

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Volunteer Week in the City of Shoreline Proclamation
DEPARTMENT: City Manager's Office
PRESENTED BY: Mayor Scott Jepsen *6/10/99*

EXECUTIVE / COUNCIL SUMMARY

As part of your Council's upcoming volunteer recognition breakfast, scheduled for April 23rd at 7:30 AM, staff has prepared a proclamation to recognize the week of April 18th to April 24th as Volunteer Week in the City of Shoreline. This proclamation will be posted on the City's web site and copies displayed at the upcoming volunteer recognition breakfast.

The Shoreline community benefits greatly from the services provided by the City's volunteers. Services that are provided by these volunteers are services the City would otherwise not have the resources to accomplish. These services include: monitoring homes of vacationing residents for criminal activity, calling to remind people facing misdemeanor charges of court hearings, staffing the police neighborhood storefronts and providing assistance with recreation and education programs.

This proclamation is one of many activities planned by your Council to recognize the collective efforts of the City's volunteers.

RECOMMENDATION

No action is needed. This item is designed to draw attention to the efforts of the City's volunteers.

Approved By: City Manager *KJR* City Attorney *N/A*

PROCLAMATION Volunteer Week

Whereas, Volunteers serving the community increase the quality of life, and

Whereas, Volunteers working together build a sense of community, and

Whereas, Volunteer opportunities bring people together, and

Whereas, Volunteer opportunities break down barriers between people, and

Whereas, Volunteers provide an invaluable service to the Shoreline community, and

Whereas, Volunteers provided more than 8763 hours of service to the City of Shoreline in 1998,

Now therefore, I, Scott Jepsen, Mayor of the City of Shoreline, do proclaim the week of April 18-24, 1999 as

Volunteer Week

in the City of Shoreline and encourage residents to seek volunteer opportunities in our community and thank those who volunteer for their efforts.



Scott Jepsen, Mayor

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Quarterly report from the Council of Neighborhoods
DEPARTMENT:	Community/Government Relations
PRESENTED BY:	Ellen Broeske, Neighborhoods Coordinator <i>EB</i>

EXECUTIVE / COUNCIL SUMMARY

Mark Deutsch, Chairman of the Council of Neighborhoods, requested time on your Council agenda to provide a report on Council of Neighborhood activities during the past quarter.

Approved By: City Manager *KJB* City Attorney *N/A*

March 15, 1999

CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF WORKSHOP MEETING

Monday, March 15, 1999
6:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Jepsen, Deputy Mayor Montgomery, Councilmembers Gustafson, Hansen, King, Lee and Ransom

ABSENT: Councilmember Lee

1. **CALL TO ORDER**

The meeting was called to order at 6:31 p.m. by Mayor Jepsen, who presided.

2. **FLAG SALUTE/ROLL CALL**

Mayor Jepsen led the flag salute. Upon roll by the City Clerk, Councilmembers Gustafson and Ransom, in addition to Mayor Jepsen, were present. Councilmembers Hansen and King and Deputy Mayor Montgomery arrived later in the meeting.

Councilmember Gustafson moved to excuse Councilmember Lee. Councilmember Ransom seconded the motion, which carried unanimously.

(a) **Proclamation of "Absolutely Incredible Kid Day"**

Mayor Jepsen awarded a plaque to representatives of the Camp Fire Boys and Girls and read the proclamation establishing March 18, 1999 as "Absolutely Incredible Kid Day" in Shoreline.

Councilmember King arrived at 6:35 p.m.

3. **CITY MANAGER'S REPORT**

Councilmember Hansen arrived at 6:38 p.m.

Joyce Nichols, Community and Government Relations Manager, provided an update of bills under consideration in the State Legislature.

Ms. Nichols said the Buildable Lands Bill, now designated Substitute Senate Bill 5914, has passed out of the Senate Rules Committee and awaits action on the Senate floor. She noted changes in the current bill from the bill originally proposed, and she explained why the City should continue to oppose the bill.

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Ms. Nichols went on to discuss:

- Senate Bill 5745, which would lower the maximum tax rate on charitable bingo and raffles from ten to 5 percent; the bill passed the State Senate on a vote of 31-14; passage of the bill could cost the City \$49,000 in estimated revenue;
- Senate Bill 5790, which would have required cities to designate certain gambling tax revenues to roads and to education about compulsive gambling, died in committee; and
- Senate Bill 5814, which previously proposed to lower the maximum tax rate on social card games from 20 to ten percent, is still alive as a title-only bill that could be amended and considered on the Senate floor.

5. PUBLIC COMMENT

(a) Ann Lynn Koski, 16025 Dayton Avenue N, discussed surface water problems on her property which she said resulted from logging on an adjacent property. She asserted the City had not responded adequately to her concerns.

(b) Jules Liptrap, 1307 N 165th Street, noted rumors that someone plans to build apartments and condominiums along a waterway near 165th Street. He said this is park property. Next, Mr. Liptrap commented that boarded up and abandoned buildings thwart City efforts to beautify Aurora Avenue N. He advocated that Council consider legislation to allow the City to condemn such buildings.

Mr. Deis requested that Ms. Koski speak with City Engineer Mike Gillespie and Assistant City Manager Larry Bauman to enable staff to investigate her situation further. He directed Mr. Bauman to follow up with Mr. Liptrap about the property near 165th Street.

Mayor Jepsen advised that Council has been discussing how the City can become more aggressive about requiring property owners to rectify derelict buildings. He said the City is currently doing as much as it can under State law. He agreed that the City ought to be able to do more.

In response to Councilmember King, Mr. Deis said the City Attorney has undertaken procedures concerning the burnt-out restaurant on Aurora Avenue N near 205th Street. He commented that the City is working to improve the poor code it inherited upon incorporation. He noted this as one of Council's objectives for 1999. He advised that the owners of the U&I property on 175th Street have assured staff that they will submit a development application this summer and subsequently tear down the existing building.

There was Council consensus to discuss "Council Reports" after "Workshop Items."

6. WORKSHOP ITEMS

- (a) Quarterly Report by King County Councilmember Maggi Fimia

King County Councilmember Maggi Fimia introduced Diane Yates, lead staff for human services and labor issues for King County District One.

County Councilmember Fimia mentioned that the issue of Regional Finance and Governance (RF&G) remains unresolved. She said the County is addressing RF&G issue by issue and city by city instead of through a comprehensive agreement. She expressed her support for a regional agreement.

Councilmember King said the Board of the Suburban Cities Association (SCA) would strongly support the reopening of RF&G negotiations.

County Councilmember Fimia said she has offered to serve as one of the negotiators for the County in RF&G negotiations. She mentioned swimming pools as a problematic issue. She explained her proposal to handle pools similarly to how the County and suburban cities handle libraries: the County would operate pools as a regional service; each city could choose whether to participate in the regional system; and citizens would tax themselves to operate and maintain the whole system.

Mayor Jepsen asserted the difficulty of establishing a unified position on RF&G given the large number of suburban cities. He said the effort invested to develop the SCA RF&G proposal, and the support for it among SCA member cities, was unprecedented. He noted that Shoreline, Lake Forest Park, Kenmore and Bothell had each indicated that they would ratify the SCA proposal. He said he would be disappointed if the County and the City of Seattle never considered it.

County Councilmember Fimia responded that the SCA proposal provides a starting point for renewed discussions. She asserted the need to discuss how to adjust the existing tax system to reflect the current governance structure. She suggested the consideration of systems implemented elsewhere in the country (e.g., Minneapolis, Minnesota).

Councilmember King emphasized that all 37 SCA member cities supported the SCA proposal on RF&G.

County Councilmember Fimia distributed a letter that she intends to send to the Board of Sound Transit reiterating the concern of elected officials in North King County about the lack of service for North King County residents in Phase I of the regional transit plan. She said the letter invites Sound Transit board members and staff to meet with city councilmembers from Shoreline, Lake Forest Park, Kenmore, Bothell and Woodinville on April 27. She mentioned her goal to collect the signatures of the mayors and city councilmembers of the five cities for inclusion with the letter.

County Councilmember Fimia announced the town hall meetings on livable communities that she will hold at the Shoreline Library on April 13 from noon until 2 p.m. and from 7 p.m. until 9 p.m. She invited Shoreline Councilmembers to showcase a couple City projects at the meetings.

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County Councilmember Fimia referred to a list of small grants projects funded in 1999. Ms. Yates said County Councilmember Fimia funded 28 of the 35 requests she received.

Next, County Councilmember Fimia discussed the Interurban Trail. She said the County will transfer funding for the project to Shoreline, and the County and the City will revise the language in the parks contract to designate Shoreline as the project lead. She advised that the County will coordinate with the other jurisdictions along the trail corridor.

Ms. Yates explained that the County is collecting information from the jurisdictions along the trail corridor to prepare a map of the trail from the ship canal to downtown Everett. She said the map will show: the location of the completed trail sections; the location of "missing links"; the sections of the trail for which funding has been secured; the sections for which funding has not been secured; and the location of transit access points, economic centers, parks and schools. She noted that each jurisdiction will submit a narrative of the status of their projects, including funding, community support and obstacles. She said the County will then develop a work plan and a timeline.

Mayor Jepsen asked about the participation of the City of Seattle. County Councilmember Fimia said the Interurban Trail is included in the neighborhood plans for Seattle neighborhoods (e.g., Haller Lake, Bitter Lake). She asserted that applications for federal funding for the Interurban Trail will be very competitive because the trail is regional, involving multiple jurisdictions. Noting her recent appointment to the Puget Sound Regional Council Executive Board, she said she will support the applications for federal funding for the trail.

Mayor Jepsen mentioned that City Councilmembers raised the issue of federal funding for the Interurban Trail during their meetings with Congressional representatives while in Washington, D.C. at the National League of Cities (NLC) Conference. Councilmember Gustafson noted that the Congressional representatives were very receptive.

County Councilmember Fimia went on to discuss the Seventh Annual Youth Summit scheduled for March 29. She expressed her hope that a Youth Council will emerge from the Youth Summit to be an ongoing voice for youth in the community. She suggested that her office and the cities of Lake Forest Park and Shoreline could staff a Youth Council. She said she would provide funding for Youth Council staff out of her communication and staff funds.

County Councilmember Fimia next discussed the technology center proposed for Shoreline Community College and the technology training needs of transit workers. She explained that development of transit technology training capabilities will broaden the base of potential funding for the technology center.

Finally, County Councilmember Fimia discussed the Regional Wastewater Treatment proposal. She agreed that the amount of wastewater will exceed treatment capacity within ten years. However, she favored the strategy of maximizing investments in the

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existing wastewater treatment infrastructure over the County Executive's preferred plan to build a third wastewater treatment plant. She asserted that the strategy of maximizing investments will cost \$300 million less than the County Executive's preferred plan while still meeting, or exceeding, forecasted capacity needs. She commented that she has not seen figures to justify the immediate construction of a third treatment plant.

In response to Councilmember Hansen, County Councilmember Fimia mentioned a memo from CH2MHill to HDR Contractors to corroborate her statement that it is possible to expand the West Point Treatment Plant by 15 percent within the terms of the settlement agreement with the City of Seattle.

Referring to the tables on page 12 of the Council packet, County Councilmember Fimia noted that capacity charges in 2000 under the County Executive's Preferred Plan are three times higher than those under the strategy of maximizing investments in existing infrastructure.

In response to Mayor Jepsen, County Councilmember Fimia said the City of Seattle wants a two-tiered capacity charge. She noted the City of Seattle assertion that the infrastructure to serve new suburban growth is more expensive than that to serve urban in-fill growth.

County Councilmember Fimia clarified her support for a north end location for a third wastewater treatment plant and for "land banking" for a third plant. However, she asserted that the County can postpone construction of a third plant until 2040 or 2050.

In response to Councilmember Ransom, County Councilmember Fimia said passage of the County Executive's Preferred Plan is not a foregone conclusion. She noted that the plan has not yet passed, that she and two other County Councilmembers voted against it and that there is no clear majority in favor of it.

Mayor Jepsen noted the City's positions on projects in Referendum 49, the status of the Shoreline Community College library and the Buildable Lands Bill under consideration in the State legislature.

Councilmember King said Council supports the County Executive's Preferred Plan and the need for additional capacity. She commented that Richmond Beach residents are concerned about the costs of the County Executive's Preferred Plan.

Mayor Jepsen said Council definitely supports additional capacity, but it has not taken an official vote on service strategy. He mentioned that he looks to the County Council to help the region reach this decision.

Councilmember Gustafson expressed appreciation for County Councilmember Fimia's presentation. He asserted the importance of regular meetings between her and Council.

(b) Proposed Surface Water Small Projects to be Constructed in 1999

Gail Perkins, Public Works Operations Manager, and Edward Mulhern, Surface Water Coordinator, reviewed the staff report.

Councilmember King expressed opposition to the expenditure of funds to separate stormwater sewers from wastewater sewers. She asserted that King County-Metro should treat stormwater to reduce pollution runoff into Puget Sound. She expressed strong support for the surface water small projects.

In response to Councilmember King, Ms. Perkins said surface water problems in the areas the City recently annexed have been minimal. She noted a detention facility on Macaleer Creek that staff must monitor and manage.

In response to Councilmember Gustafson, Ms. Perkins advised that some of the calls the Customer Response Team (CRT) still receives pertain to a few outstanding surface water small projects and that many others pertain to larger issues, such as open drainage ditches and potential neighborhood drainage assistance programs.

Mayor Jepsen said the City has made a significant impact on surface water problems by expending a relatively small amount of money. He encouraged staff to consider surface water small projects in the light of changes (e.g., in City road standards) that could require the City to undo or redo them in the future.

Mayor Jepsen noted that design and construction management account for 30 percent of the expenditures for the proposed projects. Ms. Perkins said this amount is typical for surface water small projects.

In response to Councilmember Gustafson, Ms. Perkins said the listing of certain Puget Sound salmon runs for protection under the Endangered Species Act (ESA) will not affect the proposed surface water small projects.

(c) Short and Long Term Work Priorities for the City of Shoreline and the Shoreline School District

Mr. Deis reviewed the prioritized list of short-term and long-term projects that the Shoreline School Board prepared from the list of topics on which the City and the School District intend to collaborate.

Mayor Jepsen agreed with the projects that the School Board identified, but he disagreed with the order of priority the School Board proposed. He suggested the following changes: 1) the designation of "Signage for City programs on school property" as a short-term issue for joint committees of City and School District staff; 2) the designation of "City/School District funding, governance, limitations" as a short-term issue for the City Manager and the School District Superintendent; and 3) the designation of "Goals for human and youth services" as a short-term issue for joint committees of City and District staff. He asserted that clarification of funding restrictions and roles for human and youth

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services will allow the City and the School District to address "After-hour and non-school use of School District property" as a mid-term issue. He proposed the addition of population forecasting to the list of short-term issues about which the City and School District should start to exchange information.

Councilmember Gustafson supported the designation of "After-hour and non-school use of School District property" as a mid-term issue. He recommended that the City and School District develop policies and procedures beginning with one facility. He stressed the need to complete the interlocal agreement between the City and the District.

Mr. Deis suggested that mid-term refer to the two-year period of 2000-2001.

Councilmember Gustafson advocated the designation of "Emergency management services" as the second short-term issue for joint committees of City and District staff to address (after funding and governance limitations). He proposed the creation of a youth council as a joint project of the City and the School District. Mayor Jepsen suggested the inclusion of this under "Goals for human and youth services."

Mr. Deis mentioned that the City included parking at Shoreline Center in the 1999 Capital Improvement Program (CIP) budget.

Councilmember Gustafson commented that District Superintendent Dr. Marlene Holayter invited him to participate on a citizens advisory group.

Mr. Deis advised that he will meet with Superintendent Holayter to discuss the revisions that Council has proposed and that he will arrange a follow-up meeting of Mayor Jepsen, School Board President Paul Grace, Superintendent Holayter and himself. He said the final priority list can serve as the agenda for future joint meetings between Council and the School District.

Councilmember Ransom asserted that "After-hour and non-school use of School District property" is critical for a variety of uses, including recreation. He recalled that the School District committed to community use of school facilities when it proposed the bonds to fund their construction. He said the School District has overlooked some of those commitments. He advocated that the City review the commitments included in the bonds.

3. COUNCIL REPORTS

Councilmember Gustafson commented on the value of attending the NLC Conference and of meeting with Congressional representatives. He noted the following issues for Council and staff attention: electronic commerce; Y2K; ESA; 2000 Census; and National Pollution Discharge Elimination System Phase II.

Deputy Mayor Montgomery mentioned the value of attending the NLC Conference.

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Mayor Jepsen reported that he and Councilmember Gustafson attended the official grand opening of the Walgreens store in North City.

Councilmember King advised that the Walgreens store has drawn the attention of other businesses to locating in North City.

Councilmember Ransom noted that he obtained information and materials on affordable housing and economic development at the NLC Conference. He said he served on the NLC Human Development Subcommittee which addressed "social assurance" issues such as health care and homelessness.

7. CONTINUED PUBLIC COMMENT: None

8. EXECUTIVE SESSION

At 8:44 p.m., Mayor Jepsen announced that Council would recess into Executive Session for approximately 30 minutes to discuss one item of litigation and one item of potential litigation.

At 9:29 p.m., the Executive Session concluded, and the workshop reconvened.

9. ADJOURNMENT

At 9:30 p.m., Mayor Jepsen declared the meeting adjourned.

Sharon Mattioli, CMC
City Clerk

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CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF REGULAR MEETING

Monday, March 22, 1999
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Jepsen, Deputy Mayor Montgomery, Councilmembers Gustafson, Hansen, Lee and Ransom

ABSENT: Councilmember King

1. **CALL TO ORDER**

The meeting was called to order at 7:32 p.m. by Mayor Jepsen, who presided.

2. **FLAG SALUTE/ROLL CALL**

Mayor Jepsen led the flag salute. Upon roll by the City Clerk, all Councilmembers were present, with the exception of Councilmember King.

Councilmember Lee moved that Council excuse Councilmember King. Councilmember Gustafson seconded the motion, which carried unanimously.

3. **REPORT OF CITY MANAGER**

City Engineer Mike Gillespie updated Council on the project to restripe N 185th Street between Midvale Avenue and 1st Avenue NE to designate one lane of traffic in each direction, a continuous left-hand turn lane between them and a bike lane on each side of the street. Mr. Gillespie discussed plans to involve residents in the decision-making process.

Councilmember Ransom expressed concern about the proposed bicycle lanes. He commented that he still receives complaints from people residing along N 155th Street about the loss of parking resulting from the restriping there last year.

Councilmember Hansen expressed concern for the safety of bicyclists on N 185th Street. Mr. Gillespie said the proposed three-lane configuration will eliminate the jockeying for position among drivers at the intersection of N 185th Street and Meridian Avenue. He advised that the City will mark bicycle lanes the length of N 185th Street as part of the overall project.

Councilmember Lee asked how the City can address problems that result from the elimination of on-street parking along N 185th Street. City Manager Robert Deis recalled that the City helped to create off-street parking for residents adversely affected by the restriping of N 155th Street.

Assistant City Manager Larry Bauman reported on surface water issues that citizens raised at the Council Workshop on March 15. He explained that the City needs to use heavy equipment to clear a clogged drainage facility in Darnell Park, but the citizen who raised the issue understands the need to delay the work until the soil is sufficiently dry.

Next, Mr. Bauman discussed the issue that Ms. Koski raised regarding run-off on her property from clear-cutting on an adjacent property. He explained that the development code the City adopted by reference from King County requires a clearing and grading permit only for properties of five or more acres or for those in sensitive areas. He commented that Council may wish to adopt standards more consistent with Shoreline's urban environment. Moreover, he noted that property owners may circumvent the vegetation mitigation requirements in City development standards by clearing and grading their property before applying for a development permit.

Mayor Jepsen advocated that the City review the existing code to address these issues. He identified the Planning Academy and the new codes the City must adopt to implement the policies of the Comprehensive Plan as the avenue and means for resolving them.

Mr. Bauman commented that these issues are scheduled to be addressed during the second phase of the Planning Academy process. Tim Stewart, Director of Planning and Development Services, noted that the Comprehensive Plan calls for the adoption of vegetation protection ordinances and protection of the natural habitat. He said staff could accelerate consideration of the relevant sections of the City Code.

Mayor Jepsen reiterated the need to address these issues, but he expressed reluctance to consider the relevant sections of the City Code before other, potentially more important, sections. He requested that staff determine, and report back to Council, how consideration of other issues will be affected by accelerating consideration of this issue.

4. REPORTS OF BOARDS AND COMMISSIONS: None

5. PUBLIC COMMENT

(a) Kellie Swenson, 2308 N 149th Street, thanked Council for consideration of the Parkwood Neighborhood Association Mini-Grant proposal to dispose of waste materials and purchase trees and shrubs for Twin Ponds Park.

(b) Clifford Moon, President, Moon Construction, 6920 220th SW, Suite 204, Mountlake Terrace, requested Council assistance in obtaining payment for remodeling services that his company provided to the City.

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(c) Grace Tomlinson, 19103 15th Avenue NW, advocated construction of a new, larger Richmond Beach Library in Richmond Beach Center Park.

(d) Karen Hough, 830 NW 190th Street, presented a videotape of an event that People for Library in the Park staged to demonstrate that the Richmond Beach Center Park can accommodate a library and other activities simultaneously. She advocated that Council respond quickly to the Final Environmental Impact Statement (FEIS) concerning the Richmond Beach Library.

(e) Stan Nelson, 651 NW 163rd Street, presented photographs, a map and copies of correspondence and remediation cost estimates to explain a significant surface water drainage problem at the west end of Shorewood Hills Division I.

(f) Jay Handley, 16241 6th Avenue NW, discussed the surface water drainage problem in Shorewood Hills Division I and requested City assistance to correct it.

Mr. Deis said Mr. Bauman will talk with Mr. Moon and then talk with Public Works staff in an effort to resolve Mr. Moon's complaint about past due payment to Moon Construction.

Mayor Jepsen said King County Library System (KCLS) Director Bill Ptacek and a KCLS architect will present information about the new Richmond Beach Library to Council and the Shoreline Library Board at Council's Regular Meeting on April 26.

In response to Mayor Jepsen, Mr. Gillespie reviewed past staff consideration of the surface water drainage problem in Shorewood Hills Division I. He said: the system met the standards that existed at the time of its installation in the late 1970s; staff could not identify any new sources of surface water; staff confirmed maintenance of the system; and claims officials will evaluate the problem during the next two to three weeks and report to staff. In response to Mr. Deis, he verified that the ravine is on private property.

In response to Mayor Jepsen, Mr. Deis agreed that staff will report back to Council on the subject drainage problem. He went on to discuss the larger policy issue concerning City work on private property. He mentioned plans to develop a neighborhood partnership program to address problems on private property to which public systems contribute. He stressed the need to develop a system that allocates responsibility fairly.

Councilmember Hansen supported further investigation of the surface water drainage problem in Shorewood Hills Division I. Councilmember Lee agreed, emphasizing the need for additional facts and figures.

6. APPROVAL OF THE AGENDA

Deputy Mayor Montgomery moved approval of the agenda, proposing that Council take the public hearing, item 8 (a), after agenda items 9 (a), (b) and (c). Councilmember Hansen seconded the motion, which carried unanimously.

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At 8:19 p.m., Councilmember Gustafson stepped away from the Council table.

7. CONSENT CALENDAR

Deputy Mayor Montgomery moved approval of the consent calendar. Councilmember Lee seconded the motion, which carried 5-0 and the following items were approved:

**Minutes of Joint Dinner Meeting with Shoreline School Board on
February 8, 1999
Workshop Minutes of February 16, 1999
Dinner Meeting minutes of February 22, 1999
Regular Meeting minutes of February 22, 1999
Workshop Minutes of March 1, 1999**

**Approval of expenses and payroll as of March 11, 1999 in the
amount of \$ 933,175.17**

**Motion to authorize \$1,200 in 1999 Mini-Grant funds for
the Parkwood Neighborhood Association to dispose of waste
materials and purchase trees and shrubs for Twin Ponds Park**

**Motion to authorize the City Manager to execute a Second
Amendment to the Final Environmental Impact Statement (FEIS)
to increase the compensation amount to pay for additional work
to complete the Final Environmental Impact Statement**

Motion to confirm all nominations to the Planning Academy

At 8:23 p.m., Councilmember Gustafson returned to the Council table.

9. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

- (a) Resolution No. 152 supporting the Shoreline Community College \$7.2 million Capital Budget Request to Renovate its Library/Media Center

Mr. Bauman introduced Kae Peterson, Executive Director of the Shoreline Community College Foundation, who discussed the need to reinstate the capital request in the State budget to renovate the Library/Media Center at Shoreline Community College.

Mayor Jepsen suggested that the Board of the Shoreline Community College pass a resolution in support of siting the technology center in Shoreline. Ms. Peterson said she does not have authority to commit Shoreline Community College on the siting of the technology center. She advised that Shoreline is at the top of the list of sites for the technology center.

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Mayor Jepsen noted his expectation that Council support of the Shoreline Community College capital budget request should advance consideration of Shoreline as a site for the technology center. Ms. Peterson agreed to communicate this expectation to Shoreline Community College.

Councilmember Lee moved to adopt proposed Resolution No. 152 supporting the Shoreline Community College \$7.2 million capital budget request to renovate its library/media center. Councilmember Hansen seconded the motion.

Councilmember Lee asserted the need to separate Council support of the Shoreline Community College capital budget request from Shoreline Community College support of siting the technology center in Shoreline. She stressed that Shoreline Community College is an asset to the City and its residents. Councilmember Gustafson agreed.

Councilmember Hansen noted that he and Councilmember Lee participate on the Shoreline Community College Foundation. He said the technology center is a joint grant with Edmonds Community College. He asserted his goal to work for the entire project.

A vote was taken on the motion to adopt proposed Resolution No. 152 supporting the Shoreline Community College \$7.2 million capital budget request to renovate its library/media center. The motion passed 6-0.

- (b) Ordinance No. 192 declaring an emergency and extending a moratorium for six months on the filing, acceptance or approval of any applications for the subdivision of land within the R-4 and R-6 residential zones which would result in the creation of any lot containing less than 7,200 square feet in area

Mr. Stewart briefly discussed the proposed ordinance.

Mayor Jepsen invited public comment.

- (1) Felicia Schwindt, 2209 NE 177th Street, recommended the extension of the moratorium.

Councilmember Gustafson moved that Council adopt Ordinance No. 192. Councilmember Hansen seconded the motion.

In response to Mayor Jepsen, Community and Government Relations Manager Joyce Nichols discussed the Buildable Lands Bill under consideration in the State legislature. She explained that the bill would change currently voluntary housing goals into mandatory targets. She said the bill does not include provisions for circumstances outside a city's control (e.g., an economic downturn or changes in the housing policies of neighboring jurisdictions). She noted that the bill represents an unfunded mandate: imposing additional reporting requirements, which increase cities' staff costs, without providing funds to address such costs.

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Mr. Deis said supporters of the Buildable Lands Bill believe Shoreline and other cities that have imposed 7,200-square-foot minimum lot sizes are not accepting their fair share of growth. He advised that the supporters seek to establish mandatory housing targets, including penalties for failing to meet such targets, to require cities to accept more growth. Also, he expressed his concern that the County could increase the number of housing units that a city must accept.

A vote was taken on the motion to adopt Ordinance No. 192 declaring an emergency and extending a moratorium for six months on the filing, acceptance or approval of any applications for the subdivision of land within the R-4 and R-6 residential zones which would result in the creation of any lot containing less than 7,200 square feet in area. The motion carried 6-0.

Councilmember Ransom asked if staff will have completed the preparation of permanent regulations to address the issues of allowable lot size and preservation of neighborhood quality by the end of the six-month moratorium. Mr. Stewart noted the staff expectation that these regulations will be included in the package of development regulations that the Planning Commission and Council will consider during June and July.

- (c) Resolution No. 151 establishing rules of procedure for the City Council and repealing Resolution Nos. 129, 137 and 148

Mr. Bauman reviewed the proposed changes to the Council's Rules of Procedure.

Mayor Jepsen invited public comment.

(1) Nancy Marx, 505 N 200th Street, opposed the proposed limitations on public comment at the beginning of workshops and regular meetings. She asserted that the only times she saw Council take action on issues critical to ordinary citizens were when many people spoke in succession on the issue at the beginning of a Council workshop or regular meeting.

(2) Felicia Schwindt, 2209 NE 177th Street, noted the benefits of unrestricted public comment at the beginning of Council meetings. She opposed the proposal to limit public comment at the beginning of meetings to 20 minutes.

Councilmember Hansen moved that Council adopt Resolution No. 151. Deputy Mayor Montgomery seconded the motion.

Councilmember Ransom pointed out that several of the other jurisdictions surveyed allow public comments of up to three minutes per speaker. He asserted that there have not been an undue number of excessively long public comment periods during the past four years. Concerned that the 20-minute time limit may be too short, he suggested extending it to 30 minutes.

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Deputy Mayor Montgomery noted that many of the jurisdictions that allow public comments of up to three minutes per speaker at the beginning of meetings do not allow public comments at the end of meetings. She reported that citizens have called her after Council meetings to say that lengthy public comment at the beginning of the meeting prevented them from participating in another part of the agenda. She advocated that Council structure public comment to provide reasonable assurance of its thoughtful consideration of citizen input on scheduled agenda items. She asserted that the proposed changes are reasonable and fair. Councilmember Gustafson agreed.

Councilmember Gustafson moved that Council amend the motion by striking the redundant sentence "Additional presentations may be heard during Public Comment at the end of the meeting" from Sections A.1 "Workshops" and A.2 "City Council Regular Meetings" from Resolution No. 151. Deputy Mayor Montgomery seconded the motion, which carried 6-0.

Mayor Jepsen mentioned that Council has made a concerted effort to respond to public comments, noting that citizens may also communicate with Council by phone and mail.

Councilmember Hansen supported the proposed changes. He asserted that the unpredictability of excessively long public comment periods in the past argues for more structure.

Councilmember Lee supported the proposed changes as a means of providing order at Council meetings.

A vote was taken on the motion to adopt Resolution No. 151, establishing rules of procedure for the City Council and repealing Resolution Nos. 129, 137 and 148, as amended. The motion carried 6-0.

8. ACTION ITEMS: PUBLIC HEARINGS

- (a) Public hearing to consider citizens' comments regarding Ordinance No. 190, which established a moratorium on the filing of applications for business licenses and building permits for establishments conducting social card games, punch boards or pull tabs and declared an emergency

City Attorney Bruce Disend briefly reviewed the staff report. He noted that questions have arisen as to whether the moratorium is directed at the licensing or the land-use aspects of gambling operations. He provided an amendment to Ordinance No. 190, designated Ordinance No. 193, to clarify that Council's intent in imposing the moratorium was to address land-use activities, preserving the status quo in order to provide time to consider the necessity and appropriateness of additional regulations.

Mayor Jepsen opened the public hearing.

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(1) Mazen Khdeer, spoke on behalf of Sparky's Bar and Grill, 20109 Aurora Avenue N, in opposition to the moratorium.

(2) Sal Leone, President, Seattle Cascades Bingo, 16325 5th Avenue NE, explained that Cascade Bingo is a non-profit organization that raises funds to support a youth drum and bugle corps. He noted that the organization's monthly income declined dramatically during the second half of 1998, and he attributed this decline to new gambling activities at the Drift On Inn and Parkers. He asserted that non-profit organizations should be allowed to compete with for-profit cardrooms. He said Cascade Bingo applied for a license for a cardroom (both as a non-profit and as a for-profit wholly owned by a non-profit). He advised that the City's moratorium has jeopardized the ongoing viability of the organization by disrupting its plans. He asked Council to limit the length of the moratorium to no longer than July 1. In addition, he asked that Council either allow gambling to continue at existing gambling establishments or to prohibit it at all establishments.

(3) Gordon Hall, 2503 Putting Green Drive, Henderson, Nevada, described the steps he has taken over the past year to open a cardroom in Shoreline. He noted that he contacted the City in December and that staff assured him that his plans posed no problems because the City already allowed gambling. He said the moratorium has prevented him from moving forward in his plans.

(4) Bob Tull, P.O. Box 1678, Bellingham, Washington, represented Michaels Development, a management consulting company to cardroom owners. He stressed that the State highly regulates gambling, and the record in this state is clear that gambling activities themselves are not the source of problems. He noted that gambling establishments provide jobs and tax revenues. He urged Council to reconsider the moratorium.

(5) Michael Preston, 317 22nd Avenue East, Seattle, Washington, spoke as general manager of Goldie's Shoreline Casino. He said Shoreline has a "golden opportunity." He asserted that the enhanced cardroom program provides a large number of high-wage jobs for low-skilled workers and provides a large amount of local tax revenue.

(6) Fred Perez, 11041 3rd Avenue, Everett, Washington, discussed his plans to open a casino in Shoreline. He said he contacted the City approximately six months ago, and staff told him there were no restrictions on the permits the City allowed. He advised that he has arranged to purchase a building, to provide equipment and to hire 43 to 50 employees and that he has purchased cardroom, pull tab, restaurant, liquor and cigarette licenses. He indicated that he will relocate his operations elsewhere if Council does not lift the moratorium.

(7) Bob Mitchell represented the Drift On Inn, 16708 Aurora Avenue N. He displayed a videotape about the operation of a mini-casino.

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(8) Bruce Boswell spoke as President of the North Seattle Eagles, located in North City. He said his organization relies heavily on revenues from pull tab games to fund its efforts to support needy families in the community. He asked that Council lift the moratorium.

Councilmember Lee moved to close the public hearing. Deputy Mayor Montgomery seconded the motion, which carried unanimously, and the public hearing was closed.

Ordinance No. 193 amending Ordinance No. 190, an ordinance establishing a moratorium on the filing of applications for business licenses and building permits for the expansion of existing or the addition of new food or drink establishments conducting social card games, punch boards, or pull tabs, for the purpose of clarifying that the moratorium is directed at land use activities, and declaring an emergency

Deputy Mayor Montgomery moved that Council adopt Ordinance No. 193. Councilmember Lee seconded the motion.

In response to Councilmember Ransom, Mr. Disend explained that Ordinance No. 193 amends some of the sections in Ordinance No. 190 but that Ordinance No. 190 will remain in effect.

Mayor Jepsen noted that a number of neighboring jurisdictions have enacted moratoriums or increased gambling taxes. He said the moratorium provides a "time-out" for Council to discuss land-use options. He commented that the moratorium does not mean that the City opposes or favors gambling.

Councilmember Ransom reported that the City of Auburn has enacted a moratorium and that it is discussing the increase of its gambling tax to the maximum rate of 20 percent as one of several proposals. He noted that none of the cities in the Puget Sound region with casinos have enacted the maximum gambling tax rate of 20 percent and that several have lowered their gambling tax rates. He said he has attended hearings on gambling at the State House of Representatives, the State Senate and the State Gambling Commission. He asserted the need to calm public fears about the secondary impacts of gambling. He said the State Gambling Commission has conducted ten studies, all of which showed no increase in crime related to mini-casinos. He supported the moratorium as a time to study gambling activities and for casinos to present their case to staff. He commented that a backlog at the State Gambling Commission will prevent it from reviewing any new applications for mini-casinos for one or two years.

Councilmember Gustafson questioned the impact of the moratorium on establishments already in operation. Mr. Disend said such establishments may continue to operate. Mr. Deis explained that those who submitted building permit applications prior to the implementation of the moratorium may continue through the application process.

Councilmember Gustafson supported the moratorium to provide time to determine whether new gaming establishments will be consistent with the City's Comprehensive Plan and development regulations.

Deputy Mayor Montgomery referenced speakers' comments that Shoreline has a reputation as a gambling-friendly community. She said Council passed the moratorium to take the time to determine if that is what Shoreline citizens want. She acknowledged that gambling generates large tax revenues, and she asserted the need to question the related social costs.

Mayor Jepsen mentioned efforts by lobbyists of the State legislature to reduce the maximum gambling tax rate that cities may levy. Mr. Deis said the constant attack by gambling interests to limit the ability of local governments to use gambling tax revenues and to reduce the maximum gambling tax rate makes gambling taxes an unstable revenue source.

Councilmember Ransom said the City should state what considerations will be made for the three casinos "caught in the middle." Mr. Disend explained that it would be premature for him to comment before Council has discussed the moratorium, its impacts and the future for gambling operations. Councilmember Hansen asserted that the matter of special considerations is a policy question for Council to decide. He indicated that the moratorium provides the time to gather the information necessary to make such a decision.

A vote was taken on the motion to adopt Ordinance No. 193 amending Ordinance No. 190, an ordinance establishing a moratorium on the filing of applications for business licenses and building permits for the expansion of existing or the addition of new food or drink establishments conducting social card games, punch boards, or pull tabs, for the purpose of clarifying that the moratorium is directed at land use activities, and declaring an emergency. The motion carried 6-0.

10. CONTINUED PUBLIC COMMENTS

(a) Sal Leone, President, Seattle Cascades Bingo, 16325 5th Avenue NE, advised that his organization submitted an application earlier in the day for a building permit to add a social cardroom to its bingo hall. He said the City building department refused to accept the application. He notified Council of the position of his organization that this act was illegal. He encouraged Council to direct staff not to delay consideration of his organization's application.

Mr. Disend asserted that Mr. Leone's comments were inaccurate. He said staff received the building permit application and has not taken any action. He explained that he will review the application to determine if it falls under the terms of the moratorium and that staff will then notify Mr. Leone accordingly.

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(b) LaNita Wacker, 19839 8th Avenue NW, opposed the changes to the Council's Rules of Procedure as limitations to free speech and citizen input.

(c) Felicia Schwindt, 2209 NE 177th Street, discussed the danger of traffic cutting through neighborhoods at excessive speeds. Noting the Shoreline Police Department does not have sufficient personnel to provide additional traffic enforcement, she proposed that neighborhoods pool their mini-grant funds to hire a part-time traffic enforcement officer to work between 3 and 6 p.m.

In response to Ms. Wacker, Deputy Mayor Montgomery explained that Council amended its Rules of Procedure to make the schedule of each meeting reasonably predictable for those citizens who wish to provide input on agenda items. Mayor Jepsen clarified that the amendments do not apply to comments concerning action items.

Mayor Jepsen suggested that Ms. Schwindt present her proposal to the Council of Neighborhoods.

Shoreline Police Chief Sue Rahr said traffic enforcement is one of the most difficult resource issues she faces. She advised that the police department has focused traffic enforcement during the day to address children walking to and from school. She expressed her willingness to explore options to hire off-duty officers to perform targeted traffic enforcement.

11. ADJOURNMENT

At 10:02 p.m., Mayor Jepsen declared the meeting adjourned.

Sharon Mattioli, CMC
City Clerk

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Approval of Expenses and Payroll as April 5, 1999
DEPARTMENT: Finance
PRESENTED BY: Al Juarez, Financial Operations Supervisor 

EXECUTIVE / COUNCIL SUMMARY

It is necessary for the Council to approve expenses formally at the meeting. The following claims expenses have been reviewed by C. Robert Morseburg, Auditor on contract to review all payment vouchers.

RECOMMENDATION

Motion: I move to approve Payroll and Claims in the amount of \$684,998.85 specified in the following detail:

Payroll and benefits for February 21, 1999 through March 6, 1999 in the amount of \$243,567.89 paid with ADP checks 2601-2652, vouchers 100001-100096, benefit checks 70221-70228, City of Shoreline check 2872 and

the following claims examined by C. Robert Morseburg paid on March 10, 1999:

Expenses in the amount of \$12,943.54 paid on Expense Register dated 3-5-99 with the following claims checks: 10608-10623 and

Expenses in the amount of \$121,796.62 paid on Expense Register dated 3-10-99 with the following claims checks: 10624-10642 and

Expenses in the amount of \$30,419.64 paid on Expense Register dated 3-10-99 with the following claims checks: 10643-10675 and

Expenses in the amount of \$17,491.65 paid on Expense Register dated 3-10-99 with the following claims checks: 10676-10686 and

Expenses in the amount of \$1,741.81 paid on Expense Register dated 3-10-99 with the following claims checks: 10687-10688 and

the following claims examined by C. Robert Morseburg paid on March 17, 1999:

Expenses in the amount of \$21,475.27 paid on Expense Register dated 3-17-99 with the following claims checks: 10689-10710 and

Expenses in the amount of \$64,467.04 paid on Expense Register dated 3-17-99 with the following claims checks: 10711-10726 and

Expenses in the amount of \$3,766.91 paid on Expense Register dated 3-17-99 with the following claims checks: 10727-10733 and

Expenses in the amount of \$15,691.56 paid on Expense Register dated 3-17-99 with the following claims checks: 10734-10744 and

the following claims examined by C. Robert Morseburg paid on March 24, 1999:

Expenses in the amount of \$10,358.67 paid on Expense Register dated 3-24-99 with the following claims checks: 10746 and

Expenses in the amount of \$42,822.33 paid on Expense Register dated 3-24-99 with the following claims checks: 10745, 10747-10765 and

Expenses in the amount of \$4,587.81 paid on Expense Register dated 3-24-99 with the following claims checks: 10766-10774 and

Expenses in the amount of \$4,150.90 paid on Expense Register dated 3-24-99 with the following claims checks: 10775-10776 and

Expenses in the amount of \$87,461.41 paid on Expense Register dated 3-24-99 with the following claims checks: 10777-10808 and

Expenses in the amount of \$1,171.00 paid on Expense Register dated 3-24-99 with the following claims checks: 10809-10821 and

Expenses in the amount of \$1,084.80 paid on Expense Register dated 3-24-99 with the following claims checks: 10822-10841.

Approved By: City Manager _____ City Attorney _____

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorizing the City Manager to sign an agreement with the Washington State Association of Sheriffs and Police Chiefs for full-service electronic home monitoring and detention.
DEPARTMENT:	City Manager's Office
PRESENTED BY:	Eric C. Swansen, Senior Management Analyst 

EXECUTIVE / COUNCIL SUMMARY

In 1998 the state legislature modified the driving under the influence of alcohol (DUI) laws to require convicted repeat offenders to serve a portion of their sentence using electronic home monitoring. Electronic monitoring uses advanced electronics to place an offender under "electronic house arrest". In most cases, this is arranged to allow offenders to work while serving a sentence. While the City is responsible for providing this service under the state's DUI law, electronic home monitoring could also be used in sentencing people convicted of non-violent misdemeanor offenses under certain circumstances.

The City has relied on the King County Department of Adult Corrections for correctional services in the past. The County provides a "turn-key" solution for all of the City's community corrections needs, eliminating the need for corrections personnel and equipment. The County currently provides a variety of services, including jail confinement, rehabilitation programs and electronic monitoring, under the terms of our existing interlocal agreement. The County provides electronic monitoring when it is specified as a condition of sentence handed down from the Court.

In late December, Department of Adult Corrections informed the suburban cities that contract for it's services, that electronic home monitoring (as required by the state's new DUI law) would not be provided due to a narrow technical interpretation of the law. This forced the City to examine ways to provide this service to fulfill the requirements of the DUI law.

Staff contacted a number of electronic home monitoring providers in the Western US about providing a "turn-key" solution to meet our requirements under state law. Since the City has no correctional facilities or staff, it is important that we avoid the necessity of hiring additional staff or modifying facilities to meet our needs. While a number of businesses rent monitoring equipment and provide monitoring center services, only one provider expressed interest in meeting our requirements. The same provider is also

willing to provide this service using an offender-funded program at no operating cost to the City.

Recent revisions have been made to the DUI laws by 1999 legislature, clarifying the definition that was the source of the County's narrow interpretation of the services it provides through our existing interlocal agreement. As a result of this clarification, the County is currently responsible for providing this service under the terms of our existing interlocal agreement.

Under the terms of the interlocal agreement with King County, offenders using the electronic monitoring program cost the City the same amount as if the offenders were booked into the jail. There are no provisions for the County to provide this service using an offender-funded model. As a result, we would receive no benefit from electronic monitoring, despite its lower operating costs, if King County provides this service.

Staff is recommending the City contract with the Washington State Association of Sheriffs and Police Chiefs (WASPC) to provide a one-year pilot project for full service electronic home monitoring. This service will meet our obligations to provide electronic monitoring under the state's DUI law. In addition, electronic monitoring will be available as an alternative to jail sentences for non-violent misdemeanor offenders, replacing (and perhaps expanding upon) the electronic monitoring services provided by King County. The service's operating costs will be fully funded by offenders, limiting our expenses to staff oversight and contract management from the City Manager's Office. This proposal could reduce the City's 1999 jail costs by \$68,000 to \$89,000.

WASPC currently rents electronic monitoring equipment and provides monitoring services to approximately 100 agencies statewide. On any given day, WASPC monitors 450 people statewide using a third party monitoring service. Earlier this year, WASPC expanded its program to provide a full service program. The full service program provides the staffing, equipment and monitoring services required to perform electronic monitoring. Using the full service program, the City does not need additional staff to provide electronic monitoring. Adams County (Ritzville) recently began using WASPC's full-service program. The City of Shoreline would be the second agency to do so.

Under the terms of this agreement, WASPC will provide the City with a full-service electronic home monitoring and detention program. While specific practices and procedures still need to be established, the service will be provided to offenders using the probation offices at Shoreline District Court. This allows the program to take advantage of the court's existing resources for sentencing offenders and avoiding expensive duplication of staff and other resources.

RECOMMENDATION

Staff recommends the City Council authorize the City Manager to sign an agreement with the Washington State Association of Sheriffs and Police Chiefs (WASPC) to provide a one-year pilot program for Electronic Home Monitoring Services for the City of Shoreline. This City will benefit from this service by meeting our requirements under the

state's DUI law and being able to offer a less expensive detention option for non-violent low-risk misdemeanor offenders.

Approved By: City Manager  City Attorney 

BACKGROUND / ANALYSIS

In 1998, the Washington State legislature enacted a series of tough new laws aimed at providing more significant penalties for driving under the influence of alcohol (DUI). One change requires repeat DUI offenders serve longer sentences in jail directly followed by a mandatory period of electronic home monitoring. The offender's previous DUI history and blood alcohol level determine the monitoring period. Monitoring periods range from 60 days to 150 days. The new law also provides the opportunity for DUI offenders to request a 15-day electronic monitoring sentence in lieu of a mandatory 1-day jail sentence. This new DUI law requires the City to provide electronic home monitoring services to convicted offenders, and gives the City the option to charge offenders for the monitoring costs. Attachment A is a table showing the various electronic monitoring sentences that could be imposed for people convicted of DUI offenses.

The electronic monitoring services required under the new law also present an opportunity to reduce jail costs as well. Staff is proposing that the City enter into an agreement for electronic home monitoring services, with the goal of reducing jail costs by providing an offender funded electronic home monitoring program. In your Council's 1999 budget retreat jail costs were identified as an area for staff to seek cost saving opportunities as they arise, while ensuring that community safety is not sacrificed.

Electronic monitoring is a relatively recent innovation, that provides a practical alternative to jail confinement for non-violent offenders. Instead of being locked in jail, an offender is typically fitted with an electronic ankle cuff transmitter that is linked to a sensitive radio receiver located in the house. When the offender goes beyond the range of the receiver (typically 50'), a monitoring center is notified by telephone of the violation. This violation is recorded and communicated to the sentencing authority for further action. The Court determines additional penalties for violations, based upon the conditions set in the sentencing hearing. Penalties typically range from imposing additional days of electronic monitoring to serving the remainder of the sentence in jail.

Electronic monitoring is not intended as a replacement for jail confinement. Unlike being locked in jail, electronic monitoring provides opportunities for an offender to meet employment and family obligations during a sentence. It is not suitable for people with a history of violent or sexually motivated crimes. It is also inappropriate for offenders that are likely to leave a geographic area, rather than fulfill the conditions of a sentence.

A typical monitoring arrangement allows an offender to work a steady job, receive counseling, attend religious functions, and purchase essential goods on a pre-arranged schedule. At other times, the offender is limited to the immediate premises of his/her residence. This service can be a benefit to society, since the offender is able earn a living at the same time as serving a sentence for a crime.

Pre-arranged schedules are determined by the Court and are based on the offender's specific needs. This pre-arranged schedule is provided to a monitoring center, which uses the information to determine if a violation occurs and schedule "electronic check-

ins" to verify the offender's whereabouts. The monitoring center, which is staffed around the clock, is also given instructions for notifying the court of schedule violations.

The City currently uses the King County Department of Adult Corrections to provide all jail services for Shoreline offenders. Our agreement with King County is on a year to year basis, and can be terminated with a 90 day written notice. Last December, the County informed suburban cities that the electronic monitoring required under the state's new DUI law would not be provided by the County due to a narrow interpretation of the state law. Under the terms of our interlocal agreement with King County, they will provide jail services that are "confinement" related only.

The State law was written to prevent the State from incurring additional costs for DUI related jail confinement, since state law requires the state to provide jail services for "confinement" sentences that are more than a year in length on a single charge. While the intent was to define electronic home monitoring as "non-confinement" so that the State would not incur additional costs, the end result was something totally different. Cities using King County's standard interlocal agreement for jail services discovered that the County was not prepared to provide these services without modifying the interlocal agreement, since the standard agreement is limited to "confinement" sentences. The County also conveyed to the suburban cities that they are reluctant to provide electronic home monitoring services, as required by the DUI law, due to the cost and a number of administrative complications.

On March 16th, 1999 Governor Locke signed a technical correction to the DUI law that defines electronic monitoring as "confinement", but in a way that limits the state's exposure to handling DUI cases that might exceed one-year of sentencing. Due to this correction, the County is obligated to provide electronic home monitoring services. The County has been providing electronic monitoring for many years under our existing interlocal agreement for "confinement" sentences only. While the County is required to provide this service, the terms of our existing interlocal agreement do not allow for a different electronic monitoring rate. As a result, we pay the same rate for electronic monitoring as we do for jail stays.

The Washington State Association of Sheriffs and Police Chiefs (WASPC) recently started providing a full-service electronic home monitoring program to meet the needs of cities and counties. This pilot program provides all the resources (staff, equipment, monitoring) needed to implement an electronic home monitoring program funded by participating offenders. Other than general program oversight and contract management, the cost to the City would be zero. The proposed program provides an effective diversion from a more expensive alternative provided at the King County Jail, reducing the cost to the City. King County would still provide traditional jail services under the terms of our existing interlocal agreement.

WASPC currently provides monitoring equipment and services for Kirkland, Mercer Island, Renton, Auburn and Kent. These cities use city employees to handle program administration, offender fitting & orientation, setting up schedules and activating the monitoring service with the center. Program funding comes from a combination of jail

cost savings and offender fees. The pilot program being proposed uses WASPC staff and is offender funded, requiring only oversight and contract management support.

FINANCIAL IMPACT

Shoreline has an annual average of 27 offenders convicted for more than one offense of DUI in a seven-year period. Under the new law, these offenders are required to serve a mandatory jail sentence followed by electronic monitoring. A conservative estimate suggests that the new DUI law might deter 20% of DUI offenses due to tougher sentences and fines, lowering our annual average to 21 offenders. Of these estimated 21 offenders, 20% are likely to be ineligible for electronic monitoring due to other warrants, living out of the geographic area, not having a home or suitable telephone service. This suggests that 16 offenders would be sentenced to a minimum of 60 days of electronic home monitoring.

Current rates for the services provided by King County include a one-time booking charge of \$125.10 plus a daily charge of \$68.85 for each day of confinement. Under the County's interlocal agreement, a typical DUI electronic monitoring sentence for a repeat offender of 60 days would result in a cost to the City of \$4,256.10. The same cost as for jail confinement. Using the conservative estimate outlined above, this costs us more than \$68,000 on an average annual basis (which is already budgeted as part of our jail budget).

A repeat offender sentenced to 60 days of electronic monitoring using this proposal would pay an initial \$35 screening fee, plus a daily fee of \$16.00 per day (assuming an annual income of \$30,000 per year). The total cost would be \$995.00 for the offender, with no direct cost to the City. The City benefits from the reduced cost, and offender's fund the program based upon their ability to pay. Using the conservative estimate outlined above, this would not affect our jail budget since it is offender funded. The savings to the jail budget are the costs avoided by not using King County, saving an estimated \$68,000 a year annually.

Electronic home monitoring would also be available for other misdemeanor crimes using this program, providing the court with a new sentencing option. This is an attractive alternative for non-violent offenders that may suffer a severe financial hardship if a jail sentence is imposed. Recent discussions between staff and the Court's judges suggest that electronic monitoring is an attractive sentencing option in some cases, provided that the fees imposed are based upon the offender's ability to pay.

The Court is able to provide an electronic monitoring sentence on a case-by-case basis using a judge's discretion. State law has developed sentencing guidelines for the Court to follow. When the sentencing period is one year or less, electronic monitoring can be substituted for jail confinement under normal sentencing guidelines. The guidelines are departed from when offenders have been convicted of involving aggravating circumstances. When aggravating circumstances exist, exceptional sentences are recommended to replace normal sentences. Since judges are only provided with guidelines for sentencing, they do have the ability to impose lighter or harsher sentences. In general, the Court follows the guidelines and states specific reasons when departing from them. The guidelines used to determine aggravating

circumstances are provided in Attachment B. It is also inappropriate to consider electronic monitoring when the offender has a history of escape attempts or disorderly conduct while in custody, due to the limitations of electronic monitoring technology.

Estimating how the Court would use electronic monitoring for misdemeanor crime sentences is difficult. Each case is different, and is sentenced using different circumstances. A conservative estimate suggests that an initial 5% electronic monitoring rate would result in saving \$21,000. It may be possible to achieve a 20% diversion rate in the future, as the legal system becomes more familiar with the benefits of electronic monitoring.

With this proposal, the City, working with WASPC and the Shoreline District Court, will provide electronic home monitoring services using the court's probation facilities. This allows the program to operate with a minimal amount of disruption and duplication to existing services. While specific operating details still need to be worked out, WASPC will arrange appointments with offenders. WASPC personnel will collect fees, attach an electronic monitoring ankle cuff (or other suitable device), arrange monitoring conditions and instruct the offender on how to install the home-based monitoring receiver. During the sentencing hearing, the judge will specify the terms, length and procedures for electronic monitoring. This process is identical to the process used when jail sentences, deferred prosecutions, and probation periods are established.

Electronic Home Monitoring services will be made available as soon as possible after the agreement is signed. Considering a service representative needs to be hired and trained, and a number of procedures need to be established between the City, Court and WASPC, this process may take a month or longer.

RECOMMENDATION

Staff recommends the City Council authorize the City Manager to sign an agreement with the Washington State Association of Sheriffs and Police Chiefs (WASPC) to provide a one-year pilot program for Electronic Home Monitoring Services for the City of Shoreline. This City will benefit from this service by meeting our requirements under the state's DUI law and being able to offer a less expensive detention option for non-violent low-risk misdemeanant offenders.

ATTACHMENTS

- A: DUI Sentencing Table
- B: Aggravating Circumstances defined under RCW 9.94A

Attachment A: DUI Sentencing Table



COURT - 1999 DUI Sentencing Grid (NEW! per se level .08) as amended by Ch. 206, 207, 210, 213, 214 Laws of 1998

"Prior Offense" includes the following: (as defined in RCW 46.61.5055 as amended by Ch. 211 and 214 Laws of 1998)			
Original Convictions for the following:			
(1) DUI (RCW 46.61.502) (or an equivalent local ordinance) (2) Phys. Cont. (RCW 46.61.504) (or an equivalent local ordinance) (3) Veh. Homicide (RCW 46.61.520) or Veh. Assault (RCW 46.61.522) if either committed while under the influence (4) Equiv. out-of-state statute for any of the above offenses			
Amended Convictions for the following: If the person was originally charged with DUI or Phys. Cont. or an equivalent local ordinance, or Veh. Homicide (RCW 46.61.520) or Veh. Assault (RCW 46.61.522) (1) Neg. Driving 1st (RCW 46.61.5249 previously 46.61.525.1) (2) Reckless driving (RCW 46.61.500) (3) Reckless endangerment (RCW 9A.36.050) (4) Equiv. out-of-state or local ordinance for the above offenses		Deferred Prosecution Granted for the following: (1) DUI (RCW 46.61.502) (or equivalent local ordinance) (2) Phys. Cont. (RCW 46.61.504) (or equiv. local ordinance) (3) Neg. Driving 1st (RCW 46.61.5249 previously 46.61.525.1, or equiv. local ord.), if the person was originally charged with DUI or Phys. Cont. (or an equiv. local ord.), or Veh. Hom. (RCW 46.61.520) or Veh. Assault (RCW 46.61.522)	
Alcohol Concentration Less Than .15 Or No Test Result	No Prior Offenses Within Past Seven Years	One Prior Offense Within Past Seven Years	Two or More Prior Offenses Within Past Seven Years
Jail Time***	1-365 Days (24 consecutive hours non-suspendable)	30-365 Days (30 days non-suspendable)	90-365 Days (90 days non-suspendable)
Electronic Home Monitoring	*In Lieu of Mandatory Minimum Jail Time, Not Less Than 15 Days	60 Days	120 Days
Fine	\$350-\$5,000 (\$685 total minimum fine w/statutory assessments)	\$500-\$5,000 (\$925 total minimum fine w/statutory assessments)	\$1,000-\$5,000 (\$1,725 total minimum fine w/statutory assessments)
Driver's License	90 Day Suspension	Two Year Revocation	Three Year Revocation
Ignition Interlock Device	Length Determined By Court**	Not Less Than One Year**	Not Less Than One Year**
Alcohol/Drug Ed. or Treatment	As Determined By The Court	As Determined By The Court	As Determined By The Court
Alcohol Concentration At Least .15 or Greater Or Test Refusal	No Prior Offenses Within Past Seven Years	One Prior Offense Within Past Seven Years	Two or More Prior Offenses Within Past Seven Years
Jail Time***	2-365 Days (2 consecutive days non-suspendable)	45-365 Days (45 days non-suspendable)	120-365 Days (120 days non-suspendable)
Electronic Home Monitoring	*In Lieu of Mandatory Minimum Jail Time, Not Less Than 30 Days	90 Days	150 Days
Fine	\$500-\$5,000 (\$925 total minimum fine w/statutory assessments)	\$750-\$5,000 (\$1,325 total minimum fine w/statutory assessments)	\$1,500-\$5,000 (\$2,525 total minimum fine w/statutory assessments)
Driver's License	One Year Revocation	900 Day Revocation	Four Year Revocation
Ignition Interlock Device	Not Less Than One Year**	Not Less Than One Year**	Not Less Than One Year**
Alcohol/Drug Ed. or Treatment	As Determined By The Court	As Determined By The Court	As Determined By The Court

* Electronic Home Monitoring: For first time offenders, the electronic home monitoring option in lieu of the mandatory minimum jail time is effective June 11, 1998.

** Ignition Interlock: For a person previously ordered to install ignition interlock under RCW 46.20.720(3)(a) not less than 5 years, for a person previously ordered to install ignition interlock under RCW 46.20.720(3)(b) not less than 10 years. Note: RCW 46.20.720(3)(a) and 46.20.720(3)(b) are effective January 1, 1999.

***Mandatory conditions of probation if any jail time is suspended: (Court's jurisdiction extended to five years if it imposes less than one year in jail - RCW 46.61.5055 as amended by Ch. 206, Laws of 1998, effective June 11, 1998)

(i) The individual is not to drive a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future, (ii) the individual is not to drive a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving, (iii) the individual is not to refuse to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor.

Attachment B: Aggravating Circumstances defined under RCW 9.94A

RCW 9.94A.390 Departures from the guidelines.

If the sentencing court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the sentence is subject to review only as provided for in RCW 9.94A.210(4).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(1) Mitigating Circumstances

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(2) Aggravating Circumstances

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

(c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more

onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.127.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020 and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(i) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(j) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter as expressed in RCW 9.94A.010.

(k) The offense resulted in the pregnancy of a child victim of rape. [1997 c 52 § 4. Prior: 1996 c 248 § 2; 1996 c 121 § 1; 1995 c 316 § 2; 1990 c 3 § 603; 1989 c 408 § 1; 1987 c 131 § 2; 1986 c 257 § 27; 1984 c 209 § 24; 1983 c 115 § 10.]

NOTES:

Effective date--1996 c 121: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 21, 1996]." [1996 c 121 § 2.]

Effective date--Application--1990 c 3 §§ 601 through 605: See note following RCW 9.94A.127.

Index, part headings not law--Severability--Effective dates--Application--1990 c 3: See RCW 18.155.900 through 18.155.902.

Severability--1986 c 257: See note following RCW 9A.56.010.

Effective date--1986 c 257 §§ 17 through 35: See note following RCW 9.94A.030.

Effective dates--1984 c 209: See note following RCW 9.94A.030.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Interlocal Agreement with Washington State Department of Transportation for Widening of N 175th Street at I-5 to Extend Left Turn Lanes for I-5 North and Southbound Access.
DEPARTMENT:	Public Works Department
PRESENTED BY:	Larry Bauman, Assistant City Manager Chuck Purnell, Capital Projects Manager <i>CP</i>

EXECUTIVE / COUNCIL SUMMARY

In the fall of 1997, the Washington State Department of Transportation (WSDOT) inquired whether the City had specific requests for State highway improvement projects in the City of Shoreline. The City responded to WSDOT with a list of four projects that were identified during the comprehensive planning process. WSDOT staff contacted City staff on July 29, 1998, to notify us they would begin one of these projects: a project that will provide additional left turn capacity at NE 175th Street and I-5 to reduce congestion. WSDOT began planning and designing this project at that time.

This project is being designed to address the inadequacy of the left turn lane on NE 175th Street for vehicles turning left to southbound and northbound I-5. This results in a large vehicle backup through the signalized light on the west side of I-5 that prevents traffic flow of the two lanes of through traffic. To solve this problem, WSDOT analyzed the amount of vehicle lane storage required to solve traffic congestion at this intersection through the year 2010.

Based on the criteria, the WSDOT will build an extended left turn lane west of I-5 that extends an additional 430 feet (for a total of 500 feet left turn storage) to the vicinity of Corliss Avenue. The left-turn lane for southbound I-5 will be extended an additional 145 feet to provide left turn storage of 225 feet. See attachment A for a site map for this project.

The addition of these left turn lane segments will have no impact to street width east of I-5. However, the lane lengthening to the west of I-5 will require widening of 175th Street adjacent to Ronald Bog Park by a few feet (between 0-8). City codes will require the installation of sidewalks where they currently do not exist along the Park and re-installation of sidewalks that must be removed for street widening.

In order to complete their project, WSDOT must provide surface water runoff detention as required by City Code to mitigate for the increase in impervious area resulting from this widening project. The drainage from this project area will drain to Ronald Bog. WSDOT is now designing a water detention facility in their right of way on the northwest

corner of the 175th Street and I-5 intersection. In addition to adding detention, City code requires that WSDOT provide water quality enhancement for the surface water runoff their project will generate. To improve water quality, WSDOT is designing a bio-swale to remove pollutants. They have provided three design options that will be discussed later in this report.

With respect to water quality, in 1997 the City of Shoreline received \$37,195 from the State to install a bio-swale to treat runoff from I-5 that enters Ronald Bog. This project has not been completed as the funds are not adequate to complete the proposed City water quality bio-swale. Staff recommends transfer of the City's funds to WSDOT so they may expand their bio-swale plans to provide greater water quality benefit to Ronald Bog and Thornton Creek.

In order for WSDOT to design and construct this street widening (and associated mitigation) project, the City of Shoreline must approve several things. The City must:

- Approve utilization of a minimal amount of right of way from Ronald Bog Park to widen 175th. This area will be 300 feet in length along the Park, and will taper between 1-8 feet wide. After construction, this Park property will become City street right of way.
- Grant WSDOT temporary construction easements on NE 175th Street adjacent to Ronald Bog Park.
- Select the City's preferred sidewalk option: either with or without planter strips. Without planter strips, the project would require 438 square feet (300 feet long and 1 foot wide) of right of way from the Park. See Attachment B. Including planter strips would require 864 square feet of right of way (300 feet along the Park and 3-8 foot taper in width) from Ronald Bog Park. See Attachment C and staff recommendation below. As mentioned, the utilized park right of way would remain City property, but it would be labeled street right of way.
- Select the City's preferred water quality treatment method from one of the following options: 1) Larger drainage swale utilizing WSDOT right of way and 0.3 acres of Ronald Bog Park, (See attachment D) 2) drainage swale only in WSDOT right of way (See attachment E) or 3) a drainage swale running through Ronald Bog Park. WSDOT will be required to treat 3.2 cubic feet per second (cfs) using the 2-year design storm to improve water quality.

At this time, staff recommends that the City require WSDOT to include planter strips with their sidewalk project to enhance pedestrian safety and aesthetics. Staff also recommends the water quality enhancement option (Option 2) that constructs a bio-swale in WSDOT right of way along the east edge of Ronald Bog Park. This option will minimally disturb the large trees in this area, and will not require dedication of Park property to the project.

To enhance the water quality benefit of this project, staff recommends transfer of the City's \$37,195 water quality improvement grant funds to WSDOT. The WSDOT right of way has the capacity to hold a bio-swale that will treat 5.0 cfs, though WSDOT is only required by City regulations to build a 3.2 cfs swale. The transfer of funds will allow WSDOT to construct a bio-swale that maximizes the WSDOT right of way water quality

treatment capacity. Finally, staff recommends that Council require the WSDOT to provide irrigation to the landscape islands they install.

The resulting benefits to the City from WSDOT's project would be:

- New sidewalks along Ronald Bog Park where they currently do not exist (planter strip separation if Council agrees with staff's recommendation).
- Landscaped islands on the east and west sides of 175th Street at I-5. The WSDOT will provide irrigation to these islands (if Council agrees with staff's recommendation to require their installation as part of this project).
- Improved surface water detention upstream of Ronald Bog, which will decrease flash flooding and improve instream flow, that is critical during summer months for salmon survival.
- Improved water quality in Ronald Bog, the headwaters of Thornton Creek, a salmon bearing stream. WSDOT is required to treat 3.2 cfs of runoff, but this project will treat 5.0 cfs (56% more than required).

RECOMMENDATION

Staff recommends that your Council authorize the City Manager to execute an interlocal agreement with the Washington State Department of Transportation (WSDOT) to 1) grant temporary construction easements to the State, and 2) transfer the \$37,195 grant the City received from the State to the Washington State Department of Transportation for their water quality improvements to runoff entering Ronald Bog. Staff also requests that your Council provide direction regarding the sidewalk improvements, water quality improvement facility, and whether the City should require WSDOT to install irrigation to the landscaped islands.

Approved By: City Manager  City Attorney b7

BACKGROUND/ANALYSIS

Project History

In the fall of 1997, the Washington Department of Transportation (WSDOT) solicited requests for highway improvement projects in the City of Shoreline. The City responded with four projects identified during the comprehensive planning process: improvements to I-5 access from 175th Street, a section of final improvements to the Aurora Corridor, sidewalks on state route 104, and safety and transit improvements along the state route 522 to 145th to I-5 corridor.

WSDOT contacted City Staff on July 29, 1998, about this project to improve access to I-5 at NE 175th Street. The currently inadequate left turn lane on N 175th Street (under the I-5 for vehicles accessing the northbound on-ramp to I-5) creates operational problems and congestion on 175th Street during peak traffic. Left turning vehicles back up through the signalized intersection at the western ramp access and prevent the free flow of two lanes of traffic through this intersection. The exiting left turn vehicle space for the eastbound to northbound movement is 70 feet, and space for the westbound to southbound movement is 80 feet.

Roadway Widening

A WSDOT traffic analysis completed in 1998 indicates that 450 feet of left turn storage is necessary to hold vehicles traveling (during peak traffic hours) from eastbound 175th Street to the northbound I-5 on-ramp. By the year 2010 the demand will increase to 500 feet of necessary storage. As previously mentioned, there is currently 70 feet of storage. The storage necessary to hold vehicles moving westbound on 175th Street onto the southbound I-5 on-ramp is currently 175 feet and is expected to increase to 225 feet by 2010. The current storage is 80 feet. To add capacity under the freeway for vehicles turning left onto the northbound and southbound ramps to the interstate, this WSDOT project will create a full left turn lane in each direction under the bridge.

The northbound left turn lane will be extended 430 feet back to Corliss Avenue to increase storage capacity for left turning vehicles accessing the I-5 northbound ramp to 500 feet. The southbound left turn lane will be extended about 100 feet to the east of the northbound on ramp to provide 225 feet of storage. Both left turn lane extensions will meet capacity needs for the year 2010. In order to lengthen these lanes to meet 2010 capacity needs, a minimal amount of roadway widening will be required. Existing sidewalks will be relocated behind the bridge piers, retaining walls will be constructed behind the new sidewalks under the bridge, and new sidewalks will be incorporated on both east and west ends of the project.

As a result of these improvements, a minor amount of property along Ronald Bog Park (adjacent to N.E. 175th Street) will be impacted as a result of moving the existing sidewalks towards the Park. Only minor changes (0 to 8 feet) in the curb line are necessary from the Park (see Attachments B and C). Some minor re-sloping of the mounds near the Pony Sculptures in the park will also be necessary for the new sidewalk. The Rotary Club will be notified of the changes to coordinate flower bulb removal if necessary prior to any construction.

The project will also remove and replace the existing landscaped islands installed in 1998 adjacent to I-5. Based upon a previous agreement with the WSDOT, the City will need to replant these islands. During initial coordination meetings with WSDOT, the City of Shoreline had expressed the desire to be able to irrigate the planted raised traffic islands. Staff recommends that your Council require WSDOT to install irrigation to the traffic islands as a condition of this project. This project will also include WSDOT replacement of the existing signal at the southbound on-ramp with of a permanent pole and mast arm.

In addition, detention and water quality treatment of storm water (3.2 cfs during a design 2-year storm) resulting from the new impervious surface added by the project will also be provided. This will be discussed in more detail later in this report.

Project Design Solutions

No feasible, reasonable, or cost effective alternative could be found to the WSDOT's proposal to minimally widen the existing alignment on 175th. To avoid impacting Ronald Bog Park, 175th Street in the vicinity of the Park would have to be widened to the north. Such a widening would have required a total road re-alignment between Meridian Avenue and I-5. This would have been very costly and resulted in more construction traffic impacts to the surrounding areas.

In an effort to minimize impact from road widening to Ronald Bog Park, two sidewalk options were identified for widening NE 175th Street. Each would require a small strip of Ronald Bog Park right of way, no wider than 8 feet, and granting temporary construction easements (up to 10 feet wide along N 175th Street) to WSDOT. Once construction is completed, the City dedicated Ronald Bog Park right of way will become City street right of way and the construction easements granted to WSDOT will expire.

Before discussing the sidewalk alternatives, it should be mentioned that the City is constructing sidewalk between Meridian and the edge of the WSDOT's project boundary along 175th Street. This City project will include 4 foot planter strips and will be constructed in 1999 before construction of the WSDOT widening project. Both projects together will provide continuous sidewalk between Meridian and I-5, though there will be a 75 foot section of sidewalk where there are no planter strips. This section of sidewalk could also be replaced with a planter strip section if Council desires.

SIDEWALKS OPTION 1: sidewalks with planter strips

This option would construct a 4-foot planter strip between the 5-foot sidewalk and vehicle traffic. The planter strip would be seeded with grass. The City of Shoreline may plant the planter strip with street trees or other landscaping in the future. All side slopes along Ronald Bog Park would be no steeper than 3:1 to ease maintenance of the slopes. The City will coordinate with the Rotary Club to minimize impact to their daffodil project.

SIDEWALKS OPTION 2: sidewalks without planter strips

This option would construct a 6 foot sidewalk along NE 175th in front of Ronald Bog Park. No planter strips would be provided. All side slopes along Ronald Bog Park would be no steeper than 3:1 to ease maintenance of the slopes. As with Sidewalk Option 1, the City would coordinate with the Rotary Club to minimize impacts to their daffodil project.

TABLE I: Easement/Right of Way Needs

	Right of Way Required from Park	
	<i>Sidewalk</i>	<i>Easements</i>
OPTION 1 (PLANTER STRIPS)	864 SF	4562 SF
OPTION 2 (NO PLANTER STRIPS)	438 SF	4086 SF

Sidewalk Alternatives discussion

Both alternatives meet the City’s current road standards and have slightly different easement/right of way requirements. A sidewalk project the City will construct this summer at Meridian Avenue will have the same layout as Option 1. The width of this sidewalk section is nine feet and thus requires more right of way from Ronald Bog Park than Option 2. However, this option can still be incorporated into this project with minimum impact to the Park. Option 2 matches what currently exists along the section of the Park between the Pony Sculptures to just east of the parking lot entrance. This alternative requires less right of way but does not provide a planter strip.

Either of the two sidewalk options can be constructed with minimal right of way impacts to the park (See Table I). Staff recommends Sidewalk Option 1 because a planter strip will provide more aesthetic value and provide greater separation from traffic for pedestrians. A planter strip will also be included in the 175th sidewalk project so both areas will be consistent. With your Council’s concurrence, staff will forward this recommendation to the WSDOT for inclusion in their project design.

Note that as part of City staff project review, staff requested that the City attorney review the parks transfer agreement with King County to confirm that this project will not violate the conditions of the agreement. None of the sidewalk or later discussed water quality facility recommendations made by staff will violate this agreement.

Increased Runoff Mitigation

The new sidewalks associated with this project will increase impervious surface and generate more surface water runoff than currently exists in the project area. Table II below demonstrates the existing stormwater runoff through this location (analysis completed using a 2-year storm) and the stormwater runoff that will result from this WSDOT project. Stormwater runoff is quantified in cubic feet per second (cfs).

Table II: Stormwater Runoff Before and After WSDOT's Project

For 2 year Design Storm	Stormwater Runoff from surrounding area (cfs)	Runoff resulting from existing WSDOT's facilities (cfs)	Total Runoff (cfs)
Existing	12.9	3.0	15.9
As result of WSDOT project	0	3.2	3.2
TOTAL	12.9	6.2	19.1

Stormwater Detention

As required by City standards, this project will construct a detention pond and a water quality treatment facility to handle increased flows during a 2-year storm of 3.2 cfs. The detention pond will be sized by WSDOT to detain the surface water resulting from this project (3.2 cfs). WSDOT is in the design phase for this facility, but they expect to design the facility to hold more runoff than they are required to. The more detention they can provide, the more positive the impact to existing drainage problems at Ronald Bog. The detention pond will be constructed within existing WSDOT right of way at the NW quadrant of the southbound ramps intersection with NE 175th Street (See Attachment A).

Stormwater Water Quality Enhancements

Per City drainage standards, WSDOT is also required to provide water quality treatment to runoff resulting from the project (flows up to a 2-yr storm event). Currently, runoff from NE 175th Street and portions of I-5 flow through an existing outfall pipe located at the southbound ramp's intersection with NE 175th Street. A treatment facility will be constructed downstream of this outfall pipe to remove various types of sediment and associated pollutants from the roadway runoff before it enters Ronald Bog.

After careful consideration and field consultations with Shoreline and WSDOT staff, the area between Ronald Bog Park and the southbound on-ramp to I-5 (WSDOT property) is determined to be the most logical place to construct a water quality treatment facility (See Attachment A). Shoreline staff had previously identified this area for placement of a water quality facility to enhance water quality in Ronald Bog.

In January of 1997, the City received a \$37,195 water quality grant from the State to construct a similar facility. (The grant funds did not include plans for a detention facility.) The City has not spent these funds, and staff proposes the combination of these City grant funds and WSDOT's water quality enhancement project. Combination of resources will result in a larger scale facility than is required by the City's drainage code. However, because of limited right of way, WSDOT has prepared three design options for the runoff treatment facility in this chosen area.

WATER QUALITY OPTION 1: Treat all runoff (19.1 cfs) from project area.

A wet biofiltration swale, which removes pollutants from storm water, would be constructed to treat all runoff that enters Ronald Bog Park at the NE corner. This stormwater quantity during a 2-year storm is 19.1 cfs (See Table II). This includes drainage resulting from WSDOT's project and existing drainage that already enters this area. In order to treat this amount of runoff, the swale must have a bottom width of 70 feet and be 350 feet in length. The size of this swale will require dedication of 0.3 acres of park area to the WSDOT. Trees and bushes within this 0.3 acres will be removed. See Attachment D.

WATER QUALITY OPTION 2: Treat all new runoff from WSDOT project (3.2 cfs) plus a portion of existing runoff from WSDOT project area (1.8 cfs) for a total of 5 cfs.

The largest bio-swale possible will be constructed within WSDOT's right of way. According to calculation, the wet biofiltration swale will be large enough to treat the surface water resulting from the WSDOT project (3.2 cfs) plus an additional 1.8 cfs which is 56% more than the City's design standards require. A flow splitter will be installed at the outfall pipe to split the runoff. After splitting, one-third of the total flow will be treated through the wet biofiltration swale. The remaining two-thirds will be conveyed downstream with a bypass channel (ditch). The two groups of runoff will merge at the end of the wet biofiltration swale and flow into the bog. Both the wet biofiltration swale and the ditch will be within State's right of way. See Attachment E.

WATER QUALITY OPTION 3: Treat all runoff (19.1 cfs) in project area. No attachment for this option.

This option is similar to Option 2 because onsite runoff (5.0 cfs) will be treated through a wet biofiltration swale within WSDOT's right of way. At the end of the swale, the runoff will flow around the southeast corner of the park and into the bog.

The remaining offsite runoff (14.1 cfs) will be treated with a meandering wet biofiltration swale inside the Ronald Bog Park area. The meandering swale will have a bottom width of 50 feet and be 305 feet long. The meandering swale will be designed to blend in with the landscape of the park and reviewed and approved by City Staff. The end of the meandering swale will be some point near the bog where the treated runoff will be collected in a channel and conveyed to the bog. This option may require a Hydraulic Project Approval (HPA) from Washington State Department of Fish & Wildlife. See Attachment D.

	<i>Impact to Ronald Bog Park*</i>
Option 1	0.3 acre
Option 2	None
Option 3	0.5 acre

- Impacts shown in the table above are the temporary construction easement area required to construct the portions of the treatment facility within Ronald Bog Park.

Staff Review of Water Quality Options

Staff has reviewed the options discussed above and performed a site visit to Ronald Bog Park. Staff recommends water quality facility Option 2 because it would provide the necessary water quality treatment for drainage resulting from WSDOT's project (3.2 cfs) plus some of the existing surface water (1.8 cfs). This option will result in no permanent impact to Ronald Bog Park since the facility would be on WSDOT property. The minimal construction impact to Ronald Bog Park is critical as the WSDOT is utilizing federal funding that requires a review to ensure that minimal impacts are made to parks (Federal Section 4(f) requirements).

Section 4(f) requirements are from the Department of Transportation Act of 1966 mandating that all projects utilizing Federal funds provide significant documentation that proves steps have been taken to minimize harm to the recreational value of a park.

An access easement would be necessary to allow WSDOT to build this facility, but no long term impacts will affect the Park. Staff recommends that WSDOT also perform some removal of non-native plants and replace them with native species as part of this improvement.

This water quality project will not provide significant detention to the flows upstream of Ronald Bog. It will mostly remove pollutants in the runoff. Some slowing of water will occur due to the width of the bio-swale, and pollutants will drop out of the water (the faster water moves, the more pollutants it carries). The previously mentioned detention facility, however, will reduce the flash flows to Ronald Bog by controlling and slowing the outflow of water it holds. The combination of detention facility and slowing of water through the bio-swale may slightly improve the flooding in the Ronald Bog area.

Options 1 and 3 would significantly disturb the park and provide minimal aesthetic improvement. Due to the elevation difference between the existing drainage channel and portions of the park adjacent to the channel, the swale through the park would have to be excessively wide to meet the water quality design criteria. As a result, a large portion of the park would become unusable for passive recreation. WSDOT's permitting requirements and the use of federal funds for this project would make both of these alternatives difficult to implement and expensive to construct because of restrictions associated with park disturbance and the "taking" of park property for other than recreation purposes (per the parks transfer agreement with King County).

Funding

WSDOT is responsible for all costs associated with their project including: sidewalks, traffic signal alteration, landscaped islands including irrigation casings (an the irrigation line if your Council agrees with the staff recommendation to require it), and detention facility and water quality facility for treatment of increased runoff. However, staff recommends the transfer of \$37,195 in State grant funds received by the City to WSDOT.

The City had intended to use the grant funds to install similar water quality treatment improvements to treat runoff from I-5. Staff recommends transfer of this grant money to

WSDOT because a City constructed \$37,195 water quality treatment facility would treat only 0.8 cfs, and WSDOT is proposing to treat 1.8 cfs (in addition to the 3.2 cfs to mitigate their project). The City would therefore receive more than double the amount (225%) of stormwater treatment than we could provide with the grant funds. Discussions with State grant assistance staff indicates that this grant transfer is acceptable, however, the entire grant amount must be turned over to the WSDOT.

Schedule

The current WSDOT schedule for this project is to finish design in 2000 and perform construction in 2001. However, WSDOT has received federal funds for this project. As has been discussed before your Council, all projects with Federal funds or permits attached must go through the National Marine Fisheries Service (NMFS) section 7 consultation. This means that the project must be reviewed by NMFS to check for compliance with the latest Endangered Species Act (ESA) listings for salmon. Due to NMFS low levels of staffing, it is likely that this project will experience significant delays or budget changes that have not been anticipated up to this point. WSDOT must also channel this project through the 4(f) process for environmental review.

Staff will continue to have close communication with the WSDOT during the life of this project.

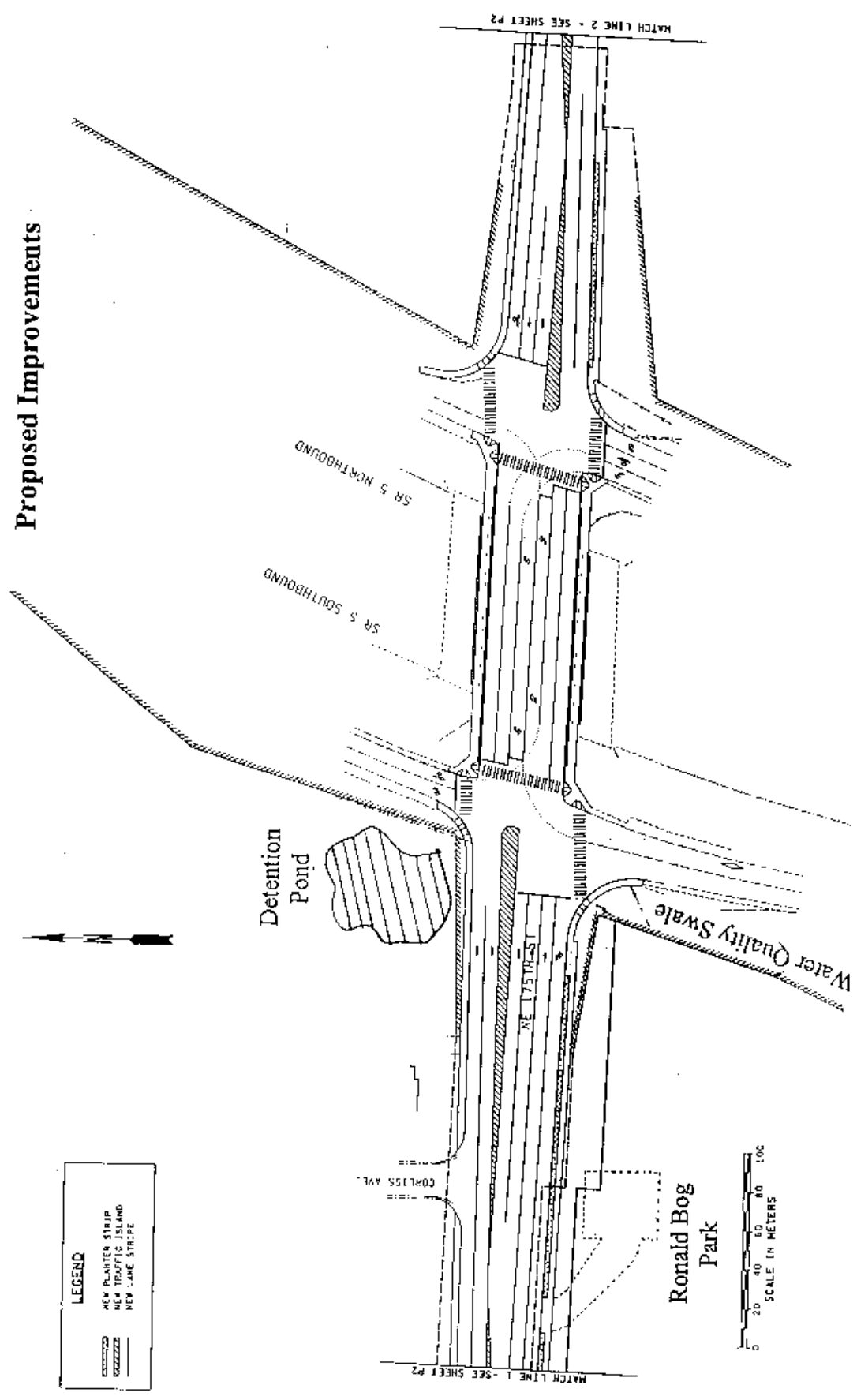
RECOMMENDATION

Staff recommends that your Council authorize the City Manager to execute an interlocal agreement with the Washington State Department of Transportation (WSDOT) to 1) grant temporary construction easements to the State, and 2) transfer the \$37,195 grant the City received from the State to the Washington State Department of Transportation for their water quality improvements to runoff entering Ronald Bog. Staff also requests that your Council provide direction regarding the sidewalk improvements, water quality improvement facility, and whether the City should require WSDOT to install irrigation to the landscaped islands.

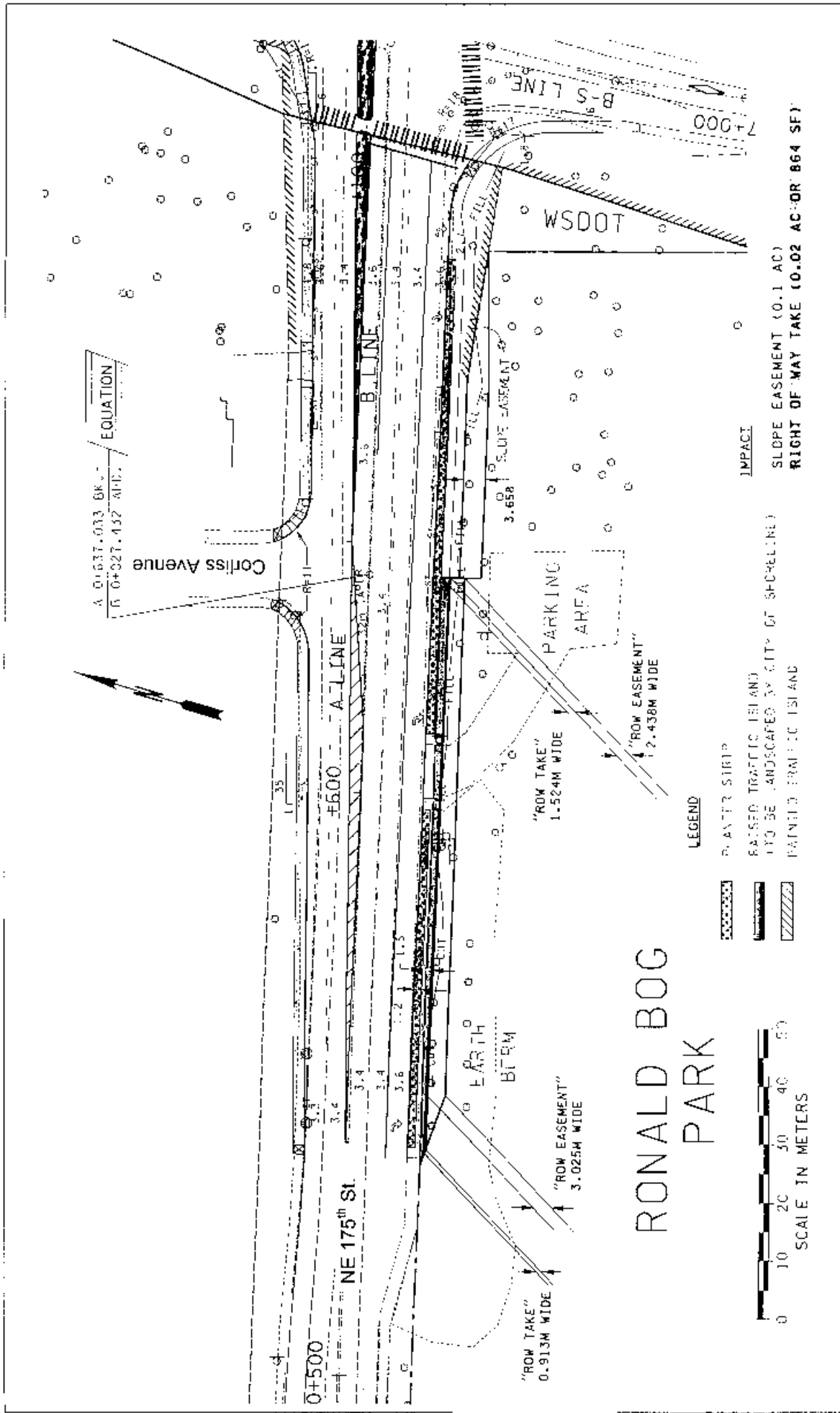
ATTACHMENTS

Attachment A: Project overview
Attachment B: Sidewalk with no planter
Attachment C: Sidewalk with planter
Attachment D: Water quality facility Option 1
Attachment E: Water quality facility Option 2

Proposed Improvements



DESIGNED BY: S. MOHAMMAD	9-98	WASH	PROJECT NO.
CHECKED BY: D. FAZEL	9-98	10	
CHECKED BY: S. MOHAMMAD	9-98		
PROJ. ENGR. C. GEORGE	9-98		
REGIONAL ADM. J. OKAMOTO	9-98		
DATE	DATE	REVISION	BY



DESIGNED BY DRAWN BY CHECKED BY PROJ. ENGR. REGIONAL ADM.	DATE	REVISION	BY	WASH. STATE FED. AID PROJ. NO.	ENVIRONMENTAL AND ENGINEERING SERVICE CENTER	Washington State Department of Transportation	ATTACHMENT C	SHEET P SHEETS

