



## SHORELINE CITY COUNCIL SPECIAL MEETING

Monday, January 7, 2008  
6:30 p.m.

Shoreline Conference Center  
Mt. Rainier Room

<u>Page</u>	<u>Estimated Time</u>
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### 1. CALL TO ORDER

6:30

- (a) Swearing In Ceremony for New City Council Members,  
performed by Superior Court Judge Richard Eadie

- Position 2: Chris Eggen
- Position 4: Doris McConnell
- Position 6: Terry Scott

### 2. FLAG SALUTE/ROLL CALL

- (a) Election of Mayor and Deputy Mayor

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### 3. REPORT OF THE CITY MANAGER

### 4. GENERAL PUBLIC COMMENT

*This is an opportunity for the public to address the Council on topics other than those listed on the agenda, and which are not of a quasi-judicial nature. The public may comment for up to three minutes; the Public Comment under this item will be limited to a maximum period of 30 minutes. The public may also comment for up to three minutes on agenda items following each staff report. The total public comment period on each agenda item is limited to 20 minutes. In all cases, speakers are asked to come to the front of the room to have their comments recorded. Speakers should clearly state their name and city of residence.*

### 5. APPROVAL OF THE AGENDA

### 6. CONSENT CALENDAR

- |   |           |
|---|-----------|
| (a) Minutes of Workshop Dinner Meeting of December 10, 2007   | <u>3</u>  |
| Minutes of Business Meeting of December 10, 2007  | <u>5</u>  |
| (b) Motion to authorize the City Manager to execute a contract with the Shoreline Historical Museum in the amount of \$63,858 to provide educational and heritage opportunities for the citizens of Shoreline | <u>19</u> |
| (c) Motion to authorize the City Manager to execute a contract with the Shoreline/Lake Forest Park Arts Council in the amount of  | <u>23</u> |

\$63,858 to provide educational and cultural opportunities for the citizens of Shoreline

**7. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS, AND MOTIONS**

(a) Special Needs Group Housing in the City of Shoreline 29

(b) 2008 Legislative Priorities 45

**8. ADJOURNMENT**

*The Council meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 546-8919 in advance for more information. For TTY service, call 546-0457. For up-to-date information on future agendas, call 546-2190 or see the web page at [www.cityofshoreline.com](http://www.cityofshoreline.com). Council meetings are shown on Comcast Cable Services Channel 21 Tuesdays at 12 noon and 8 p.m., and Wednesday through Sunday at 6 a.m., 12 noon and 8 p.m. Council meetings can also be viewed on the City's Web site at [www.cityofshoreline.com](http://www.cityofshoreline.com).*

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

<b>AGENDA TITLE:</b> Election of Mayor and Deputy Mayor <b>DEPARTMENT:</b> CMO/CCK <b>PRESENTED BY:</b> Scott Passey, City Clerk
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**EXECUTIVE/COUNCIL SUMMARY:**

State law and the Council's Rules of Procedure establish that Councilmembers shall elect a Mayor and Deputy Mayor for a term of two years on even-numbered years. This election will occur at the January 7, 2008 special meeting. After the meeting is called to order and the newly-elected Councilmembers are sworn in, the Clerk will lead the flag salute, call the roll, and then conduct the election of the Mayor.

The Clerk will call for nominations. No Councilmember may nominate more than one person for a given office until every member wishing to nominate a candidate has had an opportunity to do so. Nominations do not require a second. The Clerk will repeat each nomination until all nominations have been made. When it appears that no one else wishes to make a nomination, the Clerk will ask again for nominations. If none are made, the Clerk will declare the nominations closed. After the nominations are closed, the Clerk will call for the vote in the order that the nominations were made. Councilmembers will be asked to vote by a raise of hands. As soon as one of the nominees receives four votes, the Clerk will declare the Mayor elected and no votes will be taken on the remaining nominees.

Following the election of the Mayor, the Clerk will turn the gavel over to the Mayor, who will conduct the election of Deputy Mayor in the manner described above.

Approved by: City Manager \_\_\_\_\_ City Attorney \_\_\_\_\_

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**CITY OF SHORELINE**  
**SHORELINE CITY COUNCIL**  
**SUMMARY MINUTES OF WORKSHOP DINNER MEETING**

Monday, December 10, 2007  
6:00 p.m.

Shoreline Conference Center  
Highlander Room

PRESENT: Mayor Ransom, Deputy Mayor Fimia, and Councilmembers McGlashan, Gustafson, Way, Ryu, and Hansen

ABSENT: none

STAFF: Julie Modrzejewski, Acting City Manager

GUESTS: none

Mayor Ransom called the meeting to order at 6:25 p.m.

Acting City Manager Julie Modrzejewski mentioned that the new Council will have a half day retreat on Saturday, January 12, from 8:00 a.m. to 12:00 p.m. She asked if anyone had conflicts with the date. Councilmembers attending said the date would work well for them.

Councilmember McGlashan requested that tonight's workshop dinner meeting end at about 7:00 p.m. so that Councilmembers could attend the School District Board swearing in ceremony.

The Mayor reminded everyone about the upcoming Mayor and Council Holiday Party for staff on Thursday, December 13, starting at 5:00 p.m. at the Spartan Recreation Center.

It was mentioned that next week's Council meeting would be the public hearing on the moratorium. Some Councilmembers believed that the neighborhood meetings that developers are required to hold are inconsistent, and how well the neighborhood meetings go largely depends on who the developer is.

The meeting adjourned at 7:10 p.m.

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Julie Modrzejewski, Assistant City Manager

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**CITY OF SHORELINE**

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

Monday, December 10, 2007 - 7:30 p.m.  
Shoreline Conference Center  
Mt. Rainier Room

**PRESENT:** Mayor Ransom, Deputy Mayor Fimia, Councilmember Gustafson, Councilmember Hansen, Councilmember McGlashan, Councilmember Ryu, and Councilmember Way.

**ABSENT:** None.

**1. CALL TO ORDER**

At 7:30 p.m., the meeting was called to order by Mayor Ransom, who presided.

**2. FLAG SALUTE/ROLL CALL**

Mayor Ransom led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present. Mayor Ransom noted that some Councilmembers would be leaving to attend the swearing-in ceremony for the Shoreline School District Board members.

**3. REPORT OF THE CITY MANAGER**

Julie Modrzejewski, Acting City Manager, provided updates on City meetings, projects, and events. She said comments on the Mitigated Determination of Non-significance for the Aurora Corridor Project are due by December 12. She also noted that the "Parade Route" sculpture by artist Chris Bennett will be dedicated on December 17<sup>th</sup> at 3:00 p.m. in North City. Finally, she discussed the Pacific NW Magazine article highlighting the City of Shoreline called, "On the Edge of Opportunity."

Mark Relph, Public Works Director, and Debbie Tarry, Finance Director, provided an update on the storm event and the broken water main at 195<sup>th</sup> Avenue NE. He commented that the storm was an extraordinary event and although the City's response wasn't perfect, City staff did their best to minimize the impact. He discussed the rain accumulation and displayed a map outlining the origin of the 184 calls received. He also reported that the basement at City Hall flooded. He said the City has been assisting residents with information regarding a possible federal disaster declaration and encouraging people to document their damage. He highlighted that the staff created a flood recovery tips information sheet. Mr. Relph discussed the debriefing that occurred and the pre-planning for future events. One strategy that came from the debriefing was the leasing of three large pumps. Two of the pumps would be placed at Ronald Bog and the other would be placed in the Happy Valley area.

Ms. Tarry reported on the relocation of the Finance Department to the City Hall Annex building. She commented on the flood response. She stated the pump truck arrived on Monday along with movers and a pump truck. She said there were critical records that were damaged in the flood and they are currently in the process of being freeze-dried. She added that her department is compiling a list of equipment lost, and the estimated dollar figure is \$230,000 - \$250,000. In addition, King County needed a preliminary public property damage assessment, and that estimate is \$440,000.

Councilmember Ryu commended the City staff and said there have been some requests by Ronald Bog residents that there be some coordination of volunteer work to protect their property with the assistance of City's resources. She wondered if Emergency Management and the Council of Neighborhoods could work together to help reduce the damage. She would like to strengthen the City's storm water drainage policies to increase funding for more preventative measures.

Mr. Relph said debris pickup was an issue at Ronald Bog, noting that part of the reason the City staff is calling everyone back is to assess their level of need. He said the staff is looking at more strategic places to put sandbags.

Responding to Mayor Ransom regarding the Happy Valley community, Mr. Relph reported that there was flooding in yards and garages. He said he assumes that there is damage but hasn't heard from everyone in that area.

Councilmember Way commended staff on their performance all week. She was concerned about the people who had damage but didn't report it; she wanted to ensure it gets figured into the whole damage assessment. She highlighted that (206) 546-1700 is the phone number for residents to call. She added that King County may still declare this a disaster area and people should report everything. She asked about the Hidden Lake situation and if it was included in the King County damage estimate. She also asked if someone has discussed with King County why there is so much sediment there.

Ms. Tarry responded that there was damage at Hidden Lake. However, it isn't public property so it wasn't added to the assessment.

Mr. Relph commented that sediment is one of the issues to follow up with King County because there is a significant clean-up effort that needs to take place. He added that he is happy to talk to any of the public at the meeting tonight about any specific issues.

#### 4. REPORTS OF BOARDS AND COMMISSIONS

Councilmember Gustafson asked for time at the end of the meeting to report to the Council.

Councilmember Way stated she will possibly have a report ready next week concerning the topics discussed at the Water Resource Inventory Area 8 meeting.



Mayor Ransom commented that he earned the National League of Cities (NLC) platinum level award for continuing education. He said that the Jail Assembly Group (JAG) passed a vote to study building a municipal jail in the north end, but it is unclear whether it includes the City of Seattle.

Ms. Modrzejewski said she will prepare a memorandum to the Council concerning the jail outcome. She said most of the work will be occurring in 2008 and she will be informing the new Council about it.

## 5. GENERAL PUBLIC COMMENT

(a) Doug Reiss, Redmond, said he is a proponent of the Market Square Apartment Community, a proposed apartment complex at 20221 Aurora Avenue N. He said the proposed development is impacted by the moratorium. He urged the Council to exempt the development from the moratorium. He explained the site's unique topography and the proposed building design. There has been a neighborhood meeting and a proposed schedule has been developed. Additionally, there is an agreement with Flexcar for them to have their first outlet in Shoreline at this development.

Councilmember Ryu asked if there is a written record of the comments at the neighborhood meeting. Mr. Reiss responded that he will deliver a summary of those comments to the City staff tomorrow. He also said there will be access to bus lines, shopping, and this will be a pedestrian-friendly building. He commented that the rent will be affordable. He added that this is the same development firm that completed their expansion of the Forest Hills Estates located next to Top Foods.

(b) Brian Derdowski, Issaquah, on behalf of Public Interest Associates, said that the Echo Lake Buffer Associates wanted him to look at the proposal concerning the Echo Lake property donation to the City. He said there was a meeting with the City staff and there are several stakeholders that should be involved, including Inland Construction, the property owners, YMCA, the Parks Board, the City, and all of the residents in the area. He said the negotiated contract rezone puts forth a quality environmental restoration plan and there are a number of things that would fit into it, including a public dock, a beach, a picnic area, public art, and a boat safety program. He advised that if the City doesn't acquire the property, the owners will be prepared to sell the property, most likely to Inland Construction. He urged the Council to direct staff to move forward with the process and acquire the property.

(c) Walter Knox, Shoreline, said he resides along Ronald Bog, and the flooding resulted in 18 inches of water in his home. He said he is thankful for the City dumpsters, but he would like to prevent this from happening in the future. He knows the area has had a history of flooding problems when he bought it four years ago, and he knows the City has had a drainage design in the works for many years. However, he said he was disappointed in hearing the design only involves replacing the 18-inch pipe with one of the same diameter, which isn't big enough for the drainage system. He said he has heard from unhappy neighbors that the City keeps making promises but nothing is happening.

(d) Cynthia Knox, Shoreline, commented on the impact that flooding has on a household. She said it ruins appliances, the furnace, cars, and furniture. She said it has cost her a weeks worth of income. She thanked Councilmember Ryu and Councilmember Way for their phone calls. She said the flooding happened quickly. She expressed concern because she is relatively new to the neighborhood and found out that this has been a persistent problem for years. She is depressed about whether the property will appreciate in value.

Councilmember Way asked if they had any advice for the staff about what they could do better next time.

Ms. Knox responded that she had no idea it could be this bad; she said it would have been nice to be taught how to use the sandbags. She also said it would have been nice to have had some type of flood warning.

(e) Les Nelson, Shoreline, urged the Council to consider the benefits of maintaining the current moratorium. He said there is a mismatch between current zoning and Comprehensive Plan maps. Joe Tovar, he commented, understands the problems, and this moratorium will allow him and his staff to come up with better protections for single family residents. He stated that it isn't clear how the current zoning happened but it conflicts with the current Comprehensive Plan. He asked the citizens to attend the meeting next week and show support for single family neighborhoods so the City staff can devise a better development code.

(f) Karen Heidergott, an employee of King County Facilities Management, commented on the Cromwell Park Master Plan. She said that the King County District Court is a neighbor of the park and the District judges and staff are enthusiastic about the improvements. However, there are concerns about security, parking, the detention pond capacity, and safety. She added that the City's Parks, Recreation and Cultural Services Department is already aware of these concerns.

(g) Boni Biery, Shoreline, said there are issues that need to be considered pertaining to Ronald Bog. An alarm is good, she said, but it is only an interim fix. Not having a flood at all is better, she noted. She commented that there is a lot of fill that was put in there and it would make sense to remove some of it. She also added that it may be a good idea to daylight the creek south of the Bog.

Ms. Modrzejewski extended the City staff's regret for the flooding, noting that a home is the most precious asset anyone can have. She said she is very sorry resident experienced that. She said the City staff wants to find some relief and solutions for them. She commented favorably on the suggestions and ideas from the residents, adding that there is an update on the south Echo Lake property in the Council reading packet.

Councilmember Way commented on the need to be proactive regarding Ronald Bog, since there will be short-term and long-term solutions relating to both upstream and downstream issues.

Deputy Mayor Fimia recalled that the Council received a briefing on Ronald Bog a long time ago, and part of the reason to install larger pipes and not daylight was due to the historical

resistance from the neighborhood. The reason the larger pipes were not installed is because the State said if you put in the pipes, the City has to daylight the Bog.

Mr. Relph responded that the basin is very difficult to solve from a flood protection standpoint. He announced that it isn't realistic to eliminate flooding or design and build infrastructure to accommodate 100-year storm events such as this one. He said that the issue is discharging at no more than the historic rate of the City limits of Seattle. For the City to capture all of storm water and distribute it would leave Shoreline liable for flooding the City of Seattle. The challenge, he stated, is trying to capture and retain the headwaters and release the water slowly. There are two strategies, he said, that the City has been looking into. The first is for the detention to occur at Cromwell Park, and the second is to detain the flow at Ronald Bog itself. He maintained that the opportunity to increase the detention capability there is good, and he is convinced that this is where the attention needs to be focused. This will help the size of the conduit that is used to channel the water downstream. He said some of the work has started in the basin and the capacity has been added, but it needs to be raised incrementally. He concluded that this will take some maintenance and balancing with all the City's resources.

Councilmember Ryu is happy that relief is coming and the Council needs to support and lead the push for it. She said there needs to be political pressure by citizens so the City gets funding assistance. She commented that it is helpful that the Ronald Bog residents are engaged in the process. She asked if everyone should be keeping written records so they can be passed to the legislature and others for reference.

Mr. Relph responded that documentation is very helpful to make the case. Additionally, he said that becoming a flood control zone district would be good, but "politically tough" for the City to accomplish.

Councilmember McGlashan questioned if the detention pond is working at the transfer station and if it flooded as a result of this event. He also wondered about the ponds downstream from the transfer station. Mr. Relph confirmed that the transfer station detention pond did fill up.

Councilmember Way also noted that the two ponds at Twin Ponds ended up becoming one because they both flooded. Mr. Relph restated that detention is a vital solution if it is done at the upper end of the basin. He commented that there is some calculus and thought involved. He communicated that James Keogh Park may also be a good place to look for detention solutions.

Councilmember McGlashan wondered if some of the fill in Ronald Bog can be dredged out to create more capacity. Mr. Relph responded that it will be a part of the evaluation process as a solution is sought after.

Councilmember Hansen asked if the two detention ponds at 185<sup>th</sup> Street and 10<sup>th</sup> Avenue and 15<sup>th</sup> Avenue and 175<sup>th</sup> Street were full. Mr. Relph responded that they were both full.

Councilmember Hansen stated that he visited the pond at 175th and 10th and it was empty as of 1:00 p.m. Monday afternoon. He commented that an example of detention at the source is the Howard Hansen Dam which protects the Green and Snoqualmie Rivers. He added that the Green River didn't have problems during this storm event and this is an opportunity for us to show what

happened at Ronald Bog as leverage to get some funds. Mr. Relph said he would like to partner with the City of Seattle on this. Councilmember Hansen agreed and said the City will have to because the water would dump into the Thornton Basin which causes problems in Meadowbrook Pond.

Mayor Ransom said he has lived in this area for 36 years with the Ronald Bog and Corliss Avenue flooding issues. He noted that there were floods that were three feet deep with regular amounts of rainfall. He stated the City has spent millions trying to correct problems and the City has done more work on surface water than King County. He said it is bad at Corliss Avenue, but not as bad as it used to be.

Deputy Mayor Fimia said there needs to be an interdepartmental solution. This event, she said, is a good “wake up call” regarding climate change and development. She felt there needs to be more work done on detention, and the legislators and planners shouldn’t make matters worse. She added that the City should ask businesses, churches, and the residents where it makes sense to reclaim wetlands. She commented there may be incentives for people who remove impervious surfaces on their property. She questioned if the Seattle Public Utilities pipe break was a coincidence. She commented that it probably was not isolated and it will happen again. She felt there needs to be some accountability in the utility firms and wanted to know if the City can obtain the written assessments and get an idea if it will be happening again. She wondered if there could be a settlement of who is legally responsible.

Councilmember Way suggested the Council switch Item 8(a) with Item 9(a).

## 6. APPROVAL OF THE AGENDA

**Councilmember Hansen moved approval of the agenda. Councilmember Gustafson seconded the motion. Councilmember Way moved to switch Item 8(a) with Item 9(a), seconded by Councilmember Ryu. Councilmember Hansen commented that the Council shouldn’t postpone Ordinance No. 476. A vote was taken on the motion to switch Item 8(a) with Item 9(a), which failed 3-4, with Deputy Mayor Fimia, Councilmember Ryu, and Councilmember Way voting in the affirmative. A vote was taken on the motion to approve the agenda, which carried 6-0, with Councilmember Way abstaining.**

## 7. CONSENT CALENDAR

**Councilmember Hansen moved approval of the Consent Calendar. Councilmember Gustafson seconded the motion, which carried 7-0, and the following items were approved:**

- (a) Approval of expenses and payroll as of November 28, 2007 in the amount of \$804,016.47**
- (b) Acceptance of Washington State Department of Ecology (DOE) Grant to Complete the Shoreline Master Program**
- (c) Motion to Authorize the City Manager to Obligate \$3,600,000 of Surface**

**Transportation Program (STP) Grant Funds for the Right-of-Way Phase of the Aurora Corridor Project (N. 165<sup>th</sup> Street - N. 205<sup>th</sup> Street)**

**(d) Ordinance No. 477 amending the International Building Code, International Residential Code and International Fire Code and amending Sections 15.05.010, 15.05.030, 15.05.040 and 15.05.050 of the Shoreline Municipal Code**

**(e) Ordinance No. 487 amending Ordinance No. 449, Ordinance No. 457, Ordinance No. 463, Ordinance No. 467, and 483 by Increasing the Appropriation for the Equipment Replacement Fund**

**8. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS, AND MOTIONS**

(a) Ordinance No. 476 amending the City's Comprehensive Plan Land Use Designation and the City's Official Zoning Map Tile No. 480 changing the Comprehensive Land Use Designation from Medium Density Residential to Mixed Use (MU) and the zoning from Residential 12 DU-AC (R-12) to Residential 48 DU-AC (R-48) of two parcels located at 146 and 422 N. 145th Street

Joe Tovar, Planning and Development Services Director and Steve Szafran, Project Planner introduced the staff report.

Mr. Szafran commented that there are two medium-density parcels surrounded by the MU land use. He continued and explained how this proposal meets the Comprehensive Plan (CP) requirements.

Ian Sievers, City Attorney, highlighted that a CP amendment is legislative and a site specific zone is quasi-judicial. However, both of these are often brought together. He stated that comments should be taken on the CP land use designation, but there should be a closed record for the rezone.

Mr. Tovar added that there are two hearings and the hearing body is the Planning Commission. This is not a public hearing on the amendment. However, he explained the Council could take public comment on the CP amendment and not speak to the zoning issue.

Mayor Ransom opened the item to public comment.

(a) Dennis Lee, Shoreline, commented that the City can only amend the CP once per year and urged the Council not to amend it at this time if it prevents an amendment in 2008.

(b) Brian Derdowski, Issaquah, said a CP amendment and a site-specific rezone makes sense to be coupled if it includes a number of properties, as opposed to a site-specific rezone. He added that mixing a quasi-judicial site-specific rezone with a CP amendment corrupts both processes. This is a complex legal question that is abused by many jurisdictions, he said. He added that it is within the Council authority to direct the staff to separate these. He added that it is clear there needs to be more clarity. He urged the Council to postpone the item until next week

and ask for a memorandum from the City Attorney to adopt some findings as to why it is appropriate to adopt both of the actions at the same time. He commented that he isn't addressing the merits of the actual rezone, just the process that the Council is following with this. He also said that there are significant SEPA related issues because the site-specific rezone didn't look at SEPA impacts. The item is a legislative action and a quasi-judicial action, he concluded.

(c) Les Nelson, Shoreline, highlighted that he has been talking about the CP review process at recent Council meetings. He said the review process, by the Revised Code of Washington, requires that the amendments be broadly disseminated to public. He questioned what happened in the past with CP amendments. He concluded that there are lots of residents that don't understand the process.

Mr. Sievers said he has discussed this issue with land use attorneys and they even say the CP is confusing for the public when both of these two actions are put together. He said he didn't think it was when discussion of the CP was done separately. He felt since the CP is not a regulation it might be a good idea to separate them and close the public hearing record. However, he added that this process is obviously more efficient for the property owner.

Mr. Tovar commented that the City got to this point by having to deal with a zoning map that the City inherited from King County. It has been amended several times by the Council but there are still pieces that aren't consistent with the CP. He revealed that the City still has a lot of reform and rethinking to do on the CP itself, the zoning code, and how they fit together.

**Councilmember Hansen moved to approve Ordinance No. 476 amending the City's Comprehensive Plan Land Use Designation and the City's Official Zoning Map Tile No. 480 changing the Comprehensive Land Use Designation from Medium Density Residential to Mixed Use (MU) and the zoning from Residential 12 DU-AC (R-12) to Residential 48 DU-AC (R-48) of two parcels located at 146 and 422 N. 145<sup>th</sup> Street. Councilmember Gustafson seconded the motion.**

Councilmember Hansen explained that this isn't a site-specific change because there are two pieces of property, owned by two different property owners. Thus, this isn't a normal spot-zone, he commented, and this makes a larger area more consistent. He supported the item. Councilmember Gustafson concurred.

Councilmember Way said she is finding it difficult to separate the CP amendment and the rezone. She is concerned about the water tower and doesn't know if the infrastructure question has been properly addressed.

Councilmember Ryu questioned how old the underground pipes are at the site and the number of units the developer can build at the site.

Mr. Szafran replied that according to the approved site plan the developer can already build ten (10) units and the rezone would allow one more unit.

Councilmember Ryu wondered who would be responsible for damages if 11 units are built and the pipes burst.

**Deputy Mayor Fimia moved to divide the question. Councilmember Way seconded the motion.** Councilmember Ryu stated she supported the motion for record keeping and legality purposes. Mayor Ransom supported dividing the question. **A vote was taken on the motion to divide the question, which carried 5-1, with Councilmember Hansen dissenting and Councilmember Gustafson abstaining.**

**Councilmember Ryu moved to amend the Comprehensive Land Use Designation from Medium Density Residential (MDR) to Mixed Use (MU) of two parcels located at 146 and 422 N. 145<sup>th</sup> Street. Councilmember McGlashan seconded the motion.**

Councilmember Way discussed the issue of the infrastructure and the water tower. She noted that capital facilities goal CF-1 addresses providing adequate infrastructure. She asked if there is information concerning the infrastructure.

Mr. Tovar responded that the City staff and the Planning Commission didn't focus on this since this isn't the level of analysis required for a zoning code amendment. However, he added that the City staff isn't aware of any service problems on that property.

Councilmember Way asked about the impervious surface issue and stated that LU-145 in the CP Land Use Element discusses adding pervious surfaces and she doesn't see it adequately addressed.

Mr. Tovar said there are many goals in the CP which provide some direction. He said there is sufficient infrastructure and there is no impervious surface threshold that will be tipped if this site is developed as R-48. Additionally, he said the Planning Commission concluded that there is sufficient infrastructure.

Councilmember Way questioned how there is sufficient infrastructure when the cumulative impacts have led to major flooding in the City. She commented that the residents always hear that there won't be any cumulative impacts.

Mr. Tovar responded that this item is about one piece of ground and it doesn't make a large difference based on what is in place in the entire neighborhood.

Councilmember McGlashan commented that this rezone has got to be more than 10% of the total area. He supported the CP amendment because this is exactly what he has been hearing from the community regarding tiered developments.

**A vote was taken on the motion to amend the Comprehensive Land Use Designation from Medium Density Residential (MDR) to Mixed Use (MU) of two parcels located at 146 and 422 N. 145<sup>th</sup> Street, which carried 6-0, with Councilmember Ryu abstaining.**

**Councilmember Gustafson moved to approve the zoning from Residential 12 DU-AC (R-12) to Residential 48 DU-AC (R-48) of two parcels located at 146 and 422 N 145<sup>th</sup> Street. Councilmember Hansen seconded the motion.**

Councilmember Ryu referred to page 47 of the staff report and expressed concerns about increasing the building coverage from 55% to 70% and an increase in the amount of impervious surfaces from 75% to 90%. She is also concerned about adequate parking for the residents and the neighborhood.

Mr. Tovar commented that this is only a zone map change and there will be two spaces per unit if there are 11 units built.

Councilmember Hansen clarified that the permitting process will require the building owner to retain flow on property regardless of pervious surface.

**A vote was taken on the motion to amend the zoning from Residential 12 DU-AC (R-12) to Residential 48 DU-AC (R-48) of two parcels located at 146 and 422 N 145<sup>th</sup> Street, which carried 6-0, with Councilmember Ryu abstaining.**

**Councilmember Way moved to adopt Ordinance No. 476 and affirm the findings of the Planning Commission. Councilmember McGlashan seconded the motion, which carried 6-0, with Councilmember Ryu abstaining.**

## MEETING EXTENSION

**At 10:00 p.m., Councilmember Ryu moved to extend the meeting until 10:30 p.m. Councilmember Way seconded the motion, which carried 5-2, with Councilmember Gustafson and Councilmember Hansen dissenting.**

## 9. NEW BUSINESS

### (a) Draft Master Plan for Cromwell Park

Ms. Modrzejewski introduced Parks, Recreation and Cultural Service (PRCS) Director Dick Deal, Surface Water & Environmental Services Manager Jerry Shuster, and Parks Project Coordinator Maureen Colaizzi, who reviewed the staff report.

Mr. Deal stated this item is a joint-use project between the Public Works and PRCS Departments. The project provides recreation facilities and fulfills the City's need for storm water cleaning and detention. He thanked the community for attending public meetings and sharing their thoughts. He said the City staff are proud of the design and feel it will be a great enhancement to the neighborhood, the parks system, and the City's storm water detention system. He explained that funding for the project comes from the Parks bond and storm water improvement funds. He commented that a master site plan is a general assessment, so the details will come later after the initial master site plan is approved.



# DRAFT

Ms. Colaizzi stated that the process started a year ago when the City hired a consultant team. She introduced Chuck Warsinske and Peg Gaynor, who both have experience in integrating storm water projects with parks projects.

Mr. Warsinske commented favorably on the process of working with citizens and the City departments. He highlighted that the design plan functions for storm water and recreation. He displayed slides of Cromwell Park. He reviewed the park's present configuration.

Ms. Gaynor added that they did some historic research and discussed the history of the topography at the park. She discussed that there used to be a school, a fill site, and a buried peat bog located in the outfield of the current baseball field.

Mr. Warsinske reviewed the site analysis and the soils at the site. Ms. Gaynor discussed the water flow at the area after the storms of December 1-3, 2007. The preferred and alternate plans A and B have storm water plans integrated into the site design. However, in plans C & D the storm water plans are not included, she pointed out. She explained that the bog will serve as storm water detention and provide water polishing. She added that the site will also have a new acre of wetlands.

Mr. Warsinske said he discussed the proposed development with the neighbors and asked them what kind of buffer they wanted; they stated they wanted to be able to see the park and still maintain privacy. He also noted that there will be an improved water detention feature on the ball fields. Additionally, there will be an amphitheater, a walking path system, and about 230 total parking spaces around the park located along Corliss Avenue, Meridian Avenue, 179<sup>th</sup> Street, the church, and in the District court lot. He added that during the public process there was a concern about parking, but he thinks it has been addressed. He concluded that the cost summary for the entire project is \$1.6 million, with \$1 million coming from the Parks bond and \$650,000 coming from the storm water budget.

Ms. Colaizzi said this item went through an extensive public process and the PRCS board unanimously recommended approval of the master plan.

## MEETING EXTENSION

**At 10:30 p.m., Councilmember Way moved extend the meeting until 10:45 p.m.  
Councilmember Ryu seconded the motion, which carried 7-0.**

Councilmember Hansen commented that this looks like a regrading project. He asked how many cubic yards would be moved.

Ms. Gaynor said she thinks it will be about 12,000 cubic yards because it is a balanced cut and fill on site, basically utilizing the same 12,000 cubic yards twice.

Councilmember Hansen asked about the additional acre of wetland that is going to be created. He said he knows that the Public Works Director is hoping to get two acre-feet.

Ms. Gaynor responded that the wetland doesn't do all of the detention. She discussed the wetland system at the park and said she would get more details to the Council concerning all of the work they are proposing.

Councilmember Hansen assumed that the consultants will be metering the flow out of the wetland at the southwest corner of the property. He commented that the houses flood on the north side of 175<sup>th</sup> Street.

Ms. Gaynor commented that that entire area used to be bog.

Mayor Ransom called for public comment. There was no one wishing to speak on this item.

Councilmember Gustafson applauded the efforts of PRCS board and staff and expressed his excitement about the project. He liked the idea of being able to combine play areas and storm water detention. However, he is concerned about sand-based fields because they deteriorate due to a lack of maintenance. He said there needs to be a commitment by the City to maintain this area once it is built. He hoped that there will be art work and a system of trails. He also said he would like to see the park have a dedicated fitness/exercising area as well as plenty of benches. He asked if Meridian is the best location for the main entrance and if there will be more entrances.

Ms. Gaynor noted that most of the people that utilize the site enter from Meridian Avenue. However, there are several ways to get into the park.

Councilmember Gustafson also expressed his concerns about security for children in the evening. He felt the neighbors need to be able to see through to the park to watch neighborhood children and discourage vandalism.

Councilmember Way said she hoped there will be interpretive signs noting that the area serves as the headwaters of Thornton Creek. She said she received a letter from a sixth-grader who wants sidewalks. She inquired if all the plantings at the site will be native.

Ms. Gaynor said most of them will be native, but the plant palette is not established yet.

Councilmember Way confirmed the direction of the water flow with Ms. Gaynor. She also stated that she would like to see pervious pavement used at the site.

Deputy Mayor Fimia noted that parents will be able to watch their older children and the younger children at the same time at this park. She said there is more visibility and as well as more choices, which may include local artists and functional art. She said it is a beautiful plan.

## MEETING EXTENSION

**At 10:45 p.m., Councilmember Ryu moved extend the meeting until 10:55 p.m. Councilmember Way seconded the motion, which carried 4-3, with Councilmember Gustafson, Councilmember Hansen, and Councilmember McGlashan dissenting.**

Councilmember Ryu thanked the PRCS and Public Works staff for this. She asked if there are enough funds for Phase 2, the completion of the detention system.

Mr. Warsinske confirmed that there are enough funds for Phase 1. He added that the challenge is going to be coming up with Phase 2 funding. He also responded to the comments of Deputy Mayor Fimia and Councilmember Way stating that he supported pervious pavement, local artists, and having a functional park. He concluded that it will be a great resource for nearby neighbors.

Councilmember McGlashan thanked the City staff and consultants for their work. He verified that the basketball court was going to be a full-size court.

Councilmember Gustafson felt this is an opportunity to seek grant funding, especially because it concerns increasing the wetlands in the City. He encouraged the City staff to research it.

Mayor Ransom thanked the City staff and consultants. He stated he is pleased to see end result. Additionally, he commented that his son went to kindergarten at Cromwell.

Councilmember McGlashan said he is excited that there is discussion on how to make an empty, rarely-used park more user-friendly in a City that is discussing increased densities. He is thrilled that Cromwell Park will be used more after this project is complete.

## 10. ADJOURNMENT

**At 10:55 p.m., Mayor Ransom declared the meeting adjourned.**

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Scott Passey, City Clerk

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

<b>AGENDA TITLE:</b> 2008 Shoreline Historical Museum Contract
<b>DEPARTMENT:</b> Parks, Recreation & Cultural Services
<b>PRESENTED BY:</b> Lynn M. Cheeney, Recreation Superintendent

**PROBLEM/ISSUE STATEMENT:**

The City of Shoreline has contracted with the Shoreline Historical Museum since 1996 to assist in providing educational and heritage opportunities for the citizens of Shoreline. There is \$63,858 allocated in the 2008 Parks, Recreation and Cultural Services budget for these services. Under this contract the Museum provides exhibits, lectures, tours, historic preservation research and a facility as specified in Attachment A. The Museum Director also provides a detailed update and briefing on programs and attendance annually to the City Council.

**FINANCIAL IMPACT:**

This contract was anticipated and included in the 2008 budget at \$63,858. City funding has been established on a per capita basis with the per capita amount generally adjusted annually by a cost of living increase. For 2008 the increase was 3.15 % (90% of the Seattle Consumer Price Index) for a per capita amount of \$1.20 per resident. City purchasing policies require that contracts exceeding \$50,000 be reviewed and approved by the City Council.

**RECOMMENDATION**

Staff recommends that the City Council authorize the City Manager to execute a contract between the City of Shoreline and the Shoreline Historical Museum in the amount of \$63,858 to provide educational and heritage opportunities for the citizens of Shoreline.

Approved By:

City Manager 

City Attorney 

## **INTRODUCTION**

The City of Shoreline has had a contract with the Shoreline Historical Museum since 1996. The Museum provides valuable historic preservation, education, and information to the City and the community. In 2006, a special exhibit was created for the City's 10 year anniversary. The Museum facility is open all year, with typical hours being Tuesday through Saturday 10 a.m. to 4 p.m. Archives are open to the public each Wednesday from 10:00 a.m. to 1:00 p.m. for research. The Museum Director provides special tours and related research to the City as needed.

## **BACKGROUND**

The Shoreline Historical Museum will be providing the following heritage programs for City of Shoreline residents:

- Museum exhibits – 2 rotating exhibits  
April – Our Wicked Past: Historic Crimes and Mishaps  
November – Maureen Schultz Kruckeberg: A Horticultural Legacy for the Washington Community. This will be in partnership with the Kruckeberg Foundation and a grant from the Washington Women's History Consortium.
- Lectures – Approximately 6 lectures per year.
- Tours and related programs – Approximately 30 to 50 tours per year, plus monthly hands-on days and Passport to History.
- Historic Preservation Research  
Services provided year-round for citizens and community groups.
- Traveling Exhibits – Outgoing
- Provide three different traveling exhibits, available to other museums, schools and/or organizations.

## **RECOMMENDATION**

Staff recommends that the City Council authorize the City Manager to execute a contract between the City of Shoreline and the Shoreline Historical Museum in the amount of \$63,858 to provide educational and heritage opportunities for the citizens of Shoreline.

## **ATTACHMENTS**

A. Scope of Work and Compensation

**EXHIBIT A  
CITY OF SHORELINE  
SCOPE OF WORK AND COMPENSATION**

17544 Midvale Ave., N., Shoreline, WA 98133  
(206) 546-1700 ♦ Fax (206) 546-7870

**Shoreline Historical Museum**

1. The Shoreline Historical Museum agrees to provide the following heritage programs for City of Shoreline residents:
  - Museum Exhibits – 2 rotating exhibits
    1. Our Wicked Past – Historic Crimes and Mishaps
    2. Mareen Schultz Kruckeberg – A Horticultural Legacy for the Washington Community
  - Lectures – Approximately 6 lectures per year
  - Tours and related programs – Approximately 30 to 50 tours per year, plus monthly hands-on days and Passport to History

**Historic Preservation Research**

Services provided year-round for citizens and community groups.

**Traveling Exhibits – Outgoing**

Provide three different traveling exhibits, available to other museums, schools and/or organizations.

2. Janitorial services will be performed at least twice per week.
3. The Museum facility will be open year-round, with typical hours being Tuesday through Saturday 10 a.m. to 4 p.m. Archives open to public each Wednesday from 10:00 a.m. to 1:00 p.m. Special tours and related research to be available by appointment. Unscheduled programming to include both outreach and site-based lectures and oral histories.
4. The total compensation shall be \$63,858 payable in four equal payments. A Bill Voucher (Exhibit B) shall be submitted each quarter. Requests are to be submitted at the end of March, June, September and November. A completed Program Attendance Form(Exhibit D) must accompany each Billing Voucher. A Taxpayer Identification Number (Exhibit C) must be submitted prior to any requests for funds.
5. In an effort to increase program publicity, Museum Director will provide information and photos on upcoming activities for submittal in the PRCS Recreation Guide. PRCS staff will notify Museum Director well in advance of deadlines.

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

<b>AGENDA TITLE:</b> 2008 Shoreline Lake Forest Park Arts Council Contract
<b>DEPARTMENT:</b> Parks, Recreation & Cultural Services
<b>PRESENTED BY:</b> Lynn M. Cheeney, Recreation Superintendent

**PROBLEM/ISSUE STATEMENT:**

The City of Shoreline has contracted with the Shoreline Lake Forest Park Arts Council since 1996 to assist in providing educational and cultural opportunities for the citizens of Shoreline. There is \$63,858 allocated in the 2008 Parks, Recreation and Cultural Services budget. These programs include but are not limited to Concerts in the Parks, Children's Series and the annual Shoreline Arts Festival. It also includes the agreement for the use of the Showmobile (Attachment A). The Director of the Arts Council also provides an annual detailed briefing to the City Council on the programs and attendance at the events sponsored by the Arts Council.

**FINANCIAL IMPACT:**

This contract was anticipated and included in the 2008 budget at \$63,858. City funding has been established on a per capita basis with the amount generally adjusted annually by a cost of living increase. For 2008 the increase was 3.15 % (90% of the Seattle Consumer Price Index) for a per capita amount of \$1.20 per resident. City purchasing policies require that contracts exceeding \$50,000 be reviewed and approved by the City Council.

**RECOMMENDATION**

Staff recommends that the City Council authorize the City Manager to execute a contract between the City of Shoreline and the Shoreline Lake Forest Park Arts Council in the amount of \$63,858 to provide art and cultural opportunities for the citizens of Shoreline.

Approved By:

City Manager 

City Attorney 

## **INTRODUCTION**

The first contract between the City of Shoreline and the Shoreline Lake Forest Park Arts Council was created in 1996 to provide cultural services to the City. Since 1996, the City and the Shoreline Lake Forest Park Arts Council have enjoyed a positive relationship serving our Shoreline community with a variety of programs and events that would not be possible without this partnership. Over 18,650 Shoreline residents participated in these events and programs made possible by the 2007 contract.

In 2004, the City of Shoreline contributed \$25,000 to the Arts Council for the Showmobile (a portable stage). This contribution gave the City authorization to use the Showmobile for City concerts and special events. The City provides the Arts Council transportation of the Showmobile for programs and events in the City of Shoreline.

## **BACKGROUND**

The 2008 Contract contains the following services and programs to the city of Shoreline:

### ***Shoreline Arts Festival***

Two-day summer event presenting a wide variety of arts for all ages, including visual, performing, cultural and literary activities, exhibits, and programs.

### ***Concerts/Performances in the Parks***

Six evening summer concerts/performance in Shoreline parks.

### ***Arts in Cultural Series***

Adult/family series featuring a minimum of four different performance events during the fall, winter and spring.

### ***Children's Series***

Children's/family series featuring a minimum of three different performance events during the winter and spring.

### ***Community Outreach***

Includes responding to and working with a variety of community organizations on arts related projects.

### ***Showmobile***

The City may use the Showmobile for City sponsored events in Shoreline at no cost to the City. The City agrees to transport Showmobile for the Arts Council events held in Shoreline at no cost to the Arts Council.

## **RECOMMENDATION**

Staff recommends that the City Council authorize the City Manager to execute a contract between the City of Shoreline and the Shoreline Lake Forest Park Arts Council in the amount of \$63,858 to provide art and cultural opportunities for the citizens of Shoreline.

## **ATTACHMENTS**

A. Scope of Work and Compensation

**EXHIBIT A  
CITY OF SHORELINE  
SCOPE OF WORK AND COMPENSATION**

17544 Midvale Ave., N., Shoreline, WA 98133

(206) 546-1700 ♦ Fax (206) 546-7870

**Shoreline-Lake Forest Park Arts Council**

1. The Shoreline-Lake Forest Park Arts Council agrees to provide the following cultural programs and community outreach for the city of Shoreline citizens:

***Shoreline Arts Festival***

Two-day summer event presenting a wide variety of arts for all ages, including visual, performing, cultural and literary event, activities, exhibits, and programs.

***Concerts/Performances in the Parks***

Evening summer concerts/performances in Shoreline parks.

***Arts in Cultural Series***

Adult/family series featuring a minimum of four different performances events during the fall, winter and spring.

***Children's Series***

Children's/family series featuring a minimum of three different performance events during the winter and spring.

***Community Outreach***

Includes responding to and working with a variety of community organizations on arts related projects.

2. The Shoreline Lake Forest Park Arts Council agrees to contract with performers of the City's choosing for the following City events:

***Celebrate Shoreline***

One performance at the City's Celebrate Shoreline festival.

***Hamlin Haunt***

One evening performance at the City's Hamlin Haunt Halloween event.

3. The Shoreline Lake Forest Park Arts Council agrees to comply with all City regulations.
4. Identify the city of Shoreline as the primary "co-sponsor" of these program, defined as follows:

- A. For all printed program promotional materials, appropriately list the words, "with support from the City of Shoreline." Separate listing will include City logo and standard phrasing. Printed program promotional materials shall include, but not limited to, posters, signs, flyers, newsletter listing, media advertising, etc. The City recognizes that publications of articles may be subject to edits by the new media, but that the Shoreline-Lake Forest Park Arts Council will make every attempt to acknowledge the City by name.
  - B. Inclusion, when appropriate, of the City's name in City-funded programs in Public Service Announcements, and any other non-print media.
  - C. Display of City's identification banner at outdoor events and easel and signage for use at indoor events.
- 5. In an effort to increase program publicity, Shoreline Lake Forest Park Arts Council Executive Director will provide information and photos on upcoming activities for submittal in the PRCS Recreation Guide. PRCS staff will notify Executive Director well in advance of deadlines. The Arts Council agrees to allow the City of Shoreline the use of the Showmobile for City sponsored events. The City agrees to provide in-kind labor from the Parks, Recreation and Cultural Services Department to assist with the transportation, set-up and take down of the Showmobile for Arts Council events in the City of Shoreline.
- 6. Total compensation shall be \$63,858 payable in four equal payments. Bill Voucher (Exhibit B) shall be submitted each quarter. Requests are to be submitted at the end of March, June, September and November. A completed Program Attendance Form (Exhibit D) must accompany each Billing Voucher. A Taxpayer Identification Number (Exhibit C) must be submitted prior to any requests for funds.

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

<p><b>AGENDA TITLE:</b> Special Needs Group Housing in the City of Shoreline <b>DEPARTMENT:</b> CMO <b>PRESENTED BY:</b> John Norris, Management Analyst</p>
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**PROBLEM/ISSUE STATEMENT:**

The Shoreline Police and Fire Departments have indicated that there is a burden on Police and Fire services (first responders) in safely and effectively responding to service calls at Group Homes. This burden, which may be caused by the high concentration of Group Homes in Shoreline, constrains the Shoreline Police and Fire Department's available resources to provide service to the community at large. Citizen concerns with the concentration of some Group Homes in residential neighborhoods may also exist.

Solutions to these problems can only be achieved within the legal framework created by state and federal law. As Group Homes are certified and licensed by the Washington State Department of Social and Health Services (DSHS), there is often little that local jurisdictions can do to "regulate" their operation, including how often and under which circumstances calls for service to local Police and Fire Departments are requested. Attempts at various types of municipal code ordinances that try to manage how Group Homes operate may be scrutinized and deemed in violation of the various federal and state laws that address Group Homes.

**RECOMMENDATION**

No action is required. This report presents potential options for Council discussion and consideration.

Approved By:      City Manager  City Attorney \_\_\_\_

## **INTRODUCTION:**

City of Shoreline, Shoreline Police Department and Shoreline Fire Department staff have tried to address various issues that concern Group Homes in Shoreline for many years. Most prominently, the Shoreline Police Department formally tried to start addressing safety and lack of information concerns in Group Homes in 2001. Discussions were also held between City of Shoreline Human Service staff and the Shoreline Police and Fire Departments regarding various Group Home issues, and the Shoreline City Attorney's Office began drafting a memo in 2003 (updated in 2006) which outlines what types of restrictions the City of Shoreline can and cannot place on Adult Family Homes and other types of residential care facilities. Although these previous efforts and discussions had taken place, in November of 2006, additional meetings attended by City of Shoreline, Shoreline Police and Shoreline Fire staff were held to further discuss first responder concerns. This culminated in a meeting held May 31, 2007, where systemic problems and concerns regarding Group Homes and potential solutions to these problems were identified.

At this meeting it was confirmed that a high concentration of Group Homes exists in Shoreline. It was also confirmed by the Police and Fire Departments that there is a heavy burden on their agencies in safely and effectively responding to service calls at Group Homes. This burden constrains the Shoreline Police and Fire Department's available resources to provide service to the community at large.

In addition to these City staff and first responder concerns, various City Councilmembers have identified questions and concerns about the level of first responder service provided to Group Homes. Most recently, at the Council's April 2, 2007 Council meeting, some questions regarding Group Homes were identified during the King County Medic One/Emergency Medical Services Levy Authorization discussion. Specifically, questions were raised regarding Group Homes "taking advantage" of Emergency 911 services by utilizing those services prior to addressing a resident concern using their own resources. Other questions were also noted, such as whether the Fire Department can begin tracking data on the number of service calls to Group Homes to determine if there is a disproportionate level of service being provided.

As a result of these long standing discussions, Council questions and City and first responder identified issues, it was determined that a general Council briefing on Group Homes in Shoreline might be helpful to Shoreline Councilmembers. This staff report will attempt to provide this briefing as well as provide possible options for Council consideration to address the issues identified by Shoreline first responders. Additionally, this staff report will contain an overview of the classifications of Group Homes, an overview of the legal and regulatory environment of Group Homes, and an analysis of the concentration of Group Homes in the City of Shoreline.

## **BACKGROUND:**

Group Homes serving special needs populations are regulated and overseen by the Washington State Department of Social and Health Services (DSHS). DSHS is a very large state agency that serves many functions, from providing service to developmentally disabled persons, to overseeing child protective services, to administering drug and alcohol detoxification services. Similarly, there are many ways in which they provide housing and residential support services to special needs clients. How they organize,



contract, case manage, license and certify the various homes, service programs and individuals they are responsible for is fairly complex. The next few sections of this report will attempt to provide some clarification on the Group Homes located in Shoreline and some of the services provided in Shoreline that are overseen by DSHS.

### **Group Home Classifications:**

There are generally two types of special needs adult Group Homes within the City of Shoreline: Licensed and Unlicensed Group Homes. Licensed Group Homes include Boarding Homes, Adult Family Homes, and Nursing Homes, and are licensed by the DSHS, Aging and Disability Services Administration (ASDA), Residential Care Services Division (RCS). See Exhibit 1 in the Appendix for a map of all Licensed Group Homes in Shoreline.

Unlicensed Group Homes includes private housing whose residents receive services from the Certified Community Residential Services and Support (CCRSS) program. CCRSS are services provided by the DSHS, ASDA, Division of Developmental Disabilities (DDD) to DDD clients in a residential setting, either licensed or unlicensed. CCRSS is a joint DSHS, ASDA, DDD/RCS program where the DDD provides case management for support services and holds the contracts for service providers, while RCS certifies and oversees the residential service provider.

### Adult Family Homes:

Adult Family Homes (AFH) are regular family homes where a person or persons provides room and board, personal care, intermittent nursing care, and potentially other types of service to more than one but not more than six unrelated adults.<sup>1</sup> A room, meals, laundry, supervision and varying levels of assistance with care are provided. Some AFHs provide occasional nursing care, while some offer specialized care for people with mental health issues, developmental disabilities or dementia. RCS requires that AFHs have sufficient space to accommodate all residents and still maintain a satisfactory quality of life. AFHs are inspected at least once every 18 months, but unannounced inspections can happen at any time. AFHs are considered a residential use of property, and state law permits their use in those areas zoned for single family dwellings.

As of October of this year, there were 117 Adult Family Homes in Shoreline. The number of AFHs seems to be steadily increasing, as anecdotal counts of the number of Group Homes/Adult Family Homes compiled by City Human Service staff and Police Department staff places the number at around 70 in 2002. However these numbers were not confirmed with DSHS, RCS.

Most of the current AFHs have a six bed capacity, while some offer four or five beds. The Shoreline AFHs are located all throughout the City, and most offer at least one specialty service (mental health, developmental disabilities, or dementia). It is currently unknown how many Statements of Deficiencies (problems uncovered during DSHS inspections) exist for AFHs in Shoreline over the course of the last couple of years. In November of 2006, City of Shoreline staff requested copies of all Statements of Deficiencies for

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<sup>1</sup> RCW 70.128.010

Shoreline AFHs, but were provided just two as examples of Shoreline statements instead of data on the total number of statements issued.

#### Boarding Homes:

Boarding Homes are licensed facilities in a community setting where staff assumes responsibility for providing housing, basic services, and general responsibility for the safety and well-being of the residents, which may include domiciliary care, to seven or more residents.<sup>2</sup> Many Boarding Homes call themselves "Assisted Living" facilities, and some offer specialized care for people with mental health issues, developmental disabilities, or dementia. Housing, meals, laundry, supervision, and varying levels of assistance with care are provided, such as Adult Residential Care (ARC), Enhanced Adult Residential Care (EARC), and Assisted Living Services. Boarding Homes are inspected at least once every 18 months, but unannounced inspections can happen at any time

As of October of this year, there were seven licensed Boarding Homes in Shoreline. Bed capacity at these Boarding Homes ranges from a low of six to a high of 100, with an average of 48 beds. Examples of some of the Boarding Homes located in Shoreline include Aegis Assisted Living of Shoreline, Aegis Senior Living of Shoreline, Anderson Plaza, and the Crista Senior Community Assisted Living located on the Crista Ministries campus.

#### Nursing Homes:

Nursing homes are any home, place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves.<sup>3</sup> Convalescent and chronic care may include but not be limited to any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of some medical treatment. It may also include care of mentally incompetent persons. Nursing Homes are inspected at least once prior to their annual renewal process, but can also be inspected at any time.

As of October of this year, there were nine licensed Nursing Homes in Shoreline. Bed capacity at these Nursing Homes ranges from a low of six to a high of 188 at one of the Fircrest facilities. The average number of beds at Shoreline Nursing Homes is 112. Examples of some of the Nursing Homes located in Shoreline include two facilities at Fircrest, Anderson Plaza, and the Crista Senior Community located on the Crista Ministries campus.

#### Certified Community Residential Services and Support (CCRSS):

CCRSS are services provided by the DSHS, ASDA Division of Developmental Disabilities (DDD) to DDD clients in either a licensed or unlicensed residential setting. CCRSS is a joint DSHS, ASDA DDD/RCS program where the DDD provides case management for support services and holds the contracts for service providers, while RCS certifies and

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<sup>2</sup> RCW 18.20.020

<sup>3</sup> RCW 18.51.010

oversees the residential service provider. RCS does a certification review of the service providers about every two years.

There are a few options where DDD clients can receive CCRSS:

1. Clients can live in their own homes (which included unlicensed private Group Homes) and receive contracted support services through the Certified Supported Living Services (CLLS) program. Homes must be owned, rented, or leased by the clients or their legal representatives, and clients are responsible for paying for their daily living expenses, such as rent, utilities, and food, using their personal financial resources. The level of support is based on each client's support needs, and may range from one hour per month to twenty-four hours per day of staff support per client.
2. Clients can live in their own homes and receive services through the State Operated Living Alternatives (SOLA) Program which is staffed by DDD employees rather than contracted service providers.
3. Clients can live in a certified Group Home (licensed Adult Family Home or Boarding Home), which is both licensed by DSHS, RCS and certified by DSHS, RCS, CCRSS. These certified Group Homes must have a contract with DDD and the service provider must ensure that the homes comply with all applicable licensing regulations. These types of Adult Family Homes and Boarding Homes are a subset of licensed Group Homes which can generally serve more types of clients than just developmentally disabled persons.

It is currently unknown how many Shoreline residents receive CCRSS services. Because CCRSS services are not defined by the physical place where the services are provided but rather who the service is provided to, the unlicensed settings in which the services are provided are hard to quantify. As of this year, there are 38 contracted service providers providing CLLS services in King County (DSHS Region 4), with 15 of these providers operating in Shoreline. Some of these service providers operating in Shoreline include Banchemo Friends Services, Camelot Society, Dolphin Residential Services, Provail, and Walsh and Associates.

In addition to these contracted service providers, other organizations exist that coordinate private group housing for Developmentally Disabled clients where they can receive services through the CLLS program. As per DDD policy, these organizations cannot also provide CLLS services to the same DDD clients that they typically rent housing to, as a conflict of interest may arise. Parkview Services for instance, owns 49 homes throughout King County which support over 150 extremely low-income people with developmental disabilities. Of these 49 homes, they own 18 in Shoreline where other service providers provide CLLS services to their residents.

### **Legal Environment:**

According to a memo drafted by the Shoreline City Attorney's Office from October of 2006, both federal law and state law affect a local government's ability to regulate adult family homes and other care facilities for disabled individuals. This is codified at the federal level in the U.S. Fair Housing Act Amendments (FHAAs), and at the state level in RCW 35A.63.240, "Treatment of residential structures occupied by persons with handicaps."

### Federal Law:

The FHAAs prohibit discrimination against people with disabilities, which includes any person suffering from a physiological, neurological or mental disorder or disability, including individuals recovering from drug and alcohol addiction. The law also prohibits local governments from passing zoning and land use policies that affect the availability of housing for individuals protected by the FHAAs. Thus, certain types of zoning for group homes, including dispersion rules (i.e., no clustering), limits on the number of unrelated residents of homes and licensing and special use permits, are seen as having a discriminatory impact on individuals protected by the FHAAs.

Two federal cases involving Washington cities highlight disallowed restrictions on care facilities: *The Children's Alliance v. City of Bellevue*, and *City of Edmonds v. Oxford House*. In both cases, the local jurisdictions tried to regulate group homes within their communities by either restricting where certain types of group homes could locate based on how the group home was operated (Bellevue) or by defining who can compose a family unit (Edmonds). Generally, courts do not allow licensing and registration schemes which would deny group homes the ability to locate within residential neighborhoods. Spacing requirements have also been overruled by the courts, even though the courts acknowledge the importance of avoiding clustering and allowing for community integration.

### Washington State Law:

Washington State law (RCW 35A.63.240) also prohibits any city from enacting an ordinance or regulation which treats a residential structure occupied by a person with disabilities differently than a similar residential structure occupied by a family or other unrelated individuals. Thus, cities are restricted from treating the residential structures for the disabled any differently than other single family homes, so long as those homes meet the definition of "family."

State law also preempts a local government's ability to regulate adult family homes, boarding homes and nursing homes. Any city regulation placing restrictions on adult residential facilities may either be preempted by state law or be subject to a disparate treatment/discriminatory impact challenge under the FHAAs.

### **Regulatory Environment:**

As stated earlier, DSHS regulates Adult Family Homes, Boarding Homes, Nursing Homes, Certified Community Residential Services and Supports, and other types of group housing serving individuals with special needs. The type and extent of regulation depends on the classification of Group Home. Each Group Home classification typically has its own Washington Administrative Code statute that outlines the various regulations associated with that type of home. Common regulatory topics that apply to most categories of Group Homes include: licensing requirements, staff training requirements, physical plant maintenance and upkeep requirements, speciality service provision requirements, resident management, resident rights, care-giving requirements, emergency preparedness and evacuation requirements, and reporting requirements.

Within these regulations, no requirements could be found regarding group home staff procedures and protocols for 911 response calls or local first responder interactions. Although there is a long list of training topics and areas in which group home staff must be knowledgeable, when, how, and under which circumstances staff should (and should not)

utilize first responder services is not addressed in state regulations. However, according to DSHS staff, DSHS, RCS has provided a few quality assurance trainings (for Adult Family Homes, Nursing Homes, and Boarding Homes) regarding the appropriate use of 911 services. They have also sent out a letter to all these Group Home providers regarding this same issue.

#### Shoreline Regulation:

Although the Shoreline Municipal Code (SMC) does not try to regulate the operation of group homes or greatly restrict their location, the SMC identifies and defines Community Residential Facilities, explains how many unrelated individuals can live in the same single-family dwelling, and identifies in which zones Community Residential Facilities can locate, based on the size of the facility. The SMC (SMC 20.20.014) defines Community Residential Facilities (CRFs) as “living quarters meeting applicable Federal and State standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation and medical supervision, excluding drug and alcohol detoxification which is classified as health services.” CRFs have at least nine individuals living in them, including both residents and staff. Thus, Adult Family Homes are typically not defined as CRFs.

The SMC (SMC 20.20.020) restricts the amount of unrelated individuals who can live together in a single-family dwelling to eight or less, not including minors. As mandated by state law, single dwelling units are permitted uses in all residential zones.

The SMC also considers group homes with nine or ten residents and staff to be Community Residential Facilities-I (“CRF-I”) and requires these homes to secure a conditional use permit in areas zoned R-4, R-6, R-8, or R-12. Group homes with eleven or more residents and staff are classified as Community Residential Facilities-II (“CRF-II”) and are not allowed uses in areas zoned R-4, R-6, R-8, or R-12.<sup>4</sup> DSHS group homes that would typically fall into either CRF category would be Boarding Homes or Nursing Homes. Beyond this regulation, the City does not require a business license or place any other restrictions on location of group homes and residential care facilities.

#### Other Municipal Regulation:

Only one example of a municipal ordinance that addresses Group Home operations was identified in this research. The City of Edmonds (Edmonds Municipal Code Chapter 20.18) requires that Group Homes submit an operating plan, including a description of the facility, the residents and staff, and requires all group homes to obtain a business license. Written notice of the facility is then provided to the community and an informational meeting is held for the neighbors. Further, if Edmonds receives three complaints from neighbors about the facility, City staff will hold a neighborhood mediation.

However, it should be noted that this Group Home ordinance only relates to DSHS licensed Boarding Homes with seven or more people, not smaller Adult Family Homes. Furthermore, at the time this research was completed, no new Boarding Home had been constructed within the City of Edmonds since the adoption of this section of their municipal code, leaving the requirements in the ordinance untested.

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<sup>4</sup> SMC 20.40.120

**Concentration of Group Homes in Shoreline:**

As of October 2007, 133 licensed Group Homes (Adult Family Homes, Boarding Homes, and Nursing Homes) were located in Shoreline, totaling 2,000 licensed Group Home beds. There are also an additional number of unlicensed private group home settings where CCRSS services are provided. However, because these homes are not licensed, many owned by non-profit or for-profit entities, the number and location of most of these homes is unknown. In comparing licensed Group Homes in Shoreline to other cities in the Puget Sound region, Shoreline has a high concentration of homes, whether comparing total beds, total facilities, or beds per capita. Of the eleven other cities analyzed, only Seattle has more licensed Group Home beds and facilities than Shoreline. While Seattle does have more than twice the number of facilities and three times the number of beds than Shoreline, relative to the size of the population of Seattle, this is a rather small number (see Exhibit 2 and 3 in the Appendix). Using 2000 census population data, Shoreline has 3.8 licensed Group Home beds per 100 residents, more than any other local city included in this analysis, including Seattle, Bellevue, Auburn, and Lynnwood (see Exhibit 4 in the Appendix).

It has been suggested by Shoreline Human Services staff that Shoreline may have a high concentration of Group Homes because of the location of the Fircrest School, a Washington State Residential Habilitation Center (RHC) for the developmentally disabled, in Shoreline. As many of these large habilitation institutions began to “deinstitutionalize” their residents over the last three or four decades, many of the residents may have looked to locate in the community in which the institution exists. This in turn may have signaled to individuals and entities looking to create and locate residential Group Home settings in various communities that Shoreline was a good community for these homes. As well, it has also been suggested that the large single-family homes in Shoreline with relatively affordable housing prices may have also contributed to the cause of high concentration, especially of Adult Family Homes or private Group Homes where CLLS service are provided.

Another theory as to why Shoreline has a high concentration of Group Homes relates to the labor force currently employed at the Fircrest School. Fircrest School administrative staff have stated that a large number of their employees also work part time in community residential settings (Group Homes) that require many of the licensed skills the employees already possess. Due to this “built in” labor pool, some Group Home owners may have decided to locate their Group Homes near to where this labor pool is primarily employed. It should be noted however, that no data exists to support either of these theories, and that they are both based on anecdotal information.

**First Responder Service Calls to Group Homes in Shoreline:**

The Shoreline Police and Fire Department have compiled some data that highlights the number of EMS calls (Fire Department) or Police Dispatches (Police Department) to Group Homes that they have responded to in recent years. From January of 2005 through October of 2007, 3001 service calls have been responded to by the Shoreline Fire Dept. at Shoreline Group Homes<sup>5</sup>.

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<sup>5</sup> The Shoreline Fire Department uses property use codes to track their service call data. For this data analysis, four property use codes were captured: 24-hour care Nursing homes, Adult Family Home, Mental retardation/development disability facility, and Multifamily/Assisted living facility.

In 2005, 289 service calls were responded to by the Shoreline Fire Department that originated in Adult Family Homes located in Shoreline. This number increased to 371 Adult Family Home service calls in 2006, and increased again to 388 service calls in the first 10 months of 2007. Additionally, between January 2001 and October 2007, although the number of EMS medical service calls originating from Group Homes<sup>6</sup> is less than non-Group Home locations, the number of service calls has been increasing at an average rate of about 15% per year for Group Homes, compared with less than one percent per year for non-Group Homes (see Exhibit 5 in the Appendix).

Data from the Shoreline Police Department highlights that from January through November, 2006, approximately 111 group home mental-health related complaints and eight (8) group home fourth degree assault complaints were responded to. Of the 111 mental health complaints, approximately 32 were related to one specific Group Home dealing with one specific client. In roughly the same time frame this year (2007), the number of Group Home responses decreased to 42, with 20 of the 42 pertaining to mental health complaints. Ten of the 20 mental health complaints were related to one specific Group Home dealing with one specific client.

According to Police Department personnel, many of the cases in 2007 involved patients becoming combative with their caregivers or other residents. This typically results in a minimum of two officers responding to these calls for safety reasons. Shoreline Police officers have stated that they sometimes feel as if they are being used as “muscle” to try and calm some of the more combative clients down and to get individuals under control when they are exhibiting behavior that is not considered criminal. They have also identified that some of the individuals with more severe behavioral issues that they have been called to respond to on more than one occasion may have dual diagnoses (primarily developmental disabilities and mental health issues).

It should also be noted that the City of Shoreline Customer Response Team does not track complaints/issues relating to Group Homes in Shoreline, as they typically transfer issues along to DSHS, RCS.

#### **IDENTIFIED ISSUES:**

The Shoreline Police and Fire Departments have indicated that there is a burden on Police and Fire services (first responders) in safely and effectively responding to service calls at Group Homes. This burden, which may be caused by the high concentration of Group Homes in Shoreline, constrains the Shoreline Police and Fire Department's available resources to provide service to the community at large. Citizen concerns with the concentration of some Group Homes in residential neighborhoods may also exist.

In discussing the concentration of Group Homes in Shoreline with staff from the Shoreline Police and Fire Departments and the real and perceived problems associated with them, four primary issues were identified:

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<sup>6</sup> 24-hour care Nursing homes, Adult Family Home, Mental retardation/development disability facility, and Multifamily/Assisted living facility.

- Some residents of the City of Shoreline may have concerns regarding the number and location of Group Homes (most significantly Adult Family Homes or unlicensed private homes where CLLS services are provided) within the City, especially if there are multiple homes concentrated within a residential neighborhood. It is sometimes argued by residents that these homes may affect property values, change the character or quality of a neighborhood, affect parking issues, and increase safety concerns, among other issues.
- Given that the location and specifics of some Group Homes (primarily unlicensed private homes where CLLS services or other types of special need services are provided) are unknown to first responders, the safety and effectiveness of first responders, primarily Shoreline law enforcement officers, are jeopardized given the potentially unstable nature of some of the residents of these homes.
- The disproportionate level of service being given to the elderly residents of Group Homes (primarily Boarding Homes, Nursing Homes, and Adult Family Homes specializing in dementia) causes resource constraints on the first responders from the Shoreline Fire Department in responding to all 911 Emergency Management Services calls (EMS). Since January 2001, the percentage of EMS calls to Nursing Homes and Adult Family Homes has increased at a significantly greater rate than all other calls.
- Certain individuals who reside at Group Homes are frequent users of Shoreline Police and Fire services and therefore place an undue burden on these services. Often times, these "frequent service users" exhibit out of control behavior which is not dealt with effectively by Group Home staff. Subsequently, the first intervention that Group Home staff may make in responding to issues with these individuals is to place an emergency service call to first responders.

Another identified concern relates to the staff at various Group Homes in Shoreline. According to first responders, Group Home staff competence and their ability to communicate effectively varies greatly by home. This ultimately may have a large impact on their utilization of first responder services in addressing client issues.

#### **OPTIONS FOR DISCUSSION:**

All of these identified issues are distinct from one another and relate to different problems or perceived problems with Group Homes. The ability of first responders and City staff to address these problems also varies, as local officials are precluded from taking certain actions that would violate state law, federal law, or personal privacy rights of individuals living in Group Homes. For example, it is not possible to address potential Shoreline resident concerns regarding the number, location, or operation of Group Homes in single-family neighborhoods through local regulation or ordinances. As well, dictating to Group Home owners and operators how and when they utilize first responder services is not a viable option.

Furthermore, there may be few solutions for the disproportionate number of service calls to the Shoreline Fire Department coming from AFHs and other Group Homes that care for the elderly. There is probably not a lot that can be done to moderate demand for



emergency service when older adults routinely get sick and occasionally fall. However, if some of these calls for service to Group Homes serving the elderly relate to behavioral issues, there may be other solutions that could help minimize these calls.

Even with these limitations, there are a few options that the City Council, City Manager, Shoreline Police and Shoreline Fire Department should consider that might ameliorate some of these identified issues. They are:

- If a multitude of Shoreline residents express concerns regarding the number and location of Group Homes within the City, the City Manager should consider working with the Shoreline Police and Fire Departments to hold a public meeting to engage the concerned residents, explain the regulatory and legal limitations of local government as they pertain to Group Homes, and hopefully outline areas of concern and solutions that can be addressed through City and DSHS collaboration.
- The Shoreline Police and Fire Departments should consider continuing to collect and monitor Group Home service call data. As this data is collected and analyzed, Shoreline Police and Shoreline Fire staff should discuss identified concerns with City of Shoreline and DSHS staff. City of Shoreline, Shoreline Police and Shoreline Fire staff should also work with DSHS staff and local State legislators to identify processes and protocols for more efficient and effective Group Home interactions with first responders.
- Although Shoreline Police and Fire Department staff have had joint meetings with DSHS and specific Group Home staff to address some Group Home residents that were identified as frequent first responder service users, some of these meetings were not successful in addressing identified problems. Thus, creating a more formal process that would be utilized by City of Shoreline, Shoreline Police and Shoreline Fire Department staff to help manage Group Home residents that are frequent service users has been suggested. This process would entail 1) identifying a "trigger point" where it would be determined when a Group Home resident would be identified as a "frequent service user", and 2) subsequent process steps that would outline what actions should be taken by DSHS to appropriately manage the resident so his/her frequent service use would be minimized or negated.

Through this process, Shoreline Police and Fire staff could advocate to DSHS and Group Home staff that additional services be provided to clients exhibiting behavioral problems or frequently utilizing first responder services. DSHS also has behavioral specialists who consult with staff in Group Homes that may be able to provide training of staff to reduce behavioral problems before they become acute. Utilization of other programs, such as the Fircrest In-patient Crisis Respite Program, might also be an option that first responders could advocate for. In this voluntary program managed by Fircrest with admission controlled by the Regional DDD Administrator, Fircrest staff employ medical and behavioral treatment techniques not available in Group Homes with the goal of stabilizing clients so they can function again in a community living arrangement.

- Beginning in 2001, the Shoreline Police and Fire Departments tried to address the issue of having more information on Group Home client's disabilities and special needs by instituting their Police and Fire Emergency Information Sheet Program. This is a voluntary, DSHS-approved program that some Group Homes have participated in that outlines individual client information and identifies what police and fire officials should know to assist in responding to an individual, and what the potential recommended interventions are as described by the client's treatment team.

However, due to the lack of Police resources, many Group Homes have not received the necessary information sheets, been trained on how to fill the information sheets out, or provided information how the information sheets would potentially be used by first responders. The Shoreline Police and Fire Departments should consider expanding their Emergency Information Sheet Program with City of Shoreline staff help so that as many Group Homes as possible within Shoreline (primarily Adult Family Homes and homes where residents receive Certified Supported Living Services) are involved in the program.

- City of Shoreline, Shoreline Police and Shoreline Fire staff should consider working with DDD contracted service providers to identify the location of and services provided at as many unlicensed private Group Homes as possible. This would provide first responders with information that would potentially make their interaction with Group Home residents more safe and effective, would provide City officials and first responders greater information for emergency management planning and preparedness purposes, and would allow the Shoreline Police and Fire Departments the ability to discuss the Emergency Information Sheet Program with these homes.
- The City Council should consider the implementation of a City Business License program, which would provide the ability to better identify who is operating group housing and/or providing services to those individuals in group housing, and where those operations/service provisions are taking place. This especially pertains to unlicensed Group Home locations, which are not explicitly identified by DSHS. A City Business License could be structured so that it would have to be renewed each year, thus capturing changes in where all business are operating within the City.

A Business License program would also provide the ability for City staff to engage Group Home owners/operators and special needs service providers when they process their business license application. This will provide an opportunity for staff to discuss the voluntary Police and Fire Emergency Information Sheet Program, in addition to any other questions or concerns that owners/operators might have.

### **RECOMMENDATION**

No action is required. This report presents potential options for Council discussion and consideration.

# APPENDIX:

## Exhibit 1.

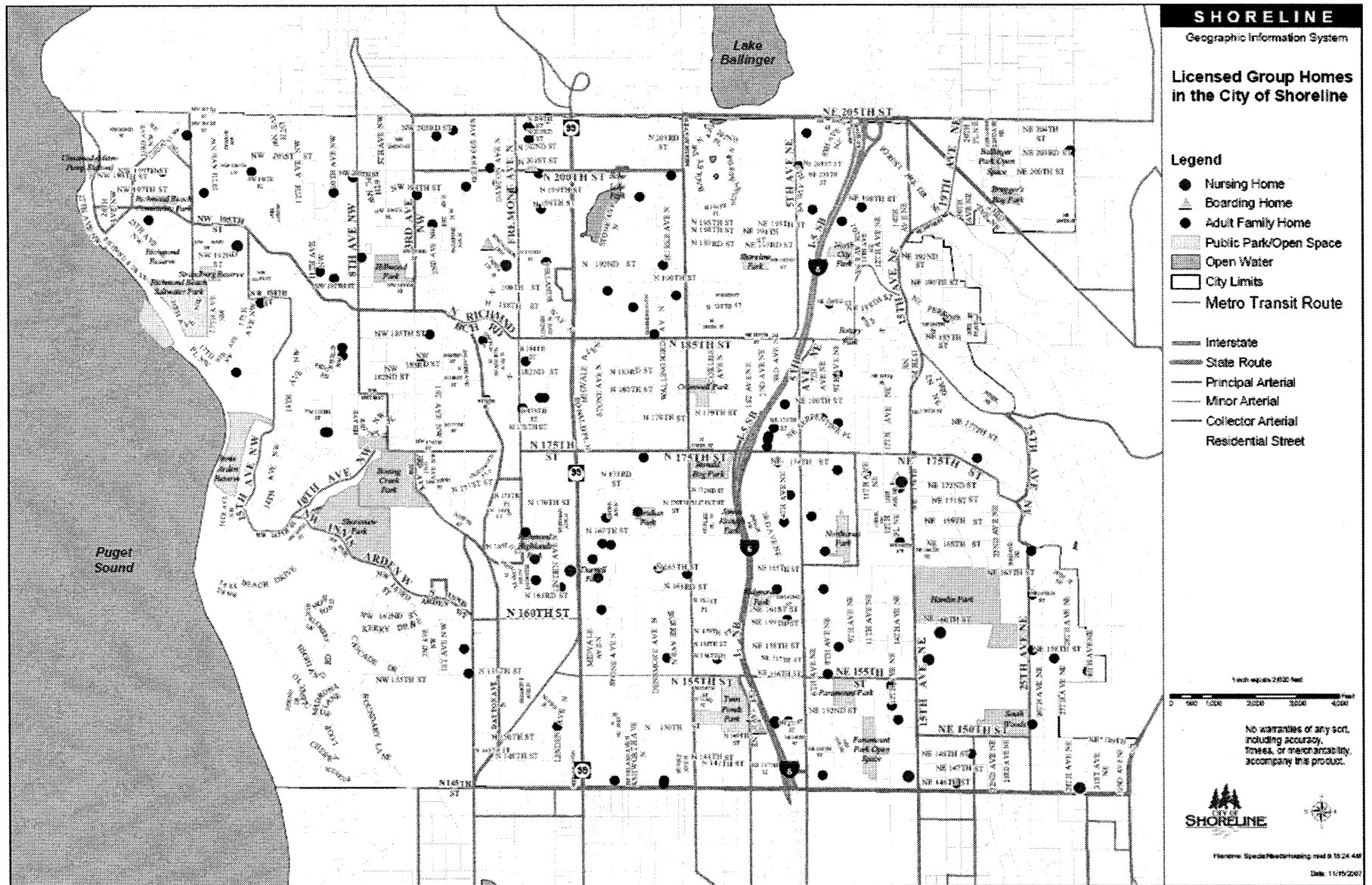


Exhibit 2.

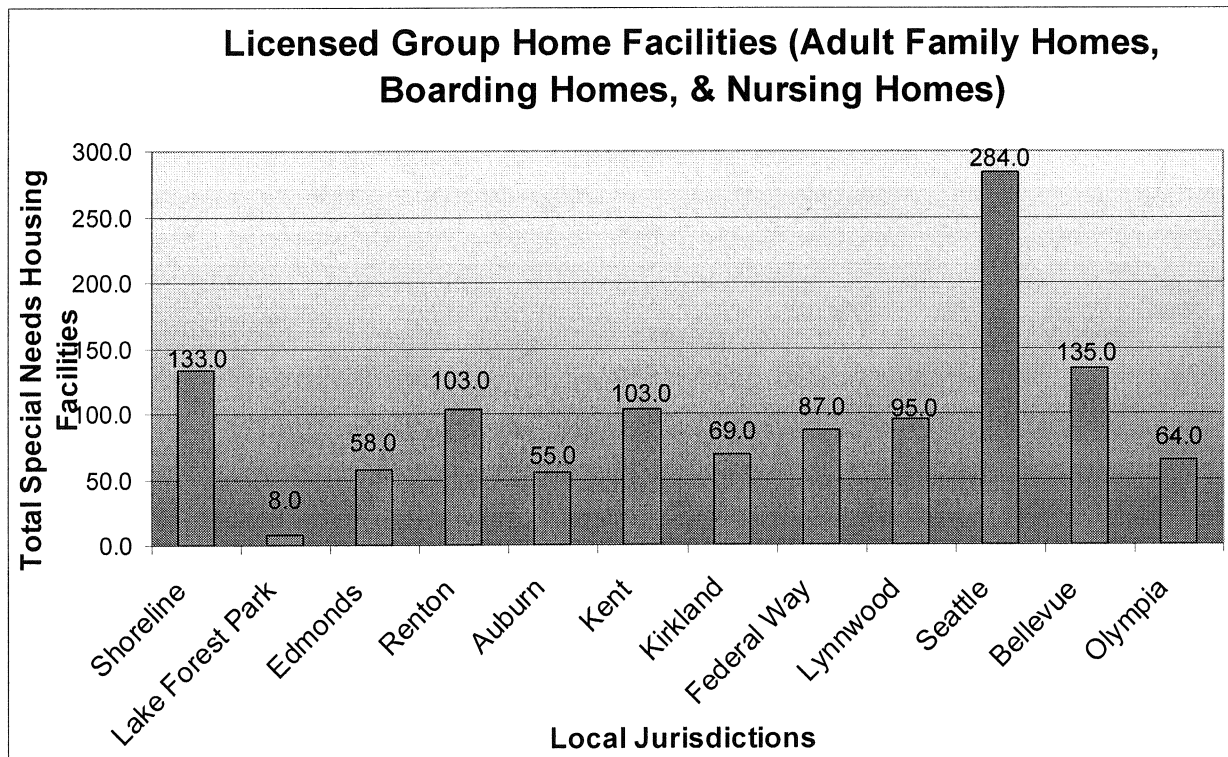


Exhibit 3.

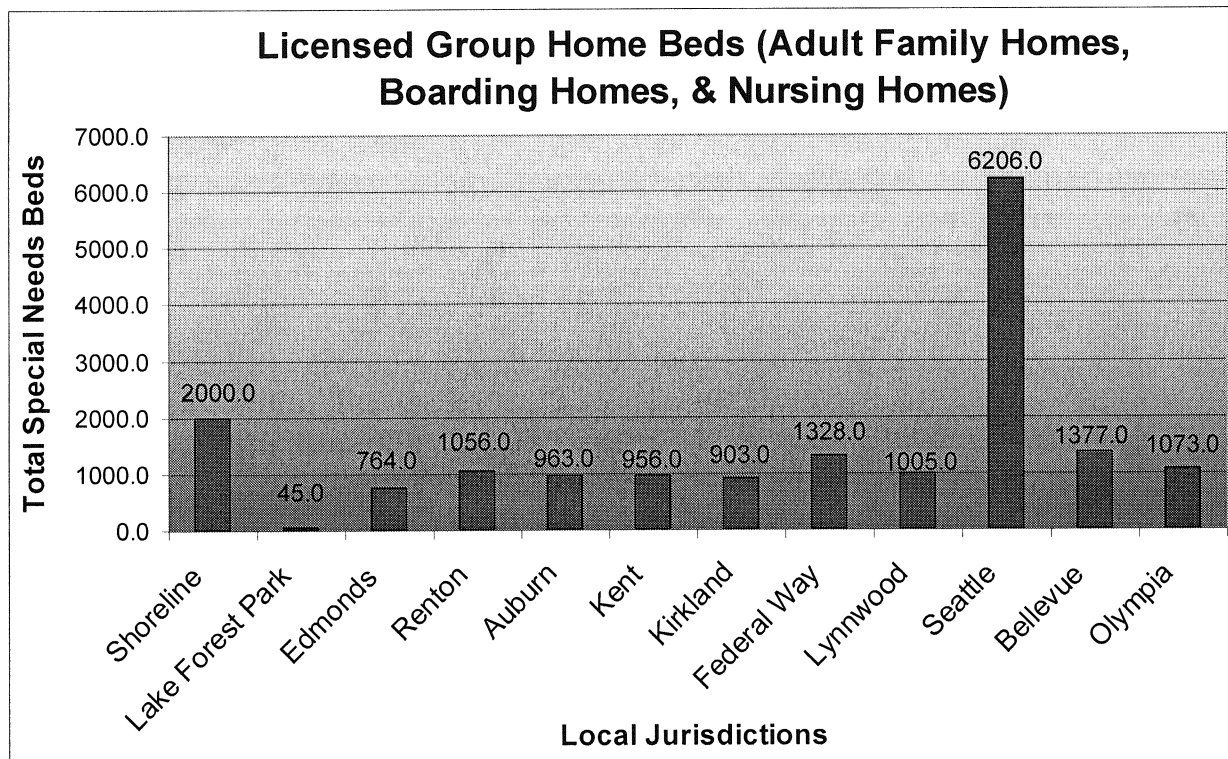


Exhibit 4.

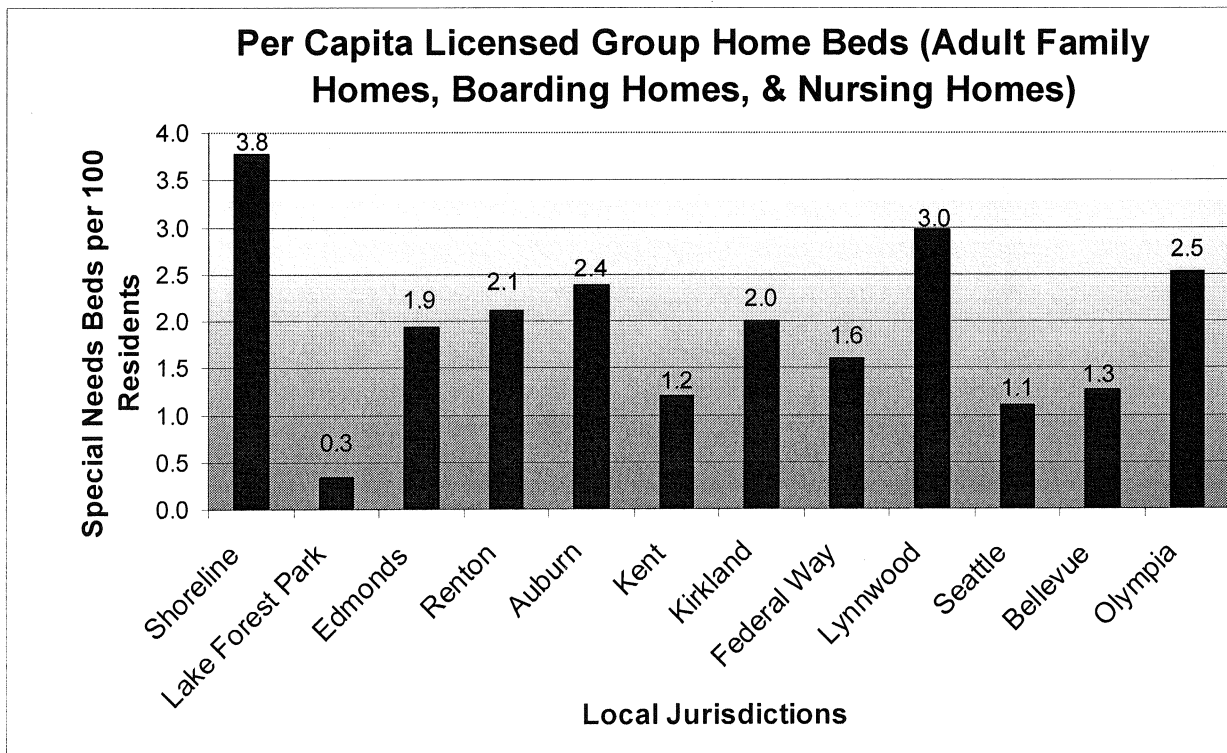
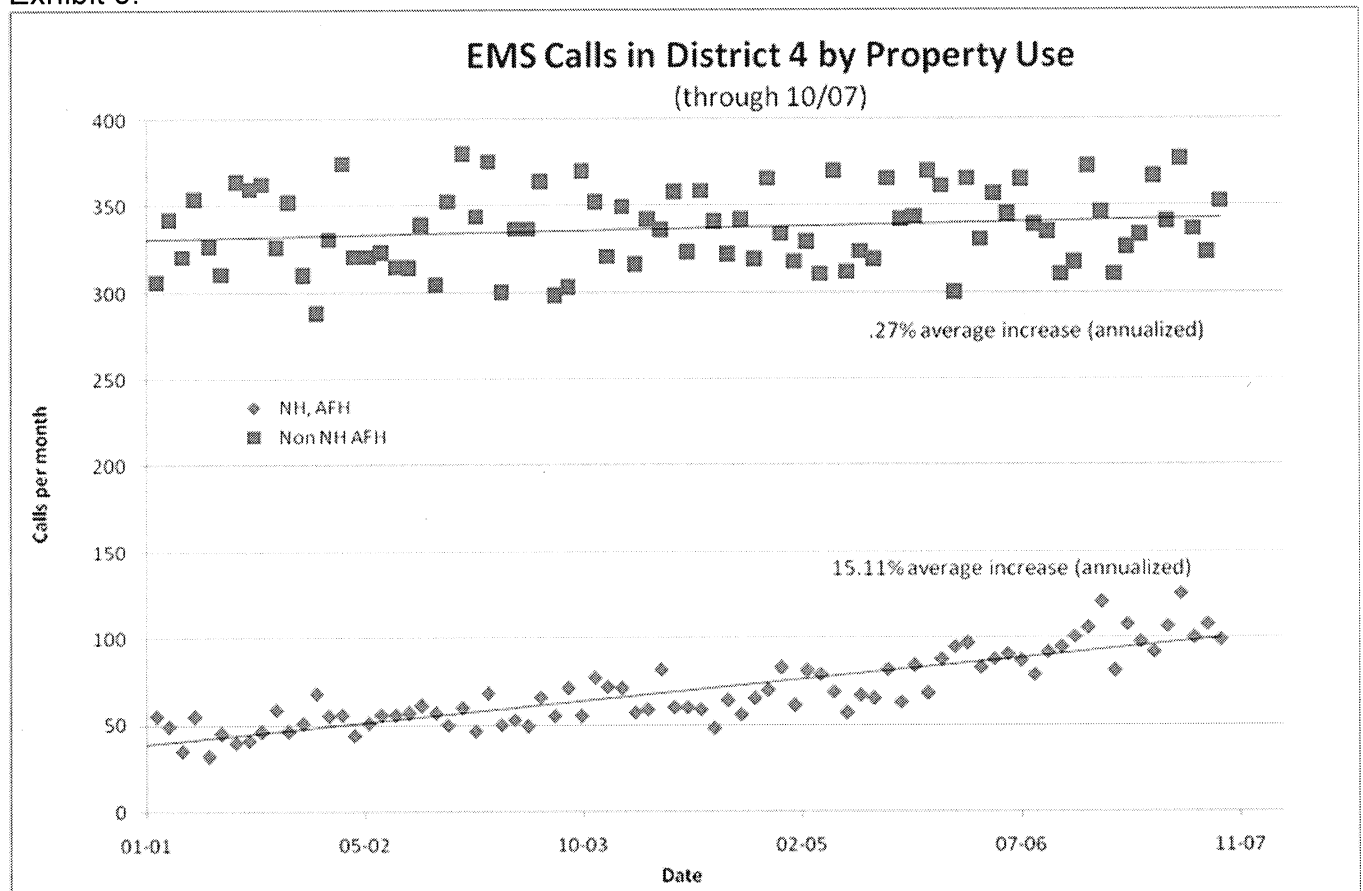


Exhibit 5.



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

<b>AGENDA TITLE:</b> 2008 Legislative Priorities <b>DEPARTMENT:</b> City Manager's Office <b>PRESENTED BY:</b> Scott MacColl, Intergovernmental Program Manager
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**PROBLEM/ISSUE STATEMENT**

The 2008 Legislative Session begins January 14<sup>th</sup> and as the mid-biennial year, or 'short session', runs just 60 days. Staff proposes the following legislative priorities for your review which, once adopted, provide policy direction to guide staff in determining support or opposition to specific legislation.

The City actively monitors legislative proposals at the state level, as our success in advancing the City's position in Olympia depends on providing accurate and timely information to legislators and their staff that illustrate the impacts of pending legislation on Shoreline. The City continues to work with the Association of Washington Cities (AWC), which provides a consistent voice and a strong presence for cities in Olympia. The City also continues to work with the National League of Cities (NLC) in a similar fashion on federal issues.

The draft 2008 Statement of Legislative Priorities is presented for your review and approval, and consists of policy statements which staff uses as guidance and direction during the upcoming legislative session. Staff utilizes these priorities to determine whether the City supports or opposes specific legislation and amendments. Key pieces of legislation that do not fall under the Council's Legislative Priorities will be presented to the Council for review. However, legislation changes very rapidly, sometimes within hours, and there usually is not time to review changes with the Council. The legislative priorities are therefore drafted as general policy positions to provide staff and our council representatives the flexibility to respond quickly to requests for information or input.

**FINANCIAL IMPACT**

The Governor recently released the Proposed 2008 Supplemental Budget, which proposes a relatively modest increase in spending of \$144 million, much of that to pay for storm damage. In addition, voters passed legislation authorizing the Rainy Day fund, and the budget includes \$430 million to set aside into that fund. Overall, the Governor's proposed budget addresses immediate concerns that cannot wait until the next biennial budget.

Once the Legislative Session begins, the House and Senate create their own alternative budgets which are used to negotiate a compromise budget between the Legislature and the Governor. The operating budget omnibus bill is usually the final piece of legislative business prior to final adjournment (sine die). Early expectations are that the session will end on time, in part due to the Democratic majorities in both the House and Senate, and in part due to 2008 being an election year. There is a 30-day 'blackout period' after the Legislative Session ends prior to candidates being able to raise money for election, which provides strong motivation to finish on time.

## **KEY PRIORITIES FOR 2008**


Staff proposes that the City focus its legislative efforts in the following policy areas during the 2008 Legislative Session:

- Pursue Funding for the City's Capital Improvement Projects.
- Opposed unfunded mandates that would result in loss of existing revenue or revenue authority.
- Support city authority to provide municipal court services through interlocal agreements with other cities for the provision of court services and support ability to appoint part-time judges.
- Work with the State to ensure City participation in the redevelopment or other activities related to future uses of any surplus property on the Fircrest campus.
- Monitor health/human services legislation to ensure maintenance of the safety net for our most vulnerable residents and oppose legislation that would shift costs and responsibilities for these programs to cities and/or school districts without appropriate funding.
- Oppose any state preemption of local government authority to manage and franchise local public rights-of-way.
- Support increased infrastructure funding for economic development, and to repair and maintain utilities, streets and sidewalks.
- Support legislative opportunities to increase affordable housing.
- Support legislation to improve environmental sustainability including, but not limited to, carbon emission reduction, energy efficiency, alternative clean energy generation and improved surface water quality and habitat restoration.
- Support legislation that establishes a more realistic municipal property tax cap tied to inflation.



## RECOMMENDATION

Staff recommends that Council adopt the proposed Statement of Legislative Priorities as listed above.

Approved By:      City Manager  City Attorney \_\_\_\_

### Attachments

A. Association of Washington Cities Legislative Issues



# LEGISLATIVE ISSUES

## AWC 2008 Legislative Priorities

### MAJOR PRIORITIES

- I-747: Advance legislation that establishes a cap tied to the Implicit Price Deflator or 1%, whichever is greater.
- Annexation and City/County Governance Transition: Advocate for changes to annexation statutes that will better facilitate annexations, and explore legislative ideas to encourage cities and counties to better coordinate boundary, finance and governance transition issues.
- Infrastructure Funding – Increase Existing Grant and Loan Programs: Seek increased funding for infrastructure and economic development programs.
- LEOFF 1 Medical and Long-Term Care Costs: Seek legislation that provides financial assistance for cities in paying for these liabilities.
- Community Economic Revitalization Board (CERB) and Job Development Fund: Seek permanent funding for the CERB and the Job Development Fund.
- Gang Task Force Recommendations: AWC will support local option tools and funding for use by cities.



# LEGISLATIVE ISSUES

## OTHER PRIORITIES

- **REET:** Seek legislation that provides greater flexibility for REET by expanding the uses of the second quarter REET to match the first quarter.
- **Housing Affordability:** Seek passage of legislation addressing housing affordability through infrastructure funding and new fiscal incentives; oppose new mandates or pre-emptive zoning legislation; oppose elimination of impact fee authorities unless replaced with something that provides equal or more revenue.
- **Local Solutions to Climate Change:** Support proposals that provide cities with additional flexible tools to continue creating sustainable communities; engage in discussions about the most effective means to meet Greenhouse Gas Emission goals established in 2007; oppose new unfunded mandates and "one size fits all" solutions to sustainability challenges, and; provide outreach and education to cities
- **Mitigating Medical Costs for Offenders:** Seek passage of legislation to remove the 2-year sunset provision in Sec. 66 of SSB 5930; expand the uses of the extraordinary criminal justice account to include extraordinary medical costs for offenders; support individual city proposals to provide additional funds for offender medical costs.
- **Increase Local Funding Options for Public Safety:** Seek passage of legislation providing additional local funding options for public safety purposes, including jail construction.
- **Financial Assistance for Cities and Towns with an Insufficient Tax Base:** Explore options to expand financial assistance as opportunities are presented.
- **Municipal Phase II Stormwater Permit:** Oppose new conditions that exceed Federal minimum standards, advocate for funding assistance to help cities implement the permit, and consider legal/legislative remedies.
- **Public Health Financing:** Pursue legislation that increases funding for local health jurisdictions (LHJs) while working to ensure cities are not mandated to fund LHJs.
- **Puget Sound Clean-Up:** Stay actively engaged in development of the Puget Sound Partnership's ACTION AGENDA and advance proposals that help restore and protect the Sound while preserving local land use authority and spending priorities.
- **Local Infrastructure Finance Tool (LIFT):** Continue to message to legislature to expand LIFT, increase eligibility, and make technical corrections to this authority.



## LEGISLATIVE ISSUES

- **Alternative Public Works Legislation:** Pursue modifications to Design-Build authority; repeal \$10M floor and broaden definition.
- **Filling a Vacancy in the Office of Mayor:** Pursue legislation to clarify that incumbent councilmembers in mayor-council cities are eligible to be appointed to fill a vacancy in the office of mayor without first having to resign their council seat.
- **Balancing Environmental Protection, Economic Development and Protection of Property Rights:** Continue to support efforts to provide greater deference to cities to determine how best to balance protection of property rights, local environmental resources and economic development, including potential clarification on how to find, consider and apply Best Available Science. Also engage is consideration of city eminent domain authorities to help insure appropriate existing community redevelopment tools are maintained.
- **Land Use/Gambling:** Defend cities' ability to fully ban gambling and seek legislation that provides cities the ability to zone or partially ban gambling facilities.
- **Outdoor Burning in Small Cities/Towns:** Seek relief for cities under 5,000 in population from the January 1, 2007 deadline banning residential burning.
- **Expedite Grant and Loan Programs:** Pursue/support legislation to accelerate the approval of proposed PWB project lists.
- **Bid Limit Flexibility:** Pursue legislation to increase current city bid limits and provide additional flexibility.

### ENDORSE

- **Citizens Initiative Review:** Support creation of a Citizens Initiative Review panel of random citizens to review statewide initiatives and issue reports on their findings, for inclusion in voters' pamphlets.
- **Sex Offenders:** Vigorously resist any mandates unless sufficient funding is available; endorse expansion of monitoring tools; support services to victims; review sentencing enhancements
- **Liability for Fire Department Standards:** Clarify the statute to grant immunity to cities if response time goals are not met, or pass legislation similar to HB 2881 (introduced in 2004).
- **Public Disclosure of Victims' Records:** Support legislation exempting records of sexual assault on a child from public disclosure.
- **Civil Penalty for Malicious Mischief**
- **Limiting Liability for Local Government**
- **Enhanced Penalties for Eluding Police**
- **Courts of Limited Jurisdiction Work Group Recommendations**
- **Administrative Warrants Authority**
- **Creating a DUI Surcharge and Ignition Interlock Requirement**



# LEGISLATIVE ISSUES

- Increasing Penalties for Assault of a Code Enforcement Officer
- The VA to Include Mental Health and Chemical Dependency in Their Medical Center
- Establishing Mandatory Minimums for DUI with Children in the Car
- Jail Booking Fees: Support proposal to create a due process procedure so cities can continue to collect jail booking fees.
- Victims Records Availability: Reaffirm the authority of local agencies to protect from disclosure sensitive criminal investigation records concerning sexual assault crimes.
- Elimination of Election Dates: Endorse a solution that local governments could generally support

## **STORNGLY DEFEND AGAINST**

- Telecommunications and Statewide Franchise Agreements: Defeat legislation that eliminates authority of local governments to issue franchise agreements.
- Taping of Executive Sessions: Defeat legislation to require local governments to tape executive sessions.
- Pole Attachment Fees: Defend against any effort to implement a state pole attachment rate process.
- Requiring All Judges to Be Elected: Oppose efforts to require that all municipal court judges, regardless of the number of hours they work, be elected.
- Expanding Subject Matter Jurisdiction in Municipal Courts
- Changing the Requirements for, and Expanding Liabilities and Recoveries Under, a Wrongful Injury or Death Cause of Action
- Mandating that Cities Must Allow Tent Cities
- Commissioning Tribal Law Enforcement
- No Additional Diversion from the Public Works Trust Fund: Support more funding for infrastructure and economic development, not the redirecting of existing funds.
- Reject All Bids Legislation: Oppose legislation that erodes cities' ability to reject all contracting bids.
- Contracting Claims Legislation: Oppose legislative that erodes cities' ability to receive notice and manage contracts.
- Authority of Cities to Assume Water-Sewer Districts: Defend against efforts to eliminate the authority of cities to assume water-sewer districts.
- LEOFF 2 Benefit Enhancements: Oppose costly LEOFF 2 benefit enhancements.
- Municipal Business and Occupation Tax – AWC strongly opposes any further changes to the municipal B&O statutes that would reduce local authority regarding the implementation of this tax or result in additional revenue loss to cities.