

AGENDA

SHORELINE CITY COUNCIL REGULAR MEETING

Monday, May 22, 2006
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

1. CALL TO ORDER

Approximate Length of Agenda Item

Page No.

2. FLAG SALUTE / ROLL CALL

(a) Proclamation of "Armed Forces Appreciation Week"

1

(b) Recognition of Citizens for Shoreline Parks

3

3. REPORT OF THE CITY MANAGER

4. REPORTS OF BOARDS AND COMMISSIONS

5. PUBLIC COMMENT

<p>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 <u>three minutes</u>. However, Item 5 will be limited to a maximum period of 20 minutes. The public may also comment for up to <u>three minutes</u> 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 your comments recorded. Please state clearly your name and city of residence.</p>
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6. APPROVAL OF THE AGENDA

7. CONSENT CALENDAR

(a) Minutes of Regular Meeting of April 10, 2006

5

Minutes of Workshop of May 1, 2006

23

Minutes of Dinner Meeting of May 8, 2006

37

(b) Approval of expenses and payroll as of May 10, 2006
in the amount of \$1,072,963.42

39

(c) Approval of Ridgcrest Neighborhood Association
Mini-Grant Project

41

	Approximate Length of Agenda Item	Page No.
(d) Authorizing the City Manager to Execute a Discretionary Work Request with King County for the 2006 Road Overlay Program		<u>49</u>
(e) Resolution No. 245, approving the Final Subdivision for Cedar Heights Town Homes at 19021 15 th Avenue NE		<u>61</u>
(f) Approval of Integra Telecom Holdings, Inc.'s purchase of ownership interests of franchisee Electric Lightwave, LLC		<u>87</u>
(g) Adoption of Resolution 244 amending the Council Rules of Procedure		<u>107</u>
8. NEW BUSINESS		
(a) Authorizing the City Manager to Execute a 3-Year Contract with Community Capital Development	30 min.	<u>109</u>
(b) 2006 First Quarter Financial Report	30 min.	<u>145</u>
(c) Neighborhood Meeting Process Improvement	15 min.	<u>163</u>
9. ADJOURNMENT		

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

Council Meeting Date: May 22, 2006

Agenda Item: 2(a)

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Proclamation of "Armed Forces Appreciation Week"
DEPARTMENT: CMO/CCK
PRESENTED BY: Scott Passey, City Clerk

PROBLEM/ISSUE STATEMENT:

In observance of Memorial Day on May 29, 2006, this proclamation recognizes May 28-June 3 as "Armed Forces Appreciation Week" in the City of Shoreline. It acknowledges the important sacrifice that members of the United States military and their families make to our City and nation.

Representatives of the American Legion will be at the meeting to accept the proclamation.

RECOMMENDATION

No action is required.

Approved By: City Manager  City Attorney ____



PROCLAMATION

WHEREAS, the City of Shoreline desires to express appreciation to our fellow citizens who have been called upon to perform their military duties, wherever they may be; and

WHEREAS, the members of the United States Armed Forces have carried out their duties and missions with excellence, patriotism and bravery; and

WHEREAS, thousands of United States troops have sacrificed their lives in service to their country in recent military campaigns, and

WHEREAS, the families of the United States military personnel have also sacrificed while providing support for their loved ones engaged in military operations; and

WHEREAS, United States troops continue to serve by protecting the citizens of Iraq during this time of transition to a new government, and previously on several other campaigns;

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 May 28-June 3, 2006 as

ARMED FORCES APPRECIATION WEEK

in the City of Shoreline and urge our citizens to recognize the important sacrifice of members of the United States military and their families to our City and nation.

Robert L. Ransom, Mayor

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Proclamation to recognize Citizens for Shoreline Parks
DEPARTMENT:	City Council
PRESENTED BY:	Dick Deal, Parks, Recreation and Cultural Services Director

BACKGROUND:

On May 16, 2006 the City of Shoreline held its first ever bond election. The parks bond would fund \$18.5 million in open space acquisition, park improvements, and trail corridors. The awareness and outreach of the election was directed by a volunteer citizen group - Citizens for Shoreline Parks. The committee had merely three months to gather volunteers, fundraise, and market and promote the campaign. Special appreciation to the committee's executive board: Co-Chair Bill Clements, Co-Chair and Treasurer Shari Winstead-Tracey, and Secretary Jim Doherty. Likewise, the Council would like to thank Citizens for Shoreline Parks' many active volunteers – too many to mention.

The Council would also like to thank the following groups: DiscNW, Hillwood Soccer Club, Kruckeberg Botanic Garden Foundation, Progress Shoreline, Shoreline Chamber of Commerce Executive Board, Shoreslake Soccer, Shoreline PTA Council, South Woods Preservation Group, Shoreline-Lake Forest Park Arts Council, and Thornton Creek Alliance.

RECOMMENDATION

No action is required.

Approved By:

City Manager 

City Attorney 



PROCLAMATION

- WHEREAS, on May 16, 2006, the City of Shoreline held its first ever bond election; and
- WHEREAS, the parks bond proposed \$18.5 million in open space acquisition, park improvements, and trail corridors; and
- WHEREAS, the awareness and outreach of the election was directed by a volunteer citizen committee, *Citizens for Shoreline Parks*; and
- WHEREAS, the committee had merely three months to gather volunteers, fundraise, and promote the campaign; and
- WHEREAS, the Council recognizes and thanks the committee's executive board, Co-Chair Bill Clements, Co-Chair and Treasurer Shari Winstead-Tracey, Secretary Jim Doherty, and their many volunteers for their tireless efforts in promoting the campaign; and
- WHEREAS, the Council recognizes and thanks the following groups for their support of the campaign: DiscNW, Hillwood Soccer Club, Kruckeberg Botanic Garden Foundation, Shoreline Chamber of Commerce Executive Board, Shorelake Soccer, Shoreline PTA Council, South Woods Preservation Group, Shoreline-Lake Forest Park Arts Council, and Thornton Creek Alliance.
- NOW THEREFORE, I, Robert L. Ransom, Mayor of the City of Shoreline, on behalf of the Shoreline City Council, issue this proclamation of appreciation to:

CITIZENS FOR SHORELINE PARKS

and encourage our community to join us in thanking them and acknowledging their efforts to improve our quality of life in Shoreline.

Robert L. Ransom, Mayor

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING

Monday, April 10, 2006
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

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

ABSENT: Councilmember Gustafson

1. CALL TO ORDER

The meeting was called to order at 7:35 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 with the exceptions of Deputy Mayor Fimia, Councilmember Gustafson and Councilmember Hansen. Deputy Mayor Fimia and Councilmember Hansen arrived shortly thereafter.

Upon motion by Councilmember McGlashan, seconded by Councilmember Way and carried 5-0, Councilmember Gustafson were excused.

(a) Proclamation of "Donate Life Month"

Mayor Ransom read the proclamation and named the month of April, 2006 "Donate Life Month." He presented the proclamation to Patti Knight and Patrick Broadgate of the Living Agency Foundation.

3. CITY MANAGER'S REPORT

Bob Olander, City Manager, noted that the purchase of three-acres of South Woods has closed. He thanked the Shoreline School District, King County for the Conservancy Futures Grant Program, and the residents of Shoreline. There was a bid opening for the Field A&B Improvements and the low bid was under the City's estimate. He announced that Seattle City Light (SCL) has an Energy Incentive Program that offers six monetary incentive programs to encourage residents and businesses to take action to reduce energy needs. He announced that Mayor Ransom swore four new Planning Commission members: Rocky Piro, Sid Kuboi, David Pyle, and Michelle Wagner. Rocky Piro was nominated as the new chair and Sid Kuboi was nominated as the vice chair. On April

15th there will be a construction party at the Shoreview and Boeing Creek trails for City volunteers.

Councilmember Way added that the City has several Earth Day 2006 events planned and interested parties should refer to the City's website or Channel 21 for more information.

Mr. Olander also mentioned that there are several "Ivy Out" events scheduled throughout the parks and trails of the City and any interested parties should call the City for more information.

4. REPORTS OF BOARDS AND COMMISSIONS:

Councilmember Way announced that she attended the WRIA 8 meeting. She said it was a complex meeting and speakers talked about priorities and the processes for the committees. She noted that she also attended an excellent workshop on Crisis/Risk Management given by King County. She said the main topic of the workshop was to identify ways organizations deal with crisis situations.

Councilmember Ryu noted that on April 5th she attended a presentation given by Sergeant Leona Obstler on the City's Business Watch Program. Additionally, she said that even though the transfer station is being closed residents shouldn't stop recycling at their homes. She added that she went to a dinner given by Presidents Advisory Commission on Asian-American and Pacific Islanders on Thursday, April 6th. She concluded and announced that this week is "Small Business Week" as proclaimed by Governor Gregoire.

Councilmember McGlashan said he would be attending the Juvenile Justice Conference as part of the Northshore/Shoreline Community Network on May 1st.

5. PUBLIC COMMENT

(a) Chris Eggen, Shoreline, stated that the Parks bond provides improved sports facilities, ballfields, trails, and complete the Interurban Trail. He added that the City has a unique opportunity to acquire forest land. He urged the public to vote "yes" for the parks bond to purchase the three properties; South Woods' 12.6 acres, the Seattle Public Utilities' (SPU) property next to Hamlin Park 8.3 acres, and the Kruckeberg Botanic Gardens.

(b) Anne Fishburn, Shoreline, spoke in support of the parks bond on behalf of "ShoreDog", a group of citizens supporting an off-leash dog park in Shoreline. She said this bond is important for the acquisition and parks improvements throughout the City. She particularly supported the \$150,000 for an off-leash area in a City park. She reported that there are over 12,000 dogs in Shoreline and no off-leash area, while in Seattle there are 11 of them. She also said North Acres Park in Seattle has over 500 users per day. She felt that an off-leash park here would also mean fewer dogs would be lost in the City.

(c) Peter Henry, Shoreline, spoke in support of the parks bond and invited the public to come to the Shorecrest High School parking lot on April 15th to a rally in support of it. He thanked the Mayor, the Deputy Mayor, the Council, and the City Manager for doing a fantastic job. Responding to Councilmember Way, Mr. Henry replied that the rally would be taking place at 11:00 am and King County Councilmember Ferguson and Representative Marilyn Chase would be attending.

(d) Greg Logan, Shoreline stated he is dismayed about the recall article and recent articles in the Enterprise about illegal City Council meetings. He said this is a horrible burden that has been put on the City and the Council needs to be doing something more meaningful like dealing with more serious issues such as juvenile behavior and homelessness.

6. APPROVAL OF THE AGENDA

Councilmember Way moved approval of the Consent Calendar, pulling Item 7(c) and moving it to Item 9(a). Deputy Mayor Fimia seconded the motion, which carried 5-0.

7. CONSENT CALENDAR

Deputy Mayor Fimia moved approval of the Consent Calendar as amended. Councilmember Ryu seconded the motion, which carried 5-0, and the following items were approved:

**Minutes of Special Meeting of February 21, 2006
Minutes of Workshop of March 6, 2006
Minutes of Special Meeting of March 20, 2006**

**Approval of expenses and payroll as of March 30,
2006 in the amount of \$2,742,080.60**

**Motion to authorize an Interlocal Agreement between the City
of Shoreline and the City of Lake Forest Park relating to
Recreation Program Reimbursement**

**Ordinance No. 419, updating City Funds and Amending
Chapter 3.35 of the Shoreline Municipal Code**

Councilmember Way asked that the public submit its ideas and priorities for the Council to consider at its Retreat on April 27-28. She noted there will be an input form on the City website called "Community Goals Survey" for the submission of ideas from residents.

Mayor Ransom added that emails, comment forms, and submissions that are sent via voicemail will also be accepted.

Councilmember Ryu asked that this be advertised on Channel 21 as well.

8. ACTION ITEM: PUBLIC HEARING

- (a) Public hearing to receive citizens' comments on Ordinance No. 421, extending a Moratorium on Hazardous Tree Exemptions; and

Ordinance No. 421, Extending a Moratorium and Interim Control pursuant to RCW 35A.63.220 Prohibiting the Cutting of Trees in Critical Areas and Prohibiting Land Clearing or Grading in Critical Areas until July 3, 2006

Mayor Ransom opened the public hearing.

Joe Tovar, Planning and Development Services Director, stated that staff has been refining the proposed permanent regulations regarding tree cutting over the past weeks. He estimated that a recommendation would be brought to the Council in early June since it's on the Planning Commission agenda for May 18.

1) Nancy Rust, Shoreline, favored extending the moratorium because she said Mr. Tovar is busy speaking to the residents on both sides of the issue and the Planning Commission still needs to work on this.

2) Elaine Phelps, Shoreline, concurred with the previous speaker, stating it has been a pleasure working with Mr. Tovar. There are many interests at stake and so is the City of Shoreline. This will effect how Shoreline works toward preservation and how the City retains, sustains, and improves critical areas.

Upon motion by Councilmember Way, seconded by Councilmember Ryu and carried 5-0, the public hearing was closed.

Deputy Mayor Fimia moved to extend the moratorium on hazardous trees until July 3, 2006. Councilmember McGlashan seconded the motion.

Deputy Mayor Fimia asked if the Planning Commission could have their public hearing earlier than May 18.

Mr. Tovar responded that due to notice requirements and the status of the final draft, it will not be possible to hold public hearing sooner than May 18. He noted that the public will be able to view the presentation at the May 4 Planning Commission meeting.

Councilmember McGlashan inquired if the Association for the Responsible Management of Innis Arden (ARM) and the Innis Arden Club had made any progress toward

resolution of their disagreements. He said he would like to see both parties work out their differences on their own and wondered if they were even meeting on their own any longer.

Mr. Tovar was not sure, but he has heard from several residents from both organizations.

Councilmember Way noted that this isn't only an Innis Arden issue. She said there are many trees in Shoreline that may need protection and hazardous trees to deal with. This matter involves everyone in the City. She noted that in Bellevue there are enormous trees that are allowed to stay despite the downtown development that City is experiencing. Our City needs to explore opportunities just like that. These trees add water/air quality and provide a healthy habitat. She stated that the City needs to work for the best outcome in the interest of the public.

Councilmember Ryu asked that the City Manager ensure the May 4 and May 18 Planning Commission meetings are aired on Channel 21.

Deputy Mayor Fimia inquired about the cost to televise the two meetings and whether or not there was money in the budget they could use for it.

Scott Passey, City Clerk, estimated a cost between \$700 - \$1,200 to record each meeting.

Mr. Olander responded that he would find the money in the budget.

Mayor Ransom expressed support for the extension because he is satisfied that staff is thoroughly covering this issue. He felt the two meetings concerning the hazardous tree regulations are important enough to televise and agreed with allocating funds towards it.

Councilmember Hansen arrived at 8:28 p.m.

Councilmember Way wanted Mr. Tovar to clarify the tree issues in the City.

Mr. Tovar replied that there are two different kinds of items that will be a part of the regulations; one involves what the regulation will be for hazardous trees. The next is what should happen to trees in critical areas that may not be hazardous, but impact views.

Councilmember Way wondered if any provisions of the proposed ordinance would preserve significant trees or heritage trees, or if this would be a separate topic.

Mr. Tovar said there are provisions in the Code for landmark trees and the staff will discuss them when it is presented to the Planning Commission and the Council. The staff report will provide a narrative summary on all of the City regulations that involve trees both on private property and in the public right-of-way.

A vote was taken on the motion to extend the moratorium on hazardous trees until July 3, 2006, which carried 6-0.

9. NEW BUSINESS

- (a) Motion to Approve a Professional Services Contract
or the Thornton Creek Corridor Preliminary Design Project

Councilmember Way requested that staff highlight what has been done with this project.

Jill Marilley, City Engineer, said that in 2001 the Council approved a \$5 million plan for Ronald Bog. In 2002, the new Public Works Director, Paul Haines, advocated for lower cost solutions to do more with less money. There were several maintenance projects which needed to be done downstream and upstream such as detention and incremental improvements which were done in 2003 and 2004. These have led to the elimination of any flooding problems in the bog over the past two years.

Jerry Shuster, Surface Water Manager, noted that they videotape the downstream flows of Ronald Bog and every year sections of the pipe are settling and reverse grade. Therefore, the focus of this project is directed at the downstream of Ronald Bog which potentially could cause some flooding of homes in the area if this work is not done.

Mr. Olander added that the downstream piping is full of roots and some pipe separation.

Ms. Marilley stated the system is older and is leaking.

Councilmember Way referred to page 42 of the packet and inquired what the system will look like.

Mr. Shuster said he is not sure what it will look like, but it will provide more water storage volume in Ronald Bog.

Councilmember Way asked if the structure would have a "naturalistic style" and fit into the look of the bog.

Mr. Olander said it may have to be a variable level wier to avoid the downstream issues.

Councilmember Way said she would be interested in identifying ways of improving the wetland functions at Ronald Bog and even at Cromwell Park from a natural aspect. She noted that the words "bypass pipeline" scare her and it refers to an engineered solution that was popular 10 or 15 years ago. She asked about the impact of using bypass pipelines.

Mr. Shuster responded that they do not have any idea what this system will look like because it is in the concept phase.

Councilmember Way asked how much sediment was being sent downstream. She said it outlined that no erosion has taken place in the creek. She state there was lots of sediment

in Sunde Pond and it may be coming from other sites. Sediment, she said, is a big water quality problem. She wished to know what this project will do to address the sediment issue.

Deputy Mayor Fimia moved to approve the Professional Services Contract for the Thornton Creek Corridor Preliminary Design Project. Councilmember Ryu seconded the motion.

Mayor Ransom wanted to know how much the piping in Ronald Bog would cost if it had to be replaced.

Mr. Shuster replied that it would cost \$1.5 million for this project and that is a fairly high estimate depending on the configuration.

Mr. Olander said part of it would be paid for by the Public Works Trust Fund Loan.

Deputy Mayor Fimia asked if the scope could be expanded on page 42 on property acquisition. She said the City could use properties to enhance the system and look at the pervious areas along the corridor and remove them. She argued that the City could devise an incentive program for commercial and residential property owners who wish to use a portion of their property to be less-impervious instead of the City having to do such a large capital project to accommodate all of the runoff.

Mr. Shuster responded that Corliss Avenue and Corliss Place are right-of-ways and the only impervious surfaces in the area except for homes.

Deputy Mayor Fimia noted that Echo Lake abuts several parking lots, some of which are probably unused. She felt the City should reclaim that pervious surface that is now impervious surface.

Ms. Marilley noted that Public Works is looking at utilizing different types of materials such as pervious pavement in parking lots to reduce impervious area.

Mayor Ransom asked if it would change the contract as written.

Mr. Shuster responded that it would not. He highlighted that this contract has a six-month term and they will have 30% designed by then.

Ms. Marilley explained that 30% design marks the “conceptual design phase” of the project. At this point, general cost estimates, timeframes, and general environmental impact and alternatives will be completed.

A vote was taken on the motion to approve the Professional Services Contract for the Thornton Creek Corridor Preliminary Design Project, which carried 6-0.

- (b) Motion to authorize to the City Manager an increase of \$120,000 in additional change order authority and to execute an amendment to the Seattle City Light agreement not to exceed \$25,000, and adopt Ordinance No. 420 to increase the overall project programmed funds from \$9,971,831 to \$10,091,831 for the North City Project

Ms. Marilley highlighted that the project is on schedule and relatively on budget with the contingencies added. She said the project has stayed close to the 8.5% contingency level, but an additional \$120,000 is needed for specific City-related improvement. She clarified that \$25,000 is reimbursable, so the amount impacting the City is \$89,000.

Councilmember Hansen moved to authorize to the City Manager an increase of \$120,000 in additional change order authority and to execute an amendment to the Seattle City Light agreement not to exceed \$25,000, and adopt Ordinance No. 420 to increase the overall project programmed funds from \$9,971,831 to \$10,091,831 for the North City Project. Councilmember McGlashan seconded the motion.

Deputy Mayor Fimia inquired if the decision on this item could be delayed a week. She also asked if additional money for flaggers was approved a couple of months ago.

Ms. Marilley said it would delay some work items and potentially cause the contractor to charge the City more for the delay. She also said the money for the flaggers was approved in November for Seattle City Light (SCL) to use them so they can complete their portion of the work. SCL pays for 30% of the traffic control costs on this project.

Councilmember Ryu appreciated the response from staff and inquired if Qwest had any reimbursables to the City.

Ms. Marilley said the City's attempt to have some of the costs reimbursed by Qwest was unsuccessful.

Councilmember Way said she has heard some concerns that there may be some sidewalk issues. She wondered who was handling the quality control for them.

Ms. Marilley replied there are full-time inspectors on site from the construction management firm. She said there are some panels that are cracked which will be replaced. Since the project is not complete, there are items that need to be corrected. She said emails she received said the shading on the concrete was different, however, she said they will blend in and resemble each other.

Mr. Olander added that the 5% retainer does not get paid out to the contractor unless all project errors are corrected.

Deputy Mayor Fimia stated that she reluctantly supports this item. She said it is critical that staff take a close look at the concrete sections because they are very different in color.

Mayor Ransom said he was very concerned also, but he realized that the City is trying to keep the cost down on this project. He supported the item.

A vote was taken on the motion, which carried 6-0.

Deputy Mayor Fimia moved to televise the Planning Commission meetings of May 4 and May 18. Councilmember Ryu seconded the motion.

Mayor Ransom pointed out that the meeting on May 4 is a closed session with no public comment being taken.

Councilmember McGlashan inquired where the money would come from to televise these meetings.

Mr. Olander replied that the funds could come from the professional services line item in the Planning Department budget or the City Manager's budget.

A vote was taken on the motion, which carried 4-2, with Councilmembers Hansen and McGlashan dissenting.

- (c) Motion to adopt Ordinance No. 422, approving a Formal Subdivision for 18 Zero-Lot-Line Lots and One Critical Area Tract located at 1160 N. 198th Street

Mr. Tovar noted that this is the first example of a private project implementing low-impact development. He announced that many kinds of innovative projects will be processed by the Planning and Development Services Department (PADS) in the future. Deputy Mayor Fimia asked that Mr. Tovar explain to the Council any special process that is unique to this decision.

Mr. Tovar responded that the Planning Commission did have a public hearing on this proposal. Tonight's meeting, he said, is not a public hearing; it is to explain the Planning Commission's recommendation and answer questions about the application or the recommendation.

Councilmember Way asked how flexible the proposal was.

Mr. Olander replied that any additional conditions to the proposal should be fact-based and record-based; otherwise, the proposal should be remanded back to the Planning Commission.

Glen Pickus, Planner, outlined that the specifics of this subdivision was discussed in public hearing on March 16, 2006. He described the location, including the access requirements of the subdivision. He noted that the proposal is for 18 dwelling units in four buildings with a wetland, a buffer, rain garden, access via the adjacent property to

the south. Zoning for the building is R-48 which would have been 55 dwelling units if developed to full potential. The development also has three easements and one tract that will be set aside for the wetland and the buffer. The development has gone through a SEPA review, and a mitigated determination of non-significance (MDNS) was issued on February 7, 2006. Some of the MDNS conditions were acquiring a Hydraulic Project Application (HPA) permit from the state to do work in bodies of water. There were also MDNS conditions to clean up contaminated soil at the site, an underground storage tank, and a 55-gallon drum. There is a Type II wetland on the site which vested in September 2005, under the previous critical area regulations. The HPA permit was needed for the removal the top portion of an existing concrete bulkhead wall just above the ordinary high water mark in an effort to prevent erosion into Echo Lake. Additional staff requirements are for a raised boardwalk to protect the wetland and replacing invasive plant life with native vegetation. He noted that the drainage plan for this project will utilize bio-retention (gathering water in a vegetated area so it can permeate the ground), open grassy swales, and permeable pavement to generate less surface runoff, less erosion, and less pollution. He discussed the rain garden and displayed illustrations. He noted that they are protected and King County requires certain covenants and easements that go with the plat when a rain garden is established. He added that they can't be changed without the approval of the City.

Councilmember Hansen moved to adopt Ordinance No. 422, approving a Formal Subdivision for 18 Zero-Lot-Line Lots and One Critical Area Tract located at 1160 N. 198th Street. Deputy Mayor Fimia seconded the motion.

Councilmember Way stated she was excited to see innovations considered as a part of this project. She inquired as to where the wetland edge was located with the project and how far back that was from the existing wall.

Mr. Pickus replied that he wasn't sure of the exact distance, but estimated it was less than 20 feet.

Mr. Tovar said the path is on the lake side of the inside edge of the buffer.

Councilmember Way said originally there was a standard 100-foot buffer for this type of development and it was reduced to 50-feet because of all the mitigations being offered.

Mr. Pickus said the Code allows a 50-foot buffer if there is a habitat enhancement plan or if it is a low-impact development. He felt this project met both of those requirements.

Councilmember Way revealed that she knew Erik Davido from the Thorton Creek Alliance. She said she was discussing the permeable pavement topic with Planning Commissioner Michael Broili who told her that he has concerns about how permeable asphalt pavement performs after a hot summer takes place. She said it congeals and becomes less permeable.

Mr. Pickus noted that the King County Surface Water Design Manual specifies the types of pavement that are allowed. The site development stage has to be completed in order to determine what type of pavement is going to be used. Staff will review and inspect the pavement once it is installed to ensure it is working properly.

Mr. Tovar noted that there was a lot of Planning Commission discussion on this point and Mr. Davido explained that there are ways to protect the pavement to prevent against any failures.

Councilmember Way made reference to page 166 of the packet and said the biologist found no fish in Echo Lake. She said just because one person doesn't see fish on a certain day doesn't mean there aren't any in the lake. She added that a letter from a neighbor reports they frequently see otter and heron on Echo Lake; animals that eat fish. She expressed concern about not seeing Echo Lake listed as draining into the McAleer Creek Watershed, a Chinook stream. She said she is also concerned about the environmental site assessment report with the underground storage tank, the 55-gallon drum, and the diesel fuel leak from an old abandoned flatbed truck. She inquired how the chemicals will be mitigated.

Mr. Pickus replied that all of the products found in the ground are all associated with gasoline. He said that the site is excavated up to 10 yards deep and the dirt hauled to a regulated site. Testing is then done to ensure all the contaminants are removed before the excavated site is filled.

Councilmember Way inquired if there was any other mitigation that needed to be done and how far down into the ground has the site been tested.

Mr. Pickus said there is no reason to think there was any significant damage done. He said it was from the fuel in the 55-gallon drum and he didn't know how deep into the ground the testing was done.

Mr. Olander also said it was a small spill and it has been relatively contained and there are procedures through the state which address the issue.

Councilmember Ryu expressed excitement about the project and thanked staff and the developer, Prescott Homes. She inquired how much more does a project like this one cost compared to a standard development.

Mr. Pickus estimated that this type of project will be less expensive in the long term.

Mr. Tovar stated that this type of low impact development would not work everywhere; this is just one location that it will work well.

Councilmember Ryu inquired what the filtration system lifespan is, to which Mr. Pickus responded that there is no limit on how long the system will last.

Mr. Olander added that it will last for a long time if it is maintained properly.

Responding to Councilmember Ryu about whether it would be appropriate to update our regulations to ensure people know how to maintain the system, Mr. Pickus said those provisions would be in the design manual and would be available to current and future owners of the property.

Mr. Tovar added that it would also be a part of the covenants of the homeowner's association.

Councilmember McGlashan inquired if the condominiums would be for adults only and how would a resident would access the park. He also asked why the entire concrete bulkhead wall wasn't proposed for removal.

Mr. Pickus responded that each unit would have three bedrooms so children would be a possibility and access to the park would be from Aurora Avenue with no access on 199th because it is a private road. He said the Washington Department of Fish and Wildlife told the developer that all of the bulkhead could not be removed.

Deputy Mayor Fimia expressed support for the project, noting there are developers that want to do these types of projects. She pointed out that the condominiums have three bedrooms each, which would attract families with children. Thus, she is concerned about split-rail fencing when children are present. She also commented on the lack of access to Echo Lake Park from this site.

Mayor Ransom wondered if the Council could add a condition for the developer to create a small, on-site "tot lot" for children to play.

Mr. Tovar said it is at the Council's discretion, but the Planning Commission felt that development had so many other amenities that it didn't want to make it a requirement.

Councilmember Way inquired where the tot lot could be placed on the property.

Mr. Pickus stated there is space at the end of the pervious path at the edge of the buffer.

Councilmember Hansen said he was glad to see the developer is willing to work under these conditions. He asked if the developer thought about oil-eating microbes to eliminate the spill. He suggested that the time to put restrictions on the project is at the building permit phase.

Mr. Olander clarified that the Council will not consider this project again if they approve it tonight.

Mayor Ransom expressed concerns with the difference in a 100-foot and a 50-foot buffer. He said there will be developers who inquire why this one site was allowed a 50-foot

buffer. This will set a precedent and the Council needs to make it clear what the developer is doing differently on this site as compared to others.

Mr. Tovar noted that because this is a low impact development, it is able to have a smaller buffer with more enhancements. He mentioned that the Planning Commission has recommended revisiting the Department of Ecology (DOE) 2005 Wetland Manual for categorizing wetlands. He said this is a pilot project and doesn't really set a precedent in Shoreline.

Councilmember McGlashan said he would not support the item without a tot lot amendment. He felt that even with a tot lot on the premises, children would be attracted to play in the buffer area.

MEETING EXTENSION

At 10:00 p.m., Deputy Mayor Fimia moved to extend the meeting until 10:30 p.m. Councilmember Ryu seconded the motion, which carried 5-1, with Councilmember Hansen dissenting.

Responding to Councilmember Way, Mr. Pickus said that he wasn't sure of how much water percolates into the ground, but there is a natural setting there now and the proposal is to enhance water flows into the ground instead of into the lake. This will make the entire system amenable to infiltration.

Mr. Tovar added that this would be a substantial improvement to the quality and volume of flows if we believe in the 2005 DOE Wetland Manual.

Councilmember Way said she spoke to a neighbor about algae blooms. She added that the City needs to work backwards and improve the quality of the lake.

Mr. Tovar responded that he is working on another project at the south end of the lake and if all the properties had these types of low impact improvements the lake would be substantially better.

Councilmember Ryu supported the project with the tot lot condition and agreed to direct staff to work on it.

Mr. Pickus stated that the most logical spot for a tot lot on this development would be by the trail.

Deputy Mayor Fimia moved to add a condition in which the "developer shall provide a fenced tot lot on-site as per Shoreline Municipal Code 20.50.160." Councilmember Ryu seconded the motion.

Deputy Mayor Fimia said a fenced tot lot would assist in lowering the potential danger for children.

A vote was taken on the amendment, which carried 5-1, with Councilmember Hansen dissenting.

A vote was taken on the motion to adopt Ordinance No. 422, approving a Formal Subdivision for 18 Zero-Lot-Line Lots and One Critical Area Tract located at 1160 N. 198th Street as amended, which carried 6-0.

(d) Motion Authorizing Legal Defense of Recall Petition

Flannary Collins, Assistant City Attorney, explained that a petition was filed on March 30, 2006 with the same allegations as in King vs. Fimia et al. She outlined the criteria for providing defense as provided in the Shoreline Municipal Code. The City Manager's recommendation is that legal defense should be provided without a reservation of rights. In this case, the Superior Court will hold a hearing which will not inquire on the actual truth or falsity of the claim or allegation. There will be no findings, thus no reservation of rights is necessary. She said the two separate motions to be made are for the legal defense of Mayor Ransom and for the legal defense of Deputy Mayor Fimia.

Mayor Ransom called for public comment.

1) Frank Moll, Shoreline, suggested that the Council look at the petition closer. One aspect involves the provision of money for the defense, and another involves whether the recall parties should vote on it. He cited RCW 42.23.030 and the Shoreline Code of Ethics and said the Council should at all times avoid conduct that appears improper.

2) Elaine Phelps, Shoreline, said this recall suit is exactly like the previous suit. She felt the allegations in the suit are unsupportable and amount to harassment. She emphasized that if the City doesn't support it's Councilmembers against this kind of harassment then nobody will run for Council in the future.

3) Wendy DiPeso, Shoreline, thanked the City for its hard work and read an excerpt from the staff report which quotes a State Supreme Court ruling on this kind of case. She was in favor of providing legal defense.

Councilmember Ryu moved that the criteria for providing a defense under Shoreline Municipal Code Chapter 2.40 are met for Mayor Bob Ransom and the City Attorney is authorized to provide legal defense for the Mayor in his recall litigation. Councilmember Way seconded the motion.

Councilmember Hansen announced that he was made aware of this issue on Friday and has not had sufficient time to review it. He asked for it to be deferred for a week. He said if he must vote at this meeting he will vote against the motion.

Mr. Olander said this will move very quickly to a Superior Court hearing once the prosecutor certifies the petition. He believed there was a sense of urgency if the Council wished to provide defense.

Ms. Collins said that the prosecutor said the case should be on the Superior Court calendar within the next 2 to 3 weeks.

MEETING EXTENSION

At 10:30 p.m., Deputy Mayor Fimia moved to extend the meeting until 10:45 p.m. Councilmember Ryu seconded the motion, which carried 6-0.

Councilmember Way said the Councilmembers have already been served and legal counsel is required now so they can be prepared.

Councilmember Hansen replied that it can be done next week after the Council is better informed.

Councilmember Way felt the lawsuit was another attempt to intimidate Councilmembers. She said she will not be intimidated by these tactics. She believed this was brought by people who lost the last election. She noted that the Council has been working collaboratively and getting work done over the past several months.

Councilmember Ryu supported the motion based on the recommendation of the staff. She said the Council is obligated to provide support. This legal action, she said, is not strengthening the City.

Councilmember McGlashan agreed with Councilmember Hansen and said that this item was "thrown at the Council" on Friday. He said he spent several hours on his computer at home trying to understand the issue. He asked if there was some differentiation because this item involves the elections office.

Ms. Collins responded that it definitely involves the elections office because the King County Prosecutor has to do a ballot synopsis.

Mr. Olander added that it starts out being a legal issue. The legal test, he continued, is whether the allegations are true and if the allegations meet the recall requirements. There is a mix of the legal and elections process, he concluded.

Councilmember McGlashan outlined that RCW 35.21.023 states all recall defense expenses shall be paid by the city or town if the officials approve such defense.

Mr. Olander highlighted that in this type of case, there is no verdict of guilty or innocence. The electorate, at a later date, will make that decision at the polls. He added that the recall petition was filed 7-10 days prior to the meeting and a decision is needed as soon as possible.

Councilmember McGlashan agreed in that Councilmembers should expect legal defense when these matters arise.

Councilmember McGlashan moved that the City appoint in-house counsel through the City Attorney's Office for Mayor Ransom and Deputy Mayor Fimia instead of hiring an outside attorney. Councilmember Hansen seconded the motion.

Ms. Collins stated she spoke to City Attorney Ian Sievers and said since the Council is split on the issue, representation is not feasible.

MEETING EXTENSION

At 10:45 p.m., Councilmember Ryu moved to extend the meeting until 11:00 p.m. Deputy Mayor Fimia seconded the motion, which carried 6-0.

Mr. Olander advised that it may be a good idea to utilize the same counsel that represented the Councilmembers previously because the issues are similar and there would be some time and cost savings.

Councilmember Hansen moved to table this item until the April 17, 2006 City Council Meeting. Councilmember McGlashan seconded the motion.

Councilmember Way noted this item was triggered by outside citizens, not by the court.

Mayor Ransom said it is unreasonable to restrict the preparation of a case to one week before going before a judge, so he opposed the motion to postpone.

Councilmember Way agreed and said this is a violation of a Councilmember's right to defense.

A vote was taken on the motion to table this item until the April 17, 2006 City Council Meeting, which failed 2 – 4, with Councilmembers McGlashan and Hansen voting in the affirmative.

A vote was taken on the amendment to add "in-house" before "legal defense," which failed 2 – 4, with Councilmembers Hansen and McGlashan voting in the affirmative.

Mayor Ransom read a statement pertaining to a State Superior Court case from the staff report to illustrate that

Deputy Mayor Fimia announced she is voting in favor and stressed that the case and the basis for recall are baseless. She felt this is only eroding trust and preventing the Council and residents from working collaboratively. She said she hopes the City can move beyond this, and the people who have brought the lawsuit have no evidence. Negative

things are read into things like this, however, she said it will not stop the Council from moving forward and addressing City issues.

Councilmember Hansen said he will vote against it. He added that he is voting against it because he has not had adequate time to review it and come to a reasoned decision.

A vote was taken on the motion that the criteria for providing a defense under Shoreline Municipal Code Chapter 2.40 are met for Mayor Ransom and the City Attorney is authorized to provide legal defense for the Mayor in his recall litigation, which carried 5 – 1, with Councilmember Hansen dissenting.

Councilmember Way moved that the criteria for providing a defense under Shoreline Municipal Code Chapter 2.40 are met for Deputy Mayor Maggie Fimia and the City Attorney is authorized to provide legal defense for the Deputy Mayor in her recall litigation. Councilmember Ryu seconded the motion.

Councilmember McGlashan asked to have his previous questions and statements considered under this motion.

A vote was taken on the motion that the criteria for providing a defense under Shoreline Municipal Code Chapter 2.40 are met for Deputy Mayor Maggie Fimia and the City Attorney is authorized to provide legal defense for the Deputy Mayor in her recall litigation, which carried 5 – 1, with Councilmember Hansen dissenting.

10. ADJOURNMENT

At 10:57 p.m., Mayor Ransom declared the meeting adjourned.

Scott Passey, City Clerk

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CITY OF SHORELINE

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

Monday, May 1, 2006
6:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

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

ABSENT: Councilmembers Ryu

1. **CALL TO ORDER**

The meeting was called to order at 6:36 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 with the exception of Councilmembers Hansen and Ryu. Councilmember Hansen arrived at 6:41 p.m.

Upon motion by Councilmember McGlashan, seconded by Deputy Mayor Fimia and carried 5-0, Councilmember Ryu was excused.

Councilmember McGlashan advised the Council that he would be departing at 7:00 p.m. to present the Teacher of the Year award at the Shoreline School Board meeting.

3. **CITY MANAGER'S REPORT**

Bob Olander, City Manager, reported that the City's Recreation Superintendent, Lynn Cheeney was chosen as the Honor Fellow Award recipient for the Washington Parks and Recreation Association (WPRA). Ms. Cheney said it was an honor for her to be selected.

Continuing the City Manager's report, Mr. Olander said the Shoreline/Lake Forest Park Senior Center will be hosting "Treasure or Trash," an appraisal event on May 20th at the Senior Center. He also commented on the success of the Annual Volunteer Breakfast, which was held last Friday. He noted that the Aurora Corridor continues to move along and on May 19th the main bridge structure will be installed. He commented on the plan to publicize the fact that Aurora Avenue will be closed from 7:00 p.m. until 6:00 a.m. He also noted that Shoreline Fields A & B contract has been awarded and it is estimated that it will be completed within 70 calendar days. He mentioned the Council's goal-setting retreat and said a draft list of goals will be sent out to the public for their input.

4. COUNCIL REPORTS

Councilmember Gustafson provided highlights of his trip to China and discussed several Chinese amenities such as the streetlights, artistic overpasses, underground utilities, bike-friendly roads, fountains, and landscaping. He said he was very impressed with curb and median structures in China and their tree and vegetation planting. He also noted that Shoreline should consider building a fountain in the City.

Councilmember McGlashan noted that an Eagle Scout completed his duties at Top Foods and erected fencing and a picnic table which will deter vehicles from driving onto the Interurban Trail. He said he also attended the "Average Joe Cat Show" sponsored by the Parks Department.

Councilmember Way thanked staff for their patience and willingness to help the Council achieve their goals and come to consensus during the retreat.

Councilmember Hansen reported on his attendance at the Puget Sound Regional Council (PSRC) meeting on Thursday, where the Comprehensive Plan Updates for Mill Creek and University Place were certified. The group also authorized a change in the project status for projects relating to Destination 2030. A new compensation and benefit study was also approved, he said. They also reviewed the latest actions concerning the third Runway in SeaTac. There were also updates done on PRSC's 2006 Policy Framework.

Deputy Mayor Fimia said there are walkabouts going on every Wednesday to businesses that are affected by the Aurora Corridor Project. She said they got some good suggestions for signage and access from the business owners. She urged the public to visit the businesses and inquired if the City could make the opening of the Interurban Trail Bridge a joint event with businesses.

Mayor Ransom attended the Shoreline Chamber of Commerce meeting. He reported that they discussed the Economic Development Committee sponsoring of the Puget Sound Clean Cities Coalition and Washington State Odyssey Days which begins in October. Economic Development Manager Tom Boydell was also there and he noted that Quizno's was the first loan applicant for the business assistance program. Mayor Ransom announced that the North City Car Show is on June 17th and the National Day of Prayer Prayer Breakfast is on May 4th at the Shoreline Center. He said he went to the Northend Mayor's Meeting, where he outlined an issue with grants between the cities of the group. He said Kenmore is asking for funding for a joint public/private downtown project. Bothell, he announced, is implementing a moratorium on adult entertainment. Mayor Ransom attended the Suburban Cities Association meeting and King County Executive Ron Sims discussed the pandemic flu outbreak of 1918. He also spoke with Senator Patty Murray about the Shoreline School District budget, "No Child Left Behind," and how much money the City would be requesting for Aurora Corridor Phase II. He stated he received a voicemail complaint about signage on Aurora, and asked the City Manager if signs are required to be printed in English.

Councilmember McGlashan departed the meeting at 7:00 p.m.

Mr. Olander responded that the City does not generally control signage content, but it does control size and placement.

Ian Sievers, City Attorney, added that the City has no control of the content of a private sign due to constitutional rights of freedom of speech.

5. PUBLIC COMMENT

(a) Dwight Stevens, Shoreline, urged those in attendance to remember to vote for the Parks Bond on May 16. He said it is a marvelous opportunity to do something good for the City. He outlined that 7,100 people must vote, and 4,300 of them must vote in favor for the bond to pass. He said residents can call him to get a yard sign in support of the bond.

6. WORKSHOP ITEMS

- (a) Annual Reports of the Shoreline-Lake Forest Park
Arts Council and Shoreline Historical Museum

Dick Deal, Parks, Recreation & Cultural Services Director, stated since 1996 the City of Shoreline has provided financial support to the Shoreline Historical Museum for historical preservation of artifacts and documents.

Vicki Stiles, Shoreline Historical Museum Director, gave an overview of the museum. She highlighted that it is a community museum with a regional focus. She discussed the background on the facility and the programs offered. The facility is staffed by volunteers who log an average of over 4,000 hours per year of service to the museum.

Councilmember McGlashan returned at 7:23 p.m.

Ms. Stiles continued with a PowerPoint presentation outlining the events that have taken place at the museum over the past years which include:

- “Passport to History”
- Annual Racecar Exhibit
- 10th Anniversary Celebration and Exhibit
- “Hands-on” Day
- “Toys Gone By” Exhibit
- Annual Juried Auto Show

She added that many of the exhibits involve local businesses and provide snapshots of Shoreline’s growth over the years. She noted that the museum is involved in many long-term projects such as:

- ADA accessibility improvements
- Adding an elevator in the building
- Next 100 years project
- Seismic upgrades
- Improving the collections and archives area
- Restoring the historical integrity of the building

She concluded by stating the museum serves approximately 10,000 people every year, with 85% of them being Shoreline residents. She thanked the residents of the City of Shoreline, the City Council, and the City staff for their support.

Councilmember Way thanked Ms. Stiles for the great work she has done over the years. She added that Ms. Stiles is very patient and well-informed about Shoreline history and inquired if there were any planned or established programs to document the oral history of the City.

Ms. Stiles stated that the City has had an oral history program for four years, but the interviewing process takes time and volunteers are trying their best to collect the “memories.” She also responded that the museum tours local elementary schools and does lots of work with the schools on “History Day” each year to ensure the students know that the museum is a resource for information. She also said there are several organizations that the City partners with such as the King County 4 Culture, the Association of King County Historical Organizations, the Washington Museum Association, and other community groups. However, she said, the museum is always looking for other organizations with which to partner.

Councilmember Way encouraged Ms. Stiles to think “outside the box” and come to the community and the Council for ideas and input.

Deputy Mayor Fimia thanked Ms. Stiles for her work at the museum. She said the programs seem frequent, which is good. She inquired about cultural history and genealogy. She felt the City should be doing more programs focusing on awareness, sensitivity, and inclusion. She raised the point that these types of programs need to be given in the City of Shoreline to increase understanding and sensitivity.

Ms. Stiles replied that the first multicultural exhibit was “Fresh Voices of the Community, Korean-American Youth.” This exhibit was created by about 20 Korean-American high school students who spoke about their lives through a series of interviews and discussions. Another exhibit is called, “Edwin Pratt,” who was very involved in the Civil Rights Movement in the 1960’s in Shoreline. It was created in conjunction with the sixth graders at North City School. Finally, she said, two years ago the museum did “Mabuhai”, a Filipino-American exhibit in Shoreline. She commented that it takes time and effort to put these exhibits together.

Deputy Mayor Fimia felt that the history lessons given in schools lack humanness and wondered what is available at the museum to counteract this.

Ms. Stiles responded there are lectures on how to research the archives for genealogy information. She noted that the museum has a plethora of information on local families.

Deputy Mayor Fimia suggested the City do more partnerships to increase awareness in school children. She argued that the children are missing out on discovering their culture.

Ros Bird, Shoreline-Lake Forest Park Arts Council Director, said the mission of the Council which was founded in 1989, is to nurture and support the Arts to enhance the quality of life in the community. The Arts Council currently serves about 23,000 people per year. The Council promotes awareness through a newsletter, e-news updates, website and flyers. The Arts Council sponsors and coordinates music, dance, theater, visual arts festivals, workshops, and other events. She added that they also support several local artists and arts organizations. She highlighted that their funding comes from 4 Culture, the Washington State Arts Commission, individual donations, grants, and corporations and local business donations. She noted that there is a 14-member volunteer board of directors, volunteer committee members, and over 300 volunteers per year. She said the Arts Council thrives on partnering with organizations such as the School District, the museum, the senior center, and other community organizations.

Councilmember Way thanked Ms. Bird for the presentation and congratulated the group for their efforts. She said it would be great to have some of the things that occur in the Arts Festival carried over to "Celebrate Shoreline." She inquired about local cultural groups in Shoreline.

Ms. Bird responded that there were a host of ethnic bands and she recruits for dance groups because there aren't that many in the City.

Councilmember Way added that she would like to see the Arts Council get more funding and develop more programs for the schools to encourage young artists.

Ms. Bird responded that they do some of that and residents assist the Arts Council to secure more funding by lobbying the State Legislature to have arts included in basic education. If that occurs, she explained, more funding should be allocated to develop arts programs in the schools.

Deputy Mayor Fimia thanked Ms. Bird for the work done, to include the bus shelters in the City. She said that she will lobby for more multicultural events in the City and more partnerships for economic development in the arts arena.

Ms. Bird commented that people are coming from many places and staying in this area. Cultural tourism is important and some work should be done with the Chamber of Commerce.

Councilmember Gustafson thanked Ms. Bird for a great job and said the Arts Council is an asset to the community.

(b) Street Maintenance Operations – 2006 Status Update

Paul Haines, Public Works Director reviewed the services, activities, and the effective programs of the Street Maintenance Operations Division. Mr. Haines individually introduced and noted that Brian Breeden and his field crew team is the most professional crew he has ever worked with. He stated that the Street Operations program maintains, repairs and improves the City's transportation, urban street trees, drainage infrastructure, supports emergency management as first responders, as well as, provides safe and efficient corridors of travel to protect public and private property. Their goal is to provide a safe, pleasant, and healthy environment for the community. He displayed an organizational chart of the department and noted the following statistical information pertaining to maintenance responsibilities for the division:

- 663 requests for service this year from residents
- 12,000 signs
- 2 bridges
- 12,000 Signs
- 2 Bridges
- 171 miles of striping
- 112 miles of slope mowing
- 68.5 miles of sidewalks
- 109 miles of storm pipes
- 15,400 street trees maintained
- 185 miles of public streets
- 3 - 6 windstorms a year
- 3 - 6 snow storm events
- 5.8 miles of overlay annually
- 6.8 miles of slurry seal annually
- Replace over 3,000 sq. ft of sidewalk panels annually

Brian Breeden, Public Works Road Supervisor, highlighted that the Street Operations team performs the following daily tasks as needed throughout the City of Shoreline:

- Sign Installation and Sign Maintenance
- Pipe and Catch Basin Installation
- Paving
- Berm Installation
- "Adopt A Road" (Volunteer Clean-up Program)
- Gravel Shouldering
- Traffic Control
- Device Installation
- Painting
- Emergency Response, Road Closures, and Traffic Control
- Roadside Drainage
- Street Tree Maintenance, Restoration and Trimming

- Special Projects
- Snow and Ice Storm Response
- Snow Route Map

Mr. Breeden also stated that crews pick up any large limbs and debris that have fallen within the City's right-of-way starting with primary routes first, then on secondary streets and into the neighborhoods. Additionally, residents are advised on how to dispose of yard debris through an informational campaign. He stated that they clear storm drains and catch basins to reduce possible street flooding, meanwhile, residents are encouraged to rake up and remove leaves from the storm drains. He highlighted that they maintain several professional services contracts with vendors who provide the following services:

- Street Surface Overlay (4.1 lane miles projected in 2006)
- Slurry Seal (5.8 lane miles projected in 2006)
- Street Sweeping
- Right-of-Way (Landscape Maintenance)
- Sidewalk and Curb Ramp (3,774 sidewalk panels and 239 curb & gutter replacements projected in 2006)
- Hazardous Tree Removal
- Paving and Concrete Repair

Deputy Mayor Fimia asked for more information on why the City does slurry seal.

Jesus Sanchez, Public Works Operations Manager, stated that this is used on roads that have a high pavement management index (PMI) and need to be maintained. Slurry roads wear better than normal pavement and asphalt.

Mr. Olander added that slurry seal is a preventative measure.

Mr. Haines said that an overlay occurs when there are structural problems present; the slurry seal is applied before any issues occur. The seal fills in cracking and sustains the surface condition before water can erode it.

Councilmember McGlashan inquired if "tar and gravel" was utilized any longer.

Mr. Sanchez responded that this type of road paving is called "chip seal" and it has produced many complaints over the years because it doesn't add a structural component to roads.

Mr. Olander said it is wise for the City to invest in the roads because it can save the City millions in repair costs in the future.

Mr. Sanchez continued that the department is always looking for efficiencies, cost savings, and enhancements that will increase the service levels of the roads in Shoreline.

Mr. Sanchez noted that the City would be updating sixty-five curb ramps with ADA truncated domes in 2006. These curb ramps are located in the southwest corner of the City. Additionally, the City is replacing 239 linear feet of curb and gutter in the City. He noted that in 2006 they will increase department efficiency and reduce spending by: 1) conducting efficiency and cost comparison analysis on services performed by King County, private contractors and in-house staff; 2) performing an efficiency and cost comparison analysis on owning a new sweeper vs. renting; 3) providing concrete replacement training to crew; and 4) creating an "on-call" program for the Street Operations crew.

Mayor Ransom inquired how much it costs to repair one pothole.

Mr. Breeden responded that it costs less than \$300 to repair each one. He also added that the City doesn't contract with King County to repair them any longer because it is more cost-effective to do this work in-house.

Councilmember Hansen thanked the Public Works department for the great job they do. He inquired if the sidewalk and curb ramp installations at Fred Meyer were included in the overall number of linear feet done in the City.

Mr. Sanchez said they are not included because developers are responsible for their own sidewalks and curb gutters.

Councilmember Hansen inquired about the leasing agreement for the slope mower.

Mr. Sanchez replied that it is on a straight operating lease because it provides the highest maintenance coverage for repair costs since a slope mower is very expensive to maintain.

Mr. Haines stated he is very cautious about making new equipment purchases and before leasing the slope mower he made sure the department could afford it.

Councilmember Hansen said Councilmember Ryu asked if the mowing schedule has been created yet because residents have concerns about mowing the right-of-way.

Mr. Sanchez responded that his crew will help people if they can't maintain the right-of-way or need assistance.

Councilmember Hansen noted that there was a reduced speed sign down on the corner of 1st Avenue NE and 198th Street NE.

Councilmember McGlashan asked if metal stop sign posts were less expensive than wood posts.

Mr. Sanchez replied that they were more expensive, but they are faster to replace and are made of a reflective material which increases visibility at night.

Councilmember McGlashan inquired what bridges were being maintained by the Public Works department.

Mr. Sanchez replied that they maintain the bridge on 195th and the bridge on 175th and 10th NW. He said the department cleans the areas around the bridges at the entrances. but the department does not do any structural work.

Mr. Haines noted there is a required annual structural review for all bridges in the City.

Councilmember McGlashan asked about the removal process for an overgrown tree in the right-of-way. He noted there are some trees on 15th Avenue NE that are breaking the sidewalk.

Mr. Sanchez replied that they first try to save the tree, but if it can't be saved, they remove it and replant another smaller tree. Under certain conditions, they can modify the sidewalk to circumvent obstructions.

Referring to the presentation information, Councilmember Way asked about the six beautification sites.

Mr. Breeden responded that they include: 1) Aurora Avenue and 205th Avenue; 2) the bridge at NE 195th Street; 3) Meridian and NE 175th Street; 4) Meridian and NE 205th Street; 5) 5th Avenue NE and NE 145th Street; and 6) 5th Avenue NE and NE 165th Street.

Councilmember Way inquired if volunteers are needed for these projects.

Mr. Sanchez responded that volunteers are always solicited and some do respond and help.

Councilmember Way inquired if there is a volunteer maintenance program.

Mr. Sanchez replied that one member of staff meets with homeowners to coordinate right-of-way improvements.

Mr. Haines added that generally the volunteer programs in public works are spot-specific and it is spontaneous volunteerism. It is not a broadly-developed program.

Mr. Olander stated that the traffic circle program is encouraged and residents are required to maintain them.

Councilmember Way inquired if the City has street sweeping trucks that leave toxics on the roads.

Mr. Sanchez responded that the City utilizes regenerative air sweeper units which do not leave toxics behind and provide an upgraded service at a reduced cost. He said we no longer use King County for this service.

Councilmember Way asked what Public Works is doing to avoid using toxic herbicides to eliminate invasive vegetation in the public right-of-way.

Mr. Sanchez replied that they try to cut back on herbicides as much as possible and minimize the amount of spraying in the City. In addition, they have tried using vinegar instead of herbicide, however, it's not as effective.

Councilmember Way said she would like to help find a substitute to herbicide because King County sprayed in her neighborhood and it drained into the creek.

Mr. Sanchez noted that the policy in the City is not to spray in sensitive areas and prior to spraying the crews are furnished with maps outlining where all the sensitive areas are in the City.

Councilmember Gustafson thanked the staff for their work, noting that the Customer Response Team has resolved issues he has reported in a timely fashion. He inquired if there have been any complaints regarding slurry seals.

Mr. Sanchez responded that there haven't been any since 2002. He clarified that the City is using Slurry Seal Type 1-modified, which works well in Shoreline.

Mr. Haines added that his crew has been communicating with residents, which tend to lessen complaints. He said keeping citizens informed on slurry seal applications helps allay their concerns, since the product typically takes over four hours to dry.

Councilmember Gustafson wondered if the City could be more proactive in getting residents to help maintain traffic circles and other projects.

Mr. Sanchez replied that they try to approach residents immediately when traffic circles are added, but it is a long process. The first thing they try to do is educate the community and inform them of the cost savings of having citizens do the maintenance.

Mr. Olander added that the City also advertises volunteer opportunities like this at City events, in the "Currents" newsletter, and the website to encourage volunteerism.

Responding to Councilmember Gustafson, Mr. Sanchez explained that ADA truncated domes are the squares at curb ramps that allow handicapped persons to recognize them by feel. They are required by law so disabled citizens can recognize where the crossing ramp is.

Deputy Mayor Fimia asked if there was a mechanism for the joint purchase of equipment with other cities.

Mr. Sanchez replied affirmatively. He noted that he has talked with other cities about sharing ownership in or leasing a street sweeper. However, there are several details that still need to be worked out between the cities.

Responding to Deputy Mayor Fimia, Mr. Sanchez clarified that the property owners are responsible for ensuring the sidewalk abutting their properties is clear of debris and safe from line-of-sight problems. However, if the sidewalk needs to be repaired they should notify the City to replace it. The City encourages property owners to maintain the public right-of-way and make it visually appealing.

Deputy Mayor Fimia pointed out that although the City owns the right-of-way, residents could see fewer taxes and fees if they take responsibility for helping maintain them.

Mr. Olander also noted that removing branches and debris from gutters and drains can also reduce flooding issues in the neighborhoods.

Mr. Haines said this raises a policy question about the appropriate level of maintenance on City right-of-ways. Some cities, he said, don't provide this level of service and they save money by looking to property owners to cover these services.

Deputy Mayor Fimia inquired who had the responsibility of cleaning up litter on the City right-of-ways.

Mr. Sanchez responded that the City maintenance contracts take care of litter on the right-of-ways. He pointed out that the City's maintenance contracts cover mowing, cutting grass, and litter control.

Deputy Mayor Fimia commented that this occurs twice a year and the City may want to increase that on the areas that attract the litter along some of the high use roads and right-of-ways. She asked Mr. Haines to consider what level of funding would be needed to execute a higher level of litter and graffiti control in the City. She also asked for solutions for the removal of branches and debris after wind storms. Normally, she pointed out, residents just leave the branches and debris in the right-of-way and it just gets blown around or sits in front of their homes for an extended period of time.

Mr. Sanchez said the staff could educate residents about the wood chipping the City does. He noted that there is a special residential pick-up in the winter.

Mr. Haines added that next year there will be a "Spring Yard Clean-Up" event. He said it takes staff three-weeks to setup this event but it depends on property owners to help each other. However, the City can pick-up debris in the right-of-ways if things get out of control.

Mr. Olander pointed out that the City can also try to renegotiate the Waste Management contract to include more pickup services.

Mayor Ransom asked staff to comment on the utilization of community service hours in the past to help maintain the public right-of-way.

Mr. Sanchez stated that the NERF program, which utilized community service workers from King County, was terminated because of increasing costs and a lack of consistent and quality service.

Mr. Olander noted the program was not cost-effective because it took more time to train and supervise the community service workers than it was worth. He concluded that the program hasn't worked for the City.

Mayor Ransom highlighted that the City has a \$2,900,000 budget, with \$800,000 in regular revenue. This means there is \$2,100,000 in the General Fund. He asked Mr. Olander what could be cut from the General Fund.

Mr. Olander said he would have to look at the budget and take into consideration all of the priorities to come up with a recommendation.

Councilmember Way stated that home composting is also an option to save money on garbage costs. She also inquired if there was a state law which required motorists to have a litter bag in their vehicles.

Mr. Sanchez stated he was not sure of the requirements of this law, but he said he would find out.

Mr. Olander noted there is a new emphasis on secure loads in Washington. The emphasis is to prevent people from letting garbage spill onto the roadways from the vehicles.

Deputy Mayor Fimia suggested the City pass out litter bags and possibly utilize a slogan like, "Shop in Shoreline and Keep Shoreline Clean," which would address both issues.

MEETING EXTENSION

At 9:45 p.m., Deputy Mayor Fimia moved to extend the meeting until 10:15 p.m. Councilmember McGlashan seconded the motion, which carried 6-0.

EXECUTIVE SESSION

At 9:45 p.m., Mayor Ransom announced that the Council would recess into Executive Session until 10:15 p.m. to discuss property acquisition.

At 10:19 p.m., Mayor Ransom emerged and announced that the Executive Session would continue for an additional 15 minutes.

At 10:37 p.m., the Executive Session concluded and Mayor Ransom returned to the Council Chambers.

7. ADJOURNMENT

At 10:37 p.m., Mayor Ransom declared the meeting adjourned.

Scott Passey, City Clerk

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May 8, 2006

CITY OF SHORELINE

DRAFT

SHORELINE CITY COUNCIL SUMMARY MINUTES OF DINNER MEETING

Monday, May 8, 2006
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; Dick Deal, Parks, Recreation and Cultural Services Director; Bernard Seeger, Management Analyst; Scott Passey, City Clerk; Carol Shenk, Records and Information Manager; and Ronald Moore, Deputy City Clerk

GUEST: none

At 6:20 p.m. Deputy Mayor Fimia called the meeting to order. Mayor Ransom arrived at 6:22 p.m.

Mr. Deal provided information to the Council about the mistaken phone calls made on behalf of the citizen committee working to pass the parks bond measure. He outlined the measures taken to notify people that the 12:30 a.m. calls made to Shoreline residents were by mistake and not intentional.

Mr. Passey provided an overview of the chain of events regarding the "mistaken" application for a liquor license for a winery operation near Einstein Middle School. He explained that it was unclear whether the applicant needed a liquor license for her Shoreline residence or whether she needed to apply for a home occupation permit. Mr. Olander said he's writing a letter to the Liquor Board opposing the matter because her residence is not zoned for commercial activity. Also, the wine-associated activity will occur in Woodinville, so nothing will occur at the Shoreline residence except accounting and office work.

Mr. Seeger provided a presentation on the 2005 Council Correspondence Process. He reviewed the purpose and goals of the process, noting that staff provides responsive, personalized correspondence for letters and email written to the Council in an effort to inform, educate, and answer questions regarding Council policy. Letters/email received by the Council Office is logged and citizens receive acknowledgement that they letter

was received. The CMO consults with department (as needed) on responses, which are then forwarded to Mayor for review/approval.

Continuing, he provided statistics on the amount of correspondence and the recurring topics for the 2001-2005 period. In 2005, 320 letters were received, as compared to 459 in 2004, which represents a 30% decrease. Of all the correspondence, 67% is e-mail, with 29% by letter. No apparent trends emerged in the comparisons of the number of letters going back to 2001. The top issue identified was City Manager resignation (19%), followed by General Policy (14%), City Hall (13%), and the Comprehensive Plan (12%). Over the five-year period of 2001-2005, the Aurora Corridor (76) and traffic (75) were the leading issues that we received letters on. From 2004-05, leading topics were North City (89), Cottage Housing (61), and City Hall (34). Average response time was 15 calendar days (both average and median) in 2005; the new time standard is 14 days.

Mr. Passey gave a report on the City's public records disclosure process for 2005. He noted that all requests go through Carol Shenk, the City's Records and Information Manager, and the City is in compliance with the model rules from the State Attorney General's Office. He reviewed the legal requirements of the State Public Disclosure Act as well as the department's customer service goals, which include timely response to records requests, and limiting the number of unwanted or unnecessary copies. He discussed the difference between routine and non-routine requests and how each is handled. He also reviewed the number of pages made available in 2004, 2005 and 2006 as well as the number of copies paid for.

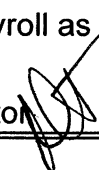
Continuing, he identified the goal of trying to save paper by using electronic methods as much as possible. Permit files comprised the most numerous requests by category. For 2005, the average time to close a request was 7.57 calendar days; the median was 3 calendar days. Some of the major topics included Innis Arden tree cutting and City Hall. Customer satisfaction was rated very high, with 97% of respondents rating the customer service as good or excellent. He also discussed the records retention schedule and guidelines for City Council and employees. He concluded by outlining 2006 goals, which include refining tracking systems, helping departments organize and track records, and increasing the volume of records available electronically to outside customers.

The meeting adjourned at 7:05 p.m.

Joyce Nichols, Communications and Intergovernmental Relations Director

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Approval of Expenses and Payroll as of May 10, 2006
DEPARTMENT:	Finance
PRESENTED BY:	Debra S. Tarry, Finance Director 

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 \$1,072,963.42 specified in the following detail:

***Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
4/9/06-4/22/06	4/28/2006	13869-14053	4966-5010	29030-29043	\$413,039.14
					<u>\$413,039.14</u>

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
4/28/2006	28907	28923	\$111,112.88
5/1/2006	28924		\$8,037.39
5/1/2006	28925		\$28,483.93
5/1/2006	28926	28927	\$811.28
5/1/2006	28928	28931	\$53,049.76
5/1/2006	28932	28934	\$89,880.16
5/2/2006	28935	28940	\$62,922.30
5/3/2006	28941	28956	\$30,670.23
5/3/2006	28957	28973	\$113,835.99
5/3/2006	28974	29000	\$91,303.17
5/4/2006	29001	29029	\$69,817.19
			<u>\$659,924.28</u>

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CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Approval of Ridgecrest Neighborhood Association Mini-Grant Project
DEPARTMENT:	Communications & Intergovernmental Relations
PRESENTED BY:	Joyce Nichols, C/IR Director

PROBLEM / ISSUE STATEMENT:

The Ridgecrest Neighborhood Association is requesting \$5,000 in 2006 Mini-Grant funds for a joint project with the Ridgecrest Elementary PTA to install new, safe, creative playground equipment at the elementary school. The new equipment will be accessible to all children of the Ridgecrest neighborhood. The selected equipment is for children ages 5-12.

Ridgecrest Elementary School PTA has been planning new playground equipment and fundraising for two years. They have raised approximately \$15,000 from the community for this project, and Ridgecrest Neighborhood Association Board voted to partner with the Ridgecrest PTA and is requesting \$5,000 in 2006 Mini-Grant funds.

The existing outdoor playground equipment has been on site at Ridgecrest Elementary School for more than 20 years. The remaining pieces of the original installation are old and tired. The scope of the project includes funding and volunteer labor to dismantle and dispose of the existing out-dated equipment, reconfiguring the existing play area, and purchasing and installing new equipment that meets ADA standards and is both mentally and physically challenging for elementary school and neighborhood children ages 5-12.

FINANCIAL IMPACT:

City Council authorized \$30,000 in the 2006 budget to fund Neighborhood Mini-Grants. This is the first 2006 Mini-Grant submitted for approval. The project budget is included in Attachment A.

RECOMMENDATION

Staff recommends Council approve \$5,000 in Mini-Grant funds for the Ridgecrest Neighborhood Association to partner with Ridgecrest Elementary School PTA in the purchase of new playground equipment.

Approved By: City Manager  City Attorney ____

INTRODUCTION

The Ridgecrest Neighborhood Association is requesting \$5,000 to purchase and install new playground equipment at Ridgecrest Elementary as a joint project with the Ridgecrest PTA. New up-to-date equipment will provide encourage creative play for children of all abilities from the neighborhood, providing a tangible neighborhood improvement.

The group proposes to provide a match with both the \$15,000 raised by the Ridgecrest PTA and a volunteer match in the form of "sweat equity." Volunteers have spent more than 300 hours in the last two years raising funds for the project by staffing a holiday bazaar, bake sales, dunk tank, summer craft fair, as well as grant-writing and fundraising mailings. Volunteers will also spend approximately 400 hours to demolish the old equipment, remodel the play area and install the new equipment.

Ridgecrest Neighborhood Association has successfully completed other Mini-Grant projects that include neighborhood signage, holiday lights and decorations, and extensive street tree plantings and beautification.

BACKGROUND

Resolution No. 54 established the Neighborhood Mini-Grant program, with the process and administration of the funds to be handled by Neighborhoods staff. The allocation of the total funds available is determined from year to year by appropriation of the City Council. All such grants to individual neighborhood associations are governed by rules approved by the City Council on October 7, 1996 and amended on November 23, 1998. Grants must be approved by City Council prior to their implementation.

The Mini-Grant program provides equal grants of up to \$5,000 to each of the active organized, qualifying neighborhood associations in the City of Shoreline. Neighborhood associations are required to match Mini-Grant funds. A match may be generated from co-sponsoring groups, businesses, organizations, schools, media, in-kind donations and/or "sweat equity".

Mini-Grant project categories include the following:

- Projects that create or enhance a tangible improvement in the neighborhood;
- Projects that disseminate information and increase awareness of the goals and mission of the neighborhood association to the neighborhood community;
- Projects that directly benefit a public agency or organization and its immediate neighborhood, and that require the active involvement of both the public agency and members of the neighborhood in planning and carrying out the program.

ALTERNATIVES ANALYSIS

The Ridgecrest Neighborhood Association is requesting approval for a \$5,000 Mini-Grant to replace the dated play equipment at Ridgecrest Elementary school. The goal of the Ridgecrest Mini-Grant is to create a tangible improvement for children at the elementary school and in the community.

RECOMMENDATION

Staff recommends Council approve \$5,000 in Mini-Grant funds for the Ridgecrest Neighborhood Association to partner with Ridgecrest Elementary School PTA in the purchase of new playground equipment.

ATTACHMENTS

- A - Ridgecrest Neighborhood Association 2006 Mini-Grant Budget
For Ridgecrest Elementary School Playground Equipment
- B – Picture of new playground equipment
- C – Photo of existing playground equipment
- D – Grant Agreement Ridgecrest Elementary School PTA and Shoreline School
District
- E – Shoreline School District letter of support

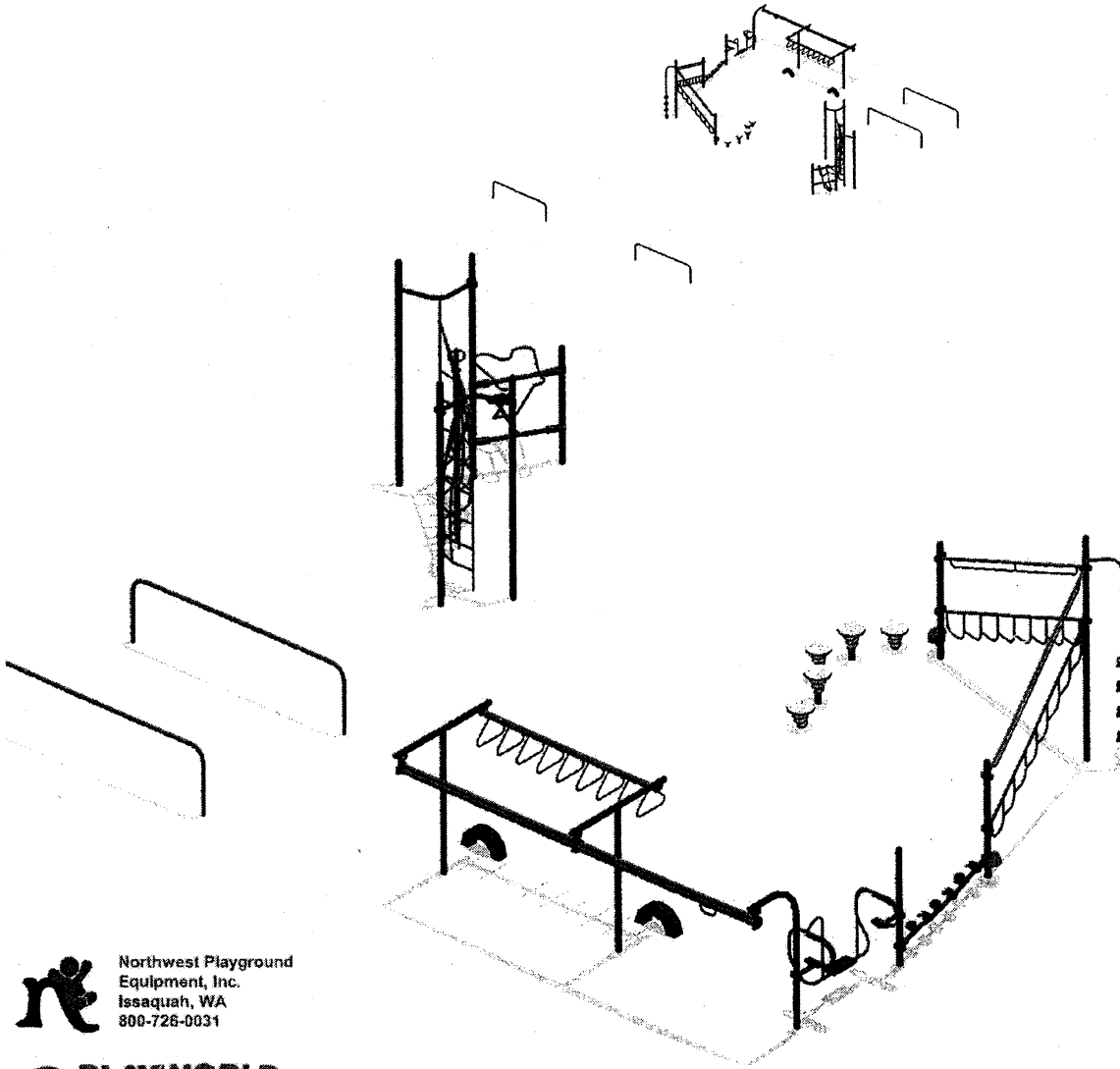
**Ridgecrest Neighborhood Association
2006 Mini-Grant Project Budget
Ridgecrest Elementary School
Playground Equipment**

<u>Project / Item</u>	<u>Cost</u>
Ground play structure: monorail, ubounce, horizontal loop ladder, stationary buttons, critter crossing parallel bars, matrix, lift me up	\$10,368
New surfacing for entire area	\$7,210
Installation of posts, supervision of overall installation	\$2,151
Tax	<u>\$1,785</u>
Total Project Cost	\$21,514

Project Match

The group proposes to provide a match with both the \$15,000 raised by the Ridgecrest PTA and a volunteer match in the form of "sweat equity." Volunteers have spent more than 300 hours in the last two years raising funds for the project by staffing a holiday bizarre, bake sales, dunk tank, summer craft fair, as well as grant writing and fundraising mailings. Volunteers will also spend approximately 400 hours to put in the equipment. Tasks to be completed by volunteers include: demolishing the old equipment, remodeling the play area and installing the new equipment (under the supervision of the manufacturer's representative).

ATTACHMENT B
RIDGECREST ELEMENTARY SCHOOL

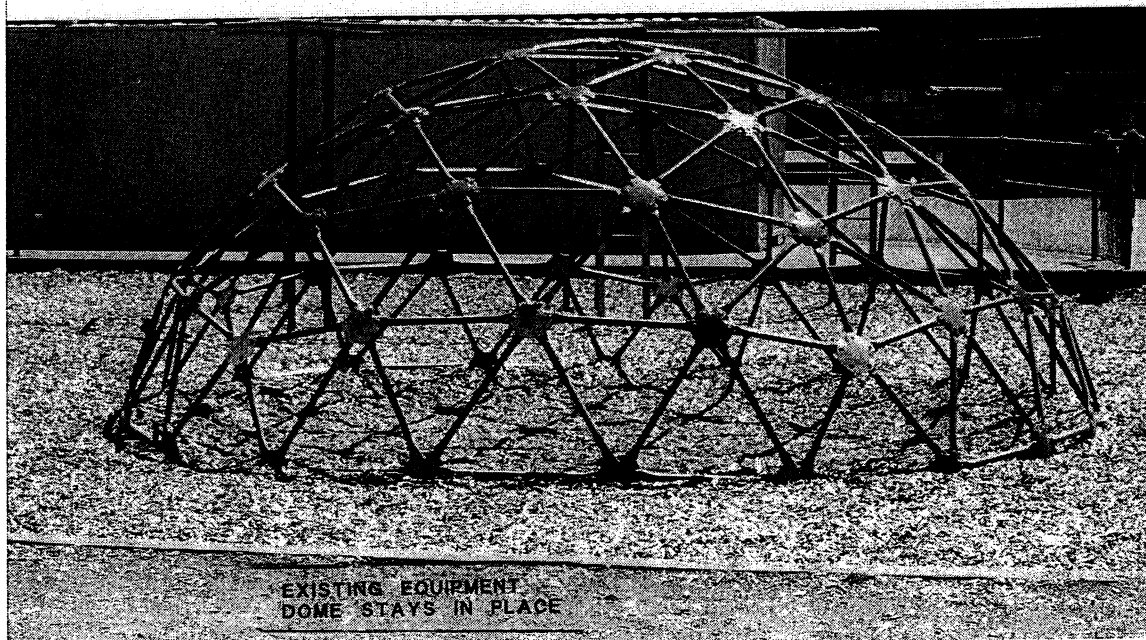
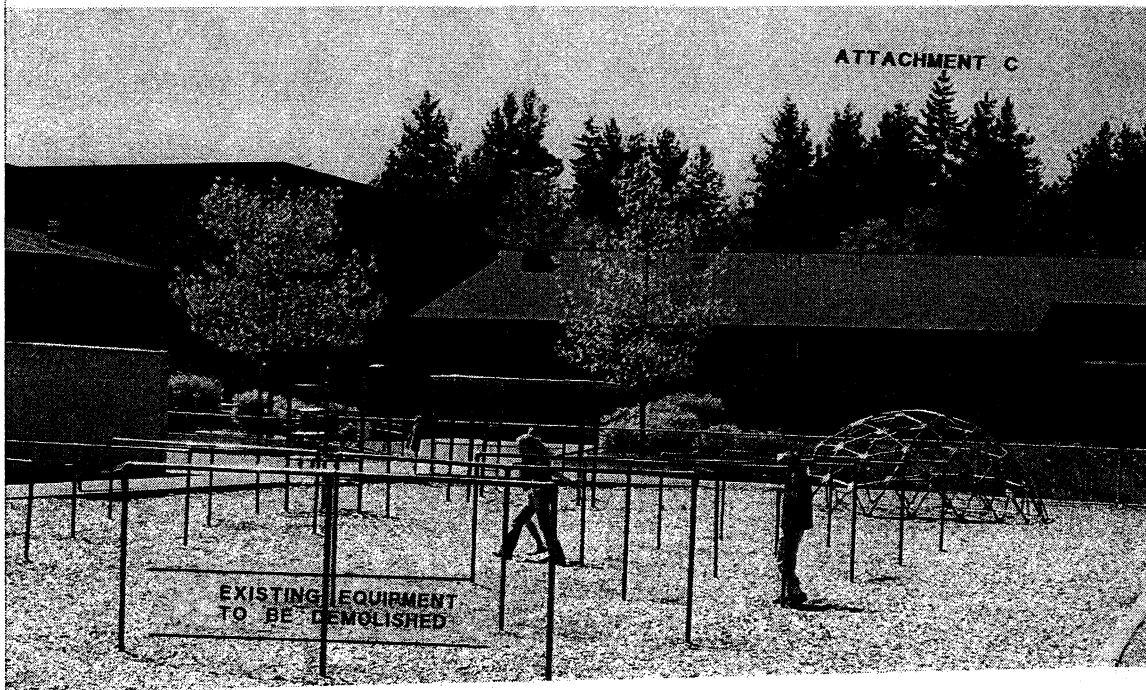


Northwest Playground
Equipment, Inc.
Issaquah, WA
800-726-0031



**PLAYWORLD
SYSTEMS.**

When trust matters.



Grant Agreement

Ridgecrest Elementary School PTA

6.12.60

Ridgecrest Elementary School PTA hereby gives to the Shoreline School District a monetary grant in the amount of Fifteen Thousand Six Hundred Dollars (\$15600.00) by check number 3345. This grant is for the sole and express purpose of: Purchasing and installing a new playground at Ridgecrest Elementary School.

It is agreed that the grant funds will be spent for the stated purpose on or before: June 30, 2006 or the funds will be refunded to the Ridgecrest Elementary School PTA. Any unused or unexpected funds will be refunded to the Ridgecrest Elementary School PTA. The Shoreline School District will provide a complete accounting of the expenditure of the grant funds to the Ridgecrest Elementary School PTA.

The Shoreline School District agrees to maintain the above-described property at Ridgecrest Elementary School for a period of not less than 20 years from the date of purchase.

Date: 4/21/06

Gay L. Willis
PTA Officer

Date: 4/28/06

Glen Dyble
PTA Officer

John
Superintendent (or authorized signer)

Brian Paul
Principal (or authorized signer)

Revenue: 8379-0509.26
Exp: 79-01-27-900.26/8305-09



May 10, 2006

City of Shoreline
Communication and Intergovernmental Relations Department
17544 Midvale Avenue N.
Shoreline, WA 98133

RE: Letter of Support - Playground Equipment @ Ridgecrest Elementary School

I am very pleased to be able to write a letter of support for the installation of playground equipment at Ridgecrest Elementary School. Our school facilities enhance the local neighborhood areas and are used recreationally by children and families. The Shoreline School District works hard to enhance the quality of life for our community. Children and adults use our facilities and playground areas while playing, exercising, participating in team sports, etc. throughout the community. Your support of this grant would be in partnership with the goals of the district.

The Shoreline School District grants permission for the installation of playground equipment, assumes liability for the playground equipment, and will maintain the playground equipment in accordance with State rules and regulations.

We wholeheartedly support the school and community efforts to raise the funds to create a playground to benefit our students and members of the community. If you have any questions, please contact me at (206) 361-4404.

Sincerely,

A handwritten signature in cursive script that reads "James E. Schwob".

James E. Schwob,
Director of Accounting
Shoreline School District

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorize the City Manager to Execute a Discretionary Work Request with King County for the 2006 Road Overlay Program
DEPARTMENT:	Public Works
PRESENTED BY:	Paul S. Haines, Public Works Director Jesús Sanchez, Operations Manager

PROBLEM/ISSUE STATEMENT:

The purpose of this report is to request Council to authorize the City Manager to execute a Discretionary Work Request with King County for the 2006 Road Overlay Program.

FINANCIAL IMPACT:

Council has authorized \$844,594 in the 2006 CIP Budget for the Annual Road Surface Maintenance Program which includes a carryover in the amount of \$94,594 from 2005. Of the \$844,594, the amount budgeted for the 2006 Overlay Program is \$720,331 and \$118,775 is for slurry seal (an additional \$5,488.00 was received as a late billing from King County from last years program which is paid from the 2006 budget). The slurry seal will be contracted out separately.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to execute a Discretionary Work Request with King County for the 2006 Road Overlay Program not to exceed the amount of \$720,331.

Approved By: City Manager  City Attorney ____

INTRODUCTION

King County has paved City of Shoreline streets with asphalt overlay since the City's incorporation in 1995. To meet the County's schedule of beginning the overlay project in early summer, a King County Discretionary Work Request must be signed. The purpose of this report is to request Council to authorize the City Manager to execute a Discretionary Work Request with King County for the 2006 Road Overlay Program.

BACKGROUND

The roads identified in this year's overlay recommendation have eroded to a degree where alternate methods of maintenance (other than overlays) would not result in the successful rehabilitation of the pavement conditions in these areas. In addition, completing these areas would reduce the number of customer requests received and the amount of reactive maintenance costs. Our primary objective is to effectively maintain or enhance the integrity of the City's roadway system in the most cost efficient manner. As in past years, we attempt to concentrate the overlay projects in specific neighborhoods to encourage better bid pricing and reduce the number of areas inconvenienced by the work.

DISCUSSION

Council has authorized \$844,594 in the 2006 CIP Budget for the Annual Road Surface Maintenance Program which includes a carryover in the amount of \$94,594 from the delay of several overlay projects in 2005.

The proposed overlay program includes those roads with pavement conditions with ratings of poor to failing that cannot be effectively repaired using other treatment options. King County's schedule for beginning the overlay project is early summer, and slurry seal will be scheduled for early June. Staff is requesting to contract with King County's Department of Transportation, Road Services Division to complete the City's 2006 Road Overlay Program. King County uses a formal bid process to choose a contractor.

The City of Shoreline pays the appropriate amount based upon the tons of asphalt used for our streets. By using the County's contractor, the City is able to take advantage of lower bids. The slurry seal method is being used again this year, after successful implementation in 2003. The slurry seal will be contracted out separately.

Using the 2006 CIP Budget of \$844,594 in the Roads Capital Fund, Public Works would budget \$720,331 to overlay approximately 4.14 centerline miles of streets with King County, as listed on Attachment A. The amount of \$118,775 will be used to slurry seal approximately 5.8 lane miles of streets, as listed on Attachment B, and will be done separately through a private contract.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to execute a Discretionary Work Request with King County for the 2006 Road Overlay Program in an amount not to exceed \$ 720,331.

ATTACHMENTS

- A: 2006 Overlay Program List
- B: 2006 Slurry Seal Program List

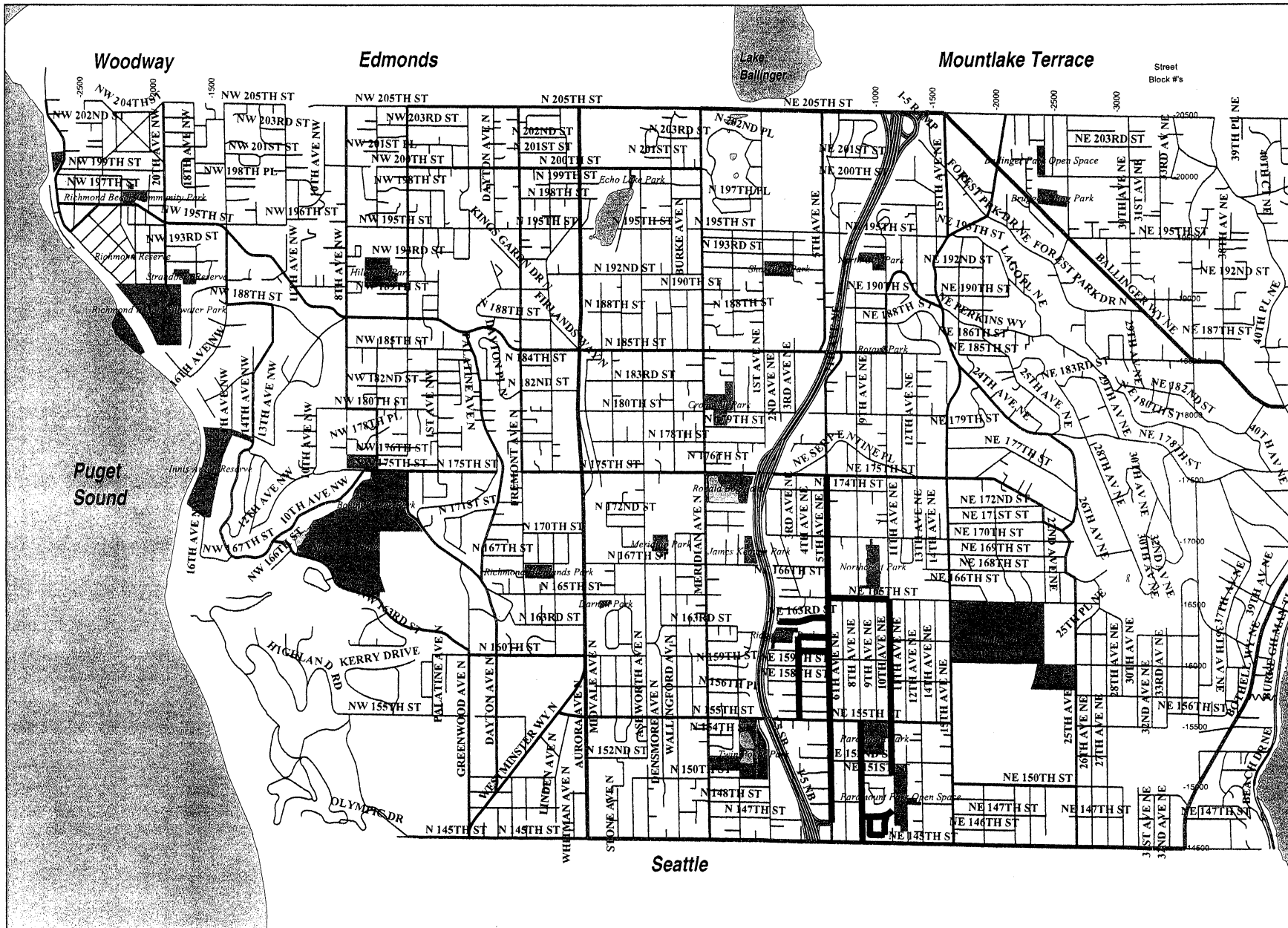
**CITY OF SHORELINE
2006-A OVERLAY STREETS**

Attachment A

Street Name	From Description	To Description	Length	Width	Rating
5th Ave NE	NE 148th ST	NE 148th ST	52	42	49
5th Ave NE	NE 149th ST	NE 149th ST	304	42	49
5th Ave NE	NE 149th ST	NE 151st ST	350	42	46
5th Ave NE	NE 151st ST	NE 152nd ST	249	42	36
5th Ave NE	NE 152nd ST	NE 152nd ST	55	42	72
5th Ave NE	NE 152nd ST	NE 153rd ST	298	42	53
5th Ave NE	NE 153rd ST	NE 155th ST	525	42	55
5th Ave NE	NE 155th ST	NE 156th ST	166	42	69
5th Ave NE	NE 156th ST	NE 157th ST	330	42	75
5th Ave NE	NE 157th ST	NE 158th ST	332	42	73
5th Ave NE	NE 158th ST	NE 159th ST	330	42	78
5th Ave NE	NE 159th ST	NE 160th ST	168	42	82
5th Ave NE	NE 160th ST	NE 161st ST	138	42	70
5th Ave NE	NE 161st ST	NE 162nd ST	330	42	86
5th Ave NE	NE 162nd ST	NE 163rd ST	470	42	58
5th Ave NE	NE 163rd ST	NE 165th ST	470	42	57
5th Ave NE	NE 165th ST	NE 167th ST	660	46	55
5th Ave NE	NE 167th ST	NE 170th ST	664	42	69
5th Ave NE	NE 170th ST	NE 170th LN	336	22	70
5th Ave NE	NE 170th LN	NE 174th ST	629	42	70
5th Ave NE	NE 174th ST	NE 175th ST	332	42	63
NE 162nd ST	5th Ave NE	3rd Ave NE	660	31	18
NE 161st ST	5th Ave NE	3rd Ave NE	660	30	61
3rd Ave NE	NE 155th ST	NE 156th ST	159	24	23
3rd Ave NE	NE 156th ST	NE 157th ST	336	21	45
3rd Ave NE	NE 157th ST	NE 158th ST	328	20	35
3rd Ave NE	NE 159th ST	NE 159th ST	336	25	66
3rd Ave NE	NE 159th ST	NE 161st ST	337	20	62
3rd Ave NE	NE 161st ST	NE 162nd ST	336	20	70
NE 165th St	5th Ave NE	6th Ave NE	293	46	68
NE 165th ST	6th Ave NE	8th Ave NE	355	32	17
NE 165th St	8th Ave NE	9th Ave NE	358	32	39
NE 165th St	9th Ave NE	10th Ave NE	293	27	56
10th Ave NE	NE 151st ST	NE 152nd ST	302	19	0
10th Ave NE	End Route	NE 155th ST	877	30	17
10th Ave NE	NE 155th ST	NE 158th ST	861	29	33

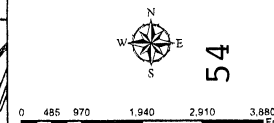
Attachment A

53



Proposed 2006 Street Overlay

0 4.1 Miles




No warranties of any sort,
including accuracy,
fitness, or merchantability,
accompany this product.

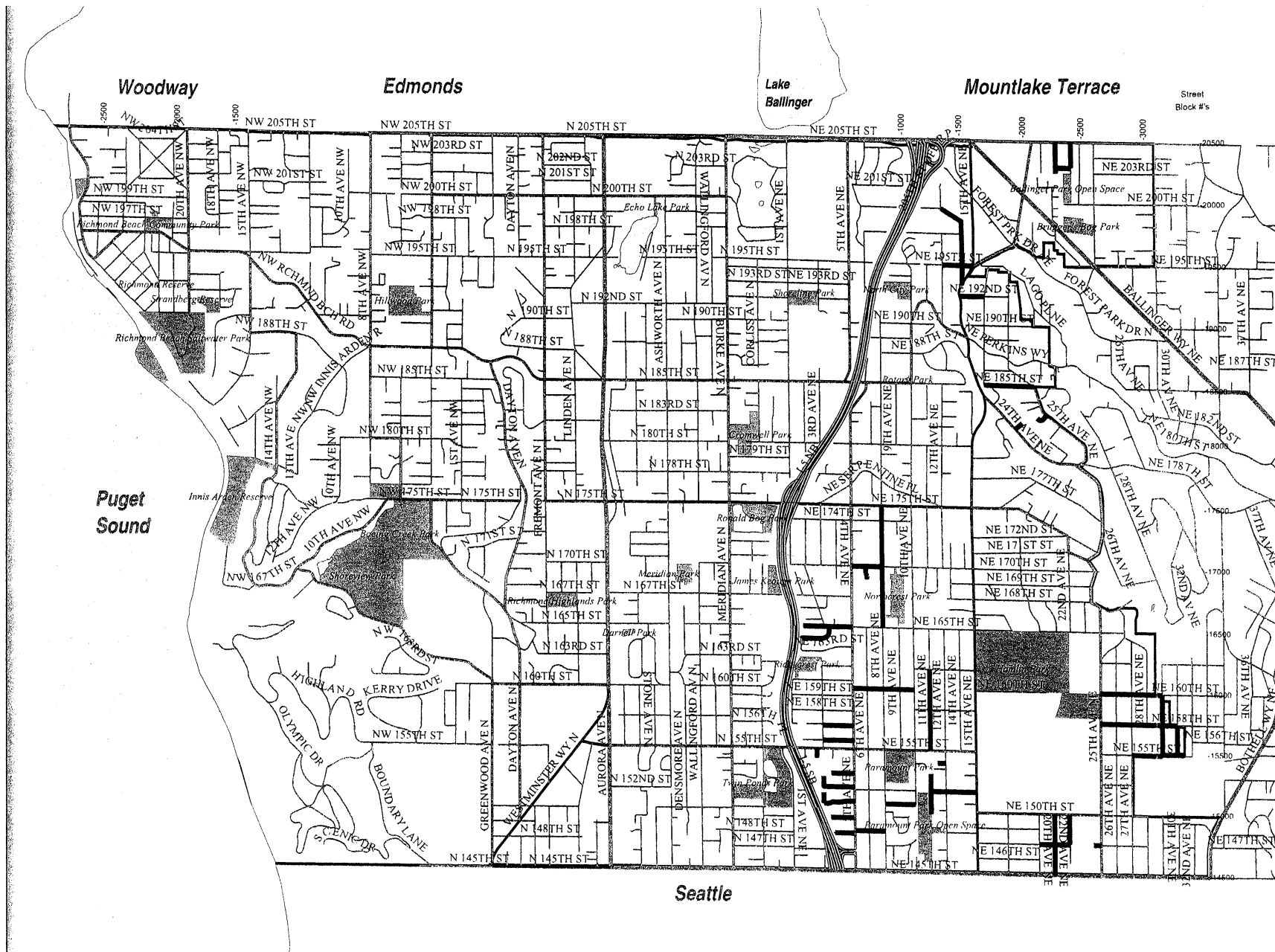
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0 500 1,000 2,000 3,000 4,000 Feet

1 inch equals 0.378788 miles



No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product.



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**CITY OF SHORELINE
2006 Slurry Sealing Project**

Attachment B

STREET	FROM	TO	LENGTH	WIDTH	SQUARE YARDS	RATING
NE 148th ST	5th Ave NE	6th Ave NE	284	23	726	55
NE 148th ST	6th Ave NE	8th Ave NE	357	20	793	59
NE 148th ST	5th Ave NE	End of Road (W)	468	21	1,092	48
NE 149th ST	5th Ave NE	End of Road	525	23	1,342	60
NE 151st ST	5th Ave NE	3rd Ave NE	635	28	1,976	67
3rd Ave NE	NE 151st ST	End of Road	360	26	1,040	86
NE 152nd ST	5th Ave NE	End of Road	675	26	1,950	35
3rd Ave NE	152 Ave NE	End of Road (N)	226	22	552	50
NE 153rd ST	5th Ave NE	End Route (W)	499	26	1,442	63
2nd Ave NE	NE 155th ST	End of Road	248	30	827	72
NE 156th ST	5th Ave NE	3rd Ave NE	660	28	2,053	69
NE 157th ST	5th Ave NE	3rd Ave NE	660	22	1,613	71
NE 165th ST	5th Ave NE	End of Road (W)	1,091	26	3,152	72
NE 164th ST	1st Ave NE	4th Ave NE	524	25	1,456	63
4th Ave NE	NE 165th ST	NE 164th ST	260	25	722	74
NE 160th ST	5th Ave NE	6th Ave NE	293	32	1,042	86
NE 160th ST	6th Ave NE	8th Ave NE	354	32	1,259	85
NE 160th ST	8th Ave NE	9th Ave NE	358	32	1,273	91
NE 160th ST	9th Ave NE	10th Ave NE	293	32	1,042	78
11th Ave NE	NE 155th ST	NE 158th ST	861	22	2,105	70
11th Ave NE	NE 158th ST	NE 162nd ST	886	22	2,166	77
NE 151st ST	8th Ave NE	10th Ave NE	651	31	2,242	69
NE 152nd ST	15th Ave NE	12th Ave NE	650	21	1,517	79
NE 152nd ST	End of Road	12th Ave NE	212	24	565	63
8th Av NE	NE 165th ST	NE 170th ST	1,328	22	3,246	67
8th Av NE	NE 170th ST	NE 174th ST	992	23	2,535	84
8th Av NE	NE 174th ST	NE 175th ST	329	28	1,024	77
NE 170th ST	8th Ave NE	6th Ave NE	340	22	831	80
NE 170th ST	6th Ave NE	5th Ave NE	302	23	772	71

**CITY OF SHORELINE
2006 Slurry Sealing Project**

Attachment B

STREET	FROM	TO	LENGTH	WIDTH	SQUARE YARDS	RATING
6th Ave NE	End of Road	NE 170th ST	293	26	846	34
22nd Ave NE	NE 145th ST	NE 147th ST	690	32	2,453	85
22nd Ave NE	NE 147th ST	NE 150th ST	665	30	2,217	82
23rd Ave NE	NE 147th ST	NE 150th ST	665	26	1,921	95
NE 147th ST	20th Ave NE	22nd Ave NE	330	22	807	90
NE 147th ST	22nd Ave NE	23rd Ave NE	330	32	1,173	94
NE 155th ST	27th Ave NE	30th Ave NE	667	20	1,482	72
NE 155th ST	30th Ave NE	32nd Ave NE	317	21	740	80
NE 155th ST	32nd Ave NE	City Limits	324	21	756	88
NE 158th ST	25th Ave NE	26th Ave NE	332	24	885	94
NE 158th ST	26th Ave NE	27th Ave NE	332	28	1,033	95
NE 158th ST	27th Ave NE	28th Ave NE	332	27	996	95
NE 158th ST	28th Ave NE	30th Ave NE	373	26	1,078	67
NE 158th ST	30th Ave NE	32nd Ave NE	320	22	782	85
NE 158th ST	32nd Ave NE	City Limits	322	22	787	95
NE 160th ST	25th Ave NE	26th Ave NE	332	28	1,033	50
NE 160th ST	26th Ave NE	27th Ave NE	332	28	1,033	71
NE 160th ST	27th Ave NE	28th Ave NE	332	28	1,033	55
NE 160th ST	28th Ave NE	30th Ave NE	332	28	1,033	61
30th Ave NE	NE 155th ST	NE 158th ST	665	23	1,699	84
30th Ave NE	NE 158th ST	NE 160th ST	665	23	1,699	88
NE 182nd ST	End of Road	25th Ave NE	352	22	860	96
NE 180th ST	24th Ave NE	End of Road	275	22	672	87
NE 185th ST	16th Ave NE	25th Ave NE	1,066	20	2,369	67
NE 192nd ST	15th Ave NE	16th Ave NE	562	20	1,249	95
Ballinger Road NE	12th Ave NE	14th Ave NE	522	22	1,276	91
14th Ave NE	NE Ballinger RD PL	NE 198th ST	276	22	675	91
14th Ave NE	NE 198th ST	NE 195th ST	676	22	1,652	91
14th Ave NE	NE 195th ST	15th Ave NE	410	22	1,002	91

**CITY OF SHORELINE
2006 Slurry Sealing Project**

Attachment B

STREET	FROM	TO	LENGTH	WIDTH	SQUARE YARDS	RATING
NE 195th ST	15th Ave NE	14th Ave NE	244	24	651	90
NE 195th ST	12th Ave NE	14th Ave NE	429	24	1,144	90
22nd Ave NE	NE 205th ST	NE 203rd ST	555	22	1,357	74
NE 203rd ST	21st Ave NE	22nd Ave NE	330	22	807	76
21st Ave NE	NE 203rd ST	NE 205th ST	672	22	1,643	82
NE 154th ST	End of Road	12th Ave NE	212	24	565	63
NE 147th ST	End of Road	25th Ave NE	117	22	286	77
TOTALS			30,969		84,048	

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Resolution No. 245, Approving the Final Subdivision for Cedar Heights Town Homes at 19021 15 th Avenue NE.
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Paul Cohen, Senior Planner

PROBLEM/ISSUE STATEMENT:

The decision before the Council is the approval of the Cedar Heights Final Subdivision. The proposal would create thirty-two building lots and seven tracts from nine original lots – totaling 2.03 acres. The lot sizes range from 948 to 1105 square feet (See Attachment A for final subdivision plat drawings).

The City Council approved the subject preliminary subdivision on September 24, 2004 under Ordinance No. 361 (See Attachment B) with one added condition. The approval followed a public hearing held by the Planning Commission on September 2, 2004. The Planning Commission submitted a recommendation for approval after the public hearing. The Planning Commission recommendation for approval was subject to fifteen (15) conditions listed in Attachment C.

An approved preliminary subdivision, along with many conditions, assures the feasibility of the project. Once approved the applicant must receive Site Development and Right-of-Way permits to ensure it meets the preliminary conditions and City code for roads, drainage, and utilities. The purpose of a final subdivision permit is to assure that the conditions of the preliminary have been met.

The engineering plans have been reviewed and approved by staff. Site Development, Right-of-Way, and building permits have been approved. The site is currently under construction. A stand of significant trees were required to be preserved at the north end of the site. All required site development including, utility and drainage improvements, road and pedestrian improvements, and landscaping improvements have been guaranteed with a performance bond, with improvements to be completed within two years of final subdivision approval. The applicant has met the conditions of the preliminary subdivision approval.


The applicant complied with the requirements of the City of Shoreline Development Code so the Council is asked to approve the final subdivision by adopting Resolution No. 245 (see Attachment D) and authorize the Mayor to sign the final plat. After signing it will be recorded with King County Records and Elections Division.

RECOMMENDATION

Staff recommends the adoption of Resolution No. 245, which will approve the thirty-two (32) lots of the Cedar Heights town homes at 19021 15th Avenue NE and authorize the Mayor to sign the final subdivision.

Approved By:

City Manager

A handwritten signature in black ink, appearing to be "S. S.", written over a horizontal line.

City Attorney

A handwritten signature in black ink, appearing to be "J. S.", written over a horizontal line.

INTRODUCTION

Project Address: 19021 15th Avenue NE, Shoreline, WA 98155
Zoning: R-24 Residential (24 dwelling units per acre)
Property Size: 2.03 Acres
Number of Proposed Lots: Thirty-two (32) residential lots, 7 open space and road tracts.
Proposed Lot Sizes: Range from 948 to 1105 Sq. Ft
Comprehensive Plan
Designation: Mixed Use
Subdivision: Cedar Heights Subdivision
Application No.: 201318
Applicant: Dave Fletcher
Property Owner: William Benson

BACKGROUND

Action	Review Authority	Appeal Authority and Decision – Making Body
Preliminary Long Plat (Subdivision)	Planning Commission – Public hearing: September 2, 2004 The Planning Commission submitted a recommendation for approval.	City Council – Public Meeting: September 27, 2004 Decision: Preliminary Subdivision Approval
Final Long Plat (Subdivision)	Director – Recommendation of approval to the City Council	City Council – Public Meeting: May 22, 2006 Decision: Final Plat Approval

The preliminary subdivision approval process required public notification of the proposal, followed by an open record public hearing in front of the Planning Commission. The Planning Commission and staff forwarded a recommendation to Council for approval subject to fifteen (15) conditions. The City Council made a decision to approve the project subject to the fifteen (15) conditions with one additional condition.

Site development engineering plans were created to show how the subdivision will comply with the preliminary approval conditions and code requirements. The Planning and Development Services Department issued a Site Development Permit authorizing the developer to fulfill the preliminary approval requirements, such as the installation of site utilities and roads. Site development and right-of-way work that is not completed has been guaranteed by performance bond in the amount of \$240,000. This financial guarantee assures that the construction as shown on the site development and right-of-way plans will be constructed.

The final plat is the final document, which actually creates the new lots of a new subdivision. The final plat must be reviewed, approved, all taxes paid, and recorded, before any lots are sold, or building permits for the new lots are issued. Staff reviewed the final subdivision, and verified that all conditions of the preliminary approval have been fulfilled. Based upon this review, the Director makes this recommendation to the City Council for approval.

ANALYSIS

On September 27, 2004 the Council reviewed and approved this preliminary subdivision subject to the following conditions. (*The compliance with each condition is stated in italic.*)

1. A maximum of thirty-two lots and seven private land tracts, one for access and six for common area shall be created. The square footage and assigned addresses for the lots shall be shown on the face of the final plat. The delineation and square footage of all private land tracts shall be declared on all plans submitted for the site development permit and also shown on the face of the final plat. All existing or new restrictions, easements, or tracts and their purpose shall be shown on the face of the final plat.

Sheets 4 and 5 contain the above delineation and square footage information. Sheet 2 includes all written restrictions, easements, and tracts.

2. Homeowners shall be required to establish and maintain in force and effect, a Covenant for a Homeowner's Association. The Association is to be held with undivided interest by the thirty-two zero lot line town home lots (described as Lots 1 through 32) in this subdivision. The Homeowner's Association (owners of the parcels having legal access there from and their heirs, assigns or successors) is to be responsible for maintaining, repairing and/or rebuilding of all private land tracts for private roadway and all other common areas; landscaping in all common areas; and infrastructure and utilities not dedicated to the City of Shoreline. The Homeowner's Association shall also be responsible for prevention of temporary or permanent encroachment of structures or equipment into the right-of-way and into other public areas.

Stated on Sheet 2, Items 1 and 8 of Restrictions and Covenants.

3. A maximum of thirty-two zero lot line town homes are permitted.

Stated on Sheet 2, Item 2 of Restrictions and Covenants.

4. The following language shall be shown on the face of the final plat, "Any further proposed subdivision or adjustment to the lot lines within this plat must use all lots of this plat for calculation of the density and dimensional requirements of the Shoreline Municipal Code."

Stated on Sheet 2, Item 3 of Restrictions and Covenants.

5. The units immediately adjacent to 15th Avenue NE should present a facade towards the street that contributes to the streetscape in a similar manner as the single-family attached housing development on the northwest corner of Westminster Avenue N and N 150th Street.

The units facing 15th Avenue NE will have ample windows and a door facing the street similar to the site interior facades.

6. Applicant shall apply for a Site Development Permit to be reviewed and approved by the City of Shoreline that includes all on-site engineering, grading and utility installation, all site in any private land tracts, all onsite landscaping, and tree

retention. The completion of this work shall be secured by a plat performance financial guarantee.

The applicant applied and was issued permits 107009 and 107010. A combined performance agreement and bond of \$240,000 was received by the City.

7. Applicant shall apply for a right-of-way use permit for frontage improvements on 15th Avenue NE adjacent to the project site to be reviewed and approved by City of Shoreline Public Works that comply with development standards in effect at the time of application. The completion of this work shall be secured by a plat performance financial guarantee.

The applicant applied and was issued permits 107009 and 107010. A combined performance agreement and bond of \$240,000 was received by the City.

8. The following language shall be shown on the face of the final plat: "All site development and right-of-way work shall be constructed in accordance to plans under City of Shoreline File 107009 and 107010.

Stated on Sheet 2, Item 6 of Restrictions and Covenants.

9. Applicant shall provide written approval from City Light before any approval by the City for site work done within transmission line easement. No building lot shall encroach on said easement. The Homeowner's Association shall be responsible for the maintenance of any agreement with City Light.

The City has received a letter of approval from Seattle City Light dated 9-22-05 to construct and use the portion of their Right-of-Way as proposed by the developer.

10. Applicant shall meet any required conditions established by the Shoreline Utilities Water Availability Certificate.

The City received a water availability certificate.

11. Applicant shall meet any required conditions established by the Ronald Wastewater District Sewer Availability Certificate.

The City received a sewer availability certificate.

12. In addition to pedestrian access to 15th Avenue NE from along the access tract in the proposed development, pedestrian access from Units on Lots 1-18 shall be provided by an additional continuous pedestrian path on the north side of Lot 32.

A pedestrian path was approved under permit 107009 to pass in front of all units to 15th Avenue NE both at the south and north end of the development.

13. Pest control or extermination, to the extent necessary, shall be completed prior to the demolition of the existing buildings.

Pest control was completed prior to demolition of existing buildings.

14. The retaining wall and any required stabilization of the slope on the west boundary of the site shall be completed prior to the commencement of building construction.

Slope stabilization has been completed along the west property line.

15. A Level II environmental soil analysis shall be required, particularly for the area where the garage is located, and staff will take appropriate action.

Level II analysis was received and appropriate action was taken by Staff to ensure stable placement of the foundation.

16. Add the following language to Restrictions and Covenants of the Final Plat; "The Homeowners Association shall also be responsible for maintaining and repairing frontage improvements within the public right-of-way abutting the subdivision, as may be required under Shoreline Municipal Code Chapter 12.05 as amended, including landscaping and trees."

Stated on Sheet 2, Item 9 under Restrictions and Covenants.

SEPA

A SEPA Determination of Non-Significance was issued August 18, 2004.

RECOMMENDATION

Staff recommends the adoption of Resolution No. 245, approving the Final Subdivision of the Cedar Heights town homes at 19021 15th Avenue NE and authorizing the Mayor to sign the plat.

ATTACHMENTS

Attachment A:	Copies of the final plat drawings. (Copies of the approved site development permit drawings are available at the Planning and Development Services Department.)
Attachment B:	Preliminary Plat Ordinance No. 361
Attachment C:	Planning Commission Recommended Conditions
Attachment D:	Resolution No. 245

CEDAR HEIGHTS TOWNHOMES
CITY OF SHORELINE, KING CO., WASHINGTON
PERMIT NOS. 107009, 107010 & 108585

RECORDING NUMBER

VOL./PG.

LEGAL DESCRIPTION

LOT 14 THROUGH 23, INCLUSIVE, BLOCK 14, LAGO VISTA ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 30 OF PLATS, PAGE 45, IN KING COUNTY, WASHINGTON.

EXCEPT PORTIONS THEREOF CONVEYED TO KING COUNTY FOR ROAD BY DEED RECORDED UNDER RECORDING NUMBERS 2679887, 2679888, 2761721 AND 2759870;
AND EXCEPT ANY PORTION LYING WITHIN 15TH AVENUE N.E.

DEDICATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF INTEREST IN THE LAND HEREBY SUBDIVIDED, HEREBY DECLARE THIS PLAT TO BE THE GRAPHIC REPRESENTATION OF THE SUBDIVISION MAKE HEREBY, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS AND AVENUES NOT SHOWN AS PRIVATE HEREON, AND DEDICATE THE USE THEREOF FOR ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES, AND ALSO THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON THE LOTS SHOWN THEREON IN THE ORIGINAL REASONABLE GRADING OF SAID STREETS AND AVENUES, AND FURTHER DEDICATE TO THE USE OF THE PUBLIC ALL THE EASEMENTS AND TRACTS SHOWN ON THIS PLAT FOR ALL PUBLIC PURPOSES AS INDICATED THEREON, INCLUDING BUT NOT LIMITED TO PARKS, OPEN SPACE, UTILITIES AND DRAINAGE, UNLESS SUCH EASEMENTS OR TRACTS ARE SPECIFICALLY IDENTIFIED ON THIS PLAT AS BEING IDENTIFIED OR CONVEYED TO A PERSON OR ENTITY OTHER THAN THE PUBLIC, IN WHICH CASE, WE DO HEREBY DEDICATE SUCH STREETS, EASEMENTS OR TRACTS TO THE PERSON OR ENTITY IDENTIFIED AND FOR THE PURPOSE STATED.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED, WAIVE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS, AND ANY PERSON OR ENTITY DERIVING TITLE FROM THE UNDERSIGNED ANY AND ALL CLAIMS FOR DAMAGES AGAINST THE CITY OF SHORELINE, ITS SUCCESSORS AND ASSIGNS WHICH MAY BE OCCASIONED BY THE ESTABLISHMENT, CONSTRUCTION OR MAINTENANCE OF ROADS AND/OR DRAINAGE SYSTEMS WITHIN THIS SUBDIVISION OTHER THAN CLAIMS RESULTING FROM INADEQUATE MAINTENANCE BY THE CITY OF SHORELINE.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED, AGREE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS, TO INDEMNIFY AND HOLD THE CITY OF SHORELINE, ITS SUCCESSORS AND ASSIGNS, HARMLESS FROM ANY DAMAGE, INCLUDING ANY COSTS OF DEFENSE CLAIMED BY PERSONS WITHIN OR WITHOUT THIS SUBDIVISION TO HAVE BEEN CAUSED BY ALTERATIONS OF THE GROUND SURFACE, VEGETATION, DRAINAGE OR SURFACE OR SUBSURFACE WATER FLOWS WITHIN THIS SUBDIVISION OR BY ESTABLISHMENT, CONSTRUCTION OR MAINTENANCE OF THE ROADS WITHIN THIS SUBDIVISION, PROVIDED THIS WAIVER AND INDEMNIFICATION SHALL NOT BE CONSTRUED AS RELINQUISHING THE CITY OF SHORELINE, ITS SUCCESSOR OR ASSIGNS, FROM LIABILITY FOR DAMAGES, INCLUDING THE COSTS OF DEFENSE, RESULTING IN WHOLE OR IN PART FROM THE NEGLIGENCE OF THE CITY OF SHORELINE, ITS SUCCESSORS OR ASSIGNS.

THIS SUBDIVISION, DEDICATION, WAIVER OF CLAIMS AND AGREEMENT TO HOLD HARMLESS IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNERS.

IN WITNESS WHEREOF, WE SET OUR HANDS AND SEALS, THIS _____ DAY OF _____, 20____

CEDAR HEIGHTS TOWNHOMES, LLC
A WASHINGTON LIMITED LIABILITY COMPANY

FIRST HORIZON HOME LOAN CORPORATION,
A WAREAS CORPORATION
dbs IN THE STATE OF WASHINGTON AS
FIRST HORIZON CORPORATION

ACKNOWLEDGMENT

STATE OF WASHINGTON

COUNTY OF _____ } SS

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT _____
SIGNED THIS INSTRUMENT, ON OATH STATED THAT (HE/SHE) WAS
AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE
OF _____ CEDAR HEIGHTS TOWNHOMES, LLC _____ TO BE THE FREE AND VOLUNTARY ACT OF
SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED _____

SIGNATURE OF _____
NOTARY PUBLIC

MY APPOINTMENT EXPIRES _____

STATE OF WASHINGTON

COUNTY OF _____ } SS

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT _____
SIGNED THIS INSTRUMENT, ON OATH STATED THAT (HE/SHE) WAS
AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE
OF _____ FIRST HORIZON CORPORATION _____ TO BE THE FREE AND VOLUNTARY ACT OF
SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED _____

SIGNATURE OF _____
NOTARY PUBLIC

MY APPOINTMENT EXPIRES _____

APPROVALS

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

EXAMINED AND APPROVED THIS _____ DAY OF _____, 20____

PLANNING AND DEVELOPMENT SERVICES DIRECTOR

EXAMINED AND APPROVED THIS _____ DAY OF _____, 20____

MAYOR, CITY OF SHORELINE

ATTEST:
CLERK OF THE COUNCIL

KING COUNTY DEPARTMENT OF ASSESSMENTS

EXAMINED AND APPROVED THIS _____ DAY OF _____, 20____

KING COUNTY ASSESSOR

DEPUTY KING COUNTY ASSESSOR

ACCOUNT NUMBER _____

FINANCE DIVISION CERTIFICATE

I HEREBY CERTIFY THAT ALL PROPERTY TAXES ARE PAID, THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION AND THAT ALL SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION ON ANY OF THE PROPERTY HEREIN CONTAINED DEDICATED AS STREETS, ALLEYS OR FOR ANY OTHER PUBLIC USE ARE PAID IN FULL.

THIS _____ DAY OF _____, 20____

FINANCE DIVISION

MANAGER, FINANCE DIVISION

DEPUTY FINANCE DIVISION

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT OF "CEDAR HEIGHTS TOWNHOMES" IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF A PORTION OF BLOCK 14, PLAT OF LAGO VISTA, AS REQUIRED BY STATE STATUTES, THAT THE COURSES, ANGLES AND DISTANCES ARE SHOWN CORRECTLY THEREON, THAT THE MONUMENTS HAVE BEEN SET AND THE LOT, BLOCK AND TRACT CORNERS HAVE BEEN STAKED CORRECTLY ON THE GROUND AND THAT I HAVE FULLY COMPLIED WITH PROVISIONS TO THE STATE AND LOCAL STATUTES AND REGULATIONS GOVERNING PLATTING

TIMOTHY A. GRIFFIN, PLS
CERTIFICATION NUMBER 29276
MEAD GILMAN AND ASSOCIATES

RECORDING CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF _____ THIS _____

DAY OF _____, 20____, AT _____ MINUTES PAST _____ M.

AND RECORDED IN VOLUME _____ OF PLATS, PAGE(S) _____ INCLUSIVE

RECORDS OF KING COUNTY, WASHINGTON.

RECORDING NUMBER _____

DIVISION OF RECORDS AND ELECTIONS

MANAGER



Mead Gilman & Assoc.
PROFESSIONAL LAND SURVEYORS

P.O. BOX 289, WOODINVILLE, WA 98072 (425) 486-1252

SCALE: NA

DRAWN BY: TG/PSB

DATE: 2-23-06

SHEET: 1 OF 5

NE1/4, SE1/4, SEC. 05, T. 26 N., R. 4 E., W.M.

0151

CEDAR HEIGHTS TOWNHOMES

CITY OF SHORELINE, KING CO., WASHINGTON

RECORDING NUMBER:

VOL/PAGE

DECLARATION OF COVENANT ASSOCIATED WITH DEVELOPMENT OF DETENTION FACILITY

1. DRAINAGE EASEMENTS AS SHOWN ON FACE OF PLAT ARE DEDICATED TO CITY OF SHORELINE FOR ACCESS TO INSPECT, MAINTAIN OR REPAIR THE FACILITIES IN CONFORMITY WITH CITY OF SHORELINE CODE.

2. IF CITY OF SHORELINE DETERMINES THAT MAINTENANCE OR REPAIR WORK IS REQUIRED TO BE DONE TO THE PRIVATE DETENTION FACILITY EXISTING ON THE DESCRIBED PROPERTY, THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS SHALL GIVE THE OWNERS OF THE PROPERTY WITHIN WHICH THE DRAINAGE FACILITY IS LOCATED, THE PERSON RESPONSIBLE FOR MAINTENANCE OF THE FACILITY, OR OTHER PERSON OR AGENT IN CONTROL OF SAID PROPERTY, NOTICE OF THE SPECIFIC MAINTENANCE AND/OR REPAIR REQUIRED. THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS SHALL SET A REASONABLE TIME IN WHICH SUCH WORK IS TO BE COMPLETED BY THE TITLEHOLDERS WHO WERE GIVEN NOTICE. IF THE ABOVE REQUIRED MAINTENANCE AND/OR REPAIR IS NOT COMPLETED WITHIN THE TIME SET BY THE DIRECTOR, THE CITY MAY PERFORM THE REQUIRED MAINTENANCE AND/OR REPAIR. WRITTEN NOTICE WILL BE SENT TO THE TITLEHOLDERS STATING THE CITY'S INTENTION TO PERFORM SUCH MAINTENANCE. MAINTENANCE WORK WILL NOT COMMENCE UNTIL AT LEAST SEVEN DAYS AFTER SUCH NOTICE IS MAILED.

3. IF AT ANY TIME THE CITY OF SHORELINE REASONABLY DETERMINES THAT ANY EXISTING RETENTION/DETENTION SYSTEM CREATES ANY OF THE CONDITIONS LISTED IN SHORELINE CODE AND HEREIN INCORPORATED BY REFERENCE, THE DIRECTOR MAY TAKE MEASURES SPECIFIED THEREIN.

4. THE TITLEHOLDERS SHALL ASSUME ALL RESPONSIBILITY FOR THE COST OF ANY MAINTENANCE AND FOR REPAIRS TO THE RETENTION/DETENTION FACILITY. SUCH RESPONSIBILITY SHALL INCLUDE REIMBURSEMENT TO THE CITY WITHIN 30 DAYS OF THE RECEIPT OF THE INVOICE FOR ANY SUCH WORK PERFORMED. OVERDUE PAYMENTS WILL REQUIRE PAYMENT OF INTEREST AT THE CURRENT LEGAL RATE FOR LIQUIDATED JUDGMENTS. IF LEGAL ACTION ENSUES, ANY COSTS OR LEGAL FEES PAID BY THE CITY WILL BE BORNE BY THE PARTIES RESPONSIBLE FOR SAID REIMBURSEMENTS.

THIS COVENANT BENEFITS ALL CITIZENS OF CITY OF SHORELINE; TOUCHES AND CONCERNS THE LAND AND SHALL RUN WITH LAND AND SHALL BE BINDING ON ALL HEIRS, SUCCESSORS AND ASSIGNS. THESE COVENANTS ARE INTENDED TO PROTECT THE VALUE AND DESIRABILITY OF THE REAL PROPERTY DESCRIBED ABOVE, AND TO BENEFIT ALL CITIZENS OF THE CITY OF SHORELINE. THEY SHALL RUN WITH LAND AND SHALL BE BINDING ON ALL PARTIES, AND THEIR SUCCESSORS ANY RIGHT, TITLE OR INTEREST IN THE PROPERTY OR ANY PART THEREOF, AS WELL AS THEIR HEIRS, SUCCESSORS AND ASSIGNS. THEY SHALL INURE TO THE BENEFIT OF EACH PRESENT OR FUTURE SUCCESSOR IN INTEREST OF SAID PROPERTY OR ANY PART THEREOF, OR INTEREST THEREIN, AND TO BENEFIT OF ALL CITIZENS OF THE CITY OF SHORELINE.

EASEMENT PROVISIONS

AN EASEMENT IS HEREBY GRANTED TO SEATTLE CITY LIGHT, U.S. WEST, AND COMCAST AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER AND UPON THE EXISTING 15 FEET PARALLEL, WITH AND ADJOINING THE STREET FRONTAGE OF ALL LOTS AND TRACTS IN WHICH TO INSTALL, LAY, CONSTRUCT, REPAIR, OPERATE AND MAINTAIN UNDERGROUND CABLES, CABLE, PRELIME, AND WIRES WITH THE NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVICE TO THIS SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC, TELEPHONE, GAS, CABLE TV SERVICE, SEWER AND WATER, TOGETHER WITH THE RIGHT TO ENTER UPON THE EASEMENTS AT ALL TIME FOR THE PURPOSES STATED.

RESTRICTIONS AND COVENANTS

1. OWNERS SHALL BE REQUIRED TO ESTABLISH AND MAINTAIN IN FORCE AND EFFECT, A COVENANT FOR A HOMEOWNERS ASSOCIATION. THE ASSOCIATION IS TO BE HELD WITH UNDIVIDED INTEREST BY THE THIRTY TWO (32) ZERO-LOT LINE TOWN HOME LOTS (DESCRIBED AS LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 AND 32) IN THIS SUBDIVISION.

THE HOMEOWNERS ASSOCIATION (OWNERS OF THE PARCELS HAVING LEGAL ACCESS THEREFROM AND THEIR HEIRS, ASSIGNS OR SUCCESSORS) IS TO BE RESPONSIBLE FOR MAINTAINING, REPAIRING AND/OR REBUILDING OF: (1) PRIVATE LAND TRACT FOR OPEN SPACE (TRACT A), AND ALL OTHER COMMON AREAS; (2) PRIVATE LAND TRACT FOR ACCESS (TRACT B); (3) GUEST PARKING AREA AND OPEN SPACE (TRACT C); (4) LANDSCAPING IN ALL COMMON AREAS; AND (5) INFRASTRUCTURE AND UTILITIES IN COMMON AREAS NOT DEDICATED TO THE CITY OF SHORELINE OR SEATTLE PUBLIC UTILITIES.

2. ZERO-LOT LINE ATTACHED TOWNHOME RESIDENCES SHALL BE THE ONLY TYPE OF RESIDENCES PERMITTED IN THIS PLAT. A MAXIMUM OF THIRTY TWO (32) ZERO-LOT LINE TOWNHOMES SHALL BE PERMITTED.

3. ANY FURTHER PROPOSED SUBDIVISION OR ADJUSTMENT TO THE LOT LINES WITHIN THIS PLAT MUST USE ALL LOTS OF THIS PLAT FOR CALCULATION OF THE DENSITY AND DIVISIONAL REQUIREMENTS OF THE CITY OF SHORELINE MUNICIPAL CODE.

4. TRACT A (COMMON OPEN SPACE TRACT), TRACT C (GUEST PARKING AND COMMON OPEN SPACE TRACT), TRACTS D, E, F AND G (COMMON AREAS), ARE HEREBY GRANTED AND CONVEYED, TOGETHER WITH ALL MAINTENANCE OBLIGATIONS, TO LOTS NUMBERED 1 THROUGH 32 INCLUSIVE, WITH EQUAL AND UNDIVIDED INTEREST UPON THE RECORDING OF THIS PLAT. THESE TRACTS SHALL REMAIN APPURTENANT AND INSEPARABLE FROM SAID LOTS.

5. TRACT B, A PRIVATE ROAD AND UTILITY TRACT, IS HEREBY GRANTED AND CONVEYED, TOGETHER WITH ALL MAINTENANCE OBLIGATIONS, TO LOTS NUMBERED 1 THROUGH 32 INCLUSIVE, WITH EQUAL AND UNDIVIDED INTEREST UPON THE RECORDING OF THIS PLAT. THIS TRACT SHALL REMAIN AN APPURTENANCE TO, AND INSEPARABLE FROM SAID LOTS.

6. ALL SITE DEVELOPMENT WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH PLANS UNDER CITY OF SHORELINE FILE NO. 107009 AND RIGHT OF WAY PERMIT 107010. THE IMPROVEMENTS AS SHOWN ON THE ENGINEERING PLANS HAVE BEEN SECURED WITH A PERFORMANCE GUARANTEE.

7. RUNOFF PROVISION: ALL BUILDING DOWN SPOUTS, FOOTING DRAINS, AND ALL IMPERVIOUS SURFACES SUCH AS PATIOS AND DRIVEWAYS SHALL BE CONNECTED TO THE PERMANENT STORM DRAINAGE OUTLETS AS SHOWN ON THE APPROVED CONSTRUCTION DRAWINGS UNDER PERMIT NUMBER 107009.

8. ALL OWNERS OF LOTS IN THIS PLAT, BY AND THROUGH THE HOMEOWNERS ASSOCIATION ESTABLISHED PURSUANT TO PARAGRAPH (1) ABOVE, SHALL PROVIDE FOR THE MAINTENANCE AND REPAIR OF ALL COMMONLY OWNED FACILITIES, SUCH AS SIDEWALKS, THE PRIVATE ROAD, DRAINAGE DETENTION AND CONVEYANCE SYSTEM, UTILITIES AND LANDSCAPING INSTALLED AS A PART OF THE SUBDIVISION, EXCEPT FOR SUCH UTILITY SYSTEMS THAT ARE MAINTAINED BY THOSE PURVEYORS PROVIDING SERVICE THEREBY. MAINTENANCE, REPAIR AND/OR RECONSTRUCTION OF SAID FACILITIES SHALL BE THE COLLECTIVE RESPONSIBILITY OF, AND THE COSTS OF SAID MAINTENANCE, REPAIR AND/OR RECONSTRUCTION, BORNE IN EQUAL SHARES BY OWNERS, THEIR HEIRS, SUCCESSORS AND ASSIGNS OF LOTS 1 THROUGH 32, INCLUSIVE.

9. THE HOMEOWNERS ASSOCIATION SHALL ALSO BE RESPONSIBLE FOR MAINTAINING AND REPAIRING FRONTAGE IMPROVEMENTS WITH THE PUBLIC RIGHT-OF-WAY ADJUTING THE SUBDIVISION, AS MAY BE REQUIRED UNDER SHORELINE MUNICIPAL CODE CHAPTER 12.05 AS AMENDED, INCLUDING LANDSCAPING AND TREES.

PARAGRAPHS 10 THROUGH 21, FOLLOWING, ARE TAKEN FROM A PLAT CERTIFICATE ISSUED BY PACIFIC NORTHWEST TITLE COMPANY OF WASHINGTON, INC., ORDER NO. 613886, DATED JANUARY 18, 2008:

10. SUBJECT TO AN EASEMENT, AND THE TERMS AND CONDITIONS REFERENCED THEREIN, TO THE CITY OF SEATTLE FOR AN ELECTRIC TRANSMISSION LINE, AS RECORDED UNDER RECORD NO. 1638170.

11. SUBJECT TO AN EASEMENT, AND THE TERMS AND CONDITIONS REFERENCED THEREIN, TO THE RONALD SEWER DISTRICT FOR SANITARY SEWER, AS RECORDED UNDER RECORD NO. 6364306.

12. SUBJECT TO AN EASEMENT, AND THE TERMS AND CONDITIONS REFERENCED THEREIN, TO THE RONALD SEWER DISTRICT FOR SANITARY SEWER, AS RECORDED UNDER RECORD NO. 6364313.

13. SUBJECT TO AN EASEMENT, AND THE TERMS AND CONDITIONS REFERENCED THEREIN, TO THE RONALD SEWER DISTRICT FOR SANITARY SEWER, AS RECORDED UNDER RECORD NO. 6364318. THE LOCATION OF THIS EASEMENT IS DEPENDENT UPON THE LOCATION OF AN UNIDENTIFIED SANITARY SEWER MAINHOLE.

14. SUBJECT TO AN EASEMENT, AND THE TERMS AND CONDITIONS REFERENCED THEREIN, TO THE RONALD SEWER DISTRICT FOR SANITARY SEWER, AS RECORDED UNDER RECORD NO. 6371258.

15. SUBJECT TO CERTAIN RESTRICTIONS CONTAINED IN AN INSTRUMENT RECORDED UNDER REC. NO. 2931748 ALSO BEING THE RIGHT OF THE PUBLIC TO MAKE NECESSARY SLOPES FOR CUTS OR FILLS FOR STREETS AND FOR WATER AND WATER RIGHTS.

16. SUBJECT TO CERTAIN RESTRICTIONS CONTAINED IN AN INSTRUMENT RECORDED UNDER REC. NO. 3533905 ALSO BEING AN EASEMENT FOR AN ELECTRICAL TRANSMISSION LINE.

17. SUBJECT TO CERTAIN RESTRICTIONS CONTAINED IN AN INSTRUMENT RECORDED UNDER REC. NO. 2854278.

18. SUBJECT TO CERTAIN RESTRICTIONS CONTAINED IN AN INSTRUMENT RECORDED UNDER REC. NO. 2816519 ALSO BEING AN EASEMENT FOR AN ELECTRICAL TRANSMISSION LINE.

19. SUBJECT TO AN AGREEMENT, AND THE TERMS AND CONDITIONS THEREOF, BY INSTRUMENT RECORDED UNDER RECORD NO. 6561569 CONCERNING AN EXISTING BUILDING WITHIN THE CITY OF SEATTLE ELECTRICAL TRANSMISSION EASEMENT.

20. SUBJECT TO A DEVELOPER EXTENSION CONTRACT AGREEMENT, AND THE TERMS AND CONDITIONS THEREOF, BY INSTRUMENT RECORDED UNDER RECORD NO. 20050524001317.

21. SUBJECT TO AN AGREEMENT FOR USE OF THE CITY OF SEATTLE TRANSMISSION LINE EASEMENT RIGHT-OF-WAY AND THE TERMS AND CONDITIONS THEREOF, BY INSTRUMENT RECORDED UNDER RECORD NO. 20050823001510.

22. SUBJECT TO THE RIGHT OF THE PUBLIC TO MAKE NECESSARY SLOPES FOR CUTS AND FILLS, IN THE REASONABLE GRADING OF STREETS, AVENUES, ALLEYS AND ROADS, AS DEDICATED ON THE PLAT RECORDED IN VOLUME 30 OF PLATS, PAGE 45, KING COUNTY, WASHINGTON.

SHORELINE WATER DISTRICT WATER FACILITIES AND APPURTENANCES EASEMENT PROVISIONS

1. A NON-EXCLUSIVE, PERPETUAL EASEMENT IS HEREBY GRANTED TO SHORELINE WATER DISTRICT, AND ITS SUCCESSORS AND ASSIGNS, FOR WATER LINES WITH NECESSARY APPURTENANCES OVER, THROUGH, ACROSS AND UPON THE PROPERTY DESCRIBED HEREIN.

2. THE DISTRICT OR ITS AGENTS, (GRANTEE), SHALL HAVE THE RIGHT, WITHOUT PRIOR INSTITUTION OF ANY SUIT OR PROCEEDING AT LAW, AT TIMES AS MAY BE NECESSARY, TO ENTER UPON THE EASEMENT FOR THE PURPOSE OF OPERATING, CONSTRUCTING, MAINTAINING, REPAIRING, ALTERING, OR RECONSTRUCTING OF THE WATER LINES AND APPURTENANCES.

3. GRANTEE SHALL RESTORE THE SURFACE OF THE EASEMENT AS NEARLY AS POSSIBLE TO THE CONDITION IN WHICH IT EXISTED PRIOR TO GRANTEE'S ENTRY, EXCEPT THAT NO REPLACEMENTS WILL BE PROVIDED FOR ANY TREE(S), SHRUB(S), PLANT(S), OR OTHER LANDSCAPING MATERIALS REMOVED FOR THE PURPOSES OF EXERCISING THE RIGHTS GRANTED BY THIS EASEMENT.

4. THE OWNERS (GRANTOR), BY AND THROUGH THE HOMEOWNERS ASSOCIATION AS PROVIDED FOR ELSEWHERE IN THIS DOCUMENT, SHALL RETAIN THE RIGHT TO USE THE SURFACE OF THE EASEMENT, SO LONG AS THE USE DOES NOT INTERFERE WITH THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, ALTERATION, AND RECONSTRUCTION OF THE WATER LINES AND APPURTENANCES AND SO LONG AS NONE OF THE FOLLOWING ARE ERECTED OR PLACED IN THE EASEMENT:

- ROCKPIERS;
- PATIOS;
- RETAINING WALLS;
- STRUCTURES OF A PERMANENT NATURE;
- BUILDING OVERHANGS LESS THAN TEN (10) FEET ABOVE THE GROUND SURFACE OR PROTRUDING MORE THAN FIVE (5) FEET INTO THE EASEMENT;
- FILL MATERIAL MORE THAN FOUR (4) FEET IN DEPTH OR CREATING A TOTAL DEPTH TO THE UTILITY IN EXCESS OF FIFTEEN (15) FEET;
- TREES OR SHRUBS WHICH TYPICALLY GROW HIGHER THAN SIX (6) FEET IN HEIGHT OR DEVELOP ROOT SYSTEMS EXTENDING BROADER THAN FOUR (4) FEET IN RADIUS FROM THE CENTER OF THE TRUNK.

5. THIS EASEMENT AND THE COVENANTS HEREIN SHALL BE EQUITABLE SERVITUDES OR COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE PARTIES HERETO, AND THEIR SUCCESSORS, HEIRS, AND ASSIGNS.



01151

Mead Gilman & Assoc.
PROFESSIONAL LAND SURVEYORS

P.O. BOX 289, WOODINVILLE, WA 98072 (425) 486-1252

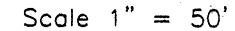
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DATE: 2-23-06	SHEET: 2 OF 5

NE1/4, SE1/4, SEC. 05, T. 26 N., R. 4 E., W.M.

69



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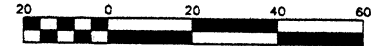


NE1/4, SE1/4, SEC. 05, T. 26 N., R. 4 E., W.M.

CEDAR HEIGHTS TOWNHOMES

CITY OF SHORELINE, KING CO., WASHINGTON

RECORDING NUMBER: VOL./PG.



Scale 1" = 20'

SEE SHEET 3 OF 5 FOR ENTIRE SITE BOUNDARY AND TIES TO MONUMENTATION

LEGEND

119025 ADDRESS

LINE TABLE

LINE	LENGTH	BEARING
L1	17.08'	N 02°26'52" W
L2	10.00'	N 00°06'46" E
L3	7.65'	N 11°11'51" W
L4	13.88'	N 08°14'59" W
L5	10.00'	N 02°06'46" E
L6	10.49'	N 02°22'04" W
L7	17.19'	N 08°15'49" E
L8	17.11'	N 05°36'15" E

TRACT AREAS

TRACT A 13,960 SQ. FT.
TRACT B 16,329 SQ. FT.
TRACT C 22,358 SQ. FT.
TRACT D 631 SQ. FT.
TRACT E 650 SQ. FT.
TRACT F 637 SQ. FT.
TRACT G 910 SQ. FT.



Mead Gilman & Assoc.
PROFESSIONAL LAND SURVEYORS

P.O. BOX 289, WOODINVILLE, WA 98072 (425) 486-1252

SCALE: NA PLAT NORTH PORTION DRAWN BY: TG/PSB
DATE: 2-23-06 SHEET: 4 OF 5

NE1/4, SE1/4, SEC. 05, T. 26 N., R. 4 E., W.M.

01151

SEE SHEET 3 OF 5 FOR ENTIRE SITE BOUNDARY AND TIES
TO MONUMENTATION

19025	ADDRESS
-------	---------

NUMBER	DELTA	RADIUS	LENGTH
C1	00°52'26"	746.34	11.38

LINE	LENGTH	BEARING
L9	17.19	N 08°15'49" E
L10	27.00	N 00°06'46" E
L11	6.65	N 39°11'10" W
L12	3.41	N 00°06'46" E
L13	7.79	N 67°23'14" W
L14	20.60	N 44°53'14" W
L15	49.72	N 89°01'50" E
L16	30.80	N 00°06'44" E
L17	24.19	N 89°53'18" W
L18	27.00	N 15°03'36" W
L19	22.23	N 06°48'32" W
L20	17.11	N 06°36'15" E
L21	5.90	N 89°34'41" E



NE1/4, SE1/4, SEC. 05, T. 26 N., R. 4 E., W.M.

**ATTACHMENT B
ORIGINAL**

ORDINANCE NO. 361

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
APPROVING A PRELIMINARY FORMAL SUBDIVISION FOR
THIRTY-TWO LOTS AND SEVEN PRIVATE LAND TRACTS LOCATED
AT 19201 15TH AVENUE NE.**

WHEREAS, owners of certain properties, Lots 14 through 23 inclusive, Block 14, Lago Vista according to the plat thereof recorded in Volume 30 of Plats 45, records of King County, have filed a preliminary formal subdivision application for thirty-two building lots and six open space tracts and one access tract located at 19201 15th Avenue NE; and

WHEREAS, on September 2, 2004, a public hearing on the application for the preliminary long plat was held before the Planning Commission for the City of Shoreline pursuant to notice as required by law; and

WHEREAS, on September 2, 2004, the Planning Commission recommended approval of the preliminary formal subdivision and entered findings of fact and conclusions based thereon in support of that recommendation formal subdivision; and

WHEREAS, the City Council does concur with the Findings and Recommendation of the Planning Commission, specifically that the preliminary formal subdivision of certain properties as described above and located at 19201 15th Avenue NE is consistent with both the City of Shoreline Comprehensive Plan and Development Code and is appropriate for this site;

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

Section 1. Findings. The Findings and Recommendation on File No. 201318 as set forth by the Planning Commission on September 2, 2004 and as attached hereto as Exhibit 1 are hereby adopted, with the following addition to Condition #2:

“The Homeowners Association shall also be responsible for maintaining and repairing frontage improvements within the public right-of-way abutting the subdivision, as may be required under Shoreline Municipal Code Chapter 12.05 as amended, including landscaping and trees.”

Section 2. Preliminary Formal Subdivision Adoption. The preliminary formal subdivision is adopted as further described and depicted in Exhibit 2 attached hereto.

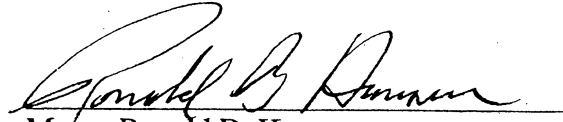
Section 3. Severability. If any provision of this ordinance or the application of a provision to any person or circumstance, is declared invalid, then the remainder of this Agreement, or the application of such provision to other persons or circumstances, shall not be affected.

Section 4. Effective Date. This ordinance shall go into effect five days after passage

ORIGINAL


and publication of the title as a summary of this ordinance.

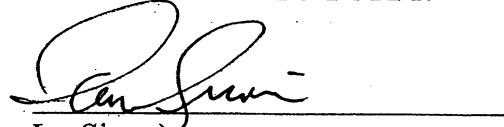
PASSED BY THE CITY COUNCIL ON SEPTEMBER 27, 2004.


Mayor Ronald B. Hansen

ATTEST:

APPROVED AS TO FORM:


Sharon Mattioli
City Clerk


Ian Sievers
City Attorney

Date of Publication: September 30, 2004
Effective Date: October 5, 2004

**FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE CITY OF SHORELINE PLANNING COMMISSION**

Cedar Heights Preliminary Formal Subdivision Review, Project No. 201318

Summary

After reviewing and discussing the Cedar Heights Preliminary Formal Subdivision proposal on September 2, 2004 the City of Shoreline Planning Commission did find and conclude that the application is in compliance with applicable codes, and therefore unanimously recommended approval of such action with modifications and additions to staff recommended conditions.

I. FINDINGS AND CONCLUSIONS

1. PROJECT SITE CHARACTERISTICS

- 1.1 The legal description of the property is: Lots 14 through 23 inclusive, Block 14, Lago Vista according to the plat thereof recorded in Volume 30 of Plats 45, records of King County.
- 1.2 The project site is 88,445 square feet or 2.03 acres in area and consists of eight separate tax parcels; 3971701320, 3971701330, 3971701335, 3971701340, 3971701345, 397171354, 3971701355, and 3971701370.
- 1.3 Access to the entire property comes solely from 15th Avenue NE.
- 1.4 The existing property is vacant.
- 1.5 The project site gradually slopes upward from east to west at the street and more dramatically toward the western boundary, the greatest slope being approximately 20%.
- 1.6 Sixty-four significant trees are located at the project site, one of which is in the right-of-way and four near the exterior boundary of the site.
- 1.7 A 150-foot wide transmission line easement transects the southern edge of the site.

2. NEIGHBORHOOD CHARACTERISTICS

- 2.1 The project site is located in the North City Neighborhood on the west side of 15th Avenue NE between NE Perkins Way and NE 192nd Street.
- 2.2 A mix of single and multi-family developments characterizes the immediate neighborhood on 15th Avenue NE. Two businesses are

located across the street. Single family residences occupy lots abutting the subject property.

- 2.3 The classification of 15th Avenue NE is principal arterial.

3. COMPREHENSIVE PLAN LAND USE DESIGNATION AND POLICY SUPPORT

- 3.1 The Land Use Map in the Comprehensive Plan designates the project site for mixed use with the southern fifty feet of the site as low density residential. This designation is applied to stable and developing areas and is intended to encourage the development of pedestrian oriented places, with architectural interest that integrate a wide variety of retail, office and service uses with residential uses.
- 3.2 Policy LU23 - Ensure land is designated to accommodate a variety of types and styles of residences adequate to meet the growth of 1,600 to 2,400 new housing units and the future needs of Shoreline citizens.
- 3.3 Policy H1 - Encourage a variety of residential design alternatives that increase housing opportunities in a manner that is compatible with the character of existing residential and commercial development throughout the city.
- 3.4 Policy H6 - Encourage compatible infill development on vacant or underutilized sites.

4. REGULATORY AUTHORITY

- 4.1 Shoreline Municipal Code (SMC) 20.30.060 requires preliminary formal subdivisions to be processed as a quasi-judicial or "Type-C" action. Type-C actions require an open record public hearing and review by the Planning Commission, who then forwards a recommendation to the City Council for final approval.
- 4.2 Other applicable regulatory controls are set forth in the SMC as follows:
- SMC 20.30 – Procedures and Administration
 - SMC 20.40 – Zoning and Use Provisions
 - SMC 20.50 – General Development Standards
 - SMC 20.60 – Adequacy of Public Facilities
 - SMC 20.70 – Engineering and Utilities Development Standards

5. PROCEDURAL HISTORY

- 5.1 Several preapplication meetings were held with the developer and City staff. The most recent meeting held prior to the neighborhood meeting was December 17, 2003. The proposal at that time was to subdivide into 37 townhouse lots.
- 5.2 A neighborhood meeting was held January 27, 2003 for the proposed 37 units. During the public comment period, it was brought to the attention of

staff that the applicant inadvertently omitted a street, 12th Avenue NE, in their notification of the neighborhood meeting. The street was included during the City mailings when the consolidated application and public hearing notice was posted.

- 5.3 The preliminary formal subdivision application for 32 lots and State Environmental Policy Act (SEPA) checklist were submitted on June 9, 2004.
- 5.4 The proposal was determined to be complete for processing on July 7, 2004.
- 5.5 A Consolidated Notice of Application and Notice of Public Hearing for the proposal was issued on July 22, 2004 with request for public comment ending on August 6, 2004.
- 5.6 A SEPA Threshold Determination of Non-Significance for the proposal was issued on August 18, 2004 with the administrative appeal ending

6. PUBLIC COMMENT

- 6.1 There was one written public comment letter received for this proposal. The letter expressed concern about density, tree protection, dumpster location, open space, the proposed sports complex, and building height.
- 6.2 Three neighbors testified at the public hearing. Concerns were expressed about building design, pedestrian circulation, pest control, impacts during construction, and, soil contamination.
- 6.3 The Planning Commission modified or added the following conditions in response to neighbor's concerns:
 - Modified Condition #5 to ensure the intent of single-family attached residential design standards are met.
 - Added Condition #12 to ensure adequate pedestrian access is provided.
 - Added Condition #13 to provide pest control.
 - Added Condition #14 to ensure slope stabilization.
 - Added Condition #15 to determine if the soil was contaminated from previous uses.

7. REVIEW CRITERIA

- 7.1 The following review criteria shall be used to review proposed subdivisions:

A. ENVIRONMENTAL

- **CRITERIA:** *Where environmental resources exist, such as trees, streams, ravines or wildlife habitats, the proposal shall be designed to fully implement the goals, policies, procedures and standards of the critical areas chapter, Chapter 20.80 SMC, Critical Areas, and the tree conservation, land clearing and site grading standards sections.*

No critical areas are located on the site. The project must comply with tree conservation, land clearing and site grading standards specified in SMC Chapter 20.50, Subchapter 5.

- **CRITERIA:** *The proposal shall be designed to minimize grading by using shared driveways and by relating street, house site and lot placement to the existing topography.*

The proposal provides one access to 15th Ave NE. The proposed lots are to be located along one access tract in the flattest portion of the site. Considerable grading will be necessary due to the general slope of the site.

- **CRITERIA:** *Where conditions exist which could be hazardous to the future residents of the land to be divided, or to nearby residents or property, such as, flood plains, steep slopes or unstable soil or geologic conditions, a subdivision of the hazardous land shall be denied unless the condition can be permanently corrected, consistent with subsections (A)(1) and (2) of this section.*

The property does not contain hazardous land conditions.

- **CRITERIA:** *The proposal shall be designed to minimize off-site impacts, especially upon drainage and views.*

The project was reviewed by Public Works and does not require additional stormwater drainage conditions. The project must comply with all surface water management requirements set forth in the Surface Water Design Manual. The project must also comply with all height restrictions as specified in SMC Chapter 20.50.

B. LOT AND STREET LAYOUT

- **CRITERIA:** *Lots shall be designed to contain a usable building area. If the building area would be difficult to develop, the lot shall be redesigned or eliminated, unless special conditions can be imposed that will ensure the lot is developed consistent with the standards of this Code and does not create nonconforming structures, uses or lots.*

The proposal meets design standards for zero lot line development as set forth in SMC Chapter 20.50. No nonconforming structures, uses, or lots will be created.

- **CRITERIA:** *Lots shall not front on primary or secondary highways unless there is no other feasible access. Special access provisions, such as, shared driveways, turnarounds or frontage streets may be required to minimize traffic hazards.*

Although 15th Avenue NE is not a highway, it is a principal arterial. No direct access to the street from the newly platted lots is proposed. One shared access tract will be owned and maintained by all lots.

- **CRITERIA:** *Each lot shall meet the applicable dimensional requirements of the Code.*

This proposal meets the applicable dimensional requirements specified for zero lot line development as set forth in SMC Chapter 20.50.

- **CRITERIA:** *Pedestrian walks or bicycle paths shall be provided to serve schools, parks, public facilities, shorelines and streams where street access is not adequate.*

Direct access to the public sidewalk will be available from the proposed on-site pedestrian circulation system.

C. DEDICATIONS

- **CRITERIA:** *The City Council may require dedication of land in the proposed subdivision for public use.*
- **CRITERIA:** *Only the City Council may approve a dedication of park land. The Council may request a review and written recommendation from the Planning Commission.*
- **CRITERIA:** *Any approval of a subdivision shall be conditioned on appropriate dedication of land for streets, including those on the official street map and the preliminary plat.*
- **CRITERIA:** *Dedications to the City of Shoreline for the required right-of-way, stormwater facilities, open space, and easements and tracts may be required as a condition of approval.*

Dedication of right-of-way or park land is not required for this proposal.

D. IMPROVEMENTS

- **CRITERIA:** *Improvements which may be required, but are not limited to, streets, curbs, pedestrian walks and bicycle paths, critical area enhancements, sidewalks, street landscaping, water lines, sewage systems, drainage systems and underground utilities.*

This project will comply with the all requirements specified in the City of Shoreline Development Code and Development Engineering Guide.

- **CRITERIA:** *Improvements shall comply with the development standards of Chapter 20.60 SMC, Adequacy of Public Facilities.*

This proposal complies with the development standards of Chapter 20.60 SMC, Adequacy of Public Facilities.

8. ZONING DESIGNATION, DENSITY AND PERMITTED USES

- 8.1 The project site is zoned as Residential - 24 units per acre (R-24), except for the southern fifty feet, which is R-6.
- 8.2 The maximum number of units allowed by the density requirements is 44 units; the minimum number of units for the site should be 20.

- 8.3 The proposed density is 15.8 units per acre.
- 8.4 SMC 20.40.120 specifies that zero lot line townhouses are a permitted use in both R-24 and R-6 Zones. All the residential units will be located in the R-24 Zone. Open space, guest parking and a portion of the sports court will occupy the R-6 Zone.

9. SITE DEVELOPMENT STANDARDS

- 9.1 Lot Layout - Exception 2 to SMC Table 20.50.020(1) allows some dimensional standards to be modified. These standards include minimum lot width, minimum lot area, and minimum yard setbacks. The proposed modifications are:
- a) Reduction of minimum lot width to 17 feet,
 - b) Reduction of minimum lot area to approximately between 1,100 square feet and 1,500 square feet,
 - c) Minimum interior lot line setbacks to zero.
- The project shall be required to meet impervious and building coverage requirements specified in SMC Chapter 20.50 as calculated using all lots of the plat.
- 9.2 Building Heights - The maximum building height for R-24 is 35 feet or 40 feet with a pitched roof. The proposed height of the buildings is 34 feet. This height should not block the views of the neighbors to the west because the buildings will be situated approximately 20 to 25 feet lower on the slope.
- The project shall be required to meet impervious and building coverage requirements specified in SMC Chapter 20.50 as calculated using all lots of the plat.
- 9.3 Building Heights - The maximum building height for R-24 is 35 feet or 40 feet with a pitched roof. The proposed height of the buildings is 34 feet. This height should not block the views of the neighbors to the west because the buildings will be situated approximately 20 to 25 feet lower on the slope.
- 9.4 Building Design Standards - SMC 20.50.180(A) specifies that to the maximum extent feasible, primary facades and building entries single family attached residences shall face the street. The units immediately adjacent to 15th Ave NE should present a façade toward the street that contributes to the streetscape in a similar manner as the single family attached housing development on the northwest corner on Westminster Avenue N and N. 150th Street.
- 9.5 Open Space - Seven private common areas are proposed for open space. Landscaping, a sports court, and the guest parking lot will be located within these areas. Much of the common area will be under the City Light transmission lines. The applicant must provide written permission from City Light before the easement area may be paved. All building lots and

dumpster locations must be outside the easement. Combined, the total area of open space will need to meet the calculation requirements of SMC 20.50.160 and be clearly delineated on the landscape plan to be submitted with the site development permit. If the units each have two bedrooms, a total of 4,160 square feet of open space is required. If the units each have three bedrooms, a total of 5,440 square feet of open space is required. It appears the square footage of common area will more than meet the minimum requirements. These private land tracts will be owned and maintained by the thirty-two zero lot line townhouse lots.

- 9.6 Significant Tree Removal - Sixty four significant trees are located throughout the project site. Of these trees eighteen, or 28%, are proposed to be retained. This complies with the minimum tree retention standard of 20% as set forth in SMC 20.50.350.
- 9.7 Parking - SMC Table 20.50.390A requires that a minimum of two off street parking spaces per unit be provided for single family attached units. All vehicle parking and storage for single-family detached dwellings must be in a garage, carport or on an approved impervious surface. Any impervious surface used for vehicle parking or storage must have direct and unobstructed driveway access. Two parking spaces are proposed for each unit. Eighteen additional guest parking spaces are proposed to be located under the transmission lines.
- 9.8 Access - One shared access tract will be owned and maintained by the thirty-two zero lot line townhouse lots. The access tract will accommodate two separate pedestrian walkways that access the public street. The access road does not end in a turnaround or hammerhead. This exception was allowed in order to retain the large cluster of significant trees on the north property line. A turnaround would reduce the number of retained trees to below the aforementioned 20% minimum tree retention standard. The Shoreline fire Department approved the elimination of the turnaround because all buildings must be sprinklered.
- 9.9 Dedication - Dedications may be required in the following situations: (SMC 20.70.040)
- To accommodate motorized and non-motorized transportation, landscaping, utility, street lighting, traffic control devices, and buffer requirements;
 - The City will accept maintenance responsibility of the facility to be dedicated;
 - The development project abuts an existing substandard public street and the additional right-of-way is necessary to incorporate future frontage improvements for public safety;
 - Right-of-way is needed for the extension of existing public street improvements necessary for public safety.

SHORELINE

This project does not meet any of the above situations, so therefore does not require dedication of any property for public right-of-way.

- 9.10 Landscaping - SMC 20.50.490 requires Type I (full screen) landscaping in building setbacks for multi-family residential development adjacent to single family zones and Type II (filtered screen) adjacent to other multi-family zones. Fifteen feet of Type I (full screen) landscaping is required along the western and southern boundaries of the project and five feet of Type II (filtered screen) landscaping along the northern boundary. The landscaping plan will need to demonstrate compliance with all landscaping requirements and be submitted with the site development permit.

10. Adequacy of Public Facilities

- 10.1 Water Supply - Shoreline Water District has issued a Water Availability Certificate with a fire flow analysis.
- 10.2 Sanitary Sewer Service - Ronald Wastewater District has issued Sewer Availability Certificate.
- 10.3 Fire Protection - The Shoreline Fire Department has reviewed and approved the preliminary plat for site access and fire lane distance. Sprinklers systems will be required in all buildings.
- 10.4 Traffic Capacity - An estimated average of 17.6 p.m. peak hour trips will be generated by this proposal, based on the formula set forth in the Institute of Transportation Engineers *Trip Generation Manual* for townhouse/single family attached residential development (.55 p.m. trips per dwelling unit). This number is below the traffic study requirement threshold of 20 p.m. peak hour trips as specified in SMC 20.60.140(A). However, a traffic impact assessment has been requested for review as part of the site development permit package, because of possible impacts on a principal arterial that is already under study. Further mitigation may be required as a result of the assessment.

11. Engineering and Utility Development Standards

- 11.1 Storm Water Management - The City of Shoreline Public Works Department has preliminarily approved the Drainage Plan for the proposal. Submittal of engineered drawings and a Technical Information Report for site development approval will be required before the final approval of the plat. If downstream analysis indicates capacity deficiency, Level 3 detention or other mitigation may be required.
- 11.2 Utility Undergrounding - SMC 20.70.470(A)(3) requires the undergrounding of utilities when new residential lots are created.
- 11.3 Frontage Improvements - The proposal will require the installation of frontage improvements on 15th Avenue NE subject to the design standards of the Engineering Development Guide.

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II. RECOMMENDATION

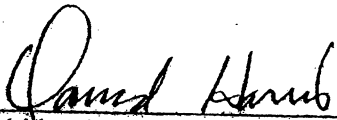
Based on the aforementioned Findings and Conclusions, the Planning Commission unanimously recommends approval of the Cedar Heights Preliminary Formal Subdivision, Project No. 201318, with the following conditions: (Planning Commission modifications and additions to staff recommended conditions are italicized.)

1. A maximum of thirty-two lots and seven private land tracts, one for access and six for common area shall be created. The square footage and assigned addresses for the lots shall be shown on the face of the final plat. The delineation and square footage of all private land tracts shall be declared on all plans submitted for the site development permit and also shown on the face of the final plat. All existing or new restrictions, easements, or tracts and their purpose shall be shown on the face of the final plat.
2. Homeowners shall be required to establish and maintain in force and effect, a Covenant for a Homeowner's Association. The Association is to be held with undivided interest by the thirty-two zero lot line town home lots (described as Lots 1 through 32) in this subdivision. The Homeowner's Association (owners of the parcels having legal access therefrom and their heirs, assigns or successors) is to be responsible for maintaining, repairing and/or rebuilding of all private land tracts for private roadway and all other common areas; landscaping in all common areas; and infrastructure and utilities not dedicated to the City of Shoreline. The Homeowner's Association shall also be responsible for prevention of temporary or permanent encroachment of structures or equipment into the right-of-way and into other public areas.
3. A maximum of thirty-two zero lot line townhomes are permitted.
4. The following language shall be shown on the face of the final plat, "Any further proposed subdivision or adjustment to the lot lines within this plat must use all lots of this plat for calculation of the density and dimensional requirements of the Shoreline Municipal Code."
5. *The units immediately adjacent to 15th Avenue NE should present a facade towards the street that contributes to the streetscape in a similar manner as the single-family attached housing development on the northwest corner of Westminster Avenue N and N 150th Street.*
6. Applicant shall apply for a Site Development Permit to be reviewed and approved by the City of Shoreline that includes all on-site engineering, grading and utility installation, all site in any private land tracts, all onsite landscaping, and tree retention. The completion of this work shall be secured by a plat performance financial guarantee.
7. Applicant shall apply for a right-of-way use permit for frontage improvements on 15th Avenue NE adjacent to the project site to be reviewed and approved by City of Shoreline Public Works that comply with development standards in effect at the time of application. The completion of this work shall be secured by a plat performance financial guarantee.

ORIGINAL

8. The following language shall be shown on the face of the final plat: "All site development and right-of-way work shall be constructed in accordance to plans under City of Shoreline File #'s (*site development and right-of-way application number*)".
9. Applicant shall provide written approval from City Light before any approval by the City for site work done within transmission line easement. No building lot shall encroach on said easement. The Homeowner's Association shall be responsible for the maintenance of any agreement with City Light.
10. Applicant shall meet any required conditions established by the Shoreline Utilities Water Availability Certificate.
11. Applicant shall meet any required conditions established by the Ronald Wastewater District Sewer Availability Certificate.
12. *In addition to pedestrian access to 15th Avenue NE from along the access tract in the proposed development, pedestrian access from Units on Lots 1-18 shall be provided by an additional continuous pedestrian path on the north side of Lot 32.*
13. *Pest control or extermination, to the extent necessary, shall be completed prior to the demolition of the existing buildings.*
14. *The retaining wall and any required stabilization of the slope on the west boundary of the site shall be completed prior to the commencement of building construction.*
15. *A Level II environmental soil analysis shall be required, particularly for the area where the garage is located, and staff will take appropriate action.*

City of Shoreline Planning Commission

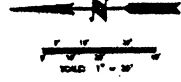


David Harris
Chairperson

SEPTEMBER 9, 2007
Date

NE1/4, SE 1/4, SEC. 5, T. 26 N., R. 4 E., W.M.

NOTE:
1. SOME EXISTING CASHEIRS
MAY NOT BE SHOWN.



37
1440

15
12

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1291

1391

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1208



CEDAR HEIGHTS - PRELIMINARY PLAT

PROJECT NO.
130-017

SHEET NO.
1

C2

PLOT PLAN



Layton & Son, Inc., P.L.C.
Surveyors and Planners
14000 1st Avenue Northeast
Bellevue, Washington 98005-3000
Office (206) 418-1100 Fax (206) 418-1104

RECORD AND FILE
DATE: MAY 23, 2004

APPROVED: [Signature]
DATE: [Blank]
BY: [Blank]

DATE: 11/15/04

ATTACHMENT D

RESOLUTION NO. 245

A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON, APPROVING THE FINAL PLAT OF CEDAR HEIGHTS SUBDIVISION.

WHEREAS, the applicant has made application for final plat of the Cedar Heights Subdivision, a nineteen lot subdivision; and

WHEREAS, the City Council approved the preliminary plat of Cedar Heights Subdivision on September 7, 2004, and

WHEREAS, a public hearing held by the Planning Commission on September 2, 2004, and

WHEREAS, engineering and site development plans have been approved to construct all required plat improvements, which will satisfy all requirements for final plat; and

WHEREAS, all required site development including, utility and drainage improvements, road and pedestrian improvements, and landscaping improvements have been guaranteed with a performance bond; and

WHEREAS, the final plat has been executed by the Director of Planning and Development Services as complying with the Shoreline Development Code, and the City Engineer as complying with City and utility district standards for private roads and utility systems.

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

Section 1. The Council finds that the final plat of Cedar Heights 1) complies with the City's zoning and land use regulations, 2) that the public interest will be served by the subdivision, and 3) satisfies conditions of preliminary plat approval and recording the final plat have been satisfied.

Section 2. The final plat of the Cedar Heights Subdivision is approved, and the City Manager is authorized to sign the plat and record with the King County Records and Elections Division.

ADOPTED BY THE CITY COUNCIL ON May 22, 2006.

Mayor Robert Ransom

ATTEST:

Scott Passey, City Clerk

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CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Approval of Integra Telecom Holdings, Inc.'s purchase of ownership interests of franchisee Electric Lightwave, LLC
DEPARTMENT:	City Attorney's Office
PRESENTED BY:	Flannary P. Collins, Assistant City Attorney

PROBLEM/ISSUE STATEMENT:

The City of Shoreline granted Electric Lightwave, LLC a franchise to provide telecommunications services within the City. Section 32 of the franchise agreement requires that the City approve any assignment of the franchise prior to its occurrence.

FINANCIAL IMPACT:

No financial impact will result from approving this purchase of ownership interests.

DISCUSSION:

The City of Shoreline granted a 10 year franchise to Electric Lightwave, LLC ("ELI") in July 1996 to provide telecommunication services within the City. Section 32 of the franchise agreement requires City approval of any assignment of the franchise, which occurs when 50% or more of the beneficial interests are obtained by other parties. According to the franchise agreement, the franchisee must inform the City prior to any change in control of the company, and the City must review such transfer of control.

ELI has informed the City that Integra Holdings, Inc. ("Integra") has agreed to purchase all of the outstanding ownership interests in ELI from Citizens Communications Company and its wholly owned subsidiary, CU Capital, LLC. Although Integra is purchasing the ownership interests in ELI, ELI will remain intact, and will retain the responsibilities associated with the franchise.

Staff has reviewed the information submitted by Integra and recommends the City approve the transfer. Integra is a privately-held Oregon-based company providing local, long-distance, and Internet services to small and mid-sized businesses in Washington, Oregon, Utah, Minnesota and North Dakota. Further, the City's right-of-way inspectors indicate that the City has received no complaints regarding ELI. By signing the consent form, the City is: (1) consenting to the assignment of the franchise agreement to Integra; (2) waiving any event of default that may be deemed to occur as a result of the transaction; (3) confirming there is no creation or acceleration of the City's rights or

remedies under the Franchise Agreement; and (4) agreeing that the franchise agreement will remain in full force and effect.

For the Council's information, on June 12, 2006, approval of a new franchise for ELI will be before Council. Typically, the approval of purchase of ownership interests and approval of the new ELI franchise would be included on the same Council agenda. However, ELI has indicated that the approval of the purchase of ownership interests is urgent since municipality approval is required before the transaction can be finalized.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to approve Integra Telecom Holding, Inc.'s purchase of Citizens Communications Company and CU Capital, LLC's ownership interests in City franchisee Electric Lightwave, LLC.

Approved By: City Manager  City Attorney 

ATTACHMENTS

Attachment A: Letter and consent form approving Integra's purchase of ownership interest of ELI

Attachment B: Integra's new release

Attachment C: Electric Lightwave Franchise Agreement

March 14, 2006

City of Shoreline
Director of Public Works
17544 Midvale Ave. NE
Shoreline, WA 98133

Re: Franchise Agreement (the "Agreement"), dated July 3, 1996, between City of Shoreline and Electric Lightwave, LLC (formerly, Electric Lightwave, Inc.) ("ELI") – Consent

Ladies and Gentlemen:

We are excited to inform you that Integra Telecom Holdings, Inc., an Oregon corporation, has agreed to purchase all of the outstanding ownership interests in ELI from Citizens Communications Company and its wholly owned subsidiary, CU Capital LLC (the "Transaction"). For more information about Integra and the Transaction, please see the press release issued by Integra and attached to this letter. You can also learn more about Integra at <http://www.integratelecom.com>. Following the closing of the Transaction, ELI will remain in existence and continue to be the party to the Agreement. ELI will, of course, continue to perform its obligations under the Agreement.

Pursuant to Section 32 of City Ordinance No. 85 of the Agreement, your consent may be required in the event of a change in control of the outstanding ownership interests in ELI. We hereby request that you (i) consent to the deemed assignment of the Agreement to Integra pursuant to the Transaction, (ii) waive any event of default that may be deemed to occur as a result of the Transaction, (iii) confirm that no creation or acceleration of your rights and remedies under the Agreement will arise as a result of the Transaction, and (iv) agree that the Agreement will remain in full force and effect on the same terms and conditions after the closing of the Transaction. If you so agree, please execute one copy of this letter and return it to the undersigned at the following fax number: 360-816-0999.

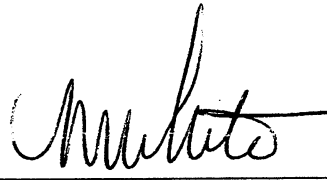
Your consent and confirmation will become effective as of the closing of the Transaction and will have no effect unless the closing occurs. We will promptly notify you of the closing. If you have any questions or need any further assistance, please do not hesitate to call Dan Norfleet at 360-816-5377. Thank you very much for your cooperation and prompt attention.

[Signatures follow on next page]



In WITNESS WHEREOF, the parties have executed this letter as of the date first above written.

ELECTRIC LIGHTWAVE, LLC

By: 

Name: Melinda White

Title: Vice President and General Manager

Consented to and Agreed to and acknowledged as of _____, 2006.

City of Shoreline

By: _____

Name:

Title:

Attachment

Task 61



Integra Telecom News Release

Integra Telecom Buys Electric Lightwave

Acquisition of Customers and Eight Metropolitan Area Networks Expand Service Area, Solidify Integra's Market Strength.

\$450 Million Financing Ranks as One of the Largest on List of National Telecom Deals.

Portland, Ore. - February 7, 2006 - Integra Telecom, Inc., a provider of local, long-distance and Internet services for small and mid-size businesses, today announced that it has signed an agreement to purchase Electric Lightwave, Inc. (ELI) for \$243 million in cash plus the assumption of approximately \$4 million in capital lease obligations.

Under the terms of the agreement, Integra will purchase ELI, including its assets and customers, from Citizens Communications (NYSE:CZN). The parties expect to complete the transaction in the third quarter of 2006 upon obtaining necessary governmental and other approvals.

Acquisition Solidifies Market Strength

With the acquisition of ELI's network assets and customer base, Integra will become the most cash profitable and one of the largest competitive local exchange carriers (CLECs) in the West. Combined, the companies will have more than \$300 million in annual revenue and more than \$100 million in pro-forma 2006 EBITDA, before any merger synergies.

Approximately 60 percent of the two companies' revenues derive from geographic markets and networks that overlap, creating the opportunity for significant network efficiencies and synergies. The acquisition will increase the number of Integra's metropolitan service areas from 18 to 23 and expand the number of states in which it serves from five to eight.

Most importantly, the combined companies will enjoy important strategic advantages resulting from ELI's eight-market, 2,200 route mile (160,000 fiber miles) metropolitan area network, with direct fiber access into over 580 major commercial buildings. Many other competitive local exchange carriers are scrambling to find network alternatives in response to recent FCC rules that increase the cost of leasing network from the Bell companies. Integra, by acquiring ELI's metropolitan area network, becomes one of the first to insulate itself from this unpredictable landscape of telecom regulation.

"These robust metropolitan fiber networks will substantially increase our operating strength and provide a meaningful and sustainable competitive cost advantage over other local carriers that rely exclusively on leasing network from the Bell companies," said Dudley Slater, chief executive officer of Integra Telecom.

In addition to the metropolitan area networks, Integra will also own and operate ELI's unique 4,700-mile, long haul network - one of the largest of its kind in the western United States. The unique value of this network is evidenced by a blue-chip list of other carriers that lease connectivity from ELI to access their customers.

"We are eager to enhance this network and strengthen our relationships with those that rely on the connectivity we provide," added Slater.

Benefits to Customers

"I'm delighted for our customers," continued Slater. "We will be offering a stronger regional and local telecommunications network alternative, and we will be better equipped to offer unique and powerful high-bandwidth data products, which are increasingly important to the business customers we serve."

Upon completing the integration, Integra will expand the product sets and services currently offered by ELI to include those offered by Integra, including those that are tailored to the smaller business customer. Doing so will increase the addressable markets in the important new service areas that come with the ELI acquisition: Phoenix, Ariz.; Boise, Idaho; Sacramento, Calif.; as well as Olympia and Spokane, Wash. Today, Integra serves tens of thousands of customers,

representing 10-15 percent of the small to mid-sized businesses, within most of the metropolitan areas in Oregon, Washington, Utah, Minnesota and North Dakota. "We look forward to introducing ELI customers to Integra's high-touch brand of service where we staff customer service and other customer 'touching' personnel locally in each major market we serve," said Slater.

"This is an excellent opportunity for ELI employees and customers," said Dan McCarthy, executive vice president and chief operating officer of Citizens Communications. "Integra is a carrier we respect with a proven track record of success."

Integra Telecom Markets Served Post-ELI:

OREGON

- ▶ Portland, Salem, Eugene

WASHINGTON

- ▶ Vancouver, Seattle, Tacoma, Bellevue, Everett, Spokane* and Olympia*

UTAH

- ▶ Salt Lake City, Ogden, Provo

MINNESOTA

- ▶ Minneapolis, St. Paul, Baxter, St. Cloud, Prior Lake

NORTH DAKOTA

- ▶ Fargo, Grand Forks

ARIZONA

- ▶ Phoenix*

IDAHO

- ▶ Boise*

CALIFORNIA

- ▶ Sacramento*

(* New Markets with Acquisition)

Industry Consolidates: Leaders Emerge

"Successful CLECs like Integra are consolidating the industry, creating formidable regional competitors. Integra has the best operating metrics in its sector," stated Carlyn Taylor, senior managing director of FTI Consulting, Inc., an industry advisory firm, who along with FTI's investment banking entity, FTI Capital Advisors, LLC, served as financial advisor to Integra for this transaction.

"The support Integra has received from the financial community is an endorsement of its strong year-over-year financial performance, its operational efficiency, and the financial markets' confidence in Integra's ability to integrate a large acquisition. FTI expects that the combined company will have a leading operating cash flow margin in the US CLEC sector. This transaction will strongly position Integra for future consolidation transactions as well as continued organic growth."

\$450 Million is Among Largest National Telecom Deal in Sector

Integra raised a total of \$450 million in the transaction of which approximately \$243 million will be used to purchase ELI, \$175 million to refinance Integra's current loan obligations and the remainder for excess operating cash, transition expenses and fees. The \$450 million financing package includes two facilities. On the first lien facility, CIBC World Markets Corp. will act as Sole Lead Arranger and Co-Bookrunner with Goldman Sachs Specialty Lending Group, LP acting as Co-Bookrunner and Administrative Agent. Goldman Sachs Specialty Lending Group, LP will co-underwrite the second lien facility with various investors.

"Among competitive local exchange carriers, this ranks as the second largest acquisition transaction and the largest new financing in several years, since Integra is both refinancing its existing debt and raising capital for the purchase price," stated Taylor. Since 2000, only the \$656 million acquisition of Dallas-based Allegiance Telecom by XO Communications of Reston, Virginia was larger.

Top Five Telecom Debt Issuances Among Competitive Local Exchange Carriers: 2004-2006

Company	Public/Private	Date	Amount
Integra Telecom	Private	February 2006	\$450 Million
Conversant	Private	April 2005	\$225 Million
ITC Deltacom	Public	July 2005	\$205 Million
Time Warner Telecom Public	Public	November 2005	\$200 Million
XO Communications	Private	August 2004	\$200 Million

When the transaction is finalized the combined company will remain headquartered in the Portland, Oregon metropolitan area. "We are fortunate in that the integration of the two companies will be enhanced by the fact that we are both headquartered in the same metro-area. We feel like we know the ELI employees well; we value the experience and capabilities they bring and we look forward to working together to grow the combined company," added Slater.

Company Growth and Notable Achievements

Integra expects to close 2005 with \$155 million in revenue and 280,000 lines in service representing a 12 percent increase on both metrics from 2004. The Company's record of increasing operating leverage is enhanced as Integra expects to report \$47 million in 2005 EBITDA, representing 31 percent growth over its 2004 EBITDA of \$36 million. In 2004, during an extended period when lenders to the telecommunications industry accepted partial repayment through financial restructuring or bankruptcies, Integra closed on a \$170 million refinancing deal that established it as the first major competitive local exchange carrier to repay in full all of its original debt funding since the downturn in the capital markets in 2000. In early 2003, Integra became the first facilities-based CLEC in the 14-state Qwest Communications service territory to be cash profitable - a key indicator of a business's health.

About Electric Lightwave

Electric Lightwave is a facilities-based integrated communications provider of Internet, data, voice and dedicated access services to enterprise businesses and carriers. In operation since 1990, the company currently owns and operates eight Metropolitan Area Networks, a nationally acclaimed Tier One Internet and Data network, and a high-speed long-haul, fiber-optic network that interconnects major markets in the West. Headquartered in Vancouver, Wash., the company is a wholly owned subsidiary of Citizens Communications Company (NYSE:CZN). More information about Electric Lightwave, LLC may be found at www.eli.net.

About Integra Telecom

Integra Telecom is a fast-growing, integrated communications carrier dedicated to providing a better choice for small and mid-sized businesses. Integra is a privately held company headquartered in Portland, Ore., employing more than 600 and serving over 280,000 access lines. Integra was recently recognized as one of Oregon's Most Admired Companies by an independent survey sponsored by The Portland Business Journal, and it has been listed on Inc. Magazine's list of the fastest growing private companies in the U.S. four out of the past five years. Primary equity investors in the company include Bank of America Capital Partners, Boston Ventures and Nautic Equity Partners. Integra Telecom is a registered trademark of Integra Telecom Inc.

ORDINANCE NO. 85

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, GRANTING ELECTRIC LIGHTWAVE, INC., A DELAWARE CORPORATION, A NON-EXCLUSIVE FRANCHISE FOR TEN YEARS, TO CONSTRUCT, MAINTAIN, OPERATE, REPLACE AND REPAIR A TELECOMMUNICATIONS SYSTEM, IN, ACROSS, OVER, ALONG, UNDER, THROUGH AND BELOW CERTAIN DESIGNATED 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 grants the City broad authority to grant nonexclusive franchise agreements; 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 Electric Lightwave, Inc., for the operation of a telecommunications system within the City right-of-way; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 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 ELI: Electric Lightwave, Inc. a Delaware corporation, and its respective successors and assigns.
- 1.4 Facilities: All wires, lines, cables, conduits, equipment, and supporting structures, located in the City's right-of-way, utilized by the grantee in the operation of activities authorized by this Ordinance. The abandonment by grantee of any facilities as defined herein shall not act to remove the same from this definition.
- 1.5 Grantee: As incorporated or used herein shall refer to ELI.
- 1.6 Permittee: A person who has been granted a permit by the Permitting Authority.
- 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 Public Works Director: The head of the Public Works department of the City, or in the absence thereof, the head of the Development Services Group of the City, or the designee of either of these individuals.
- 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.

Section 2. Franchise Granted.

- 2.1 Pursuant to RCW 35A.47.040, the City hereby grants to ELI, its heirs, successors, and assigns, subject to the terms and conditions hereinafter set forth, a franchise for a period of ten (10) years, beginning on the effective date of this Ordinance.
- 2.2 This franchise shall grant ELI 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 telecommunications 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.

Section 3. Non-Exclusive Franchise Grant. 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 public 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 right-of-ways or other public properties of every type and description.

Section 4. Relocation of Telecommunications System Facilities.

- 4.1 ELI agrees and covenants at its sole cost and expense, to protect, support, temporarily disconnect, relocate or remove from any right-of-way its facilities when so required by the City, provided that ELI shall in all such cases have the privilege to temporarily bypass, in the authorized portion of the same right-of-way upon approval by the City, any facilities required to be temporarily disconnected or removed.
- 4.2 If the City determines that a public project necessitates the relocation of ELI's existing facilities, the City shall:
 - 4.2.1 At least sixty (60) days prior to the commencement of such project, provide ELI with written notice requiring such relocation; and

- 4.2.2 Provide ELI with copies of any plans and specifications pertinent to the requested relocation and a proposed temporary or permanent relocation for ELI's facilities.
- 4.2.3 After receipt of such notice and such plans and specifications, ELI 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.
- 4.3 ELI 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 ELI in writing if any of the alternatives is suitable to accommodate the work that otherwise necessitates the relocation of the facilities. If so requested by the City, ELI shall submit additional information to assist the City in making such evaluation. The City shall give each alternative proposed by ELI full and fair consideration. In the event the City ultimately determines that there is no other reasonable alternative, ELI shall relocate its facilities as provided in this Section.
- 4.4 The provisions of this Section shall in no manner preclude or restrict ELI 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 a City construction project.
- 4.5 Whenever any person shall have obtained permission from the City to use any right-of-way for the purpose of moving any building or other oversized structure, ELI, upon fourteen (14) days written notice from the City, shall raise or remove, at the expense of the Permittee desiring to move the building or structure, any of ELI's facilities that may obstruct the movement thereof; provided, that the moving of such building or structure shall be done in accordance with regulations and general ordinances of the City. Where more than one path is available for the moving of such building or structure, the path of least interference, as determined by the City, shall be utilized.

Section 5. ELI's Maps and Records. As a condition of this franchise, and at its sole expense, ELI 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 using a minimum scale of one inch equals one hundred feet (1"=100'), measured from the center line of the right-of-way, which maps shall be in hard copy plan form acceptable to the City and in Geographical Information System (GIS) or other digital electronic format acceptable to the City. 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.

Section 6. Incorporation By Reference. Shoreline City Ordinance No. 83, Establishing Minimum Requirements, Procedures, And Application Information For Franchises Within Shoreline, is hereby incorporated herein by this reference. In the event of a conflict between Ordinance No. 83 and this Ordinance, this Ordinance shall control over any conflicting provisions incorporated by this Section.

Section 7. Undergrounding. ELI hereby affirms its understanding and agreement that its activities within the City must comply with Shoreline City Ordinance No. 82, Establishing Minimum Requirements And Procedures For The Underground Installation Of Electric And Communication Facilities Within Shoreline, and in exchange for an exemption from the requirements of Section 6(b) of that ordinance, and in accord with Section 6(b)(1) thereof, ELI hereby agrees and covenants to the following:

- 7.1 Information - ELI shall provide to the City of Shoreline, or any entity that has noticed ELI of a joint trenching project under Section 12 of Shoreline City Ordinance No. 82, all reasonably requested information regarding the nature and location of facilities installed, owned, operated, or maintained by ELI within a proposed undergrounding area. Said information will be provided within a reasonable period of time, not to exceed thirty (30) days following the request.
- 7.2 Notice - ELI shall respond to any notification pursuant to Section 12 of Shoreline City Ordinance No. 82, within 45 days following such notification with written commitment either to participate in the proposed project or to remove its facilities.
- 7.3 Cost - ELI agrees to bear its proportionate share of all costs common to participants in any joint trenching project and to bear the entire cost of all materials and labor particularly necessary for the underground installation of its facilities and, upon the completion of that installation, the removal of the overhead facilities replaced thereby.

Section 8. Excavation And Notice Of Entry.

- 8.1 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. ELI 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.
- 8.2 Whenever ELI 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 work commence within any right-of-way without a permit, except as otherwise provided in this Ordinance. During the progress of the work, ELI 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 accord with Section 5 of this Ordinance.
- 8.3 At lease ten (10) days prior to its intended construction of facilities, Grantee shall inform all residents in the affected area, that a construction project will commence, the dates and nature of the project, and provide a toll-free or local number which the resident may call for further information. A pre-printed door hanger may be used for this purpose.
- 8.4 At lease twenty-four (24) hours prior to entering right-of-way adjacent to or on private property to perform the installation, maintenance, repair, reconstruction, or removal

facilities, a written notice describing the nature and location of the work to be performed shall be physically posted upon the affected private property by the Grantee. The Grantee shall make a good faith effort to comply with the property owner/resident's preferences, if any, regarding the location or placement of underground facilities (excluding aerial cable lines utilizing existing poles and existing cable paths), consistent with sound engineering practices.

Section 9. 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 ELI'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, ELI 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 ELI from later obtaining any necessary permits for the emergency work. ELI shall apply for the required permits not later than the next business day following the emergency work.

Section 10. Recovery of Costs. ELI shall be subject to all permit fees associated with activities undertaken pursuant to this franchise or other ordinances of the City. If the City incurs any costs and/or expenses for review, inspection or supervision of activities undertaken pursuant to this franchise or any ordinances relating to a subject for which a permit fee is not established, ELI shall pay the City's costs and expenses. In addition, ELI shall promptly reimburse the City for any costs the City reasonably incurs in responding to any emergency involving ELI's facilities.

Section 11. Dangerous Conditions, Authority for City to Abate.

- 11.1 Whenever installation, maintenance or excavation of facilities authorized by this franchise causes or contributes to a condition that appears to substantially impair the lateral support of the adjoining right-of-way, public or private property, or endangers any person, the Public Works Director may direct the Grantee, at the Grantee's expense, to take actions to resolve the condition or remove the endangerment. Such directive may include compliance within a prescribed time period.
- 11.2 In the event the Grantee 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 Grantee shall be responsible to reimburse the City for its costs.

Section 12. Safety.

- 12.1 The Grantee, 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.
- 12.2 All of Grantee's facilities in the right-of-way shall be constructed and maintained in a safe and operational condition.
- 12.3 The City reserves the right to ensure that the Grantee's facilities are constructed and maintained in a safe condition. If a violation of the National Electrical Safety Code or other applicable regulation is found to exist, the City will notify the Grantee in writing of said violation and establish a reasonable time for the Grantee to take the necessary action to correct the violation. If the correction is not made within the established time frame, the City, or its authorized agent, may make the correction. The Grantee is responsible for all the costs and expenses incurred by the City in correcting the violation.

Section 13. Tree Trimming. Upon approval of the City and in accordance with City ordinances, the Grantee shall have the authority to trim trees and other plant life upon and overhanging the right-of-way to prevent interference with the Grantee's facilities. The Grantee shall provide at least seven (7) days written notice to the owner of the property on which any tree or plant life Grantee desires to trim is located. Said notice may be in the form of a doorknob hanger and shall contain a contact name, address, and telephone number where the property owner can obtain information from the Grantee regarding its tree trimming plans and express concerns regarding the trimming of the trees or plant life on their property. The Grantee shall make a good faith effort to conform with property owners' requests regarding trimming trees or plant life on their property. The Grantee shall be responsible for debris removal from any trimming activities. If such debris is not removed within twenty-four (24) hours, the City may, at its sole discretion, remove such debris and charge the Grantee for the cost of removal and disposal.

Section 14. Franchise Fee - City's Reservation of Rights. Pursuant to RCW 35.21.860, the City is currently precluded from imposing a franchise fee on a telephone business as defined in RCW 82.04.065, except for administrative expenses or any tax authorized under RCW 35.21.865. ELI has represented to the City that its operations as authorized under this franchise qualify as a telephone business as defined by RCW 82.04.065. Based on this representation, the City will not impose a franchise fee under the terms of this Ordinance. However, if the statutory prohibition on imposing a franchise fee is repealed, the City reserves its right to impose a franchise fee on ELI for purposes other than to recover its administrative expenses or taxes. The amount of any franchise fee imposed under this paragraph shall be as agreed by the parties and equal that charged to telecommunications providers.

Section 15. Authorized Activities. The franchise granted herein is solely for the operation of a telephone business as defined by RCW 82.04.065. The Grantee is required to

obtain a separate franchise for any operations that include activities other than providing signal carrying capacity.

Section 16. Indemnification.

- 16.1 ELI 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 or liability to any person, including claims by ELI's own employees to which ELI might otherwise be immune under Title 51 RCW, arising from injury, sickness, or death of any person or damage to property of which the negligent acts or omissions of ELI, its agents, servants, officers or employees in performing activities authorized by this franchise. ELI further 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 or liability to any person (including claims by ELI's own employees, including those claims to which ELI might otherwise have immunity under Title 51 RCW) arising against the City solely by virtue of the City's ownership or control of the right-of-ways or other public properties, by virtue of ELI's exercise of the rights granted herein, or by virtue of the City's permitting ELI's use of the right-of-way or other public property based upon the inspection or lack of inspection of work performed by ELI, its agents and servants, officers or employees in connection with work authorized on the City's property or property over which the City has control, pursuant to this franchise or pursuant to any other permit or approval issued in connection with 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 negligent acts or omissions of ELI, its agents, servants, officers or employees in barricading, instituting trench safety systems or providing other adequate warnings of any excavation, construction, or work in any right-of-way or other public place in performance of work or services permitted under this franchise. If final judgment is rendered against the City, its elected officials, employees, agents, and volunteers, or any of them, ELI shall satisfy the same.
- 16.2 Inspection or acceptance by the City of any work performed by ELI 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 compromised prior to the culmination of any litigation or the institution of any litigation.
- 16.3 In the event ELI 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 ELI'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 ELI, then ELI 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.
- 16.4 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 ELI and the City, its officers, employees and agents, ELI's liability hereunder shall be only to the extent of ELI's negligence. It is further specifically and expressly understood that the indemnification provided in Section 16 constitutes ELI's waiver of immunity under Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties.

Section 17. Insurance.

- 17.1 ELI 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 ELI, its agents or employees. ELI shall provide an insurance certificate, together with an endorsement naming the City, its elected officials, employees, agents, and volunteers as additional insureds, to the City for its inspection prior to the commencement of any work or installation of any facilities pursuant to this franchise, and such insurance shall evidence:
 - 17.1.1 Automobile Liability insurance with limits no less than \$1,000,000 Combined Single Limit per accident for bodily injury and property damage; and
 - 17.1.2 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 but not be limited to: blanket contractual; products/completed operations; broad form property damage; explosion, collapse and underground (XCU); and employer's liability.
- 17.2 Any deductibles or self-insured retentions must be declared and approved by the City. Payment of deductible or self-insured retention shall be the sole responsibility of ELI.
- 17.3 The insurance obtained by ELI shall name the City, its elected officials, employees, agents, and volunteers as insureds with regard to the activities these persons perform by or on behalf of ELI. The coverage shall contain no special limitations on the scope of protection afforded to the City, its officers, officials, employees or volunteers. 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. ELI's insurance shall be primary insurance for the City, its elected officials, employees, agents, and volunteers. Any insurance maintained by the City, its elected officials, employees, agents, and volunteers shall be excess of ELI's insurance and shall not contribute with it. The insurance policy or policies required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

- 17.4 Any failure to comply with the reporting provisions of the policies required herein shall not affect coverage provided to the City, its elected officials, employees, agents, and volunteers.

Section 18. Abandonment of ELI's Facilities. No section of cable or portion of the facilities laid, installed, or constructed in the right-of-way by ELI may be abandoned by ELI without the express written consent of the City. Any plan for abandonment or removal of ELI's facilities must be first approved by the Public Works Director, and all necessary permits must be obtained prior to such work.

Section 19. Restoration after Construction.

- 19.1 ELI shall, after any abandonment approved under Section 18, or 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. ELI agrees to promptly complete all restoration work and to promptly repair any damage caused by such work at its sole cost and expense.
- 19.2 If it is determined that ELI has failed to restore the right-of-way in accord with this Section, the City shall provide ELI 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 accord with the City's notice within thirty (30) days of that notice, the City, or its authorized agent, may restore the right-of-way. ELI is responsible for all costs and expenses incurred by the City in restoring the right-of-way in accord with this Section. The rights granted to the City under this paragraph shall be in addition to those otherwise provided by this franchise.

Section 20. Commencement of Construction. Initial construction of the facilities contemplated by this franchise ordinance shall commence no later than August 30, 1996, provided that such time limit shall not apply to delays caused by acts of God, strikes, eminent domain litigation, or other occurrences over which ELI has no control. ELI agrees to work in good faith with the City to develop the market demand to justify and create opportunities for ELI to install facilities necessary to service all commercial areas within the City within five (5) years of the effective date of this franchise.

Section 21. Bond. Before undertaking any of the work, installation, improvements, construction, repair, relocation or maintenance authorized by this franchise, ELI shall furnish a bond executed by ELI and a corporate surety authorized to do a surety business in the State of Washington, in a sum to be set and approved by the Director of Public Works as sufficient to ensure performance of ELI's obligations under this franchise. The bond shall be conditioned so that ELI shall observe all the covenants, terms and conditions and faithfully perform all of the obligations of this franchise, and to erect or replace any defective work or materials discovered in

the replacement of the City's streets or property within a period of two years from the date of the replacement and acceptance of such repaired streets by the City.

Section 22. Recourse Against Bonds and Other Security. So long as the bond is in place, it may be utilized by the City for the following purposes, including, but not limited to, reimbursement of the City by reason of ELI's failure to pay the City for actual costs and expenses incurred by the City to make emergency corrections under Section 11 of this Ordinance or to correct franchise violations not corrected by ELI after notice, and monetary remedies or damages assessed against ELI due to default or violations of the requirements of City ordinances:

- 22.1 In the event ELI has been declared to be in default by the City and if ELI fails, within thirty (30) days of mailing of the City's default notice, to pay the City any penalties, or monetary amounts, or fails to perform any of the conditions of this franchise, the City may thereafter obtain from the performance bond an amount sufficient to compensate the City for damages. Upon such withdrawal from the bond, the City shall notify ELI in writing, by First Class Mail, postage prepaid, of the amount withdrawn and date thereof.
- 22.2 Thirty (30) days after the City's mailing of notice of the bond forfeiture or withdrawal authorized herein, ELI shall deposit such further bond, cash, or other security, as the City may require, which is sufficient to meet the requirements of this Ordinance.
- 22.3 The rights reserved to the City with respect to any bond are in addition to all other rights of the City whether reserved by this Ordinance or authorized by law, and no action, proceeding, or exercise of a right with respect to any bond shall constitute an election or waiver of any rights or other remedies the City may have.

Section 23. Modification. The City and ELI hereby reserve the right to alter, amend or modify the terms and conditions of the franchise upon written agreement of both parties to such amendment.

Section 24. Remedies to Enforce Compliance. In addition to any other remedy provided herein, the City reserves the right to pursue any remedy to compel ELI to comply with the terms of this franchise, and the pursuit of any right or remedy by the City shall not prevent the City from thereafter declaring a breach or revocation of the franchise.

Section 25. City Ordinances and Regulations. 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 fiber optic cable or other facilities by ELI. ELI shall promptly conform with all such regulations, unless compliance would cause ELI to violate other requirements of law.

Section 26. Cost of Publication. The cost of the publication of this Ordinance shall be borne by ELI.

Section 27. Acceptance/Liaison. After the passage and approval of this Ordinance and within thirty (30) days after such approval, this franchise shall be accepted by ELI by its filing with the City Clerk an unconditional written acceptance thereof. ELI's written acceptance shall include the identification of an official liaison that will act as the City's contact for all issues regarding this franchise. ELI shall notify the City of any change in the identity of its liaison. Failure of ELI to so accept this franchise within said period of time shall be deemed a rejection thereof by ELI, and the rights and privileges herein granted shall, after the expiration of the thirty (30) day period, absolutely cease and determine, unless the time period is extended by ordinance duly passed for that purpose.

Section 28. Survival. All of the provisions, conditions and requirements of Sections 4, Relocation of Telecommunications System Facilities; 8, Excavation And Notice Of Entry; 11, Dangerous Conditions; 16, Indemnification; 18, Abandonment of ELI's Facilities; and 19, Restoration After Construction, of this franchise shall be in addition to any and all other obligations and liabilities ELI may have to the City at common law, by statute, or by contract, and shall survive the City's franchise to ELI 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 ELI and all privileges, as well as all obligations and liabilities of ELI shall inure to its heirs, successors and assigns equally as if they were specifically mentioned wherever ELI is named herein.

Section 29. Most Favored Community. In the event that the Grantee enters into any agreement, franchise or other understanding with an other city, town, or county in the State of Washington and which provides terms or conditions more favorable to the city, town, or county than those provided in this franchise, such as, but not limited to, free or reduced fee hookups, access or service, the City of Shoreline shall be entitled to request at the City's option, and the Grantee shall be required to execute, an amendment to this franchise that incorporates the more favorable terms and conditions.

Section 30. 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. In the event that any of the provisions of this franchise are held to be invalid by a court of competent jurisdiction, the City reserves the right to reconsider the grant of this franchise and may amend, repeal, add, replace or modify any other provision of this franchise, or may terminate this franchise.

Section 31. WUTC Tariff Filings, Notice Thereof. If the Grantee intends to file, pursuant to Chapter 80.28 RCW, with the Washington Utilities and Transportation Commission (WUTC), or its successor, any tariff affecting the City's rights arising under this franchise the Grantee shall provide the City with fourteen (14) days written notice.

Section 32. 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. The City's approval shall not be unreasonably withheld or delayed. Any costs associated with the City's review of any transfer proposed by the Grantee shall be reimbursed to the City by the new prospective franchisee, if the City approves the transfer, or by the Grantee if said transfer is not approved by the City.

32.1 An assignment of this franchise shall be deemed to occur if there is an actual change in control or where ownership of fifty percent (50%) or more of the beneficial interests, singly or collectively, are obtained by other parties. The word "control" as used herein is not limited to majority stock ownership only, but includes actual working control in whatever manner exercised.

32.2 Except as otherwise provided herein, the Grantee shall promptly notify the City prior to any proposed change in, or transfer of, or acquisition by any other party of control of the Grantee's company. Every change, transfer, or acquisition of control of the Grantee's company shall cause a review of the proposed transfer. In the event that the City denies its consent and such change, transfer or acquisition of control has been effected, the City may cancel the franchise. Approval shall not be required for mortgaging purposes or if said transfer or assignment is from the Grantee to another person or entity controlling, controlled by, or otherwise under common control with the Grantee.

Section 33. 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:

Electric Lightwave, Inc.
Legal Affairs Department
8100 NE Parkway Drive, Suite 150
Vancouver, WA 98662
Office 360-892-1 000
Fax 360-253-8934

City of Shoreline
Director of Public Works
17544 Midvale Ave. NE
Shoreline, WA 98133
Office 206-546-1700
Fax 206-546-2200

Section 34. 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 an 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.

Section 35. 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.

Section 36. Effective Date. This ordinance shall take effect and be in full force five (5) days after the date of publication and upon acceptance by the Grantee. The City Clerk is hereby directed to publish this ordinance in full.

PASSED BY THE CITY COUNCIL ON JUNE 24, 1996.

Mayor Connie King

ATTEST:

Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:

Janet Garrow
Interim City Attorney

Date of Publication: June 28, 1996
Effective Date: July 3, 1996

Council Meeting Date: May 22, 2006

Agenda Item: 7(g)

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Council Rules of Procedure DEPARTMENT: City Council PRESENTED BY: Julie Modrzejewski, Assistant City Manager

PROBLEM/ISSUE STATEMENT:

The City Council reviewed the proposed amendments to the Rules of Procedure on May 15, 2006, prior to the preparation of this agenda item. If Council agrees upon the proposed rules, or any modifications, it is recommended that they be adopted on the Consent Calendar on May 22, 2006

RECOMMENDATION

It is recommended that the City Council adopt Resolution No. 244 amending the Council Rules of Procedure.

Approved By: City Manager  City Attorney ____

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CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Community Capital Development program in Shoreline
DEPARTMENT: Economic Development Program
PRESENTED BY: Tom Boydell, EDP Manager, and Jim Thomas, CEO of CCD

PROBLEM/ISSUE STATEMENT:

The Community Capital Development (CCD) program is meant to provide business training, business mentoring, and loan capital for Shoreline's small businesses. More than 80% of the employment in Shoreline is in businesses of 20 or fewer employees. These businesses require a special level of service and many do not have adequate access to bank capital. In other jurisdictions since 1997, CCD has made more than \$12 million in private capital loans to businesses that did not have access to bank capital through mainstream channels. These borrower businesses have achieved greater than 4% annual sales increases as a result. Without CCD loan capital, training, and other services, many of them may not have survived or grown at all. The proposed contract is for three years, after which time CCD is to become self-supporting in Shoreline.

ALTERNATIVES ANALYZED:

CCD is unique in the nation in terms of their non-profit organizational structures and type of work that they do, and, therefore, a sole source contract is justified. It requires local sponsorship and enjoys broad support from government, businesses, the community and environmental groups in other jurisdictions from Tacoma to Everett.

The CCD Shoreline pilot program, which ended in January 2006, reached 120 businesses. Activity measures includes number of business contacts, businesses surveyed, services provided, loan candidates identified and/or loans completed. In its different activity measures, CCD met or exceeded its performance targets. In the case of two loans offered by CCD, the agency stood ready to make the loans at generous terms, but the businesses failed to complete their applications and close the loan. One loan was to be for \$3,000 to \$5,000 as a tenant improvement loan; the other was a \$35,000 to \$50,000 working capital loan. The second loan may still close in the near future. CCD also assisted in numerous discussions with property owners about future redevelopment plans.

Based on the outcomes (needs identified, service successes, lessons learned) of that pilot effort, I believe that it is worthwhile to proceed with a longer-term commitment.

FINANCIAL IMPACT:

The proposed contract is for \$150,000 over a three year period - \$75,000 for year 1; \$50,000 for year 2; and \$25,000 for year 3 – after which the program is to become self-sustaining. The role of City of Shoreline funding is not to provide loan capital or any direct gift of funds to private businesses. City of Shoreline funding will subsidize the level of direct services by CCD staff to local businesses. This work includes business training classes, business plan mentoring, door-to-door types of problem-solving and meeting business owners, and similar services.

From CCD, the Shoreline program is expected to generate the following outcomes:

Project Target Goals

MILESTONES	OUTCOMES		
	YEAR 1	YEAR 2	YEAR 3
Total Contacts	102	122	146
Annual Counseling Sessions (Short-term)	60	72	86
Annual Trained	25	30	36
Annual Counseling Sessions (Long-term)	20	24	29
Total Business / Marketing Plans	12	14	17
Total Jobs Retained	8	10	12
Total Jobs Created	6	7	8
Business Loans / Retention Services	4	5	6
Incubator Counseling	2	3	4

There is \$75,000 in the current 2006 budget to cover the first year costs of the CCD program.

Attachments:

1. Exhibit A from the contract: 3 year workplan
2. CCD Pilot Project Final Report

RECOMMENDATION

Staff recommends that Council authorize the City Manager to execute the three-year contract with Community Capital Development.

Approved By: City Manager  City Attorney ____

EXHIBIT A
Community Capital Development (CCD)
Scope of Work

Project: Shoreline Small Business Assistance

The City of Shoreline wishes to establish a capability to outreach to and assist the large number of small and micro-sized businesses in the Shoreline community. CCD (or “the Consultant”), a non-profit Community Development Financial Institution whose organization model is unique in the country, has been identified as a potentially key partner in this effort.

Purposes:

The two purposes of the Shoreline Small Business Assistance Project are:

- To provide information, training, and improved access to private sources of capital
- Support the retention and growth of existing small and micro businesses,
- To respond as a valuable partner to the needs of minority and women-owned businesses, To support entrepreneurship, and
- To assist the successful relocation of businesses within the Shoreline community or from outside Shoreline to become part of the Shoreline community; and

Timeframes:

This agreement is a commitment of City of Shoreline funding that pertains to a three-year program, beginning June 1, 2006. After three years, the CCD program in Shoreline is expected to become self-supporting.

Compensation:

Total compensation will be \$150,000. For the first year, the compensation will be \$75,000 in equal monthly increments of \$6,250, which will include any staff costs, other fees and expenses. For the second year, the compensation will be \$50,000 in equal monthly increments of \$4,166.66, which will include any staff costs, other fees and expenses. For the third year, the compensation will be \$22,083.33 in equal monthly increments of \$6,250, which will include any staff costs, other fees and expenses.

This will not be used to provide any direct capital or gifts to businesses. This is to be used for professional services in the set up of the Shoreline pilot program, including the outreach and consultation services provided to local businesses, development of the local program structure, and discussions with City staff in planning and performance evaluation. One or more CCD staff persons will be assigned to Shoreline for door-to-door outreach and direct meetings with businesses. The costs of administrative overhead, expenses, and program management are included in the monthly service fee amount.



**Community Capital Development
City of Shoreline
Economic Development Small Business Assistance Phase II Project Work Plan
Three Year Plan (May 2006 – 2008)**

Community Capital Development (CCD), a non-profit Community Based Development Organization (CBDO) proposes the following scope of work for three (3) year work plan based on the results of the five month pilot program of business assistance to businesses in the City of Shoreline.

Approach

As outlined in the Success Pyramid and worksheets on the following pages, during the three year project CCD will provide one-on-one business assistance including short term business counseling (less than four hours of business counseling per client) and long term counseling (over four hours of counseling per client), business training, and access to capital (including loan packaging, financial assistance, and access to alternative financial options such as equipment financing and micro-loans), as well as a dedicated pool of funds for businesses within the City of Shoreline as approved through the standard credit underwriting processes of Community Capital Development.

One-on-one technical assistance will be provided at least once to more than 100 business owners, with long-term assistance provided to at least 50. We expect to provide business retention services, potentially including access to capital, to at least 20 businesses during the duration of the Project.

As outlined in the Scope of Work, during this Project we will be performing outreach, training and business technical assistance to Shoreline businesses, and will report to the City our status related to the goals outlines in this Work plan on a quarterly basis as requested by the City.

Note: It is anticipated that the Business Assistance Officer (BAO) assigned to this project will be located on site in the City of Shoreline within one year from the start of the contract period. In the interim the BAO will be housed at CCD's headquarter office in Seattle or the Northwest Washington Women's Business Center in Edmonds, Washington.

Three-Year Work Plan

The following is a Success Pyramid based on the City of Shoreline's Economic Development Program preferred format for Scope of Work. The timeline for these deliverables is three years.

The following goals are outcome targets for pilot management and planning purposes, but they have no ties to compensation or other contract terms related to payment. The numbers may exceed minimum activity levels that are defined above. They are subject to adjustment at the discretion of CCD's Chief Executive Officer provided that they meet minimum activity levels.

There are approximately 1350 businesses in Shoreline. From this number, the CCD program will identify 200 or more businesses as potential candidates for CCD services.

Target milestones include distribution of the business needs assessment survey tool, collecting and aggregating a contact database of all businesses located within the city limits, one-on-one contact businesses, and completed surveys. In response to the needs assessment, a business assistance technical training opportunity will be developed and offered to the business owners in the Shoreline community. Of these, it is expected that a certain number of business owners will attend an information session and at least one-half of those will then be trained on an aspect of business management or planning that is deemed important by them. Of those trained, we expect a certain number to participate in one-on-one business technical assistance counseling with one of CCD's business professionals. Business retention services, potentially including access to capital assistance in the form of loan packaging, making a direct loan, SBA loan, or assisting to secure other business financing,

Subject to consultation with the Shoreline Economic Development Manager, CCD may adjust its sequence of activities to better respond to opportunities to help businesses.

Education and training will be coordinated and conducted by CCD's Northwest Washington Women's Business Center (NWWBC). To establish continuity and credibility with business owners in Shoreline, CCD's Director of the NWWBC will assist CCD in identifying additional one-on-one and group counseling services that could be offered to local Shoreline business owners to help build business retention and growth. For example, Shoreline business owners could be offered membership (not mandatory) in the NWWBC to receive ongoing business counseling and mentoring services at a subsidized cost using federal funds designated to help businesses grow.

Project Target Goals

MILESTONES	OUTCOMES		
	YEAR 1	YEAR 2	YEAR 3
Total Contacts	102	122	146
Annual Counseling Sessions (Short-term)	60	72	86
Annual Trained	25	30	36
Annual Counseling Sessions (Long-term)	20	24	29
Total Business / Marketing Plans	12	14	17
Total Jobs Retained	8	10	12
Total Jobs Created	6	7	8
Business Loans / Retention Services	4	5	6
Incubator Counseling	2	3	4

Projected Outcomes for Year 1	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Total
Technical Assistance													
Contacts	8	9	8	9	8	9	8	9	8	9	8	9	102
Short-term Assistance	5	5	5	5	5	5	5	5	5	5	5	5	60
Training	2	2	2	2	2	3	2	2	2	2	2	2	25
Long-term Assistance	1	2	2	1	2	2	1	2	2	1	2	2	20
Business & Marketing Plans	1	1	1	1	1	1	1	1	1	1	1	1	12
Jobs													
Jobs Retained		1	1		1	1		1	1		1	1	8
New Jobs Created		1		1		1		1		1		1	6
Loans & Business Retention			1			1			1			1	4
Incubator Counselling						1						1	2

Projected Outcomes for Year 2													
	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Total
Technical Assistance													
Contacts	10	10	10	10	10	11	10	10	10	10	10	11	122
Short-term Assistance	6	6	6	6	6	6	6	6	6	6	6	6	72
Training	2	3	2	3	2	3	2	3	2	3	2	3	30
Long-term Assistance	2	2	2	2	2	2	2	2	2	2	2	2	24
Business & Marketing Plans	1	1	1	1	1	2	1	1	1	1	1	2	14
Jobs													
Jobs Retained		1	1	1	1	1		1	1	1	1	1	10
New Jobs Created		1		1		1		1		1	1	1	7
Loans & Business Retention			1			1			1		1	1	5
Incubator Counselling						1			1			1	3

Projected Outcomes for Year 3													
	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Total
Technical Assistance													
Contacts	12	12	12	12	12	13	12	12	12	12	12	13	146
Short-term Assistance	7	7	7	7	7	8	7	7	7	7	7	8	86
Training	3	3	3	3	3	3	3	3	3	3	3	3	36
Long-term Assistance	2	2	2	3	2	3	2	3	2	3	2	3	29
Business & Marketing Plans	1	1	1	2	1	2	1	2	1	2	1	2	17
Jobs													
Jobs Retained	1	1	1	1	1	1	1	1	1	1	1	1	12
New Jobs Created		1		1		1		1	1	1	1	1	8
Loans & Business Retention		1		1		1		1		1		1	6
Incubator Counselling			1			1			1			1	4

Reporting

CCD will submit brief, monthly reports summarizing accomplishments and activities that support the goals and outcomes of the pilot. In addition, CCD will participate with the City of Shoreline Economic Development Manager and the staff of ECOSS in, at minimum, quarterly meetings to discuss outreach, activities, achievements, and lessons learned.

In addition, the Consultant shall prepare an Annual Report for the end of each year of the three year contract period. The report will include

1. Summary of activities, business outreach contacts, and referrals, including the location, number and type of businesses receiving services/technical assistance/financial services
2. Highlight 6 mini-case examples (one page or less each 3)
3. Documentation of creative problem-solving on property issues related to business stability, growth, or relocation that was achieved during the pilot project.
4. Summary information of business needs
5. Analysis and design of a longer-term program structure and its potential value to economic development in Shoreline.

Annual Reports will be due to the City of Shoreline at the end of May in 2007, 2008 and 2009. The 2009 report will be considered a final report for the 3 year Shoreline program. As such, it should include a three year summary of performance vs. goals and identification of any major changes that occurred to the program during that time.

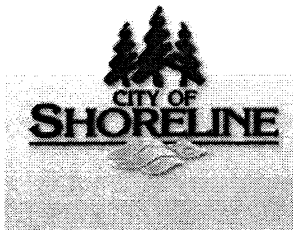
Other Requirements

All reports shall be submitted the City of Shoreline Economic Development Program, and the Economic Development Manager will be responsible for review, approval, and distribution to other city staff, managers, economic development partners, and elected officials.

The City of Shoreline will be acknowledged for support of this pilot project by utilizing City of Shoreline logo or other appropriate identifying information on any information sheets, brochures, publications, and reports.

Business Survey Instrument

The draft of the survey tool is attached.



City of Shoreline Business Development Project
Small Business Survey

Name of Business and Owner _____

Address/Phone/Email _____

Describe Property ☐ Size _____ ☐ Terms ____ Leased ____ Owned

Type of Business ☐ Retail Services ☐ Service ____ Medical ____ Dental
☐ Wholesale ____ Accounting ____ Real Estate
☐ Other _____ Other _____

Name of Person Interviewed _____ ☐ Owner ☐ Manager ☐ Operator

1. How long has this business been operating here? _____

2. How many employees? _____

3. Describe your services or goods that are sold?

4. What do you see as the biggest barrier or challenge to your business success?

5. What is your unique or competitive strength in the Shoreline marketplace?

6. If business classes were available at low cost and at reasonable hours, would you take advantage of these?

7. Do you presently belong to a Chamber of Commerce or business association?
☐ Yes ☐ No

8. Is there anything you would like for us to take back to the City of Shoreline about helping businesses?



Memorandum

DATE: May 2, 2006

TO: Robert Olander, City Manager

FROM: Tom Boydell, EDP Manager

RE: CCD and ECOSS programs – New Contracts for Review/Approval

It is my pleasure to send you the proposed contracts for the two small business assistance programs that were developed from the two successful pilot programs –

1. Community Capital Development (CCD) program for business training, business mentoring, and loan capital, and
2. Shoreline Sustainable Business Pilot Project (by ECOSS), which focused on private and confidential assistance to businesses on environmental and business issues of various kinds.

CCD and ECOSS are each unique in the nation in terms of their non-profit organizational structures and type of work that they do, and, therefore, the sole source contracts are justified. Each requires local sponsorship and enjoys broad support from government, businesses, the community and environmental groups in other jurisdictions from Tacoma to Everett. Each non-profit organization has a long track record of measurable successes – expanding employment, growing business sales, reducing business costs, and solving difficult technical and regulatory problems. For example, since 1997, CCD has made more than \$12 million in private capital loans to businesses that did not have access to bank capital through mainstream channels. These borrower businesses have achieved greater than 4% annual sales increases as a result. Without CCD loan capital, training, and other services, many of them may not have survived or grown at all.

Under the pilot programs, the CCD and ECOSS programs significantly exceeded their performance targets, in terms of number of business contacts, follow up services, and identification of loan candidates. For example, CCD reached 120 businesses. ECOSS reached 33 businesses for which they identified an average initial savings of \$1500 and annual savings of \$400. The time period of the pilot was too short for implementation of many of the recommendations, however, we believe that this will occur during the next program phases.

New work programs with specific activity and performance measures were delineated. These are shown in Appendix A of each of the respective agreements.

The role of City of Shoreline funding is not to provide loan capital or any direct gift of funds to private businesses. City of Shoreline funding will subsidize the level of direct staff service to local businesses, including business training classes, business plan mentoring, door-to-door types of problem-solving meetings, and similar services.

From CCD, the Shoreline program is expected to generate the following outcomes:

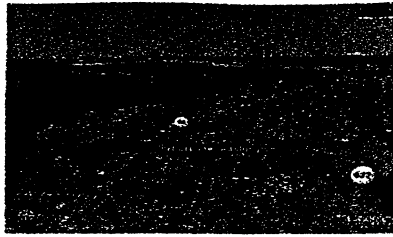
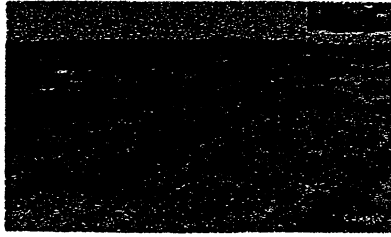
Project Target Goals

MILESTONES	OUTCOMES		
	YEAR 1	YEAR 2	YEAR 3
Total Contacts	102	122	146
Annual Counseling Sessions (Short-term)	60	72	86
Annual Trained	25	30	36
Annual Counseling Sessions (Long-term)	20	24	29
Total Business / Marketing Plans	12	14	17
Total Jobs Retained	8	10	12
Total Jobs Created	6	7	8
Business Loans / Retention Services	4	5	6
Incubator Counseling	2	3	4

From ECOSS, the Shoreline Sustainable Business Extension Service will help save money and improve the environmental performance of a minimum number of 50 to 75 participating businesses plus others as assigned by the EDP Manager. Outcomes, expectations and pilot performance measures will consist of:

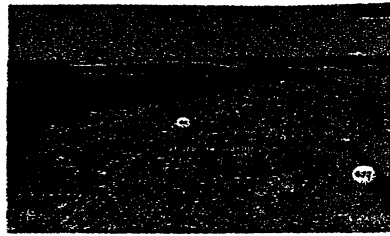
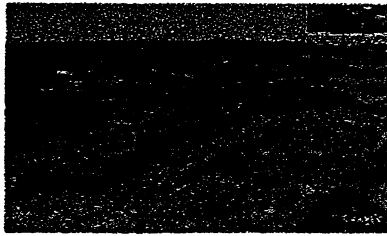
1. Savings due to program participation (in hundreds to thousands of dollars)
2. Site assessments as part of Brownfields program
3. LEED certification considered for new development
4. Regular emails and site visits to dynamic business contact list
5. Positive media exposure for participating businesses

Note: The CCD contract, because it is for \$150,000 over three years (subject to annual budget authorization), needs to go to City Council for their authorization to proceed. The ECOSS contract is written as only a one-year agreement for \$18,000, and so it can be signed by the City Manager on sole authority.



City of Shoreline
Economic Development Pilot
Small Business Assistance Project
Final Report





City of Shoreline

Small Business Assistance Project

A partnership with Community Capital Development

Project Team

The following highlights the staff members responsible for the success of the City of Shoreline Economic Development Small Business Assistance Pilot Project and their responsibilities at Community Capital Development (CCD).

Jim Thomas, Executive Director, Community Capital Development

As Executive Director and founder of CCD, Jim has been responsible for establishing strategic and operating plans and budgets to enable the organization to achieve its mission in developing new entrepreneurs, creating jobs, and growing the various loan funds and business assistance programs. Jim has built relationships with investors, supporters, partners, as well as with the general public, and community development organizations. He has been instrumental in developing, testing, and launching new community development products with a dual focus on building income to support operations and create new sustainable jobs in distressed communities. Jim supervises and directs community development loan and business assistance activities. He is responsible for reviewing lender's activities and making recommendations on loan program initiatives that help small businesses finance activities that increase employment and business growth opportunities. He also reviews loan presentations to the loan committee and reviews all loan proposals of the loan officers. Jim earned his undergraduate and graduate degrees in Business Administration at the University of Washington in Seattle.

Suzanne Tessaro, Sr. VP Operations, Community Capital Development

Suzanne Tessaro has been with CCD since 1998, bringing over 20 years of business planning experience in private and highly regulated industries. Suzanne supervises the administrative and loan support staff, coordinates overall asset and liability management and risk efforts and carries out employee relations programs and activities. She reports to the Executive Director. Prior to joining CCD, she spent a year as a Registered Representative at John Hancock Financial Services. Suzanne's banking experience includes eleven years at Metropolitan Savings of Seattle, where she served as an Assistant Corporate Secretary, Compliance Officer, and Risk Manager. She also spent six years at the Bank of California, in Seattle, as a Credit and Industry Analysis Officer and Real Estate Loan Processor. Her formal education includes a Bachelor of Arts and MBA from the University of Washington.

Tiffany McVeety, Project Manager, Community Capital Development

Tiffany McVeety has served Community Capital Development as Director of the business technical assistance program known as the Northwest Washington Women's Business Center since 2003. In this role, Tiffany provides business assistance to clients and manages a team of technical assistance providers who serve women, Latino, rural and otherwise disadvantaged business owners covering six counties. She reports to the Executive Director. Tiffany currently serves the community as board member of the Washington Association of Small Business Incubators (WASBI), is a member of the Community Development Venture Capital Association (CDVCA) and serves on their Rural Business Investment Committee, and sits on the Everett Public Schools Business and Technology Curriculum Advisory Board. She has presented CCD as a best practice in economic development to the World Affairs Counsel, the Chinese Consulate, and the Washington State Incubators Best Practices Conference. Tiffany earned her BA with a focus on Entrepreneurial Business and MBA in Information Systems Management from Seattle Pacific University and was trained in non-profit leadership by the Drucker Institute.

Dr. Diana Morelli, Latino Business Assistance, Community Capital Development

Latino Technical Assistance Officer, Dr. Diana Morelli provides part-time technical assistance to the Latino business community through a special grant-funded program. The program partners are Community Capital Development's Northwest Washington Women's Business Center, Economic Development Counsel of Skagit County, Skagit Valley Community College's Business Resource Center, and Whidbey Island Bank. Through this program, Dr. Morelli provides bi-lingual technical assistance and loan packaging to the Latino business community with a focus on the four northernmost counties. Dr. Morelli has a Ph.D. from the University of Washington in Romance Languages, Literature and Linguistics. She launched and teaches the Intensive Spanish Institute for professionals for Washington State University and Skagit Valley College.

Rhonda DeVito, Shoreline Outreach Officer, Community Capital Development

Rhonda DeVito is President of Ideas International, a business consulting firm dedicated to serving entrepreneurs and small business owners through transitional periods including growth and expansion, partnership dissolutions, and bankruptcy. Rhonda has over 25 years experience developing and administering successful companies. She is a specialist in consulting to small and medium-sized businesses.

About Community Capital Development

Community Capital Development (CCD) is an economic development organization composed of three sister 501(c)(3) nonprofit organizations formed in 1997. The three organizations are legally distinct, but share staff, operate in the same office space, and do business collaboratively under the trade name of Community Capital Development.

- Seattle Economic Development Association is the overall administrative and strategic planning arm of CCD. This organization is a traditional 501c3.
- Seattle Economic Development Fund is a Community Development Financial Institution (CDFI). The CDFI structure allows us to administer other entities loan programs, such as the Bellevue Entrepreneurial Center's loan program.
- Seattle Business Assistance Center provides small business consulting services, training and networking to entrepreneurs throughout Washington State. This organization is a traditional non-profit 501c3 organization that operates several business advice and training programs.

Community Capital Development's mission is to create opportunity, economic self-sufficiency and job creation through entrepreneurial development and access to capital throughout Washington.

In that regard, CCD has been serving small business owners and entrepreneurs throughout Washington State through its technical assistance programs.

Business Advise and Training Programs

- **Washington State Minority Business Development Center (MBDC).**

This state-wide program provides professional business consulting services to fast growth, minority-owned businesses with revenue in excess of \$500,000 or the potential for rapid growth.

- **Small Business Development Center (SBDC).**

Specializing in providing professional business development assistance to help you grow a successful business in today's marketplace. Our assistance is primarily delivered in the form of one-on-one, confidential business counseling provided at no charge. Winner of the Washington Small Business Development Center "Million Dollar Club Award".

- **Procurement and Technical Assistance (PTAC) Program of King County.**

In 2004, over \$80 million in government contracts were awarded to Washington State businesses through this program.

PTAC helps business owners navigate the federal and state government contracting opportunities. Assists business owners through several state and federal "certification" processes. And, matches businesses with potential government contract opportunities through a fee-based electronic service.

- **Seattle Business Assistance Center (SBAC).** Providing business assistance throughout King County.
- **Washington Business Center at CCD (WBC) (formerly Women's Business Center).** An SBA Public/Private partnership.

Helping women business owners succeed in all Washington counties, with a focus on the greater Seattle Metropolitan area since 1999. Proud founding partners of the Women's Network for Entrepreneurial Training (WNET) program.

- **Northwest Washington Women's Business Center (NW WBC).** An SBA Public/Private partnership.

This program was established in 2001 to serve the women business owners Snohomish, Skagit, Whatcom, Island, San Juan and Kitsap counties. It has since evolved to specialize in creating and delivering entrepreneurial development training and counsel to Women, the Latino Business Community, US Veterans, Native American entrepreneurs, and through economic development activities.

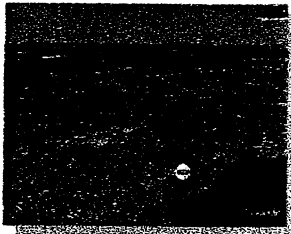
Small Business Loan Programs

Community Capital Development became certified as a Community Capital Development Financial Institution (CDFI) in 1997 and has provided small business loans through it's lending unit, the Seattle Economic Development Fund (SEDF), since that time.

Since our inception in 1997, CCD has provided loans to 311 unbankable small businesses, totaling over \$12.2 million. These businesses were responsible for creating or sustaining more than 1,143 jobs, 68% of which went to persons of low-to- moderate income. In addition the organization assists economic development organizations and municipalities in creating their own Small Business Loan Programs

Some of our Small Business loan Programs include:

- **USDA Intermediary Relending Program (IRP)**
- **Small Business Administration Pre-Qualification Program, 7(a) Loan Program, Microloan Program**
- **Child Care Micro-Loan Program**
- **King County Loan Fund**
- **Latino, Women, and other Minority Loan Fund (LWM Fund)**
- **CDFI Fund**

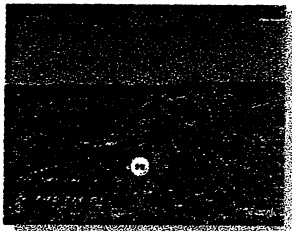


City of Shoreline Economic Development Pilot Small Business Assistance Project



Project Overview

The Small Business Assistance Project was developed by the City Economic Development Manager to provide the City and its economic development stakeholders a clear picture of the business community and their perceived needs.



This project was designed in such a way that one-on-one interviews with business owners in four distinct areas within the City limits were conducted with small business owners using a survey tool developed with input from the City, economic development officers, and community development specialists.

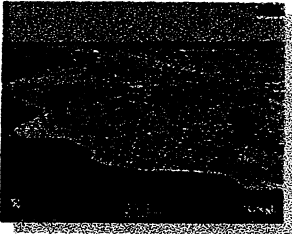
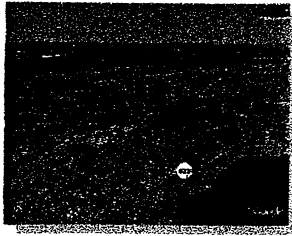
The interviews and their analysis were successful in providing the City with a clear understanding of the business technical assistance needs of small business owners and their access to capital needs.

This project was designed to provide the small business community within targeted areas immediate access to information, resources, capital assistance, problem solving, and to ensure a feeling of support by and from the City during the planned growth.

The Economic Development Pilot Small Business Assistance Project was a success in both providing immediate resources in the form of technical business assistance and access to capital programs to the business community within the City limits.

In addition, three specific needs for further assistance were identified including:

- 1) a need for an ongoing business assistance program;
- 2) a need for small business training in the areas of loan packaging, marketing, cash flow and income projections, record keeping, and taxes; and finally
- 3) a small business loan program specifically for those businesses who might be otherwise not bankable.



City of Shoreline Economic Development Pilot Small Business Assistance Project

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Pilot Project Activities:

Outreach

- **Provided Immediate Contact with the Small Business Owners in Targeted Areas**

Needs Assessment

- **Developed a Survey Tool to Identify the Access to Capital and Technical Business Assistance Needs of the Small Business Owners in Targeted Areas**

Problem Solving

- **Worked with Small Business Owners and Economic Development Stakeholders to both Identify Issues, Needs and Concerns within the Small Business Community and Work Toward Actively Providing Solutions**

Collaboration

- **Worked Effectively with Small Business Assistance Pilot Partners while Not Overlapping Efforts by more than 50%**

Pilot Project Partnerships



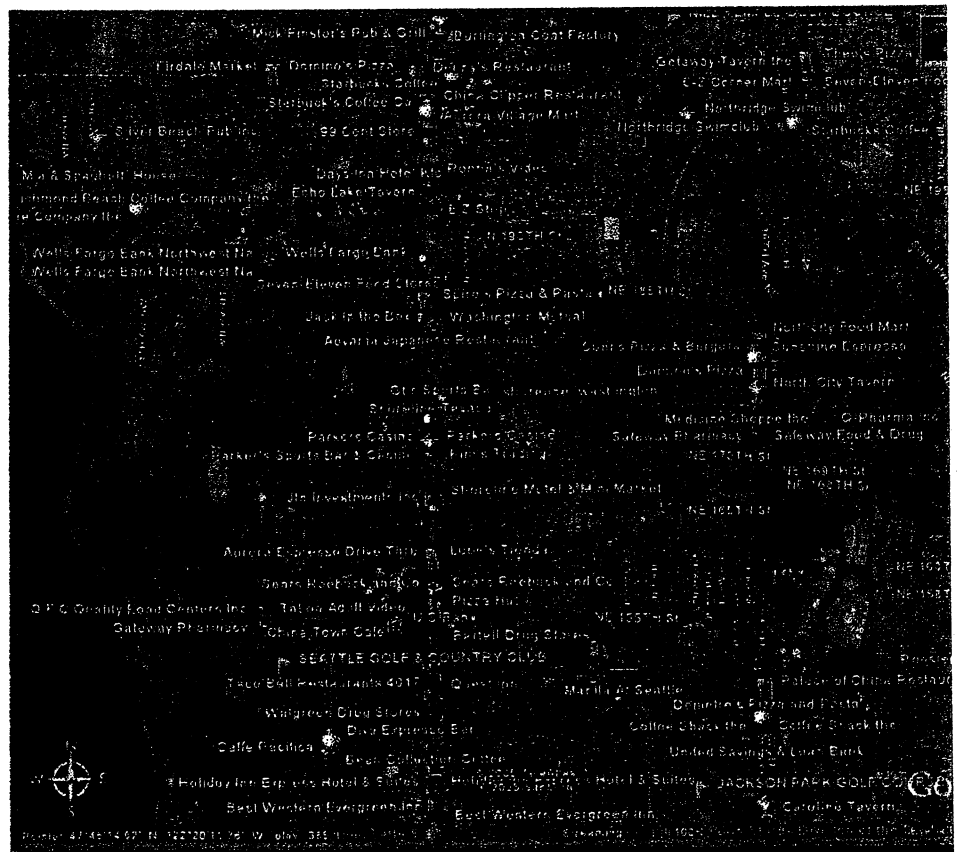
**Shoreline
Community College**

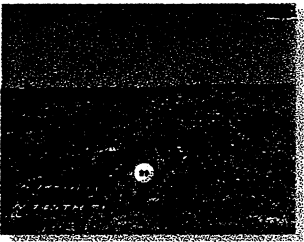
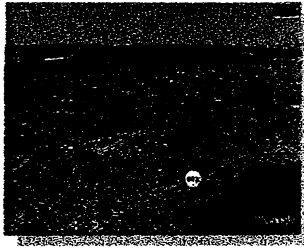


ECOSS Outreach

**"Tools for Success"
Project**

Outreach





Outreach

Project Summary and Goals:

1. To meet in person with small businesses in Shoreline to determine what kind of help, resources and services they require to enhance their profitability.
2. To understand better what kind of barriers are prohibiting business success.
3. To assess the nature of business owners' involvement in their community business associations.
4. To gather general data on the businesses: size, number of employees, type of service/products provided.

Targeted Outreach Areas

- A. 145th to 175th at Aurora Ave.
- B. Richmond Beach Area
- C. North City at 145th to 205th
- D. 175th to 205th at Aurora Ave.

Needs Assessment Methodology

Survey Research

Survey Research is the systematic gathering of information from respondents for the purpose of understanding and/or predicting some aspect of the behavior of the population of interest. The survey research is concerned with sampling, questionnaire design, questionnaire administration and data analysis.

In-person Interviews

An in-person interview consists of an interviewer asking the respondent questions in a face-to-face situation. The interviews in this Needs Assessment were conducted in the Small Business Owner's or Manager's Place of Business.

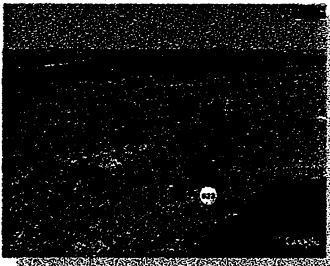
Over 100 Businesses Surveyed

Survey Methodology

Generally, each business owner or manager surveyed spent up to one hour with the consultant. A business owner was approached, and the consultant would introduce herself and tell them that she was doing a survey of small businesses for the City of Shoreline to determine what kind of business assistance would most likely help them grow their businesses.

Some business owners were hesitant to answer the survey questions at first. Others had already met with other City surveyors/personnel and/or had already answered a different survey via mail or email [small business directory questionnaire sent by the City] and were somewhat reluctant to share their time.

The Shoreline Project Coordinator shared with the potential survey respondents that Community Capital Development was a non-profit organization that has been helping businesses succeed for many years. A brochure with the "Now in Shoreline" sticker was then handed to the business owners which included services available to them now locally.



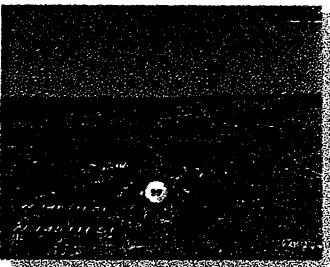
This process allowed the coordinator to launch into the actual survey questions.

Survey Results

Excerpt from the Project Coordinator's Internal Reports

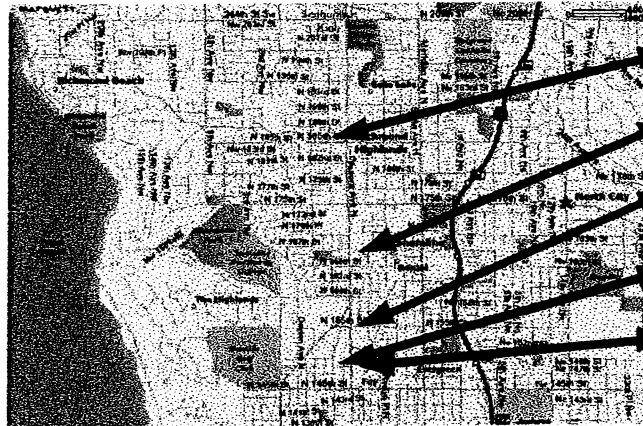
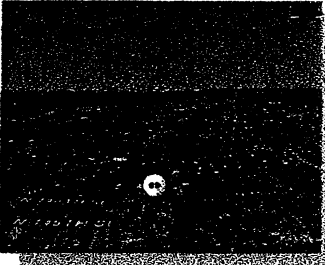


Coordination with the Chamber of Commerce



"To get a better map of the area, I stopped by and met with the Shoreline Chamber of Commerce. The entire staff is brand new. Blaine Parkening, who does Membership Development, gave me great information on the business atmosphere, especially regarding the construction and ideas how to keep business flowing during it. Blaine has been getting lots of calls from businesses about their decline in income, same as I've been hearing. The subject is the 800 lb. gorilla that greets me in every conversation."

OUTCOME—AREA 1 Aurora Corridor



Businesses Interviewed:

- South of 185th, West of Aurora
#42
- South of 165th, East of Aurora
#74, #75, #76
- South of 155th, East of Aurora
#66, #67, #68, #69, #70, #71, #72, #73
- South of 150th, West of Aurora
#58, #59, #60, #61
- South of 150th, East of Aurora
#62, #63, #64, #65

Numbers refer to the record-number of each individual survey.

What would help you grow or expand your business in Shoreline?

- #67: *Needs help understanding record-keeping and taxes.*
- #64: *Needs help testing the feasibility of expansion.*
- #76: *Needs training in QuickBooks.*

Aurora Avenue

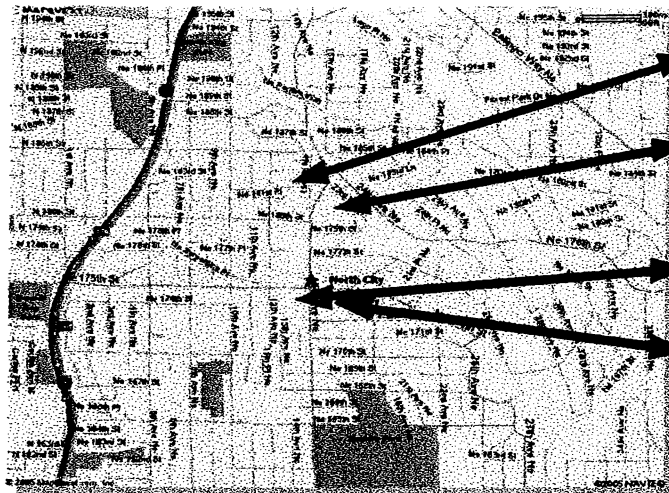
Excerpts from the Project Coordinator's Internal Reports

"The small businesses here think the City is favoring large businesses over them."

"Some [business owners] have indicated they will have to go out of business due to the construction, some feel the improvements will not help bring increased sales."

"Business owners are aware of the fast-rising property values [in Shoreline] and are concerned that they will not be able to afford to stay in Shoreline. Most believe taxes will go up soon to pay for all the improvements."

OUTCOME—AREA 2 North City



Businesses Interviewed:

South of 185th, West of 15th NE
#46, #47, #48, #55, #56, #57

South of 185th, East of 15th NE
#1, #2, #3, #4, #5, #6, #7, #8, #11, #14, #43, #44, #45, #49

South of 175th, West of 15th NE
#50, #51, #52, #53, #54

South of 175th, East of 15th NE
#9

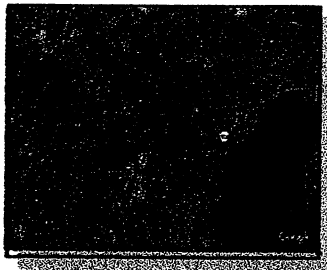
Numbers refer to the record-number of each individual survey.

What would help you grow or expand your business in Shoreline?

#5: Needs financing to grow their business.

#3: Needs to learn how to market the business.

#49: Needs a bridge loan.

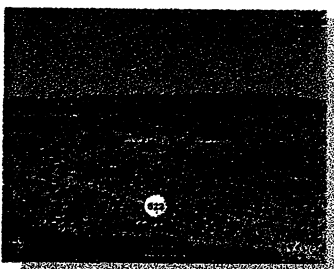
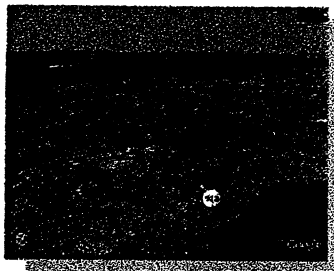


North City

Excerpts from the Project Coordinator's Internal Reports

"North City on 15th Ave. NE is a tighter, smaller neighborhood than the large areas on Aurora. Although the construction is ongoing and getting around on foot was a bit tricky, it gave me a good sense of what the businesses are up against with restricted access and traffic messes; which is predominantly the feedback I heard from the business owners."

"I happened upon the North City Project construction field office and introduced myself to the Construction Inspector, Steve Miller. Nice guy! He explained the project to me, showed me blue prints, and gave me a bunch of cards to give to businesses about the construction project."



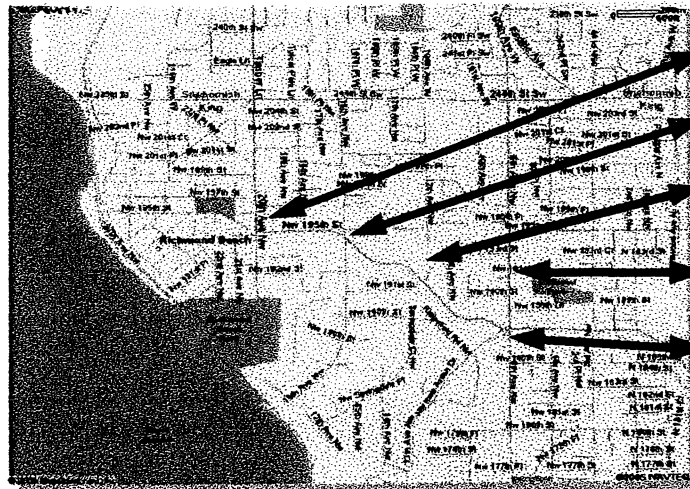
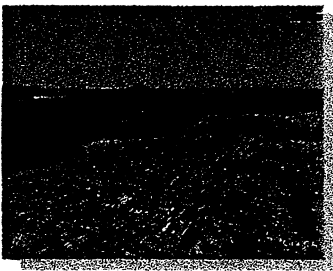
North City

Excerpts from the Project Coordinator's Internal Reports

"They've [North City Project construction Field Office] been doing lots of weekly meetings for the businesses sprinkled around the area. It really helped me understand what the outcome will be for the neighborhood and gave me a way to deflect some of the emotional feedback about business decline. I'm trying to get beyond construction in the interviews and get owners to focus on the future."

OUTCOME—AREA 3

Richmond Beach, Richmond Highlands



Businesses Interviewed:

20th and 195th
#15, #24

15th and 195th
#12, #13

12th and 195th to 185th
#16, #17, #18, #19, #20, #21,
#22, #23, #25, #26, #27, #28,
#29, #30

8th and 195th to 185th
#32, #33, #31

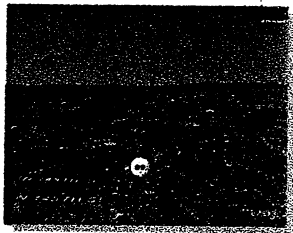
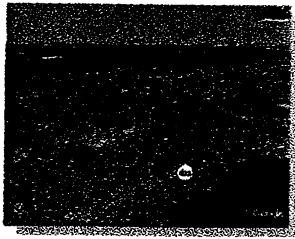
8th South of 185th as it be-
comes Richmond Beach Rd.
#34, #35, #36, #37, #38, #39,
#40, #41

*Numbers refer to the word-number
of each individual survey.*

**What would help you grow or
expand your business in Shoreline?**

**#21: *Would like to see a community-based
marketing program.***

**#23: *Needs management and marketing
training in Spanish.***



Long-term Business Counseling (more than 5 hours) and Business Retention Services

The Community Capital Development team had several follow-on meetings with small business owners in conjunction with the Pilot Project partners.

In particular, the project brought forth a community of Latino business owners who were in need of bi-lingual business assistance. Community Capital was able to bring in its Latino Business Assistance Counselor to share, in Spanish, the resources available to the businesses, and to discuss funding and technical assistance options with them. Four follow-on meetings with the Latino Business Community followed.

In addition, joint meetings with the real-estate placement consultant provided a unique opportunity for business owners to gain answers to lease and building ownership questions related to the pending displacement from Aurora.

There is a clear need for follow-on service for both the Latino Business Community and non-minority business owners.

Summary

**Community
Capital
Development**
A Community
Development
Financial Institution
Providing Business
Expansion, Retention
and Job Creations
Services in
Washington State
since 1997.

Findings:

- Need for Ongoing Business Assistance
- Demand for Financing Options
- Desire for Training
 - Marketing / Website Development
 - Record Keeping / Taxes
 - Financial Statements

Excerpts from the Project Coordinator's Internal Reports

"The make up of the business community has all the right ingredients for success—good location, a diverse cultural base, and an excellent labor base."

“It appears that business owners in Shoreline want change, a clear identity, and business assistance.”

Identify issues

Our knowledge and expertise help determine what the greatest needs are in the business community and how to most effectively address them.

A thorough understanding of the problems faced by small business owners enables us to craft better solutions.

“The key [to growing a vibrant business community] will be keeping the businesses here. Increasing the availability to capital, education and information are the most important factors to keeping these businesses happy and healthy.”

The need for Small Business Technical Assistance (TA)

It is our experience that, of those new businesses established every year, approximately 60% remain in business for at least five years if they have received some form of technical assistance, especially entrepreneurial training.

Those who have not received such assistance typically end their operation by the end of year two. It was no different for those businesses within the City of Shoreline City limits.

Recommendation

Technical assistance, along with education and entrepreneurial training provides an integral element to increasing entrepreneurial literacy, skills and experience.

In many cases, technical assistance, education and training programs must be provided in languages other than English to serve the needs of the Hispanic/Latino community and other minority populations.

It is our recommendation that a dedicated small business assistance counselor be contracted in order to provide the ongoing business assistance this growing business community demands. It is further recommended that a Spanish Speaking counselor be made available to the Shoreline Business Community as needed.

Invest in solutions

Community Capital Development operates a variety of business technical assistance programs to meet the needs of diverse business owners throughout Washington State.

Our approach to economic development allows us to tackle the most common business mistakes, before they affect your bottom line.

Our technical assistance programs and access to capital programs can be used in the midst of a business crisis, or in the business planning or expansion stages.

Our overall community is strengthened when our small business owners have the cash flow to earn a living, hire employees, and thrive in the way they planned.

The Interest in a Small Business Incubator

There is a growing interest in Statewide funding and support for Small Business Incubators.

Community Capital Development is recognized as a Best Practice in Small Business Incubator development and operations. Community Capital Development received funding from the Washington State Office Community Trade and Economic Development to launch a Small Business incubator in its headquarters in Seattle. One of the Incubator tenants received the Washington Association of Small Business incubators (WASBI) Best Practice Awards in 2005, while another of its programs won the "Rookie Incubator of the Year Award" for serving the Latino, Native American, and Women entrepreneurs in the northern counties.

Recommendation

It is our recommendation that a feasibility study be conducted in order to determine the best location for a Small Business Incubator facility. Form our findings through the one-on-one interviews with small business owners, and with our partners in economic development, the Shoreline Community College, it was found that small business incubator services are desired in this community.

Further there is support from the Shoreline Community College and the Washington State Association of Small Business incubators to introduce such a facility to serve the Northern part of King County and South Snohomish County.

The Demand for Access to Capital Programs

During this project it was clear that some businesses are simply not-bankable for a variety of reasons. Some businesses in this circumstance are simple 'disadvantaged' by a language barrier, or a lack of knowledge of the business lending process.

In our experience it can take up to eight (8) hours to package a loan for a lending institution. Many business owners not only have limited experience in accessing capital through traditional lending institutions, but have not developed the relationships with their banker that are required to develop a successful loan

application package. This can especially be true in the Latino business community and was found to be the case in Shoreline as in many cities.

The demand for access to capital is great. The lengthy technical assistance needed to train the entrepreneur to package the loan request is not yet available.

Recommendation

It is our recommendation that a dedicated small business assistance counselor be contracted by the City in order to provide the financial literacy technical assistance needed in order to assist with the Access to Capital Programs – both existing and to be established.

It is our recommendation that a small business revolving loan program be established for City of Shoreline Business Owners to encourage business expansion, job creation, and new business relocation to the City.

Community Capital Development City of Shoreline Phase II

Position Description: Business Assistance Officer Seattle Business Assistance Center d/b/a Community Capital Development

Community Capital Development (CCD) is Washington State's leading community development and business assistance company headquartered in Seattle, Washington. CCD invests in people and their communities to create economic equity, create jobs, and create wealth for entrepreneurs. An integral part of our mission is to meet the unique business education, training, and financing needs of non-bankable business owners and provide borrowing financial services to meet those needs. For more information about CCD's history, mission, and services, please see our website: www.seattleccd.com.

Position Purpose

Establishes and maintains business development relationships through delivery of high quality face to face customer service primarily in the City of Shoreline. Provides administrative support for documenting customer contacts and help small businesses make applications for loans to meet growth and operational needs. This position also provides customer service support to the Northwest Washington Women's Business Center as needed.

Essential Duties and Responsibilities includes some or all of the following. Other duties may be assigned. An employee's specific duties, priorities and performance expectations are outlined in his/her individual performance plan.

1. Provide prompt, professional, courteous service to customers responding to inquiries and service needs in person, as well as via phone, email and US Mail as needed.
2. Provide daily routine service at the position's primary setting as needed. This could include data entry of customer information into more than one data base.
3. Develop new relationships with small businesses and other economic development partners in Shoreline.
4. Troubleshoot and resolve small business problems and complaints.
5. Contribute to the growth of CCD and its affiliates' loan portfolio (Seattle Economic Development Fund) through actively recruiting new loan customers. Make referrals for acceptable loans totaling \$250,000 in year one, \$350,000 in year two, and \$400,000 in year three.
6. Prepare reports and enter data on counseling contacts and needs analysis.
7. Assist with preparation and execution of various campaigns, conferences, seminars and other events.
8. Maintain potential and current customers in various database systems.
9. Assess customer needs continually and recommend new strategies, products or other services, including financial planning, preparing loan and investor packages, and preparing financial projections.
10. Assist with market research, promotion, advertising and sales.
11. Assist with the preparation and delivery of training presentations as needed
12. Develop knowledge of CCD's history and mission, the socially responsible investment field and community development financial institutions as well as the ability to share with customers, prospects, and team members.

Minimum Education Requirements

College degree or equivalent work experience.

Minimum Work Experience

Two to five years experience in banking, economic development, community development or small business management

Other Qualifications

Excellent oral and written communication skills

Team player

Self-motivated, problem solver, organized and detail oriented

Self-starter, able to work independently without constant supervision or direction and able to handle high level of responsibility

Must have ability to make good sound judgments/decisions

Adaptable to change, including willingness and capacity to work at other CCD locations

Must have reliable transportation

Hours are primarily business hours, but must be able to work occasional evening, weekend and early morning hours.

Must be proficient in Microsoft Suite, including Excel, Word, Outlook and PowerPoint

To apply for this position please contact:

Suzanne Tessaro

Senior Vice President & Operations Manager

Suzannet@seattleccd.com

P.O. Box 22283

Seattle, WA 98122

QUALIFYING FOR A LOAN:

- ▲ Applicants must be financially responsible and successfully meet credit guidelines.
- ▲ Business owners must have equity invested in the business.
- ▲ Businesses must meet all funding source criteria, such as job creation and benefit to the area.
- ▲ Business owners must complete training provided by the Business Assistance Center if the business is a start-up.

APPLYING FOR A LOAN:

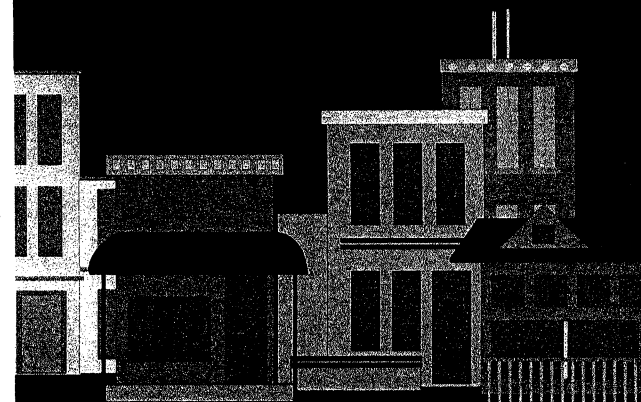
- ▲ Call us. We will ask questions about your business to help determine if you are eligible for a loan.
- ▲ We may refer you to our Business Assistance Center which can work closely with you until you are ready to apply for a business loan.
- ▲ If you are eligible to apply now, you will receive an application form and a checklist that outlines the items we will need to see in order to review your loan request.
- ▲ Throughout this process, we are available to answer your questions and provide assistance.

Community Capital
DEVELOPMENT
PO BOX 22283
Seattle, WA 98122

Now
in Shoreline!!

Community Capital
DEVELOPMENT

Small Business Assistance and Loans



1437 South Jackson, Suite 201
Seattle, WA 98144

PO BOX 22283
Seattle, WA 98122

Phone: (206) 324-4330

Fax: (206) 324-4322

Email: info@seattleccd.com

Website: www.seattleccd.com

BUSINESS ASSISTANCE CENTER

The availability of business assistance is critical for small businesses at every level from start-up, to rapid expansion, to controlled growth, to sustained profitability. Community Capital's Business Assistance Center has counselors on site to provide this crucial service to small businesses.

Our business assistance services include the following:

- ▲ General Management
- ▲ Marketing
- ▲ Financial Planning
- ▲ Contract Procurement
- ▲ Entrepreneurial Education

Successful participants of our Business Assistance Center training programs may be offered financing through our small business loan program. The cost of business assistance is affordable and based on a sliding fee scale.

To obtain business assistance information, please call our Business Assistance Officers.

SMALL BUSINESS LOANS

Healthy businesses strengthen our neighborhoods and provide jobs for the people who live here. That's why Community Capital Development offers a variety of business loan products.

LOAN PRODUCTS:

Community Capital Development has several commercial categories for its small business loans. Terms and interest rates for each loan differ, depending on a variety of factors such as the type of loan, needs of the individual business, and ability to repay the loan. Loans are up to \$250,000, with loans over \$100,000 requiring an SBA Guarantee. The maximum loan term is 7 years.

Community Capital Development
is an equal opportunity lender.

LOAN CATEGORIES:

Equipment, Inventory and Working Capital

Manufacturing or Technology Based Production Needs

Commercial or Mixed Use Real Estate

Funds can be used to purchase renovate, refinance, or build commercial or mixed-use real estate projects.

Franchises

Funds can be used for the start-up or purchase of an existing franchise. The business must be approved by the franchisor.

Contract Financing

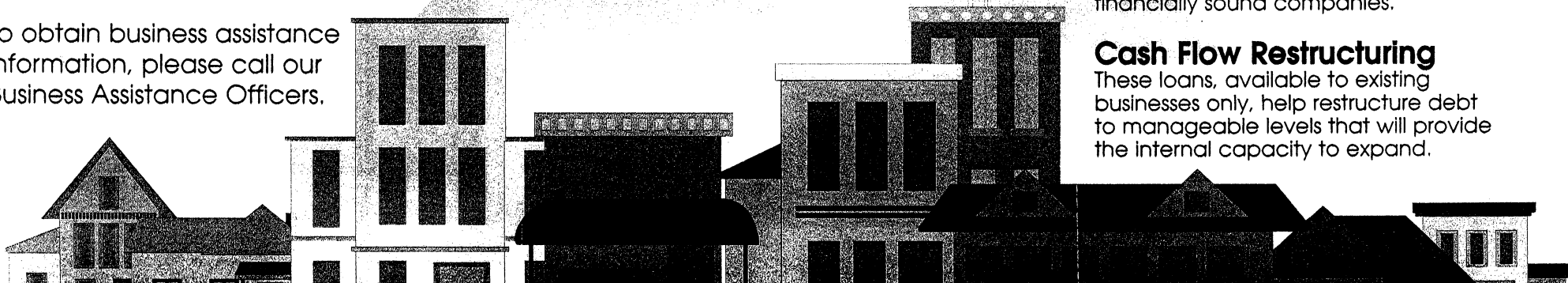
Loans are available to businesses that contract to provide goods or services. Funds can be used for payroll or to purchase equipment or supplies needed to complete or partially complete a contract.

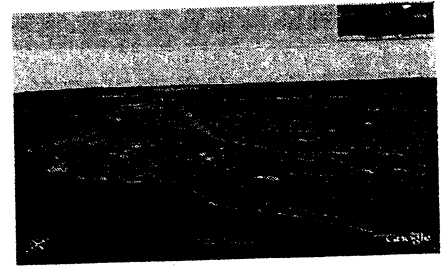
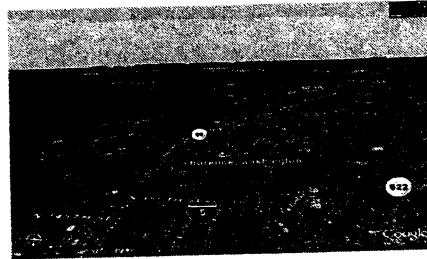
Contract Receivables Financing

These loans provide accounts receivable financing for businesses that have contracts as Prime or Sub-Contractors with public sector agencies or with large, private, financially sound companies.

Cash Flow Restructuring

These loans, available to existing businesses only, help restructure debt to manageable levels that will provide the internal capacity to expand.





City of Shoreline

Small Business Assistance Project

Addendum to the Economic Development Pilot Project Final Report

Summary of Project Milestones as Compared with Goals

Area of Service	Outcomes Projected	Actual Outcomes
Make Immediate Contact with Businesses in Targeted Areas	100	120
Develop a Needs Assessment Tool and Conduct Surveys of Business Owners	50	102
Providing Business Retention / Long-term Technical Assistance	4	Worked with 4 clients to teach them the loan application process and requirements
Provide Access to Capital / Business Loans	2	No completed loan applications were received

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: 2006 First Quarter Financial Report
DEPARTMENT: Finance
PRESENTED BY: Debbie Tarry, Finance Director

PROBLEM/ISSUE STATEMENT:

Attached is the 2006 first quarter financial report. This report summarizes first quarter financial activities for the City's operating funds: General, Streets, and Surface Water Utility. The City's capital funds have not had enough revenue or expenditure activity to warrant any discussion at this time. This report is provided to keep the Council informed of the financial issues and the financial position of the City. The Executive Summary section of the report provides a high level overview. More detailed information on specific revenue and expenditures is provided following the Executive Summary.

FINANCIAL IMPACT:

The following table provides a summary of the financial results for the City's operating funds for the first quarter of 2006:

Revenues						Expenditures				
Operating Funds	2006 Budget	1st Quarter Projected	1st Quarter Actuals	\$\$ Variance Actuals v. Projected	% Variance Actuals v. Projected	2006 Budget	1st Quarter Projected	1st Quarter Actuals	\$\$ Variance Actuals v. Projected	% Variance Actuals v. Projected
General Fund	\$29,091,217	\$3,552,540	\$3,564,941	\$12,401	0.35%	\$29,091,214	\$5,330,419	\$5,481,444	\$151,026	2.83%
Streets	\$2,996,980	\$596,235	\$620,662	\$24,427	4.10%	\$2,469,877	\$745,374	\$578,312	-\$167,062	-22.41%
SWM OPS	\$5,179,067	\$156,609	\$158,547	\$1,938	1.24%	\$4,982,116	\$1,051,541	\$1,017,717	-\$33,824	-3.22%
Totals	\$37,267,264	\$4,305,384	\$4,344,150	\$38,766	0.90%	\$36,543,207	\$7,127,333	\$7,077,473	-\$49,860	-0.70%

RECOMMENDATION

No action is required by the Council. This item is provided for informational purposes.

Approved By: City Manager  City Attorney ____

ATTACHMENTS

Attachment A – 2006 First Quarter Financial Report



2006 First Quarter Financial Report

Prepared by the Finance Department

for the

Fiscal Year January 1, 2006 – December 31, 2006

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EXECUTIVE SUMMARY

General Fund

First Quarter 2006 actual revenue collections were \$3,564,941, \$12,401 or 0.35% above projected first quarter revenue of \$3,552,540. At this time revenues are tracking right at projections, however we do see opportunities for revenue growth for 2006 in utility tax, franchise fees and in permit fee revenues.

Through the first three months of 2006 we expect to receive only 12% of budgeted 2006 revenues and as a result it is too early to project any significant revenue trends. This is due in large part to the many revenue sources that pay on a quarterly basis and none of those payments are received in the first quarter. These revenues are namely gambling tax, cable TV franchise, water franchise and some larger telephone providers that pay utility tax. Nonetheless it is still encouraging that the City is on the positive side of the revenue picture.

Actual first quarter expenditures were \$5,481,444, \$151,026 or 2.83% above projections of \$5,330,419. At this time the only expenditure trend we are concerned about is jail costs. 2006 projected expenditures have not been revised at this time however we do anticipate we will have to increase projected jail costs in the very near future.

Street Fund

First quarter 2006 actual revenue collections were \$620,662, \$24,427 or 4.1% above projected first quarter revenue of \$596,235, due to better than expected Right Of Way fee revenue.

Actual first quarter expenditures were \$578,312, \$167,062 or 22.41% below projected expenditures of \$745,374. This is due to a delay in King County billing for street work and Seattle City Light billing for street lights.

Surface Water Utility

First quarter 2006 actual revenue collections were \$158,547, just \$1,938 slightly above projected revenue of \$156,609. Very little revenue activity occurs for the utility in first quarter, as the City's Storm Drainage fee which accounts for the majority of revenue is due twice a year in April and October.

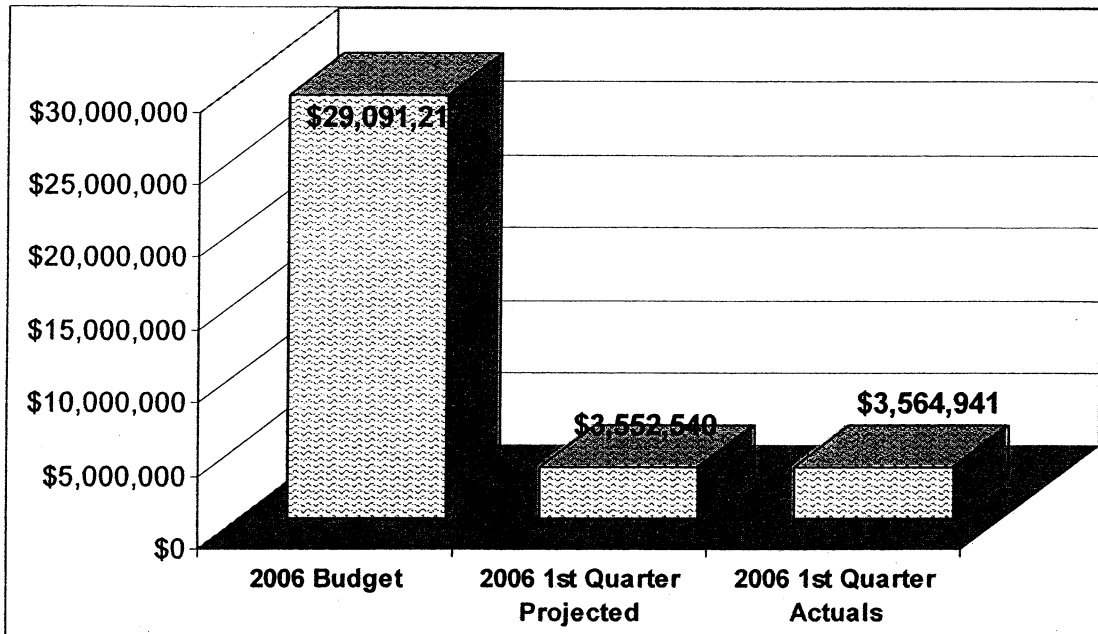
Actual first quarter expenditures were \$1,017,717, \$33,824 or 3.22% below projected expenditures of \$1,051,541.

Summary of Key Operating Funds

The following table provides a summary of the financial results for the City's three operating funds for first quarter of 2006. At this time other City funds do not have enough revenue or expenditure activity to warrant any discussion.

Revenues						Expenditures				
Operating Funds	2006 Budget	1st Quarter Projected	1st Quarter Actuals	\$\$ Variance Actuals v. Projected	% Variance Actuals v. Projected	2006 Budget	1st Quarter Projected	1st Quarter Actuals	\$\$ Variance Actuals v. Projected	% Variance Actuals v. Projected
General Fund	\$29,091,217	\$3,552,540	\$3,564,941	\$12,401	0.35%	\$29,091,214	\$5,330,419	\$5,481,444	\$151,026	2.83%
Streets	\$2,996,980	\$596,235	\$620,662	\$24,427	4.10%	\$2,469,877	\$745,374	\$578,312	-\$167,062	-22.41%
SWM Utility	\$5,179,067	\$156,609	\$158,547	\$1,938	1.24%	\$4,982,116	\$1,051,541	\$1,017,717	-\$33,824	-3.22%
Totals	\$37,267,264	\$4,305,384	\$4,344,150	\$38,766	0.90%	\$36,543,207	\$7,127,333	\$7,077,473	-\$49,860	-0.70%

General Fund Revenue



First Quarter 2006 actual revenue collections were \$3,564,941, \$12,401 or 0.35% above projected first quarter revenue of \$3,552,540. At this time revenues are tracking right at projections, however we do see opportunities for revenue growth for 2006 in utility tax, franchise fees and in permit fee revenues.

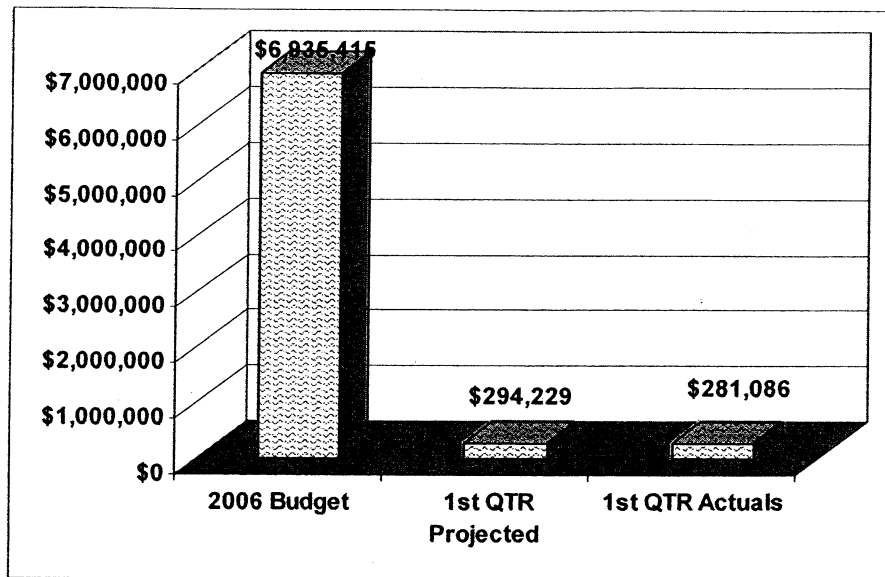
Through the first three months of 2006 we expect to receive only 12% of budgeted 2006 revenues and as a result it is too early to project any significant revenue trends. This is due in large part to the many revenue sources that pay on a quarterly basis and none of those payments are received in the first quarter. These revenues are namely gambling tax, cable TV franchise, water franchise and some larger telephone providers that pay utility tax. Nonetheless it is still encouraging that the City is on the positive side of the revenue picture.

To develop an accurate forecasting system revenue collection trends have been established for each revenue category to determine the expected portion of annual collections for each quarter. The trends are based upon the history of collections within Shoreline and the factoring of variables such as rate changes, economic conditions and usage. This is necessary because many revenues are not collected equally throughout the year.

The chart below details each revenue category for the General Fund for first quarter of 2006. The first column is the adopted 2006 revenue amount. The second column represents the anticipated first quarter projected revenue. The third column displays the actual revenue received through the first quarter. The fourth column shows the variance between first quarter projections and actual collections. The last column displays the variance in percentage terms.

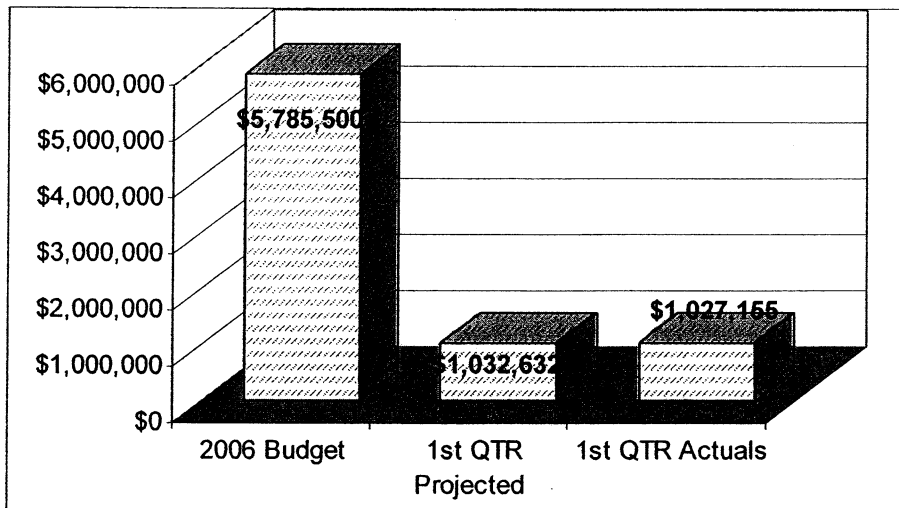
Revenue Source	2006 Budget	2006 1st Quarter Projected	2006 1st Quarter Actuals	\$\$ Variance Actuals v. Projected	% Variance
Budgeted Fund Balance	\$1,993,581	\$0	\$0	\$0	0.00%
Property Tax	\$6,935,415	\$294,229	\$281,086	-\$13,143	-4.47%
Sales Tax	\$5,785,500	\$1,032,632	\$1,027,155	-\$5,477	-0.53%
Criminal Justice Sale Tax	\$1,100,687	\$279,997	\$298,298	\$18,301	6.54%
Utility Tax/Franchise Fee Category					
Natural Gas Utility Tax	\$850,000	\$200,515	\$246,893	\$46,378	23.13%
Sanitation Utility Tax	\$331,000	\$50,950	\$49,825	-\$1,125	-2.21%
Cable TV Utility Tax	\$480,000	\$16,256	\$8,025	-\$8,231	-50.63%
Telephone/Cell Utility Tax	\$1,480,000	\$152,440	\$173,416	\$20,976	13.76%
Water Franchise Fee	\$500,000	\$50,000	\$55,573	\$5,573	11.15%
Sewer Franchise Fee	\$636,500	\$159,125	\$159,250	\$125	0.08%
Storm Drainage Utility Tax	\$162,500	\$6,894	\$7,418	\$524	7.60%
Cable TV Franchise Fee	\$96,000	\$0	\$8,127	\$8,127	0.00%
Utility Tax/Franchise Fee Subtotal	\$4,536,000	\$636,180	\$708,527	\$72,347	11.37%
Electricity Contract Payment	\$850,000	\$255,000	\$112,060	-\$142,940	-56.05%
Gambling Tax	\$2,930,500	\$0	\$1,000	\$1,000	100.00%
State Revenue	\$720,593	\$170,844	\$168,810	-\$2,034	-1.19%
Permit Revenue	\$1,145,155	\$246,678	\$306,049	\$59,371	24.07%
Parks & Recreation Revenue	\$950,828	\$193,030	\$234,200	\$41,170	21.33%
Fines & Licenses/Forfeitures	\$35,530	\$6,352	\$7,261	\$909	14.31%
Grants & Misc. Revenue	\$583,587	\$57,174	\$62,907	\$5,733	10.03%
Investment Interest	\$320,000	\$79,463	\$56,628	-\$22,835	-28.74%
Transfers-In	\$1,203,841	\$300,960	\$300,960	\$0	0.00%
Total General Fund Revenue	\$29,091,217	\$3,552,540	\$3,564,941	\$12,401	0.35%

Property Tax Revenue



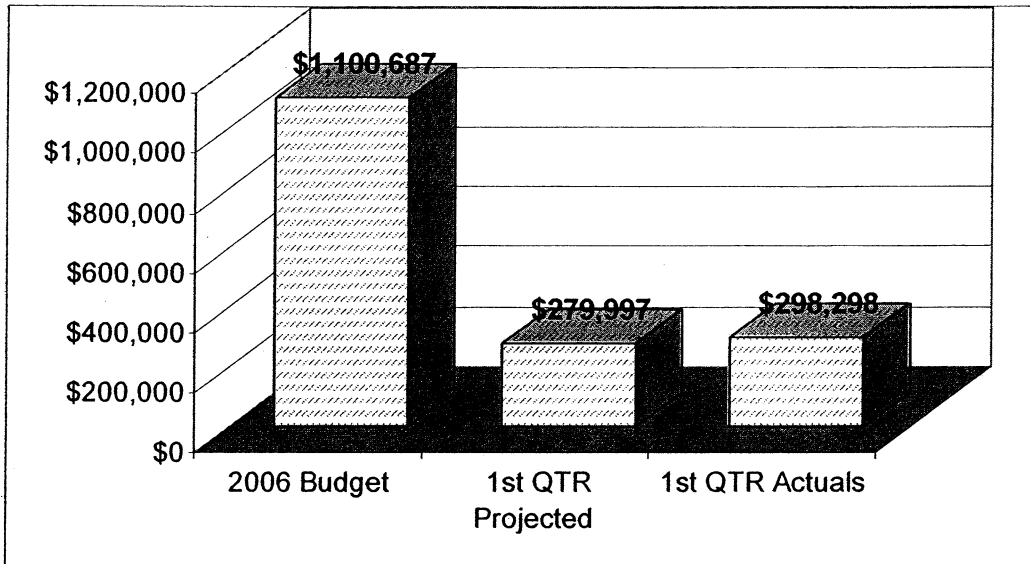
During the first quarter of each year, the City typically receives only 4% of the annual collections, since the first property tax payment is not due until April 30th.

Sales Tax Revenue



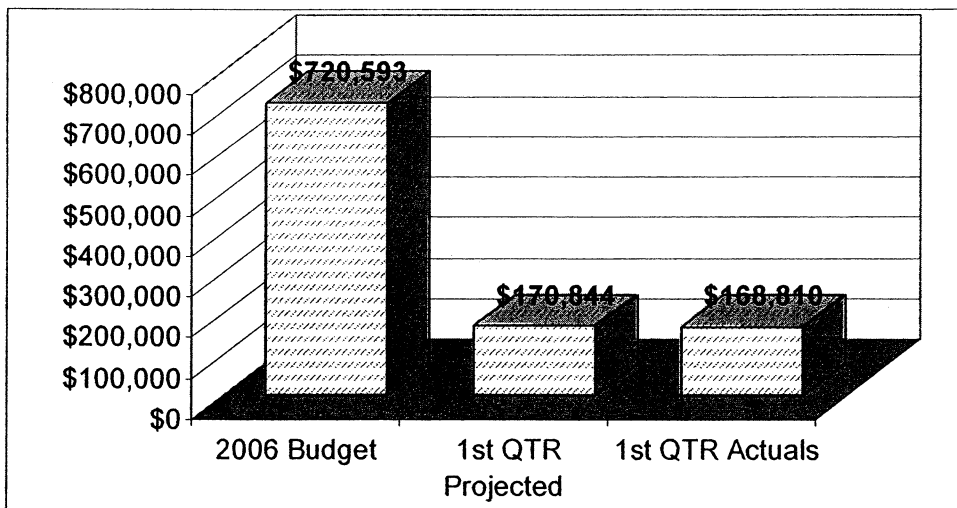
Actual sales tax revenue came in at \$1,027,155 or 0.53% below projections. First quarter sales tax revenue includes only December 2005 and January 2006 revenue due to the two-month time lag for the State Department of Revenue to process the tax returns. Despite the negative revenue trend we do anticipate that sales tax revenue will at the very least meet its budgeted target.

Criminal Justice Sales Tax Revenue



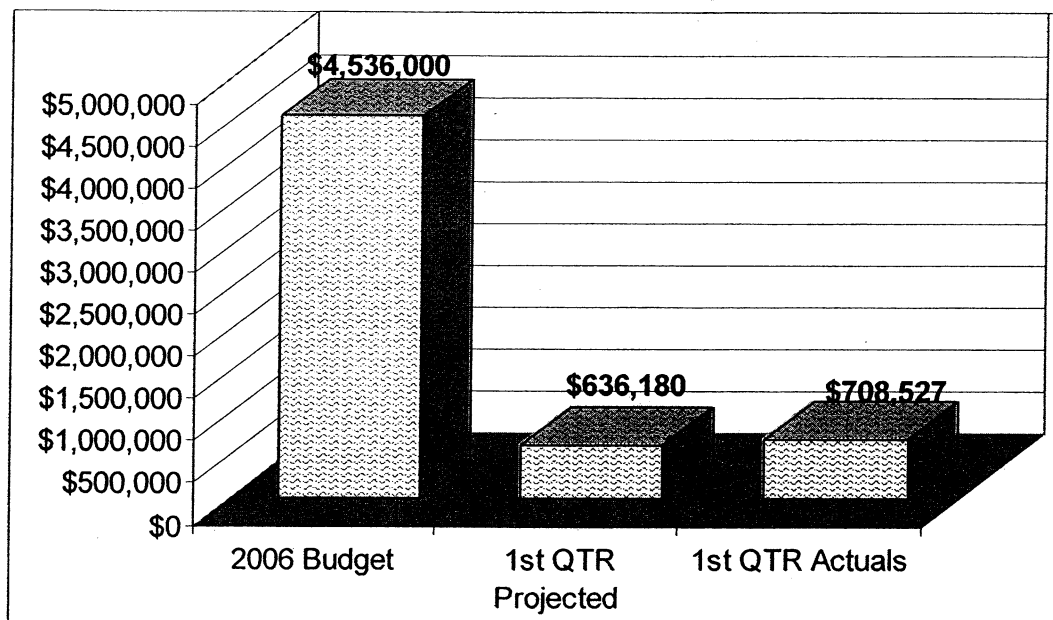
Local Criminal Justice Sales Tax of \$298,298 is ahead of projected revenue of \$279,997 by \$18,301 or 6.54%. This category differs from sales tax because it results from a distribution by the County and is collected on a countywide basis. The distribution amount is based on a city's population and the amount of sales tax collected through all of King County.

State Revenue



State Revenue of \$168,810 is just slightly below projections of \$170,844 by \$2,034 or 1.19%.

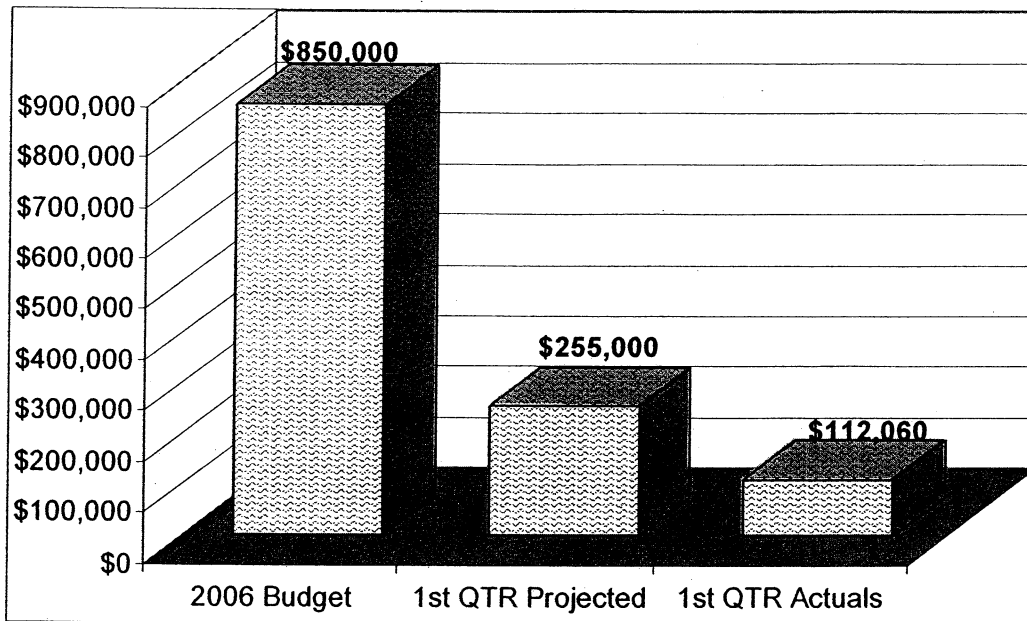
Utility Tax and Franchise Fee Revenue



Utility tax and franchise fee revenue of \$708,527 is above projected revenue of \$636,180 by \$72,347 or 11.37%, due to better than expected revenue in natural gas (\$46,378) and telephone/cell phone (\$20,976). At this time no adjustments are being made in projected revenue. We are optimistic that revenues in this category will remain strong and an adjustment could be made when more revenue is received.

Utility Tax and Franchise Fees	2006 Budget	1st QTR Projected	1st QTR Actuals	\$\$ Variance Actuals v. Projected	% Variance
Natural Gas Utility Tax	\$850,000	\$200,515	\$246,893	\$46,378	23.13%
Sanitation Utility Tax	\$331,000	\$50,950	\$49,825	-\$1,125	-2.21%
Cable TV Utility Tax	\$96,000	\$16,256	\$8,025	-\$8,231	-50.63%
Telephone/Cell Utility Tax	\$1,480,000	\$152,440	\$173,416	\$20,976	13.76%
Water Franchise Fee	\$500,000	\$50,000	\$55,573	\$5,573	11.15%
Sewer Franchise Fee	\$636,500	\$159,125	\$159,250	\$125	0.08%
Storm Drainage Utility Tax	\$162,500	\$6,894	\$7,418	\$524	7.60%
Cable TV Franchise Fee	\$480,000	\$0	\$8,127	\$8,127	100.00%
Total Utility Revenue	\$4,536,000	\$636,180	\$708,527	\$72,347	11.37%

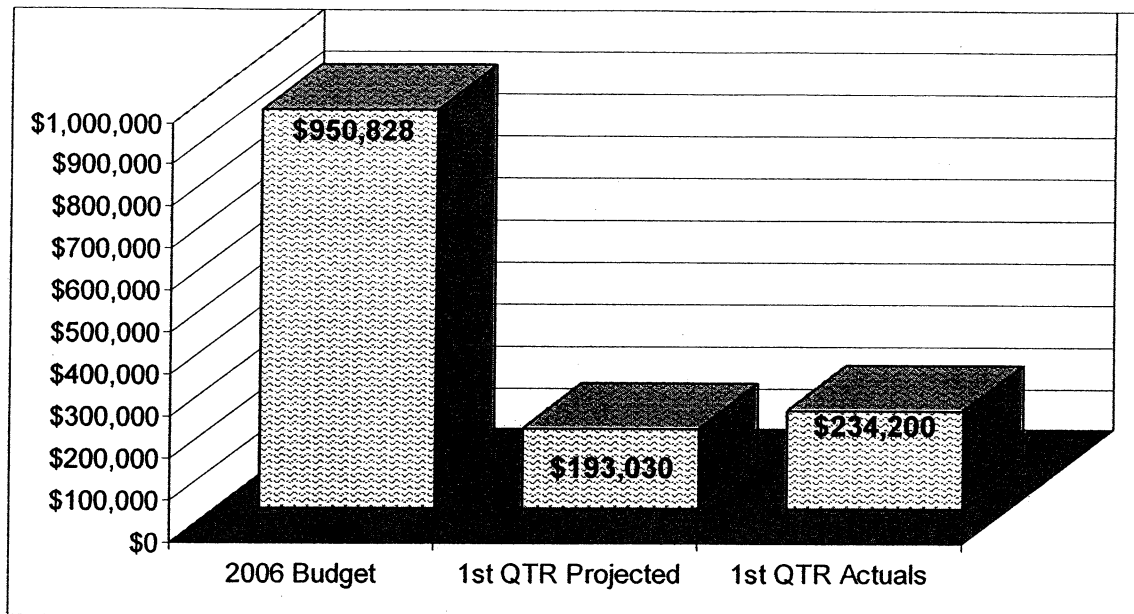
Electrical Contract Payment



The City has an agreement with Seattle City Light that provides for the payment of 6% of the revenue earned from the power portion of electric revenues from Shoreline rate payers. Electric rates are composed of power costs and distribution costs. The power costs represent approximately 50% of the electric rate revenues.

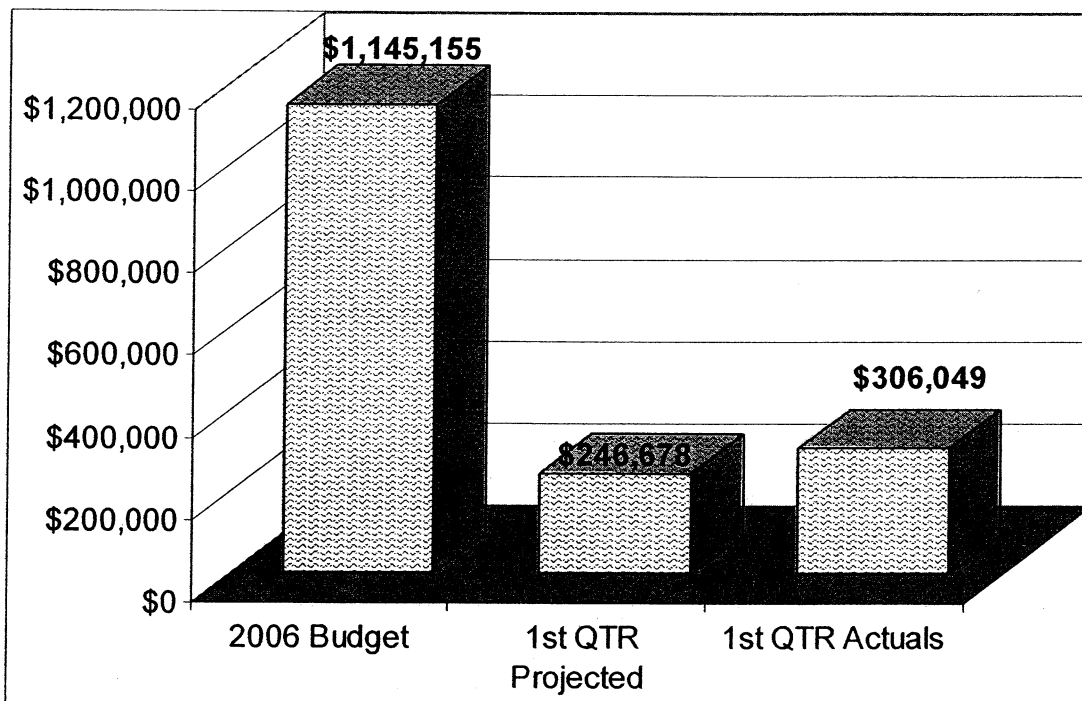
Electrical contract payment revenue of \$112,060 is below projected revenue of \$255,000. The variance is a result of the timing of payments rather than a decrease in revenue. This represents payment for January only.

Parks and Recreation Fee Revenue

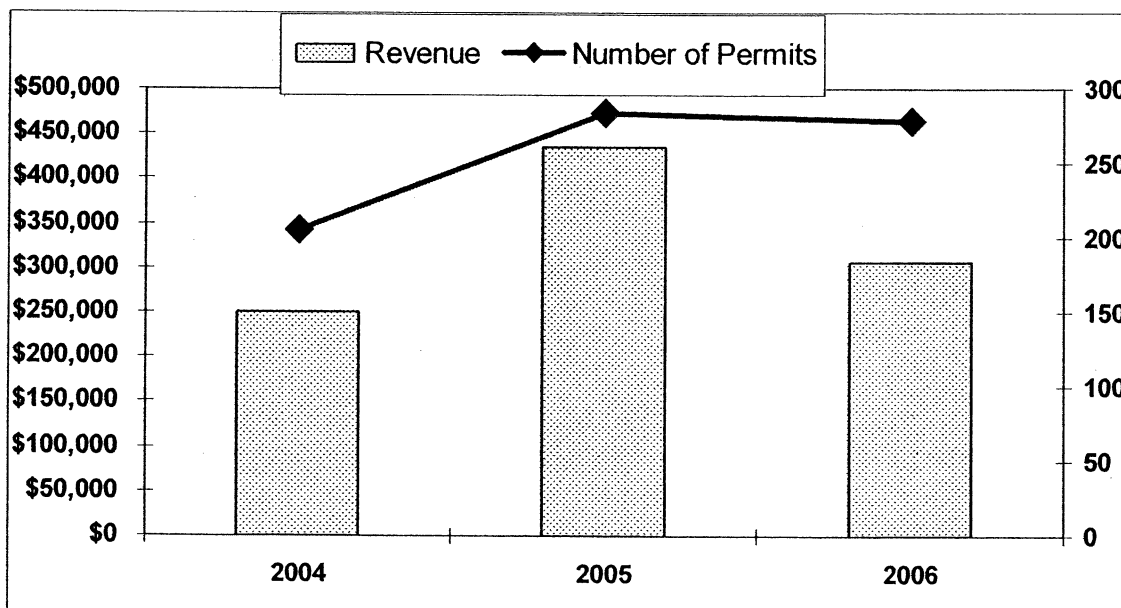


Parks and Recreation Fee revenue of \$234,200 was above projections of \$193,030 by \$41,170 or 21.33%. This increase is due to stronger than expected revenue from the pool and facility rentals.

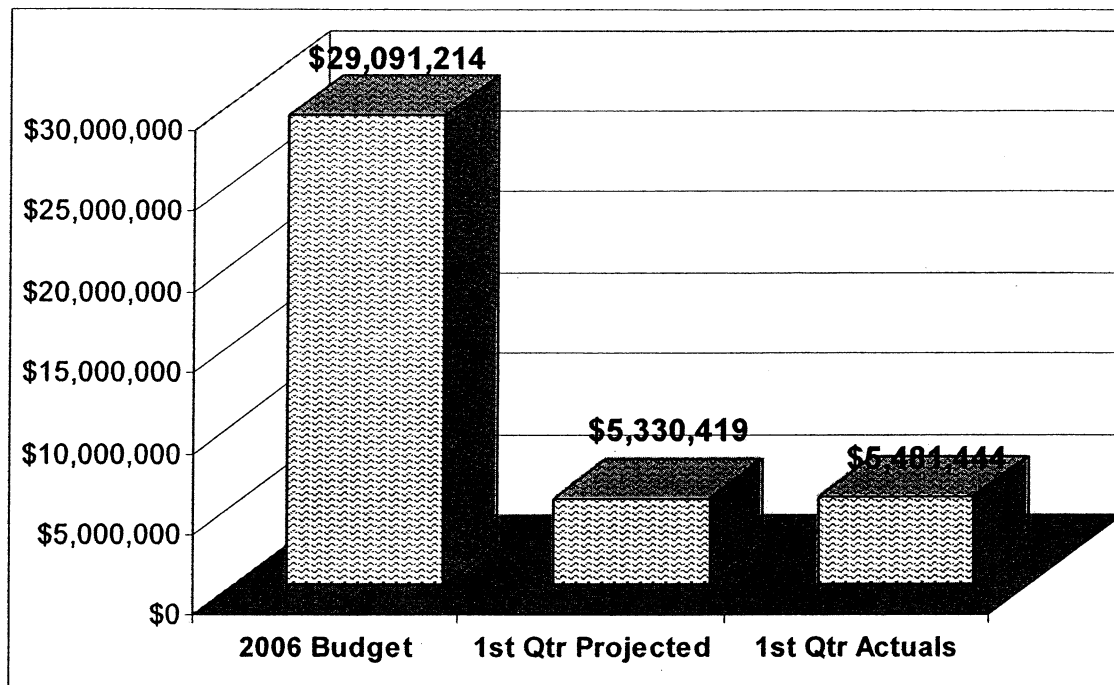
Permit Revenue



Permit revenue of \$306,049 was above projections of \$246,678 by \$59,371 or 24.07%. Driving this first quarter variance is an increase in the number of building permits, plan checks, and mechanical permits processed during the first quarter. It is interesting to note that for the first quarter of 2006 the average value of building permits and plan check fees is running at \$1,410 and in 2005 that average was \$2,766. This difference is the primary reason 2006 revenue is lagging behind 2005. The graph below illustrates permit revenue and the number of permits processed for first quarter 2004 – 2006.

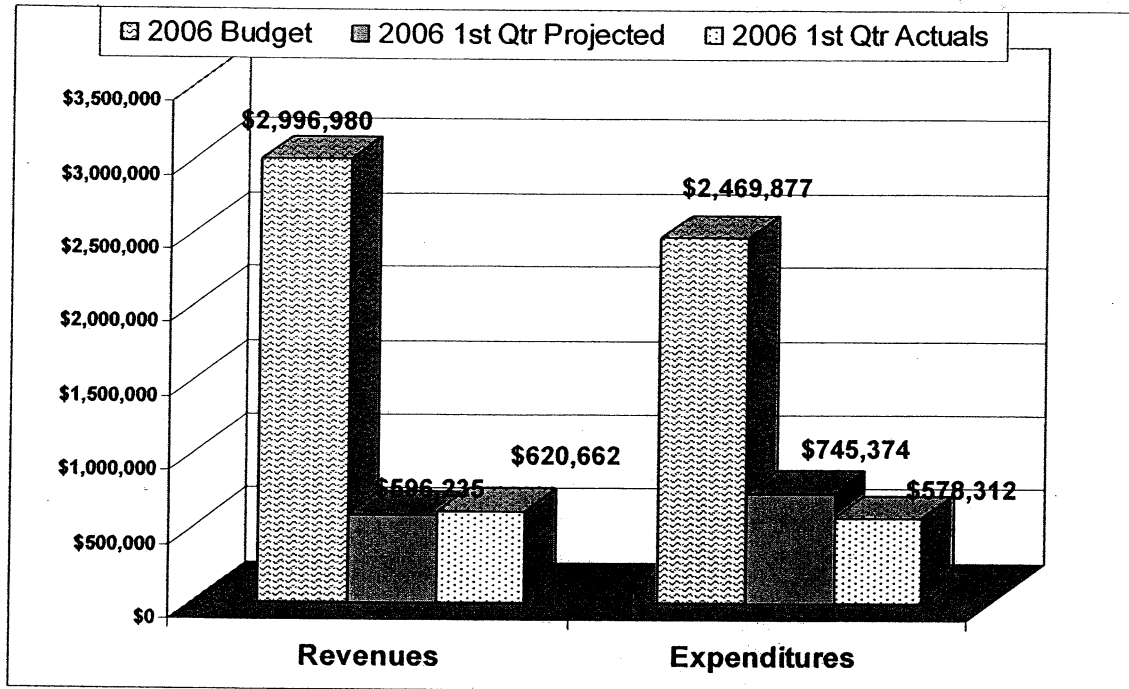


General Fund Expenditures



Departmental expenditures for first quarter were \$5,481,414, \$151,026 or 2.83% above projected expenditures of \$5,330,419. Of this \$151,026 variance \$89,176 is due to increases in jail costs, we anticipate that jail costs will continue to exceed budget throughout 2006 and as a result a budget adjustment will be necessary. The remainder of the expenditure variance is a result of faster than expected activity and is not a result of on-going cost increases.

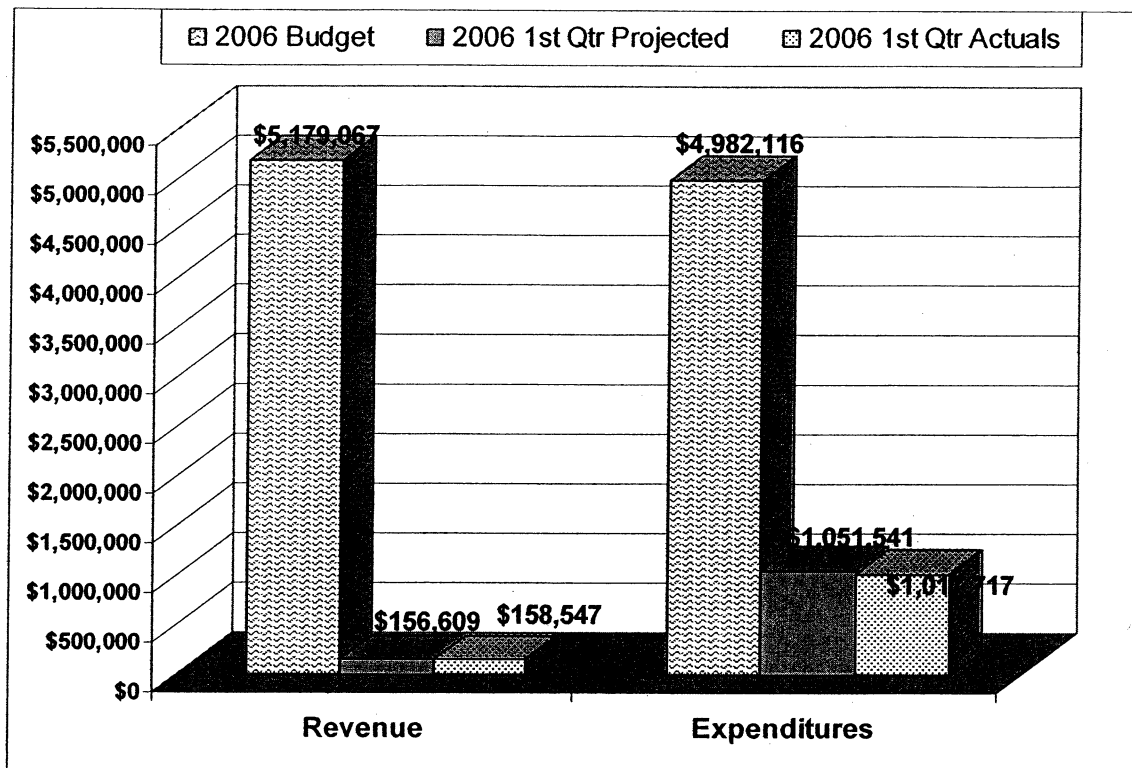
Street Fund



First quarter 2006 actual revenue collections were \$620,662, \$24,427 or 4.1% above projected first quarter revenue of \$596,235, due to better than expected Right Of Way fee revenue.

Actual first quarter expenditures were \$578,312, \$167,062 or 22.41% below projected expenditures of \$745,374. This is due to a delay in King County billing for street work and Seattle City Light billing for street lights.

Surface Water Utility



First quarter 2006 actual revenue collections were \$158,547, just \$1,938 slightly above projected revenue of \$156,609. Very little revenue activity occurs for this fund in first quarter, the City's Storm Drainage fee which accounts for the majority of revenue are not paid until April and October.

Actual first quarter expenditures were \$1,017,717, \$33,824 or 3.22% below projected expenditures of \$1,051,541.

City of Shoreline
Cash and Investments
March 31, 2006

The City's investment policy adheres to strict standards prescribed by federal law, state statutes, local ordinances, and allows the City to develop an investment model to maximize its investment returns within the primary objectives of safety and liquidity.

Our yield objectives are very important and, pursuant to policy, the basis used by the City to determine whether the market yields are being achieved is through the use of a comparable benchmark. Our benchmark has been identified as the annual average of the Washington State Local Government Investment Pool, which has been the City's primary mode of investment prior to adopting our Investment Policy.

Our in-house investment activity is illustrated in the following table for the period January 01, 2005 through March 31, 2006. The table contains significant data on each investment instrument including a column representing annualized interest utilizing actual yield rates. As a comparison we have also displayed a column illustrating annualized interest had all our investments remained in the State Pool:

LGIP Cash and Investment Balances March 31, 2006						
Instrument Type	Settlement Date	Investment Cost	Yield To Maturity	Maturity Date	Annualized Interest	Annualized Interest at LGIP rate (3.6770%)
FHLB (Fed Home Loan Bank)	05/24/05	2,000,000	3.2500%	05/24/07	65,000.00	73,540.00
FNMA (Fannie Mae)	05/27/05	2,499,000	4.0410%	05/17/07	100,984.59	91,888.23
FNMA (Fannie Mae)	06/21/05	1,987,022	3.7120%	06/02/06	73,758.26	73,062.80
FNMA (Fannie Mae)	06/21/05	1,957,324	3.8020%	09/29/06	74,417.46	71,970.80
FHLB (Fed Home Loan Bank)	06/21/05	1,985,024	3.9000%	12/14/06	77,415.92	72,989.32
FHLB (Fed Home Loan Bank)	07/25/05	1,990,200	4.2617%	01/00/00	84,816.35	73,179.65
FHLB (Fed Home Loan Bank)	07/27/05	2,000,000	3.7000%	12/23/48	74,000.00	73,540.00
FHLB (Fed Home Loan Bank)	01/05/06	2,003,400	5.0000%	11/21/07	100,170.00	73,665.02
FHLB (Fed Home Loan Bank)	01/06/06	4,000,000	5.0000%	01/28/08	200,000.00	147,080.00
FHLMC (Freddie Mac)	01/05/06	3,956,800	3.6250%	02/15/07	143,434.00	145,491.54
FHLMC (Freddie Mac)	01/05/06	1,994,600	4.6250%	10/05/07	92,250.25	73,341.44
Sub Total		26,373,370			1,086,246.83	969,748.80
Average Maturity (days)				478		
Average Yield to Maturity			4.12%			
State Investment Pool		18,314,601	3.68%	1		
Total Investments		44,687,971				

Note: Yield to Maturity for the State Investment Pool is a 12 month average.

The above annualized interest columns illustrate a significant gain through the use of our in-house investment process as compared to holding our total portfolio within the State investment Pool at an average yield of 3.68%. Based on the annualized interest the City's investment portfolio has an average yield of 4.12%, nearly 44 basis points greater than our benchmark. In dollars this can equate to nearly \$116,498.03 in annualized investment interest revenue.

The following table illustrates the City's portfolio diversification by instrument type at March 31, 2006:

Portfolio Diversification

<u>Instrument Type</u>	<u>Percentage</u>	<u>Amount</u>
Certificate of Deposit	0%	0.00
FHLMC (Freddie Mac)	17%	5,951,400.00
FNMA (Fannie Mae)	22%	6,443,346.00
FHLB (Fed Home Loan Bank	27%	13,978,623.60
State Investment Pool	34%	18,314,601.01
Total Investments	100%	44,687,970.61

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

<p>AGENDA TITLE: Neighborhood Meeting Process Improvement DEPARTMENT: Planning & Development Services PRESENTED BY: Joseph W. Tovar, FAICP, Director</p>

PROBLEM/ISSUE STATEMENT:

At the January 9, 2006 Council meeting, the Council passed Ordinance 406 (Attachment A), which enacted changes to the City's Neighborhood Meeting requirements. The code changes were intended to improve and clarify the process for the participants. These "Neighborhood Meetings" are required by the Code to oblige the applicant for a development permit to first review his or her draft proposal with the neighbors and to solicit their input before then submitting an application.

At that time, several Council members expressed concerns that the code changes then before them would not sufficiently improve the Neighborhood Meeting process. One suggestion was to have PADs staff members attend all Neighborhood Meetings called by permit applicants/developers. Because such a step would have committed the Department well beyond our present resources, I asked the Council that we be given an opportunity to develop a series of administrative improvements to the process. This report outlines the result of our efforts.

FINANCIAL IMPACT:

The financial impact of implementing these administrative changes are minimal and include in-house publication development.

RECOMMENDATION

No action is required. For Council's information only.

Approved By: City Manager  City Attorney ____

INTRODUCTION

With Council's agreement, the Staff has developed a series of administrative methods to improve the Neighborhood Meeting process, without having to further amend the ordinance. This report contains a background discussion of the "pre-application" process, then outlines what staff has done to further improve and clarify the process for both the applicant and members of the public who participate.

BACKGROUND

The process for early development review begins with the pre-application meeting. City staff meets with the potential applicant to discuss project feasibility. At this point staff gives the applicant information on the City's requirements, including the requirement for conducting the Neighborhood Meeting, and the review process and timing.

The purpose of the Neighborhood Meeting is explained to the applicant as an opportunity for the applicant to inform the neighborhood about the project early in its planning stages. The idea is to give property owners in the area an opportunity to learn about the proposals that affect them and to try to identify concerns in the early stages of the application process. The issues identified may be able to be addressed by the applicant before drawing up formal plans for the application. A handout explaining the purpose and how to conduct a Neighborhood Meeting is given to the applicant at the pre-application meeting. The particular neighborhood where the project site is located is identified. The applicant is instructed to invite property owners within 500 feet of the project site to the meeting, as well the appropriate neighborhood committee contact person.

The Neighborhood Meeting is an informal meeting conducted by the potential applicant before a formal application is made to the City. Representatives from the City generally do not attend these meetings, so as to avoid the appearance of the City as an advocate for the project. As a practical matter, we lack sufficient staff resources to send a staff member to all such meetings.

After the applicant conducts the Neighborhood Meeting, an application can be submitted to the City. The City sends a notice of application to the same property owners within 500 feet of the project site. This begins the "public process". The notice opens a two-week period for citizens to comment on the project. These comments are taken into consideration during the decision analysis.

Depending on the nature of the comments and the type of application, the applicant may be required to modify the proposal or mitigate project impacts. Once the City has made a decision on the project, a notice of decision is issued. The notice is provided to the applicant, parties of record and persons who may have requested being notified of the decision. The issuance of this notice opens a two-week period during which aggrieved parties may appeal the decision.

DISCUSSION

In discussing how the process could be improved, Staff determined that there has been somewhat of a lack of understanding about the purpose of the Neighborhood Meeting and the roles of the applicant and the meeting attendees. In addressing these issues, staff has developed the following publications, attached.

Handouts

Staff improved the existing informational handout on Neighborhood Meetings (Attachment B) by clarifying the purpose and the roles of both the applicant and the neighbors and by updating the handout to reflect the ordinance changes.

Staff also developed a "Frequently Asked Questions" section (Attachment C), to be added to the handout, as well as a process flowchart (Attachment D) that outlines the public participation steps in the permit process. These publications further explain the intent of the ordinance and how the public may provide input into the permit decision.

Applicant Packet Materials

A form has been included for the applicant to hand out at the Neighborhood Meeting for the public to use for written comment (Attachment E). These forms become a part of the required Neighborhood Meeting Report. The form contains an explanation and instructions for members of the public to use. There is also a note that written comments may be turned in directly to the City, instead of to the applicant at the meeting.

RECOMMENDATION

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

ATTACHMENTS

- A: Ordinance 406, excerpt (changes to the Neighborhood Meeting Ordinance)
- B: Revised Neighborhood Meeting Informational Handout
- C: Frequently Asked Questions
- D: Process Flowchart
- E: Public Comment Form

20.30.090 Neighborhood meeting.

Prior to application submittal for a Type B or C action, the applicant shall conduct a neighborhood meeting to discuss the proposal.

A. The purpose of the neighborhood meeting is to:

1. Ensure that potential applicants pursue early and effective citizen participation in conjunction with their application proposal, giving the applicant project proponent the opportunity to understand and try to mitigate any real and perceived impact their proposal may have on the neighborhood;
2. Ensure that the citizens and property owners of the City have an adequate opportunity to learn about the proposal that may affect them and to work with applicants project proponents to resolve concerns at an early stage of the application process.

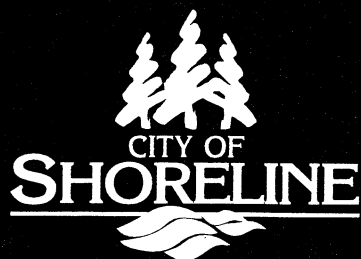
B. The neighborhood meeting shall meet the following requirements:

1. Notice of the neighborhood meeting shall be provided by the applicant and shall include the date, time and location of the neighborhood meeting and a description of the project, zoning of the property, site and vicinity maps and the land use applications that would be required.
2. The notice shall be provided at a minimum to property owners located within 500 feet of the proposal, the Neighborhood Chair as identified by the Shoreline Office of Neighborhoods (Note: if a proposed development is within 500 feet of adjacent neighborhoods, those chairs shall also be notified), and to the City of Shoreline Planning and Development Services Department.
3. The notice shall be postmarked at least 10 to 14 days prior to the neighborhood meeting.
4. The neighborhood meeting shall be held within the City limits of Shoreline.
5. The neighborhood meeting shall be held anytime between the hours of 5:30 and 9:30 p.m. on weekdays or anytime between the hours of 9:00 a.m. and 9:00 p.m. on weekends.
6. The neighborhood meeting agenda shall cover the following items:
 - a. Introduction of neighborhood meeting organizer (i.e. developer, property owner, etc.);
 - b. Description of proposed project;
 - c. Listing of permits that are anticipated for the project;
 - d. Description of how comments made at the neighborhood meeting are used;
and
 - e. Provide meeting attendees with the City's contact information.
 - f. Provide a sign-up sheet for attendees.

C. The applicant shall provide to the City a written summary or checklist of the neighborhood meeting. The summary shall include the following:

1. A copy of the mailed notice of the neighborhood meeting with a mailing list of residents who were notified.
2. Who attended the meeting (list of persons and their addresses).
3. A summary of concerns, issues, and problems expressed during the meeting.
4. A summary of concerns, issues, and problems the applicant is unwilling or unable to address and why.
5. A summary of proposed modifications, or site plan revisions, addressing concerns expressed at the meeting. (Ord. 299 § 1, 2002; Ord. 238 Ch. III § 4(b), 2000).

Staff will mail the summary of the neighborhood meeting to all persons who attended the neighborhood meeting, signed in and provided a legible address.



Planning and Development Services

17544 Midvale Ave. N.
Shoreline, WA 98133-4921
(206) 546-1811
Fax (206) 546-8761
pds@ci.shoreline.wa.us
www.cityofshoreline.com

Attachment B

Neighborhood Meeting

The process for early development review begins with the pre-application meeting. The City meets with the applicant to discuss project feasibility. At this point the applicant is provided information on the City's requirements, including the requirement for conducting the Neighborhood Meeting, the review process, and timing.

The purpose of the Neighborhood Meeting is to provide an opportunity for the applicant to inform the neighborhood about the project early in its planning stages and ensure that the applicant pursue early citizen participation. The idea is to give property owners in the area an opportunity to learn about the proposals that affect them and to try to identify concerns in the early stages of the application process. Accordingly, the issues identified may be addressed by the applicant before preparing formal plans for the application.

Meeting Requirements

- Notice of the neighborhood meeting must be provided by the applicant and must include the date, time, and location of the neighborhood meeting and a description of the project, zoning of the property, site and vicinity maps and the land use applications that would be required.
- The Notice must be mailed, at a minimum, to property owners located within 500 feet of the proposal, the Neighborhood Chair as identified by the Shoreline Office of Neighborhoods, and to Shoreline Planning and Development Services Department. If a proposed development is within 500 feet of adjacent Neighborhoods, those chairs must also be notified.
- The Notice must be postmarked 10 to 14 days prior to the Neighborhood Meeting.
- The Neighborhood Meeting must be held within the city limits of Shoreline
- The Neighborhood Meeting must be held anytime between the hours of 5:30 p.m. and 9:00 p.m. on week-days or anytime between the hours of 9:00 a.m. and 9:00 p.m. on week-ends.
- The Neighborhood Meeting agenda is to cover the following items:
 - ✓ Introduction of the meeting organizer (i.e. developer, property owner, etc.)
 - ✓ Description of proposed project
 - ✓ Description of how comments made at the Neighborhood Meeting are used
 - ✓ Provide meeting attendees with the City's contact information
 - ✓ Provide a sign-up sheet for attendees

- Conditional Use Permit
- Preliminary Formal Subdivision
- Final Formal Subdivision
- Final Conditional Determination
- Shoreline Substantial Development
- Shoreline Variance
- Shoreline Conditional Use Permit
- Zoning Variances

Type C Action:

- Preliminary Formal Subdivision
- Rezone of Property and Zoning Map Change
- Special Use Permit
- Critical Areas Special Use
- Critical Areas Reasonable Use
- Final Formal Plat
- SCTF – Special Use Permit

**Shoreline
Development Code
20.30.080
20.30.090**

03/2006

Note: This handout is for informational use only and is not to be substituted for the Shoreline Development Code.

- The applicant must provide to the City a written summary of the neighborhood meeting. The summary must include the following:
 - ✓ A copy of the mailed notice of the Neighborhood Meeting with a mailing list of residents who were notified.
 - ✓ A list of meeting attendees and their addresses.
 - ✓ A summary of concerns, issues, and problems the applicant is unwilling or unable to address and why.
 - ✓ Comment forms should be provided to the attendees and any completed forms are to be submitted to the City with the summary report.
 - ✓ A summary of proposed modifications, or site plan revisions, addressing concerns expressed at the meeting.
- The City will mail the summary of the meeting to all persons who attended the Neighborhood Meeting, signed in and provided a legible address.

Sample of a Neighborhood Meeting Notice

Dear Neighbor:

Please come hear a presentation for a proposed development at *(fill in the address of your site)*. At this meeting we will discuss the specific details and solicit comments on the proposal from the neighborhood.

Meeting Information:

Proposal: 4,000-sq. ft. addition for assembly with 20 stalls of parking

(Note: Description should include basic information and data)

Date: Thursday, July 1, 2006 *(Note: Notice must be post marked 10 to 14 days prior to this date)*

Time: 6:00 p.m. *(Note: Meetings must be held anytime between the hours of 5:30 p.m. and 9:00 p.m. weekdays and anytime between the hours of 9:00 a.m. and 9:00 p.m. on weekends)*

Location of Meeting: The Community Room at the Shoreline Library, 345 NE 175th Street, Shoreline, WA *(Note: The applicant can choose any location within the City of Shoreline to hold the meeting)*



Planning and Development Services

FREQUENTLY ASKED QUESTIONS NEIGHBORHOOD MEETINGS

Q: What is the purpose of a neighborhood meeting?

A: Neighborhood meetings are designed to provide citizens with early notification that a project may be proposed in their neighborhood and to allow citizens to provide initial comments on the project at an early stage of the application process.

Q: Who is notified of the meeting?

A: All property owners within 500 feet of the project site are required to be notified via mail of the neighborhood meeting. Neighborhood Association representatives for the area are also notified.

Q: Will attendees get to approve or deny the project?

A: No. Attendees will be able to provide comments to the applicant which the applicant can then choose whether or not to incorporate those comments into his/her proposal.

Q: How does the neighborhood meeting fit into the permit process?

A: The neighborhood meeting is one of the initial steps in the process towards making an application with the City. Neighborhood meetings are held prior to applicants submitting their project with the City. Applicants are required to provide documentation from the neighborhood meeting as part of their application submittal.

Q: Will I be notified when a project is applied for?

A: All property owners within 500 feet of the project site will be notified once an application is submitted with the City.

Q: Will the neighborhood meeting be my only opportunity to comment on the project?

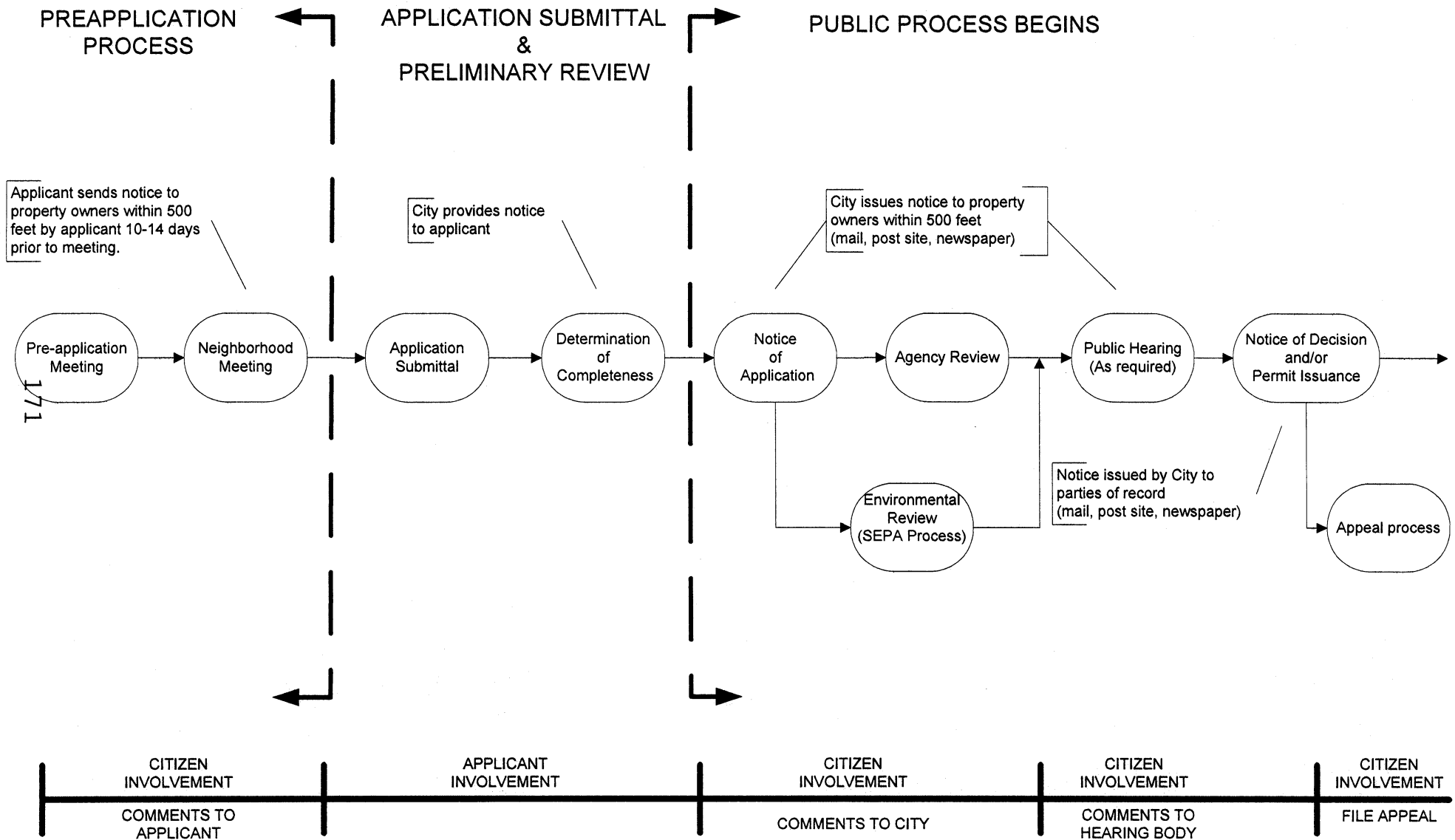
A: No. When the application is submitted to the City a "Notice of Application" will be sent out to all property owners within 500 feet. This notice will also indicate the beginning of the public comment period which typically lasts 14 days. Anyone who wishes to submit written comments regarding the project may do so at that time. All comments will be included with the file for review.

Q: Will I be able to view the project file and where can I view it at?

A: Once an application has been filed with the city any interested citizens may come in, view the file and discuss the application with the project manager. All files can be found at the Planning and Development Services office located at: 1110 N 175th ST Suite 107.

Attachment D

Citizen Guide to City of Shoreline Permit Process (For permit applications subject to public noticing provisions)



Note: Not all components of this process apply to all permits. (e.g. Public Hearings)

March 2, 2006



IF YOU HAVE AN OPINION, PLEASE TELL US.

Proposed Project: _____

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Your Name _____

Address _____

E-mail (optional) _____

This written comment will be submitted by the applicant and included in the file for staff review. If you prefer, you can submit it to the City yourself.