Council Meeting Date: November 22, 1999 **Agenda Item: 4(a)**

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Continued Departmental Presentations for the 2000 Proposed Budget
DEPARTMENT:	City Manager
PRESENTED BY:	Bob Deis, City Manager

EXECUTIVE / COUNCIL SUMMARY

The first Council workshop regarding the 2000 Proposed Budget was held as part of the November 15 meeting. The November 22 workshop will continue the presentations being made by City directors and managers concerning the 2000 Proposed Budget. These presentations are designed to provide a brief overview of each budget section followed by Council questions and discussions. Any of the presentations scheduled for the November 15 meeting but not completed may be held over to this second budget workshop. At Council's request, we are beginning the November 22 workshop at 6:00 p.m., and we will break from the budget workshop to conduct the regular agenda at 7:30 p.m. A third workshop is scheduled for 6:30 p.m. on November 29 to cover a proposed user fee schedule for year 2000 and to tie up any loose ends on balancing the budget in the post-I-695 era. The budget hearing is scheduled for the December 6 meeting at 6:30 p.m., and budget adoption by Council is scheduled for the regular December 13 meeting at 7:30 p.m., your final meeting scheduled in 1999. The Mt. Rainier Room is reserved for all meetings. The meeting place, dates and times of each meeting have been advertised to inform our citizens.

In addition to any budget sections that may be held over from the Nov. 15 meeting, the November 22 workshop would consist of presentations for the following budget sections:

Public Works
Capital Improvement Program

RECOMMENDATION

No action by Council is necessary at this time.

Approved By: City Manager LB City Attorney N/A

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CITY OF SHORELINE

SHORELINE CITY COUNCIL
SUMMARY MINUTES OF DINNER MEETING

Monday, November 8, 1999
6:00 p.m.

Shoreline Conference Center
Highlander Room

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

ABSENT: None

STAFF: Robert Deis, City Manager; Larry Bauman, Assistant City Manager

The meeting convened at 6:10 p.m. All Councilmembers were present.

Councilmembers discussed recent developments regarding the Regional Wastewater Services Plan. The County Council will soon vote on the plan.

Councilmember Gustafson mentioned the disappearance of many of his campaign signs.

Councilmembers discussed a swearing-in ceremony for those Councilmembers elected in the November 2nd election. There was consensus to invite the State legislators representing Shoreline to the dinner meeting on December 13, to hold a brief swearing-in ceremony and then to proceed with the Regular Meeting.

City Manager Robert Deis noted that the Seattle conference of the World Trade Organization (WTO) will take place while Councilmembers are attending the annual conference of the National League of Cities (NLC) in Los Angeles.

Councilmember Hansen described his conversation with County Councilmember Maggi Fimia regarding her opposition to the County capital project to construct access to I-5 via the Metro bus base for trucks hauling solid waste from the 1st NE Transfer Station to the Cedar Hills landfill. Councilmembers discussed the advantages of the proposal.

Mr. Deis explained that King County Executive Ron Sims included funding for the project in his proposed budget and that it may be difficult to reinstate the funding if the County Council eliminates the current proposal.

Mayor Jepsen raised several issues, and he provided an update on the new Richmond Beach Library.

Mr. Deis said staff is working with community organizations on a plan to use available State funds for a year 2000 celebration.

Mayor Jepsen noted a citizen's concern regarding a stop sign at Whitman Avenue and 149th Street. He went on to discuss the lack of support in the State legislature for replacing the sales tax equalization revenues that cities will lose as a result of the passage of Initiative 695. He said State Representative Carolyn Edmonds has asked the City to consider other steps the legislature could take to help cities.

Councilmember Ransom said many new cities, including Shoreline, would not have been financially viable without sales tax equalization revenue.

Mr. Deis commented that retail sales tax and property tax rates are already too high.

Councilmember Hansen asserted that it is more logical to provide sales tax equalization funds to cities from sales tax revenues.

Mayor Jepsen noted that he intends, during the regular meeting, to raise the concerns of residents of Apple Tree Lane regarding the staff proposal to impose a weight limit on the Richmond Beach Overcrossing Bridge.

Mr. Deis said staff has advocated that property owners consolidate those plans for improvements to concrete bulkheads that require approval from the State Fish and Wildlife Department. Mayor Jepsen agreed that the solution is to try to get everyone to work together.

In response to Councilmember Lee, Mr. Deis explained that the railroad owns the overcrossing bridge and that the City has responsibility for the roadbed on top of it.

Mayor Jepsen asked if Councilmembers plan to attend the third, provisional budget workshop scheduled for November 29. Mr. Deis said the meeting will be necessary to discuss City fees.

The meeting adjourned at 7:25 p.m.

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Larry Bauman, Assistant City Manager

DRAFT

CITY OF SHORELINE

SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING

Monday, November 8, 1999
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

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

ABSENT: None

1. CALL TO ORDER

The meeting was called to order at 7:37 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.

3. REPORT OF CITY MANAGER

City Manager Robert Deis confirmed the need for a special budget workshop on November 29th in order to discuss fee issues.

4. REPORTS OF BOARDS AND COMMISSIONS: None

5. PUBLIC COMMENT

(a) Dr. Bob Hauck, 1321 NW 198th St., spoke in support of the arts in Shoreline. He thanked Council for its funding of the Arts Council and asked Councilmembers not to cut "soft" items, such as human services, cultural activities and programs for children, from the budget in light of Initiative 695.

(b) Maggi Fimia, King County Council, distributed the County's 2000 Legislative Agenda. She questioned how housing density targets can be met while cutting transit service and road improvements. She supported a policy regarding housing incentives that would tie them to transportation improvements and said such a policy should be crafted so that it would have City support.

Continuing, Ms. Fimia reported that bus service will be reduced substantially due to passage of I-695. She distributed a proposal for prioritizing Metro transit service and for

identifying additional revenues in the wake of the passage of I-695. She mentioned service to Richmond Beach, noting her recommendation to cut back, rather than totally eliminate, service there.

Finally, Ms. Fimia addressed the construction of ramps between the 1st NE Transfer Station and Metro Transit's Base. She supported evaluating the ramp project in the context of the King County Solid Waste Division's Draft Facilities Master Plan for the 1st NE Transfer Station. She said the NEPA/SEPA and community involvement process should be conducted only once, not twice. She did not support designing ramps for the existing station when there is a possibility they would have to be redesigned and reconstructed for a renovated transfer station.

She concluded that she supported funding for Shoreline projects, such as the $1 million in the County's budget for the Aurora Corridor and $71,447 for the Interurban Trail.

Mayor Jepsen asked if there is an opportunity to move the whole process forward rather than deferring the ramps to 2004/5. Councilmember Fimia responded that the environmental review has to be done first. If this looks favorable, it might be possible to go ahead with the ramps prior to 2004. Mayor Jepsen asked for a schedule showing how the year-by-year funding will be allocated to complete construction by 2004/5. This will give Council an idea of the process and the timing.

(c) Patty Hale, 16528 8th Ave. NE, described the October 28th public forum on gambling hosted by eastside neighborhoods. She identified the panelist, and she discussed the results of the straw poll taken of the 55 citizens who attended. She emphasized the importance of providing citizens the opportunity to ask questions of the panelists. She distributed the results of the poll to Council.

(d) HW "Skip" Barron, 335 NW 177th St., recommended that in response to I-695, Council should consider funding police, fire (where applicable), roads, infrastructure, and public health (as necessary) and then "worry about everything else." He said this is a chance to see how much the community supports the arts, parks, etc. He said if there is no support for particular programs, perhaps they should not have been funded in the first place.

6. APPROVAL OF THE AGENDA

Upon motion by Councilmember Hansen, seconded by Councilmember King and unanimously carried, the agenda was approved.

7. CONSENT CALENDAR

Upon motion by Councilmember Ransom, seconded by Councilmember King and unanimously carried, the following items were approved:

Minutes of Regular Meeting of October 11, 1999

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Minutes of Workshop Meeting of October 18, 1999
Minutes of Joint Dinner Meeting of October 25, 1999
Minutes of Regular Meeting of October 25, 1999

Approval of expenses and payroll as of October 31, 1999 in the amount of $1,002,742.43

Resolution No. 159 approving the final plat of Ashworth Gardens (17327 Ashworth Ave. N.)

Motion to increase the City of Shoreline's rate for standby pay to $2.00 per hour

Motion to authorize the City Manager to execute an Intergovernmental Cooperative Purchasing agreement for the purchase of pool chlorine

8. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

(a) Ordinance No. 212 establishing Section 12.10.050 of the Shoreline Municipal Code for the purpose of identifying authority of the City Engineer to impose temporary gross weight limits on roads or portions thereof and for the purpose of specifying weight limits on City bridges

Bill Conner, Public Works Director, provided an overview of the problem with the Richmond Beach Overcrossing Bridge, which was constructed in 1923 and rebuilt in 1956. It provides the sole access over the Burlington Northern Santa Fe Railroad track for residents on 27th Ave. NW. It is at risk for accelerated weakening due to extensive use by vehicles carrying heavy loads. Mr. Conner reported that 1997 and 1998 inspections by King County indicated the bridge deck is in need of replacement and the structure and foundation are in need of minor repair. These repairs were assigned "routine" status, indicating that work should be performed within the next several years to extend the life of the bridge. The 1997 inspection also identified deterioration in the structure. As a result of this finding, King County recommended that a load rating analysis be performed for the structure to determine if a weight limit was required. Based on the results of this analysis, King County recommended the bridge be posted with a weight limit. A weight restriction and routine repairs will significantly extend the life of the bridge.

Continuing, Mr. Conner said staff started meeting in June with the neighbors who live across the bridge to determine the impacts of the weight restriction. He described the proposed weight limits, which allow up to 32 tons for six axle vehicles. Neighbors expressed a variety of concerns, including the immediate inconvenience of restricting

construction-related vehicles, future concerns about restricted access, and questions about money allocated to fixing the problem.

Mr. Conner reported that there will be no affect on the residents' daily traffic routine. However, the weight limit will place restrictions on heavier vehicles using the bridge, such as concrete trucks, large dump trucks, and large construction equipment. He concluded that the only emergency vehicle that exceeds the weight limit is the Shoreline Fire District ladder truck. As an essential emergency service vehicle, it will receive an exemption to the weight limit policy.

Mayor Jepsen invited public comment.

(a) Richard Kink, 19533 27th Ave. NW, requested that Council reject or table Ordinance No. 212 because of inaccuracies and inconsistencies in the analysis. He gave several examples. He noted that the report indicates that a typical concrete truck is a three-axle vehicle when, in fact, most are five-axle vehicles. He encouraged Council to work with railroad, County and State officials to pursue funding for replacement or long-term repairs to the bridge. He suggested searching for funding under the Fast Corridor project that is targeting the improvement of road and rail intersections. He submitted a letter outlining his comments signed by a majority of residents on 27th Ave. NW.

(b) Terry Jarvis, 24300 Hwy 9, Woodinville, said the bridge carries no through traffic and little truck traffic. He did not support a prohibition on cement trucks because the homes on 27th Ave. NW are subject to severe storms and require concrete bulkheads for protection. Therefore, concrete is very important to the safety of families on this street. He said if the past is an indicator, very few concrete trucks will be needed to serve this area. He did not believe a cement truck will cause damage to the bridge now when it has not in the past. He asked Council to allow concrete trucks to pass over the bridge.

(c) Nancy Roberts, 19707 27th Ave. NW, said the proposed ordinance fails to address the concerns expressed by residents. It provides no specificity about the time residents will have to live with the inconvenience of weight restrictions on the bridge. She questioned whether the restrictions result in a "taking" of property because they will seriously affect the value of the older homes on the street. She asserted that the ordinance is inequitable because construction of six new houses has caused major wear and tear on the bridge in the past year. These homes will not be affected by the weight restriction, but owners of older homes will be penalized with increased costs of remodeling and rebuilding. She also questioned the accuracy and reliability of the information in the report, noting that her home is served by Olds Olympic, not Cascade Oil.

Councilmember Hansen moved to adopt Ordinance No. 212. Councilmember Lee seconded the motion.

Mr. Conner recognized the inconvenience to those who live across the bridge who wish to do work on their bulkheads. He said there are currently eight permit actions in various stages from this neighborhood. He said staff will work closely with homeowners to ease their burden. Staff will research other vehicles that might be using the bridge and a data base will be kept of this information. He pointed out other options for getting concrete to the area, including barging and pumping.

Mr. Conner pointed out that having a posted weight limit will give the City more leverage when he discusses the issue with the railroad on December 3rd. He pointed out that after three years of inspections by the County, there has been no activity on the part of the railroad. He said $211,000 in funding for repair of the bridge is in the 2000 Capital Improvement Plan. This amount should address the two biggest issues of allowing concrete trucks and the ladder truck across the bridge.

Responding to Councilmember Ransom's question about how the calculation was made to determine the maximum load, Mr. Conner said they reviewed different sizes of vehicles and how much weight the bridge could take. Because concrete trucks are by their nature very heavy vehicles, only a limited amount of concrete could be carried under the weight restrictions.

Councilmember Ransom asked if an assessment was done of the timbers or the bridge itself. Mr. Conner explained how the "shear" and "moment" of the bridge were determined for different sizes and weights of trucks. The analysis was based on the strength of the wood fibers themselves. He pointed out that in times past trucks were much smaller and carried lighter loads. Now the use of different materials allows much larger trucks on the highways and homeowners must deal with the trucks of today and their impact on an aging bridge.

Councilmember Gustafson asked if a careful analysis had been done on a five-axle cement truck.

Jon Jordan, Project Engineer, explained that the analysis performed as part of the investigation was of a typical truck with a "drop" axle and "buster" axle. The results were similar to those of Mr. Kink's analysis of a five-axle concrete truck.

Councilmember Hansen confirmed that staff had gone through the structural engineering calculations. He noted that allowing 32 tons across the bridge shows that it is not in too bad of shape. He confirmed that a five-axle truck at 32 tons is as much as can be allowed with a proper safety factor. He said Council does not wish to limit access, but safety must be considered.

Mr. Conner confirmed that with the repairs planned, the bridge should be able to carry the fire truck and concrete trucks.

Mr. Deis emphasized that the City cannot commit to doing the entire repair for the amount in the CIP until the project has been designed. The current CIP funding is only a rough estimate of the amount needed.

Deputy Mayor Montgomery said the Council does not wish to place restrictions on people, but she was concerned about the City's liability if the bridge collapses.

Ian Sievers, City Attorney, explained that once the City has inspection information data indicating a weakness in the bridge, the City's liability is substantial if it does not take corrective action, such as posting the weight limit.

Responding again to Deputy Mayor Montgomery, Mr. Sievers said traffic regulations do not constitute a "taking," as a speaker alleged. As long as there is reasonable access, there is no taking.

Responding to Councilmember Lee about the possibility of completely replacing the bridge, Mr. Conner said a bridge built to current code could not be constructed in the amount of space available.

Councilmember Lee emphasized that no one can know when the bridge will collapse, and it is incumbent on the City to take some kind of corrective action.

Councilmember Gustafson was concerned about the accuracy of the information presented. He suggested tabling the item until a more careful analysis can be done, particularly whether cement trucks have five axles.

Councilmember Lee felt the main concern of the neighbors is transporting of concrete. She asked if the City can work with them to address this. Mr. Conner said the two options staff has developed are to barge or pump the concrete. Both of these are more expensive than truck delivery.

Responding to Mayor Jepsen, Mr. Conner said that since the 3rd of June the City has been sending advisories to contractors letting them know that the weight restriction is coming so that they can plan accordingly. There has been one project where the restriction has actually impacted how the construction work has been handled.

Mayor Jepsen asked if the advisory approach has reduced the City's liability without Council action. Mr. Conner said the City is in better shape by having the advisory than by taking no action. However, the advisory may not reach everyone who has business on the other side of the bridge.

Mayor Jepsen said the main concern of the property owners is how to replace the bulkheads. This presents a question of timing because the work will likely be done next spring or summer. He questioned whether construction on the CIP project could be complete by then.

Mr. Conner said that a construction solution has not been proposed, so he would not promise that the problem could be addressed within that timeframe.

Responding to Councilmember Hansen's question about whether there is an agreement with the railroad relative to the bridge, Mr. Conner agreed that the railroad should fix the bridge but it has not taken action since the first report came out. He wanted to be proactive by seeking out the railroad and working out a solution.

Councilmember Lee said the ordinance will provide the City with leverage to work with the railroad.

Councilmember Gustafson moved to postpone action on Ordinance No. 212 until January 3, 2000. Councilmember King seconded the motion.

Councilmember Gustafson said this would allow Council to know the results of the December 3rd meeting and allow for a careful analysis of the safety issue and the ramifications of it.

Councilmember Hansen was not against postponing action, but he did not wish to wait until January. He felt the City has a potential safety problem and now there is a higher degree of responsibility than before the issue was brought to Council.

Councilmember Hansen moved an amendment to postpone action until November 22, 1999. Councilmember Ransom seconded the motion.

Responding to Councilmember Lee, Councilmember Hansen said he was not waiting for more information from staff but he wanted time to digest the information and have the inconsistencies corrected.

A vote was taken on the amendment, which carried 6 - 1, with Councilmember Lee dissenting.

A vote was taken on the motion to postpone action on Ordinance No. 212 to November 22, 1999, which carried unanimously.

Mr. Deis asked if Council is looking for further information from staff. Councilmember Gustafson said he felt the fact that a second oil company uses the road should be reviewed. He also had a concern about the accuracy of the number of axles.

(b) Motion to select Bassetti Architects of Seattle to develop a pre-design study of a potential Civic Center project and to authorize the City Manager to execute a contract not to exceed $97,714 (including allowable expenses for this work) and authorizing change orders up to 10% of the contract amount

Eric Swansen, Senior Management Analyst, reviewed the staff report and distributed the scope of work that will accompany the contract with Bassetti Architects, noting this is a Council goal. He explained that the reason for moving forward on this project despite I-695 is that the City needs to have a long-term plan to control facilities costs and maximize the efficiency of limited general fund dollars. He said this is a business decision for the future of Shoreline. Mr. Swansen pointed out the project is actually a Civic Center and not just a City Hall. This entails discussions with the Shoreline School District, Fire District, Wastewater District, and some other utility providers about options for sharing space.

Continuing, Mr. Swansen described the selection of Bassetti Architects, noting the team of consultants who work with them. Then he described the two phases for the work covered by the contract: 1) needs analysis; and 2) development of specific site alternatives and funding processes. He outlined the components of both phases. The final pre-design product will be an analysis of space needs over time, identification of opportunities to co-locate or share spaces with other agencies, a preliminary design concept and preferred financing plan.

Mayor Jepsen called for public comment.

(a) Walt Hagen, 711 193rd St., said citizens have expressed their will through I-695 and asked for cost justifications for program expenditures. They do not wish to pay any more taxes. He questioned why staff would bring this up at this time because the money could be better spent. He said citizens have indicated they do not want a City center or a City hall.

Councilmember Lee moved to select Bassetti Architects of Seattle to develop a pre-design study of a potential Civic Center project and to authorize the City Manager to execute a contract not to exceed $97,714 (including allowable expenses for this work) and authorizing change orders up to 10% of the contract amount. Councilmember Gustafson seconded the motion.

Responding to Councilmember Lee, Mr. Swansen said phase one should be completed within two or three months.

Mr. Deis said what will drive the timeline as much as anything is the response of the other agencies. The second piece is more complicated because different sites and goals are being considered. Mr. Swansen said the scope of work identifies 90 days for this.

Responding to Councilmember Hansen, Mr. Deis commented on the amount of rental expenses, which will be more than $400,000 next year. He said this amount could provide debt service on a five or six million dollar bond which could build a facility. He said that in addition to rent increases that cannot be controlled, the City does not have an operations yard for its growing amount of equipment.

Councilmember Hansen agreed with speakers who indicated that the public sentiment is for Council to consider how much it is spending. However, it may be a case of "penny-wise and pound-foolish" to continue renting. He felt that what the City will be paying in rent would amortize a ten million dollar project. He said the money for the contract is a wise investment.

Deputy Mayor Montgomery felt it would be fiscally irresponsible to continue paying the rents and not pursuing a build option. Councilmember Gustafson concurred that this is a smart business decision for the community.

Councilmember Lee emphasized the importance of exploring the co-location of all of the agencies under one roof. This would be much more convenient for citizens.

Councilmember Ransom said he campaigned for a new City hall. He pointed out that the City uses much of the free office space in the City (50,000 square feet of 250,000 square feet). He mentioned parking needs and expressed his complete support for the proposal.

Mayor Jepsen was also concerned about continuing to lease. He felt the approach of developing the programs first and then working on design was the appropriate one.

A vote was taken on the motion to select Bassetti Architects of Seattle to develop a pre-design study of a potential Civic Center project and to authorize the City Manager to execute a contract not to exceed $97,714 (including allowable expenses for this work) and authorizing change orders up to 10% of the contract amount. It carried unanimously.

9. CONTINUED PUBLIC COMMENT

(a) Richard Kink, 19553 27th Ave. NW, thanked the Council for its thoughtful analysis of the bridge issue and then postponing action on Ordinance No. 212.

(b) Richard Reuther, 17747 2nd Pl. NE., gave examples of the power of art and emphasized the importance of supporting art in the community.

(c) "Skip" Barron, 335 NW 177th St., introduced his two sons, both life Scouts working on the Eagle merit badge.

10. ADJOURNMENT

At 9:40 p.m., Mayor Jepsen declared the meeting adjourned.

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Sharon Mattioli, CMC
City Clerk

Council Meeting Date: November 22, 1999 **Agenda Item: 7(b)**

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Approval of Expenses and Payroll as of November 12, 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 $961,416.78 specified in the following detail:

Payroll and benefits for October 17 through 31, 1999 in the amount of $266,514.67 paid with ADP checks 3477-3529, vouchers 440001-440099, benefit checks 2527-2535.

the following claims examined by C. Robert Morseburg paid on November 5, 1999:

Expenses in the amount of $484,815.19 paid on Expense Register dated 11/4/99 with the following claims checks: 2443-2461 and

Expenses in the amount of $6,826.48 paid on Expense Register dated 11/4/99 with the following claims checks: 2462-2472 and

Expenses in the amount of $112,498.23 paid on Expense Register dated 11/5/99 with the following claims checks: 2473-2494 and

Expenses in the amount of $865.00 paid on Expense Register dated 11/5/99 with the following claims checks: 2495-2500 and

the following claims examined by C. Robert Morseburg paid on November 12, 1999:

Expenses in the amount of $21.28 paid on Expense Register dated 11/8/99 with the following claims check: 2517 and

Expenses in the amount of $410.68 paid on Expense Register dated 11/8/99 with the following claims checks: 2518-2526 and

Expenses in the amount of $19,475.27 paid on Expense Register dated 11/9/99 with the following claims checks: 2536-2555 and

Expenses in the amount of $8,202.88 paid on Expense Register dated 11/9/99 with the following claims checks: 2556-2568 and

Expenses in the amount of $19,870.89 paid on Expense Register dated 11/10/99 with the following claims checks: 2569-2577 and

Expenses in the amount of $32,845.29 paid on Expense Register dated 11/10/99 with the following claims checks: 2578-2596 and

Expenses in the amount of $9,070.92 paid on Expense Register dated 11/12/99 with the following claims checks: 2597-2605

Approved By: City Manager ____ City Attorney ___

Council Meeting Date: November 22, 1999 **Agenda Item: 7(c)**

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	**Authorize the City Manager to Amend Lease Agreement with Highland Plaza LLC at an Annual Cost of $18,500 to Acquire Additional Lease Space Located in Suite 109 of Highland Plaza Annex**
DEPARTMENT:	**Public Works Department**
PRESENTED BY:	**William L. Conner P.E., Director of Public Works** wlc

EXECUTIVE / COUNCIL SUMMARY

The purpose of this report is to obtain your Council approval to amend the City's existing Lease Agreement with Highland Plaza LLC to acquire 1,490 square feet of additional lease space located in Suite 109 of Highland Plaza, known as City Hall Annex. On August 4, 1997, Council reviewed the office space needs analysis, which provided a comprehensive review of office working space conditions needs for staff workstations. The office space conditions analysis demonstrated that existing office space conditions were inadequate and procurement of future office space was essential.

Staff performed a thorough review of existing office space needs and determined that approximately 900 square feet of additional space is required by accepted City standards to accommodate existing staff and new staff that will be hired in the near future. The 1999 Budget does not include sufficient funding for the additional lease space, however, the proposed 2000 Budget includes the funding should Council adopt the budget as recommended. When surveyed, additional space for the file storage, conference rooms and automation equipment was identified and requested by every department director.

Recently, 1,490 square feet of contiguous space on the first floor of the Annex became available. An amendment is needed to add this agreement to the City's current lease at an estimated annual cost of $18,500, and that amount is included in the City's 2000 Budget. There are funds in the proposed 2000 Capital Improvement Program to perform any necessary remodeling needs for the proposed space should your Council approve the additional lease space. Staff is confident that although the available space exceeds the existing shortage by 580 square feet, the entire office space would be utilized for staff workstations, much needed file cabinet space, conference rooms and expansion space over the next few years.

During previous remodel projects, staff has used a cost estimate figure of $25.00 per square foot for budgeting purposes. Staff estimates that the total cost to perform any

necessary remodel work for the proposed lease space including contingency and sales tax would total approximately $50,000. The landlord is responsible for any major work involving air conditioning upgrades and repairs to the space.

RECOMMENDATION

Staff recommends your Council approve the amendment to the Lease Agreement and Authorize the City Manager to acquire 1,490 square feet of additional lease space located in Suite 109 of the Highland Plaza Annex.

Approved By: City Manager LB City Attorney

Council Meeting Date: November 22, 1999 **Agenda Item: 8(a)**

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Public Hearing and Ordinance No. 213 Adopting the 2000 Property Tax Levy
DEPARTMENT:	Finance
PRESENTED BY:	Joe Meneghini, Finance Director

EXECUTIVE / COUNCIL SUMMARY

Chapter 251, Laws of 1995, passed by the State Legislature, requires the City Council to hold a public hearing on revenue sources for the next year's budget. The hearing must include consideration of property tax revenues and must be held before the property tax levy ordinance is passed and submitted to King County. The City of Shoreline is required to adopt its levy ordinance and certify the amount to the County Assessor by November 30, 1999.

The passage of Referendum 47, by the State electorate in 1997, changed the way a taxing district levies property taxes in two ways:

1) It reduced the previous ability of a taxing district to levy 106% of the "levy limit," to the "levy limit" plus the rate of inflation as defined by the implicit price deflator (IPD). The IPD for the 2000 tax year is 1.42%.
2) If a taxing district wishes to exceed the IPD up to 106% of the "levy limit", it must define a "substantial need" in the annual property tax ordinance.

The Referendum 47 limitation applies to all taxing districts in the City except for the school district which must receive voter approval for their operational and capital levies.

Pursuant to the "levy limit" (the highest amount of revenue that the City can receive in property taxes) the City of Shoreline's current limit is based on 1996's levy limit. That year, the City levied property tax for both the City ($4,452,252) and the Library District ($1,390,360) and then transferred the library's share to them.

Due to this levy limit, the City of Shoreline can receive the full increase in the assessed value (AV) without the necessity to define a "substantial need" until the City's property tax revenue reaches the 1996 levy limit. It is currently estimated that the City will reach the levy limit in 2001 and would have to define a "substantial need" at that time to receive a revenue increase above the IPD.

Several other newer cities are also in this unique position due to their having also annexed to the library district upon incorporation (Burien, Covington, Kenmore, and Maple Valley).

Defining a "substantial need" in future years would require a super-majority vote (a majority plus one vote) of the City Council. Assessed value as the result of new construction is not subject to Referendum 47 restrictions for the year of their initial assessment.

For 2000, the AV is projected to increase by 9.9% over 1999 based on estimates just received from the County Assessor's Office. This is lower than the 10.4% estimate received earlier from the Assessor. The Assessor's Office has notified the City that it can levy a maximum tax rate of $1.62 per $1,000 of AV since the Fire District is estimated to levy $1.48 rather than $1.50. This would provide a revenue increase of $604,525.

If the Council decides to levy the same $1.60 rate as has been levied since incorporation, the revenue increase will be $522,327. This reflects an increase due to new construction of 1.15% and an increase in the existing AV of 8.72%. The 2000 Proposed Budget reflects an increase of $550,519, therefore, based on these new numbers from the Assessor, the 2000 Proposed Budget would need to be reduced by $28,192 on the revenue side of the budget and the capital transfer would be reduced by a $28,192 on the expenditure side of the budget. These changes from the Proposed Budget are outlined in the table below.

As in the past two years, the Proposed Budget transfers the amount over new construction and the IPD to the capital improvement program ($386,437) for the long-term capital needs of the City. The combined new construction ($60,743) and IPD amount ($75,147) would remain in the General Fund for general operations ($135,890).

	2000 Proposed Budget	Recommendation (Latest AV Information & $1.60)	Difference from Proposed Budget	Take Full AV Increase and Full Rate ($1.62)
New Construction	$ 47,293	$ 60,743	$ 13,450	$ 60,743
Implicit Price Deflator	75,147	75,147	0	75,147
Capital Transfer	428,079	386,437	(41,642)	468,635
	$550,519	$522,327	$(28,192)	$604,525

The attached 2000 property tax ordinance sets the City's property tax rate for 2000 at the same rate ($1.60) as the previous three years. The increase in revenue would be due to the increase in the City's assessed value not the tax rate.

Your Council also has the option of levying something less than the recommended amount. If your Council wishes to not levy the full amount available under the law, the affect would be to reduce the $386,437 transfer to our capital improvement program and to reduce the tax rate for Year 2000 below $1.60.

In 1999, the City's share of the property tax levied within the City limits is only 10.21% of the total levy rate (see Attached Chart - Property Tax Rates in the City of Shoreline). As you can see, the largest beneficiaries of property taxes are the schools, followed by the State and King County.

RECOMMENDATION

Conduct the public hearing and then move to approve Ordinance No. 213, levying the full taxable assessed value at the existing tax rate for property taxes for the 2000 budget year.

Approved By: City Manager LB City Attorney

ATTACHMENTS

Attachment A: Ordinance 213 - 2000 Property Tax Levy Ordinance
Attachment B: Property Tax Rates in the City of Shoreline

ORDINANCE NO. 213

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON LEVYING THE GENERAL TAXES FOR THE CITY OF SHORELINE IN KING COUNTY FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2000, ON ALL PROPERTY BOTH REAL AND PERSONAL, IN SAID CITY WHICH IS SUBJECT TO TAXATION FOR THE PURPOSE OF PAYING SUFFICIENT REVENUE TO CONDUCT CITY BUSINESS FOR THE ENSUING YEAR AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Shoreline has considered the City's anticipated financial requirements for 2000 and the amounts necessary and available to be raised by ad valorem taxes on real, personal, and utility property;

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

Section 1. Levy Changes. The 1999 property tax levy for collection in 2000 is $5,292,076 (the amount levied in 1998 for collection in 1999), plus increases of $522,327 (9.87%) based on increases in assessed values, and an increase equal to the amount allowed under the new construction provisions of RCW 84.55.010.

Section 2. Capital Transfer. The difference between the amount allowed under the limitation set forth in RCW 84.55.010 and the increase in the assessed value (including new construction) will be placed in the General Capital Fund to be used for the long-term capital improvement needs of the City of Shoreline's parks, transportation, surface water, and facility infrastructure.

Section 3. 2000 Levy Rate. There shall be and hereby is levied on all real, personal, and utility property in the City of Shoreline, in King County, current taxes for the year commencing January 1, 2000, a levy at the rate of $1.60 per thousand dollars of assessed valuation.

The said taxes herein provided for are levied for the purpose of payment upon the general indebtedness of the City of Shoreline, the General Fund, and for the maintenance of the departments of the municipal government of the City of Shoreline for the fiscal year beginning January 1, 2000.

Section 4. Notice to King County. This ordinance shall be certified to the proper County officials, as provided by law, and taxes herein levied shall be collected to pay to the Finance Department of the City of Shoreline at the time and in the manner provided by the laws of the State of Washington for the collection of taxes for noncharter code cities.

Section 5. Effective Date. This ordinance shall be in full force five days after publication of this ordinance, or a summary consisting of its title, thereof in the official newspaper of the City, as provided by law.

Section 6. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by State or Federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

PASSED BY THE CITY COUNCIL ON NOVEMBER_____, 1999.

_____
Mayor Scott Jepsen

ATTEST:

_____
Sharon Mattioli
City Clerk

APPROVED AS TO FORM:

_____
Ian Sievers
City Attorney

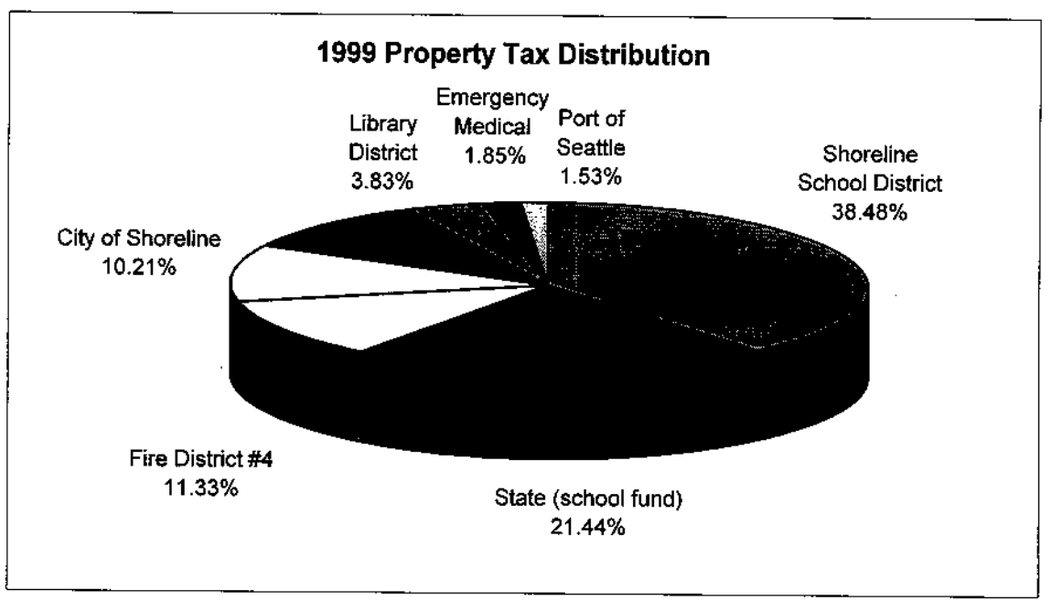
Date of Publication:
Effective Date:

Attachment B.

Property Tax Rates in the City of Shoreline

Property Tax Category	1999 Shoreline Rates	1999 % of Total
Shoreline School District	$ 6.03	38.48%
State (school fund)	3.36	21.44%
Fire District #4	1.78	11.33%
King County	1.77	11.32%
City of Shoreline	**1.60**	**10.21%**
Library District	0.60	3.83%
King County Emergency Medical	0.29	1.85%
Port of Seattle	0.24	1.53%
Total Local Rate	**$ 15.67**	**100.00%**

Average Assessment based on $166,200 * **$ 2,604**
*Average single-family home value in King County



Council Meeting Date: November 22, 1999 **Agenda Item: 9(a)**

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 216 for Regulations Governing the Review of Land Use Applications and Procedures for Adult Use Facilities to Include Sales of Adult Merchandise
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Tim Stewart, Director

SUMMARY

In June of 1998, Shoreline's City Council identified a new type of adult business that is being established at several locations in the State of Washington. This new business is a retail store that has been described as a "sex superstore" due to the range of merchandise and size of the store (approximately 30,000 square feet). The merchandise available for purchase in these stores consists primarily of adult books, magazines, videos, clothing and novelties. The City Attorney determined that current City of Shoreline regulations do not address adult use facilities such as these adult retail uses because they sell a potentially broader line of merchandise that is intended for use or viewing off the premises.

On June 22, 1998 Council adopted Ordinance No.166, establishing a 180-Day Moratorium on Acceptance of Applications For and Issuance of Land Use, Building and Development Permits for Adult Retail Uses. This moratorium was subsequently extended by Ordinance No. 179 and Ordinance No. 194 and is now valid until December 22, 1999.

This moratorium was approved as an interim emergency action under RCW 36.70.A. The purpose of the moratorium was to permit the City Attorney and staff to complete a study and assessment of impacts upon Shoreline of adult retail uses and similar adult use facilities (including, but not limited to superstores).

This moratorium permitted the City to participate in regional efforts to: (1) evaluate the impacts of adult retail uses including, but not limited to superstores; and (2) develop coordinated adult entertainment business regulations. The moratorium also enabled the City to establish and implement a public involvement process to consider regulations for adult use facilities selling adult merchandise. Finally, the moratorium has provided an opportunity for the City to create local regulations for adult use facilities. Based upon findings from local and regional studies of adult uses, the City Attorney and staff prepared an ordinance to regulate adult use facilities selling adult merchandise in Shoreline. (Exhibit A - Ordinance No. 216 An Ordinance of the City of Shoreline, Washington, Revising The Definition For Adult Use facilities To Include Sales Of Adult Merchandise; And Amending Chapter 18.06 and Chapter 18.08 of The Shoreline Municipal Code). These studies show adult retail stores selling products for take home use share the secondary impacts that occur with other types of adult entertainment.

The proposed ordinance includes adult retail use within the definition of "adult use facility" in the development code and applies the location restrictions that are similar to those restrictions that presently apply to adult entertainment. This ordinance would govern existing and future adult uses. Specifically, these facilities will be permitted in the Neighborhood Business, Regional Business and Community Business zones, subject to size, frontage and other special development standards. In addition, our existing ordinance requires that adult use facilities, including retail establishments must be separated by 400 feet from other adult use facilities, schools, parks, libraries, day care, community centers and churches with children's instruction. This is similar to the separation condition established for cabarets and adult entertainment in SMC 5.10 (regarding business licenses and regulations). These uses would also be subject to zoning requirements and development standards as specified in the Shoreline Municipal Code.

This ordinance was presented to the Planning Commission on October 21, 1999. The Planning Commission conducted a public hearing on that date, however, there was no public testimony. Following deliberation, the Planning Commission unanimously recommended that City Council adopt the proposed ordinance revising the definition for adult use facilities to include sales of adult merchandise; and amending Chapter 18.06 of the Shoreline Municipal Code. Chapter 18.08 has also been amended to provide specific location restrictions and zoning requirements.

RECOMMENDATION

Staff recommends that the City Council adopt Ordinance No. 216 (Exhibit A) Revising The Definition For Adult Use facilities To Include Sales Of Adult Merchandise; And Amending Chapter 18.06 and Chapter 18.08 of The Shoreline Municipal Code.

Approved By: City Manager City Attorney

BACKGROUND/ANALYSIS

INTRODUCTION:

At incorporation of the City of Shoreline, the City Council adopted King County Ordinances to guide growth in our community. The purpose of adopting King County standards was to regulate new development pending the adoption of Shoreline's Comprehensive Plan and the adoption of local development regulations to support the Plan.

King County regulations, as adopted by Shoreline, do not address adult use facilities selling adult merchandise. Current City of Shoreline regulations do not address these adult retail uses. When Shoreline's Adult Entertainment regulations were developed (Fall, 1997), City Council elected to set rules only for existing types of entertainment uses in the City (e.g., live entertainment, panorams). That limited regulatory approach addresses live entertainment venues and recorded entertainment (e.g., peep shows). This approach was selected because, for existing adult uses, the City was able to establish a record demonstrating that certain adult businesses create undesirable secondary effects. This record served as the basis for the City's Adult Entertainment Ordinances.

Retail sales, particularly large retail adult entertainment outlets, are beginning to proliferate around the country. The merchandise available for purchase in these stores consists primarily of adult books, magazines, videos, clothing and novelties. These outlets include, but are not limited to, retail stores that have been described as a "sex superstore" due to the range of merchandise and size of the store (approximately 30,000 square feet). While all adult uses are of concern to the City, large stores are a special concern because of their size. Another unique aspect of these stores, apart from size, is that they have been placed on sites zoned for general commercial uses. Other types of adult uses are allowed only in areas zoned for adult uses. The owners of the adult "superstores" believe that these stores can be sited in any commercial zone because they provide only retail sales. The owners contend that these stores have greater constitutional protections than adult uses that provide on-site entertainment (e.g., live entertainment, video entertainment).

Two superstores have opened in Washington to-date by Castle Entertainment, which has its headquarters in Arizona. A store in Tacoma opened about 18 months ago. A store in Silverdale opened approximately 14 months ago. There are five adult businesses (live entertainment and panorams) currently located in Shoreline. This is a significant number of uses, but these are small stores. None compares to the size of the new large adult retail stores. With the availability of large, vacant buildings, it is likely that Shoreline will be considered as a possible location for one of these stores.

LEGAL AUTHORITY

Adult entertainment is a protected form of "speech" along with printed and electronic adult media; although a Washington court recently observed that nude dancing is expression at the low end of a continuum of First Amendment protection and "clings to the edge of protected expression.[1]" As with other forms of speech the First Amendment of the U.S. Constitution and Article 1, Section 5 of the Washington Constitution allow reasonable time, place and manner

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[1] *DCR, INC V. PIERCE COUNTY,* 92 WN. APP. 660, 680 (1998).

restrictions which are narrowly tailored to achieve a substantial governmental interest and leave open alternate channels for communication.

Shoreline has taken a typical approach to regulating adult entertainment, both regulating the business through licensing conditions of operation, and regulating the secondary effects of these uses by locating them appropriately through its development code. The extension of these regulations to retail businesses selling adult materials for use off-premises must be supported by evidence of a social ill addressed through regulations that are reasonable and narrowly drafted. A Tukwila ordinance controlling adult retail establishments was stricken in a 1991 decision because it was not supported by a record showing businesses with a small percentage of adult retail merchandise presented the same adverse impacts on the surrounding community or threat to public health and safety as adult entertainment.

Our proposed ordinance, unlike the Tukwila ordinance, requires that a retail adult use facility be predominantly involved in selling or renting adult materials. The proposed ordinance is also supported by a record filed with the Council and available for public review in the City Clerk's Office which includes studies, police reports and declarations which specifically include evidence of the secondary effects of adult retail uses, including bookstores and video stores. Studies supporting the proposed ordinance may be conducted in other communities. Thus the ordinance is narrowly drawn to address a legitimate target of regulation under the City's police power.

Finally, cases decided after the Tukwila decision (Exhibit B Section III) have upheld ordinances regulating adult bookstores, novelty shops and video stores selling only take home merchandise. These cases have supported regulation where a substantial portion of the retail trade was in these items, and the ordinance was supported by specific evidence of the adverse secondary effects of this type of adult retail business.

To allow alternate channels of communication the City must also allow an adequate number of sites for these businesses to operate. When Shoreline incorporated, King County was operating under a moratorium on new adult entertainment because a court decision had invalidated its method of siting. The County's dispersal approach using a 660-foot separation from other adult uses or sensitive uses involving minors did not allow for a constitutionally sufficient number of alternative sites.

Shoreline conducted a complete analysis of available adult use sites in 1997 factoring in the location of existing adult uses, sensitive uses, and the size and location of commercial zones. All sites that may legally be utilized are included in deciding whether there is a reasonable opportunity to operate an adult use, regardless of whether the potential site is already owned and developed, or vacant and not for sale. Since these restricting factors have not changed since the adoption of the City's land use approach for adult uses, the land use areas available for adult uses, including adult retail, is still adequate for this form of expression.

RECORD

As large adult retail outlets are a new type of business in the State of Washington, the impacts of these uses upon our state's communities required assessment by potentially affected jurisdictions. Thus, other jurisdictions have also been working to examine issues and solutions for issues related to adult retail outlets. Staff has worked both independently and with other communities in the region to study these retail businesses (Exhibit B).

Specifically, studies conducted by communities in the region (e.g., Federal Way, Renton) have provided a detailed review of the national record, including studies from regions throughout the country (e.g., New York, Indianapolis, and Los Angeles). The studies include a review of the police records of various cities, and court decisions regarding adult entertainment, activity, retail sales, or other adult use. These studies have reported crime and public sexual activity generated and/or occurring within or nearby an adult use facility, including establishments selling adult merchandise. These uses do create some tax revenue and employment, however, adult use facilities generally discourage other types of commercial development and result in lower property values.

Additionally, these studies found that adult use facilities, due to their very nature, have serious objectionable operational characteristics, particularly when located in close proximity to residential neighborhoods, day care centers, religious facilities, public parks, libraries, schools, and other adult use facilities. For example, 1994 studies from New York (Exhibit B - Studies I.C and I.D) discuss surveys of real estate brokers, business owners and residents. These studies conclude that: (1) property values in the vicinity of adult book stores and adult video stores are depressed, and (2) criminal complaints decreased with distance from concentrated adult establishments including bookstores. A 1984 Indianapolis study (Exhibit B - Study I. A) showed that a large majority of real estate appraisers nationwide believe that adult book stores would reduce residential and commercial property values within a block, with this impact decreasing with distance from the adult use. A 1989 St. Paul study (Exhibit B - Study I.J) and a Federal Way study (Exhibit B Study III.E) found that pornographic material was discarded near adult retail businesses. These studies conclude that these adult uses, overall, have a harmful impact upon the quality of life in the areas surrounding these establishments. Courts and communities across the nation have acknowledged that state and local governmental entities have a special concern in regulating the operation of such businesses under their jurisdiction to ensure the adverse secondary effects of the uses are minimized.

Based upon these reports, staff finds that there are legitimate, substantial secondary impacts from retail sales, which should be regulated. The City Attorney and staff have determined that adult retail sales uses will create the same type of harmful secondary effects associated with other adult businesses. To address these findings, the City Attorney and staff have prepared an ordinance regulating adult retail sales in Shoreline (Exhibit A). This Ordinance is consistent with regulations that have been prepared for other jurisdictions in our region.

ORDINANCE NO. 216

In keeping with Council direction, the City Attorney and staff have proposed Ordinance No. 216 An Ordinance of the City of Shoreline, Washington, Revising The Definition For Adult Use facilities To Include Sales Of Adult Merchandise; And Amending Chapter 18.06 and Chapter 18.08 of The Shoreline Municipal Code (Exhibit A). The purpose of this ordinance is to govern land use review for adult retail sales by establishing a basis for regulation of adult retail sales.The following is a summary of each of the substantive sections of these rules with a brief analysis provided for issues that staff believe to be central to promoting effective regulation of card rooms.

Preamble Section to the Ordinance. This Section establishes the foundation for the Ordinance. This foundation was based upon the following findings:

- Adult Use facilities, including establishments selling adult merchandise, have the potential for significantly greater secondary social and economic impacts on the community and business environment than other classes of commercial establishments;

- Adult Use facilities have a detrimental effect on both the existing businesses around them and the surrounding residential and commercial areas adjacent to them, causing increased crime, the downgrading of quality of life and property values and the spread of urban blight.
- Adult Use facilities are not consistent with those key provisions of the City of Shoreline Comprehensive Plan that establish framework goals supporting a diverse economy to assure economic development and to enhance the quality of life within the City of Shoreline.
- Adult Use facilities, due to their nature, have secondary adverse impacts upon the health, safety, and welfare of the citizenry through increases in crime, public sexual activity generated and/or occurring within or nearby an adult use facility, and opportunity for spread of sexually transmitted diseases
- The City has the ability to regulate such establishments under its police power to regulate land use under RCW Chapter 35A.64; and
- The City believes it is necessary to regulate adult use facilities to enforce laws prohibiting obscenity, indecency, and sexual offenses while preserving constitutionally protected forms of expression to preserve public safety and welfare.

Section 1. Findings. (New Section)

This section describes the ways in which this Ordinance is consistent with the Shoreline Comprehensive Plan's purposes, goals and policies. This section lists key goals and policies that are intended to:

- encourage attractive, stable, high quality residential and commercial neighborhoods,
- support creative development that is aesthetically pleasing and has long term economic vitality; and
- support Shoreline's sense of community.

Section 2. Amendment. This section amends SMC Subsection 18.06.035, *Adult Use Facility*, to specify adult retail sales as a use to be regulated by the City of Shoreline under the definition of "adult use facility". As described, this new use will include those establishments with a stock in trade that includes adult book, video, stationery and art supply stores, and will include sales or rentals of merchandise intended for off-premises use. Further, this section provides an expanded listing of categories of merchandise that would be regulated under this Ordinance to include digital video discs (DVDs), goods, products, clothing, novelties, both as these products would be used by patrons within adult use facilities or off-premises.

Section 3. Amendment. This section amends SMC Chapter 18 - Permitted Land Uses (Subsection 18.08.070) to add "adult use facility," to the Retail Land Use Table. This amendment establishes adult use facilities as a separate land use category. It also enables the City to undertake a permitting process and to require that adult use facilities be subject to the approval and issuance of land use permits and/or building permits by the City of Shoreline. It allows the City to regulate the location and development standards for adult use facilities.

For example, adult use facilities would be permitted only in the Regional Business, Commercial Business, and Neighborhood Business zones and subject to dispersal regulations. Specifically, with this amendment, adult uses shall be prohibited within 400 feet of any residential zone, other adult use facility, school, licensed daycare center, public park, community center, public library, or church which conducts religious or educational classes for minors.

Section 4 Severability: This section states that if some portion of the regulation becomes invalid for any reason (e.g., pre-empted by state or federal law) the remaining portions of this regulation would remain valid.

Section 5: Effective Date: This section establishes that Ordinance 216 shall become effective five (5) days after the date that public notice is published to state that the Ordinance is adopted.

Section 6. Repealer. This section specifies that Ordinance No. 194, which imposed a moratorium related to adult retail sales, is to be repealed upon the effective date of this Ordinance.

RECOMMENDATION

Staff recommends that the City Council adopt Ordinance No. 216 (Exhibit A) Revising The Definition For Adult Use facilities To Include Sales Of Adult Merchandise; And Amending Chapter 18.06 and Chapter 18.08 of The Shoreline Municipal Code.

ATTACHMENTS

EXHIBIT A: City of Shoreline Ordinance No. 216 AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, REVISING THE DEFINITION FOR ADULT USE FACILITIES TO INCLUDE SALES OF ADULT MERCHANDISE; AND AMENDING CHAPTER 18.06 AND CHAPTER 18.08 OF THE SHORELINE MUNICIPAL CODE

EXHIBIT B: LISTING OF ADULT ENTERTAINMENT STUDIES

(Documents distributed to the Planning Commission on October 7, 1999; duplicates are available from the Planning Commission Clerk)

Exhibit A

ORDINANCE NO. 216

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, REVISING THE DEFINITION FOR ADULT USE FACILITIES TO INCLUDE SALES OF ADULT MERCHANDISE; AND AMENDING CHAPTER 18.06 AND CHAPTER 18.08 OF THE SHORELINE MUNICIPAL CODE.

WHEREAS, the Shoreline City Council is committed to protecting the general welfare of the City through the enforcement of laws prohibiting obscenity, indecency, and sexual offenses while preserving constitutionally protected forms of expression; and

WHEREAS, the City has made a detailed review of the national record, including studies from the cities of New York, Indianapolis, and Los Angeles, the police records of various cities, and court decisions regarding adult entertainment, activity, retail, or use. The City Council finds that concerns about crime and public sexual activity generated and/or occurring within or nearby an adult use facility, including establishments selling adult merchandise, are legitimate, substantial, and compelling concerns of the City which demand reasonable regulation; and

WHEREAS, the City Council finds that adult use facilities, due to their nature, have secondary adverse impacts upon the health, safety, and welfare of the citizenry through increases in crime and opportunity for spread of sexually transmitted diseases; and

WHEREAS, there is convincing documented evidence that adult use facilities, including retail facilities, have a detrimental effect on both the existing businesses around them and the surrounding residential and commercial areas adjacent to them, causing increased crime, the downgrading of quality of life and property values and the spread of urban blight. Reasonable regulation of the location of these facilities will provide for the protection of the community; and

WHEREAS, the City recognizes that adult use facilities, due to their very nature, have serious objectionable operational characteristics, particularly when located in close proximity to residential neighborhoods, day care centers, religious facilities, public parks, libraries, schools, and other adult use facilities, thereby having a deleterious impact upon the quality of life in the surrounding areas. It has been acknowledged by courts and communities across the nation that state and local governmental entities have a special concern in regulating the operation of such businesses under their jurisdiction to ensure the adverse secondary effects of the uses are minimized; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the First Amendment to the United States Constitution, or Article 1, Section 5 of the Washington State Constitution, but to enact content neutral legislation which addresses the negative secondary impacts of adult use facilities; and

WHEREAS, it is not the intent of the City Council to condone or legitimize the distribution of obscene material, and the City Council recognizes that state and federal law prohibits the distribution of obscene materials; and

WHEREAS, the public was given opportunities to comment on the proposal during the Planning Commission review; and

WHEREAS, the City of Shoreline SEPA responsible official issued a Declaration of Non-significance on September 15, 1999; and

WHEREAS, following the public hearing, the Planning Commission submitted its recommendation in favor of the proposal amending sections of the Municipal Code as noted; now therefore,

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

Section 1. Findings. After full and careful consideration, the City Council of the City of Shoreline adopts the recitals in the preamble of this Ordinance as findings in support of this Ordinance. In addition the Council finds this Ordinance is consistent with the Shoreline Comprehensive Plan's purposes, goals and policies as follows:

Land Use Goals and Policies

Goal LU I: To assure that the land use pattern of the City encourages needed, diverse and creative development, protects existing uses, ... and helps to maintain Shoreline's sense of community.

Policy LU 2: Encourage attractive, stable, high quality residential and commercial neighborhoods with an appropriate variety of housing, shopping, employment and services such as lawyers, doctors and accountants.

Goal LU V: To ensure that adequate land is designated for community-serving, and regional-serving commercial areas and that these areas are aesthetically pleasing and have long term economic vitality.

Section 2. Amendment. The SMC Section 18.06.035, *Adult Use Facility*, is amended as follows:

"Adult use facility" means an enterprise predominantly involved in the selling, renting or presenting for commercial purposes of books, magazines, motion pictures, films, video cassettes, digital video discs (DVDs), goods, products, clothing, novelties, cable television, live entertainment, performance or activity distinguished or characterized by a predominant emphasis on the depiction, simulation or relation to "specified sexual activities" as defined in this chapter for observation or use by patrons therein or off-premises. Examples of such facilities include, but are not limited to, adult retail sales, book or video stores, and establishments offering panoramas, peep shows or topless or nude dancing.

Section 3. Amendment. SMC Subsection 18.08.070 is amended as set forth in Exhibit A (Attachment A.1) attached hereto and incorporated herein by reference.

Section 4. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to any other persons or circumstances.

Section 5. Effective Date. This ordinance shall be effective five (5) days after passage and publication as provided by law.

Section 6: Repealer. Ordinance No. 194, which imposed a moratorium related to adult retail sales, is to be repealed upon the effective date of this Ordinance.

PASSED BY THE CITY COUNCIL ON NOVEMBER _____, 1999.

_____
Mayor Scott Jepsen

ATTEST:

_____
Sharon Mattioli
City Clerk

APPROVED AS TO FORM:

_____
Ian Sievers
City Attorney

Date of Publication: _____, 1999
Effective Date: _____, 1999

SMC18.08.070
Retail Land Uses

KEY:
P - Permitted Use
C - Conditional Use
S - Special Use

		RESIDENTIAL		COMMERCIAL/INDUSTRIAL				
				NEIGHBORHOOD BUSINESS	COMMUNITY BUSINESS	REGIONAL BUSINESS	OFFICE	INDUSTRIAL
SIC #	SPECIFIC LAND USE	R4-8	R12-48	NB	CB	RB	O	I
....	....	....	....	....	....	....	....	....
*	Adult Use Facility			P 7	P 7	P 7		
....	....	....	....	....	....	....	....	....

B. Development Conditions.

. . .

7. Adult use facilities shall be prohibited within 400 feet of any residential zone, other adult use facility, school, licensed daycare center, public park, community center, public library, or church which conducts religious or educational classes for minors.

. . .

(Documents on file with City of Shoreline, Planning and Development Services; and, Office of the City Clerk)

TAB	ITEM
I Studies:	
A	Adult Entertainment Businesses in Indianapolis, 1984
B	A Report on Zoning and Other Methods of Regulating Adult Entertainment in Amarillo (Texas), September 12, 1977
C	Adult Entertainment Study, Department of City Planning, New York City, November 1994
D	Report On the Secondary Effects of the Concentration of Adult Use Establishments in the Times Square Area, April 1994
E	Final Report to the City of Garden Grove: The Relationship Between Crime and Adult Business Operations on Garden Grove Boulevard, October 23, 1991
F	Report of the (Minnesota) Attorney General's Working Group on the Regulation of Sexually Oriented Businesses, June 6, 1989
G	Report on Adult Oriented businesses in Austin (Texas), May 19, 1986
H	Study & Recommendations for Adult Entertainment Businesses in the Town of Islip (NY), September 23, 1980
I	Study of the Effects of the Concentration of Adult Entertainment Establishments in the City of Los Angeles, June 1977
J	Forty Acre Study on Adult Entertainment, St. Paul, Minnesota, 1987

II. Court Decisions

A	*Z.J. Gifts D-2, L.L.C. v. City of Aurora*
B	*Stringfellow's of N.Y. v. New York City*
C	*ILQ Investments, Inc. v. City of Rochester*

III. Police and Other City Records

A	**City of Garden Grove, CA**
B	**City of Bellevue, WA**
C	**City of Blaine, WA**
D.	**City of Renton, WA**
E.	**City of Federal Way, WA**
F.	**City of Spokane, WA**

Council Meeting Date: November 22, 1999 **Agenda Item: 9(b)**

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	**Approval Of Ordinance No. 212, For The Purpose Of Specifying A Weight Limit On The Richmond Beach Overcrossing Bridge**
DEPARTMENT:	**Public Works**
PRESENTED BY:	**William L. Conner, Public Works Director** *wlc*

EXECUTIVE / COUNCIL SUMMARY

Structural analysis conducted by King County and verified by staff has determined that the Richmond Beach Overcrossing Bridge (bridge) is at risk for accelerated weakening due to extensive use by vehicles carrying heavy loads. To minimize the risk it is recommended that the City post this bridge with a weight limit.

This bridge is a timber structure originally built in 1923 and rebuilt in 1956 (see Attachments A and B for Vicinity Maps and Attachment C for Pictures of Bridge). Older timber bridges often need to be posted for the weight limit that the structure can safely carry on a routine basis. Although the timber in this bridge will deteriorate over time, a weight limit and routine repair will significantly extend the life of the bridge. While the City is responsible for the roadway on top of the bridge structure and for posting any weight limit, we believe the structure of this bridge is the responsibility of the Burlington Northern Santa Fe Railroad.

Since June, staff has coordinated weight limit impacts with local residents and stakeholders. Concerns expressed by residents include the immediate inconvenience with respect to restricted construction related vehicles (i.e., concrete trucks), future concerns about how long they will have to live with restricted access, and questions about money allocated to fixing the problem.

Staff research determined the weight limit would have no effect on the daily traffic routine of the residents. However, it would place restrictions on heavier vehicles using the bridge such as concrete trucks, large dump trucks, and large construction equipment. The only emergency vehicle that exceeds the weight limit is the Shoreline Fire District ladder truck. As an essential emergency service vehicle, it will receive an exception to the weight limit policy. Public comment received at the November 8 meeting raised concern over the restrictions the weight limit would place on concrete and fuel oil trucks. Staff is conducting further research on these trucks that provide service to this area. The results will be provided to your Council at the November 22 meeting.

The long-term solution will be to conduct further analysis for the purpose of finding a permanent and cost effective resolution to the weight limit. Staff has initiated discussions with the railroad over its responsibility for maintenance and repair of the structure.

Under the recommendation, use of the bridge would be limited to one truck at a time and prohibited to gross weights in excess of sixteen tons for three axle vehicles, twenty-four tons for five axle vehicles, and thirty-two tons for six axle vehicles (see Attachment D for Weight Limit Sign).

RECOMMENDATION

Staff recommends your Council adopt Ordinance No. 212 (Attachment E) establishing Section 12.10.050 of the Shoreline Municipal Code for the purpose of specifying a weight limit on the Richmond Beach Overcrossing Bridge.

Approved By: City Manager LB City Attorney

BACKGROUND / ANALYSIS

History

The City is responsible for a bridge located at Richmond Beach Drive just south of 196th Street NW. This bridge provides sole access over the Burlington Northern Santa Fe Railroad for the residents on 27th Avenue NW (Attachments A and B).

This bridge is a timber structure originally built in 1923 and rebuilt in 1956 (Attachment C). The normal life span of a timber bridge is 45 to 50 years. Many of the bridges from this era are either structurally deficient or functionally obsolete. After engineering analysis and inspections, these bridges often need to be posted for the weight limit that the structure can safely carry on a routine basis. Although the timber members in this bridge will continue to deteriorate over time, a weight limit and routine repairs will significantly extend the life of the bridge.

By law, the City is responsible for the maintenance of the roadway over and approaches to the bridge and the railroad is responsible for maintenance of the bridge superstructure. By law, the City is also authorized to impose weight limits on roads or portions thereof, including bridges (WAC 36.75.270 Limitation of type or weight of vehicles authorized; WAC 308-330-265(16); RCW 46.90.265 Authority of Traffic Engineer; and K.C.C.C. 14.16 Load Limits on Bridges). The purpose of this ordinance (Attachment E) is to preserve the public's investment and protect the public's safety.

The National Bridge Inspection Standards (NBIS) came to be the national policy for uniform bridge inspection in 1971, a product of the Federal Highway Act of 1968. The City currently operates under an Interlocal agreement with King County Road Services Division who inspects this bridge on an annual basis in accordance with the NBIS. The last inspection occurred on October 15. The results of that inspection will be available December or January. The 1997 and 1998 inspections indicated the bridge deck is in need of replacement and the structure and foundation are in need of minor repair. These repairs were assigned "routine" status, indicating that work should be performed within the next several years to extend the life of the bridge. The City replaced the bridge deck this summer under a contract with King County at the cost of $ 41,940. The new deck will prolong the life of the bridge by keeping moisture off the structure. Next year, as part of the CIP, the City will make seismic retrofit improvements to prevent the bridge from collapsing during an earthquake. These improvements are estimated to cost $36,000. We will seek reimbursement for cost from the Railroad.

The 1997 inspection also identified deterioration in the structure. As a result of this finding King County recommended that a load rating analysis be performed for the structure to determine if a weight limit is required. A bridge load rating is the measure of a bridge's load carrying capacity. Based on the results of the load rating analysis King County recommended the bridge be posted with a weight limit.

The City has initiated communication with Burlington Northern railroad regarding their responsibility for the maintenance and repair of the structure. And, the year 2000 CIP update will include a budget to conduct further analysis with the objective of finding a permanent and cost effective resolution to the weight limit. This will require a major

overhaul beyond just the seismic retrofit. We will then have to consider who pays for this overhaul.

Analysis
The weight limits recommended for this bridge are based on the Operating Rating for typical truck configurations. The Operating Rating is a maximum load that can be carried on an infrequent albeit routine basis without detriment to bridge. Weekly use is considered an infrequent basis. Vehicles whose axle spacing and axle loads differ from the typical configuration can be analyzed individually based on their specific configuration. Staff has coordinated weight limit impacts with local residents and identified vehicles that are known to use the bridge and analyzed these vehicles based on their specific configuration. The results are discussed in the following section.

How Will The Weight Restriction Effect The Residents On 27th Avenue NW?
On June 12, 1999, staff attended a neighborhood meeting with residents on 27th Avenue to explain the proposed weight limit, the reasons for its recommendation, and to discuss possible impacts as a result of the weight limit. The concerns expressed by the residents included: the immediate inconvenience with respect to restricted construction related vehicles (i.e., concrete trucks), future concerns about how long they will have to live with restricted access, and questions about money allocated to fixing the problem.

Staff explained the reason for the weight limit is in the interest of protecting public safety and public property. And that the time and money involved to fix the problem depended on a number of factors including determining the type of repairs needed, who would make the repairs and how, and results of the budgeting process.

Under the recommendation, use of the bridge would be limited to one truck at a time and prohibited to gross weights in excess of sixteen tons for three axle vehicles, twenty-four tons for five axle vehicles, and thirty-two tons for six axle vehicles. The weight limits recommended for the three typical legal load trucks are shown on the proposed weight limit sign (Attachment D). Non-typical truck configurations will be addressed as needed.

Staff research involved discussions with several utility and service companies whose vehicles are known or anticipated to use the bridge. Data gathered from these discussions was provided to King County who performed a load rating analysis specific to these vehicles. Based on the results of this research, staff determined the weight limit would have no effect on the daily traffic routine of the residents. However, it would place restrictions on heavier vehicles using the bridge such as concrete trucks, large dump trucks, and large construction equipment.

Staff also provided Planning and Development Services (P&DS) Building Division with a Contractor Notice. This notice is attached to building permits for projects on 27th Avenue and advises the contractor of the pending approval and posting of the weight restrictions on the bridge. As a result of this notice, staff has worked with one contractor through a procedure to analyze the contractor's equipment based on the specific configurations. The results are discussed in the bullet below titled Dump Trucks.

- Fire Trucks – The Shoreline Fire District gross vehicle weight (GVW) on the Ladder Unit is 29 tons, the Engine Units are 16 tons, and the Aid and Medic units are 7 tons.

The Engine and Aid and Medic Units would not be restricted by the weight limit. The Ladder Unit exceeds the weight limit; however, this unit carries the fire fighting equipment and is brought on all calls. With the addition of the tiller wheel, this vehicle has superb maneuverability enabling it to go places the Engine Units cannot. While overloaded truck movements are discouraged, they are sometimes essential for emergency service vehicles. All emergency response vehicles including the Ladder Unit (the heaviest emergency vehicle) will be allowed to cross the structure.

- Garbage Trucks - Waste Management Northwest (WMN) provides garbage and recycling service to many of these homes. The three-axle garbage truck weighs 16 tons empty and 25 tons full. The specific weight limit for the garbage truck is 19 tons. This means the garbage truck can use the bridge if it carries less than 3 tons of garbage. The weekly service to 27th Avenue occurs in the morning and early in the route. Based on discussions with WMN it was determined that the truck would be carrying less than 3 tons of garbage at the time it uses the bridge and would not be restricted. The two axle recycling truck weighs 12 tons empty and 17 tons full. These trucks would be carrying a partial load and would not be restricted.
- Fuel Trucks - Cascade Oil provides fuel oil to many of these homes. The GVW weight of their two-axle fuel truck is 16 tons. Based on the analysis of this truck type, the load must be reduced to one ton less than full capacity. Cascade Oil is aware they will need to limit their loads to 15 tons. This service is provided 4 times per year.
- Dump Trucks - Typical three axle dump trucks weigh 10 to 20 tons fully loaded for small and large trucks, respectively. Two dump trucks were analyzed based on their specific configuration for a construction project on 27th Avenue. The large dump truck was not able to carry a full load over the bridge, and was limited to 18 tons. With a drop axle installed, the load can be increased to 18.75 tons. The small dump truck can be loaded to nearly 10 tons (19,500 lbs.) without a drop axle. Three excavators were also analyzed related to this construction project. The bridge can not support the weight of the large excavator but can safely support the small excavators.
- Utility Truck – Seattle City Light and Puget Sound Energy provide service to many of the residents on 27th Avenue. Their typical "Line" or "Bucket" trucks have a gross vehicle weight of 16.5 tons. Based on the analysis of this truck, it would not be restricted by the weight limit.
- Concrete Trucks - Typical three-axle concrete trucks weigh 16 tons empty. Lone Star Concrete's three-axle tandem trucks weigh 15 tons empty and 35 tons fully loaded. These trucks carry between 9 and 10 cubic yards of concrete weighing 4000 pounds per cubic yard. This truck should not carry a load of more than one yard of concrete over the bridge. The inherent weight of these trucks restricts them from using the bridge. An overload permit may allow "short loads" (i.e., less than 4 tons or 2 cubic yards); however, this is very impractical. Alternatives include pulling one-yard trailers with pick -up trucks, pumping the concrete across the bridge from one concrete truck to another, or delivering the concrete by barge.

The City will utilize the expertise and experience of the King County Road Services Division Structural Design and Bridge Inspection Unit in reviewing overload permit requests. The City will accomplish this through a Discretionary Services Request agreement with King County. Truck drivers who have not previously obtained a permit

and desire to cross the bridge would call the City to initiate the process. The City and County have a procedure for handling these requests. There is currently no charge to the user for the permit. Generally, these permits are for one-time use; however, on occasion they may be issued for a specific time period for a specific purpose.

The City will follow a standard load limit posting procedure, which includes the following:

Traffic and Planning

- develop signing plans and post official black and white signs at the end of the bridge
- post advanced warning signs so that vehicles will have enough time to turn around

Community Relations

- Prepare/Coordinate the News Release
- Notify appropriate individuals/agencies/organizations including:
  - Residents
  - Police Department
  - Fire Department
  - Other Emergency Response Providers
  - Utilities
  - Shoreline School District
  - Garbage and Recycling Service
  - Fuel Service

The City owns two other bridges, the Hidden Lake Bridge 167 and the Richmond Beach Pedestrian Bridge 2118-1 at Richmond Beach Saltwater Park. The Hidden Lake Bridge is a concrete structure and does not require a load restriction. The Richmond Beach Pedestrian Bridge is not open to the public for vehicular traffic and therefore not required to be posted according to National Bridge Inspection Standards. This bridge is used for Park maintenance vehicles only and access is controlled.

Based on the results of the loading analysis performed on the Richmond Beach Overcrossing Bridge, and the concern for public safety and property related to the current use of this bridge, staff recommends that your Council authorize the City Engineer to post the recommended weight limit.

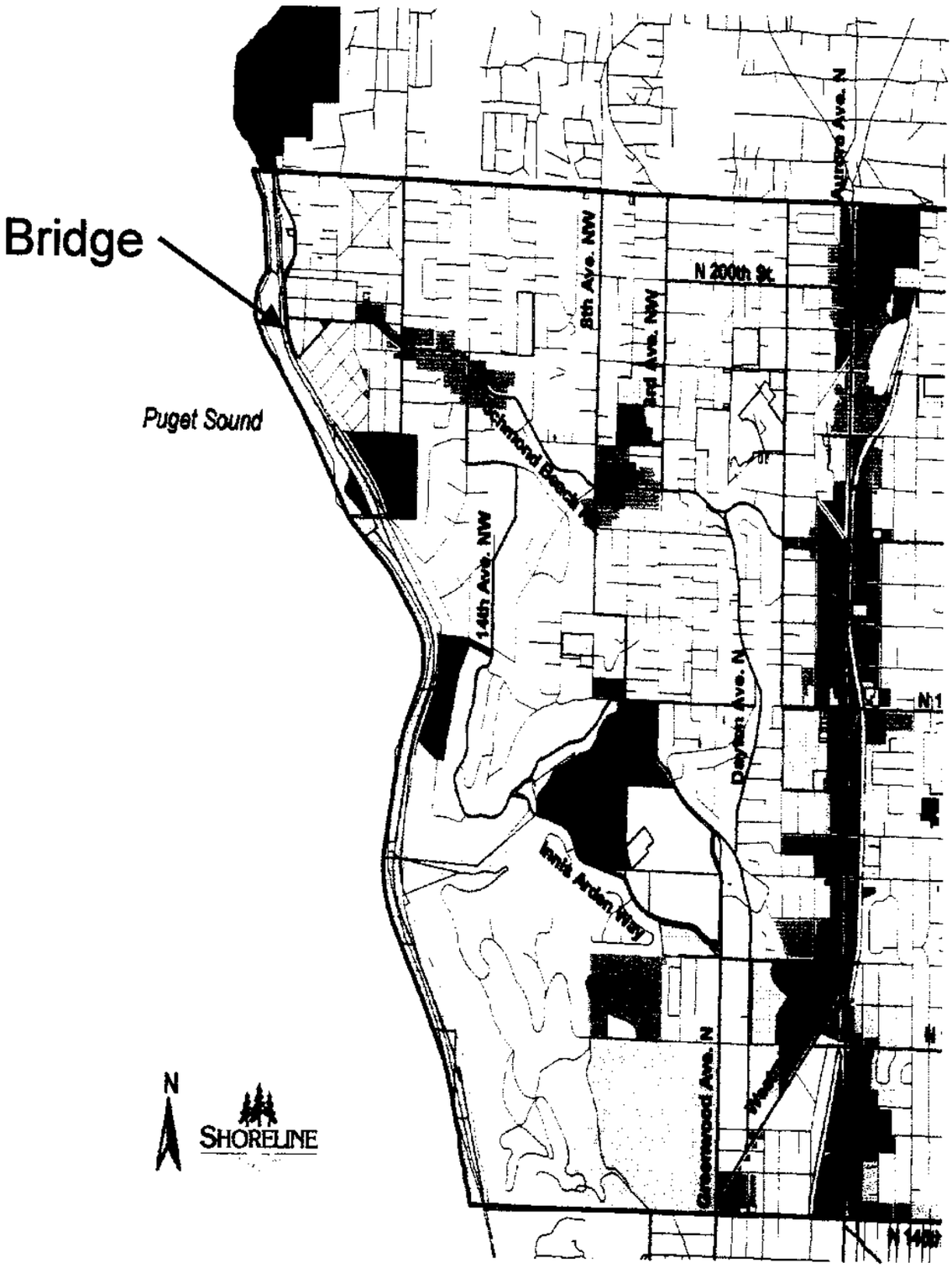
RECOMMENDATION

Staff recommends your Council adopt Ordinance No. 212 (Attachment E) establishing Section 12.10.050 of the Shoreline Municipal Code for the purpose of specifying a weight limit on the Richmond Beach Overcrossing Bridge.

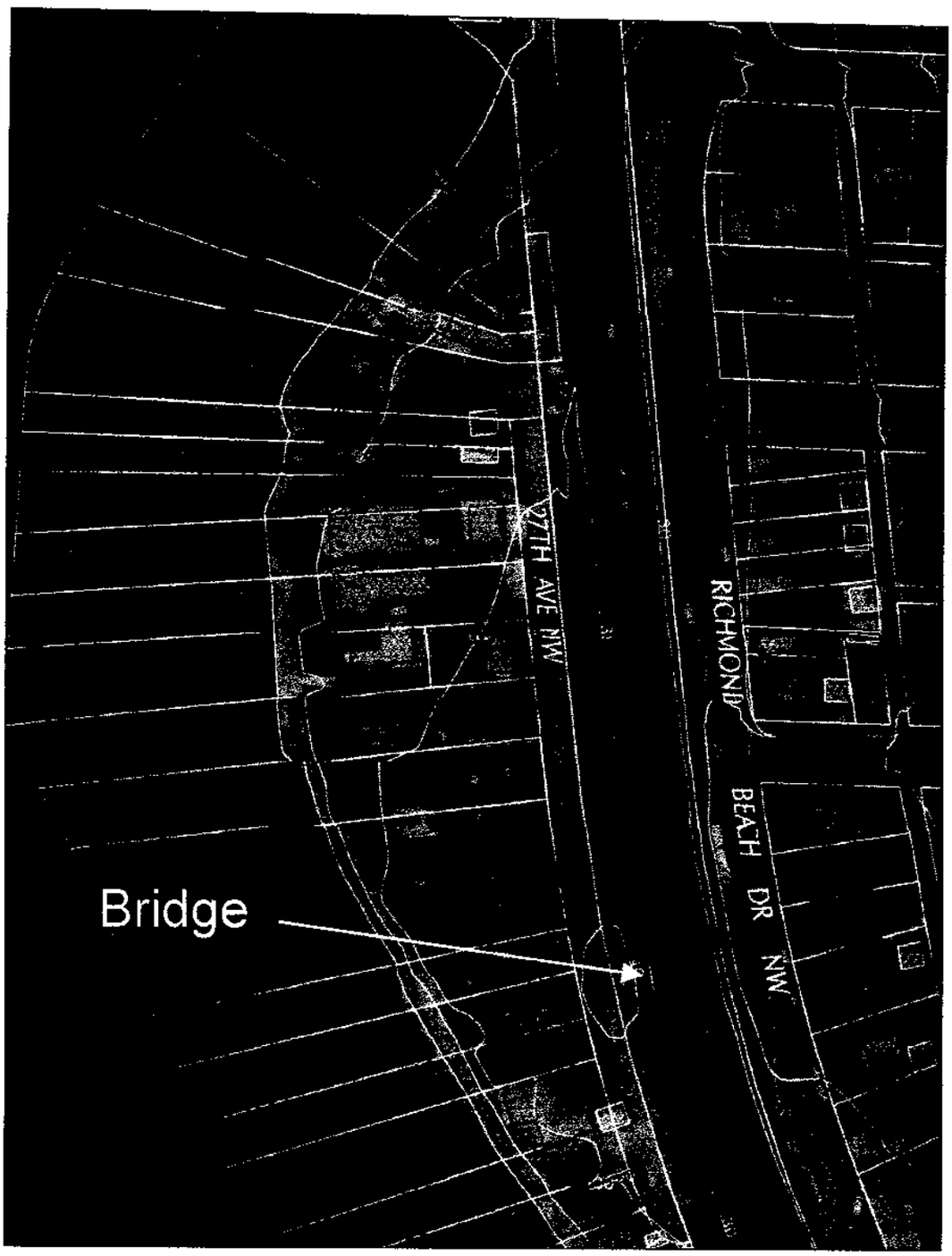
ATTACHMENTS

Attachment A - Vicinity Map of Shoreline
Attachment B - Vicinity Map of 27th Avenue NW
Attachment C - Pictures of Bridge
Attachment D - Weight Limit Sign
Attachment E - Ordinance

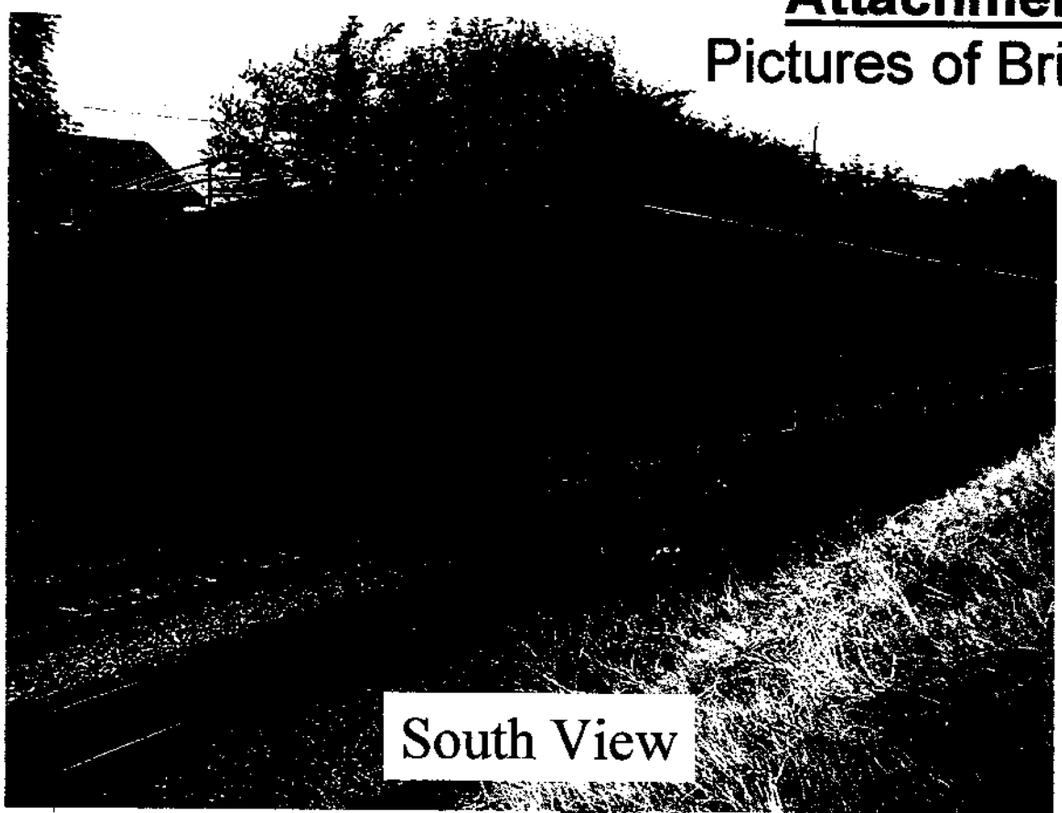
Attachment A
Vicinity Map of Shoreline



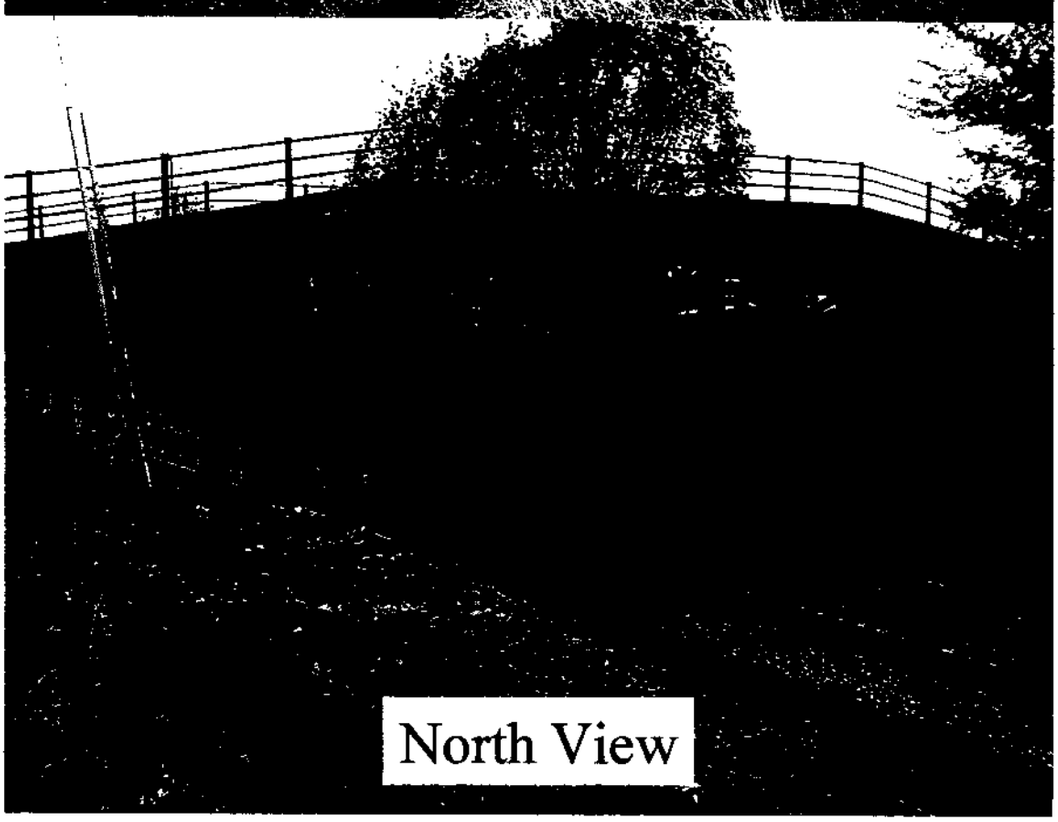
Attachment B
Vicinity Map of 27th Avenue NW



Attachment C
Pictures of Bridge

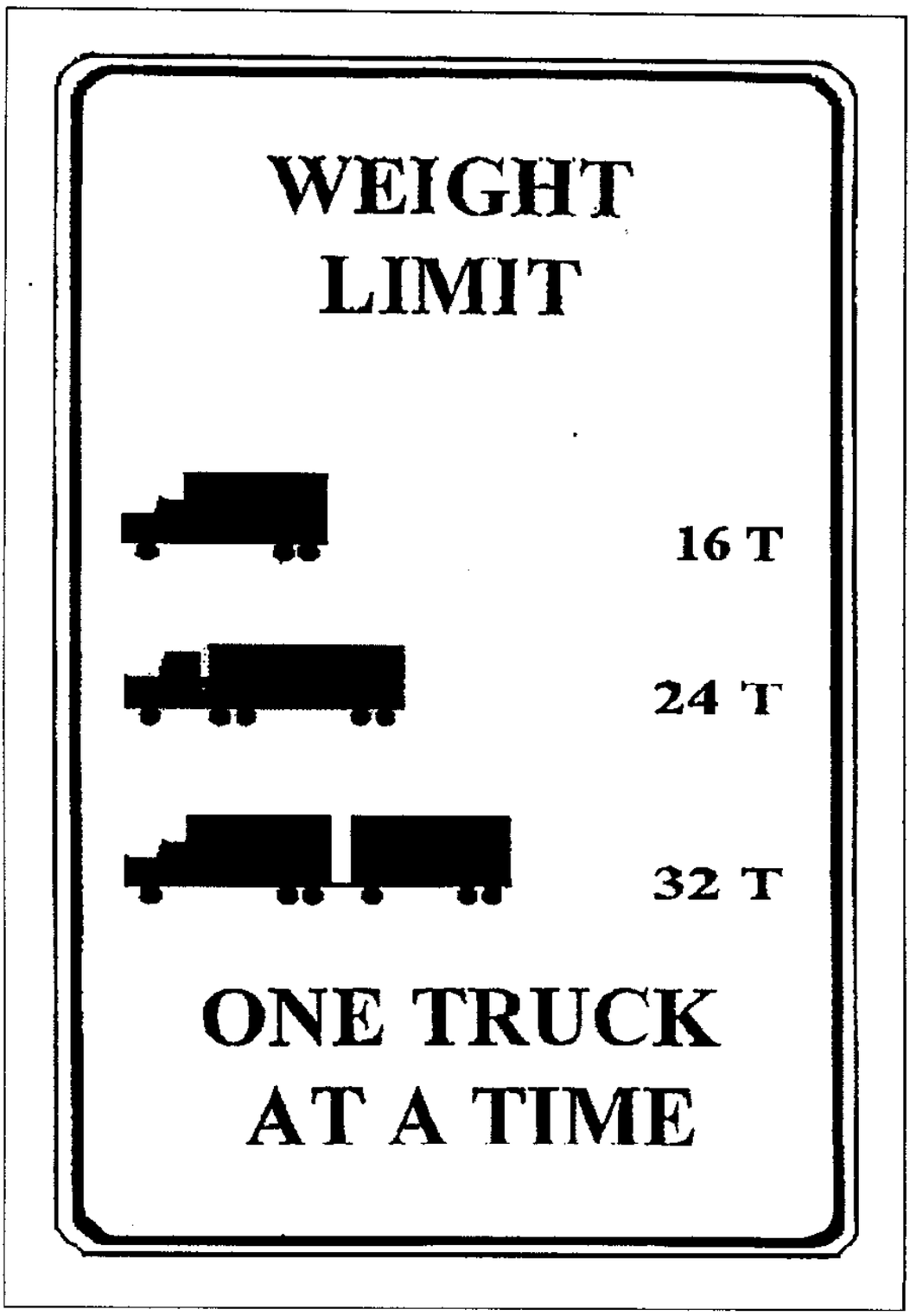


South View



North View

Attachment D
Weight Limit Sign



Attachment E
Ordinance

ORDINANCE NO. 212

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, ESTABLISHING SECTION 12.10.050 OF THE SHORELINE MUNICIPAL CODE FOR THE PURPOSE OF IDENTIFYING AUTHORITY OF THE CITY ENGINEER TO IMPOSE TEMPORARY GROSS WEIGHT LIMITS ON ROADS OR PORTIONS THEREOF AND FOR THE PURPOSE OF SPECIFYING WEIGHT LIMITS ON CITY BRIDGES

WHEREAS, the City is authorized by state law and county code to impose weight limits on roads or portions thereof including bridges; and

WHEREAS, the City Council wishes to impose weight limits to preserve the public's investment and protect the public's safety;

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

Section 1. New section. A new section is added to Shoreline Municipal Code Chapter 12.10, Roads and Bridges, to read as follows:

.050 Richmond Beach Overcrossing Bridge 167AOX

The use of Bridge 167AOX shall be limited to one truck at time and be prohibited to gross weights in excess of sixteen tons for three axle vehicles, twenty four tons for five axle vehicles, and thirty two tons for six axle vehicles until further notice.

Section 2. Effective Date and Publication. This ordinance, or a summary thereof, shall be published in the official newspaper of the City, and shall take effect five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL ON NOVEMBER 22, 1999

Mayor Scott Jepsen

ATTEST:

Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:

Ian Sievers
City Attorney

Date of Publication: November 26, 1999
Effective Date: December 1, 1999