



ABERDEEN CITY COUNCIL

June 8, 2016

COUNCIL MEETING AGENDA

7:15 PM – 3rd Floor, City Hall

COMMITTEE OF THE WHOLE

- A. Guest Speakers
- B. Additions to Agenda
- C. Department Heads
- D. Mayor's Report
- E. Non-Standing Committee Reports

COUNCIL MEETING

- I. ROLL CALL
- II. FLAG SALUTE
- III. APPROVAL OF MINUTES
- IV. ADDITIONS / DELETIONS
- V. PUBLIC COMMENT Re: Agenda Items (Please limit your comments to 3 minutes)
- VI. FINANCE COMMITTEE
 - A. Committee Chair Report
 - B. Approval of expenditures
 - 1. Recommend approval of expenditures and payroll.
 - C. Reports & Communications
- VII. PUBLIC WORKS
 - A. Committee Chair Report
 - B. Reports & Communication
 - 1. Report from Public Works and the Public Works Director recommending that the Mayor be authorized to sign the contract with Best Parking Lot Cleaning for the WWTP Digester.
 - C. Ordinances
 - 1. Second reading and date of public hearing of Bill No.16.04 relating to the location of group care living facilities, convention centers, hotels, motels, bed and breakfast inns, and agricultural uses in Residential Multiple Family, Downtown Commercial, and General Commercial Districts and amending the definition of group care living facilities.

VIII. PUBLIC SAFETY

- A. Committee Chair Report
- B. Reports & Communications
 - 1. Report from Public Safety and the Chief of Police recommending that the Aberdeen Police Department be allowed to surplus Vehicle #306 to be sold through public auction or to another law enforcement agency for the fair market value.
 - 2. Report from Public Safety and the Chief of Police recommending that the Aberdeen Police Department be allowed to surplus Vehicle #356 to be sold through public auction or to another law enforcement agency for the fair market value.
 - 3. Report from Public Safety and the Chief of Police recommending that the Council accept and approve the identified modifications to the COPS Hiring Grant for the School Resource Officer position.

IX. SPECIAL AGENDA ITEMS

X. CITY COUNCIL COMMENT PERIOD

XI. PUBLIC COMMENT PERIOD (Please limit your comments to 3 minutes)

XII. EXECUTIVE SESSION

The City of Aberdeen does not discriminate against or exclude anyone from participation in public meetings. Requests for assistance should be made by contacting the Finance Department at 360-537-3236, 48 hours in advance of the meeting. Thank you.

**LEGISLATIVE DEPARTMENT
CITY OF ABERDEEN**

MR. MAYOR:

THE MEMBERS OF
YOUR COMMITTEE ON: Public Works and the Public Works Director

TO WHOM IT WAS REFERRED: Authorize award of contract for the WWTP Digester Cleaning Project.

REPORTS AS FOLLOWS: The sewer department is cleaning its anaerobic digester as part of a capital improvement project in the 2016 budgetary year. Invitations to bid were sent to the small works roster. 3 companies submitted bids to complete the project, Best Parking Lot Cleaning, Flow Technologies, and Northwest Cascade, Inc. All bids were complete and received before closing.

The results were as follows:

Best Parking Lot Cleaning: \$24,441.75
Flow Technologies: \$39,649.95
Northwest Cascade, Inc.: \$63,820.13

IT IS RECOMMENDED: That the Mayor be authorized to sign the contract with Best Parking Lot Cleaning, the lowest responsible bidder.

Rick Sangder
Public Works Director

Reported _____, 2016

Adopted _____, 2016

Kathi Hoder, Chair

Tawni Andrews, Vice-Chair

Alan Richrod, Member

Dee Anne Shaw, Member

Bill 16-04

ORDINANCE NO. _____

AN ORDINANCE RELATING TO THE LOCATION OF GROUP CARE LIVING FACILITIES, CONVENTION CENTERS, HOTELS, MOTELS, BED AND BREAKFAST INNS, AND CERTAIN AGRICULTURAL USES IN RESIDENTIAL MULTIPLE FAMILY, DOWNTOWN COMMERCIAL, AND GENERAL COMMERCIAL DISTRICTS; AMENDING THE DEFINITION OF GROUP CARE LIVING FACILITIES; AND AMENDING CHAPTERS 17.16, 17.32, 17.36 AND SECTION 17.04.070 OF THE ABERDEEN MUNICIPAL CODE.

WHEREAS, a Public Works Committee Report recommending adoption of the Planning Commission's proposed revisions to the Zoning Code was adopted by the city council on May 11, 2016;

WHEREAS, the city council finds the proposed revisions are appropriate and necessary for the public health and safety; **NOW, THEREFORE**,

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ABERDEEN:

SECTION 1. SECTION 1. CODE SECTION AMENDED. Ordinance 6026, Section 2, in part, as amended by Ordinance 6379, Section 1, and Ordinance 6521, Sections 1, 2, and 3, codified as subsection 17.04.070(40) of Aberdeen Municipal Code Section 17.04.070 "Definitions", is hereby amended to read as follows:

"Group care living facilities , homes" means a residential service facility of which staff persons are present on a continuous basis for the purpose of treating, caring for, teaching, training or supervising five or more persons. Facilities included in this definition include, but are not limited to, convalescent homes, rest homes and group homes place of residence for the handicapped, physically or mentally disabled, developmentally disabled, homeless or otherwise dependent persons. Group Homes are intended to provide residential facilities in a home-like environment. Such homes range from licensed establishments operated with 24 hour supervision to non-licensed facilities offering only shelter. They shall not include correctional facilities (except as authorized by Chapter 137-56 and 137.57 WAC for work/training release programs), nursing homes, Type III group care facilities, foster family homes or adult family homes as defined by the Washington State Department of Social and Health Services or tis successor agency. Group homes include, but are not limited to the following:

a. Confidential Shelters. Shelter for victims of domestic violence as defined and regulated in Chapter 70.123 RCW and Chapter 388-61A WAC. Such facilities are characterized by a need for confidentiality.

b. Home for the Disabled. A home or other facility which provides board and domiciliary care to individuals who, by reason of infirmity, require such care. An infirmity may be based on conditions including, but not limited to, physical handicap, mental illness and other developmental disabilities. These group homes are a type of boarding home, as defined in Chapter 18.20 RCW. However, boarding homes serving the aged infirm are not included in this definition.

c. Homeless Shelter. A facility offering lodging and/or emergency shelter to homeless individuals for an indefinite period of time and meeting the standards of Chapter 248-144 WAC.

d. Group Home for Youth. Any home maintained and operated for the care of children on a 24 hours basis as defined and regulated in Chapter 388-73 WAC and Chapter 74.15 RCW.

e. Group Home for Offenders. A home or other facility operated for housing and supervision of work/training release residents during their stay in a work/training release program as defined and regulated in Chapters 137-56 and 137-57 WAC.

SECTION 2. CODE SECTION AMENDED. Ordinance 6026, Section 2, in part, codified as AMC 17.16.030 "Conditional Uses", is hereby amended to read as follows:

The following uses are allowed within the R-M district subject to the applicable provisions of this title and by obtaining a conditional use permit as provided in Chapter 17.68:

- A. Public and semi-public uses;
- B. Fish processing facilities operated by for-profit organizations, provided the facility is accessory to a fish production facility;
- C. Group care living facilities;
- D. Reuse of public schools for public and private recreational uses and public uses consistent with the other policies of the comprehensive development plan;
- E. Bed and breakfast inns within a dwelling, which comply with the following standards:
 1. No more than eight guest rooms are offered for rent,
 2. The operator must live in the dwelling,
 3. One parking space is provided for each guest room in addition to the number required for the dwelling,
 4. No exterior alterations may be made which will change the appearance of the dwelling from that of a residence,
 5. Only resident guests may be served meals,
 6. No guest may stay for more than thirty (30) consecutive days;

- F. Boarding houses, dormitories, and single-room occupancy dwellings;
- G. Aquaculture and fish production structures and facilities (including net pens) operated by for profit organizations;
- H. Commercial day care;
- I. Mobile home park.
- J. Nursery, orchards and farming including the retail sales of produce grown on the premises.

SECTION 3. CODE SECTION AMENDED. Ordinance 6026, Section 2, in part, codified as AMC 17.32.020 “Permitted Uses”, is hereby amended to read as follows:

In the C-D district, the following uses are permitted subject to the provisions of Chapter 17.56:

- A. Retail sales within a building;
- B. Personal, professional and business services, including kennels and animal hospitals with inside runs;
- C. Financial services;
- D. Offices;
- E. Eating and drinking establishments;
- F. Hotels, ~~motels, bed and breakfast inns,~~ meeting rooms and facilities and convention centers;
- G. Indoor entertainments, indoor amusements, public and private recreation centers;
- H. Residences in the upper floors of buildings;
- I. Parking lots and parking structures accessory to another use;
- J. Recycling drop boxes accessory to an allowed use or temporary recycling purchase and trans-shipment centers accessory to an allowed use;
- K. Child care facilities.

SECTION 4. CODE SECTION AMENDED. Ordinance 6026, Section 2, in part, as amended by Ordinance 6179, Section 3, codified as AMC 17.32.030 “Conditional Uses”, is hereby amended to read as follows:

The following uses are allowed within the C-D district subject to the applicable provisions of this title and by obtaining a conditional use permit as provided in Chapter 17.68:

- A. Food processing, baking, sewing, and crafts for retail sales on premises;
- B. Automobile repair services within a building, and service stations;
- C. Auction houses and secondhand sales within a building;
- D. Outdoor sales;
- E. Wholesale sales and warehousing;
- F. Printing and other service oriented processing uses;
- G. Light manufacturing within a building;

- H. Multiple-family dwellings;
- I. Boarding houses and single-room occupancy dwellings;
- J. Kennels and animal hospitals with outside runs;
- K. Parking lots and parking structures not accessory to another use;
- L. Adult entertainment establishments;
- M. Motels and bed and breakfast inns.

SECTION 5. CODE SECTION AMENDED. Ordinance 6026, Section 2, in part, codified as AMC 17.36.020 “Permitted Uses”, is hereby amended to read as follows:

The following uses are permitted within the C-G district subject to the provisions of Chapter 17.56:

- A. Retail sales and incidental wholesale sales within a building;
- B. Personal, professional and business services, including kennels and animal hospitals with inside runs;
- C. Financial services;
- D. Offices;
- E. Eating and drinking establishments;
- F. Food processing and baking for retail sales on premises;
- G. Automobile repair services within a building and service stations;
- H. Equipment repair and servicing within a building;
- I. Indoor entertainments and amusements;
- J. Recycling drop boxes accessory to an allowed use or temporary recycling purchase and trans-shipment centers accessory to an allowed use;
- K. Parking lots and parking structures not accessory to another use;
- L. Parks, recreation centers, public buildings, colleges, vocational education establishments, business schools, utility systems and facilities, other public and semi-public uses;
- M. Residences in the upper floors of buildings;
- N. Caretakers' residences incorporated within an allowed use;
- O. Child care facilities;
- P. Hotel, meeting rooms and facilities and conventions centers. (Prior code § 11.010.020)

SECTION 6. CODE SECTION AMENDED. Ordinance 6026, Section 2, in part, as amended by Ordinance 6179, Section 4, codified as AMC 17.36.030 “Conditional Uses”, is hereby amended to read as follows:

The following uses are allowed within the C-G district subject to the applicable provisions of this title and by obtaining a conditional use permit as provided in Chapter 17.68:

- A. ~~Hotels, motels, and bed and breakfast inns, meeting rooms and facilities, and convention centers;~~
- B. Auction houses and second hand sales within a building;
- C. Shopping malls and shopping centers;
- D. Outdoor amusements and outdoor sales of cars, light trucks, heavy trucks and construction equipment, recreational vehicles, boats, manufactured (mobile) homes, modular homes,

and construction materials. Construction materials and inoperable heavy trucks and equipment shall be screened from other uses;

E. Wholesale sales and warehousing, excluding fuel and explosive materials storage and warehousing;

F. Light industrial uses within a building;

G. Printing and other service oriented processing uses;

H. Commercial bakeries, laundries, and similar processing facilities;

I. Recycling centers within a building;

J. Kennels and animal hospitals with outside runs;

K. Adult entertainment establishments;

L. Group care living facilities, homes.

SECTION 7. SEVERABILITY. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation.

SECTION 8. PUBLICATION BY SUMMARY. The Finance Director is authorized and directed to publish the attached summary in lieu of this ordinance.

SECTION 9. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage, signing, and publication.

PASSED and APPROVED this ____ day of _____, 2016.

Erik Larson, Mayor

ATTESTED:

Sandy Mullin, Acting Finance Director

**CITY OF ABERDEEN
COMMITTEE REPORT**

MR. MAYOR:

Hon. Erik Larson

**THE MEMBERS OF
YOUR COMMITTEE ON:**

Public Safety and Chief of Police

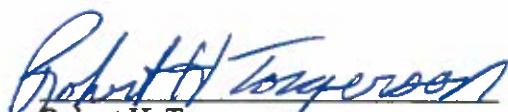
IN REFERENCE TO:

SURPLUS OF VEHICLE 306

Report and recommend as follows:

Vehicle #306 is a 1998 Chevrolet Van that has served the Aberdeen Police Department Corrections Division for 16 years. This van has 180,000 miles on it and has become increasingly costly to maintain.

It is recommended that the Aberdeen Police Department be allowed to surplus this vehicle to be sold through public auction or to another law enforcement agency for the fair market value.


Robert H. Torgerson
Chief of Police

Tim Alstrom, Chair

Margo Shortt, Co-Chair

Pete Schave

James Cook

Reported: June 8, 2016

Adopted: _____

**CITY OF ABERDEEN
COMMITTEE REPORT**

MR. MAYOR:

Hon. Erik Larson

**THE MEMBERS OF
YOUR COMMITTEE ON:**

Public Safety and Chief of Police

IN REFERENCE TO:

SURPLUS OF VEHICLE 356

Report and recommend as follows:

Vehicle #356 is a 2006 Ford Crown Victoria that has served the Aberdeen Police Department for 9 years. This car has over 150,000 miles on it and has become increasingly costly to maintain.

It is recommended that the Aberdeen Police Department be allowed to surplus this vehicle to be sold through public auction or to another law enforcement agency for the fair market value.


Robert H. Torgerson
Chief of Police

Tim Alstrom, Chair

Margo Shortt, Co-Chair

Pete Schave

James Cook

Reported: June 8, 2016

Adopted: _____

**CITY OF ABERDEEN
COMMITTEE REPORT**

MR. MAYOR:

Hon. Erik Larson

**THE MEMBERS OF
YOUR COMMITTEE ON:**

Public Safety and Chief of Police

IN REFERENCE TO:

**COPS HIRING GRANT FOR
SCHOOL RESOURCE OFFICER
MOU MODIFICATION**

Report and recommend as follows:

In collaboration with the Aberdeen School District the City of Aberdeen Police Department applied for and was awarded a COPS Hiring Grant for the position of School Resource Officer in the sum of \$125,000.

In April 2016 we were notified by the COPS Grant that our MOU submitted with the awarded grant needed to be modified to identify specific response responsibilities for the Aberdeen Police Departments when certain criminal violations occur on Aberdeen School District property. Basically, when felony crimes occur on school district property, the Aberdeen Police Department is the primary investigating agency. The MOU was also modified to address the sharing of timely and appropriate information, (that information not identified from a student's school records) between the Aberdeen Police Department and the Aberdeen School District. The MOU has been modified with the required changes the only modification to the original document.

It is the recommendation of the Mayor and the Chief of Police that the City of Aberdeen accept and approve the identified modifications to the MOU as identified above.

Robert H. Torgerson, Chief of Police

Tim Alstrom, Chair

Reported: June 8, 2016

Margo Shortt, Co-chair

Adopted: _____

Pete Schave

Jim Cook

-OLD-

6. Provide the SRO with a patrol automobile as required and all other necessary or appropriate police equipment. The cost of purchasing maintaining and repairing police equipment provided under this agreement shall be borne by the City.
7. Maintain copies of reports generated by officers in compliance with state and federal laws.
8. Coordinate with school administrators, staff, law enforcement agencies, and the court to promote order on school campuses.
9. Make presentations to civic groups.
10. Maintain criminal Justice standards as required by law.
11. Coordinate and participate with school safety committees.
12. Coordinate crime prevention activities at assigned school locations.
13. Provide security training for selected District personnel.

ARTICLE III

The parties agree the responsibility for administration of the students discipline shall be the duty of the District.

ARTICLE IV

The SRO shall be an employee of the City and not an employee of the District. The City shall be responsible for hiring, training, discipline, and dismissal of its personnel. The conduct of the District employees shall follow the District policies in regards to the relationship with the SRO.

ARTICLE V

In consideration of the services provided herein, the District's contribution shall be based on the following table:

City of Aberdeen Fiscal YR		2014	2015	2016	2017	2018	2019	2020	Total Cost
Annual Projected Total Wages & Benefits	\$-	\$ 110,808	\$ 115,261	\$ 120,440	\$ 125,963	\$ 132,261	\$ 138,874		\$743,606.66
(Wages & Benefits show a 5% annual increase)									
	SD Fiscal YR	2015-16	2016-17	2017-18	2018-19	2019-2020			Running Totals
Grant Supported	\$-	\$62,500.00	\$37,500.00	\$25,000.00	\$ -	\$ -	\$ -		\$125,000.00
District Supported	\$-	\$48,307.60	\$77,761.24	\$95,440.43	\$125,962.69	\$132,760.83	\$138,873.87		\$618,606.66
City Supported	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -

-NEW-

8. Coordinate with school administrators, staff, law enforcement agencies, and the court to promote order on school campuses.
9. Make presentations to civic groups.
10. Maintain criminal Justice standards as required by law.
11. Coordinate and participate with school safety committees.
12. Coordinate crime prevention activities at assigned school locations.
13. Provide security training for selected District personnel.

ARTICLE III

The parties agree the responsibility for administration of the students discipline shall be the duty of the District except for the following:

III A Offenses where Police take the lead:

1. Physical attack on another that requires medical attention outside of the school health room.
2. Death
3. Rape and/or sexual assault with another by force or threat of force
4. Robbery/attempted robbery (taking property of another from his person or in his presence by force, reasonable fear of violence, or intimidation whether the perpetrator is armed or unarmed)
5. Arson (willful and maliciously set fire) or verbal or written threat of arson
6. Manufacture or possession of a destructive device (explosive, incendiary, or toxic material combined with a delivery or detonating apparatus or modified to do so) or look-alike
7. Knowingly make false reports about the location or detonation of a destructive device
8. Theft (any single incident or series of incidents committed by the same perpetrator where the value of the stolen property is \$500 or more), incidents less than \$500 should be handled on a case-by-case basis considering students involved, totality of circumstances, etc.
9. Possession of a firearm; possession of another dangerous or deadly weapon, including any device designed or manipulated to shoot any projectile, knowingly brought onto or brandished upon school property

10. Possession, and/or possession with intent to distribute, distribution, or manufacture of controlled dangerous substance
11. Gang related incident/crime
12. Hate crime (harassing a person or damaging property of a person because of his race, color, religious beliefs, sexual orientation, or national origin)

III B. Releasing Student Information.

Information obtained by school staff may be shared with the SRO as long as the information was not derived from school records (records identifiable to an individual student, governed by federal law (the Family Education Rights and Privacy Act/ FERPA)) For example, information received orally from an student may be shared, even if later recorded in a written statement used by school staff for disciplinary purposes. Information from school records can be shared under any one of the following circumstances:

1. "Directory information" unless the parent/guardian has asked specifically that such information is kept confidential.
2. With consent of the parent/guardian or adult student.
3. In response to a subpoena.
4. In a specific situation that presents imminent danger to students or members of the community or that requires an immediate need for information in order to aver or diffuse serious threats to the safety or health of a student or other individual.

III C Investigation of Critical Incidents Occurring on School Property

The District shall immediately notify APD of all critical incidents as described in Section I of this agreement. The agency will respond promptly to such incidents or will keep the school staff advised of any delay in the response of officers.

Absent exigent circumstances, the District will limit its administrative investigation to ascertaining basic facts and doing what is necessary to stabilize the situation until a police officer arrives. For critical incidents, the District will defer taking written statements from students and/or witnesses, thereby permitting APD the opportunity to do so. Copies of written student and witness statements will be provided to the District within seven days. APD will assist the District with its administrative procedures by providing the relevant information requested (including a synopsis of relevant facts) in order that statutory and administrative deadlines may be met and by providing witness statements in any closed investigation and as otherwise authorized.