



SHORELINE CITY COUNCIL SPECIAL MEETING

Monday, March 19, 2007
6:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

	<u>Page</u>	<u>Estimated Time</u>
1. CALL TO ORDER		6:30
2. FLAG SALUTE/ROLL CALL		
3. CITY MANAGER'S REPORT AND FUTURE AGENDAS		
(a) Cascade Agenda Cities Program – Gene Duvernoy	<u>1</u>	
(This is the second of six long-range planning forums hosted by the City Council and the Shoreline Planning Commission as part of the City's 2010 Speaker Series)		
(b) Suburban Cities Association Special Recognition		7:15
4. COMMUNITY PRESENTATION		
(a) Shoreline/South County Family YMCA	<u>3</u>	7:20
5. GENERAL PUBLIC COMMENT		7:45
<i>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 Item 5 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.</i>		
6. APPROVAL OF THE AGENDA		8:00
7. CONSENT CALENDAR		
(a) Minutes of Special Meeting of November 6, 2006	<u>9</u>	
Minutes of Special Meeting of February 5, 2007	<u>23</u>	
Minutes of Workshop Dinner Meeting of February 12, 2007	<u>35</u>	
Minutes of Special Meeting of February 12, 2007	<u>39</u>	
Minutes of Special Meeting of February 20, 2007	<u>55</u>	
Minutes of Workshop Dinner Meeting of February 26, 2007	<u>67</u>	
Minutes of Business Meeting of February 26, 2007	<u>71</u>	

- (b) Ordinance No. 446 Revising Purchasing Policies and Amending Chapter 2.60 of the Shoreline Municipal Code 79
- (c) Surface Land Use Easement with King County for Richmond Beach Pump Station Park site 87
- (d) Amendment to the Interlocal Agreement with King County Animal Control Services for Continued Leash-law Enforcement in the Shoreline Parks System 113

8. ACTION ITEM: PUBLIC HEARING

Public hearings are held to receive public comment on important matters before the Council. Persons wishing to speak should sign in on the form provided. After being recognized by the Mayor, speakers should approach the lectern and provide their name and city of residence. Individuals may speak for three minutes, or five minutes when presenting the official position of a State registered non-profit organization, agency, or City-recognized organization. Public hearings should commence at approximately 8:00 p.m.

- (a) Public hearing to receive citizens' comments on Ordinance No. 464 increasing the cable utility tax to 6% of gross receipts and amending Shoreline Municipal Code 3.32.030; and a motion to authorize the City Manager to notify Seattle City Light that the City intends to collect a 3% contract payment on the distribution portion of electric revenues effective April 1, 2008, and an additional 3% contract payment on the distribution portion of electric revenues effective January 1, 2009 117 8:00

9. UNFINISHED BUSINESS

- (a) Card Room Gambling Tax 129

10. ADJOURNMENT

9:30

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. 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. Online Council meetings can also be viewed on the City's Web site at <http://cityofshoreline.com/cityhall/citycouncil/index.cfm>.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Cascade Agenda Cities Presentation
DEPARTMENT: Planning and Development Services
PRESENTED BY: Joe Tovar, PD&S Director

PROBLEM/ISSUE STATEMENT:

Several months ago, Gene Duvernoy, the President of the Cascade Land Conservancy, spoke to the Shoreline Planning Commission, Park Board and others in the community about the Cascade Agenda Cities Program. Because of interest by several City Council members, Mr. Duvernoy has agreed to speak to the full Council about the Cascade Agenda Cities Program and discuss ways in which Shoreline's actions can contribute to the Program.

FINANCIAL IMPACT:

No impact.

RECOMMENDATION

No action is required. This is an information item.

Approved By: City Manager  City Attorney ____

BACKGROUND

Two years ago, the Cascade Land Conservancy and its partners began discussions with over 3,500 elected officials, scientists, business leaders, loggers, farmers, timber companies, students and private citizens in the King, Kittitas, Pierce and Snohomish county region. In the face of dramatic population growth, they began a community dialogue about what our region should look like in 100 years.

The outgrowth of these discussions was the development of The Cascade Agenda, which calls for large-scale conservation of working forests as well as a robust regional economy. The intent is that a comprehensive focus on the region and its inter-connectivity will result in a sustainable high quality of life for those who live in the four-County region.

There are two separate but related areas addressed by The Cascade Agenda—Rural areas and Urban areas. The focus on urban areas occurs through the Cascade Agenda Cities Program.

In his presentation to the Council, Mr. Duvernoy will discuss this Program, its goals, and the measures cities can take to support it. In many of Shoreline's recent actions, such as investment in infrastructure (i.e., the Aurora project and acquisition of new parks and open spaces) and streamlining regulations, Shoreline is acting in concert with many of the ideas of the Cascade Agenda. In addition, several of the 2007-2008 Council Goals support the concepts embedded in the Program. Mr. Duvernoy will invite Shoreline to consider taking additional actions and become identified as a "Cascade Agenda City".

RECOMMENDATION

No action is required. This is an information item.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Community Group Presentation: Shoreline/South County Family YMCA
DEPARTMENT: City Council
PREPARED BY: Julie Modrzejewski, Assistant City Manager
PRESENTED BY: Courtney Whitaker, Executive Director

ISSUE STATEMENT:

Shoreline/South County Family YMCA will provide to the Council and community a presentation of their programs and services. Providing the presentation this evening is Courtney Whitaker, Executive Director.


BACKGROUND:

In 2006 the Council amended their Rules of Procedure to include an agenda item titled, "Community Group Presentation," which is made available by request at the second study session of each month (Section 5.4.B). Attached are presentation guidelines (attachment A).

In order for the presentation to be scheduled on the Council agenda planner, two Councilmembers must sponsor the presentation. Councilmember Rich Gustafson and Councilmember Keith McGlashan are the two sponsoring Councilmembers as per the attached request form (attachment B). Shoreline/South County Family YMCA is the fourth community group presentation scheduled and presented.

RECOMMENDATION

No action is required.

Approved By: City Manager  City Attorney ____

ATTACHMENT A

Shoreline City Council Community Group Presentations Guidelines

ATTACHMENT B

Shoreline/South County Family YMCA Request Form



SHORELINE CITY COUNCIL COMMUNITY GROUP PRESENTATIONS GUIDELINES

Under the Shoreline City Council's Rules of Procedure, Section 5.4: Study Sessions....

The Council shall make available at its study session of each month, a **Community Group Presentation**. The order of business shall omit Council Reports and include Community Presentations following the Consent Calendar. The intent of the presentations is to provide a means for nonprofit organizations to inform the Council, staff and public about their initiatives or efforts in the community to address a specific problem or need. The presentations are available to individuals who are affiliated with a registered nonprofit organization. In order to schedule the presentation, two Councilmembers under rule 3.2 B must sponsor the request. The presentations shall be limited to 30 minutes with approximately 15 minutes for the presentation and 15 minutes for questions. Guidelines for presentations include:

1. Each organization or agency must complete a request form and submit it to the Shoreline City Council Office. The form shall be available on the web, from the City Clerk's Office and also published in the agenda packet.
2. For planning purposes, the presentation must be scheduled on the agenda planner at least four (4) weeks in advance of the meeting date requested.
3. Information and sources used in the presentation should be available in hard copy or electronically for reference.
4. Up to three (3) members of the organization are invited to participate.
5. The presentation must support the adopted position/policy of the organization.
6. The presentation should be more than a general promotion of the organization. The information presented should be about specific initiatives/programs or planning that the organization is doing which is relevant to Shoreline citizens and government.
7. Presentations shall not include:
 - i. Discussion of ballot measures or candidates.
 - ii. Issues of a partisan or religious nature.
 - iii. Negative statements or information about other organizations, agencies or individuals.
 - iv. Commercial solicitations or endorsements.
8. Organizations which may have alternative, controversial positions or information will be scheduled at the next study session.

Please complete the attached form. For questions regarding scheduling Community Presentations, contact Julie Modrzejewski, Assistant City Manager, at (206) 546-8978



REQUEST TO APPEAR BEFORE THE SHORELINE CITY COUNCIL

Date Request Submitted: 1/17/07
 Council Study Session Date Requested: March 19, 2007
 Name: Courtney Whitaker
 Title or Position: Executive Director
 Nonprofit Organization: Shoreline/South County Family Ymca Registration #: _____
 Address: 1220 NE 175th Street Shoreline, WA 98155
 Email Address: CWhitaker
 Phone Number: (206) 364-1700 Fax Number: (206) 363-3142

Topic: Summary overview of the presentation you wish to make and statement of action you wish Council and/or the community to take if relevant. Attach additional sheets if necessary.

See attached

I have received and read Council rule 5.4-Community Presentations and affirm that my presentation will comply with this rule.

Signature of Requestor: CW

(1) Sponsoring Councilmember: Rich Gustafson

(2) Sponsoring Councilmember: Quint C. McPherson

This form must be returned to the Shoreline City Council Office 4 weeks prior to the City Council study session meeting date requested. For confirmation, staff from the Council Office will contact you to discuss arrangements. Please send this form to:

Shoreline City Council
 17544 Midvale Avenue North
 Shoreline, WA 98133-4921
 Fax: (206) 546-2200 or Email: Council@ci.shoreline.wa.us

The City of Shoreline will not discriminate against qualified individuals with disabilities in the City's services, programs or activities. The Council meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at (206) 546-8919 in advance for more information.

**Proposed Summary of Presentation
Shoreline / South County Family YMCA
March 19, 2007**

A. Background

The Shoreline / South County Family YMCA has operated a partial branch facility (7,300 square feet) on N.E. 175th Street since 1962, with several school-based sites for child care and teen programs, serving the communities of Shoreline, Brier, Lake Forest Park, Woodway, Mountlake Terrace, Lynnwood and Edmonds. The branch is housed in an aging facility with two modular units for childcare, that does not adequately meet the needs of children, youth, families and adults in our service area. The branch serves nearly 5,000 people, of which 62 percent are under age 18. Forty percent of families qualify for financial assistance to participate in YMCA programs.

The new facility to be located on Echo Lake will include a full range of youth, adult, family and senior programming spaces that will enable the YMCA to efficiently offer needed programs and services to more than 12,000 community members. The multi-level floor plan will be nearly 52,000 square feet above an underground parking structure.

B. Discussion of Community Benefit

Our new comprehensive YMCA will attract a broader range of community residents than any other organization by offering innovative programs that are affordable to all, in flexible, multipurpose facilities. YMCAs use time-tested tools to build relationships that strengthen both individuals and the entire community. In our **YMCA Youth Development Center**, children and teens find a welcoming place with caring adult role models, and they develop positive values and an ethic of service through core leadership programs and specialty activities designed by youth. In the **YMCA Family Center**, parents and children spend time together, reducing stress and conflict while strengthening supportive bonds both within and between families through use of the teaching kitchen, family lounge, and activity and meeting areas. In the **YMCA Total Health Facility** (including youth and family gymnasiums and aquatic center), people of all ages and abilities access the research-based tools and support they need to make physical activity, proper nutrition and healthy habits an enduring part of their lives, helping turn the tide on rising rates of preventable medical conditions.

C. Outcomes of Project

One of the outcomes of this facility will be increased job opportunities in the community. The new YMCA will provide 150-200 new jobs, making it one of the larger Shoreline businesses, in the areas of childcare and recreation programs, health and fitness, pool maintenance and operations, customer service, and administrative functions. The YMCA offers a variety of full-time, part-time, and seasonal jobs, many with flexible schedules to accommodate the varied needs of families with children. All employees receive a YMCA family membership, and many jobs, including part-time positions, provide employees with the opportunity to obtain health-care benefits.

The new Shoreline / South County Family YMCA will serve as a much needed "community hub" for Shoreline and south Snohomish County. The sense of community that is created within the YMCA will extend outside of the boundaries of the building itself, as YMCA's collaborate with other community groups in numerous ways to build stronger, healthier communities.

Upon completion of this project, we expect to serve a membership base exceeding 4,000 people. We are committed to ensuring that access to our programs and facilities remains open to all people regardless of their ability to pay. Through funds raised on an annual basis for our Partner's With Youth campaign, we will provide scholarships for approximately 500 youth and their families in our community.

D. Statement of Action Requested

The Shoreline / South County Family YMCA respectfully requests that the Shoreline City Council to make an investment in the future of the community by financially supporting the building of a new YMCA to be located on Echo Lake. Specifically, we request that the City waive the permitting costs associated with the project and approve a fee for service contract of \$250,000, payable over the next 10 years, to provide needed services to residents.

Services provided by the YMCA will meet the needs of the community and can be provided in collaboration with other organizations, including the City of Shoreline. We propose that the contract include some or all of the following options.

- YMCA to host monthly teen late night activities open to all youth in the service area.
- Provide free YMCA passes to community members.
- Offer monthly family events open to all community residents.
- Provide 60 family memberships per year to low-income residents based on the YMCA's eligibility criteria for scholarships.
- Other services or facility space usage as determined by contract based on City needs.

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CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF SPECIAL MEETING

Monday, November 6, 2006
6:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

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

ABSENT: Mayor Ransom

1. CALL TO ORDER

The meeting was called to order at 6:32 p.m. by Deputy Mayor Fimia, who presided.

2. FLAG SALUTE/ROLL CALL

Deputy Mayor Fimia led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present, except for Mayor Ransom.

Councilmember Ryu moved to excuse Mayor Ransom. Councilmember Gustafson seconded the motion, which carried 6-0.

3. CITY MANAGER'S REPORT

Bob Olander, City Manager, reported that City staff went on a trip to San Francisco in an attempt to obtain a bond rating from Standard & Poors. The City received an "AA-" bond rating and rated "strong" concerning the City's financial management practices. He said the ratings will assist the City in obtaining better interest rates in the future and thanked the Finance Department for a good presentation. He announced the Employee of the Year (Don Held), the City Team of the Year (City Portal Implementation Team), the Professional Police Staff of the Year (Sharon Crook), the Police Officer of the Year (David Paulus), and the Police Volunteer of the Year (Elise Schwartzmiller). He reported on the success of the Annual Hamlin Halloween Haunt and on the final "Ivy Out" event at Brugger's Bog on October 21. Many Shoreline residents have volunteered over the year to help rid the parks of invasive species. He noted that Tuesday, November 7th is Election Day, and he encouraged residents to vote. The next regular meeting of the Library Board will be on Thursday, November 9. All City offices will be closed on Friday, November 10th, in observance of Veterans' Day.

Councilmember Way mentioned she had a conversation with a neighbor who asked if the City can post signage at traffic circles informing drivers how to navigate through them.

She also reminded voters that they can cast a provisional ballot if they lose their absentee ballot for the election in November.

Councilmember Ryu attended Hamlin Haunt and said it was an excellent event.

5. GENERAL PUBLIC COMMENT

(a) LaNita Wacker, Shoreline, stated that Ordinance No. 439 on the Consent Calendar concerns driveways that go to the rear yard or abutting property lines. She understood that it had been pulled and felt the public hadn't received proper notification. She said she wanted an official notice posted. She expressed support for the ordinance and said Mayor Ransom's comments brought this issue to her attention. She said there are thousands of houses with single car garages, and driveways make sense in these cases. She said subdivisions allow for "aging in place" and this would allow for a 10-foot driveway for an additional house with a 5 foot setback for a structure.

Mr. Olander replied that the proposed Ordinance No. 439 would be heard at a future Council meeting.

6. APPROVAL OF THE AGENDA

There was Council consensus to remove item 7(c), Ordinance No. 439, from the Consent Calendar. Upon motion by Councilmember Gustafson, seconded by Councilmember McGlashan and carried 7-0, the agenda was approved as amended.

7. CONSENT CALENDAR

Upon motion by Councilmember Gustafson, seconded by Councilmember Hansen and carried unanimously, the following Consent items were approved:

Minutes of Business Meeting of September 11, 2006

Ordinance No. 443 Reclassifying the City Engineer to Capital Projects Administrator

Councilmember Way asked for clarification that all references to cottage housing would be removed from the Code.

Joe Tovar, Planning and Development Services Director, confirmed that all references to cottage housing need to come out of the entire Shoreline Municipal Code. However, it is a Planning Commission, SEPA, and full public comment hearing process which may take some time.

8. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

(a) Richmond Beach Saltwater Park (RBSWP) Update – Master Site Plan

Dick Deal, Parks, Recreation and Cultural Services Director, introduced this item and the City staff involved in the process. He noted that there were a number of residents who are interested in redesigning this park.

Jerry Ernst, Hewitt Architects, stated that the study has been going on for about a year. He described the process and reviewed the six master plan goals and the phases of the plan. He highlighted the overall assessment, to include stakeholder interviews, the Park Board discussions, the Planning Commission visual survey, steep slope designations, erosion information, and photos of existing conditions which noted design and safety issues. He commented that the stakeholders felt that beach access is the most important aspect of the park to the community. He said early this year the City published several articles, mailed questionnaires to residents, and held an open house on March 18 for residents to review and comment on the master plan. He discussed the list of 16 potential improvements projects included in the master plan. He shared a list of public comments received at the July 29 open house. He commented that there was an attempt at prioritizing groups of projects into three categories "Early Implementation", "Design Development", and "Further Study". He highlighted that the draft master plan was presented to the Park Board on September 21, 2006 and they are recommending approval of the following projects:

1. Park entrance improvements - \$85,000 to \$100,000
2. Improve park road - \$550,000 to \$680,000
3. Create steep slope stairs and trails - \$250,000 to \$340,000
4. Steep slope stabilization - \$50,000 to \$70,000
5. To improve bridge access and safety - \$425,000 to \$600,000
6. Beach wash down area - \$17,000 to \$25,000
7. Overlook parking near entrance - \$100,000 to \$130,000
8. Mid-level terrace - \$300,000 to \$425,000
9. Signage and interpretive graphics - \$100,000 to \$130,000

Future projects for consideration include determining the usage of the caretaker residence, better pathways/entrance on the midlevel terrace, possible wetland overlooks (if the wetland is re-established), restoration of the beach dunes, and working on the bridge over the railroad tracks. He concluded that he is optimistic of returning to the Council in the next couple months with a final master plan for their adoption.

Bill Clements, Chair, Parks, Recreation and Cultural Services Board, thanked the City staff and the consultants for including the Park Board and the public in the process. He also thanked the citizens of Shoreline for approving the Parks bond. Mr. Clements reviewed the total funding for the nine projects and stated that the cost would be \$1,877,000 to \$2,500,000. He highlighted that this amount is less than the \$2,640,000 that was allocated from the Parks bond. He urged the Council to support this plan and felt it was a good prioritization of needs and a good use of available funds.

Mr. Deal added that the City continues to look for more funding and these projects allow participation by a host of volunteer groups.

Mr. Olander asked Mr. Deal what kind of feedback he would want from the Council. Mr. Deal responded that he would prefer Council approval on the plan along with any feedback or suggestions to the recommended Phase 1 improvements. He said he would like to see construction on this project begin in the summer of 2007 and the completion of Phase 1 improvements by 2008.

There was no one wishing to provide public comment on this item.

Councilmember Way thanked the staff, citizens, and the Park board for their efforts. She inquired if a citizen's committee has been established.

Mr. Deal replied that a citizen committee is not planned for this action, but the Parks board serves as the point of contact. However, the process has included several public meetings to solicit input from Shoreline residents.

Councilmember Way inquired how many people visit the park annually. Mr. Deal replied that he is unsure and there is a need to do some surveys to determine that information. He said during the summer the parking lot is always full and there are also a large number of residents who walk to the park. This type of survey needs to be done for all parks in Shoreline.

Councilmember Way discussed the mid-level terrace parking and asked if there was any analysis concerning how much more impervious surface would be added based on the draft plan. Mr. Deal responded that impervious surface information would be discussed in the design development. He added that they anticipate this area will be heavily used and that is why the direction was to put some grass and irrigation at that location.

Dave Buchan, Capital Projects Manager, stated that adding a lawn area serves as a fire break and helps to maintain parks and homes.

Councilmember Way commented that before the Council approves this plan they need to have the basic facts. She said an increase in impervious surface affects the environment, and even an estimated amount would satisfy her. She said she would like this to progress very carefully and wants the residents to get the best possible project.

Councilmember McGlashan said he attended the on-site open house and discussed the "oval" area above the restrooms. He asked what happened to the proposal to install a child's play area there. Mr. Deal said that area is a part of the long range plan and analysis work needs to be done. He also responded to Councilmember McGlashan that the bridge is on the list of items needing to be replaced.

Councilmember McGlashan asked about the \$140,000 line item on the last page and questioned if it was for contingency funding. Mr. Deal responded that the project is only

in the conceptual phase, but once it enters the design and development phase the funding will be allocated appropriately.

Councilmember McGlashan inquired why there was a funding range for each item. Mr. Ernst responded that the range gives confidence that the projects can get done. He also stated that they do include contingency funds.

Councilmember Ryu said she was glad to see that steep slope stabilization is in the plan. She mentioned that bullet #2 under the park road improvements refers to controlling drainage and surface water runoff by sloping the road towards the curb. She asked if the sloping would be enough to control the water if there is an increase in impervious surfaces in that area. Mr. Ernst responded that the slope stabilization is conceptual and there maybe a need for drainage swales to recharge water back into the system.

Councilmember Ryu stated that the cost of the steep slope stabilization (\$50,000 - \$70,000) was a "bargain." Mr. Ernst responded that this amount was just for the "pilot" project.

Mr. Buchan thanked Maureen Colaizzi for her coordination with students from the University of Washington.

Councilmember Ryu discussed the funding for the three park levels. She asked if there were any other items that would qualify for future grants. Mr. Deal responded that there are some items that are very grant-eligible, but the highest priority projects have been identified by both the community and the City staff to be accomplished first.

Mr. Olander pointed out that this project has a good chance because water access parks rank very high for grant approval.

Councilmember Ryu added that this is a good beginning, but not a "cure-all" for the entire park. She expressed support for starting the projects.

Councilmember Gustafson thanked the Park Board for their input and presentation. He was in favor of beginning the first phase of the project. However, he felt the project will require some adjustment as it progresses. He noted that the report said that the invasive species covered the entire park. He inquired if the UW students were going to remove it a section at a time and complete the entire project over a ten-year period. Mr. Deal responded affirmatively; however, the project would evolve into a stewardship program after the students receive complete training. Councilmember Gustafson added that this should be a high priority issue rather than it taking 10 years to complete. He also said he would like a platform built with possibly some signage concerning the trains for small children to read as they observe the trains passing by. Mr. Deal replied that the trains are an important part of the park experience and that signage has been discussed.

Councilmember Gustafson also mentioned that there are probably some residents interested in purchasing memorial benches for this park which should be included as part

of the planning process. He concurred with Councilmember Ryu and stated that this project would rank high with the Interagency Committee for Outdoor Recreation (IAC).

Councilmember Hansen appreciated the work on this project. However, he pointed out that the play area is on a steep slope. He felt that moving the bridge to a new location would encroach on an undisturbed natural area; he suggested renovating the current bridge. He noted that the west side of the road between lots 2 and 3 is very eroded and since the park is only going to get more popular, more parking and stabilization is needed. He pointed out that the roots of the invasive species will be removed, which will further erode the slopes and cause instability. He greatly appreciated the raised trails and favored the overall plan.

Mr. Deal noted that he will be coming back to the Council at a later date with a proposal for a train viewing area as part of the Richmond Beach Pump Station Park plan.

Councilmember Way reminded the Council that access to the beach trail is one of the highest priorities. She noted that there is a creek that runs through that area and it needs to be protected. She felt there needs to be an emphasis on reconnecting the wetland and water features of the park to the Puget Sound. She suggested that the Alliance for Puget Sound could provide assistance in this regard. She was dismayed at hearing about the removal of Madrona trees and requested a look at alternative solutions.

Mr. Deal said that item will be revisited during the design development phase. He noted that this site is challenging because it faces the west, has slopes, and has dry soil. However, he is confident that the design team will come up with a strategy that will fit the site needs.

Mr. Buchan added that some of the trees have been burned and are dead. He said the ones that are healthy will be preserved.

Councilmember Way was also concerned about the beach activity proposal in Phase 2 of the project, noting that preservation seems to be a lower priority than allowing activity there. She was concerned about allowing too many events there and also about "over-engineering" the beach. Mr. Ernst stated those are just suggestions that have been submitted.

Mr. Olander noted that the community said that they wanted "to keep the park as neutral as possible" and that is the direction the staff is taking.

Deputy Mayor Fimia inquired if there were any bicycle racks at the park. Mr. Deal stated that there are and they are looking at placing more throughout all City parks to get as many people as they can out of their vehicles. Deputy Mayor Fimia encouraged more ecotourism and advertising even along I-5 to attract more people to City parks and businesses. She said it may be a way to enhance economic development. She inquired if there was a theme for the signage and any possibilities for water detention.

Mr. Deal agreed that a theme would be appropriate, and said staff is looking into those issues. He also said the design phase is appropriate to discuss the possibilities of water collection on the site.

Councilmember Ryu said the Richmond Beach Pump Station needs a new name because "Buford Park" is not acceptable.

Deputy Mayor Fimia said it sounds like there is general support for this item with some relatively minor exceptions.

Mr. Olander said he would incorporate the suggestions of the Council and bring back a more formal authorization to proceed with the master plan and design at a later date.

RECESS

At 8:15 p.m., Deputy Mayor Fimia called for a five minute recess. At 8:22 p.m., the meeting reconvened.

9. ACTION ITEM: PUBLIC HEARING

- (a) Public hearing to receive citizens' comments on the 2007 Proposed Budget

Debbie Tarry, Finance Director, introduced the 2007 Proposed Budget and the items remaining on the budget schedule. She noted that the budget is scheduled for adoption on November 27, 2006. She commented that the City's current financial position is excellent, with a proposed budget that is balanced and totals \$68.2 million. It primarily provides the same level of services, with some enhancements in street sweeping and parks maintenance. The budget also incorporates the 2007 Capital Improvement Program activity.

Deputy Mayor Fimia opened the public hearing. There was no one wishing to provide public comment on this item.

COMMUNICATIONS AND INTERGOVERNMENTAL RELATIONS (CIR) BUDGET

Ms. Tarry continued and discussed departmental budgets. She began with the Communications and Intergovernmental Relations (CIR) department which is \$1,400 less than last year. She noted that the communications portion of this budget was reduced by \$17,000.

Councilmember Way inquired if lobbying was a part of this department's budget. Mr. Olander responded that the City maintains two lobbying contracts, one in Washington State and the other in Washington, D.C.

Joyce Nichols, Communications and Intergovernmental Relations Director, stated that the City pays for the contracts during the legislative sessions. She added that the upcoming session is a long session and will cost approximately \$16,000 for the State services. Special sessions are paid for on a weekly basis. Federal lobbying sessions cost \$30,000 for the year.

Responding to Councilmember Ryu, Ms. Nichols stated that she spend time in Olympia and Washington D.C. lobbying on behalf of the City. Mr. Olander added that he has received good reports concerning Joyce and her lobbying efforts.

Councilmember Way added that she is impressed with the lobbyists the City has in Washington D.C.

Councilmember Ryu inquired about the Council of Neighborhoods. Ms. Nichols replied that the Council of Neighborhoods includes the community leaders and the support that the City staff provides in event coordination and assisting with newsletters and other mailings.

Councilmember Ryu asked about Council of Neighborhood meeting attendance. Ms. Nichols responded that there are 14 Council of Neighborhood organizations with two representatives for each. She said that there are normally between 14 – 20 attendees at each Council of Neighborhoods meeting.

Councilmember McGlashan inquired what items were cut from the CIR budget. Ms. Nichols responded that her department attempts to spend only what is needed every year and the budget is less because there were some special projects last year.

PARKS, RECREATION AND CULTURAL SERVICES (PRCS) BUDGET

Ms. Tarry discussed the Parks, Recreation and Cultural Services (PRCS) budget. She stated it is \$147,000 less than the 2006 budget. She highlighted the major programs and makeup of the department. She announced that there is a significant increase in projected revenues in the recreation programs based upon recent successes. She noted the key changes in the budget as follows:

- Addition of a Parks Maintenance Worker II and extra help hours to take over all of the athletic field prep work in-house, offset by reduction in landscaping services contract (net savings \$24,377).
- Operations budget includes \$16,500 as one-time dollars for the purchase of a truck for this position.
- \$4,000 from Administration supplies were shifted to the services category to cover the increased cost of producing the Parks Recreation Guide.
- Operations budget for water was reduced by \$50,000 based on the water usage for 2006.

- Aquatics budget for natural gas was increased by \$11,550 to accommodate natural gas rate increases.

Councilmember Ryu felt there was a slight increase in the budget due to lost one-time costs and increased expenditures. Ms. Tarry explained that there is no public arts expenditure in 2007, which represents most of the savings.

Councilmember Way asked if there was an increase in the off-leash police officer contract. Mr. Deal confirmed that there was and they will be more aggressive in enforcement.

Councilmember McGlashan inquired about the line item for \$110,000 for long-term maintenance. Mr. Deal responded that the pool would close two weeks for summer repairs. These repairs would include \$80,000 for boiler repairs and washing the pool bottom.

Councilmember Gustafson said he has noticed the increased revenue and the number of participants in recreation programs. He commented that the department has become more efficient in publicizing the programs and more people are participating.

Councilmember Way commented on the information on page 199 concerning specific Parks programs. She added that there are wonderful programs listed there, however, she is concerned about graffiti and community policing. She questioned if there is a need to increase funding in those areas. Mr. Olander responded that the City is hoping to put more "eyes" in the Parks system. He felt that that would help curb the problems.

Councilmember Way also inquired if there was any collaboration between the court, the schools, and the City on this issue. Mr. Deal replied that there has been an effort to work together to apprehend offenders, but no ongoing training or vigilant effort to curb graffiti. Mr. Olander added that quick removal is the key to preventing graffiti from occurring.

Councilmember Gustafson commented that the Youth Master Plan can help educate the parents about this.

Deputy Mayor Fimia wondered if there were going to be any rate increases this year. Ms. Tarry responded that there were going to be some, however, they would only contribute less than \$5,000 in revenues.

Mr. Deal added that the biggest difference in the revenues is tied to the summer day camp experience. He said it is successful and the summer revenue has increased the most. He also said field rentals have increased.

Ms. Tarry highlighted the 2006 Parks fee schedule comparisons on pages 333 – 336. She said there are minor changes in the rates.

Mr. Olander pointed out that there are automatic CPI adjustments, according to Council policy.

Deputy Mayor Fimia asked if the staff has thought about making certain recreation periods “free” based on low usage. Mr. Deal responded that there aren’t any low usage times at the pool or the recreation center, so the idea hasn’t been discussed.

PLANNING AND DEVELOPMENT SERVICES (PADS) BUDGET

Ms. Tarry outlined the Planning and Development Services (PADS) department budget, which has a \$320,000 increase from 2006 to 2007. This increase is primarily centered on salary and benefit changes and some recommended one-time funding.

Mr. Tovar noted that the key departmental changes include the Natural Resource Management Strategy (NRMS) which was adopted as Council Goal #6. This strategy includes \$75,000 for consultant assistance and \$25,000 to offset some staff participation. Another portion of NRMS is \$30,000 for the planning of the Town Center.

Councilmember Way asked how the plan would be implemented and whether or not it would be contracted. Mr. Tovar responded that if the Council approves the \$100,000 request, three-fourths of that would go towards a contract to retain a consultant to do the primary research; the remaining \$25,000 would be used for the project manager to execute the permitting.

Councilmember Way asked whether some of the funding could be devoted to some carbon offset analysis. Mr. Olander responded that it could be considered as one of the strategies to be implemented as part of the Mayor’s Climate Protection Agreement. He noted that the scoping of the NRMS comes later. Councilmember Way responded that she would like the carbon offset analysis included as a part of the NRMS scope. Mr. Olander said that the City staff hasn’t discussed at what level this topic will be approached.

Councilmember Ryu said she is frustrated with Economic Development Strategy because implementation is always a problem. She added that the \$100,000 should be spent on the development of practical tools that are designed for the Northwest. Mr. Tovar responded that he purposely wants this to be called a “strategy” because a strategy is more action-oriented than a plan.

Deputy Mayor Fimia commented that she shares the same concerns about one-time expenditures. She added that there are citizens that are willing to join an economic development task force to put together a plan and work on grants.

Councilmember Way mentioned that the grant idea could be used as a match for other funds that people can apply for.

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Mr. Tovar said he would come back to the Council with a scope and plan on how the consultant budget could be allocated. However, there would need to be some type of public involvement program. He added that he would come up with a list of short-term actions for the Council to review.

Councilmember Hansen asked if the City was applying for grants and giving funding to other organizations. Mr. Olander explained that the staff recommendation is that this is not something that the staff can do with existing time and resources; it will require the assistance from outside agencies.

Deputy Mayor Fimia inquired how this differed from the natural resources section of the City's Comprehensive Plan. Mr. Tovar responded that the natural resources section of the Comprehensive Plan provides direction to the Capital Budget and regulations. He added that you need to have programs and small projects throughout the community to be effective.

ECONOMIC DEVELOPMENT BUDGET

Ms. Tarry commented that the Economic Development budget for 2007 is \$36,000 less than the previous year. The changes include \$20,000 of unused one-time funding from 2006 that did not get carried over to 2007. Additionally, the biggest change is the proposed professional service contracts for \$135,000; this budget does not include funding for Forward Shoreline.

Councilmember Ryu inquired if there is any funding allocated for the Shoreline Chamber of Commerce Tourism and Travel Bureau. Mr. Olander said there is none at the present time.

Tom Boydell, Economic Development Manager, stated that there has been a \$20,000 reduction to Community Capital Development (CCD), as promised. He stated that CCD has done some real estate advisory services on a small basis and there have been more added this year such as Clearpath and Aurora Square, which may need to be stepped up to explore more opportunities.

Mr. Olander discussed Councilmember Ryu's question concerning Chamber funding. He stated that in this budget cycle the City staff didn't explore any new employee positions or any new ongoing programs that did not have its own dedicated revenue source.

Councilmember Way asked for some clarification on the "Buxton portal." Mr. Boydell stated that it will be a website to help small businesses and developers in the local area. He added that it should be operating very soon.

PUBLIC WORKS BUDGET

Ms. Tarry noted that the Public Works (PW) budget was \$578,000 less this year. Specifically, the budget is \$288,000 less due to the purchase of the annex building and

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not having to pay lease payments any longer. Additionally, there were one-time carry over funds from 2005 to 2006. She discussed the PW budget by each section, noting that the Street Fund utilizes 38% of its total budget. Key changes, she highlighted, are that there were \$454,000 in carryovers that did not move into 2007.

Councilmember Ryu inquired whether there would be an increase in the level of service in the City's street sweeping.

Paul Haines, Public Works Director, stated that they have managed to reduce the cost and increase the service level. He said the service will increase from three times a year to six times a year. He added that the City had been utilizing King County contracts at \$86 per lane mile. However, after the capitalization of the equipment the City's cost will be about \$20 per lane mile. He said currently with the capitalization of the equipment still going on the cost will be about \$28 per lane mile in the first five or six years. Currently the City spends 800 hours staff time doing work that a street sweeper can do. The street sweeper can do manual catch basin cleaning, spill cleaning, overlay preparation, individual customer response, and road striping. Also, street sweeping is the most effective way to reduce pollutants in the streams and lakes.

Responding to Councilmember Ryu, Mr. Haines clarified that a snow removal attachment could not be added to the street sweeper. However, there is a nozzle attachment to do low head lifts out of catch basins for doing vactoring. He added that they also will be budgeting for maintenance and the servicing of equipment.

Councilmember Way inquired if this equipment was being financed. Ms. Tarry responded that the City recommendation is to buy equipment with cash and put some funding away for future replacement and maintenance.

Councilmember Way asked what the stormwater operations filtration statement referred to. Mr. Haines said this item will be added to the Aurora maintenance costs. The costs are for maintaining the elaborate vaults with the mechanical filter systems.

Deputy Mayor Fimia said on page 245 the Neighborhood Traffic Safety Program and traffic services budget has dropped almost 29%. She asked for an explanation. Mr. Haines said the overall budget did not decrease. There has been over \$170,000 in carryovers from 2006 to 2007.

Deputy Mayor Fimia asked who was responsible for cleaning up the debris after storms. Mr. Haines responded that in 2007 there will be more recycling events sponsored by King County and hopefully a City-sponsored event in February or March.

Councilmember Ryu encouraged Mr. Haines to start advertising early for the recycling events so people can save their items for it. Mr. Haines added that it is good to advertise and let the residents know early. He added that he will start advertising about the February or March recycling event as soon as the day is confirmed.

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Councilmember Hansen mentioned that Waste Management has “green debris” pickup service available to residents who aren’t composting those materials. He also mentioned that the City chips Christmas trees with the Boy Scouts and other organizations.

Deputy Mayor Fimia said it would be great to have more opportunities, either with Waste Management or the City. She felt the process needs to be easier for seniors and others. Mr. Haines noted that the Waste Management contract can be discussed at a future Council meeting.

Mr. Olander added that it is important to take a look at what other municipalities are doing before the City makes changes.

Continuing the presentation, Ms. Tarry noted that the 2007 Capital Expenditures were \$35 million. She said the expenditures were a reflection of what was approved in the Capital Improvement Program (CIP). She noted that one-time allocations were allotted to the Town Center Plan, the Environmentally Sustainable Community Strategy, and the proposed street sweeper purchase. She said the City is expected to be at 32% general reserves at the end of 2007. She also added that the market adjustment and salary tables have been applied to the employee salary tables.

Councilmember Ryu asked if the steps on the salary table get increased automatically. Mr. Olander responded that moving from step to step is based on a satisfactory performance review.

Deputy Mayor Fimia commented that the materials the Council has been given and the process that Ms. Tarry has used has been extraordinary. She said the materials and memorandums have answered all of her questions and have been timely and thorough.

Councilmember Way agreed with Deputy Mayor Fimia’s comments and recommended that the public get a copy of the budget book.

ADJOURNMENT

At 9:56 p.m., Deputy Mayor Fimia declared the meeting adjourned.

Scott Passey, CMC
City Clerk

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CITY OF SHORELINE

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

Monday, February 5, 2007 - 6:30 PM
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 6:36 p.m., the meeting was called to order by Mayor Ransom, who presided.

2. FLAG SALUTE/ROLL CALL

Upon roll call by the City Clerk, all Councilmembers were present with the exception of Councilmember Hansen, who arrived shortly thereafter.

3. CITY MANAGER'S REPORT AND FUTURE AGENDAS

Bob Olander, City Manager, provided updates and reports on the following:

The start of construction for the North Central segment of the Interurban Trail
The success of the Ridgecrest Visioning Workshop held on January 24
The One Night Count of the Homeless conducted on January 26
"Get Ready Shoreline" emergency preparedness meeting to be held on February 8
Request for art donations from Shoreline/Lake Forest Park Arts Council for annual "Art from the Attic" event
The next Library Board meeting will be held February 8
The King Conservation District Board Election will be held Feb. 13 at locations throughout King County, including a polling place at City Hall (Clerk's conference room)
The 2010 Speaker Series begins February 15 featuring Mark Hinshaw, urban design expert

4. COUNCIL REPORTS

Councilmember Way reported that she attended the play at the New Space Theater; she added it is a credit to North City to have this theater group in Shoreline.

Deputy Mayor Fimia spoke favorably about the Ridgecrest Visioning Workshop, which she attended. She also attended a North City business meeting, where neighborhood traffic is still an issue. She acknowledged City staff's efforts to implement the Council goals.

Mayor Ransom reported on the north end mayor's meeting, where they discussed working with King County Councilmember Ferguson's office on surface water management. They are also interested in working with Shoreline on a potential connection to the Burke-Gilman Trail. Other issues included a proposition to implement tolls on the floating bridge and the ongoing concern about rising jail costs and the Yakima contract. He said although the contract is good until 2012, cities should explore the possibility of creating a local misdemeanor jail.

5. GENERAL PUBLIC COMMENT

(a) Dale Wright, Shoreline, noted that the City Council authorized the environmental review process for the Aurora Corridor Phase 2 and Phase 3 on October 16, 2006, and Council will eventually select a design from among the alternatives. He said Deputy Mayor Fimia brought up the possibility that an entirely different design could be proposed. He felt this would be inappropriate because the Council has a responsibility to tell the public what it has in mind. He felt there should be transparency in the process and if any new designs are proposed, they should be analyzed along with the other alternatives.

(b) Virginia Paulsen, Shoreline, advised that the City should present both the operating and capital budgets together because they both have an impact on citizens. She urged the Council to thoroughly examine all expenditures and questioned the use of Council travel funds and whether the neighborhood associations are effective in accomplishing their goals. She expressed concern that a huge amount of Shoreline funding is going into Sound Transit and RTID, but it's not the most effective transportation remedy. She expressed concern about economic growth and the loss of Aurora businesses, noting that 30 businesses have closed due to the construction project. She stressed the need for a cost-benefit analysis of the Aurora Corridor Project. She also felt the City's newsletter Currents doesn't provide much information on fiscal matters.

(c) George Mauer, Shoreline, noted that City Councilmembers are elected by citizens at large, so the Mayor should defer to Council as a whole. He felt that the Mayor should not be allowed to arbitrarily appoint members to serve on local and regional committees. He urged the Council to make assignments fairly, noting that the Council's confirmation of appointments is needed as a check against capricious decisions.

(d) Kennie Endelman, Shoreline, thanked the Council for approving the North City and Aurora Corridor projects, noting that these projects have a positive impact and help Shoreline become a destination again. She said she has lived in Shoreline for over 30 years, but part of the reason she's moving is because Shoreline is not living up to its potential in some areas. She said citizens want covenants enforced, dogs licensed, illegal remodeling stopped, abandoned cars removed, and access for emergency vehicles. She concluded by urging the Council to take a closer look at code enforcement.

(e) Pat Crawford, Shoreline, expressed support for term limits for City board and commission members, adding that the process should be open to all. On another topic, she urged the Council to read the information she provided at the last meeting relative to a City park volunteer. She said she expects redress of grievances regarding Mr. Dixon because she believes her civil rights were violated over and over again. She said many of their problems started with former Councilmember Grossman's e-mail, which changed the Aegis matter from a public issue to a personal issue. She said the City must protect the rights of appellants and that it could have avoided these problems by following its code. She asked that the City attend the hearing regarding abatement of the Aegis north building on April 16.

(f) Tim Crawford, Shoreline, concurred with Mr. Mauer comments regarding Resolution No. 255. He said citizens are tired of seeing the same faces over and over again, who are coached and advised by our administration "lackeys." He said that the people working for the City have "dropped the ball" regarding code enforcement and the Critical Areas Ordinance. He noted that the City allowed a developer to "rape" the environment and fill in Peverly Pond. He expressed hope that he would succeed in getting the Aegis north building removed. Regarding the North City/15th Avenue NE, project, he noted that the Council dismissed the input from the businesses as "anecdotal." He concluded by saying he doesn't want to see any more time or money wasted on the Aurora Corridor Project.

(g) Nancy Marx, Shoreline, noted that Shoreline School District is moving to close two elementary schools: Sunset and North City. She said there are four schools within one mile of Aurora Avenue, and under the new proposal, 250 students will have to cross Aurora Avenue to get to elementary school. She said there is no safe way to get students across the state highway, because pedestrian crossings will require 20 mile-per-hour speed limits and crossing guards, which will not likely be approved. She said she would like the Council to decide how it wants students crossing the street. She urged the City to participate on the School District's transportation advisory committee to advise on pedestrian safety.

(h) Gretchen Atkinson, Shoreline, reported on the Forward Shoreline meeting in which a former mayor of Bellevue spoke about economic development opportunities that could be achieved through public/private partnerships and interlocal agreements. She pointed out that the City of Bellevue took over the maintenance and programming of school playgrounds. She encouraged the City to meet with Bellevue officials and try to incorporate some of their ideas in Shoreline.

(i) Greg Logan, Shoreline, was pleased with the trend of decreased crime and traffic accidents as reported in Currents, but questioned if this is due to increased emphasis on law enforcement and the addition of another officer. He urged the Council to make decisions based on clear-cut cause-and-effect rather than for other reasons.

Mr. Olander responded to public comments. He noted that if a new proposal for Aurora Avenue is outside the scope of the alternatives studied, it would require a revision to the Environmental Impact Statement. He said the Council is considering a variety of options for meeting its future fiscal challenges, and the City has accurate information regarding economic impacts and business relocation of the Aurora Corridor project. He said code enforcement has always been a major issue and the City will continue to place emphasis in this area. He clarified

that Resolution No. 255 deals with Councilmember appointments to committees such as SeaShore. He pointed out that the City does partner with the School District on a number of issues, and the City is always looking for opportunities. He concluded by commenting that the police target the high accident locations and the types of activities that lead to accidents.

Councilmember Gustafson clarified that the Council travel budget is less than \$30,000. He urged Dr. Paulsen to meet with the Finance Director to fully understand the details of the City's budget.

Councilmember Ryu asked Mr. Olander to respond to Mr. Wright's comments regarding transparency in the process for the Aurora Corridor. Mr. Olander stated that the City's philosophy and goal is to have a fair process, regardless of which alternative is chosen. He noted that the environmental study is a public disclosure process in which the environmental impacts are identified and considered. Councilmember Ryu noted she would talk to the Economic Development Manager regarding some errors in the City business directory.

Councilmember Way encouraged future partnerships with other entities, noting that the City has a partnership with the Shoreline School District at Paramount Park. She asked about the feasibility of the City participating in the School District's transportation advisory committee. Mr. Olander said he would inquire of the School District.

Councilmember McGlashan requested that Dr. Paulsen provide the Council with a list of the Aurora businesses that have closed due to construction.

Deputy Mayor Fimia provided her phone number and said she would be more than happy to discuss transparency and her intentions with anyone. She said if this was done ahead of time, perhaps unnecessary allegations and accusations could be avoided.

Referring to Mr. Crawford's comments, Mayor Ransom noted that he was not the mayor at the time that 15th Avenue NE was reconfigured to three lanes. However, despite the differing views and opinions expressed, everyone's views were considered and nobody took the decision lightly.

6. STUDY ITEMS

(a) Update on the King County Brightwater Project

Rachael Markle, Assistant Planning Director, introduced the members of the King County Wastewater Treatment Division: Gunars Sreibers, Conveyance Program Manager; and Michael Popiwny, Architectural Design and Mitigation Manager. Mr. Sreibers and Mr. Popiwny gave a presentation on the design and timeline of Brightwater's New Treatment Plant and Conveyance System. They explained the construction schedule, materials, configuration, and technology associated with the Ballinger Way Portal and the Marine Outfall at Point Wells in Richmond Beach. They also explained the water reclamation system on Ballinger Way, noting that reclaimed water will be available from Brightwater starting in 2012. The conveyance system from Ballinger to Point Wells will consist of a 21,000-foot tunnel, featuring an underground sampling facility. The marine outfall project will include onshore and offshore restoration, and tunnel spoils will be removed by barge. The marine outfall will consist of 4,700 feet of pipe and

a 500 foot diffuser at the terminus, 600 feet deep in Puget Sound. They explained the measures that will be used to protect the environment during nearshore construction. Mr. Popiwny outlined the mitigations that are designed to minimize construction impacts at Ballinger Way Portal and Point Wells, which include:

- Traffic control plan approved by city
- Screen wall to reduce noise
- Spoils removed by barge or rail to reduce truck traffic
- Measures to reduce glare and dust
- Notification to mariners of barge activity and marine construction
- Protections for sensitive marine species
- Marine monitoring during and after construction
- Working With Neighbors During Construction
- King County staff will work with contractors to solve problems
- County staff will keep the community informed by
- Working one-on-one with affected neighbors
- Providing advance notice of construction activities
- Maintaining a 24-hour construction hotline
- Attending meetings with community groups
- Commitment to Odor Control at all times
- Commitment to Address Noise/Light /Glare
- Enhanced Stormwater Management
- Enhanced Landscape Plantings
- Unused Portion of Ballinger Way Portal transferred to City for City Use

Mr. Popiwny concluded the presentation by outlining the mitigation funding which will be used for transport of spoils, community improvements, site restoration, geoduck reimbursement/eelgrass replacement, removal of derelict fishing gear, monitoring, tribal research (geoduck, shrimp and shellfish health and habitat), and offshore site restoration.

Councilmember McGlashan asked about the percentage of reduced outflow into Puget Sound through the water reclamation facility. Mr. Sreibers said the total capacity of the treatment plant is 36 million gallons per day; the reclaimed water facility will have an initial capacity of 11 million gallons per day, increasing to 21-22 million eventually.

Councilmember Hansen asked how Shoreline would benefit from the reclaimed water, given that it's principally used for agricultural purposes and Shoreline is not an agricultural area.

Mr. Sreibers noted that the two primary uses for reclaimed water in this area are agricultural and industrial. He said the facility was considered warranted because there appeared to be enough potential users in the area such as golf courses, cemeteries, and possible industrial customers. He further explained that the treatment facility will provide the reclaimed water to a retail delivery agency, which can then decide who the potential users are. Obviously the hope is that the retail cost of reclaimed water will be less than potable water.

Responding to Councilmember Way, Mr. Sreibers said that the reclaimed water will be made available through the water district, and that the initial amount that will be available is 11 million gallons per day.

Responding to Councilmember McGlashan, Mr. Popiwny explained the eelgrass mitigation near the pipe in the marine outfall.

Mayor Ransom called for public comment.

(a) Virginia Paulsen, Shoreline, questioned what would happen to the marine outfall facility in the event that sea levels rise due to global warming.

(b) Wendy DiPeso, Shoreline, inquired about the final destination of the tunnel spoils that are removed.

Mr. Sreibers said the contract does not stipulate where it will go, although it has to meet all relevant environmental requirements. In terms of rising sea levels, the staff did consider worst-case storm conditions based on climatological data in the design specifications.

Responding to Councilmember Way, staff noted that there the spoils will not contain contamination due to the depth of tunneling, and approximately 900 cubic feet of contaminated material was removed at the Point Wells site. They also responded the questions about the site restoration and mitigation at the Point Wells site, noting that the size of the restoration area is just over one acre, and the wetland buffer is over one-third an acre. Mr. Popiwny said they would find out how many watersheds are involved in the project from Woodinville to Point Wells. Councilmember Way concluded her comments by emphasizing that mitigation is expected to make up for the disturbance to the environment.

Councilmember Ryu expressed appreciation to the County staff for addressing concerns expressed by the Richmond Beach Community Association a few years ago. She asked if the design included earthquake considerations and if the budget includes operating funds for annual inspections. Mr. Sreibers responded that the tunnel is a state-of-the-art design based on the best geotechnical data, which does include seismic events. He explained the monitoring and sensors on the system, noting that a major inspection will be conducted after 10 years. Mr. Sreibers explained that there was a total of 175 easements from Woodinville to Puget Sound, mostly in the street right-of-way.

Responding to Councilmember Hansen, staff explained the process for removal of derelict fishing gear. Councilmember Hansen asked about the quantities of dissolved pharmaceuticals in the water that will be processed and the effectiveness of the filtration and treatment system. Mr. Sreibers noted that many facilities don't do as good a job as they should, and there is a great deal of research going on nation-wide regarding the effective removal of pharmaceuticals from wastewater. He said the Brightwater facility is geared towards effectively removing those materials.

Deputy Mayor Fimia asked if the project will address inflow/infiltration issues and how they will be funded. She asked if the design proposes to replace the Lake Washington interceptor, noting that it is an older facility. She asked if the treatment plant is being built on an earthquake fault. She also requested the capacity costs for 2010 and 2015.

Mr. Sreibers noted that King County is looking at infiltration issues in terms of the overall wastewater system in the County; he said he could provide information on the estimated costs and source of funding. He explained that the Lake Washington facility is still in use, but the treatment system is designed to route flows away from the interceptor if necessary. He stated that the wastewater plant is not built on an earthquake fault.

Responding to Councilmember McGlashan, Mr. Sreibers explained that future inspections of the conduit will be done remotely. He confirmed that the route of the conveyance pipe follows the boundaries of Shoreline, Mountlake Terrace, Edmonds, and Lake Forest Park.

Councilmember Gustafson thanked the County staff for attending the meeting and explaining the project.

RECESS

At 8:52 p.m., Mayor Ransom called for a five minute recess. The Council meeting reconvened at 8:59 p.m.

(b) Permit Services Program Briefing

Jeff Forrey, Permit Services Manager, explained that the Permit Services Team was created three years ago as part of a departmental reorganization focused on direct customer service delivery and a "front loading" of the process with technically-qualified staff. For many people, permit services serves as the first point of contact with the City. He introduced the Permit Services Team: Juniper Garver-Hume; Danielle Ancira; Renee Blough; Carol Christensen; Arli Windsor; Lucinda Clark; Jill Mosqueda; and Jeff Forrey. He described the background, education, certifications, and activities of each member as well as their respective roles within the department. He reported that Permit Services serve 12,400 customers annually and processed 1,750 separate applications in 2006. He went on to describe the services provided by the Permit Services Team, which include services relating to applications and permits, commercial and residential design standards, and provision of information relating to the Comprehensive Plan and the Development Code. The Permit Services Team also consults and informs the public on electrical permits, general land development, and development in or around Critical Areas. The Team also responds to citizen inquiries and guide customers through the permitting process. Mr. Forrey concluded by outlining the team's accomplishments and future plans, some of which include: 1) continuing a team approach to defining and implementing process improvements; 2) seeking out educational opportunities to increase technical capabilities that will result in enhanced customer service; and 3) customer education.

Mr. Tovar commented on the Permit Services Team's strong ethic on customer service.

There was no one wishing to provide public comment on this item.

Councilmember Ryu asked if the Permit Services Team felt it was getting enough budgetary support from the Council, noting that fee revenues account for less than half of the \$718,000 budget. Mr. Forrey responded affirmatively, although staff is beginning to track the expenses in civil plan review more carefully to ensure all the appropriate fees are being captured.

Mr. Olander noted that Council authorized an additional development review engineer in response to the request for additional resources, and this was funded through permit revenues. He also commented on the difficulty of capturing the actual costs associated with the permit process.

Councilmember Way appreciated the staff's dedication to customer service. She asked how the Permit Services Team's budget compares with other jurisdictions in terms of general support versus permit revenues. She also asked about staff's business-oriented approach.

Mr. Forrey said the City's permit department is rather unique, so it is difficult to compare Shoreline with other jurisdictions. He commented on the team dynamic and the way the department is structured to provide support to other City departments. He clarified the Team's business-oriented approach, explaining that they look at permits in terms of providing a commodity; he said staff prefers to deal with the permitting process from a business standpoint rather than as "a government agency pushing regulations on people."

Deputy Mayor Fimia asked how the Permit Services Team works with the building inspections team. Mr. Forrey explained that the Permit Services Team provides the "skin-deep information" as permit applications come in; the staff then transfers ownership to project managers as the projects are further developed. He commented there is a great deal of lateral communication between the departments.

Mayor Ransom noted that new construction is up 14 percent and permit applications are up 25-30 percent, so obviously there are many permits for remodels or additions. He emphasized that the Council is open to new ideas and urged the Permit Services Team to be open to change. He encouraged the Director and staff not to automatically dismiss a developer's "out of the box" ideas, but to bring them to the Council if they feel they have merit.

Councilmember Way commented on future efforts to implement LEED standards and inquired about whether self-help computer terminals could be provided for customer use. She suggested that staff think about implementing options that may be "outside the box." Mr. Forrey responded that staff is always exploring innovative ideas and trying to help customers understand the resources that are available to help them with their projects.

Councilmember Ryu asked how the City manages building records, especially those going back several years, and if older records are kept at King County. Mr. Forrey noted that records prior to City incorporation are kept at King County. The City has undertaken an ongoing program of scanning permit files through the City Clerk's office.

(c) Update on 2005-2006 Council Goal No. 6, Review and Consider Improvements in Code Enforcement Standards

Rachael Markle, Assistant Planning Director, and Kristie Anderson, Code Enforcement Officer, gave an update of code enforcement activities as they relate to 2005-2006 Council Goal No. 6, Review and Consider Improvements in Code Enforcement Standards. The specific questions posed by Council during the last review include the following: 1) How many complaints have been received about interior maintenance? 2) Do existing Codes address interior maintenance? 3) Do our neighbors have interior standards? 4) What does the Landlord Tenant Act Cover? 5) What does the King County Health Department enforce? Ms. Markle reported that the City has averaged 5-6 calls annually regarding interior conditions. All complaints were resolved during the warning and education phase. Building Codes ensure through permitting that new construction, remodel and alterations are built to safe standard. The International Property Maintenance Code (IPMC) insures that structures and equipment are maintained in good repair, structurally sound and in a sanitary condition. The IPMC covers maintenance of the following: structural members; interior surfaces, including doors, stairs and walks; hand & guard rails; light; ventilation; occupancy limits; plumbing facilities and fixtures; water and sewer systems; mechanical and electrical requirements, and fire safety. The intent of this code is to maintain structures to avoid creating situations that endanger health, property or safety. The Uniform Code for the Abatement of Dangerous Buildings applies to unfit buildings and premises. Ms. Markle provided examples of conditions that could be addressed with existing codes and listed the following jurisdictions that enforce interior standards: King County; Edmonds; Lynnwood; Everett; Mountlake Terrace; and Seattle. She noted that the Landlord Tenant Act is an adequate tool for some situations, but may not be the best tool when tenants do not understand the Act, when they don't have the means to initiate the repair, or when a single repair costs more than one month rent. She briefly discussed code enforcement as a tool for law enforcement.

Ms. Anderson explained the proposal to implement a Relocation Assistance program. This tool would allow the City to provide relocation assistance for low income tenants that are displaced by a code enforcement action taken by the City if the property owner does not provide such assistance within 7 days of notification that a dwelling unit is declared unfit. One of the purposes of this RCW provision was to provide enforcement mechanisms to cities, towns, counties, or municipal corporations including the ability to advance relocation funds to tenants who are displaced as a result of a landlord's failure to remedy code violations and later to collect the full amounts of these relocation funds, along with interest and penalties, from landlords.

Ms. Markle noted that staff is requesting direction on the following: 1) Drafting an Ordinance to adopt the International Property Maintenance Code interior sections; 2) Drafting an Ordinance to adopt RCW Relocation Assistance provisions; and 3) Preparing an updated version of the Code Enforcement Priority Level Guidelines.

Mr. Olander related a story about an abatement situation in another city to illustrate the need for a Relocation Assistance Program.

MEETING EXTENSION

At 10:00 p.m., Deputy Mayor Fimia moved to extend the meeting until 10:15 p.m. Councilmember Ryu seconded the motion, which carried 7-0.

Responding to Councilmember Way regarding Relocation Assistance, Ms. Anderson explained that the City would need to adopt the state act in order to establish a relocation assistance fund. She clarified that this resource would be available only if a structure was closed down due to code enforcement action, not natural disasters.

There was no one wishing to provide public comment on this item.

Councilmember Ryu asked if landlords were requesting adoption of the interior codes because they would like access to residences to fix potential problems. Ms. Anderson responded that some code enforcement actions are prompted by "housekeeping" issues, so the interior standards make sense for some landlord-tenant situations.

Councilmember Ryu expressed support for some level of interior standards so the issues of safety can be addressed.

Responding to Councilmember McGlashan, Ms. Anderson explained how the proposed Relocation Assistance Program would operate. If the owner refuses to correct the problem following notice, they have seven days to pay the tenant relocation costs. If they refuse to pay, the Program allows the City to "front the money" and the City can then pursue compensation through liens and penalties. Mr. Olander noted that the code abatement fund could be modified to accommodate the Relocation Assistance Program. Councilmember McGlashan expressed support for the program, although it could take a while for the City to recoup the money. He felt it was important for the City to take care of citizens who live in rental properties.

Deputy Mayor Fimia supported the proposals wholeheartedly. She noted that these proposals might assist the Comprehensive Housing Strategy Citizen Advisory Committee, which is looking at ways to preserve the existing housing stock.

Mayor Ransom agreed that tenants need protection, but to apply the interior codes to individual home owners can be invasive. He felt it should only apply to landlord-tenant situations because complaints have primarily related to rental units, not individual home owners.

Ms. Markle noted that some criminal activity is taking place in owner-occupied situations and these are generally not self-reported, so the City cannot rely on it's complaint-based enforcement model for these situations.

Katie Larson, Shoreline Police Sergeant, noted that only very few residences have been problematic. She pointed out that dilapidated buildings attract criminal activity, so having the interior code standards would be another tool available to staff to address interior codes as well as crime.

Mayor Ransom felt if the particular incident is criminal activity then it should be addressed, but

interior codes should not be used as a "back-door technique" to address crime. He was concerned about giving police officers additional authority to address criminal activity on a "trust me" basis when a suspect could not be arrested under an existing criminal statute.

MEETING EXTENSION

At 10:19 p.m. Councilmember Ryu moved to extend the meeting until 10:25 p.m. Councilmember Way seconded the motion, which carried 4-3 with Mayor Ransom and Councilmembers Hansen and McGlashan dissenting.

Councilmember Way supported the proposals and felt the City should have the resources and tools to "do the right thing." She asked if the interior standards would apply to group homes. Ms. Anderson said that in many cases, group homes operate as single family residences, but they are also inspected by DSHS. In most cases, the City works with DSHS and the property owner to remedy any problems.

Responding to Councilmember Gustafson, Ms. Anderson noted that most jurisdictions that have adopted interior standards apply them to both owner-occupied and rental properties; Seattle is rental unit only. Councilmember Gustafson suggested that staff return with the draft ordinance for these proposals.

There was Council consensus to direct staff to return with a draft ordinance implementing the proposals discussed this evening.

7. ADJOURNMENT

At 10:24 p.m., Mayor Ransom declared the meeting adjourned.

Scott Passey, CMC
City Clerk

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

Monday, February 12, 2007
6:00 p.m.

Shoreline Conference Center
Highlander Room

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

ABSENT: none

STAFF: Bob Olander, City Manager; Julie Modrzejewski, Assistant City Manager; Joyce Nichols, Communications and Intergovernmental Relations Director; Mark Relph, Public Works Director; Jesus Sanchez, Public Works Operations Manager; Rika Cecil, Environmental Coordinator

GUEST: King County Councilmember Kathy Lambert; Shari Tracy, Operations Director for KC Councilmember Bob Ferguson; Carolyn Armanini, former Councilmember, City of Lake Forest Park

Mayor Ransom called the meeting to order at 6:30 p.m. He introduced King County Councilmember Kathy Lambert, this evening's presenter on solid waste management technology. Everyone provided self introductions.

Councilmember Lambert described how she first became interested in "garbage" issues (solid waste). She said that in the United States, garbage is just waste. However, in Europe, waste is a resource. She described her travels in Europe over the past few years and how impressed she was with the way the European Union (EU) countries are dealing with garbage – they have a multi-nation process for handling waste. They have a 65% recycling rate, which is much higher than the U.S. When you make a purchase, approximately 95% of the packaging material is left at the store. People carry their own cloth shopping bags. Europeans recycle in many more categories that we do and on balance, have fewer disposable products that we do (e.g. plastic pens and utensils).

In Copenhagen, Denmark, she noted that one-third of the country's electricity is produced from waste products. They don't hide the power generating plants; they put them in the center of town. Also, they are no longer burying or landfilling garbage. In fact, they are removing some of the garbage out of the old landfills and are burning it for fuel (about 10% of each load).

Councilmember Lambert showed slides from various cities in Europe illustrating how the power plants look and how they are situated in the town/city. The plants she toured create less air pollution than power plants in the U.S. The garbage is burned at a temperature of 800 degrees Celsius – that's the temperature at which the molecules break down. This process is monitored closely due to health and pollution concerns. She also said there is no bad odor from the garbage because of the zero oxygen level in the bunker.

When the process is complete, there is fly ash left over that contains metals which are reclaimed, recycled and sold. There are a few waste-to-energy facilities in the U.S., including one on Spokane, but most are using 1984 technology, not the newer technology used in Europe. Some of the bottom ash left over from the process is reclaimed and used as the base for roadbeds and has good weight-bearing capabilities. Bottom ash is "cured" for three months before it's used for other purposes.

Mr. Olander asked about the plastics and other similar products that emit possibly toxic gases, which was a big concern in the earlier technology.

Councilmember Lambert said they do a better job of not using as much plastic as we do, and they do a better job of recycling to keep plastics out of the waste system. These types of materials become part of the fly ash and bottom ash to be reclaimed or disposed.

Councilmember McGlashan asked if they had trouble siting the plants due to "nimby-ism."

Councilmember Lambert said the way the whole systems works in these European countries, this is just not a big issue because the technology is so clean and people are used to it and it's not seen as a big deal.

She said that she has votes on the King County Council, but no decisions have been made. There is a study underway now by R.W. Beck that should be done in the fall. She said some people in the County don't want to implement this technology because they are not open to looking at the new technology – but we're 30 years behind the Europeans in this area.

Several Councilmembers asked questions about how the King County Council's process would work for choosing a technology. Councilmember Lambert said once the study is complete, it will be reviewed and voted on by the Council. She also said she is speaking with Seattle Mayor Greg Nickels to encourage him to support this technology because it will be difficult to meet the goals set by the Kyoto Protocols without addressing waste-to-energy technology.

Councilmember Gustafson asked if there are any "down sides" to this process. Councilmember Lambert said that figuring out what to do with the remaining 1% of fly ash would be a down side.

Responding to Deputy Mayor Fimia about new energy savings, Councilmember Lambert said that the power produced goes back into the power grid.

Councilmember McGlashan noted that Shoreline's solid waste transfer station is currently under renovation; he wondered if there are any plans to incorporate this technology. Councilmember Lambert said County staff should be directed to consider the possibilities.

Councilmember Lambert concluded her remarks by saying that she is traveling to Germany in March with another study group.

Deputy Mayor Fimia asked how the waste companies feel about this approach to waste management. Councilmember Lambert said the companies are quite familiar with the technology due to the Spokane plant, but Rabanco doesn't necessarily agree with this approach.

Councilmembers thanked Councilmember Lambert for her presentation.

At 7:25 p.m., the meeting adjourned.

Joyce Nichols, Communications and Intergovernmental Relations Director

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DRAFT

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF SPECIAL MEETING

Monday, February 12, 2007 • 7:30 PM
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

The meeting was called to order at 7:36 p.m. by Mayor Ransom, who presided.

2. FLAG SALUTE/ROLL CALL

The Mayor led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present.

3. REPORT OF THE CITY MANAGER

Bob Olander, City Manager, announced that Shoreline Police Captain Dan Pingrey accepted a different position within the King County Sheriff's Office. He presented Captain Pingrey with a certificate of excellence and thanked him for all his work on behalf of the City of Shoreline. Captain Pingrey accepted the certificate and thanked the City, noting that he has thoroughly enjoyed the last two years working for the City.

Next, Mr. Olander introduced Mark Relph, the City's new Public Works Director. Mr. Relph briefly described his background and experience and said he is excited to be part of this community.

Continuing, Mr. Olander reported on the "Get Ready Shoreline" Emergency Preparedness event held on February 8. He commented on the continuing slope restoration effort by volunteers from the University of Washington at Richmond Beach Saltwater Park. He reminded Council that the Speaker Series begins on February 15, featuring Mark Hinshaw, urban planner. His presentation will be broadcast on Channel 21 and made available for on-demand viewing from the City website. The next Comprehensive Housing Strategy Citizen Advisory Committee will be held February 13, and the next Council meeting will be held Tuesday, February 20.

4. REPORTS OF BOARDS AND COMMISSIONS

Councilmember McGlashan reported on the "Get Ready Shoreline" meeting and on his visit to the new transfer station. He said the transfer station has great potential to receive an environmental certification and that he looks forward to its completion.

Councilmember Way concurred, noted that she also attended the transfer station tour. She was pleased that King County Metro is surpassing the requirements to protect Thornton Creek.

Councilmember Ryu also attended the transfer station tour and "Get Ready Shoreline." She was impressed that the transfer station design was modified based on community input. She noted that community groups are appreciative of safety and emergency preparedness programs.

Mayor Ransom noted that the Council will be attending the legislative dinner tomorrow and other meetings in Olympia to advocate for the City's interests on several issues.

Deputy Mayor Fimia thanked the staff and the public for being responsive to Council goals. She noted her attendance at a meeting regarding traffic on Ashworth Avenue and urged citizens to obey the posted speeds in residential areas. She said she would be absent at the Speaker Series and at the next Council meeting.

5. GENERAL PUBLIC COMMENT

(a) Virginia Paulsen, Shoreline, urged the City to support community gardens ("P-Patches") as a means of providing food and reducing food costs on residents. She also advocated for Farmer's Markets in Shoreline in order to support local producers and to ensure food quality. She urged the Council to assign the City's Economic Development Manager to implement a Farmer's Market in Shoreline by May and to establish it on a year long basis.

(b) Pat Crawford, Shoreline, speaking on behalf of Twin Ponds Fish Friends, stated that the clearing going on at Echo Lake is not proceeding according to code. She said the trees are banded with boards and not protected, which is in violation of SMC 20.50.290. She said the site has also been left in a cleared state too long, which violates SMC 20.50.370(D). She said while the Director can waive certain provisions, they must be based on a report by a certified arborist. She concluded that the actions taken do not follow the definition of preserving as stated in SMC 20.50.050.

(c) Tim Crawford, Shoreline, commented that the Thornton Creek Corridor Project Preliminary Engineering Report proposes no daylighting of Thornton Creek, which he characterized as "tragic." He said the report conservatively predicts that the downstream flows will increase by 13 percent, yet his property is flooding under the current rate of flow. He said this report tells him the problem is going to increase, making it clear that the City is trying to flood him off his property. Responding to Councilmember Way, he confirmed that

he would submit his comments to the City as part of the SEPA review. He clarified that the report was prepared by RW Beck and dated January 3, 2007.

(d) Wendy DiPeso, Shoreline, spoke regarding Resolution No. 255 and expressed support for Option B. She said allowing Councilmembers to confirm the Mayor's nominations to local and regional committees is a more democratic process rather than allowing the Mayor to make the final decision. She advised against patterning our government after a top-down approach. She spoke in support of the Richmond Beach Saltwater Park Master Plan but expressed concern about the high cost of signage (\$100,000-\$130,000). She asked if the signage costs could be reduced and applied to wetland restoration.

(e) Maria Walsh, Mountlake Terrace, spoke on behalf of her son who resides at Fircrest School. She thanked the Council for including funding for preliminary studies for the Fircrest Master Plan. She said Friends of Fircrest is happy to work with the City to make Fircrest a part of the community rather than waiting for the state to "deem us useful or not."

Mr. Olander responded to public comment, noting there might be opportunities for P-Patches and Farmer's Markets, some of which would be driven by the private sector. He said staff would follow up on the Echo Lake project, and staff continues to work with the Crawford's regarding their water issues.

Jesus Sanchez, Public Works Operations Manager, noted that the Crawford's concerns are important to the City. He described his efforts to assess the flow rates north of his site and said he made a commitment that the City will not increase flows to his property. The state is allowing the City to work within TC-9 to bypass those flows, and the SEPA review is extended to allow anyone to comment. He added that the City is doing everything it can to address their concerns, including installing a flow monitor at the diverter to accurately manage the flow.

Councilmember Way asked if it's possible to post the preliminary design and the previous proposal on the City website so the public can review and submit comments. Mr. Sanchez responded affirmatively, noting that the SEPA review has been extended for a lengthy amount of time.

Responding to Deputy Mayor Fimia regarding daylighting, Mr. Sanchez said the two parts of the project involve replacing the emergency bypass and restoring the existing portions of the daylighted creek to a natural state. He said the neighbors all support the preliminary design but they do not support further daylighting of the creek.

Councilmember Hansen noted that several years ago the City addressed the daylighting issue and most residents were not in favor of it. He said video examination showed substantial blockage of system, but many of those problems were solve. He asked how staff will decide when and how much water to divert.

Mr. Sanchez said the flow monitor modeling will help staff determine exactly what will be needed and what type of system needs to be installed. He added that King County Metro is happy to work with us regarding the Transfer Station property.

Councilmember McGlashan wondered if organic gardening is customary or mandatory in other jurisdictions that allow community gardens and who monitors them. He asked if a Farmer's Market would have to be permitted by the City. Mr. Olander said permitting would be required for a Farmer's Market, although the current workload dictates that the City just implement private proposals at this time.

Councilmember Way noted that she has advocated for Farmer's Markets for quite a while, and it can be done in cooperation with a private entity. She said typically a market needs a sponsoring organization that can help grow the support. She urged citizens to contact the City with questions or ideas relating to markets. She suggested putting a group together to find a way to make Farmer's Markets a possibility.

6. APPROVAL OF THE AGENDA

Mayor Ransom requested that item 7(d), Ordinance No. 458 Modifying Term Limits for Parks Board Members, be pulled from the Consent Calendar. Councilmember McGlashan requested that the October 23, 2006 minutes be pulled from the Consent Calendar for future consideration. **Deputy Mayor Fimia moved approval of the agenda as amended. Councilmember Hansen seconded the motion, which carried unanimously.**

7. CONSENT CALENDAR

Councilmember Hansen moved to approve the Consent Calendar as amended. Councilmember Gustafson seconded the motion, which carried unanimously, and the following items were approved:

- (a) Minutes of Workshop Dinner Meeting of January 8, 2007
Minutes of Special Meeting of January 8, 2007
Minutes of Special Meeting of January 16, 2007
Minutes of Workshop Dinner Meeting of January 22, 2007
Minutes of Special Meeting of January 22, 2007
- (b) Approval of expenses and payroll as of January 31, 2007 in the Amount of \$1,981,446.84
- (b) Dayton Avenue N at N 175th Street Retaining Wall Project Construction Award
- (e) Motion to Authorize the City Manager to Execute a Contract Amendment for Project Management Services for the Shoreline Civic Center

8. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

(a) Ordinance No. 458 Modifying Term Limits for Parks Board Members

Councilmember Hansen moved to adopt the amended version of Ordinance No. 458, Modifying Term Limits for Parks Board Members.

Mr. Olander clarified that staff brought this forward as a recommendation so that the City could have the option of retaining experienced members on the Parks Board. Version A extends term limits to three four-year terms and adds youth members. Version B includes the same provisions as Version A with the exception of youth members.

Councilmember Gustafson moved an amendment to require that youth eligible to serve on the Parks Board be middle or high school students from a public or private school in the City. Mayor Ransom seconded the motion. Councilmember Gustafson felt it important that youth in the City be involved in the City's processes and that the two youth members are from local schools.

Deputy Mayor Fimia noted that the initial attempt should be designed so it can achieve as much success as possible. She suggested that having 12 and 13 year old students may not be advisable, and it should not exclude children who don't attend formal school. **She suggested an age range of fifteen to nineteen years old.**

After further discussion, Councilmembers Gustafson accepted this as a friendly amendment. Councilmembers Way and Ryu concurred with the change.

It was confirmed for Councilmember Hansen that the new amendment reads "Two members shall be between the ages of fifteen and nineteen at beginning of their term..."

Mayor Ransom said he has supported changing the term limits to three four-year terms since the original ordinance was drafted. He added that while he has concerns about the youth positions, he is willing to support the motion.

Councilmember McGlashan supported a Parks Board composed of 11 members, with two positions open to 15 years of age and older. He felt if the intent is to target students, then community college students should be included; however, the provisions of the proposed ordinance exclude many college students.

A vote was taken on the amendment striking "sixteen and twenty-five" and inserting "fifteen and nineteen," which carried 6-1, with Councilmember McGlashan dissenting.

A vote was taken on Ordinance No. 458 as amended, which carried 6-1, with Councilmember McGlashan dissenting.

(b) Resolution No. 255 adopting a Procedure for Council Appointments to Intergovernmental and Ad Hoc Council Boards and Committees as part of the

Council Rules of Procedure

Mr. Olander explained that in the past, the Mayor has utilized informal procedures and Councilmember consensus for appointments to certain boards and committees. In an attempt to formalize this procedure in the Council Rules, staff has drafted two versions of Resolution No. 255: Option A is submitted by Mayor Ransom while Option B is submitted by staff. The only significant difference is that Option B requires confirmation of the appointments by the City Council at a regular meeting. Another difference is that Option A is more flexible in providing for appointments to other local committees that may develop in the future.

Mayor Ransom called for public comment.

(a) Virginia Paulsen, Shoreline, spoke in favor of Option B, noting that Option A increases the Mayor's personal and positional power and allows him to make unilateral selections. She contended that Option A undermines the spirit of democracy and fairness that should characterize good government. She spoke in favor of Option B, noting that it has the potential to protect the Mayor against the perception of anti-feminist bias and racism. She felt the presiding officer could be put at risk of such allegations without Council confirmation.

(b) Terry Scott, Shoreline, spoke in support of Option B because it is the more democratic of the two alternatives. He said while it might add more work, citizens would appreciate the input of all its elected officials in the appointment process.

Councilmember Gustafson moved adoption of Resolution No. 255 as included in Option A. Councilmember McGlashan seconded the motion. Councilmember Gustafson pointed out that both options are fairly similar, and Option A doesn't take the final decision-making process away. It gives the Mayor flexibility and saves time, and those opposing appointments still have the opportunity to bring it before a Council vote under Rule 3.2A. He said Option A represents what the Council has been doing in the past, and where it needs to go.

Deputy Mayor Fimia supported Option B. She said the precipitating factor was that the Mayor changed an appointment without any discussion with the subject Councilmember. She said Option B would not have been necessary if the prior practice was being observed. She said Option B institutionalizes the discussion and tests the Mayor's recommendation, which can save time and avoid potential contention. She said the Mayor acts as presiding officer and has no more power than other members of the Council. **She moved to substitute for the main motion adoption of Resolution No. 255 as described in Option B. Councilmember Ryu seconded the motion.**

Mayor Ransom pointed out that there are 200 appointed positions; 150 are at the County level and 50 are elected positions. The seven appointments included in Resolution No. 255 is fairly insignificant number when considering there are 150 positions on the County boards. He added that Option A has been the practice by previous mayors, so there is no change.

Councilmember Way said that past practice isn't necessarily the best reason for doing things. She said change is inevitable and the City is evolving. She favored Option B because it is a

more democratic process and ensures the people's voice is heard by way of Council representation. She concluded that doing things by fiat is not what people want.

Councilmember Ryu supported Option B because Option A has the potential to makes the appointment process more adversarial. She noted that the Mayor is not elected at-large, so it dilutes everyone's vote to have the Mayor make appointments. She read from correspondence she received from citizens in support of Option B. She noted that even the appointments of the President of the United States have to go through a confirmation process. She didn't hear from anyone urging adoption of Option A. She said Option B allows the opportunity for Council to deliberate in the open.

Councilmember Hansen felt the proposals were essentially equivalent, although he prefers Option A because it doesn't require a confirmation process. However, any Councilmember can request a confirmation under the provisions of Option A. He said Option B basically makes the confirmation process mandatory rather than elective.

Councilmember McGlashan expressed support for Option A because it makes the process optional rather than mandatory. He said he is a firm believer that "the old way is not always the right way," but this whole issue has stemmed from an angry Councilmember. He questioned whether the general public was genuinely interested in this issue and if the correspondence received represents the public consensus.

Councilmember Way responded that a large number of people who watch this on television care about the democratic process, and they will see that having a Council confirmation process is much more democratic. She disagreed that the public doesn't care about this issue.

Deputy Mayor Fimia said this issue did not stem from an angry Councilmember but because the former process wasn't followed. She said if both options are essentially the same, then the Council should vote for Option B and try to find areas of agreement and facilitate good working relationships and collaboration. She maintained that Option A rewards a behavior that wasn't in keeping with the tradition and respecting the process.

A vote was taken on the motion to substitute, which failed 3-4, with Deputy Mayor Fimia and Councilmembers Ryu and Way voting in the affirmative.

Councilmember Ryu said that Option A, which allows the Mayor to circulate and solicit the opinions of the Councilmembers without an open Council meeting, puts him in a very awkward position. She urged the Council not to codify a procedure that may jeopardize the behavior of the sitting Mayor or future mayors.

Councilmember McGlashan noted that the Mayor solicited input from each Councilmember at the beginning of the year regarding their appointment preferences. He said although the Mayor could make appointments based on any number of reasons, there is an opportunity to appeal the decision under Option A.

A vote was taken on the motion to adopt Resolution No. 255 as described in Option A, which carried 4-3, with Deputy Mayor Fimia and Councilmembers Ryu and Way dissenting.

RECESS

At 9:20 p.m. Mayor Ransom called for a ten minute recess. The meeting was called back to order at 9:30 p.m.

(c) Approval of the Richmond Beach Saltwater Park Phase I Design Contract and Master Site Plan

Dick Deal, Parks, Recreation and Cultural Services Director, explained that the City entered into an agreement with Hewitt Architects for a master site planning process in the fall of 2005 for Richmond Beach Saltwater Park. He introduced Jerry Ernst, of Hewitt Architects, to provide the staff report.

Mr. Ernst discussed the process used to arrive at the recommended master site plan. He discussed the site assessment process, including the topographical and vegetation mapping, visual surveys, stakeholder interviews, and open houses. He explained that 15 potential improvement projects were identified during the course of the process, and a concept plan was presented to the Parks, Recreation and Cultural Services Board. The plan was modified following suggestions from the Parks Board, and a total of 9 projects are recommended for approval in Phase 1.

Mr. Ernst then discussed the following principles used to guide the planning process:

- Protecting and maintaining the assets we have
- Building on and improving existing facilities
- Connecting the different areas of the park
- Connecting a cohesive park experience
- Establishing appropriate vegetation and habitat

He then summarized the costs for the recommended Phase 1 projects as follows:

Park Entrance Improvements: \$85,000 - \$100,000
Park Road Improvements: \$550,000 - \$680,000
Steep Slope Stairs & Trails: \$250,000 - \$340,000
Steep Slope Stabilization: \$50,000 - \$70,000
Bridge Access and Safety Improvements: \$425,000 - \$600,000
Beach Wash-Down Area: \$17,000 - \$25,000
Overlook Parking Across from Caretaker's Residence: \$100,000 - \$130,000
Mid-Level Terrace: \$300,000 - \$425,000
Signage and Interpretation: \$100,000 - \$130,000

Total: \$1,877,000 - \$2,500,000

Mr. Deal noted that the funding source for these projects is the May 2006 Park Bond Issue, which will cover all of the Phase 1 projects. The restoration/ecology portion of the projects is ongoing, and staff will continue to pursue grants to fund these efforts.

Dave Buchan, Capital Project Manager, outlined the proposed schedule for moving forward with implementation of the site plan and projects. He explained that staff would like to return to Council in April for 30% design review. Construction document review would then follow in July and construction would begin in September.

Mr. Deal requested approval of the master site plan and assured the Council that staff would return regularly to solicit direction and support for the process.

Mr. Olander added that the next incremental step in the design process is approval of the contract for the 30% schematic design (\$123,140). He clarified that this does not establish the final specifications of the projects, but it provides a great comfort level in the estimated costs and the various design alternatives.

Mayor Ransom called for public comment.

(a) Bob Phelps, Shoreline, expressed strong support for the plan but commented that it does not address the needs of cyclists. He suggested installing a bicycle rack at the entrance of the park and other amenities to accommodate cyclists.

(b) Bill Clements, Shoreline, Chair of the PRCS Board, commended Mr. Ernst for his work, noting that he has done a good job listening to the public. He said the PRCS Board is comfortable in recommending that the City move forward with schematic design, although he suspects there will be ongoing discussions and refinements made to the plan. He urged the Council's support of the plan.

Councilmember Gustafson moved to adopt the Master Site Plan for Richmond Beach Saltwater Park and authorize the City Manager to execute a design contract with Hewitt Architects in the amount of \$123,140 for schematic and design development services in the design of Phase 1 projects for Saltwater Park. Councilmember Hansen seconded the motion.

Councilmember Gustafson thanked all those who helped get the City to the point of adopting a master plan, including the Parks Director and Parks Board. He was comfortable with the contract and expected staff to return at the 30% design phase.

Councilmember Hansen concurred, noting he is glad to see it move forward. He commented that the range of \$100,000-\$130,000 is a reasonable estimate for interpretive signage in the park. He said while it is nice that people using bikes in the park, care should be taken to protect it from potentially adverse impacts.

DRAFT

MEETING EXTENSION

At 10:00 p.m. Councilmember Gustafson moved to extend the meeting until 11:00 p.m. Councilmember McGlashan seconded the motion, which carried 4-2-1, with Deputy Mayor Fimia and Councilmember Ryu dissenting and Councilmember Way abstaining.

Councilmember Ryu said she appreciates staff's time as well as the consultant's time earlier today. She asked that steep slope stabilization be reordered as the number one priority in the plan and that it be funded at more than the \$50,000-\$100,000 level. She expressed concern about the roadway improvements because it would likely increase the amount of impervious surface and erosion to the slope. She was encouraged to hear that University of Washington students are working on a restoration project there and on the City's overall volunteer coordination. She asked that there be a general coordination effort of volunteers not just for parks improvements but also for other areas such as emergency management.

Councilmember Way expressed general support for the plan, characterizing it as a "work in progress." She asked how many people received the first park questionnaire and how many park visitors there are annually. She concurred with the suggestion of making slope stabilization the top priority and striving for zero-impact design, noting that preventing erosion is consistent with the Council goals. She also asked how much funding was being reserved for Phase 2 and 3.

Mr. Buchan responded that the survey process was two-fold: the first part was interviews with adjacent neighbors, and the second part was written surveys distributed at locations throughout the City. Approximate 85 neighbors were interviewed and about 300 written surveys were returned, which led to two major open houses. Mr. Deal said the City could provide estimates on the number of annual visitors.

Councilmember Way asked about the proposed as well as future funding sources for the ongoing effort to remove invasive vegetation. Mr. Deal said the estimates for this project will be refined as the design development phase proceeds. Mr. Olander added that the City will continue to pursue grant funding, noting that waterfront parks are competitive candidates for state funding.

Councilmember Way said she will continue to advocate for a work plan to address the water issues. She urged staff to work with groups such as People for Puget Sound, Washington State Native Plant Society, Washington Department of Fish & Wildlife, and Department of Ecology, adding that People for Puget Sound want to assist us in getting grants. She noted that the master plan neglected to map out the creek on the property. She said the creek needs to be addressed in this phase of the process.

Mr. Deal said staff will share this information with all the groups involved so it can be considered in the plan. He said it will be very important to have the endorsement of the various groups as the City moves forward with grant applications. Mr. Olander added that a SEPA process is required for construction, so it's not only good practice but a matter of law to consult these groups.

DRAFT

Councilmember Way expressed support for a bike access plan as suggested by Mr. Phelps. She also suggested that signage might be an area in which the City could seek donations.

Mayor Ransom asked if there was any possibility of getting funding from the railroad since there is considerable wetland area in their right-of-way. He also expressed concern that while there is enough funding for Phase 1, there are still six additional projects for which there is no funding.

Mr. Buchan noted that staff continues to explore possibilities with the railroad, although efforts to date have been circumspect.

Mr. Olander pointed out that the political process dictated that the bond had to be a reasonable amount, noting that the Bond Committee initially identified \$38 million worth of park improvements. He said this amount had to be reduced as a practical matter, but the City will continue to explore opportunities for grant procurement and volunteers.

Deputy Mayor Fimia and Councilmember Way suggested friendly amendments to page 47 of the Draft Master Plan as follows: 1) inserting "pedestrian, bike and" in the heading to read "2. Park, Pedestrian, Bike and Road Improvements;" 2) adding new bullets to read "Provide bike racks at the park entrance and parking lots" and "Provide safe access for bikes;" and 3) amending bullet #2 to read "Control drainage and surface water runoff by sloping the road toward a curb at the hillside and explore zero or low-impact construction options." There was Council consensus to accept these changes and amend the motion accordingly.

Deputy Mayor Fimia noted that one proposal for the City's long-term financial strategy is to move less money from operations to the capital fund. She said it would be helpful to strive to do as much of this project as possible without having to tap into general capital funds. It was noted that the contract for design services is the only portion funded with capital funds; the remainder of the project will be funded with bonds and grants. Deputy Mayor Fimia suggested that potential savings could be achieved in the appearance, not the safety aspects, of the bridge.

Councilmember McGlashan, thanked Mr. Clements and Shari Tracey for their leadership in getting the bond passed. He asked if the City has access to the wetlands in the railroad right-of-way. Mr. Buchan replied that the City can access it only with the railroad's permission.

Mr. Ernst said the ecologists have stated that coordination with the railroad is essential if a comprehensive strategy for removing invasive species in the wetland is to be effective.

Councilmember McGlashan concurred with Mr. Phelps' comments regarding bike access.

Councilmember Way pointed out that the City has been able to collaborate with other agencies in the past, so it should be able to convince the railroad to work with us. She noted that Sound Transit has mitigation funds, and the City should do everything it can to procure

them for this project, which has significance in terms of being on the Puget Sound. She suggested more emphasis on the beach trailhead under Section 5. Bridge Access and Safety Improvements. Mr. Deal said staff would return and explain what options might be available.

Councilmember Ryu recommended that the park elements be renumbered as follows to suggest a priority order:

- 1) Steep Slope Stabilization
- 2) Steep Slope Stairs and Trails
- 3) Park, Pedestrian, Bike and Road Improvements
- 4) Park Entrance Improvements

Mayor Ransom stated that the elements were not originally placed in order of priority. Councilmember Ryu maintained that she prefers her recommended order as long as it doesn't take an inordinate amount of resources to change. It was noted that the changes could be made in the footnotes or executive summary.

A vote was taken on the motion as amended to adopt the Master Site Plan for Richmond Beach Saltwater Park and authorize the City Manager to execute a design contract with Hewitt Architects in the amount of \$123,140 for schematic and design development services for Phase 1, which carried unanimously.

(d) Seashore Transportation Forum Agreement

Joyce Nichols, Communications and Intergovernmental Relations Director, provided the staff report. She explained the structure of the SeaShore Forum and the interlocal agreement under which it operates. The question before Council is the change made to the agreement relative to the voting structure. Revisions approved by the Forum at the December 2006 meeting were opposed by Mayor Ransom, Seattle City Councilmember Sally Clark, and the King County Executive's alternate, Doug Hodgson. These revisions present potential problems for Shoreline because they allow jurisdictions outside the four core members of the "Seattle-North King County" sub-area to vote on funding recommendations to other agencies, including federal highway SAFETEA-LU funds administered through the Puget Sound Regional Council (PSRC) and projects on the Regional Transportation Investment District (RTIC) project list. Because membership of the Forum includes jurisdictions outside the four core jurisdictions - King County, Seattle, Shoreline, and Lake Forest Park - there is the potential that the core member jurisdictions can be outvoted on these funding recommendations. Signing the revised agreement increases the likelihood that Shoreline will be outvoted which would negatively impact our ability to secure funds for the City's priority transportation projects, including the Aurora Corridor Project. Ms. Nichols confirmed that she hasn't received a signed copy from King County or Seattle. She said the staff recommendation is to reject the revised SeaShore Agreement because it doesn't benefit Shoreline.

Mr. Olander referred to attachment C in the packet and noted that SeaShore is the anomaly when compared to the South County Area Transportation Board and Eastside Transportation

Partnership. The other forums are more restrictive in their voting structures than the SeaShore Forum. He said staff recommends rejection of the contract because it allows jurisdictions outside of King County to possibly vote against us on PSRC and RTID allocations. He said although compromise language was proposed in the agreement, we were outvoted.

There was no one wishing to provide public comment on this item.

Councilmember Gustafson moved that the Council reject the Seashore agreement. Councilmember McGlashan seconded the motion.

Councilmember Ryu pointed out that the SeaShore Forum requested each jurisdiction to propose a revised version if they objected to the proposed version, but the City did not do this. She encouraged the Council to consider a version they would be willing to take a position on; part of problem is that the Council didn't take a position. She used the discussion of the Transit Now proposal as an example to show that the Council has not had clear direction. She referred to the attachments she provided earlier to illustrate how the conversations went, and that she has been advocating on behalf of the City. She gave examples to show that she expressed the need to amend the agreement to prevent "double dipping" by other jurisdictions, and that she has consistently asked for equity in terms of the resource allocation process. She pointed out that everyone voted for the proposed version except Mayor Ransom. She said she moved that SeaShore recommend Highway 99 for regional competition, and that is the reason why Aurora Avenue is recommended for \$40 million in funding.

Mr. Olander responded that the background is useful for Council to consider. However, the agreement is seriously flawed and it should be rejected until we can negotiate a viable alternative with the other cities.

Mayor Ransom clarified that prior to his vote against it, the City of Seattle had already rejected it. He said the City of Seattle made it clear that it does not find the current agreement acceptable, and it constitutes 90 percent of the service area. He said the impasse to the agreement is illustrated by the fact that Executive Ron Sims, who represents 650,000 people, was rejected when he proposed to include PSRC and exclude RTID. He felt the only way to arrive at a contract everyone can agree on is to reject the proposal and force a change.

Councilmember McGlashan moved to call the question. Councilmember Gustafson seconded the motion, which failed 4-3, with Deputy Mayor Fimia and Councilmembers Ryu and Way dissenting (a 2/3 vote is required to call the question).

MEETING EXTENSION

At 11:00 p.m., Councilmember Ryu moved to extend the meeting until 11:15 p.m. Deputy Mayor Fimia seconded the motion, which carried 5-2, with Councilmembers Gustafson and McGlashan dissenting.

Deputy Mayor Fimia noted that Seashore was created to bring together smaller jurisdictions to balance out the influence that King County and Seattle have in the region. She emphasized the need to stay on good terms with the smaller cities, and while she doesn't agree with inequity in resource allocations, she prefers not to reject the agreement without proposing some alternative language. Referring to page 140 of the Council packet, she proposed the following changes to section 3.5: All jurisdictions may vote on other issues unless any of the following conditions apply: 1) an agency requesting a SeaShore recommendation specifies that different voting boundaries or criteria shall be used; 2) a decision is otherwise specifically required by law or rule to be made by other boundary or criteria; 3) when member jurisdictions have voting rights on more than one sub-area or regional forum, they can vote for competing funds in only one forum. She said they might reject it but at least we're proposing something constructive and it provides something to negotiate with.

Mayor Ransom noted that Executive Sims already proposed similar language and it was rejected.

Councilmember McGlashan noted that he attended many meetings as an alternate, and he wouldn't necessarily call the other cities our "allies." He noted that the smaller jurisdictions continue to try to get their projects in both forums. He supported the motion to reject the agreement as-is.

Councilmember Gustafson concurred. He opposed the suggested amendment and supported the motion as stated. He felt staff should be given the leeway to go back and negotiate the agreement.

Councilmember Way asked for the City Manager's response to Deputy Mayor Fimia's suggested wording. Mr. Olander stated that he feels more comfortable rejecting the agreement at this time, but he understands the Council's intent and desire to negotiate some reasonable alternative.

Mayor Ransom pointed out that King County and the City of Seattle have always supported Shoreline and its interests on transportation issues. He said they have not abused us; rather, they have accommodated us, particularly in terms of our grant bids for Highway 99. He noted that King County, City of Seattle, and Sound Transit have all made it clear that the agreement does not meet their needs. He suggested that Council reject the contract and move forward, noting that Deputy Mayor Fimia's amendment has already been addressed on many occasions.

Councilmember Ryu noted that the Council is abdicating its responsibility to provide direction if it rejects the agreement and gives staff the freedom to negotiate whatever the Council might want. She also felt it leaves the decisions up to the much larger jurisdictions of King County and Seattle. She said rejecting the agreement is "giving up," as she'd rather not do that. She advised that the Council propose some positive alternative rather than send a negative message.

Deputy Mayor Fimia pointed out that the City is not getting a good return on its transportation investments, noting that it will be paying tens of millions of dollars into Sound Transit and

RTID through 2050. She stated she is not comfortable with staff negotiating without clear Council direction.

MEETING EXTENSION

At 11:15 p.m., Councilmember Hansen moved to extend the meeting until 12:00 a.m. Councilmember Gustafson seconded the motion, which carried 4-2-1, with Deputy Mayor Fimia and Councilmember Ryu dissenting and Councilmember Way abstaining.

After further discussion, Deputy Mayor Fimia withdrew her suggested changes and stated that she would abstain from the vote.

Councilmember Ryu expressed concern about the lack of direction to staff if Council rejects the agreement. She asked Mr. Olander what direction he would take into the negotiations. Mr. Olander said the City would be open to any language that would restrict the voting on our applications to the four members of the Forum. He reiterated that the current proposal puts the City at a competitive disadvantage in terms of resource allocations.

A vote was taken on the motion to reject the SeaShore Agreement, which carried 4-0-3, with Deputy Mayor Fimia and Councilmember Ryu and Way abstaining.

9. ADJOURNMENT

At 11:21 p.m., Mayor Ransom declared the meeting adjourned.

Scott Passey, CMC
City Clerk

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CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF SPECIAL MEETING

Tuesday, February 20, 2007 • 6:30 p.m.
Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Ransom, Councilmember Hansen, Councilmember McGlashan, Councilmember Ryu, and Councilmember Way.

ABSENT: Deputy Mayor Fimia, and Councilmember Gustafson.

1. CALL TO ORDER

At 6:40 p.m. the meeting was called to order by Mayor Ransom, who presided.

2. FLAG SALUTE/ROLL CALL

Upon roll call by the City Clerk, all Councilmembers were present with the exceptions of Deputy Mayor Fimia, Councilmember Gustafson, and Councilmember Hansen.

Upon motion by Councilmember Way, seconded by Councilmember Ryu and carried 4-0, Deputy Mayor Fimia and Councilmember Gustafson were excused. Councilmember Hansen arrived at 6:49 p.m.

3. CITY MANAGER'S REPORT AND FUTURE AGENDAS

Julie Modrzejewski, Assistant City Manager, provided the City Manager's report. She introduced new Shoreline Police Captain Kent Baxter, who introduced himself and stated that he looks forward to working with the City Council and Shoreline residents. Ms. Modrzejewski continued her report, noting that free gun locks are available to Shoreline residents. Also, the Shoreline Police are seeking volunteers to staff the neighborhood centers; applications are available at the police storefronts. Responding to Councilmember Way regarding age restrictions, Captain Baxter said the police are primarily looking for older adults to staff the storefronts, since the police explorer program includes ages 18-21. Councilmember Way suggested advertising at Shoreline Community College. Ms. Modrzejewski announced that Watermark Credit Union opened on February 13, with a grand opening scheduled for March 3. Staff is in the planning phase for the 2007 Celebrate Shoreline, and interested people can contact Lynn Cheeney, Recreation Superintendent, for more information. She commented on the success of the Hip Hop event on February 3 sponsored by the City's Teen Program, and provided reminders on upcoming meetings.

4. COMMUNITY PRESENTATION

(a) NetGreen

Linda VerNooy, Executive Director of NetGreen, gave a presentation on NetGreen's goals and programs, which ultimately aim at protecting the environment. NetGreen is a non-profit organization which strives to help communities become carbon-neutral, to take responsibility for the greenhouse gas emissions of the community residents, businesses and institutions. The responsibility for greenhouse gas emissions occurs through becoming carbon-neutral through offsets and reducing greenhouse gas emissions at the same time. She commented on the success of the Get Carbon Neutral Campaign in Ballard. She explained that there are many ways that community groups can get involved in a Get Carbon Neutral campaign. She noted that Seattle City Light has experience in greenhouse gas offsets (through using "cool climate concrete"), and there are opportunities for reducing greenhouse gas in the design of the new Shoreline City Hall through this technology. She concluded that NetGreen can assist Shoreline in an advisory capacity, and by starting a campaign, Shoreline can become a model for the region.

Ms. VerNooy responded to a number of questions from Councilmember Way. She explained that Seattle City Light can provide more information on cool climate concrete, noting that this technology was used in the Seattle City Hall project. The process involves mixing industrial byproducts into concrete to reduce greenhouse gas; Snohomish County PUD also has information on this technology. She further explained that individuals can use the NetGreen website to calculate what individuals and groups contribute in terms of greenhouse gas emissions. She urged the City to act now by calculating its own greenhouse gas emissions. She clarified that it doesn't necessarily have to be a detailed or precise calculation, but once it's done then the City can begin to fund projects to reduce emissions, such as cool climate concrete.

Councilmember Ryu asked if the projects are concentrating more on conservation through recycle and reuse as opposed to implementing new technologies. She also asked if there is potential to work with our regional and state officials in this endeavor. Ms. VerNooy explained that both energy efficiency and renewable energy programs are used, and NetGreen contracts with two partners, Climate Trust and Native Energy, to provide both sides. She pointed out that King County has a greenhouse gas plan and it would be advisable to request specific support for community-based actions.

5. GENERAL PUBLIC COMMENT

(a) Virginia Paulsen, Shoreline, expressed concern about the City's long-term financial strategy, noting that the gap between revenues and expenditures is projected to reach 35 percent by the year 2012. She responded to Councilmember McGlashan's request from last week regarding a list of Aurora businesses that closed due to the Aurora Corridor project. She provided a list and expressed concern about the City's projected economic climate and the impacts to small businesses. She commented that a cost-benefit

analysis about these business losses was never done by City staff. She urged the Council, City Manager, planners, developers, and new Public Works Director to keep in mind the economic impacts of its decisions on Shoreline residents.

(b) Wendy DiPeso, Shoreline, noted that Sustainable Shoreline will hold a meeting on February 23 at the First Christian Reformed Church to help inform the public about the projected budget deficit and the City's long term financial strategy. She said Mayor Ransom and Finance Director Debbie Tarry will attend, and a report will be provided to the Council. She said all neighborhood groups have been invited, and the City Manager has indicated a willingness to have a public process about the long-term financial strategy.

Mayor Ransom responded to public comments. He noted that the projected deficit by 2010 is \$3 million, which isn't even 10 percent of the total budget. He asked Ms. Tarry to respond regarding Ms. Paulsen's financial calculations. He stated that the City conducted a cost-benefit analysis of the business impacts in the past.

Debbie Tarry, Finance Director, clarified that while long-term revenues are continuing to increase (about 2.4% annually), they are not keeping up with inflationary growth, and that is why long-term expenditures are increasing. She disagreed there is a 35 percent gap between future revenues and expenditures but stated that there are some options available to the Council to address this issue. She said a cost-benefit analysis may have been done prior to her employment with the City, but she was not certain. She concluded that there are a variety of reasons businesses may no longer exist on Aurora Avenue.

A debate ensued about whether there was public knowledge during the City's early years that the Interurban Trail would have an adverse impact on businesses and development. It was noted that most people acknowledge the Interurban Trail has had some impact on businesses, but the important thing is to commit to doing a better job and retaining as many businesses as possible.

6. STUDY ITEMS

(a) Neighborhood Traffic Action Plans

Mark Relph, Public Works Director, introduced Jesus Sanchez, Public Works Operations Manager, and John Marek, Associate Traffic Engineer, to provide the staff report on this item.

Mr. Sanchez outlined the background, purpose, and goals of the Neighborhood Traffic Action Plans, which include:

- Identifying neighborhood-specific issues
- Developing a prioritized list of projects consistent with community goals and vision
- Guiding future neighborhood improvements
- Implementing a holistic versus a street-by-street approach

- Improving safety, mobility, and livability
- Encouraging active participation by residents, who identify priority projects and develop plan recommendations
- Review and update neighborhood plans every 5-6 years

Mr. Marek described the City's 2006 accomplishments and outlined the three projects slated for implementation: 1) North City; 2) Ridgecrest; and 3) Briarcrest. He outlined the community process which led to recommending these areas for Traffic Action Plans; the major traffic issues identified include traffic speeds, traffic volumes, and pedestrian safety. He summarized that while the total cost of all traffic improvements on the "wish list" are high, the communities understand that there are not only limited funds but also competing interests throughout the City. Focusing on the recommendations of highest importance to each neighborhood allows the City to approach improvements in a more rational and affordable manner. The estimated cost for high priority improvements is as follows: 1) North City \$2,540,000 (\$25,000 Traffic Improvements; \$2,515,000 Pedestrian Improvements); 2) Ridgecrest \$1,475,000 (\$25,000 Traffic Improvements; \$1,450,000 Pedestrian Improvements); 3) Briarcrest \$2,325,000 (\$140,000 Traffic Improvements; \$2,185,000 Pedestrian Improvements).

Mr. Marek outlined the funding strategies for the plans and noted that future Action Plans are planned for the neighborhoods of Echo Lake, Ballinger, Westminster Triangle, Meridian Park, Parkwood, and Hillwood. Staff expects completion of all 12 neighborhood plans by mid-2008.

Mr. Sanchez said the communities need to take ownership of their plans and the City needs to get good cost estimates so it can take a modest approach using available funding. He noted that the plans can work well with redevelopment.

Mayor Ransom called for public comment.

(a) Charles Brown, Shoreline, advised the City to proceed cautiously when considering traffic circles because they do not work in all situations. He said traffic circles do not affect the worst offenders, such as smaller cars traveling at high speeds. He noted that the intersection of NE 155th and 27th Avenue NE is not symmetrical and presents unique problems.

Councilmember Way thanked staff for the presentation and asked about the definition of pedestrian landing.

Mr. Marek said a landing is the curb and sidewalk at the corner of intersection, such as the one proposed for the intersection at NE 165th Street & 10th Avenue NE. He explained that some traffic and pedestrian improvements may be temporary or permanent depending on the effectiveness of each solution.

Mr. Sanchez clarified that traffic circles can serve as temporary traffic solutions until enough community feedback is received to implement long-term solutions.

Councilmember Way asked about the cost estimates and how the Council will determine its actual priorities.

Mr. Marek responded that the cost estimates are based on the 2006 sidewalk priority program. Mr. Sanchez explained that a number of factors will drive the priorities, including neighborhood input, traffic science, and state/federal grants. He said the message to the public will be "make the case for your neighborhood."

Staff confirmed for Councilmember Hansen that traffic circles have only been installed upon neighborhood request. Councilmember Hansen noted that traffic circle design must accommodate school buses and emergency vehicles, so care should be taken to ensure the intersection is adequate and views are not blocked. Mr. Marek noted that staff consults with the schools and the fire department regarding turn radius issues.

Councilmember Ryu was pleased that staff recognizes pedestrian safety as a prime concern but noted that property damage can also be a casualty in a traffic accident. She asked why 6-18 percent of the people polled oppose the proposals. She asked how the program would be impacted if the Council accepted a proposal not to build sidewalks in 2008. She also asked if the program needed more funding.

Mr. Marek said the people who generally opposed the plans were largely opposed to traffic circles. Mr. Sanchez said even if no sidewalks were built in 2008, staff could still take a modest yet creative approach based on available funding. He emphasized the need to get the best return on investment, and while more funding would be good, it is not always the answer. He noted that more infrastructure requires more funding for maintenance.

Councilmember McGlashan asked how the City determines which neighborhoods to focus on. He also asked about the role of the traffic advisory committee and requested that Council be provided with the traffic survey information. He commented on the crumbling asphalt on the edge of roads at traffic circle intersections and the associated maintenance costs.

Mr. Sanchez explained how staff prioritizes projects. He said priorities are determined through the NTSP, and staff also considers safety issues that require immediate attention as well as remedies that can be implemented through the small works fund. Mr. Marek explained the role of the traffic advisory committee, which essentially serves to get neighborhood feedback. Mr. Sanchez commented on the maintenance impacts due to weather and said staff would like to do a more improved edge on traffic circle intersections.

Councilmember Way asked if roads with improvements such as sidewalks result in more maintenance costs over time. Mr. Sanchez affirmed that they do, noting that future maintenance costs will ensue by perhaps the eighth year.

Mayor Ransom noted that the previous sidewalk program proposed building sidewalks within 1,000 feet of schools; he asked if this proposal exceeds that recommendation. Staff clarified that the cost estimate covers the total need for sidewalks in neighborhoods, which exceeds the previous program scope. They also clarified that the estimate is based on a cost-per-lineal-foot of sidewalk, in the range of \$191-225 per lineal foot. Mayor Ransom said some members of the public have asked for signage to clarify the law regarding traffic movements at traffic circle intersections. He noted it can be hazardous if drivers are turning left in front of the traffic circle. He also commented that the ruts caused by water erosion can be hazardous. Mr. Sanchez said that staff is working with law enforcement on this issue and is ordering signage to direct people on correct traffic circle usage. Staff is also addressing the rutting problem with paving around the edges of the road.

Councilmember McGlashan commented on the legality of making left turn in front of a traffic circle. Mr. Sanchez noted there is still a debate regarding the legislative intent of the law; the City of Seattle allows left turns in front of traffic circles but King County interprets it differently. He said both the legislative intent and traffic circles must be clearly defined in order to resolve this issue.

Councilmember Ryu asked if the issue could be resolved on the local level. Mr. Sanchez said the City could adopt its own code, but it would be advisable to define the state statute so there is uniformity throughout all jurisdictions.

Councilmember Way didn't want anyone to become unwitting victims through the enforcement of unclear laws; she said the traffic programs are meant to be "friendly" to the neighborhood. She also expressed concern about building large "roundabouts," noting that they can present unique hazards.

Mr. Relph outlined his experience with roundabouts and concluded that they can be an effective tool under the right circumstances. He was also pleased that the Council is willing to consider local improvement districts (LIDs) as a potential tool to implement these projects.

RECESS

At 8:14 p.m., Mayor called for a five minute recess. At 8:26 p.m., the meeting reconvened.

(b) Hazard Mitigation Plan Update

Ms. Modrzejewski introduced Gail Marsh, Emergency Management Coordinator, who provided the presentation.

Ms. Marsh explained that the purpose of the Hazard Mitigation Plan is to provide strategies for the creation of a resilient and sustainable community. She provided an overview of the Hazard Mitigation Plan and outlined both the short-term and long-term strategies of the

Plan. To date, approximately 79 percent of the strategies have been accomplished and/or in the ongoing category; the goal is to achieve 96 percent completion in 2007. The City of Shoreline plan, accepted by FEMA in November 2004, outlines 28 mitigation strategies to be accomplished over 5 years. The 28 mitigation strategies can be summarized into the following broad categories:

1. Community Education
2. Partnerships
3. Infrastructure
4. Regulations

Ms. Marsh elaborated on each category and summarized that the key to accomplishing the goals is to develop and maintain partnerships and working relationships. The City has developed partnerships with the following entities/agencies: Shoreline Fire Department; Shoreline School District; Shoreline Community College; Washington State Public Health Lab; Snohomish and King Counties Emergency Management Providers; Washington Department of Transportation; King County Metro; American Red Cross; Crista Ministries; Center for Human Services; Council of Neighborhoods; Chamber of Commerce. She noted that the most vital partnership is with the community, neighborhoods, and individual citizens.

Councilmember Ryu commented favorably on one of Ms. Marsh's recent community presentations and reminded the public that emergency preparedness workshops are ongoing in the community. She suggested publicizing them on the cable channel in addition to the City web site. She wondered if it would be effective for the police and fire departments, as well as private vendors, to promote emergency preparedness at Celebrate Shoreline. Ms. Marsh noted that September is Emergency Preparedness Month, so it would be a good time to coordinate a combined effort.

Councilmember Hansen pointed out that the Federal Emergency Management Administration's (FEMA) requirements prompted many of the City's emergency management goals; the City is eligible to receive grants because it met FEMA requirements. Responding to Councilmember Hansen, Ms. Marsh affirmed that the Spartan Gym back-up generator will be purchased with grant funding, and grants have funded other communications equipment and education courses. Ms. Marsh and Ms. Modrzejewski spoke favorably about the Shoreline Auxiliary Communications Service, which provides redundant communications services and which played a vital role during the December wind storm event. Councilmember Hansen commended staff for its progress in accomplishing the stated goals, noting that 79 percent has already been achieved, and 96 percent completion is projected by the end of 2007.

Councilmember McGlashan thanked staff for their work and commented on the creative methods used to present emergency management information at the community workshops.

Councilmember Way congratulated staff for the progress to-date but advised that there is still much work to do. She noted that some residents had no power for almost a week after the wind storm hit, and there were issues with fallen trees and carbon monoxide poisoning. She asked staff if there was a sense of what caused the delay in restoring the power.

Ms. Marsh attributed the delay to a communication problem with the power company. She explained that the Red Cross was responding without any information from Seattle City Light, so the effort was not as coordinated as staff had hoped. Ms. Modrzejewski noted that the City received a very favorable letter from Seattle City Light today which reaffirmed their consideration of Shoreline as a key customer.

Councilmember Way commented on the need for nursing homes and group care facilities to prepare for emergencies because the City does not have the resources to respond to all their needs.

Ms. Marsh noted that prior to the windstorm, the City had information on all the assisted care facilities within the City, and the Shoreline Auxiliary Communications Service had a phone list. However, there were some inconsistencies between what was being reported and what was observed "on the ground." That said, Shoreline's experience was no different than what occurred in other jurisdictions, and staff's recommendations are helping prompt state legislation to require enhanced preparedness measures at assisted care facilities. She said the most important message that staff can emphasize is that residents must be able to shelter in place.

Councilmember Way commend on low impact development standards and building safety week and how they might tie in with emergency management. She said she looks forward to seeing what efforts can be made to resolve the issues related to vulnerable populations.

Councilmember Ryu agreed with a statement in the staff presentation that the most vital partnership is with the community, neighborhoods, and individual citizens. She emphasized the importance of individual preparedness and relying on each other during emergencies. She urged the City to work closely with the neighborhoods so that citizens can be mutually supportive and self-reliant.

Ms. Marsh noted that she will be starting the Ready Neighborhood program shortly, which is loosely based on the block watch program and targets groups of up to 20 neighbors.

Mayor Ransom noted that the emergency management program has short-term, long-term, and ongoing strategies. He listed the completed items under ongoing strategy #M-2 to illustrate the comprehensiveness of the goals and the efforts to educate the public about hazards and hazard mitigation. He asked for staff's assessment about individual preparedness throughout the City.

Ms. Marsh said the City mostly has anecdotal information, although the citizen survey indicated that 60 percent of respondents considered themselves self-sufficient for a number

of days. She said the December windstorm probably served as a "wake-up call" and perhaps people are reconsidering their level of preparedness.

This agenda item concluded with an introduction of the other emergency management team members in attendance: Bob Phelps, Team Manager of the Shoreline Auxiliary Communications Service, and Mark Bunge, Shoreline Fire Marshal.

(c) Discussion of the Gambling Tax Rate

Debbie Tarry, Finance Director, provided a brief history and overview of this agenda item. She noted that the Council reduced the gambling tax rate from 11 percent to 10 percent, and then reduced it on a temporary basis to 7 percent based on the business impacts of the Aurora Corridor project. She noted that Mayor Ransom requested that the Council consider a two-month extension of the tax rate reduction to accommodate the delay in substantial completion of the Aurora project. She outlined the primary changes in the gambling industry, including competition from tribal casinos, online betting, regional competition, and the statewide smoking ban as contributing factors in the overall decrease of card room activity in the region. She said if Council takes no action, the tax rate will return to 10% on April 1, 2007. The impact of extending the reduction two additional months is estimated at \$112,000. For reasons relating to local competition and changes in the gambling industry beyond the City's control, staff recommends that the Council take no further action and allow the tax rate to return to 10 percent on April 1, 2007.

Mayor Ransom read from the minutes of July 24, 2006 as follows:

"Mayor Ransom pointed out that gambling receipts have been down 30 percent, and although a higher rate was requested by the casinos, the seven percent rate is justified based on their gross receipts. He said seven of the twelve casinos in Everett have closed, and four have closed in the last three months. He also noted that the nearly \$3,000,000 the City receives in gambling taxes is equivalent to 50 percent of property tax receipts, 50 percent of sales tax receipts, 45 percent of the police budget, 90 percent of the Parks department budget, and equal to the revenues of 15 Sears department stores, and the revenue of four Costco stores. He added that the casinos support over 900 living-wage jobs, which equals about 10 percent of the private industry jobs in Shoreline. He stated the casinos bring in over \$100,000,000 in revenue into the City with \$26,000,000 going to casino operations. He added that the City takes 10 percent off of the top before they pay state B&O taxes. The City has been able to save \$25,000,000 in reserves over the past 10 years, part of which is to fund a new City Hall. Thus, the City has benefited, but now the casinos are in trouble and are asking for assistance. He said the nine month reduction would give the casinos three months after the construction is completed to "get back on their feet." The reduction would reduce the tax to seven percent of gross receipts for a nine month period. This timeline is the same as the City Manager's recommendation."

He said the casinos have requested a two-month extension because construction is not yet completed. He felt the Council should extend the tax rate reduction to be true to the

original intent to allow the 7 percent rate to continue for 90 days after substantial completion.

Mayor Ransom called for public comment.

(a) Mary Abel, Casino manager of Goldie's Casino, said she is only advocating for what the Council originally intended, which was a reduced tax during construction and for a three-month recovery period following completion. She commented that Aurora Avenue is still an active construction zone, and Aurora Avenue traffic has decreased 15-20 percent, which mirrors the reduction in their gambling receipts. She said a 3-month extensions mean a reduction in revenue designated for capital improvements, but to the casinos it means keeping businesses operating and people employed. She urged the Council to consider extending the tax reduction through June 30, 2007.

(b) Scott Hildebrandt, Shoreline, Director of Operations of Parker's Casino, urged the Council to have an open mind and consider the long-term impacts rather than short term impacts. He noted that the City's services and capital projects depend upon tax revenues, so the City should do everything it can to ensure those revenues continue. He said in order to have future projects in Shoreline, the casinos must still be in operation to provide the needed tax revenue. He commented on the direct and indirect factors affecting the gaming industry and urged the Council to extend the tax reduction.

(c) Michael Preston, Shoreline, noted that he served on Seattle School Board for 20 years and agrees with former Seattle School Superintendent John Stanford's motto "Do what you say you will do." He urged the Council to allow the casinos three months to recover from Aurora project. He commented on the ongoing traffic congestion on Aurora Avenue, noting that the project is still not over. He said many people have made a habit of avoiding Aurora Avenue, and it will take something extraordinary to get them back. He said the three month recovery period was the most important part of the deal for the casinos, and the Council should be true to its word. He said although the casino revenues are down 17 percent, the true decline is measured by what the growth would have been in the absence of the project.

Mayor Ransom also commented on the traffic congestion and traffic circulation problems caused by the Aurora Corridor project, noting that the City hasn't even started installing the traffic signal at N 152nd Street.

Ms. Modrzejewski said that while staff is sensitive to impacts of the Aurora project, the City is facing the same revenue problems as the casinos. She maintained that although the Aurora project has had impacts, there are many other factors affecting the gaming industry. Staff estimated that an extension of the 7 percent gambling tax through June 30th would amount to approximately \$55,000 in additional tax relief.

Mayor Ransom noted that the City Manager assured him that the project would be complete by February 28, but now it looks less likely.

Ms. Modrzejewski noted that the delays were caused by inclement weather, and that it has been very disappointing for everyone. She affirmed that staff would return with a new time estimate for completion as well as an update on the light installation at N 152nd Street.

Councilmember Ryu pointed out that the casinos are the only businesses that pay the gambling tax, and many businesses have left Shoreline due to access problems resulting from the Aurora Corridor project. She read a letter from a proprietor who said she cannot pay the rent due to lost revenues from a lack of business access. She commented on specific areas of congestion along the Aurora Corridor. She pointed out that the Council cannot legally reduce the taxes for Aurora Corridor businesses in general, and Ms. Tarry confirmed that the City cannot have differential tax rates among those who pay certain taxes. She said the City needs a healthy business environment for long-term sustainability because the City cannot put the entire burden on homeowners. She said she too is disappointed with the delays, noting that the first phase was supposed to be the "easy mile."

Ms. Modrzejewski said staff wants to get the project done and help businesses stay in Shoreline, noting that there are City programs that can direct small businesses to resources they need to succeed. She noted that while delays are not uncommon in multi-million dollar projects, it is difficult when outside forces are impacting the businesses.

Councilmember Way said she appreciates the casinos and the resulting capital projects that are made possible by their contributions. She added that the casinos' sacrifices are admirable and the City owes the gaming community a lot. She concluded that she is not ready to provide staff direction at this time.

Councilmember McGlashan commended the casinos for enduring the challenges related to the Aurora Corridor project and asked staff about various gambling statistics in other jurisdictions. He stated that the gaming industry has many other challenges separate from those related to City projects or policies. He suggested that the City get involved with state legislators to see what can be done to equalize the gaming industry vis-à-vis the tribal casinos. He was inclined to support the staff recommendation.

Councilmember Hansen stated that he supports the staff recommendation.

Mayor Ransom expressed concern because the Council made an oral commitment to the casinos to maintain the reduced tax rate for 90 days after project completion. He concluded that there does not appear to be Council consensus to put this item on the agenda for a vote.

7. ADJOURNMENT

At 9:43 p.m., Mayor Ransom declared the meeting adjourned.

February 20, 2007

DRAFT

Scott Passey, CMC
City Clerk

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

Monday, February 26, 2007
6:00 p.m.

Shoreline Conference Center
Highlander Room

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

ABSENT: none

STAFF: Julie Modrzejewski, Acting City Manager; Joyce Nichols, Communications and Intergovernmental Relations Director; Gail Marsh, Emergency Management Coordinator

GUESTS: Shoreline Fire Department: Jim Fisher, Commissioner; Scott Keeny, Commissioner; Jon Kennison, Commissioner; Marcus Kragness, Fire Chief, Dave Jones, Deputy Chief; Jim Batdorf, Deputy Chief

TOPICS: King County Medic 1 Levy
Emergency Response Planning and Coordination

Mayor Ransom called the meeting to order at 6:20 p.m. There were introductions around the table. Mayor Ransom introduced Chief Kragness, who provided a summary of the 2008-2013 King County EMS Strategic Plan, which is a policy statement to direct the EMS in the next six years. The main objectives of the EMS system include maintaining and enhancing the existing regional response system for Basic Life Support (BLS) and Advanced Life Support (ALS). Under the current funding mechanism, \$.25 per \$1,000 assessed valuation (AV) goes into the EMS system. The proposal is for a 6-year Medic One/EMS levy, which would increase the rate to \$.30 per \$1,000 AV. He noted that it costs approximately \$1 million annually to provide BLS in Shoreline.

Continuing, Chief Kragness reviewed the EMS levy authorization process, noting that state law allows jurisdictions to impose an additional regular property tax up to \$.50 per \$1,000 AV for providing EMS. A countywide levy is allowed, and individual jurisdictions may seek approval for difference of countywide levy and \$.50 per \$1,000 AV but not in the same year. A countywide levy requires that the County Council and cities with populations over 50,000 must approve the levy prior to placement on the ballot. Therefore, the Shoreline City Council would have to act to approve placing the measure on the ballot.

Chief Kragness then gave a brief history of past EMS levies. He then responded to a question about how the dispatch process determines if a call needs BLS or ALS. He said the dispatchers use a set of criteria for this and request additional assistance if needed. He also described how different emergencies receive different levels of response (e.g. windstorm, Metro bus accident, earthquake).

He then reviewed the three phases of the Planning and Implementation Process, which include technical advisory groups, elected officials and stakeholder groups, and County/City approval. The Elected Officials Stakeholder Group will be headed up by King County Executive Ron Sims, Mayor Ransom representing the City of Shoreline, and Councilmember Hansen representing the Suburban Cities Association. The proposal is scheduled for Shoreline City Council approval in April, with a public hearing scheduled April 9. The City Council must vote up or down to place the measure on the ballot, and the City cannot change or modify the proposal.

Responding to Deputy Mayor Fimia, Chief Kragness confirmed that the Shoreline Fire Department is tracking calls for service to group homes. They are also considering the potential for adding a "Benefit Service Charge" to help defray the costs of their services for disproportionate users.

Councilmember Hansen said adding this type of change just for group homes may not be the answer, since the people making calls for service would still need the services. He noted that they're just living in a group and not spread out throughout the City. Chief Kragness replied that that's not necessarily the case. Some of these calls reflect that care facility staff is not very well-trained.

Deputy Mayor Fimia encouraged the Fire Department to coordinate with the Shoreline Police to collect the data so it can be accurate and interpreted based on fact.

The Shoreline Fire Department also has a list of all licensed group homes in Shoreline, with the number of beds in each. This information shows up for all R-4 zones. Staff said the number was about 80 as of a year ago.

Ms. Modrzejewski thanked the Fire Department for its help and coordination during the December windstorm. She then introduced Gail Marsh, Emergency Management Coordinator, to discuss emergency response planning and coordination.

Ms. Marsh discussed the City's plans for sheltering people during an emergency. During the December windstorm, about 18 shelters were opened across King County, but not all were fully utilized. Also, people needed to know where they could go to get information. For Shoreline, Shelter Option A would be the Shoreline Conference Center, and Option B would be to designate a school building. For most emergencies, sheltering in place is the goal if it is safe and possible.

Councilmember Ryu asked if the medians on Aurora Avenue will impact the Fire Department's dispatching and response times. Staff said they will be refining the

dispatch patterns so they can make sure the appropriate dispatch occurs. They will do this after the construction is complete.

Commissioner Fisher noted that the Fire Department has finished its Strategic Plan and he has copies with him tonight.

Mayor Ransom declared the meeting adjourned at 7:20 p.m.

Joyce Nichols, Communications and Intergovernmental Relations Director

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CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF BUSINESS MEETING

Monday, February 26, 2007 • 7:30 PM
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 7:35 p.m. the meeting was called to order by Mayor Ransom, who presided.

2. FLAG SALUTE/ROLL CALL

The Mayor led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present.

(a) Proclamation of "Entrepreneurship Week"

Mayor Ransom read the proclamation, which recognized the positive contributions that entrepreneurs and businesses have on the community.

Judy Smith, President of the Shoreline Chamber of Commerce, and Tom Boydell, Economic Development Manager, accepted the proclamation and thanked the Council for this recognition. Mr. Boydell invited the public to participate in a small business seminar to be held on Saturday. Information on this event is also available from the Chamber of Commerce and on the City's web site.

3. REPORT OF THE CITY MANAGER

Julie Modrzejewski, Assistant City Manager, provided the City Manager's report and information on the following items:

- 90% Completion of the Aurora Corridor and Interurban Trail Pedestrian Bridges Projects
- Community Information Signage Installed regarding the Parks Bond Project
- New Neighborhood Identity Signs Installed

- Shoreline Police Citizen's Academy to be held March 20 – May 22
- The next meeting of the Comprehensive Housing Strategy Citizen Advisory Committee will be Tuesday, February 27 at the Shoreline Fire Station Headquarters
- The next regular meeting of the Planning Commission will be Thursday, March 1 in the Mt. Rainier Room at the Shoreline Center
- The final Visioning Workshop for the Ridgecrest commercial area will be held Wednesday, March 7 at Ridgecrest Elementary School

Councilmember Hansen commented favorably on the Citizen's Police Academy and strongly encouraged citizens to participate.

4. REPORTS OF BOARDS AND COMMISSIONS

Councilmember Ryu reported on her attendance at the SeaShore Transportation Forum and the fact that most agencies are in the process of approving the agreement, with the exception of Shoreline and Seattle. It was noted that as of today, Lake Forest Park has not yet signed the agreement. Councilmember Ryu encouraged citizens who qualify to avail themselves of the free income tax preparation service provided through Hopelink.

5. GENERAL PUBLIC COMMENT

(a) Wendy DiPeso, Shoreline, reported on the February 23 budget meeting sponsored by the Sustainable Shoreline Education Committee. She noted that Finance Director Debbie Tarry gave a very clear explanation of the City's fiscal condition, and Sustainable Shoreline hopes to sponsor additional forums on City matters.

6. APPROVAL OF THE AGENDA

Councilmember Gustafson asked for Council consensus to move item 8(b), Adoption of the 2007 Comprehensive Plan Amendment Docket, to the Consent Calendar; there was no consensus to make this change. Councilmember Hansen requested a friendly amendment to take item 8(b) as the first Action Item of the evening. Councilmember Gustafson moved approval of the agenda as amended. Councilmember Hansen seconded the motion, which carried 7-0 and the agenda was approved as amended.

7. CONSENT CALENDAR

Mayor Ransom requested that the Minutes of February 5, 2007, be pulled from Consent and approved at a future meeting. Deputy Mayor Fimia moved approval of the Consent Calendar as amended. Councilmember Hansen seconded the motion, which carried 7-0 and the following Consent Items were approved:

- (a) **Minutes of Special Meeting of October 23, 2006**
- (b) **Approval of expenses and payroll as of February 14, 2007 in the amount of \$1,775,703.34**

(c) Motion to Authorize the City Manager to enter into Agreements with King County and Public Safety Support Services in order to provide Planner Services for Emergency Management Zone 1

8. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

(a) Motion to Adopt the 2007 Comprehensive Plan Amendment Docket

Ms. Modrzejewski introduced Steve Cohn, Long Range Planner, who provided a brief staff report. He explained that the Growth Management Act dictates that the Council can only propose Comprehensive Plan amendments once each year; the proposed 2007 docket is presented for Council review and approval. He said putting these amendments on the list doesn't prejudice the Council, it just means that these are the amendments the Council will consider. He briefly explained the substance of the amendments.

Councilmember Hansen moved to adopt the 2007 Comprehensive Plan Amendment Docket. Councilmember Ryu seconded the motion.

Councilmember Way asked staff to briefly explain the process of moving forward with the amendments and how the public will be involved. She asked if Aurora businesses or other interested parties could receive additional notification, and asked for more detailed explanation of the docket items.

Mr. Cohn said information would be sent to people within the radius of the proposed subarea plan, and the public hearing process will be advertised in Currents, on the City web site, and on the cable channel. He suggested that staff could do an extra mailing to people within the borders of the sub-area. Mr. Cohn explained the docket items. The NE 145th and Dayton amendment is a privately-initiated site-specific proposal that modifies the designation on the property at 416 and 422 NE 145th St. from Medium Density Residential to Mixed Use with the intention of developing the property as residential. The Cottage Housing amendment, which deletes the references to cottage housing that remain in the Comprehensive Plan, would implement Council's action last year that deleted the cottage housing ordinance. It is a companion piece to the recent Planning Commission decision to remove references to cottage housing the Development Code. The South Aurora Triangle amendment, discussed on January 16, 2007, would adopt a new designation and associated development code language to a set of properties north of NE 145th Street between Aurora Avenue and the Interurban Trail. He confirmed for Councilmember Way that while there have been discussions about changing the current building height limits, neither heights nor trade-offs have been analyzed by anyone.

Councilmember McGlashan advised staff against going to the expense of advertising the cottage housing amendment because the community is already aware of this and it is redundant. Ms. Modrzejewski suggested that perhaps the City could send an e-mail advertisement since it is relatively easy to do and the City already has a list of interested parties.

Councilmember Ryu said she would like to see as much public participation and notification as possible. She reminded staff that she asked for additional signage so that the proposals are more clearly visible to the community. She also noted that the City web site needs some maintenance work and that the projects should be put on Channel 21 as well.

Joe Tovar, Planning & Development Services Director, said that staff will do as much as possible and utilize all its resources to advertise these proposals. He commented that the City web site is scheduled to undergo a more general overhaul to make it more user-friendly.

Deputy Mayor Fimia asked staff to contrast the South Aurora Triangle docket item with the potential proposal offered by Mr. Choi.

Mr. Cohn clarified that no formal application has been filed, but people have inquired about current building regulations. He noted that the South Aurora Triangle proposal would have to have a Planning Commission recommendation to adopt changes to the Development Code; this would then be submitted to Council for review and approval or denial. It is possible a permit application could follow adoption of code amendments. Regarding building heights, the current code allows 65 vertical feet, or roughly six stories, but there is no application for a 12-story building.

A vote was taken on the motion to adopt the 2007 Comprehensive Plan Amendment Docket, which carried 7-0.

(b) Motion to Authorize the City Manager to execute a contract in the amount of \$188,633 with RW Beck for Engineering Design Services for the Ronald Bog South Project

Mark Relph, Public Works Director, and Jesus Sanchez, Public Works Operations Manager, provided the staff report. They explained that the Council previously approved the pre-design contract with RW Beck, and staff is now asking Council to consider the next step of awarding the remainder of the project scope.

Mr. Sanchez explained the project objectives, which include resolving past flooding problems downstream of Ronald Bog and identifying opportunities for implementing project features that provide a water quality, habitat, and community benefit. The project begins at the outlet to Ronald Bog and ends at the intersection of N 167th Street and Corliss Place N. The project scope was originally identified as part of the Surface Water Master Plan. The Council approved the 30% design last year, and this will be formally submitted to the appropriate regulatory permitting agencies (U.S. Army Corps of Engineers and the Washington Department of Fish and Wildlife) once the City completes the State Environmental Policy Act (SEPA) process. The City began the SEPA process based on the 30% design submittal on January 18, 2007.

Mr. Sanchez said while there has been no controversy over the project, there was a concern that there wasn't enough time to provide public comment. In response to this, staff extended

the public comment period until February 20, 2007. Also, some residents expressed concern that the project would increase downstream flows. He clarified that the project will not increase flows to downstream residents. He concluded that the City has been pleased with RW Beck's work on the 30% design and recommends that RW Beck continue providing design services for this project. This new professional service contract will complete the design of the project and produce construction-ready documents. He noted that this contract will be entirely funded by a Public Works Trust Fund loan obtained by the City in 2001.

There was no one wishing to provide public comment on this item.

Councilmember Gustafson moved that Council authorize the City Manager to sign a contract in the amount of \$188,633 with RW Beck for engineering design services for the Ronald Bog South Project. Deputy Mayor Fimia seconded the motion.

Councilmember Way commented that even if the Council approves the contract tonight, it is still going to be a "work in progress." She noted that there will still be many opportunities for the public and experts to provide input on the design. She asked staff to describe the specific drainage features of the project.

Mr. Sanchez described the features of the drainage plan based on a color map he distributed. The plan involves replacing the existing conveyance system, realigning for positive slope, and upsizing the existing conveyance pipelines. The habitat of the existing open channel system south of N. 170th Street will be improved through re-grading, re-vegetating, and stabilizing new bank slopes to create a more natural open channel system with more stable side slopes. In addition, existing culverts will be replaced with fish-friendly bottomless arch or box culverts. A new high-flow, bypass piped conveyance system that parallels the upgraded open channel system to prevent channel scour and provide flood protection to adjacent homes located on Corliss Place N.

Responding to Mayor Ransom, Mr. Sanchez clarified the areas in which the existing pipe would be replaced with new 48-inch pipe. The green area on the map reflects the current open channel.

Councilmember Way expressed interest in working with the experts and the community to consider alternatives that might eliminate the need for a bypass pipeline in the future by creating increased retention/capacity in the system.

Mr. Sanchez noted that the consultants have been asked to look at dredging and capacity at Ronald Bog, and there might be opportunities south of Ronald Bog to include the First Avenue Transfer Station property. He said staff is working with King County and looking at all possibilities for providing additional detention as well as the best habitat and water quality.

Councilmember Gustafson pointed out that this project started long ago, and the idea of daylighting was discussed but it was determined that it was not a practical alternative. He expressed support for the proposal and said he is excited about the possibilities of creating additional retention/capacity as discussed by Mr. Sanchez.

Deputy Mayor Fimia expressed general support for the plan and said she is glad that it appears to support Council Goal #6, creating an Environmentally Sustainable Community.

Councilmember Ryu appreciated Mr. Sanchez's comments from a couple weeks ago in which he pledged not to build a project that creates increased water flows to downstream residents. She said she's happy to hear about the opportunities to manage water quality and flows and asked that staff work with King County on the Transfer Station design to ensure that the flow volumes are improved. She expressed support for the motion.

Councilmember Hansen expressed support for the plan but asked staff to consider the effects of "unarmoring" the creek. He was concerned that if the banks are not protected, there could be erosion and flooding of neighbor's backyards. He noted that erosion and setbacks were the principle concerns expressed by the neighbors when the subject of daylighting was initially addressed.

Councilmember McGlashan asked if the high-flow pipe is going to impact the Crawford's property.

Mr. Sanchez said the diverter, which is north of N. 155th Street and is a contracted agreement with the state, only allows 17 cubic feet per second (cfs) of water through the Crawford property, and any excess is diverted over to TC-9. He assured the Council that the City wants to ensure the project doesn't negatively impact properties south of Ronald Bog. He said he will watch the system because he will not start a project that increases flows south of the Bog.

Councilmember McGlashan asked why a water quality vault is proposed for only one length of the parallel-running culverts and not at the point where the two converge. Mr. Sanchez said he would follow up with the engineers; they are still in the pre-engineering phase, so the final design could be modified at that location.

Mayor Ransom commented that several years ago the neighbors had severe flooding issues, but the City has largely addressed those concerns. He inquired about the 75-foot setback requirement as applied to creeks.

Mr. Sanchez clarified that if culverts are converted to open channels, then setback requirements would apply. However, in this neighborhood there are already existing open channels adjacent to private properties.

Councilmember Way noted that if artificial banks are constructed along creeks, the erosive power of the water increases. However, if the channel is more naturalized and made to

meander, it tends to dissipate the erosive power. She advocated for working to remove the artificial banks and then addressing issues related to upstream capacity.

Mr. Sanchez said the City wants to be careful not to destroy and weaken the banks and at the same time install some energy dissipation. He advised a balancing of energy dissipation with bank protection while also allowing the creek to become more natural.

Councilmember Way also advised that the City do everything possible to preserve the existing trees because they provide strength to the creek bank.

Councilmember Gustafson moved to call the previous question. A vote was taken on the motion, which carried 7-0.

A vote was taken on the motion to authorize the City Manger to sign a contract in the amount of \$188,633 with RW Beck for engineering design services for the Ronald Bog South Project, which carried 7-0.

9. ADJOURNMENT

At 8:46 p.m., Mayor Ransom declared the meeting adjourned.

Scott Passey, CMC
City Clerk

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CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Ordinance No. 446 Revising Purchasing Policies and Amending Chapter 2.60 of the Shoreline Municipal Code
DEPARTMENT:	Finance and City Attorney's Office
PRESENTED BY:	Debbie Tarry, Finance Director Ian Sievers, City Attorney

PROBLEM/ISSUE STATEMENT:

Chapter 2.60 SMC regulates the procurement of goods and services in conformance with state law and recommended business practices and delegates administrative approval for certain city contracts. Amendments to this chapter are recommended to clarify procedures for acquisition and amendment of service contracts and real estate acquisitions.

FINANCIAL IMPACT:

None.

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 446 revising purchasing policies and amending Chapter 2.60 of the Shoreline Municipal Code.

Approved By:

City Manager 

City Attorney 

INTRODUCTION

Several sections of Chapter 2.60, *Purchasing*, need clarification to promote procurement efficiency. Administrative change order authority after Council contract review has been clarified. The requirement for a written contract is revised to authorize the use of purchase orders for small standardized services. The City Manager's existing authority to waive a Request for Proposals in certain circumstances for architect and engineering services is extended to other service contracts.

Finally, real property acquisition procedures include a statement of intent to use eminent domain for property interests necessary to accomplish projects in the adopted capital improvement plan. This expression of intent is often requested by property owners for capital gains roll over and the City avoids real estate excise tax on the transaction

DISCUSSION

SMC 2.60.030 Definitions

SMC 2.60.030 *Definitions*, has been amended to simplify the description of nonprofessional services to include all services that do not meet the definition of professional services, architectural and engineering services, or services required to pay prevailing wages.

SMC 2.60.040 General provision

In order to clarify when council authorization is required for change orders, SMC 2.60.040(D) has been changed to indicate that if Council has authorized an amendment to the scope or amount of a contract, the City Manager has administrative authority for additional change orders up to \$50,000 or to extend the termination date. Further changes in excess of \$50,000 would again require Council action. This is a default rule. Council may expand or limit this administrative authority on a case by case basis when it authorizes a contract amendment.

SMC 2.60.070 Services

SMC 2.60.070 *Services*, has been expanded to allow for administrative approval of a broader range of minor contracts. Specifically, the ordinance authorizes administrative approval for purchases of standard services of \$3,000 or less. These services are characterized by competitive market rates with no individualized instruction or scope of work needed for the vendor. Examples include repair and ordinary maintenance without prevailing wages, title reports, printing, and messenger/process service. This amendment will cut down on paperwork and unnecessary time and delay in cross-department approval of minor contracts. The amendment still requires that those contracts in excess of \$3,000 in a calendar year either need an on-call contract, or an individual project contract.

Currently the adopted purchasing policies allow the City Manager to waive the Request for Proposal (RFP) process for architectural and engineering services when there are specific advantages for the City. This ordinance extends this authority to all services. This is specifically helpful when there is a single provider of a service in the Pacific Northwest, such as summer sports camps, but yet the City is currently required to issue an RFP to comply with the adopted purchasing policies.

SMC 2.60.090 *Real property acquisition*

Typically, the city acquires property through negotiations between staff and the property owner. However, if the property owner refuses to sell or demands an excessive price, the City must seek Council authorization of a condemnation ordinance under state law.

Once the city staff has negotiated a purchase within administrative authority, a real estate excise tax affidavit must be filed to record the property instrument. Excise tax does not have to be paid if the sale occurred under threat of eminent domain. (WAC 458-61A-206.)

In addition to this cost savings to the City, documenting an intent to exercise eminent domain benefits the owner of business and investment property. Proceeds from investment properties acquired by condemnation or threat of condemnation may be reinvested without payment of capital gains tax by the property owner under a tax deferral allowed under the Internal Revenue Code. A recent example of this benefit is the demand by the seller of one of the civic center properties that the Council recite the purchase was under threat of eminent domain in its ratification of the purchase and sale agreement.

The proposed amendment to SMC 2.60.090 authorizes the City Manager to represent that condemnation will be considered, if negotiations are unsuccessful, to accomplish projects that have been approved in the capital improvement plan. This provision documents the claim for exemption from real estate excise tax that would otherwise be paid by the City (1.78 % of gross purchase price). This amendment does not change the fact that Council must authorize the actual filing of eminent domain proceedings through a condemnation ordinance. The statement of intent would only apply to small property acquisitions of \$50,000 or less within the City Manager's Acquisition Authority. Larger purchases would include this intent as part of the Council's ratification of the purchase.

In addition, the City Manager's land acquisition signature authority in this section has been clarified to read "\$10,000 or less" for minor acquisitions, and "\$50,000 or less" for CIP projects. The section currently reads "less than \$10,000," and "less than \$50,000."

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 446 revising purchasing policies and amending Chapter 2.60 of the Shoreline Municipal Code.

ATTACHMENTS

Attachment A: Ordinance 446.

ORDINANCE NO. 446

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, REVISING PURCHASING PROCEDURES AND AMENDING CHAPTER 2.60 OF THE SHORELINE MUNICIPAL CODE

WHEREAS, the City Council adopted an ordinance regulating the procurement of goods and services in conformance with state law and recommended business practices; and

WHEREAS, there is a desire to amend the adopted ordinance to facilitate more effective procurement procedures; and

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

Section 1. Amendment. SMC 2.60.030 *Definitions* is hereby amended to read as follows:

B. "Nonprofessional services" are services that are purchased by the city in which the contractor receives specific instructions and guidance from the city and does not meet the definition of professional services, architectural and engineering services, or ~~public works projects~~ services required to pay prevailing wages. Examples include machine repair, debt collection services, temporary service agencies, credit card services, equipment service agreements, auctioning services, delivery services, inspections, advertising, etc.

Section 2. Amendment. SMC 2.60.040 D. *Amendments and Change Orders* is hereby amended to read as follows:

D. Amendments and Change Orders.

1. Amendments or change orders to contracts, including interlocal agreements, which result in the final contract amount in excess of purchase limits identified in this chapter may be administratively approved if the changes are:

- a. Within the scope of the project or purchase;
- b. Executed in writing;
- c. The amount in excess of the city manager's purchase limits will not exceed \$50,000.

2. Contract amendments that are strictly a change in contract expiration date may be administratively approved.

3. The value of all change orders will be aggregated, and when any single amendment or combination of change orders on the same project or purchase exceeds the limit under subsection (D)(1)(c) of this section the change must be approved by the city council, except:

a. For service contracts to accomplish an ongoing city program rather than a discrete project, the aggregation of administrative change orders shall be recalculated after each contract year; and

b. Where the size of the contract makes it probable that administrative change order authority will be quickly exhausted, the city council may, upon recommendation of the city manager, extend the aggregate limits of subsection (D)(1)(c) of this section upon award of the particular contract.

c. A contract amendment approved by the city council under this subsection 2.60.040 (D)(3) shall allow new administrative amendments or change orders to the amended contract that satisfy the requirements of subsection 2.60.040(D)(1).

Section 3. Amendment. SMC 2.60.070 *Services*, is hereby amended to read as follows:

2.60.070 Services.

A. Purchasing Limitations. Purchase limitations apply to the cost related to the acquisition of services to fill a specific business need. Cost is inclusive of any required sales tax and related expenses.

1. Contracts or task orders under an on-call agreement to purchase services equal to or less than \$50,000 may be executed by the city manager.

2. Contracts to purchase services greater than \$50,000 shall be authorized by the city council.

B. Contract Required. The purchase of services require that the city enter into a contract for that service, with the exception of temporary employment agency services, and standard services with a total cost of \$3,000 or less in a calendar year, such as auto repair, title reports, printing and messenger/process service. Departments are allowed to make these purchases administratively in accordance with procedures adopted and approved by the finance director and city manager.

C. On-Call Service Contracts. On-call service contracts will be procured with the processed identified in subsection D of this section. Individual task orders of on-call service contracts shall not exceed \$50,000.

D. Process.

1. Architectural, Landscape Architectural, and Engineering Services Contracts. Procedures set forth in Chapter 39.80 RCW shall be followed for contracts for architectural and engineering services, as defined in RCW 39.80.020.

a. Roster. Annually the city will publish in advance the anticipated city's requirements for architectural, landscape architectural, and engineering services and its acceptance of statements of qualifications for contractors interested in providing these services.

b. Contracts Less Than \$50,000. Contracts that have an estimated cost of less than \$50,000 can be procured using an informal request for qualification process. This process requires the city representative to develop a written scope of the project and any criteria used to select the service provider and then select a qualified contractor from the city's architectural, landscape architectural, and engineering service roster. If the city representative does not choose to use the appropriate roster, then a formal request for qualification process must be followed.

c. Contracts Greater Than \$50,000. Contracts that have an estimated cost in excess of \$50,000 must use a formal request for qualification (RFQ) process. The development of an RFQ along with the proper public notification shall be made in accordance with procedures adopted by the finance department in the best interest of the city; provided, however, that the city manager may in the following circumstances waive the RFQ process for contracts greater than \$50,000, and allow the acquisition of services from the city's architectural, landscape architectural and engineering services roster:

i. It is deemed in the best interest of the city to expedite the acquisition of services; or

ii. It can be demonstrated that there are sufficient consultants on the roster that possess the required qualifications to perform the scope of work; or

iii. A consultant on the city's roster has previously provided satisfactory service to the city, has previously provided services related to the specific project, and has the qualifications to perform the scope of work.

This process shall be used before any contract which is renewed or extended for an aggregate amount in excess of \$50,000 from the commencement of the contract, whether or not options for additional terms were included in the original contract.

~~d. Contract Required. A contract is required to purchase architectural, landscape architectural, and engineering services.~~

2. Professional and Nonprofessional Services (Excluding Nonarchitectural Architectural, Landscape Architectural, and Engineering Services).

a. Contracts Less Than \$50,000. Contracts that have an estimated cost of less than \$50,000 can be procured using an informal request for proposal process. This process requires the city representative develop a written scope of the project and any criteria used to select the service provider. The city representative will use this information when selecting the contractor to provide the services. Multiple proposals are optional and at the discretion of the department director. If multiple proposals are used to make a selection, a standard process must be used for obtaining all proposals.

b. Contracts in Excess of \$50,000. Service contracts that have an estimated cost in excess of \$50,000 shall be procured using a formal request for proposal (RFP) process. The development of an RFP along with the proper public notification shall be made in accordance with procedures adopted by the finance department in the best interest of the city; provided, however, that the city manager may in the following circumstances waive the RFP process for contracts greater than \$50,000:

i. It is deemed in the best interest of the city to expedite the acquisition of services; or

ii. It can be demonstrated that specialized expertise, experience or skill is needed for a successful outcome and outweighs potentially lower price proposals; or

iii. A consultant has previously provided satisfactory service to the city related to the specific project, and has the qualifications to perform the scope of work.

This process shall be used before any contract which is renewed or extended for an aggregate amount in excess of \$50,000 from the commencement of the contract, whether or not options for additional terms were included in the original contract.

~~e. Contract Required. A contract is required to purchase professional and nonprofessional services.~~

Section 4. Amendment. SMC 2.60.090 *Real property acquisition* is hereby amended to read as follows:

2.60.090 Real property acquisition.

A. Real Property – Manager’s Acquisition Authority. The city manager or his designee is authorized, in the following instances, to accept by gift or acquire dedications, easements, rights-of-way, fee estates or other interests in real property for use by or on behalf of the city or any department of the city by threat of eminent domain.

1. Minor Acquisitions. Any such acquisition where the purchase price is \$10,000 or less.
~~less than \$10,000.~~

2. Approved Projects. Any such acquisition which is part of an approved and funded project included in the city’s capital improvement plan or a local improvement district ordered by the council, the cost of the property is \$50,000 or less ~~less than \$50,000~~ and does not exceed 10 percent of the fair market value of the property as determined by the city’s appraiser or review appraiser. For projects in the city’s capital improvement plan, the city manager is authorized to convey city council’s intent that these projects will be accomplished with the use of eminent domain if necessary.

All other real property acquisitions will be submitted to the council for approval.

B. Real Property – Manager’s Leasing Authority.

1. The city manager or his designee is authorized to execute leases of real property on behalf of the city where the term of the lease does not exceed one year and the consideration does not exceed \$50,000 per year.

2. A lease that exceeds the limits stated in subsection (B)(1) of this section, will be submitted to the council for approval.

Section 5. Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL ON _____, 2007.

Mayor Robert Ransom

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of Publication: Insert Date of Publication
Effective Date: Insert Effective Date

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Surface Land Use Easement with King County for Richmond Beach Pump Station Park site
DEPARTMENT:	Parks, Recreation, and Cultural Services
PRESENTED BY:	Dick Deal, PRCS Director

PROBLEM/ISSUE STATEMENT:

In 2004, the City of Shoreline entered into an agreement entitled "Memorandum of Agreement between King County and the City of Shoreline Regarding Mitigation for the Brightwater Project". Paragraph 8 of that agreement allowed the City to use as parkland a portion of the property currently in active use as a pump station located at 2740 NE 198th Street, Shoreline. The agreement gives Shoreline permission to develop and maintain this site as a park.

Shoreline Parks staff have evaluated the site and determined that approximately 2.08 acres of the four acre site would be adequate for development into a neighborhood park. The balance of the site is wetland and contains the pump station facilities.

This easement agreement will allow us to continue with the planning and development of a park site to serve the Richmond Beach neighborhood. To date we have been working on the development of a master site plan for this park and our goal is to begin design development in the next few months and begin construction of the park in mid 2007. We anticipate the project being completed and dedicated in late 2007.

FINANCIAL IMPACT:

The agreement between the City and King County signed in 2004 provided \$750,000 in mitigation funds in addition to access to the pump station site for a neighborhood park. All design and construction costs for this project will be paid from the mitigation funds. We anticipate using approximately half of the mitigation funds for the development of this park site, and the balance to be used for other park improvements in the Richmond Beach area. There will be no general fund dollars spent on this project.

RECOMMENDATION

Staff recommends that the City Council approve the Surface Land Use Agreement between the City of Shoreline and King County that will allow staff to proceed with the development of a neighborhood park in the Richmond Bach community.

Approved By:

City Manager



City Attorney



RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:
KING COUNTY
WASTEWATER TREATMENT DIVISION
MAILSTOP: KSC-NR-0503
201 SOUTH JACKSON STREET, SUITE 503
SEATTLE, WA 98104-3855

Document Title:	Surface Use Easement
Grantor(s):	King County
Grantee:	City of Shoreline
Abbreviated Legal Description:	Surface Use Easement on Portion of Parcels 1 through 7, book 58, page 135 recording number 8711209010 in Government Lots 1 and 2, section 2, Township 26 North, Range 3 East
Additional Legal Description is on Page:	Exhibit "A"
Assessor's Tax Parcel Number(s):	

Easement Agreement for Park Use
Between
King County
And
City of Shoreline

This Easement Agreement ("Easement" or "Agreement"), is dated for reference purposes _____, 2007, and is made by and between City of Shoreline, a Washington State Municipality, ("City") and King County, a political subdivision of the State of Washington, ("County") for the use, development and maintenance of a public use parkland area at the south portion of the Richmond Beach Pump Station, west of Richmond Beach Drive NW as described and depicted more particularly herein (hereinafter sometimes referred to as the "Site").

IN CONSIDERATION of the promises, covenants and other provisions set forth in this Agreement, the County and the City agree as follows:

1. RECITALS

- 1.1. King County, a home rule charter county and political subdivision of the State of Washington is the owner of the Site depicted as the cross-hatched area in Exhibit A and as described with greater particularity in Exhibit B to this Agreement.
- 1.2. On or about May 11, 2004, the County and the City entered into an agreement entitled Memorandum of Agreement between King County and the City of Shoreline Regarding Mitigation for the Brightwater Project (hereinafter “Brightwater Mitigation Agreement”). Pursuant to paragraph 8 of the Brightwater Mitigation Agreement, King County agrees to allow public use as a parkland on the Site by a non-exclusive Surface Use Easement to the City. The parties agree this Agreement satisfies this term of the Memorandum of Agreement.
- 1.3. The Site is defined as that certain surface portion of the Richmond Beach Pump Station (“RBPS”) property situated in the City of Shoreline, King County, Washington, at 2740 NW 198th St., King County, WA, comprising approximately 2.08 acres of the approximately 4 acre RBPS property as more particularly described and depicted in Exhibit A attached hereto (hereinafter referred to as the “Premises” or the “Site”) and as legally described in Exhibit B attached hereto.
- 1.4. King County Ordinance 14969 authorized the Department of Natural Resources and Parks, Wastewater Treatment Division to create a public recreation opportunity pursuant to the Brightwater Mitigation Agreement. Allowing the City to develop and maintain certain mutually agreed upon improvements to the Site by this Agreement will serve to implement the authority provided in Ordinance 14969.
- 1.5. King County Code Section 4.56.150(e) authorizes the Department of Natural Resources and Parks, to enter into agreements for the use of King County land by governmental agencies that provide a service to the public.

2. GRANT OF EASEMENT

- 2.1. King County grants to the City of Shoreline a non-exclusive, surface use easement on the Site for park use subject to the terms and conditions of this Agreement.
- 2.2. The RBPS property is a working pump station and part of the County’s regional wastewater treatment system. The County may need to expand, enlarge, alter, repair, replace, maintain, modify or re-configure the RBPS requiring the permanent use of all or a portion of the Site. If this becomes necessary, the County may terminate this Easement by providing the City with one-hundred eighty (180) days notice. The County may also terminate this Easement for cause. In the event that the County terminates this Easement, the City agrees to remove all facilities developed specifically for public use by the City, including but not limited to fencing, volleyball nets, picnic tables and benches, barbecues, restrooms, parking lot paving and paths,

and bear all costs of removing said improvements within one- hundred eighty (180) days from receipt of notice of termination by the County. The City shall deliver the Premises to the County in the same condition as it received the Premises from the County unless otherwise permitted in writing by the County. The City shall be liable for additional costs of construction that may occur due to its failure to timely deliver possession in accordance with such notice.

- 2.3. The City may terminate this Easement by providing 180 days written notice. In the event the City terminates the City agrees to remove all facilities developed specifically for public use by the City, including but not limited to fencing, volleyball nets, picnic tables and benches, barbecues, restrooms, parking lot paving and paths, and bear all cost of removing said improvements within one-hundred eighty (180) days from providing notice to the County. The City shall deliver the Premises to the County in the same condition as it received the Premises from the County unless otherwise permitted in writing by the County. In the event that the City fails to tender possession of the Site to the County as provided herein, the County shall have the right at the City's expense to remove any alterations, additions or improvements, or to perform any other work necessary to put the Site in the same condition in which the City received the Site, and the City agrees to reimburse the County for all expenses thereof.

3. USE, MAINTENANCE, AND OPERATION OF PREMISES

- 3.1. **NON-EXCLUSIVE USE.** The City shall have a non-exclusive right to use the Site for public day use as a parkland as described in this Agreement and for no other activities or purpose without the written consent of the County. City agrees to provide for public access to the Site, as described herein. Public access to and use of the Site is a material consideration for King County's execution of this Agreement. The City may apply rules for public use applicable to its parks in similar use which do not conflict with the terms of this Agreement. The City shall not assign this Easement or authorize any use of the Site without the express written consent of the County which consent may be withheld in the County's sole and absolute discretion.
- 3.2. **AS-IS CONDITION.** The City has inspected and knows the condition of the Site, and agrees to accept the Site in its present **AS IS** condition.
- 3.3. **NO WARRANTIES.** King County does not make and specifically disclaims any warranties, express or implied, including any warranty of merchantability or fitness for a particular purpose, with respect to the Site, and no official, employee, representative or agent of King County is authorized to represent otherwise.
- 3.4. **NO OBLIGATION OF COUNTY FUNDS.** King County is, and shall be, under no obligation directly or indirectly to pay for any labor, material, or improvements associated with the Site, except where said labor, material or improvements are directly related to King County's use of the Site as provided in Sections 3.6 and 3.7, and elsewhere in this Agreement.

- 3.5. COUNTY OWNERSHIP. King County shall retain ownership of the Site and the RBPS property, including all improvements, permanent fixtures and County-purchased equipment.
- 3.6. FUTURE WASTEWATER FACILITY CONSTRUCTION. The City shall allow the construction of future wastewater facilities on the Premises by the County. The County will make a reasonable attempt to minimize disruption of the Site by the County's construction and will provide the City at least 180 days notice prior to the start of such construction. The City shall allow the County access at all times to the Premises for the purpose of inspection, or for making repairs, additions or alterations to the Premises or any property owned by or under the control of the County, including underground facilities. The City shall provide the County keys to any installed locks and fencing for the Site. The County shall have the right to make repairs to the Premises while unaccompanied by the City. The County shall notify the City as soon as reasonably possible after the County's knowledge of the need for access and emergency repairs and minimize as far as possible disruption to any City-built improvements. The City reserves the right in its sole discretion to limit public access in the interest of public safety during County construction.
- 3.7. ACCESS AND ENTRY BY KING COUNTY. King County may enter the Site during the City's usage for any reason, including but not limited to performing routine maintenance, inspections, making repairs, additions or alterations to the Premises or any property owned by or under the control of the County, including underground facilities. Any person or persons who may have an interest in the purposes of King County's visit may accompany King County. The City shall provide the County keys to any installed locks and fencing for the Site. King County has the right to use any and all means that King County deems proper to open locks and gates to obtain entry to the Site. The County shall notify the City as soon as reasonably possible after the County's knowledge of the need for access and/or repairs and minimize as far as possible disruption to any City-built improvements. Provided, the County may enter the Site without prior notice for routine maintenance and inspection which typically occurs once weekly.
- 3.8. NO FEES/HOURS OF USE. The City shall not charge fees for the use of the Site by the public. The availability of recreational opportunities for King County's wastewater treatment division ratepayers is a material consideration for this Agreement. The City shall set and enforce hours of public use at the Site, limited to dawn to dusk operations.
- 3.9. LAWFUL USE. The City shall take reasonable precautions to secure the Site during use by the public, will insure that the Site is not used for any unlawful purposes and that it is not used or occupied in any manner which would constitute a public nuisance or otherwise violate federal, state or local laws.

- 3.10. **SITE MAINTENANCE PLAN.** Once capital improvements are completed, the City shall prepare a Site Maintenance Plan (“SMP”), agreed to by the County. The SMP shall be developed in a manner as to ensure King County does not incur any new Operation & Maintenance costs requiring additional public funds by the County.
- 3.11. **LIMITED USE.** The City shall use the Site for no other business or purpose than as explicitly provided in this Agreement.
- 3.12. **RIGHT TO INSPECT.** King County at its discretion reserves the right to review and approve the City’s use of the Site and compliance with this Agreement. If King County does not approve of the City’s use and compliance, King County will timely notify the City in writing of the specific items that King County deems objectionable. The City agrees to undertake reasonable corrective action within a time period agreed to by the Parties, or if no time period is agreed, within sixty (60) days.
- 3.13. **SIGNS.** The City shall install a sign on the Site advising members of the public using the Site that the Site is the property of King County, Department of Natural Resources and Parks, Wastewater Treatment Division. This sign shall note that the Site is open to the public as community mitigation for the Brightwater Wastewater Treatment System. This sign shall be placed on the Site with the understanding and agreement that the City shall remove the sign at the termination of the Easement and repair any damage or injury to the Site caused thereby. If for any reason the City does not remove any sign placed by the City, then the County may have the sign(s) removed at the City’s expense. The City may propose to the County that the Site have a name other than the Richmond Beach Pump Station. Any name proposed by the City must be consistent with this paragraph. Only a name agreed to by the County may be used to reference the Site. Before any such name is displayed or referred to in official documents, the name must be approved in writing by King County, in the County’s sole discretion. The City may not sell naming rights or receive any gift or consideration for the naming of the Site.
- 3.13.1. The City may install signage stating hours of operation and public use rules of a size and format which is comparable to signs installed at City parks of a similar use. No other sign and no advertisement, notice, or other lettering will be exhibited, inscribed, painted, or affixed by the City or allowed by the City to be exhibited, inscribed, painted, or affixed on any part of the Site without the prior written approval of the County. If the City violates this provision, King County may remove the sign without any liability and may charge the expense incurred by such removal to the City. All signs erected or installed pursuant to King County’s prior written approval shall also comply with any applicable federal, state or local statutes, ordinances or regulations.
- 3.14. **FENCING.** The City shall install and maintain a fence between the Site and the RBPS property which is retained exclusively by the County. The City shall also retain and maintain the existing fence between the Premises and the Burlington Northern

Railroad right-of-way located to the west. The City shall install signs along the fence notifying the public of the railroad right-of-way and that no crossing of railroad right-of-way is allowed.

- 3.15. SOLICITING. Except as otherwise provided in this Agreement, canvassing, soliciting and distribution of handbills or any other written material, or peddling on the Site or in adjacent areas are each prohibited without the prior written approval from the County.
- 3.16. UTILITIES SERVICE. The City agrees to furnish and pay for all costs for all necessary electrical, sewer, water and other utilities as might be required for its use of the Site. The City is not authorized to use or connect to any existing County electrical, sewer or water connections for the Site without the County's written authorization, which may be withheld in the County's sole discretion. The County shall not be liable for the failure of any utility service on the Site.
 - 3.16.1. STORMWATER FACILITIES. The parties agree that the existing Stormwater facilities on the RBPS property are currently adequate for the current uses at the RBPS property (including the Site). As part of the Site Plan referred to in Section 4.2 herein the City shall identify any new stormwater facilities and/or any upgrades to the existing stormwater facilities that will be necessary to allow or support the City's use of the Site. The City agrees to pay for the construction, maintenance and operation of any new facilities and/or any upgrades to the existing facilities that are determined to be necessary as a result of the City's Site Plan, City modifications to the Site and/or the City's use of the Site.
 - 3.16.2. LANDSCAPING/IRRIGATION. The City acknowledges that the County has issued a Special Use Permit (No. S-223-04) dated October 29, 2004 to the property owner located at 19923 26th Avenue NW, Shoreline, WA for the limited purpose of pruning and maintaining the trees and vegetation along the west slope of Richmond Beach Drive in accordance with the terms of the Special Use Permit. The City agrees that Special Use Permit No. S-223-04 shall remain in full force and effect.
 - 3.16.3. As part of the Site Plan referred to in Section 4.2 herein, the City shall identify appropriate landscaping and irrigation improvements for the Site. The City agrees to pay for the construction, maintenance and operation of any irrigation facilities, including a separate water meter or meters, that are necessary as a result of the City's Site Plan, City's modifications to the Site and/or the City's use of the Site.
- 3.17. REPAIRS AND CARE OF PREMISES. The City shall permit no waste, damage or injury to the Premises or to the RBPS property. The City shall take no action which would interfere with the County's access to or use of the RBPS property. The City shall pick up, collect and dispose of garbage and trash from the Premises on a regular

basis. The City shall, at all times, use the Premises in accordance with, and comply with the laws of the State of Washington and ordinances of the City and in accordance with all directions, rules, and regulations of the health officer, fire marshal, building inspector of the City at the sole cost and expense of the City.

- 3.18. **NO LIENS.** The City shall keep the Premises free from any liens arising out of work performed, materials furnished or obligations incurred by the City. The City acknowledges and agrees that it has no authority, express or implied, to create or place any lien or encumbrance of any kind or nature whatsoever upon, or in any manner to bind, the interest of King County in the fee interest in the Site, or to charge fees for any claim in favor of any person or entity dealing with the City, including those who may furnish materials or perform labor for any construction or repairs. If any such liens are filed, King County may, without waiving its rights and remedies for breach, and without releasing the City from its obligations under this Agreement, require the City to post security in a form and an amount reasonably satisfactory to King County or to cause such liens to be released by any means King County deems proper, including payment upon satisfaction of the claim giving rise to the lien. The City will pay to King County upon demand any sum paid by King County to remove the liens. Further, the City agrees that it will save and hold King County harmless from any and all loss, cost, or expenses connected with or arising out of the asserted claims or liens, or claims asserted against the right, title and interest of King County in the Site or under the terms of this Agreement, including reasonable attorney's fees and costs incurred by King County to remove such liens, and in enforcing this paragraph. Additionally, it is mutually understood and agreed that this paragraph is intended to be a continuing provision applicable to future improvements after any initial improvements are made on the Site.

4. MODIFICATIONS TO THE SITE BY THE CITY

- 4.1. **MODIFICATIONS.** Upon written approval by the County, the City shall design and construct fencing and signage as described in Sections 3.13 and 3.14. The City may also but is not obligated to design and construct certain other improvements on the Site specifically for public use, including but not limited to volleyball nets, picnic tables, benches, barbecues, restrooms, parking lot paving and paths.
- 4.2. **SITE PLAN REQUIRED.** Prior to its use of the Site the City shall provide to the County a site plan for all proposed improvements to the Site, in substantial compliance with the Conceptual Park Master Plan attached hereto as Exhibit C and incorporated herein by this reference.
- 4.3. **PARKING.** The County and the City agree that if the City wishes to provide parking for users of the Site, then the City may provide parking within the boundaries of the Site in a manner approved in advance, in writing by the County. Such parking shall not inhibit the County's access to the Richmond Beach Pump Station or to the Premises.

- 4.4. **RESTROOM FACILITIES.** The County and the City agree that the Premises are not equipped with public restroom facilities and if any such facilities are to be provided in the future, such facilities shall be provided at the City's sole cost and responsibility, and only upon prior written approval by the County.
- 4.5. **PRIOR CONSENT REQUIRED.** The City shall not make any alterations, additions or improvements to the Site without the prior written approval of the County, which consent shall not be unreasonably withheld. For any such approved alteration, addition or improvement to the Site, the City shall be solely responsible for the design, construction and permitting thereof. Any and all alterations, additions and improvements shall be made at the sole cost and expense of the City, and shall be the property of the City and shall be removed by the City at the termination of this Agreement as provided in Section 2. If the improvement work is approved by the County, then the City shall ensure that the work area is properly barricaded, and will ensure that signage is installed, directing unauthorized persons not to enter onto the construction site during any phase of development or construction. During any construction on the Site, a perimeter fence restricting public access to and across the adjacent railroad right-of-way shall be maintained at all times. Unless otherwise agreed by the Parties in writing, fencing will be placed around work areas. In addition, the construction areas will be kept clean and organized during construction of improvements. The City shall be responsible for site security, traffic and pedestrian warnings at the Site during any construction on the Site. In no event shall any construction work occur on or interfere with the RBPS Premises.
- 4.6. **INDEMNIFICATION AND HOLD HARMLESS DURING CONSTRUCTION.** In performing any work on the Site the City agrees to comply with all laws, ordinances, rules and regulations of the appropriate federal, state and local agencies. As set forth below, the City further agrees to defend, indemnify and save the County free and harmless from all costs, claims, damages, losses or expenses arising out of said work.
- 4.7. The City shall defend, indemnify and hold King County, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney's fees and costs, arising out of or in connection with the design, development and construction of any improvements on the Site, except for injuries and damages caused by the negligence of King County.
- 4.7.1. The City, shall require its construction contractors and subcontractors to defend, indemnify and hold King County, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney's fees and costs, arising out of or in connection with the design, development and construction of any improvements on the Site, except for injuries and damages caused by the negligence of King County.

- 4.8. **COMMERCIAL GENERAL LIABILITY INSURANCE DURING CONSTRUCTION OF IMPROVEMENTS.** The City shall require its construction contractors to procure and maintain, for the duration of construction of any improvements on the Site, insurance against claims for injuries to persons or damage to property, which may arise from or in connection with the performance of the work by the construction contractors and subcontractors, their agents, representatives, or employees. If the City performs such construction work using its own forces, then it shall procure and maintain such insurance or provide the County with comparable coverage. All said policies will name King County as an additional named insured and will include a provision prohibiting cancellation or reduction in the amount of said policies except upon 30 days prior written notice to King County. The City shall require its construction contractors to maintain minimum commercial general liability insurance limits of no less than \$1,000,000 each occurrence; \$2,000,000 general aggregate and a \$2,000,000 products-completed operations aggregate limit; business automobile coverage for a limit of not less than \$2,000,000 combined single limit per occurrence; and workers' compensation coverage as required by the Industrial Insurance Act of the State of Washington, statutory limit.
- 4.9. **BUILDERS RISK INSURANCE.** The City shall require its construction contractors to procure and maintain, for the duration of the construction of improvements on the Site, Builders Risk insurance covering the interests of King County and the construction contractor in the work. Builders Risk insurance will be on an all-risk policy form and will insure against the perils of fire and extended coverage and physical loss or damage including flood and earthquake, theft, vandalism, malicious mischief, collapse, temporary buildings and debris removal. This Builders Risk insurance covering the work will have a deductible of \$5,000 for each occurrence, which will be the responsibility of the construction contractor. Higher deductibles for flood and earthquake perils may be accepted by King County upon written request by the City and written acceptance by King County. Any increased deductibles accepted by King County will remain the responsibility of the construction contractor. The Builders Risk insurance will be maintained until final acceptance of the work by the City. The City will require its construction contractors to maintain Builders Risk insurance in the amount of the completed value of the improvements to the Site with no coinsurance provisions.
- 4.10. **SUBCONTRACTORS.** The City will require its construction contractors to include all subcontractors as insured under its policies or will furnish separate certificates and endorsements for each subcontractor. All coverage for subcontractors will be subject to all of the same insurance requirements as stated herein for the construction contractor.
- 4.11. **VERIFICATION OF COVERAGE.** The City shall furnish King County with original certificates and a copy of the endorsements, including, but not limited to the additional insured endorsement, evidencing the Commercial General Liability insurance of the construction contractor before commencement of the work. Before any exposure to

loss may occur, the City shall file with King County a copy of the Builders Risk insurance policy that includes all applicable conditions, exclusions, definitions, terms and endorsements related to work under this Agreement.

4.12. ACCEPTABILITY OF INSURERS. Unless otherwise approved by King County, the following provisions apply during any construction on the Site:

4.12.1. Insurance is to be placed with insurers with a Best's rating of no less than A:VIII, or, if not rated by Best's, with a rating in one of the two highest categories maintained by Standard & Poor's Rating Group and Moody's Investor Service.

4.12.2. If at any time any of the foregoing policies fail to meet the above minimum standards, then the City shall, upon notice to that effect from King County, promptly obtain a new policy, and submit the same to King County with certificates and endorsements, for approvals.

4.13. WAIVER OF SUBROGATION. The City shall cause its contractors and subcontractors and their insurance carriers to release and waive all rights of subrogation against King County during the construction to the extent a loss is covered by property insurance in force. The City hereby releases from liability and waives all right of recovery against King County for any loss from perils insured against or under the respective fire insurance policies of its contractors, subcontractors, or any of them, including any extended coverage endorsements thereto; provided, that this provision shall be inapplicable if it would have the effect of invalidating any insurance coverage of the City or King County.

4.14. INSURANCE PROVISIONS ARE MATERIAL TERMS. Failure by the City, its agents, employees, officers, and/or subcontractors to comply with these insurance requirements shall constitute a material breach of this Agreement.

5. GENERAL CONDITIONS

5.1. INDEMNIFICATION AND HOLD HARMLESS. The City shall defend, indemnify and hold harmless the County from and against any and all costs (including attorneys fees and costs), claims, demands, judgments, damages or liability of any kind including but not limited to personal injury or damages to property which arise out of or in any way result from or are connected to the City's use of the Premises, or from any work or things done, permitted by or suffered by the City in or about the Premises and shall further defend, indemnify and hold harmless the County from and against any and all claims, demands, judgments, damages or liability of any kind arising out of or resulting from any breach or default in the performance of any obligation on the City's part to be performed under the terms of this Agreement, or arising from any negligence of the City or any of the City's officers, officials, agents, contractors and

employees. The City's obligations under this section shall include, but not be limited to:

- 5.1.1. The duty to promptly accept tender of defense and provide defense to the King County at the City's expense for claims that fall within this section;
- 5.1.2. Indemnification of claims, including those made by the City's own employees and/or agents for this purpose, for claims that fall within this section;
- 5.1.3. In the event King County incurs any judgment, award and/or cost arising from claims that fall within this section, including attorney's fees to successfully enforce the section, all such fees, expenses, and costs shall be recoverable from the City.
- 5.1.4. The City expressly and specifically agrees that its obligations under this paragraph extend to any claim, demand, and/or cause of action brought by or on behalf of any of its employees, or agents. For this purpose, the City, hereby expressly and specifically waives, with respect to King County only, any immunity that would otherwise be available against such claims under the Industrial Insurance provisions of Title 51 RCW, but only to the extent necessary to indemnify King County.
- 5.1.5. The provisions contained in this section shall survive the termination of this Agreement, for any reason.

5.2. LIABILITY POLICIES

MINIMUM SCOPE OF INSURANCE FOR THE CITY. In addition to the insurance requirements set forth in Section 4 that are applicable to the construction of improvements on the Site, the City shall at a minimum maintain insurance that covers the City's and public's activities and usage of the Site as follows:

- 5.2.1. Commercial General Liability insurance (Insurance Services Office form number (CG00 001), covering Commercial General Liability with a limit of not less than \$1,000,000 combined single limit per occurrence; \$5,000,000 aggregate.
- 5.2.2. DEDUCTIBLES AND SELF-INSURED RETENTIONS. Any deductibles or self-insured retentions must be declared to and approved by King County. The deductible and/or self-insured retention of the policies will not limit or apply to King County and will be the sole responsibility of the City.

- 5.3. OTHER INSURANCE PROVISIONS. The insurance policies required by Section 5.2 shall also contain or be endorsed to contain the following provisions where applicable:

- 5.3.1. King County, its officers, officials, employees and agents are to be covered as additional insureds as respects liability arising out of activities and usage by the City and the public of the Site.
- 5.3.2. The City's comprehensive general liability insurance coverage will be primary insurance as respects King County, its officers, officials, employees, and agents. Any insurance and/or self-insurance maintained by King County, its officers, officials, employees or agents will not contribute with the City's insurance or benefit the City in any way.
- 5.3.3. Coverage will not be suspended, voided, canceled, reduced in coverage or in limits except by the reduction of the applicable aggregate limits by claims paid, until after forty-five (45) days' prior written notice has been given to the City and King County.
- 5.4. ACCEPTABILITY OF INSURERS. Unless otherwise approved by King County, the following provisions apply exclusively to the City's and public's activities and usage of the Site after the construction of any improvements on the Site:
 - 5.4.1. Insurance is to be placed with insurers with a Best's rating of no less than A:VIII, or, if not rated by Best's, with a rating in one of the two highest categories maintained by Standard & Poor's Rating Group and Moody's Investor Service.
 - 5.4.2. If at any time any of the foregoing policies fail to meet the above minimum standards, then the City will, upon notice to that effect from King County, promptly obtain a new policy, and submit the same to King County with certificates and endorsements, for approvals.
 - 5.4.3. The City and its insurance carriers will release and waive all rights of subrogation against King County. The City hereby releases from liability and waives all right of recovery against King County for any loss from perils insured against or under their respective fire insurance policies, including any extended coverage endorsements thereto; provided, that this provision shall be inapplicable if it would have the effect of invalidating any insurance coverage of the City or King County.
- 5.5. OTHER INSURANCE MATTERS.
 - 5.5.1. Each insurance policy will be written on an "occurrence" basis.
 - 5.5.2. By requiring such minimum insurance as specified herein, neither party is deemed to, or construed to, have assessed the risks that may be applicable to the other party to this Agreement. The City will assess its own risks and, if it

deems appropriate or prudent, or both, maintain greater limits or broader coverage.

- 5.5.3. The City will furnish King County with certificates of insurance and endorsements as required by this Agreement. The certificates and endorsements for each policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements for the City's insurance are to be on forms approved by King County and are to be received and approved by King County prior to the Effective Date of this Agreement. King County reserves the right to require complete certified copies of all required policies at any time.
- 5.5.4. The insurance coverage required of the City under Sections 5.2-5.5 may be provided by comparable insurance risk pool coverage, and a coverage letter from the risk pool administrator shall be provided by the City to the County annually in lieu of a certificate of insurance.
- 5.6. NON-WAIVER OF BREACH. The failure of either the County to insist upon strict performance of any of the covenants and agreements of this Agreement, or to exercise any option herein conferred in any one or more instances, shall not be construed to be a waiver or relinquishment thereof, or any other covenants or agreements, but the same shall be and remain in full force and effect.
- 5.7. NOTICE. Any notice required to be given by either party to the other pursuant to the provisions of this Agreement or any law, present or future, shall be in writing and shall be deemed to have been duly given or sent if either delivered personally or deposited in the United States Mail, postage prepaid, registered or certified, return receipt requested, addressed to the:

City of Shoreline
Director, Department of Parks, Recreation and Cultural Services
17544 Midvale Avenue North
Shoreline, WA 98133

King County
Right-of-Way and Permitting Supervisor
Department of Natural Resources and Parks
Wastewater Treatment Division,
Major Capital Improvement Program
201 South Jackson Street, Suite 503
Seattle, Washington 98104-3855

Or, to such other person or address as is hereafter designated in writing by either party to the other.

5.8. NONDISCRIMINATION.

5.8.1. EMPLOYMENT. The City does not anticipate hiring any employees to develop and maintain the Site or otherwise perform its obligations under this Agreement. If the City should elect to do so, however, the City agrees not to discriminate against any employee or applicant for employment because of sex, age, race, color, creed, national origin, sexual orientation, marital status or the presence of any sensory, mental, or physical handicap, unless based upon a bonafide occupational qualification. This requirement shall apply without limitation to all aspects of employment (including lay-offs or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship) and advertisement.

5.8.2. SERVICES AND ACTIVITIES. No person shall be denied or subjected to discrimination in receipt of the benefit of any services or activities made possible by or resulting from this Agreement on the grounds of sex, race, color, creed, national origin, sexual orientation, age (except minimum age and retirement provisions), marital status, or the presence of any sensory, mental, or physical handicap. Any violation of this provision shall be considered a violation of a material provision of this Agreement and shall be grounds for termination or suspension in whole or in part of this Agreement by King County and may result in ineligibility for further King County agreements.

5.8.3. OTHER NONDISCRIMINATION LAWS. The City shall also comply with all applicable anti-discrimination laws or requirements of any and all jurisdictions having authority.

5.9. ASSIGNMENT. The City may not assign this Easement or any interest therein without King County's prior written approval.

5.10. TRANSFER OF OWNERSHIP OR OPERATIONS OF PREMISES BY COUNTY. King County shall have the right to sell or otherwise transfer or dispose of the Site, or to assign this Agreement or any interest of the County hereunder. In the event of a sale or other means of transfer of ownership, operations, or disposition of any part of the Premises, either by operation of law or other means, the County shall be and is hereby relieved of all liability under any and all of its covenants and obligations contained in or derived from this Agreement arising out of any act, occurrence or omission occurring after the consummation of such sale or other means of transfer of ownership, operations, or disposition, and the purchaser, owner, or operator, at such transfer or any subsequent transfer of the Premises, shall be deemed, without any further agreement between the parties or their successors in interest or between the parties and such transferee, purchaser or operator, to have assumed and agreed to carry out any and all of the covenants and obligations of the County under this Agreement.

5.11. POWERS OF THE COUNTY. Nothing contained in this Agreement will be considered to diminish the governmental or police powers of King County.

- 5.12. **FORCE MAJEURE.** The performance of this Agreement by either party is subject to acts of God, war, government regulation or advisory, disasters, fire, accidents or other casualty, strikes or threat of strikes, civil disorder, acts and/or threats of terrorism, or curtailment of transportation services or facilities, cost or availability of power, or similar causes beyond the control of either party making it illegal, impossible or impracticable to perform. Either party may terminate or suspend its obligations under this Agreement if such obligations are prevented by any of the above events to the extent such events are beyond the reasonable control of the party whose reasonable performance is prevented.
- 5.13. **AGREEMENT IS PUBLIC DOCUMENT.** This Agreement will be considered a public document and will be available for inspection and copying by the public.
- 5.14. **TAXES.** The City agrees to pay on a current basis all applicable taxes or assessments levied on its activities, if any; PROVIDED, however, that nothing contained herein will modify the City's right to contest any such tax, and the City will not be deemed to be in default as long as it will, in good faith, be contesting the validity or amount of any such taxes.
- 5.15. **RECORDS, AUDITS AND INSPECTIONS.** During the Term of this Agreement, and any extension thereof, the City's books, records and other materials related to any matters covered by this Agreement and not otherwise privileged shall be subject to inspection, review, and/or audit by King County at King County's sole expense. Such books, records and other materials shall be made available for inspection during regular business hours within a reasonable time of the request.
- 5.16. **COMPLIANCE WITH ALL LAWS AND REGULATIONS.** In using the Site, the City and members of the public shall comply with all applicable laws, ordinances and regulations from any and all authorities having jurisdiction and, specifically, the requirements of the Washington Industrial Safety and Health Act (WISHA). The City specifically agrees to comply and pay all costs associated with achieving such compliance without notice from the County, and further agrees that the County does not waive this provision by giving notice of demand for compliance in any instance.
- 5.17. **INTERPRETATION OF COUNTY CODE AND RULES.** If there is any question regarding the interpretation of any provision of King County Code or any King County rule or regulation, King County's decision will govern and will be binding upon the City.
- 5.18. **PERMITS AND LICENSES.** The City will obtain and maintain, at its own costs and expense, all necessary permits, licenses and approvals required for the activities contemplated under this Agreement.
- 5.19. **RISK OF LOSS.** All property of any kind or description whatsoever placed or moved onto the Site by the City shall be at the City's sole risk, and King County shall not be liable for any damage done to, or loss of, such property.

5.20. ENVIRONMENTAL LIABILITY.

- 5.20.1. The City covenants and warrants that the City, its employees, contractors, agents or invitees shall not use the Premises in a manner which violates any applicable federal, state or local law, regulation or ordinance governing the handling, transportation, storage, treatment, usage or disposal of toxic or hazardous substances, wastes or materials.
- 5.20.2. The City shall not, without first obtaining King County's written approval, apply, store, deposit, transport, release or dispose of any hazardous substances, petroleum products, sewage, medicinal, bacteriological, or toxic materials, or pollutants, on the Site. All approved application, storage, deposit, transportation, release and disposal shall be done safely and in compliance with applicable laws.
- 5.20.3. The City shall immediately notify the County of any and all spills or releases of any toxic or hazardous substances, wastes, or materials, all failures to comply with any federal, state, or local law, regulation or ordinance, all inspections of the Site by any regulatory entity concerning the same, all regulatory orders or fines, and all response or interim cleanup action taken by or proposed to be taken by an government entity or private party on the Premises.
- 5.20.4. The City shall indemnify, defend, and hold harmless the County from any claims, judgments, damages, penalties, fines, expenses, liabilities (including sums paid in settlements of claims) or loss arising out of or in any way relating to a breach of the environmental warranty made by the City above. Such indemnity shall include, without limitation, attorneys' fees, consultants' fees, and expert fees, as well as costs incurred in connection with any investigation of site conditions or any cleanup, remedial, removal or restoration work required by any federal, state or local governmental agency or political subdivision.
- 5.20.5. For the purposes of this section, "toxic or hazardous substances, wastes and materials" or "toxic substance" includes but is not limited to any material or substance which is (1) defined as a "hazardous substance" pursuant to Section 101 of the Comprehensive Environmental Response, Liability and Compensation Act, 42 U.S.C. 9601(14); (2) defined as a "hazardous Waste" pursuant to Section 1004 or Section 3001 of the Resource, Conservation and Recovery Act, 42 U.S.C. 6903, 42 U.S.C. 6921; (3) included on the toxic pollutant list under Section 307(a) of the Federal Water Pollution Control Act, 33 U.S.C. 1317(a); (4) defined as a "hazardous Substance" pursuant to Section 311 of the Federal Water Pollution Control Act, 33 U.S.C. 1321; (5) defined as a "hazardous air pollutant" under Section 112 of the Clean Air Act, 42 U.S.C.

7412; (6) defined as a “hazardous substance” under Washington’s Hazardous Waste Cleanup Act, RCW 70.105B.020; (7) defined as a “hazardous substance” pursuant to the hazardous waste site cleanup law, the Model Toxics Control Act ((initiative 97). “Toxic or hazardous substances, wastes and materials” specifically includes, but is not limited to, asbestos, polychlorinated biphenyls (PCBs), petroleum and petroleum products, and urea formaldehyde.

- 5.20.6. The covenants and warranties in this Section 5.21 shall survive the termination of this Easement.
- 5.21. **NO EMPLOYMENT RELATIONSHIP.** In providing services under this Agreement, the City is an independent Contractor, and neither it nor its officers, agents, employees, or subcontractors are employees of King County for any purpose. The City shall be responsible for all federal and/or state tax, industrial insurance, and Social Security liability that may result from the performance of and compensation for these services and shall make no claim of career service or civil service rights which may accrue to a County employee under state or local law. King County assumes no responsibility for the payment of any compensation, wages, benefits, or taxes by, or on behalf of the City, its employees, subcontractors and/or others by reason of this Agreement.
- 5.22. **RECORDATION OF MEMORANDUM OF AGREEMENT.** This Agreement may be recorded at either party’s request. If this Easement is recorded then upon termination both parties shall execute, acknowledge, and deliver to the other any instrument reasonably requested by either party for purposes of providing record notice of a termination.
- 5.23. **OBLIGATION TO PERFORM.** Nothing herein shall imply any duty upon King County to do any work required to be performed by the City in this Agreement, and the performance thereof by King County will not constitute a waiver of the City’s default. King County will not in any event be liable for inconvenience, annoyance, and disturbance in its activities on the Site.
- 5.24. **PAYMENTS TO OTHER PARTIES.** Except as expressly provided hereunder, all obligations of the City under this Agreement will be performed by the City at the City’s sole cost and expense. If the City fails to pay any sum of money owed to any party other than King County for which the City is liable hereunder, or if the City fails to perform any other act on its part to be performed hereunder, and such failure continues for ten days after notice thereof by King County, King County may, without waiving or releasing the City from its obligations, make any such payment or perform any such other act to be made or performed by the City. The City will pay King County, on demand, all sums so paid by King County and all necessary incidental costs, together with interest thereon at the lesser of 1 percent per month or the maximum rate permissible by law, from the date of such payment by King County.

5.25. DEFAULT.

5.25.1. KING COUNTY'S DEFAULT. King County will not be in default unless King County fails to perform an obligation within sixty (60) days after notice by the City, which notice must specify the alleged breach; provided that if the nature of King County's breach is such that more than sixty (60) days are reasonably required for cure, then King County will not be in default if King County commences to cure within sixty (60) days of the City's notice and thereafter diligently pursues completion and completes performance within a reasonable time.

5.25.2. THE CITY'S DEFAULT. The occurrence of any one or more of the following events constitutes a default by the City under this Agreement:

- (1) The City fails to provide for and/or maintain insurance as set forth in Sections 4 and 5 of this Agreement and such breach is not cured within 3 days after notice from the County to the City.
- (2) The City will be in default of the performance of any covenants, conditions, or provisions of this Agreement, where such failure continues for a period of thirty (30) days after written notice is given by King County; or
- (3) The City will be adjudged a bankrupt, make a general assignment for the benefit of creditors, or take the benefit of any insolvency act, or if a permanent receiver and trustee in bankruptcy is appointed for the City's estate and such appointment is not vacated within sixty (60) days; or
- (4) If this Agreement is assigned or the Site is used by the City for activities other than in accordance with the terms of this Agreement, and such default is not cured within thirty (30) days after written notice from King County to the City; or
- (5) The City fails to make any payment when due, or fails to make any other payment required hereunder when due, when that failure is not cured within thirty (30) days after mailing of written notice thereof by King County.

5.26. TERMINATION

5.26.1. TERMINATION FOR DEFAULT. This Easement may be terminated for any default set forth in Section 5.25 upon written notice to the defaulting party as provided in that section.

5.26.2. OTHER CITY TERMINATION. The City may terminate this Easement for any reason upon one hundred eighty (180) days notice in writing to King County.

5.26.3. OTHER KING COUNTY TERMINATION.

(1) NUISANCE. The County may terminate this Easement upon thirty (30) days written notice to the City for suffering, permitting or maintaining a nuisance in or on the Site; provided however that if the City commences to abate the nuisance within thirty (30) days of King County's notice and thereafter diligently pursues completion of the abatement and completes abatement of the nuisance within a reasonable time, then King County will not terminate the Easement.

(2) DESTRUCTION OF THE PREMISES. In the event the RBPS is damaged or destroyed (even though the Site is not damaged thereby) to such an extent that in the opinion of the County it shall not be practicable to repair or rebuild, or the County elects to abandon the pump station and surplus the property, then, consistent with the King County Code provisions regarding surplus County property, the City shall be given a right of first refusal to purchase the entire RBPS property to be exercised within 60 days of a determination of fair market value established by an appraiser mutually acceptable to both parties. If the City does not agree to purchase the entire RBPS at said fair market value then the County shall follow applicable federal, state and local laws regarding surplus County property, without further obligation of any kind to the City.

5.26.4. Upon termination for any reason, the City shall not be entitled to any compensation or damages from King County for improvements or otherwise.

5.26.5. This Easement and all rights to use the property granted City hereunder shall automatically terminate upon either: (a) delivery of written notice from County to City stating that one or more of the conditions set forth in Section 2.2 or 5.26.3 of this Easement has occurred, or (b) delivery of written notice from City to County stating that one or more of the conditions set forth in Section 2.3 or 5.26.2 of this easement has occurred, or (c) delivery of written notice from County to City that an event of default set forth in Section 5.25 of this Easement has occurred which default was not cured within the period of time, if any, provided for cure herein. City authorizes County, without further notice to or approval by City, to record a termination of this Easement in the real property records of King County, Washington, to confirm of record that the easement rights granted City under this Easement have terminated and are of no further force and effect. If requested by County, City agrees to join in the execution of the termination of Easement and will execute or furnish such documents and further assurances to King County, the title company or to

other public officials as may be necessary to carry out the transactions contemplated by this Easement.

- 5.27. **REMOVAL OF PROPERTY.** In the event of default by the City and re-entry by the County, the County shall have the right, but not the obligation, to remove from the Premises all personal property located therein, and may store the same in any place selected by the County, including but not limited to a public warehouse, at the expense and risk of the City, with the right to sell such stored property, without notice to the City, after it has been stored for a period of thirty (30) days or more, the proceeds of such sale to be applied first to the cost of such sale, second to the payment of the charges for storage, if any, and third to the payment of any other sums of money which may then be due from the City to the County under any of the terms hereof, the balance if any to be paid to the City.
- 5.28. **DUTIES UPON TERMINATION.** Upon termination of this Easement and unless otherwise arranged, the City will remove from the Site all its personal property, goods, and effects. If the City fails to perform this duty at termination, King County may cause such removal to be made and the City's personal property, goods and effects to be stored, the cost and expense to be paid by the City. It is understood and agreed that the real property constituting the Site is the real property of King County and that all improvements to that real property will continue to belong to King County upon termination of this Easement.
- 5.29. **REMEDIES ARE CUMULATIVE.** Remedies under this Agreement are cumulative; the failure to exercise any right on any occasion will not operate to forfeit such remedy.
- 5.30. **DESTRUCTION OF PREMISES AND USE OF INSURANCE PROCEEDS.**
- 5.30.1. Unless otherwise mutually agreed by the Parties, if the Site is destroyed or damaged by fire, earthquake, or other casualty, then the City may terminate the Easement as set forth in section 5.26.2 or shall proceed to rebuild and restore the Site, or such part thereof as may be damaged or destroyed. In the event of any loss covered by the insurance policies described and required under this Agreement, unless this Agreement is terminated as provided herein, the City will use the proceeds of such insurance policies first to restore the Site and replace the improvements, fixtures, and equipment, which may be damaged or destroyed by such casualty.
- 5.31. **EMINENT DOMAIN.** The following rules will govern the rights and duties of the Parties in the event of interference with the City's design, construction, or use of the Site as a result of the exercise of eminent domain or private purchase in lieu thereof.
- 5.31.1. **RIGHT OF TERMINATION.** If the whole of the Site is taken for any public or quasi-public use under any statute or by right of eminent domain, or by

private purchase in lieu thereof, then this Agreement will automatically terminate as of the date that title is taken. If more than twenty-five percent (25%) of the Site is so taken and if the taking renders the remainder thereof unusable for the purposes contemplated under this Agreement, then the City and King County will each have the right to terminate this Agreement on thirty (30) days notice to the other, given within ninety (90) days after the date of such taking.

- 5.31.2. **COMPENSATION.** The compensation awarded or paid upon a total or partial taking of the Site, will belong to King County as owner of the Site. The City may prosecute any claim directly against the condemning authority for the costs of improvements and of removal of the personal property, if any, belonging to the City. King County will have no claim to condemnation proceeds attributable to the City's improvements and personal property on the Site. The City shall have no interest in King County's condemnation proceeds, if any.
- 5.32. **HEADINGS NOT PART OF AGREEMENT.** The headings in this Agreement are for convenience only and shall not be deemed to expand, limit, or otherwise affect the substantive terms of this Agreement.
- 5.33. **GOVERNING LAW.** This Agreement shall be governed by the laws of the State of Washington.
- 5.34. **JURISDICTION AND VENUE.** The exclusive jurisdiction and venue for any disputes arising under this Agreement, including matters of construction, validity and performance, shall be in the Superior Court for King County in Seattle, Washington.
- 5.35. **ENTIRE AGREEMENT.** This agreement and any and all exhibits expressly incorporated herein by reference and attached hereto shall constitute the whole agreement between King County and the City. There are no promises, agreements, conditions, understandings, inducements, warranties, or representations, oral or written, expressed or implied, other than what is expressly set forth in this Agreement. This Agreement shall not be modified in any manner except by an instrument in writing and executed by the parties.
- 5.36. **SEVERABILITY.** Should any provision of this Agreement be found to be invalid, illegal or unenforceable by any court of competent jurisdiction, such provision shall be stricken and the remainder of this Agreement shall nonetheless remain in full force and effect unless striking such provision shall materially alter the intention of the Parties.
- 5.37. **EXHIBITS.**
A. Map of Site
B. Legal Description of Site

oath state that he is authorized to execute the instrument and acknowledged it as the City Manager of the City of Shoreline to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated: _____

NOTARY PUBLIC in and for the State of
Washington, residing at _____

My Commission Expires: _____

Exhibits and Attachments:

City site plan, parcel map, legal description, MOA

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CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

<p>AGENDA TITLE: King County Animal Control Agreement Amendment DEPARTMENT: Parks, Recreation and Cultural Services PRESENTED BY: Dick Deal, PRCS Director</p>

PROBLEM/ISSUE STATEMENT:

The City of Shoreline currently has an Interlocal Agreement with King County to provide animal control services in Shoreline. King County is allowed to collect all license fees, with a small amount retained by the City for each license the City sells, and in return • King County Animal Control will provide services to include the collection and boarding of stray animals, the handling of dangerous dog complaints, educational services to animal owners, and enforcement of regulations as adopted in City of Shoreline Ordinance No. 25, approved July 10, 1995. Most cities in King County have similar agreements.

On April 6, 2006 the City of Shoreline executed Amendment number 3727 to the Interlocal Agreement, which provided the City a KCAC officer to patrol the Shoreline park system. The officer worked for approximately six months in 2006 and was responsible for educating park users about the leash law, which brought more public attention to the problem of off-leash activity in Shoreline Parks. Through regular reports made by this officer in the field, the educational effort reached over 1000 park users and resulted in reduced off-leash activity.

This revised amendment to the Interlocal Agreement will allow the City of Shoreline to address the off-leash dog issue in our parks again this year by paying for approximately 20 additional hours of patrol each week for off-leash enforcement. If approved, this amendment would allow the Parks, Recreation and Cultural Services Department to schedule a KCAC employee to help manage off-leash activity in Shoreline parks.

FINANCIAL IMPACT:

- The approval of this amendment to the Interlocal agreement would be in effect for the remainder of 2007 and be limited to a maximum expenditure of \$20,000. Funds are available in the 2007 Parks budget for this expenditure.

BACKGROUND

This issue was last presented before Council on January 9, 2006. Council approved the first amendment to the Interlocal Agreement to provide educational enforcement of the leash law in Shoreline parks. Since the last amendment was made, the KCAC officer contracted has made contact with more than a thousand dog owners who bring their pets to Shoreline parks off-leash. Staff spends a significant amount of time in contact with park users who have had concerns in the past about their own level of comfort and personal safety while using a park.

It is our intent to continue educating off-leash violators in our park system, but the Park Board at the January meeting recommended that staff direct the Animal Control officer to ticket repeat offenders that have previously been warned. It became evident that this increased enforcement would be necessary as last year several people were repeatedly warned yet continued to violate the park leash regulations. We will continue to pursue the development of an off-leash area and staff will convene a new Off-leash Study Group later this year.

RECOMMENDATION

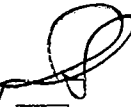
Staff recommends that Council authorize the City Manager to sign this addendum, attached at Exhibit A, to the King County Animal Control services agreement that would provide funding for the enforcement of off-leash dog activity in Shoreline parks.

Approved By:

City Manager



City Attorney



ATTACHMENTS

Amendment to Interlocal Agreement, number 4203

INTERLOCAL SERVICES AGREEMENT – AMENDMENT

Between the City of Shoreline and King County Regarding Animal Services and Programs

This is an Amendment to the standing Interlocal Agreement between the City of Shoreline and King County. The Amendment is for supplemental animal control services between the City of Shoreline, a municipal corporation of the State of Washington, hereinafter referred to as the “City”, and King County, a home-rule charter county, a political subdivision of the State of Washington, hereinafter referred to as the “County”.

WHEREAS, the City of Shoreline (City) and King County (County) entered into an Interlocal Agreement dated August 31, 1995 (“the Interlocal Agreement”) relating to the provision of animal control services within the City; and

WHEREAS, the City and County amended the Interlocal Agreement on April 3, 2006 relating to the provision of animal control services to enable the County to provide Shoreline with additional animal control services under a pilot program for 2006 for a maximum of \$7,000.00; and

WHEREAS, the City and County wish to amend the Interlocal Agreement to enable the County to continue to provide Shoreline with additional animal control services under an extended pilot program;

NOW, in consideration of mutual covenants, the City and County hereby agree to amend the Interlocal Agreement as follows:

Section 1. Service Obligation

- A. The County shall provide supplemental animal control services in the form of an additional animal control officer dedicated to the City for no less than two eight-hour work days per week during the period of this extended pilot program which shall continue for ten months from the approval of this amendment. The scheduling of these additional service days will be determined by mutual agreement of the contract administrators of this supplemental service.
- B. The additional animal control officer will be stationed within the City limits to respond to specific calls for service, perform routine patrols, communicate with Shoreline Parks officials, and handle other related tasks as agreed to by the contract administrators of this supplemental service.
- C. The additional animal control officer will issue written warnings and citations at the discretion of City staff.
- D. The County shall provide the City with a general monthly calendar of scheduled service in Shoreline, and a monthly report of the types of services offered and performed.

- E. The County shall submit to the City an invoice and billing voucher at the end of each quarter. During the 4th quarter of 2007, a final invoice shall be submitted to the City no later than December 15, 2007.

Section 2. Compensation. In consideration for the supplemental services provided by the County as set forth herein, the City promises to pay the County for the hours of animal control officer work at the rate of \$30/hour. This rate per hour shall only apply to this extended pilot program and is not intended to set any precedent for additional services costs in the future. The contract amount is \$20,000.00 and will be charged to City budget number 2409038-5410.

Section 3. Contract Administrators. For purposes of these supplemental services, the contract administrators shall be the Parks Director or a designee and the King County Animal Services and Programs Manager or designee.

Section 4. Other Portions of the Agreement Unaffected. Except as specifically stated herein, all other portions of the Interlocal Agreement shall remain in place and are unaffected by this Amendment.

Section 5. Discontinuation of Supplemental Services. The County or City may discontinue the provision of supplemental services authorized by this agreement with or without cause upon providing thirty-days written notice.

Section 6. No Third Party Beneficiaries. The Interlocal Agreement and this Amendment have been entered into for the sole benefit of the City and County. Nothing in the Interlocal Agreement or this Amendment is intended to create any rights for or obligations owing to third parties.

Section 7. Effective Date. This Amendment shall be effective upon the date last signed below.

IN WITNESS WHEREOF, the parties have executed this agreement.

CITY OF SHORELINE

KING COUNTY

Robert L. Olander Date
City Manager

Ron Sims Date
King County Executive

Approved as to form:

Approved as to form:

City Attorney Date

Deputy Prosecuting Attorney Date

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Ordinance No. 464 Increasing the Cable Utility Tax to 6% of Gross Receipts and a Motion Authorizing the City Manager to Notify Seattle City Light of the City's Intent to Apply a 3% Contract Payment to the Distribution Portion of Electric Revenues Effective April 1, 2008, and an Additional 3% Effective January 1, 2009.
DEPARTMENT:	Finance
PRESENTED BY:	Debbie Tarry, Finance Director

PROBLEM/ISSUE STATEMENT:

Based on current assumptions, the City's long-term financial projections show that there will be budget gaps starting in 2008. The City's financial policies require that annual operating budgets be balanced between on-going revenues and expenditures. The City Council and staff have been monitoring the long-term projections for several years and have taken steps to maintain balanced operating budgets through service efficiencies and base budget reductions. These steps have resulted in a very lean, yet effective budget to provide on-going government services.

In order for the City to continue to provide the same level of services in the future, as is funded in the 2007 budget, additional resources will need to be approved. If additional resources are not approved then the City will need to reduce services through the reduction of City programs.

Two "short-term" resource options (2008-2009) that were discussed with the City Council during the long-term financial strategy retreat on January 29, 2007 and during the Council meeting on March 5, 2007, are an increase in the cable utility tax from 1% to 6% and a 6% contract payment on the distribution portion of the Seattle City Light (SCL) electric revenues.

Ordinance No. 464 (Attachment A) will raise the cable utility tax from 1% to 6% effective July 1, 2007.

The City's Franchise Agreement with Seattle City Light (SCL) requires one year written notification to SCL of the City's intent to collect a contract payment on the distribution portion of electric revenues. Staff is requesting that the Council authorize the City Manager to notify SCL of the City's intent to collect a 3% contract payment on distribution revenues effective April 1, 2008, and an additional 3% contract payment, for a total of 6%, effective January 1, 2009.

FINANCIAL IMPACT:

A five percent increase in the cable utility tax would generate approximately \$500,000 in annual revenue. The average residential monthly cable fee is \$57. Implementing an additional 5% of utility tax would cost the average residential customer approximately \$2.83 monthly, or \$34 annually.

It is estimated that a 6% contract payment on the distribution portion of SCL rates would generate approximately \$550,000 of revenue annually. Assuming an average residential electric charge of \$70 per month, the implementation of the 6% contract payment on the distribution portion of the charge would increase the rate payer's overall bill by approximately \$1.35 per month or slightly more than \$16 per year. Since the full 6% rate would not be in effect until 2009 the rate payer would have an impact of half this amount, \$0.67 per month or slightly more than \$8 annually in 2008.

The City's most recent update to the 2007-2012 long-term financial projections show the following budget gaps for 2008-2012:

Expenditure Assumption	Operating Fund Projections					
	2007-	100%		Others	99%	
	2008	Base Projections				
	2007	2008	2009	2010	2011	2012
Annual Revenues	28,360,125	28,905,523	29,995,972	30,481,365	31,027,130	31,696,699
Annual Expenditures	28,360,126	29,667,329	31,131,885	32,358,554	33,911,172	35,238,606
Annual (Budget Gap)/Surplus	(0)	(761,806)	(1,135,913)	(1,877,189)	(2,884,042)	(3,541,908)

In order to close the projected gaps the City needs to identify approximately \$1.2 million in additional revenue sources, expenditures reductions, or a combination of these, for 2008-2009.

The following short-term (2008-2009) solution is recommended by staff:

Proposed Item	2007	2008	2009
Base Budget Changes	\$ 39,000	\$ 125,000	\$ 125,000
Cable Utility Tax*	250,000	500,000	512,844
SCL Distribution Contract Fee**	-	206,250	550,000
Enhanced Human Service (utility assistance) Contribution	-	(25,000)	(25,000)
Net Budget Change	\$ 289,000	\$ 806,250	\$ 1,162,844
Projected Budget Gap	\$ -	\$ (761,805)	\$ (1,135,913)
Budget Change Over (Under) Projected Gap	\$ 289,000	\$ 44,445	\$ 26,931
*Effective Date 7/1/07			
**Effective Date 3% on 4/1/08 and 6% on 1/1/09			

RECOMMENDATION

Staff recommends that Council take the following actions:

1. Adopt Ordinance No. 464 increasing the cable utility tax to 6% of gross receipts and amending Shoreline Municipal Code 3.32.030.
2. Adopt a motion to authorize the City Manager to notify Seattle City Light that the City intends to collect a 3% contract payment on the distribution portion of electric revenues effective April 1, 2008, and a 6% contract payment on the distribution portion of electric revenues effective January 1, 2009.

Approved By:

City Manager 

City Attorney 

INTRODUCTION

The City's long-term financial projections indicate budget gaps starting in 2008 and continuing into future years. In order to continue providing the same level of essential services to the Shoreline community it will be necessary to implement new revenue sources. Staff has recommended that the Council authorize an increase in the cable utility tax rate from 1% to 6%. Also staff is recommending that the Council authorize the City Manager to notify Seattle City Light (SCL) of the City's intent to collect a contract fee on the distribution portion of electric revenues collected from Shoreline rate payers. In addition to this staff is recommending approximately \$78,000 in base budget reductions, to be effective mid-2007, and \$47,000 in revenue changes as a result of fee adjustments to facility rentals, adult recreation programs, and right-of-way permits in 2008.

BACKGROUND

The last few years the City has been able to close any projected gaps as a result of unexpected revenues (i.e., correction in how the water contract payment from Seattle Public Utilities was calculated), efficiencies and service delivery changes (e.g., jail contract with Yakima, change in employee health benefits, change in method for police canine services), or base budget reductions. As a result of these efforts the City's operating budget is very lean with very little contingency left within the annually adopted budget. Given this if the City is going to provide the same level of services on an on-going basis it is necessary to implement new revenue resources.

The Council has discussed on many occasions the six-year forecast and option to address projected budget gaps. During the Council's January 29, 2007, Long-Term Financial Strategy Retreat, and during the March 5, 2007, City Council Study-Session, the Council specifically discussed the causes of the projected gap and the various short-term and long-term solutions.

ALTERNATIVES ANALYSIS

During the Long-Term Financial Strategy Retreat on January 29, 2007, the City Council considered a number of ideas on how to close the projected future budget gaps. These included:

- Providing opportunities for both employees and citizens to identify ways that the City could gain efficiencies and therefore reduce on-going operating costs.
- Reducing the General Fund contribution to capital projects. Some Council members specifically did not want this reduction to reduce funding for the priority sidewalk program.
- Sponsoring budget town hall meetings

- Increase grant opportunities or use grants to off-set the reduction in capital contribution.
- Increase sponsorship revenues for community events such as Celebrate Shoreline and/or increase advertising revenues by allowing advertising on benches or backstops.
- Increase fees of revenue generating programs to reduce the tax subsidy of the programs
- Reductions to the existing budget in the areas of travel, memberships and dues, special events, and contributions to the arts and museum.
- Develop more intergovernmental partnerships that may reduce costs
- Implementation of a business registration program
- Increasing sales tax revenues through enhanced business retention and economic development efforts
- Implementing additional revenue sources such as cable utility tax and SCL contract payment on the distribution portion of the electric revenues
- Long-term consideration of a property tax levy lid lift.

There was general consensus among the Council that closing the gap strictly with expenditures reductions would not be the recommended option. This would result in the elimination of City services to the community. Based on the feedback the City has received from the budget and program prioritization workshops completed in 2004-2005, the Citizen's survey, and directly from constituents, it seems that most citizens do not want the City to eliminate existing programs. In fact in some areas there is pressure to increase service levels such as in police services, code abatement, sidewalk maintenance, street lighting, maintenance of City parks, human services and availability of walking and biking trails.

In examining the possibilities to close the projected budget gap for both the short-term and the long-term there was consensus to pursue the following:

Short-Term

- Increase the cable utility tax rate from 1% to 6%
- Implement the Seattle City Light distribution contract payment at 3% in 2008 and an additional 3% in 2009
- Reduce the General Fund contribution to capital
- Review the existing budget for any further cost savings
- Provide opportunities for employees and citizens to identify additional budget efficiencies
- Develop a citizen communication plan regarding the City's long-term financial strategy

Long-Term

- Pursue with a citizen committee the possibility of a levy lid lift (election in 2009)
- Implement the business registration program
- Review the possibility of impact fees

Implementing the Short-Term Strategy

Base Budget Changes (\$125,000)

Staff is recommending that Council consider \$125,000 in base operating budget reductions starting in mid 2007. This change would come from approximately \$78,000 in additional base budget reductions and \$47,000 in additional revenues from fee increases.

Base budget reductions will come from the following areas:

Expenditure Reductions

Lobbyist Services	5,000.00	
Parks Maintenance Extra-Help	10,000.00	
Contribution to Facility Long-Term Maintenance	40,000.00	
Travel, Registrations, Dues	13,000.00	
Police Overtime for Neighborhood Traffic Safety	10,000.00	
Total		78,000.00

This base budget reductions will become effective July 1, 2007.

Staff is also reviewing the City's fees and will be considering fee increases in the areas of adult recreation, facility rentals, and right-of-way fees for 2008. The proposed fee changes are projected to generate an additional \$47,000 in operational revenues.

Cable Utility Tax (\$500,000 annually)

The City currently levies a 1% utility tax on cable TV. The utility tax rate on cable TV is governed by the Cable Communications Policy Act of 1984. It requires that the utility rate not be "unduly discriminatory against cable operators and subscribers." Since the City has set all its utility tax rates at six percent, the rate on cable TV could go up to six percent also without being "unduly discriminatory." Although there is no required timeline to implement an increase in the cable utility tax, it is likely that it would take 60 to 90 days for the cable provider to bill all accounts at the increased utility tax rate.

A five percent increase in the cable utility tax would generate approximately \$500,000 in annual revenue. The average residential monthly cable fee is \$57. Implementing an additional 5% of utility tax would cost the average residential customer approximately \$2.83 monthly, or \$34 annually.

The City does collect a 5% franchise fee from the cable provider on total cable revenues. An increase in the utility tax rate would result in a slight increase in franchise fee revenue, approximately \$24,000 annually.

Adoption of Ordinance No. 464 will result in an increase in the City's cable utility tax rate from 1% to 6% effective July 1, 2007.

Seattle City Light Contract Payment on "Distribution" Portion of the Electricity Utility Rates (Full 6% implementation - \$550,000 annually)

The current franchise agreement between the City and Seattle City Light (SCL) provides that the City receive a 6% contract payment on the power portion of the electricity revenues, but not on the distribution portion. The franchise agreement does allow the City to collect a contract payment, up to 6%, on the distribution portion. In order to do this the City must give a one year notice to SCL. The franchise agreement allows SCL

to collect a surcharge on the power portion of rates from our residents, implemented at the same time as the contract fee, but not the distribution portion. Based on recent data provided from SCL for 2001 through 2004, the distribution portion of the electric revenues collected within Shoreline represent 32% of total revenues. Assuming that this revenue allocation has remained constant for 2005 and 2006, it is estimated that a 6% contract payment on the distribution portion of SCL rates would generate approximately \$550,000 of revenue annually.

Assuming an average residential electric charge of \$70 per month, the implementation of the 6% contract payment on the distribution portion of the charge would increase the rate payer's overall bill by approximately \$1.35 per month or slightly more than \$16 per year. Since the full 6% rate would not be in effect until 2009 the rate payer would have an impact of half this amount, \$0.67 per month or slightly more than \$8 annually in 2008 for a household.

In 2004 the City of Tukwila implemented a contract payment on the distribution portion of the SCL revenues. Tukwila implemented the 6% payment over a three (3) year period.

Seattle City Light does provide reduced rates for low-income and elderly disabled residential rate payers. There are approximately 750 households within Shoreline that are participating in this program at this time. To qualify for the residential low-income rates the household annual income cannot exceed 200% of the poverty level for the number of individuals in the household. To qualify for the residential elderly or disabled rates the household income does not exceed 70% of the Washington State median income for the number of individuals in the household. The electric rates for ratepayers that qualify for these programs are 50% less than the regular rate for base charges and approximately 60% less for energy usage charges.

Shoreline also allows Shoreline residents that qualify for the SCL low-income to be exempt from the City's utility tax on natural gas and garbage. There are currently 150 households participating in this program.

Staff is recommending that as part of the implementation of contract payment on the distribution portion of SCL revenues, that the Council designate \$25,000 of the new revenue be used to enhance the City's human service funding to an agency that provides funds to help residents pay their utility bills. If authorized by the City Council, staff will work with an appropriate human service agency to implement this program.

The City's contract with SCL requires that the City give SCL one years notice to implement the contract payment on the distribution portion of the SCL revenues. Staff recommends that the Council vote by motion to authorize the City Manager to notify SCL of the City's intent to implement a 3% contract payment on distribution revenues effective March 1, 2008, and the full 6% effective January 1, 2009.

Citizen and Employee Input

Staff will continue to develop opportunities to provide information to the community on the City's budget and long-term financial strategy. This will include articles in Currents and information available on the City's web-site. In addition to this staff will develop

additional opportunities for citizens to provide feedback on the City's budget that may include a community workshop, town hall meeting, and ways to communicate efficiency ideas from citizens.

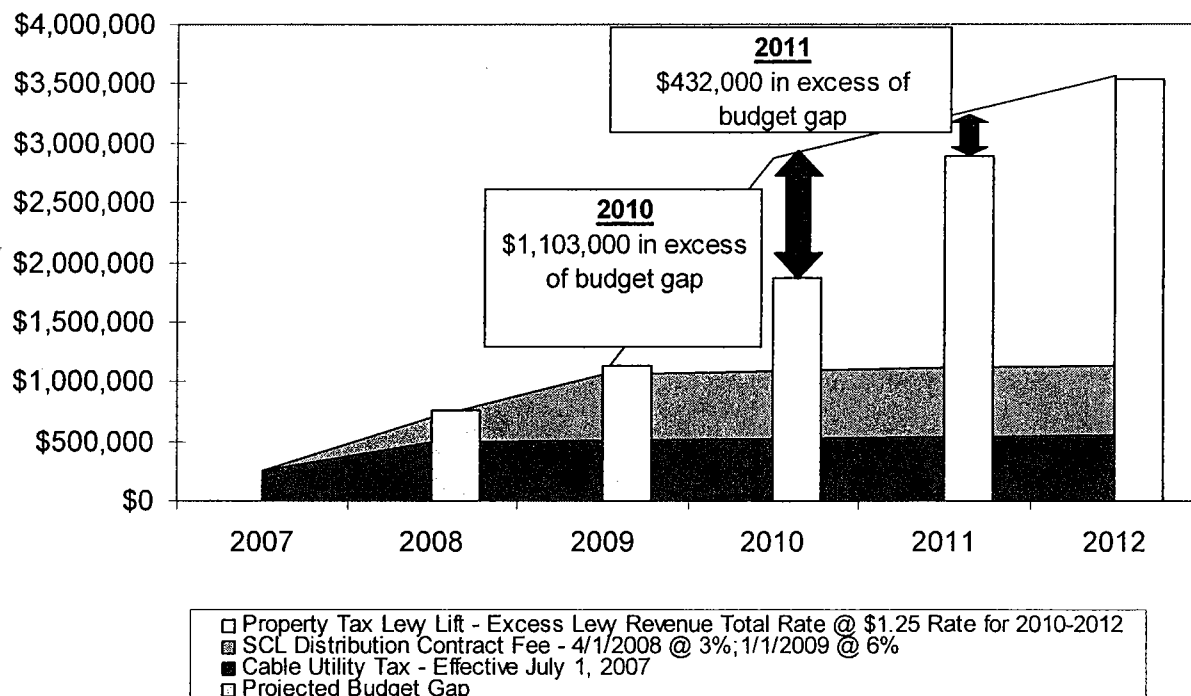
Financial Strategy Summary

Over the last few years the City has been able to provide services and increase some service levels to the community as a result of finding service efficiencies and making base budget reductions. In 2008 the City will not be able to continue providing the same level of services unless additional revenues are authorized. The City has monitored the long-term financial projections for several years and has anticipated that this would be necessary during this time period.

Fortunately the City Council has been prudent and the City has a variety of revenue sources that could be implemented to continue the provision of government services. As staff and Council have discussed the most likely options for the short-term (2008-2009) are an increase in the cable utility tax rate from 1% to 6% and the implementation of a 3% contract payment on the distribution portion electric revenues in 2008 and an additional 3% in 2009. In addition to this staff is recommending approximately \$125,000 in base budget changes as a result of both expenditure reductions and fee increases.

In the long-term (2010 and beyond) it is likely that an increase in the property tax levy will be necessary to maintain service levels.

The following chart compares projected budget gaps to the proposed short-term and long-term strategies.



Proposed Item	2007	2008	2009	2010	2011	2012
Base Budget Changes	\$39,000	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000

Cable Utility Tax*	250,000	500,000	512,844	525,922	538,787	551,378
SCL Distribution Contract Fee**	0	206,250	550,000	564,026	577,801	591,325
Enhanced Human Service (utility assistance) Contribution	0	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)
Property Tax Levy Lid Lift Rate @ \$1.25 for 2010-2012	0	0	0	1,790,809	2,099,579	2,425,530
Net Budget Change	\$289,000	\$806,250	\$1,162,844	\$2,980,757	\$3,316,167	\$3,668,233
Projected Budget Gap	\$0	(\$761,805)	(\$1,135,913)	(\$1,877,189)	(\$2,884,042)	(\$3,541,908)
Budget Change Over (Under) Projected Gap	\$289,000	\$44,445	\$26,931	\$1,103,568	\$432,125	\$126,325
*Effective Date 7/1/07						
**Effective Date 3% on 4/1/08 and 6% on 1/1/09						

RECOMMENDATION

Staff recommends that Council take the following actions:

3. Adopt Ordinance No. 464 increasing the cable utility tax to 6% of gross receipts and amending Shoreline Municipal Code 3.32.030.
4. Adopt a motion to authorize the City Manager to notify Seattle City Light that the City intends to collect a 3% contract payment on the distribution portion of electric revenues effective April 1, 2008, and a 6% contract payment on the distribution portion of electric revenues effective January 1, 2009.

ATTACHMENTS

Attachment A – Ordinance No. 464, Increasing the Cable Utility Tax to 6% of Gross Receipts and Amending Shoreline Municipal Code 3.32.030

ATTACHMENT A

ORDINANCE NO. 464

**AN ORDINANCE OF THE CITY OF SHORELINE,
WASHINGTON, INCREASING THE CABLE UTILITY TAX TO
6% OF GROSS RECEIPTS AND AMENDING SHORELINE
MUNICIPAL CODE 3.32.030**

WHEREAS, the City's long-term financial projections indicate budget gaps starting in 2008, as expenditures exceed revenue growth; and

WHEREAS, in order to continue providing the same level of essential services to the Shoreline community it is necessary to implement new revenue sources; and

WHEREAS, the City currently assesses a 1% utility tax on cable television; and

WHEREAS, the Cable Communications Policy Act of 1984 requires that a city utility tax rate not be "unduly discriminatory against cable operators and subscribers"; and

WHEREAS, the City utility tax on all other utilities operating in Shoreline is 6%; and

WHEREAS, the City Council has determined that the public interest is best served by an increase of cable utility taxes from 1% to 6%, to close the projected short term and long term budget gaps and to retain the current levels of City services.

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

Section 1. Amendment. Shoreline Municipal Code 3.32.030, *Utility Occupation Activities Subject to Taxation*, is amended to read as follows:

Upon every person within the City in the following activities; as to such persons, the amount of the tax due with respect to such business in the city shall be equal to the gross income of the business, multiplied by the following applicable rates:

Activity	Tax Rate
A. Gas Distribution Business	6%
B. Telephone Business	6%
C. Cellular Telephone Service	6%
D. Cable Television Service	1% 6%
E. Solid Waste Collection Business	6%
F. Water Distribution Operation	6%
G. Sewerage Operation	6%
H. Paging Service	6%

ATTACHMENT A

Section 2. Publication , Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. The ordinance shall take effect and be in full force July 1, 2007.

PASSED BY THE CITY COUNCIL ON MARCH 19, 2007.

Mayor Robert L. Ransom

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of Publication:
Effective Date:

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