entered in the "Voucher issued for" space provided for entering the purpose for which the voucher was issued. You may enter the project name or number in the "Voucher issued for" space, but it is not required.

Remember that the address that you enter in the upper section of the voucher form should be the address to which you want the reimbursement to be mailed. The field representative should complete this section of the voucher form. Printing your name and providing your email address and your telephone number will facilitate the SQG contacting you to ask and answer questions.

By signing your name to the voucher form, you are entering into an agreement on behalf of King County with the SQG that they will be reimbursed for qualified costs if your recommendations are followed as you have explained them on the voucher form.

The SQG must complete all of the information required of the SQG on the voucher. This information includes providing a signature, its Federal Taxpayer Identification Number, when required, and all required supporting documentation. Depending on circumstances, the SQG may be required to supply King County with a copy of its W-9 form. Please see also Page 10, that a voucher is an agreement between the SQG and King County. As such, all signatures required on the voucher must be provided and a copy of the voucher must be provided to the SQG for the agreement to be completed and the voucher reimbursed.

The documentation required could include any pertinent invoices, receipts, manifests, or bills of lading that the SQG wishes to use as proof of having followed the recommendations given.

If the transporter uses a manifest, a copy of the manifest should be submitted, the transporter's EPA number should be included and that this information has been provided should be indicated in the space provided on the voucher. Remember that it is the transporter's EPA number that should be provided on the voucher, not the SQG's. Also, it is necessary for the transporter to provide its EPA number only when hazardous waste is being managed through the voucher. It is the prerogative of the SQG and the transporter to decide if a manifest is necessary.

The SQG must send the original copy of the voucher form and other documents to the Financial Incentive program manager to receive reimbursement. The SQG should always keep originals of any documentation, and only include copies with the submitted original voucher. The SQG should always keep its copy of the voucher form.

The SQG may be required to provide its Federal Taxpayer Identification Number (TIN) and this number must be entered in the space provided on the voucher. Either an Employer Identification Number (EIN) or a Social Security Number (SSN) may be used as the Federal TIN. A SSN may be used as a Federal TIN for an SQG that does not have employees, and therefore, is not required to possess an EIN. We request the Federal TIN (EIN or SSN) from the SQG to comply with United States Internal Revenue Service (IRS) Section 6109, Internal Revenue Code. King County is responsible for reporting the payment(s) to the IRS. King County must report the payment(s) to the IRS and notify the SQG to avoid having to withhold income taxes for the SQG. Depending on circumstances, the SQG may be required to supply King County with a copy of its W-9 form. We request the TIN if needed for King County to make its required reporting of the payment(s) to the IRS.

The SQG must indicate the Total Invoiced Costs, and the Reimbursement requested in the spaces provided on the voucher. The Reimbursement requested must be no more than 75 percent of the Total Invoiced Costs, up to the maximum allowed per business site. For the usual and customary expenditures covered by the VIP vouchers for Lab Testing, Waste Disposal, Recycling, and Equipment, the maximum reimbursement allowed is \$599 annually. Each business site is considered separately, requiring a separate voucher, and qualifying for separate reimbursement to the maximum reimbursement allowed.

The \$599 limit on reimbursement is in keeping with IRS Internal Revenue Code setting the limit on income threshold for what is reportable income. If the amount provided by King County combined with the value of goods provided by the County is \$600 or more, the SQG must provide you a W-9 form and the County is required to fill out an IRS 1099 form and provide it to the IRS.

The SQG is requested but not required to specify in the space provided on the voucher (Business Type) which category best fits its business: Corporation; Partnership; Sole Proprietor; or Other. This information is not required of the SQG to participate in the VIP.

Vouchers are valid for a specified time, and can be specified for any period deemed appropriate by the issuing field representative. However, the validity period can be no longer than six months. The validity period can be extended, but for no more than three months, and only if both the field representative and the Financial Incentive program manager agree to the extension. It is the responsibility of the field representative to enter an expiration date in the space provided on the voucher. If no expiration date is specified, the voucher will expire six months from the day it was issued. The year determining the annual limit is the year in which the reimbursement is paid.

The purpose of a voucher is to serve as an incentive for an SQG to modify its hazardous waste management behavior. The expiration date can be used not only as an additional incentive to encourage the SQG to improve its behavior, but also to do so in a specified time.

Provide the SQG with these instructions. After receiving their products or services, the SQG should complete and sign at the bottom right side of the middle section of the voucher. The SQG should mark the appropriate box for the purpose for which they are submitting the voucher. We provide two sections in which to make entries. Each section can be used for any one of the purposes indicated. If the SQG contracts with more than two product or service providers, ask them to contact you to provide them with additional forms.

The service provider must supply the SQG with:

1. Their EPA/State identification number if hazardous waste are managed,
2. An invoice or receipt for products or services provided, and
3. The "Return to Generator" copy of the hazardous waste manifest for the waste handled, if managing hazardous waste is the purpose of the voucher. If a manifest is not required for the management services received, other documentation of waste acceptance, such as a Bill of Lading should be provided to the SQG. The SQG may use a copy of the manifest that the transporter leaves with them at the time the waste are collected to submit for reimbursement.⁶

6. The SQG does not have to send a copy of the “Return to Generator” manifest to receive reimbursement, but must obtain and retain a copy of the “Return to Generator” manifest from the transporter for their records. This allows the SQG to submit their documents for reimbursement while waiting to receive their copy of the “Return to Generator” manifest from their transporter.

Responsibilities the SQG must accept to receive reimbursement

The SQG acknowledges that it is solely responsible for arranging the contracts for the management of its hazardous waste, or for arranging purchases of equipment or apparatus for which the SQG requests reimbursement. It is the responsibility of the SQG to insure that those firms with whom it contracts are qualified to fulfill the agreement. The LHWMP assumes no liability of any nature arising from products or services funded through the VIP.

The SQG must accept responsibility for paying 100 percent of its hazardous waste management costs. King County will only reimburse the SQG for costs the SQG incurs while following the Improvements that were agreed to by the SQG and the field representative. King County assumes no liability of any nature for expenditures made by the SQG for any products or services.

Staff can assist an SQG in making the choice of what kind of products or services would be needed to accomplish the changes in hazardous waste management agreed to when a voucher is issued. Staff cannot recommend any one supplier or contractor over another. The VIP does not take responsibility for the quality of product or service the SQG receives from the supplier or contractor, nor does the VIP take responsibility for any expenditure made by the SQG.

Reimbursement

Reimbursement will only be made when the field representative is satisfied that the SQG has implemented the Improvements the field representative and the SQG agreed to when the voucher was issued. The SQG will not be reimbursed for costs associated with the purchasing of products or services that were not included in the voucher form signed by the SQG and the field representative. The SQG will not be reimbursed for costs incurred before the original contact.

All of the information requested on the voucher must be provided for the voucher to be entered into the system. All of the information requested on the voucher must be provided for the original (white) copy of the voucher to be processed and the reimbursement paid. The Federal TIN may be requested for the original copy of the voucher to be entered into the system. Depending on circumstances, the SQG may be required to supply King County with a copy of its W-9 form. See also Page 8, the **Responsibilities of the Staff** section.

Field representatives may issue vouchers to SQGs, and the SQGs may receive reimbursement for any of the purposes that can be documented and that serves to accomplish the goals of the program. Documentation may include:

1. Invoices, receipts, manifests, and bills of lading for services provided to the SQG by permitted, licensed contracted service providers;
2. Receipts or invoices for the leasing or purchasing of specified apparatus, equipment, or waste;
3. Follow-up visits by field representatives; or by other means specified by the field representative on the field form, Observations and Recommendations (O&R) form, or on the voucher itself.

The amount of reimbursement available to a qualified SQG for vouchers issued under the VIP is 75 percent of the Total Invoiced Costs, up to the maximum allowed per business site. For the usual and customary expenditures covered by the VIP vouchers for Lab Testing, Waste Disposal, Recycling, and Equipment, the maximum reimbursement allowed is \$599 annually. Each business site is considered separately, requiring a separate voucher. For an SQG that operates more than one business site, each site is considered separately, and each site is eligible for reimbursement up to the maximum; however each site requires a separate voucher. Multiple vouchers may be issued to a given business site; however, no reimbursement in excess of the maximum allowed will be paid. The limitation is the amount of reimbursement, not the number of vouchers. Multiple receipts may be accumulated from vendors over the time period for which the voucher is valid.

The SQG should not unnecessarily accumulate the hazardous waste itself, but rather, recycle or dispose of the material periodically, and retain only the associated supporting documentation for submittal. Please ensure that the SQG understands that the goal of the VIP is to help the SQG properly manage its hazardous wastes, including properly disposing of any accumulated wastes the SQG might have. Please ensure that the SQG understands that it is not necessary to retain the waste itself until it has accumulated enough waste to qualify for the maximum reimbursement.

VIP Vouchers may be used to reimburse SQGs for costs including, but not limited to:

1. Waste characterization - by certified laboratories, licensed transporters, or permitted Treatment, Storage, and Disposal (TSD) facilities;
2. Transportation - by licensed transporters, and only if transported to permitted TSD facilities;
3. Treatment, Storage, and Disposal - by permitted TSD facilities;
4. Recycling - recycled in a manner deemed appropriate by the field representative, and recycled by a legitimate recycler;
5. Secondary containment, spill control, and cleanup equipment and supplies - which conform to Improvements recommended by the field representative;
6. Equipment that reduces the use of hazardous products, the generation of hazardous waste or by its use, the hazardous nature of the product used or waste generated;
7. Equipment that helps to protect personnel from exposure to hazardous products or wastes (PPE).

Reimbursement is a final fate of a voucher, and is of course, the desired one.

VIP Vouchers are reimbursed for making improvements

Vouchers are intended to serve as an incentive for an SQG to improve its hazardous waste management behavior. Therefore, vouchers can only be reimbursed for improvements in hazardous waste management behavior.

1. An SQG is eligible for a voucher only if the means and methods by which the SQG is managing its hazardous waste improve because of contact by the field representative. If the SQG already has in place a routine disposal mechanism, and the amount and type of waste they dispose remains the same, then the SQG is not eligible for a voucher. If the SQG begins a new service, one that has not been a routine disposal mechanism for the SQG, then the SQG qualifies for the maximum reimbursement allowed.
2. If the amount of waste disposed changes due to recommendations made by the field representative, then a voucher can be issued to reimburse the SQG for those costs incurred for following those recommendations. This includes either increase by disposing of accumulated waste, or decrease through new efficiency in the use of hazardous waste. In this type of situation, the SQG can only be reimbursed for the one shipment that reflects the behavior change. After that one shipment, this new behavior becomes the SQG's routine management mechanism.
3. If the SQG purchases equipment, the purchase must be made after contact with the field representative. Purchases made previous to contact are not eligible for reimbursement.

Responsibilities of the Staff

Vouchers are one tool which field representatives may utilize to increase their effectiveness in positively influencing the hazardous material management behavior of SQGs. As a part of that utilization of the vouchers, a relationship is established between the field representative using best professional judgment and the SQG. It is at the discretion of the field representative, utilizing these Guidelines as a guide, whether to issue a voucher to a particular SQG, to specify the purpose for which a voucher is issued, to specify an expiration date for a voucher, to place a voucher on hold, or to void a voucher. The purposes for which an SQG can be reimbursed under the VIP are stated on Page 7 under the section **Vouchers may be used to reimburse SQGs for costs including, but not limited to**. The decision as to what specific actions will be taken and what costs will be reimbursed in regards to a particular SQG or site is within the best professional judgment of the field representative, exercised in accordance with the terms of these Guidelines.

It is at the discretion of the field representative and ultimately the Financial Incentive program manager to determine whether the management of a given material or other expenditure qualifies for reimbursement from the VIP. The decision as to what qualifies for reimbursement in general is finally within the authority of the Financial Incentive program manager.

A voucher is successfully terminated when it is submitted by the SQG for reimbursement in accordance with the Guidelines, the recommendations are agreed to by the field representative and the SQG, and the reimbursement is paid. The field representative may request to be contacted by the Financial Incentive program manager before any reimbursement is paid.

The field representative may place any voucher “on hold”, and delay further processing at any time by notifying the Financial Incentive program manager and the SQG. Vouchers may be put on and taken off hold more than once, at the discretion of the field representative. This gives the field representatives greater control over the use of a voucher, and allows additional contact with the SQG to insure that the recommendations are being followed. Reimbursement will be delayed for any voucher placed on hold until the field representative is satisfied that the SQG has accomplished the recommendations. This option of placing a voucher on hold is offered as another tool for the field representative to use to accomplish his or her work with the SQG. By being able to place a voucher on hold, the field representative can choose to be contacted by the Financial Incentive program manager before any reimbursement is paid.

The field representative may void any voucher he or she has issued for any sound reason. If the field representative decides to void a voucher, the Financial Incentive program manager must be notified in writing. It is at the sole discretion of the field representative whether to notify the SQG who received the voucher. In the event of such voidance, the Financial Incentive program manager will notify the SQG in writing of the voidance. Except for expiration, a voucher will only be voided by order of the field representative who issued the voucher or by the Financial Incentive program manager.

A voucher can be voided in instances when the field representative has reason to believe that the SQG does not intend to follow the recommendations given, and that there is no chance that the SQG will change its behavior, regardless of any additional contact. Vouchers not submitted by the SQG will be automatically voided 60 days after the specified expiration date. Voiding is also a final fate of a voucher.

The difference between placing a voucher on hold and voiding a voucher is that placing a voucher on hold is considered a temporary action, while voiding a voucher is a final fate of a voucher. A voucher, once voided, cannot be made active again. In cases where the field representative thinks that offering another voucher will result in an improvement in hazardous waste management behavior by the SQG, a new voucher can be issued to an SQG that has had its voucher voided.

Expiration of a voucher is at the discretion of the field representative. However, the valid period should be no longer than six months and in any event shall not exceed nine months. It is the responsibility of the field representative to enter an expiration date on the voucher. If no expiration date is expressed, the voucher will expire six months from the day it was issued. The purpose of a voucher is to serve as an incentive for an SQG to improve its hazardous waste management behavior. The expiration date can be used not only as an additional incentive to encourage the SQG to improve its behavior, but also to do so in a specified time. Expiration is also a final fate of a voucher.

Distribution and issuing of vouchers

1. The Financial Incentive program manager is responsible for the distribution of voucher forms to field representatives.
2. Field representatives are responsible for the issuance of vouchers to the SQGs.
3. There may be situations where certain amounts of funding are allotted to various projects. In those situations, the rate of expenditure of the funds allotted to the projects is at the discretion of the project teams.

Responsibility for the vouchers

1. A voucher is, in effect, a blank check from King County, and it should be managed as any other negotiable instrument would be. Vouchers should be managed using a chain-of-custody procedure much like laboratory samples.
 - a. Vouchers until distributed are the responsibility of the Financial Incentive program manager.
 - b. Once distributed, the vouchers become the responsibility of the field representative to whom they were distributed.
 - c. Once issued to an SQG, a voucher becomes the joint responsibility of the field representative and the SQG.
 - d. If a voucher is placed on hold, this joint responsibility shared by the field representative and the SQG continues until the final fate of the voucher is determined by the field representative.

2. For the voucher to be processed, the voucher must be completed with all required information provided.

The original (white) copy of the voucher must have all required spaces completed by the SQG before it is submitted for reimbursement. Any missing information could delay the processing and reimbursement of the voucher. It is the responsibility of the field representative and SQG to ensure that all spaces on the voucher are completed correctly. The SQG should always keep its copy of the voucher form.

A voucher is an agreement between the SQG and King County, and as such, all signatures required on the voucher must be provided for the agreement to be completed, and the voucher reimbursed.

3. Responsibility for a voucher ends as far as the field representative is concerned when a voucher achieves its final fate. This final fate is achieved when one of three things occurs:
 - a. The voucher is voided by the field representative;
 - b. The voucher expires;
 - c. The voucher is submitted by the SQG for reimbursement in accordance with the Guidelines, and the recommendations agreed to by the field representative and the SQG, and the reimbursement paid.

If the SQG submits a voucher, but does not fulfill all that is required to receive reimbursement, it will be the joint responsibility of the SQG, the field representative who issued the voucher, and the Financial Incentive program manager to reconcile the problem. Once the voucher is submitted for reimbursement, and all of the requirements have been met, it is the responsibility of the Financial Incentive program manager to complete the reimbursement process. Only when a voucher is voided by the issuing field representative, expires, or is paid, does staff and King County responsibility for that voucher end. Every effort should be made to assist the SQG business in completing the process.

Substantial Improvement Reimbursement Program

Because we recognize the value of financial incentives, and realize that there are special circumstances where the financial assistance provided by the VIP should be expanded, we offer greater reimbursement for certain expenditures. The purpose of this expansion of the VIP would be to provide funding to the SQG community that might not otherwise be available. These increased reimbursements would be allowed only under certain criteria established by the program manager. These reimbursements are referred to as Substantial Improvement Reimbursement or SIR.

The requirements that an SQG business would have to meet in order to qualify for greater reimbursement would include:

- As with all LHWMP reimbursements, the applicant must be an SQG business licensed (where required) to operate in King County;
- The applicant must meet all of the requirements of the VIP;
- The SQG must provide its Federal Taxpayer Identification Number, see also Page 4 regarding Federal Taxpayer Identification Number;
- The SQG must prove that the expenditure would be used for making substantial, significant improvements in the management of hazardous wastes and/or protecting the environment, and must demonstrate what environmental benefits would be achieved by making the improvements;
- The improvements would have to be equipment and durable in nature.

Criteria by which the SIR applications will be judged:

- The expenditures made were for substantial improvements in the way the SQG manages its hazardous waste, not routine expenditures, and were for durable equipment;
- The financial incentive was an important motivator for the SQG to make the improvements, and the SQG would probably not have made these improvements without the opportunity for the reimbursement;
- The SQG demonstrated in the application that it has made a long-term commitment to maintain the improvements in its hazardous waste management behavior;
- The improvements made were not required of the SQG by regulation, i.e., were voluntary, and were made because of the motivation on the part of the SQG to protect the environment.

The maximum dollar amount of reimbursement allowed per site would be 75% reimbursement up to a maximum of \$2,500. These reimbursements would be allowed for the SQG to make a larger expenditure than would be covered by the limits of the regular VIP. The maximum reimbursement allowed for a given SQG business site will remain \$599 for all expenditures other than these purchases of equipment to make substantial improvements in the way the SQG manages its hazardous waste.

The SIR forms are similar to the VIP forms and must be completed in order for an SQG to apply. Additionally, application instructions will be provided to the SQG by the field representatives during their regular field visits. The application will consist of an SIR form and a letter of nomination written by the SQG business owner and the field representative. This letter will be reviewed by the field representative, the SIR program manager, and a representative from LHWMP management. Approval will be based on funding availability, appropriateness of the improvements made, and its worth as compared to other applications. Reimbursement will be paid only upon approval of this application.

The SIR follows procedures found in the VIP part of these Guidelines. SQG businesses receiving SIR vouchers are required to meet requirements for eligibility and qualification to participate, as found in the VIP part of these Guidelines.

Completion of the SIR Voucher Form

The field representative should assist the SQG in entering the information in the spaces provided for business name, street, city and ZIP code that is the address to which the payment should be mailed. Usually, this is the same as the site address. However, if the mailing address is different from the site address, the site address should be entered in the “Voucher issued for” space provided for entering the purpose for which the voucher was issued. You may enter the project name or number in the Voucher issued for space, but it is not required.

Remember that the address that you enter in the upper section of the voucher form should be the address to which you want the SIR reimbursed. The field representative should complete this section of the voucher form. Printing your name and providing your email address and your telephone number will facilitate the SQG contacting you to ask and answer questions.

By signing your name to the voucher form, you are entering into an agreement on behalf of King County with the SQG that they will be reimbursed if your recommendations are followed as you have explained them on the voucher form. Please see also in these Guidelines, Page 10, that a voucher is an agreement between the SQG and King County. As such, all signatures required on the voucher must be provided for the agreement to be completed, and the voucher paid.

The field representative and SQG must complete all of the information required on the voucher. Depending on circumstances, including if total payment to a site exceeds \$599; the SQG may be required to supply King County with a copy of its W-9 form. When the SQG is required to provide its Federal Taxpayer Identification Number (TIN) this number must be entered in the space provided on the voucher. Please see also in these Guidelines, page 4 for more information on requirements for the Federal TIN.

The field representative and the SQG must indicate the Total Invoiced Costs, and the Reimbursement requested in the spaces provided on the voucher. For SIR vouchers, the payment requested must be no more than the maximum allowed of 75% of Total Invoiced Costs up to \$2500 per business site.

The SQG is requested but not required to specify in the space provided on the voucher (Business Type) which category best fits its business: Corporation; Partnership; Sole Proprietor; or Other. This information is not required of the SQG to participate in the VIP.

Like VIP vouchers, SIR vouchers are valid for a specified time. See Page 5 of these Guidelines for more information on expiration dates.

Provide the SQG with these instructions. After receiving their products or services, the SQG should complete and sign at the bottom right side of the middle section of the voucher. We provide two sections in which to make entries. If the SQG contracts with more than two product or service providers, ask them to contact you to provide them with additional forms.

The SIR program follows all of the Criteria and Responsibilities found in the VIP part of these Guidelines. These include the criteria the SQG must meet to be eligible to receive service from the LHWMP, the responsibilities the SQG must accept to receive a voucher and to qualify for and to receive reimbursement, and the responsibilities of the staff. The reimbursement process is similar. SIR vouchers are only reimbursed for durable equipment, and only equipment purchased after contact with field representative.

As with all reimbursements, these SIR special circumstances reimbursements are limited by the funds available. We may also limit the total number of expanded reimbursements paid in a given budget year in order to retain funds for the reimbursement of the regular VIP reimbursements.

As with the VIP vouchers, responsibility for SIR vouchers ends only when a voucher is voided by the issuing field representative, expires, or is paid.

Responsibilities of the Financial Incentive Program Manager

The Financial Incentives program manager is responsible for understanding the State and Federal regulations and requirements underlying the Financial Incentives. The program manager is responsible for preparing these Guidelines, and communicating the Guidelines to the field representatives and the SQG community. Also, it is the responsibility of the program manager to work with the Office of the Prosecuting Attorney and the Executive Auditor to ensure that all legal and fiduciary responsibilities are met.

Caveat

All commitments made by the VIP and the LHWMP are subject to appropriation of sufficient funds by the King County Council to meet these commitments. To the extent that provision of these services or reimbursement of costs requires future appropriations beyond current appropriation authority, King County's obligations under these financial incentives are contingent upon the appropriation of sufficient funds to pay for these services and costs.

These guidelines are not intended to be all-inclusive. They are only given as general guidelines to help staff provide better service to the community.

If you have questions or comments, please contact the Financial Incentive program manager

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of Resolution No. 430 - Authorizing Placement of a Ballot Measure on the November 6, 2018 General Election Ballot to Authorize a Sales and Use Tax in the Amount of Two-Tenths of One Percent (0.2%) for a Period of Not More Than Twenty Years to Fund Sidewalk Expansion and Accelerate Repair Funding
DEPARTMENT:	Public Works Administrative Services
PRESENTED BY:	Randy Witt, Public Works Director Sara Lane, Administrative Services Director
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

In June 2017, the City began a year-long process to create a Sidewalk Prioritization Plan. Starting with the 2011 Pedestrian System Plan as the baseline, the Sidewalk Prioritization Plan uses updated criteria to identify needs and prioritize sidewalk improvements based on safety, equity, proximity, and connectivity. The City Council has discussed the City’s progress on development of the Sidewalk Prioritization Plan and the ADA Transition Plan on several occasions beginning in 2016.

On April 23, 2018, staff was asked to develop a resolution to place a voter approved Transportation Benefit District (TBD) sales tax increase of 0.2 percent on the November 2018 ballot for funding new sidewalks and/or accelerating work on the ADA Transition Plan. On June 4th the Council approved the 2018 Sidewalk Prioritization Plan as the basis for developing a list of projects to fund, and on June 18th the Council discussed policy issues relating to a ballot measure for a voter approved sales tax increase. The guidance provided during that discussion is incorporated into proposed Resolution No. 430.

Tonight, Council will discuss proposed Resolution No. 430 relating to a potential ballot measure for a TBD 0.2 percent sales and use tax to fund sidewalk expansion, repairs and retrofits. The resolution is scheduled to return to Council for adoption on July 30, 2018.

RESOURCE/FINANCIAL IMPACT:

While this policy discussion does not have immediate financial impact, the imposition of the TBD sales tax at a rate of 0.2 percent would generate approximately \$2 million in its first year. If approved by the voters, the sales tax increase would generate approximately \$59 million over 20 years. Staff estimates election costs associated with placing the sales tax measure on the ballot at approximately \$60,000.

RECOMMENDATION

No action is required tonight. Staff recommends that the City Council discuss proposed Resolution No. 430 and provide guidance to staff on the proposed resolution. Proposed Resolution No. 430 is scheduled to be brought back to Council for adoption on July 30, 2018.

Approved By: City Manager ***DT*** City Attorney ***MK***

BACKGROUND

In June 2017, the City began a year-long process to create a Sidewalk Prioritization Plan. Starting with the 2011 Pedestrian System Plan as the baseline, the Sidewalk Prioritization Plan uses updated criteria to identify needs and prioritize sidewalk improvements based on safety, equity, proximity, and connectivity.

The Council discussed the City's progress on development of the updated Sidewalk Prioritization Plan on several occasions, and on April 23, 2018 staff was asked to develop a resolution to place a voter approved Transportation Benefit District (TBD) sales tax increase of 0.2 percent on the November 2018 ballot for funding new sidewalks and/or accelerating work on the ADA Transition Plan. The staff report for this discussion can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2018/staffreport042318-8b.pdf>.

On June 4, 2018, the Council reviewed and approved the 2018 Sidewalk Prioritization Plan and map as the basis for developing a list of projects to fund. The staff report for this discussion can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2018/staffreport060418-9a.pdf>.

A summary of updated 2018 Sidewalk Prioritization Plan results are:

Priority	Score Range	Number of Projects	Approx. mileage	Est. Cost (millions)
High	12 to 18	33	16	\$95
Medium	8 to 11	55	31	\$183
Low	2 to 7	50	23	\$136
Total	N/A	138	70	\$414

As can be seen in the table above, just the high priority projects have an estimated cost of \$95 million. The 2018 Sidewalk Prioritization Plan and Prioritization Matrix will be used as the basis for developing a list of projects to fund with revenues from the TBD sales tax, future grant applications, and uncommitted City funds.

On June 18, 2018, Council discussed policies related to development of TBD sales tax ballot measure. The staff report for this discussion can be found at the following link: <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2018/staffreport061818-9a.pdf>. In that conversation, the Council provided guidance on the framework of the proposed resolution and ballot measure that has been incorporated into proposed Resolution No. 430 (Attachment A).

DISCUSSION

The Shoreline TBD was established for the purpose of acquiring, constructing, improving, providing, and funding transportation improvements that are in the City's Transportation Master Plan. Transportation Benefit Districts in Washington State have

specific authority to impose certain fees and taxes dedicated to support transportation improvements within the districts.

On June 18th, the Council provided guidance that a resolution be drafted with a framework that includes:

- A 0.2 percent sales and use tax rate for a term of 20 years,
- A list of projects that doesn't exceed 70%, and preferably using 50-60%, of the anticipated revenue, and
- Dedicated funding for sidewalks, with the majority of funding dedicated to the expansion of the City's pedestrian network through the construction of new sidewalks and a small amount or percentage dedicated to accelerate sidewalk repair and retrofits.

Sales and Use Tax

Transportation Benefit Districts are authorized to impose a sales tax up to 0.2% with voter approval. A rate of 0.2% would generate approximately \$2 million in the first year and \$59 million over the 20 year period based on the City's sales tax collection projections in the 10 Year Financial Sustainability model. While the City's model is conservative, it does not attempt to predict cyclical volatility associated with economic downturns that can significantly impact sales tax collections.

State TBD statutes allows a term exceeding 10 years when the sales tax is dedicated to support debt service, matching the term of the tax to the term of the debt, conservatively interpreted to up to 20 years. The following table reflects the estimated revenue generated by the additional sales tax over the 20 year period, the estimated debt that could be supported by the revenue, and the estimated average annual cost per household:

Sales Tax Rate	Estimated Revenue over 20 Years	Estimated Debt Supported over 20 Years	Average Annual Cost Per Household*
0.2%	\$59 million	\$42 million	\$81*

*Construction and Auto Sales have been excluded from the calculation

The following table reflects the sales tax rates for some other cities in the region including those with voter approved sales tax for a TBD:

City/Town Sales Tax Rates & Components

Effective April 1 - June 30, 2018

Data compiled by MRSC from WA Department of Revenue

CITY/TOWN	COUNTY	TOTAL SALES TAX RATE	TBD
Bellevue (RTA)	King	10.0%	
Bothell (King)	King	10.0%	
Bothell (Snohomish)	Snohomish	10.3%	
Brier	Snohomish	10.3%	
Edmonds	Snohomish	10.3%	
Everett (RTA)	Snohomish	9.7%	
Kenmore	King	10.0%	
Kirkland	King	10.0%	
Lake Forest Park	King	10.0%	
Lynnwood	Snohomish	10.4%	0.1%
Mill Creek	Snohomish	10.4%	
Mountlake Terrace	Snohomish	10.3%	
Mukilteo	Snohomish	10.4%	0.1%
Redmond (RTA)	King	10.0%	
Sammamish (RTA)	King	10.0%	
Seattle	King	10.1%	0.1%
Shoreline	King	10.0%	
Woodinville (RTA)	King	10.0%	
Woodway	Snohomish	10.3%	

Project List

In the Council discussion on June 18th, some interest was expressed at considering a list of projects that is less than or equal to the 70% of the anticipated revenue for a 20 year term. A bonding structure with a series of bond issues over a total 20 year term is estimated to support \$42 million in projects. The difference between that and the total estimated revenue are the interest and issuance costs.

To facilitate this conversation, the table below shows choice points at 50% (~\$21 million), 60% (~\$25 million) and 70% (~\$30 million) of the anticipated revenue that will directly support projects for a 20 year term. Although not required, Resolution No. 430 can include a list of projects that the City intends to complete with the sales tax proceeds if approved by voters. In reviewing the project list below and Council's previous discussions, staff recommends that Resolution No. 430 include the list of projects up through 20th Ave NW (project #4). This project list includes 11 projects with a cumulative projected total cost of \$27.8 M, approximately 66% of the anticipated revenue to complete projects. Attachment B is a map of the projects listed below up to 100% of the anticipated available revenue (through project #92).

As mentioned at the last Council meeting, staff retained an engineering firm to prepare a conceptual cost estimate for five "test" street segments as a check on the project costs. That work found the earlier estimates were low and using the information staff have updated the list using either the estimate for the street tested or an average cost

per lineal foot of the five test street applied to the remaining streets. The table below show the updated list with 50%, 60% and 70% points highlighted.

Prioritized Sidewalk Segments for Ballot Measure										
Project #	STREET	FROM	TO	Side(s)	Total LF	Cost	Cumulative \$	Tot. Score	Adj. Score	Quad
98	15th Ave NE	NE 150th St	NE 160th St	1	2473	\$ 3,758,000	\$ 3,758,000	17	17.0	SE
57	Meridian Ave N	N 194th St	N 205th St	1	2326	\$ 3,451,000	\$ 7,209,000	16	16.0	NE
21	8th Ave NW	North side of Sunset Park	Richmond Beach Rd NW	1	1899	\$ 2,886,000	\$ 10,095,000	15	15.0	NW
34	Dayton Ave N	N 178th St	N Richmond Beach Rd	1	1512	\$ 2,884,000	\$ 12,979,000	15	15.0	NW
73	19th Ave NE	NE 196th St	NE 205th St	1	1600	\$ 2,432,000	\$ 15,411,000	15	15.0	NE
58	1st Ave NE	NE 192nd St	NE 195th St	1	563	\$ 856,000	\$ 16,267,000	7	14.5	NE
40	Westminster Way N	N 145th St	N 153rd St	1	1691	\$ 2,497,000	\$ 18,764,000	14	14.0	SW
85	5th Ave NE (Note 1)	NE 175th St	NE 185th St	2	3535	\$ 962,000	\$ 19,726,000	13	13.9	NE
48	Linden Ave N	N 175th St	N 185th St	1	2130	\$ 2,934,000	\$ 22,660,000	14	13.8	NW
84	24th Ave NE	15th Ave NE	25th Ave NE	1	2288	\$ 3,476,000	\$ 26,136,000	12	13.5	NE
4	20th Ave NW	Saltwater Park entrance	NW 195th St	1	1118	\$ 1,699,000	\$ 27,835,000	5	13.4	NW
67	N 165th St	Interurban Trail	Meridian Ave N	1	2054	\$ 3,121,000	\$ 30,956,000	13	13.1	SE
55	Ashworth Ave N	N 175th St	N 185th St	1	2323	\$ 3,531,000	\$ 34,487,000	13	13.2	NE
41	NW 195th St	3rd Ave NW	Linden Ave N	1	2776	\$ 2,658,000	\$ 37,145,000	13	13.0	NW
56	Ashworth Ave N	N 195th St	N 200th St	1	1054	\$ 1,601,000	\$ 38,746,000	13	13.0	NE
92	NE 175th St 15th Ave NE NE 171st St	15th Ave NE NE 171st St 22nd Ave NE	22nd Ave NE NE 175th St 25th Ave NE	1	2224	\$ 3,379,000	\$ 42,125,000	12	12.5	SE NE
38	Greenwood Ave N	N 155th St	N 160th St	1	1057	\$ 1,606,000	\$ 43,731,000	10	12.2	SW
94	NE 168th St	15th Ave NE	25th Ave NE	1	2140	\$ 3,251,000	\$ 46,982,000	9	12.1	SE
54	Ashworth Ave N	N 155th St	N 175th St	1	4722	\$ 7,175,000	\$ 54,157,000	12	12.0	SE
Note 1 - For the portion not built by ST (about 175th to 182nd), with \$2M ST contribution deducted										
		50% Available bond proceeds (~\$21M)								
		60% Available bond proceeds (~\$25M)								
		70% Available bond proceeds (~\$30M)								
		100% Available bond proceeds (~\$42M)								

Alternative for Ballot Measure Resolution

As stated previously, staff recommends using projects listed through project number 4, 20th Ave NW from Saltwater Park entrance to NW 195th St. which utilizes 66% of the anticipated available revenue. Should Council want to keep 20th Ave NW on the list and reduce the percentage of revenue identified, the Council could consider moving 8th Ave (#21) or Dayton Ave (#34) down (for geographic equity), improve only one side of 5th Ave (#85) or stop at Linden Ave. (#48).

Revenue Collected Beyond the Project List

The revenue projections and project list costs are conservative in order to ensure that the City doesn't overcommit to the community or in the debt issuance. As a result, it is likely that additional revenue will be available to deliver more projects. Staff will prioritize the completion of the projects included specifically in the proposed resolution first, and when they are complete, will recommend projects to the City Council for completion based upon the 2018 Pedestrian System Plan and Prioritization Matrix and Council priorities as part of future Capital Improvement Project budget update processes.

Accelerated Funding for Sidewalk Repairs and Maintenance

In the Council discussion on June 18th, the Council guidance was to allow flexibility for a small amount of this funding to go to repairs and retrofits of the City's existing

sidewalks. Staff recommends that this amount be determined through the budget process based upon the sales tax collections from future biennium. As such, proposed Resolution No. 430 does not state a specific allocation percentage for sidewalk repair and maintenance. Council could choose to use all or a portion of any collections beyond projections to accelerate the sidewalk repair program. This could be done in conjunction with the discussion on revenue collected beyond the project list. Alternatively, Council could direct that a small percentage of the projected sales tax revenue be directed to repairs at this time or Council could do both options.

Definition of sidewalk

As Council considers proposed Resolution No. 430 (Attachment A), it may be helpful to understand what could be considered a sidewalk within this bond measure. The traditional understanding of sidewalk for most people includes a curb and a gutter with a sidewalk. The City standard also includes an amenity zone providing separation between the curb and the sidewalk. A slight modification of this standard is a separated paved walkway without a curb and often behind a ditch or other surface water feature. While these are the two main standards, there could be opportunities to install improvements that create safer pedestrian facilities without a traditional curb and gutter. As an example, a wide paved shoulder adjacent to roadway potentially using pinned curb to separate pedestrians from motorists may be a more cost effective alternative than the traditional curb, gutter and sidewalk.

It is also important to note, that the Sidewalk Advisory Committee (SAC) reviewed and discussed such alternative sidewalk treatments as part of their work effort. The SAC recommendation on this issue included such flexibility and is for the City to use a “Right Solution/Right Location” framework for sidewalk treatments. The standard designs should remain, but staff will also look at alternatives that makes sense for the location. Regardless of design, any facilities built would meet ADA standards to serve all users. More information on the SAC’s recommendation can be found within Attachment G of the June 4, 2018 staff report adopting the 2018 Sidewalk Prioritization Plan. Decisions on the “Right Solution/Right Location” would be made during the design of the sidewalk projects.

Ballot and Voter Pamphlet Requirements

If the Council decides to move forward with placing the sales tax ballot measure on the November ballot, the title of the ballot measure and the voters’ pamphlet are required to adhere to the following requirements:

Ballot Title

The ballot title for the proposed sales and use tax consists of three elements:

- a. An identification of the enacting legislative body and a statement of the subject matter;
- b. A concise description of the measure; and
- c. A question for the voting public.

The ballot title must be approved by the City Attorney and must conform to the requirements and be displayed substantially as provided under RCW 29A.72.050, except that the concise description must not exceed 75 words. Any person who is dissatisfied with the ballot title may at any time within 10 days from the time of the filing

of the ballot title with King County Elections, appeal to King County Superior Court. The currently proposed ballot title in proposed Resolution No. 430 is as follows:

**CITY OF SHORELINE, WASHINGTON
(SHORELINE TRANSPORTATION BENEFIT DISTRICT)
PROPOSITION 1
SALES AND USE TAX FOR
SIDEWALK AND PEDESTRIAN IMPROVEMENTS**

The City Council of the City of Shoreline, Washington adopted Resolution 430 concerning a sales and use tax to fund sidewalk transportation improvements. If approved, this proposition would authorize a sales and use tax of 0.2% within the City pursuant to RCW 82.14.0455, for a term of 20 years, to repay indebtedness issued from time to time to construct, maintain, rehabilitate, repair and/or preserve sidewalks and pedestrian improvements in the City in order to improve pedestrian access and safety and/or the condition and life cycle of the City's sidewalk pedestrian system.

Should this proposition be:

Approved
Rejected

Staff is still working on small edits to language of the ballot proposition and may continue to provide updates to the City Council prior to final adoption of proposed Resolution No. 430 on July 30, 2018.

Voters' Pamphlet

For the primary and general election, King County publishes a voters' pamphlet. Districts placing measures on the ballot are automatically included in the voters' pamphlet.

The City must provide an explanatory statement of the ballot title for the voter's pamphlet. The statement describes the effect of the measure if it is passed into law, and cannot intentionally be an argument likely to create prejudice either for or against the measure. The explanatory statement is limited to 250 words, must be signed by the City Attorney, and submitted to King County Elections by August 10, 2018. City staff are working with the City's Bond Counsel to finalize the proposed voters' pamphlet content.

The City is also responsible for appointing committees to prepare statements in favor of and in opposition to the ballot measure. There is a limit of three members per committee. The committee appointments must be filed by August 10, 2018. Assuming that the Council moves forward with adoption of proposed Resolution No. 430, staff has scheduled for Council to make appointments to these committees at the City Council meeting on August 6, 2018. Staff is recommending that Council direct staff to begin advertising for interested parties to submit applications on July 17, 2018.

The statements in favor of or in opposition to the ballot measure must be submitted by the Pro and Con committees to King County Elections no later than August 14, 2018. These statements are limited to 200 words. Rebuttal statements by each of the respective committees must be submitted to the County no later than August 16, 2018. Rebuttal statements are limited to 75 words.

NEXT STEPS

If Council directs staff to continue to move forward with a proposed voter approved sales tax increase of 0.2 percent for sidewalk maintenance and expansion, the next steps in the process would be as follows:

- Continued Council discussion of proposed Resolution No. 430 and potential action on July 30, 2018.
- If the proposed resolution is adopted, staff would solicit interested persons and Council would appoint Pro and Con committees for the Voters' Pamphlet on August 6, 2018.
- City staff would then execute the Communication Plan regarding the ballot measure.

STAKEHOLDER OUTREACH

In addition to the year-long engagement of the SAC, staff held two public workshops that informed both the SAC and staff recommendations for funding. The public has also been informed through articles in the City's newsletter *Currents*. Informational sessions are planned with community groups in the remainder of spring and summer to share the outcome of SAC's work and the sidewalk funding plan.

COUNCIL GOALS ADDRESSED

This item addresses the following 2018-2020 City Council Goals:

Goal 2: Improve Shoreline's infrastructure to continue the delivery of highly-valued public services:

Action Step 1 – Identify and advocate for funding, including grant opportunities, to support construction of new and maintenance of existing sidewalks and other non-motorized facilities, and

Action Step 8 - Update the Transportation Master Plan (TMP) Pedestrian System Plan and sidewalk prioritization process and move the Master Street Plan from the TMP to Title 12 of the Shoreline Municipal Code.

Goal 4: Expand the City's focus on equity and inclusion to enhance opportunities for community engagement:

Action Step 3 – Ensure continued compliance with federal and state anti-discrimination laws, including Title VI of the Civil Rights Act, the Civil Rights Restoration Act, Title II of the Americans with Disabilities Act, and Washington's Law Against Discrimination, so as to ensure all Shoreline residents benefit from the City's programs and activities.

RESOURCE/FINANCIAL IMPACT

While this policy discussion does not have immediate financial impact, the imposition of the TBD sales tax at a rate of 0.2 percent would generate approximately \$2 million in its first year. If approved by the voters, the sales tax increase would generate approximately \$24 million for 10 years or \$59 million over 20 years. Staff estimates election costs associated with placing the sales tax measure on the ballot at approximately \$60,000.

RECOMMENDATION

No action is required tonight. Staff recommends that the City Council discuss proposed Resolution No. 430 and provide guidance to staff on the proposed resolution. Proposed Resolution No. 430 is scheduled to be brought back to Council for adoption on July 30, 2018.

ATTACHMENTS

- Attachment A: Proposed Resolution No. 430
- Attachment B: Map of Projects Recommended for Consideration with a Ballot Measure

RESOLUTION NO. 430

A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON, PROVIDING FOR A BALLOT PROPOSITION TO BE SUBMITTED TO THE QUALIFIED VOTERS OF THE CITY AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 6, 2018, TO AUTHORIZE A SALES AND USE TAX TO BE IMPOSED WITHIN THE BOUNDARIES OF THE CITY UPON ALL TAXABLE RETAIL SALES AND USES IN THE AMOUNT OF TWO-TENTHS OF ONE PERCENT FOR A PERIOD OF NOT MORE THAN TWENTY YEARS, COMMENCING NOT EARLIER THAN APRIL 1, 2019, FOR THE PURPOSE OF FINANCING THE COSTS OF CONSTRUCTING, MAINTAINING, REHABILITATING, REPAIRING AND/OR PRESERVING SIDEWALKS IN THE CITY.

WHEREAS, chapter 36.73 RCW enables cities and counties to create transportation benefit districts to finance and carry out transportation improvements necessitated by economic development and to improve the performance of transportation systems; and

WHEREAS, pursuant to chapter 36.73 RCW, on June 25, 2009 the Shoreline City Council approved Ordinance No. 550 creating the Shoreline Transportation Benefit District (the “District”) with boundaries coterminous with the City of Shoreline, Washington (the “City”); and

WHEREAS, the District was originally organized as a legally separate municipal entity and taxing authority from the City; and

WHEREAS, on October 22, 2015, the City Council approved Ordinance No. 726, whereby the Council assumed the rights, powers, immunities, functions and obligations of the District, as allowed by Second Engrossed Substitute Senate Bill 5987, Section 302 (July 15, 2015), and as a result, the District was absorbed into the City and is no longer considered a legally separate entity; and

WHEREAS, the City Council has identified the sales and use tax as an authorized source of revenue identified in chapter 36.73 RCW to finance the transportation capital improvements identified in the “Washington Transportation Plan for 2007–2026” and/or the City’s Transportation Plan; and

WHEREAS, RCW 36.73.040(3)(a) gives transportation benefit districts the authority to impose a sales and use tax in accordance with RCW 82.14.0455 in the amount of two-tenths of one percent (0.2%) for a period exceeding ten years if the moneys received under such section are dedicated for the repayment of indebtedness incurred in accordance with the requirements of chapter 36.73 RCW; and

WHEREAS, with voter approval, the City (acting through its assumed powers of the District) may impose a sales and use tax upon the occurrence of any taxable event within the boundaries of the City/District to finance transportation improvements; and

WHEREAS, in June 2017, through an open solicitation for volunteers, the City Manager appointed 15 citizens to serve on the Sidewalk Advisory Committee to help analyze how to prioritize installation of new sidewalks and repairs of existing sidewalks and ramps, alternative pedestrian treatments, and fund repair of existing sidewalks and installation of new sidewalks in the City; and

WHEREAS, the work included holding 12 Sidewalk Advisory Committee meetings, four subcommittees meetings, two open houses, and two Council dinner meetings, preparing a video about Shoreline sidewalks, and developing a Sidewalk Prioritization Plan Frequently Asked Questions that was shared with the public; and

WHEREAS, on May 10, 2018, the Sidewalk Advisory Committee held their last meeting and culminated its year-long efforts into a Final Recommendations Memorandum to the City Manager; and

WHEREAS, on June 4, 2018, based on the work of the Sidewalk Advisory Committee, the Council reviewed and approved the 2018 Sidewalk Prioritization Plan (as it may be amended, supplemented, and restated from time to time as the “Sidewalk Prioritization Plan”) as the basis for developing a list of projects to fund with revenues from a possible transportation benefit district sales and use tax, future grant applications, and uncommitted City funds; and

WHEREAS, projects related to public transportation as described in the Sidewalk Prioritization Plan are included in the definition of a transportation improvement project pursuant to RCW 36.73.015(6) and are eligible transportation benefit district projects; and

WHEREAS, if approved by the voters, the sales and use tax will apply to persons who shop and thereby use the sidewalks and roads in the City and not just to City residents; and

WHEREAS, the sales and use tax is estimated to generate an average of \$2,000,000.00 of revenue per year, which will be used entirely to finance the cost to construct and maintain sidewalks and related infrastructure identified in Section 2 of this resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON AS FOLLOWS:

Section 1. Current Purpose and Need. The City Council hereby finds that the best interests of the inhabitants of the City require the City (acting through its assumed powers of the District) to submit to the qualified voters of the City/District, at a general election to be held on November 6, 2018, a proposition authorizing the imposition of a sales and use tax in the amount of two-tenths of one percent (0.2%) pursuant to RCW 36.73.040(3)(a), 36.73.065(1) and 82.14.0455 for the purpose of providing revenue necessary to finance the transportation improvement projects described in Section 2 of this resolution (“Projects”).

Section 2. Description of Transportation Improvement Projects. The revenues from a sales and use tax will be dedicated for the repayment of indebtedness issued from time to time in one or more series to finance the following Projects:

- The construction, maintenance, rehabilitation, repair and/or preservation of sidewalks and pedestrian improvements in the City in order to improve pedestrian access and safety and/or the extension of the condition and life cycle of the City’s sidewalk pedestrian system. The sidewalks to be constructed, maintained, rehabilitated, repaired and/or preserved include:

<u>No.</u>	<u>Street</u>	<u>From</u>	<u>To</u>
98	15 th Ave NE	NE 150 th St	NE 160 th St
57	Meridian Ave N	N 194 th St	N 205 th St
21	8 th Ave NW	North side of Sunset Park	Richmond Beach Rd NW
34	Dayton Ave N	N 178 th St	N Richmond Beach Rd
73	19 th Ave NE	NE 196 th St	NE 205 th St
58	1 st Ave NE	NE 192 nd St	NE 195 th St
40	Westminster Way N	N 145 th St	N 153 rd St
85	5 th Ave NE	NE 175 th St	NE 185 th St
48	Linden Ave N	N 175 th ST	N 185 th St
84	24 th Ave NE	15 th Ave NE	25 th Ave NE
4	20 th Ave NW	Saltwater Park entrance	NW 195 th St

- The construction, maintenance, rehabilitation, repair and/or preservation of other sidewalks in the City, including those identified in the Sidewalk Prioritization Plan and related Prioritization Matrix (as it may be amended, supplemented, and restated from time to time), and to provide for related pedestrian improvements as set out in the City’s American with Disabilities Act Transition Plan through the City’s annual budget.

The cost of all necessary design, engineering, financial, legal and other consulting services, inspection and testing, administrative and relocation expenses, and other costs incurred in connection with the foregoing Projects shall be deemed a part of the costs of the Projects.

The City Council shall determine the application of moneys available for the Projects so as to accomplish, as nearly as may be practical, all of the Projects. In the event that the proceeds of sales and use taxes authorized herein, plus any other money of the City legally available therefore, are insufficient to accomplish all of the Projects, the City Council shall use the available funds for paying the cost of those portions of the Projects deemed by the City Council most necessary and in the best interests of the City.

The City Council shall determine the exact locations and specifications for the elements of the Projects as well as the timing, order, and manner of implementing or completing the Projects. The City Council may alter, make substitutions to, and amend the Projects as it determines is in the best interests of the City consistent with the general descriptions provided above.

If the City Council shall determine that it has become impractical to acquire, construct, or implement all or any portion of the Projects by reason of changed conditions, incompatible development, costs substantially in excess of the amount of sales and use tax proceeds estimated to be available, or acquisition by a superior governmental authority, the City Council shall not be required to acquire, construct, or implement such portions. If all of the Projects have been acquired, constructed, implemented or duly provided for, or found to be impractical, the City Council may apply the sales and use tax proceeds (including earnings thereon) or any portion thereof to other pedestrian improvements then identified in the Transportation Improvement Plan adopted by the Council, as it may be amended, supplemented, and restated from time to time.

Section 3. Sales and Use Tax. If approved by a majority of voters voting at the election, the City Council for the City shall fix and impose a sales and use tax as authorized by RCW 36.73.040(3)(a) and RCW 82.14.0455 upon taxable events at the rate of two-tenths of one percent (0.2%) of the selling price (in the case of sales tax) and the value of the article used (in the case of the use tax). Revenues of the sales and use tax shall be dedicated for the repayment of indebtedness issued from time to time in one or more series to pay for costs of the Projects described in Section 2 of this resolution. The sales and use tax shall be imposed for a period not exceeding twenty (20) years. The tax shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapter 82.08 and 82.12 RCW, as amended, upon the occurrence of any taxable event within the boundaries of the City. The City Council may reduce the amount of the sales and use tax in the manner provided by law.

Section 4. Findings of Fact.

1. The District was permitted to place a ballot measure before the voters and, upon receipt of voter approval, is so authorized pursuant to RCW 36.73.040(3)(a) to impose a sales and use tax in accordance with RCW 82.14.0455.
2. The provisions of Ordinance No. 550 adequately state the purpose and need for the District in the City.
3. Pursuant to Ordinance No. 726, the City assumed the rights, powers, immunities, functions and obligations of the District, as allowed by Second Engrossed Substitute Senate Bill 5987, Section 302 (July 15, 2015), and as a result, the District was absorbed into the City and is no longer considered a legally separate entity.
4. The City, acting through its assumed powers, will now place a ballot measure before the voters pursuant to RCW 36.73.040(3)(a) to impose a sales and use tax in accordance with RCW 82.14.0455.

Section 5. Ballot Measure. The Director of Elections of King County, Washington (the “Director”), as ex officio supervisor of elections in King County, Washington, is hereby requested to call and conduct an election in the City to be held on November 6, 2018, for the purpose of submitting to the qualified electors of the City for their approval or rejection, a proposition in accordance with state law and in substantially the following form:

**CITY OF SHORELINE, WASHINGTON
(SHORELINE TRANSPORTATION BENEFIT DISTRICT)
PROPOSITION 1
SALES AND USE TAX FOR
SIDEWALK AND PEDESTRIAN IMPROVEMENTS**

The City Council of the City of Shoreline, Washington adopted Resolution 430 concerning a sales and use tax to fund sidewalk transportation improvements. If approved, this proposition would authorize a sales and use tax of 0.2% within the City pursuant to RCW 82.14.0455, for a term of 20 years, to repay indebtedness issued from time to time to construct, maintain, rehabilitate, repair and/or preserve sidewalks and pedestrian improvements in the City in order to improve pedestrian access and safety and/or the condition and life cycle of the City's sidewalk pedestrian system.

Should this proposition be:

Approved
Rejected

For purposes of receiving notice of the exact language of the ballot proposition required by RCW 29A.36.080, the City Council hereby designates: (a) the City Clerk and (b) the City Attorney, as the individuals to whom such notice should be provided. The City Attorney and City Clerk are each authorized individually to approve changes to the ballot title, if any, deemed necessary by the Director.

The City Clerk is authorized to make necessary clerical corrections to this resolution including, but not limited to, the correction of scrivener's or clerical errors, references, resolution numbering, section/subsection numbers, and any reference thereto.

The proper City officials are authorized to perform such duties as are necessary or required by law to submit the question of whether the sales and use tax shall be imposed, as provided in this resolution, to the electors at the November 6, 2018 general election.

Section 6. Voters' Pamphlet. The Council finds and declares it to be in the best interests of the City to have information regarding the aforesaid proposition included in local voters' pamphlets, and authorizes the appropriate costs thereof to be charged to and paid by the City, and further authorizes and directs the City Attorney and City Clerk to provide such information to the Director and to take such other actions as may be necessary or appropriate to that end.

Section 7. Severability. If any provision of this resolution shall be declared by any court of competent jurisdiction to be invalid, then such provision shall be null and void and shall be separable from the remaining provisions and shall in no way affect the validity of the other provisions, or of the imposition or collection of the tax authorized herein.

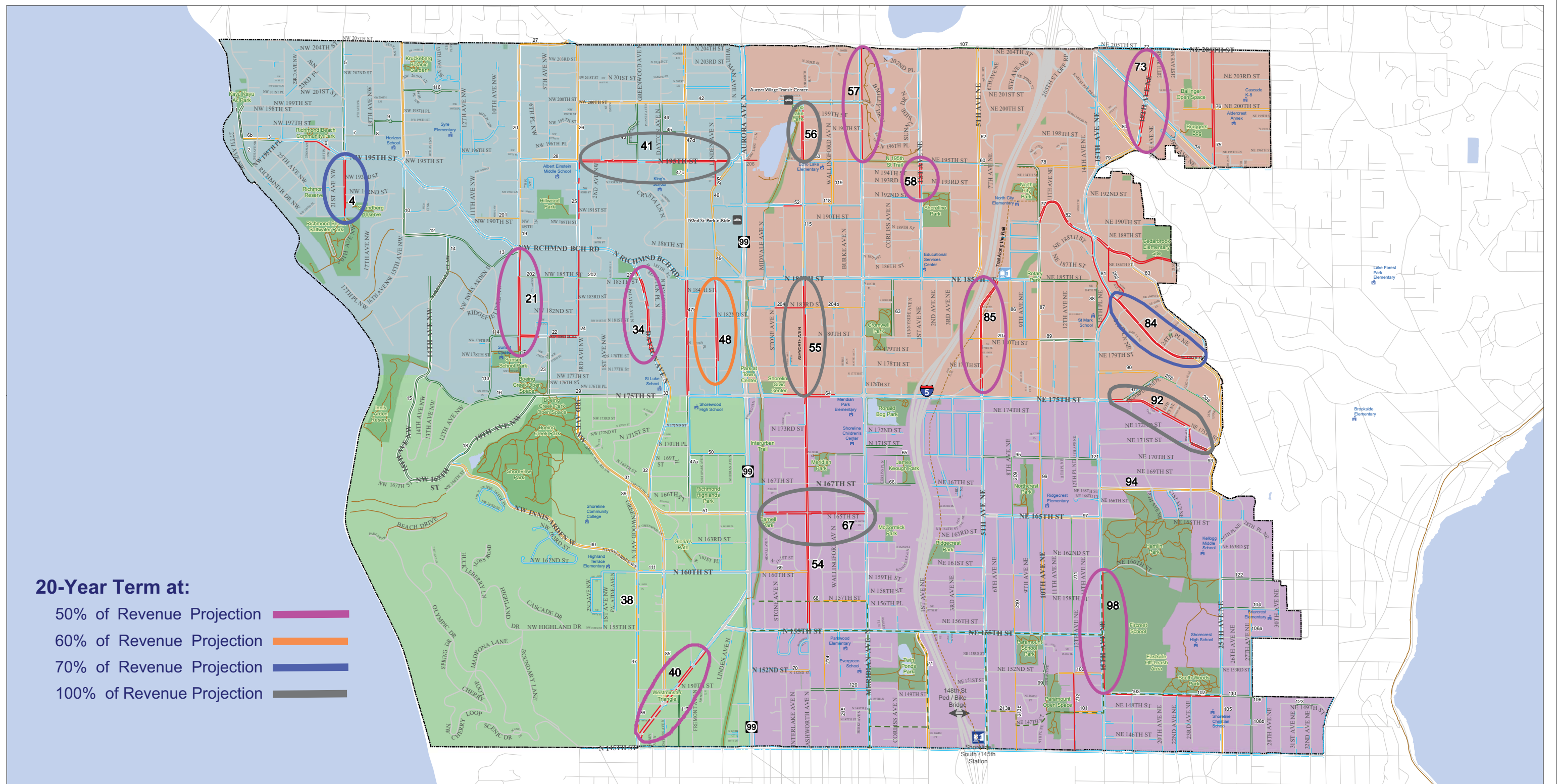
ADOPTED BY THE CITY COUNCIL ON JULY 30, 2018.

Mayor Will Hall

ATTEST:

Jessica Simulcik Smith
City Clerk

DRAFT



20-Year Term at:

- 50% of Revenue Projection
- 60% of Revenue Projection
- 70% of Revenue Projection
- 100% of Revenue Projection

Date: 6/1/2018

Request: 15064



Geographic Information System

**Prioritized Sidewalk Segments
Supporting a Ballot Measure**

with Project Numbers and Quadrant Overlay

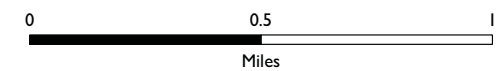
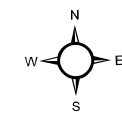
July 16, 2018

Legend

- | | | | |
|--|--|---|--|
| — High | — Green Network | + NW | + NE |
| — Medium | — Existing Sidewalk | + SW | + SE |
| — Low | — Existing Trail | | |
| | — Planned Trail | | |
| | ↔ Planned Pedestrian/Bike Bridge | | |

Quadrant

- + NW
- + NE
- + SW
- + SE



This map is not an official map. No warranty is made concerning the accuracy, currency, or completeness of data depicted on this map.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Sound Transit Lynnwood Link Extension Project Update and Discussion of Comments on In-Progress 90% Design Milestone
DEPARTMENT:	City Manager's Office
PRESENTED BY:	Juniper Nammi, ST Project Manager John Norris, Assistant City Manager
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

Sound Transit's design of the Lynnwood Link Light Rail Extension (LLE) Project went through extensive cost reduction redesign over the last year. Various elements of the design are now at 90% design, but some are still at less than 90% due to this cost reduction process. Sound Transit hosted a project update open house in Shoreline on June 27, 2018 to share this In-Progress 90% Design. The In-Progress 90% Open House was added as an additional outreach step beyond Sound Transit's standard outreach process due to the LLE Project's design delay. Comments that would directly impact the design scope or potential permit conditions of the Project need to be addressed prior to the City's issuance of the Special Use Permit for the project now anticipated in early 2019.

Tonight, Council has the opportunity to provide formal comments to Sound Transit through another design comment letter with concerns and/or support for the design to date. Sound Transit staff will be present at tonight's meeting to provide a presentation on the In-Progress 90% Design for the Shoreline stations and other key project elements of the LLE in Shoreline prior to discussion of a potential comment letter from Council to Sound Transit (Attachment A).

RESOURCE/FINANCIAL IMPACT:

There is no financial impact associated with tonight's decision.

RECOMMENDATION

No action is required on this agenda item. Staff recommends that Council provide feedback on the attached draft In-Progress 90% Design comment letter for staff to finalize and transmit to Sound Transit staff.

Approved By: City Manager **DT** City Attorney **MK**

INTRODUCTION

Sound Transit (ST) held a public open house event for the Lynnwood Link Extension (LLE) in Shoreline on June 27, 2018. This was an additional open house between the 60% and 90% design milestones to provide an update to the community regarding the cost reduction changes to the Project. This open house presented the In-Progress 90% Design of the stations and light rail alignment through Shoreline (and Seattle) with some design elements at 90% and others at less than 90% due to design changes. Council has the opportunity to provide formal direction to Sound Transit through design comment letters with concerns and/or support for the design and whether the design, to date, is consistent with the adopted light rail public review process.

BACKGROUND

The City of Shoreline has been actively engaged in ST's planning, environmental review, public outreach, and now design of the LLE Project in Shoreline since 2010. Council adopted an "Open House-based" public design review process for light rail facilities in Shoreline on August 31, 2016. This process has included/*will include* the following community open houses:

- Shoreline Design Process Kick-off Open House (held January 27, 2016)
- 30% Design Open House (held November 16, 2016)
- 60% Design Open House (held May 24, 2017)
- In-Progress 90% Open House (held June 27, 2018)
- *90% Design/Pre-construction Open House (Planned for late 2018)*

Following each of the Sound Transit Open Houses, City staff reviews comments and provides a recap of the Open House and a recommended response letter to the Council for their review and approval. This is the third opportunity for Council to provide formal direction to Sound Transit through this process.

The 30% design review presentation was provided at the December 5, 2016 City Council Meeting. The staff report, minutes, and final letter sent to ST following that meeting are available online at the following links:

- [Sound Transit Project Update and Response to 30% Design - Staff Report](#)
- [Shoreline City Council Summary Minutes – December 5, 2016](#)
- [Council Comment Letter to Sound Transit on 30% Design](#)

The 60% design review presentation was provided at the June 19, 2017 City Council meeting. The staff report, minutes, and final letter sent to ST following that meeting are available online at the following links:

- [Sound Transit Project Update and Response to 60% Design - Staff Report](#)
- [Shoreline City Council Summary Minutes – June 19, 2017](#)
- [Council Comment Letter to Sound Transit on 60% Design](#)

The In-Progress 90% Open House recap and design review comments are provided later in this report.

Guiding Principles for Light Rail Facility Design

As Council recalls, Guiding Principles for Light Rail Facility Design (Attachment B) were adopted by the Council on February 29, 2016. Developed out of the January 27, 2016 Design Process Kick-off Open House, these Guiding Principles consist of eight categories with a number of bullets under each category. The eight categories are as follows:

1. Multi-modal;
2. Neighborhood Character;
3. Sustainability;
4. Public Safety;
5. Mobility;
6. Public Amenities;
7. Transit-Oriented Development; and
8. Public Art.

Staff is continuing to use the Guiding Principles for Light Rail Facility Design while engaging in over the shoulder and milestone design review of the LLE Project.

City of Shoreline Special Use Permit

Council amended the Shoreline Municipal Code requirements for light rail transit system and facilities on March 21, 2016, and July 11, 2016, to include specific requirements for review and approval of light rail through the quasi-judicial Special Use Permit (SUP) process. The final decision on the SUP will be made by the City's Hearing Examiner.

The SUP criteria for light rail (SMC 20.30.330(C)) requires that the proposed light rail project be consistent with the City's adopted Guiding Principles for Light Rail System/Facilities. ST initially submitted their SUP application on May 17, 2017 for review by the City. However, the City determined the application to be incomplete, and given the cost reduction process that ST conducted over the last year, ST will now resubmit a new SUP application in August of this year. The In-Progress 90% Open House recently held on June 27th also served as the required 'neighborhood meeting' for the new SUP submittal that is forthcoming from ST.

DISCUSSION

LLE Project Update

Sound Transit will present the In-Progress 90% Design update for the Shoreline stations and alignment to Council this evening. This is an adapted version of the presentation that was made at the In-Progress 90% Open House on June 27th.

The In-Progress 90% Design of the LLE Project reflects a number of changes due to cost reduction efforts since the last project update on June 19, 2017. Some of these changes include:

- Relocation of the Shoreline North/185th parking garage from the west side of I-5 to the east side of I-5, co-located with the transit loop;
- Change of Shoreline North/185th station from a center platform, retained cut to a side platform, at grade station configuration to narrow the width of the 185th Street undercrossing of the tracks;
- Elimination of the surplus area for Transit Oriented Development of affordable housing at the Shoreline North/185th Station so that this land area can be used for combined parking garage and transit loop structure;

- Adjustment and refinement of the drainage design resulting in smaller and fewer facilities needed to detain and treat the surface water runoff from the project and an overall reduction in the number of private properties impacted;
- Reduction of amount of glass enclosures and switch to an open lobby design for ticketing and access to the station platforms;
- Narrowing of the track spacing and adjustment of tracks further west within the I-5 limited access area to reduce the number of private properties and public street-ends impacts by the project;
- Elimination of down escalators at the Shoreline South/145th Station and all escalators at the at-grade Shoreline North/185th Station; and
- Simplification of elevated guideway girders and columns as well as retaining wall designs to reduce cost.

Project-wide changes were also made to the design and changes were made at the other two stations in Mountlake Terrace and Lynnwood to contribute to the cost reduction efforts. However, these changes either have little visible impact or are located outside of the City of Shoreline, and therefore staff have provided less focus on them.

The design and permitting schedules have also been adjusted following the cost reduction process. Sound Transit continues to advance the project design and plans to deliver the guideway and stations 90% design submittals to the City in December 2018 and March 2019 respectively. The early demolition, tree removal, and utility relocation plans are progressing towards final design and will be submitted for permit review this fall. As noted earlier, Sound Transit now plans to submit the required SUP for the Project in August of this year and the City anticipates completion of review and recommendations to the Hearing Examiner for a decision on the SUP in early 2019. Early construction work is estimated to start in early 2019, with demolition of acquired residences commencing as early as this summer.

In-Progress 90% Open House Summary

As noted above, ST hosted the In-Progress 90% Open House for Seattle and Shoreline (from Northgate north) at Shorewood High School on June 27, 2018. The open house was attended by approximately 300 participants. The attendance was a balanced mix of people who had attended open house events in the past and those learning about the project for the first time. ST is also hosting an online open house at lynnwoodlink.participate.online between June 5 and July 30, 2018.

Outreach leading up to the event included a postcard mailing to all residents and businesses within ¼ mile of the project alignment, City and Sound Transit website announcements, Sound Transit email list notices, and an announcement in the June issue of the City's *Currents* newsletter. Additionally, as the open house needed to meet the City's neighborhood meeting requirements, a formal neighborhood meeting notice was sent to all residents and property owners within 500 feet of the property boundaries for all affected parcels.

While public comments provided at the open house were more limited than the previous two open houses, comments that were gathered focused on traffic concerns, parking adequacy, safety of pedestrian access to the stations, Shoreline North/185th station

colors, slope stability, and potential for commercial space (at the stations). The City is aware of only one property owner who expressed frustration with the Project, as part of the resident's property will need to be acquired by ST for the Project, and the resident asked ST to consider adjusting the project design to reduce the impact to their property. The comments documented by City staff are summarized in Attachment C to this staff report. Additional comments will be provided when they become available from Sound Transit.

Design Review Comments

Consistent with the City's adopted public design review process, City staff has reviewed the In-Progress 90% LLE designs with respect to the adopted Guiding Principles for Light Rail Facility Design (Attachment B) and has drafted a comment letter (Attachment A) for Council to consider conveying to ST. Technical review comments were conveyed separately by staff to ST staff.

The majority of the City's past comments to ST have adequately been addressed through the current design or are on track to be resolved through the land use and construction permit processes. The City and ST have come to agreement on funding for multi-modal access improvements within the station sub-areas, shared-use sidewalk and path connections in the immediate vicinity of each station, design that is compatible with future Trail Along the Rail and multimodal I-5 overcrossings, mitigation details for impacts to City parks, and most roadway and traffic mitigation and design details. Other elements of the project are still underdevelopment, but are expected to be reasonably resolved through the land use and construction permit processes, including: landscape buffers and tree replacement, noise mitigation during construction, and wayfinding signage to and from the stations.

City staff is still concerned about two project elements and would like to bring them to Council's attention. They are general consistency with the Guiding Principles for Light Rail System/Facility Design for Neighborhood Character and Sustainability.

During the cost reduction process, Sound Transit eliminated all but the ground-level and elevator lobby screening on the parking garages at each station despite repeated comments from the City. This is most noticeable at the Shoreline South/145th parking garage due to its height and visibility from all sides. Some form liner treatment is still proposed on the concrete to provide some texture to the plain, rectangular concrete structure. Staff is also concerned that that rendering of mature landscaping is taller and thicker than is supported in the available amenity zone and landscape beds. Attachment D to this staff report includes the architectural renderings of both garages at 60% Design and In-Progress 90% Design for visual comparison. Staff recommends comments in the draft letter regarding the architecture design of the garages to better create vibrant places and visual interest for consistency with the Neighborhood Character Guiding Principle.

As well, at both the 30% and 60% Design stages, the City has been concerned about the project's consistency with the Sustainability guiding principle and related SUP criteria for energy efficiency and sustainable architecture in light rail project design. This was primarily due to lack of sufficient information and details from Sound Transit regarding what design elements would be incorporated towards sustainable station and

site design. Information was still lacking with the In-Progress 90% Design submittal to City staff. Additionally, some elements that contribute to the sustainability of the design were eliminated by the cost reduction process – specifically elimination of electric vehicle charging stations, substitutions in materials and finish types that are less sustainable, and not pursuing some Low Impact Development design options for drainage management. As a result, City staff are concerned that the adopted sustainability criteria and guiding principle are adequately met by the Project.

Staff would like to see a minimum number of EV charging stations installed at the start of service and conduit for future expansion of charging stations included at both stations. Additionally, staff recommend that ST be required to install conduit and reserve space for future installation of photovoltaic panels on key south facing walls or roof surfaces, so as not to preclude this decentralized power generation option for future implementation. Staff hopes to have a robust dialog with ST staff and designers on what is still included in the design to meet the City’s sustainability criteria and their own Design Criterial Manual requirements.

COUNCIL GOAL(S) ADDRESSED

This project addresses Council Goal 3: Continue preparation for regional mass transit, and specifically the action step to “Partner with Sound Transit in hosting local public meetings for the In-Progress 90% and 90% design milestones to support identification of anticipated impacts to Shoreline neighborhoods from future construction and operation of the Lynnwood Link Extension and work proactively with Sound Transit to develop plans to minimize, manage, and mitigate these impacts, including construction management planning and neighborhood traffic impact management.”

RESOURCE/FINANCIAL IMPACT

There is no financial impact associated with tonight’s decision.

RECOMMENDATION

No action is required on this agenda item. Staff recommends that Council provide feedback on the attached draft In-Progress 90% Design comment letter for staff to finalize and transmit to Sound Transit staff.

ATTACHMENTS

- Attachment A: *DRAFT* Council In-Progress 90% Design Comment Letter
- Attachment B: Guiding Principles for Light Rail Facility Design (Adopted Feb. 2016)
- Attachment C: In-Progress 90% Open House Comments Compiled by City
- Attachment D: Station Garage Elevations from the 60% and In-Progress 90% Designs

July 23, 2018

Ahmad Fazel
Executive Director, DECM
Sound Transit
401 S Jackson Street
Seattle, 98104-2826

RE: City of Shoreline In-Progress 90% Open House Comments

Dear Mr. Fazel:

The City of Shoreline would like to take this opportunity to thank Sound Transit staff for the collaboration and responsiveness that was employed during the Lynnwood Link Extension Project cost reduction efforts and renewed design advancement over the past year. The project has changed considerably and the community is generally satisfied with the progress to date on the design adjustments.

City staff recently completed review of the In Progress 90% design milestone and Sound Transit provided an update to the community at a June 27 Open House in Shoreline. The public input before the project design is finalized is extremely important, as it will inform project refinements for the City's review of major land use permits for the project. As a reminder, the guideway and two stations of the Project located within the City of Shoreline are required to be generally consistent with the City's Guiding Principles for Light Rail Facility Design (Guiding Principles – as adopted February 2016). The project must also adequately incorporate mitigation for direct impacts required by adopted codes or through the Federal Transit Agency's Lynnwood Link Extension Record of Decision under the National Environmental Policy Act.

City staff has indicated that progress has been made towards consistency with the Guiding Principles and the applicable City codes since our last letter in June of 2017. However, while many of the Council's comments are being addressed with design advancements, two primary concerns still remain. The particular points of concern that we request that Sound Transit continue to focus on are neighborhood place-making through architectural design and sustainability.

The Council adopted Guiding Principle for **Neighborhood Character** states that *"stations should connect to the surrounding community to encourage and enhance vibrant place-making."* City staff has express concern that the cost reduction efforts at the station sites have failed to take into account this principle and as a result the place-making architecture elements and the designs no longer convey a sense of place or enhance the surrounding neighborhood character. We note that at the 60% design milestone, the station garages included metal screening on the garage openings that converted the night time garage illumination into an artistic visual display. This has been all but completely eliminated and nothing significant has been added back to the design to facilitate the connection and place-making intended by this principle. The current proposed parking garages are now large rectangular concrete structures with a small bit of texture and trees planted for future screening of the lower portions of the garage. Consideration should be given to reintroducing a sense of place to the parking garages through

creative use of architecture where they face the public way and adjacent development. Without adjustment to the visual design of the garages, the City is concerned that the project may not be sufficiently consistent with the Neighborhood Character Guiding Principle.

The City also adopted **Sustainability** specific criteria for the Light Rail Facility/System that requires Sound Transit to demonstrate that:

“The proposed light rail transit system/facilities uses energy efficient and environmentally sustainable architecture and site design consistent with the City’s guiding principles for light rail system/facilities and Sound Transit’s design criteria manual used for all light rail transit facilities throughout the system and provides equitable features for all proposed light rail transit system/facilities.”

Additionally, the **Sustainability** Guiding Principle states that *“all Sound Transit development should consider sustainable and climate friendly practices,”* and illustrates some project elements to consider.

When adopting these provisions, the City took Sound Transit comments into consideration and specifically referred to the agency’s Design Criteria Manual because it already identifies many sustainable strategies in station design with the aim of achieving design that is similar to a LEED Silver building standard. City staff has still not been provided with a clear demonstration of what design elements will be included for consistency with the City’s Sustainability criteria and Sound Transit’s own standards for sustainability in its Design Criteria Manual.

The project does not have any photovoltaic solar panels proposed for installation at either station or parking garages, nor does it include any conduit or reserved space for future solar installation. While the electricity source for Link Light Rail meets state green energy standards, this does not leave room for adaptation to future dispersed power generation approaches and contribution to moving away from hydro power which still has significant impacts to the region’s salmon populations.

Council and staff were also disappointed to learn that the original provisions for electric vehicle (EV) charging at the opening of the stations with future expansion capacity was also eliminated from the design during the cost reduction process. The provision of EV charging and conduit to facilitate the future retrofit of parking stalls for this purpose is extremely important for supporting the market growth of electric vehicles. The cost of operation of these systems is a short sighted reason to exclude them from the station site designs. The cost and effort to include the conduit and limited installation of EV charging stations is substantially less than trying to retrofit later. The electric vehicle market and needs are developing and changing so rapidly that future use of such facilities by transit riders or providers of rides to and from the light rail stations should not be based on current use.

The City supports Sound Transit’s previous commitments to design a light rail system in Shoreline that is equivalent to LEED Silver, understanding that certification is not viable because there are no permanently occupied spaces in these facilities. Council would like Sound Transit to take every effort to adjust the design to meet this standard as set by Sound Transit’s own Design Criteria Manual and to not preclude future installation and use of technology such as solar power generation or EV charging stations.

Finally, the Shoreline City Council would like to acknowledge how difficult and complicated the project cost reduction process was over the past year. We understand from staff that the key adjustments in Shoreline, including the major redesign of the Shoreline North/185th station, which combined a number

of cost-saving measures, was a collaborative effort involving difficult decisions on both sides. The City believes that the redesigned Shoreline North/185th station will provide a comparable transit rider experience to the previous design with transit at the center and balanced rider access between the various modes of travel to and from this multimodal transit hub. The pedestrian connection from the north end of the station to the north end of the transit loop is a key component of this hub, and the City remains committed to its inclusion in the final design.

Thank you for your consideration of our comments. The City appreciates the collaborative approach Sound Transit is taking on this project and the active involvement of City staff in the design process. We look forward to seeing the final design of the Lynnwood Link Extension through Shoreline. Should you have questions regarding the City's comments, please do not hesitate to contact our Project Manager, Juniper Nammi, at 206-801-2525 or jnammi@shorelinewa.gov.

Sincerely,

Will Hall
Mayor

cc: Shoreline City Council
Rod Kempkes, ST Executive Project Director
Taylor Carroll, ST Light Rail Project Manager
Jon Jordan, ST Design Manager
Debbie Tarry, City Manager
John Norris, Assistant City Manager
Margaret King, City Attorney
Randy Witt, Public Works Director
Rachael Markle, Planning and Community Development Director
Juniper Nammi, Shoreline ST Project Manager
File #PRE18-0053 – In-Progress 90% Milestone Review

Guiding Principles for Light Rail Facility Design

1. **Multi-modal** – stations should be full-service transit hubs and provide great access and inviting and convenient connections for trains, buses, bikes, and pedestrians through options such as:
 - a. Ensuring that all modes of non-motorized users can easily access the stations from both sides of I-5 and NE 185th and 145th Streets;
 - b. Providing safe non-motorized access to and from the stations and garages, including consideration of a pedestrian/bicycle bridge connecting the 145th Street station to the west side of I-5;
 - c. Balancing the need to maximize parking spaces with the desire to expand opportunities for emerging trends such as car- and bike-sharing programs;
 - d. Providing well-marked way-finding in the station areas, including pedestrian pathways;
 - e. Streamlining transfers between transit modes to minimize the frequency and locations of bus turning movements; and
 - f. Encouraging transit use through:
 - i. Convenient connections to Bus Rapid Transit and other transportation services;
 - ii. Electronic, dynamic signs with transit data; and
 - iii. Availability of Orca cards for purchase at the stations.

2. **Neighborhood Character** – stations should connect to the surrounding community to encourage and enhance vibrant place-making by such means as:
 - a. Providing gathering places, such as plazas, that could be used for a variety of functions within the station footprint;
 - b. Promoting excellent design that conveys a sense of place through pedestrian scale features, façade and sound wall treatments, and complementary lighting;
 - c. Providing common design elements between both Shoreline stations;
 - d. Providing landscaping that reflects Shoreline’s commitment to green space and sustainability; and
 - e. Consider making use of areas under powerlines or trackways where feasible, including a potential trail connecting both stations (ex. City-managed public open spaces and/or trails).

3. **Sustainability** – all Sound Transit development should consider sustainable and climate friendly practices such as:
 - a. Incorporating energy-efficient and “green building” features, including Low-Impact Development techniques for storm water management;
 - b. Restoring impacted streams, wetlands, and other critical areas and associated buffers;

- c. Providing information about the functions and values of adjacent critical areas through interpretive signage or other means; and
 - d. Preserving significant trees when possible.
4. **Public Safety** – the facilities should be safe, welcoming areas for people of all ages at all times through measures such as:
 - a. Limiting locations where vehicles, including buses, may cross dedicated pedestrian routes;
 - b. Integration of Crime Prevention Through Environmental Design (CPTED) at all facilities;
 - c. Security cameras (monitored) and emergency call-boxes;
 - d. Station designs that are as open as possible with maximum use of transparent panels; and
 - e. Lighting that enhances safety, but is non-intrusive for neighbors.
5. **Mobility** – stations should provide accommodations for people of all ages and abilities including:
 - a. Providing accommodations for people with mobility challenges;
 - b. Access to allow easy mobility for those with strollers and/or luggage;
 - c. Providing disabled parking and drop-off zones; and
 - d. Constructing safe, ADA-compliant, wide walking paths, sidewalks and curb ramps (non-slip).
6. **Public Amenities** – the stations should provide gathering places that create a sense of community and emphasize art, culture, and history of the community by such means as:
 - a. Using bridge design to create an iconic look where feasible;
 - b. Installing bicycle storage with covered racks and lockers;
 - c. Installing garbage and recycling receptacles;
 - d. Providing seating (covered and uncovered);
 - e. Using icon-based signage;
 - f. Creating flexible spaces for gathering and entertainment, including the potential for leasable spaces;
 - g. Including weather protection elements; and
 - h. Consider providing restrooms.
7. **Transit Oriented Development** – promote TOD through facility siting and design that is supportive of future development opportunities.
8. **Public Art** – integrate elements of art wherever possible by:
 - a. Utilizing local artists when feasible; and
 - b. Enhancing facades and public spaces with art.

COMMENTS FROM JUNE 27, 2018 SOUND TRANSIT OPEN HOUSE in Shoreline

Sticky Notes on Roll Plots

- No support for garages. They bring in many cars which reduces livability. Have TOD instead to give ridership.
- Cut cost by eliminating parking garage & having regional P&R instead.
- If ridership estimates are accurate, where will they all park? No parking on 155th, 5th.
 - Don't say bus/rapid ride
 - Zoned permit?
- I am concerned about neighborhood cut-through traffic going to NE 148th to get direct access into station.
- Rezone! We're building the multi-billion dollar station w/Tax dollars. Why are we cutting our own ridership?
- How will the noise be address [sic] during & after construction along 185th between 8th & Meridian?
- The street improvements are not enough for the potential traffic on 188th Street near 8th Ave.
- 188th St will become a main way people from 15th Ave will reach the station.
- 188th will be a main access for anyone coming from LFP & 15th Ave "short cut." 188th needs a stop light & street improvements.
- Stop light at 8th & 188th
- Orange is garish. Pick an accent color that is more natural. [5 or 6 comments disliking orange, one in support]

Comment Sheets

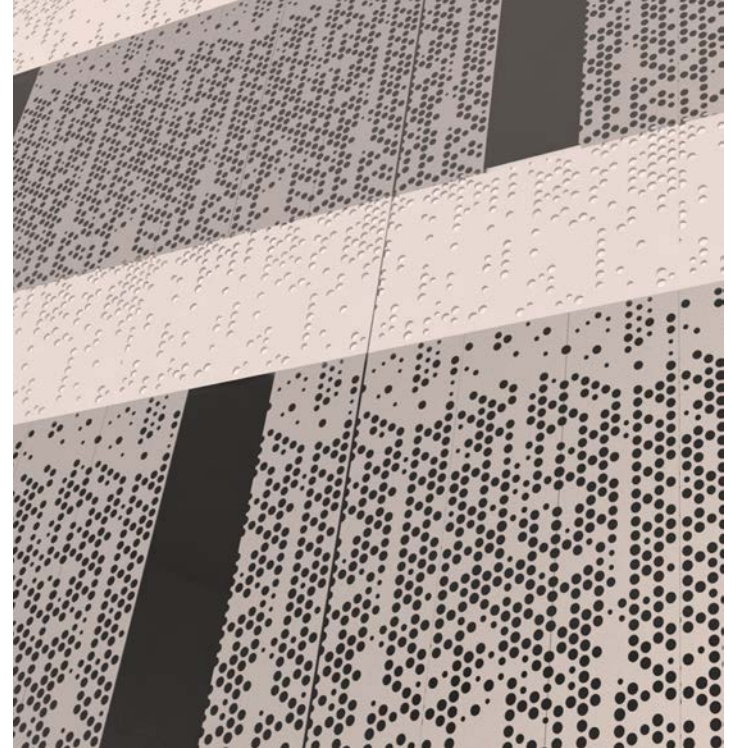
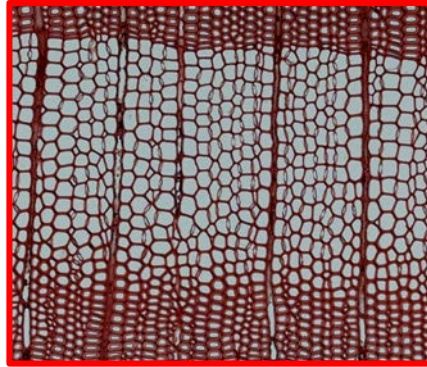
- Visit the neighborhood – you will see walkers – NOT Bikers. Please improve the sidewalks to make it safe for walkers!!!

Flip Chart Comments

- Why is there no commercial space in the LR stations?
- Stop light 5th Ave & 185th – Both sides of I-5
- Stability of I-5 fill at 200th
- Concerned about too much traffic on 5th between 175th & 185th – buses have entrance at 5th & 185th; traffic should be on 8th not 5th
- Traffic at intersection of 10th / 190th /Perkins. Concerned about traffic from LFP

Shoreline South/145th Garage – 60% Design

NE 145th Garage Screen Concept



The annular rings of the Western Red Cedar tree, magnified to the cellular level, are the basis of the garage screen design.

NE 145th Station Aerial View



8b-15

NE 145th Station Garage View from 5th Ave.



8b-16

NE 145th Station Garage Night View



NE 145th Station Platform View



8b-18

Shoreline South/145th Garage – IP90% Design









Shoreline North/185th Garage – 60% Design

NE 185th Station Aerial View



Shoreline North/185th Garage – IP90% Design





Shoreline North / 185th Station

NEXT LINK TRAIN IN 2 MIN

Exit / 185th Street

↑ Exit / 185th Street

NEXT LINK TRAIN IN 2 MIN

4