



AGENDA

SHORELINE CITY COUNCIL WORKSHOP DINNER MEETING

Monday, April 23, 2007
6:00 p.m.

Shoreline Conference Center
Highlander Room

TOPICS/GUESTS: Senior Center Board

SHORELINE CITY COUNCIL BUSINESS MEETING

Monday, April 23, 2007
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

	<u>Page</u>	<u>Estimated Time</u>
1. CALL TO ORDER		7:30
2. FLAG SALUTE/ROLL CALL		
(a) Proclamation of "Native Plant Appreciation Week"	<u>1</u>	
3. REPORT OF THE CITY MANAGER		7:35
4. REPORTS OF BOARDS AND COMMISSIONS		
5. GENERAL PUBLIC COMMENT		7:40
<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		7:55
7. CONSENT CALENDAR		7:55
(a) Minutes of Special Meeting of March 19, 2007	<u>5</u>	
Minutes of Workshop Dinner Meeting of March 26, 2007	<u>17</u>	
Minutes of Business Meeting of March 26, 2007	<u>19</u>	
Minutes of Study Session of April 2, 2007	<u>41</u>	

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| (b) Approval of expenses and payroll as of April 12, 2007
in the amount of \$1,767,754.01 | <u>55</u> |
| (c) Ordinance No. 459 Amending the Speed Limits on Certain City
Streets and Amending Section 10.20.010 of the Shoreline
Municipal Code | <u>57</u> |
| (d) Resolution No. 256 Amending Figure 6.1 of the Transportation
Master Plan (TMP) to show the Street Classification of Ashworth
Avenue N between N 145 th Street and N 155 th Street as a "Local
Street" | <u>61</u> |
| (e) Motion to Authorize the City Manager to release WSDOT Slope
and Sidewalk Easements for Certain Real Properties located at
14825, 16300 and 16310 Aurora Avenue North | <u>65</u> |

8. ACTION ITEMS: PUBLIC HEARING

8:00

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.

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| (a) Public hearing to receive citizens comments on Ordinance No. 467
adopting Revisions to the Community Development Block Grant
(CDBG) Action Plan and Appropriating \$150,000 to the Capital
Improvement Plan Budget and \$90,000 to the General Fund | <u>81</u> |
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Motion to Adopt Ordinance No. 467	<u>81</u>
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9. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

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| (a) Ordinance No. 468 Extending the Shoreline Water District
Franchise | <u>89</u> | 8:30 |
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10. NEW BUSINESS

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| (a) Human Services Program Update | <u>105</u> | 8:50 |
| (b) Parks, Recreation and Cultural Services Board Appointments | <u>107</u> | 9:15 |

11. 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. 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:	Native Plant Appreciation Week
DEPARTMENT:	Parks, Recreation & Cultural Services
PRESENTED BY:	Dick Deal, Director of Parks, Recreation, and Cultural Services Maureen Colaizzi, Parks Project Coordinator

INTRODUCTION:

The City Council work plan for 2007-2008 emphasizes the importance of creating an "environmentally sustainable community" (Council Goal #7).

BACKGROUND:

Native Plant Appreciation Week is a celebration of the diversity of Washington's over 3000 native plant species that inhabit deserts, rain forests, high alpine environments, river valleys, and even backyard landscapes. Native plant ecosystems are critical to sustaining our native wildlife and the quality of Washington's environment.

The Native Plant Appreciation Week inspires citizens through diverse activities and events to learn more about native plant species and their habitats and how to protect them. The public can participate in everything from talks, walks, hikes, garden tours, and visits to our natural areas to active involvement in habitat restoration projects.

Native Plant Appreciation Week is an opportunity for governmental agencies, non-profit groups and environmental organizations to highlight their work in protecting native plant species and restoring native plant habitats. The public can learn about the many projects and hard work that enhances their area.

The public can also learn how our native plant ecosystems provide suitable habitat for birds, fish and other animals and protect water quality.

Finally, it is an opportunity to convey the threat posed by invasive exotic pests – insects, plant diseases and invasive plant species. The public can see and learn how invasive species harm native plants and ecosystems. They can learn about work being done in both the public and private sector to combat that threat.

Native Plant Appreciation Week is primarily an opportunity to celebrate our native floral abundance, our bio-diversity, and all the good work being done to protect and preserve it.

FINANCIAL IMPACT:

No financial impact.

RECOMMENDATION

Staff recommends that Council declare April 29th – May 5th 2007 as Native Plant Appreciation Week.

Approved By: City Manager  City Attorney ____



PROCLAMATION

- WHEREAS, native plant species are an important part of Washington's heritage, providing important aesthetic, economic, and ecological contributions that make Washington State a special place to live; and
- WHEREAS, Washington enjoys amazing biodiversity with over 3,000 native plant species from rain forest plants on the Olympic Peninsula to desert species in eastern Washington; and
- WHEREAS, preserving native plant ecosystems is critical for protecting wildlife, birds, fish, and water quality in our state. Over 350 of our native plant species are listed as rare by the Washington Natural Heritage Program; and
- WHEREAS, invasive species represent a great threat to sustaining our native plant ecosystems and biodiversity. In response to this threat, the City of Shoreline has initiated an Ivy OUT (Off Urban Trees) Program and Native Plant Restoration Program in Shoreline Parks; and
- WHEREAS, April 22, 2007 is National Earth Day and marks the beginning of the Shoreline Ivy OUT Program series with volunteer work parties scheduled to remove invasive species in seven Shoreline parks. The Ivy OUT program will continue volunteer work parties in Shoreline parks from April through October, encouraging residents to remove invasive species and help allow native species to thrive; and
- WHEREAS, Shoreline residents Arthur Kruckeberg and his late wife Mareen amassed an extensive native plant collection in a four-acre botanic garden over many years. The Kruckeberg Botanic Garden is dedicated to fostering and providing educational, cultural and aesthetic enrichment for people in our region by providing a garden rich in native plants of the Pacific Northwest;
- WHEREAS, May 5, 2007, from 9:00 am to 12:00pm there will be a native plant restoration Work Party at Richmond Beach Saltwater Park conducted by the Shoreline Parks, Recreation & Cultural Services Department in conjunction with the University of Washington Restoration Ecology Network students to remove invasive species and plant native plants that were purchased from Kruckeberg Botanic Garden. The City wants to continue invasive species removal and native plant restoration work parties at Richmond Beach Saltwater Park by encouraging residents to become active members of an ongoing community stewardship program called "Friends of Saltwater Park".

NOW, THEREFORE, I, Robert L. Ransom, Mayor of the City of Shoreline, on behalf of the Shoreline City Council, do hereby proclaim the week of April 30-May 6, 2006 as

NATIVE PLANT APPRECIATION WEEK

in Shoreline. I urge all citizens to join me in appreciating, enjoying, and celebrating by taking a native plant walk, visiting a natural area, or become involved in a restoration project.

Robert L. Ransom, Mayor

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF SPECIAL MEETING

Monday, March 19, 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 6:35 p.m., the meeting was called to order 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 with the exception of Mayor Ransom, who arrived shortly thereafter.

3. CITY MANAGER'S REPORT AND FUTURE AGENDAS

Bob Olander, City Manager, provided the following announcements and reports:

- The first Civic Center/City Hall Workshop will be held on March 20 at the Meridian Park Elementary School.
- The Richmond Beach Saltwater Park Design Workshop will be held on March 22 at the Spartan Recreation Center.
- The City of Shoreline received \$300,000 from the King County Conservation Futures Fund.
- The next meeting of the Aurora Business and Community (ABC) Team will be March 21 at the Shoreline Fire Station Headquarters.
- The next regular meeting of the Parks Board will be March 22 in the Cascade Room at the Spartan Recreation Center.
- The Shoreline Solar Project will hold their next meeting on March 22 at the Meridian Park Elementary School library.

(a) Cascade Agenda Cities Program - Gene Duvernoy

Joe Tovar, Planning and Development Services Director, provided introductory comments and explained the purpose of the 2010 speaker series, which is to bring in expertise within the context of land use issues in the community. He introduced Mr. Duvernoy, President of the Cascade Land Conservancy.

Mr. Duvernoy gave a PowerPoint presentation on the goals and objectives of the Cascade Agenda. He said the approach involves 100-year planning through thinking broadly, sustaining a strong regional economy, promoting livable communities, and ensuring healthy ecosystems. He explained the strategy of saving landscapes through conservation and enhancing communities through intelligent planning. He said the strategy starts by establish grassroots or civic leadership, creating a city vision that encompasses the goals of the Cascade Agenda, and developing an action plan and formal partnership with Cascade Land Conservancy (CLC) as a Cascade Agenda City. He noted that partner cities are actively involved in open space planning and acquisition, establishing and enhancing Transfer of Development Rights (TDR) programs as well as "Green City" programs to restore and steward urban parks. CLC supporters include:

Futurewise, Audubon Washington, Trust for Public Land, Washington Farm Forestry Association, American Planning Association, Washington REALTORS, Building Industry Association of WA, Association of Washington Cities, Washington Association of Counties, Puget Sound Regional Council, and WA Dept. of Natural Resources.

Alison Van Gorp, CLC, elaborated on the CLC work plan of creating partnerships with cities. She reported that a TDR Marketplace Bill is being considered in the State Legislature, which would establish a more regional TDR program. The goal of the "Green Cities" initiative is to encourage cities to adopt programs to remove invasive vegetation and restore healthy urban forests.

Mr. Duvernoy concluded the presentation by emphasizing the need to take on these new initiatives and save our cities and the region from continuing degradation.

Councilmember McGlashan noted that there is some opposition in Shoreline to planting trees in medians and asked about the CLC opinion on this subject. Mr. Duvernoy said it is difficult to opine without knowing the specific circumstances, but generally such amenities make a community more livable. He also responded to Councilmember McGlashan about the extensiveness of "ivy deserts" in some municipal parks.

Councilmember Way commended Mr. Duvernoy for his valuable work and on the Green Cities partnership. She asked Ms. Van Gorp to elaborate on the problem of ivy in urban forests. Ms. Van Gorp outlined the types and stages of urban forest degradation, explaining that the response to this problem was based on the medical triage system in which needs are assessed and resources are placed on the highest priority projects.

Mr. Duvernoy added that the urban forest partnership is really a focus on parks and how to

make them accessible and "points of pride" for neighborhoods. CLC strives to work with cities to help volunteers invest the community in their parks system.

Councilmember Ryu pointed out that Shoreline is already engaged in many park improvement projects, including invasives removal and open space acquisition. She asked about the costs and staff commitment associated with entering a formal partnership with CLC. She asked if there is any role in keeping a diversity of farms within Washington State, noting that a small number of huge farms are producing most of the produce for consumers.

Mr. Duvernoy noted that a partnership with CLC is not onerous and all costs and expectations would be fully articulated in advance. He said although the 300,000 acres of farmland in Western Washington is not counted as part of the national agricultural inventory, those lands need to be preserved for several reasons, one of which is to keep farmers' markets alive.

Deputy Mayor Fimia agreed with Mr. Duvernoy's presentation and analysis of the issues relating to density and conservation. She noted that one potential area of cooperation between the City and CLC is on the Fircrest Master Plan. She pointed out that even with the PSRC and Sound Transit plans, congestion is expected to increase over 60% in the east, north and south corridors. Therefore, even if citizens approve of increased densities in their communities, the current transportation plans do not support these added densities.

Mr. Duvernoy said he is happy to work with the City on its agenda, but emphasized that the "heavy lifting" is really accomplished by the elected officials.

Mayor Ransom thanked Mr. Duvernoy for the presentation and said he expects the City's Parks Department to work with CLC on their initiatives.

Mr. Olander also appreciated the presentation and stressed the need to ask the important questions of growth in the correct order. He emphasized that establishing a vision of the desired quality of life must come before accommodating growth, rather than vice-versa. He said Shoreline will pursue becoming a formal member of the Cascade Cities Agenda.

(b) Suburban Cities Association Special Recognition

Karen Goroski, Suburban Cities Association, presented Councilmember Hansen with the Recognition of Service and Outstanding Leadership Award as the outgoing president of the Suburban Cities Association. She outlined his contributions during his tenure, which included creating a revenue committee, amending the bylaws, and expanding the membership.

Councilmember Hansen accepted the award and thanked the SCA for this honor. He noted

that although he led the meetings and provided some general direction, others built a wonderful foundation for growth, so the credit really goes to the entire team.

4. COMMUNITY PRESENTATION

(a) Shoreline/South County Family YMCA

The South County YMCA was represented by Steve Dunn, Capital Campaign Chair, past board chair and current board member; Pearl Noreen, past board chair and current board member; Courtney Whitaker, Executive Director; and William Hubbel, board member.

Mr. Dunn described the YMCA's efforts to acquire a new facility, which culminated in securing the Echo Lake property. He explained the process the YMCA underwent and noted that construction is expected to start this summer.

Ms. Noreen outlined the variety of programs offered by the YMCA and provided statistics on participation by teens, adults, and families. The goal of the programs includes building strong kids, strong families, and strong communities. She pointed out that the YMCA has the potential to touch one in five households.

Ms. Whitaker discussed the design features of the new facility. It will feature an open floor plan complete with an aquatic center, a youth development center, exercise space, a climbing pinnacle, and a "reflection room." The YMCA has retained an environmental consulting firm to advise on sustainable building practices, and the building will include energy efficiency elements such as a light dimmer system, low-flow plumbing fixtures, and hot water capture.

Mr. Hubbel discussed the positive impacts that the YMCA will have on the Shoreline community. Among the many benefits include: successful youth, strong families, lifestyle transformation, access to services for children, and assistance for moderate to low-income youth and families. The economic impacts include job creation and an increased tax base. He noted that the new Auburn YMCA facility has a proven track record of economic benefit to the local community, and the Echo Lake facility will provide similar benefits for Shoreline.

Mr. Dunn said the hope is that the facility becomes a community hub and make the lives of many Shoreline residents much better. He requested that the Council consider waiving the permit fees associated with the project, which were estimated at \$127,893 in the fourth quarter of 2005. He also requested that the City enter into a \$1 million service agreement payable to the YMCA over the next 20 years. Program/community needs could be determined by the City and the YMCA in future meetings, and possible opportunities include:

- Monthly Teen and 'Tween Nights
- Family Community Open House Nights
- Reduced membership fees to city residents who qualify for financial assistance
- Free access to community members

- Joint facility usage opportunities
- On-going recognition of the City's financial partnership

Councilmember Gustafson encouraged the Council to consider a partnership with the YMCA and view it as part of an overall youth master plan. He said their goals of strong families and youth fit in very well with the City's vision.

Councilmember McGlashan concurred and urged Council to consider what the City can do to help.

Councilmember Way asked a number of questions relating to the design of the access points, fee structure, programs for developmentally disabled, and whether the YMCA's programs would compete with City programs. She also asked if the project will include natural drainage and connections to open space.

YMCA representatives responded and described the general design features and plans for parking stalls, bicycle racks and access to and from the Interurban Trail. They outlined the fee structure, noting that the YMCA is a membership organization and there are a variety of memberships available, from free memberships to adult family memberships. Staff and YMCA representatives commented that YMCA programming is not meant to compete but to be complementary to City programs. They responded that the project can accommodate the needs of natural drainage, adding that they are striving for the best ecologically friendly project possible. They said the Inland Group could provide information on impervious surface.

Councilmember Hansen pointed out that the YMCA's plans for a new facility started 15 years ago. He congratulated them on their work and said he views the YMCA as a collaborator, not as a competitor.

Deputy Mayor Fimia said she appreciates this project and the work involved, but the City is currently grappling with its own financial problems. She pointed out that the City is facing a \$700,000 budget shortfall next year, and the City must meet the essential public needs first.

Councilmember Ryu added that next week's public hearing will include public comments on proposals to increase the cable utility fees and electric fees, which most people consider a tax. She asked if there was room in the budget to absorb the nearly 1,000 hours of staff time that is proposed to be waived.

Mr. Olander responded that the City does not have the legal authority to waive fees, and that more analysis of the particular proposal and options is needed.

Mayor Ransom said his experience with the YMCA since his youth has always been good, however, he is concerned about the request for \$1 million over 20 years. He noted that the original request was in the range of \$50,000 - \$60,000. He said in light of future budget

deficits and proposals to raise taxes, it is a very difficult time to be asking for funding. He suggested postponing a decision on this request until after the Council Retreat on April 20.

Mr. Olander said the intent of Community Presentations is to inform the Council and the public of programs, plans, and progress of various organizations. He suggested stepping back and accepting the information for now, and then having additional budget discussions later.

5. GENERAL PUBLIC COMMENT

(a) Virginia Paulsen, Shoreline, asked about the purpose of the Council trip to Washington D.C. for the National League of Cities Conference. She hoped that the Councilmembers would give a full accounting of what they did and what was accomplished.

(b) LaNita Wacker, Shoreline, spoke on behalf of Sweet Adeline's Barbershop and invited the community to a free concert on April 13 at Prince of Peace Lutheran Church. She announced that Sweet Adeline's will be performing at the 400th anniversary of Jamestown this summer, and it is the only barbershop chorus invited to the festival. She listed the honored guests and dignitaries that are scheduled to appear at the event. She concluded her comments by saying that anyone is welcome to join Sweet Adeline's, and they practice on Tuesday nights.

(c) Patty Crawford, Shoreline, speaking on behalf of Twin Pond Fish Friends, asserted that the City waived the permit fees for Aegis Assisted Living, and the City spent millions of dollars fighting her regarding Thornton Creek. She maintained that the Ronald Bog Project is flawed and that daylighting the creek will not result in lawsuits because it follows Washington Department of Fish and Wildlife's recommendations. She said the City has exercised scare tactics regarding pulling her vested rights and questioned the amount of spending on all the City's watershed projects. She said the City has tried to change the definition of a piped stream, and putting in new pipes as part of the Thornton Creek Project will not reduce flash flooding. She said the City must make sure the project is permissible before wasting the taxpayers' money.

Mr. Olander responded to public comments and explained the purpose of the NLC trip, noting that more details will be provided later. He said the City is working closely with WDFW on the Thornton Creek Project, and that the final project will be legal and an improvement.

6. APPROVAL OF THE AGENDA

Mayor Ransom requested that item 7(b) be pulled from the Consent Calendar and made Action Item 8(b). Deputy Mayor Fimia moved approval of the agenda as amended. Councilmember McGlashan seconded the motion, which carried 7-0.

7. CONSENT CALENDAR

Deputy Mayor Fimia moved approval of the Consent Calendar as amended.

Councilmember McGlashan seconded the motion, which carried 7-0 and the following items were approved:

- (a) **Minutes of Special Meeting of November 6, 2006**
Minutes of Special Meeting of February 5, 2007
Minutes of Workshop Dinner Meeting of February 12, 2007
Minutes of Special Meeting of February 12, 2007
Minutes of Special Meeting of February 20, 2007
Minutes of Workshop Dinner Meeting of February 26, 2007
Minutes of Business Meeting of February 26, 2007
- (b) **Surface Land Use Easement with King County for Richmond Beach Pump Station Site**
- (c) **Amendment to Interlocal Agreement with King County Animal Control Services for Continued Leash Law Enforcement in the Shoreline Parks System**

8. ACTION ITEM: PUBLIC HEARING

(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

Debbie Tarry, Finance Director, provided the staff report on this item. She outlined that the City's long-term financial projections indicate that there will be budget deficits starting in 2008. This is a structural problem resulting from a revenue growth rate of 2% and an expenditure growth rate of 4.2% over the next six years. In order for the City to continue to provide the same level of services in the future, 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. 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.

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

Ms. Tarry noted that two short-term resource options (2008-2009) that were discussed with the City Council 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. She explained that a 5% 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 \$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.

Ms. Tarry noted that 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. She outlined the staff recommendation to adopt Ordinance No. 464, increasing the cable utility tax to 6% of gross receipts and amending Shoreline Municipal Code 3.32.030. Additionally, staff recommends a motion authorizing 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.

Mr. Olander noted that staff has been making reductions over the past few years, and the long-term strategy includes continually looking for opportunities to implement efficiencies.

Mayor Ransom opened the public hearing on Ordinance No. 464.

(a) LaNita Wacker, Shoreline, expressed support for the proposal because she felt it is appropriate to raise taxes to offset future deficits. She pointed out that people who don't subscribe to cable will not be assessed the increased tax. However, she wondered if the 6% tax would be assessed on cable TV, telephone, and internet service if all of those services are provided by the same cable company. She noted that her cable bill is \$76, so a 6% tax on that would total about \$4.50. She commented that she cannot find the 3% tax on her SCL bill. She felt the actual costs in real dollars should be more explicit on the SCL bill so people know exactly how much they will be assessed.

Ms. Tarry explained that the cable utility tax would be on the gross revenue generated by the utility company, so it would be an additional 5% on the cable-related charges. On a basic monthly cable bill of \$57, the actual increase is about \$2.83, or \$34 annually. The tax is only on the cable portion and would not apply to internet or phone service. Regarding the SCL bill, she explained that the contract payment is a component in determining the rate structure. The City collects on the power portion of the bill, which comprises approximately 65% of the electric charges. The new tax would be implemented on the distribution portion of the bill, which comprises the remaining 35%. Because it is part of the rate component and not a utility tax, it cannot be itemized on the bill.

Mr. Olander clarified that under the current franchise agreement, a 6% tax is already built-in on the power portion, which is 65% of the bill. Ms. Tarry estimated that for a \$70 monthly bill, a 3% tax on the distribution portion would amount to about 67 cents; a 6% contract payment would be approximately \$1.35 per month.

Councilmember Hansen moved to close the public hearing. Councilmember Gustafson seconded the motion, which carried 5-2, with Deputy Mayor Fimia and Councilmember Ryu dissenting.

Deputy Mayor Fimia moved to leave the public hearing open until the Council meeting of March 26. Councilmember Ryu seconded the motion. After brief discussion there was unanimous consent to leave the public hearing open until March 26.

Deputy Mayor Fimia said while she understands the budget gap and generally supports the tax increases, the Council can reduce budgets related to travel, dues, memberships and transfer funds from economic development in order to acquire another street crimes officer.

Councilmember Way asked staff to clarify the reduced rates for low-income and elderly/disabled residential rate payers as stated on page 123 of the meeting packet. Ms. Tarry explained that SCL offers reduced rates for people who meet certain income thresholds. She noted that the City has done some outreach in order to increase participation, and the public can call 546-1700 for more information on this program.

Mr. Olander pointed out that the staff recommendation includes an extra \$25,000 for emergency utility assistance. Staff responded that more detailed information regarding the income thresholds can be provided.

Councilmember Way requested that the City use all its available resources, including the City web site and Channel 21 to advertise the utility assistance programs. She suggested providing a link from the City web site to these programs.

Councilmember Ryu said she would like to see a breakdown of the overall tax burden on somebody who doesn't quite qualify for SCL's reduced utility rates but who would be considered a low income resident under Shoreline's standards.

Ms. Tarry said that staff is currently compiling information, and although it is based on average household as opposed to income threshold, staff hopes to complete it this week.

(b) Ordinance No. 446 Revising Purchasing Policies and Amending Chapter 2.60 of the Shoreline Municipal Code

Mayor Ransom stated that he pulled Ordinance No. 446 from the Consent Calendar because of his concern that the new purchasing policy could result in inequity in contract awards. Under the provisions of the proposed ordinance, the City Manager can waive the Request for Proposal (RFP) requirement for contracts above \$50,000. He felt this could result in using the same companies over and over again to the exclusion of eligible contractors. Although he understands why the low bid process is not always the best method, the City should at least require a Request for Qualifications (RFQ) process. He recommended modifying the policy to require at least an RFQ for service

contracts over \$50,000.

Ms. Tarry clarified that the current policy states that the City can issue RFPs for professional services contracts exceeding \$50,000, but this is not a state requirement. Under the proposed ordinance, the department could ask the City Manager to waive this policy. She said that this is primarily a need relating to contracts for recreational services (sports camps), and staff anticipates that the waiver would be used infrequently. Certain criteria would need to be met in order to waive the requirement. Staff realizes the importance of conducting a competitive process; however, the option for Council to approve contracts over \$50,000 still provides some incentive to use the waiver judiciously.

Mr. Olander affirmed that the waiver would be used only when circumstances warrant. He added that in certain situations the City can avoid the expenditure of time, effort, and money associated with an RFQ.

Councilmember Ryu asked about the mechanism for documenting the benefits of waiving a given RFP. Ms. Tarry responded that the department submits a request to the City Manager, and the rationale for the waiver is included in the staff report that comes before the City Council. The City Council ultimately makes the decision whether or not to authorize the City Manager to waive the RFP.

Ian Sievers, City Attorney, noted that the waiver provision already exists for other kinds of professional contracts.

Deputy Mayor Fimia moved Ordinance No. 446, revising Purchasing Policies and amending Chapter 2.60 of the Shoreline Municipal Code. Councilmember Gustafson seconded the motion.

Councilmember Gustafson said while he understands Mayor Ransom's opinion, he feels the City is prudent in awarding contracts, so he supports the ordinance as written.

A vote was taken on the motion, which carried 6-1, with Mayor Ransom dissenting, and Ordinance No. 446 was adopted.

Referring to comments made earlier by a member of the public, Councilmember Hansen said he would like to know whether any permit fees were waived for the Aegis project.

9. ADJOURNMENT

At 9:05 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, March 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: Bob Olander, City Manager; Julie Modrzejewski, Assistant City Manager; Joyce Nichols, Communications and Intergovernmental Relations Director; Tom Boydell, Economic Development Manager

GUESTS: Jim Thomas, CEO, Community Capital Development (CCD); Che Wong, Business Assistance Officer, CCD; Jason McKinney, Industrial Engineer, Environmental Coalition of South Seattle (ECOSS)

At 6:20 p.m., Deputy Mayor Fimia called the meeting to order on behalf of the Mayor, who arrived shortly thereafter. She began with introductions around the table and introduced tonight's topic, an update on the Economic Development program.

Che Wong, Business Assistance Officer for Community Capital Development (which is under contract with the City to offer business assistance to local businesses), began by discussing CCD and its mission. CCD is a 501(c)(3) non-profit organization and Certified Community Development Financial Institution (CDFI) founded in 1997 to provide access to capital and technical assistance to low-income, minority and women entrepreneurs. Its mission is to alleviate poverty through self-sufficiency achieved by self-employment. Ms. Wong described the organization's objectives, including: 1) Supporting the retention and growth of existing small businesses; 2) supporting entrepreneurship and new business development; and 3) providing information, training, and improved access to private sources of capital. She also outlined the following activities of the group in Shoreline from July 2006 through February 2007:

- Business Contacts: 130 (127% of the annual goal)
- Training: 50 attendees (200% of the goal)
- One-on-one counseling: Short-term Assistance – 34 monthly sessions (57%)
Long-term Assistance – 32 monthly sessions (160%)
- Financial Assistance: 3 loans provided (75% of annual goal)

- Jobs: Total of \$280,000 (140% of goal)
Retained – 25 jobs (313% of goal)
Created – 3 new jobs (50% of goal)

Ms. Wong then shared several case studies and the particular financing or other solutions that resulted.

Jason McKinney, an industrial engineer with Environmental Coalition of South Seattle (ECOSS), provided information about his organization's Sustainable Business Extension Service (SBES), noting that it is also a 501(c)(3) non-profit that provides free and confidential services to businesses. It is located in Seattle, Tacoma, and Shoreline and provides creative solutions for businesses while also helping them navigate the roadblocks to success. He provided the following facts about their activities in Shoreline:

- 61 separate businesses contacted through outreach
- 15 separate businesses required follow-up or research for eligibility
- 2 speaking engagements (workshops not included)
- 1 workshop
- 35 documented business and residential workshop attendees
- 2 follow-ups generated by the recent January 18th workshop
- 1 e-newsletter delivered to Shoreline business e-mail list
- 63 businesses and residents have opted to learn more about the SBES program via e-mail

Mr. McKinney also discussed the "emergency spill kit" for businesses and said he would find out information on cost and distribution options.

In response to a question about how to help businesses dispose of used fluorescent light tubes, Mr. McKinney said he would follow up because he wasn't absolutely sure.

Councilmember Hansen suggested that Mr. McKinney and Mr. Boydell look into incorporating a fluorescent tube collection/disposal point in the City's next Clean Sweep recycling event. He suggested this would be a valuable asset and service to the community.

Mr. Olander thanked the guests for their reports and for attending tonight's meeting. He also said follow-up was in order on the two items mentioned by ECOSS – business spill response kits and collection/disposal of fluorescent tubes, and he asked Mr. Boydell to do this.

Mayor Ransom declared the meeting adjourned at 7:25 p.m.

Joyce Nichols, Communications and Intergovernmental Relations Director

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF BUSINESS MEETING

Monday, March 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

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

2. FLAG SALUTE/ROLL CALL

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

(a) Update from Metropolitan King County Councilmember Bob Ferguson

Bob Ferguson, Metropolitan King County Councilmember, updated the City Council on the County budget process. He noted that there are two budget committees which review the budget in King County; the Operating Budget Committee and the Capital Budget Committee. He stated that he chairs the Operating Budget Committee and since he will be negotiating with the Executive branch on the budget he wants to know the City of Shoreline's issues and priorities. He noted that this year there have been a series of focus groups in every district, and the results from these focus groups will be discussed at two open public meetings. The first public meeting will be held on March 28 regarding budget priorities. He hopes to have a document ready for the Executive based on these public meetings in May. He noted that one of the main issues for Shoreline residents is the future of public health clinics in King County. He said there is no guarantee for keeping both of the local clinics open next year, however, this was shown to be a priority in the County following the focus groups. Thus, there is a town meeting with the King County Public Health Director on May 3 at Meridian Park Elementary. There will be a King County Committee of the Whole meeting on June 25, and one of the main topics is the future of mental health and chemical dependency in King County. This meeting will discuss the fact that the average jail stay is much higher for those with mental health or chemical dependency issues. He discussed Conservation Futures Trust funding and the three projects for Shoreline. Two of these projects include the \$100,000 for South Woods and \$100,000 Seattle Public Utilities properties, which he co-sponsored, and

another is the \$21,000 for Paramount Park. He said he understands that there is an additional \$300,000 being introduced by the Citizen's Board for the Conservation Futures Funds, and he will research that proposal.

Councilmember Ryu stated that she was happy to support King County Public Health last year.

Councilmember Ferguson thanked Councilmember Ryu for her support and said he is heavily involved in these discussions and is pleased when his colleagues follow up. He added that he is pleased there are existing funds for this year, but the future is unclear.

Councilmember Gustafson hoped that the June 25 mental health meeting would emphasize homelessness, since mental health is one of the components in the 10-year project to end homelessness.

Councilmember Ferguson agreed that it is and there are briefings which relate to homelessness. He shared two stories of people who have gone through the criminal justice system and have succeeded.

Councilmember Way commented favorably on the Paramount Park funding, noting that Paramount Park has been an ongoing need for the past 17 years. She asked about fluorescent light bulb recycling and how King County is addressing bulb disposal. She noted that another issue is Aurora Avenue and its effect on water quality. She asked if King County has some baseline monitoring records on Boeing Creek. She felt information pertaining to the life index of the creek would be useful to have, since Aurora Phase 2 is ready to begin.

Councilmember Ferguson responded that he would look into both issues and report back.

Councilmember McGlashan questioned if there is absolutely no funding for Public Health next year.

Councilmember Ferguson said they have been running it at a deficit, but there needs to be a policy decision as to whether it will continue in this way or if other alternatives are available. He added that the proposal last year to close two clinics was unacceptable to him. Last year, it was decided to apply the funding for 2008 to 2007, which allows time to bring an expert panel together and look at options. The King County Council and the Executive will need to come up with a long-term solution.

Deputy Mayor Fimia said public health is core essential service. She stated that one of the Council goals is to work with the State on a Fircrest master plan. She pointed out that the 300-bed North Rehabilitation Facility (NRF) used to be there and it was run by public health and the jail for drug-based treatment offenders. It was a well-rounded program which had treatment, job-training and education programs. She commented that the facility had good results and the County was on track to rebuild it, with overwhelming support from the community, but it was suddenly closed. The community was upset when it closed and now there is an opportunity in this master plan process for the County to join us and correct the

loss.

Councilmember Ferguson said he has heard about that facility during his campaign last year and learned a lot of about it. He said he would be happy to work with the Council on it.

Deputy Mayor Fimia added that there is a need for additional bus service, to include local routes in Shoreline.

Councilmember Ferguson said that one of the Rapid Ride routes was earmarked for Shoreline. However, he said he needs to get the details back to the Council. He agreed that there is a need for routes within Shoreline and he is aware of the problems.

Deputy Mayor Fimia summarized that all the new funding is going to Sound Transit and that should be changed if the County is serious about growth management.

Councilmember Hansen thanked Councilmember Ferguson for his work in supporting the City of Shoreline and the issues. He added that public health is very important. He also thanked him for the Conservation Futures funding.

Mayor Ransom restated that the Council is interested in health clinics. He added that the NRF was very effective in this area and would like to see it rebuilt. He noted that there was also an alcohol abuse center there and it worked very well. Mental health and substance abuse counseling are both key issues with regard to jails, he said. Rehabilitation is also a key component, as well as the ability to help people find jobs and housing to assist them in being more stable so they may get their problems resolved. Another issue is the transfer station and whether they can handle hazardous waste and other products. He also wondered if there was a hazardous waste program for businesses to utilize. He also asked that Councilmember Ferguson notify the Council about the scheduling of the town meetings.

3. REPORT OF THE CITY MANAGER

Bob Olander, City Manager, reported that there is a Forum on King County Budget Priorities on March 28th. There is also a Richmond Beach Saltwater Park Restoration Work Party on March 31, and the City is seeking volunteers. The next Comprehensive Housing Strategy Citizen's Advisory Committee meeting will be on March 27 at the Shoreline Fire Department, and the next Shoreline 2010 Speaker Series event will be on April 5th at 7 the Shoreline Conference Center. He noted that as the application process for the Parks Board is closed, it would be appropriate for Council to appoint a subcommittee to review the applications and make a recommendation to the full Council.

Mayor Ransom noted that there are 16 applications with four positions and two youth positions and only two youth applied. He said that he and Councilmember Gustafson are interested in this issue and have been involved for three years. He added that Councilmember Ryu was a member of that committee prior to becoming a Councilmember. Additionally, Deputy Mayor Fimia and Councilmember Way are interested in being on the subcommittee. He said he will postpone the decision until next Monday.

Councilmember Hansen suggested that the Mayor put all five interested Councilmembers on the subcommittee and make all of the meetings open to the public.

Mayor Ransom was concerned about applicants sitting in as observers during other applicant interviews. This would cause one applicant to be able to observe the interview and already know what questions would be asked.

Councilmember Gustafson felt that three Councilmembers on the subcommittee has worked well in the past, adding that the full Council will be making the decision.

Councilmember Way appreciated Councilmember Hansen's suggestion and added that it is a matter of establishing ground rules for the committee and applicants.

4. REPORTS OF BOARDS AND COMMISSIONS

Councilmember Way attended a WRIA-8 event called "Lead Entities for Salmon Recovery" in Olympia. She said it was a nice way for people to share information and ideas. Additionally, she also attended the WRIA-8 meeting last week and they re-elected their leadership; Bellevue Councilmember Don Davidson and King County Councilmember Larry Phillips. There were several issues discussed, such as the allocation guidance for the King County Conservation District, salmon recovery funding, and Cocanee conservation.

Councilmember Ryu said she attended the March SeaShore Transportation Forum meeting and an open house hosted by them. She highlighted that the entire Sound Transit and Regional Transportation Investment District (RTID) area is being divided into corridors which will make it more important that SeaShore stay intact. She said she passed out the draft forum minutes from February 21 to the Council and the update on those minutes is that every single city except Woodinville has responded to the SeaShore Transportation Forum agreement. Seattle has not had chance to consider it and Shoreline is the only city that hasn't agreed to it. She said the RTID study is not very representative of Shoreline and she appreciated the City's household tax burden study.

Mayor Ransom said the Council should give a report on the National League of Cities conference next week.

5. GENERAL PUBLIC COMMENT

(a) Sally Granger, Shoreline, commented on the proposed cable tax. She said it would result in a 12% tax on her only entertainment source. She calculated it to be an increase of \$5.38/month, or \$65/year. She said the cable bill goes up every year and she already pays taxes on other utilities and isn't in favor of the cable tax.

(b) Virginia Paulsen, Shoreline, discussed the Seattle City Light 3% contract payment. She said it is basically a tax increase. She urged the Council and the City staff to reduce expenditures rather than increase taxes. Specifically she wanted to reduce the almost half-

million travel budget. She pointed out that teachers pay for their own professional development and get training on their own time. She said there are other critical needs in Shoreline such as chemical dependency treatment. She added that there are also additional counseling needs in the City. She said the Council needs to take care of citizens needs and spend more money on preventative measures.

(c) LaNita Wacker, Shoreline, corrected a misstatement she made last week regarding the average cable utility bill. She noted that under the proposed cable tax increase, the tax rate on a \$60 bill would be \$3.60. She said she is very sympathetic to people on fixed incomes, but she is looking at overall health of City. She pointed out that the driving force of the shortfall is the police contract and health benefits increasing at a greater rate. These inflationary increases cannot be avoided, and the City needs to build up the revenue stream. She added that the Seattle City Light increase is minimal compared to the health benefits and salary increases impact on the budget. She favored the cable tax increase, noting that the City must keep pace and cannot pass an unbalanced budget.

(d) Dennis Lee, Shoreline, thanked the Council for the Traffic Safety Citizen's Advisory Committee that was established a year ago. He said traffic circles were installed because of this committee. He said there was an open house that had a large turnout that led to sidewalk prioritization in the community. However, no decision was made on 25th Avenue. He said neighbors have been coming to him with concerns that there is a public comment deadline on sidewalks on 25th Avenue. He asked that the City define stakeholders in the future so they can assist with the planning of the meetings. He said his community is clearly the stakeholders in this case. He asked the Council for an extension of the public comment deadline and to allow neighbors to participate. He said the work on 25th Avenue needs to be looked at comprehensively because of several outstanding issues.

(e) Randall Logerberg, Shoreline, commented on the parking and traffic issues related to the 25th Avenue project. He said there is a bike path on the west side of the street and east side parking problems. He asked that those issues be addressed, noting that if cars are forced to park on the street, the bike path would be eliminated.

(f) Dom Amor, Shoreline, asked the City to coordinate a solution at the intersection of NE 205th Street and 6th Avenue NE. He said he was informed by Metro that they are closing down the bus stops on State Highway 104. He said Metro sees them as problem because the location has been deemed unsafe for pedestrians. He noted that King County Councilmember Bob Ferguson's office and the City have been very helpful with this issue and they are committed to finding a solution. He said there are approximately 90 to 110 homes that have this as their only bus stop. He commented that Metro's solution is to get rid of the bus stops instead of finding a solution for the community.

Councilmember McGlashan inquired if the buses continue onto the freeway from that stop.

Mr. Amor responded that they continue to the Bellevue Transit Center via Ballinger Way, Kenmore, Bothell, and then to Interstate 405. However, there is another bus that runs down

Ballinger Way. In addition, Community Transit buses utilize that bus stop and continue to downtown Seattle.

Councilmember Hansen inquired if the bus was coming from the Aurora Transit center and if it used to stop on 5th Avenue NE. Mr. Amor responded that it does come from the Aurora Transit Center but he didn't think there was a stop on 5th Avenue. Councilmember Hansen confirmed that 6th Avenue is the entrance to Northridge. He wondered if the buses could possibly come up 5th Avenue, because to eliminate a bus stop from that neighborhood is essentially "telling people to get back in their cars." Mr. Amor agreed and stated that taking that bus stop away is counterproductive to their efforts of increasing ridership. Councilmember Hansen said they should replace that stop if they remove it because it is hazardous for residents to have to walk to another one in that area due to the lack of pedestrian crossings.

Mr. Olander stated that eliminating the bus stop is not the answer to what is a pedestrian safety issue.

Mr. Olander stated he would have the Public Works Director speak to Mr. Lee and the people in that community about extending the public comment period. He said he would follow up on Mr. Amor's bus stop closure concerns and contact the State and King County Metro to see what can be done. Deputy Mayor Fimia clarified that the specific question was if the Friday deadline could be extended. Mr. Olander said he knows it can be extended, but wasn't sure how far it could be extended because of project timetable commitments.

6. APPROVAL OF THE AGENDA

Mayor Ransom asked that the March 5, 2007 Special Meeting minutes be pulled from the consent agenda for future consideration. Deputy Mayor Fimia asked that Consent Item 7(c) be moved to Action Item 8(d). Upon motion by Deputy Mayor Fimia, seconded by Councilmember Hansen and carried unanimously, the agenda was approved as amended.

7. CONSENT CALENDAR

Deputy Mayor Fimia moved to approve the Consent Calendar. Councilmember Hansen seconded the motion, which carried unanimously, and the following items were approved:

Minutes of Business Meeting of November 13, 2006

Approval of payroll and expenses as of March 14, 2007 in the amount of \$22,235,589.07

Ordinance No. 462 Deleting All References to Cottage Housing and Amending Shoreline Municipal Code Sections 20.20.014, 20.40.030, 20.40.230, and 20.50.020

Ordinance No. 465 Reclassifying the Human Services Manager within the City's

Classification and Compensation Plan and creating the Community Services Division

Motion to Authorize the City Manager to Approve a Settlement in the amount of \$199,000 for a portion of the Joshua Green Corporation parcel required for the Aurora Corridor Project Phase 1

Motion to Authorize the City Manager to execute a contract with Susan Black & Associates, Inc. for professional services in an amount not to exceed \$146,007 for the Cromwell Park and Hamlin Park Facility Upgrade Improvements and Shoreline Park Tennis Court Lighting Projects

RECESS

At 8:46 p.m., Mayor Ransom called a five minute recess, during which time Councilmember McGlashan stated that he was recusing himself from the next agenda item and left the meeting. At 8:56 p.m., Mayor Ransom reconvened the meeting.

8. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

(a) Ordinance No. 460 amending the City's Official Zoning Map changing the zoning from Office (O) and Residential 48 DU-AC (R-48) to Community Business of two parcels located at 18501 and 18511 Linden Avenue North (parcel numbers 7283900302 and 7283900303).

Mr. Olander introduced Planning and Development Services Director Joe Tovar and City Planner Steve Szafran. He reminded the Council that this is a quasi-judicial item.

Mr. Tovar commented that when the Planning Commission discussed this proposal, the past practice of conditioning rezones was addressed. He highlighted that this rezone comes to the Council with the recommendation not to impose any conditions on the property owner, and the rationale for this is explained in the report. There was a discussion of densities in certain zones (the unit count) and the history of the zoning code and designations in Shoreline. He also said there are some problems with the way zones are interpreted today.

Steve Szafran, Planner, presented slides of the area which highlight the comprehensive plan and current zoning for the area. He stated the area is zoned for mixed use (MU) and community business (CB). He noted it is zoned for R-48 to the north, with a single family home on the site that is used as storage space.

Deputy Mayor Fimia asked Mr. Szafran to briefly explain the comprehensive plan designation and zoning.

Mr. Tovar clarified that the Comprehensive Plan is the policy document of the City which generally talks about preferred uses of the property. Zoning, and text of the zoning ordinance, spells out specifically what is permitted on a parcel in terms of building height, unit count, and parking requirements. Zoning controls the use of the property and the plan provides

direction to the zoning, but doesn't speak directly to the permits on the project. Therefore, he pointed out, zoning is the most important subject tonight.

Mr. Szafran described the adjacent uses and explained that the proposed CB zone is for 15 dwelling units, has a 60 foot height limit, allows for a mix of commercial and residential uses, provides a transition from Aurora from the east to single-family to the west, and provides services for surrounding neighborhoods. He highlighted that the Planning Commission recommended approval of CB zoning.

Mayor Ransom inquired how community business differs from a neighborhood business (NB).

Mr. Szafran explained that NB allows fewer units per acre for commercial and no maximum densities for residential.

Councilmember Gustafson moved to adopt Ordinance No. 460 amending the City's Official Zoning Map changing the zoning from Office (O) and Residential 48 DU-AC (R-48) to Community Business of two parcels located at 18501 and 18511 Linden Avenue North. Councilmember Hansen seconded the motion.

Councilmember Gustafson inquired why the parcel was changed to CB as opposed to regional business (RB).

Mr. Szafran explained that it involves the number of units the property owner wanted to have on the parcel. RB doesn't have a density maximum for commercial properties.

Councilmember Ryu stated there was discussion in the Planning Commission meeting about traffic and that the parcel has nine parking spaces where eight are required under the Shoreline Development Code. She also added that there isn't any on-street parking on the west side. However, there is parking on the Linden Street side. Therefore, she wondered if the Council can discuss the current need aside from what the Code requires. She added that a salon usually has a person working for each chair, so that would mean two people per chair.

Mr. Tovar stated that the parking standards will apply to the use regardless of the zoning, so the type of retail use the parcel will have is not an issue. Mr. Szafran noted that retail parking is based on one space per 300 square feet according to the Code.

Councilmember Way referred to a letter from a citizen concerned about adequate parking. She expressed concern about future usage and future development at this site and its capacity. She wanted to know if the Comprehensive Plan would address the parking and its impacts.

Mr. Tovar replied that the Comprehensive Plan doesn't involve that level of detail. If a rezone occurs, then the code would control any new permits, including what parking would be required for the type of use. There would be a SEPA review and a look at the square footage and what parking impacts would occur. This is the way future redevelopment would be evaluated by the City. He noted that parking would have to be reviewed at the time a

permit application is submitted.

Mr. Olander added that if the property is redeveloped under current zoning, the property owner would have to meet the current parking requirements for multifamily/office.

Councilmember Way inquired if community business zoning would permit adequate parking to get cars off of the street.

Mr. Tovar said they must have enough parking on the site to accommodate the requirements of the specific use.

Mr. Olander commented that the SEPA overlay also requires that all traffic and safety requirements are met.

Mr. Tovar added that there would be a new SEPA done regarding the use, square footage, parking and traffic count, and conditions could be imposed on the project or the permit application and the public would be involved in the SEPA process.

Mr. Olander also noted that the SEPA can't be arbitrary and must pertain to the specific impacts.

Councilmember Way said Mr. Howe's letter expressed issues about sidewalks; specifically, he called attention to the fact that there are no sidewalks on one side of the street. Mr. Szafran replied that eight-foot sidewalks with an amenity zone would be a condition that would be required.

Councilmember Way said, according to Ken Howe's letter, there will be a shifting of zoning. Mr. Szafran clarified that he was referring to the defining of Linden Avenue as the division line between residential and commercial use properties on the street. However, the salon is a commercial property already.

Councilmember Way felt that since the first house is a residence there is no major reason for concern and presents less of a burden on the neighborhood than what was requested. She added that this type of development is typical of much of the neighborhood.

Councilmember Ryu clarified that about half of the area is R-48 and half of it is office. She questioned if the NB zoning would intensify use above the current "half-and-half" use. Mr. Szafran responded that R-48 would be fifteen units; thus, NB would yield a higher intensity.

Mr. Tovar added that owner was trying to achieve retail on the ground floor with multifamily on the second floor. He explained that the Planning Commission noted that the NB allowed for too many units and CB allowed too few units. Therefore, the applicant is willing to work with City with the understanding that the unit count may be revisited in the future.

Councilmember Ryu said she is concerned about the "creep" of commercial zoning into the single family zoning within same block. The surrounding areas are designated as R-12 and R-

18. She is also worried about parking issues and the letters ask whether the on-street parking would be intensified. She asked if NB zoning was discussed as an option. Mr. Szafran replied that it wasn't.

Councilmember Gustafson noted that there was a lengthy discussion at the Planning Commission level. He added that the Planning Commission voted unanimously to pass as this as a CB zone and he supports the decision of the Planning Commission.

Deputy Mayor Fimia supported the recommendation, but with two reservations. She said the changes to the Shoreline Development Code are not available to the Council and they may or may not pass. She added that the applicant must understand that and must be willing to assume that risk. Another concern, she added, is that people keep coming into Shoreline, but traffic and parking continue to be a problem. She stated the City can't keep growing without transit.

Mayor Ransom felt the record was very comprehensive and he found answers to his questions. He supported the motion. He stated for the record that Councilmember McGlashan recused himself from the discussion because he is a partial owner of the property.

A vote was taken on the motion to adopt Ordinance No. 460 amending the City's Official Zoning Map changing the zoning from Office (O) and Residential 48 DU-AC (R-48) to Community Business of two parcels located at 18501 and 18511 Linden Avenue North, which carried 5-0-1, with Councilmember Way abstaining.

At 9:26 p.m., Councilmember McGlashan rejoined the meeting.

(b) Ordinance No. 461 amending the City's Official Zoning Map changing the zoning from R-4 to R-6 of two parcels located at 20309 8th Avenue NW and 20320 10th Avenue NW (parcel numbers 0126039216 and 0126039632).

Mr. Tovar stated that the same dialogue took place at the Planning Commission regarding this rezone. He reminded the Council that this is a quasi-judicial rezone.

Mr. Szafran highlighted that the entire area has a comprehensive plan designation of low density residential. The zoning of this particular site is R-4, which is surrounded by R-6 zones. The two homes on the site are consistent with existing zoning, and the Planning Commission recommended approval of this rezone.

Mr. Tovar stated that historically there may not have been utility services to the area and R-4 may have been used to signify that.

Councilmember Gustafson moved to adopt Ordinance No. 461 amending the City's Official Zoning Map changing the zoning from R-4 to R-6 of two parcels located at 20309 8th Avenue NW and 20320 10th Avenue NW. Councilmember Hansen seconded the motion.

March 26, 2007 Council Business Meeting

Councilmember Way stated she is confused by the discussion and testimony in the Planning Commission hearing because there was discussion concerning the open space and the steep slope adjacent to the property. Despite reading the Planning Commission minutes, she felt like she didn't have any information on the site. She asked if there was a technical report or a SEPA determination to review.

Mr. Tovar responded that there was a SEPA done on the rezone, but this isn't a project so there are no buildings, roads, or lot lines to review. The changing of the map from R-4 to R-6 doesn't involve any type of construction or project. If any future projects are proposed, they will be properly reviewed by Public Works and Planning.

Councilmember Way then questioned why the open space and topography aren't defined; she believed it was designated R-4 because this parcel is in a heavily-treed ravine. She added that according to the criteria on page 146, a steep slope would impact the area.

Mr. Tovar said there is a description in the Planning Commission record relating to the topography and the existing buildings. He noted that the northwest corner of the City involves a pattern of natural systems, and this zoning is not unusual. The Planning Commission concluded that if it is rezoned to R-6, the potential for more housing is apparent, but there are no site plans to consider at this time.

Councilmember Way wondered if the City's own information is part of the record. She inquired if the characterization report can be considered.

Mr. Tovar said if it wasn't a part of the record in the Planning Commission, then it wasn't added as a part of the documentation for this meeting.

Ian Sievers, City Attorney, said a description of the property as a part of the SEPA checklist would have been discussed.

Mr. Tovar noted that the City's topography and a wetland/stream characterization report was not considered in the context of the Planning Commission hearing.

Councilmember Way inquired if a site visit is permissible.

Mr. Sievers advised that if the Council needs to rely on information from a site visit, then it should be included in the record.

Councilmember Way felt the slope is a part of a network of steep slopes running east-west down to Puget Sound. She suspected that there is some water feature involved and maybe it is the fault of neighbors for not bringing it up.

Mr. Olander said Mr. Szafran did mention that there is one small corner of the parcel that might include a steep slope. However, this, along with other site considerations, is determined at the time of permit application. It is not something the City deals with at the rezone level. He added that all of those are implemented on the ground at time of application.

Councilmember Way clarified that the proposal states that up to ten units are allowed on this property.

Mr. Olander further clarified that it would allow up to ten units minus the areas of slope setbacks and roadway improvements. The on-site development would need to be looked at to see what would fit based on the topography and the critical areas.

Councilmember Way said this seems backwards and the developer will come in with a proposal to build on a steep slope. She said she can't support this.

Mr. Tovar added that there is a reference in the checklist that is a part of the record that the maximum slope on this site is 20%, which is well below what a significant or critical areas slope would be.

Councilmember Gustafson read on page 161 that any development would be located away from any sensitive areas, and natural landscaping would provide a buffer between the homes to the north and south. He also noted that the Planning Commission passed this item by a vote of 7-0.

Councilmember Ryu said it seems that eleven units are allowed, and ten are being considered. She stated if the zoning stays at R-4, seven units would be allowed. Thus, it is a matter of building three more units and maximizing it to eleven units. She asked how close the 20% maximum grade was to the "gully."

Mr. Tovar stated that the term "gully" is not defined in the Code. The information in the checklist is from a geotechnical survey. He felt the term "sensitive" is not used properly in the minutes.

Councilmember Ryu said she is concerned about intensifying the use, especially to the south and west of the property where there is a lot of level ground. She added that there haven't been others that have asked for rezoning and she is also concerned about sensitivity of that area and the topography. She is also worried about the potential increase in maximum impervious surface area and the addition of four more housing units. She had reservations about approving this proposal.

Councilmember McGlashan stated that there were several references, one of them on page 138, concerning a greater consistency with the Comprehensive Plan through area-wide rezoning. He asked if there was anything coming before the Council concerning this.

Mr. Tovar responded that the general subject will come to the Council through the Comprehensive Housing Citizen's Action Committee strategy, but nothing is proposed by staff or the Planning Commission.

Councilmember McGlashan clarified that there is a possibility that it will be brought to the Council someday to rezone the entire area to R-6. He inquired if there was access to 10th

Avenue.

Mr. Tovar said the possibility is there, but it would entail crossing two separate property owners land. Therefore, it is unlikely.

Deputy Mayor Fimia noted that the Development Code allows for six significant trees to be cut without a permit. She asked if it was just an administrative permit, and whether they would just apply for a permit to cut more than six. She felt more than six trees would need to be cleared to make room for homes. Mr. Szafran clarified that it is six "significant" trees. He said it is allowable to cut more than six "insignificant" trees. She said this rezone is close to 5th Avenue and it is hard to increase the density in a neighborhood with an R-4 zone.

Councilmember Way inquired if this could be remanded back to the Planning Commission.

Mr. Tovar said that is always a possibility, however, the Council would need to provide some direction about what it wants done as part of the remand.

Mr. Olander commented that we are legally advised to separate the requirements which are a part of the development regulations. As a rule, there are lines that shouldn't be crossed with respect to specific rezones. In viewing the issue broadly, these R-4 lots are no different than most areas of the City. However, there has been a general baseline of R-6 established as an acceptable suburban density. He noted that lower densities are getting harder to defend in Growth Management hearings. He summarized that accepting our fair share of the increasing densities versus trees, open space, and those types of issues is always a part of the tradeoff.

Mayor Ransom commented that his concern is the continuity with the zoning. He pointed out that there was considerable debate when there was "big five" zoning with 2,500 square foot lot sizes surrounded by R-6. Critical areas will define what can be built, so he felt R-6 is reasonable. This, he added, is a density issue, and R-6 is our standard. He said there is no reason to treat this differently, so he supports the proposal.

Councilmember Way urged the Council to consider remanding this item. She said you can see why it was zoned as R-4 by the shape of the lot. She said it is tough to build on because it has a heavily treed, deep ravine. She also believed it is a part of the extended watershed. She said it is reasonable to remand it back to the Planning Commission to seek more information on nearby critical areas, the number of trees, the open space, and the impact to neighborhood.

**Councilmember Way moved to remand this item back to the Planning Commission.
Councilmember Ryu seconded the motion.**

Councilmember Hansen spoke against the motion. He said this is an issue of fairness, pointing out that the property across the street is zoned R-6 to include all of the properties to the south and the property to the west. He favored the original motion to rezone the property from R-4 to R-6.

Councilmember Ryu referred to the photo of trees and said there is a reason why the trees are still there. She said the reason is because the land cannot be developed. She questioned if the City would be liable for issuing permits for homes that eventually slide down the hill.

Mr. Sievers advised that the City would not be liable, noting that the Phillips case, a storm water project, provides legal precedence. He explained the case law and stated the City would not be found liable for permitting on private property.

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 7-0.

Councilmember Ryu clarified that whether the City rezones the property or not, if the application is approved and the property owner sells it to future homeowners, they are taking on all the risk.

Deputy Mayor Fimia commented that the Council needs to be very careful and must adhere to the record since this is a zoning question, not a permitting issue.

Councilmember Gustafson spoke against the motion, noting that the City has changed from 2,500 to 7,200 square-foot lots. He said this is a private property owner who has requested something reasonable that has been approved by the Planning Commission by a vote of 7-0. He favored the original motion.

Councilmember McGlashan asked about the date of the photo that was presented in the meeting materials. He noted that an aerial photo he found on the internet shows fewer trees and a house built in the upper corner of the parcel.

Mayor Ransom stated that photo cannot be considered. He asked the City Attorney if Councilmember McGlashan is still allowed to vote based on his viewing of that photo.

Mr. Sievers responded that Councilmember McGlashan does not have to recuse himself; however, he must limit his decision to the record.

Councilmember Way noted that this photo issue demonstrates why this item should go back to the Planning Commission. The Council doesn't have enough information to make a proper decision, she said.

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

A vote was taken on the motion to adopt Ordinance No. 461, amending the City's Official Zoning Map changing the zoning from R-4 to R-6 of two parcels located at

20309 8th Avenue NW and 20320 10th Avenue NW, which carried 4-3, with Deputy Mayor Fimia and Councilmembers Ryu and Way dissenting.

Deputy Mayor Fimia stated that Item 7(c) needs to precede Item 8(c) because she has amendments to 7(c) that might affect her vote on Item 8(c). **There was Council consensus to consider Item 7(c) next.**

(c) Ordinance No. 463 Amending the 2007 Budget for Uncompleted 2006 Capital and Operating Projects and Increasing Appropriations in the 2007 Budget

Debbie Tarry, Finance Director, explained that the need for the budget authorization is largely due to timing and billing issues. She explained the budget carryover process and the fact that they don't increase project budgets. She discussed the budget amendments including a \$100,000 grant for Zone 1 Emergency management, \$30,000 for software licensing, and other minor additions. The total amendment amount is \$249,000, most of which is offset by revenue.

Mayor Ransom stated that most of the capital project amendments are for parks projects and the Aurora Avenue project.

Ms. Tarry concurred, adding that they are in the Capital Improvement Plan (CIP) and the parks projects are funded through the bond issue.

Deputy Mayor Fimia moved to adopt Ordinance No. 463 amending the 2007 Budget for Uncompleted 2006 Capital and Operating Projects and increasing appropriations in the 2007 Budget. Councilmember Gustafson seconded the motion.

Mayor Ransom called for public comment. There was no one in the audience wishing to provide public comment.

Councilmember Hansen supported this amendment. He noted that this is something the Council has done routinely as a "housekeeping" entry. He said he has reviewed all the data.

Deputy Mayor Fimia asked how proposed reductions show up on the budget.

Ms. Tarry stated that City staff would come back to the Council with a budget amendment with the reductions, which would become effective in July.

Deputy Mayor Fimia moved to direct City staff to reduce the 2007 budget for travel, lodging, membership dues, and training by 10 percent, or approximately \$45,000, and reallocating \$22,000 to Human Services, \$10,000 to the Neighborhood Traffic Safety Program, and \$13,000 to Facility Long-Term Maintenance. Councilmember Ryu seconded the motion.

Deputy Mayor Fimia explained the rationale for her amendment and stated that the Council and Departments can determine where the reductions will be made with the exception of

training. She added that because there is a growing budget gap, the Council must first fund essential services such as safety, maintenance, and human services. She added that before taxes are raised, the City must execute some fiscal prudence. She said this budget item is high for large cities in our region (\$450,000).

Mayor Ransom asked Ms. Tarry for a breakdown of the \$450,000.

Ms. Tarry responded that there are \$156,000 in dues and memberships. These include memberships to organizations such as the Association of Washington Cities (AWC) and the Puget Sound Regional Council (PRSC) which total \$102,000 of the \$156,000. She added that the rest of the \$156,000 are City staff memberships in professional organizations needed for their profession or as a part of City government. She noted that the travel budget is almost \$162,000. She explained that 80% of this budget is related to Council and staff development. This represents attending conferences and association training sessions, to include the National League of Cities Conference. In addition, a small portion of this budget represents required certifications, licensing, grant eligibility requirements which City staff are required to attend. Another category is called Program Requirements and pertain to Teen Program trips, Sister Cities trips, and visits to Olympia for legislative issues. The final 9% of the travel budget is for "other" which covers retreats, local meetings, Chamber of Commerce meetings, etc. Training is the last portion of this budget item and is \$140,000. It generally covers the same types of training opportunities discussed above.

Councilmember Way said she is surprised that a teen program item is in this budget.

Ms. Tarry explained that the State Auditor's office requires that this recreation item be accounted for in this budget.

Councilmember Hansen inquired if this is the first, second, or third reading for this amendment. He inquired about the Council policy that items need to be considered by the Council more than once before bringing them for a vote.

Mayor Ransom said this is the third reading for this particular item, but not for this amendment.

Mr. Olander clarified that an amendment to a consent calendar item would only need to be read twice, and it is the Council's right to amend this item.

Councilmember Ryu said she has advocated for additional Human Services counseling funding since it will be exhausted by June. She mentioned that a large portion of this budget item (\$101,000) is for National League of Cities (NLC) dues. There were nine representatives from the City of Shoreline attending the NLC conference in Washington, D.C. Conversely, most other local cities sent fewer representatives than Shoreline.

Mayor Ransom clarified that Shoreline only sent six representatives to the NLC conference.

Councilmember Ryu stated that it looks like the Council spent about \$2,300 per person to attend. She said she isn't sure the City needs a larger representation than Seattle at that conference. She concluded that she is in favor of the amendment.

Mayor Ransom noted that the City allocates less than 0.5% for training which is less than private businesses spend. This makes us efficient, he said. He added that the City has two-thirds the number of employees per capita compared to other comparable cities who are doing the same functions. He added that the City is 50% more efficient because the City keeps its employees highly trained. The Council has already committed \$93,000 for Human Services counseling and now this proposal will be for an additional \$10,000. He felt the City didn't need to spend these funds when the County is mandated to provide counseling services.

Councilmember Gustafson noted that the staff has worked hard to cut costs; he asked for the staff recommendation on this amendment.

Mr. Olander said the staff recommendation is extensive and entails \$78,000 in cuts which would assist in getting the budget back to even. Deputy Mayor Fimia's cuts would increase this amount by \$45,000, he stated. He added that the staff recognizes that increasing taxes is difficult. However, there have been several years of budget efficiencies. He made note that the staff voluntarily proposed a program to cut health care costs by \$300,000. He said he doesn't feel comfortable cutting much more.

Councilmember Way said she is cutting down on food and meals provided at City expense, noting that she has had no free meals since the first of the year. She said she is willing to contribute that little bit to the City budget. She said if the City is going to ask for more cable tax from the residents, then it is very little for the Council to do. She felt if the residents will have to pay more for cable, then the City needs to provide counseling services. She supported the amendment.

Deputy Mayor Fimia noted that this amendment gives direction to the City staff to execute the cuts. This amendment doesn't cut essential training; that is left up to the departments. She felt the City can cut back. She also mentioned that there are several subscriptions to journals that can be terminated. She urged the Council to support the motion.

A vote was taken on the motion to direct City staff to reduce the 2007 budget for travel, lodging, membership dues, and training by 10 percent, or approximately \$45,000, and reallocating \$22,000 to Human Services, \$10,000 to the Neighborhood Traffic Safety Program, and \$13,000 to Facility Long-Term Maintenance, which failed 3-4, with Deputy Mayor Fimia, Councilmember Way and Councilmember Ryu voting in the affirmative.

A vote was taken on the motion to adopt Ordinance No. 463 amending the 2007 budget for Uncompleted 2006 Capital and Operating Projects and increasing appropriations to the 2007 budget, which carried 7-0.

(d) Ordinance No. 464 Increasing the Cable Utility Tax to 6% of Gross Receipts and

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.

Ms. Tarry reviewed the staff report for this item. She said City staff has recommended a short term strategy to address future budget gaps to include budget reductions and a possible increase in usage fees. Items discussed at this meeting include a cable utility tax increase and to authorize the City Manager to notify Seattle City Light that the City intends on collecting a 3% contract payment effective April 2008 and an additional 3% which would be effective on January 1, 2009. She noted that the average Shoreline resident cable bill would increase by \$34 annually and the average SCL bill would increase \$8 for each 3% increase. She noted that SCL provides reduced rates for seniors, disabled, and low income levels.

Mr. Olander stated the City received a letter stating that Comcast is opposed to the cable tax increase.

Mayor Ransom asked if this item should be separated into two votes. He noted that there was discussion about forming a property tax committee, but it isn't mentioned here.

Mr. Olander suggested voting on Ordinance No. 464 first, and then addressing the motion relating to Seattle City Light. He added that he hopes to discuss the long term strategy at the upcoming retreat.

Councilmember Hansen moved to adopt Ordinance No. 464 increasing the cable utility tax rate to 6% of gross receipts and amending Shoreline Municipal Code Section 3.32.030. Councilmember Gustafson seconded the motion.

Deputy Mayor Fimia called for public comment. There was no one in the audience wishing to provide public comment.

Councilmember Ryu said she did get a letter from a citizen, Pat Murray. She read from a letter in which Mr. Murray states that electricity is a necessity, and so is cable in our current society. Cable TV was the only way he could be fully informed about the decisions the City makes on a routine basis. Cable also provides entertainment for adults and educates children. He argued that the Council's "Republican block" feels a need to tax cable and electricity to the maximum. He expressed concern that this taxing will create a surplus which will be spent in the future on ways not approved by the voters. He said increasing tax rates to the maximum extent will make it difficult to ask for more funds in the future.

Councilmember Hansen asked for the City Manager's response to the letter.

Mr. Olander said the Council is well aware that this cable tax increase will only keep the City even with current service levels, not produce a surplus.

Councilmember Hansen added that this revenue increase is to maintain present services. He noted that Councilmembers pay taxes also, so they have to make choices too. He said if

residents don't want the cable tax, then they can cancel their cable subscriptions. He said he wanted police services at least at the current levels, and he wanted training to continue. He said he will not vote for anything that degrades the City staff and the City. He expressed support for the motion.

Councilmember Way agreed with Councilmember Hansen and said the staff provides great service. She said they are creative about cutting where necessary to get the most from the tax dollars available.

Councilmember Way moved to direct the City staff to provide staff reports and meeting minutes at no charge to anyone that doesn't subscribe to cable. Deputy Mayor Fimia seconded the motion.

Councilmember Hansen supported the concept but didn't feel an amendment to the motion was necessary.

Councilmember Way noted that the City Clerk's office stopped providing staff reports to save money. She stated it is important to view City meetings and information on cable. She said she would like the Council to support having this service provided again.

Mr. Olander responded that the staff reports and meeting minutes are available on the internet. However, he said this is a small expense and the staff has no objection to the request.

Councilmember Gustafson concurred, but he said there doesn't need to be a motion. He said it just needs to be a directive to the staff. Therefore, he said he isn't in favor of the amendment.

Councilmember McGlashan asked how this would be enforced.

Mr. Olander summarized that mailing the Council packet is a very minor issue and expense. However, since there were several other avenues available to obtain the packet, staff recommended eliminating the service.

Councilmember McGlashan added that the people who would actually need it is pretty small, and if someone can't get it, the City can just mail it to them. He supported the amendment.

A vote was taken on the amendment to direct the City staff to provide staff reports and meeting minutes at no charge to anyone that doesn't subscribe to cable, which carried 5-2, with Councilmember Gustafson and Councilmember Hansen dissenting.

MEETING EXTENSION

At 11:00 p.m., Councilmember Gustafson moved to extend the meeting until 12:00 a.m. Councilmember Hansen seconded the motion, which carried 4-3, with Deputy Mayor Fimia, Councilmember Way, and Councilmember Ryu dissenting.

Deputy Mayor Fimia stated she doesn't support this item. She said that the Council is obligated to "scrub" the budget before raising taxes and she won't support this until the travel budget is reduced.

A vote was taken on the motion to adopt Ordinance No. 464 increasing the cable utility tax rate to 6% of gross receipts and amending Shoreline Municipal Code, Section 3.32.030, which carried 5-2, with Deputy Mayor Fimia and Councilmember Ryu dissenting.

Councilmember Hansen moved to authorize 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% on the distribution portion of electric revenues effective January 1, 2009. Councilmember Gustafson seconded the motion.

Councilmember Way said it is hard to vote for this because the City is in a situation in which it must ensure the bills are paid. She added that this amount isn't a considerable amount to tax the residents, but it does mount up. She sympathized with the residents, however because there is an allowance for low income residents, she supported the City's recommendation.

Councilmember Ryu spoke against the motion, noting that Seattle City Light is the sole provider of electricity and there aren't other options for residents to use. She said you cannot turn off lights and electricity in a house. She noted that based on the March 23 memorandum, median income earners who also have the expense of raising families earn between \$30,000 and \$50,000 a year. She said this tax is an additional burden for them and it is very unfair, especially when the City is not willing to cut a very generous travel budget.

Mr. Olander noted that a part of the proposal is to set aside \$25,000 for emergency utility assistance. He stated there are a couple agencies that provide this, but most of the money comes from federal funds. Unfortunately, there is only a few thousand dollars in the community that can be allocated for less restrictive purposes. He said that \$25,000 will go a long way towards unrestricted assistance for the low income residents. He added that this is something the City would like to track. He added that there may be other ways Seattle City Light and the City can assist residents, such as insulation programs, conservation programs, and low wattage bulbs.

Councilmember Gustafson pointed out that he is generally opposed to raising taxes, but he has considered it within the context of the budget. He said although there are people on fixed incomes, City staff have done a good job in saving money. He noted that the City has saved \$459,000 by moving inmates to Yakima County, and saved an additional \$169,000 with baseline reductions. He noted that when he first joined the Council, he thought the travel budget needed to be reduced also. However, now that he has been on the Council for ten years he has come to appreciate what this budget can provide. He said he wants the staff trained, and that means that the Council and staff attend conferences. He said he is convinced that the time spent at conferences in Washington, D.C. has built relationships

and raised over \$40,000,000 for this City through lobbying and spending time with legislators. Therefore, he felt the travel budget is a small investment in raising funds for the City. He noted that the passage of the streamlined sales tax is partially attributed to discussions at these conferences. He added that there is ongoing discussion about telecommunications and many future conversations with other cities that need to occur. He said attending conferences and training opportunities have become a valuable experience for him and he supported the staff recommendation. He also said there are Councilmembers who have national input on several committees. He concluded that while he hates to raise taxes, he will vote in favor of this.

Councilmember Hansen added that couple years ago the City was about to lose the Community Development Block Grant (CDBG), but it didn't happen because of the Council efforts at the National League of Cities conference.

Councilmember McGlashan noted that Representative Jay Inslee and Representative David Reichert both came out of committee meetings to meet with the Council. He commented that the City has more influence on the legislators if more City representatives attend.

A vote was taken on the motion to authorize 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% on the distribution portion of electric revenues effective January 1, 2009, which carried 5-2, with Deputy Mayor Fimia and Councilmember Ryu dissenting.

Mr. Olander called attention to the memorandum distributed to the Councilmembers regarding jail booking alternatives. He said the staff has recommended shifting King County short term jail stays to Issaquah, which can save the City approximately \$200,000. He added that although it will take additional travel time, the savings will allow the City to hire an additional street crimes officer. He said he will bring this issue back for Council consideration.

9. ADJOURN

Councilmember Hansen moved to adjourn the meeting. Councilmember Gustafson seconded the motion, which carried 7-0. At 11:22 p.m., the meeting was adjourned.

Scott Passey, CMC
City Clerk

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DRAFT

CITY OF SHORELINE

**SHORELINE CITY COUNCIL
SUMMARY MINUTES OF STUDY SESSION**

Monday, April 2, 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

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

Upon motion by Councilmember Gustafson, seconded by Councilmember Ryu and carried 6-0, Councilmember Hansen was excused.

3. CITY MANAGER'S REPORT AND FUTURE AGENDAS

Bob Olander, City Manager, reported on the success of the Richmond Beach Saltwater Park Restoration Work Party. He announced that the next installment of the Shoreline 2010 Speaker Series will be held April 5 and feature Tom von Schrader and Amalia Leighton of the SvR Design Company who will speak on "Creating and Implementing Green Infrastructure." He noted that 10th Avenue NW will be closed due to the Hidden Lake Sewer Project beginning April 9. The next meeting of the Aurora Business and Community (ABC) Team will be held Wednesday, April 4 at the Shoreline Fire Station Headquarters, and the "Get Ready Shoreline" emergency preparedness community meeting will be held Monday, April 16 at the Shoreline-Lake Forest Park Senior Center.

4. COUNCIL REPORTS

Councilmember Gustafson reported on his attendance at the Suburban Cities Association Public Issues Committee, where topics discussed included the Cedar Hills Land Fill closure and RTID. He reported on his attendance at the Joint Recommendations

Committee meeting, where topics included homelessness and housing. He commented on the McKinney homeless assistance program, a \$13.8 million federal program of competitive grants for homelessness projects. He also said he would provide Council some material on the \$2.8 million available through KC Housing/Services funds. He also had a flow chart for the veterans/human services levy. Moving on to the National League of Cities (NLC) conference, he summarized that the conference was very worthwhile. He said the main issues involved control over local right-of-way, telecommunication systems, immigration reform, housing (foreclosure), predatory lending, and support for Community Development Block Grant (CDBG) funding and transportation funding. Other issues discussed at meetings he attended include legal liability issues in high-speed chases, waste management, free speech in public parks, and emergency preparedness. He concluded that compared to other jurisdictions, he feels good about the City of Shoreline's financial outlook. He also noted his attendance at the storm water charrette and commented that staff and consultants are "on top of the issues."

Councilmember McGlashan reported on his attendance at the children's and juvenile conference as a member of the Northshore/Shoreline Community Network Board. He also reported on his activities at the NLC conference, including his involvement on the Community & Economic Development committee as well as the Steering Committee. He commented that Congress doesn't see the value of the CDBG program and is considering requiring more accountability, yet it would likely create more paperwork and reduce the program's effectiveness. He noted that the Steering Committee discussed the idea of dividing Community Development and Economic Development into two separate bodies. He reported on the visits with Washington State legislators, including Senator Cantwell, Senator Murray, Representative Inslee, Representative McDermott, and Representative Reichert. He concluded that the conference was worthwhile and that the federal government enjoys hearing from local government.

Deputy Mayor Fimia reported on her attendance at the Room Nine and North City public hearings regarding school closures. She commented on the excellent testimony provided and on the many intangible assets that schools provide the community. She also reported on the NLC conference, particularly on a workshop "Strategies for Strengthening the Availability of Housing Affordable to Working Families." She was glad to know that Shoreline has begun work on a Comprehensive Housing Strategy, since this was stressed as the first action to implement. The workshop emphasized the need to protect existing housing stock and to build an affordability component into any housing plan. She said the agencies are willing to travel and provide presentations locally. Also, a new web-based database will be available from these agencies soon. She reported on the bus rapid transit presentation by Breakthrough Technologies that she arranged in Washington D.C. for local legislators.

Councilmember Way reported that she attended the Richmond Beach Saltwater Park Restoration Work Party. She also attended the Fremont Walk, a neighborhood trail on Fremont Avenue and 160th that features pervious pavement. She noted that King County Councilmember Ferguson responded to the Council questions regarding light bulb disposal; the new transfer station will feature fluorescent light bulb disposal, and certain

businesses can dispose of fluorescent bulbs for the commercial industry for a fee. She asked staff to publicize this information.

Councilmember Ryu reported that she attended the Shorecrest Boosters Dinner and Auction and also the first quarterly meeting of Enterprise Seattle as a representative of Suburban Cities Association. She provided the following statistics on Enterprise Seattle's 2005-2006 economic development input/output and outcomes: \$1.088 million in public funds; \$.833 million in private funds; 227 recruitment prospects and leads; \$496 million in economic impact; 18 company successes; 1,073 primary jobs; and 2,409 total jobs. She concluded that she wants to ensure that Shoreline taxpayers are getting the proper return on the investment.

Mayor Ransom also reported on his activities during the NLC trip, noting that he arrived before the conference began and had an opportunity to tour the White House. Among the seminars he attended included "Building Communities that Challenge and Change," "Budgeting for outcomes," and "Getting from Conflict to Confrontation to Conflict Resolution." He reported on his activities as a member of the Human Development Policy and Advocacy group, where the topics included immigration, No Child Left Behind, and health care. The general sessions included discussions about the federal role in education reform, transportation funding, and predatory lending practices. He said it is estimated that \$94 billion is needed just to maintain existing federal highways, and \$154 billion is needed for new projects. He also reported on the meetings with legislators, as well as an IRS program in which cities can get funding for alternative energy projects. He felt that perhaps the City Hall project could qualify for such funding.

Continuing, Mayor Ransom noted that they also requested \$2 million for right-of-way purchases for the Aurora Corridor Project, and they spoke to the staff of Senators Murray and Cantwell regarding the Spokane compact on gambling. He said although the Governor has not signed it yet, the compact would allow tribes to operate up to five casinos off reservation, with 154 tables and 4,700 slot machines in each. He said tribes can buy land and within two years make it reservation land. He said no conclusions have been made in the SeaShore Transportation Forum regarding the Agreement. He reported that an Economic Development Summit, headed by King County Councilmember Bob Ferguson, was proposed in the North end Mayors meeting. He expressed interest in participating in this forum as the elected representative, along with Shoreline's Economic Development Manager, because he questions the statistics this group previously reported. He noted that the cost for participating in this forum is \$3,000.

There was a brief discussion about how this item would be funded. Mr. Olander suggested that it is within his budget authority to approve this expenditure under professional services.

Deputy Mayor Fimia suggested that this issue be submitted as an agenda item for Council consideration. She said she would like to see an outline of what deliverables are anticipated, pointing out that Council makes other non-profit groups go through a rigorous process when they request financial assistance.

Councilmember Gustafson also felt that the Council should have something in writing to review.

Councilmember Way also wanted an accounting of how the money would be spent, noting that King County would surely be willing to provide it.

Councilmember Gustafson noted that if the City Manager can already approve similar services without Council approval, he would ordinarily yield to his professional judgment. However, since this item has been brought up, then the Council should consider it.

Councilmember Ryu concurred and stated that the Council must demonstrate to the taxpayers that it is spending their money responsibly. She added that she would like to be considered as the city representative to the Economic Development Summit, since she has a business degree and is a practicing business owner.

Turning to the subject of a Council subcommittee to review the Parks Board applications, Mayor Ransom pointed out that five Councilmembers have expressed interest in participating: Deputy Mayor Fimia, Councilmember Gustafson, Councilmember Ryu, Councilmember Way, and himself. His recommendation is to have a committee of four composed of Councilmembers Gustafson, Ryu, Way, and himself. He said he would like to limit it to four because all four members have been involved in park issues.

It was noted that a committee of four constitutes a Council quorum, so the interviews would have to take place in an open public meeting. It was suggested that since an open public meeting would be needed, then all five Councilmembers should be able to participate. Mayor Ransom said that if all five are recommended to participate, then he would prefer that it be open to the entire Council, although he generally thinks that Council subcommittees should be limited.

Councilmember Gustafson said he could support the Mayor's recommendation since all four were heavily involved in the Parks bond and parks/recreation. He added that the subcommittee only makes a recommendation to the full Council.

Councilmember Way felt that having an odd number was an important factor for Council subcommittees. She said it doesn't make much difference whether four or five people are on the committee, since it will be advertised as an open public meeting anyway. She felt that all the interested members should be involved.

The question of whether the interviews could take place in an executive session was discussed, but no conclusions were made. Ian Sievers, City Attorney, said he would look into the legal aspects of this issue.

Deputy Mayor Fimia moved that the Council subcommittee to review Parks Board applications be comprised of a committee of the whole and that the meetings be open to the public. Councilmember Ryu seconded the motion.

In the interest of the agenda and at Councilmember Gustafson's suggestion, there was consensus to postpone action on this item until the end of the meeting.

5. GENERAL PUBLIC COMMENT

(a) Linda Stein, Shoreline, provided information on Step It Up Seattle, a national day of climate action on Saturday, April 14 starting at Occidental Park in Pioneer Square. The event will feature 950 demonstrations demanding action on stopping climate change as well as urging Congress to cut carbon emissions 80% by the year 2050. She noted that the Shoreline Solar Project and Sustainable Shoreline will be participating and she invited supporters to participate in the event.

(b) Pat Murray, Shoreline, said that voters expect their representatives to come up with ways to not only generate revenues but to reduce expenditures as well. He said the cable utility tax amounts to "double taxing" because there is already franchise fees added to the subscriber's bill. He suggested that City funding could be reduced in the areas of travel and training in order to increase available revenues rather than "double taxing" residents. He pointed out a Boeing company practice of cycling their newsletters through the staff to cut costs. In conclusion, he said he would like to see Shoreline residents have as much influence on land use issues that developers have, noting that developers do not have to live with their consequences.

(c) Suzanne Gugger, Shoreline, said the consequence of closing the schools is that many students will be forced to cross Highway 99, and this will pose a serious pedestrian safety hazard. She said despite the statement that many of these students will be bused; there are many circumstances in which students will be crossing the street. She urged the Council to consider the draft resolution she provided, which would help mitigate this pedestrian safety hazard. She said many pedestrian improvements should be considered now, noting that the City and school district should produce walking routes like the Seattle Public School system. She concluded that kids are not proficient at crossing arterials until they reach 12 years old.

Responding to Councilmember Way, Mr. Olander stated that the City continues to have conversations with school board members regarding pedestrian safety, and the City is happy to provide any technical expertise needed.

Councilmember Way noted that some of the suggestions in the draft resolution are expensive to implement, and that the City doesn't have a direct influence on the school district.

Mr. Olander commented that if school actions change the City's walking routes, then the City must reexamine its priorities and where to invest our resources. He affirmed that pedestrian safety is a high priority for the City.

Regarding Mr. Murray's comments, Deputy Mayor Fimia said she was rather outspoken last week in asking for a 10% budget reduction in travel, dues, memberships, and registration. She pointed out that she found cost-cutting ways to participate in the NLC conference in Washington D.C., and that she assumed the cost of any personal days there.

6. STUDY ITEMS

(a) Joint Discussion of the Shoreline City Council and the Shoreline Planning Commission

Planning Commissioner Will Hall opened the discussion on behalf of the Planning Commission Chair and Vice Chair, who were both absent. He commented that it is a privilege to serve on the Planning Commission, and the Commission is interested in knowing how it can be the most effective to the City Council in its decision-making process. Planning Commissioners in attendance included Will Hall, Michael Broili, David Harris, Robin McClelland, Chakorn Phisuthikul, David Pyle, and Michele Wagner. There were introductions around the table.

Commissioner Hall highlighted the Planning Commission's and individual Commissioner's work over the past 6 months (since the last joint meeting with the Council), including the Shoreline 2010 Speakers Series, the Shoreline 2010 work program, and recommendations on site-specific rezones and development code amendments. In addition, the Commission has held study sessions on form-based codes, area-wide rezones, and the South Aurora Triangle subarea, and met with the Park Board to discuss Council Goal 6, the Environmentally Sustainable Community strategy. He outlined individual Commissioners' participation on several ad-hoc committees, including the Comprehensive Housing Strategy Citizen Advisory Committee, the Ridgecrest commercial area redevelopment, and the Aurora Business and Community Team. He identified possible areas for potential Planning Commission involvement in the future, including the Civic Center/City Hall Project, the Aurora Corridor (especially the portion within the Central Shoreline subarea), Subarea Planning for Briarcrest and Paramount Park, and a potential role in Council Goal #6, Creating an Environmentally Sustainable Community.

Commissioners Phisuthikul and Wagner participated on the Comprehensive Housing Strategy CAC. Commissioner Wagner said that despite the multiple complex issues, the committee narrowed the focus on housing affordability and will be working on housing choice in the next phase. She commented on the passion of the participants and said that very interesting ideas and issues have come out of the committee. She noted that the CAC will provide a full briefing to Council.

Commissioners Harris and Phisuthikul participated in the Ridgecrest Neighborhood process. Commissioner Harris characterized it as "the perfect example of the community getting involved" and expressed confidence that it will produce something the community will support. Commissioner Phisuthikul said while most of the concentration has been on intersections such as 5th Avenue NE & 165th Street NE, his hope is that the focus will expand because the community extends beyond just the intersections.

Commissioner Hall noted that Commissioners McClelland, Piro and Broili sat in on the Aurora Business and Community Team discussions. Commissioner McClelland provided an update on the discussions, noting that they will ultimately help the Council determine whether a full Environmental Impact Statement (EIS) is needed for Aurora Corridor Phase 2. She said the reports have been very technical and thorough, and it has been nice to be an observer in a situation where no votes are taken. She added that everyone had three opportunities to tell the consultants their concerns about Phase 1, and there has been expertise in the areas of economics, business, traffic engineering, and science.

Commissioner Broili noted that committee members had the opportunity to make suggestions for improving the next two miles of Aurora Avenue, which will prove valuable for everyone concerned. He noted his participation on the storm water charrette and was encouraged by the consideration of low impact approaches to storm water and environmental issues. He felt Shoreline could become a model of good design rather than following old techniques.

Deputy Mayor Fimia noted that Councilmember Way is the one who initiated the storm water charrette. She asked what the Commissioners are learning from the technical reports that will help the decision-making process.

Commissioner McClelland said the overall education will ultimately inform the process leading up to selection of the preferred alternative for the Aurora Corridor. She noted that the storm water element is particularly useful because it describes what is going on underneath the surface.

Commissioner Hall introduced Joe Tovar, Planning and Development Services Director, who highlighted the Planning Commission's 2010 Work Program.

Mr. Tovar said the 2010 Work Program is an attempt to show the long-term planning projects that require a near-term decision. It is also an attempt to refine some strategic points on the "Big Four" projects (City Hall, Aurora Avenue, Interurban Trail, and Heritage Park). He pointed out that some items in the Central Shoreline Area must precede others, and City investment in this area sends a strong message to the private market. He said the Commission is unsure whether the Council sees a role for them in the following projects: Town Center, City Hall, Aurora Corridor Project, and Council Goal #6.

Continuing, Mr. Tovar showed a slide of Town center projects and discussed the draft Strategic Points related to these projects, which were developed based on the "32 points" and the environmental discipline reports. They are written descriptively and are intended to help guide the Council's decisions; they include the following:

- In the design and furnishing of the four Town Center Projects, seek ways to create a sense of place and civic identity in Central Shoreline.

- Identify and incorporate “green infrastructure” principles and features .
- Identify and incorporate appropriate historic features and interpretation opportunities.
- Identify and incorporate distinctive architectural patterns found in the area, such as building and roof shapes, fenestration (windows), and building materials.
- Explore ways to overcome the barrier that Midvale creates between the City Hall and the Interurban.
- Do not open Stone Ave. N. through to N. 175th St.
- Provide visual and functional linkage between bus rapid transit stops in Aurora and other Town Center Projects.

Councilmember Way commented that based on what she’s heard so far, there seems to be many good ideas for improving the process for Aurora Corridor Phase 2. She suggested holding less formal workshops in the future so that more of a dialogue can be established between the City and the public. She asked the Commissioners for their thoughts on their role in creating environmental sustainability, noting that one of the reasons she supported the City Hall project was because she could see the open space opportunities.

Commissioners McClelland and Broili said that committee members identified several areas in which future phases of the Aurora Corridor Project process could be improved. They also concurred that less formal meetings could help create a dialogue and help the City get the feedback it needs. Regarding environmental sustainability, Commissioner Broili said one of the most poignant points made by the Cascade Land Conservancy is that if we create beautifully designed cities, then people won't want to "spread out over the landscape." He emphasized the importance of urban forest management and thanked Councilmember Way for her leadership on the storm water charrette.

Councilmember Gustafson thanked the Commissioners for the role they play. He said he is very interested in getting the Commission's input on the items that Mr. Tovar outlined, and wondered if the Commission also saw a role in those projects. Commissioners responded affirmatively.

Commissioner Hall said the Commission could do something different from the highly structured forums that usually accompany land use decisions in order to establish a dialogue. He said while the Commission’s reports might not take the form of formal recommendations, the Commission would be happy to act as an extension of the public outreach mechanism.

Councilmember Ryu thanked the Commissioners for their service and for their unique contributions, noting that it is a worthwhile service they provide. She said she appreciates Councilmember Way’s initiative in getting the storm water charrette process going, and she would also like to see one started for the Town Center projects. She emphasized the need for the Council to decide whether the various options and alternatives for the Town Center Project are worth the investment.

Councilmember McGlashan thanked the Planning Commission for their role and asked that they share their reports with the Council when members attend their various committee meetings. He said even if it's not a formal report, the advice and input they receive could be different from what the Council is hearing. He concurred that he would like to have the Commission play a role in Town Center, City Hall, Aurora Corridor, and Environmental Sustainability.

Deputy Mayor Fimia emphasized the need to get input from all stakeholders and to follow through quickly with necessary code changes. She concurred that the Planning Commission should play a role in the aforementioned projects and expressed a preference for the Commission to explore how the City can best utilize the Interurban Trail and its connections. She enumerated eight areas in which to analyze the Town Center projects: 1) design; 2) environmental issues; 3) housing; 4) transportation; 5) parking; 6) business; 7) safety; and 8) utilities. She stressed the need to ensure the City has a checklist as it proceeds through the "Big Four" projects, to work together, maximize investments, and implement the community vision. Noting the huge disconnect between the desired outcomes and what will happen as a result of regional transportation plans, she commented that she cannot approve more density without the transit to support it.

Mayor Ransom reported on some of the ideas and proposals expressed at the Ridgecrest Visioning Forum. He felt a proposal for a 20-story building seemed irrational because anything taller than four stories is inappropriate for that neighborhood. In addition, the intersection only gets about 5,000 cars per day. He added that anything above two stories is not very practical for retail businesses. He felt that a more appropriate location for Town Center would have been near Gateway Center or Fred Meyer, since N 175th Street and Aurora Avenue is more of the "heart of the City" and not a retail/commercial center. He also said the term "Town Center" evoked an extremely negative reaction from the public, so it should be used cautiously.

Councilmember Way thought it might be useful for the Planning Department to analyze city hall projects that were not particularly successful so the City can avoid making the same mistakes.

Councilmember Ryu concurred, pointing out that the City only has one chance to succeed. She appreciated the design principles proposed by staff regarding the Town Center project, adding that she doesn't have any strong objections to the terminology.

Deputy Mayor Fimia noted that she hears from people who want a City identity and a "sense of place." She felt there was no longer strong resistance to the term "Town Center" in the community but said it should be tested.

RECESS

At 8:57 p.m., Mayor Ransom called for a five minute recess. The Council meeting reconvened at 9:07 p.m.

(b) King County Medic One/Emergency Medical Services Levy

Marcus Kragness, Shoreline Fire Chief, provided the staff report on this item. He explained that the existing Medic One/Emergency Medical Services (EMS) levy will expire at the end of the year 2007 and King County is seeking voter authorization of a six-year Medic One/EMS levy of \$.30 per thousand dollars of assessed valuation for the period of 2008 through 2013. Shoreline's Medic One/EMS is provided by the Shoreline Fire Department, a separate taxing district within the City. The purpose of the EMS division is to increase survival and reduce pain and disability from out-of-hospital emergencies. The Fire Department provides two levels of medical care: Basic Life Support (BLS) and Advanced Life Support (ALS).

Chief Kragness described the region-wide effort to review the future needs of the emergency medical services system, which began in October of 2005 and involved the full range of Medic One/EMS Stakeholders. This review included the impacts that a specific levy type, length and rate might have on the regional system and taxpayers. The City of Shoreline participated in these discussions throughout the process and was represented as a Stakeholder on both the Technical Stakeholder and the Elected Official Committees. In October, 2006, Stakeholders developed consensus around the future funding and operational plans for a 2008-2013 Medic One/EMS levy and unanimously endorsed a six-year, \$.30 per thousand dollars of assessed value levy proposal. The 2008-2013 King County Emergency Medical Services Strategic Plan proposes the following:

- Full funding for ALS/Paramedic service -- it is anticipated that three new paramedic units are needed in order to maintain existing levels of service
- Additional funding for BLS services
- Continued funding for regional services/programs such as training with a continued emphasis on strategic initiatives
- Development of a reserve fund (this is currently the practice; this formalizes it)

He then described the financial impact of the levy passage, noting that if approved at \$.30 per \$1,000 assessed value, it would generate almost \$2 million in revenue from Shoreline rate payers. For the average homeowner (\$314,000) in Shoreline, this equates to approximately \$97 in 2008, about \$28 more than in 2007. The levy would provide approximately \$580,000 to the Department for BLS services. The additional BLS funding would allow the Department to continue the 12 hour staffing of a BLS Aid unit at station 65. In addition, King County Emergency Medical Services oversees the regional levy and administers a contract with the Shoreline Fire Department to provide ALS services. This contract is funded entirely by the countywide EMS levy, approximately \$3.8 million for 2007. The cities served by the Department's ALS program via the contract include Shoreline, Lake Forest Park, Kenmore and Bothell. Passage of the levy would allow for the ALS unit located in Lake Forest Park to convert from a 12-hour unit to a 24 hour unit. Likewise, this unit serves the east side of Shoreline.

Chief Kragness explained that if the City of Shoreline were to take no action or change the recommended action or adopt a resolution in opposition to the recommended action, it would prevent the measure from appearing on the ballot. This would result in no funding for EMS services in Shoreline and the rest of King County in 2008 and subsequent years. If the levy were to fail or if the Council does not adopt the recommended action, the Department would not be able to maintain ALS service without significant reduction in BLS and fire suppression services throughout Shoreline.

He concluded that staff recommends that the Council hold a public hearing on Resolution No. 267, authorizing the placement of the Technical Stakeholder Committee's recommendation for reauthorization of a countywide ballot proposition for the Medic One levy up to \$.30 per \$1,000 AV.

Councilmember Way asked if the department has initiated any efforts to try to reduce the demand for services. Chief Kragness noted that the department continually looks for ways to minimize the demand, largely through education. He noted that a nurse was staffed at one of the dispatch centers to screen calls to see if emergencies could be resolved before sending an aid vehicle. Also, having a highly skilled and trained EMT staff helps reduce the demand.

Responding to Deputy Mayor Fimia regarding how much Shoreline residents will pay into the levy if it passes, Chief Kragness estimated that residents will pay approximately \$2 million.

There was no one in the audience wishing to speak on this agenda item.

Councilmember Ryu commented on the concern some people have that a disproportionate amount of resources are used in responding to the growing number of calls from group homes and nursing homes. She asked if for-profit group homes could be taking advantage of the system.

Chief Kragness responded that calls are being tracked more closely and the department continues to provide training to caregivers. He added that this is an issue the department is following on a regional basis.

Councilmember Gustafson asked why a permanent levy is not being considered and what would happen in the event the levy fails. He also noted that the statistics on Cardiopulmonary Resuscitation (CPR) seem to indicate that chest compressions are more effective than breathing.

Chief Kragness said that a levy lid lift would be needed if a permanent levy is proposed, and the theory is that it might not be supported as much as an "all or nothing" vote every six years. He said if the levy fails, the ballot would be analyzed and it would likely be proposed again. However, if it failed a second time, it would be proposed by individual jurisdiction. He noted that Seattle is one of the resuscitation outcomes study areas, so the issue of CPR is being analyzed locally.

Councilmember Way wondered if an increase in mental health problems was the cause for increased service calls from group and nursing homes. She asked if the department uses surveys or focus groups to find out what the public wants.

Chief Kragness said although there is some anecdotal information, a thorough analysis of the data is needed to arrive at any firm conclusions. He said the department does not use focus groups but instead relies on the expertise of the people involved.

Councilmember McGlashan asked if the EMS levy has any bearing on fire response. Chief Kragness said the fire department is funded through a separate property tax levy; the last fire district levy was passed in 2005.

Deputy Mayor Fimia suggested that the City establish a formal process for studying the question of group/nursing homes as a separate issue from a levy lid lift. She expressed interest in working with the police and fire district to track these costs and investigate issues of training and staffing at group homes. She felt such an approach could help the City avoid larger levies in the future. Chief Kragness said that would be an excellent strategic initiative and he will take it back to King County for their consideration and input.

Mr. Olander concurred that group homes, senior homes, and drug rehabilitation homes pose countywide problems, so they could be addressed under a countywide, cost-prevention initiative.

Mayor Ransom commented on the importance of maintaining adequate paramedic services in the City and on the need for this levy. However, he advised against screening service calls too much because it could increase the response times. He pointed out that if the paramedic unit took 15 minutes to respond to his heart attack in 1997, he would not be alive today. He said while he understands the concerns about potential abuse by nursing homes, caregivers are required to follow HIPPA standards, which means under federal law they must call 911 in certain circumstances.

(c) Bond Projects Update

Dick Deal, Parks, Recreation and Cultural Services Director and Maureen Colaizzi, Parks Planner, provided an update on the Parks Bond projects. Mr. Deal provided the background on the passage of the parks bond in May 2006 and explained the public process for bond issue projects. He emphasized the importance of getting as much citizen input as possible and the plan to advertise the process using questionnaires, Channel 21, the City web site, e-mail, and postcards. Following open houses and consultation with the Parks Board, the final design will be created for the construction documents.

MEETING EXTENSION

At 10:00 p.m., Deputy Mayor Fimia moved to extend the meeting until 10:20 p.m. Councilmember Ryu seconded the motion, which carried 6-0.

Ms. Colaizzi provided updates and details of the various bond projects, including South Woods, SPU North Hamlin Property, Kruckeberg Garden, Twin Ponds Park, Richmond Beach Saltwater Park, Shoreline Center Tennis Court Lighting, Off-Leash Dog Park, Trail Corridors, City-wide Baseball/Softball Field Improvements, Hamlin Park Facility Upgrade Improvements, and Cromwell Park Improvements.

Mr. Deal noted that the funding to implement the bond projects totals \$18.5 million. He pointed out that the City is getting an additional \$300,000 from the Interagency Committee for Outdoor Recreation (IAC) for Richmond Beach Saltwater Park, and combined with other grants, the City has generated over \$2 million in additional funding. He noted that with the other pending grant applications, there is the potential to secure \$1-2 million in additional funding.

Ms. Colaizzi outlined the 2007 schedule and milestones for the various projects and noted that staff will provide another bond update in July, 2007.

Mayor Ransom called for public comment.

(a) Charles Brown, Shoreline, thanked the Council for acquiring the South Woods property and complimented the Trail Corridor Study Group for their work. He pointed out that the challenges and resources are significant, but he is amazed at the amount of talent there is to answer the challenges. He said the South Woods Preservation Group (SWPG) was a vehicle for public input, and it intends to continue in that role.

MEETING EXTENSION

At 10:22 p.m., Councilmember Ryu moved to extend the meeting until 10:35 p.m. Deputy Mayor Fimia seconded the motion, which carried 4-2, with Councilmembers Gustafson and McGlashan dissenting.

Councilmember Way encouraged staff to be conscious of Hamlin Creek when it commences on the Hamlin Park upgrades. She noted that between the City's project and the School District's project nearby, there may be additional flows added to Hamlin Creek. She also asked that the Cromwell Park wetland delineation consider the depth of the fill that's already there and the potential for wetland that lies beneath. She also requested that the whole group involved in the off-leash dog park issue be notified of upcoming actions.

Ms. Colaizzi and Mr. Deal noted that a scientific process will be used and the final project will feature increased storm water capacity. Mr. Deal said that staff has maintained an e-mail address book on the off-leash dog park group, so everyone involved will be informed.

Councilmember Ryu asked if it would make sense to include Shoreline Community College in the off-leash dog park discussion. Mr. Deal said he is in communication with the college on this very issue.

Deputy Mayor Fimia agreed with the overall public process but suggested creating more opportunities for interaction between citizens. She noted that although open houses are good, the citizen-to-staff interactions should be balanced with citizen-to-citizen interactions. She asked that connections to businesses and signage be considered in the analysis of trail corridors. She suggested allowing businesses to put up signage or installing businesses signage in exchange for services. She also asked about the potential for a stream or creek in Cromwell Park.

Mr. Deal said the Trails Study Group is very enthusiastic and will be identifying many signage opportunities. He said staff and consultants will explore the options for a stream/creek within the context of the storm water component of the Cromwell Park project.

Mayor Ransom suggested postponing the previous motion regarding the Council Subcommittee to review Parks Board applications until next week's meeting. There was Council consensus to do so.

7. ADJOURNMENT

At 10:35 p.m., Mayor Ransom declared the meeting adjourned.

Scott Passey, CMC
City Clerk

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Approval of Expenses and Payroll as of April 12, 2007
DEPARTMENT: Finance
PRESENTED BY: Debra S. Tarry, Finance Director *DR*

EXECUTIVE / COUNCIL SUMMARY

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

RECOMMENDATION

Motion: I move to approve Payroll and Claims in the amount of \$1,767,754.01 specified in the following detail:

***Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
03/11/07-03/24/07	3/30/2007	18329-18513	6174-6218	32242-32251	\$448,495.65
					<u>\$448,495.65</u>

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
3/27/2007	32183		\$2,891.26
3/27/2007	32184	32197	\$23,666.31
4/3/2007	32198	32200	\$25,487.66
4/5/2007	32201	32210	\$95,629.81
4/5/2007	32211	32241	\$268,776.96
4/5/2007	32252	32256	\$753,580.35
4/5/2007	32257	32278	\$108,453.61
4/10/2007	32279	32281	\$385.00
4/12/2007	32282	32294	\$7,907.97
4/12/2007	32295	32309	\$32,479.43
			<u>\$1,319,258.36</u>

Approved By: City Manager _____ City Attorney _____

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CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Ordinance Amending Speed Limits
DEPARTMENT: Public Works
PRESENTED BY: Mark Relph, Director of Public Works
Jesus Sanchez, Operations Manager
Rich Meredith, City Traffic Engineer

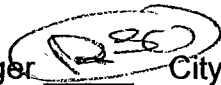
PROBLEM/ISSUE STATEMENT

This report is a follow up to the staff report presented at the City Council meeting of January 7, 2007. At that meeting, council directed staff to return with an ordinance amending the speed limits of the street segments discussed in that staff report, with the exception of N 172nd St. The attached Ordinance 459 amends the speed limits as directed by the City Council.

RECOMMENDATION

Staff recommends that Council adopt Ordinance 459 specifying the speed limits on selected roadways in the City of Shoreline.

Approved By:

City Manager 

City Attorney 

ORDINANCE NO. 459

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON,
AMENDING THE SPEED LIMITS ON CERTAIN CITY STREETS AND
AMENDING SECTION 10.20.010 OF THE SHORELINE MUNICIPAL CODE**

WHEREAS, WAC 308-330-423, as adopted by Shoreline Municipal Code 10.20.010, authorizes the City to decrease and increase maximum speed limits on City streets after an engineering and traffic investigation by the traffic engineer; and

WHEREAS, the City Council considered the engineering and traffic investigation on July 17, 2006 and January 8, 2007;

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

Section 1. Shoreline Municipal Code Section 10.20.010, Speed Limits, is hereby amended to read as follows:

WAC 308-330-423 is adopted to establish rules governing motor vehicle speed within the city; provided that the speed limit for all streets within the city shall be 25 miles per hour, except as designated below:

A. 30 Miles Per Hour

NW 196th Street from 23rd Avenue NW to 20th Avenue NW

NW 195th Street from 20th Avenue NW to 15th Avenue NW

NW Innis Arden Way from Greenwood Avenue North to Dayton Avenue North

NW Richmond Beach Road from 15th Avenue NW to 8th Avenue NW

North 160th Street from Greenwood Avenue North to 10th Avenue NW

North 175th Street from Fremont Avenue North to Aurora Avenue North

North 185th Street from Fremont Avenue North to 1st Avenue NE

North 150th Street from 15th Avenue NE to 25th Avenue NE

NE 168th Street from 15th Avenue NE to 25th Avenue NE (south leg)

NE 175th Street from 15th Avenue NE to 22nd Avenue NE

NE 185th Street from 1st Avenue NE to 10th Avenue NE

8th Avenue NW from NW 180th Street to NW Richmond Beach Road

8th Avenue NW from NW Richmond Beach Road to the northerly city limits (NW 205th Street)

Greenwood Avenue North from NW Innis Arden Way to North Carlyle Hall Road

Fremont Avenue North from North 165th Street to the northerly city limits (North 205th Street)

Ashworth Avenue North from North 155th Street to North 200th Street

1st Avenue NE from the southerly city limits (NE 145th Street) to NE 155th Street

3rd Avenue NW from Richmond Beach Road NW to the northerly city limits (NW 205th Street)

5th Avenue NE from the southerly city limits (NE 145th Street) to the northerly city limits (NE 205th Street).

10th Avenue NE from NE ~~175th Street~~ ~~155th Street~~ to NE 190th Street

24th Avenue NE from 15th Avenue NE to 25th Avenue NE
25th Avenue NE from the southerly city limits (NE 145th Street) to NE 178th Street

B. 35 Miles Per Hour

NW Innis Arden Way from 10th Avenue NW to Greenwood Avenue North
NW Richmond Beach Road from 8th Avenue NW to Fremont Avenue North
~~North 185th Street from Fremont Avenue North to 1st Avenue NE~~
~~NE 185th Street from 1st Avenue NE to 10th Avenue NE~~
North 175th Street from Aurora Avenue North to Interstate 5
NE 175th Street from Interstate 5 to 15th Avenue NE
North 160th Street from Dayton Avenue North to Aurora Avenue North
North 155th Street from Westminster Way North to 1st Avenue NE
NE 155th Street from 1st Avenue NE to 15th Avenue NE
~~8th Avenue NW from NW Richmond Beach Road to the northerly city limits (NW 205th Street).~~
~~3rd Avenue NW from NW Richmond Beach Road to the northerly city limits (NW 205th Street)~~
Greenwood Avenue North from the southerly city limits (North 145th Street) to NW Innis Arden Way
Westminster Way North from Greenwood Avenue North to Aurora Avenue North
Dayton Avenue North from Westminster Way North to NW Richmond Beach Road
Meridian Avenue North from the southerly city limits (North 145th Street) to the northerly city limits (North 205th Street).
1st Avenue NE from NE 195th Street to the northerly city limits (NE 205th Street).
15th Avenue NE from the southerly city limits (NE 145th Street) to NE 175th Street
15th Avenue NE from NE 180th Street to the northerly city limits (NE 205th St)
~~24th Avenue NE from 15th Avenue NE to the easterly city limits (25th Avenue NE)~~

C. 40 Miles Per Hour

Aurora Avenue North from the southerly city limits (North 145th Street) to the northerly city limits (North 205th Street).

D. 45 Miles Per Hour [Reserved]

Section 2. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date and Publication. This ordinance, or a summary thereof, shall be published in the official newspaper of the City, and shall take effect five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL ON APRIL 23, 2007.

Mayor Robert L. Ransom

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian R. Sievers
City Attorney

Date of Publication:
Effective Date:

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Resolution Amending the Transportation Master Plan
DEPARTMENT: Public Works
PRESENTED BY: Mark Relph, Director of Public Works
Jesus Sanchez, Operations Manager
Rich Meredith, City Traffic Engineer

PROBLEM/ISSUE STATEMENT

The Transportation Master Plan, published November 2004 and filed in the City Clerk's Office under Clerk's Receiving Number 3477, incorrectly reflected Ashworth Avenue North between N 145th St and N 155th St as a continuous street, and had changed the classification of Ashworth Avenue North to a Neighborhood Collector.

Ashworth Ave N has a section of undeveloped right of way just south of N 152nd St that is not open to vehicular traffic. Average daily traffic (ADT) volumes on Ashworth Ave N south of N 152nd Street are around 300 vehicles, and around 1400 north of N 152nd St. The posted speed limit is 25 MPH, and the land use on both sides of Ashworth Ave N is primarily single family residential. Based on this information, the roadway of Ashworth Ave N between N 145th St and N 155th St would be more appropriately classified as a "Local Street" instead of a "Neighborhood Collector"

RECOMMENDATION

Staff recommends that Council adopt the Resolution 256 amending figure 6.1 of the Transportation Master Plan to show the street classification of Ashworth Ave N between N 145th St and N 155th St as a "Local Street".

Approved By:

City Manager 

City Attorney Fpe

RESOLUTION NO. 256

**A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON, AMENDING
RESOLUTION NO. 234 AMENDING THE TRANSPORTATION MASTER PLAN
TO RECLASSIFY ASHWORTH AVENUE NORTH FROM NORTH 152nd STREET
TO NORTH 155th STREET TO LOCAL STREET**

WHEREAS, the City's Transportation Master Plan was adopted on July 11, 2005;
and

WHEREAS, the Transportation Master Plan shows Ashworth Avenue North as a
continuous route from NE 145th Street to North 155th Street; and

WHEREAS, Ashworth Avenue North does not exist from North 150th Street to
North 152nd Street; and

WHEREAS, federal and state guidelines require that streets be classified to reflect
their pattern of daily traffic volume; and

WHEREAS, the Transportation Master Plan classifies Ashworth Avenue North
from NE 145th Street to North 200th Street as a Neighborhood Collector street; and

WHEREAS, the Transportation Master Plan defines Neighborhood Collector
Arterials as arterials assembling traffic from the interior of an area or community and
delivering it to the closest Minor or Principal Arterial; and

WHEREAS, Ashworth Avenue North from NE 145th Street to North 150th and from
North 152nd to North 155th is more accurately classified as a Local Street as it provides
local access to residential areas;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF SHORELINE, WASHINGTON AS FOLLOWS:**

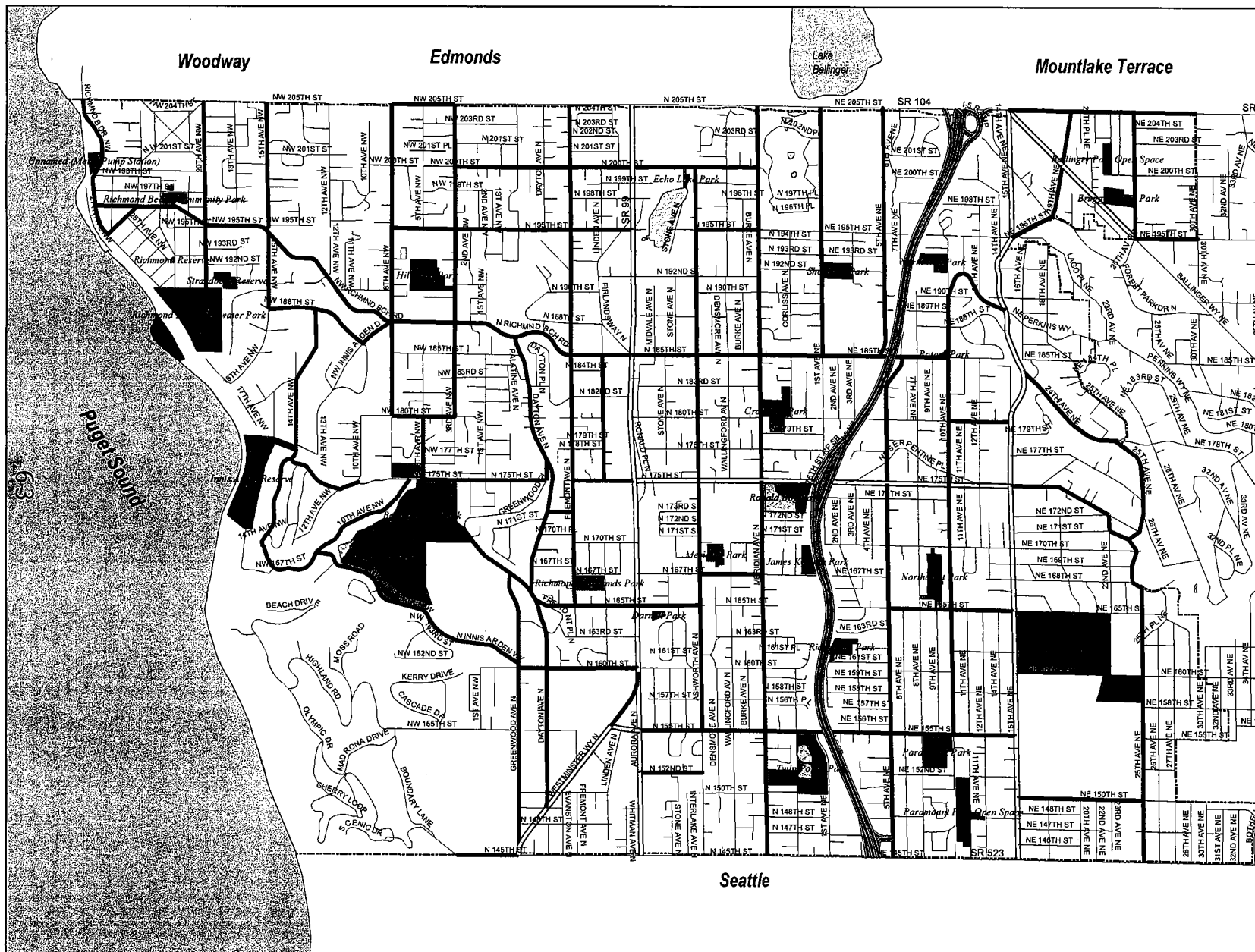
Section 1. Plan Amended. The Transportation Master Plan, published November 2004 and
filed in the City Clerk's Office under Clerk's Receiving Number 3477, is hereby amended
to accurately reflect Ashworth Avenue North between North 145th Street and North 155th
Street as a non-continuous street, and to change the classification of Ashworth Avenue
North from NE 145th Street to North 150th Street and from North 152nd Street to North
155th Street from Neighborhood Collector to Local Street, as provided in Exhibit A.

ADOPTED BY THE CITY COUNCIL ON APRIL 23, 2007.

Mayor Robert L. Ransom

ATTEST:

Scott Passey
City Clerk



SHORELINE

Geographic Information System

Street Classification

Updated:
April 23, 2007

Legend

- Outside Shoreline
- Interstate
- Principal Arterial
- Minor Arterial
- Collector Arterial
- Neighborhood Collector
- Local Street

0 600 1,200 2,400 3,600
1 inch equals 1,929 feet



City of Shoreline
Mark J. Reiph, Public Works Director
Rich Meredith, City Traffic Engineer
17544 Midvale Ave N
Shoreline, WA 98133
(206) 546-1700
www.cityofshoreline.com

Map Date: March 2007
No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product.

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CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorize City Manager to Release Washington Department of Transportation Slope and Sidewalk Easements for Certain Real Properties at 14825, 16300, and 16310 Aurora Avenue North.
DEPARTMENT:	City Attorney, Public Works
PRESENTED BY:	Ian Sievers, City Attorney

PROBLEM/ISSUE STATEMENT:

During the preliminary design and right-of-way stage of the Aurora Corridor Project, North 145th Street – North 165th Street, it was discovered that the Washington State Department of Transportation ("WSDOT") held slope and sidewalk easements on the Pierre property (14825 Aurora Avenue North), Shoreline Family Auto property owned by Neal E. Vonada, et. al. (16310 Aurora Ave.), and on property owned by Vincent Vonada, et. al. (16300 Aurora Ave.). The property owners have requested release of the easements and neither WSDOT nor the City has a need for the easements. In order to release the easements, both WSDOT and the City must quitclaim the easements back to the property owners.

ANALYSIS:

In 1948, WSDOT secured easements on the properties located at 14825, 16300 and 16310 Aurora Avenue North for the purpose of constructing and maintaining highway slopes and sidewalk areas in the excavation and/or embankment of land for road purposes. During the preliminary design and right-of-way stage of the Aurora Corridor Project, North 145th Street – North 165th Street, the property owners requested release of the easements. WSDOT has indicated to the City that they no longer have a need for the easements, and have signed off on quit claim deeds for all three properties in order to release the easements. The City has no need for the easements located on 16300 and 16310 Aurora Avenue North. The City does have a need for a small portion of the easement located on 14825 Aurora Avenue North. The City has located a illumination control box on a small area of the easement area (1.8 feet by 4.5 feet) at this address in order to keep the lights on Aurora operational. Thus, the quitclaim deed for 14825 Aurora Avenue North releases the easement, except for the small portion described above.

Although the Shoreline Municipal Code authorizes the City Manager to *purchase* property for under \$10,000 or \$50,000, if part of an approved CIP project, the Code does not address *release* of surplus real property. The City Attorney's Office will work on drafting an ordinance addressing thresholds for the release of surplus real property interests, but, in the meantime, the City Council must give the authority to the City

Manager to execute the quit claim deeds for 14825, 16300 and 16310 Aurora Avenue North in order to release the easements.

There are no required State proceedings for vacating city property interests except utility property and street rights-of-way. As with right-of-way vacation, compensation may be charged but is not required where the vacation of city property benefits the public. Here, the slope easements are no longer needed as a means of constructing Aurora. Retaining walls now replace slope easements and affect the City's policy of allowing buildings up to the back of the sidewalk after final design and construction. This policy of removing building setbacks is frustrated if slope easements remain. The City benefits from higher property utilization in redevelopment and increased taxes. Further, although the State acquired the easements, they have not requested compensation.

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to sign quit claim deeds fully releasing the slope and sidewalk easements for 16300 and 16310 Aurora Avenue North and partially releasing the slope and sidewalk easement for 14825 Aurora Avenue North.

Approved By: City Manager  City Attorney *Fpc*

ATTACHMENTS

- Attachment A – Original 1948 Easements for Vonada properties
- Attachment B - Quitclaim Deed for 14825 Aurora Avenue North
- Attachment C – Quitclaim Deed for 16300 Aurora Avenue North
- Attachment D – Quitclaim Deed for 16310 Aurora Avenue North

ATTACHMENT A

Esmt Jun 14 48

3811293

May 12 48 \$1.00

In the Matter of Primary State Highway No. 1, N 115th St. to N 160th St.

Eugenia H. Purdy and George A. Purdy, her hus
to State of Washington

2753
370

fp do grant and war to sp the perpetual right, permit, license and esmt to use and occupy the hrinftr des lands for the purpose of constructing and maintaining highway slopes and sidewalk areas in the excavation and/or embankment ad lands being sit in kow and daf:

A strip of land 10 ft wide, pll and contiguous to the E right of way line of Primary State Highway No. 1 and being tht prt of the hrinftr des tr of land lying and being W of a line drawn plw and distant 55 ft WE when measured at right angles with the center line survey of sd Primary State Highway No. 1 frm Highway Engineer Survey Station 133+50 to Station 138+00 as survey over and across sd des iz tr of land.

The hrinftr mentioned tr of land is daf:

The S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of sect 19 twp 26 N R 4 E W.M.

It is agreed betw prtias tht any dirt removed in abv mentioned operation shall be places in the low spots of blk frm which dirt is removed This to be at the option of fp and without expense to them.

The specific details concerning all of which are to be found withir tht certain map of definite location now of rec and on file in the office of the Director of Highways at Olympia, wn and bearing date of approval Mar 19 48

Eugenia H. Purdy
George A. Purdy

kow May 12 48 by Eugenia H. Purdy and George A. Purdy bf S.M.Ament
np for wn res ~~Ex~~ Mercer Island (ns May 19 51) M1 sp in kc

Esmt Jun 14 48

3811294

May 14 48 \$1.00

In the Matter of Primary State Highway No. 1 N 115th St to N 160th St kow

West & Wheeler, a wn corp
to State of Washington

2753
372

--sm frm as 293--

A strip of land 15 ft in width lying and being plw and contiguous to the Ely r/w line of Aurora Ave and being all tht prt lying Wly of a line drawn plw and 50 ft distant Ely when measured at righ angles frm the center line survey of sd Primary State Highway No. 1 N 115th St to N 160th St kc as surveyed over and across tht prt of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of sect 18 twp 26 N R 4 E W.M. lying E of the E line of Aurora Ave and Wly of th Pacific Northwest Traction Company r/w Except the S 430 ft throl and Except the N 30 ft eyed to kc for rd purposes

Total acreage covered in this esmt approx. 0.12 acres

The specific--bal of frm sm down to sign--

Mar 19 48-- West & Wheeler

J. W. Wheeler, xpres

cp sl

Walter R. Davis, secy

kow May 14 48 by J.W.Wheeler and Walter R. Davis pres and secy of abv sd corp (cf) bf P.A. Schaeffer np for wn res S (ns Jul 25 50) M1 sp in kc

AFTER RECORDING RETURN TO:

Shoreline City Clerk
17544 Midvale Avenue N
Shoreline, WA 98133-4921

Title: Quitclaim Deed

Reference Number of Related Documents: 3848270

Grantors: State of Washington and City of Shoreline

Grantee: Pierre Associates, L.L.C.,

Legal Description: GOLF CLUB ACRES UNREC PP ACT 39961347 MOBILE HOME POR SE 1/4 OF SW 1/4 STR 18-26-4 DAF - BAAP 45 FT W & N1-31-03 W 862 FT FROM SE COR SD SW 1/4 TH S 89-28-44 W 230 FT TH N 1-31-03 W 100 FT TH N 89-28-44 E 230 FT TH S 1-31-03 E 100 FT TO POB LESS POR RD PER REC # 20060614002652

Tax Parcel ID #: 282710-0020

QUITCLAIM DEED

WHEREAS, THE STATE OF WASHINGTON and the CITY OF SHORELINE, as holders of that certain Easement recorded October 22, 1948, under King County Auditor's File No. 3848270, have received a request to relinquish all right, title and interest in and to that portion of said Easement adjoining the property as described herein.

NOW, THEREFORE, the STATE OF WASHINGTON, DEPARTMENT OF TRANSPORTATION, and the CITY OF SHORELINE, Grantors, for and in consideration of relinquishing said Easement as described herein, and, pursuant to RCW 42.24.020(15), hereby convey and quitclaim unto Pierre Associates, L.L.C., Grantee, all right, title, and interest in and to the following described real property situated in King County, State of Washington, hereinafter referred to as "Parent Parcel," except for the portion described in Exhibit A and depicted in Exhibit B:

GOLF CLUB ACRES UNREC PP ACT 39961347 MOBILE HOME POR
SE 1/4 OF SW 1/4 STR 18-26-4 DAF - BAAP 45 FT W & N1-31-03 W
862 FT FROM SE COR SD SW 1/4 TH S 89-28-44 W 230 FT TH N 1-
31-03 W 100 FT TH N 89-28-44 E 230 FT TH S 1-31-03 E 100 FT TO
POB LESS POR RD PER REC # 20060614002652

The specific details concerning all of which may be found on sheet 6 of that certain plan entitled SR 99, Seattle North to Linwood no. 115th St. to No. 160th St., now of record and on

file in the office of the Secretary of Transportation at Olympia, Washington, bearing date of approval March 19, 1948.

Subject to all existing encumbrances, including easements, restrictions and reservations, if any.

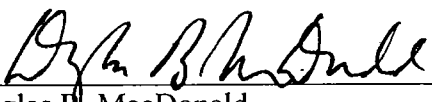
The lands herein described are not required for State highway purposes and are conveyed pursuant to the provisions of RCW 47.12.063 and RCW 47.24.020(15).

Dated at Olympia, Washington, this _____ day of _____, 20____.

CITY OF SHORELINE

STATE OF WASHINGTON

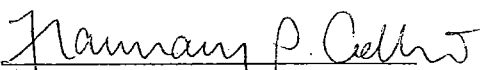
Robert L. Olander
City Manager



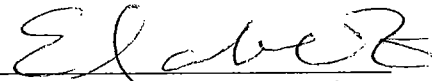
Douglas B. MacDonald
Secretary of Transportation

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: 

Assistant City Attorney

By: 

Assistant Attorney General

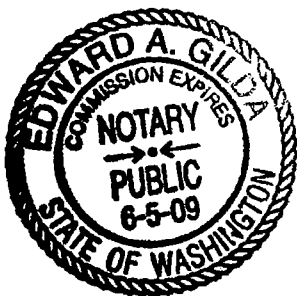
STATE OF WASHINGTON)

) : ss

County of Thurston)

On this 27th day of March, 2007, before me personally appeared Douglas B. MacDonald, known to me as the Secretary of Transportation, Washington State Department of Transportation, and executed the foregoing instrument, acknowledging said instrument to be the free and voluntary act and deed of the State of Washington, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

Given under my hand and official seal the day and year last above written.



Edward A. Gilda

Notary (print name) Edward A. Gilda

Notary Public in and for the State of Washington,
residing at Ridgely

My Appointment Expires 6-5-09

STATE OF WASHINGTON)

: ss.

County of)

On this _____ day of _____ before me personally appeared Robert L. Olander, known to me as the City Manager of the City of Shoreline, Washington who executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said City, for the uses and purposes therein mentioned, and each on oath stated that he was authorized to execute said instrument.

GIVEN under my hand and official seal the day and year last above written.

Notary (print name) _____ Notary
Public in and for the State of Washington, residing at

My Appointment Expires _____

EXHIBIT A
EASEMENT FROM PARCEL NO. 2827100020

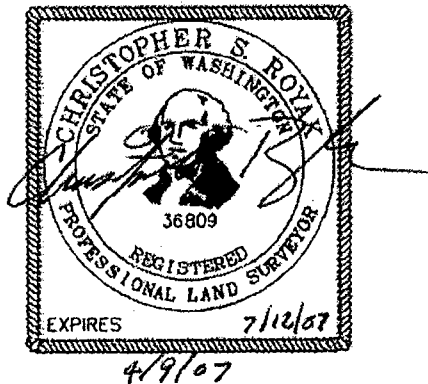
A portion of the below described Parent Parcel, as described in Statutory Warranty Deed, Auditor's File Number 9601160931, lying within the southeast quarter of the southwest quarter of Section 18, Township 26 North, Range 4 East, W.M., City of Shoreline, King County, Washington, described as follows:

Beginning at the southeast corner of above said parcel, being on the west line of the east 45 feet of said subdivision; thence along the south line of said parcel South 89°28'44" West, 5.51 feet to a point on a non-tangent curve, from which the radius point bears South 87°52'12" West; thence along a 8945.50-foot radius curve to the left, with a central angle of 00°18'13", an arc distance of 47.40 to the TRUE POINT OF BEGINNING; thence continuing along said 8945.50-foot radius curve to the left, with a central angle of 00°01'55", an arc distance of 5.00 ft; thence South 89°08'52" West, 2.00 feet to a point on a non-tangent curve, from which the radius point bears South 89°08'44" West; thence along a 8943.50-foot radius curve to the right, with a central angle of 00°01'55", an arc distance of 5.00 feet; thence North 89°10'43" East, 2.00 feet to the TRUE POINT OF BEGINNING, containing 10 square feet, more or less.

SURVEYORS NOTE:

The center line of Aurora Ave North is based on the Right of Way plans titled Aurora Avenue North Multimodal Corridor Project, N 145th Street – N 165th Street, on file with the City of Shoreline, Public Works.

4/9/2007



PARENT PARCEL

Beginning at a point which bears from the south quarter corner of Section 18, Township 26 North, Range 4 East, W.M., in King County, Washington, south $89^{\circ}28'44''$ west 45.00 feet and north $1^{\circ}31'03''$ west 862.00 feet;

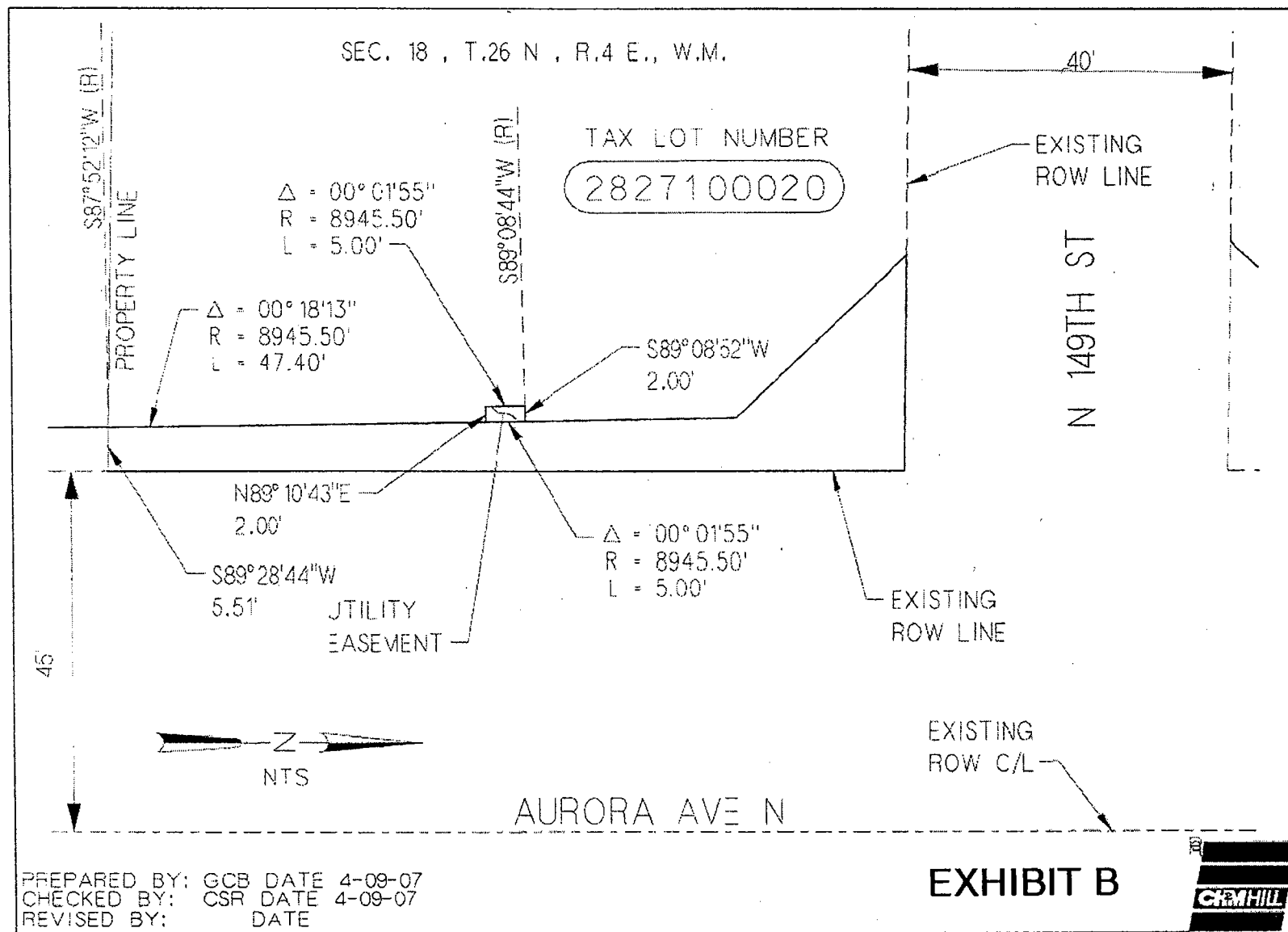
Thence south $89^{\circ}28'44''$ west 230.00 feet;

Thence north $1^{\circ}31'03''$ west 100.00 feet;

Thence north $89^{\circ}28'44''$ east 230.00 feet;

Thence south $1^{\circ}31'03''$ east 100.00 feet to the TRUE POINT OF BEGINNING;

(ALSO KNOWN AS Tract 4, Golf Club Acres, according to the unrecorded plat thereof).



FILE NAME: parcel307.dlv 09-APR-2007 14:26:27

AFTER RECORDING RETURN TO:

Shoreline City Clerk
17544 Midvale Avenue N
Shoreline, WA 98133-4921

Title: Quitclaim Deed

Reference Number of Related Documents: 3811294

Grantors: State of Washington and City of Shoreline

Grantee: Vincent Vonada, Francesca Joan Benoit, husband and wife, and Neal E. Vonada, as Personal Representative of the Estate of Joan M. Vonada, deceased BCO, INC., a Washington corporation

Legal Description (abbreviated): NW NE 18-26-04

Tax Parcel ID #: 1826049208

QUITCLAIM DEED

WHEREAS, THE STATE OF WASHINGTON and the CITY OF SHORELINE, as holders of that certain Easement recorded June 14, 1948, under King County Auditor's File No. 3811294, have received a request to relinquish all right, title and interest in and to that portion of said Easement adjoining the property as described herein.

NOW, THEREFORE, the STATE OF WASHINGTON, DEPARTMENT OF TRANSPORTATION, and the CITY OF SHORELINE, Grantors, for and in consideration of relinquishing said Easement as described herein, and, pursuant to RCW 42.24.020(15), hereby convey and quitclaim unto Vincent Vonada, Francesca Joan Benoit, husband and wife, and Neal E. Vonada, as Personal Representative of the Estate of Joan M. Vonada, deceased BCO, INC., a Washington corporation, Grantee, all right, title, and interest in and to the following described real property situated in King County, State of Washington:

Lot 2, King County Short Plat Number 382075, recorded under Recording Number 8206300807; said short plat being a portion of the northwest quarter of the northeast quarter of Section 18, Township 26 North, Range 4 East, W.M., in King County, Washington; EXCEPT the west 5 feet thereof conveyed to the State of Washington for road purposes by deed recorded under Recording Number 8605010776

The specific details concerning all of which may be found on sheet 9 of that certain plan entitled SR 99, Seattle North to Linwood no. 115th St. to No. 160th St., now of record and on file in the office of the Secretary of Transportation at Olympia, Washington, bearing date of approval March 19, 1948.

Subject to all existing encumbrances, including easements, restrictions and reservations, if any.

The lands herein described are not required for State highway purposes and are conveyed pursuant to the provisions of RCW 47.12.063 and RCW 47.24.020(15).

Dated at ~~Olympia~~ ^{Shoreline}, Washington, this _____ day of _____, 20__.

CITY OF SHORELINE

STATE OF WASHINGTON

Robert L. Olander
City Manager

Douglas B. MacDonald
Secretary of Transportation

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____
Assistant City Attorney

By: _____
Assistant Attorney General

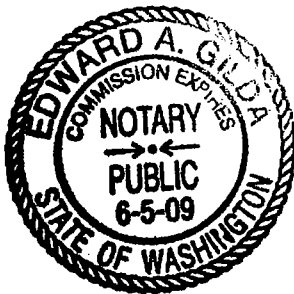
STATE OF WASHINGTON)

): ss

County of Thurston)

On this 27th day of March, 2007, before me personally appeared Douglas B. MacDonald, known to me as the Secretary of Transportation, Washington State Department of Transportation, and executed the foregoing instrument, acknowledging said instrument to be the free and voluntary act and deed of the State of Washington, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

Given under my hand and official seal the day and year last above written.



Edward A. Gilda

Notary (print name) Edward A. Gilda

Notary Public in and for the State of Washington,
residing at Ridgely

My Appointment Expires 6-5-09

STATE OF WASHINGTON)

: ss.

County of)

On this _____ day of _____ before me personally appeared Robert L. Olander, known to me as the City Manager of the City of Shoreline, Washington who executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said City, for the uses and purposes therein mentioned, and each on oath stated that he was authorized to execute said instrument.

GIVEN under my hand and official seal the day and year last above written.

Notary (print name) _____ Notary
Public in and for the State of Washington, residing at

My Appointment Expires _____

AFTER RECORDING RETURN TO:

Shoreline City Clerk
17544 Midvale Avenue N
Shoreline, WA 98133-4921

Title: Quitclaim Deed

Reference Number of Related Documents: 3811294

Grantors: State of Washington and City of Shoreline

Grantee: Neal E. Vonada, who also appears as record as Neal Vonada, as his separate estate, and Vicky V. Turner and Brett McCallum, as Co-Trustees of the Jan C. Vonada Marital Trust FBO Neal E. Vonada

Legal Description (abbreviated): Ptn NW ¼ of NE ¼ of Sec 18, Twp 26 N, Rng 4 EWM

Tax Parcel ID #: 1826049368

QUITCLAIM DEED

WHEREAS, THE STATE OF WASHINGTON and the CITY OF SHORELINE, as holders of that certain Easement recorded June 14, 1948, under King County Auditor's File No. 3811294, have received a request to relinquish all right, title and interest in and to that portion of said Easement adjoining the property as described herein.

NOW, THEREFORE, the STATE OF WASHINGTON, DEPARTMENT OF TRANSPORTATION, and the CITY OF SHORELINE, Grantors, for and in consideration of relinquishing said Easement as described herein, and, pursuant to RCW 42.24.020(15), hereby convey and quitclaim unto Neal E. Vonada, who also appears as record as Neal Vonada, as his separate estate, and Vicky V. Turner and Brett McCallum, as Co-Trustees of the Jan C. Vonada Marital Trust FBO Neal E. Vonada, Grantee, all right, title, and interest in and to the following described real property situated in King County, State of Washington:

That portion of the northwest quarter of the northeast quarter of Section 18, Township 26 North, Range 4 East, W.M., in King County, Washington, lying east of the east margin of Aurora Avenue North as established by deed recorded under Recording Number 8605010776, and lying west of the west line of the Pacific Northwest Traction Co., right of way, and lying south of the north 430 feet of said northwest quarter of the northeast quarter, and lying north of the south 699 feet of said northwest quarter of the northeast quarter

The specific details concerning all of which may be found on sheet 9 of that certain plan entitled SR 99, Seattle North to Linwood no. 115th St. to No. 160th St., now of record and on file in the office of the Secretary of Transportation at Olympia, Washington, bearing date of approval March 19, 1948.

Subject to all existing encumbrances, including easements, restrictions and reservations, if any.

The lands herein described are not required for State highway purposes and are conveyed pursuant to the provisions of RCW 47.12.063 and RCW 47.24.020(15).

Dated at ~~Olympia~~ ^{Shoreline}, Washington, this _____ day of _____, 20____.

CITY OF SHORELINE

Robert L. Olander
City Manager

STATE OF WASHINGTON

Douglas B. MacDonald
Secretary of Transportation

APPROVED AS TO FORM:

By: *Norman F. Cullen*
Assistant City Attorney

APPROVED AS TO FORM:

By: *Elaine R*
Assistant Attorney General

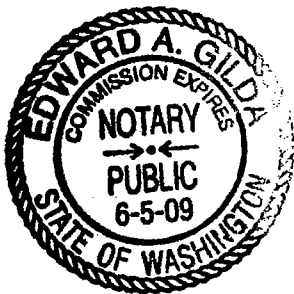
STATE OF WASHINGTON)

) : ss

County of Thurston)

On this 27th day of March, 2007, before me personally appeared Douglas B. MacDonald, known to me as the Secretary of Transportation, Washington State Department of Transportation, and executed the foregoing instrument, acknowledging said instrument to be the free and voluntary act and deed of the State of Washington, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

Given under my hand and official seal the day and year last above written.



Edward A. Gilda

Notary (print name) Edward A. Gilda

Notary Public in and for the State of Washington,
residing at Ridgeland

My Appointment Expires 6-5-09

STATE OF WASHINGTON)

: ss.

County of)

On this _____ day of _____ before me personally appeared Robert L. Olander, known to me as the City Manager of the City of Shoreline, Washington who executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said City, for the uses and purposes therein mentioned, and each on oath stated that he was authorized to execute said instrument.

GIVEN under my hand and official seal the day and year last above written.

Notary (print name) _____ Notary
Public in and for the State of Washington, residing at

My Appointment Expires _____

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CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Public Hearing and Adoption of Revisions to the Community Development Block Grant Action Plan and Adoption of Ordinance No. 467 appropriating \$150,000 to the Capital Improvement Plan Budget and \$90,000 to the General Fund
DEPARTMENT:	Community Services Division
PRESENTED BY:	Rob Beem, Manager, Community Services Division

PROBLEM/ISSUE STATEMENT:

The City administers its Community Development Block Grant funding in partnership with King County. In previous years the City was allowed to carry forward a balance in the Home Repair Fund. This balance now stands at \$315,216. The Department of Housing and Urban Development regulations and the terms of the new Interlocal Agreement signed in 2006 governing this partnership require the City to "reprogram" these funds for another other eligible purpose(s).

To effect this reprogramming the City Council must hold a public hearing to take citizen testimony on the proposed use of the funds and ultimately approve the change in use of the funds. To use the funds as recommended by staff the City Council will need to appropriate these Community Development Block Grant revenues for the intended purpose by adopting an Ordinance No. 467 amending the 2007 Budget.

OPTIONS:

Staff recommends that the funds be reprogrammed to add funding to two existing successful CDBG projects: \$150,000 for curb ramps and \$90,000 for minor home repair. The balance of the funding, \$75,216, is recommended to be used to support any capital funding that the Council may use to implement the recommendations of the Comprehensive Housing Strategy Citizen's Advisory Committee. This balance will be appropriated if necessary as specific projects are determined.

FINANCIAL IMPACT:

This action will increase the Human Services budget by a total of \$90,000 and the Capital Budget by \$150,000. There are sufficient revenues from the Community Development Block Grant to fully fund this recommendation.

RECOMMENDATION

Staff recommends that the City Council hold a public hearing on the proposed reprogramming of \$315,216 in Community Development Block Grant funds, adopt the staff recommendation for use of the CDBG funds and approve Ordinance No. 467.

Approved By: City Manager  City Attorney _____

INTRODUCTION

The City of Shoreline receives an annual allocation of federal Community Development Block Grant (CDBG) funds. These funds may be used for a finite set of activities which meet a set of national objectives. Shoreline uses these funds to meet the national objective of, "principally benefiting low and moderate income citizens." The CDBG support for human services agency operations is decided every other year as a part of the bi-annual Human Services Allocation process. The CDBG support for capital funding is decided on an annual basis. And from time to time, the CDBG funding plan is amended to address changes in funding levels or to accommodate programmatic shifts. The latter is called, "reprogramming." The City now has a balance of \$315,216 in its CDBG fund that was initially planned to support our Major Home Repair Program which must be reprogrammed to support different eligible capital projects.

BACKGROUND

New Funding Formula

In 2005, the City and King County entered a new Interlocal Agreement for the operation of the CDBG Program. This new agreement changed the way the Major Home Repair Program is funded. In prior years the City annually set a funding level for this program. Annual funding levels varied from \$70,000 to \$200,000. The new agreement sets the funding level by formula at 15% of the City's CDBG grant. In 2007, this formula funding is \$98,170. Now that the funding of home repair is done by formula, the City no longer makes this as an annual decision.

Home Repair Program remains a high priority

Major Home Repair has been supported each year with Community Development Block Grant funding since the City first participated in the CDBG Program. This program provides loans of up to \$25,000 to low and moderate income homeowners to make improvements that address significant health and safety and energy efficiency needs. Typical repairs include new roofs, replacing a furnace or installing energy efficient windows (See Attachment 2 for a program flyer). In 2006 this program completed work on five homes and accepted applications for an additional three. Proceeds from loan repayments made through this program are returned to the City's CDBG account for reallocation.

The CDBG is uniquely suited as a source of revenue for the Major Home Repair Loan Program. Thus, in years when options for use of CDBG capital funding were limited, the City has allowed a significant balance to accrue in this program. As of January 1, 2007, the balance in this program stood at \$315,216. This is well beyond the more typical expenditure rate for the program of \$90,000 to \$140,000 per year. And given the new formula allocation of funding to the program this balance is not being used in a timely manner.

In 2005, the City added service to its home repair efforts by implementing a Minor Home Repair Program. This program, operated by Senior Services, provides low and moderate income elderly and disabled homeowners with low cost small repairs. The types of repairs include replacing broken switches, installing locks and deadbolts, fixing leaky pipes or installing grab bars and hand rails (See Attachment 3 for a program

flyer). In 2006 this program served 33 separate households in Shoreline completing 134 individual repairs.

Potential uses for reprogrammed CDBG funds

The funds to be reprogrammed are considered "capital" dollars, and therefore, they are available only for other capital projects. They are not available to support agency operations. The CDBG Program rules also call for the City to: 1) spend the majority of these funds in the coming 12 months, and 2) to use the funding to support new or expanded levels of service. The City cannot use the CDBG funding to replace any existing funding.

The City currently supports two programs which have the ability to expend these revenues in a manner consistent with the HUD rules: Minor Home Repair and Curb Ramps. The Minor Home Repair Program is described above. The Curb Ramps Program installs curb ramps in existing sidewalks and replaces uneven and dangerous sidewalk panels. These two efforts combine to make the City's sidewalks safe and accessible to residents with mobility limitations or impairments.

The City has also used the CDBG to fund activities that support the development of housing affordable to low and moderate income households and to assist non-profit agencies with acquisition and rehabilitation of their facilities. Staff is not aware of any specific projects in either of these areas that are ready to fund and which could meet the requirements for timely expenditure.

However, the City is now in the midst of developing a Comprehensive Housing Strategy in response to Council Goal #5. While we can reasonably anticipate that there will be some elements of the strategy which will address housing affordability, it is premature to identify any specific programs or projects. Rather staff recommends that the City reprogram a portion of this funding to support the eventual implementation of capital projects included in the Comprehensive Housing Strategy.

ALTERNATIVES ANALYSIS

Alternatives considered were:

1. Retaining a balance in the home repair fund: This was deemed unnecessary and infeasible. Given the current rate of home repair activity, the present funding level will keep up with demand. The requirement of timely expenditure makes retaining the unexpended funds infeasible.
2. Conducting an application process for capital projects. This was judged to be infeasible. In order to meet the series of deadlines necessary to ensure timely expenditure of funds, any projects considered would have to have been ready to use funds in 2007. In order to be sure that such a project could meet CDBG regulations it would have to already have other CDBG or other federal funding identified as a part of its funding package. There were no such projects in the pipeline in Shoreline.

3. Reprogramming funds to support the following:
 - a. Expansion and continued operation of the Minor Home Repair Program through 2008 --\$90,000. This adds \$20,000 to the \$50,000 currently budgeted in 2007 and provides \$70,000 for program operation in 2008.
 - b. Expansion of the 2007 Curb Ramp Project -- \$150,000. This funding is in addition to the carryover of \$40,608 in 2006 CDBG funding recently approved by City Council.
 - c. Support implementation of capital projects that may be a part of the City's Comprehensive Housing Strategy with the balance of funding --\$75,216.

SUMMARY

A total of \$315,216 in prior year CDBG funds were initially allocated to the support of the Major Home Repair Program. While the Major Home Repair Program continues to be a high priority for the community, this amount of funding does not match the level of activity for this program. To meet HUD and King County regulations these unspent funds must be reprogrammed. Staff recommends reprogramming the funds to support the Minor Home Repair Program at \$90,000, the City of Shoreline's Curb Ramps Program at \$150,000, and activities to be specified in the Comprehensive Housing Strategy at \$75,216.

RECOMMENDATION

Staff recommends that the City Council hold a public hearing on the proposed reprogramming of \$315,216 in Community Development Block Grant funds, adopt the staff recommendation for use of the CDBG funds and approve Ordinance No. 467.

ATTACHMENTS *(Optional)*

Attachment A: Major Home Repair Program Flyer
Attachment B: Minor Home Repair Program Flyer
Attachment C: Ordinance No. 467

ORDINANCE NO. 467

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, AMENDING ORDINANCE NO. 463, BY INCREASING THE APPROPRIATION IN THE GENERAL FUND AND THE ROADS CAPITAL FUND), TO APPROPRIATE ADDITIONAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS

WHEREAS, the 2007 Budget was adopted in Ordinance 449 and amended by Ordinance 457 and 463; and

WHEREAS, the City of Shoreline has been allocated CDBG funds designated for capital purposes; and

WHEREAS, the City of Shoreline has identified the need to fund minor home repairs for senior citizens; and

WHEREAS, the City of Shoreline has identified the need to repair curb ramps and sidewalks to make them more accessible; and

WHEREAS, the City of Shoreline is required by RCW 35A.33.075 to include all revenues and expenditures for each fund in the adopted budget;

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

Section 1. Amendment. The City hereby amends Section 1 of Ordinance No. 449 and the 2007 Annual Budget, by increasing the appropriation from the General Fund by \$90,000; for the Roads Capital Fund by \$150,000; and by increasing the Total Funds appropriation to \$92,207,828 as follows:

General Fund	\$28,926,398	\$29,016,398
Street Fund	\$2,556,529	
Arterial Street Fund	\$0	
General Reserve Fund	\$0	
Code Abatement Fund	\$100,000	
Asset Seizure Fund	\$23,500	
Public Arts Fund	\$84,000	
General Capital Fund	\$35,349,846	
City Facility-Major Maintenance Fund	\$110,000	
Roads Capital Fund	\$16,188,554	\$16,338,554
Surface Water Utility Fund	\$6,742,785	
Vehicle Operations/Maintenance Fund	\$139,988	
Equipment Replacement Fund	\$100,000	
Unemployment Fund	\$10,000	
Unltd Tax GO Bond	\$1,636,228	

Total Funds	<u>\$91,967,828</u>	<u>\$92,207,828</u>
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Section 2. Amending the 2007 Budget. The 2007 Annual Budget is amended to include the following appropriations:

A. Appropriation of New Revenue

- Additional CDBG funds totaling \$90,000 for Minor Home Repair
- Additional CDBG funds totaling \$150,000 for Curb Ramp/Sidewalk Repair

Section 3. 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 five days after passage and publication.

PASSED BY THE CITY COUNCIL ON APRIL 23, 2007

Mayor Robert L. Ransom

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Publication Date:
Effective Date:

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CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Ordinance No. 468 Extending the Shoreline Water District Franchise
DEPARTMENT: City Manager's Office
PRESENTED BY: Bob Olander, City Manager, Ian Sievers, City Attorney

PROBLEM/ISSUE STATEMENT:

Staff is requesting a twelve month extension of the Shoreline Water District water system franchise in order to provide additional time to negotiate the terms of this agreement.

DISCUSSION:

An initial franchise to operate the water system owned by the Shoreline Water District, generally east of I-5, was granted by the City of Shoreline in June of 2001 through Ordinance No. 274. An automatic two-year extension was invoked in 2004 providing for the current expiration date of December 31, 2006. In December of 2006, the City adopted an extension of four months providing a new expiration date of April 30, 2007, to allow additional time to negotiate this agreement, however additional work remains.

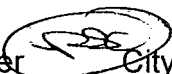
The proposed twelve month extension will provide City staff and the District additional time to find agreement on a few of the more intractable terms of the franchise.

FINANCIAL IMPACT:

Extension will have no financial impact; the 6% franchise fee the City receives from the District will continue under the extended franchise.

RECOMMENDATION

It is recommended that the City Council pass Ordinance No. 468 granting a twelve month extension to the existing franchise.

Approved By: City Manager  City Attorney ____

Attachment:
Proposed Ordinance No. 468

ORDINANCE NO. 468

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON,
EXTENDING THE FRANCHISE UNDER WHICH THE SHORELINE
WATER DISTRICT IS AUTHORIZED TO PROVIDE WATER WITHIN
THE CITY OF SHORELINE.**

WHEREAS, the City of Shoreline, by Shoreline City Ordinance No. 274, granted the Shoreline Water District a non-exclusive franchise for the operation of a water system within the City right-of-way effective June 19, 2001; and

WHEREAS, the franchise granted to the Shoreline Water District by the City in Ordinance No. 274 was automatically renewed on December 31, 2004 for an additional two years, providing a new expiration date of December 31, 2006; and

WHEREAS, the City of Shoreline adopted ordinance 455 to extend the term of the franchise by four months to allow additional time for negotiations; and

WHEREAS, additional time is needed to negotiate the terms of a new franchise;

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

Section 1. Franchise Extension. The franchise granted pursuant to City Ordinance No. 274 and extended by Ordinance No. 455 to April 30, 2007 is extended through the earlier of April 30, 2008, or the effective date of a replacement franchise (whichever first occurs).

Section 2. Directions to City Clerk. The City Clerk is hereby authorized and directed to forward certified copies of this ordinance to the Grantee set forth in this ordinance. The Grantee shall have fifteen (15) days from receipt of the certified copy of this ordinance to accept in writing the extension of the franchise granted to the Grantee in this ordinance.

Section 3. Publication and Effective Date. In accord with state law, this ordinance shall be published in full and shall take effect five days after passage, publication, and acceptance by the Grantee.

PASSED BY THE CITY COUNCIL ON APRIL 23, 2007.

Mayor Robert L. Ransom

ATTEST:

APPROVED AS TO FORM:

Scott Passey, CMC
City Clerk

Ian Sievers, City Attorney

Date of Publication:
Effective Date:

ORDINANCE NO. 274

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON,
GRANTING SHORELINE WATER DISTRICT A NON-EXCLUSIVE
FRANCHISE TO CONSTRUCT, MAINTAIN, OPERATE, REPLACE AND
REPAIR A WATER SYSTEM WITHIN PUBLIC RIGHTS-OF-WAY OF
THE CITY OF SHORELINE, WASHINGTON.**

WHEREAS, RCW 35A.11.020 grants the City broad authority to regulate the use of the public right-of-way; and

WHEREAS, RCW 35A.47.040 authorizes the City “to grant nonexclusive franchises for the use of public streets, bridges or other public ways, structures or places above or below the surface of the ground for ... facilities for public conveyances, for poles, conduits, tunnels, towers and structures, pipes and wires and appurtenances thereof for transmission and distribution of electrical energy, signals and other methods of communication, for gas, steam and liquid fuels, for water, sewer and other private and publicly owned and operated facilities for public service;” and

WHEREAS, the Council finds that it is in the best interests of the health, safety and welfare of residents of the Shoreline community to grant a non-exclusive franchise to the Shoreline Water District for the operation of a water system within the City right-of-way; NOW, THEREFORE,

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

1. **Definitions.** The following terms contained herein, unless otherwise indicated, shall be defined as follows:
 - 1.1. **City:** The City of Shoreline, a municipal corporation of the State of Washington, specifically including all areas incorporated therein as of the effective date of this ordinance and any other areas later added thereto by annexation or other means.
 - 1.2. **Days:** Calendar days.
 - 1.3. **Director:** The City Manager or designee.
 - 1.4. **District:** Shoreline Water District, a municipal corporation organized under RCW 57.
 - 1.5. **Facilities:** All pipes, access ways, pump stations, storage facilities, equipment, and supporting structures, located in the City’s right-of-way, utilized by the District in the operation of activities authorized by this Ordinance. The abandonment by District of any facilities as defined herein shall not act to remove the same from this definition.
 - 1.6. **Permittee:** A person who has been granted a permit by the Permitting Authority, and District operating under Section 6.6 Blanket Permit of this agreement.

- 1.7. **Permitting Authority:** The head of the City department authorized to process and grant permits required to perform work in the City's right-of-way, or the head of any agency authorized to perform this function on the City's behalf. Unless otherwise indicated, all references to Permitting Authority shall include the designee of the department or agency head.
- 1.8. **Person:** An entity or natural person.
- 1.9. **Revenue:** This term as used herein shall refer to all revenue collected from District's customers with billing addresses that are within the corporate boundaries of the City, not including late fees.
- 1.10. **Right-of-way:** As used herein shall refer to the surface of and the space along, above, and below any street, road, highway, freeway, lane, sidewalk, alley, court, boulevard, parkway, drive, utility easement, and/or road right-of-way now or hereafter held or administered by the City of Shoreline.
2. **Franchise Granted.**
 - 2.1. Pursuant to RCW 35A.47.040, the City hereby grants to District, its successors and assigns, subject to the terms and conditions hereinafter set forth, a Franchise beginning on the effective date of this Ordinance.
 - 2.2. This Franchise shall grant District the right, privilege and authority, subject to the terms and conditions hereinafter set forth, to construct, operate, maintain, replace, and use all necessary equipment and facilities for a water system, in, under, on, across, over, through, along or below the public right-of-way located in the City of Shoreline, as approved under City permits issued by the Permitting Authority pursuant to this Franchise and City ordinances.
 - 2.3. This Franchise is granted upon the express condition that it shall not in any manner prevent the City from granting other or further franchises in, along, over, through, under, below or across any right-of-way. Such Franchise shall in no way prevent or prohibit the City from using any right-of-way or other City property or affect its jurisdiction over them or any part of them, and the City shall retain the authority to make all necessary changes, relocations, repairs, maintenance, establishment, improvement, dedication of the same as the City may deem fit, including the dedication, establishment, maintenance, and improvement of all new rights-of-way or other public properties of every type and description.
3. **Franchise Term.** The term of the Franchise granted hereunder shall be for the period commencing upon the effective date of this ordinance through December 31, 2004. This Franchise will automatically renew for an additional two-year period unless its termination is confirmed in writing by the City at least sixty days prior to December 31, 2004, or it is replaced by a substitute Franchise ordinance prior to that date.
4. **Franchise Fee.** In consideration of the right granted to District to occupy City rights-of-way for the purpose of operating a water utility within the City and as partial compensation for the City's costs to construct, maintain, repair, develop, and manage the right-of-way, District agrees:

- 4.1. To collect and distribute to the City a Franchise fee equal to 6% of Revenues generated from its operations within the City.
 - 4.1.1. This Franchise fee shall be collected beginning upon the effective date of this Franchise.
 - 4.1.2. Proceeds of the Franchise fee collected shall be distributed to the City no later than 30 days after the end of each calendar quarter (quarters ending at the end of March, June, September and December).
- 4.2. Should the District be prevented by judicial or legislative action from collecting a Franchise fee on all or a part of the revenues, District shall be excused from the collection and distribution of that portion of the Franchise fee.
- 4.3. Should a court of competent jurisdiction declare, or a change in law make the Franchise fee to be collected on behalf of the City invalid, in whole or in part, or should a court of competent jurisdiction hold that the collection of the Franchise fee by District is in violation of a pre-existing contractual obligation of District, then District's obligation to collect and distribute a Franchise fee to the City under this Section shall be terminated in accordance with and to the degree required to comply with such court action.
- 4.4. District agrees that the Franchise fee established by this Section is appropriate and that District will not be a party to or otherwise support legal or legislative action intended to result in judicial determinations or legislative action referred to in Sections 4.2 & 4.3 hereof.

5. City Ordinances and Regulations.

- 5.1. Nothing herein shall be deemed to direct or restrict the City's ability to adopt and enforce all necessary and appropriate ordinances regulating the performance of the conditions of this Franchise, including any reasonable ordinance made in the exercise of its police powers in the interest of public safety and for the welfare of the public. The City shall have the authority at all times to control, by appropriate regulations, the location, elevation, and manner of construction and maintenance of any facilities of District located within the City right-of-way. District shall promptly conform with all such regulations, unless compliance would cause District to violate other requirements of law.

6. Right-of-Way Management.

6.1. Excavation.

- 6.1.1. During any period of relocation or maintenance, all surface structures, if any, shall be erected and used in such places and positions within the right-of-way so as to interfere as little as possible with the safe and unobstructed passage of traffic and the unobstructed use of adjoining property. District shall at all times post and maintain proper barricades and comply with all applicable safety regulations during such period of construction as required by the ordinances of the City or state law, including RCW 39.04.180, for the construction of trench safety systems.

- 6.1.2. Whenever District excavates in any right-of-way for the purpose of installation, construction, repair, maintenance or relocation of its facilities, it shall apply to the City for a permit to do so in accord with the ordinances and regulations of the City requiring permits to operate in the right-of-way. In no case shall any such work commence within any right-of-way without a permit, except as otherwise provided in this Ordinance. During the progress of the work, District shall not unnecessarily obstruct the passage or use of the right-of-way, and shall provide the City with plans, maps, and information showing the proposed and final location of any facilities in accordance with Section 6.10 of this Ordinance.
- 6.2. Abandonment of District's Facilities. No facilities laid, installed, constructed, or maintained in the right-of-way by District may be abandoned by District without the prior written consent of the Director of a removal plan. All necessary permits must be obtained prior to such work.
- 6.3. Restoration after Construction.
- 6.3.1. District shall, after any installation, construction, relocation, maintenance, or repair of Facilities within the Franchise area, restore the right-of-way to at least the condition the same was in immediately prior to any such abandonment, installation, construction, relocation, maintenance or repair. All concrete encased monuments, which have been disturbed or displaced by such work, shall be restored pursuant to all federal, state and local standards and specifications. District agrees to promptly complete all restoration work and to promptly repair any damage caused by such work at its sole cost and expense.
- 6.3.2. If it is determined that District has failed to restore the right-of-way in accordance with this Section, the City shall provide District with written notice including a description of actions the City believes necessary to restore the right-of-way. If the right-of-way is not restored in accordance with the City's notice within fifteen (15) days of that notice, the City, or its authorized agent, may restore the right-of-way. District is responsible for all costs and expenses incurred by the City in restoring the right-of-way in accordance with this Section. The rights granted to the City under this Paragraph shall be in addition to those otherwise provided by this Franchise.
- 6.4. Bonding Requirement. District, as a public agency, is not required to comply with the City's standard bonding requirement for working in the City's right-of-way.
- 6.5. Emergency Work, Permit Waiver. In the event of any emergency where any facilities located in the right-of-way are broken or damaged, or if District's construction area for their facilities is in such a condition as to place the health or safety of any person or property in imminent danger, District shall immediately take any necessary emergency measures to repair or remove its facilities without first applying for and obtaining a permit as required by this Franchise. However, this emergency provision shall not relieve District from later obtaining any necessary permits for the emergency work. District shall apply for the required permits the next business day following the emergency work or as soon as practical given the nature and duration of the emergency.

- 6.6. Blanket Permit. The terms “Minor Activities” and “Blanket Activities” shall be defined in a specifically negotiated Blanket Permit Definitions, a copy of which has been filed with the City Clerk and identified by Clerk’s Receiving Number _____. Permittee shall be authorized to perform Minor Activities without a City permit of any kind and Blanket Activities under the terms and conditions of this Section. All other activities will require a separate permit in accordance with City ordinances.
- 6.6.1. The Permittee shall pay the City a permit inspection/processing fee in the amount set out in Blanket Permit Definitions.
- 6.6.2. The Permittee shall provide a monthly list of permit construction activity by the 10th of the following month listing the previous month’s activity authorized under this Section.
- 6.6.3. The Permittee shall provide payment of inspection fees for the monthly activity on a monthly basis. No statement will be provided by the City.
- 6.6.4. For each separate use of the right-of-way under this Section, and prior to commencing any work on the right-of-way under this Section, the Permittee shall:
- 6.6.4.1. Fax or otherwise deliver to the Permitting Authority, at least twenty-four (24) hours in advance of entering the right-of-way, a City Inspection Request Form, as provided by the Permitting Authority, which shall include at a minimum the following information: Franchise ordinance number, street address nearest to the proposed work site; parcel number and description of work to be performed.
- 6.6.4.2. Fax or deliver to the Permitting Authority a notice of completion in the form provided by the Permitting Authority within twenty-four (24) hours after completing work.
- 6.6.5. In the event the Permittee fails to comply with any of the conditions set forth in this Section, the City is authorized to immediately terminate the Permittee’s authority to operate under this Section by providing Permittee written notice of such termination and the basis therefore.
- 6.6.6. The City reserves the right to alter the terms and conditions of Subsection 6.6. and of Blanket Permit Definitions by providing thirty (30) days written notice to the Permittee. Any change made pursuant to this Paragraph, including any change in the inspection fee stated in Blanket Permit Definitions, shall thereafter apply to all subsequent work performed pursuant to this Section. Further, the City may terminate the Permittee’s authority to work in the City’s right-of-way under the terms of this Section at any time without cause by providing thirty (30) days written notice to the Permittee. Notwithstanding any termination, the Permittee will not be relieved of any liability to the City.
- 6.7. Safety.
- 6.7.1. The District, in accordance with applicable federal, state, and local safety rules and regulations shall, at all times, employ ordinary care in the installation, maintenance, and repair utilizing methods and devices commonly accepted in

their industry of operation to prevent failures and accidents that are likely to cause damage, injury, or nuisance to persons or property.

- 6.7.2. All of District's facilities in the right-of-way shall be constructed and maintained in a safe and operational condition.

6.8. Dangerous Conditions, Authority for City to Abate.

- 6.8.1. Whenever Facilities or the operations of the District cause or contribute to a condition that appears to endanger any person or substantially impair the lateral support of the adjoining right-of-way, public or private property, the Director may direct the District, at no charge or expense to the City, to take actions to resolve the condition or remove the endangerment. Such directive may include compliance within a prescribed time period.
- 6.8.2. In the event the District fails or refuses to promptly take the directed action, or fails to fully comply with such direction, or if emergency conditions exist which require immediate action to prevent imminent injury or damages to persons or property, the City may take such actions as it believes are necessary to protect persons or property and the District shall be responsible to reimburse the City for its costs.

6.9. Relocation of System Facilities.

- 6.9.1. District agrees and covenants to protect, support, temporarily disconnect, relocate or remove from any right-of-way its facilities without cost to the City, when so required by the City to facilitate the completion of or as a result of a public project, provided that District shall in all such cases have the privilege to temporarily bypass, in the authorized portion of the same right-of-way and upon approval by the City, any facilities required to be temporarily disconnected or removed. As used in this Section, the term "public project" is a project included in any City adopted six-year Capital Improvement Program.
- 6.9.2. All Facilities utilized for providing water service within District's service area and within the right-of-way shall be considered owned, operated and maintained by District.
- 6.9.3. If the City determines that a public project necessitates the relocation of District's existing facilities, the City shall:
 - 6.9.3.1. As soon as possible, but not less than sixty (60) days prior to the commencement of such project, provide District with written notice requiring such relocation; and
 - 6.9.3.2. Provide District with copies of any plans and specifications pertinent to the requested relocation and a proposed temporary or permanent relocation for District's facilities.
 - 6.9.3.3. After receipt of such notice and such plans and specifications, District shall complete relocation of its facilities at no charge or expense to the City at least ten (10) days prior to commencement of the project.

- 6.9.4. District may, after receipt of written notice requesting a relocation of its facilities, submit to the City written alternatives to such relocation. The City shall evaluate such alternatives and advise District in writing if any of the alternatives are suitable to accommodate the work that necessitates the relocation of the facilities. If so requested by the City, District shall submit additional information to assist the City in making such evaluation. The City shall give each alternative proposed by District full and fair consideration. In the event the City ultimately determines that there is no other reasonable alternative, District shall relocate its facilities as provided in this Section.
- 6.9.5. If the City requires the relocation of Facilities within five (5) years of their installation or the subsequent relocation of Facilities within five (5) years from the date of relocation of such Facilities pursuant to this Section, then the City shall bear the entire cost of such subsequent relocation.
- 6.9.6. The provisions of Section 6.9 shall in no manner preclude or restrict District from making any arrangements it may deem appropriate when responding to a request for relocation of its Facilities by any person other than the City, where the improvements to be constructed by said person are not or will not become City-owned, operated or maintained, provided that such arrangements do not unduly delay or increase the cost of a planned City construction project.
- 6.10. District's Maps and Records. As a condition of this Franchise, and without charge to the City, District agrees to provide the City with as-built plans, maps, and records that show the vertical and horizontal location of its facilities within the right-of-way, measured from the center line of the right-of-way, using a minimum scale of one inch equals one hundred feet (1"=100'). Maps shall be provided in Geographical Information System (GIS) or other digital electronic format used by the City and, upon request, in hard copy plan form used by District. This information shall be provided between one hundred twenty (120) and one hundred eighty (180) days of the effective date of this Ordinance and shall be updated upon reasonable request by the City.

7. Planning Coordination.

- 7.1. Growth Management. The parties agree, as follows, to participate in the development of, and reasonable updates to, the each other's planning documents:
 - 7.1.1. For District's service within the City limits, District will participate in a cooperative effort with the City of Shoreline to develop a Comprehensive Plan Utilities Element that meets the requirements described in RCW 36.70A.070(4).
 - 7.1.2. District will participate in a cooperative effort with the City to ensure that the Utilities Element of Shoreline's Comprehensive plan is accurate as it relates to District's operations and is updated to ensure it continued relevance at reasonable intervals.
 - 7.1.3. District shall submit information related to the general location, proposed location, and capacity of all existing and proposed Facilities within the City as

requested by the Director within a reasonable time, not exceeding sixty (60) days from receipt of a written request for such information.

7.1.4. District will update information provided to the City under this Section whenever there are major changes in District's system plans for Shoreline.

7.1.5. The City will provide information relevant to the District's operations within a reasonable period of written request to assist the District in the development or update of its Comprehensive Water System Plan. Provided that such information is in the City's possession, or can be reasonably developed from the information in the City's possession.

7.2. System Development Information. District will assign a representative whose responsibility shall be to coordinate with the City on planning for CIP projects including those that involve undergrounding. At a minimum, such coordination shall include the following:

7.2.1. By February 1st of each year, District shall provide the City Manager or his designee with a schedule of its planned capital improvements, which may affect the right of way for that year;

7.2.2. District shall meet with the City, other franchisees and users of the right-of-way, according to a schedule to be determined by the City, to schedule and coordinate construction; and

7.2.3. All construction locations, activities, and schedules shall be coordinated, as required by the City Manager or his designee, to minimize public inconvenience, disruption, or damages.

7.3. Emergency Operations. The City and District agree to cooperate in the planning and implementation of emergency operations response procedures.

8. Indemnification.

8.1. District hereby releases, covenants not to bring suit, and agrees to indemnify, defend and hold harmless the City, its elected officials, employees, agents, and volunteers from any and all claims, costs, judgments, awards, attorney's fees, or liability to any person, including claims by District's own employees to which District might otherwise be immune under Title 51 RCW, arising from personal injury or damage to property allegedly due to the negligent or intentional acts or omissions of District, its agents, servants, officers or employees in performing activities authorized by this Franchise. This covenant of indemnification shall include, but not be limited by this reference, claims against the City arising as a result of the acts or omissions of District, its agents, servants, officers or employees except for claims for injuries and damages caused by the sole negligence of the City. If final judgment is rendered against the City, its elected officials, employees, agents, and volunteers, or any of them, District shall satisfy the same. The City may appear in any proceeding it deems necessary to protect the City's or the public's interests.

8.2. Inspection or acceptance by the City of any work performed by District at the time of completion of construction shall not be grounds for avoidance of any of these

covenants of indemnification. Said indemnification obligations shall extend to claims that are not reduced to a suit and any claims that may be settled prior to the culmination of any litigation or the institution of any litigation.

- 8.3. In the event District refuses to undertake the defense of any suit or any claim, after the City's request for defense and indemnification has been made pursuant to the indemnification clauses contained herein, and District's refusal is subsequently determined by a court having jurisdiction (or such other tribunal that the parties shall agree to decide the matter), to have been a wrongful refusal on the part of District, then District shall pay all of the City's costs and expenses for defense of the action, including reasonable attorneys' fees of recovering under this indemnification clause as well as any judgment against the City.
- 8.4. Should a court of competent jurisdiction determine that this Franchise is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of District and the City, its officers, employees and agents, District's liability hereunder shall be only to the extent of District's negligence. This waiver has been mutually negotiated by the parties.
- 8.5. The City hereby releases and agrees to indemnify, defend and hold harmless the District, its elected officials, employees, agents, and volunteers from any and all claims, costs, judgments, awards or liability to any person arising from District's compliance with Section 4 hereof. This indemnification is contingent upon District's compliance with Section 4.4 hereof.

9. Insurance.

- 9.1. District shall procure and maintain for the duration of the Franchise, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the exercise of the rights, privileges and authority granted hereunder to District, its agents or employees. A combination of self-insurance and excess liability insurance may be utilized by District. District shall provide to the City an insurance certificate and proof of self-insurance, if applicable, evidencing the required insurance and a copy of the additional insured endorsements, for its inspection prior to the commencement of any work or installation of any Facilities pursuant to this Franchise, and such insurance shall evidence the following required insurance:
 - 9.1.1. Automobile Liability insurance for owned, non-owned and hired vehicles with limits no less than \$2,000,000 Combined Single Limit per accident for bodily injury and property damage; and
 - 9.1.2. Commercial General Liability insurance policy, written on an occurrence basis with limits no less than \$1,000,000 combined single limit per occurrence and \$2,000,000 aggregate for personal injury, bodily injury and property damage. Coverage shall include premises, operations, independent contractors, products-completed operations, personal injury and advertising injury. There shall be no endorsement or modification of the Commercial General Liability insurance excluding liability arising from explosion, collapse or underground property

damage. The City shall be named as an additional insured under District's Commercial General Liability insurance policy.

- 9.1.3. Excess Liability in an amount of \$5,000,000 each occurrence and \$5,000,000 aggregate limit. The City shall be named as an additional insured on the Excess Liability insurance policy.
- 9.2. Payment of deductible or self-insured retention shall be the sole responsibility of District.
- 9.3. The coverage shall contain no special limitations on the scope of protection afforded to the City, its officers, officials, or employees. In addition, the insurance policy shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability. District's insurance shall be primary. Any insurance, self insurance, or insurance pool coverage maintained by the City shall be excess of District's insurance and shall not contribute with it. Coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days prior written notice has been given to the City.
- 9.4. District shall require all its subcontractors to carry insurance consistent with this Section 9, and shall provide evidence of such insurance to the City upon request.

10. **Enforcement.**

- 10.1. In addition to all other rights and powers retained by the City under this Franchise, the City reserves the right to revoke and terminate this Franchise and all rights and privileges of the District in the event of a substantial violation or breach of its terms and conditions.
- 10.2. A substantial violation or breach by a District shall include, but shall not be limited to, the following:
 - 10.2.1. An uncured violation of any material provision of this Franchise, or any material rule, order or regulation of the City made pursuant to its power to protect the public health, safety and welfare;
 - 10.2.2. An intentional evasion or knowing attempt to evade any material provision of this Franchise or practice of any fraud or deceit upon the system customers or upon the City;
 - 10.2.3. Failure to provide the services specified in the Franchise;
 - 10.2.4. Misrepresentation of material fact during negotiations relating to this Franchise or the implementation thereof;
 - 10.2.5. A continuous and willful pattern of grossly inadequate service;
 - 10.2.6. An uncured failure to pay fees associated with this Franchise
- 10.3. No violation or breach shall occur which is without fault of the District or the City, or which is as a result of circumstances beyond the District's or the City's reasonable control. Neither the District, nor the City, shall be excused by economic hardship nor

by nonfeasance or malfeasance of its directors, officers, agents or employees; provided, however, that damage to equipment causing service interruption shall be deemed to be the result of circumstances beyond a District's or the City's control if it is caused by any negligent act or unintended omission of its employees (assuming proper training) or agents (assuming reasonable diligence in their selection), or sabotage or vandalism or malicious mischief by its employees or agents. A District, or the City, shall bear the burden of proof in establishing the existence of such conditions.

- 10.4. Except in the case of termination pursuant to Paragraph 10.2.4. of this Section, prior to any termination or revocation, the City, or the District, shall provide the other with detailed written notice of any substantial violation or material breach upon which it proposes to take action. The party who is allegedly in breach shall have a period of 60 days following such written notice to cure the alleged violation or breach, demonstrate to the other's satisfaction that a violation or breach does not exist, or submit a plan satisfactory to the other to correct the violation or breach. If, at the end of said 60-day period, the City or the District reasonably believes that a substantial violation or material breach is continuing and the party in breach is not taking satisfactory corrective action, the other may declare that the party in breach is in default, which declaration must be in writing. Within 20 days after receipt of a written declaration of default, the party that is alleged to be in default may request, in writing, a hearing before a "hearing examiner" as provided by the City's development regulations. The hearing examiner's decision may be appealed to any court of competent jurisdiction.
- 10.5. The City may, in its discretion, provide an additional opportunity for the District to remedy any violation or breach and come into compliance with this agreement so as to avoid the termination or revocation.
- 10.6. Any violation existing for a period greater than 30 days may be remedied by the City at the District's expense.
11. **Survival.** All of the provisions, conditions and requirements of Sections 6.1 Excavation, 6.2 Abandonment Of District's Facilities, 6.3 Restoration After Construction, 6.8 Dangerous Conditions, Authority For City To Abate, 6.9 Relocation Of System Facilities, and 8 Indemnification, of this Franchise shall be in addition to any and all other obligations and liabilities District may have to the City at common law, by statute, or by contract, and shall survive the City's Franchise to District for the use of the areas mentioned in Section 2 herein, and any renewals or extensions thereof. All of the provisions, conditions, regulations and requirements contained in this Franchise Ordinance shall further be binding upon the heirs, successors, executors, administrators, legal representatives and assigns of District and all privileges, as well as all obligations and liabilities of District shall inure to its heirs, successors and assigns equally as if they were specifically mentioned wherever District is named herein.
12. **Severability.** If any Section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other Section,

sentence, clause or phrase of this Franchise Ordinance. The Parties may amend, repeal, add, replace, or modify any provision of this Franchise to preserve the intent of the parties as expressed herein prior to any finding of invalidity or unconstitutionality.

13. **Assignment.** This Franchise shall not be sold, transferred, assigned, or disposed of in whole or in part either by sale, voluntary or involuntary merger, consolidation or otherwise, without the written approval of the City. This paragraph shall not act to require City approval of any District action to mortgage or otherwise encumber its facilities, or other action related to corporate financing, financial reorganization, or refinancing activity.

14. **Notice.** Any notice or information required or permitted to be given to the parties under this Franchise may be sent to the following addresses unless otherwise specified:

District Manager
Shoreline Water District
P.O. Box 55367
Shoreline, WA 98155
Phone: (206) 362-8100
Fax: (206) 361-0629

City Manager
City of Shoreline
17544 Midvale Avenue N.
Shoreline, WA 98133-4921
Phone: (206) 546-1700
Fax: (206) 546-2200

15. **Non-Waiver.** The failure of either party to enforce any breach or violation by the other party of any provision of this Franchise shall not be deemed to be a waiver or a continuing waiver by the non-breaching party of any subsequent breach or violation of the same or any other provision of this Franchise.
16. **Alternate Dispute Resolution.** If the parties are unable to resolve disputes arising from the terms of this Franchise, prior to resorting to a court of competent jurisdiction, the parties shall submit the dispute to a non-binding alternate dispute resolution process agreed to by the parties. Unless otherwise agreed between the parties or determined herein, the cost of that process shall be shared equally.
17. **Entire Agreement.** This Franchise constitutes the entire understanding and agreement between the parties as to the subject matter herein and no other agreements or understandings, written or otherwise, shall be binding upon the parties upon execution and acceptance hereof.
18. **Directions to City Clerk.** The City Clerk is hereby authorized and directed to forward certified copies of this ordinance to the District set forth in this ordinance. The District shall have sixty (60) days from receipt of the certified copy of this ordinance to accept in writing the terms of the Franchise granted to the District in this ordinance.
19. **Publication Costs.** In accord with state law, this ordinance shall be published in full. The District shall reimburse the City for the cost of publishing this Franchise Ordinance within sixty (60) days of receipt of an invoice from the City.

20. **Effective Date.** This ordinance shall take effect and be in full force five day after publication.

PASSED BY THE CITY COUNCIL ON June 11, 2001.

Mayor Scott Jepsen

ATTEST:

APPROVED AS TO FORM:

Sharon Mattioli, CMC
City Clerk

Ian Sievers
City Attorney

Date of Publication: June 14, 2001
Effective Date: June 19, 2001

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Human Services Update on 2006 Activities
DEPARTMENT:	Community Services Division, City Manager's Office
PRESENTED BY:	Rob Beem, Community Services Division Manager George Smith, Human Services Planner

PROBLEM/ISSUE STATEMENT:

The City achieves its goal of improving Shoreline citizens' access to essential human services, by working with non-profit agencies, other units of government, individuals and groups. The highlights of our 2006 activity include:

- Completion of the bi-annual HS allocation process
- Service to 15,738 Shoreline residents through City funded contracts
- Support to 15 agencies providing services to Shoreline residents
- Active partnerships with Shoreline Public Schools, King County and United Way
- Convening volunteers to address hunger and food anxiety
- Placing Shoreline representatives on key regional funding and planning bodies, e.g., the Committee to End Homelessness, King County Human Services Levy Oversight Board
- Supporting Council's work on Goal #5 and the special Ad Hoc Subcommittee on Housing

The past year we saw a collective sharpening of focus on selected human services issues at the state, county and local level. These issues include:

- Housing and homelessness
- Early learning
- School funding and high school completion
- Mental health

Within King County, there has been strong emphasis on planning for and allocating new revenue for human services, reducing the costs of criminal justice as well as system-wide planning for public health.

In 2007 the City will be pursuing activity in the following areas:

- Education and advocacy for human services in Shoreline and North County
- Sustaining community support for human services

- Strengthening partnerships with local agencies and the Shoreline public schools to improve services and supports for youth and families
- Supporting work of the Housing CAC
- Implementing Council direction regarding Goal #5, a Comprehensive Housing Strategy
- Influencing King County policy and funding decisions affecting services in Shoreline and North County,, e.g., Ten Year Plan to End Homelessness, allocation of housing funding, implementation of the Human Services Levy and Public Health Master Plan development

RECOMMENDATION

No action is required. This is for information purposes only.

Approved By: City Manager  City Attorney ____

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Parks, Recreation, and Cultural Services Board Members
DEPARTMENT: Parks, Recreation, and Cultural Services Department
PRESENTED BY: Dick Deal, PRCS Director

PROBLEM/ISSUE STATEMENT:

On March 31st the terms of five Parks, Recreation, and Cultural Services Board members and the alternate member position expired. Members whose terms expired include Larry Blake, Patty Hale, Londa Jacques, Margaret Boyce, and Dwight Stevens. The alternate position was filled by Kevin McAuliffe.

On February 12, 2007 the City Council approved Ordinance No. 458 that amended the term limits for PRCS Board members allowing members to serve up to three 4-year terms. Staff asked for this change because under Ordinance NO. 263 members could not serve more than two 4-year terms creating eight vacancies on the Board in the next two years. With nineteen projects in the current Capital Improvement Plan, many as a result of the successful May 2006 bond issue, staff felt it important to give Council the opportunity if desired to extend the service of existing members familiar with the projects that will be completed in the next few years.

A City Council committee comprised of Mayor Ransom, Councilmember Gustafson, and Councilmember Way was selected at the April 9th City Council meeting to interview candidates and make a recommendation on the candidates they would like to fill the vacant positions to the full Council at tonight's meeting. Interviews are scheduled to be held the week of April 16th so the names of citizens recommended for filling the Board terms will be presented by the committee at the April 23rd meeting.

FINANCIAL IMPACT:

There is no financial impact created as a result of this Council action.

RECOMMENDATION

Staff recommends that the City Council approve the candidates proposed by the Council committee for membership on the Parks, Recreation, and Cultural Services Board.

Approved By: City Manager  City Attorney _____