



City of Shoreline | 17500 Midvale Avenue North | Shoreline, WA 98133  
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## SHORELINE CITY COUNCIL SPECIAL MEETING

**Monday, May 23, 2022 at 5:30 p.m. on Zoom**

Join Zoom Webinar: <https://us02web.zoom.us/j/84272846889>

Call into Webinar: 253-215-8782 | Webinar ID: **842 7284 6889**

*(long distance fees may apply)*

**TOPIC/GUESTS: Update on the Compensation Study**

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## SHORELINE CITY COUNCIL VIRTUAL/ELECTRONIC REGULAR MEETING AGENDA

**Monday, May 23, 2022 at 7:00 p.m. on Zoom**

Join Zoom Webinar: <https://zoom.us/j/95015006341>

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

*(long distance fees may apply)*

**The City Council is providing opportunities for public comment by submitting written comment or by joining the meeting webinar (via computer or phone) to provide oral public comment:**



**Sign-Up to Provide Oral Testimony** *Pre-registration is required by 6:30 p.m. the night of the meeting.*



**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>
<b>1. CALL TO ORDER</b>		7:00
<b>2. ROLL CALL</b>		
<b>3. APPROVAL OF THE AGENDA</b>		
<b>4. REPORT OF THE CITY MANAGER</b>		
<b>5. COUNCIL REPORTS</b>		
<b>6. PUBLIC COMMENT</b>		
<i>Members of the public may address the City Council on agenda items or any other topic for three minutes or less, depending on the number of people wishing to speak. The total public comment period will be no more than 30 minutes. If more than 10 people are signed up to speak, each speaker will be allocated 2 minutes. Please be advised that each speaker's testimony is being recorded. Speakers are asked to sign up by 6:30 p.m. the night of the meeting via the <u>Remote Public Comment Sign-in form</u>. Individuals wishing to speak to agenda items will be called to speak first, generally in the order in which they have signed up.</i>		
<b>7. CONSENT CALENDAR</b>		
(a) Approval of Minutes of Regular Meeting of April 25, 2022	<u>7a1-1</u>	
Approval of Minutes of Regular Meeting of May 2, 2022	<u>7a2-1</u>	
(b) Approval of Expenses and Payroll as of May 6, 2022 in the Amount of \$2,968,078.64	<u>7b-1</u>	

- (c) Authorizing the City Manager to Execute Professional Services Agreement with DOWL LLC. in the Amount of \$454,550 for Design of the 1<sup>st</sup> Avenue NE (NE 145<sup>th</sup> Street to NE 155<sup>th</sup> Street) Sidewalk Project 7c-1
- (d) Authorizing the City Manager to Execute Contract Amendment with Nature Vision, Inc in the Amount of \$240,000 for 2022-2025 7d-1
- (e) Authorizing the City Manager to Execute Contract Amendment #9543.02 with Skyhawks Sports Academy LLC in the Amount of \$374,997 for 2022-2024 7e-1
- (f) Authorizing the City Manager to Execute Contract Amendment #9999.01 with Play-Well TEKnologies in the Amount of \$104,997 for 2022-2024 7f-1
- (g) Authorizing the City Manager to Execute a Construction Contract with Quilceda Excavation, Inc. in the Amount of \$1,005,714 for the 2022 Stormwater Pipe Repair and Small Drainage Projects 7g-1
- (h) Confirmation of Mayoral Appointments of the 2022 Salary Commission Members 7h-1
- (i) Adopting Resolution No. 491 - Repealing Resolution No. 459 – Temporarily Authorizing Meetings and Public Hearings to be Held Electronically Due to the COVID-19 Public Health Emergency 7i-1

## 8. ACTION ITEMS

- (a) Public Hearing and Discussion of Ordinance No. 965 – Extension of Interim Regulations for Outdoor Seating 8a-1 7:20  
  
*All interested persons are encouraged to listen and/or attend the remote online public hearing and to provide oral and/or written comments. Written comments should be submitted to Andrew Bauer, Planning Manager, at [abauer@shorelinewa.gov](mailto:abauer@shorelinewa.gov) by no later than 4:00 p.m. local time on the date of the hearing. Any person wishing to provide oral testimony at the hearing should register via the Remote Public Comment [Sign-in form](#) at least thirty (30) minutes before the start of the meeting. A request to sign-up can also be made directly to the City Clerk at (206) 801-2230.*

## 9. STUDY ITEMS

- (a) Discussion of Ordinance No. 966 – Amending Shoreline Municipal Code Chapter 13.20 to Add a New Section SMC 13.20.060 – Deferred Underground Facilities 9a-1 7:40
- (b) Discussion of Ordinance No. 964 -Planning and Community Development and Public Works Staffing Request to Support Increased Development Permit Volume 9b-1 8:10
- (c) Discussion of Ordinance No. 967 – Authorizing the Use of Eminent Domain for Acquisition of Certain Real Property identified as King County Tax Parcel No. 727810-0905 for Public Park Land 9c-1 8:30

## 10. ADJOURNMENT 8:40

*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](http://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.*

**DOWNLOAD THE ENTIRE CITY COUNCIL PACKET FOR MAY 23, 2022**



**LINK TO STAFF PRESENTATIONS**



**LINK TO PUBLIC COMMENT RECEIVED**

**CITY OF SHORELINE**  
**SHORELINE CITY COUNCIL**  
**SUMMARY MINUTES OF REGULAR MEETING**

*The purpose of these minutes is to capture a high-level summary of Council's discussion and action. This is not a verbatim transcript. Meeting video and audio is available on the [City's website](#).*

Monday, April 25, 2022  
7:00 p.m.

Held Remotely via Zoom

**PRESENT:** Mayor Scully, Deputy Mayor Robertson, Councilmembers McConnell, Mork, Roberts, Pobee, and Ramsdell

**ABSENT:** None.

1. CALL TO ORDER

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

2. ROLL CALL

Upon roll call by the City Clerk, all Councilmembers were present.

3. APPROVAL OF THE AGENDA

The agenda was approved by unanimous consent.

4. REPORT OF CITY MANAGER

Debbie Tarry, City Manager, reported on various City meetings, projects, and events.

5. COUNCIL REPORTS

Councilmember Mork said she went to a King County-Cities Climate Collaboration meeting and said they spoke about the Bipartisan Infrastructure Bill and the City of Bellevue's Vision Zero Plan to eliminate fatalities from traffic accidents and how the plan relates to climate change initiatives.

Deputy Mayor Robertson reported her attendance to the King County Regional Transit Committee and shared that they opened a charging facility for the Metro electric fleet vehicles in South King County and will be working on producing additional facilities.

6. PUBLIC COMMENT

*The Council heard comments from the public from approximately 7:06 p.m. to 7:23p.m. Written comments were also submitted to Council prior to the meeting and are available on the [City's website](#).*

Jackie Kurlle, Shoreline resident, spoke regarding the Enhanced Shelter and advocated for regular reports on operations.

Nancy Morris, Shoreline resident, spoke about the trees removed on 5<sup>th</sup> Avenue Northeast and stated she wanted to see more details in the Shoreline Area News article about the incident and she said the removal of the trees references a lack of oversight by the City.

Rodrigo Celis, Shoreline resident, brought up issues in Richmond Beach that his family has been exposed to which include several incidences of offensive behavior, illegal vehicle activities, and littering, and he asked Council for help resolving the problem.

Heidi Shepherd, Shoreline resident, spoke about The Oaks and her experience with their programs as a Volunteer Navigator with the Community Court and she stated that she is proud to be a Shoreline resident.

Kathleen Russell, Shoreline resident, spoke on behalf of Save Shoreline Trees and said we will lose most of the efforts to save trees unless there is a major change with the City's vision and planning. She discussed issues with the tree removals on 5<sup>th</sup> Avenue Northeast and asked more information and transparency in advance of public tree removal.

Derek Blackwell, Shoreline resident, spoke about the construction to replace Garden Park Apartments and discussed six issues with the development emphasizing too few entrances as the main challenge. He insisted City intervention will be needed to ensure cooperation with the developer.

7. CONSENT CALENDAR

**Upon motion by Deputy Mayor Robertson and unanimously carried, 7-0, the following Consent Calendar items were approved:**

- (a) Approval of Expenses and Payroll as of April 8, 2022 in the Amount of \$1,627,467.58**

8. ACTION ITEMS

- (a) Update on Lake City Partners and Regional Homelessness Authority

Community Services Manager, Bethany Wolbrecht-Dunn, introduced guest presenters Walt Washington who is the outgoing Executive Director of Lake City Partners, Mark Dones, CEO of the King County Regional Homelessness Authority (KCRHA), and Alexis Mercedes Rinck, Sub-Regional Planning Manager with KCRHA. Ms. Wolbrecht-Dunn stated that in 2015, Council passed Resolution No. 379 to support the King County Declaration of Homelessness Emergency and since then Council's goals to address the issue have been realized through the siting of the 60-person Oaks Enhanced Shelter, activating the Severe Weather Shelter, and funding a

Homelessness Navigator in partnership with Lake City Partners in addition to other collaborations with St. Dunstan's Church, North Urban Human Services Alliance (NUHSA), NE Funders, North King County Shelter Task Force, and the King County Regional Homelessness Authority. Ms. Wolbrecht-Dunn shared key data on The Oaks Enhanced Shelter and said 96 people were served in 2021.

Mr. Washington announced they just celebrated one year since the opening of the Enhanced Shelter and stated that they are making connections with people who have not been established with the Homeless Management Information System (HMIS). The staff then work to prepare residents for housing readiness and placement into communities familiar to them with built in support networks and they follow up with individuals after they are housed to check on their placement success. Mr. Washington said they are now focusing on community-based case management and outreach through a contract with the City to have the Homelessness Navigator meet those who need assistance wherever they may be and help them identify resources. He reported success with their diversion program which he said is funded through United Way to help place people from the Severe Weather Shelter into housing directly and he said they have a nurse on staff to provide health services and help to ensure operation and safety protocol are being followed. Mr. Washington said they are facing challenges including capacity at The Oaks, limited housing inventory, and diversion program funding.

Mr. Dones gave a background on KCRHA from its origin as a special jurisdiction government agency, with one sole staff member, with a mission to provide a meaningful response to homelessness through a regionally coordinated solution. KCRHA now has a staff of 55 with 220 contracts and a \$180 million budget and he announced that they will soon be focused on developing their 2023 budget as well as their 5-Year Plan that will be published in September. Mr. Dones then shared their Theory of Change which states if the homeless response system centers the voices of people with lived experience, then we can meet the needs and eliminate inequities in order to end homelessness for all. This is a sentiment that is also reflected in their core values along with the belief that it is possible to end homelessness, achieve race equity and social justice, and collaboration. He stated that their staff is made up of 50% of people with lived experience so they may approach their work with technical expertise. Mr. Dones spoke about the scope of their work including the establishment of an Ombuds Office to ensure those experiencing homelessness have a resource to express concerns, and he said KCRHA has a responsibility to measure success as a homelessness crisis response system through clear metrics and milestones and to help communities develop the infrastructure necessary to support people experiencing housing instability. Finally, Mr. Dones stated that they operate inside an equity-based framework that guides hiring, procurement, and community engagement to identify and proactively eliminate inequities and advance equity.

Ms. Rinck explained her role in regional planning and discussed the regional landscape made up of seven sub-regions that include 39 cities and over 150 organizations that collaborate to provide updates, review feedback, and conduct deep engagement mapping activities. Speaking about North King County specifically, Ms. Rinck said they regularly engage with NUHSA and the North King County Coalition on Homelessness as well as other providers servicing North King County such as Response Awareness, De-escalation and Referral (RADAR), The Center for Human Services, King County Public Health, and public libraries. Next, Ms. Rinck spoke about

their Understanding Unsheltered Homelessness Project and said that it was a qualitative research project to understand homelessness around the region and she reported that they collected data from over 600 participants throughout the county and said the Lived Experience Coalition hopes to publish a community report over the summer. Next, Ms. Rinck spoke about service metrics in North King County stating that there are 143 emergency shelter beds, 18 beds for transitional housing, and 63 supportive housing beds that are serving veterans. She announced that as of early March, 410 individuals accessing homelessness service reported North King County as their last residence with 210 of those individuals identifying Shoreline specifically. Lastly, she explained KCRHA's key bodies of work to implement sub-regional services.

Several questions came from Council regarding tracking metrics for the homelessness and homelessness response and when data will be available, and Mr. Washington explained that Lake City Partners has not been funded to do the work but hopes they procure the resources to start doing it. Ms. Wolbrecht-Dunn added that the King County regional Housing Authority is working on conducting a count but the City can track incoming communication regarding issues related to homelessness through the customer response team. Ms. Rinck said more data will become available in September when the 5-Year Plan is published.

There was an inquiry regarding the services provided through the hotels purchased by King County and what Council could do to help support homelessness response efforts. Ms. Rinck explained that they are following King County's progress as they are working towards the same goal and said the service is considered permanent supportive housing and likely includes case management, substance use recovery, and behavioral health counseling. Mr. Dones stated that housing availability, including various housing options such as permanent supportive housing will help the effort as well as an additional enhanced shelter and vocal support from elected officials.

It was pointed out that funding has been a problem and, as it stands, most of the funding comes from King County and the City of Seattle. It was asked if Shoreline would need to start paying into it to get more equitable treatment. Mr. Dones answered that the seven sub-regions are analyzed individually in their resource distribution planning to identify the current state of the region and goals are developed for each space. Ms. Rinck said they would like to explore the potential of pooled funding among agencies and further develop relationships in North King County. She said in trying to pursue more equitable outcomes, they are committed to infrastructure development and helping work with communities to equip every community to be able to provide adequate services to keep people stable.

## 9. EXECUTIVE SESSION

At 8:40 p.m., 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 may potentially 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.

Mayor Scully left the meeting at 8:40 p.m.

At 9:00 p.m. Deputy Mayor Robertson emerged to extend the session for a period of 10 minutes. The Executive Session ended at 9:09 p.m.

10. ADJOURNMENT

At 9:10 p.m., Deputy Mayor Robertson declared the meeting adjourned.

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Jessica Simulcik Smith, City Clerk

DRAFT



**CITY OF SHORELINE**  
**SHORELINE CITY COUNCIL**  
**SUMMARY MINUTES OF REGULAR MEETING**

*The purpose of these minutes is to capture a high-level summary of Council’s discussion and action. This is not a verbatim transcript. Meeting video and audio is available on the [City’s website](#).*

Monday, May 2, 2022  
7:00 p.m.

Held Remotely via Zoom

**PRESENT:** Mayor Scully, Deputy Mayor Robertson, Councilmembers McConnell, Mork, Pobe, and Ramsdell

**ABSENT:** Councilmember Roberts

1. CALL TO ORDER

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

2. ROLL CALL

Upon roll call by the City Clerk, all Councilmembers were present except for Councilmember Pobe who joined the meeting at 7:05 p.m., and Councilmember Roberts.

- (a) Proclamation of National Bike Month and Proclamation of Mental Health Awareness Month

Mayor Scully announced National Bike Month, Mental Health Awareness Month, and Affordable Housing Week in Shoreline.

3. APPROVAL OF THE AGENDA

The agenda was approved by unanimous consent.

4. REPORT OF CITY MANAGER

Debbie Tarry, City Manager, reported on various City meetings, projects, and events.

5. COUNCIL REPORTS

There were no Council Reports.

6. PUBLIC COMMENT

*The Council heard comments from the public from approximately 7:05 p.m. to 7:19 p.m. Written comments were also submitted to Council prior to the meeting and are available on the [City's website](#).*

Jackie Kurlle, Shoreline resident, said she appreciates the updates on the Enhanced Shelter and encouraged continued communication on its successes and challenges. She also requested thoughtful planning regarding duplexes and triplexes in the City.

Janet Way, Shoreline resident, brought attention to the community meeting for the Fircrest Master Development Plan and encouraged everyone to attend; stated concern over the project's impact to trees ; and asked Council to host a public informational session regarding the development.

Heidi Shepherd, Shoreline resident and Board President of the North Urban Human Services Alliance (NUHSA), spoke regarding the Affordable Housing Week proclamation, commended City for leadership in providing affordable housing, and invited everyone to attend a panel on affordable housing options.

Michelle Eastman, Shoreline resident and member of NUHSA, thanked the City for issuing the Affordable Housing Week proclamation, providing shelters, and ensuring housing for all income levels and she shared her support for permanent supportive housing for the 198<sup>th</sup> Street Project.

Maralyn Chase, Shoreline resident, spoke about Fircrest's history during World War II as the first interdenominational Navy hospital chapel and shared that the site was visited by Eleanor Roosevelt and she stated that the Chapel and trees are important to the area.

Derek Blackwell, Shoreline resident, commented on six issues with the development to replace Garden Park Apartments and stated that a lot of people are upset about the loss of trees. He suggested a smaller building would allow more trees to remain and asked if the City has some power to call for a more sustainable design.

7. CONSENT CALENDAR

**Upon motion by Deputy Mayor Robertson and unanimously carried, 6-0, the following Consent Calendar items were approved:**

- (a) Approval of Minutes of Regular Meeting of April 4, 2022  
Approval of Minutes of Regular Meeting of April 11, 2022**
- (b) Adoption of Ordinance No. 943 - Amending Certain Sections of Shoreline Municipal Code Chapter 13.10 Surface Water Utility for a New Source Control Program**
- (c) Adoption of Resolution No. 487 - Approving the Relocation Plan and the City Manager Property Acquisition Authority for the N 175th Street, Stone Avenue N to I-5 Project**

**(d) Adoption of Ordinance No. 956 - Authorizing the Use of Eminent Domain for Acquisition of Certain Real Properties to Construct the N 175th Street, Stone Avenue N to I-5 Project**

**(e) Authorizing the City Manager to Execute an Agreement with the Transportation Improvement Board to Obligate \$600,000 for the Complete Streets Work Program**

8. ADJOURNMENT

At 7:20 p.m., Mayor Scully declared the meeting adjourned.

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Jessica Simulcik Smith, City Clerk

DRAFT

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Approval of Expenses and Payroll as of May 6, 2022  
**DEPARTMENT:** Administrative Services  
**PRESENTED BY:** Sara S. Lane, Administrative Services Director

**EXECUTIVE / COUNCIL SUMMARY**

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

**RECOMMENDATION**

Motion: I move to approve Payroll and Claims in the amount of \$2,968,078.64 specified in the following detail:

**\*Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
4/3/22 - 4/16/22	4/22/2022	101987-102199	17768-17779	85446-85452	\$849,875.23
4/3/22 - 4/16/22	4/22/2022			WT1258-WT1259	\$112,658.37
Q1 2022 L&I	4/28/2022			85453	\$37,157.05
Q1 2022 ESD	4/28/2022			85454	\$24,133.96
					<u>\$1,023,824.61</u>

**\*Wire Transfers:**

Expense Register Dated	Wire Transfer Number	Amount Paid
4/22/2022	WT1260	\$56,535.32
4/27/2022	WT1261	\$155,809.68
		<u>\$212,345.00</u>

**\*Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
4/26/2022	85379	85381	\$162,201.20
4/26/2022	85382	85412	\$408,701.57
4/26/2022	85413	85445	\$498,775.42
5/4/2022	85455	85463	\$19,703.45
5/3/2022	85464	85496	\$410,929.56
5/4/2022	85497	85535	\$141,127.22
5/6/2022	85536	85537	\$90,470.61
			<u>\$1,731,909.03</u>

Approved By: City Manager **DT**

City Attorney **MK**

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Authorizing the City Manager to Execute Professional Services Agreement with DOWL LLC. in the Amount of \$454,550 for Design of the 1 <sup>st</sup> Avenue NE (NE 145 <sup>th</sup> Street to NE 155 <sup>th</sup> Street) Sidewalk Project
<b>DEPARTMENT:</b>	Public Works
<b>PRESENTED BY:</b>	Tricia Juhnke, City Engineer
<b>ACTION:</b>	<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:**

Sound Transit and the City of Shoreline have prioritized access enhancement projects (sidewalk projects) to be completed by the 2024 opening of the Sound Transit Lynnwood Link Extension Light Rail Project. The 1<sup>st</sup> Avenue NE Corridor between N 145<sup>th</sup> Street and N 155<sup>th</sup> Street lacks continuous pedestrian and bike facilities and was therefore identified for \$2,000,000 in funding from Sound Transit for this purpose. A condition of the sidewalk funding is the work must be completed prior to the 2024 opening of the Sound Transit Shoreline South/148<sup>th</sup> Street Light Rail Station.

In addition to Sound Transit access enhancements, this project will address traffic operations at the intersection of 1<sup>st</sup> Avenue NE and NE 155<sup>th</sup> Street. To maintain the City of Shoreline’s adopted level of service, a northbound right turn pocket will be added on 1<sup>st</sup> Avenue NE at the intersection.

This project will design and construct sidewalks along 1<sup>st</sup> Avenue NE between N 145<sup>th</sup> Street and N 155<sup>th</sup> Street. New sidewalks will be installed to fill gaps in the existing sidewalk network. The new sidewalks will provide continuous pedestrian facilities along at least one side of the corridor, connecting Twin Ponds Park and the future 148<sup>th</sup> Street Non-Motorized bridge. The project supports pedestrian safety in the 145<sup>th</sup> Station Subarea and provides pedestrian connectivity to the Shoreline South/148<sup>th</sup> light rail station.

DOWL, LLC was selected to provide professional engineering design services for the project. Scope and fee negotiations have been completed and the proposed scope of work for DOWL is included in Attachment A. Tonight, the City Council is being requested to authorize the City Manager to execute an agreement with DOWL, LLC for this design work.

**RESOURCE/FINANCIAL IMPACT:**

The project is fully funded in the 2021-2026 Capital Improvements Program. The following tables summarize the project budget for the work:

**EXPENDITURES**

**Design**

Staff and Other Direct Expenses	\$67,000
Survey	\$68,000
<b>Design - DOWL (This contract)</b>	<b>\$454,550</b>

**Right of Way** \$5,000

Construction (Including Admin.) \$1,580,356

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**TOTAL** \$2,174,906

**REVENUE**

**Design**

ST Access Enhancement	\$2,000,000
Future Funds (Turn Pocket)	\$162,760
Roads Capital Fund	\$12,146

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**TOTAL** \$2,174,906

As part of the early design process, the project scope will be evaluated and adjusted to maintain the total expenditures for access enhancements to \$2,000,000 or additional revenue will be identified and allocated to the project as required. Future funds are identified for the turn pocket work based on the expectation that development will pay as a result of a level of service failure.

**RECOMMENDATION**

Staff recommends that the City Council authorize the City Manager to execute a contract with DOWL, LLC, in the amount of \$454,550 to provide engineering services for the 1<sup>st</sup> Avenue NE (NE 145<sup>th</sup> Street to NE 155<sup>th</sup> Street) Sidewalk Project.

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

## **BACKGROUND**

In June 2017, the Sound Transit Board adopted Motion 2017-93, Guidelines for Access Enhancement Partnering Agreements with the Cities of Seattle, Shoreline, Mountlake Terrace, and Lynnwood, that identified amounts and types of access enhancement funds that would be available for improvements within or adjacent to the Project in these cities (the "Access Enhancement Funds").

In January 2018, the City Council authorized the City Manager to execute a [Funding and Intergovernmental Cooperative Agreement](#) between the City of Shoreline and Sound Transit. This Cooperative Agreement addresses six critical topics related to the Lynnwood Link Extension Project:

1. Street Vacations,
2. Early Project Work Permitting,
3. Access Enhancement Funds and Projects,
4. Future Projects for Public Access,
5. Coordination on Mitigation Plans, and
6. Agreement on Certain Project Elements.

This 1<sup>st</sup> Avenue NE (NE 145<sup>th</sup> Street to NE 155<sup>th</sup> Street) Sidewalk Project is prioritized and funded under Item 3, Access Enhancement Funds and Projects. A project vicinity map is included in this staff report as Attachment B. Sound Transit and the City each agreed to provide \$2,000,000 to Enhancement Projects. The City's \$2,000,000 share/match is fulfilled by funds allocated to other CIP projects detailed in Exhibit B of the Cooperative Agreement.

Access enhancement projects are required to align with Sound Transit's System Access Policy goals, including:

1. Increasing transit ridership, and
2. Encouraging convenient and safe connections to Sound Transit services through all access modes.

Per Sound Transit Motion 2017-93, Access Enhancement Projects must be completed by the 2023 opening of the Lynnwood Link Extension, however, this date was subsequently delayed to 2024 to align with the revised Sound Transit schedule.

In addition to the access enhancement project, in April 2022, review of a Traffic Impact Analysis for a nearby multi-family development project identified a level of service failure at the intersection of 1<sup>st</sup> Avenue NE and NE 155<sup>th</sup> Street. Because of the proximity to the sidewalk project, the intersection improvements have been added to the consultant scope and fee included in this contract. It is assumed that the intersection improvements will be funded by development through a latecomer or other agreement with developer(s). If these intersection improvements are not made, the intersection will not meet the City's level of service requirements and development will not be able to occur.



**ALTERNATIVES ANALYZED**

On November 23, 2021, the City issued RFQ 10079 for design of this enhancement project and intersection improvements. Four submittals were received, and three firms were short listed for interviews. Based on the RFQ and interview process, DOWL was selected as the most qualified firm for this project. Scope and fee negotiations have been completed and the proposed scope of work for DOWL is included in Attachment A.

If Council does not authorize this contract, the project will be delayed or canceled. A project delay will put the Sound Transit access enhancement funding at risk as the City of Shoreline has committed to deliver the access enhancement projects by the July 2024 opening of the Shoreline South/148<sup>th</sup> Light Rail Station. If a turn pocket is not constructed at the intersection of 1<sup>st</sup> Avenue NE and NE 155<sup>th</sup> Street, the level of service for this intersection will fail and permitting of new development in the 145<sup>th</sup> Street Subarea may be delayed until a separate traffic mitigation project can be delivered.

Tonight, the City Council is being requested to authorize the City Manager to execute an agreement with DOWL, LLC for this design work.

**COUNCIL GOAL(S) ADDRESSED**

The project addresses City Council Goal 2: Improve Shoreline’s Infrastructure to continue the delivery of high-valued public service.

**RESOURCE/FINANCIAL IMPACT**

The project is fully funded in the 2021-2026 Capital Improvements Program. The following tables summarize the project budget for the work:

**EXPENDITURES**

**Design**

Staff and Other Direct Expenses	\$67,000
Survey	\$68,000
<b>Design - DOWL (This contract)</b>	<b>\$454,550</b>

<b>Right of Way</b>	\$5,000
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Construction (Including Admin.)	\$1,580,356
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<b>TOTAL</b>	<b>\$2,174,906</b>
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**REVENUE**

**Design**

ST Access Enhancement	\$2,000,000
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Future Funds (Turn Pocket)	\$162,760
Roads Capital Fund	\$12,146
<b>TOTAL</b>	<b>\$2,174,906</b>

As part of the early design process, the project scope will be evaluated and adjusted to maintain the total expenditures for access enhancements to \$2,000,000 or additional revenue will be identified and allocated to the project as required. Future funds are identified for the turn pocket work based on the expectation that development will pay as a result of a level of service failure.

**RECOMMENDATION**

Staff recommends that the City Council authorize the City Manager to execute a contract with DOWL, LLC, in the amount of \$454,550 to provide engineering services for the 1<sup>st</sup> Avenue NE (NE 145<sup>th</sup> Street to NE 155<sup>th</sup> Street) Sidewalk Project.

**ATTACHMENTS**

- Attachment A: Project Scope of Work
- Attachment B: Project Vicinity Map

**City of Shoreline**  
**1<sup>st</sup> Avenue NE (N 145<sup>th</sup> Street – N 155<sup>th</sup> Street)**  
**Sidewalk Project**  
**EXHIBIT A: SCOPE OF WORK**

This project will be completed under the Professional Services Agreement between the City of Shoreline (CITY) and DOWL, LLC. (CONSULTANT), for the 1<sup>st</sup> Avenue NE (N 145<sup>th</sup> St – N 155<sup>th</sup> St) New Sidewalk Project.

### **Project Description**

This project includes the design of new sidewalks on 1<sup>st</sup> Avenue NE, between N 145<sup>th</sup> St and N 155<sup>th</sup> St. Project elements will include the following:

#### **Phase 1: New Sidewalk**

- a) Construction of curb, gutter, and sidewalk along at least one side of 1<sup>st</sup> Avenue NE.
- b) Installation of a new storm drainage system, as needed to support the proposed sidewalk.
- c) Installation of detention and water quality facilities, as required based on the proposed sidewalk improvements including Phase 2: NB Right turn lane improvements discussed below.
- d) Construction of ADA ramps within the project limits.
- e) Construction of walls, as needed to support the proposed sidewalk.
- f) Construction of driveways to tie in the proposed sidewalk to existing driveways.
- g) New sidewalks will provide continuous pedestrian facilities along the corridor, connecting Twin Ponds Park and the future 148th St Non-Motorized bridge.

#### **Phase 2: NB Right Turn Lane**

The project will also include the addition of a NB right turn lane at the intersection of 1<sup>st</sup> Avenue NE and N 155<sup>th</sup> Street. This work will be included in a separate construction bid schedule, and the design effort for these improvements is described separately as **Phase 2: 1<sup>st</sup> Ave NE Right Turn Lane**.

### **Assumptions**

- a) Walls are assumed to be less than three feet in height. Structural calculations will not be required.
- b) The project design will be completed within 12 months of Notice to Proceed
- c) The project excludes the following:
  - i. Street overlay/reconstruction (except as needed to install new curb and gutter)
  - ii. Right-of-Way acquisitions (only Temporary Construction Easements are anticipated to be required).
  - iii. Undergrounding of power.
  - iv. Impacts to Wetlands and associated permitting (only buffer impacts are anticipated to be required).

### **Project Fee Estimate**

The CONSULTANT fee estimate is included as Exhibit A-1.

**Exhibit A: Scope of Work**  
**City of Shoreline**  
**1<sup>st</sup> Avenue NE (N 145<sup>th</sup> Street – N 155<sup>th</sup> Street) Sidewalk Project**

## **Standards / Design References**

Work described in this Scope of Work will be performed by the CONSULTANT in accordance with the standards listed below; no order of precedence shall be established by the order of listing.

### City of Shoreline Publications

- City of Shoreline Engineering Development Manual

### Washington State Department of Ecology Publications

- Stormwater Management Manual for Western Washington, current edition

### Washington State Department of Transportation (WSDOT) Publications

- Standard Specifications for Road, Bridge, and Municipal Construction (M41-10), current edition
- Standard Plans for Road, Bridge, and Municipal Construction, (M21-01), current edition
- Design Manual (M22-01.14), current edition
- Roadside Manual (2017, M25-30.04), current edition
- Utilities Manual (2018, M 22-87.09), current edition
- Geotechnical Design Manual, current edition
- Amendments and General Special Provisions, current edition
- Standard Item Table, current edition
- Traffic Manual (M51-02), current edition
- Local Agency Guidelines (M36-63.34)
- Environmental Procedures Manual (M31-11), current edition

### American Association of State Highway and Transportation Officials (AASHTO) Publications

- A Policy on Geometric Design of Highways and Street, current edition
- AASHTO Guide for Design of Pavement Structures, current edition
- AASHTO Guide for the Development of Bicycle Facilities, 4th Edition

### U.S. Department of Transportation Publications

- Manual of Uniform Traffic Control Devices (MUTCD) for Streets and Highways, current edition

### Other Publications / Design Guides

- Standards of the American Water Works Association
- American Public Works Association standards
- Americans With Disabilities Act (ADA), Title III regulations (28 CFR Part 36)
- Highway Capacity Manual 2010, Transportation Research Board
- NACTO Urban Bikeway Design Guide
- 2011 Public Right-of-Way Accessibility Guidelines (PROWAG)

### Drawing Standards

- All drawings will be produced and submitted in AutoCAD and PDF format with design files prepared using Civil 3D 2020.
- Drawings will be developed using City of Shoreline drafting standards

**Exhibit A: Scope of Work  
City of Shoreline  
1<sup>st</sup> Avenue NE (N 145<sup>th</sup> Street – N 155<sup>th</sup> Street) Sidewalk Project**

## **PHASE 1: NEW SIDEWALK**

### **1. PROJECT MANAGEMENT**

#### **1.1. General Project Management**

The CONSULTANT will provide project management and administration, management of subconsultants, liaison with the CITY, scheduling, coordination, quality assurance and quality control, contract administration, filing and recordkeeping, and preparation of monthly invoices with progress reports.

#### **1.2. Project Management Plan (PMP).**

The CONSULTANT will prepare a Project Management Plan, which will include the following elements:

- a) Team Organizational Chart / Roles and Responsibilities
- b) Stakeholder Register / Stakeholder Management Plan
- c) Scope of Work
- d) Baseline Design Schedule
- e) Design Budget
- f) Quality Management Plan
- g) Risk Register

Assumptions/Exclusions:

- a) Following City review of the draft Project Management Plan, the CONSULTANT will provide a final Project Management Plan via email.
- b) CONSULTANT will originate and update the Risk Register not less than bi-monthly and shall submit for City review together with Project Schedule updates as required Paragraph 1.3.

City Responsibilities:

- a) The CITY will review and comment on the Draft Project Management Plan.

Deliverables:

Draft Project Management Plan	Microsoft Word and PDF via email
Final Project Management Plan	Microsoft Word and PDF via email

#### **1.3. Project Schedule and Updates.**

The CONSULTANT will develop a project schedule in Microsoft Project format and provide updates on a bi-monthly basis.

Assumptions/Exclusions:

- a) Schedules will document progress, milestones, and timelines as they occur.
- b) Updates to schedules will reflect changes to schedule baseline as approved by contract supplement.

City Responsibilities:

**Exhibit A: Scope of Work**  
**City of Shoreline**  
**1<sup>st</sup> Avenue NE (N 145<sup>th</sup> Street – N 155<sup>th</sup> Street) Sidewalk Project**

- a) City will assist with schedule development and revision related to City internal review and Council Approval processes as needed.
- b) The City will review schedules and provide comments as needed.
- c) City will review the Risk Register and provide comments and updates as needed.

Deliverables:

Monthly Schedule update	Microsoft Project and PDF via email
Risk Register update	MS Excel and PDF via email

**1.4. Monthly Progress Reports and Invoices.**

The CONSULTANT will prepare a monthly progress report and invoice for the duration of the contract, including the following:

**1.4.1. Invoice**

- a) Invoice will include a City of Shoreline's billing voucher as cover sheet.
- b) Invoice will include prime and subconsultant backup.
- c) Invoice will be broken out to major task level (i.e. Task 1.0, 2.0, etc).
- d) Percent complete will be reported for each major task.
- e) Invoices will be emailed to [accountsreceivable@shorelinewa.gov](mailto:accountsreceivable@shorelinewa.gov). The project manager will not be CC'ed on the email.

**1.4.2. Progress Report**

- a) Billing Period, Invoice Number, Shoreline Contract #, DOWL Contract #, Project Name
- b) Summary of activities performed during billing period.
- c) Potential/anticipated out-of-scope work.
- d) Potential/anticipated schedule changes or impacts.
- e) Issues to be resolved.
- f) Cost Information Report
  - Budget per task.
  - Percent complete per task.
  - Budget expended per task.
  - Amount remaining per task.

Assumptions/Exclusions:

- a) One (1) invoice and one (1) progress report will be prepared per month.

City Responsibilities:

- a) Review monthly invoice and progress report and notify Consultant of any issues.

Deliverables:

Monthly Invoice	PDF via email
Monthly Progress Report	PDF via email

**1.5. Meetings.**

**Exhibit A: Scope of Work**  
**City of Shoreline**  
**1<sup>st</sup> Avenue NE (N 145<sup>th</sup> Street – N 155<sup>th</sup> Street) Sidewalk Project**

The CONSULTANT will call the CITY to discuss progress on a bi-weekly basis.

Assumptions/Exclusions:

- a) Additional meetings are included in the Tasks listed below.

City Responsibilities:

- a) Attend bi-weekly check-in call.

Deliverables:

Meeting Minutes

Via email

## 2. TOPOGRAPHIC SURVEY

The CONSULTANT will review the Topographic Survey Basemap provided by the CITY and request additional information as may be needed for design purposes.

Assumptions/Exclusions:

- a) The survey shall be in accordance with City of Shoreline Development Standards.  
 b) The survey limits will include the area within existing Right-of-Way on 1<sup>st</sup> Avenue NE, between N 145<sup>th</sup> Street and N 155<sup>th</sup> Street.  
 c) Additional survey on private property may be required for driveway tie-ins.  
 d) The surveyor shall also obtain additional records from utility providers and indicate the appropriate information on the drawings. If items cannot be field verified, then they should be shown on the drawings as record information and indicated as not field verified.

City Responsibilities:

- a) Topographic Survey of the project limits will be provided by the City.

Deliverables:

Review comments on Survey Basemap

Via email

## 3. GEOTECHNICAL

Geotechnical investigations will be required to characterize subsurface conditions at the Site and determine suitability of permeable sidewalks. The CONSULTANT will conduct a preliminary exploration phase and perform geotechnical laboratory testing to characterize on-Site soils and deliver preliminary recommendations for infiltration potential and future data collection, if needed. Our scope of work is defined in more detail below.

### 3.1. Desktop Review and Fieldwork Preparation

The CONSULTANT will review existing subsurface data in the Project vicinity and prepare for subsurface exploration efforts under this task. This includes internal project team coordination and preparation of a site-specific health and safety plan. It also includes an initial Site visit to assess existing conditions and mark potential exploration locations based on our understanding of the Project goals and access. CONSULTANT will coordinate one-call public utility locates at

**Exhibit A: Scope of Work**  
**City of Shoreline**  
**1<sup>st</sup> Avenue NE (N 145<sup>th</sup> Street – N 155<sup>th</sup> Street) Sidewalk Project**

least 3 business days in advance of the explorations. We will also coordinate with a private utility locator to clear the exploration areas.

Assumptions:

- a) The City will provide all applicable and relevant Project information such as existing subsurface data, preliminary Project drawings, and a topographic survey of the Site.
- b) Subcontractor costs include the private utility locator's labor. Other direct costs include mileage to and from the Site.

Deliverables:

- a) Preliminary map of proposed exploration locations (submitted prior to the start of the exploration program).

### **3.2. Subsurface Exploration**

Shallow Test Pits and Hand Augers: The CONSULTANT will conduct an initial screening-level exploration phase consisting of a one-day test pit and hand auger exploration program. CONSULTANT will conduct test pit excavations where space allows and augment the test pit explorations with hand auger explorations where access with the excavator machine is limited by space and data gaps exist. The purpose of the test pit and hand auger program is to develop an understanding of shallow geologic and groundwater conditions in the Project vicinity (within 10-12 feet of ground surface). Relative density of the on-Site soils will be determined using a hand-held steel probe ("T-probe") and dynamic cone penetrometer (DCP) tests. Soil samples will be collected from the explorations at regular intervals for further inspection and laboratory testing. During the excavations, soils will be stockpiled on tarps near the test pit and hand auger excavations. The excavations will be backfilled with excavated soil when the explorations are complete. Based on the results of this exploration phase, CONSULTANT will make a preliminary recommendation of Site infiltration feasibility based on our geologic understanding of the Site. CONSULTANT will make recommendations with respect to the need for future exploration phases including infiltration testing (pilot infiltration tests).

Assumptions:

- a) The test pit explorations will be performed in unpaved areas within the City right-of-way (ROW).
- b) The Twin Ponds parking lots to the north and south of the Twin Ponds Park will be available for parking the excavator trailer and unloading the excavator.
- c) The low-volume side streets on either side of 1st Avenue NE can be utilized for parking the excavator trailer and unloading the excavator.
- d) The City will not charge or will waive the permitting fee for ROW access approval for the explorations. The work areas will be coned and blocked off from parking with signs at least 72 hours in advance of the explorations. We will make efforts to plan explorations such that formal traffic control (i.e. flaggers) can be avoided.
- e) The City will allow excavated soils to be placed on the ground near the explorations, and dump trucks will not be required to hold excavated soils.
- f) The exploration areas will be clear of utilities. If utilities are found at the proposed exploration areas that may impede work, we will coordinate with the City to identify alternate exploration locations.



**Exhibit A: Scope of Work**  
**City of Shoreline**  
**1<sup>st</sup> Avenue NE (N 145<sup>th</sup> Street – N 155<sup>th</sup> Street) Sidewalk Project**

- g) Subcontractor costs include the excavator labor, equipment, and materials. Other direct costs include vehicle mileage to and from the Site, field equipment, and traffic control signs.

Deliverables:

- a) Email communication or phone conference with DOWL and the City with results.

**3.3. Geotechnical Laboratory Testing**

CONSULTANT will subcontract a geotechnical testing laboratory to perform testing on selected soil samples retrieved from the explorations. Laboratory tests may include natural moisture content, particle size analysis, cation exchange capacity, and organic content.

Assumptions:

- a) Subcontractor costs include the geotechnical testing laboratory.  
 b) No other direct costs are assumed.

Deliverables:

- a) None

**3.4. Geotechnical Data Report**

Using the results of our exploration program and laboratory testing, the CONSULTANT will produce a brief geotechnical data report to document our findings, results, and conclusions and recommendations. Report will include:

- a) Characterization of Site geology and subsurface conditions across the Site  
 b) Logs of explorations and site and exploration map showing locations of the explorations  
 c) Laboratory testing results  
 d) Conclusions and recommendations for infiltration feasibility (If infiltration is deemed feasible at the Site)  
 e) Recommendations for future infiltration testing (such as pilot infiltration tests)

Assumptions:

- a) Design of infiltration features will be performed in accordance with the 2019 Stormwater Management Manual for Western Washington, as adopted by the City of Shoreline.  
 b) Geotechnical engineering report will be initially submitted as a draft. CONSULTANT will finalize report upon receipt and resolution of comments from Project stakeholders.

Deliverables:

- a) Draft geotechnical data report  
 b) Final geotechnical data report

**Exhibit A: Scope of Work****City of Shoreline****1<sup>st</sup> Avenue NE (N 145<sup>th</sup> Street – N 155<sup>th</sup> Street) Sidewalk Project****4. WETLAND/WETLAND BUFFER/WATERS DELINEATION & CRITICAL AREAS REPORT**

The CONSULTANT will conduct a wetland and waters reconnaissance within the project study area and will delineate any wetlands that are present in accordance with the criteria and methods described in the 1987 US Army Corps of Engineers (USACE) Wetland Delineation Manual and the 2010 Western Mountains, Valley, and Coast Regional Supplement. Under this task Consultant will:

- a) Research and review existing information regarding the project area and compile background information and maps for use in the field.
- b) Delineate and map boundary(ies) of wetlands within 200 feet of the project area.
- c) Rate delineated wetlands according to the Washington State Department of Ecology 2014 Rating System, and determine City of Shoreline wetland buffer widths.
- d) Delineate the ordinary high water mark (OHWM) of all jurisdictional waterways within the project area.

Consultant will prepare a Critical Areas Report (CAR) for the project site, in accordance with the requirements of City of Shoreline Municipal Code (SMC) Chapter 20.80 (Critical Areas). The report will include a description of the project site, the field methods utilized, and the results of the site investigation. The report will also include a map showing the locations of mapped wetlands, waters, and associated buffers within the project site.

Assumptions/Exclusions:

- a) Consultant shall obtain all rights-of-entry before conducting any environmental fieldwork on private property.
- b) Wetlands and streams associated will not be directly impacted during construction.
- c) One (1) round of City review of the Draft Critical Areas Report.

City Responsibilities:

- a) Topographic Survey of the project limits will be provided by the City.

Deliverables:

Draft Critical Areas Report	PDF via email
Final Critical Areas Report	PDF via email

**5. CONCEPTUAL SIDEWALK ALIGNMENT****5.1. Conceptual Sidewalk Alignment**

The CONSULTANT will develop a scroll plot exhibit showing sidewalk on both the east and west sides of the 1<sup>st</sup> Avenue NE. This will be used to determine the preferred design concept prior to advancing the Plans to the 60%, 90%, and final design stage.

- a. Scroll plot to include proposed sidewalk, curb/gutter and new pavement, hatched where appropriate.

**Exhibit A: Scope of Work****City of Shoreline****1<sup>st</sup> Avenue NE (N 145<sup>th</sup> Street – N 155<sup>th</sup> Street) Sidewalk Project**

- b. Scroll plot shall include aerial and survey data. Critical items such as utility poles, trees, structures, right of way and property lines, etc shall be legible.
- c. **Concept ADA Review.** The CONSULTANT will develop a conceptual design for ADA ramps throughout the project site, for review and comment by the CITY.

**5.2. Conceptual Cost Estimate**

The CONSULTANT will develop a conceptual level cost estimate for the proposed sidewalk. The estimate will be divided into east side improvements and west side improvements.

Assumptions/Exclusions:

- a) N/A

City Responsibilities:

- a) Review and comment on concept ADA design.
- b) Review alternatives and select alternative prior to beginning 60% design.

Deliverables:

Alternative Exhibit	PDF via email
Alternative Cost Estimate	PDF via email

**6. ARBORIST INVESTIGATION AND MEMORANDUM**

Preservation of existing trees to the maximum extent feasible is important to the scope of this project. The CONSULTANT will conduct a site visit to assess impacted trees. Impacted trees will be identified during conceptual sidewalk alignment development. Approximately 20 trees in the vicinity of existing pedestrian facilities will be evaluated for impacts by site improvements. The arborist investigation and memorandum includes the following:

- a) Review available information and aerial maps prior to completion of site inventory.
- b) Conduct a site visit to inventory all existing trees within the Right-of-Way and trees on adjacent property that may be impacted by the proposed project. All trees within ROW will be tagged with an aluminum tag to assist with field identification.
- c) Provide a detailed visual assessment of each tree, and document tree ID number, species, diameter, health and structural condition, driplines, and proposed action for the tree, based on design plans and potential infrastructure improvement methods. Proposed actions may include preservation, tree removal, tree replanting, root grinding or other tree management techniques.
- d) Identify "landmark trees" as defined by City of Shoreline Code 20.20.048 and/or groves, if applicable.
- e) Develop Arborist memorandum, including a site map (tree assessment site plan), tree assessment matrix, and recommendations for each tree. The tree matrix will document
  - a. Species
  - b. Size
  - c. Condition
  - d. Maintenance Recommendations

**Exhibit A: Scope of Work****City of Shoreline****1<sup>st</sup> Avenue NE (N 145<sup>th</sup> Street – N 155<sup>th</sup> Street) Sidewalk Project**

- e. Risk rating
- f. Preservation value
- g. Arborist comments (e.g character, structure, susceptibility to root impacts and damage during construction, trees in groves or any other special recommendations)
- h. Approximate mitigation measures (new trees planted)
- f) Prepare special provisions and general notes for tree and vegetation protection, tree planting and maintenance instructions, and monitoring.
- g) Recommend tree species for replacement. Selection of replacement trees shall be per Appendix G (Right-of-Way Street Tree List) of the EDM
- h) Assist the City in determining costs associated with proposed rehabilitation, enhancement or mitigation work related to trees and understory vegetation.
- i) Assist the City in interpreting and implementing regulations related to tree removal, protection, and replacement by providing arboreal expertise

The CONSULTANT will conduct an arborist review of 60% and 90% plans and specifications, and finalize the Arborist Memorandum to align with final PS&E.

Assumptions/Exclusions:

- a) This assumes that approximately 20 trees will be evaluated.

City Responsibilities:

- c) N/A

Deliverables:

- |   |               |
|---|---------------|
| Tree Matrix and site map (Draft) – Delivered at 30% - 50% design) |               |
| Arborist Memorandum (Draft) – (delivered with 60% design)         | PDF via email |
| Arborist Memorandum (Final) - (delivered with 90% design)         | PDF via email |

**7. STORMWATER DESIGN**

The CONSULTANT will prepare a Surface Water Report summarizing the proposed stormwater modifications on 1<sup>st</sup> Ave NE. This work will be done in accordance with the 2021 City of Shoreline Engineering Development Manual, and the Stormwater Management Manual for Western Washington as described below. The project will include stormwater LID BMP's to the maximum extent feasible.

**7.1. Drainage Site Assessment Mapping:**

Prepare drainage basin maps identifying the on-site threshold discharge areas (TDA's). Prepare a basin map showing the area that discharges storm runoff onto the project site located up-gradient of the road project (i.e. 'off-site basins'). Gather and review sensitive area maps, readily available in public records. The off-site basin map will be prepared using City topographic and GIS maps and with limited visual field verification.

**Exhibit A: Scope of Work****City of Shoreline****1<sup>st</sup> Avenue NE (N 145<sup>th</sup> Street – N 155<sup>th</sup> Street) Sidewalk Project****7.2. Off-site Analysis**

Conduct an upstream and a downstream analysis for each TDA associated with the project, and review available information previously completed for offsite drainage areas. This analysis will consist of a visual field investigation and reviewing city map records showing stream and storm channel corridors. The field investigation will be conducted on lands where access is readily permitted. Prepare a written assessment and a map showing the contributing upstream areas and downstream routes. The written assessment will include identifying constriction points (such as small-sized culverts), evidence of channel erosion or sedimentation, and evidence of flooding, along the downstream route. This task does not include any detailed hydraulic capacity analysis, but it can be provided as an optional service. The off-site analysis will be included in the Drainage Report.

**7.3. Threshold Analysis:**

Prepare new impervious, new/replaced hard surfaces and vegetated surfaces, and new PGIS (pollution generating impervious surface) maps. Using the new impervious and new PGIS area numbers, perform threshold analysis to determine which minimum design requirements apply to this project.

**7.4. Low Impact Development (LID) Assessment:**

Prepare a feasibility assessment for the use of LID BMPs for the project. The assessment will include a documented review of LID BMPs that could be applicable within each TDA. The project will follow the requirement of List #1 for projects triggering Minimum Requirements #1 – 5.

**7.5. Flow Control Analysis:**

Prepare drainage calculations for a detention facility within each TDA. The hydrologic analysis will be done using the Western Washington Hydrology Model (WWHM), a continuous simulation modeling software accepted by the Washington Dept. of Ecology.

**7.6. Flow Control Design:**

This subtask will include all work to design the flow control facility and prepare PS&E. In the event that the required volume of flow control is available for purchase from the adjacent 145th Street project, this subtask may be deleted from the scope of work for the 1st Avenue NE project.

**7.7. Water Quality Treatment Analysis:**

Prepare design calculations for a stormwater quality treatment facilities within each TDA. The hydrologic analysis will be done using the Western Washington Hydrology Model (WWHM). The water quality facility may be incorporated into the detention facility, as allowed by the standards.

**7.8. Conveyance Layout and Analysis:**

Prepare the layout of conveyance routing and perform storm pipe conveyance and backwater calculations. Pipe conveyance calculations using the Rational Method and Manning equation will be provided for the proposed storm drain system.

**Exhibit A: Scope of Work****City of Shoreline****1<sup>st</sup> Avenue NE (N 145<sup>th</sup> Street – N 155<sup>th</sup> Street) Sidewalk Project****7.9. Surface Water Report:**

Prepare and assemble a 60%, 90%, and final Surface Water Report with the contents limited to the task items described in this scope of work. The report is to include basin maps, design criteria, application of the minimum requirements, and a summary of erosion control facilities. Submit the draft copy to the City for review. Address comments, revise the report and submit the final Drainage Memorandum.

**7.10. Construction Stormwater Pollution Prevention Plan (SWPPP):**

A short form SWPPP will be prepared in accordance with the Drainage Manual for inclusion in the Final Stormwater Site Plan.

**7.11. Drainage Coordination Meetings:**

The CONSULTANT will attend a drainage coordination meeting with CITY Staff to coordinate the drainage approach and discuss comments on the Surface Water Report.

Assumptions:

- a) The drainage design will be done in accordance with the City of Shoreline Engineering Development Manual (2021) and the Stormwater Management Manual for Western Washington.
- b) To conduct the visual downstream analysis, it is assumed the CONSULTANT can readily acquire formal Right of Entry.
- c) One detention facility is anticipated to be required.
- d) In the event that stormwater vaults are chosen in the course of the project, DOWL will prepare site civil plans and details of the vault showing inside dimensions and locations where pipes connect into the vault. It is assumed that the vaults will be precast concrete and require no structural engineering design from DOWL. Structural plans by a structural engineer are not part of this scope of services but can be added via Optional Services if needed.
- e) It is assumed that no off-site drainage improvements are needed.

City Responsibilities:

- a) The CITY will provide available information that has been completed for the offsite drainage systems. It is understood that the portions of the offsite drainage area west of the project are scheduled for redevelopment. The City has analyzed future flows and sized a future storm drain main on the west side of 1<sup>st</sup> Avenue. The future storm drain main will replace the existing open ditch and culvert system along the west side of 1<sup>st</sup> Ave between NE 145<sup>th</sup> St and Thornton Creek. This scope does not include analysis, design, or construction of the future storm drain main.
- b) The CITY will provide one set of review comments on the Draft Drainage Memorandum.

Deliverables:

60% Surface Water Report	PDF via email
90% Surface Water Report	PDF via email
Final Surface Water Report	PDF via email
Drainage Coordination Meeting Agenda/Minutes	Microsoft Word via email

**Exhibit A: Scope of Work**  
**City of Shoreline**  
**1<sup>st</sup> Avenue NE (N 145<sup>th</sup> Street – N 155<sup>th</sup> Street) Sidewalk Project**

## **8. UTILITY COORDINATION**

### **8.1. Initial Utility Research and Coordination:**

The CONSULTANT will contact utilities located within the project site to obtain as-built drawings, notify them of the proposed roadway and drainage improvements, and request information on any upcoming utility projects that may affect the roadway or drainage design.

### **8.2. 60% Utility Coordination**

The CONSULTANT will identify potential utility conflicts and contact utilities to discuss impacts, review possible design adjustments, and identify potential utility relocations.

### **8.3. 90% Utility Coordination**

The CONSULTANT will contact utilities to finalize the list of required utility relocations and develop a schedule for completion.

### **8.4. 100% Utility Coordination**

The CONSULTANT will provide final plans and specifications to utilities and confirm relocation schedule.

#### Assumptions/Exclusions:

- a) This scope of work assumes a budget of approximately \$15,000 will be used to pothole existing utilities.
- b) It is anticipated that relocation of utility poles should be avoided. The sidewalk will be designed to avoid power pole relocation where feasible.

#### City Responsibilities:

- a) The CITY will provide contact information for all franchise utility companies located within the project limits.

#### Deliverables:

Utility Coordination documentation	Email
Pothole results	PDF via email

## **9. WETLAND BUFFER MITIGATION PLAN**

The CONSULTANT will prepare a conceptual and a final wetland buffer impact mitigation plan. The conceptual plan will include a description of the buffer areas to be impacted by the project based on the 60 percent design, and a description of how the impacts will be mitigated. The detailed Draft Detailed Buffer Impact Mitigation Plan will be developed based on 90% project design and will include detailed planting plans and specifications, and a monitoring approach and schedule.

#### Assumptions:

- a) One (1) round of City review of the Draft Detailed Buffer Mitigation Plan.
- b) Buffer mitigation can be achieved on City-owned sites and will not require property acquisition.

#### Deliverables:

**Exhibit A: Scope of Work****City of Shoreline****1<sup>st</sup> Avenue NE (N 145<sup>th</sup> Street – N 155<sup>th</sup> Street) Sidewalk Project**

- |  |               |
|--|---------------|
| a) Conceptual Buffer Mitigation Plan     | PDF via email |
| b) Draft Detailed Buffer Mitigation Plan | PDF via email |
| c) Final Detailed Buffer Mitigation Plan | PDF via email |

**10. 60% DESIGN SUBMITTAL**

The CONSULTANT will prepare construction plans to approximately the 60% level. The CONSULTANT will complete the following tasks:

**10.1. Field Review**

The CONSULTANT will conduct a site visit to review existing site conditions for the preparation of plans.

**10.2. 60% Construction Plans.**

The CONSULTANT will develop detailed 60% Construction Plans in accordance with CITY standards. An estimated sheet count is included below:

**Table A: Estimated Sheet Count (60% Construction Plans)**

Sheets	Description
1	Cover Sheet
1	Legend, and Abbreviations
1	Notes
4	Survey Control Plan
4	Site Preparation / Temporary Erosion Sediment Control Plan
3	Typical Sections and Details
7	Roadway and Drainage Plan and Profile
2	Drainage Details
5	Driveway Plan/Profile
2	Retaining Wall Profile
5	ADA Ramp Plan
4	Channelization and Signing Plan
3	Landscaping (Mitigation) Plan and Details
42	TOTAL



**Exhibit A: Scope of Work****City of Shoreline****1<sup>st</sup> Avenue NE (N 145<sup>th</sup> Street – N 155<sup>th</sup> Street) Sidewalk Project****10.3. 60% Special Provisions.**

The CONSULTANT will prepare project Special Provisions. Special Provisions will be developed in accordance with WSDOT standards.

**10.4. 60% Engineer's Estimate.**

The CONSULTANT will prepare itemized quantity calculations for all contract bid items. An Engineer's Estimate of construction costs will be prepared.

**10.5. 60% Review Meeting**

The CONSULTANT will attend one meeting to review CITY comments on the 60% Plans, Special Provisions, Estimates, and MEF Documentation.

Consultant will tabulate and respond to City comments. Tabulation to be provided at 60% review meeting.

Assumptions/Exclusions:

- a) N/A

City Responsibilities:

- a) The CITY will provide the CONSULTANT with a set of consolidated review comments and "redline" review comments on the 60% Construction Plans, Contract Documents, Engineer's Estimate, and MEF documentation. The CITY will provide the review comments within 3 weeks of submittal.

Deliverables:

60% Construction Plans (11" X 17")	PDF via email
60% Contract Documents	PDF via email
60% Engineer's Estimate	PDF via email

**11. SEPA**

The CONSULTANT will prepare a SEPA environmental checklist in accordance with Washington Administrative Code (WAC) 197-11-960. The checklist will include a project description based on 60% design, and will describe potential impacts to environmental elements including water resources, plants, animals, land use, transportation, and public services.

Assumptions:

- a) One (1) round of City review of the Draft SEPA checklist.  
b) The draft SEPA checklist will be provided within 20 working days following the determination of the selected sidewalk alternative.

Deliverables:

Draft SEPA Environmental Checklist	PDF and Word via email
Final SEPA Environmental Checklist	PDF and Word via email

**Exhibit A: Scope of Work**  
**City of Shoreline**  
**1<sup>st</sup> Avenue NE (N 145<sup>th</sup> Street – N 155<sup>th</sup> Street) Sidewalk Project**

## **12. RIGHT OF WAY**

The CONSULTANT will prepare and negotiate up to ten (10) Temporary Construction Easements, as described below.

### **12.1. Preparation and Administration.**

Upon Notice to Proceed and subject to COVID-19 mandates, UFS staff will prepare for and participate in a ROW kick-off meeting with the project team via video conference to obtain project information including available property owner contact information; material and other information needed from the project team to assist and expedite the right of way acquisition process. Participate in up to six (6) progress meetings via video conference call and provide six (6) monthly progress reports.

UFS will provide sample templates of all acquisition documents (offer letters, temporary easements, temporary permits, etc.) for the City's review and approval for project use. All forms and documents will comply with City's standards and in accordance with statutory requirements. The City's pre-approved documents will be used when provided. UFS will maintain acquisition records in accordance with statutory, regulatory and City policy requirements. Prepare acquisition files to include fair offer letters, a standard diary, recording and ancillary documents, and other items necessary to complete the work.

Deliverables:

- a) Prepare for and participate in a Right of Way Kickoff Meeting (2 UFS Staff) – via video conference call
- b) Prepare for and participate in six (6) Progress Meetings (2 UFS Staff) – via video conference
- c) Provide six (6) Monthly Progress Reports
- d) Coordinate City approval of Acquisition forms and documents for project use

### **12.2. Title-Ownership Review.**

Condition of title encumbrances and ownership information are typically confirmed thorough reviews of Preliminary Title Commitments (Title Reports) or Subdivision Guarantees. Since permanent real property rights are not required for this project, "Last Deeds of Conveyances" will be used in lieu-of Title Reports to confirm ownerships and signature authority.

Assumptions:

- a) Last Deeds of Conveyance will be available through online public records
- b) City is willing to take the risk to rely upon Last Deeds of Conveyance for signatory authority.

Deliverables:

- a) Last Deed of Conveyance – Ten (10) each

### **12.3. Public Outreach**

UFS will prepare a draft "Introduction / Informational Letter" for the City's review, acceptance, and delivery on City letterhead to each of the ten (10) property owners or owner representatives shown in Table A below. The letter will describe the purpose of the project; the

**Exhibit A: Scope of Work**  
**City of Shoreline**  
**1<sup>st</sup> Avenue NE (N 145<sup>th</sup> Street – N 155<sup>th</sup> Street) Sidewalk Project**

project schedule; identify the City's consultants (DOWL Engineering, Universal Field Services, etc.) and the purpose of each.

Assumptions:

- a) City to deliver the Introduction / Informational letters on City letterhead.

Deliverables:

- b) Sample "Introduction Informational Letter"

**12.4. Real Property Valuations**

Upon receipt of an approved Right of Way Plan and/or individual Parcel Acquisition Exhibits, together with the City's approval, UFS will initiate preparations of Administrative Value Finding (AVF) worksheets similar to WSDOT's Administrative Offer Summary (AOS) worksheets for each of the ten (10) tax parcels as shown in Table A. AVF worksheets will be based on available comparable land sales and adjusted King County assessor's land value per square foot.

Completed AVF worksheets will be submitted to the City for review and written approval establishing amounts of just compensation to be offered each property owner. Appraisal reports are excluded and will require an amendment to this scope of work and related fee estimate if needed.

Assumptions:

- a) Minimum payments of \$500 will be offered to owner of parcels requiring TCE's.
- b) City policy excludes payment for private improvement (fencing, landscaping, irrigation, etc.) encroachments impacts in public right of way.
- c) Cost to Cure estimates for loss of private improvement within TCE areas provided by DOWL.

Deliverables:

- a) Administrative Value Finding (AVF) worksheets – Ten (10) each

**12.5. Present Offers / Negotiations.**

Upon receipt of written approvals from the City establishing the amounts of just compensation to property owners determined in sub-task D above, Universal staff will prepare offer package(s) and promptly present offers to purchase all the required real property interests and negotiate in good faith to reach a settlement with each property owner(s). Offers will be presented in person when at all possible. If negotiations reach an impasse, Universal shall provide the City with written notification. If necessary, Universal will attempt to secure Administrative Settlements or Voluntary Possession and Use Agreements with the owner(s), allowing the project to move forward and allowing the property owner additional time to negotiate. As a last resort, if the owner is unwilling to agree to a Voluntary Possession and Use Agreement, the file will be transmitted to the City's legal staff for mediation or filing of a condemnation action.

Assumptions:

**Exhibit A: Scope of Work****City of Shoreline****1<sup>st</sup> Avenue NE (N 145<sup>th</sup> Street – N 155<sup>th</sup> Street) Sidewalk Project**

- a) Negotiations will be limited to the industry standard of three (3) meaningful contacts per parcel.
- b) City will use its rights of eminent to fulfill this scope of work if necessary.

Deliverables:

- a) Prepare ten (10) Acquisition Offer Packages (TCE - \$500.00 minimum payment)
- b) Present Offers / Conduct Negotiations with owners of ten (10) separate tax parcels.
- c)

**12.6. Parcel Closing**

Subject to the City's current Title Clearing policies, the method of closing can be completed in-house or through a reputable escrow firm. UFS is recommending in-house closing rather than closing services through a reputable escrow firm.

In-House Closing – Generally for low risk and uncomplicated title clearing, this method is subject to the City's title clearing policies and amount of acceptable risk. The signed conveyance documents and payment vouchers will be transmitted to the City for approval and processing.

Assumptions:

- a) Temporary Construction Easements will be recorded with King County's Assessor's office.
- b) City does not require Title Insurance for the real property rights to be acquired as shown in Table A below.
- c) Title Clearing is not required.
- d) Settlement packages will be delivered to the City for direct payment to property owners and recording with King County.
- e) City staff will send copies of recorded documents and proof of payment to UFS via email for the original Acquisition files.

Deliverables:

- a) Ten (10) completed acquisition files and records of all Right of Way Acquisition activities.

**12.7. Right of Way Certification**

Since there are no federal funds (FHWA) participating in any phase of the project, Right of Way Certification through WSDOT Real Estate Services and Local Programs is not required.

Assumptions:

- a) Sound Transit does not require its review of completed Acquisition files for Certification.

Deliverables:

- a) N/A (For informational purposes only)

City Responsibilities:

- a) Form approval, in electronic format, of all legal conveyance documents and forms prior to use (i.e., offer letters, deeds, easements, etc.).
- b) Review and written approval of all determinations of value prior to offers being made to property owners.

**Exhibit A: Scope of Work****City of Shoreline****1<sup>st</sup> Avenue NE (N 145<sup>th</sup> Street – N 155<sup>th</sup> Street) Sidewalk Project**

- c) Payment of all compensation payments to property owners, recording fees, legal services and any incidental costs which may arise necessary to complete each transaction.
- d) Send "Introduction Letters" to property owners on City Letterhead.

TABLE A			
Parcel Data			Real Property Rights to Acquire
No.	Tax Parcel No	Taxpayer / Owner	Temp. Construction Easement
1 thru 10	TBD	TBD	X

**13. COMMUNITY OUTREACH****13.1. Online Open House**

The CONSULTANT will prepare for and attend an online open house to discuss the project. This includes development of the following:

- a) PowerPoint presentation to introduce the project.
- b) Online Comment Form/survey.

Assumptions/Exclusions:

- a) Interpretation services are not anticipated to be required for this meeting.

City Responsibilities:

- a) Review and provide feedback on PowerPoint presentation.
- b) Notify public of online open house using existing City resources (website, social media).

Deliverables:

PowerPoint presentation  
Online Comment Form

**13.2. Project Website Update**

The CONSULTANT will provide project information for the existing City of Shoreline website. This will include the following:

- a) Project Map
- b) Project Fact Sheet and Frequently Asked Questions

**Exhibit A: Scope of Work**  
**City of Shoreline**  
**1<sup>st</sup> Avenue NE (N 145<sup>th</sup> Street – N 155<sup>th</sup> Street) Sidewalk Project**

Assumptions/Exclusions:

- a) N/A

City Responsibilities:

- a) CITY staff will review web content provided and post to the website.

Deliverables:

Project Map  
 Project Fact Sheet and Frequently Asked Questions

**13.3. One-on-one Meetings**

Attend one-on-one meetings with stakeholders and adjacent property owners, including discussions about potential effects to driveway, trees, and adjacent landscaping.

Assumptions/Exclusions:

- a) This scope of work assumes that up to 10 one-hour meetings with individual property owners may be requested, and that meetings can be grouped in blocks of 3 meetings at a time.

City Responsibilities:

- a) N/A

Deliverables:

Email summary for each property owner meeting.

**14. 90% DESIGN SUBMITTAL**

The CONSULTANT will advance construction documents to approximately the 90% level. The CONSULTANT will complete the following tasks:

**14.1. Site Conditions Review.**

The CONSULTANT will conduct a site visit to review existing site conditions for the preparation of plans.

**14.2. 60% Comments Response.**

The CONSULTANT will prepare responses to all comments received from the CITY at the 60% review. The CONSULTANT will submit draft responses to the CITY for review and concurrence within 1 week of the 60% review meeting. Final responses will be included with the 90% design submittal.

**14.3. 90% Construction Plans.**

The CONSULTANT will address CITY comments from the 60% review, and advance plans to the 90% complete stage.

**Exhibit A: Scope of Work****City of Shoreline****1<sup>st</sup> Avenue NE (N 145<sup>th</sup> Street – N 155<sup>th</sup> Street) Sidewalk Project****14.4. 90% Special Provisions.**

The CONSULTANT will address CITY comments from the 60% review, and advance special provisions to the 90% complete stage.

**14.5. 90% Engineer's Estimate.**

The CONSULTANT will address CITY comments from the 60% review, and advance engineer's estimate to the 90% complete stage.

**14.6. Maximum Extent Feasible (MEF) Documentation.**

The CONSULTANT will develop MEF documentation for any ramps that are designed to the MEF. Documentation will be in accordance with WSDOT requirements.

**14.7. 90% Review Meeting**

The CONSULTANT will attend one meeting to review CITY comments on the 90% Plans, Special Provisions, and Estimate. Consultant will tabulate and respond to City comments. Tabulation to be provided at 90% review meeting.

Assumptions/Exclusions:

- a) N/A
- b) MEF Documentation shall be completed in accordance with the current publication of the EDM

City Responsibilities

- a) The CITY will provide the CONSULTANT with a set of review comments and "redline" review comments on the 90% Construction Plans, Special Provisions, and Cost Estimate. The CITY will provide the review comments within 3 weeks of submittal.

Deliverables:

60% Comments Response	PDF via email
90% Construction Plans (11" X 17")	PDF via email
90% Special Provisions	PDF via email
90% Engineer's Estimate	PDF via email
MEF Documentation	PDF via email

**15. FINAL DESIGN SUBMITTAL**

The CONSULTANT will develop the project design to the final stage, and complete the following:

**15.1. Site Conditions Review.**

The CONSULTANT will conduct a final site visit to review proposed design for conformance with existing site conditions.

**15.2. 90% Comments Response.**

The CONSULTANT will prepare responses to all comments received from the CITY at the 90% review.

**Exhibit A: Scope of Work****City of Shoreline****1<sup>st</sup> Avenue NE (N 145<sup>th</sup> Street – N 155<sup>th</sup> Street) Sidewalk Project****15.3. 100% Construction Plans.**

The CONSULTANT will address CITY comments from the 90% review, and provide a complete, bid-ready set of Construction Plans.

**15.4. 100% Special Provisions.**

The CONSULTANT will address CITY comments from the 90% review, and provide a complete, bid-ready set of Special Provisions.

**15.5. 100% Engineer's Estimate.**

The CONSULTANT will address CITY comments from the 90% review and advance the Engineer's Estimate to the 100% complete stage.

**15.6. Final PS&E.**

The CONSULTANT will provide the final Plans, Specifications, and Cost Estimate to the CITY for approval.

Assumptions/Exclusions:

- a) N/A

City Responsibilities

- a) The CITY will prepare the front-end contract documents.  
 b) The CONSULTANT will combine the front-end and the Special Provisions.  
 c) The CITY will upload the plans and specifications to Builder's Exchange of Washington, for distribution to Contractors.

Deliverables:

90% Comments Response	PDF via email
100% Construction Plans (11" X 17")	Two bound copies, PDF and AutoCAD
100% Contract Documents	Two bound copies and PDF
100% Engineer's Estimate	PDF via email

**16. BIDDING SUPPORT**

The CONSULTANT will provide the CITY with bidding support, as follows:

**16.1. Response to Contractor Questions**

The CONSULTANT will prepare written responses to Contractor questions.

Assumptions/Exclusions:

- a) N/A

City Responsibilities

- a) The CITY will forward questions to the CONSULTANT for review and response.  
 b) The CITY will compile responses and issue a formal response to contractors.

Deliverables:

Response to Contractor questions	Email
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**Exhibit A: Scope of Work**  
**City of Shoreline**  
**1<sup>st</sup> Avenue NE (N 145<sup>th</sup> Street – N 155<sup>th</sup> Street) Sidewalk Project**

**16.2. Pre-Bid Meeting**

Attend Pre-Bid Meeting.

Assumptions/Exclusions:

- a) The CONSULTANT's role will be to answer technical questions during the pre-bid meeting.

City Responsibilities

- a) The CITY will develop the agenda for the Pre-Bid meeting.  
b) The CITY will conduct the pre-bid meeting and develop meeting minutes.

Deliverables:

N/A

**16.3. Addenda**

Develop up to one (1) addenda, as required during the bidding period.

Assumptions/Exclusions:

- a) N/A

City Responsibilities

- a) The CITY will provide content for any CITY-related addenda items.  
b) The CITY will provide a CITY form (if required) for development of the addenda.

Deliverables:

Addenda

PDF via email

## 17. CONSTRUCTION SUPPORT

The CONSULTANT will provide the CITY with construction support, as follows:

**17.1. Requests For Information (RFI) Response**

The CONSULTANT will prepare written responses to Contractor RFI's, as requested by the CITY.

Assumptions/Exclusions:

- a) This scope assumes that responses for up to ten (10) RFI's will be required.

City Responsibilities

- a) The CITY will forward questions to the CONSULTANT for review and response.  
b) The CITY will review CONSULTANT response.

Deliverables:

RFI Response

via Email



**Exhibit A: Scope of Work  
City of Shoreline  
1<sup>st</sup> Avenue NE (N 145<sup>th</sup> Street – N 155<sup>th</sup> Street) Sidewalk Project**

## **PHASE 2: 1<sup>ST</sup> AVENUE NE/N 155<sup>TH</sup> ST. NB RIGHT TURN LANE**

### **18. Sidewalk Alignment**

#### **18.1. Conceptual Sidewalk Alignment**

The CONSULTANT will update the Conceptual Sidewalk Alignment exhibit developed under Phase 1, Task 5.1 to include an approximately 200' long NB right-turn lane on 1st Avenue NE, at the intersection with N 155th Street.

#### **18.2. Conceptual Cost Estimate**

The CONSULTANT will update the conceptual level cost estimate developed under Phase 1, Task 5.2, to include an approximately 200' long NB right-turn lane on 1<sup>st</sup> Avenue NE, at the intersection with N 155<sup>th</sup> Street.

Assumptions:

- a) The roadway will be widened on the west side of the roadway to avoid impacts to areas on the east side of the road. Changes to the location of the existing roadway crown are not anticipated.

Deliverables:

- a) Deliverables will be combined with the exhibit and cost estimate generated under Phase 1, Task 5. Phase 2 work will be included in a separate bid schedule in the conceptual cost estimate.

### **19. 60% DESIGN SUBMITTAL**

The CONSULTANT will prepare construction PS&E for the NB right turn lane to approximately the 60% level, and integrate them into the PS&E developed under Phase 1, Task 10. The CONSULTANT will complete the following tasks:

#### **19.1. 60% Construction Plans.**

The CONSULTANT will develop detailed 60% Construction Plans in accordance with CITY standards. Sheets that will require additional design effort to include the NB right turn lane will include the following.

**Table B: Estimated Sheet Count – NB Right Turn Lane (60% Construction Plans)**

Sheets	Description
1	Site Preparation / Temporary Erosion Sediment Control Plan
1	Typical Sections and Details
1	Roadway and Drainage Plan and Profile
1	Channelization and Signing Plan
4	TOTAL

**Exhibit A: Scope of Work**  
**City of Shoreline**  
**1<sup>st</sup> Avenue NE (N 145<sup>th</sup> Street – N 155<sup>th</sup> Street) Sidewalk Project**

**19.2. 60% Engineer's Estimate.**

The CONSULTANT will prepare itemized quantity calculations for all contract bid items for the NB Right Turn Lane. An Engineer's Estimate of construction costs will be prepared. All bid items for the NB Right Turn Lane will be included in a separate bid schedule.

Assumptions:

- a) The detention facility designed under Phase 1, Task 7, will be designed to include the contributing area from the new NB right turn lane. A separate facility is not anticipated to be required.
- b) The roadway widening area will use the City's standard pavement section; new pavement section design will not be required.

City Responsibilities:

- a) N/A

Deliverables:

- a) Deliverables will be combined with the 60% Plans and Estimate generated under Phase 1, Task 10.

**20. 90% DESIGN SUBMITTAL**

The CONSULTANT will advance construction documents for the NB Right Turn Lane to approximately the 90% level. The CONSULTANT will complete the following tasks:

**20.1. 60% Comments Response.**

The CONSULTANT will prepare responses to all comments on the NB Right turn lane received from the CITY at the 60% review. The CONSULTANT will submit draft responses to the CITY for review and concurrence within 1 week of the 60% review meeting. Final responses will be included with the 90% design submittal.

**20.2. 90% Construction Plans.**

The CONSULTANT will address CITY comments from the 60% review, and advance plans to the 90% complete stage.

**20.3. 90% Engineer's Estimate.**

The CONSULTANT will address CITY comments from the 60% review, and advance engineer's estimate to the 90% complete stage.

Assumptions/Exclusions:

- a) N/A

City Responsibilities

- a) N/A

Deliverables:

- a) Deliverables will be combined with the 90% Plans and Estimate generated under Phase 1, Task 14.

**Exhibit A: Scope of Work**  
**City of Shoreline**  
**1<sup>st</sup> Avenue NE (N 145<sup>th</sup> Street – N 155<sup>th</sup> Street) Sidewalk Project**

## **21. FINAL DESIGN SUBMITTAL**

The CONSULTANT will advance construction documents for the NB Right Turn Lane to the final design stage. The CONSULTANT will complete the following tasks:

**21.1. 90% Comments Response.**

The CONSULTANT will prepare responses to all comments on the NB Right turn lane received from the CITY at the 90% review. The CONSULTANT will submit draft responses to the CITY for review and concurrence within 1 week of the 60% review meeting. Final responses will be included with the 90% design submittal.

**21.2. 100% Construction Plans.**

The CONSULTANT will address CITY comments from the 90% review, and advance plans to the 100% complete stage.

**21.3. 100% Engineer's Estimate.**

The CONSULTANT will address CITY comments from the 90% review, and advance engineer's estimate to the 100% complete stage.

Assumptions/Exclusions:

- a) N/A

City Responsibilities

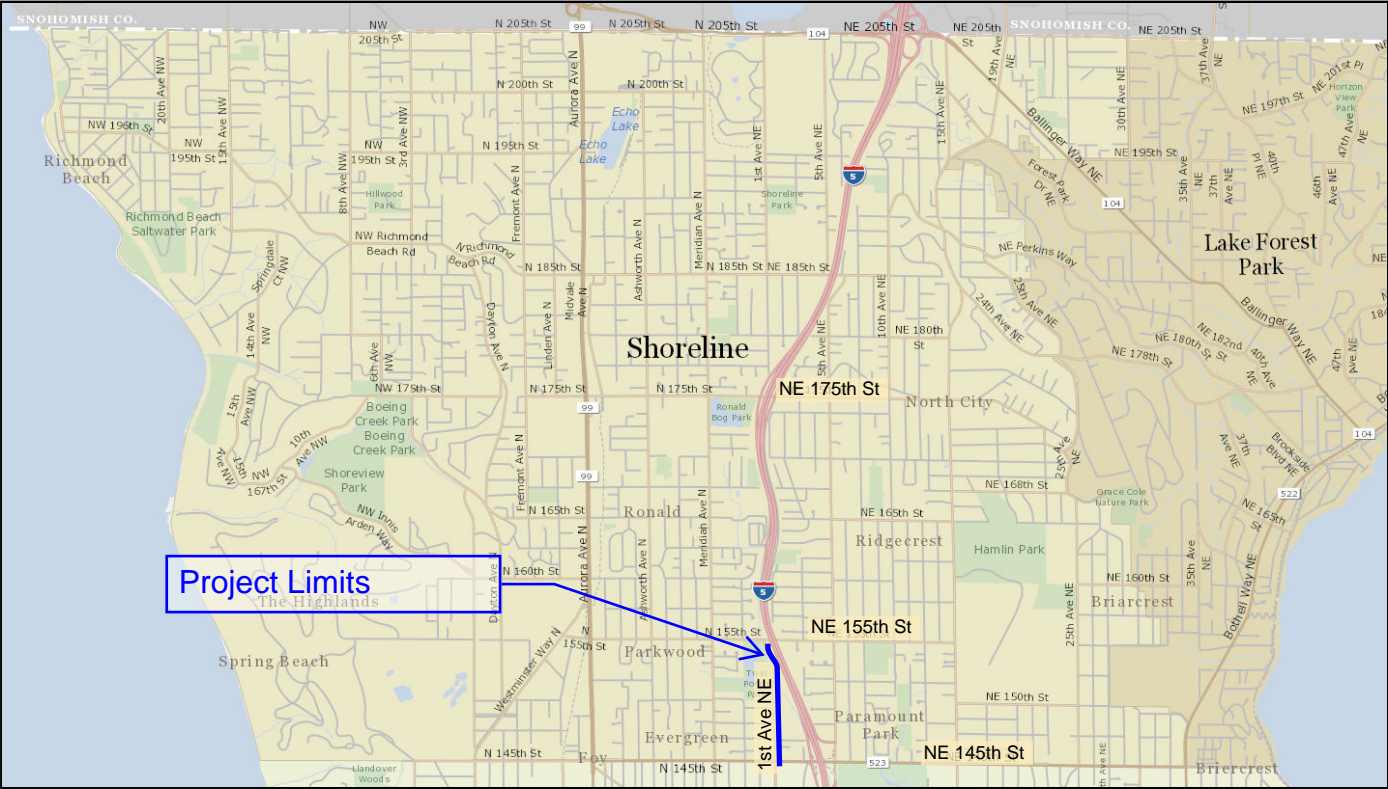
- a) N/A

Deliverables:

- a) Deliverables will be combined with the 100% Plans and Estimate generated under Phase 1, Task 15.

VICINITY MAP

1st Ave NE (NE 145th St to NE 155th St)  
Sidewalk Project



**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Authorizing the City Manager to Execute Contract Amendment #9964.01 with Nature Vision, Inc in the Amount of \$240,000 for 2022-2025
<b>DEPARTMENT:</b>	Recreation, Cultural and Community Services
<b>PRESENTED BY:</b>	Mary Reidy, Recreation and Cultural Services Superintendent
<b>ACTION:</b>	<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:**

To most effectively and efficiently meet the expanding demand for youth camps and sports programs, the City contracts with area service providers to provide recreation programming. The City contracts with a variety of program providers allowing residents access to camps and activities beyond the capacity of City-staffed programs.

The City’s Recreation, Cultural and Community Services (RCCS) Department has been contracting with Nature Vision, Inc. since 2018. Strategic Action Initiative (SAI) #2 of the Parks, Recreation and Open Space (PROS) Plan, adopted by Council in 2017, calls for expanding opportunities to connect with nature. Contracting with Nature Vision, Inc. allows the City to expand nature-focused youth programming efficiently and effectively.

In 2020, the City offered six (6) Nature Vision programs with 104 registrants, and in 2021, there were 10 Nature Vision programs offered with 202 registrants. This amendment allows the City to expand its partnership with Nature Vision to meet the increasing demand for outdoor nature-based programming.

The City of Shoreline does not have the staffing resources to offer to meet the community demand for nature-based programming and therefore has chosen to contract with Nature Vision, Inc who brings their own staff, equipment, and activities to City sites to run nature-based programs and camps. In bringing their own well-trained staff and equipment, efficiencies with City staff are maximized. The program offerings are for all ages and are accessibly priced when compared to other outdoor camps and programs.

The original contract #9964 with Nature Vision was executed in 2021 and was for \$40,000, with a potential renewal for up to four additional years for a total of \$200,000. This amendment #9964.01 is to add an additional \$20,000 per year to this contract, making a new annual amount of \$60,000 for the remaining four years, making a new total contract amount of \$240,000 (2022-2025).

**RESOURCE/FINANCIAL IMPACT:**

This is a revenue-backed contract with a 70%/30% split with the contractor, where they keep 70% of program revenue and the City retains 30%. City of Shoreline's net revenue from this contract in 2021 was \$19,878.

**RECOMMENDATION**

Staff recommends that the City Council approve Recreation Services Contract Amendment #9964.01 with Nature Vision, Inc. for a total contract do not exceed amount of \$240,000 for 2022-2025.

**ATTACHMENTS**

Attachment A: Recreation Services Contract #9964 Scope of Work- Nature Vision, Inc.

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



**Exhibit A**  
**Parks, Recreation and Cultural Services Department**  
**Scope of Work and Compensation**

**SERVICES TO BE PROVIDED:**

Provide instruction in outdoor education for youth in the form of day camp as well as class with a defined program objective of educating youth about our natural environment and how to integrate themselves in the environment in a safe and respectful manner.

Services will be provided at the following location(s) throughout the year. If the City determines a location is not available, then the City and the Consultant shall agree upon another interim location: City of Shoreline parks, primarily Hamlin, but can use Cromwell, Paramount, Richmond Beach Saltwater Park, Twin Ponds, and Shoreview.

**PROGRAM AND INSTRUCTOR REQUIREMENTS:**

- 1) Hours of Instruction per program session/class:  
Range from 30 minutes to 8 hours depending on program specifics and confirmed quarterly with City staff.
- 2) Program Class Size
  - a) Minimum Enrollment is location dependent and will be confirmed quarterly with City staff.
  - b) Maximum Enrollment is location dependent and will be confirmed quarterly with City staff.
- 3) Materials and Supplies  
All materials and supplies are provided by instructor for all participants at instructor cost. Instructor may charge a supply fee to each student and the instructor is responsible for collecting this fee from each student. The City shall clearly list the supply fees in the program description on the City's website and the Recreational Guide. All surplus supplies are the property of the instructor.
- 4) The Instructor is responsible for leaving the program space clean and in proper order as per the Instructor Handbook.
- 5) Instructor Handbook  
Instructor shall adhere to all parameters and expectations as outlined in the City of Shoreline Parks, Recreation and Cultural Service Instructor Handbook (October 2018). The Handbook is incorporated into this contract by reference and made a part hereof.
- 6) Attendance Records
  - a) Instructor will assure that all participants are properly registered through the City's on-line registration system prior to participation in a program class.

- b) Instructor will maintain and make available upon request attendance records for each program class session.

**CITY RESPONSIBILITIES:**

- 1) Provide Instructor with an appropriate facility/location to provide instruction in: outdoor education for youth in the form of day camp as well as classes.
- 2) List class/program in the seasonal Recreation Guide and on the City's website.
- 3) Complete registration for participants.
- 4) Provide Instructor with a class roster prior to the first class/program session.
- 5) As per the Instructor Handbook:
  - a) Communicate with Instructor regarding all cancellations as per the Instructor Handbook.
  - b) Communicate with registered participants as requested by Instructor.
  - c) Evaluate Instructor's performance annually to ensure compliance with the terms and conditions of this Agreement and as provided in the annual instructor evaluation tool.
  - d) Evaluate the program annually as provided in the annual program evaluation tool.

**PAYMENT FOR SERVICES:**

City shall pay Instructor as follows, but at no time shall the total amount paid exceed \$40,000.00 per calendar year:

- The sum of 70% of the fees collected based on the resident rate as established in the Shoreline Recreation Guide for the applicable class session time period. The City will retain 30% of the fees plus the difference between the established resident and non-resident fees. A copy of registration and attendance records will be submitted with the invoice to substantiate payment.

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Authorizing the City Manager to Execute Contract Amendment #9543.02 with Skyhawks Sports Academy LLC in the Amount of \$374,997 for 2022-2024
<b>DEPARTMENT:</b>	Recreation, Cultural and Community Services
<b>PRESENTED BY:</b>	Mary Reidy, Recreation and Cultural Services Superintendent
<b>ACTION:</b>	<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:**

To most effectively and efficiently meet the expanding demand for youth camps and sports programs, the City contracts with area service providers to provide recreation programming. The City contracts with a variety of program providers allowing residents access to camps and activities beyond the capacity of City-staffed programs.

The City’s Recreation, Cultural, and Community Services (RCCS) Department has been contracting with Skyhawks Sport Academy LLC for many years to offer youth sports programs and camps to the community. In 2020, the City offered 28 Skyhawks programs and camps with 350 registrants. In 2021, there were 63 Skyhawks programs and camps with 497 registrants. The demand for outdoor summer sports programs continues to increase annually.

The City of Shoreline does not have the staffing resources to offer a full slate of youth sports programming and therefore contracts with Skyhawks Sports Academy, which brings their own staff, equipment, and activities to City sites to run sports programs and camps. The program offerings provided by Skyhawks are for all ages and are accessibly priced when compared to other more select sports programs for older youth.

The original Skyhawks service contract (contract #9543) executed in 2020 was for \$50,000, with a potential renewal for up to four additional years. Contract amendment #9543.01 added an additional \$24,999 to that amount in 2021, for an annual contract of \$74,999 for that year.

This contract retains the potential for renewal for three more years of renewal. Requested amendment #9543.02 is for the additional amount of \$50,000 per year. When combined with the current contract amount \$74,999 per year, it increases the annual do not to exceed amount to \$124,999 per year for each remaining of the remaining three years, with a new contract total for the remaining three years (2022-2024) of \$374,997.

**RESOURCE/FINANCIAL IMPACT:**

This is a revenue-backed contract with a 70%/30% split with the contractor, where they keep 70% of program revenue and the City retains 30%. City of Shoreline's net revenue from this contract in 2021 was \$18,050.

**RECOMMENDATION**

Staff recommends that the City Council approve Recreation Services Contract Amendment #9543.02 with Skyhawks Sports Academy LLC for a total contract do not exceed amount of \$374,997 for 2022-2024.

**ATTACHMENTS**

Attachment A: Recreation Services Contract #9543 Scope of Work- Skyhawks Sports Academy LLC

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

**Exhibit A**  
**Parks, Recreation and Cultural Services Department**  
**Scope of Work and Compensation**

**SERVICES TO BE PROVIDED:**

Services provided include instruction for youth in various sports during classes, clinics, camps, and workshops.

Services will be provided at the following location(s) throughout the year. If the City determines a location is not available, then the City and the Consultant shall agree upon another interim location: Spartan Recreation Center, Richmond Highlands Recreation Center, Shoreline Park, Twin Ponds

**PROGRAM AND INSTRUCTOR REQUIREMENTS:**

- 1) Hours of instruction per program session/class:  
Range from 30 minutes to 8 hours depending on program specifics and confirmed quarterly with City staff.
- 2) Program Class Size:
  - a) Minimum enrollment for class to be held: 8
  - b) Maximum enrollment is location dependent and will be confirmed quarterly with City staff.
- 3) Materials and Supplies:  
All materials and supplies are provided by instructor for all participants at instructor cost. Instructor may charge a supply fee to each student and the instructor is responsible for collecting this fee from each student. The City shall clearly list the supply fees in the program description on the City's website and the Recreational Guide. All surplus supplies are the property of the instructor.
- 4) The instructor is responsible for leaving the program space clean and in proper order as per the Instructor Handbook.
- 5) Instructor Handbook:  
Instructor shall adhere to all parameters and expectations as outlined in the City of Shoreline Parks, Recreation and Cultural Service Instructor Handbook (October 2018). The Handbook is incorporated into this contract by reference and made a part hereof.
- 6) Attendance Records:
  - a) Instructor will assure that all participants are properly registered through the City's on-line registration system prior to participation in a program class.
  - b) Instructor will maintain and make available upon request attendance records for each program class session.

**CITY RESPONSIBILITIES:**

- 1) Provide instructor with an appropriate facility/location to provide instruction in various sports by offering classes, clinics, camps, and workshops to youth.
- 2) List class/program in the seasonal Recreation Guide and on the City's website.
- 3) Complete registration for participants.
- 4) Provide Instructor with a class roster prior to the first class/program session.
- 5) As per the Instructor Handbook:
  - a) Communicate with instructor regarding all cancellations as per the Instructor Handbook.
  - b) Communicate with registered participants as requested by instructor.
  - c) Evaluate instructor's performance annually to ensure compliance with the terms and conditions of this Agreement and as provided in the annual instructor evaluation tool.
  - d) Evaluate the program annually as provided in the annual program evaluation tool.

**PAYMENT FOR SERVICES:**

City shall pay instructor as follows, but at no time shall the total amount paid exceed \$50,000.00 per calendar year:

- The sum of 70% of the fees collected based on the resident rate as established in the Shoreline Recreation Guide for the applicable class session time period. The City will retain 30% of the fees plus the difference between the established resident and non-resident fees. A copy of registration and attendance records will be submitted with the invoice to substantiate payment.

The Consultant will be responsible for the collection of a portion of the registration fees for the services provided under this Agreement for Recreation Services.

The Consultant shall complete and return a W-9 to the City prior to contract execution by the City.

Consultant shall retain seventy percent (70%) or the total registration fees collected as compensation for registrations taken through the consultants registration software. The Consultant shall remit the remaining balance of thirty percent (30%) to the City. However, in no case shall Consultant retain more than the maximum amount noted in this Agreement.

Remittance to the City shall be due no later than ninety (90) days from the last day of each individual class/program session performed under this Agreement.

The Consultant shall include with the remittance a detailed report providing the following information:

- Name of Course/Program;
- Dates of Course/Program;

- Number of Registrants; and
- Total Fees Collected.

The remittance and report shall be mailed to: Accounts Payable, 17500 Midvale Avenue N., Shoreline, WA, 98133-4905, or emailed to: [accountspayable@shorelinewa.gov](mailto:accountspayable@shorelinewa.gov).

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Authorizing the City Manager to Execute Contract Amendment #9999.01 with Play-Well TEKnologies in the Amount of \$104,997 for 2022-2024
<b>DEPARTMENT:</b>	Recreation, Cultural and Community Services
<b>PRESENTED BY:</b>	Mary Reidy, Recreation and Cultural Services Superintendent
<b>ACTION:</b>	<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:**

To most effectively and efficiently meet the expanding demand for youth camps and sports programs, the City contracts with area service providers to provide recreation programming. The City contracts with a variety of program providers allowing residents access to camps and activities beyond the capacity of City-staffed programs.

The City's Recreation, Cultural, and Community Services (RCCS) Department has been contracting with Play-Well TEKnologies for the past few years. In 2020, the City offered eight (8) Play-Well TEKnologies programs and camps with a COVID-limited 75 registrants. In 2021, there were 10 Play-Well TEKnologies programs and camps with 149 registrants. As COVID restrictions have eased up, the public's demand for summer programs is increasing, including for LEGO camps provided by Play-Well TEKnologies.

Play-Well TEKnologies offers a unique service bringing their own staff, equipment, and activities to City sites to run LEGO programs and camps. In bringing their own well-trained staff and equipment, efficiencies with City staff are maximized. The program offerings are for all ages and are accessibly priced when compared to other more select sports programs for older youth.

The original contract amount in 2021 was for \$24,999 renewable up to three (3) additional years, making it a total of \$99,996 for all four years. This amendment to the original contract is for an additional \$10,000 per year for the remaining three (3) years making it a not to exceed \$34,999 per year, with a contract total for the three years of \$104,997.

**RESOURCE/FINANCIAL IMPACT:**

This is a revenue-backed contract with a 70%/30% split with the contractor, where they keep 70% of program revenue and the City retains 30%. The City of Shoreline's net revenue from this contract in 2021 was \$8,360.



**RECOMMENDATION**

Staff recommends that the City Council approve Contract Amendment #9999.01 with Play-Well TEKnologies for a total contract do not exceed amount of \$104,997 for 2022-2024.

**ATTACHMENTS**

Attachment A: Recreation Services Contract #9999 Scope of Work- Play-Well TEKnologies

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

**Exhibit A**  
**Parks, Recreation and Cultural Services Department**  
**Scope of Work and Compensation**

**SERVICES TO BE PROVIDED:**

Provide instruction in teaching various topics using LEGO based programs as well as robotics. with a defined program objective of teaching youth various problem-solving skills, introduction to STEM concepts, and incorporating fine motor skills by building with LEGOS.

Services will be provided at the following location(s) throughout the year. If the City determines a location is not available, then the City and the Consultant shall agree upon another interim location: Ridgecrest Elementary School, Spartan Recreation Center.

**PROGRAM AND INSTRUCTOR REQUIREMENTS:**

- 1) Hours of Instruction per program session/class:  
Range from 30 minutes to 4 hours depending on program specifics and confirmed quarterly with City staff.
- 2) Program Class Size
  - a) Minimum Enrollment for class to be held: depends on the class; is determined by the vendor.
  - b) Maximum Enrollment is location dependent and will be confirmed quarterly with City staff.
- 3) Materials and Supplies  
All materials and supplies are provided by instructor for all participants at instructor cost. Instructor may charge a supply fee to each student and the instructor is responsible for collecting this fee from each student. The City shall clearly list the supply fees in the program description on the City's website and the Recreational Guide. All surplus supplies are the property of the instructor.
- 4) The Instructor is responsible for leaving the program space clean and in proper order as per the Instructor Handbook.
- 5) Instructor Handbook  
Instructor shall adhere to all parameters and expectations as outlined in the City of Shoreline Parks, Recreation and Cultural Service Instructor Handbook (October 2018). The Handbook is incorporated into this contract by reference and made a part hereof.
- 6) Attendance Records
  - a) Instructor will assure that all participants are properly registered through the City's on-line registration system prior to participation in a program class.

- b) Instructor will maintain and make available upon request attendance records for each program class session.

**CITY RESPONSIBILITIES:**

- 1) Provide Instructor with an appropriate facility/location to provide instruction in: LEGO building and engineering for children.
- 2) List class/program in the seasonal Recreation Guide and on the City's website.
- 3) Complete registration for participants.
- 4) Provide Instructor with a class roster prior to the first class/program session.
- 5) As per the Instructor Handbook:
  - a) Communicate with Instructor regarding all cancellations as per the Instructor Handbook.
  - b) Communicate with registered participants as requested by Instructor.
  - c) Evaluate Instructor's performance annually to ensure compliance with the terms and conditions of this Agreement and as provided in the annual instructor evaluation tool.
  - d) Evaluate the program annually as provided in the annual program evaluation tool.

**PAYMENT FOR SERVICES:**

City shall pay Instructor as follows, but at no time shall the total amount paid exceed \$24,999 per calendar year:

- The sum of 70% of the fees collected based on the resident rate as established in the Shoreline Recreation Guide for the applicable class session time period. The City will retain 30% of the fees plus the difference between the established resident and non-resident fees. A copy of registration and attendance records will be submitted with the invoice to substantiate payment.

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Authorizing the City Manager to Execute a Construction Contract with Quilceda Excavation, Inc. in the Amount of \$1,005,714 for the 2022 Stormwater Pipe Repair and Small Drainage Projects
<b>DEPARTMENT:</b>	Public Works
<b>PRESENTED BY:</b>	Tricia Juhnke, City Engineer
<b>ACTION:</b>	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

**PROBLEM/ISSUE STATEMENT:**

The Stormwater Pipe Repair and Replacement Program (SWPRRP) is an annual program to replace failing infrastructure identified in the Surface Water Utility’s asset inventory and condition assessment (Basin Plan). The Surface Water Small Drainage Projects Program (SWS DPP) is also an annual program that resolves small public drainage issues that often start as customer service requests or issues found in the field by staff. Staff has combined the two programs’ construction phases to attract lower overall bids and for efficiency in construction management and inspection.

Between April 13 and May 3, 2022, the City solicited for contractors to construct the 2022 Stormwater Pipe Repair and Small Drainage Projects as Bid# 10151. This is a combined project that will conduct pipe repair at 17 different sites, and small drainage projects at five (5) different sites. The engineer’s estimate for the construction is \$1,167,423. Construction is anticipated to start in June 2022 with a total contract time of 140 working days. The bid from Quilceda Excavation, Inc. in the amount of \$1,005,714 was the low bid. City staff has determined that the bid from Quilceda Excavation, Inc. is responsive and that they have met the City’s requirements.

Staff is requesting that Council authorize the City Manager to execute a contract with Quilceda Excavation, Inc. for construction of the 2022 Stormwater Pipe Repair and Small Drainage Projects in the amount of \$1,005,714.

**RESOURCE/FINANCIAL IMPACT:**

This project is fully funded by City’s Surface Water Utility fund. Below is a breakdown of the budget for the 2022 Stormwater Pipe Repair and Small Drainage Projects:

**Project Expenditures:**

**Construction:**

Staff and other Direct Expenses	\$ 90,000
2022 Construction	\$ 1,005,714
Contingency (10%)	\$ 110,000
<b>Construction Subtotal</b>	<b>\$ 1,205,714</b>

**Total Project Expenditures** **\$ 1,205,714**

**Project Revenue:**

**Surface Water Capital Fund**

SW Small Drainage Projects	\$ 651,767
SW Stormwater Pipe Repair and Replacement	\$ 553,947
<b>Total Project Revenue</b>	<b>\$ 1,205,714</b>

**RECOMMENDATION**

Staff recommends that Council authorize the City Manager to execute a construction contract with Quilceda Excavation, Inc., in the amount of \$1,005,714 for the 2022 Stormwater Pipe Repair and Small Drainage Projects.

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

## **BACKGROUND**

The Stormwater Pipe Repair and Replacement Program (SWPRRP) is an annual program to replace failing infrastructure identified in the Surface Water Utility's asset inventory and condition assessment (Basin Plan). The Surface Water Small Drainage Projects Program (SWSDPP) is also an annual program that resolves small public drainage issues that often start as customer service requests or issues found in the field by staff. Staff has combined the two programs' construction phases to attract lower overall bids and for efficiency in construction management and inspection.

The stormwater pipes in the Project were identified for priority repair after completion of systematic CCTV inspection condition assessments in conjunction with basin planning efforts. Prioritization efforts include a detailed review of each pipe's inspection results and other characteristics and take into account both the structural condition of the pipe (risk of failure) and pipe criticality (potential consequences of failure).

The Project will repair stormwater pipe at 17 sites and complete small projects at five (5) sites throughout the City. A vicinity map showing the site locations of these projects can be found in Attachment A.

## **DISCUSSION**

The selected repair method for the Project is open-cut pipe repair. The majority of these sites are located within the northwestern area of the City, a result of the high number of pipes in poor condition identified in completed basin plans for those drainage areas.

This Project will also address small-scale surface water related issues at five (5) project sites distributed throughout the City. City stormwater system assets installed as part of these projects will include stormwater pipe, catch basins, infiltration facilities, and asphalt berms. Small projects are tracked by associated City Work Order (WO) numbers if applicable.

### **Project Bid Process – Bid# 10151**

Between April 13 and May 3, 2022, the City solicited for contractors to construct the Project under Bid# 10151 as noted above. Bids were opened on May 3, 2022, and three (3) bids were received. Quilceda Excavation, Inc. was the low bidder with a bid of \$1,005,714. The other bid proposals were \$1,440,775; and \$1,576,794.

City staff determined that the bid from Quilceda Excavation, Inc. is responsive and has met the requirements of the bid. This was verified by:

- Evaluation of the bid through the creation of bid tabulations, and
- Verification that the contractor is properly licensed in Washington and has not been barred from contracting on federal- and state-funded projects.

The engineer's estimate for construction of the Project was \$1,167,423. Construction is anticipated to start in June 2022 with a contract time of 140 working days.

The alternative of not awarding the contract is not recommended and would result in the delay or cancellation of the project. If this were to occur stormwater infrastructure would not be repaired and could cause damage to private or public property.

**COUNCIL GOAL(S) ADDRESSED**

This project addresses Council Goal #2: Continue to deliver highly valued public services through management of the City’s infrastructure and stewardship of the natural environment. This project will meet this goal by repairing and replacing failing stormwater pipes.

**RESOURCE/FINANCIAL IMPACT**

This project is fully funded by City’s Surface Water Utility fund. Below is a breakdown of the budget for the 2022 Stormwater Pipe Repair and Small Drainage Projects:

**Project Expenditures:**

<b>Construction:</b>	
Staff and other Direct Expenses	\$ 90,000
<i>2022 Construction</i>	<i>\$ 1,005,714</i>
Contingency (10%)	\$ 110,000
<b>Construction Subtotal</b>	<b>\$ 1,205,714</b>
<hr/>	
<b>Total Project Expenditures</b>	<b>\$ 1,205,714</b>

**Project Revenue:**

<b>Surface Water Capital Fund</b>	
SW Small Drainage Projects	\$ 651,767
SW Stormwater Pipe Repair and Replacement	\$ 553,947
<b>Total Project Revenue</b>	<b>\$ 1,205,714</b>

**RECOMMENDATION**

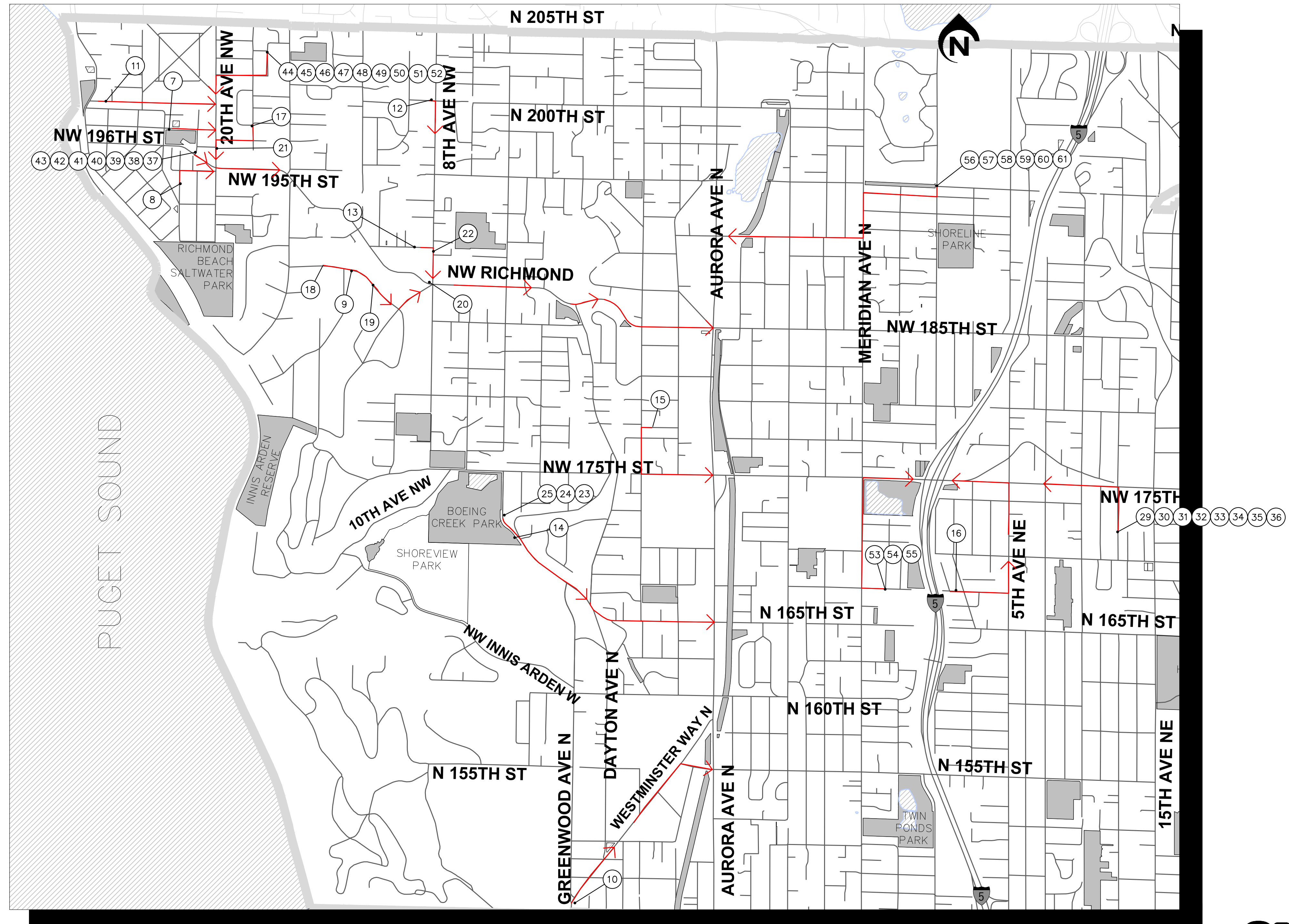
Staff recommends that Council authorize the City Manager to execute a construction contract with Quilceda Excavation, Inc., in the amount of \$1,005,714 for the 2022 Stormwater Pipe Repair and Small Drainage Projects.

**ATTACHMENT**

Attachment A: Project Vicinity Map

# ATTACHMENT A

SHEET INDEX		
DRAWING	SHEET #	SHEET TITLE
G01	1	COVER SHEET
G02	2	SHEET INDEX
G03	3	GENERAL NOTES
G04	4	GENERAL NOTES
G05	5	TRAFFIC CONTROL NOTES
G06	6	TRAFFIC CONTROL NOTES
<b>OPEN-CUT REPAIRS (BID SCHEDULE A)</b>		
OC01	7	2148 NW 197TH ST
OC02	8	19336 22ND AVE NW
OC03	9	18790 RIDGEFIELD RD NW
OC04	10	14500 GREENWOOD AVE N STE B
OC05	11	26TH AVE NW AND NW 199TH ST
OC06	12	NW 200TH ST AND 8TH AVE NW
OC07	13	816 NW 190TH ST
OC08	14	2ND AVE NW & NW 171ST ST
OC09	15	714 N 179TH ST
OC10	16	2ND AVE NE AND NE 167TH ST
OC11	17	NW 198TH ST AND 18TH AVE NW
OC12	18	1326 NW 188TH ST
OC13	19	18742 RIDGEFIELD RD NW
OC14	20	NW RICHMOND BEACH RD AND 8TH AVE NW
OC15	21	20TH AVE NW AND NW 196TH PL
OC16	22	8TH AVE NW AND NW 190TH ST
OC17	23	17128 3RD AVE NW
OC18	24	17128 3RD AVE NW
OC19	25	17128 3RD AVE NW
OC20	26	NOT USED
OC20	27	NOT USED
<b>SMALL DRAINAGE PROJECTS (BID SCHEDULE B, C, AND D)</b>		
G07	28	TRAFFIC CONTROL NOTES
<b>12TH AVE (BID SCHEDULE B)</b>		
X01	29	WO2256 - EXISTING CONDITIONS 1
X02	30	WO2256 - EXISTING CONDITIONS 2
SP01	31	WO2256 - TESC AND SITE PREP 1
SP02	32	WO2256 - TESC AND SITE PREP 2
C01	33	WO2256 - PLAN AND PROFILE 1
C02	34	WO2256 - PLAN AND PROFILE 2
LS01	35	WO2256 - PLANTING PLAN 1
LS02	36	WO2256 - PLANTING PLAN 2
<b>RICHMOND BEACH LIBRARY (BID SCHEDULE C)</b>		
X03	37	WO1644 - EXISTING CONDITIONS 1
X04	38	WO1644 - EXISTING CONDITIONS 2
SP03	39	WO1644 - TESC AND SITE PREP 1
SP04	40	WO1644 - TESC AND SITE PREP 2
C03	41	WO1644 - PLAN AND PROFILE 1
C04	42	WO1644 - PLAN AND PROFILE 2
LS03	43	WO1644 - PLANTING PLAN
<b>18TH AVE (BID SCHEDULE B)</b>		
X05	44	WO7079 - EXISTING CONDITIONS 1
X06	45	WO7079 - EXISTING CONDITIONS 2
X07	46	WO7079 - EXISTING CONDITIONS 3
SP05	47	WO7079 - TESC AND SITE PREP 1
SP06	48	WO7079 - TESC AND SITE PREP 2
SP07	49	WO7079 - TESC AND SITE PREP 3
C05	50	WO7079 - PLAN AND PROFILE 1
C06	51	WO7079 - PLAN AND PROFILE 2
C07	52	WO7079 - PLAN AND PROFILE 3
<b>THORTON CREEK AT CORLISS PLACE N (BID SCHEDULE B)</b>		
X08	53	WO13765 - EXISTING CONDITIONS
SP08	54	WO13765 - TESC AND SITE PREP
C08	55	WO13765 - PLAN AND PROFILE
<b>1ST AVE NW AND N 195TH ST (BID SCHEDULE D)</b>		
X09	56	WO6810 - EXISTING CONDITIONS 1
X10	57	WO6810 - EXISTING CONDITIONS 2
SP09	58	WO6810 - TESC AND SITE PREP 1
SP10	59	WO6810 - TESC AND SITE PREP 2
C09	60	WO6810 - PLAN AND PROFILE 1
C10	61	WO6810 - PLAN AND PROFILE 2
C11	62	DRAINAGE DETAILS - 1
C12	63	DRAINAGE DETAILS - 2



VICINITY MAP SHORELINE, WA    ## SHEET NUMBER    → HAUL ROUTE    NTS



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04/06/2022 12:43pm P:\10-200011 City of Shoreline\_2021-22 Storm Projects\3 CAD\Drawings\10-200011\_COVER\_OPEN\_CUT.dwg

MARK	REVISION DESCRIPTION	BY	APP.	DATE



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DRAWN BY JR  
DESIGN BY MW  
CHECK BY RP  
PROJ MGR CC

**CITY OF SHORELINE**  
**2022 STORMWATER PIPE REPAIR AND SMALL DRAINAGE PROJECTS**  
  
SHEET INDEX

DRAWING NO. G02  
PROJECT NO. 9586  
FED AID NO. \_\_\_\_\_  
DATE: 04/11/2022  
SHEET NO. 2 OF 63



**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Confirmation of Mayoral Appointments of the 2022 Salary Commission Members
<b>DEPARTMENT:</b>	Human Resources
<b>PRESENTED BY:</b>	Melissa Muir, Human Resources Director
<b>ACTION:</b>	<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:**

As per [Ordinance No. 919](#), every four years commencing in 2022, three Salary Commission members are appointed by the Mayor subject to confirmation by the City Council. The purpose of the Salary Commission is to review, establish, and adjust the salaries and benefits for elected officials' salaries (the Mayor, Deputy Mayor, and City Councilmembers). The Salary Commission is composed of residents from the community who will determine the Council's salaries and benefits based on comparative market data.

To fill these three positions on the 2022 Salary Commission, the positions were advertised starting on February 1 with applications ultimately due by April 29. Four applications were received by the deadline, but it was determined that one applicant was not eligible for consideration to serve as they no longer are a Shoreline resident. Upon reviewing the remaining three applications, the Mayor recommended the full Council appoint John Hoey, Paula Itaoka, and Robin McClelland to the 2022 Salary Commission. Tonight, the Council is scheduled to confirm the Mayor's appointment of these three applicants to serve on the Salary Commission.

**RESOURCES/FINANCIAL IMPACT:**

There is no financial impact for this Council action.

**RECOMMENDATION**

Staff recommends that the City Council confirm the Mayoral appointments of John Hoey, Paula Itaoka, and Robin McClelland to the 2022 Salary Commission.

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

## **BACKGROUND**

As per [Ordinance No. 919](#), codified as Chapter 2.70 SMC, every four years commencing in 2022, three Salary Commission members are appointed by the Mayor subject to confirmation by the City Council. The purpose of the Salary Commission is to review, establish, and adjust the salaries and benefits for elected officials' salaries (the Mayor, Deputy Mayor, and City Councilmembers). The Salary Commission is composed of residents from the community who will determine the Council's salaries and benefits based on comparative market data.

Commissioners are responsible for the following:

- Study the relationship of salaries to duties and the costs incurred in performing these duties;
- Study the relationship of Council salaries and benefits to those of Councilmembers in surrounding jurisdictions;
- Study the relationship of Council salaries and benefits to other current market conditions, including factors that would encourage an economically and socially diverse City Council;
- Establish salaries and benefits by either maintaining, increasing, or decreasing each by an affirmative vote of a majority of Commission members; and
- Review and potentially file a Salary Schedule with the City Clerk on or before October 1, 2022.

## **DISCUSSION**

To fill these three positions on the 2022 Salary Commission, the positions were advertised starting on February 1, 2022, with the original application period closing February 28. The City notified the public of these openings through [Currents](#), the [City's webpage](#), and social media accounts. With limited response, the City extended the application period to April 29 and the City Manager emailed former members of the Parks, Recreation and Cultural Services Board and Planning Commission to encourage possible participation.

Four applications to serve on the Salary Commission were received by the deadline, but it was determined that one applicant was not eligible for consideration to serve as they no longer are a Shoreline resident. Upon reviewing the remaining three applications, on May 13, 2022, the Mayor appointed the following three applicants to the 2022 Salary Commission:

- John Hoey
- Paula Itaoka
- Robin McClelland

The applications of these three appointed Salary Commission members are attached to this staff report as [Attachment A](#). The term of the appointments to the Salary Commission will be from Council confirmation until the time the review is complete and Salary Schedule is filed with the City Clerk, which must be on or before October 1, 2022.

Tonight, the Council is scheduled to confirm the Mayor's appointment of these three applicants to serve on the 2022 Salary Commission. If Councilmembers have any objection to the appointment of these members, and do not confirm any of these applicants, staff would reopen the application process and continue to seek applicants to serve on the Commission this year.

### **RESOURCES/FINANCIAL IMPACT**

There is no financial impact for this Council action.

### **RECOMMENDATION**

Staff recommends that the City Council confirm the Mayoral appointments of John Hoey, Paula Itaoka, and Robin McClelland to the 2022 Salary Commission.

### **ATTACHMENTS**

Attachment A – Applications of Mayoral-Appointed Salary Commission Members

**Attachment A**  
Redacted Council Salary Commission Applications

**Council Salary Commission Application**

**John Hoey**

Page 1

**Disclosure Notice: Please note that your responses to the application questions may be disclosed to the public under Washington State Law. Your personal information, however is not subject to public disclosure.**

**1. Please tell us your name**

John W. Hoey

**2. What is your home address?**

[REDACTED]

**3. What is your phone number?**

[REDACTED]

**4. What is your email address?**

[REDACTED]

**5. Are you a Shoreline resident?**

Yes

**6. If you are a Shoreline resident, what has been the length of residency?**

10 years

**7. Are you a registered voter in King County?**

Yes

**8. Are you an officer, official, or employee of the City of Shoreline, or are you an immediate family member of an officer, official, or employee of the City of Shoreline?**

("Immediate family member" means the parents, spouse, siblings, children, or dependent relatives of the officer, official, or employee, whether or not living in the household of the officer, official, or employee.)

No

**9. Describe why you are interested in serving on the City Council Salary Commission.**

I had the honor to serve on the City's Parks, Recreation, and Cultural Services/Tree Board from 2013-2021. During that tenure, I appreciated the opportunity to make advisory recommendations to the Councilmembers on a wide variety of issues. I respect the role of elected officials in Shoreline and believe that we should incentivize interested citizens to serve in that capacity through appropriate compensation. I would enjoy the work of reviewing the best practices for consideration of elected officials' salaries, including those of our peer municipalities, and deliberating with my fellow Commission members to recommend appropriate salary levels for Shoreline's elected officials.

**10. Describe your involvement in the Shoreline community.**

## Attachment A

I applied to serve on the City's PRCS/Tree Board after living in Shoreline for only 9 months. My wife and I were expecting twins at the time, and I knew that I wanted to be involved with my new community. During my eight years of service on the Board, I explored many different opportunities to get to know different aspects of the work of the Board and of City government. I have enjoyed spending time in most of the City's parks and open spaces, participated in recreation and cultural programs, and thoroughly appreciate Shoreline's various arts offerings. Raising a family in Shoreline has given me a great opportunity to experience our city as not only a resident, but also as a parent of young children. I completely understand why Shoreline has become so attractive to young families and those who hope to raise their children here. My wife was raised in Shoreline and has wonderful memories of her childhood here. She has been so happy that we decided to establish our home in Shoreline. After two years of the COVID-19 pandemic, we are looking forward to re-engaging in community activities this summer including Shoreline Rec summer camps for the kids, the Shoreline Farmer's Market and Celebrate Shoreline!

### **11. Describe any special expertise you have which would be applicable to this position.**

The vast majority of my career has been centered around the work of government organizations at the Federal, State, and (mostly) Local level. My educational background includes a B.A. in Government and a M.A. in Urban and Environmental Policy. I spent more than 15 years working as a consultant and with a national non-profit organization to help advance effective environmental and urban planning projects with local governments around the Puget Sound region and Washington state. Through that experience, I have worked directly with many elected officials in city and county government and have developed a thorough understanding of (and respect for) the work that they do. In my current professional role as a Senior Policy Analyst for the Seattle Planning Commission, I develop policy and planning recommendations on a variety of topics including land use, transportation, and other aspects of the built environment. These recommendations are informed by a 16-member citizen advisory body for consideration by the City of Seattle's elected officials and department leaders.

### **12. Describe your experience serving on any public or private boards or commissions.**

I have described my service on the Shoreline Parks, Recreation, and Cultural Services/Tree Board above. It was my honor to serve as Chair of that Board in 2020-2022. During my professional career, I have served as Program Manager and/or Facilitator for many stakeholder-based advisory committees, often leading to consensus-oriented decisions on difficult policy issues. I have also served as a mentor/coach for cohorts in the Leadership Tomorrow Seattle program and the Urban Land Institute's Center for Sustainable Leadership. One of the cohorts I worked with in the ULI program created a series of recommendations for innovative, adaptive reuse and placemaking at Shoreline's Aurora Square (now Shoreline Place) in anticipation of its eventual Community Renewal Area revitalization plan.

**Council Salary Commission Application**

**Paula Itaoka**

Page 1

**Disclosure Notice: Please note that your responses to the application questions may be disclosed to the public under Washington State Law. Your personal information, however is not subject to public disclosure.**

**1. Please tell us your name**

Paula Itaoka

**2. What is your home address?**

[Redacted]

**3. What is your phone number?**

[Redacted]

**4. What is your email address?**

[Redacted]

**5. Are you a Shoreline resident?**

Yes

**6. If you are a Shoreline resident, what has been the length of residency?**

27 Years

**7. Are you a registered voter in King County?**

Yes

**8. Are you an officer, official, or employee of the City of Shoreline, or are you an immediate family member of an officer, official, or employee of the City of Shoreline?**

("Immediate family member" means the parents, spouse, siblings, children, or dependent relatives of the officer, official, or employee, whether or not living in the household of the officer, official, or employee.)

No

**9. Describe why you are interested in serving on the City Council Salary Commission.**

Public service is important to me.

**10. Describe your involvement in the Shoreline community.**

Formerly, I was the HR Director for the City of Shoreline.

**11. Describe any special expertise you have which would be applicable to this position.**

Expertise in compensation analysis and management.

**12. Describe your experience serving on any public or private boards or commissions.**

2014 – 2018 Association of Washington Cities Employee Benefit Advisory Committee Member

2012 Emergency Services Coordinating Agency, Volunteer Compensation Board

2004 Eastside Municipal Employees Credit Union, Board of Directors

1998 – 1999 Seattle Goodwill Industries, Board of Directors

1993 – 1995 Seattle Vocational Institute, Advisory Committee

1990 – 1995 Washington Savings League, Board of Directors

1984 – 1987 Seattle Mortgage Bankers Association, Board of Directors

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**Council Salary Commission Application**

**Robin McClelland**

Page 1

**Disclosure Notice: Please note that your responses to the application questions may be disclosed to the public under Washington State Law. Your personal information, however is not subject to public disclosure.**

**1. Please tell us your name**

Robin McClelland

**2. What is your home address?**

[REDACTED]

**3. What is your phone number?**

[REDACTED]

**4. What is your email address?**

[REDACTED]

**5. Are you a Shoreline resident or property owner?**

yes

**6. If you are a Shoreline resident or property owner, what has been the length of residency or property ownership?**

24 years

**7. Describe why you are interested in serving on the City Council Salary Commission.**

Having served as staff to elected officials in several capacities - a senior planner with the City of Bellevue, a consulting planner with many Washington communities, and as an interim planning manager for several cities, plus, serving as a Principal Planner with the Puget Sound Regional Council, I have had an inside view of what staff asks of elected officials with regard to their comprehending complicated issues and their ability to come to meetings full prepared to participate in the work expected of them - week after week.

I regard their time as a valuable contribution to the work of our communities.

**8. Describe your involvement in the Shoreline community.**

I have been an active volunteer with our Arts Council and a participant in my Richmond Highlands Neighborhood Association. In that capacity I helped negotiate the first mural painted on private property using neighborhood grant funds.

I have served on several campaigns to pass bond issues for parks, sidewalks, and a new swimming pool and community center.

I am currently on the Financial Sustainability Advisory Committee to provide input to the City Manager as the city prepares to put a measure on the ballot to replace the 2016 Property Tax Levy Lid Lift.

**9. Describe any special expertise you have which would be applicable to this position.**

I am a former planning commissioner and also served as a volunteer for the Dept. of Commerce Planning Short Course for about 15 years. In that capacity I trained Planning Commissioners on how to be effective citizen planners, including the necessity of preparing for meetings and coming ready to engage with the staff and the public.

I understand the amount of time public officials must put into becoming effective in their roles.

**10. Describe your experience serving on any public or private boards or commissions.**

Two terms on the Shoreline Planning Commission (8 years), Two terms on the King County Library System Board of Trustees (10 years), Shoreline Sidewalk Advisory Committee, Shoreline Lake Forest Park Arts Council Board of Directors

**11. Are you affiliated with any organizations which receive direct funding from the City of Shoreline (such as a local human services organization, the Shoreline - Lake Forest Park Arts Council, the Shoreline Museum, etc.)? If the answer is yes, please name the group and your role.**

not at this time

1. **Are you a registered voter in King County?** Yes

4. **Are you an officer, official or employee of the City of Shoreline, or are you an immediate family member of an officer, official or employee of the City of Shoreline?** (“Immediate family member” means the parents, spouse, siblings, children, or dependent relatives of the officer, official or employee, whether or not living in the household of the officer, official or employee.”)

I am in no way associated with the city; nor is my husband.

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Adoption of Resolution No. 491 - Repealing Resolution No. 459 – Temporarily Authorizing Meetings and Public Hearings to be Held Electronically Due to the COVID-19 Public Health Emergency
<b>DEPARTMENT:</b>	City Attorney’s Office City Clerk’s Office
<b>PRESENTED BY:</b>	Julie Ainsworth-Taylor, Assistant City Attorney Jessica Simulcik-Smith, City Clerk
<b>ACTION:</b>	<input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

**PROBLEM/ISSUE STATEMENT:**

Due to the COVID-19 public health emergency and directives from Public Health Authorities and proclamations of Washington State’s Governor, the City Council adopted Resolution No. 459 directing that all City meetings and hearings be held remotely via the Zoom Platform. On March 24, 2022, the Governor signed Engrossed Substitute House Bill (ESSHB) 1329 into law, which amended the Open Public Meetings Act and requires, among other things, all public meetings to be held at a physical location. Following the signing of ESSHB 1329, on April 29, 2022, the Governor issued Proclamation No. 20-28.16 terminating and rescinding the requirement for public meetings to be held virtually. This termination and rescission will become effective on June 1, 2022. Given these changes, the City will be returning to in-person City Council, Planning Commission and Parks, Recreation and Cultural Services (PRCS)/Tree Board meetings.

Tonight, Council is scheduled to take action on proposed Resolution No. 491 (Attachment A). Proposed Resolution No. 491 would repeal Resolution No. 459 and would initiate the process of returning to in-person meetings. If Council adopts proposed Resolution No. 491, Council will return to in-person meetings on June 6, 2022. The Planning Commission will have its first in-person meeting on June 16<sup>th</sup> and the PRCS/Tree Board will return on June 23<sup>rd</sup>.

**RESOURCE/FINANCIAL IMPACT:**

State law mandates that the City hold meetings and hearings with a physical location as of June 1, 2022. To comply with changes in the Open Public Meetings Act to ensure the public has the ability to listen, watch, and participate in these meetings and hearings without being at the physical location, the City Council approved a budget allocation to address the costs of these changes.

**RECOMMENDATION**

Staff recommends that the City Council adopt Resolution No. 491 repealing Resolution No. 459 which temporarily permitted remote meetings and public hearings by the City Council, Planning Commission, and PRCS/Tree Board.

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

## **BACKGROUND**

Due to the COVID-19 public health emergency and directives from Public Health Authorities and proclamations of Washington State's Governor, including Proclamation Nos. 20-25 (Stay Home Stay Healthy) and 20-28 (Open Public Meetings), the City Council adopted Resolution No. 459 directing that all City meetings and hearings be held remotely via the Zoom Platform. The staff report for this Resolution can be reviewed at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2020/staffreport060120-8b.pdf>.

Proclamation No. 20-25 requires Washington citizens to stay home except for essential functions and Proclamation No. 20-28 required that all public meetings be held virtually. The purpose of conducting remote or "virtual" meetings and hearings is to prohibit the gathering of people together in order to help prevent the spread of COVID-19. Therefore, since the adoption of Resolution No. 459, all City meetings and hearings have successfully been held virtually with councilmembers, commissioners, board members, and the public being able to fully participate.

On March 24, 2022, the Governor signed Engrossed Substitute House Bill (ESSHB) 1329 into law. This law amended the Open Public Meetings Act, chapter 42.30 RCW, and requires, among other things, all public meetings to be held at a physical location. Entirely remote public meetings are no longer allowed unless the City determines that it cannot hold a meeting with councilmembers or public attendance in-person with reasonable safety because of a declared emergency. This law encourages that the City continue the practice of allowing members of the public to listen, watch, and participate in public meetings remotely and requires public comment at all meetings for which final action will be taken. Sections of ESSHB 1329 that impact virtual meetings became effective upon the Governor's signing. The Legislative file can be reviewed at the following link:

<https://lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bill%20Reports/House/1329-S.E%20HBR%20FBR%2022.pdf?q=20220511142050>.

Following the signing of ESSHB 1329, on April 29, 2022, the Governor issued Proclamation No. 20-28.16, terminating and rescinding the requirement for public meetings to be held virtually. This termination and rescission will become effective at 12:01 AM, June 1, 2022.

## **DISCUSSION**

Knowing that in-person meetings would return at some point in time, both the City Council, with the adoption of Resolution No. 485 on November 1, 2021, and the Planning Commission, by motion on April 7, 2022, have amended their Rules of Procedure to address remote meetings and ensure remote public comment at those meetings. The Parks, Recreation and Cultural Services (PRCS)/Tree Board is anticipated to amend their Rules of Procedure at its next regular meeting.

To facilitate this change in how the City will be conducting public meetings and hearings in the future, new technology was installed in the Council Chamber that integrates cameras and microphones into a videoconferencing platform that remote participants will use to join the meeting. All staff presentations will be shared in both the Council Chamber and the videoconferencing platform, and each Councilmember will have a monitor at the dais that displays the remote meeting participants and shared content. The new technology will continue to allow for public comments provided remotely by telephone or videoconferencing software as well as in-person from the speaker's podium.

When in-person, both the City Council and Planning Commission will use the Council Chamber for their Regular Meetings and Conference Room 104 (located off the Council Chamber) for Executive Sessions. City Hall Conference Room 303 (located on the third floor of City Hall) is used by Council for its workshop dinner meetings and by the PRCS/Tree Board for its regular meetings. The new technology is expected to be installed in Conference Room 303 in late May/early June and should be available for hybrid meetings by mid-June. Due to supply chain issues affecting the equipment needed for this project, there is a chance this date could be pushed back, and staff will continue to update Council on its status.

Tonight, Council is scheduled to take action on proposed Resolution No. 491 (Attachment A). Proposed Resolution No. 491 would repeal Resolution No. 459, which temporarily permitted remote meetings and public hearings by the City Council, Planning Commission, and PRCS/Tree Board. This would initiate the process of returning to in-person meetings. If Council adopts proposed Resolution No. 491, Council will return to in-person meetings on June 6, 2022. The Planning Commission will have its first in-person meeting on June 16<sup>th</sup> and the PRCS/Tree Board will return on June 23<sup>rd</sup>.

### **RESOURCE/FINANCIAL IMPACT**

State law mandates that the City hold meetings and hearings with a physical location as of June 1, 2022. To comply with changes in the Open Public Meetings Act to ensure the public has the ability to listen, watch, and participate in these meetings and hearings without being at the physical location, the City Council approved a budget allocation to address the costs of these changes.

### **RECOMMENDATION**

Staff recommends that the City Council adopt Resolution No. 491 repealing Resolution No. 459 which temporarily permitted remote meetings and public hearings by the City Council, Planning Commission, and PRCS/Tree Board.

### **ATTACHMENTS**

Attachment A: Proposed Resolution No. 491

**RESOLUTION NO. 491**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, REPEALING RESOLUTION NO. 459 WHICH TEMPORARILY PROVIDED FOR MEETINGS AND PUBLIC HEARINGS TO BE HELD ELECTRONICALLY DUE TO COVID-19 PUBLIC HEALTH EMERGENCY.**

WHEREAS, on June 1, 2020, consistent with Washington State Governor's Proclamation Nos. 20-25 and 20-28, the City Council passed Resolution No. 459; and

WHEREAS, Resolution No. 459 directed the City Council, Planning Commission, and Parks, Recreation and Cultural Services/Tree Board to hold all meetings or public hearings virtually, by electronic means, and to provide for attendance by members of the public, in real time, allowing the public to listen, watch, and provide public comment; and

WHEREAS, on March 24, 2022, the Governor signed Engrossed Substitute House Bill (ESSHB) 1329 into law which amended the Open Public Meetings Act, chapter 42.30 RCW, and requires all public meetings to be held at a physical location; entirely remote public meetings are no longer allowed unless the City determines that it cannot hold in-person meetings with reasonable safety because of a declared emergency; and

WHEREAS, on April 29, 2022, the Governor issued Proclamation No. 20-28.16, recognizing ESSHB 1329 and terminating and rescinding Proclamation 20-28 as of 12:01 AM on June 1, 2022; and

WHEREAS, on November 1, 2021, the City Council adopted Resolution No. 485, amending its Rules of Procedures to address remote attendance and public comment at its meetings; the Planning Commission amended its Rules of Procedures on April 7, 2022; and the Parks, Recreation and Cultural Services/Tree Board is anticipated to do the same at its next regular meeting; and

WHEREAS, in compliance with ESSHB 1329 and the rescission of Proclamation No. 20-28.16, the City Council desires to repeal Resolution No. 459;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, HEREBY RESOLVES:**

**Section 1. Repeal of Resolution No. 459.** The City Council hereby repeals in its entirety Resolution No. 459 adopted on June 1, 2020.

**Section 2. Severability.** If any one or more sections, subsections, or sentences of this Resolution are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Resolution and the same shall remain in full force and effect.

**Section 3. Effective Date of Resolution.** This Resolution shall take effect and be in full force immediately upon passage by the City Council. This Resolution shall remain in effect until further action of the City Council amends this Resolution or declares an end to the emergency.

**ADOPTED BY THE CITY COUNCIL ON MAY 23, 2022**

\_\_\_\_\_  
Mayor Keith Scully

**ATTEST:**

\_\_\_\_\_  
Jessica Simulcik Smith, City Clerk



**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Public Hearing and Discussion on Ordinance No. 965 – Extension of the Interim Regulations Authorizing Outdoor Seating on Private Property and Within Approved Public Rights-of-Way
<b>DEPARTMENT:</b>	Planning and Community Development
<b>PRESENTED BY:</b>	Andrew Bauer, Planning Manager
<b>ACTION:</b>	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion <input checked="" type="checkbox"/> Public Hearing

**PROBLEM/ISSUE STATEMENT:**

On July 27, 2020, the City Council adopted Ordinance No. 895, enacting interim regulations for outdoor seating areas for existing restaurants and bars due to indoor seating restrictions in place at that time related to the COVID-19 pandemic. Council has adopted three extensions of the interim regulations during the course of the pandemic. Although most restrictions associated with the pandemic have been lifted, a fourth and final six-month extension is necessary as the Planning Commission continues their work on Development Code amendments for permanent regulations.

The current interim regulations will expire on June 21, 2022, if not extended. Tonight, Council will hold a public hearing on and discuss proposed Ordinance No. 965, which would extend these interim regulations for another six months. Proposed Ordinance No. 965 is currently scheduled to be brought back to Council for potential action on June 6, 2022.

**RESOURCE/FINANCIAL IMPACT:**

The interim regulations waive fees for temporary outdoor seating areas. The total impact on revenue will vary depending on the number of businesses establishing outdoor seating areas, which has been five businesses to date. However, with the Outdoor Seating Registration process now implemented for private property areas, it is anticipated to use a smaller amount of staff time to process the registrations. Additionally, by expanding occupancy, businesses will hopefully be able to increase their sales and in-turn contribute more to the flow of economic activity in the City (e.g., wages to employees, tax revenue, etc.).

**RECOMMENDATION**

Staff recommends Council conduct the required public hearing on proposed Ordinance No. 965. No further action is required tonight as this is a Council discussion on the proposed Ordinance. Council action on proposed Ordinance No. 965 is currently scheduled for June 6, 2022.

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

## **BACKGROUND**

Eating and drinking establishments have been severely impacted by the COVID-19 pandemic. At the start of the pandemic, as were many other businesses, these establishments were required to close. This requirement pertained only to on-site consumption and did not preclude take-out, delivery, or drive-thru operations. Starting in November 2020, outdoor seating was permitted with limited indoor seating following a few months later, both subject to certain parameters. As the months passed, indoor seating moved from 25% capacity to full capacity on June 30, 2021.

While being able to operate indoor facilities at full capacity, Shoreline establishments were still subject to King County's vaccine entry requirement and the State's mask mandate until March 2022. Although restrictions have been replaced with recommendations for this industry, there is still some uncertainty for how the pandemic will unfold in the coming months and what impacts to bars and restaurants could be. As such, flexibility for outdoor seating options continues to be an important tool in helping this already decimated industry to recover while allowing the public to feel safer when dining out.

### **Timeline of Interim Regulations**

On July 27, 2020, the City Council adopted Ordinance No. 895, which established six-month interim regulations for outdoor seating for restaurants and bars. The staff report for this Council action can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2020/staffreport072720-8a.pdf>.

On January 11, 2021, the City Council adopted Ordinance No. 917 which extended Ordinance No. 895 for an additional six months. The staff report for this Council action can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2021/staffreport011121-7e.pdf>.

On June 21, 2021, the City Council adopted Ordinance No. 936 which extended Ordinance No. 895 for another six months. The staff report for this Council action can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2021/staffreport062121-7b.pdf>.

On December 13, 2021, the City Council adopted Ordinance No. 952 which extended Ordinance No. 895 for another six months. Ordinance No. 952 is set to expire on June 21, 2022, unless it is extended by Council. The staff report for this Council action can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2021/staffreport121321-7d.pdf>.

### **Interim Outdoor Seating**

The main components of the interim regulations include the following:

- Establishment of an Outdoor Seating Registration for areas on private property;

- Suspension of Temporary Use Permit provisions in SMC 20.30.295 for outdoor seating areas;
- Suspension of minimum off-street parking requirements in SMC 20.50.390 for existing eating and drinking establishments;
- Expedited review for Right-of-Way Site Permits for outdoor seating areas on City ROW; and
- Waiver for application fees and ROW use fees.

To date, there have been five (5) outdoor seating registrations filed with the City. The businesses that have utilized the interim regulations are:

On Aurora Avenue N:

- Goldie's Casino
- Club Hollywood
- Woody's Tavern

On 15<sup>th</sup> Avenue NE:

- Easy Monkey Taphouse
- Monka Brewing

Goldie's, Club Hollywood, and Easy Monkey Taphouse have discontinued their outdoor seating areas. The other two continue to operate.

No new applications have been filed since the interim regulations were last extended. There have not been any applications for use of the ROW. Even though there has not been widespread utilization of the interim regulations, the City Council has previously directed staff to bring forward permanent regulations. Using the interim regulations has proven to be a useful starting point as the City engages in conversations with businesses and the Planning Commission<sup>1</sup> on the development of permanent regulations.

## **DISCUSSION**

As noted above, Ordinance No. 952 will expire on June 21, 2022. Extension of the interim regulations would allow for those establishments currently providing outdoor seating areas to continue to provide these areas. In addition, other eating and drinking establishments which have not previously sought to provide outdoor seating may elect to register given the potential for the permanent regulations being adopted in the coming months.

### **Status of Permanent Regulations**

The topic of outdoor seating was introduced to the Planning Commission at their December 16, 2021 meeting. Based on the Commission's feedback and direction, a survey targeted to eating and drinking establishments was conducted in April 2022 and a focus group facilitated by staff was convened with participation from three local

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<sup>1</sup> The December 16, 2021 Planning Commission Staff Report can be reviewed at: <https://www.shorelinewa.gov/home/showpublisheddocument/53613/637745719082400000>

business owners representing Monka Brewing, the Royal Unicorn, and the Ridgecrest Pub.

The first draft of Development Code amendments for outdoor seating was discussed by the Commission at their May 19, 2022 meeting. A public hearing and potential recommendation from the Planning Commission is tentatively scheduled for July 2022.

Ordinance No. 965, if adopted, should be the final six-month extension of temporary regulations. The amendments for permanent regulations should be ready for Council consideration and action in August/September, before the expiration of this last six-month extension.

### **Interim Regulations Authority and Process**

The City Council has statutory authority to adopt interim regulations pursuant to RCW 35A.63.220 and under the Growth Management Act (GMA) at RCW 36.70A.390. Interim regulations adopted under this section may be effective for no longer than six months but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. Interim regulations may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Under these statutory provisions, the City adopted Ordinance No. 895 and the succeeding Ordinances extending the interim regulations, each with public hearings.

### **Findings of Fact**

The interim regulations adopted in Ordinance No. 895 have been extended on three occasions (Ordinance Nos. 917, 936, and 952), may be renewed for another six-month period following a public hearing, documentation of the findings of fact that support the extension, and adoption of a new ordinance. Findings of Fact supporting the continued need for these interim regulations are as follows:

1. The COVID-19 pandemic continues to pose a threat to public health and the welfare of people living and working in Washington, even though many restrictions have been lifted.
2. On February 29, 2020, Governor Inslee signed Proclamation 20-05 declaring a State of Emergency in all counties of the State of Washington. As of the date of this Staff Report, the Governor has not yet rescinded that Proclamation.
3. Although local restrictions on indoor gatherings have been lifted, the COVID-19 pandemic is ongoing, and cases are once again rising, creating uncertainty for the future.
4. Concerned and vulnerable populations continue to take precautions and/or avoid indoor areas and flexibility for outdoor seating areas will provide additional options for those populations.
5. Continued flexibility for allowing the two (2) businesses that are currently operating registered outdoor seating areas and future potential businesses which may register to continue until permanent regulations are adopted assists in the recovery of these businesses by offering an alternative to indoor seating areas while permanent regulations are being developed.

6. On December 16, 2021 and on May 19, 2022<sup>2</sup>, the Planning Commission held study sessions on draft regulations for outdoor seating areas and, following a public hearing, is tentatively scheduled to issue a recommendation to Council in Summer 2022.
7. Upon receiving the Planning Commission recommendation on permanent regulations for outdoor seating, the Council will take action on permanent regulations and will at that time repeal the interim regulations.

Tonight, Council will hold the required public hearing on and discuss proposed Ordinance No. 965 (Attachment A). This Ordinance would extend the interim regulations for outdoor seating for restaurants and bars for another six months. Proposed Ordinance No. 965 is currently scheduled to be brought back to Council for potential action on June 6, 2022.

### **RESOURCE/FINANCIAL IMPACT**

The interim regulations waive fees for temporary outdoor seating areas. The total impact on revenue will vary depending on the number of businesses establishing outdoor seating areas, which has been five businesses to date. However, with the Outdoor Seating Registration process now implemented for private property areas, it is anticipated to use a smaller amount of staff time to process the registrations. Additionally, by expanding occupancy, businesses will hopefully be able to increase their sales and in-turn contribute more to the flow of economic activity in the City (e.g., wages to employees, tax revenue, etc.).

### **RECOMMENDATION**

Staff recommends Council conduct the required public hearing on proposed Ordinance No. 965. No further action is required tonight as this is a Council discussion on the proposed Ordinance. Council action on proposed Ordinance No. 965 is currently scheduled for June 6, 2022.

### **ATTACHMENTS**

Attachment A – Proposed Ordinance No. 965 - Extension of Interim Regulations for Outdoor Seating

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<sup>2</sup> The May 19, 2022 Planning Commission report can be viewed at: [\[insert link when published \(May 12\)\]](#)

**ORDINANCE NO. 965**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON EXTENDING THE INTERIM REGULATIONS AUTHORIZING OUTDOOR SEATING ON PRIVATE PROPERTY AND WITHIN APPROVED PUBLIC RIGHTS-OF-WAY IN RESPONSE TO THE COVID-19 PANDEMIC ADOPTED BY ORDINANCE NO. 895 AND EXTENDED BY ORDINANCE NOS. 917, 936, and 952; PROVIDING FOR A DURATION OF SIX MONTHS.**

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the State of Washington, and planning pursuant to the Growth Management Act, chapter 36.70A RCW; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City of Shoreline to adopt interim regulations with a duration of no more than six (6) months without review and recommendation by the Shoreline Planning Commission and without holding a public hearing; and

WHEREAS, on July 27, 2020, in response to the COVID-19 pandemic restrictions imposed by governmental authorities, the City Council adopted Ordinance No. 895, establishing interim regulations authorizing the extension of application deadline periods set forth in the Shoreline Municipal Code (SMC); and

WHEREAS, on January 11, 2021, the interim regulations were extended by Ordinance No. 917, on June 21, 2021, by Ordinance No. 936, and on December 13, 2021, by Ordinance No. 952; these interim regulations will expire on June 21, 2022, unless extended by the City Council; and

WHEREAS, the COVID-19 pandemic continues to pose a threat to public health and the welfare of people living and working in Shoreline, but even though many restrictions have been lifted, the Washington State Governor has not yet rescinded Proclamation 20-05 which declared a State of Emergency in all counties of the State of Washington, nor has the City rescinded its Declaration of Public Health Emergency; and

WHEREAS, the City has been engaged in stakeholder outreach and research in developing permanent regulations to replace these interim regulations and has presented proposed permanent regulations to the Shoreline Planning Commission for its review and future recommendation to the City Council; and

WHEREAS, eating and drinking establishments have suffered significant financial impacts due to COVID-19, and the continued availability of interim regulations of six months in duration will provide certain outdoor space for eating and drinking establishments to utilize so as to increase the economic flow at their business and to respect the precautions that continue to be observed by concerned and vulnerable populations by allowing flexibility for outdoor seating areas so as to provide additional options for those populations; and

WHEREAS, interim regulations are exempt from SEPA review per WAC 197-11-800(19) Procedural Actions, and if the City elects to replace these interim regulations with permanent regulations SEPA review may be required to be conducted at that time; and

WHEREAS, the City Council considered the interim regulations at its properly noticed May 23, 2022, regular meeting, at which it held the statutorily required public hearing, held virtually via Zoom, and determined that the extension of the interim regulations is appropriate and necessary; and

WHEREAS, due to the impacts resulting from COVID-19, it is in the best interests of the citizens of the City of Shoreline and its local economy to authorize the use of private property and public rights-of-way for outdoor dining;

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

**Section 1. Adoption of Findings of Fact.** The City Council hereby adopts the above Recitals as findings of fact to support the adoption of this Ordinance and incorporates by reference the Recitals set forth in Ordinance No. 895, Ordinance No. 917, Ordinance No. 936, and Ordinance No. 952.

**Section 2. Interim Regulations.** Legally permitted eating and drinking establishments existing as of the effective date of Ordinance No. 895 may establish temporary outdoor seating areas as provided in the provisions set forth in this section:

**A. Use of Parking Lots on Private Property.**

1. Eating and drinking establishments with access to a private parking lot may use this area for outdoor seating provided:
  - a. The owner or owner's representative submits an Outdoor Seating Area Registration on official form(s) as prescribed and provided by the Department of Planning and Community Development.
    - i. There shall be no submittal fee for the Outdoor Seating Area Registration.
2. Any provision contained in a Registration is not intended to interfere with or supersede any contractual obligations and Registrants are solely responsible for ensuring authorization from the property owner to utilize the area.
3. In relationship to outdoor seating areas within private parking lots, the following sections of the Shoreline Municipal Code are suspended:
  - a. SMC 20.30.295: Temporary Use Permit.
  - b. SMC 20.50.390: Minimum off-street parking requirements, provided ADA-accessible stalls are still provided, as may be necessary to comply with ADA standards.

**B. Use of Public Right-of-Way.**

1. Eating and drinking establishments with access to areas such as public sidewalks, on-street parking, or other public space (Public right-of-way) may use these areas for outdoor seating provided:

- a. The owner or owner's representative shall submit a right-of-way site permit application utilizing official forms provided by the Department of Public Works as required by SMC 12.15.040.
  - b. The Departments of Public Works and Planning and Community Development shall take reasonable steps to review and render a decision on the permit application no more than seven (7) business days after application intake.
  - c. The Director of Public Works shall have discretion to modify standards set forth in the Engineering Design Manual without use of the formal deviation procedures as may be necessary to effectuate the intent of these interim regulations.
2. In relationship to outdoor seating areas within the public right-of-way, the following sections of the Shoreline Municipal Code are suspended:
    - a. SMC 3.01.010(J)(4): Right-of-way site permit fee.
    - b. SMC 12.15.030(C)(4): Periodic Use fee.

**C. Conditions Applicable to all Outdoor Seating Areas.**

The following provisions are applicable to all Outdoor Seating Area Registrations or Right-of-Way Site Permits.

1. All outdoor seating areas allowed by these interim regulations shall be operated in a safe and sanitary manner and are subject to the following terms and conditions to ensure compliance with:
  - a. All applicable provisions of chapter 15.05 SMC Construction and Building Codes, including but not limited to, the International Building Code, the International Fire Code, and the National Electric Code;
  - b. SMC 9.05 Noise Control;
  - c. All applicable licensing requirements of the Washington State Liquor and Cannabis Board;
  - d. Accessibility requirements of the Americans with Disabilities Act (ADA);
  - e. All applicable provisions of the Code of the King County Board of Health, including but not limited to, Title 5 and Title 5R Food-Service Establishments;
  - f. The Seattle/King County Public Health COVID-19 guidelines for restaurants; and
  - g. Any directives issued by the State of Washington, including directives from the Washington State Governor or Department of Health.
2. An Outdoor Seating Area Registration or an Outdoor Seating Area Right-of-Way Permit shall be effective for the duration of this Ordinance. If the City has not adopted permanent regulations permitting outdoor seating areas, use of these areas shall cease on the effective date of this Ordinance and these areas shall be removed and restored back to their original condition within seven (7) calendar days of the effective date of this Ordinance. If the City has adopted permanent regulations, then continued use of the outdoor seating area shall be subject to such regulations, including but not limited to, obtaining a permit and paying any required fees.
3. The failure of an eating or drinking establishment to adhere to the terms and conditions set forth in the Registration or Permit, or to be found operating in a manner that creates a public nuisance, may result in modification, suspension, or revocation of the Registration or Permit. If revoked, the establishment shall not be permitted to operate another outdoor seating area during the duration of this Ordinance, and any extension thereof unless separate permit approval is granted by the Director of Planning and



Community Development, which may contain additional conditions. Approval of said permit shall be in the Director's sole discretion.

**D. Shoreline Fire Department.**

Subject to approval by the Shoreline Fire Department, Fire Operational permit fees as set forth in SMC 3.01.020 may be waived or reduced for outdoor seating areas.

**E. Liberal Construction.**

The Director of Planning and Community Development and the Director of Public Works are hereby authorized to liberally administer the Outdoor Seating Area program established by this Ordinance to effectuate the City Council's intent of these interim regulations. This authority includes the imposition of any condition necessary to ensure the public health and safety and the promulgation of rules of procedures to effectuate the program.

**Section 3. Public Hearing.** Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council held a public hearing on the extension of the interim regulations on May 23, 2022. Pursuant to the Washington State Governor's Proclamation 20-28, as amended, and the City Council Resolution No. 459, the public hearing was held online using the Zoom Webinar platform.

**Section 4. Directions to the City Clerk.**

**A. Transmittal to the Department of Commerce.** The City Clerk is hereby directed to cause a certified copy of this Ordinance to be transmitted to the Washington State Department of Commerce as provided in RCW 36.70A.106.

**B. Corrections by the City Clerk.** Upon approval of the City Attorney, the City Clerk is authorized to make necessary corrections to this Ordinance, including the correction 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.

**C. Ordinance not to be Codified.** Because this Ordinance adopts interim regulations, the City Clerk shall not codify this Ordinance.

**Section 5. Reservation of Rights.**

1. The City reserves the right to inspect any outdoor seating area to ensure compliance with the terms and conditions of the Registration or Permit.
2. The City reserves the right, at its discretion, to suspend the provisions of this Ordinance in furtherance of the public health and safety of the residents of the City of Shoreline.

**Section 6. 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 7. Publication, Effective Date, and Expiration.** 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 its publication and shall be in effect for a period of six (6) months from its effective date. After which, these interim regulations shall automatically expire unless extended as provided by statute or otherwise superseded by action of the City Council, whichever occurs first.

**PASSED BY THE CITY COUNCIL ON JUNE 6, 2022.**

\_\_\_\_\_  
Mayor Keith Scully

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jessica Simulcik Smith  
City Clerk

\_\_\_\_\_  
Julie Ainsworth-Taylor, Assistant City Attorney  
On behalf of Margaret King, City Attorney

Date of Publication: \_\_\_\_\_, 2021

Effective Date: \_\_\_\_\_, 2021

Date of Transmittal to Commerce: \_\_\_\_\_, 2021

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Discussion of Ordinance No. 966 – Amending Shoreline Municipal Code Chapter 13.20 to Add a New Section SMC 13.20.060 – Deferred Underground Facilities
<b>DEPARTMENT:</b>	City Manager’s Office Public Works
<b>PRESENTED BY:</b>	John Norris, Assistant City Manager Tricia Juhnke, City Engineer
<b>ACTION:</b>	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

**PROBLEM/ISSUE STATEMENT:**

On February 28, 2022, the City Council discussed required electrical utility undergrounding in the South Shoreline/148<sup>th</sup> Light Rail Station Area and the impact on the Sound Transit Lynnwood Link Extension (LLE) Project and MUR-70 Development. Given the delay of Seattle City Light’s (SCL’s) 5<sup>th</sup> Avenue Duct Bank Project and the impact on the LLE Project and some private development projects in the 148<sup>th</sup> Station Subarea, the need for both overhead 3-phase temporary construction power and interim operational power until the first 10 blocks of the Duct Bank Project is complete was identified.

Tonight’s discussion is focused on the proposed solution to allow for interim overhead power in the 148<sup>th</sup> Station Subarea. Proposed Ordinance No. 966 (**Attachment A**), provides for a new Section 13.20.060 of the Shoreline Municipal Code (SMC; **Attachment A, Exhibit A**) which would allow the placement of interim overhead power within a limited identified area under certain conditions. Proposed Section 13.20.060 SMC, titled Deferred Underground Facilities, allows for overhead electrical facilities (utility poles, wires, etc.) on an interim basis if a property owner needing new overhead electricity enters into a Deferred Underground Facilities Agreement with the City. This proposed Code section also codifies requirements for SCL related to the interim overhead electrical facilities. Proposed Ordinance No. 966 is currently scheduled to return to Council for potential action on June 6, 2022.

**RESOURCE/FINANCIAL IMPACT**

There is no direct financial impact to the City if the Chapter 13.20 SMC is amended to allow for interim overhead power and deferred underground facilities. If Chapter 13.20 SMC is not amended and interim overhead power is not allowed, there may be significant indirect financial impacts if the LLE Project is delayed or if other development projects are delayed or are not constructed. It is difficult to quantify what this lost

investment and housing in Shoreline would be, but it is clear that development would be delayed if not severely curtailed for several years if connection to existing underground electrical power is not financially feasible for electrification of core development in the 148<sup>th</sup> Street Station Subarea.

### **RECOMMENDATION**

No action is required tonight; staff recommends that the City Council discuss proposed Ordinance No. 966 regarding deferred underground facilities. Staff further recommends that council adopt Ordinance No. 966 when it is brought back to Council for potential action on June 6, 2022.

Approved By:           City Manager ***DT***   City Attorney ***JA-T***

## **BACKGROUND**

On February 28, 2022, the City Council discussed required electrical utility undergrounding in the South Shoreline/148<sup>th</sup> Light Rail Station Area and the impact on the Sound Transit Lynnwood Link Extension (LLE) Project and MUR-70 Development. At this meeting, staff shared the challenges of the LLE Project and private development meeting the City's underground electrification code requirements given Seattle City Light's (SCL's) delay in their 5<sup>th</sup> Avenue Duct Bank Project. The staff report for the February 28<sup>th</sup> discussion can be found at the following link: <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2022/staffreport022822-9a.pdf>.

As was discussed on the 28<sup>th</sup>, SCL currently has direct-buried three-phase (3-phase) underground power running down 5<sup>th</sup> Avenue NE, in front of the future Shoreline South/148<sup>th</sup> Light Rail Station (see Map in **Attachment B**). Constructing new connections to this existing direct buried line is not viable for most development, including the LLE Project, due to its age and the inability to replace or upgrade the cables without digging it up. Given that the 5<sup>th</sup> Avenue NE 3-phase line has reached the end of its useful life and is in danger of failing, SCL has planned for its replacement with new 3-phase power in a duct bank project (multiple conduits put together) within 5<sup>th</sup> Avenue.

More robust 3-phase power with thicker wires is needed to run light rail due to its significant power load, rather than the less robust single-phase power or the existing direct buried 3-phase power in 5<sup>th</sup> Avenue NE. As is noted above, connection to the 5<sup>th</sup> Avenue NE 3-phase direct buried line is not allowed and would not provide adequate power for construction and ongoing operation of either the Shoreline South/148<sup>th</sup> Station site or Sound Transit's Traction Power Substation (TPSS) at NE 151<sup>st</sup> Street, which provides power to the light rail system. Given these constraints, starting in 2016, Sound Transit and SCL worked to coordinate on the Duct Bank Project, so that new 3-phase power would be installed within 5<sup>th</sup> Avenue and ready for Sound Transit's use.

However, in early 2021, SCL informed Sound Transit and the City that it was pushing back the timing of this replacement project as it does not have the capital funding to complete the Duct Bank Project in coordination with the LLE Project timeline. SCL's estimated cost and timeline for the Duct Bank Project is roughly \$26M for the first 10 blocks of 5<sup>th</sup> Avenue NE (from 145<sup>th</sup> to 155<sup>th</sup> Street) by 2027, and \$15M for the second 10 blocks to NE 165<sup>th</sup> Street by 2027-2030. Both of these new timeframes are years past when the LLE Project is projected to begin revenue service in July 2024. Following SCL's announcement, Sound Transit staff and City staff worked to persuade SCL to move forward with their Duct Bank Project so that it would be operational by 2024.

Given this delay, the Sound Transit LLE Project and some private developers in the 148<sup>th</sup> Station Subarea expressed to the City and SCL their need for both temporary construction 3-phase power to construct their large projects, and interim operational power to energize their projects for occupancy until the first 10 blocks of the SCL 5<sup>th</sup> Avenue Duct Bank Project is complete and underground 3-phase power is available. During the Council discussion on February 28<sup>th</sup>, the Council supported this course of action and directed staff to allow overhead temporary construction power and provide

for interim overhead power in the 148<sup>th</sup> Station Subarea until the Duct Bank Project is complete.

To address the need for temporary construction power, on March 7, 2022, the City Council adopted Ordinance No. 958 which allows for temporary electrical service for construction in the MUR-70 zone. This Ordinance amended [Shoreline Municipal Code Chapter 13.20](#) to provide an additional exception to the requirement that all new overhead electrical facilities or extensions, additions or rebuilds of existing overhead facilities must be put underground. The staff report for this March 7<sup>th</sup> Council action can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2022/staffreport030722-8a.pdf>.

Since the adoption of Ordinance No. 958 on March 7<sup>th</sup>, permits have been issued for both the Sound Transit LLE Project and one private development project near the 148<sup>th</sup> Station site for SCL to install temporary overhead electrical facilities for construction of these two projects. Staff also explained to Council during the March 7<sup>th</sup> meeting that staff would return in the coming months to address the need for interim operational power for these and other future development projects.

## **DISCUSSION**

Tonight's discussion is focused on the proposed solution to allow for interim overhead power in the 148<sup>th</sup> Station Subarea. Proposed Ordinance No. 966 (**Attachment A**), provides for a new Section 13.20.060 of the SMC (**Attachment A, Exhibit A**) which would allow interim overhead power within a limited area if certain conditions are met. Proposed Section 13.20.060 SMC, titled Deferred Underground Facilities, allows for overhead electrical facilities (utility poles, wires, etc.) on an interim basis if a property owner needing new overhead electricity (for 3-phase power) enters into a Deferred Underground Facilities Agreement (DUFA) with the City. This proposed Code section also codifies requirements for the City's "electrical utility provider" (SCL).

An overview of proposed Section 13.20.060 SMC is as follows:

- **DUFA Required** – Entering into a DUFA with the City provides a property owner requesting interim overhead power the ability to connect their development to overhead power until SCL's "pending underground capital project" is operational. The only pending underground capital project included in Seattle City Light's capital improvement plan in the proposed vicinity where a DUFA would initially be allowed is the 5<sup>th</sup> Avenue Duct Bank Project. The Public Works Director would have the authority to enter into a DUFA with a property owner/applicant.
- **DUFA Designated Area** - The Public Works Director and Planning and Community Development Director would be authorized to designate areas where the City would permit a DUFA. The map in **Attachment C** to this staff report provides the initial area where this would be allowed, and as noted above, corresponds to the first 10 blocks of SCL's 5<sup>th</sup> Avenue Duct Bank Project. At this time, staff has not identified any other areas for DUFA designation.
- **DUFA Duration** – A property owner would be able to enter into a DUFA with the City that would allow for interim overhead electrical facilities for five (5) years

from the date of the issuance of their development permit (i.e., building permit(s)). For projects that have already been issued their development permits, such as the Sound Transit Project, the five-year time frame would start upon the adoption of this Code section, which is currently scheduled for June 6, 2022. This would mean the initial term of the DUFA in this case would expire in June 2027. The proposed Code also allows for one extension of the term of the DUFA for up to two (2) years if, through no fault of the applicant, the SCL undergrounding project is not operational within the first five years. The Code also allows for additional extensions of the DUFA, but they would be at the sole discretion of the City; the applicant would not be able to exercise this by right.

- **DUFA Runs with the Land** – The DUFA would be recorded with King County and would be assigned to any future property owner if the property/development site is sold in the future.
- **Applicant/Property Owner Requirements in the DUFA** – The property owner/applicant requesting the interim overhead power would be required to do the following under a DUFA:
  - Design and construct their underground electrical utility infrastructure, which is typically an underground vault, for the future permanent underground service connection to SCL’s underground project. This will ensure that the development is ready to make the future underground connection as soon as SCL’s undergrounding project is complete.
  - If SCL does not automatically make the underground connection to their development upon completion of the SCL undergrounding project, the applicant shall submit permit application(s) to SCL to initiate the permanent underground service connection within sixty (60) calendar days from the date SCL provides written notice that the underground electrical facilities are operational. While staff believes that SCL will likely make these connections automatically, this requirement in the DUFA will ensure that the property owner will initiate the future connection if SCL does not take the lead on this.
- **SCL Requirements** – Proposed Section 13.20.060 SMC also requires SCL to coordinate and perform work on the interim overhead facilities as follows:
  - SCL will ensure that the interim overhead electrical facilities will be designed and constructed in a way so that minimum clearance requirements for the overhead poles and electrical wires do not preclude future development of the site up to the minimum setbacks required by the Development Code or other City development regulations, without design departures. This requires SCL to make sure the installed interim overhead poles and wires (and the needed clearance distances from this infrastructure) do not protrude into a potential future building envelope so that there is no limitation or reduction of future development potential as a result of the interim overhead facilities.
  - SCL will also remove the interim overhead poles and wires within 90 days of completion of their undergrounding project, as the interim infrastructure is only allowed for a limited time and will be deemed abandoned by the City at the conclusion of that time. However, the City may grant an exemption to the removal of the interim overhead facilities, if those facilities are necessary to serve existing development. In some cases,

new 3-phase interim overhead facilities may replace existing single-phase infrastructure that has served and may continue to serve existing development (mainly existing single-family homes). In these cases, the City will not require existing single-family home owners to connect to SCL's completed undergrounding project (at the home owner's expense), and would therefore continue to permit the interim overhead facility to remain in place until redevelopment occurs that would provide for a permanent underground connection and overhead pole removal.

- **SCL Requirements Enforcement Provision** – The Code also states that if SCL fails to comply with these requirements, the City may engage in enforcement provisions against SCL as authorized by State Law, the SMC or the City's Electrical Utility System Franchise Agreement, as may be applicable.

### **Continued Engagement with SCL on the Duct Bank Project and Other Solutions**

Since the February 28<sup>th</sup> update to the City Council, staff has begun meeting with SCL staff to enter into an "Umbrella Agreement" which outlines the coordination between the City and SCL on all of the known undergrounding and other major electrical facility relocation projects in Shoreline. As of the writing of this staff report, the development of this Agreement is ongoing. SCL staff has continued to state as part of this work that the portion of the 5<sup>th</sup> Avenue Duct Bank Project under the City's I-5 Interchange Project west roundabout will be constructed in coordination with that project and that the remainder of the first 10 blocks of the 5<sup>th</sup> Avenue Duct Bank Project (likely 147<sup>th</sup>/148<sup>th</sup> Street to 155<sup>th</sup> Street) will be constructed by 2027. It is the intent of the Umbrella Agreement to solidify these timelines into the Agreement.

### **STAKEHOLDER OUTREACH**

In developing this proposed Code language, staff shared draft language with multiple stakeholders to receive their input on these regulations and to better understand how they would impact the stakeholders. Draft language was provided to Sound Transit, SCL, and three firms in the development community that are in active development or planning for development in the 148<sup>th</sup> Station Subarea – AAA Management, Spectrum Development Solutions, and GPA, LLC. Some feedback from these stakeholders has been incorporated into Exhibit A of proposed Ordinance No. 966.

### **COUNCIL GOAL(S) ADDRESSED**

This issue corresponds with City Council Goal 1: Strengthen Shoreline's economic climate and opportunities, and specifically Action Step #14 under this Goal: Work with Seattle City Light to ensure electric infrastructure supports Shoreline's planned growth by sharing information and seeking to align timelines of private developments, City projects, and utility capacity expansion projects; and City Council Goal 3: Continue preparation for regional mass transit in Shoreline, and specifically Action Step #2 under this Goal: Work collaboratively with Sound Transit on the Lynnwood Link Extension Project, including coordination of project construction, inspection, and ongoing permitting.



## **RESOURCE/FINANCIAL IMPACT**

There is no direct financial impact to the City if the Chapter 13.20 SMC is amended to allow for interim overhead power and deferred underground facilities. If Chapter 13.20 SMC is not amended and interim overhead power is not allowed, there may be significant indirect financial impacts if the LLE Project is delayed or if other development projects are delayed or are not constructed. It is difficult to quantify what this lost investment in Shoreline would be, but it is clear that development would be delayed if not severely curtailed for several years if connection to existing underground electrical power is not financially feasible for electrification of core development in the 148<sup>th</sup> Street Station Subarea.

## **RECOMMENDATION**

No action is required tonight; staff recommends that the City Council discuss proposed Ordinance No. 966 regarding deferred underground facilities. Staff further recommends that council adopt Ordinance No. 966 when it is brought back to Council for potential action on June 6, 2022.

## **ATTACHMENTS**

Attachment A: Proposed Ordinance No. 966

Attachment A, Exhibit A: Proposed SMC 13.20.060 – Deferred Underground Facilities

Attachment B: Map of Electric Service in the 148<sup>th</sup> Street Station Subarea with  
Proposed Temporary and Interim Overhead Power

Attachment C: Deferred Underground Facilities Agreement Boundary Map

**ORDINANCE NO. 966**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, ADDING A NEW SECTION TO SHORELINE MUNICIPAL CODE CHAPTER 13.20 ELECTRICAL AND COMMUNICATION FACILITIES TO ESTABLISH A PROCESS FOR DEFERRING INSTALLATION OF UNDERGROUND ELECTRICAL FACILITIES.**

WHEREAS, Shoreline Municipal Code (SMC) Section 20.70.340 requires new development to install electrical facilities underground so as to, among other things, promote the general welfare by decreasing dangerous conflicts with overhead electrical lines, improving ADA access, and achieving a more aesthetically pleasing community; and

WHEREAS, SMC Chapter 13.20 Electrical and Communication Facilities provides for the relocation of overhead facilities due to a City capital project so as to remove potential hazards and blockages from the right-of-way, thus increasing accessibility and benefiting the overall safety and mobility of the motoring public, passengers and pedestrians and also, to promote the general welfare in achieving a more aesthetically pleasing community, improving property values, and decreasing the vulnerability of service delivery due to the effects of natural disasters and storm events; and

WHEREAS, electrical services for the City of Shoreline are currently provided by the City of Seattle, through Seattle City Light (SCL); and

WHEREAS, on February 28, 2022, the City Council discussed challenges faced by Sound Transit's Lynnwood Link Extension Project and private development projects in meeting the City's underground electrification code requirements due to SCL's delay in its 5<sup>th</sup> Avenue Duct Bank Project (aka capital project), which was to have been in place to serve the area and is necessary in order to replace existing infrastructure that has exceeded its useful life; and

WHEREAS, public and private projects both need temporary construction 3-phase power, to construct their large projects, and interim operational power to energize their projects for occupancy until an electrical utility provider's capital project is complete and underground power is available; and

WHEREAS, on March 7, 2022, the City Council adopted Ordinance No. 958 which allows for temporary electrical service for construction in the MUR-70 zone by providing an additional exception to the requirement in SMC Chapter 13.20 that all new overhead electrical facilities or extensions, additions or rebuilds of existing overhead facilities must be put underground; and

WHEREAS, the proposed amendments allow interim overhead power within designated areas of the City upon the satisfaction of certain conditions, specifically a requirement for the property owner to enter into a Deferred Underground Facilities Agreement with the City; and

WHEREAS, the proposed amendments also require the electrical utility provider to not only coordinate and perform work on the interim overhead facilities but also to ensure removal of

those facilities once its capital project has been completed; and

WHEREAS, on May 23, 2022, the City Council held a study session on the proposed amendments; and

WHEREAS, the proposed amendments will establish a new SMC Section 13.20.060, which section was previously repealed by Ordinance No. 594; and

WHEREAS, the City Council has considered all relevant information in the public record and all public comments, written and oral, and finds that the proposed amendments to SMC Chapter 13.20 bear a substantial relationship to, and are necessary for, the public health, safety, and general welfare of the City and its residents; and

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

**Section 1. Amendment – Chapter 13.20 Electrical and Communication Facilities.** SMC Chapter 13.20 Electrical and Communication Facilities is amended as set forth in Exhibit A to this Ordinance.

**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 JUNE 6, 2022.**

\_\_\_\_\_  
Mayor Keith Scully

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jessica Simulcik Smith  
City Clerk

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

Date of Publication: \_\_\_\_\_, 2022

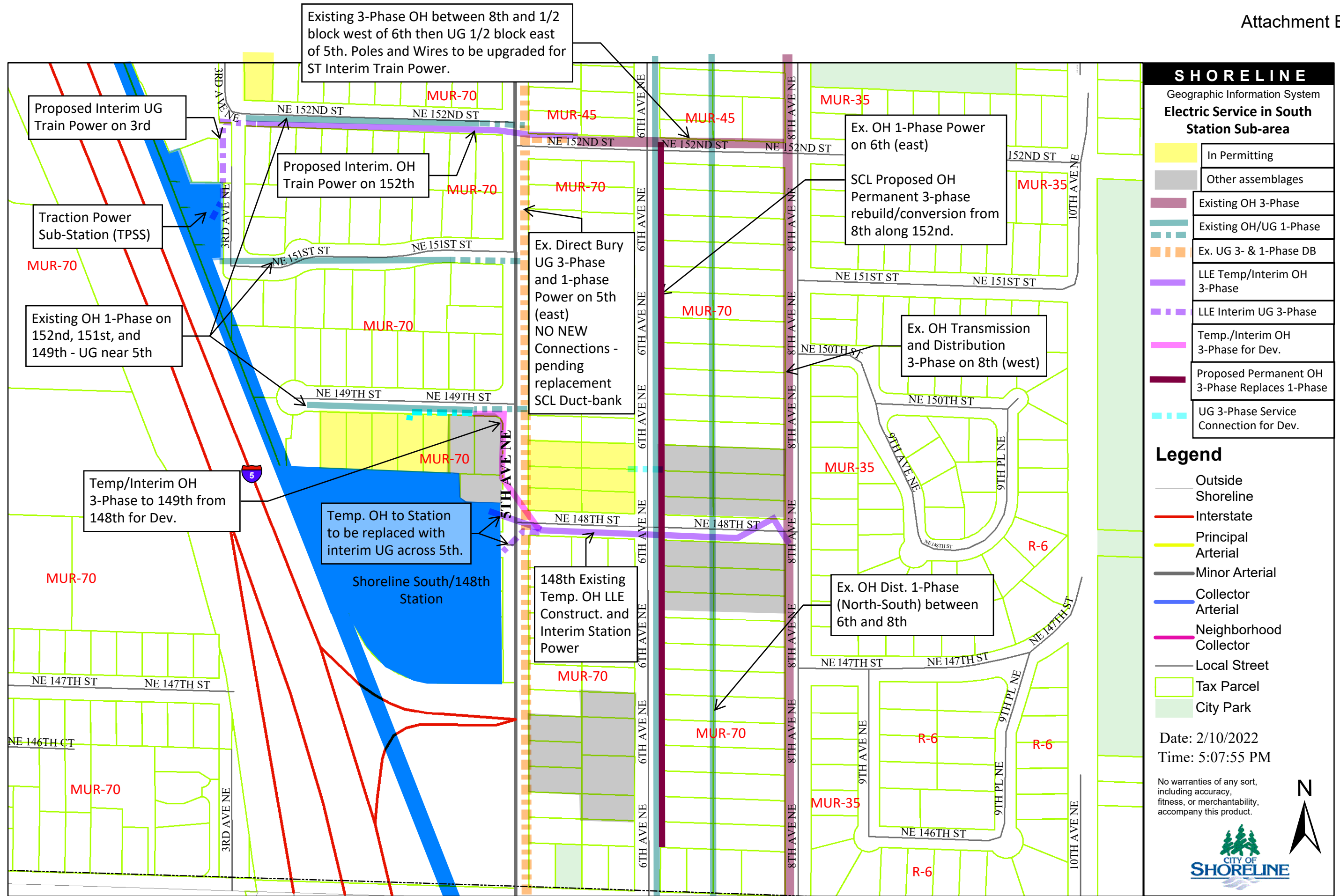
Effective Date: \_\_\_\_\_, 2022

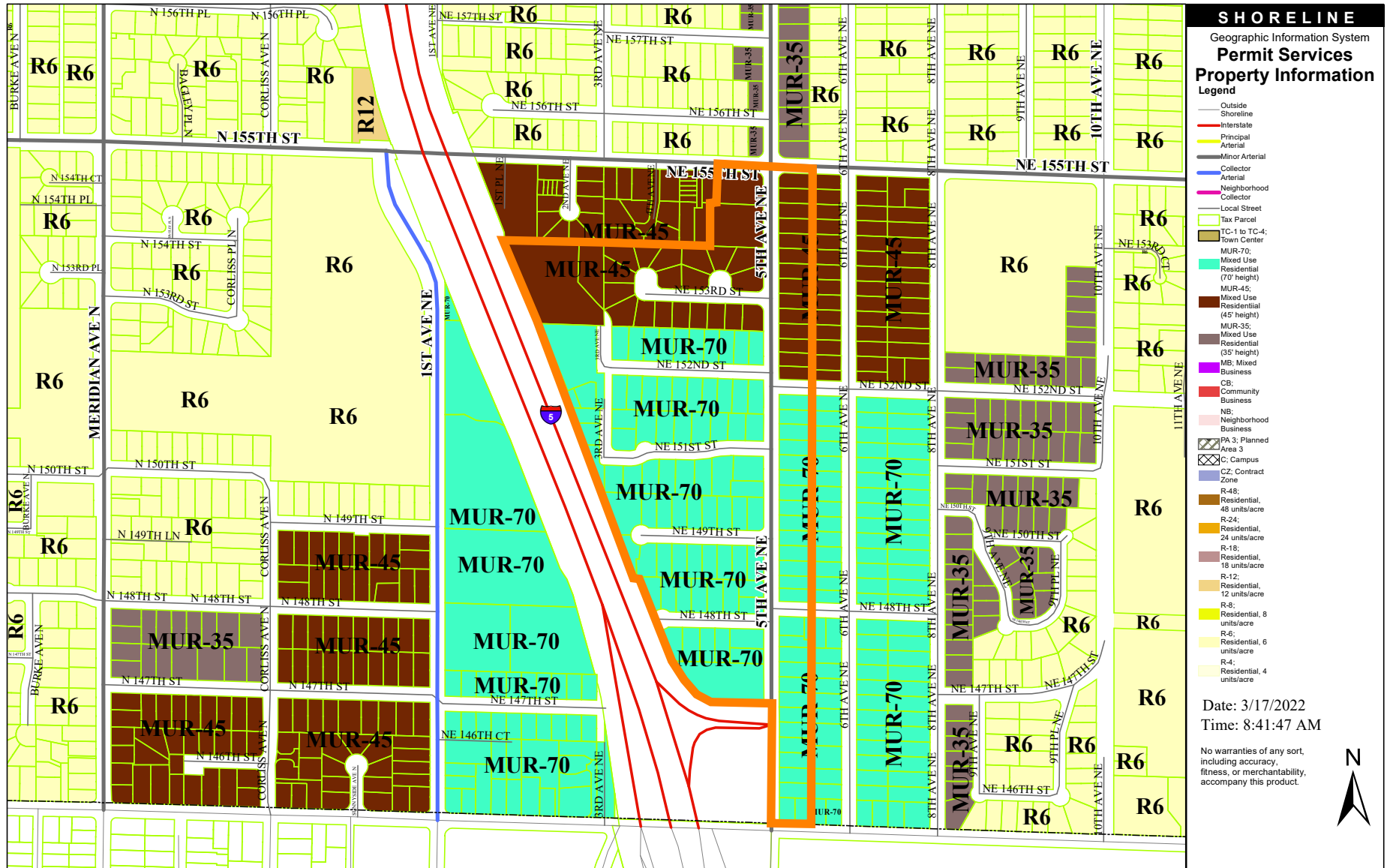
**SMC 13.20.060 - Deferred Underground Facilities**

- A. The provision of electrical service required to be undergrounded by this chapter and SMC 20.70.430 may be located overhead on an interim basis pursuant to the execution of a Deferred Underground Facilities Agreement (DUFA) in accordance with this section.
- B. A DUFA provides the ability to connect a development to overhead electrical facilities for a limited period of time in certain designated areas of the City. Such facilities would provide interim electrical service to the development in situations where an electrical utility provider's pending underground capital project precludes the provision of permanent underground electrical service to the development site until the capital project is operational. Operational means that the electrical utility provider's capital project is extended to a location that provides access to the development site as defined in the DUFA.
- C. A DUFA is allowed when the electrical utility provider's adopted capital improvement plan has identified a project that will provide operational underground electrical facilities within the right-of-way that will provide for an underground electrical service connection to the development within five (5) consecutive years of: (1) the date of the issuance of the development permit requiring underground installation; or (2) the date of the adoption of this subsection for developments with permits already issued.
- D. The City may enter into a DUFA with a property owner, herein referred to as the Applicant, if the following terms and conditions are met:
  1. All or a portion of the development site is located within an area designated by the City as eligible for a DUFA and the development site is anticipated to be served by the pending capital project.
  2. The Applicant executes and records a DUFA that shall require and include the following obligations and terms:
    - a. Design and construction of underground electrical utility infrastructure for a permanent underground service connection to the electrical utility provider's pending capital project as part of the Applicant's development project.
    - b. If the utility provider does not automatically connect the development project's underground electrical utility infrastructure to the completed capital project, the Applicant shall submit permit application(s) to the utility provider for a permanent underground service connection to the electrical utility provider's infrastructure within sixty (60) calendar days from the date the electrical utility provider provides written notice that the underground electrical facilities are operational.
    - c. The DUFA shall bind the Applicant and all successors and assigns.
    - d. The City shall allow for one extension of the term of the DUFA for up to two years if, through no fault of the Applicant, the electrical utility provider's pending capital project cannot become operational within the five (5) year time frame. If the electrical utility provider's pending capital project cannot become operational

within the extended period of time, the City may, in its sole discretion, enter into an additional extension(s) of the DUFA.

- E. Except as provided herein, the DUFA shall be recorded, at the Applicant's sole cost and expense, in the property records of King County prior to issuance of the development's permit(s). For development projects that have issued permits at the time of adoption of this subsection, the DUFA shall be recorded prior to issuance of the first certificate of occupancy, either temporary or final, or finalization of the permit, whichever is applicable to the project type.
- F. The DUFA shall not relieve the Applicant of the requirement to install all electrical service infrastructure underground on the development site and/or within the adjacent right-of-way, to the maximum extent possible, to ensure minimal disruption at the time of permanent underground service connection, as provided in Chapter 13.20 SMC, SMC 20.70.430, and the Engineering Development Manual (EDM) adopted pursuant to SMC 12.10.015.
- G. The Director of Public Works and the Director of Planning and Community Development, or designees, shall designate areas of the City where a DUFA may be permitted. A map clearly delineating the boundaries of the designated areas will be posted in the GIS Map portal on the City's website and incorporated into the EDM.
- H. The Director of Public Works may approve a DUFA in a form acceptable to the City Attorney.
- I. The electrical utility provider shall:
  - 1. Ensure that the interim overhead electrical facilities installed in the right-of-way be designed and constructed so that minimum clearance requirements applicable to the electrical facilities do not preclude future development of the site up to the minimum setbacks required by Chapter 20.50 SMC, or other applicable SMC or EDM provisions, without design departures.
  - 2. Upon completion of the electrical utility provider's pending capital underground project, the interim overhead electrical facilities shall be deemed abandoned and shall be removed from the right-of-way at the electrical utility provider's sole expense no later than ninety (90) calendar days of such connection, provided that the City may grant an exemption to the removal of the interim overhead facilities if those facilities are necessary to serve existing development.
- J. If the electrical utility provider fails to comply with subsection I, the City may engage in enforcement provisions against such utility provider as authorized by State Law, the SMC or the City's Electrical Utility System Franchise Agreement, as may be applicable. Nothing in this provision shall preclude the City from pursuing additional or other legal remedies.







**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Discussion of Revenue Supported Permit Staffing Request
<b>DEPARTMENT:</b>	Planning & Community Development Public Works
<b>PRESENTED BY:</b>	Rachael Markle, AICP, P&CD Director Tricia Juhnke, P.E., City Engineer
<b>ACTION:</b>	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

**PROBLEM/ISSUE STATEMENT:**

Development and the required permitting have increased in volume and complexity since the approval of the Town Center and the 185<sup>th</sup> Street Station and 145<sup>th</sup> Street Station subarea plans. Since 2015, permit applications have increased by 63%. Most significantly during the last eight years, the City has seen the number of multi-family units annually submitted for permitting increase from an average of 1.1 projects to 4.5 projects. This trend is expected to continue over the next several years, with current projections of 7,947 units to develop by 2025.

Given these increases, there are not sufficient staffing resources to process permit applications within a reasonable time frame. This issue needs immediate attention to address the current and anticipated permit processing backlog at the current staffing level. Staff recommends adding six regular staff positions to address this issue. There is also critical need for additional 0.5 FTE GIS Technician to support the comprehensive plan update. Tonight, Council will discuss this issue and the potential of preparing an amendment to the 2021-2022 Budget to include the cost of hiring these six new FTE permitting staffing members and one 0.5 FTE GIS Technician, including associated one-time costs.

**RESOURCE/FINANCIAL IMPACT:**

The budgetary impact would be an ongoing annual cost of \$896,247 to hire six additional permitting staff members and \$59,253 for adding a 0.5 GIS Technician. These are annual amounts based on 2022 salaries, which would be adjusted annually as required to respond to personnel cost increases such as step increases, cost of living adjustments, changes in benefits, etc. There would also be an estimated one-time cost of \$63,180 for equipment and supplies to support the new staff. These costs are proposed to be covered by permit revenue, a general fund one-time contribution, project budgets, and 30% of the proposed Development Review Engineer I costs would be covered by Wastewater Utility funds.

## **RECOMMENDATION**

Staff recommends that Council direct staff to prepare an amendment to the 2021-2022 Budget to include the cost of hiring six (6) new full time equivalent permitting staffing members and one 0.5 FTE GIS Technician, including associated one-time costs. Most of the cost would be paid for by permit revenue from increased sustained permit activity, a one-time contribution from General Fund fund balance to offset Deep Green and affordable housing incentives, project budgets, and a small percentage covered by the Wastewater Utility.

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

## **BACKGROUND**

Staffing for the Planning and Community Development (PCD) Department, which is almost entirely devoted to processing permit applications and inspections for developments under construction, has remained relatively flat since the early 2000s. In 2001, the PCD Department had 25 staff members including managers, devoted to permit intake, review, issuance, inspection as well as long range planning<sup>1</sup>. In 2022, PCD and Public Works (PW) staff assigned to permit review totals 30 FTE staff members including the managers devoted to permit intake, review, issuance, inspection as well as long range planning and two 0.5 FTE Extra-Help Permit Assistants. The current staffing number of 30 FTEs also includes the third Combination Inspector approved in the 2018 Budget and the third Commercial Plans Examiner III approved by Council on February 28, 2022, via Ordinance No. 954. The staff report for this most recent Council action can be found at the following link:

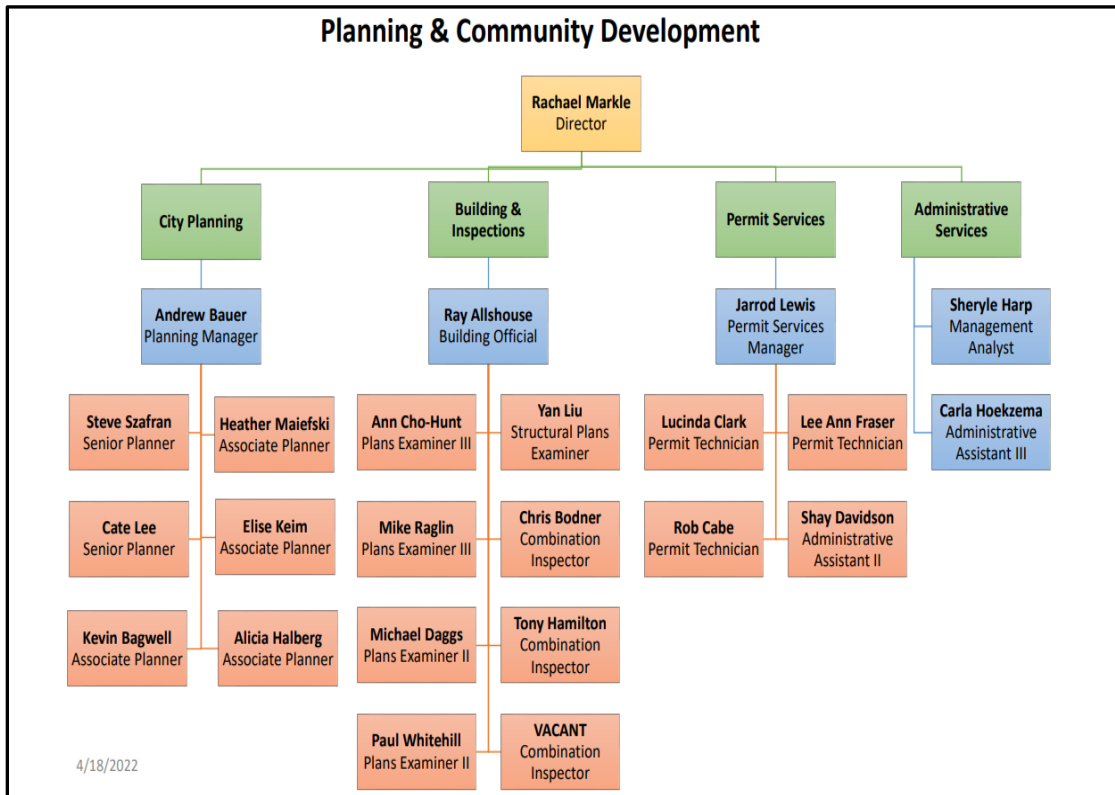
<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2022/staffreport022822-7c.pdf>.

Staff also uses on-call contracts for Building, Planning and Engineering reviews as well as building inspection. For the past four years, an average of \$300,000 has been expended for on-call review and inspection services. These contracts have also been used for to provide expedited permitting for an additional fee paid by the applicant, however the volume of permits and staff turn-over have increased the use of these contracts to perform regular permit reviews which limits staff's ability to provide expedited review. Currently, staff are only able to provide expedited review to the incentive program customers for Deep Green and qualifying affordable housing projects. The Shoreline Municipal Code (SMC) provides that Deep Green and qualifying affordable housing projects are eligible for permit fee reductions as well as free expedited review. In essence, these project permits are subsidized by proceeds from the General Fund.

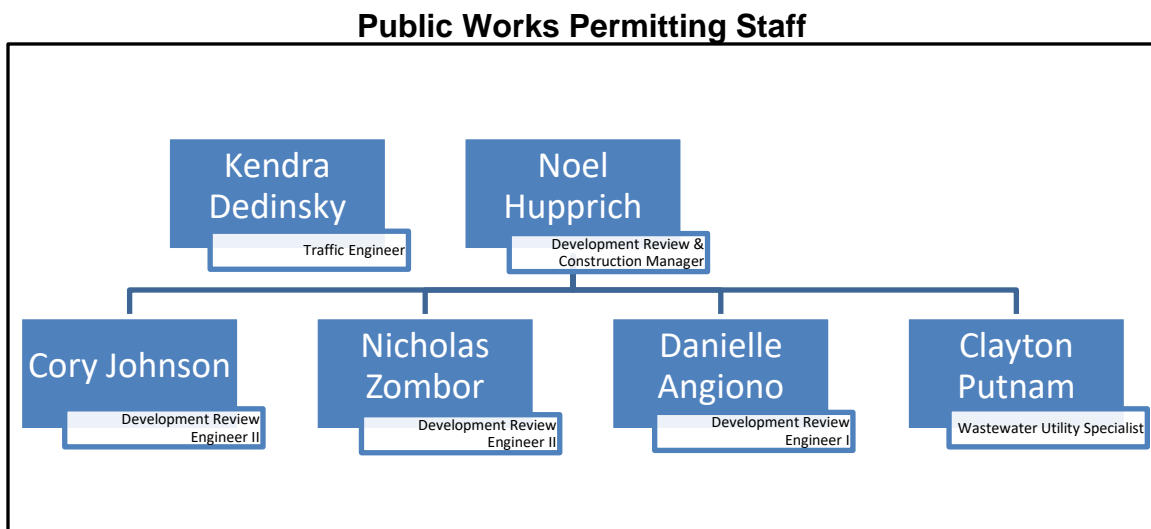
The following chart shows the existing staff involved in permitting functions in PCD. The Administrative Services division, the Senior Planners, Planning Manager and Director in PCD do not spend 100% of their time on permitting, but do devote a portion of their time to this work.

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<sup>1</sup> Note: There were no Public Works staff assigned to perform permit reviews in 2001.



Additionally, the following chart depicts the primary PW staff positions that are currently devoted to permit review and project management. Traffic Services staff support the Development Review Engineers on reviews involving frontage improvements, transportation impact analyses, temporary traffic control planning, and Transportation Impact Fees (TIF).



## DISCUSSION

Permit volumes have significantly increased over the past 20 years. In 2003, revenue received was \$1,146,190 and the number of permit applications received was 1,511. By comparison, in 2021, revenue was \$3,495,987 and 3,038 permits applications were received. The following chart contains the total number of permits applications submitted by year and the total number of permits applied for annually. The permit types depicted correspond to the permit types listed in the Permit Turn Around Time Chart found below.

### **Total All Permits Applied for Per Year 2016-present**

Year	Commercial New Building	Commercial Tenant Improvement	Multi-Family New Building*	Single Family New Building	Single Family Addition Remodel	Total Permits
<b>2001-2015</b>	8.5 avg.	55.9 avg.	1.1 avg.	56.3 avg.	192.2 avg.	<b>1,600 avg.</b>
<b>2016</b>	6	58	3	98	283	<b>2,156</b>
<b>2017</b>	8	50	5	98	256	<b>2,186</b>
<b>2018</b>	12	46	4	38	242	<b>2,703</b>
<b>2019</b>	13	56	4	77	245	<b>3,161</b>
<b>2020 COVID</b>	1	31	6	37	213	<b>2,545</b>
<b>2021</b>	8	47	6	40	248	<b>3,038</b>
<b>2022 to date</b>	1	10	4	8	107	<b>1,000 (over 3.5 months; estimated year end - 3,300)</b>

*\*Note: Multi Family New does not include Townhomes; Townhomes are not captured in the above data.*

SMC Section 20.30.040 includes target time limits for all land use and permit decisions as required in [RCW 36.70B.080](#). For the past few years Shoreline has not been able to meet the published target time limits for complex building permits. The chart below demonstrates how many weeks it takes on average for the first review by City staff and then to issue a decision (approval/denial) of our most common building permits. In accordance with SMC 20.30.040, the target is 17 weeks (120 days) for a decision.

As can be seen by the following chart, Shoreline exceeds the 17 weeks for permit decisions for all new building permit types. It should be noted that the approval time includes time in which the permit applicant spends in responding to City comments from the review of the permit submittal. Although that is the case, even the number of weeks spent to get to the first review letter, in many cases, is taking nearly the full 17 weeks that is targeted for the full decision-making process. The request for additional staff to process permits is intended to improve the alignment of resources to be able to process the increased volume and complexity of permits closer to or within the published target time limits.

Permit Type	Permit Subtype	Average Number of Weeks From Application to First Review Letter*		Average Number of Weeks From Application to Approval*	
		2019	2020/21	2019	2020/21
Commercial	Year				
	New building	13	16	27	50
	Tenant Improvement	7	8	11	17
Multifamily	New building	11	16	58	69
Single Family Residential	New building	15	14	31	32
	Addition/Remodel	5	9	9	17

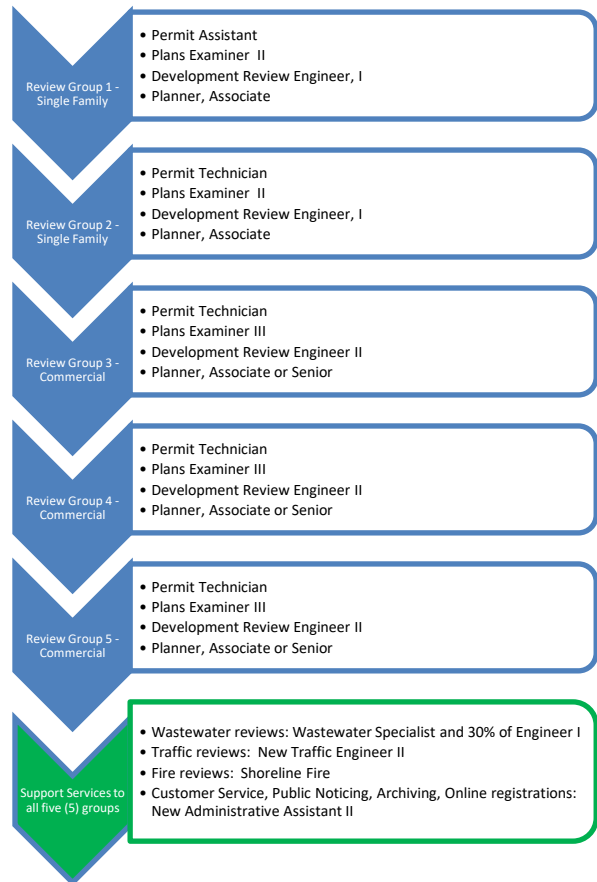
\*Note: The average number of weeks includes time the applicant uses to correct permit applications that is completely out of the control of the City, and as such, the first review time is the most accurate reflection of review times solely within the control of the City.

Given the current and projected level of permit submittals for multi-family, commercial and Deep Green projects, the City Manager determined that the staffing levels should be reviewed now, as opposed to waiting until the 2023-2024 Biennial Budget process. Even if Council supports the staffing request, it will take time to hire new staff and for them to become familiar with the City’s regulations. Waiting until the 2023-2024 Budget process would further delay initiating the process for at least another seven months.

**Staffing and Budget Request**

Staff’s proposal for Council consideration is to create a fifth permitting review group (see chart at right). The City currently has three complete permitting review groups. A permitting review group is a subset of the staff needed to process the most complex permit types such as new Mixed-Use, Multi-Family, Commercial, Deep Green Incentive Program projects, Affordable Housing projects and projects within Critical Areas from application intake to permit issuance. These complex projects also often represent development that advances key Council goals and policies such as Mixed Use Residential – 70 (MUR-70’) around the Light Rail Stations and the Shoreline Place projects.

For complex projects, the primary staff positions needed to advance a permit application to an issued permit require the services of a Permit Technician, Plans Examiner, Development Review Engineer (DRE), Planner, Wastewater Specialist, Traffic Engineer, and a Fire Reviewer. One member from a permit review



group also serves as the Project Manager who is responsible for coordinating reviews and other staff tasks as well as direct communication with the applicant during review.

The request included in tonight's discussion is to hire one (1) Permit Technician and one (1) Administrative Assistant II; one (1) DRE I (to assist in general and wastewater reviews), one (1) DRE II; one (1) Senior Planner; and one (1) Traffic Engineer II. As noted above, this would create five permitting review groups. The five permitting review groups would be served with four (4) Permit Technicians and two (2) extra help Permit Assistants. Permits would then be routed in theory to one of the five groups for review and processing.

The DRE II would perform review of the most complex projects such as the multi-family and commercial projects that require extensive coordination and iterative reviews. The DRE I would provide support to the DRE II on simpler tasks and would perform reviews on smaller projects, franchise utility permits and wastewater permits. This position will be funded through a combination of general permit revenue (70%) and wastewater permit revenue (30%).

Currently, the City Traffic Engineer provides review support on projects and heavily utilizes consultants for review of Traffic Impact Analyses (TIAs) and other tasks. The increased complexity and volume of projects is beyond the resource capacity of the City Traffic Engineer. The new Traffic Engineer II would review a variety of right-of-way requirements including lane widths, on-street parking and loading areas, temporary traffic control, signs, and pavement markings; and review of TIA reports, associated Transportation Impact Fee calculations, and in some cases, identify mitigation strategies or follow up monitoring. These larger projects require significant time to review and follow up on improvements. Due to staffing constraints, these reviews can cause delays in permit processing and issuance.

Currently PCD has two Administrative Assistants (AA). The AA III is primarily assigned to serve as the Planning Commission Clerk, PCD public records coordinator, PCD Council response letter representative, and PCD records coordinator. The AA II provides in person and phone reception for PCD, manages the PCD incoming email, and provides general office support, such as ordering supplies. These tasks do not allow for much time to focus on other more detailed tasks due to constant interruptions and high volumes. The new AA II would allow for more permit related tasks to be done on demand such as project noticing, website management, and routine tasks associated with permit intake and issuance. Council is being asked to consider approval of the following six (6) new ongoing FTEs to support permit intake, review, and issuance:

<b>Position</b>	<b>Department</b>	<b>Ongoing Cost</b>	<b>One-time Cost<sup>2</sup></b>	<b>Total Cost</b>
<b>Development Review Engineer I</b>	Public Works	\$167,049 <sup>1</sup> (30% of the cost proposed to be covered by the Wastewater Utility: \$50,115)	\$10,530 (30% of the cost proposed to be covered by the Wastewater Utility: \$3,159)	\$124,305
<b>Development Review Engineer II</b>	Public Works	\$181,099 <sup>1</sup>	\$10,530	\$191,629
<b>Engineer II - Traffic</b>	Public Works	\$181,099	\$11,530	\$192,629
<b>Senior Planner</b>	PCD	\$154,000 <sup>1</sup>	\$10,530	\$164,530
<b>Permit Technician</b>	PCD	\$111,000 <sup>1</sup>	\$10,530	\$121,530
<b>Administrative Assistant II</b>	PCD	\$102,000 <sup>1</sup>	\$9,530	\$111,530
<b>TOTALS</b>		<b>\$896,247</b>	<b>\$63,180</b>	<b>\$906,153</b>

<sup>1</sup> Annual Cost based on 2021-2022 Budget estimates and ongoing costs will gradually increase over time based on CPI. The partial year estimated cost would be added to the 2021-2022 Budget Amendment.

<sup>2</sup> One-time costs include cubicles, computers, monitors, phones and one new shared fleet vehicle. These costs would be added to the 2021-2022 Budget through an amendment.

PCD and PW staff have implemented alternatives to hiring additional staff. As noted earlier, staff have on-call contracts for Planners, Plans Examiners, Inspectors, Permit Technicians and Development Review Engineers and Traffic Engineers. However, staff are still not able to process permits in a timely manner. It must be noted that contracting for these services still requires significant in-house project management coordinative support. Staff are at the point where we need to rely on contract assistance regularly and are still not able to consistently meet the internal target of 12 weeks on average for permit turn around for first new commercial construction reviews.

If Council supports the request within this staff report, staff will continue to monitor the usage of on-call services along with the new staffing levels. There may be opportunity to reduce the level of on-call usage, but staff cannot accurately predict that with the current rate of permit submittal and until such time as the new permit teams are fully functional.

It should also be noted that the last two years have been challenging and stressful in projecting development activity and staffing levels. The COVID-19 pandemic created significant impacts as staff were juggling work and personal responsibilities with school closures and potential illness, along with transitions to remote work teams. As most employers have experienced, the City has also seen a greater number of employees moving on to new jobs outside or within the organization; more staff retiring; and more sick time being taken for employee/employee family care. All these events have reduced staffing for prolonged periods of time often without much warning. Meanwhile, permit applications and calls for inspections keep arriving with the expectation of receiving timely services.



## Revenue

The great recession of 2008 is the primary reason PCD staffing remained flat through 2016. A Planner and the Planning Manager were laid off in 2011. Permit revenue in 2009-2010 dipped below half of the permit revenue collected in 2007. Permit revenue did not consistently exceed pre-recession levels until 2016. Between 2011 and 2015 and 2017 to 2019, PCD revenue was bolstered by the Shoreline School District new and major remodeling projects of several schools, including both high schools. In 2017, a three-year limited term Senior Planner position was hired to work on both School District and Sound Transit permits. Additionally, consultants and extra help were used to assist with Plans Examination and Engineering Reviews for the School District permits.

PCD's revenue has increased since 2015. The adoption of the Light Rail Station Subarea Plans in 2015 and 2016 has spurred redevelopment in Shoreline. Currently, staff are seeing the construction of the light rail stations themselves igniting development adjacent to these important assets. Multi-Family and Mixed-Use development along Aurora Avenue, in North City and in Ballinger has also been strong. The 2019-2020 Biennium actual revenue total was \$7,529,825. As of May 5, 2022, 92% of 2021-2022 budgeted revenue has been collected and will likely exceed the projected \$7.05 million.

In 2016, Council approved permit cost recovery targets based on a [cost recovery study prepared by FCS Group](#). The targets are to recover 78% of the program expenditures for the Building and Inspection Team; 30% of the program expenditures for the City Planning Team; and 35% of the program costs for the Engineering Team (in PW). The following chart depicts the amount of budgeted costs that must be recovered per the approved cost recovery study:

<b>Program &amp; Required Cost Recovery Percentage</b>	<b>2021-2022 Budgeted Expenditures by Program (Costs)</b>	<b>Total of 2021-2022 Expenditures (Costs) That Must be Recovered</b>
<b>Building &amp; Inspections – 78%</b>	\$2,566,445	\$2,001,827
<b>City Planning – 30%</b>	\$2,260,582	\$ 678,175
<b>Engineering (PW) – 35%</b>	\$1,195,032	\$ 418,261
<b>Totals</b>	<b>\$6,022,059</b>	<b>\$3,098,263</b>

It should be noted that the budgeted expenditures by program do not include associated support service costs necessary to have the programs fully functional, such as information technology, legal, financial services, human resources, etc. As such, that is why some of the programs have a lower recovery rate, so strictly looking at the recovery rate of the program expenditures to the permit revenue collected is not a fully allocated cost model. Also, the City Council has approved incentives, including permit fee reductions/waivers, for certain targeted development programs such as affordable/low-income housing and Deep Green projects. In many of these cases, lower levels or no revenue is collected.

With this said however, revenue collections have continued to out-pace those budgeted, and the PCD and the PW Engineering Program are currently on track to recover an estimated 90% of budgeted expenditures with revenue versus the cost recovery target of 39%. If for example, the requested permitting staff are added to the current 2021-2022 Budget in full, the City expenditures related to permitting would increase by an estimated \$960,000 and based on planned revenue, 80% of the costs for this service would still be recovered by permit fees, although this does not reflect a fully allocated cost recovery estimate.

As previously stated, permit fee reductions and waivers have an impact on staff resources and revenue. The following are where the municipal code provides for waiving fees:

- SMC 20.30.100 and SMC 20.40.230(H) - affordable housing waiver of fees based on the percentage of affordable units to be constructed.
- SMC 20.40.235(B)(4) and (F) - affordable housing, light rail station subareas fee reductions or waivers for new and remodeled housing affordable to people making 60% or less of the King County area median income.
- SMC 20.50.630(D)(1) - waiver up to 100% of permit fees for qualifying projects and free expedited review for all Deep Green Incentive Projects (DGIP).

These programs have become popular with multi-family developers often taking advantage of both affordable housing and DGIP programs. The incentives are working, which is creating a greater demand on resources. Since these projects are often taking advantage of the free expedited permitting through the DGIP program, we have been trying to manage these reviews in-house as we are not collecting the double permitting fees to cover expediting with consultant reviewers. To do this, staff must move the DGIP permits to the front of the line for review. Staff now have too many DGIP projects to continue this practice and are using consultants which lengthens the time it takes to receive an expedited permit and the City pays the cost of the consultant. Currently, there are three (3) Mixed-Use/Multi-Family projects under review that qualify for the DGIP incentives. All three projects were expedited and to date fee reductions total \$332,537. We do not have adequate staff resources to expedite all these permits at that same time. This incentive, though well intentioned, is having a negative impact on non-DGIP project timelines.

While the current state of the world is making economic forecasting more difficult, there are strong indications that development in Shoreline will increase between now and 2025 to coincide with the opening of the two light rail stations. Beyond 2025, staff have credible information that development is planned to continue based on pre-application meetings, discussions with property owners and developers and a continuation of the region's housing crisis. In addition to housing developments, larger scale projects from Shoreline Community College, Fircrest/DSHS, the Shoreline Place build out, and the City's own Park Bond projects are anticipated in the next couple of years for permitting.

Below is a chart that depicts expected development projects that are on track to apply for permits to align construction with the start of light rail service in 2024. There are also some projects like Shoreline Place that are planned in phases into the future:

<b>Number of Units Projected by Development Phase</b>			
<b>Development Area</b>	<b>Units in Permitting or Construction</b>	<b>Property Acquired or Under Contract – projected units</b>	<b>Pre-Application Meeting held – projected units</b>
<b>148<sup>th</sup> Street Station</b>	1,336	1,327	324
<b>185<sup>th</sup> Street Station</b>	266		932
<b>Shoreline Place</b>		1,400	
<b>North City</b>			630
<b>Aurora Corridor</b>	1,044	622	1,239
<b>Ballinger</b>	227		
<b>Unit Subtotals</b>	<b>2,873</b>	<b>3,349</b>	<b>3,125</b>
<b>TOTAL PROJECTED UNITS: 9,347 units</b>			

In conclusion, the Council’s policies related to creating transit-oriented communities that have a mix of residential types affordable to a range of incomes and built with reduced impacts on the environment and increased health benefits for residents are successful. While this success has created a demand that has exceeded staff capacity, permit revenue has also increased. Tonight’s request is to gradually add permitting staff to PCD and PW to better meet this demand. While the additional staffing resources could be paid for entirely by permit revenue, given the strong performance of permitting revenue in past years and the impact of these incentives on workload, staff recommends using some General Fund fund balance as one-time contribution to support a portion of the added staff for the next three years. This approach would allow revenue forecasts to remain conservative in the face of the uncertain economy. PCD and PW may also be asking for additional staff as part of the 2023-2024 Biennial Budget depending on whether on or not the workload and revenue are still out pacing staff resources.

**GIS Support for Comprehensive Plan and other Critical Projects**

The Council approved the conversion of the Information Technology (IT) Division’s GIS extra-help position to a 0.5 FTE GIS Technician as part of the mid-biennium budget review process. As staff evaluates the workload in the next three to five years, staff have identified ongoing and project work that far exceeds the capacity of a 0.5 FTE GIS Technician. This position is currently vacant and staff are seeking Council authority to increase that position to a 1.0 FTE GIS Technician so that staff can recruit at this time. This work is 100% project supported and does not require a monetary increase to the Budget, as the costs are incorporated in project budgets already approved by Council. The City is conducting a comprehensive IT Workload Analysis and staff anticipates additional FTE requests will be presented in the 2023-2024 Budget to support the needs of the City.

**Next Steps**

Based on Council direction, staff can return in late June or July with an ordinance to amend the 2021-2022 Budget for PCD and PW to add six (6) FTE and a 0.5 GIS Technician to address the permitting workload. If Council is supportive of the recommendation, staff will start the recruitment process immediately. Given the timeline

needed for recruitment, staff anticipates that the budget amendment ordinance would be before Council for action prior to the hiring of related staff.

### **RESOURCE/FINANCIAL IMPACT**

The budgetary impact would be an ongoing annual cost of \$896,247 to hire six additional permitting staff members and \$59,253 for adding a 0.5 GIS Technician. These are annual amounts based on 2022 salaries, which would be adjusted annually as required to respond to personnel cost increases such as step increases, cost of living adjustments, changes in benefits, etc. There would also be an estimated one-time cost of \$63,180 for equipment and supplies to support the new staff. These costs are proposed to be covered by permit revenue, a general fund one-time contribution, project budgets, and 30% of the proposed Development Review Engineer I costs would be covered by Wastewater Utility funds.

### **RECOMMENDATION**

Staff recommends that Council direct staff to prepare an amendment to the 2021-2022 Budget to include the cost of hiring six (6) new full time equivalent permitting staffing members and one 0.5 FTE GIS Technician, including associated one-time costs. Most of the cost would be paid for by permit revenue from increased sustained permit activity, a one-time contribution from General Fund fund balance to offset Deep Green and affordable housing incentives, project budgets, and a small percentage covered by the Wastewater Utility.

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Discussion of Ordinance No. 967 – Authorizing the Use of Eminent Domain for Acquisition of Certain Real Property identified as King County Tax Parcel No. 727810-0905 for Public Park Land		
<b>DEPARTMENT:</b>	City Attorney’s Office		
<b>PRESENTED BY:</b>	Margaret King, City Attorney		
<b>ACTION:</b>	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Motion
	<input checked="" type="checkbox"/> Discussion	<input type="checkbox"/> Public Hearing	

**PROBLEM/ISSUE STATEMENT:**

The City Council has expressed interest in acquiring an approximately 2.6-acre tideland property so as to expand the area of City public parks with shoreline access. This parcel, which is at the southern end of 27<sup>th</sup> Avenue NW and is identified as King County Tax Parcel No. 727810-0905, is adjacent to the 2<sup>nd</sup> Class Tidelands associated with Richmond Beach Saltwater Park.

Eminent domain is a power granted to political subdivisions, such as the City of Shoreline, through RCW 8.12 to acquire private property for a public use, including for public parks. If the Council desires to acquire the tideland property, having an ordinance authorizing eminent domain may be necessary to complete that acquisition or to encourage a voluntary sale. Staff would therefore like Council to consider proposed Ordinance No. 967 (Attachment A) as a precautionary step in the event a voluntary sale of the tideland parcel cannot be achieved. Passage of this ordinance authorizes the City Manager or designee to proceed with eminent domain in the event the negotiations with any specific property owner reaches an impasse.

Tonight, Council is scheduled to discuss proposed Ordinance No. 967 (Attachment A). Final action on proposed Ordinance No. 967 is currently scheduled for June 6, 2022.

**RESOURCE/FINANCIAL IMPACT:**

The City’s General Fund has sufficient funds for property acquisition of \$110,000 in just compensation and mailing, publication, and appraisal costs related to proposed Ordinance No. 967 and use of eminent domain. Proposed Ordinance No. 967 does not negatively impact other parkland property acquisitions anticipated by the City.

Proposed Ordinance No. 967 also does not in and of itself affect the ultimate purchase price of this tideland parcel. If use of eminent domain is authorized under this Ordinance, negotiations will continue as normal. Council adopting proposed Ordinance No. 967 is the first step for moving forward with the use of eminent domain if

negotiations come to an impasse. There are some associated costs for statutorily required notices and correspondence but those costs are de minimis.

A Statutory Evaluation Allowance is available to the property owner if an offer is made under the threat of eminent domain to help defray the owner's expenses. Under RCW 8.25.020, when the City is acquiring property by eminent domain or under the threat of it, property owners are entitled to reimbursement of up to \$750 for costs they incurred evaluating the City's offer.

### **RECOMMENDATION**

Staff recommends that Council discuss proposed Ordinance No. 967 authorizing the use of eminent domain for certain real property to expand the City's park land providing shoreline access. If so directed, staff will return with this Ordinance for final action on June 6, 2022.

Approved By:           City Manager ***DT***   City Attorney ***JA-T***

## **BACKGROUND**

In/about 2020, the City of Shoreline elected not to seek to acquire property at the southern end of 27<sup>th</sup> Avenue NW when it came up for sale. The property for sale included not only a residence but also a large parcel of 2<sup>nd</sup> Class Tidelands. Citizen interest in acquiring the tideland portion of the properties has continued as the City has actively been engaged in acquiring public parkland throughout the City. The City Council has expressed interest in acquiring the tidelands so as to expand the area of City public parks with shoreline access.

The City's Parks, Recreation, and Open Space (PROS) Plan, approved by the City Council on July 31, 2017, recognized that Richmond Beach Saltwater Park is just one of the few City parks that provides water access to Puget Sound, via a pedestrian bridge. In the responses to a survey on how the City could improve or expand parks, 34% responded that the City should acquire shoreline and beach access.

The tideland property in question is a 113,023 square foot (approximately 2.6 acres) parcel of 2<sup>nd</sup> Class Tidelands in the Richmond Beach neighborhood at the southern end of 27<sup>th</sup> Avenue NW, identified as King County Tax Parcel No. 727810-0905 (see map in Attachment A, Exhibit A). This parcel is adjacent to the 2nd Class Tidelands associated with Richmond Beach Saltwater Park.

Acquisition of this parcel would provide a continuous public connection to these tidelands and preserves this area in its natural state. Acquisition would also facilitate the public survey response for more shoreline and beach access and increase the City's inventory of park land. The general vicinity of the tideland property is depicted in the image at right.



## **DISCUSSION**

Eminent domain is a power granted to political subdivisions, such as the City of Shoreline, through RCW 8.12 to acquire private property for a public use, including for public parks. If the Council desires to acquire the tideland property, having an ordinance authorizing eminent domain may be necessary to complete that acquisition or to encourage a voluntary sale.

Staff would therefore like Council to consider proposed Ordinance No. 967 (Attachment A) as a precautionary step in the event a voluntary sale of the tideland parcel cannot be achieved. Passage of this ordinance authorizes the City Manager or designee to proceed with eminent domain in the event the negotiations with any specific property owner reaches an impasse.

The City retained the services of CBRE to prepare a just compensation appraisal for this tideland parcel. Given the unique nature of the marketability of such a parcel, performing the appraisal was complicated, resulting in an appraised value of \$110,000, just a few thousand dollars more than King County's appraised value of \$107,000. The City's land acquisition consultant, Consultant Land Staff, has been in contact with the property owner and tendered the City's offer of just compensation on May 12, 2022. This contact, along with contact with City staff, reveals that the property owner, Dr. Peter Vitaliano, is not a willing seller.

As required by statute, a certified letter was sent to the property owner of record on May 13, 2022, satisfying the statutory required for such letter to be sent at least 15 days prior to final action on proposed Ordinance No. 967. A notice of final action regarding adoption of proposed Ordinance No. 967 will have been published in the Seattle Times once a week for two successive weeks prior to final action. Publication in the Seattle Times was on May 16, 2022, and will occur again on May 26, 2022.

Tonight, Council is scheduled to discuss proposed Ordinance No. 967. Final action on proposed Ordinance No. 967 is currently scheduled for June 6, 2022.

### **RESOURCE/FINANCIAL IMPACT**

The City's General Fund has sufficient funds for property acquisition of \$110,000 in just compensation and mailing, publication, and appraisal costs related to proposed Ordinance No. 967 and use of eminent domain. Proposed Ordinance No. 967 does not negatively impact other parkland property acquisitions anticipated by the City.

Proposed Ordinance No. 967 also does not in and of itself affect the ultimate purchase price of this tideland parcel. If use of eminent domain is authorized under this Ordinance, negotiations will continue as normal. Council adopting proposed Ordinance No. 967 is the first step for moving forward with the use of eminent domain if negotiations come to an impasse. There are some associated costs for statutorily required notices and correspondence but those costs are de minimis.

A Statutory Evaluation Allowance is available to the property owner if an offer is made under the threat of eminent domain to help defray the owner's expenses. Under RCW 8.25.020, when the City is acquiring property by eminent domain or under the threat of it, property owners are entitled to reimbursement of up to \$750 for costs they incurred evaluating the City's offer.

### **RECOMMENDATION**

Staff recommends that Council discuss proposed Ordinance No. 967 authorizing the use of eminent domain for certain real property to expand the City's park land providing shoreline access. If so directed, Staff will return with this Ordinance for final action on June 6, 2022.

### **ATTACHMENTS**

Attachment A: Proposed Ordinance No. 967  
Attachment A, Exhibit A: Parcel Acquisition Map



**ORDINANCE NO. 967**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AUTHORIZING ACQUISITION OF CERTAIN REAL PROPERTY LOCATED IN THE RICHMOND BEACH NEIGHBORHOOD AT THE SOUTH END OF 27<sup>th</sup> AVENUE NW, TAX PARCEL 727810-0905, BY NEGOTIATED VOLUNTARY PURCHASE, UNDER THREAT OF CONDEMNATION, BY CONDEMNATION, OR BY SETTLING CONDEMNATION LITIGATION, FOR THE PURPOSE OF SECURING ADDITIONAL PUBLIC PARK LAND; FINDING PUBLIC USE AND NECESSITY; AUTHORIZING JUST COMPENSATION FROM THE GENERAL FUND; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, pursuant to Chapter 8.12 RCW, the City has the authority to condemn property for public parks; and

WHEREAS, the City's Parks, Recreation, and Open Space (PROS) Plan, approved by the City Council on July 31, 2017, recognized that Richmond Beach Saltwater Park provides the City's only public water access to Puget Sound and, in the response to a survey on how the City could improve or expand parks, 34% responded that the City should acquire shoreline and beach access; and

WHEREAS, since 1971, the sale of state-owned tidelands has been prohibited but that was not before approximately 60 percent of Washington's tideland becoming privately owned; and

WHEREAS, the City Council finds that acquisition of the property generally depicted and described in Exhibit A, attached hereto (the "Acquired Property"), is necessary for the public use of park lands to meet the recreation and natural open spaces needs of the community and ensure continued access to these vital natural areas; and

WHEREAS, acquisition of the Acquired Property will provide additional public access to the Puget Sound shoreline and increase the amount of shoreline within the City's public park system; and

WHEREAS, just compensation for the Acquired Property can be funded through the City's General Capital Fund; and

WHEREAS, there have been, and will continue to be, sustained efforts to negotiate with the owner of the Acquired Property, and eminent domain action will be taken judiciously after reasonable efforts to reach a negotiated settlement with the owner; and

WHEREAS, in the event that negotiated acquisition of the Acquired Property is not successful, it is essential that the City be prepared to initiate condemnation proceedings; and

WHEREAS, the owner of the Acquired Property were given notice according to state statute that this condemnation ordinance was included for discussion by the City Council at its regular meeting of May 23, 2022, and were afforded an opportunity to comment at that meeting; and

WHEREAS, the City has provided notice of the adoption of this Ordinance in the manner set forth in RCW 8.12.005 and 8.25.290; and

WHEREAS, the City of Shoreline has the power to acquire lands through eminent domain for the purpose of providing public parks; and

WHEREAS, acquisition of the Acquired Property is categorically exempt from SEPA review under WAC 197-11-800(5)(a);

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

**Section 1. Condemnation Authorized.** The City Manager is hereby authorized to take necessary steps to acquire all necessary property interests in the land located within the City of Shoreline, County of King, State of Washington, depicted and legally described in Exhibit A attached hereto and by this reference incorporated herein (the “Acquired Property”) which is necessary for the public use of the operation of a public park, and is hereby condemned, appropriated and taken for such public use, subject to the making or paying of just compensation to the owners thereof in the manner provided by law.

The City Manager or designee is hereby authorized and directed to execute all documents for the acquisition of all interests in the Acquired Property and bring proceedings in the manner provided for by law to condemn, take, damage, and appropriate the Acquired Property described in this Ordinance pursuant to the powers granted to the City of Shoreline including RCW 35A.64.200 and Chapters 8.12 and 8.25 RCW. This authorization includes the right to condemn all reversionary interests, easements, and options in said Acquired Property.

The City Attorney is authorized to begin and prosecute legal proceedings in the manner provided by the law to purchase, condemn, take, appropriate, and otherwise acquire the land and all other interests and property rights and privileges necessary to carry out the purposes of this Ordinance. The City Attorney is also authorized to make minor amendments to any property description or map of property generally depicted on the attached Exhibit A as may become necessary to correct scrivener’s errors or to conform the legal description to the precise boundaries of the Acquired Property.

**Section 2. Finding of Public Use and Necessity.** The Shoreline City Council finds that the acquisition of the Acquired Property is for a public use and purpose, to-wit: to provide additional park land for the citizens of Shoreline. The City Council further finds the property generally depicted in Exhibit A is necessary for the proposed public use and for the benefit of the

public. The Whereas clauses set forth above are hereby incorporated into and made part of the Council’s findings.

**Section 3. Compensation.** Compensation to be paid to the owners of the Acquired Property identified in Section 1, above, and costs and expenses of litigation authorized by this Ordinance, shall be paid from the City’s General Capital Fund.

**Section 4. Effective Date and Publication.** A summary of this Ordinance consisting of the title shall be published in the official newspaper and the Ordinance shall take effect five days after publication.

**PASSED BY THE CITY COUNCIL ON JUNE 6, 2022.**

\_\_\_\_\_  
Mayor Keith Scully

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jessica Simulcik Smith  
City Clerk

\_\_\_\_\_  
Julie Ainsworth-Taylor  
Assistant City Attorney on behalf of  
Margaret J. King, City Attorney

Publication Date: \_\_\_\_\_, 2022  
Effective Date: \_\_\_\_\_, 2022

**ORDINANCE No. 967**  
**Exhibit A**

**Tax Parcel No. 727810-0905**

