

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Review of Draft Code Enforcement Policy & Procedure Manual
DEPARTMENT:	Planning & Development Services
PRESENTED BY:	Tim Stewart, Director of Planning & Development Services Sherri Dugdale, Code Enforcement Officer <i>SD</i>

EXECUTIVE SUMMARY

Your Council's 1999-2000 Workplan includes Goal #8, "Develop a code enforcement program reflective of City values". To that end, on July 19, 1999, Staff presented a project outline to City Council for the development of the code enforcement program. The project itself was divided into three phases: a Planning Phase (Phase I), a Program Development Phase (Phase II), and an Implementation Phase (Phase III). Your Council's approval of the Project Plan and selection of a "Proactive Three Strikes" enforcement strategy signaled the successful completion of Phase I.

In Phase II (Program Development), Staff has initiated a dialog between the City and the citizens of Shoreline in an effort to better define "community values" and to set the stage for future collaborative, proactive projects for community and neighborhood improvement. To help determine priorities in the enforcement of City codes; Staff requested feedback from Shoreline residents and business owners in the form of a survey. The results of this survey, as well as a proposal for year 2000 code enforcement projects, will be presented to Council in Phase III (Implementation).

The second key element of Phase II, as well as a goal of the overall project, is the adoption of a Policy and Procedure manual. It was agreed that the manual must be completed before intensifying enforcement efforts in order to provide the foundation, authority, and guidelines for the code enforcement program. A request for the formal adoption of the Code Enforcement Policy and Procedure Manual will follow Council's adoption of the new development code, as some of the procedures may change with the revised enforcement chapter.

The attached Policy and Procedure Manual (Attachment A) was developed cooperatively by an inter-departmental team made up of representatives from Planning and Development Services, Public Works, Shoreline Police, the City Attorney, Community and Government Relations, and the City Manager's office. Staff now presents it to City Council for review and feedback – no other action is required at this time. Your Council's formal adoption of the Policy and Procedure Manual will be requested after the new development code is passed.

Approved By: City Manager *LB* City Attorney *N/A*

BACKGROUND/ANALYSIS

The attached Policy and Procedure Manual was distributed to staff on December 15, 1999 as internal guidance. When the new development code is adopted, it will trigger some changes and additions to the manual – mostly having to do with Strike Three enforcement actions and legal procedures. During the interim period, we will have the opportunity to “test drive” the procedures and fine-tune any that need adjustment, while continuing to add to sections that are either pending further research, or have not yet been addressed. This document is intended to offer structure and guidance to the program, while allowing enough flexibility so that enforcement may be tailored to each individual case.

The interim manual is divided into seven chapters, each of which will be discussed individually:

Chapter 1 – Introduction

This chapter provides a roadmap for the program by presenting the basic philosophies that guide the program, listing the scope of the codes enforced within the program, and by defining some terms. Any successful program should have, at its core, a mission statement that conveys the underlying values of the program. The mission of the City of Shoreline's Code Enforcement Program is, “to provide quality, professional enforcement of City codes, reflective of community values, in order to improve the quality of life in Shoreline”.

Chapter 2 – Administrative Process

The second chapter offers a “big picture” view of a code enforcement case, beginning with the origination and following through to the closure. Generally speaking, the Customer Response Team (CRT) will be responsible for complaint intake, recording, and initial investigation and enforcement (Strike 1 - as they are currently doing) or for referring the case to another department or agency. If compliance is not achieved with initial education and enforcement, CRT will refer the case file to the Code Enforcement Officer for Strike 2 level enforcement. If compliance is still not achieved, the Code Enforcement Officer will initiate Strike 3 actions that may involve referring the file to the City Attorney for prosecution or other legal action (see page 5 of the manual for a visual model of the process). The specifics of each Strike are discussed in Chapter 4 – Enforcement.

Priority level guidelines are provided to aid the investigator in determining the initial response time, as well as the appropriate level of initial enforcement. We recognize that each code enforcement case will likely be unique and offer the guidelines for some degree of uniformity, but also realize that, ultimately, investigators must use their best judgement and combine *all* factors to determine the appropriate response and level of enforcement.

Also addressed in this chapter are some violation-specific procedures for issues such as junk vehicles, which require adherence to certain state laws. This section will likely be expanded as the program develops, so that enforcement of issues such as the accumulation of garbage and debris, or the abatement of drug houses is somewhat “standardized”.

The compliance monitoring discussed on page 9 of the manual is an example of a “proactive” approach to code enforcement. This allows us to monitor a site for continued compliance after a violation is corrected. An excellent candidate for compliance monitoring is the case previously brought to the attention of Council where a residential site had become so cluttered with junk cars and debris that it took the City four days to remove 28 vehicles, 16 tons of garbage, and 9 tons of metal debris. We continue to monitor this site in order to prevent a similar accumulation

of junk in the future. In this way, repeat violations are met with quick action and stiffer enforcement, thus encouraging continued compliance.

Chapter 3 – Investigations

The majority of this chapter describes the issues surrounding inspections and investigations on privately held property. This chapter may also be expanded in the future to include more issues specific to the investigation of code violations.

Chapter 4 – Enforcement

Chapter 4 offers a closer look at each of the "Strike" level actions and recommends initial enforcement actions based on certain situations (see chart on page 13). Voluntary compliance is encouraged at each "Strike" level, while continued non-compliance and violations that are more grievous justify stepping up the enforcement actions. Strike 3 enforcement actions are most likely to see change as a result of the new development code. The potential changes include the addition of a civil citation system (Notice of Infraction), stiffer civil penalty amounts (especially for willful violations within a critical area), and a streamlined system for general nuisance and dangerous premises abatements.

Chapter 5 – Legal

While much of this chapter deals with actions coordinated by the City Attorney or other designated legal counsel; those actions rely on the case file assembled by the Code Enforcement Officer and other investigators. The Legal chapter will be expanded to detail how criminal charges may be filed, how a search warrant may be obtained, and may eventually include guidance for those investigators who are requested to appear in court.

Chapter 6 – Operations

Because the personal safety of the investigators is paramount, Chapter 6 touches on some of the potential dangers that may be encountered while working in the field. And while there have been no drug labs encountered in Shoreline, it is common knowledge that they are becoming more numerous, and so have been included in this manual in order to educate those who have a higher risk of encountering a meth lab.

Chapter 7 – Addendum (Forms and Sample Letters)

The final chapter in the Policy and Procedure manual contains the forms and sample letters used in the new code enforcement program. The Code Enforcement Referral form (page 24) should be used for any referrals or to notify CRT of any updated information.

RECOMMENDATION

No action is required at this time. Staff seeks Council comments and feedback regarding the draft Code Enforcement Policy and Procedure Manual.

ATTACHMENTS

Attachment A: Policy and Procedure Manual – Code Enforcement Program
(Copy is available in City Clerk's office)

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Park Maintenance Standards Manual
DEPARTMENT: Parks, Recreation & Cultural Services
PRESENTED BY: Wendy Barry, Director *WB*
Kirk Peterson, Parks Superintendent *KP*

EXECUTIVE / COUNCIL SUMMARY

The Parks, Recreation and Cultural Services Department has developed a Park Maintenance Standards Manual for the purpose of providing guidelines that will standardize site amenities and provide park related construction guidelines within the City's park system. Because these standards will play an important role in how our parks look and feel to the park users, your Council's consensus regarding this section of the City of Shoreline Park Maintenance Standards is requested (See Attachment A).

Park site amenities and features that are the most visible to the park visitor such as benches, bleachers, bollards, trash receptacles, picnic tables, barbecues, drinking fountains, signs, athletic field features, kiosks, roofs, and tennis courts, are identified in the Park Maintenance Standards as presented for your Council review.

Staff is also developing detailed technical standards for park features that are less visible to the public such as drainage, electrical and plumbing fixtures, irrigation systems, and integrated pest and vegetation management guidelines. This will establish technical standards for our maintenance practices and those of contractors that may perform work on City property. It will also ensure that appropriate grades of materials are used for various features such as irrigation systems and that they comply with applicable codes (See Attachment B).

There are several benefits of establishing standards in the parks system:

- ◆ Maintenance efficiencies
- ◆ Improved response time for vandalism repairs
- ◆ Improved appearance
- ◆ Continuity of experience and safety for visitors in the park system
- ◆ Construction guideline standards
- ◆ Meet minimum industry standards
- ◆ Operate system in a business like manner

As mentioned above, two of the benefits of standardizing infrastructure features are that maintenance efficiencies can be gained and response time to complete repairs can be improved. This approach can be applied to a variety of systems. For example, staff will be able to maintain an inventory of replacement parts for one or two types for picnic tables and make repairs on site without having to wait for backorders from dealers. The same theory applies whether it is a plumbing fixture, litter receptacle, water fountain or irrigation system.

Park patrons and stakeholders will see an added benefit in the improved appearance of the city's parks. The goal is to have site amenities that are well maintained and are consistent throughout a park, and the system as a whole. Park visitors will see a uniformity of features that will add coherence to their experience and give them distinctive visual cues that they are in a City of Shoreline Park.

The proposed guidelines within the Park Maintenance Standards Manual will also provide specifications for construction and maintenance activities. Components such as backstops, benches, and irrigation systems will have specific minimum standards. When backstops throughout the park system meet a minimum standard for design style and shape, gauge of chain-link fencing, similar dugouts and benches, they will uniformly last longer and will withstand the wear and tear they will receive.

The manual will also serve as a tool for architects and City staff to ensure a minimum standard is met in all new designs of park facilities. Architectural style of buildings, color, arrangement of facilities on a site, etc. will continue to be the focus of the consultant's work.

In research and preparation of the Park Maintenance Standards Manual, staff included specifications that meet the American Safety and Testing Materials (ASTM) standards and the Americans with Disabilities Act (ADA).

The budget impact of the utilizing these standards will vary. For example, when replacing an existing site amenity at the end of its life span, such as a bench or picnic table or barbecue, the budget impact on capital costs will not be significant. In this same example, budget impacts on operational costs will likely decrease over time as efficiencies are gained. When the City undertakes a major capital reinvestment to install new facilities meeting these standards, there will be budget impact for capital costs and operational costs. The capital cost will be increased because new features are being constructed. The operational costs may be increased because new facilities may require greater frequency of maintenance tasks such as mowing, fertilization, custodial, and irrigation costs.

As industry standards change or special circumstances arise, the guidelines may be modified. The Park Maintenance Standards Manual will establish an important benchmark. Its consistent use will help to ensure that the City of Shoreline Parks system will be improved and enhanced over time in a consistent and fiscally responsible manner for the enjoyment and use of the public.

The Manual's standards were reviewed by the Parks, Recreation and Cultural Services Advisory Committee on January 27, 2000. The Advisory Committee unanimously voted to recommend the standards to your Council.

RECOMMENDATION

No action is required. Staff requests your Council provide staff with consensus regarding the Park Maintenance Standards Manual to be used as general guidelines for standardization of maintenance and construction activities occurring within the City's park system.

Approved By: City Manager LB City Attorney N/A

BACKGROUND / ANALYSIS

History

For many years King County Parks designed, developed and maintained the park system that is currently owned and operated by the City of Shoreline. During that period of time when King County operated what is currently the City of Shoreline's parks, a number of parks were developed. Because development occurred over a long period, a number of different standards were used in the design and construction of the parks. Each architect chose different design features for the park they were designing. King County did not have a large amount of standardized features for the architects to choose from. Therefore, many of the parks in the city's system do not share the same site amenities such as, benches, litter receptacles, play equipment, restroom fixtures, and irrigation systems.

The City of Shoreline undertook maintenance operations in January of 1998. The City has undertaken a number of steps to improve the park system and involve stakeholders. These steps have included the formation of the Park, Recreation and Cultural Services (PRCS) Advisory Committee and the formation of a maintenance operation that combines contracted services with city staff. The development and implementation of standards in the City's park system will ensure that future development, renovation and replacement will result in an end product that citizens and park visitors will use and enjoy.

Analysis

The primary issue at hand is the desire to provide stakeholders with a park system that is developed and maintained at a level of service and expense appropriate for our city parks system. To accomplish this goal, staff will utilize parks standards and guidelines to develop and renovate the infrastructure of the parks system. This includes uniform irrigation systems, construction materials guidelines and attractive site amenities. By having uniform materials, the city's park maintenance levels and response time to repairs will be improved.

To address the issue of providing quality standards and features that are durable, attractive, yet reasonably priced, staff researched various products offered by an array of companies. Staff then consulted maintenance staff who have worked with these various amenities in the field to question durability and reparability. After analyzing the data, staff was able to determine which products provide all of the minimum qualifications of attractiveness, durability, reasonable pricing, functionality and reparability. The amenities listed in the Parks Standards Manual meet all of these requirements. This does not mean that a more expensive amenity/product can not be used in lieu of what is outlined in the Parks Standard Manual so long as it meets the minimum requirements outlined in the manual.

The elements of our parks that will be most visible to our park users are excerpted from the Parks Standards Manual and are the focus of this report. They are included in Attachment A and are listed below.

- | | | |
|----------------------|-----------------|-----------------------|
| - Ballfields | - Barbecues | - Basketball Goals |
| - Benches | - Bleachers | - Bollards/Guard Rail |
| - Drinking Fountains | - Gates | - Kiosks |
| - Paint | - Park Signs | - Picnic Tables |
| - Roofs | - Tennis Courts | - Trash Receptacles |

An example of a newly constructed park project that includes the new standards is the Richmond Beach Saltwater Park Bluff Trail project. This project includes a Murdock wall mounted drinking fountain that is known for it's durability in high vandalism areas, and an irrigation system using schedule 40 PVC with quick couplers on swing joints. Also, perennial rye grass mix was used for hydroseeding, as well as benches and litter receptacles outlined in the park standards manual. In addition, the 2000 budget includes purchase of the first phase of a multiple year phasing plan to install standardized redwood-slat litter receptacles. These receptacles, at the price of \$260.00 each, are in the medium price range for receptacles, and are attractive and easy to repair when vandalized or damaged. These receptacles will replace all of the free standing aluminum garbage cans in the park system.

Park improvements are largely occurring through the Capital Improvement Program's master planning efforts. With citizen input, the City has developed master plan designs for Paramount Park, the Shoreline Pool and the Richmond Highlands Recreation Center. Over the next six years, the city is master planning a skate park, Twin Ponds Park and Ronald Bog Park. The design and construction of a ballfield at Shoreview Park will be occurring in the year 2000. As with the Bluff Trail, the Park Maintenance Standards Manual will serve as a valuable guide in the construction and maintenance of these various projects. In addition, the manual will aid in expediting design and construction.

The City's Parks, Recreation and Open Space Plan (POSP) addresses the City's desire to bring all parks up to typical city standards. It identifies the features that are typical to various categories of parks such as neighborhood parks, community parks, regional parks, and open space areas. The POSP notes deficiencies in a number of the City's parks. Some of the deficiencies may be addressed by routine replacement and renovation work. Other deficiencies will be addressed by major capital investment following master planning efforts.

The Capital Improvement Plan is the funding mechanism to achieve the goal of bringing the City's park system up to standard. The Capital Improvement Plan addresses these deficiencies by providing capital funds for recently master planned park's facilities. It also includes funds of \$380,000 over the next five years for routine repair, replacement and renovation needed in the park system. The Park Maintenance Standards Manual will be an integral part of making improvement decisions.

The Park Maintenance Standards Manual identifies standards for signs to post park ordinances and ADA requirements for walkways, trails and parking. One of the guidelines outlined in the manual includes the use of an Integrated Pest and Vegetation Management program that adheres to Tri-County regulations on pesticide and fertilizer use. Another technical policy addressed by the manual is the safe use of solvents, paints and wood preservatives. These policies have been addressed so staff and contractors in our parks can provide a safe environment for park visitors.

The Parks Standards Manual will be a financial asset for the City. The features selected in the Standards Manual are all durable products that are easily repaired and commonly used in high maintenance areas such as parks, schools and other public areas. There is a positive financial impact by having standardized materials in the parks when staff has greater familiarity and ability to repair and install amenities that are common throughout the park system. Also, an inventory of materials commonly needing repair can be maintained and used throughout the entire system. These materials may include irrigation heads, toilet or drinking fountain fixtures, or a few common colors of paint to cover over graffiti quickly. All this translates into cost savings by reducing labor time and by purchasing commonly used materials in bulk.

Staff has reviewed the best practices of other Parks and Recreation Departments. It is very common among cities in the Puget Sound area to have a number of standards outlined in their systems. For example, the City of Kirkland lists standardized amenities on their Website for memorial donations including memorial benches, and trees. The cities of Renton, Bellevue, Seattle and Kirkland have standards for site amenities, as well as, maintenance and construction practices in their parks.

The budget impact of the utilizing these standards will vary. For example, when replacing an existing site amenity at the end of its life span, such as a bench or picnic table or barbecue, the budget impact on capital costs will not be significant. In this same example, budget impacts on operational costs will likely decrease over time as efficiencies are gained. When the City undertakes a major capital reinvestment to install new facilities to these standards, there will be budget impact for capital costs and operational costs. For example, the existing sports field at the Paramount School Park site has no drainage or irrigation system. As a result, the mowing frequency is once every two weeks. The new sports field facility to be installed at Paramount School Park, if built to these standards, will include a drainage and irrigation system. The capital cost will be increased because new features are being constructed. The operational costs will be increased because an irrigated sports field with drainage will have new irrigation costs, and will require more frequent mowing, fertilization, and turf care than the existing sports field.

The Parks Maintenance Standards Manual is another business tool for Parks Department staff to utilize in managing the City of Shoreline's park system infrastructure. As industry standards change or special circumstances arise, the guidelines may be modified. The Park Maintenance Standards Manual will establish an important benchmark. Its consistent use will help to ensure that the City of Shoreline Parks system will be improved and enhanced over time in a consistent and fiscally responsible manner for the enjoyment and use of the public.

RECOMMENDATION

No action is required. Staff requests your Council provide staff with consensus regarding the Park Maintenance Standards Manual to be used as general guidelines for standardization of maintenance and construction activities occurring within the city's park system.

ATTACHMENTS

Attachment A: Parks Maintenance Standards Manual Excerpts

ATTACHMENT A

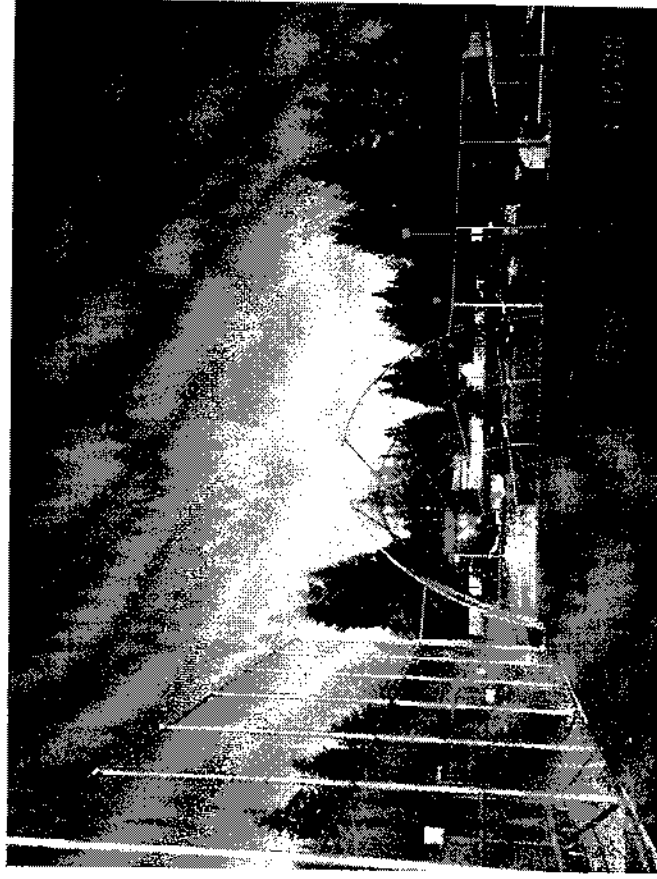
Park Maintenance Standards Excerpts

- Ballfields
- Barbecues
- Basketball Goals
- Benches
- Ballfield Bleachers & Benches
- Ballfield Dugouts
- Stationary Bollards
- Removable Bollards
- Guard Railings
- Drinking Fountains
- Gates
- Kiosks
- Color Scheme
- Signage
- Picnic Tables
- Roofing
- Trash Receptacles

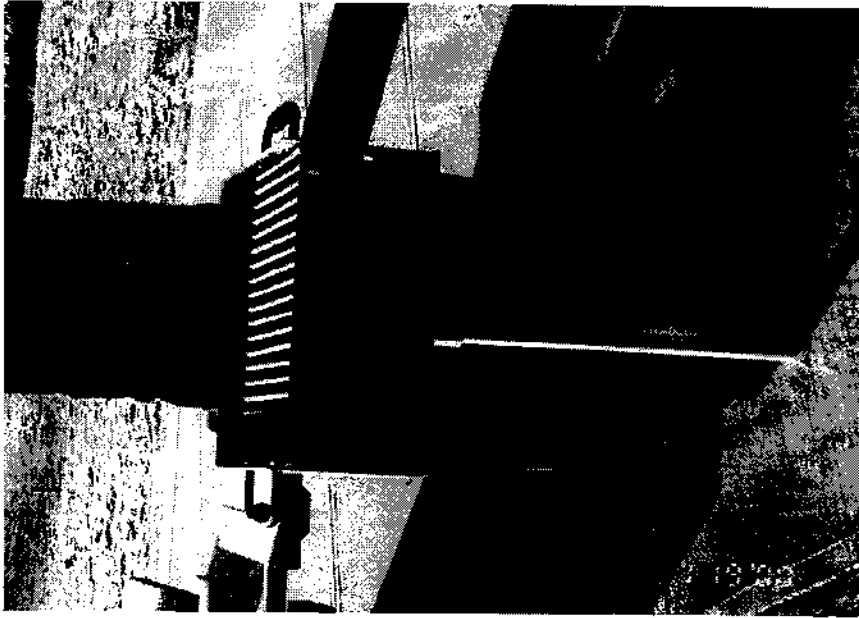


Ballfields

- *Little League Softball
65' radius for 60'/65'
base lengths*
- *Regulation Baseball
95' radius for 60'/90'
base lengths*
- *Backstop
Minimum of 25' from
homeplate*



Barbecues



Minimum Specifications

- *Firebox*
3/16" steel plate
- *Grill*
Non-removable grate with
Coolcoil handles
- *Pipestand*
Iron pipe 3-1/2"
Adjustable

Basketball Goals

Minimum specifications

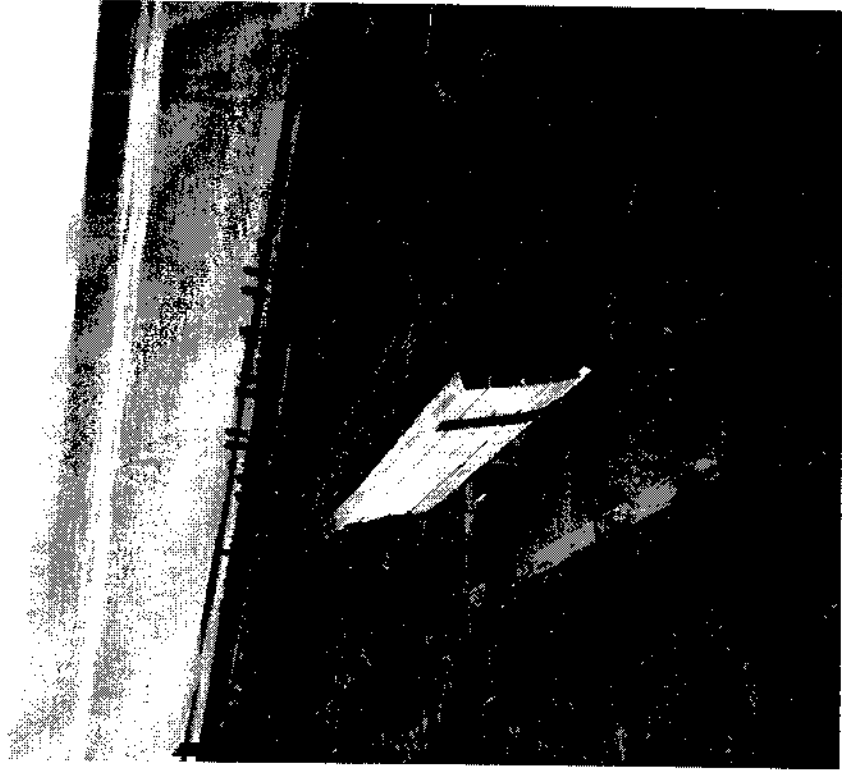
- *Heavy gauge steel backboards with white finish*
- *Rigid support channels*
- *Corrosion resistant cast aluminum*
- *Chain Nets link*



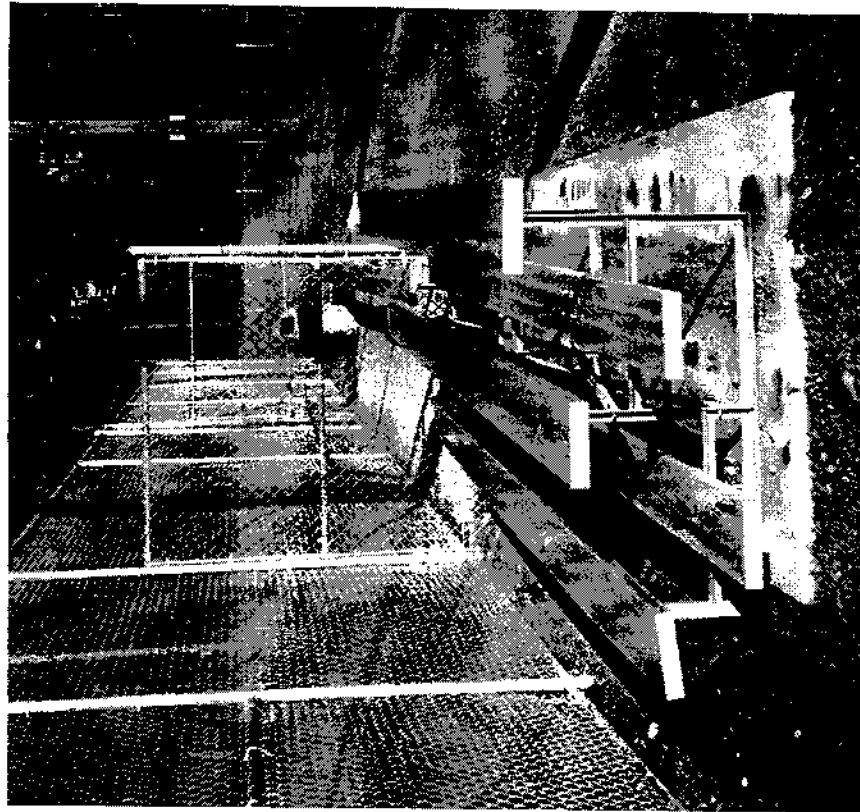
Benches

Minimum Standards

- *Contour bench supports - 3.8" X 4" rolled steel*
- *Memorial benches 8'*
- *Other benches 6'*
- *Redwood decay resistant sealer*
- *Where applicable, place on cement pad*



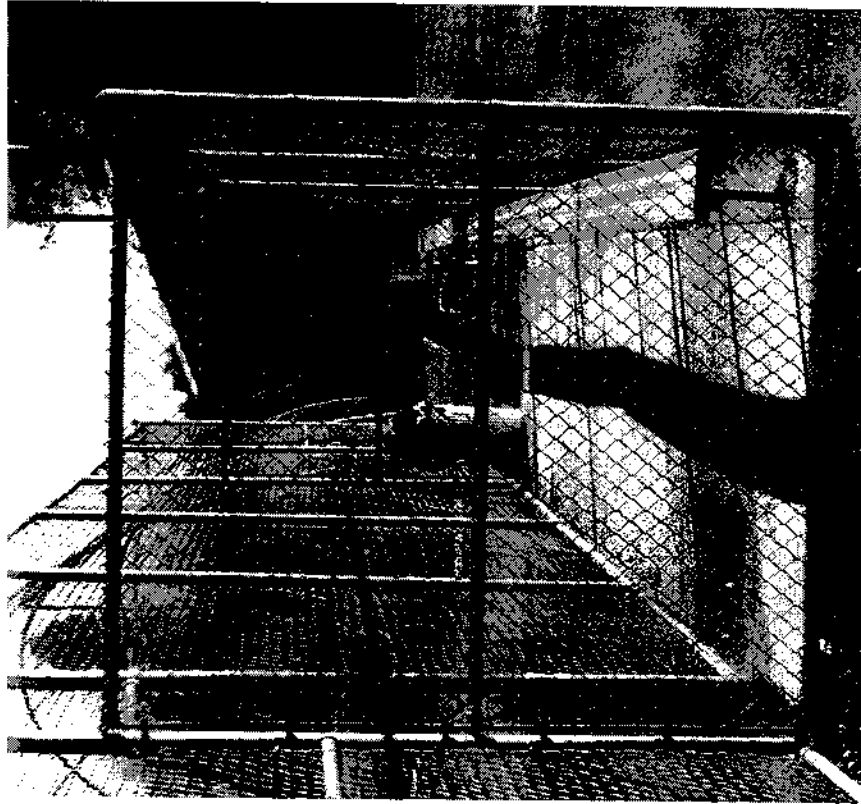
Ballfield Bleachers and Benches



Minimum Standards

- *Five row by 15' long non-elevated bleachers (max. seats 50)*
- *Frames: 3/16" steel angle*
- *Guardrails: 6-line pipe style, 1 5/8" OD schedule 40 pipe*
- *Aluminum planks*

Ballfields Dugouts



Minimum Standards

- ***30' X 7'***
- ***Concrete Base***
- ***3' Entrance***

Stationary Bollards

Minimum Standards

- *Pressure treated wood*
- *Concrete footing*
- *At least 2' - 6' in height*



Removable Bollards

Minimum Standards

- *Affix reflective button*
- *2/16" steel plate top, ground smooth*
- *At least 2' - 6' in height*
- *Lockable*



Guard Railings

Minimum Standards

- *At least 2" - 6" in height*
- *Pressure treated wood*
- *8" x 8" uprights*
- *Space posts 6' O.C.*
- *Footings set in concrete, finished to grade*



Drinking Fountains

Minimum Standards

- *Indoor or outdoor*
- *Cast aluminum*
- *Teflon coated bowl and mouth guard*
- *Self-closing push button control with vandal guard*



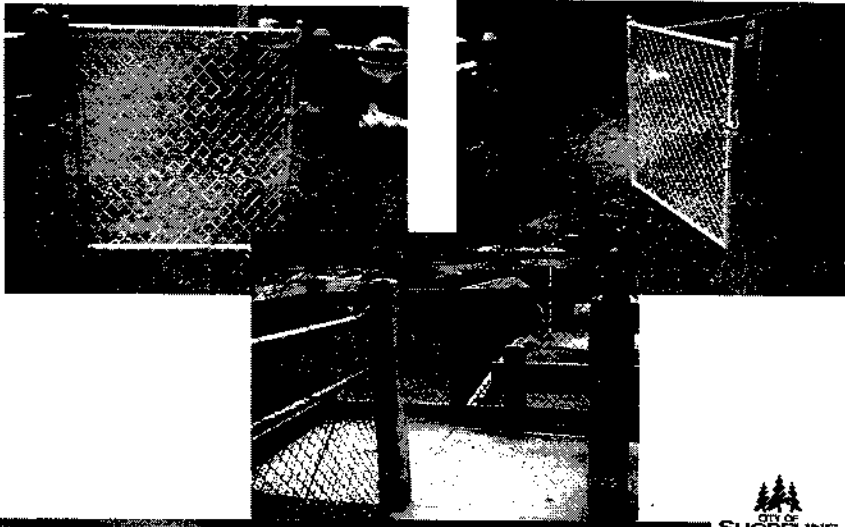
Gates

Minimum Standards

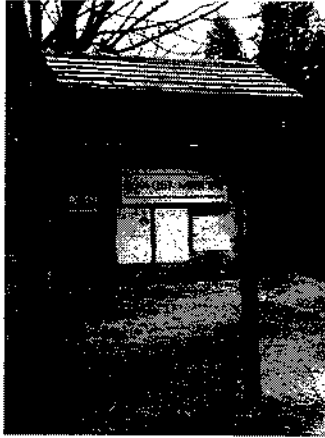
- *ADA Compliant*



More Gates



Kiosk Designs



Community Projects



Standard Color Scheme

- *Metal Signs: Orcas White letters with blue background*
- *Wood Signs: Black letters with gray background*
- *Roofs: Blue*
- *Buildings & Restrooms: Kingston Clay and Cape Cod gray*

Park Signage

- **Ordinance Signs**
- **Entry Signs**
- **Other Sign Samples**
- **Handicap Signs**



Park Ordinance Signs



Minimum Standards

- *Blue backing*
- *White lettering*
- *Heavy gauge aluminum*
- *Vandal resistant coating*
- *City logo on all signs*
- *Municipal Code # 8.12*



More Ordinance Signs



Parks Entry Signs

Minimum Standards

- *Wood Signs*
- *Black letters*
- *Gray background*
- *City Logo on all signs*



More Entry Signs



Other Signs



- *Meet State Requirements*





CITY OF
SHORELINE



DOGS MUST BE ON LEASH

SHORELINE MUNICIPAL CODE, CHAPTER 8.12



WELCOME

The City of Shoreline Parks, Recreation and Cultural Services Department invites you to enjoy this park. Please observe and obey the following rules.

GENERAL PARK RULES



No Lifeguard on Duty. Swimming Not Recommended



Alcoholic Beverages Prohibited.



Park in Designated Areas Only. Keep All Vehicles on Roadways.
No Overnight Camping.



Dogs on Leash at All Times. Obey Scooper Law. Feeding of Waterfowl and Animals Prohibited.



Fireworks Prohibited. Fires Prohibited except in designated barbecue units or in designated fire pits.



Golf is Prohibited.



Park Open Dawn Till Dusk.



Firearms and Weapons Prohibited.



Please Use Litter Receptacles.



Removal of Park Property Prohibited.



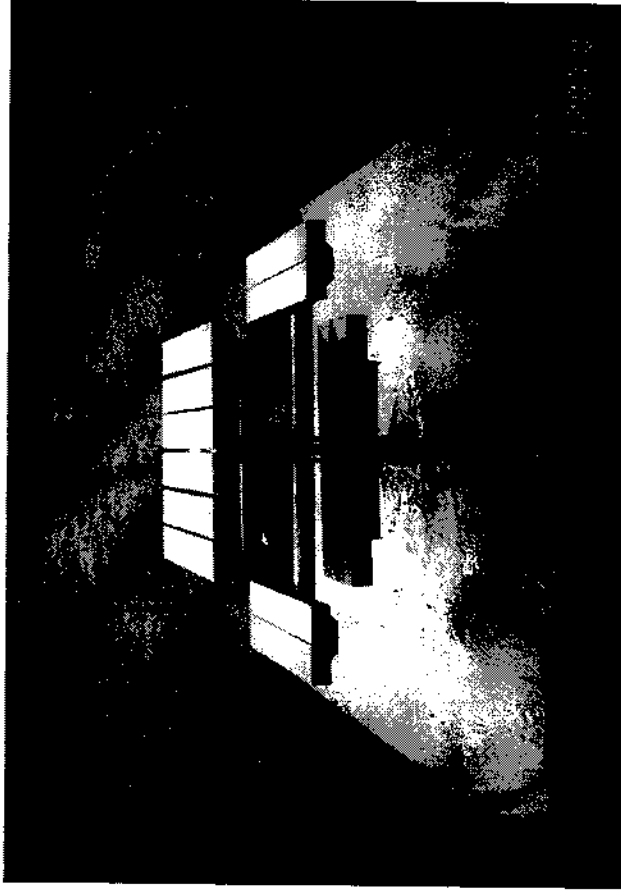
Loud Noises Prohibited.

SHORELINE MUNICIPAL CODE. CHAPTER 8.12

Picnic Tables

Minimum Standards

- *Pressure treated wood planks*
- *Beveled edges on all planks*
- *Hot dipped galvanized metal*



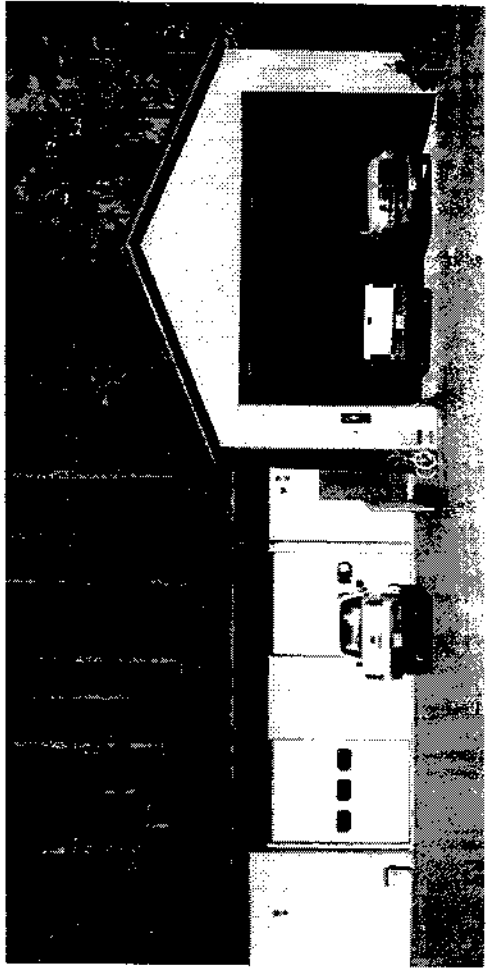
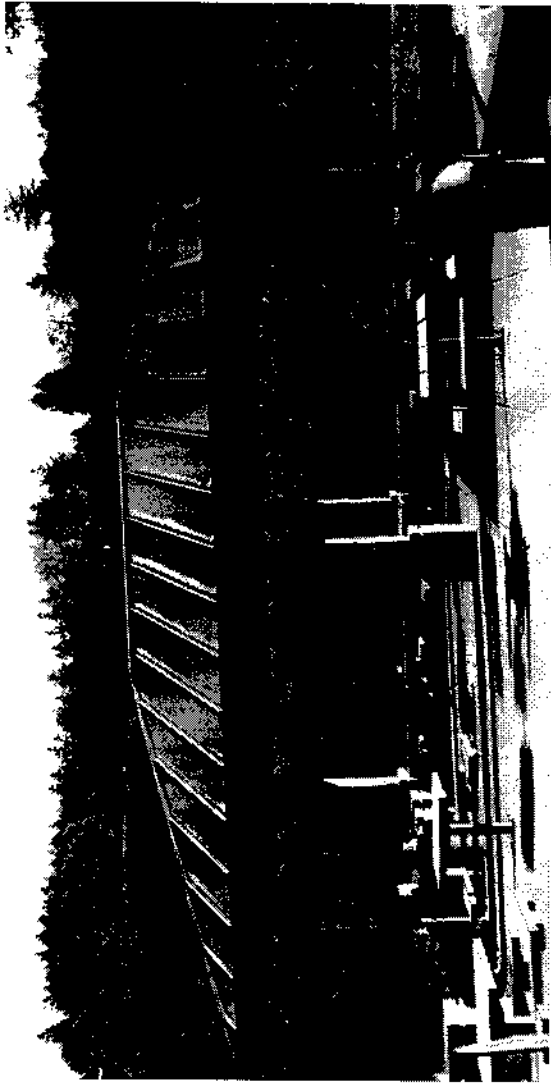
Roofing

Minimum Standards

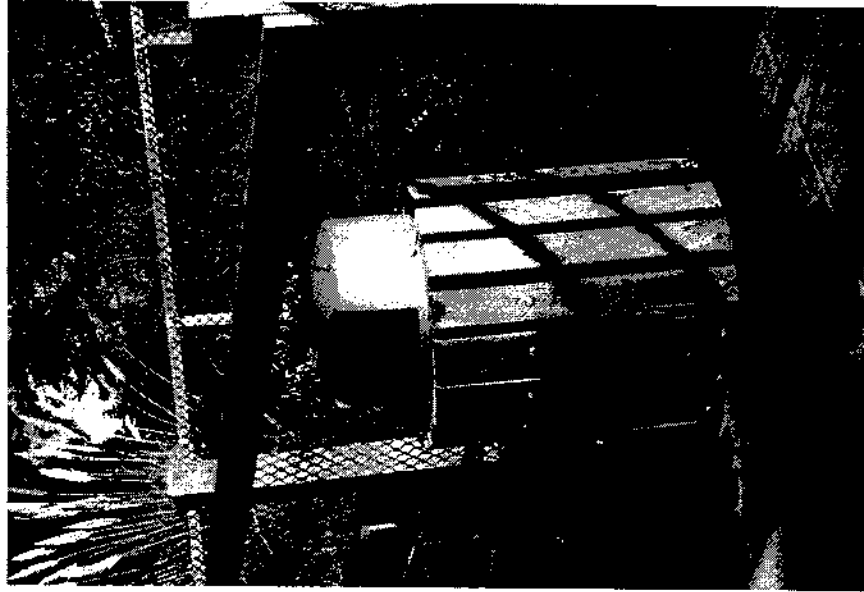
- “Snap-Loc”
- *Blue*
- *23 ga. steel*
- *Galvanized zincalme coated*
- *Gable end caps*



More Roofing



Trash Receptacles



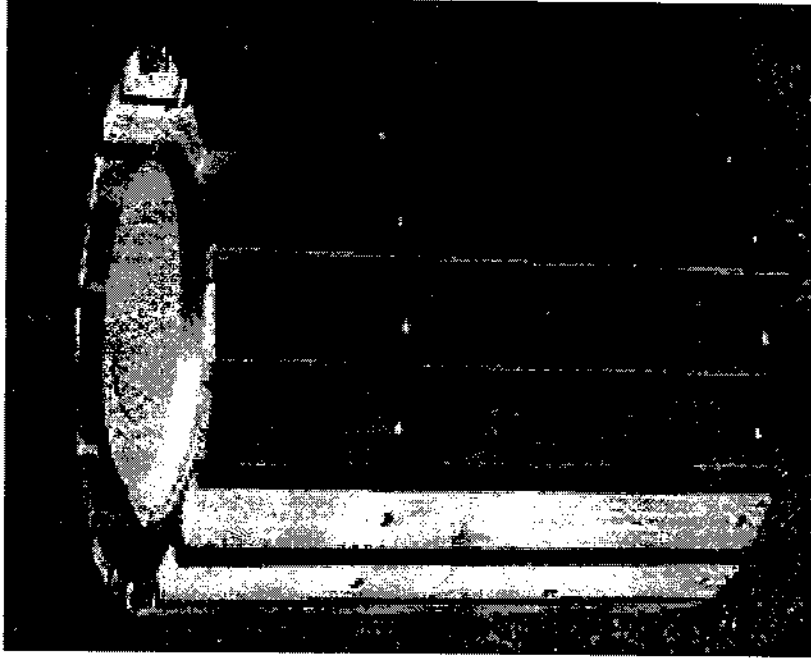
Minimum Standards

- *Attractive holder for 32 gallon trash can*
- *2" x 4" slats*
- *Redwood decay resistant finish*
- *Galvanized stationary post*

More Trash Receptacles



Current Standard



New City Standard



ATTACHMENT B

PARK MAINTENANCE STANDARDS MANUAL

Synopsis of key features listed in the Park Standards Manual's table of contents that have not been specifically addressed in the Staff Report.

<u>Feature</u>	<u>Example Minimum Standard</u>
Building Hardware/Carpentry	Cylindrical heavy duty locks
Chainlink Fence	1.8oz of zinc coating per sqft.
Electrical	Per Electrical Code
Integrated Pest & Veg. Management	Adherence to Tri-County regulations
Irrigation	Schedule 40 mainline PVC piping
Landscaping	Pruning and trimming guidelines
Lighting	Product listing of fixtures in restrooms
Paint	Listing of paint varieties in park system
Plumbing	Specifications of toilet & sink installation
Portable Toilet Enclosure	Specifications for construction.
Restroom Fixtures	List of suppliers of various features
Trails	Specifications for trail construction
Wood Preservatives	Wood treatment training manual
Miscellaneous	Play area design, safety inspection handbook & handicapped parking layout

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: 2000 Proposed Recreation Scholarship Program DEPARTMENT: Parks, Recreation & Cultural Services PRESENTED BY: Wendy Barry, Director 
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EXECUTIVE / COUNCIL SUMMARY

The City of Shoreline provides a wide variety of Parks, Recreation and Cultural Services (PRCS) fee based programs to the public. Since June of 1997, the City of Shoreline has utilized scholarship funds provided by a grant from King County Councilmember Maggi Fimia to help low-income individuals access PRCS Department programs.

The PRCS Department has used a scholarship policy to guide administration and distribution of the available funds. Eligible participants may use a maximum of \$45 per quarter per participant for Recreation, Teen or Aquatics programs. Eligibility is based on proof of participation in one of the following established assistance programs: free or reduced lunch program, Head Start program, city, county or state subsidized day care, food stamps or other Department of Social and Health Services assistance. (Please see Attachment A: 2000 Recreation Program Scholarship Application.) In 1999, the scholarship funds totaled \$9,000 and were depleted by mid year. Recreation staff did receive \$694 in donations for specialized recreation programs during the last half of 1999.

The Recreation Scholarship Program serves low-income youth and low-income participants with developmental disabilities and/or physical limitations. Many Specialized Recreation participants are over the age of 18, yet within the low-income category. They have limited recreation opportunities in the community. Therefore, the PRCS Department is recommending continuation of inclusion of this group for scholarship eligibility.

When your Council passed the 2000 recreation program fee increases in December 1999, your Council requested that staff report back with potential scholarship program options to ensure that low-income youth have access to city recreation programs.

Modifications to the existing scholarship policy are proposed to stretch and augment the available resources to ensure that eligible low-income participants will have recreation program opportunities available throughout the year. Please see Attachment B: Recreation Program Scholarships Policies and Procedures. The five components of the proposed 2000 Recreation Scholarship Program are discussed below.

1. Scholarships by King County Funding

\$6,000 is provided by a grant from King County Councilmember Maggi Fimia's office for year 2000. This component has been utilized by the Parks, Recreation, and Cultural Services (PRCS) Department since its inception in January, 1997.

2. Scholarships by City of Shoreline Funding

\$4,500 revenue reduction was approved in the 2000 PRCS Department budget to augment the scholarship program.

3. "In Filling" Recreation Programs

This authorizes eligible low-income individuals to register for classes after minimum program revenue requirements have been met. No additional funds are collected or distributed by the City.

4. Community and Individual Donations

This directs donations from individuals, community organizations, businesses, etc. who wish to contribute to the scholarship fund. One example of this type of scholarship program component is the Connie King Fund.

5. Solicitation For Optional Contributions By Low-Income Participants

This offers the optional opportunity for a potential participant to pay "what he/she can afford". The individual's response will not affect his or her scholarship eligibility.

Scholarships will be applied to programs that have variable costs associated with the addition of each participant. "In-filling" will be applied to programs where the direct costs of providing the program are recovered when a minimum number of paying customers are registered and where the City would not incur additional costs for participants above that minimum number. Staff will closely monitor registration to ensure that paying customers will not be turned away from program opportunities. Past experience with the Recreation Scholarship Program suggests that this will not be an issue. Staff will also ensure that if space availability exists in a program, paying customers will not be turned away during the pre-registration process. Please see Attachment C for a listing of typical programs where scholarships will be applied, and programs where "in-filling" will be applied.

Administrative processes are in place to manage the scholarship program. The PRCS and Finance Departments will continue to collaborate to assure proper monitoring of systems and accounting of funds.

RECOMMENDATION

Staff requests your Council consensus to proceed with the Parks, Recreation, and Cultural Services Scholarship Program as presented. Staff will be bringing back a consent item to your Council after incorporating Council comments.

Approved By: City Manager LB

City Attorney N/A

BACKGROUND/ANALYSIS

History

In January 1997, the City assumed responsibility for all recreation program and facility service provision from King County. Before that time, King County Councilmember Maggi Fimia had allocated scholarship funds for King County's recreation program services located in Council District 1, which included Shoreline. With the transfer of recreation program administrative functions to the City, Councilmember Fimia also transferred scholarship funding to the City's new recreation program. This funding had been and continues to be allocated through Councilmember Fimia's "Special Projects" program, which is a competitive program that has an annual application and funding cycle. The Department has received \$8,000, \$9,500, and \$9,000 in annual grants for the years 1997, '98, and '99, respectively. The City will receive \$6,000 in 2000.

This King County funding has been the sole source of scholarship funding for low-income people wishing to participate in the City's programs. Up until 1999, this funding adequately served the number of requests coming into the Department. However, in 1999, the \$9,000 ended up being depleted by July 1. Fortunately, the majority of program registrations for the summer session had, in fact, been received by this date, due to the "pre" registration process that is held long in advance of a program's start date. Scholarships were not available for families and individuals interested in registering for the fall session of classes. Recreation staff did receive donations to help meet scholarship requests in the last half of 1999. Approximately 25 requests were denied.

To meet the projected needs for 2000, the PRCS Department submitted a White Paper request during the budget process to include a \$4,500 revenue reduction to supplement the \$9,000 that the PRCS Department anticipated it would receive from the County again in 2000. This White Paper request was approved and is currently included in the City's 2000 budget. Unfortunately, due to County budget cutbacks related to the passage of I-695, the grant from the County has been reduced to \$6,000.

In 1999, the Scholarship Program served 355 participants for General Recreation, Teen, and Aquatics programs. The only programs that were not eligible for scholarship application were the Skyhawks Sports Camps, due to the fact that scholarships were provided directly by the Skyhawks organization.

The Department's current Scholarship policy and procedures allow any qualifying low-income youth or Specialized Recreation participant to use up to \$45 towards the program of his or her choice during each of the four (4) seasonal sessions. Each Winter, Spring, Summer, and Fall, a new *City Recreation Guide* brochure is issued, which lists all of the programs offered that session. On the average, \$45 usually allows one scholarship for that individual for that session.

Summer is the time of the year when youth have the most unstructured, free time on their hands. Summer is also the time when the PRCS Department offers the greatest volume of youth programs. Consequently, enabling youth to participate in more than

one program during the summer to help them stay connected to positive, healthy activities would be beneficial. In the event additional funds beyond what is currently budgeted for scholarships become available, the Department recommends that this \$45 per participant limit be expanded to \$90 for the summer program session for youth participants only. This would enable each youth participant to participate in a minimum of two summer programs, as opposed to only one. Historical data regarding use of scholarships is too limited at this point to be able to predict whether the \$90 limit will be possible. We will check back in with your Council mid year to provide you an update.

Analysis

The following Scholarship Program components have been designed to assure that recent fee increases do not prevent program participation by low-income youth and Specialized Recreation participants, and to provide adequate funding amounts so that scholarship requests can be accommodated throughout the year. The five components of the proposed 2000 Recreation Scholarship Program are discussed below.

1. Scholarships by County Funding \$6,000

In 2000, this program will be continued. The County scholarship funding provides "real dollars" that substitute for the regular recreation program fee that would normally be charged. Eligibility is based on proof of participation in one of the following established assistance programs: free or reduced lunch program, Head Start program, city, county or state subsidized day care, food stamps or other Department of Social and Health Services assistance. Families complete a Scholarship Application Form. Documentation of eligibility is required.

2. Scholarships by City Funding \$4,500

This is a new program in 2000, with the City allowing a fee not to be collected for a scholarship-eligible participant. In lieu of the regular fee that would normally be charged, the City has authorized this non-collection, so that the total revenue collected for a particular program would be reduced. This revenue reduction is reflected in the City's 2000 budget. The same application process and eligibility requirements as identified in "Scholarships by County Funding" listed above will be used.

3. "In-Filling" Recreation Programs

For many of the fee-based recreation programs that the City PRCS Department offers, a "minimum" number of registrants is pre-established for each program to meet that particular program's revenue requirement. This ensures that the direct costs of the program are paid for by the revenue collected by the program fees.

To "In-Fill" a program, the Department will allow additional non-paying, low-income registrants entry to the program, after the "minimum" registration/revenue requirement has been met, and if space is still available. In programs with large "maximums" these

additional spaces would likely be unfilled after registration was completed. "Maximums are defined as the largest number of participants that can be allowed in a program. "In filling" these spaces will not cost the City anything, since the direct program expenditure costs will have been met by achieving the revenue through registering the "minimum" number of class participants.

Not all City recreation programs will be eligible for "in-filling". An example of a program that would not be eligible for "in-filling" is contractual programs. A "minimum" number does not exist due to the fact that the contracted program instructor is paid per participant enrolled in the class. Also, a few programs are managed by the Department where the "minimum" is the "maximum" because no surplus space exists. In these cases, "in-filling" would not occur.

Depending on the menu of programs offered each seasonal program session, a list will be developed for the Department's Front Desk registration operation. This list will indicate which programs are eligible for "In Filling".

4. Donation Fund

The PRCS Department occasionally receives donations from individuals, community non-profit agencies, and other businesses or corporate organizations in the area. For example, funds from last Fall for our Specialized Recreation program came from two different families as well as the Shoreline Breakfast Rotary Club.

The Connie King Fund is also an example of how the City may attract donations of this type. While the eligibility criteria for this fund has not yet been approved by your Council, this new program will be brought to you for review very soon.

The Department anticipates these donations will continue in 2000 and subsequent years. These donations are deposited as revenue within the Department's budget for those programs that the donating individual or agency has targeted for scholarships or program support.

5. Solicitation For Optional Contributions By Low-Income Participants

This is a new program component proposed for 2000. The Department proposes adding a step in the scholarship application procedure that will ask the applicants if they would be interested in contributing any amount towards the program they are registering for. This contribution would be optional and not prevent their scholarship application from being successfully processed, assuming the applicant meets all regular criteria as stated on the Scholarship Application Form.

Regardless of contribution amount, each qualifying low-income participant would still be limited to the established \$45 per participant limit per program per quarter. For example, if a participant contributed \$10 toward the cost of a \$25 class, that participant would still have up to \$35 to use toward another class during that quarter.

Monitoring and Administration Processes

Administrative processes are in place to manage the scholarship program. The Departments of Parks, Recreation, and Cultural Services and the Finance Department will continue to collaborate to assure proper monitoring of systems and accounting of funds.

RECOMMENDATION

Staff requests your Council consensus to proceed with the Parks, Recreation, and Cultural Services Scholarship Program as presented. Staff will be bringing back a consent item to your Council after incorporating Council comments.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Authorization of Cable TV Franchise Transfer from Chambers
Cable of Edmonds to AT&T Broadband Services
DEPARTMENT: City Managers Office
PRESENTED BY: Kristoff T. Bauer, Assistant to the City Manager

EXECUTIVE / COUNCIL SUMMARY

As your Council was notified in late November 1999, AT&T (AKA TCI Cablevision of Washington) is in the process of purchasing Chambers Cable (AKA Edmonds Cable Company). Under federal law and the terms of our franchise with Chambers, the City must authorize the transfer of the existing franchise before the transaction can close. The City has until April 14, 2000, to act upon Chambers' request for that authorization. A failure to take action by that date operates as consent to the transfer. Chambers has requested that the City take action prior to March 1 in order to speed the transition process.

Your Council's discretion regarding the authorization of this transfer is limited by federal law to the consideration of whether the proposed purchaser has the financial, legal, and technical ability to provide the services, facilities, and equipment as required by the franchise agreement. Given that this question regarding AT&T has been answered by the City in the affirmative twice in the last two years (first with the TCI franchise grant and second with the AT&T transfer) it would be difficult for the City to sustain a different determination here. The federal process and the terms of our franchise do require Chambers to provide the City with detailed information regarding the proposed transfer. The 120 day processing time limit, upon which the April 14th deadline is based, can be extended if Chambers has not provided the required information. In addition, the City also has the right to ensure that Chambers is in full compliance with all existing franchise terms prior to consenting to the transfer. For these reasons, this is an appropriate opportunity for the City to address a number of issues regarding cable service within the City and to insure that the City has been provided all the information it needs to evaluate the proposed transfer.

This proposed transfer is unique in that the acquiring entity, AT&T, already has a franchise to operate in the City, serving most of the population east of Meridian Avenue North. The ability to request information and assurances necessary to fully understand any implications of the proposed transfer is central to the City's review process. Additionally, AT&T's performance under its existing franchise, just like its plans to comply with franchise requirements after the acquisition, are relevant in determining its ability to operate the Chambers system and clearly can be examined by the City.

The issues that we are working to address fall into three categories, i.e. Chambers' compliance with existing franchise terms, consolidation of the separate franchise agreements, and rate regulation.

Chambers' Compliance:

- **Upgrade** – Chambers' franchise requires that they rebuild their system utilizing fiber optic technology such that it has the capacity to transmitting at least seventy-five (75) video programming choices to Subscribers plus provide an architecture which can support in excess of twenty (20) additional programming options including Internet access. They assert that this will be complete prior to February 7, 2000. Staff has set up a process to test this assertion and will report to your Council during the workshop.
- **Franchise Fees** – Staff initiated a franchise fee audit in March 1999, to ensure that Chambers is current in its obligation to the City. Chambers' responses to our requests for information as part of this process have been delayed and inadequate. The staff recommendation is that this issue be fully resolved prior to your Council taking any action on the authorization.

Franchise Consolidation:

As your Council may recall, there are material differences between the franchise originally granted to TCI who served east of Meridian Ave. N. and that held by Chambers who serves the rest of the community. The City, with one exception, has a preference for the terms included in the TCI franchise. That one exception relates to requirements for service infrastructure improvements. The Chambers franchise has a one-step upgrade process with a January 8, 2000 deadline. The TCI franchise has a two-step upgrade process. The first step of this process, providing 75 channels or more, was complied with through the implementation of digital cable service in the fall of 1998. The second step, upgrading the system utilizing fiber optic technology to make it capable of providing additional programming options including internet service, is not required until the middle of 2002. How AT&T responds to the following issues is relevant to the City's assessment of their ability to comply with the requirements of the Chamber's franchise and clarifies the implications of the proposed transfer:

- **Upgrade** – AT&T is in the process of upgrading its current service area within the City (east of Meridian Ave. N.) and has agreed to provide assurances that upgraded service will begin in June 2000 and be completely implemented by August 12, 2000. This is not consistent with the January 8, 2000 deadline included in the Chambers franchise, but is an improvement over the 2002 deadline included in the TCI franchise.
- **Franchise Terms** – AT&T will agree to operate exclusively under the TCI franchise.
- **Interconnection** – Both franchises give the City the ability to require interconnection for Public, Education, and Government channels within 60 days. The City has not made this request, because we lack a studio from which to generate content for these channels. How this process will develop should be clarified.

Rate Regulation:

Shortly after the passage of the 1996 Telecommunications Act, Chambers asserted a new "small operator" exemption to rate regulation leaving the City with no authority to examine its rate structure. Shortly thereafter they implemented what they call a "fat basic" pricing structure, which means there is one price, \$31.95 plus tax, for all 70 non-premium channels. In contrast, AT&T has a basic service rate that includes 20

channels (local networks, PEG, and a few others) for just \$12.15 per month. The City still has the authority to regulate the basic tier rate of AT&T who is not a "small operator." In order to keep administrative costs down, the City has not exercised its formal authority to review AT&T's basic tier rate, but has instead confirmed regularly that the rate remains consistent with that rate charged in neighboring jurisdictions that do perform this review. Due to the topography of west Shoreline, many residents can't receive broadcasts of local channels with a simple roof top antenna and federal regulations and technology limitations make these channels unavailable through satellite TV providers. For these reasons, Cable TV is the only option for many of these residents to receive local networks and PEG programming. The City consistently receives calls from Chambers' customers seeking the opportunity to pay less and receive less. For this reason:

- **Basic Rate** – The City has requested assurances that AT&T will implement its current pricing structure in the Chambers service area and provide an estimated timing for that implementation.

Staff has discussed all these issues with both AT&T and Chambers and received a commitment from them to respond to prior to February 7, 2000 (See Attachment A). A progress report on all of these issues will be provided to your Council during the staff presentation on this item during the workshop. The proposed resolution approving the franchise transfer is attached (See Attachment B).

RECOMMENDATION

Consensus regarding whether, based on the information provided during the workshop, the proposed resolution authorizing the transfer of the existing Chambers Cable TV franchise to AT&T should be placed on the February 28th agenda for adoption.

Approved By: City Manager  City Attorney 

ATTACHMENTS

Attachment A – January 20, 2000 Letter to Chambers and AT&T Re: Transfer Issues

Attachment B – Resolution Approving The Transfer of the Cable Television Franchise

Attachment A

**January 20, 2000 Letter to Chambers and AT&T
Re: Transfer Issues**



City of Shoreline

17544 Midvale Avenue North
Shoreline, Washington 98133-4921
(206) 546-1700 ♦ FAX (206) 546-2200

January 20, 2000
VIA FACSIMILE (541) 342-1568
(425) 398-6232
And Regular Mail

Bob Towe
Vice President
Chambers Communications Corp.
P.O. Box 7009
2225 Coburg Road
Eugene, OR 97401

Janet L. Turpen
Regional Director of Franchising
AT&T Broadband & Internet Services
P.O. Box C-8004
Bothell, WA 98082-8004

Re: Franchise Transfer Authorization

Dear Mr. Towe and Ms. Turpen:

As we discussed on January 19, 2000, there are a number of issues that need to be addressed prior to the City agreeing to authorize the requested franchise transfer. I have listed these issues and related discussion below under the entity that we agreed would be responsible for resolution of each issue:

Chambers Cable:

1. **Rebuild** – As stated in prior correspondence and communications, the City interprets this obligation to include the resolution of individual service connection issues. It is our understanding that you have committed to resolve all known deficiencies in the rebuild implementation prior to February 7, 2000 and to work with City staff to resolve any discovered deficiencies within a reasonable time after they have been brought to your attention.
2. **Restoration** – Removal of abandoned facilities in the right-of-way will be completed prior to Council action to authorize franchise transfer.
3. **Franchise Fee Audit** – This process should be completed and resolved prior to Council action to authorize franchise transfer.
4. **Adequacy of FCC Form 394** – Questions regarding the adequacy of your submittal to the City will be resolved prior to February 7, 2000.

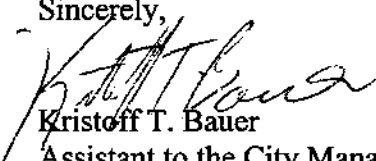
Representatives of 3H Cable Communications Consultants are authorized to represent the City's interests regarding issues 3 and 4 above. It is our expectation that Chambers Cable will respond to their past and future communications regarding these issues.

AT&T Broadband & Internet Services

1. **Rate Structure** – A statement of the intent and expected implementation schedule of a basic service tier equal in content and cost to that provided to existing AT&T customers in Shoreline.
2. **Controlling Franchise** – A statement of intent to execute a letter of agreement designating the current TCI franchise as the legal agreement controlling the operations of the legal entity acquiring Chambers Cable.
3. **Upgrade** – Assurances that existing AT&T customers within Shoreline will receive the benefits of an upgraded system, including the ability to provide internet access, beginning no later than June 5, 2000 with full implementation by August 12, 2000.
4. **Open Access** – A statement of AT&T's policy regarding allowing independent internet service providers access to its broadband internet capacity on a non-discriminatory basis.
5. **Interconnection** – Assurances that the City's existing ability to require interconnection for the purposes of providing consistent Public, Education, and Government access programming to all of Shoreline will not be impaired by this transfer and that AT&T will actively assist the City in implementing interim solutions to technical problems with providing consistent Government access programming to all of Shoreline. A statement of intent and preliminary implementation schedule for interconnection sufficient to provide consistent service to all Shoreline Customers.

As discussed, we are seeking an opportunity to discuss your responses to these issues with our City Council on February 7, 2000. Early resolution thereof will ease that communication and speed the transfer approval process. We look forward to working with each of you in completing this process.

Sincerely,



Kristoff T. Bauer

Assistant to the City Manager

C: Lon Hurd, 3H Cable Communications Consultants

Attachment B

Resolution Approving The Transfer of the Cable Television Franchise

DRAFT

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON, APPROVING THE
TRANSFER OF THE CABLE TELEVISION FRANCHISE**

WHEREAS, Edmonds Cable Company, ("Franchisee") owns, operates, and maintains a cable television system ("System") in the City of Shoreline, Washington (the "Franchise Authority"), pursuant to Ordinance Nos. 16, 38, 83, 156 and 157, as amended (the "Franchise"), and Franchisee is the duly authorized holder of the Franchise; and

WHEREAS, AT&T Corp. ("AT&T"), TCI Cablevision of Washington ("TCI Washington") and Franchisee are parties to a Limited Liability Company Purchase Agreement, pursuant to which Franchisee will contribute the assets and liabilities associated with the cable television system serving the community represented by the Franchise Authority to TCI Edmonds, LLC (the "LLC") and Franchisee will then immediately sell all the ownership interests in the LLC to TCI Washington (collectively, the "Transfer"). As a result of the transfer, TCI Washington will become the parent entity of the LLC which will then hold the franchise; and

WHEREAS, TCI Washington and Franchisee have requested consent by the Franchise Authority to the Transfer in accordance with the requirements of the Franchise and have filed an FCC form 394 with the Franchise Authority; and

WHEREAS, Franchise Authority has reviewed the transfer application (including Federal Communications Commission Form 394) and conducted its review of the legal, technical and financial qualifications of TCI Washington; and

WHEREAS, Franchise Authority believes it is in Franchise Authority's interest to approve TCI Washington's holding of control of Franchisee and finds the LLC suitable to hold the Franchise:

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The Franchise Authority hereby consents to and approves TCI Washington's holding of control of Franchisee to the extent that such consent is required by the terms of the Franchise and applicable law, provided that:

- A) (Issues addressed in this paragraph will depend on Chambers' and AT&T's response to issues identified in the January 20, 2000 letter)
- B)
- C)

SECTION 2. The Franchise Authority confirms that the (a) the Franchise was properly granted or transferred to Franchisee, (b) the Franchise is currently in full force and effect and will expire on July 7 2003 subject to options in the Franchise, if any, to extend such term, (c) the Franchise supersedes all other agreements between the Franchise Authority and the Franchisee (other than those specifically stated in Section 1 herein), (d) the Franchise represents the entire understanding of the Franchise Authority and the Franchisee and Franchisee has no obligations

to the Franchise Authority other than those specifically stated in the Franchise (and those specifically stated in Section 1 herein), and (e) Franchisee is materially in compliance with the provisions of the Franchise and to the knowledge of the Franchise Authority, no fact or circumstance exists which constitutes or which, with the passage of time or the giving of notice or both, would constitute a material default or breach under the Franchise or would allow the Franchise Authority to cancel or terminate the rights under this Franchise (other than those specifically stated in Section 1 herein).

SECTION 3. Pursuant to the terms of the Franchise and any applicable federal, state or local law and on the giving of reasonable written notice, TCI Washington and the LLC may transfer the Franchise or control related to the Franchise to any entity controlling, controlled by, or under common control with AT&T Corp.

SECTION 4. This Resolution shall be deemed effective upon the closing of the Transfer.

PASSED, ADOPTED AND APPROVED this _____ day of _____ 2000.

By: _____

ATTEST:

X _____
Clerk