



AGENDA

STAFF PRESENTATIONS

PUBLIC COMMENT

SHORELINE CITY COUNCIL VIRTUAL/ELECTRONIC REGULAR MEETING

Monday, October 18, 2021
7:00 p.m.

Held Remotely on Zoom
<https://zoom.us/j/95015006341>

In an effort to curtail the spread of the COVID-19 virus, the City Council meeting will take place online using the Zoom platform and the public will not be allowed to attend in-person. You may watch a live feed of the meeting online; join the meeting via Zoom Webinar; or listen to the meeting over the telephone.

The City Council is providing opportunities for public comment by submitting written comment or calling into the meeting to provide oral public comment. To provide oral public comment you must sign-up by 6:30 p.m. the night of the meeting. Please see the information listed below to access all of these options:



[Click here to watch live streaming video of the Meeting on shorelinewa.gov](https://www.shorelinewa.gov)



Attend the Meeting via Zoom Webinar: <https://zoom.us/j/95015006341>



Call into the Live Meeting: 253-215-8782 | Webinar ID: 950 1500 6341



[Click Here to Sign-Up to Provide Oral Testimony](#)

Pre-registration is required by 6:30 p.m. the night of the meeting.



[Click Here to Submit Written Public Comment](#)

Written comments will be presented to Council and posted to the website if received by 4:00 p.m. the night of the meeting; otherwise they will be sent and posted the next day.

	<u>Page</u>	<u>Estimated Time</u>
1. CALL TO ORDER		7:00
2. ROLL CALL		
3. APPROVAL OF THE AGENDA		
4. REPORT OF THE CITY MANAGER		
5. COUNCIL REPORTS		
6. PUBLIC COMMENT		

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 by 6:30 p.m. the night of the meeting via the [Remote Public Comment Sign-in form](#). Individuals wishing to speak to agenda items will be called to speak first, generally in the order in which they have signed up.

7. CONSENT CALENDAR

- (a) Approval of Minutes of Regular Meeting of September 27, 2021 7a1-1
Approval of Minutes of Special Meeting of October 4, 2021 7a2-1
- (b) Adoption of Ordinance No. 941 - Repealing SMC Chapter 9.25 7b-1
Retail Carryout Bag Regulations Due to State preemption
- (c) Authorize the City Manager to Join the Race to Zero and the Local 7c-1
Governments for Sustainability - ICLEI150
- (d) Assumption of Multi-Family Housing Limited Property Tax 7d-1
Exemption Contract by KW Geo Shoreline, LLC
- (e) Authorize the City Manager to Increase the Heating, Ventilation 7e-1
and Air Conditioning Maintenance and On-Call Repair Services
Shoreline City Facilities Contract in the Amount of \$100,000 with
Energy Systems Management/TRS, Incorporated

8. ACTION ITEMS

- (a) Action on North King County Coalition on Homelessness 8a-1 7:20
Memorandum of Agreement
 - Staff Presentation
 - Public Comment
 - Council Action
- (b) Action on the Purchase of Real Property Located at 18525 10th 8b-1 7:40
Avenue NE and 18537 10th Avenue NE, Identified as King County
Tax Parcel Nos. 323510-0295 and 323510-0305; and Authorize the
City Manager to Take the Necessary Steps to Complete the
Property Purchase
 - Staff Presentation
 - Public Comment
 - Council Action
- (c) Action on the Purchase of Real Property Located at 18531 10th 8c-1 7:50
Avenue NE, Identified as King County Tax Parcel No. 323510-
0300; and Authorize the City Manager to Take the Necessary Steps
to Complete the Property Purchase
 - Staff Presentation
 - Public Comment
 - Council Action

9. ADJOURNMENT

8:00

Any person requiring a disability accommodation should contact the City Clerk's Office at 206-801-2230 in advance for more information. For TTY service, call 206-546-0457. For up-to-date information on future agendas, call 206-801-2230 or visit the City's website at shorelinewa.gov/councilmeetings. Council meetings are shown on the City's website at the above link and on Comcast Cable Services Channel 21 and Ziplly Fiber 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.

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING

Monday, September 27, 2021
7:00 p.m.

Held Remotely via Zoom

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

ABSENT: Mayor Hall

1. CALL TO ORDER

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

2. ROLL CALL

Upon roll call by the City Clerk, all Councilmembers were present with the exception of Mayor Hall.

3. APPROVAL OF THE AGENDA

The agenda was approved by unanimous consent.

4. REPORT OF CITY MANAGER

Debbie Tarry, City Manager, provided an update on COVID-19 and reported on various City meetings, projects, and events.

5. COUNCIL REPORTS

Councilmember Roberts said the Puget Sound Regional Council recently allocated funds to transit agencies.

6. PUBLIC COMMENT

Jackie Kurle, Shoreline resident, spoke regarding the Enhanced Shelter and the importance of providing shelter for people potentially in need of housing. She encouraged continued oversight.

Vivian Korneliussen, Shoreline resident, spoke regarding the negative impacts of the use of natural gas in residential settings. She said ensuring that any new housing is electric, rather than gas, will alleviate a public health crisis.

7. CONSENT CALENDAR

Upon motion by Councilmember McGlashan and seconded by Councilmember McConnell and unanimously carried, 6-0, the following Consent Calendar items were approved:

(a) Approval of Minutes of Regular Meeting of August 16, 2021

(b) Approval of Expenses and Payroll as of September 10, 2021 in the Amount of \$2,650,758.07

***Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
8/8/21-8/21/21	8/27/2021	98523-98741	17570-17601	83345-83351	\$816,483.65
8/8/21-8/21/21	8/27/2021			WT1206-WT1207	\$103,980.11
					<u>\$920,463.76</u>

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
9/1/2021	83293	83310	\$427,489.68
9/1/2021	83311	83326	\$181,283.48
9/1/2021	83327	83333	\$15,201.73
9/1/2021	83334	83344	\$43,042.40
9/9/2021	83352	83376	\$57,577.42
9/9/2021	83377	83382	\$6,601.90
9/9/2021	83383	83394	\$999,097.70
			<u>\$1,730,294.31</u>

8. ACTION ITEMS

(a) Public Hearing and Discussion of the 2022 Community Development Block Grant Funding Plan

Bethany Wolbrecht-Dunn, Community Services Manager, delivered the staff presentation. Ms. Wolbrecht-Dunn reviewed the required process for the renewal of the Community Development Block Grant (CDBG), said there is an estimated \$323,558 in revenues in 2022, and the use of funds is guided by an interlocal agreement with King County and local decisions on capital funding. She stated that this annual process uses the biennial Human Services Plan as a guide and that the 2021-2022 Biennial Budget already reflects the estimated CDBG. Ms. Wolbrecht-Dunn listed the uses of CDBG funds for regional and local programs and identified the costs associated with program administration.

Deputy Mayor Scully opened the public hearing. Seeing no members of the public wishing to offer testimony, he closed the public hearing.

Deputy Mayor Scully observed that the recommended action is similar to that taken in previous years, and said the plan that staff presents makes sense.

It was agreed that the 2022 Community Development Block Grant Funding Plan would return as a Consent Item.

9. STUDY ITEMS

(a) Discussion of 2021 Legislative Impacts on Policing

Christina Arcidy, Management Analyst, facilitated the panel discussion. She opened the conversation by stating that recent events have prompted a significant degree of interest in law enforcement policy issues, and the 2021 State Legislative Session included over one hundred new bills regarding law enforcement. She reviewed the legislative actions taken and noted that implementation began a few months ago, so now law enforcement agencies are taking steps to address their policies, procedures, and officer training to align with the new legislation. She said there is continued need for clarity and to address unintended consequences of some new laws. Ms. Arcidy introduced panelists Jesse Anderson, King County Sheriff's Office (KCSO) Patrol Operations Chief; Erin Overbey, KCSO Legal Advisor; Shawn Ledford, Shoreline Police Chief; and Sarah Roberts, Shoreline Prosecutor.

Chief Anderson outlined KCSO's policy updates. He gave an overview of the impact of the legislative changes, stating that many are consistent with KCSO practice and policy. He said many of the legislative changes were born in this region and shared ways in which the KCSO supports co-responder collaboration. He said some of the new legislation creates a public safety hazard since time is needed to implement some of the legislative revisions. He spoke to the ways in which King County is in alignment with other agencies and said the officers adapt quickly to changes. He said it is important to note that KCSO continues to respond to all calls for service, evaluating the situations and providing as much support to the community as possible while following the guidelines of the new legislation.

Ms. Overbey and Chief Anderson elaborated on aspects of the new laws. In addressing House Bill 1310 (Use of Force), Ms. Overbey summarized the guidelines and listed the additional limitation imposed by KCSO and Chief Anderson outlined the direction given to officers in the field. Both panelists elaborated on the definitions and directives associated with the categories of Duty of Reasonable Care, Use of Physical Force and Use of Deadly Force.

Ms. Overbey reviewed House Bill 1054 (Pursuits), stating that it prohibits certain actions and restricts the pursuit policy. Chief Anderson discussed the distinctions between 'probable cause' and 'reasonable suspicion' definitions to authorize pursuit as well as described application of the policy when including a call for Imminent Threat or Fire assistance or a mental health incident. Ms. Overbey said it is not clear if the law allows any use of physical force in these situations. Chief Anderson emphasized the importance of having some form of support in place to help

people in crisis and shared examples of situations of recent police response when the legislation has hampered ability to keep people safe. Ms. Overbey said the actions associated with investigative detentions has also changed in accordance with the current law and Chief Anderson spoke to the use of communication and conversation with a suspect when there is no option for the use of physical force in cases of reasonable suspicion.

Ms. Overbey summarized the obligations established by House Bill 5066 (Duty to Intervene) and Chief Anderson shared examples of implementation in the field. Ms. Overbey reviewed State Bill 5051 (Police Commissions), which provides procedures for police background checks, clarifies bases for suspension or revocation of police commission and allows for complaints of misconduct to go directly to the Criminal Justice Training Commission in addition to being submitted for internal investigation.

Ms. Roberts listed the potential impacts to the City of State Bill 5476 which addresses the State v. Blake Decision. She said drug charges become misdemeanor crimes instead of felonies, there is a focus on diversion before prosecution, and discretion on prosecution and use of alternative courts is allowed. She described the additional steps required by deputies prior to referring a case to the prosecutor and the work that would be done to work with resource providers.

Ms. Arcidy said staff recommends the Council discuss the possibility of addressing portions of the new legislation as part of their 2022 Legislative Priorities, if it does not happen prior to the adoption of the Priorities.

Several Councilmembers recognized the difficult job of policing and expressed support and gratitude to the Shoreline Police Department for their contributions and collaboration in the evolution of policing.

In discussing probable cause, Councilmember Chang said her overall impression is that the differences outlined in the staff report are distressing because they do not make sense and she wondered if there could have been other interpretations to allow more common-sense responses to crimes. Chief Anderson said the practice is different than what they are used to. He said the practical application of meeting the threshold of probable cause can take time, and each situation is unique, so there are many nuances to be considered in training. Councilmember Chang asked if deputies could be prosecuted if they are following KCSO policy and Ms. Overbey said the standard is that there can be action taken against their commission for failure to follow policy or law, and there is a fear of misinterpretation because it could mean the end of a career in law enforcement. She added that a list of questions has been submitted to the Attorney General for formal legal opinions. Councilmember Chang said she would support the Shoreline City Council pushing for clarification with its legislative delegation. She wants to make sure that it is not easy for people who commit crimes to get away with them.

Deputy Mayor Scully thanked the KCSO for the interpretation of probable cause they have provided and the rational conversation they have engaged in. He was concerned that de-policing would be an outcome of the interpretation of the legislation so he was delighted to hear the directive that police will continue to respond to all calls. He said if there are technical fixes that need to be made to the legislation, Council will advocate for making them.

In consideration of responses to calls involving a mental health crisis, Deputy Mayor Scully wants to ensure police backup for crisis responders. Chief Anderson said initially there was reluctance to assist on those types of calls, but further clarification and expectations have been communicated, but additional clarification in that area would be helpful. Ms. Overbey said it boils down to how imminent threat is defined. Councilmember Roberts said he thinks that fully funding expanded mental health support in crisis response is necessary. He is eager to learn the outcome of the clarifications requested from the Attorney General but wondered whether a request for clarification of the law rises to the level of a legislative priority. Chief Anderson said they want to work with the Legislature on changes and need clarification to provide legal support for the officers.

Councilmember Robertson said this thorough presentation gave her a lot to think about and the examples of recent challenges were powerful. She said it is a good idea to keep this topic in consideration for the Council's 2022 Legislative Priorities in order to help them get the clarity they need.

Councilmember Chang asked if clarifications would get them away from some of the things that do not make common sense. She is concerned with the examples shared in the staff report and she hopes that there can be a focus on the interpretations made. Chief Anderson said they can get there but some are easier fixes than others. He thinks there should be statewide, consistent definitions for probable cause and reasonable suspicion, and there needs to be clarifications for dealing with mental health issues. He emphasized that the role of police is to ensure the peace and there are lots of great opportunities of ways to move forward with co-responder teams. Chief Ledford said that it is not a crime to be mentally ill, so even though police want to step in and help when called to situations involving mental illness, it is difficult to determine imminent threat, so now they have to sit back and observe.

10. EXECUTIVE SESSION: Litigation – RCW 42.30.110(1)(i)

At 8:42 p.m., Deputy Mayor Scully recessed into an Executive Session for a period of 20 minutes as authorized by RCW 42.30.110(1)(i) to discuss with legal counsel matters relating to agency enforcement actions or litigation and stated that the Council is not expected to take final action following the Executive Session. Staff attending the Executive Session included Debbie Tarry, City Manager; John Norris, Assistant City Manager; and Margaret King, City Attorney. The Executive Session ended at 8:53 p.m.

11. ADJOURNMENT

At 8:54 p.m., Deputy Mayor Scully declared the meeting adjourned.

Jessica Simulcik Smith, City Clerk

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF SPECIAL MEETING

Monday, October 4, 2021
5:15 p.m.

Held Remotely via Zoom

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

ABSENT: None.

STAFF: Debbie Tarry, City Manager; Jessica Simulcik Smith, City Clerk

GUESTS: Dick Cushing, Waldron

1. CALL TO ORDER

At 5:16 p.m., the meeting was called to order by Mayor Hall who presided.

2. ROLL CALL

Upon roll call by the City Clerk, Mayor Hall, Deputy Mayor Scully, and Councilmembers McGlashan and Robertson were present.

3. EXECUTIVE SESSION: Personnel RCW 42.30.110(1)(g)

At 5:17 p.m., Mayor Hall recessed into an Executive Session for a period of 90 minutes as authorized by RCW 42.30.110(1)(g) to review the performance of a public employee. He stated Council is not expected to take final action following the Executive Session.

Councilmembers Chang, McConnell, and Roberts joined the meeting at 5:19 p.m.

The Executive Session ended at 6:45 p.m.

4. ADJOURNMENT

At 6:45 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. 941 repealing SMC Chapter 9.25 Retail Carryout Bag Regulations due to State preemption
DEPARTMENT:	Recreation, Cultural and Community Services
PRESENTED BY:	Bethany Wolbrecht-Dunn, Community Services Manager
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:

The 2020 Washington State Legislature passed Engrossed Substitute Senate Bill (ESSB) 5323, enacting a statewide ban on single-use plastic bags now codified at Chapter 70A.530 RCW. RCW 70A.530 preempts SMC Chapter 9.25 Retail Carryout Bag Regulations that were originally enacted in April 2013.

Tonight, the City Council is scheduled to adopt proposed Ordinance No. 941, which would repeal Chapter 9.25 in its entirety. Proposed Ordinance No. 941 was discussed by the Council on October 4, 2021, and Council directed that staff return this proposed Ordinance for adoption tonight.

RESOURCE/FINANCIAL IMPACT:

There is no direct significant financial impact of proposed Ordinance No. 941. The new state law increases the required pass-through charge for local retailers that SMC 9.25 has required from the five cents for each recyclable paper carryout bag provided to eight cents for every recycled content paper carryout bag or reusable carryout bag made of film plastic provided. In 2026, that charge increases to twelve cents for reusable carryout bags made of film plastic and eight cents for recycled content paper carryout bags.

RECOMMENDATION

Staff recommends that the City Council adopt proposed Ordinance No. 941.

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

BACKGROUND

The 2020 Washington State Legislature passed ESSB 5323, now codified as Chapter 70A.530 Carryout Bags, enacting a statewide ban on single-use plastic bags. The intent of this ban is to reduce pollution by prohibiting single-use plastic carryout bags and charging a fee for acceptable bags in business establishments. The statewide ban on single-use plastic bags set forth in RCW 70A.530 will go into effect on October 1, 2021.

RCW 70A.530 contains language that expressly preempts local implementation of a local carryout bag ordinance such as SMC Chapter 9.25, which enacted the carryout bag regulations in the City of Shoreline in April 2013 with the adoption of Ordinance No. 653. While this preemption results in SMC Chapter 9.25 having no force and effect, repealing of the Chapter will ensure no confusion in the future as to the applicable law.

Proposed Ordinance No. 941 (Attachment A) would repeal Chapter 9.25 in its entirety. The City Council discussed proposed Ordinance No. 941 at its October 4, 2021 meeting. A copy of the staff report for that discussion can be found at the following link: <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2021/staffreport100421-9a.pdf>.

DISCUSSION

At the October 4th City Council meeting, the Council did not raise any issues with the amendments in proposed Ordinance No. 941 as proposed by staff. Tonight, the City Council is scheduled to adopt proposed Ordinance No. 941.

COUNCIL GOAL(S) ADDRESSED

This action addresses City Council Goal #2: Continue to deliver highly-valued public services through management of the City's infrastructure and stewardship of the natural environment.

RESOURCE/FINANCIAL IMPACT

There is no direct significant financial impact of proposed Ordinance No. 941. The new state law increases the required pass-through charge for local retailers that SMC 9.25 has required from the five cents for each recyclable paper carryout bag provided to eight cents for every recycled content paper carryout bag or reusable carryout bag made of film plastic provided. In 2026, that charge increases to twelve cents for reusable carryout bags made of film plastic and eight cents for recycled content paper carryout bags.

RECOMMENDATION

Staff recommends that the City Council adopt proposed Ordinance No. 941.

ATTACHMENTS

Attachment A: Proposed Ordinance No. 941

ORDINANCE NO. 941

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON,
REPEALING CHAPTER 9.25 RETAIL CARRYOUT BAG
REGULATIONS OF THE SHORELINE MUNICIPAL CODE DUE TO
STATE PREEMPTION**

WHEREAS, in 2013, the City Council adopted Ordinance No. 653, establishing SMC Chapter 9.25 Retail Carryout Bag Regulations, which sets forth regulations for retail carryout bags provided by retail establishments so as to help create an environmentally sustainable community, implement an effective waste reduction strategy, reduce greenhouse gas emissions, waste, litter, marine litter, and pollution, and conserve energy and natural resources; and

WHEREAS, in 2020, the Washington State Legislature adopted Engrossed Substitute Senate Bill 5323, now codified as RCW Chapter 70A.530 Carryout Bags, establishing a state-wide ban on single-use plastic bags effective January 1, 2021; and

WHEREAS, due to the COVID-19 pandemic, on December 18, 2020, the Washington State Governor issued Proclamation 20-82, delaying implementation of RCW 70A.530 until January 30, 2021. The Washington State Legislature, with Senate Concurrent Resolution 8402, subsequently extended Proclamation 20-82 until the termination of the COVID-19 state of emergency or until rescinded by gubernatorial or legislative action, whichever occurred first. In July 2021, the Governor established September 30, 2021 at 11:59 pm as the expiration date for Proclamation 20-82. Therefore, the statewide ban on single-use plastic bags set forth in RCW 70A.530 will go into effect on October 1, 2021; and

WHEREAS, with the enactment of RCW Chapter 70A.530, the State preempted any local government from implementing a local carryout bag ordinance such as SMC Chapter 9.25; and

WHEREAS, while SMC Chapter 9.25 has been rendered ineffective by the State's preemption, repealing this Chapter will ensure there is no confusion as to what regulations retail establishments must follow; and

WHEREAS, the City Council discussed the repeal of SMC Chapter 9.25 at its October 4, 2021 regular meeting and has considered the entire public record, public and stakeholder comments, written and oral; and

WHEREAS, the City Council has determined that the repeal of SMC Chapter 9.25 in its entirety is warranted due to the State's express preemption set forth in RCW 70A.530 and is in the best interests of the City of Shoreline so as to prevent confusion as to the applicable regulations;

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

Section 1. Repealer – SMC Chapter 9.25 Retail Carryout Bag Regulations. SMC Chapter 9.25 is repealed in its entirety.

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 3. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

Section 4. 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 (5) days after publication.

PASSED BY THE CITY COUNCIL ON OCTOBER 18, 2021

Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik Smith
City Clerk

Julie K Ainsworth-Taylor
Assistant City Attorney
on behalf of Margaret King, City Attorney

Date of Publication: _____, 2021
Effective Date: _____, 2021

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorizing the City Manager to Join the Race to Zero and the Local Governments for Sustainability - ICLEI150
DEPARTMENT:	Recreation, Cultural and Community Services
PRESENTED BY:	Bethany Wolbrecht-Dunn, Community Services Manager
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:

Council adopted the Climate Action Plan in September 2013, thereby committing to reducing greenhouse gas (GHG) emissions 25% by 2020, 50% by 2030, and 80% by 2050 (below 2009 levels). A 2019 evaluation of the City’s GHG emissions revealed that we are not on track to meet those targets.

The City received an invitation to join the Cities Race to Zero, which would provide a Shoreline-specific, science-based 2030 emissions reduction target to achieve our fair share of the Paris climate goals and limit global warming to 1.5 degrees Celsius, and a customized list of high-impact actions, for our community to take to achieve that target, with associated technical assistance.

Tonight, the City Council is scheduled to approve joining the Cities Race to Zero by authorizing the City Manager to sign the ICLEI150 Race to Zero Commitment. The Cities Race to Zero was discussed by the Council on October 4, 2021, and Council directed that staff return for approval tonight.

RESOURCE/FINANCIAL IMPACT:

There is no cost to join the Race to Zero. There will be costs associated with voluntarily implementing actions in support of the goals established by the Race to Zero. These are actions likely to be included in our updated Climate Action Plan.

RECOMMENDATION

Staff recommends that the City join the Race to Zero by authorizing the City Manager to sign the ICLEI150 Race to Zero Commitment (Attachment A).

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

BACKGROUND

The Race To Zero is a global campaign (established by the UN High-Level Climate Champions in 2020) to rally leadership and support from businesses, cities, regions, investors for a healthy, resilient, zero-carbon recovery that prevents future threats, creates decent jobs, and unlocks inclusive, sustainable growth. The Cities Race to Zero is the local government engagement opportunity within the UN's initiative and is coordinated by city network partners, including Local Governments for Sustainability (ICLEI), of which the City of Shoreline is a member. The City received an invitation from ICLEI to join the Cities Race to Zero in July 2021.

The City Council discussed the Cities Race to Zero at its October 4, 2021, meeting. A copy of the staff report for that discussion can be found at the following link: <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2021/staffreport100421-9b.pdf>.

DISCUSSION

At the October 4th City Council meeting, the Council did not raise any issues with the requirements outlined in joining the Cities Race to Zero and directed staff to come back tonight with a motion to direct the City Manager to sign the ICLEI150 Race to Zero Commitment (Attachment A).

COUNCIL GOAL(S) ADDRESSED

This action addresses City Council Goal #2: Continue to deliver highly-valued public services through management of the City's infrastructure and stewardship of the natural environment.

RESOURCE/FINANCIAL IMPACT

There is no cost to join the Race to Zero. There will be costs associated with voluntarily implementing actions in support of the goals established by the Race to Zero. These are actions likely to be included in our updated Climate Action Plan.

RECOMMENDATION

Staff recommends that the City join the Race to Zero by authorizing the City Manager to sign the ICLEI150 Race to Zero Commitment (Attachment A).

ATTACHMENTS

Attachment A: ICLEI150 Race to Zero Commitment



ICLEI150 COMMITMENT FORM

I have read the information below about the ICLEI150 and the Race to Zero commitment and I understand all that is expected of me, my staff, and ICLEI USA. By signing below, I agree to participate and to allow ICLEI to publish our commitment, target, and actions on the ICLEI USA website and to report this information to the global Cities Race to Zero platform.

I pledge to join the ICLEI150 on the Race to Zero on behalf of _____,
 _____, (name of city/county)
 _____ (name of state)

Race To Zero is a global campaign (established June 2020) of the United Nations’ Climate Champions to rally leadership and support from businesses, cities, regions, investors for a healthy, resilient, zero-carbon recovery that prevents future threats, creates decent jobs, and unlocks inclusive, sustainable growth.

ICLEI’s Climate Neutrality Framework provides a framework to engage with the Race to Zero, and calls for the necessary level of ambition and daring leadership to keep global temperature rise below the 1.5°C goal of the Paris Agreement and to put climate action at the center of all urban decision-making, taking full advantage of ICLEI’s five development pathways: low-emissions, resilient, circular, nature-based, and people-centered / equitable. The Climate Neutrality framework directs our work with you as an ICLEI member.

The “ICLEI150” represents a movement of 150 local governments across the ICLEI USA network that are stepping up to join the Cities Race to Zero to cut global emissions in half by 2030 and to zero by 2050.

The ICLEI150 communities in the Race to Zero participants will:

1. **Pledge:** at the head-of-organization level to get to zero greenhouse gas emissions as soon as possible and by 2050 at the latest. Set a 2030 interim target reflecting maximum fair share effort to reach 50% global CO2 reductions.
2. **Plan:** the actions necessary to achieve both the 2030 and 2050 targets within 12 months of joining.
3. **Proceed:** with high-impact action to achieve the targets during 2021
4. **Publish:** report Race to Zero actions by 2022

ICLEI USA will provide ICLEI150 leaders and communities with:

- Your community's 2030 Science-Based Target, putting you on a path to climate neutrality by 2050.
- Community-specific high-impact actions to meet the 2030 target.
- Technical assistance to proceed with one or more high-impact actions during 2021.
- Personalized support package, pairing ICLEI's resources with your community's goals.
- Reporting your commitment and actions to the global Race to Zero platform. (Targets are reported via the CDP-ICLEI Unified Reporting Platform).
- National and international recognition for your ambition and action from ICLEI USA and ICLEI World Secretariat.
- Provide opportunities to speak about and share your community's Race to Zero ambition.

As a leader joining the Cities Race to Zero, I endorse the following principles:

1. We recognize the global climate emergency.
2. We are committed to keeping global heating below the 1.5°Celsius goal of the Paris Agreement.
3. We are committed to putting inclusive climate action at the center of all urban decision-making, to create thriving and equitable communities for everyone.
4. We invite our partners – political leaders, CEOs, trade unions, investors, and civil society – to join us in recognizing the global climate emergency and help us deliver on science-based action to overcome it.

As an ICLEI150 Leader, I will:

- **Commit my staff to work with ICLEI** to develop our “member journey” of technical and implementation aspects of the Race to Zero.
- **Spend 15 minutes each month** amplifying the Race to Zero movement within their community, with other elected officials, and at national and international forums.
- **Provide a 1- to 2-minute video** highlighting specific examples of what they are doing or planning to do to equitably reduce GHG emissions and why they are excited to be an ICLEI 150 leader in the Race to Zero. Submit [Here](#) within 30 days or email to sarah.ditton@iclei.org.
- **Provide a statement** about why the Race to Zero initiative is important to me and my community (in the box below). Please include a link to a portrait or include an attachment in your submission email. This will be used on the ICLEI USA website and social media to highlight your ambition.



I anticipate my community will need ICLEI’s assistance to complete the following steps of the Race to Zero:

- A declaration of a climate emergency and/or a commitment to climate neutrality
- A Science-Based Target
- Planning and implementing at least one inclusive and equitable climate action
- Reporting progress
- Unsure. I need ICLEI technical advisors to help create my plan.

Elected Official Signature

Date



CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Assumption of multi-family housing limited property tax exemption contract by KW Geo Shoreline, LLC
DEPARTMENT:	City Manager's Office
PRESENTED BY:	Nathan Daum, Economic Development Manager
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing <input type="checkbox"/> Discussion

PROBLEM/ISSUE STATEMENT:

The City Council on April 27, 2020 authorized the City Manager to execute a Multifamily Property Tax Exemption (MFTE) contract with ADC Ridge at Sun Valley LLC on a project known as Geo Apartments. The contract requires that the residential improvements of the project will be exempt from property taxation for 12 years in exchange for providing affordable housing and other conditions. It was executed and recorded in the records of King County under King County Recorder's No. 20200512000521.

ADC Ridge intends to sell the Geo Apartments. As required by the MFTE Contract, on September 13, 2021 buyer KW Geo provided a statement that it understands the duties and obligations of the MFTE Contract and agrees to continue those duties and obligations. City Council approval is required for Shoreline and KW Geo to enter into this Assumption Contract to reflect the sale of the Geo Apartments and KW Geo's assumption of the duties and obligations under the MFTE Contract.

RESOURCE/FINANCIAL IMPACT:

Staff time is required to prepare and execute the assumption contract. No other change to the City's resources or finances is anticipated. The resource and financial impact of the MFTE contract for this project was considered when it was before Council for approval, finding that when an MFTE project is built, the value of the residential improvements is presumed not be added to the assessed value until the 13th year; however, other revenues continue to be collected by the City from the property and its residents. This revenue was shown to be greater than the foregone taxes and greater than predevelopment revenue estimates for the property.

The purchase price has not been disclosed for this transaction. According to real estate data provider CoStar, the current price-per-unit value of new multifamily buildings in Shoreline is \$450,000. The sale of a new multifamily property in 2020—the most recent

for which data is available—was at approximately \$340,000 per unit, which would equate to a sale price of \$55,420,000 for the 163-unit Geo Apartments. The City’s share of Real Estate Excise Tax on such a transaction would be an estimated \$277,100.

RECOMMENDATION

Staff recommends that the City Council approve the MFTE Assumption Contract for Geo Apartments Shoreline.

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

BACKGROUND

In its April 27, 2020 meeting, the City Council authorized the City Manager to execute a Multifamily Property Tax Exemption (MFTE) contract with ADC Ridge at Sun Valley LLC on a project known as Geo Apartments. The contract requires that the residential improvements of the project will be exempt from property taxation for 12 years in exchange for providing affordable housing and other conditions. More information about this action can be found at the following link: [Approving the PTE Program Contract for the Geo Apartments Project Located at 17900 \(formerly 17962\) Midvale Avenue N.](#)

DISCUSSION

The City's MFTE program specifies that buyers of MFTE projects in Shoreline are required to enter into an assumption contract with the City. This enables the City to ensure the affordability requirements and other conditions of the MFTE contract continue to be met by the owner of the building throughout the 12-year tax exemption period.

Should the City Council reject the assumption contract, it is likely that the buyer would reconsider the investment. This could have the effect of delaying the purchase while additional financial analysis is performed. Such additional analysis could result in a decision on the part of the buyer to withdraw their offer to purchase the property.

RESOURCE/FINANCIAL IMPACT

Staff time is required to prepare and execute the assumption contract. No other change to the City's resources or finances is anticipated. The resource and financial impact of the MFTE contract for this project was considered when it was before Council for approval, finding that when an MFTE project is built, the value of the residential improvements is presumed not be added to the assessed value until the 13th year; however, other revenues continue to be collected by the City from the property and its residents. This revenue was shown to be greater than the foregone taxes and greater than predevelopment revenue estimates for the property.

The purchase price has not been disclosed for this transaction. According to real estate data provider CoStar, the current price-per-unit value of new multifamily buildings in Shoreline is \$450,000. The sale of a new multifamily property in 2020—the most recent for which data is available—was at approximately \$340,000 per unit, which would equate to a sale price of \$55,420,000 for the 163-unit Geo Apartments. The City's share of Real Estate Excise Tax on such a transaction would be an estimated \$277,100.

RECOMMENDATION

Staff recommends that the City Council approve the MFTE Assumption Contract for Geo Apartments Shoreline.

ATTACHMENTS

Attachment A: Proposed MFTE Assumption Contract for Geo Apartments Shoreline

**ASSUMPTION OF MULTI-FAMILY HOUSING
LIMITED PROPERTY TAX EXEMPTION CONTRACT**

THIS ASSUMPTION OF MULTI-FAMILY HOUSING LIMITED PROPERTY TAX EXEMPTION CONTRACT (“Assumption Contract”) is made as of the date of the final signature below, by and between CITY OF SHORELINE, a municipal corporation of the State of Washington (“Shoreline”) and KW GEO SHORELINE, LLC, a Delaware limited liability company (“KW Geo”), (collectively referred to herein as the “Parties” and each individual as a “Party).

RECITALS

WHEREAS, on May 5, 2020, Shoreline and ADC Ridge at Sun Valley LLC (“ADC Ridge”) entered into a Multi-Family Housing Limited Property Tax Exemption Contract relating to the Geo Apartments located at 17990 Midvale Ave N, Shoreline, Washington, Tax Parcel No. 072604-9070, and recorded in the records of King County under King County Recorder’s No. 20200512000521 (“MFTE Contract”); and

WHEREAS, ADC Ridge intends to sell, and KW Geo intends to purchase, the Geo Apartments and, therefore, as required by Section 10 of the MFTE Contract, on September 13, 2021, KW Geo timely submitted a statement that it understands the duties and obligations of ADC Ridge under the MFTE Contract and agrees to continue those duties and obligations; and

WHEREAS, Shoreline and KW Geo desire to enter into this Assumption Contract to reflect the sale of the Geo Apartments and KW Geo’s assumption of the duties and obligations under the MFTE Contract;

NOW, therefore, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Parties mutually agree as follows:

1. Assumption of MFTE Contract.

As of the date of the transfer of ownership of the Geo Apartments from ADC Ridge to KW Geo, as evidenced by the deed or other document recorded with the King County Recorder. KW Geo assumes all duties and obligations set forth in the MFTE Contract, King County Recorder’s No. 20200512000521, incorporated herein fully by reference, under all the same terms and conditions.

2. Amendment of MFTE Contract.

The following amendments shall apply:

A. The term “Owner” and/or any reference to ADC Ridge at Sun Valley LLC shall now refer to KW Geo, a Delaware limited liability company.

B. Section 22 Notice shall be amended to delete ADC Ridge’s representative and address

and replace it with KW Geo’s representative and address:

KW Geo LLC
151 S. El Camino Drive
Beverly Hills, CA 90212
Attn: _____

C. Section 17 Agreement to Record shall be amended to require the recording of this Assumption Contract in the real property records of King County, at KW Geo’s sole cost and expense. The recording shall reference original King County Recorder’s number and KW Geo shall provide the City with a copy of the recorded document within thirty (30) calendar days of recording.

3. Except as specifically provided in this Restatement, all other duties, obligations, terms, and conditions of the MFTE Contract continue in full force and effect.

IN WITNESS WHEREOF, the City of Shoreline and KW Geo, LLC, by their authorized representatives, having read the foregoing and intending to be legally bound hereby, have executed this Assumption of the Multi-Family Housing Limited Property Tax Exemption Contract executed by ADC Ridge at Sun Valley LLC and the City of Shoreline, King County Recorder’s No. 20200512000521.

KW Geo Shoreline, LLC

City of Shoreline

By: _____

By: _____

Print Name: _____

Debbie Tarry
City Manager

Its: _____

Notarization of Signatures on following Page(s)

State of _____)

County of _____)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that they were authorized to execute the instrument and acknowledged it as the _____ of KW Geo Shoreline, LLC, a Delaware limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____, 2021

(Seal or stamp)

Signature: _____

Title: Notary Public

My appointment expires: _____

State of Washington)

County of King)

I certify that I know or have satisfactory evidence that Debbie Tarry is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the City Manager of the City of Shoreline, a municipal corporation and political subdivision of the State of Washington, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____, 2021

(Seal or stamp)

Signature: _____

Title: Notary Public

My appointment expires: _____

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorize the City Manager to Increase the Heating, Ventilation and Air Conditioning Maintenance and On-Call Repair Services Shoreline City Facilities Contract with Energy Systems Management/TRS, Incorporated in the Amount of \$100,000
DEPARTMENT:	Administrative Services
PRESENTED BY:	Sara Lane, Administrative Services Director Dan Johnson, Parks, Fleet & Facilities Manager
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:

On December 17, 2018, the Parks, Fleet & Facilities Division executed a Unit Priced Contract with Energy Systems Management/TRS, Incorporated for Heating, Ventilation and Air Conditioning (HVAC) Maintenance and On-Call Repair Services of City facilities. Staff is requesting that the City Council authorize the City Manager to increase the existing HVAC and On-Call Repair Services contract with Energy Systems Management/TRS, Incorporated in the amount of \$100,000.

Energy Systems Management/TRS, Incorporated has been performing the scope of work after completing a competitive bid process (Bid No. 9096). The contract totaled \$300,000 with a three-year term and with an option for a fourth year. Staff is planning to extend this contract for a fourth year in 2022. In accordance with the City’s purchasing requirements, staff executed change order 1 for an amount of \$100,000 and the contract increased from \$300,000 to \$400,000. An additional \$100,000 increase is needed to provide HVAC general maintenance and repair services and the COVID-19 system improvements already completed.

In accordance with Shoreline Municipal Code (SMC) Section 2.60.040 D1(c), City Council approval is required because the requested contract increase amount exceeds the City Manager’s contract change order/amendment authorization limit of \$100,000.

RESOURCE/FINANCIAL IMPACT:

The 2021-2022 Facilities Operations Budget includes annual funding for HVAC general maintenance and repair services and the COVID-19 system improvements already completed. The contract would increase by \$100,000 from \$400,000 to \$500,000.

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to increase the current Unit Price Contract with Energy Systems Management/TRS, Incorporated by \$100,000 from \$400,000 to \$500,000.

ATTACHMENTS:

Attachment A: Change Order 2 for Energy Systems Management/TRS, Incorporated

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

City of Shoreline Contract Change Order	1. Contract Change Order No. 2 (Clerk's No. 9096):	
	2. Page 1 of 1	
3. Name of Contractor: Energy Systems Management/TRS, Incorporated	4. Issued By: Dan Johnson	5. Effective Date: Upon Execution
6. Project Title: HVAC Maintenance and On-Call Repair Services	7. Original Contract No. 9096	
<p>8. DESCRIPTION OF CHANGE: Change Order 2 increases the contract amount by \$100,000 from \$400,000 to \$500,000 for all terms of the contract. It also extends the contract completion date from December 31, 2021 to December 31, 2022.</p> <p>EXCEPT AS EXPRESSLY CHANGED HEREIN, ALL CONTRACT OBLIGATIONS REMAIN UNCHANGED AND IN FULL EFFECT</p>		
<p>9. Adjustments to Contract Sum and Contract Time: The following adjustments, if any, to the Contract Sum and Contract Time constitute the complete and final settlement of all costs of labor, materials, equipment, overhead, fee, and damages, whether direct, indirect, and any other claim by the Contractor, as a result of the change.</p> <p>(a) Term: The Contract amount shall increase by an amount of \$100,000 from \$400,000 to \$500,000 for all terms of the contract.</p> <p>(b) Completion Date: The contract completion date is extended from December 31, 2021 to December 31, 2022.</p>		
<p>10. NOTE: Execution of this Change Order by the Contractor constitutes the Contractor's irrevocable acceptance of all the terms hereof, including the above described adjustments, if any, in the Contract Sum and Contract time.</p>		
11. BY CITY OF SHORELINE	12. ACCEPTANCE BY CONTRACTOR	
Signature	Signature	
Name and title	Name and title	
Date:	Date:	

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorizing the City Manager to Enter Into the North King County Coalition on Homelessness Memorandum of Agreement
DEPARTMENT:	Recreation, Cultural and Community Services (RCCS)
PRESENTED BY:	Colleen Kelly, RCCS Director
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:

At the direction of the City Council, the North King County Task Force on Homelessness was created to address the need for an Enhanced Shelter in North King County. With the opening of the Oaks Enhanced Shelter earlier this year, that initial goal was achieved. Given the ongoing challenge of addressing homelessness in communities across North King County, the Task Force membership recommended a shift to operate as an ongoing Coalition that would be formalized through a joint Memorandum of Agreement. Tonight, staff is seeking Council authorization for the City Manager to Enter into this North King County Coalition on Homelessness Memorandum of Agreement (Attachment A).

As per Council Rules of Procedure 6.1.B, which states that for an Action Item that is before the City Council for the first time and is not part of the consent agenda, public comment for that item will follow the staff report but precede Council review. Council should therefore allow for Public Comment following the staff report, and the same rules for Public Comment provided as part of the Council’s Regular Meeting Agenda shall apply.

RESOURCE/FINANCIAL IMPACT:

This action has no direct financial impact. If the Memorandum of Agreement is entered into, the City would be lead agency for the Coalition and staff time and resources would continue to be spent staffing and providing administrative support for the Coalition.

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to enter into the North King County Coalition on Homelessness Memorandum of Agreement in substantially the same form as is provided in Attachment A to this staff report.

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

BACKGROUND

In February 2019, staff recommended and the City Council concurred that the most critical need related to homelessness in Shoreline was the lack of a year-round 24/7 shelter for single adults. More information on the need for a year-round 24/7 shelter for single adults can be found in the staff report from Council's February 25, 2019 discussion on this topic: [Discussing Council Goal 5 – Action Step 9: Engage in an Analysis with Service Providers to Identify What Services and Processes Exist to Connect those Experiencing Homelessness and/or Opioid Addiction with Supportive Services and Identify Gaps That May Exist.](#)

This discussion resulted in the development of the 2020-2022 Council Goal 5, Action Step 7: *Begin a process of developing partnerships with North King County cities and other key stakeholders in support of siting a 24/7 shelter/navigation center to serve homeless single adults in North King County.*

In July 2019, staff convened the first meeting of a North King County Shelter Task Force including representation from five North King County Cities (Shoreline, Bothell, Kenmore, Lake Forest Park, and Woodinville), local service providers, and community partners that have been actively engaged in working on the issue of homelessness. Just before the group's first meeting, the City was approached about the potential to purchase the Oaks Nursing Home property at 165th and Aurora.

Over the following months, the City worked with King County and the King County Housing Authority to explore the feasibility of utilizing this property as an Enhanced Shelter. Ultimately, the property was purchased by the King County Housing Authority. In addition, the City adopted Interim Zoning Regulations to allow the site to be used as a shelter. This topic was discussed on [August 10, 2020](#) with Council action on [October 26, 2020](#). This action added a requirement for a Memorandum of Agreement (MOA) between the City, the County and the operating partner, Lake City Partners, to address overall operations and specific responsibilities of each entity. The City Council authorized City participation in the MOA on [November 23, 2020](#). By the end of the year, the goal of siting a shelter in North King County had been achieved much sooner than could have been anticipated, making the specific purpose of the Task Force as initially envisioned no longer necessary.

However, the Task Force members agreed by consensus that there would be value in continuing to meet as a North King County Coalition on Homelessness (Coalition) in order discuss potential policy and program options related to the issue of homelessness broadly. The Coalition could also serve to propose solutions that individual cities may want to consider and could be well positioned to influence and respond to the newly forming King County Regional Homelessness Authority (KCRHA).

Following this transition, the Coalition has worked together to craft the attached Memorandum of Agreement (Attachment A) for the new Coalition. This same document will be shared with the legislative bodies of all the organizations named in the document

with the expectation that each organization will approve the Agreement and confirm their representative.

DISCUSSION

The Coalition Memorandum of Agreement was drafted largely to clarify the role of the Coalition for both its members and for the community. The Coalition as a body will have no authority but will serve as a valuable convening for homelessness related policy discussion across North King County. This group is already serving as the de facto North King County information and discussion hub for staff of the KCRHA. Both the CEO and the Sub-Regional Planning Manager of the KCRHA have committed to participate regularly to share updates and seek feedback and input.

The proposed members of the Coalition are the cities of Shoreline, Bothell, Kenmore, Lake Forest Park and Woodinville and the following community organizations: Bothell United Methodist Church, Health Care for the Homeless, Hopelink, Interfaith Task Force on Homelessness, Lake City Partners Ending Homelessness, Lived Experience Coalition, North Sound RADAR Navigator Program, North Urban Human Services Alliance, and Ronald United Methodist Church. Any member of the Coalition may withdraw from the Coalition at any time, and future members may be considered by the existing members of the Coalition. The Memorandum of Agreement shall remain in effect until terminated by the members of the Agreement, but it shall automatically terminate if the Coalition dwindles to just three members. Any member may leave the Coalition at any time.

The City will serve as the lead agency for the Coalition, including scheduling meetings and other administrative functions, unless the KCRHA provides sufficient staffing to assume these responsibilities. At this time, the KCRHA has not committed to providing staffing for the Coalition. Councilmember Betsy Robertson is currently the City's representative to the Coalition.

The Memorandum of Agreement is in final draft form, as there are still some final details to complete with the Agreement; most specifically identifying who the responsible individuals are for official notification to each member of the Coalition, which is included in Section VI of the Agreement. The rest of the Agreement is generally complete, and any other changes or edits, if Council authorizes the City Manager to enter into the Agreement, would be non-substantive.

Tonight, staff is seeking Council authorization for the City Manager to Enter into this Memorandum of Agreement. As per Council Rules of Procedure 6.1.B, which states that for an Action Item that is before the City Council for the first time and is not part of the consent agenda, public comment for that item will follow the staff report but precede Council review. Council should therefore allow for Public Comment following the staff report, and the same rules for Public Comment provided as part of the Council's Regular Meeting Agenda shall apply.

COUNCIL GOAL(S) ADDRESSED

Tonight's discussion is related to Council Goal 5, Action Step 7: *Begin a process of developing partnerships with North King County cities and other key stakeholders in support of siting a 24/7 shelter/navigation center to serve homeless single adults in North King County.* As noted above, though the specific goal of siting a 24/7 shelter has been achieved, there are still significant issues related to homelessness broadly that can be well-served through sub-regional collaboration.

RESOURCE/FINANCIAL IMPACT

This action has no direct financial impact. If the Memorandum of Agreement is entered into, the City would be lead agency for the Coalition and staff time and resources would continue to be spent staffing and providing administrative support for the Coalition.

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to enter into the North King County Coalition on Homelessness Memorandum of Agreement in substantially the same form as is provided in Attachment A to this staff report.

ATTACHMENTS

Attachment A: Final Draft North King County Coalition on Homelessness Memorandum of Agreement

**MEMORANDUM OF AGREEMENT
NORTH KING COUNTY COALITION ON HOMELESSNESS**

This Memorandum of Agreement (“Agreement”) is entered into by and between the Cities of Shoreline, Bothell, Kenmore, Lake Forest Park and Woodinville and the following community organizations: Bothell United Methodist Church, Health Care for the Homeless, Hopelink, Interfaith Task Force on Homelessness, Lake City Partners Ending Homelessness, Lived Experience Coalition, North Sound RADAR Navigator Program, North Urban Human Services Alliance, and Ronald United Methodist Church. Each may be referred to individually as a “Partner” and collectively as “the Partners”.

WHEREAS, the Partners have a common goal of ending homelessness within their jurisdictional boundaries, cities that they serve, as well as in the region and, each Partner represents a relevant stakeholder interest; and

WHEREAS, in 2019, the City of Seattle and King County established the King County Regional Homelessness Authority so as to provide for a joint and cooperative undertaking to coordinate services within an equitable operational framework that will enable and facilitate joint planning, program funding and establishing standards for and accountability programs so as to improve the delivery of services and enhance outcome for those individuals and families receiving such services through a Regional Action Plan; and

WHEREAS, the Partners wish to act cooperatively to formulate policies and strategies that address homelessness and to do so in an efficient and expeditious manner so that those individuals and families experiencing homelessness or who are at imminent risk of experiencing homelessness within the North King County area have access to services; and

WHEREAS, the Partners wish to act cooperatively so as to articulate local needs, priorities, and solutions to address homelessness within the North King County area to the King County Regional Homelessness Authority and to potentially establish a North King County Sub-Region;

NOW, THEREFORE, in consideration of the foregoing and mutual covenants contained in this Agreement, the Partners agree as follows:

I. INCORPORATION OF RECITALS

The foregoing Recitals are incorporated in and made a part of this Agreement.

II. ESTABLISHMENT OF THE NORTH KING COUNTY COALITION ON HOMELESSNESS ("COALITION")

A. Purpose. The purpose of this Coalition is to work together across sectors and

jurisdictions in North King County in support of policies and community-based efforts to provide services and housing options for those in the North King County communities who are experiencing homelessness or who are at risk of becoming homeless.

- B. Advisory Body.** The Coalition is organized as an advisory body, with implementation of any recommendation to be presented to the legislative or governing body of a Partner for consideration and potential adoption pursuant to the local policies and procedures for that Partner.

III. MEMBERSHIP

- A. Governmental Partners.** The following governmental entities are members of the Coalition:

- City of Bothell
- City of Kenmore
- City of Lake Forest Park
- City of Shoreline
- City of Woodinville

- B. Non-Governmental Partners.** The following non-governmental entities are members of the Coalition:

- Bothell United Methodist Church
- Health Care for the Homeless
- Hopelink
- Interfaith Task Force on Homeless
- Lake City Partners Ending Homelessness
- Lived Experience Coalition
- North Sound RADAR Navigator Program
- North Urban Human Services Alliance
- Ronald United Methodist Church

- C. Financial Requirement.** There is no financial requirement to be a Coalition Partner. Each Partner shall be responsible for all costs and expenses incurred in its participation in the Coalition.

- D. Future Partners.** It is expected that there will be interested parties not currently included in the Coalition that will either request inclusion or that will be identified by the Coalition and asked to participate. The then-existing Partners shall evaluate interested parties on a case-by-case basis to determine eligibility for membership through the decision-making process as set forth in section V.E. Every effort shall be made to include interested parties that have not historically been represented in planning for homelessness services including people of color and those with lived

experience of homelessness. Addition of future partners shall be subject to majority approval of the then-existing Partners. All future partners shall execute a then-effective version of this Agreement. Individuals are not eligible for membership in the Coalition.

- E. **Non-Partner Participation.** From time to time, organizations and members of the general public will participate in Coalition-led activities but they will not be considered Partners in the Coalition until denoted as such by the then-existing Partners and only after executing a then-effective version of this Agreement. While allowed to participate, non-Partners have no voting rights.
- F. **Withdrawal.** Any Partner may withdraw from the Coalition upon written notice to the other Partners. Such notice shall state the effective date of the withdrawal, and that such withdrawal is supported through action of the withdrawing Partner in the same manner as the original Agreement was approved, such as by approval of the legislative or governing body. Following the withdrawal of one or more Partners, the Consortium shall continue to exist, and this Agreement shall remain in effect as between the remaining Partners unless terminated as provided in Section IV.

IV. TERM AND AMENDMENT

- A. **Term.** This Agreement shall become effective upon its execution by all Partners, as authorized by each Partner's legislative or governing body, and shall remain in effect until terminated.
- B. **Termination.** This Agreement may be terminated by mutual consent of a majority of the then-existing Partners. This Agreement will automatically terminate when the Coalition is comprised of three (3) or fewer Partners.
- C. **Amendment.** The provisions of this Agreement may be reviewed periodically to ensure that the Agreement continues to further the Coalition's purpose. Any Partner may request amendment to this Agreement. Unless otherwise provided, this Agreement may only be amended by unanimous consent represented by affirmative action of each Partner's legislative or governing body. Any amendment adopted shall be in writing and appended to this Agreement.

V. ORGANIZATIONAL ROLES AND RESPONSIBILITIES

- A. **Goals.** The Coalition seeks to identify the unique roles and opportunities associated with ending homelessness through the coordination and direct involvement of a wide array of stakeholders, public and private, by engaging in the following tasks.

B. Tasks.

1. Learn about the current system of services available to those experiencing homelessness and determine what is/is not working, both for those experiencing homelessness and for the community at large.
2. Learn about existing resources available in North King County and what resources need to be sustained, modified, or eliminated.
3. Identify opportunities for partnership with public and private entities and leveraging partnerships to achieve the Coalition's purpose.
4. Identify opportunities for advocacy and seek support from various constituencies.
5. Seek to serve as the sub-regional hub for communication with the King County Regional Homelessness Authority.
6. Develop related recommendations for the consideration of Partners' legislative or governing bodies regarding amendment or implementation of local policy and plans and, subject to a Partner's legislative or governing body's consent, to State and County legislative bodies or agencies for incorporation into legislative agendas.

C. Lead Agency and Chair.

1. The City of Shoreline will act as the lead agency for the purpose of scheduling meetings and other administrative functions unless the King County Regional Homelessness Authority provides sufficient staffing to assume these responsibilities.
2. At the first meeting of the Coalition or as soon as reasonably possible thereafter, the Partners will elect from its members a chair who shall preside at all meetings of the Coalition, and a vice chair, who will serve in the chair's absence, by majority vote of the entire Coalition membership.

D. Active Participation. Each Partner has committed to active participation in the Coalition and shall be held accountable for the work that it has agreed to perform. However, each Partner recognizes that the commitment level of each other Partner will depend on the resources and size of the Partner. At a minimum, each Partner will send an appointed representative to Coalition meetings.

E. Decision-making Protocols.

1. Each Partner entity shall be a voting member and shall have one (1) vote. The Coalition will operate by consensus of its Partners. Consensus is defined as general agreement of the Partners present. No decisions shall be taken unless a quorum of at least 51% of the Partners are present.
2. For all decisions, the Coalition shall first attempt to reach consensus. If consensus cannot be reached, then decisions shall be by majority vote of a quorum of the Coalition Partners.

F. Voluntary Membership. Membership in the Coalition is a voluntary act and it is acknowledged and agreed that in entering into this Agreement, no Partner is

committing to adopt or implement any action or recommendation that may be developed by the Coalition even if consensus is reached.

VI. PARTNERS NOTIFICATION

Any official notification among the Partners to the Coalition that would substantially affect the terms and conditions of this Agreement shall be directed to the responsible individual noted below:

City of Shoreline
Debbie Tarry
17500 Midvale Avenue N
Shoreline, WA 98133
dtarry@shorelinewa.gov

City of Bothell
Name: _____
18415 101st Avenue NE
Bothell, WA 98011
Email: _____

City of Kenmore
Name: _____
18120 68th Avenue NE
Kenmore, WA 98028
Email: _____

City of Lake Forest Park
Name: _____
17425 Ballinger Way NE
Lake Forest Park, WA 98155
Email: _____

City of Woodinville
Name: _____
17301 133rd Avenue NE
Woodinville, WA 98072
Email: _____

Bothell United Methodist Church
Name: Pastor Kristin Joyner
18515 92nd Avenue NE
Bothell, WA 98011
Email: pastorkristin@bothellumc.org

Health Care for the Homeless
Name: _____
Street Address: _____
Email: _____

Hopelink
Name: _____
Street Address: _____
Email: _____

Interfaith Task Force on Homelessness
Name: _____
Street Address: _____
Email: _____

Lake City Partners Ending Homelessness
Name: Walt Washington
16357 Aurora Avenue N
Shoreline, WA 98133
Email: walt@lakecitypartners.org

Lived Experience Coalition
Name: _____
Street Address: _____
Email: _____

North Sound RADAR Navigator Program
Brook Buettner
18415 101st Avenue NE
Bothell, WA 98011
Brook.buettner@bothellwa.gov

North Urban Human Services
Alliance
Name: _____
P.O. Box 60215
Shoreline, WA 98160
Email: _____

Ronald United Methodist Church
Name: _____
17839 Aurora Avenue North
Shoreline, WA 98133
Email: _____

VII. INDEMNIFICATION

- A. No Assumption of Liability.** In no event do the Partners intend to assume any responsibility, risk, or liability of any other Partner or otherwise with regard to any Partner’s duties or any act, statute, or regulation of local, state, or federal law.

- B. Hold Harmless.** To the maximum extent permitted by law, each Partner shall indemnify and hold harmless the other Partners and their agents, employees, and officers, from and against all claims, judgments, awards, costs and/or other actions arising from any negligent or intentional act or omission of the indemnifying Partner, its agents, employees, and officers and shall defend at its own expenses any and all claims, demands, suits, actions, penalties, damages, or costs, of whatsoever kind or nature, brought against the other Partners arising out of, in connection with, or incident to this Agreement and the indemnifying Partner’s negligent performance under this Agreement.

- C. Concurrent Negligence.** In the event of any such liability arising from the concurrent negligence of the indemnifying Partner and another Partner, the indemnity obligation of this section shall apply only to the extent of the negligence of the indemnifying Partner.

VIII. MEETINGS AND RECORD-KEEPING

- A. Virtual Participation.** Partners may participate in meetings through the use of any means of communication by which all attending Partners and members of the public participating in such meeting can hear each other during the meeting, including, but not limited to, teleconference or videoconferencing. Any Partner participating in a meeting by such means is deemed to be present at the meeting for all purposes including, but not limited to, establishing a quorum.

- B. Public Records/Retention.** The Partners acknowledge that some Partners are governmental agencies subject to Washington’s Public Records Act, chapter 42.56 RCW, and, as such, this Agreement and records arising from the performance of this Agreement are public records subject to disclosure unless an exemption applies. Each Governmental Partner is responsible for its own compliance with the Public Records Act and with the records retention schedule for contracts/agreements issued by the Washington Secretary of State pursuant to chapter 40.14 RCW.

IX. DISPUTE RESOLUTION

In the event that a dispute arises under this Agreement, the Partners shall endeavor to resolve the dispute in an amicable manner by direct discussions. If not resolved by mutual agreement, then the Partners may engage in alternative dispute resolution by mutual agreement. No Partner waives its rights to seek legal remedy provided to it under the law.

X. GENERAL PROVISIONS

A. Jurisdiction and Venue. This Agreement shall be interpreted pursuant to the laws of the State of Washington and any judicial action arising from this Agreement shall be in King County Superior Court.

B. Legal Relations. This Agreement shall be governed by the laws of the State of Washington. Coalition Partners shall each comply with all applicable local, state, and federal laws and regulations.

C. No Alteration of Police Power or Preclusion of Activities.

1. Nothing in this Agreement alters, or seeks to alter, the existing statutory authority of any Partner under state or federal law or the Partner's own policies, procedures, and regulations.
2. This Agreement in no way restricts the Partners from participating in any activity with other public or private agencies, organizations, or individuals pertaining to the subject matter of this Agreement.
3. Nothing in this Agreement is intended to affect existing obligations or other agreements of the Partners, whether individually or collectively.

D. No Third-Party Rights. This Agreement is for internal management purposes of the Partners involved. It shall not be construed to provide a private right or cause of action for or by any person or entity, nor shall it be enforceable in law by anyone other than the Partners.

E. Execution of Counterparts. This Agreement may be executed in counterparts, all of which shall be regarded for all purposes as an original.

F. Entirety. This Agreement constitutes the entire Agreement between the Parties with respect to the subject matter hereof, and supersedes any other negotiations, agreements or communications, whether written or oral, that have been made by the Parties.

G. Severability. In case any provision in this Agreement is held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions

shall not be affected.

IN WITNESS WHEREOF, each person executing this Agreement on behalf of a Party represents and warrants that he or she is fully authorized to execute this Agreement of behalf of the Party for which he or she is signing on the date indicated next to their signatures.

CITY OF SHORELINE

Name

Title

Signature

Date

CITY OF BOTHELL

Name

Title

Signature

Date

CITY OF KENMORE

Name

Title

Signature

Date

CITY OF LAKE FOREST PARK

Name

Title

Signature

Date

CITY OF WOODINVILLE

Name

Title

Signature

Date

BOTHELL UNITED METHODIST CHURCH

Name

Title

Signature

Date

HEALTH CARE FOR THE HOMELESS

Name

Title

Signature

Date

HOPELINK

Name

Title

Signature

Date

INTERFAITH TASK FORCE ON HOMELESSNESS

Name

Title

Signature

Date

LAKE CITY PARTNERS ENDING HOMELESSNESS

Name

Title

Signature

Date

LIVED EXPERIENCE COALITION

Name

Title

Signature

Date

NORTH SOUND RADAR NAVIGATOR PROGRAM

Name

Title

Signature

Date

NORTH URBAN HUMAN SERVICES ALLIANCE

Name

Title

Signature

Date

RONALD UNITED METHODIST CHURCH

Name

Title

Signature

Date

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Action on the Purchase of Real Property Located at 18525 and 18537 10 th Avenue NE, Identified as King County Tax Parcel Nos. 323510-0295 and 323510-0305; and Authorize the City Manager to Take the Necessary Steps to Complete the Property Purchase
DEPARTMENT:	City Manager's Office
PRESENTED BY:	Nathan Daum, Economic Development Program Manager
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:

On July 31, 2017, the City Council approved the update to the Parks, Recreation, and Open Space (PROS) Plan. The Plan identified parkland needs of 95 acres citywide to maintain a level of service of 7.38 acres per 1,000 population.

Council action recommended tonight is a motion to approve the purchase and sale contract for 18525 10th Avenue NE, an 13,384-square-foot parcel and 18537 10th Avenue NE, an 14,008-square-foot parcel identified for the expansion of Rotary Park. The proposed acquisition is of two parcels that, together with a third owned by another party, would allow for a wide range of parks and recreation uses in an underserved area of the city. In addition to the adjacent priority acquisition parcel also under consideration for acquisition tonight, the parcels are adjacent to public land owned by Seattle City Light. Rotary Park is included as one of the five parks identified for expansion in the Park Bond Measure discussed by Council in its October 11, 2021 meeting and was one of the top priorities of the PROS Plan and the Park Funding Advisory Committee.

As per Council Rules of Procedure 6.1.B, which states that for an Action Item that is before the City Council for the first time and is not part of the consent agenda, public comment for that item will follow the staff report but precede Council review. Council should therefore allow for Public Comment following the staff report, and the same rules for Public Comment provided as part of the Council's Regular Meeting Agenda shall apply.

RESOURCE/FINANCIAL IMPACT:

The negotiated purchase prices for the parcels are \$1,673,000 and \$1,751,000, a combined total of \$3,424,000. A bond measure, if approved by voters, would be used for the purchase of these and other properties. In 2020, the City issued Bond Anticipation Notes (BAN) to support Parks, Recreation, and Open Space (PROS) Plan property acquisitions. There is \$6,600,083 of the BAN available for park property purchases. This short-term funding source will need to be refunded or repaid in late

2022 using proceeds from the Parks Bond Measure or other revenue. If the Council does not take action to place the Bond Measure before Shoreline voters or the voters do not approve this Bond Measure, then the City would need to repay the BAN from other sources such as Park Impact Fees, reprogramming of General Capital Revenues, CFT Grant Funding, General Fund fund balance, or sale of the property. Relocation costs are an estimated additional \$84,000. Transaction and post-acquisition costs are an estimated additional \$420,000 which would include demolition and some limited initial planting.

RECOMMENDATION

Staff recommends that the City Council approve the purchase of the properties located at 18525 and 18537 10th Avenue NE, identified as King County Tax Parcel Nos. 323510-0295 and 323510-0305; and authorize the City Manager to take the necessary steps to complete the property purchase.

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

BACKGROUND

On July 31, 2017, the Council approved the update to the Parks, Recreation and Open Space (PROS) Plan after 18 months of Council and community engagement. A Citywide population forecast of more than 15,000 new residents by 2035 estimated 75% of that growth would occur in the light rail station subareas. To maintain the current level of service of park property acreage per 1,000 population, the PROS Plan estimated parkland needs of 95 acres citywide, including 43 acres in the light rail station subareas and identified priority acquisitions and park developments. PROS Plan Strategic Action Initiative #7 called for ensuring adequate park land for future generations and set a target of adding five acres on new park land by 2023. The PROS Plan's Tables 6.5 and 6.6 list priority park acquisitions and park developments including Rotary Park property acquisition. More information about this Council action can be found here: [Adoption of the 2017-2023 Parks, Recreation, and Open Space Plan](#).

On December 7, 2020, Council discussed a potential \$38.5-million Parks Bond Measure, including Rotary Park property acquisition, for the April 2021 special election ballot. Property Acquisition, including "key acquisitions" such as Rotary Park, was one of the highest priority park investment opportunities identified in the Park Funding Advisory Committee (PFAC) recommendations from 2020. More information about this discussion can be found here: [Park Improvements and Property Acquisition Priorities and Funding](#).

On June 28, 2021, Council discussed the results of the April 2021 special election in which the Parks Bond Measure received 72% support but failed to meet voter-turnout validation requirements. At that time, Council adopted Ordinance No. 932 authorizing the placement of the same Parks Bond Measure on the November 2021 ballot, again including Rotary Park as one of the five parks identified for expansion. The Staff Report for this Council action can be found at the following link: [Property Tax Bond Measure for Park Improvements and Park Land Acquisition](#).

Now before the Council for action is the proposed authorization of the City Manager to purchase the properties located at 18525 and 18537 10th Ave NE, identified as King County Tax Parcel Nos. 323510-0295 and 323510-0305; and authorizing the City Manager to take the necessary steps to complete the property purchase.

DISCUSSION

Rotary Park property consists of the existing right-of-way property that is designated Rotary Park and outfitted with picnic tables and artwork. Ultimately the expanded Rotary Park would consist of property owned by Seattle City Light and five parcels currently in private ownership (Attachment A).

The privately-owned properties are in the MUR-70 zone located adjacent to the Seattle City Light properties and on the block directly east of the Shoreline North/185th Link Light Rail Station. Staff has developed, in collaboration with Seattle City Light, draft terms of a proposed Interlocal Agreement (ILA) which would allow surface parks-and-recreation use of their properties as has been done in other parts of the City. Acquisition of the five parcels adjacent to Seattle City Light property at Rotary Park would provide

valuable buildable area outside the power line easements and access points into such a park.

The proposed acquisition is two parcels on 10th Avenue NE that, together with a third owned by another party, would allow for a wide range of parks and recreation needs in an underserved area of the city. The parcels are adjacent to another priority acquisition parcel which is also under consideration for acquisition tonight. All three parcels are surrounded by public land owned by Seattle City Light. This area of the city, with the 185th Street Link Light Rail station now under construction, is expected to host significant population growth as one of two station areas collectively zoned for up to 33,000 additional housing units. The City has the opportunity to acquire these properties from the owner willingly, adding 0.63 of an acre, that when combined with the other priority acquisition in between would total 0.9 acre. When factored into the potential joint use of Seattle City Light parcels (3.07 acres), and existing Rotary Park (+/-0.40 acre of ROW), the three 10th Avenue parcels under consideration for acquisition tonight together total 4.37 acres of parkland. That total, together with property acquired in the past year (1.3 acres), would surpass the PROS Plan goal of 5 new acres of parkland by 2023.

Starting in May of 2020, the City has made multiple offers to purchase these properties, but the seller's desired sale price was not supported by independent appraisals obtained by the City or analysis of the City's agent. In August 2021 the City learned of recent comparable sales well above the seller's desired price and confirmed the seller's interest continued to be in selling to the City at that price.

Based on the analysis of the City's agent documented in an Administrative Settlement per federal Uniform Relocation Act (URA) guidelines, prices for the two parcels totaling \$3,424,000, or \$125 per square foot is within the range of what a comparable properties would sell for on the market, and as such this price was found to be supportable, reasonable and in the public's best interest. The Administrative Settlement applied updated market information reflecting appreciation in property values since the independent, June 2021 review of the January 2020 appraisal of the property to determine just compensation.

The City then presented, and the seller accepted, an offer to purchase the properties, subject to City Council approval, at \$125 per square foot or \$3,424,000 which is the same price per square foot offered for the adjoining property in between.

While the Parks Bond Measure has yet to be taken up by voters, if sold to another party, these parcels will likely cease to be an opportunity to implement a PROS Plan goal of expanding Rotary Park as envisioned by the Parks Bond Measure, except in the unlikely event that such a buyer would be willing to sell to the City, or if the City were to opt for purchasing the property through use of eminent domain from an unwilling seller. Otherwise, the City would need to seek opportunities to pursue priority acquisitions in other areas of the city to achieve the PROS Plan goals for added parkland.

Preliminary Acquisition-Related Cost Analysis

Additional costs would include the City's real property agent fees for brokering the transaction, post-acquisition costs of clearing the site, and relocation of the personal

property of the seller as required under the URA. The City would most likely move forward with demolishing one small structure with preliminary indications that it is nonconforming as soon as possible for life-safety and code compliance reasons. Costs to survey the property and demolish all structures are estimated at \$210,000 per parcel, \$420,000 in total, but would largely be deferred until funding for park improvement design and construction is secured. Relocation costs for the tenants are estimated to be an additional \$100,100. Similar costs can be anticipated for the other parcel under consideration for acquisition tonight for a total of approximately \$800,000 in acquisition-related and post-closing site-clearing costs. Park Impact Fees could be a source of funding for these costs.

Interim Leasing

A small offset of monthly lease revenues to the City may be expected from the houses until such time that the City is prepared to move forward with full demolition and other preconstruction activities. In the interim, it is anticipated the existing tenants will continue to reside in the two existing houses until the City were to move forward with predevelopment site work. The houses are currently managed by a third-party property management service. The leases would not transfer to the City until the close of the sale but total potential rental income is estimated to range from \$2,000 to \$4,000 per month.

Funding Options – Bond Anticipation Notes (BAN)

In 2020, the City issued \$25M in Bond Anticipation Notes (BAN) to support PROS Plan Property Acquisition. The cost of a future Community and Aquatic Center site was \$17,251,265, and the cost of a future Brugger's Bog expansion was \$1,148,652 leaving \$6,600,083 of the BAN that could be used to purchase park properties. If Council would like to move forward with the purchases of properties now, the City can choose to utilize the BAN to fund the purchases. The annual interest rate on the BAN is 1.92%. Ultimately though, a permanent revenue source would be required to pay for the properties. The BAN should only be considered a short-term bridge loan. These short-term notes will need to be refunded or repaid in late 2022 using a Future Parks Improvement Bond Levy or other revenue.

Funding Options – Park Impact Fees (PIF)

The City has approximately \$1.79 million in Park Impact Fees available. An estimated \$3,992,000 was identified in the PIF rate study for "Rotary Park Expansion Acquisition." While five parcels were identified for Rotary Park Expansion in the past, the staff recommendation is to move forward at this time with the acquisition of three parcels, including this one, that together total \$4,898,375, nearly one million more than the amount identified in the PIF rate study, and far more than is available through Park Impact Fees.

Funding Options – King County Conservation Futures Tax (CFT) Grant Funding

CFT typically funds up to 50% of a project, however, some projects may be considered for 100% reimbursement in areas that have been underserved in the past. CFT Grant Funding is available for projects with a primary function of conservation or restoration of natural areas. Active uses are limited to recreational trails and other uses that do not overly impact the primary function of natural ecological services and open space. Hardscape and other active use amenities are limited to no more than 15% of the

overall park area when CFT funding is utilized. The City's development plans for an expanded Rotary Park are not finalized, however, staff has determined the need for more active park facilities in this area reduces the likelihood that King County Conservation Futures Tax (CFT) grant funding would support this acquisition.

Tonight's Council Action and Public Comment

As is noted above, tonight, staff is seeking Council authorization for the City Manager to purchase the properties located at 18525 and 18537 10th Ave NE, identified as King County Tax Parcel Nos. 323510-0295 and 323510-0305.

As per Council Rule of Procedure 6.1.B, which states that for an Action Item that is before the City Council for the first time and is not part of the consent agenda, public comment for that item will follow the staff report but precede Council review. Council should therefore allow for public comment following the staff report, and the same rules for public comment provided as part of the Council's Regular Meeting Agenda shall apply.

COUNCIL GOALS ADDRESSED

This item addresses the 2021-2023 City Council Goal 2, Action Step 2, which states:

- *Continue to Implement the Parks, Recreation, and Open Space Plan, including implementation of the 2021 Park Bond if approved by voters.*

RESOURCE/FINANCIAL IMPACT:

The negotiated purchase prices for the parcels are \$1,673,000 and \$1,751,000, a combined total of \$3,424,000. A bond measure, if approved by voters, would be used for the purchase of these and other properties. In 2020, the City issued Bond Anticipation Notes (BAN) to support Parks, Recreation, and Open Space (PROS) Plan property acquisitions. There is \$6,600,083 of the BAN available for park property purchases. This short-term funding source will need to be refunded or repaid in late 2022 using proceeds from the Parks Bond Measure or other revenue. If the Council does not take action to place the Bond Measure before Shoreline voters or the voters do not approve this Bond Measure, then the City would need to repay the BAN from other sources such as Park Impact Fees, reprogramming of General Capital Revenues, CFT Grant Funding, General Fund fund balance, or sale of the property. Relocation costs are an estimated additional \$84,000. Transaction and post-acquisition costs are an estimated additional \$420,000 which would include demolition and some limited initial planting.

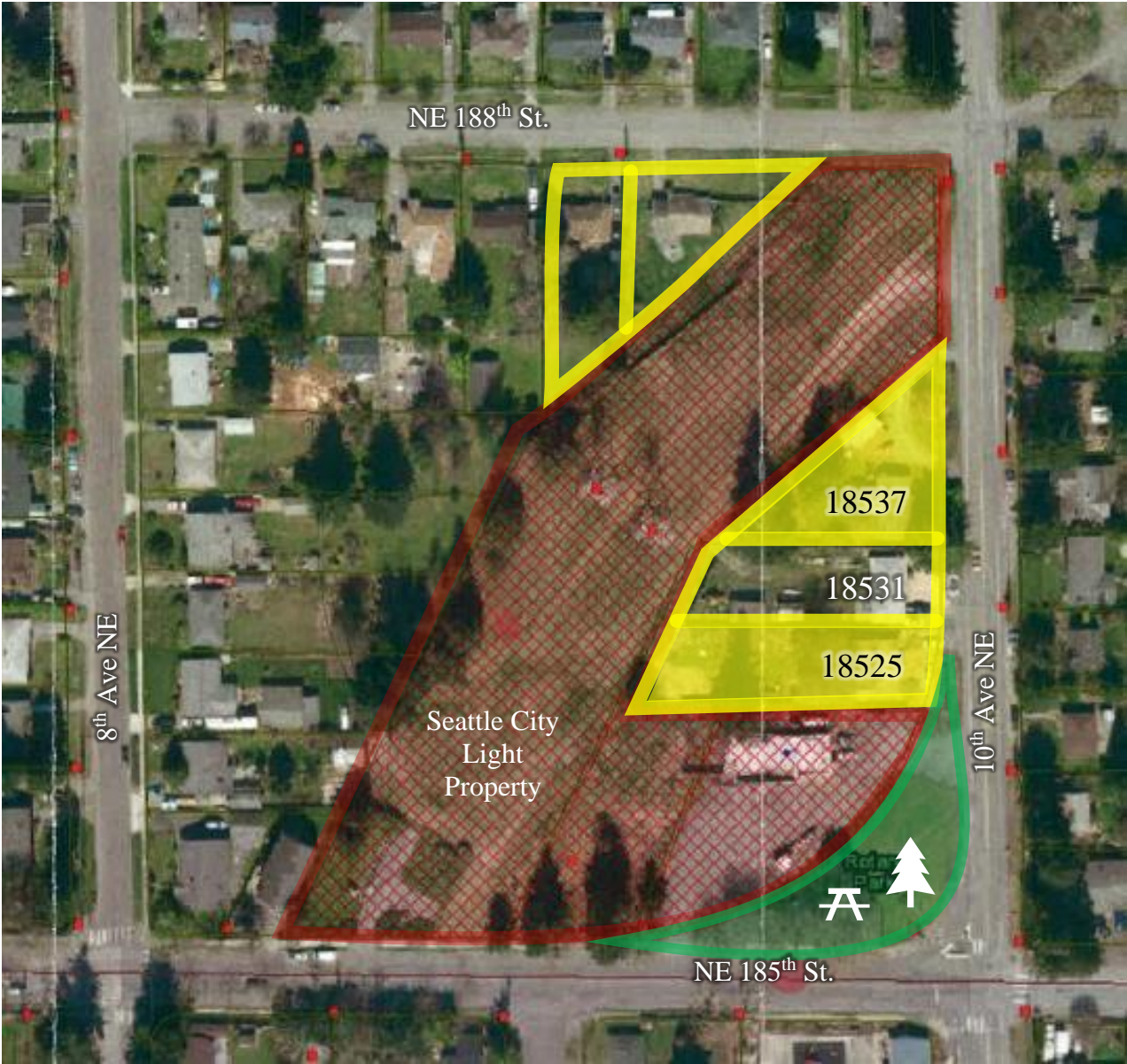
RECOMMENDATION

Staff recommends that the City Council approve the purchase of the properties located at 18525 and 18537 10th Avenue NE, identified as King County Tax Parcel Nos. 323510-0295 and 323510-0305; and authorize the City Manager to take the necessary steps to complete the property purchase.

ATTACHMENTS

Attachment A – Rotary Park Property Area Map

Attachment A: Rotary Park



CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Action on the Purchase of Real Property Located at 18531 10 th Avenue NE, Identified as King County Tax Parcel No. 323510-0300; and Authorize the City Manager to Take the Necessary Steps to Complete the Property Purchase
DEPARTMENT:	City Manager's Office
PRESENTED BY:	Nathan Daum, Economic Development Program Manager
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:

On July 31, 2017, the City Council approved the update to the Parks, Recreation, and Open Space (PROS) Plan. The Plan identified parkland needs of 95 acres citywide to maintain a level of service of 7.38 acres per 1,000 population.

Council action recommended tonight is a motion to approve the purchase and sale contract for 18531 10th Avenue NE, an 11,795-square-foot parcel identified for the expansion of Rotary Park. The proposed acquisition is one of three parcels that, together, would allow for a wide range of parks and recreation uses in an underserved area of the city. The parcel is surrounded by other priority acquisition parcels as well as public land owned by Seattle City Light. Rotary Park is included as one of the five parks identified for expansion in the Park Bond Measure discussed by Council in its October 11, 2021 meeting and was one of the top priorities of the PROS Plan and the Park Funding Advisory Committee.

As per Council Rules of Procedure 6.1.B, which states that for an Action Item that is before the City Council for the first time and is not part of the consent agenda, public comment for that item will follow the staff report but precede Council review. Council should therefore allow for Public Comment following the staff report, and the same rules for Public Comment provided as part of the Council's Regular Meeting Agenda shall apply.

RESOURCE/FINANCIAL IMPACT:

The negotiated purchase price for the parcel is \$1,474,375. A bond measure, if approved by voters, would be used for the purchase of this and other properties. In 2020, the City issued Bond Anticipation Notes (BAN) to support Parks, Recreation, and Open Space (PROS) Plan property acquisitions. There is \$6,600,083 of the BAN available for park property purchases. This short-term funding source will need to be refunded or repaid in late 2022 using proceeds from the Parks Bond Measure or other revenue. If the Council does not take action to place the Bond Measure before

Shoreline voters or the voters do not approve this Bond Measure, then the City would need to repay the BAN from other sources such as Park Impact Fees, reprogramming of General Capital Revenues, CFT Grant Funding, General Fund fund balance, or sale of the property. Relocation costs are an estimated additional \$42,000. Transaction and post-acquisition costs are an estimated additional \$210,000 which would include demolition and some limited initial planting.

RECOMMENDATION

Staff recommends that the City Council approve the purchase of property located at 18531 10th Ave NE, identified as King County Tax Parcel No. 323510-0300; and authorize the City Manager to take the necessary steps to complete the property purchase.

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

BACKGROUND

On July 31, 2017, the Council approved the update to the Parks, Recreation and Open Space (PROS) Plan after 18 months of Council and community engagement. A Citywide population forecast of more than 15,000 new residents by 2035 estimated 75% of that growth would occur in the light rail station subareas. To maintain the current level of service of park property acreage per 1,000 population, the PROS Plan estimated parkland needs of 95 acres citywide, including 43 acres in the light rail station subareas and identified priority acquisitions and park developments. PROS Plan Strategic Action Initiative #7 called for ensuring adequate park land for future generations and set a target of adding five acres on new park land by 2023. The PROS Plan's Tables 6.5 and 6.6 list priority park acquisitions and park developments including Rotary Park property acquisition. More information about this Council action can be found here: [Adoption of the 2017-2023 Parks, Recreation, and Open Space Plan](#).

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Now before the Council for action is the proposed authorization of the City Manager to purchase the property located at 18531 10th Avenue NE, identified as King County Tax Parcel No. 323510-0300; and authorizing the City Manager to take the necessary steps to complete the property purchase.

DISCUSSION

Rotary Park property consists of the existing right-of-way property that is designated Rotary Park and outfitted with picnic tables and artwork. Ultimately, the expanded Rotary Park would consist of property owned by Seattle City Light and five parcels currently in private ownership (Attachment A).

The privately-owned properties are in the MUR-70 zone located adjacent to the Seattle City Light properties and on the block directly east of the Shoreline North/185th Link Light Rail Station. Staff has developed, in collaboration with Seattle City Light, draft terms of a proposed Interlocal Agreement (ILA) which would allow surface parks-and-recreation use of their properties as has been done in other parts of the City. Acquisition of the five parcels adjacent to Seattle City Light property at Rotary Park would provide

valuable buildable area outside the power line easements and access points into such a park.

This proposed acquisition is one of three parcels on 10th Avenue NE that, together, would allow for a wide range of parks and recreation needs in an underserved area of the city. The parcel is surrounded by other priority acquisition parcels as well as public land owned by Seattle City Light. This area of the city, with the 185th Street Link Light Rail station now under construction, is expected to host significant population growth as one of two station areas collectively zoned for up to 33,000 additional housing units. The City has the opportunity to acquire this property from the owner willingly, adding more than a quarter (0.27) of an acre, that when combined with the two priority acquisitions on either side would total 0.9 acre. When factored into the potential joint use of Seattle City Light parcels (3.07 acres), and existing Rotary Park (+/-0.40 acre of ROW), the three 10th Avenue parcels under consideration for acquisition tonight together total 4.37 acres of parkland. That total, together with property acquired in the past year (1.3 acres), would surpass the PROS Plan goal of five (5) new acres of parkland by 2023.

Starting in May of 2020, the City has made multiple offers to purchase this property, but the seller's desired sale price was not supported by independent appraisals obtained by the City or analysis of the City's agent. In August 2021, the City learned through its agent the sellers were in receipt of an offer at \$1.5 million.

Based on the analysis of the City's agent documented in an Administrative Settlement per federal Uniform Relocation Act (URA) guidelines, a price of \$1,474,375, or \$125 per square foot is within the range of what a comparable property would sell for on the market, and as such this price was found to be supportable, reasonable and in the public's best interest. The Administrative Settlement applied updated market information reflecting appreciation in property values since the time of an independent appraisal of the property in January 2020 to determine just compensation.

The City then presented, and the seller accepted, an offer to purchase the property, subject to City Council approval, at \$125 per square foot or \$1,474,375, which is the same price per square foot offered for the adjoining two properties.

While the Parks Bond Measure has yet to be taken up by voters, if sold to another party, this parcel will likely cease to be an opportunity to implement a PROS Plan goal of expanding Rotary Park as envisioned by the Parks Bond Measure, except in the unlikely event that such a buyer would be willing to sell to the City, or if the City were to opt for purchasing the property through use of eminent domain from an unwilling seller. Otherwise, the City would need to seek opportunities to pursue priority acquisitions in other areas of the city to achieve the PROS Plan goals for added parkland.

Preliminary Acquisition-Related Cost Analysis

Additional costs would include the City's real property agent fees for brokering the transaction, post-acquisition costs of clearing the site, and relocation of the personal property of the seller as required under the URA. Costs to survey and demolish the property are estimated at \$210,000, but would likely be deferred until funding for park improvement design and construction is secured. Relocation costs for the seller's

personal property are estimated to be an additional \$42,000. Similar costs can be anticipated for the other two parcels under consideration for acquisition tonight for a total of approximately \$800,000 in acquisition-related and post-closing site clearing costs. Park Impact Fees could also be a source of funding for these costs. However, these costs should be considered preliminary estimates only and more detail will be available after staff has had a chance to collect quotes from qualified service providers. Relocation costs would most likely not be incurred by the City until this process begins, potentially in 2022 if a Parks Bond Measure is placed on the ballot and approved by voters.

Interim Leasing

A small offset of monthly lease revenues to the City may be expected from the house for some portion of the interim before the City is prepared to move forward with full demolition and other preconstruction activities. In the interim, it is anticipated the seller will continue to reside in the house for an estimated six to 12 months during which time the City will collect some revenue in the form of a fair-market lease rate to be determined through analysis of a qualified professional. Potential rental income is estimated to be approximately \$1,000 per month or more.

Funding Options – Bond Anticipation Notes (BAN)

In 2020, the City issued \$25M in Bond Anticipation Notes (BAN) to support PROS Plan Property Acquisition. The cost of a future Community and Aquatic Center site was \$17,251,265, and the cost of a future Brugger's Bog expansion was \$1,148,652, leaving \$6,600,083 of the BAN that could be used to purchase park properties. If Council would like to move forward with the purchases of properties now, the City can choose to utilize the BAN to fund the purchases. The annual interest rate on the BAN is 1.92%. Ultimately though, a permanent revenue source would be required to pay for the properties. The BAN should only be considered a short-term bridge loan. These short-term notes will need to be refunded or repaid in late 2022 using a Future Parks Improvement Bond Levy or other revenue.

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The City has approximately \$1.79 million in Park Impact Fees available. An estimated \$3,992,000 was identified in the PIF rate study for "Rotary Park Expansion Acquisition." While five parcels were identified for Rotary Park Expansion in the past, the staff recommendation is to move forward at this time with the acquisition of three parcels, including this one, that together total \$4,898,375, nearly one million more than the amount identified in the PIF rate study, and far more than is available through PIF.

Funding Options – King County Conservation Futures Tax (CFT) Grant Funding

CFT typically funds up to 50% of a project, however, some projects may be considered for 100% reimbursement in areas that have been underserved in the past. CFT Grant Funding is available for projects with a primary function of conservation or restoration of natural areas. Active uses are limited to recreational trails and other uses that do not overly impact the primary function of natural ecological services and open space. Hardscape and other active use amenities are limited to no more than 15% of the overall park area when CFT funding is utilized. The City's development plans for an expanded Rotary Park are not finalized, however, staff has determined the need for

more active park facilities in this area reduces the likelihood that King County Conservation Futures Tax (CFT) grant funding would support this acquisition.

Tonight's Council Action and Public Comment

As is noted above, tonight, staff is seeking Council authorization for the City Manager to purchase the property located at 18531 10th Avenue NE (King County Tax Parcel No. 323510-0300). As per Council Rule of Procedure 6.1.B, which states that for an Action Item that is before the City Council for the first time and is not part of the consent agenda, public comment for that item will follow the staff report but precede Council review. Council should therefore allow for public comment following the staff report, and the same rules for public comment provided as part of the Council's Regular Meeting Agenda shall apply.

COUNCIL GOALS ADDRESSED

This item addresses the 2021-2023 City Council Goal 2, Action Step 2, which states:

- *Continue to Implement the Parks, Recreation, and Open Space Plan, including implementation of the 2021 Park Bond if approved by voters.*

RESOURCE/FINANCIAL IMPACT:

The negotiated purchase price for the parcel is \$1,474,375. A bond measure, if approved by voters, would be used for the purchase of this and other properties. In 2020, the City issued Bond Anticipation Notes (BAN) to support Parks, Recreation, and Open Space (PROS) Plan property acquisitions. There is \$6,600,083 of the BAN available for park property purchases. This short-term funding source will need to be refunded or repaid in late 2022 using proceeds from the Parks Bond Measure or other revenue. If the Council does not take action to place the Bond Measure before Shoreline voters or the voters do not approve this Bond Measure, then the City would need to repay the BAN from other sources such as Park Impact Fees, reprogramming of General Capital Revenues, CFT Grant Funding, General Fund fund balance, or sale of the property. Relocation costs are an estimated additional \$42,000. Transaction and post-acquisition costs are an estimated additional \$210,000 for demolition and some limited planting.

RECOMMENDATION

Staff recommends that the City Council approve the purchase of property located at 18531 10th Avenue NE, identified as King County Tax Parcel No. 323510-0300; and authorize the City Manager to take the necessary steps to complete the property purchase.

ATTACHMENTS

Attachment A – Rotary Park Property Area Map

Attachment A: Rotary Park

