

Gig Harbor City Council Meeting



June 14, 1999

AGENDA FOR GIG HARBOR CITY COUNCIL MEETING
June 14, 1999 - 7:00 p.m.

CALL TO ORDER:

PUBLIC HEARINGS: Concurrency Ordinance and Moratorium on Card Rooms.

CONSENT AGENDA:

These consent agenda items are considered routine and may be adopted with one motion as per Gig Harbor Ordinance No. 799.

1. Approval of the Minutes of the May 24, 1999, City Council meeting.
2. Correspondence / Proclamations:
 - a) Pierce County - Notification of Availability of Grant Funds.
3. Approval of Payment of Bills for June 14, 1999:
Checks #22680 through #22783 in the amount of \$190,917.26.
4. Approval of Payroll for May, 1999:
Checks #18262 through #18356 in the amount of \$275,370.50.
5. Liquor License Renewals: Puerto Vallarta; Round Table Pizza.

OLD BUSINESS:

1. Third Reading - Concurrency Ordinance.
2. Hold Harmless Agreement - Talmo, Inc.

NEW BUSINESS:

1. First Reading of Ordinance - Amending GHMC 2.12.080 - Elected Officials.
2. Special Benefit Study - Amendment to Contract.
3. Interlocal Agreement for Mutual Police Services.
4. Rosedale Street Improvement Project.

PUBLIC COMMENT/DISCUSSION:

COUNCIL COMMENTS:

STAFF REPORTS:

ANNOUNCEMENT OF OTHER MEETINGS:

EXECUTIVE SESSION: For the purpose of discussing property acquisition per RCW 42.30.110(b), and pending litigation per RCW 42.30.110(i). No action will be taken.

ADJOURN:

DRAFT

REGULAR GIG HARBOR CITY COUNCIL MEETING OF MAY 24, 1999

PRESENT: Councilmembers Ekberg, Young, Dick, Picinich, Markovich and Mayor Wilbert.
Councilmembers Owel and Platt were absent.

CALL TO ORDER: 7:05 p.m.

PUBLIC HEARING: Concurrency Ordinance and Definitions Ordinance.

Mayor Wilbert opened this public hearing at 7:16 p.m. Mark Hoppen, City Administrator explained that these ordinances were back for a second reading at this meeting. He said that pertinent written comments had been received from Master Builders Association and that there may be other comments at this hearing. He added that if no further major revisions were necessary, these ordinances could be passed this evening.

John Rose - Olympic Property Group - PO Box 1780, Poulsbo, WA. Mr. Rose explained that he had passed the ordinances through their attorney who had given it a "clean bill of health," and limited his comments to one request. He said that the Planning Commission was currently working on revisions to Title 17 & 19 of the Gig Harbor Municipal Code to add a development agreement section. He requested that "Development Agreements" be added to the definition section under the definition of permit activity.

Tiffany Spear - Master Builders Association - 3925 South Orchard - Ms. Spear gave out a letter that had been faxed to city hall previously. She thanked council for the workshops that had been held on these ordinances and added that most of the comments in her letter pertained to typos. She gave an overview of the comments contained in her letter and added that she had submitted alternate language for sections 19.10.003(B), (C) and (D) to help clarify that section regarding exempting development that would produce less than 15 new p.m. peak hour trips per day.

Mark Hoppen explained that the Capital Improvement List was more inclusive than the list of projects that will increase the capacity to the system, which makes it necessary to have both lists. He also recommended that Council review the comments in the letter from Master Builders and make the amendments he had highlighted in the letter.

Mayor Wilbert closed the public hearing at 7:16 p.m.

CONSENT AGENDA:

These consent agenda items are considered routine and may be adopted with one motion as per Gig Harbor Ordinance No. 799.

1. Approval of the Minutes of the May 10, 1999, City Council meeting.
2. Correspondence / Proclamations:
 - a. Letter to Liz McLaughlin, Chair of the Washington State Gambling Commission.
 - b. Letter from PSRC - Request for a Federal Functional Classification Change.

- c. Letter from Deborah Hyde, PC Special Proj. Coordinator - Marine Fisheries proposal.
3. Approval of Payment of Bills for May 24, 1999:
Checks #22555 through #22579 in the amount of \$118,238.18.

MOTION: Move to approve the consent agenda as presented.
Young/Ekberg - unanimously approved.

OLD BUSINESS:

1. Second Reading - Definitions Ordinance. Mr. Hoppen went through the list submitted by Master Builders recommending amendments to the ordinance. All recommended changes were made except the recommendation to eliminate reference to a CIP list and Project list, as both are pertinent. Councilmember Dick said he did not want to add "Development Agreement" to the definition section as proposed by John Rose, as he did not want to do so until the changes had been completed to Title 17 & 19 by the Planning Commission.

MOTION: Move to adopt Ordinance No. 817 incorporating seven of the eight corrections suggested by Master Builders.
Dick/Picinich - unanimously approved.

2. Second Reading - Concurrency Ordinance. Council discussed the comments by Master Builders to amend language in the concurrency ordinance and make some changes.

MOTION: Move to adopt the Concurrency Ordinance per discussion.
Dick/Picinich -

Jeff Taraday, Legal Counsel, said that some of the changes to the ordinance seem to be substantive, and would require another hearing before being adopted.

Councilmember Dick withdrew his motion and made the following motion.

MOTION: Move to table action on this item until the next meeting.
Dick/Picinich - unanimously approved.

NEW BUSINESS:

1. Strategic Juvenile Justice Plan. Mayor Wilbert introduced County Councilwoman Karen Biskey and Jane Boyajian, from Tacoma-Pierce County Commission on Children, Youth and Their Families. Councilwoman Biskey explained that the supporting documentation for their program is being taken to all the cities and towns in the county to request a collaborative plan to develop their program titled "A Call to Action: Planning for Youth in Pierce County." She gave an overview of this program to improve the juvenile law and justice situation in Pierce County by reaching out to the youth to prevent them from becoming involved in the system.

Dan Erker, Administrator of the Pierce County Juvenile Court, said he was present to enlist the city's support for the Children's Commission implementation of a strategic plan for juvenile justice for children ages 9 through 18, and as a follow-up of the 0-8 initiative that has been successful. He gave an overview of the current statistics of juveniles entering into the juvenile system and what it costs the taxpayers. He added that through a cooperative effort, they have been able to leverage over a million dollars worth of services for families in the county, but they are without a strategic planning process to address costs and services further than a year or two. He said that this Children's Commission would provide the necessary planning.

Ms. Boyajian thanked the Council for making time for the presentation and the time Mayor Wilbert had spent meeting with her to better understand the issues. She presented information on the program and asked Council to look at the strategies and goals of the organization and let them know what additions need to be made from the city's perspective.

2. Resolution - Relating to Potential Tolls. Mayor Wilbert introduced the resolution and said that she had requested that it be brought to council for consideration. Mark Hoppen explained that the resolution both makes a statement about the nature of tolls respective to the community and also if tolls are implemented, it lays down criterion measures by which the toll authority would be accountable. Councilmember Dick said that because the bridge affects the citizens of Gig Harbor and decisions that are made by Council, he felt it is appropriate to share concerns in hope that there may be some impact on the outcome.

Hank Searles - 4435 Holy Lane NW. Mr. Searles said that before Council could lend its weight to its feelings about a toll on the bridge, it would have to lend its weight to the efforts of those citizens who are fighting for a vote against a bureaucracy and an unelected civil servant who says we can't vote at all.

Kirk Kirkland - 3114 No. Alder, Tacoma. Mr. Kirkland thanked Mayor Wilbert for introducing this issue to the council and explained that this was one of the first opportunities that the citizens had been given to speak and have a council vote on such a resolution. He said that the transportation planning on this project had mostly been conducted in secret or no public testimony had been allowed during meetings. He gave an overview of what he felt were unjust decisions and urged the council to pass the resolution, which he identified as a Declaration of Independence.

Michael Murphy - 11030 56th St. NW. Mr. Murphy said he was in support of County Councilmember Karen Biskey and Representative Pat Lantz in their efforts to bring the concerns of the citizens forward. He cited RCW 47.46, which states that the public-private initiatives program shall be implemented in cooperation, consultation and with the support of the affected communities and the local jurisdictions. He said what has occurred is unfair taxation *with* representation. He asked that language be added to the resolution

to the effect that the local jurisdictions have been excluded from the process.

Carl Ritting - 3410 61st Ave. Mr. Ritting said that the impact from the tolls will weigh financially on the community and, as a retiree, will raise his taxes more than the taxes on their home. He said another matter that hasn't been addressed is the congestion on the ancillary roads due to the influx of people who will be bought to the area by the new bridge. He urged that the resolution be passed and given to the Governor.

Otis Simmons - PO Box 126, Fox Island. Mr. Simmons said the citizens have been told of the "regional" importance of this bridge, but it was being funded locally. He added that if it were of regional importance, it should be funded regionally. He said that the impact from the resolution coming from Gig Harbor will have more impact than originally thought. He said that many people would be forced to move if the tolls are put into place.

Jo Simmons - Fox Island. Ms. Simmons said that the three-dollar initial estimate is just an estimate, and that the DOT and United Infrastructure had originally said that the tolls were going to be \$6 - \$10, but after the complaints it was lowered to three dollars. She said on behalf of the citizens who may not live in city limits but consider Gig Harbor to be their town, she asked that Council pass the resolution. She added that she has talked to many about the affect of the tolls on their lives, and said that whole generations of citizens will be forced to leave if a toll-free alternative is not maintained.

Tom Morfee - Peninsula Neighborhood Association and Citizens Against Tolls - 3803 Harborview Dr. Mr. Morfee gave an overview of the process to lease the new bridge to an out-of-state company for up to fifty years. He said there are a whole array of concerns that have come out of this process such as the gerrymanded boundaries in the advisory vote. He said it is important that Council pass this resolution because the Transportation Commission is finally starting to address the concerns and there is a state law requirement for support of the local community and jurisdictions. He added that if the resolution passed, they are approaching other jurisdictions to get a series of resolutions passed, which will have more authority. He passed out suggested amendments to language in the resolution to allow for a supermajority vote and for a non-toll alternative to be presented.

Linda Griffith - 4104 68th Ave, NW. Ms. Griffith told a story about a friend who sold their home in Gig Harbor for \$140,000 and when they went to look for another in Tacoma in the same price range, it was a terrible shock. She said many people are going to be forced to move if tolls are charged, and they won't be able to find affordable housing. She asked that Council vote to adopt the resolution.

Karen Biskey - 4113 35th Ave NW. Ms. Biskey said as a resident of Gig Harbor, she asked Council to support the resolution and one of the two amendments that had been offered. She explained that she had participated in the public-private partnership effort originally, and was very disappointed in the process, and now understands the feeling of

being railroaded. She said that she believes in open government and added that this council should have been given a voice in the process long ago. She said that now is the time to speak up and show support. Many people of this community who are worried, and afraid and don't know what to do. She said that passing this resolution would show support for state regulated tolls and the non-toll alternatives.

Mayor Wilbert said she had been contacted by several members of the news media asking for her opinion. She then read the opinion that she had provided to these news people.

Councilmember Markovich said that if Council were going to pass a resolution regarding the tolls, it should be as strong as it could be made. Councilmember Ekberg agreed and said that he preferred the second amendment recommended. After discussing the two amendment options, and other changes to the resolution the following motion was made.

MOTION: Move to adopt Resolution #533 including the words "by independent toll-rate regulation" at the end of the first subparagraph of Section 3, deleting the last two subparagraphs of Section three and including the suggested amendment number two that any new proposed toll-financed construction projects must provide a non-toll alternative and be subject to a public advisory vote of the communities in the affected areas.

BD/SE -

Councilmember Young said he was uncomfortable passing a resolution of this type after an election. He added that he was opposed to new taxes or tolls, but that there was a vote and the vote was lost. He said that he was uncomfortable with lawsuits, second votes or anything that might overturn a previous election. He said that Gig Harbor was a small percentage of the whole boundary and that battle should be fought in court over the audit finding rather than over a new election or 60% supermajority.

Councilmember Picinich said that he had grown up with tolls in Gig Harbor and had to hide in the trunk when he didn't have the quarter to cross, and that he did not want to see it happen again. He added that he agreed that the resolution should be made as strong as possible and he preferred amendment number one over two, adding the supermajority language.

AMENDED MOTION: Move to substitute amendment number one for amendment number two to be included in the Resolution.

Picinich/Markovich - Dick, Picinich and Markovich voted in favor. Councilmembers Young and Ekberg voted against.

The original resolution was amended to include amendment number one language that any new proposed toll-financed construction projects must provide a non-toll alternative, and be subject to a public advisory vote of the communities in the affected areas -- the advisory vote should require a 60% majority to approve the project.

RESTATED MOTION: Move to adopt Resolution #533 to include amendment number stating that any new proposed toll-financed construction projects must provide a non-toll alternative, and be subject to a public advisory vote of the communities in the affected areas -- the advisory vote should require a 60% majority to approve the project.
Dick/Picinich - Four voted in favor. Councilmember Young voted against.

Mayor Wilbert recessed the meeting for a short break at 8:53 p.m. The meeting resumed at 9:01 p.m.

3. Community Development Consortium Agreement. Mr. Hoppen presented this agreement that comes up every three years and enables the city to participate in the distribution of block grant funds.

MOTION: Move to authorize the Mayor to sign the consortium agreement for the city.
Markovich/Picinich - unanimously approved.

4. DOE Grant Agreement - Underground Storage Tank Removal. Wes Hill, Public Works Director, explained that after more stringent requirements were adopted for the ownership of underground storage tanks, two fuel tanks were decommissioned and removed in 1997 in a manner which satisfied the requirements of these regulations. He added that the Department of Ecology has offered to reimburse 50% of the city's cost for the removal and asked for authorization to execute the grant agreement with DOE to obtain this reimbursement.

MOTION: Move to authorize execution of the UST Removal Agreement between the State of Washington Dept. of Ecology and the City of Gig Harbor to recover \$3,742 of the cost of removal of two underground tanks.
Picinich/Dick - unanimously approved.

5. Resolutions for IAC Grant Applications: Westside Neighborhood Park Property and Acquisition and City Park at Crescent Creek Extension Property Acquisition. Wes Hill explained that the city had made two grant applications in anticipation of the purchase of two parks properties which had been identified in the 1996 Parks, Recreation and Open Space Plan. He gave an overview of the two properties and asked for approval of the resolutions supporting the effort to obtain IAC funding for acquisition of the properties.

MOTION: Move adopt Resolution #534 authorizing applications for funding assistance for the acquisition of property for the City Park at Crescent Creek Extension Project.
Young/Picinich - unanimously approved.

MOTION: Move adopt Resolution #535 authorizing applications for funding assistance for the acquisition of property for the Westside Neighborhood Park.
Dick/Picinich - unanimously approved.

6. Harborview Drive Ferry Landing - Property Acquisition. Mark Hoppen explained that the Blevins Family had offered to sell a triangular piece of property just past the street end and adjacent to the easement that extends into the water that would provide immediate access to the beach. He added that a site assessment is not warranted at the location due to the size and the lack of previous development. Jeff Taraday said Carol Morris had asked him to relay her concern about the waiver of the level one site review due to potential liability. Mark Hoppen explained that the cost of the assessment would be approximately \$1,500.

Scott Wagner - 6507 27th Ave. NW. Mr. Wagner voiced his concerns of vandalism to property along the beach due to the easier access to the beach and suggested that the money be better spent on a more centrally located park where the police could watch the activities.

MOTION: Move we *not* waive the Level 1 site assessment, and authorize staff to proceed with negotiations for acquisition of Parcel No. 0221081072.
Ekberg/Young - unanimously approved.

7. Consultant Services Contract - Grandview Skateboard Park. Wes Hill explained that earlier this month he received confirmation that IAC selected the Gig Harbor Skateboard Park to receive funding assistance. He recommended that Council approve the agreement with John Ortgiesen, Landscape Architect who had been heavily involved with the project from the beginning, to proceed with the design of the project.

Mayor Wilbert added that a Gig Harbor High School Student, Jake Cantrell, raised \$750 as a school project to benefit the park.

MOTION: Move to approve execution of the Consultant Services Contract with Mr. Jon Ortgiesen in an amount not to exceed fourteen thousand sixty dollars and twenty-five cents (\$14,060.25).
Young/Ekberg - unanimously approved.

8. Hold Harmless Agreement - Talmo, Inc. Wes Hill explained that the development proposal in the area of Wollochot and 38th Ave. NE and SR 16 is proposing to utilize an off-site detention system, which was previously approved by Pierce County, but is contrary to the current city public works standards. He asked for Council authorization to deviate from the city standards for the outside detention structure and the use of the detention and wetland area that was provided by the previous approval through Pierce County for the development. He also asked that council execute a hold-harmless

agreement with the developer for the use of the off-site area. He and Mark Hoppen answered council's questions about the project. Jeff Taraday could not answer the question if the agreement would run with the land and asked for additional time to review the agreement and obtain confirmation of that information.

MOTION: Move to table both these items until legal counsel has an opportunity to address these concerns.
Dick/Ekberg - unanimously approved.

PUBLIC COMMENT/DISCUSSION:

Larry Oathout - 10710 Crescent Valley Drive. Mr. Oathout gave an extensive report of his and other's efforts for the preservation of the salmon in the area. He concluded that Gig Harbor Bay is alive with salmon and asked for support of their projects. Mayor Wilbert thanked Mr. Oathout for his efforts.

Darrel Rodman - 10511 Bliss Cochran Road. Mr. Rodman thanked his friends who were concerned enough to come out this evening and talk to Council regarding the condemnation of the Wilkinson Property. He read a letter from Keith Uddenberg stating he had no recollection of a wetland existing on the property in the past and that he understood that there was other property available on Grandview Park that would satisfy the needs of the city with a central location. He said he supported the efforts of Darrel Rodman to preserve the site as proposed. Mr. Rodman continued with an overview of his efforts to carry on the wishes of his Aunt Helen and his frustration with the city's attempt to condemn the property. He asked for some communication from the city.

Sandy Bestwick - 3203 36th St. NW. Ms. Bestwick said that her family owns the adjacent property and added that she had never seen any sort of public forum about this property except to hear that it was condemned. She added that how the tolls on the bridge were taking advantage of the citizens, and that is what she feels was happening next door.

Jaunita Wilson - 3201 36th Street NW. Ms. Wilson said that her grandparents are Jean and Vern Kaupilla and thanked God that he's not here to see what was being done. She voiced her displeasure at how the city's attempt to take another's property and how unfair it was. She said that the two parks that are existing aren't used as there is never any toilet paper or the restrooms are closed, and that there is property available now that isn't being used. She said that the city shouldn't have the right to take something from somebody.

Nancy Gee 10222 Kopachuck Drive. Ms. Gee said she was here in support of Darrel Rodman and asked if Council could reconsider this issue. She added that she had talked to Helen years ago and said that she wanted Darrel to have the property.

Helen Baker - 8107 Shirley Avenue. Ms. Baker said that she didn't agree with what has been said. She said she knew Helen Wilkinson for 25 years and were very close friends. She said that Helen was very proud of her home and how it related to the town and said at one time when the

city talked to her about using her property as a park, she said no, because she didn't want people walking across her property while she was alive. She was also very much afraid of the use of the well, which is delicate and hard to maintain. She did indicate that if it were a part of the city, she would be quite proud.

Don Arnold - 7915 26th Ave. NW. Mr. Arnold said that he was fortunate enough to be a neighbor of Helen Wilkinson from 1940 to 1952. He added that he and his wife had seen Helen on a weekly basis and can remember her relating to Mayor Wilbert being at her birthday party and had asked about purchasing the property, to which she was adamant about not selling to the city. He added that he was not opposed to the property being a park, but it was sad way to take the property. He said that he worked for Vivian Wilkinson, and it was all farmland, and the wetlands must have occurred after he moved away in 1952. He asked that the city reconsider their action.

Roger Mosiman - 9617 Harmony Lane. Mr. Mosiman said that he understood that Judge Tollefson said to work with the City, and Darrel has tried to do this and hasn't heard back from the city. He said that he understood that condemnation procedures are to be used in emergency situations for the necessity of the public, and wondered how this can be considered an emergency and public necessity. He talked about how important private property ownership is in this country and asked that these rights not be taken away. He asked Council to please reconsider as many people do not believe we need another park to maintain.

Tim Ord - Tacoma. Mr. Ord said he lived on the Peninsula for the past 25 years and has been a friend of Darrel's since 1985. He said he had met Darrel's mother and Aunt Helen in 1982. He said that Darrel had told him that his Aunt was giving him this piece of property and wanted to know what to do with it. They visited the property and he noticed a large body of water. He gave an overview of the their efforts to find the source of the water. He said that Darrell doesn't want to sell the property and it was his aunt's choice to give him the property.

John Sawyer - 2016 38th St. NW. Mr. Sawyer said that this action is arbitrary and capricious. The city has enough parks and that this property had been in the family for over 100 years. He added that Helen wanted to pass it on to her family and it is not needed for public use. He said that Council should withdraw their efforts.

COUNCIL COMMENTS: None.

STAFF REPORTS:

1. Chief Mitch Barker - April Stats. Chief Barker said that he had nothing to add to the written statistics.
2. Mark Hoppen, City Administrator - City Progress Report. Mr. Hoppen said that the summary of actions of the past six years included in the packet speaks for itself.

ANNOUNCEMENTS OF OTHER MEETINGS: None.

EXECUTIVE SESSION: For the purpose of discussing property acquisition per RCW 42.30.110(b) and pending litigation per RCW 42.30.110(i). No action to be taken.

MOTION: Move to adjourn to Executive Session at 10:23 p.m. for approximately twenty minutes.
Young/Dick -- unanimously approved.

MOTION: Move to return to regular session at 10:42 p.m.
Dick/Ekberg - unanimously approved.

MOTION: Move to go back into to Executive Session for an additional 10 minutes to to conclude discussion on matters of litigation.
Dick/Ekberg -- unanimously approved.

MOTION: Move to return to regular session at 10:52 p.m.
Picinich/Ekberg - unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 10:54 p.m.
Young/Dick-- unanimously approved.

Cassette recorder utilized
Tape 529 Both Sides.
Tape 530 Both Sides.
Tape 531 Both Sides.

Mayor

City Clerk



PIERCE COUNTY

RECEIVED

JUN 9 1999

Department of Community Services
8815 South Tacoma Way, Suite 202
Tacoma, Washington 98499-4588
(253) 798-7205 ♦ 1-800-833-6388 ♦ FAX (253) 798-6604
TDD/Voice 1-800-833-6388 ♦ e-mail: commsvcs@co.pierce.wa.us

CITY OF GIG HARBOR

LINDA HURLEY ISHEM
Director

June 4, 1999

Mayor Gretchen Wilbert
City Of Gig Harbor
3105 Judson Street
Gig Harbor WA 98335

Re: Notification of Availability of Grant Funds

Dear Mayor ^{Gretchen} Wilbert:

As a partner in the Pierce County Urban County Consortium, Pierce County Community Services would like to take this opportunity to make a formal commitment to your City in regards to our administration of Community Development Block Grant (CDBG) and Emergency Shelter Grant (ESG) funds.

Pierce County will notify each consortium member no later than 30 days prior to the availability of CDBG/ESG Applications for Funding. This notification will include the due date for the applications, the dates and times of the mandatory applicant workshops, and contact person information. Applications will then be available for pickup at our office on the date indicated in the notification.

The notification will be made by mail to the Mayor's office, with a copy sent to the City Manager or City Administrator, if any.

If you have questions about this process or need additional information, please contact Bethany Wolbrecht at (253) 798-6922.

Thank you.

Sincerely,

Linda Hurley Ishem
Director

Cc: City Administrator



Printed on recycled paper

C091080-2

WASHINGTON STATE LIQUOR CONTROL BOARD

DATE: 6/02/99

LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF GIG HARBOR
(BY ZIP CODE) FOR EXPIRATION DATE OF 19990831

LICENSEE	BUSINESS NAME AND ADDRESS	LICENSE NUMBER	PRIVILEGES
1 ANDRADE'S, INC.	PUERTO VALLARTA - GIG HARBOR #2 4225 HARBORVIEW DR GIG HARBOR WA 98335 0000	364637	SPIRITS/BR/WN REST LOUNGE +
2 PENDRAGON MANAGEMENT CO., A PA WYVERN RESTAURANTS, INC. CAROL M VINUM MICHAEL MC GIMPSEY MICHELLE MC GIMPSEY	ROUND TABLE PIZZA 5500 OLYMPIC DR BLDG H GIG HARBOR WA 98335 0000	076725	BEER/WINE REST - BEER/WINE

RECEIVED

JUN 4 1999

CITY OF GIG HARBOR

Attention:

Enclosed is a listing of liquor licensees presently operating establishments in your jurisdiction whose licenses expire on AUGUST 31, 1999. Applications for renewal of these licenses for the upcoming year are at this time being forwarded to the current operators.

As provided in law, before the Washington State Liquor Control Board shall issue a license, notice regarding the application must be provided the chief executive officer of the incorporated city or town or the board of county commissioners if the location is outside the boundaries of an incorporated city or town.

Your comments and recommendations regarding the approval or disapproval for the enclosed listed licensees would be appreciated. If no response is received, it will be assumed that you have no objection to the reissuance of the license to the applicants and locations listed. In the event of disapproval of the applicant or the location or both, please identify by location and file number and submit a statement of all facts upon which such objections are based (please see RCW 66.24.010{8}). If you disapprove then the Board shall contemplate issuing said license, let us know if you desire a hearing before final action is taken.

In the event of an administrative hearing, you or your representative will be expected to present evidence in support of your objections to the renewal of the liquor license. The applicant would presumably want to present evidence in opposition to the objections and in support of the application. The final determination whether to grant or deny the license would be made by the Board after reviewing the record of the administrative hearing.

If applications for new licenses are received for persons other than those specified on the enclosed notices, or applications for transfer of licenses are received by the Board between now and AUGUST 31, 1999, your office will be notified on an individual case basis.

Your continued assistance and cooperation in these licensing matters is greatly appreciated by the Liquor Control Board.

LESTER C. DALRYMPLE, Supervisor
License Division
Enclosures

MAYOR OF GIG HARBOR
3105 JUDSON ST
GIG HARBOR

WA 983350000



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR
SUBJECT: CONCURRENCY ORDINANCE
DATE: JUNE 9, 1999

INFORMATION/BACKGROUND

The Growth Management Act requires that the City adopt and enforce ordinances "which prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the Transportation Element of the City's Comprehensive Plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development." (RCW 36.70A.070(6)). Moreover, "concurrent with development," for the purposes of the statute means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

This proposed ordinance implements the state statute by implementing the concurrency provisions of the Transportation Element of the City's Comprehensive Plan. The state requires that at a minimum the city adopt a concurrency regulation for transportation.

POLICY CONSIDERATIONS

The proposed ordinance is returning to the City Council for the sixth time for a "third" reading. Adjustments to the proposed ordinance have been made as per the City Council's specific and general instructions. A Public Hearing for this refined version of the ordinance will accompany the "third" reading.

FISCAL CONSIDERATIONS

Fees relating to reservation of capacity have been deleted from this ordinance.

RECOMMENDATION

Staff recommends that this ordinance be adopted as presented.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO DEVELOPMENT AND TRANSPORTATION IMPACTS, IMPLEMENTING THE CONCURRENCY PROVISIONS OF THE TRANSPORTATION ELEMENT OF THE CITY'S COMPREHENSIVE PLAN, AS REQUIRED BY RCW 36.70A.070(6), DESCRIBING THE PROCEDURE FOR THE CITY PUBLIC WORKS DIRECTOR'S EVALUATION OF CONCURRENCY OF THE CITY'S ROAD FACILITIES WITH PROPOSED DEVELOPMENT IN LIGHT OF ADOPTED LEVELS OF SERVICE, DESCRIBING THE PROCEDURE FOR ISSUANCE OF CAPACITY RESERVATION CERTIFICATES, ESTABLISHING THE PROCESS FOR DENIALS AND APPEALS, ESTABLISHING CAPACITY ACCOUNTS, REQUIRING ANNUAL REPORTING AND MONITORING OF ROAD CAPACITY AS PART OF THE ANNUAL UPDATE OF THE CITY'S SIX-YEAR TRANSPORTATION PLAN, AMENDMENTS TO THE TRANSPORTATION ELEMENT OF THE CITY'S COMPREHENSIVE PLAN, AND ADOPTING A NEW CHAPTER 19.10 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the Growth Management Act requires that the City adopt and enforce ordinances "which prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the Transportation Element of the City's Comprehensive Plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development" (RCW 36.70A.070(6)); and

WHEREAS, "concurrent with development," for the purposes of the above statute, means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years (RCW 36.70A.070(6)); Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. A new chapter 19.10 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

**CHAPTER 19.10
CONCURRENCY MANAGEMENT**

I. OVERVIEW AND EXEMPTIONS

19.10.001. Purpose. The purpose of this Chapter is to implement the concurrency provisions of the Transportation Element of the City's Comprehensive Plan, in accordance with RCW 36.70A.070(6)(e), consistent with WAC 365-195-510 and 365-195-835. No development permit shall be issued except in accordance with this Chapter, which shall be cited as the Concurrency Management Ordinance.

19.10.002. Authority. The Director of Public Works, or his/her designee, shall be responsible for implementing and enforcing the Concurrency Management Ordinance.

19.10.003. Exempt Development.

A. **Development Permit issued prior to Effective Date of this Chapter.** All construction or change in use initiated pursuant to a development permit issued prior to the effective date of this Chapter shall be exempt from the requirements of this Chapter, **PROVIDED**, however, that no development permit shall be extended except in conformance with this Chapter. If the City determines that a previously issued development permit has lapsed or expired, pursuant to the applicable development regulations, then no subsequent development permit shall be issued except in accordance with this Chapter.

B. **De Minimis Development.** After the effective date of this Chapter, no development activity (as defined in the definition section of this Chapter) shall be exempt from the requirements of this Chapter unless specifically exempted below in subsection C.

C. **Exempt Permits.**

1. The following types of permits are exempt from the Capacity Reservation Certificate (CRC) process because they do not create additional long-term impacts on road facilities :

Administrative interpretations	Plumbing permit
Sign permit	Electrical permit
Street vacation	Mechanical permit
Demolition permit	Excavation permit
Street Use Permit	Sewer connection permit
Interior alterations	Driveway or street
with no change of use	Access permit
Excavation/clearing permit	
Grading permit	Hydrant use permit

Right of Way Permit
Single family remodeling
with no change of use

Tenant improvement permit
Fire code permit

Notwithstanding the above, if any of the above permit applications will generate more than 15 new p.m. peak hour trips, such application shall not be exempt from the requirements of this chapter.

2. The portion of any project used for any of the following purposes is exempt from the requirements of this Chapter:

Public transportation facilities
Public parks and recreational facilities
Public libraries

Notwithstanding the exemptions hereunder provided, the traffic resulting from an exempt use shall nonetheless be included in computing background traffic for any nonexempt project.

D. **Other Exempt Building Permits.** This Chapter shall apply to all development applications for development or re-development if the proposal or use will generate more than 15 new p.m. peak hour trips.

19.10.004. Capacity Evaluation Required for Change of Use. Except for development exempt under GHMC 19.10.003, any development activity, as defined in the definition section of this Chapter, shall require a capacity evaluation in accordance with this Chapter.

A. **Increased Impact on Road Facilities.** If a change of use will have a greater impact on road facilities than the previous use as determined by the Director based on review of information submitted by the Developer, and such supplemental information as available, a CRC shall be required for the net increase only, provided that the Developer shall provide reasonably sufficient evidence that the previous use has been actively maintained on the site during the five (5) year period prior to the date of application for the capacity evaluation.

B. **Decreased Impact on Road Facilities.** If a change of use will have an equal or lesser impact on road facilities than the previous use as determined by the Director based on review of information submitted by the Developer, a CRC will not be required.

C. **No Capacity Credit.** If no use existed on the site for the five (5) year period prior to the date of application, no capacity credit shall be issued pursuant to this section.

D. **Demolition or Termination of Use.** In the case of a demolition or termination of an existing use or structure, the capacity evaluation for future redevelopment shall be based upon the net increase of the impact for the new or proposed land use as compared to the land use existing prior to demolition, provided that such credit is utilized through a CRC, within five (5) years of the date of the issuance of the demolition permit.

19.10.005 All Capacity Determinations Exempt from Project Permit Processing. The determinations made by the Director pursuant to the authority in this Chapter shall be exempt from project permit processing procedures, as described in GHMC Title 19, except that the appeal procedures of GHMC Title 19 shall apply pursuant to Part VIII of this chapter. The City's processing of capacity determinations and resolving capacity disputes involves a different review procedure due to the necessity to perform continual monitoring of facility and service needs, to ensure continual funding of facility improvements, and to develop annual updates to the transportation of the comprehensive plan.

II. LEVEL OF SERVICE STANDARDS

19.10.006. Introduction. The concept of concurrency is based on the maintenance of specified levels of service with respect to road facilities. Concurrency describes the situation in which road facilities are available when the impacts of development occur, or within six (6) years from the time of development. (See, WAC 365-195-210, definition of "available public facilities.") The City has designated levels of service for road facilities in its transportation comprehensive plan:

- A. to conform to RCW 47.80.030 for transportation facilities subject to regional transportation plans;
- B. to reflect realistic expectations consistent with the achievement of growth aims;
- C. for road facilities according to WAC 365-195-325; and
- D. to prohibit development if concurrency for road facilities is not achieved (RCW 36.70A.070), and if sufficient public and/or private funding cannot be found, land use assumptions in the City's Comprehensive Plan will be reassessed to ensure that level of service standards will be met, or level of service standards will be adjusted.

19.10.007. Level of Service Standards. Level of Service (LOS) is the established minimum capacity of road facilities that must be provided per unit of demand or other appropriate measure of need, as mandated by Chapter 36.70A RCW. LOS standards shall be used to determine if road services are adequate to support a development's impact. The City's established LOS for roads within the city limits shall be as shown in the Transportation Element of the City's Comprehensive Plan.

19.10.008. Effect of LOS Standards. The Director shall use the LOS standards set forth in the Transportation Element of the City's Comprehensive Plan to make concurrency evaluations as part of the review of any application for a CRC issued pursuant to this Chapter.

III. CAPACITY EVALUATIONS

19.10.009. Capacity Evaluations Required Prior to Issuance of CRC.

A. **When the Requirements of this Chapter Apply.** A capacity evaluation shall be required either in conjunction with or prior to the City's consideration of any development permit depending on the time that the applications are filed, unless specifically exempted by this Chapter. The Director shall utilize requirements set forth in Part V to conduct a capacity evaluation, prior to issuance of a CRC. In addition to the requirements set forth in Part V, and specifically in GHMC 19.10.012, the Director may also utilize state law or the Washington Administrative Code, or such other rules regarding concurrency which may be established from time to time by administrative rule. In cases where LOS standards do not apply, the Director shall have the authority to utilize other factors in preparing capacity evaluations to include, but not be limited to, independent LOS analysis.

B. **Capacity Reservation Certificates.** A CRC will not be issued except after a capacity evaluation performed pursuant to Part V, indicating that capacity is available in all applicable road facilities.

19.10.010. Capacity Evaluations Required for Rezone Applications or Comprehensive Plan Amendments Requesting an Increase in Extent or Density of Development. A capacity evaluation shall be required as part of any application for a comprehensive plan amendment or zoning map amendment (rezone) which, if approved, would increase the intensity or density of permitted development. As part of that capacity evaluation, the Director shall determine whether capacity is available to serve both the extent and density of development which would result from the zoning/comprehensive plan amendment. The capacity evaluation shall be submitted as part of the staff report and shall be considered by the City in determining the appropriateness of the comprehensive plan or zoning amendment.

IV. SUBMISSION AND ACCEPTANCE OF APPLICATION

19.10.011. Application for Capacity Evaluation. (1) An application for a CRC and the application for the underlying development permit, shall be accompanied by the requisite fee, as determined by City Council Resolution. An applicant for a CRC shall submit the following information to the Director, on a form provided by the Director together with a development application:

- A. Date of submittal.
- B. Developer's name, address and telephone number.
- C. Legal description of property as required by the underlying development permit application together with an exhibit showing a map of the property.
- D. Proposed use(s) by land use category, square feet and number of units.
- E. Phasing information by proposed uses, square feet and number of units, if applicable.
- F. Existing use of property.
- G. Acreage of property.
- H. Proposed site design information, if applicable.
- I. Traffic report prepared by a licensed professional engineer who is practicing as a traffic engineer;

- J. Written consent of the property owner, if different from the developer;
- K. Proposed allocation of capacity by legal description, if applicable.

(2) Even if the traffic report is based on an estimation of impact, the applicant will still be bound by its estimation of impact, and any upward deviation from the estimated traffic impact shall require at least one of the following: a finding that the additional concurrency sought by the developer through a revised application is available to be reserved by the project; mitigation of the additional impact under SEPA; revocation of the CRC.

19.10.012. Submission and acceptance of an application for a CRC.

A. **Notice of Application.** Issuance of a Notice of Application for the underlying permit application shall follow the process in GHMC § 19.02.004. The Notice of Application required by GHMC § 10.02.004 shall state that an application for a concurrency determination has been received by the City.

B. **Determination of Completeness.** Within 28 days after receiving an application for a CRC, the City shall mail or personally deliver to the applicant a determination which states either: (1) that the application is complete; or (2) that the application is incomplete and what is necessary to make the application complete.

C. **Additional Information.** An application for a CRC is complete for purposes of this section when it meets the submission requirements in GHMC 19.10.010. The Determination of Completeness shall be made when the application is sufficiently complete for review even though additional information may be required or project modifications may be undertaken subsequently. The Director's Determination of Completeness shall not preclude the Director's ability to request additional information or studies whenever new information is required, or substantial changes are made to the proposed project.

D. **Incomplete Applications.**

1. Whenever the applicant receives a determination from the City that an application is not complete, the applicant shall have 90 days to submit the necessary information. Within 14 days after an applicant has submitted the requested additional information, the Director shall make a Determination of Completeness and notify the applicant in the manner provided in subsection A of this section.
2. If the applicant does not submit the additional information requested within the 90-day period, the Director shall make findings and issue a decision that the application has lapsed for lack of information necessary to complete the review, and the applicant may request a refund of the application fee remaining after the City's Determination of Completeness.

E. **Director's Failure to Provide Determination of Completeness.** An application for a CRC shall be deemed complete under this section if the Director does not provide a written determination to the applicant that the application is incomplete as provided in subsection (B) of this section.

F. **Date of Acceptance of Application.** An application for a CRC shall not be officially accepted until complete. When an application is determined complete, the Director shall accept it and note the date of acceptance.

V. PROCEDURE FOR DETERMINING CAPACITY

19.10.013. Method of Capacity Evaluation for Road Facilities.

A. In performing the concurrency evaluation for road facilities, and to prepare the CRC, the Director shall determine whether a proposed development can be accommodated within the existing or planned capacity of road facilities. This shall involve the following:

1. a determination of anticipated total capacity at the time the proposed impacts of development occur;
2. calculation of how much of that capacity will be used by existing developments and other planned developments at the time the impacts of the proposed development occur;
3. calculation of the available capacity for the proposed development;
4. calculation of the impact on the capacity of the proposed development, minus the effects of any mitigation provided by the applicant; and
5. comparison of available capacity with proposed development impacts.

B. The Director shall determine if the capacity on the City's road facilities, less the capacity which is reserved can be provided while meeting the level of service performance standards set forth in the City's Comprehensive Plan, and, if so, shall provide the applicant with a CRC.

C. In order to determine concurrency for the purposes of issuance of a CRC, the Director shall make the determination described in Subsections (A)(1) through (5) above. The Director may deem the development concurrent with road facilities, with the condition that the necessary facilities shall be available when the impacts of the development occur or shall be guaranteed to be available through a financial commitment in an enforceable development agreement.

D. If the Director determines that the proposed development will cause the LOS of a road facility to decline below the standards adopted in the Transportation Element of the City's Comprehensive Plan, and improvements or strategies to accommodate the impacts of development are not planned to be made concurrent with development, a CRC and the underlying development

permit, if such an application has been made, shall be denied, pursuant to GHMC Section 19.10.018 and any other provisions of Title 19 that may be applicable to denial of the underlying development permit. Applicants may then appeal pursuant to Part VIII of this chapter.

VI. CAPACITY RESERVATION CERTIFICATES (CRCs)

19.10.014. Purpose of Capacity Reservation Certificate. A CRC is a determination by the Director that: (1) the proposed development activity or development phase will be concurrent with the applicable road facilities at the time the CRC is issued; and (2) the Director has reserved road facility capacity for this application until the expiration of the underlying development permit. In no event shall the Director determine concurrency for a greater amount of capacity than is needed for the development proposed in the underlying permit application.

19.10.015. Procedure for Capacity Reservation Certificates. Within ninety (90) days after receipt of an application for a CRC, the Director shall process the application, in accordance with this Chapter, and issue the CRC or a Denial Letter.

19.10.016. Use of Reserved Capacity. When a valid development permit is issued for a project possessing a CRC, the CRC shall continue to reserve the capacity unless the development permit lapses or expires without the issuance of a Certificate of Occupancy.

19.10.017. Transfer of Reserved Capacity. Reserved capacity shall not be sold or transferred to property not included in the legal description provided by the developer in the application for a CRC. The developer may, as part of a development permit application, designate the amount of capacity to be allocated to portions of the property, such as lots, blocks, parcels, or tracts included in the application. Capacity may be reassigned or allocated within the boundaries of the original reservation certificate by application to the Director. At no time may capacity or any certificate be sold or transferred to another party or entity to real property not described in the original application.

19.10.018. Denial Letter. If the Director determines that one or more road facilities are not concurrent, the Director shall issue a denial letter, which shall advise the developer that capacity is not available. If the developer is not the property owner, the Denial Letter shall also be sent to the property owner. At a minimum, the Denial Letter shall identify the application and include the following information: (1) an estimate of the level of the deficiency on the road facilities; and (2) the options available to the applicant such as the applicant's agreement to construct the necessary facilities at the applicant's cost. In order to appeal from the issuance of a Denial Letter, the developer shall appeal both the Denial Letter and the development permit denial pursuant to Part VIII of this chapter.

19.10.019. Notice of Concurrency Determination. Notice of the concurrency determination shall be given to the public together with, and in the same manner as, that provided for the underlying development permit's SEPA threshold determination, unless the project is exempt from SEPA, in which case notice shall be given in the same manner as a final decision on the underlying development permit without any accompanying threshold determination.

VII. CAPACITY RESERVATION CERTIFICATE (CRC)

19.10.020. Expiration and Extensions of Time.

A. **Expiration.** If a Certificate of Occupancy has not been requested during the time frame set forth in the CRC, the Director shall convert the reserved capacity to available capacity for the use of other developments. Requesting a Certificate of Occupancy before expiration of the CRC shall only convert the reserved capacity to used capacity if the building inspector finds that the project actually conforms with applicable codes.

B. **Extensions.** The city shall assume that the developer requests an extension of transportation capacity reservation when the developer is requesting a renewal of the underlying development permit. No unused capacity may be carried forward beyond the duration of the CRC or any subsequent extension.

VIII. APPEALS OF CONCURRENCY DETERMINATION

19.10.021. Concurrency Determination to be Appealed with Underlying Permit. Any appeal of the denial of a concurrency determination shall include appeal of the denial of the underlying development permit application. The appeal shall follow the procedure for the underlying permit as set forth in Title 19 GHMC. If there is no administrative appeal procedure in Title 19 GHMC for the underlying permit, the appeal shall follow the process for an appeal of a Type II permit. The appeal procedure as set forth in Chapter 19.06 GHMC shall be followed.

19.10.022. Time limit to bring appeal. An appeal of a denial letter and the underlying development application shall be brought within the time period set forth in GHMC §19.06.004.

IX. CONCURRENCY ADMINISTRATION

19.10.023. Purpose and Procedure. The purpose of this Part is to describe the process for administering the Concurrency Ordinance. Capacity accounts will be established, to allow capacity to be transferred to various categories in the application process. Capacity refers to the ability or availability of road facilities to accommodate users, expressed in an appropriate unit of measure, such as LOS for road facilities. Available capacity represents a specific amount of capacity that may be reserved by or committed to future users of road facilities.

19.10.024. Capacity Classifications. There are hereby established two capacity accounts, to be utilized by the Director in the implementation of this Chapter. These accounts are:

- A. the **Available Capacity account**; and
- B. the **Reserved Capacity account**;

Capacity is withdrawn from the available capacity account and deposited into a reserved capacity account when a CRC is issued. Once the proposed development is constructed and an

occupancy permit is issued, the capacity is considered "used." Each capacity account of available or reserved capacity will experience withdrawals on a regular basis. Only the Director may transfer capacity between accounts.

19.10.025. Annual Reporting and Monitoring. The Director is responsible for completion of an Annual Capacity Availability Report. This report shall evaluate reserved capacity and permitted development activity for the previous twelve month period, and determine existing conditions with regard to available capacity for road facilities. The evaluation shall report on capacity used for the previous period and capacity available for the Six-Year Capital Facilities Element of the City's Comprehensive Plan and the Six-year Transportation Plan, for road facilities, based upon LOS standards. Forecasts shall be based on the most recently updated schedule of capital improvements, growth projections, public road facility inventories, and revenue projections and shall, at a minimum, include:

- A. A summary of development activity;
- B. The status of each Capacity Account;
- C. The Six-year Transportation Plan;
- D. Actual capacity of selected street segments and intersections, and current LOS; and
- E. Recommendations on amendments to CIP and annual budget, to LOS standards, or other amendments to the transportation element of or to the Comprehensive Plan.

The findings of the Annual Capacity Availability Report shall be considered by the Council in preparing the annual update to the Capital Improvement Element, any proposed amendments to the CIP and Six-year TIP, and shall be used in the review of development permits and capacity evaluations during the next period.

Based upon the analysis included in the Annual Capacity Availability Report, the Director shall recommend to the City Council each year, any necessary amendments to the CIP, TIP and Comprehensive Plan. The Director shall also report on the status of all capacity accounts when public hearings for Comprehensive Plan amendments are heard.

19.10.026. Road LOS Monitoring and Modeling.

A. The City shall monitor Level of Service standards through an annual update of the Six Year Transportation Plan which will add data reflecting development permits issued and trip allocations reserved. The City's Traffic Demand Model will be recalibrated annually based on traffic count information, obtained from at a minimum, the City's Public Works Department.

B. A new trip allocation shall be assigned for each Traffic Analysis Zone, based on the results from the Traffic Demand Model used by the City, to ensure that the City is achieving the adopted LOS standards described in this Chapter and the transportation element of the Comprehensive Plan.

C. Amendments to the Trip Allocation Program that exceed the total aggregate annual trip allocation per zone for any given year shall require an amendment to the Comprehensive Plan.

Monitoring and modeling shall be required and must include anticipated capital improvements, growth projections, and all reserved and available capacity.

Section 2. 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 ordinance.

Section 3. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:

MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY M. TOWSLEE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

FILED WITH THE CITY CLERK: 3/5/99
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:

SUMMARY OF ORDINANCE NO. _____

of the City of Gig Harbor, Washington

On the ____ day of _____, 1999, the City Council of the City of Gig Harbor, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO DEVELOPMENT AND TRANSPORTATION IMPACTS, IMPLEMENTING THE CONCURRENCY PROVISIONS OF THE TRANSPORTATION ELEMENT OF THE CITY'S COMPREHENSIVE PLAN, AS REQUIRED BY RCW 36.70A.070(6), DESCRIBING THE PROCEDURE FOR THE CITY PUBLIC WORKS DIRECTOR'S EVALUATION OF CONCURRENCY OF THE CITY'S ROAD FACILITIES WITH PROPOSED DEVELOPMENT IN LIGHT OF ADOPTED LEVELS OF SERVICE, DESCRIBING THE PROCEDURE FOR ISSUANCE OF CAPACITY RESERVATION CERTIFICATES, ESTABLISHING THE PROCESS FOR DENIALS, CONCURRENCY RESOLUTIONS AND APPEALS, ESTABLISHING CAPACITY ACCOUNTS, REQUIRING ANNUAL REPORTING AND MONITORING OF ROAD CAPACITY, AS PART OF THE ANNUAL UPDATE OF THE CITY'S SIX-YEAR TRANSPORTATION PLAN, AMENDMENTS TO THE TRANSPORTATION ELEMENT OF THE CITY'S COMPREHENSIVE PLAN, AND ADOPTING A NEW CHAPTER 19.10 TO THE GIG HARBOR MUNICIPAL CODE.

The full text of this Ordinance will be mailed upon request.

DATED this _____ day of _____, 1999.

Molly M. Towslee, City Clerk



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS
FROM: WES HILL, P.E., PUBLIC WORKS DIRECTOR
SUBJECT: COVENANT NOT TO SUE AND INDEMNIFICATION AGREEMENT
(TALMO, INC.)
DATE: JUNE 10, 1999

INTRODUCTION/BACKGROUND

Talmo Corporation (Talmo) has prepared construction plans for a development that will be located on property bordered by Wollochet Drive on the northwest, State Route 16 on the northeast, and 38th Avenue on the east. The project known as the Memory Lanes Recreation Center involves a high percentage of impervious coverage.

The City's Public Works Standards require that new development provide on-site stormwater treatment and detention prior to discharge to the City's storm sewer system. Talmo proposes on-site water quality treatment, with off-site detention. The location of the off-site detention is a designated wetland on the northwest side of Wollochet Drive. The wetland is located on property also owned by Talmo, and the subject of the Concomitant Zoning Agreement (CZA) for the Tallman Annexation (ANX 91-07). The CZA was approved by the Council on December 13, 1993, and executed by all parties on June 17, 1994. The wetland is mostly contained on property identified in the CZA for conveyance by 2003 to the City as a park site. The property has been variously designated as the "Plaza 16" site and the "Tallman Large Lot Subdivision."

On other projects, City staff has been advised by Corps of Engineers (COE) and Department of Ecology (DOE) regulators that wetlands may not be used for stormwater detention. Talmo has justified their proposed use of the wetlands for detention on their having obtained the necessary permits and approvals through Pierce County, the DOE, and the COE to construct an impoundment and control structure on the southwestern outlet of the wetlands in 1990. Talmo's engineers estimate the supplemental storage capacity at 100,000 cubic feet.

At the City's request, Talmo contacted the Corps of Engineers and Department of Ecology to confirm their prior approvals, and proposed use of the wetland for detention. The COE provided a written letter (copy attached) stating that Talmo could proceed on the prior approval. Despite four months of efforts by both Talmo and City staff, DOE would not issue a statement confirming their position on the use of this wetland for detention, or their policies and requirements, generally, for using wetlands for stormwater detention. In order to move the project forward, and to protect the City, it was agreed that a "Covenant Not to Sue and Indemnification" Agreement would be prepared for Council consideration.

MAYOR WILBERT AND CITY COUNCIL

June 10, 1999

Page 2

Council approval is being requested for the following:

1. Deviation from the City's Public Works standards for development of the Memory Lanes Recreation Center to allow off-site stormwater detention in lieu of on-site detention prior to discharge to the City's storm sewer system, and use of the wetland on the Tallman Large Lot Subdivision site for stormwater detention for the current development; and
2. "Covenant Not to Sue and Indemnification" Agreement with Talmo, and subsequent owner(s) of Talmo's property(ies), for deviation from the Public Works Standards, and use of the wetland and associated buffer for off-site stormwater detention for the Memory Lane Recreation Center development.

A proposed agreement was offered for Council consideration at the May 24, 1999 Council meeting. The agreement presently offered for Council consideration has been revised as follows:

- The existing and proposed ownership and site conditions are presented in more detail.
- The indemnification section runs with Talmo's development of the Memory Lanes Recreation Center site (the "Property").
- A "covenant not to sue" element has been added. This section applies to the present and future owners of the Memory Lanes Recreation Center site, and Tallman's Large Lot Subdivision.

POLICY/FISCAL CONSIDERATIONS

The "Covenant Not to Sue and Indemnification" Agreement limits the City's potential exposure resulting from Talmo's deviation from the Public Works Standards, and use of the wetland for stormwater detention for a specific project. Use of the wetland for detention will be limited to the current development proposal southeast of Wollochet Drive pending more extensive evaluations.

RECOMMENDATION

I recommend Council authorize deviation from the City's Public Work Standards for stormwater facilities to allow development of the Memory Lanes Recreation Center on the parcel presently owned by Talmo (bounded by Wollochet Drive on the northwest, State Route 16 on the northeast, and 38th Avenue on the east). This deviation will allow the improved site (the constructed Memory Lanes Recreation Center) to discharge to the City's storm sewer system without detention, and to utilize the wetland and wetland buffer located northwest of Wollochet Drive (presently owned by Talmo) for stormwater detention equivalent in volume to the City's Public Works Standards.

I also recommend that Council authorize execution of the attached "Covenant Not to Sue and Indemnification" Agreement Between the City of Gig Harbor and Talmo.

05/19/99



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3788
SEATTLE, WASHINGTON 98124-3755

Regulatory Branch

FEB 9 1999

Talmo, Inc.
ATTN: Mr. Scott Wagner
Post Office Box 492
Gig Harbor, Washington 98335

Reference: OYB-4-013899
-- Talmo, Inc.

Gentlemen:

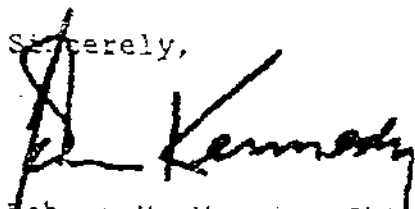
In response to your letter dated January 18, 1999, your proposal to divert stormwater without onsite detention from the Memory Lanes Recreation Center (MLRC) site to an existing detention facility is not within the U.S. Army Corps of Engineers (Corps) jurisdiction.

A Department of the Army (DA) permit is required for the discharge of dredged or fill material (includes excavation activities) in waters of the United States, which includes wetlands pursuant to Section 404 of the Clean Water Act. Your original work was for filling 0.99 of an acre of wetlands for a road, dam, and associated structures. This work was authorized via a Nationwide Permit 26.

Since your proposal will not involve excavation or placement of fill material into wetlands, a DA permit will not be required for the proposed activities. Please note that this letter of no jurisdiction applies to only the diversion of stormwater from the MLRC site. Any additional work will require further Corps review.

This letter does not excuse you from compliance with other Federal, State, and local statutes, ordinances, or regulations which may affect this work. We expect the Washington Department of Ecology and/or the local jurisdiction to be the authorizing entity for such activities.

Sincerely,

for 
Robert H. Martin, Chief
Application Review Section

**COVENANT NOT TO SUE AND INDEMNIFICATION AGREEMENT
BETWEEN THE CITY OF GIG HARBOR
AND TALMO CORPORATION**

THIS AGREEMENT is entered into this ____ day of _____, 1999, by and between the City of Gig Harbor, a Washington Municipal Corporation (hereinafter the "City"), and TALMO Corporation, a Washington corporation, whose address is P.O. Box 492, Gig Harbor, Washington, 98____, (hereinafter the "Owner").

WITNESSETH:

WHEREAS, the Owner holds an ownership or other substantial beneficial interest in certain parcels of property located at 6627 Wollochet Drive, Gig Harbor, (hereinafter the "Property"), which is legally described in Exhibit A, shown in Exhibit A-2, and attached hereto and incorporated herein by this reference; and

WHEREAS, the Owner also holds an ownership or a substantial beneficial interest in certain parcels of property located northwest of Wollochet Drive, Gig Harbor, also known as the Talmo Large Lot Subdivision, 91-03-01-296, hereinafter the TALL Subdivision, which is legally described in Exhibit B-1, shown in Exhibit B-2, and attached hereto and incorporated herein by this reference; and

WHEREAS, the Owner has applied to the City for the necessary permits and approvals to construct a development on the property described in Exhibit A-1, known as the Memory Lanes Recreation Center (hereinafter the "Improvements;" and

WHEREAS, the area of said TALL Subdivision was known as the Plaza 16 development; and

WHEREAS, in 1990, prior to annexation of the Property to the City, the Owner constructed an impoundment and drainage control structure (the "Structure" hereinafter) at the southwestern outlet of an existing wetland and associated wetland buffer on the TALL Subdivision, as shown in the map attached hereto as Exhibit B-2; and

WHEREAS, the Structure was constructed by the Owner on the TALL Subdivision as required by Pierce County in accordance with the Pierce County approved construction plans for the Plaza 16 Dam (P.C.P.W.D. file no. 15-27) pursuant to approval of the Plaza 16 development site plan, and was designed under the Pierce County Code in effect at that time to detain storm water drainage for the Plaza 16 development, and other development, in the contributory basin; and

WHEREAS, Pierce County and other agencies with jurisdiction approved and/or issued permits for the Structure; and

WHEREAS, the U.S. Army Corps of Engineers has provided written confirmation that the Structure and its location in the wetland and wetland buffer are acceptable; and

WHEREAS, the Washington State Department of Ecology will not provide written confirmation that the Structure and its use of in the wetland and wetland buffer for stormwater detention are acceptable; and

WHEREAS, because the Property has been annexed into the City, the City has jurisdiction over current development activities proposed by the Owner on the Property; and

WHEREAS, the City's regulations require that the Owner provide stormwater drainage system improvements in accordance with the City's Public Works Standards as a condition of development approval; and

WHEREAS, the City's Public Works Standards require that new development construct on-site detention facilities to detain stormwater generated by the new development prior to release into the City's storm sewer system; and

WHEREAS, the parties have agreed that in exchange for the City's agreement to allow the Owner to use the Structure as the impoundment and detention facility to detain the storm water runoff generated due to construction of the Improvements on the Property, the Owner of the Property described in Exhibit A-1, as well as any future owner of the Property, agrees to indemnify the City from any damages, fines or penalties resulting from the use of the wetland and wetland buffers in the TALL Subdivision as a detention facility, as the same may be imposed now or in the future, as a result of the location of the Structure; and

WHEREAS, the parties have also agreed that in exchange for the City's agreement to allow the Owner to use the Structure as the impoundment and detention facility to detain the storm water runoff generated due to construction of the Improvements on the Property, as well as any future owner of the Property, the Owner of the property described in Exhibit B-2 shall release and covenant not to sue the City for any and all damages resulting from the use of the Structure as a Detention Facility; and

NOW, THEREFORE, in consideration of the terms, conditions, covenants and promises contained herein, the parties agree as follows:

T E R M S

Section 1. The Owner's Indemnification of the City. The Owner of the Property described in Exhibit A agrees to defend, indemnify, and hold the City, its officers, officials, employees, agents and volunteers harmless from any and all claims, injuries, damages, losses or suits, including all fines, penalties, costs, expert witness fees and attorneys' fees, arising out of or in connection with:

A. Pierce County's approval and issuance of permits for the Structure as shown in Exhibit B-2, as located in a wetland and wetland buffer, as well as the approval/permit issuance for

the Structure by any other agency with jurisdiction, prior to annexation of the Property to the City;

B. The Owner's construction of the Structure as shown in Exhibit B-2, as located in a wetland and wetland buffer;

C. The use of the Structure for stormwater drainage and impoundment by any parcel within the Property;

D. The City's decision to allow the Owner to use the Structure to detain the stormwater drainage from the Improvement of the Property, and associated with the requirement for a building permit from the City permit, in lieu of the City's requirement for the construction of a new stormwater detention facility located on-site, as required by the City's Public Works Standards.

Section 2. Release and Covenant Not to Sue. The owners of all Property legally described in Exhibit A and B-2 agree to release and forever discharge the City, its insurers, agents, officers, elected or appointed officials and employees, from any and all claims, demands, debts, liabilities, damages (including attorneys' fees and cost(s), injuries additional compensation, interest, causes of action of whatever kind or nature, known or unknown, existing or arising in the future, related to: (a) any claim that the Structure was improperly constructed in a wetland or wetland buffer; (b) that the Structure, as designed, approved by Pierce County and constructed, was inadequate to detain the storm water drainage from the Property; or (c) that the location, design or construction of the Structure was the proximate cause of any flooding on Talmo's property.

Section 3. Duration of Agreement. This Agreement shall commence upon execution by the duly authorized representatives of both parties and shall be in full force and effect as long as the Improvements to be constructed under the building permit on the Property utilizes the Structure for stormwater detention and impoundment.

Section 4. Agreement to Run with the Property. The property subject to this Agreement is legally described in Exhibit A-1 and Exhibit B-1. The promises, conditions and restrictions contained herein shall constitute a covenant or equitable servitude, the burden and benefit of which shall run with the Property described in these two Exhibits and bind the Owner as well as all successive owners of the Property, whether such ownership be an equitable interest or fee title. Accordingly, by acceptance of a deed or other instrument vesting a substantial beneficial interest in all or any portion of the Property in such Subsequent Owner, each Subsequent Owner shall covenant to be bound to the obligations incumbent upon the Owner, and shall be entitled to all the benefits accruing to the Owner herein upon the sale of fee title to the Property described in Exhibits A or B-2 to a third party, Talmo shall be released as a party to this agreement.

Section 5. Recordation, Modification and Termination. This Covenant and Indemnification Agreement shall be recorded at the Owner's cost in the Pierce County Auditor's Office in Pierce County, Washington, and shall serve as notice to holders of after-acquired interests in the Property. This Agreement may not be modified or terminated except by written agreement executed by the duly authorized representatives of the Owner, the Owners, and the City.

Section 6. Non-Waiver of Breach. The failure of the City to insist upon strict performance of any of the covenants and agreements contained herein, or to exercise any option herein conferred in one or more instances shall not be construed as a waiver or relinquishment of said covenants, agreements or options, and the same shall be and remain in full force and effect.

Section 7. Resolution of Disputes. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. The non-prevailing party in any action brought to enforce this Agreement shall pay the other party's expenses and reasonable attorneys' fees.

Section 8. Written Notice. Any communications between the parties relating to this Agreement shall be sent to the parties at the addresses listed below, unless notification is provided to the other party of a new address. The Owner shall be responsible for informing the City of the address of the Owner, or Owner's of any substantial beneficial interest in the Property.

Talmo, Inc.
Attn: Mr. Jim Tallman
P.O. Box 492
Gig Harbor, WA 98335

City of Gig Harbor
Attn: Public Works Director
3105 Judson Street
Gig Harbor, WA 98335

Section 9. Assignment. Any assignment of this Agreement by the Owner without the written consent of the City shall be void. If the City shall give its written consent to any assignment, this paragraph shall be in full force and effect, and no further assignment shall be made without the City's consent.

Section 10. Entire Agreement. The written terms of this Agreement shall supersede all prior verbal statements of any officer or representative of the City.

THE UNDERSIGNED HAVE READ THE FOREGOING COVENANT NOT TO SUE AND INDEMNIFICATION AGREEMENT, KNOW THE CONTENTS THEREOF, HAVE CONSULTED WITH AN ATTORNEY REGARDING ITS MEANING, ACKNOWLEDGE THAT ITS TERMS ARE CONTRACTUAL AND NOT MERE RECITALS, ACKNOWLEDGE THAT EACH HAS SIGNED OF HIS OR HER OWN FREE ACT, AND ACKNOWLEDGE THAT THEY FULLY UNDERSTAND THIS AGREEMENT.

IN WITNESS WHEREOF, the parties have executed this Agreement on this 10th day of June, 1999.

TALMO, INC.
By Dean M. Cutler
Its Vice President

THE CITY OF GIG HARBOR
By _____
Its Mayor

APPROVED AS TO FORM:

City Attorney

INDEMNIFICATION AGREEMENT
BETWEEN THE CITY OF GIG HARBOR
AND TALMO CORPORATION

EXHIBIT A-1

REVISED LEGAL DESCRIPTION

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 7, TOWNSHIP 21 NORTH,
RANGE 2 EAST OF THE W.M., IN PIERCE COUNTY, WASHINGTON;

THENCE ALONG THE EAST LINE OF SAID SECTION 7, NORTH 02 DEGREES 12 MINUTES
31 SECONDS EAST FOR A DISTANCE OF 862.35 FEET;

THENCE LEAVING SAID EAST LINE OF SECTION 7, SOUTH 88 DEGREES 15 MINUTES 27
SECONDS WEST FOR A DISTANCE OF 30.00 FEET TO A POINT ON THE WESTERLY
RIGHT OF WAY OF 38th AVENUE, SAID POINT ALSO BEING THE SOUTHEAST CORNER
OF LOT 4 OF PIERCE COUNTY SHORT PLAT NO. 80-211 AS RECORDED IN VOLUME 41 OF
SHORT PLATS AT PAGE 74 AND ALSO BEING THE TRUE POINT OF BEGINNING OF THIS
DESCRIPTION;

THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, NORTH 02 DEGREES 12
MINUTES 31 SECONDS EAST FOR A DISTANCE OF 263.15 FEET TO A POINT ON THE
SOUTHERLY RIGHT OF WAY LINE OF SR-16 (STATE HIGHWAY NO. 14 AS CONVEYED TO
THE STATE OF WASHINGTON IN DEED RECORDED UNDER AUDITOR'S FILE NO.
1809901);

THENCE ALONG SAID RIGHT OF WAY LINE, NORTH 54 DEGREES 22 MINUTES 30
SECONDS WEST FOR A DISTANCE OF 267.79 FEET TO A POINT ON THE TURN BACK
LINE AS DEPICTED ON SHEET 9 OF THAT CERTAIN MAP OF DEFINITE LOCATION
ENTITLED SR-16, NARROWS BRIDGE TO OLYMPIC DRIVE, PREPARED BY THE
WASHINGTON STATE HIGHWAY COMMISSION MARCH 19, 1970 (SUPERIOR COURT
CASE NO. 205305, FEBRUARY 1, 1972);

THENCE ALONG SAID TURNBACK LINE AND ITS EXTENSION, SOUTH 86 DEGREES 11
MINUTES 19 SECONDS WEST FOR A DISTANCE OF 100.98 FEET TO A POINT ON THE
SOUTHEASTERLY RIGHT OF WAY LINE OF WOLLOCHET DRIVE AS PER CITY OF GIG
HARBOR ORDINANCE NO. 777, SAID LINE BEING PARALLEL WITH AND 70.00 FEET
SOUTHEASTERLY FROM THE CENTERLINE OF WOLLOCHET DRIVE;

THENCE ALONG SAID PARALLEL RIGHT OF WAY LINE, SOUTH 11 DEGREES 34
MINUTES 39 SECONDS WEST FOR A DISTANCE OF 28.36 FEET TO A POINT OF
CURVATURE;

THENCE CONTINUING ALONG SAID PARALLEL RIGHT OF WAY LINE ALONG A CURVE
TO THE RIGHT HAVING A RADIUS OF 420.00 FEET THROUGH A CENTRAL ANGLE OF 42
DEGREES 14 MINUTES 12 SECONDS FOR AN ARC DISTANCE OF 309.61 FEET;

THENCE ALONG SAID RIGHT OF WAY LINE AND LEAVING SAID PARALLEL LINE ON A
LINE RADIAL TO SAID CURVE, SOUTH 36 DEGREES 11 MINUTES 09 SECONDS EAST FOR
A DISTANCE OF 12.93 FEET TO A POINT ON THE NORTHWESTERLY LINE OF LOT 1 OF
SAID PIERCE COUNTY SHORT PLAT NO. 80-211;

THENCE ALONG THE SAID RIGHT OF WAY LINE AND SHORT PLAT BOUNDARY, SOUTH
60 DEGREES 36 MINUTES 08 SECONDS WEST FOR A DISTANCE OF 26.67 FEET;

THENCE ALONG THE SAID RIGHT OF WAY LINE AND SHORT PLAT BOUNDARY, SOUTH
74 DEGREES 43 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 14.35 FEET;

THENCE LEAVING SAID RIGHT OF WAY LINE AND CONTINUING ALONG SAID SHORT
PLAT BOUNDARY, SOUTH 02 DEGREES 18 MINUTES 13 SECONDS WEST FOR A DIST-
ANCE OF 118.11 FEET TO THE SOUTHWEST CORNER OF SAID SHORT PLAT NO. 80-211;

INDEMNIFICATION AGREEMENT
BETWEEN THE CITY OF GIG HARBOR
AND TALMO CORPORATION

EXHIBIT A-1

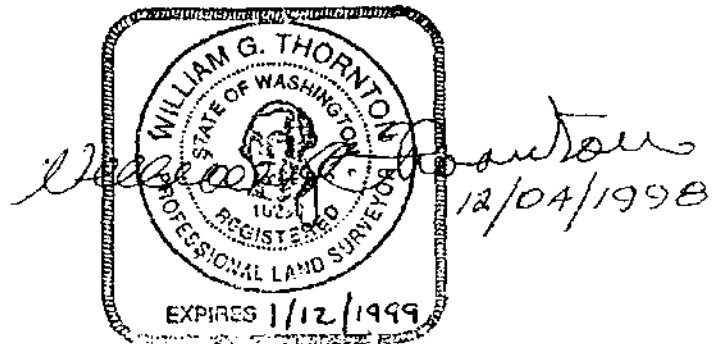
THENCE ALONG THE SOUTH LINE OF SAID SHORT PLAT, NORTH 88 DEGREES 15 MINUTES 27 SECONDS EAST FOR A DISTANCE OF 511.88 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID SHORT PLAT AND ALSO BEING THE TRUE POINT OF BEGINNING AND THE TERMINUS OF THIS DESCRIPTION.

SUBJECT TO AND TOGETHER WITH EASEMENTS, CONDITIONS AND/OR RESTRICTIONS OF RECORD.

SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.



SCOTT WARNER
REGISTERED AGENT TALMO, INC.

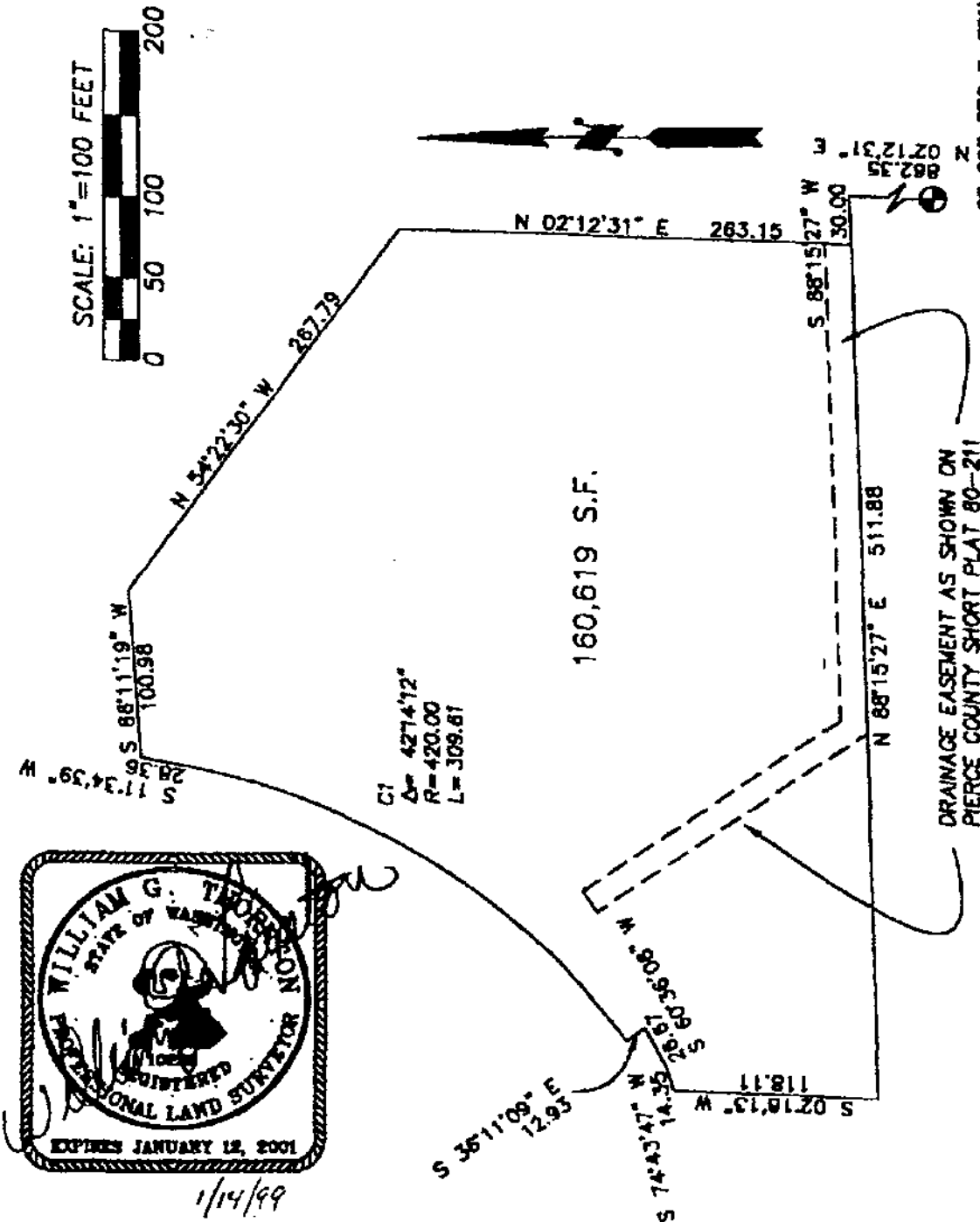


INDEMNIFICATION AGREEMENT
 BETWEEN THE CITY OF GIG
 HARBOR AND TALMO
 CORPORATION

EXHIBIT A-2
MEMORY LANE RECREATION
CENTER SITE

APPROVED
 City of Gig Harbor
 Planning & Building Services
 Date 1-14-99 Initials KJK

SE COR SEC 7, T21N, R2E
 BRASSIE



1/14/99

INDEMNIFICATION AGREEMENT
BETWEEN THE CITY OF GIG HARBOR
AND TALMO CORPORATION
EXHIBIT B-1

LEGAL DESCRIPTION:

THE NORTH HALF OF THE EAST HALF OF THE EAST HALF OF THE
SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 7,
TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE W.M., IN PIERCE COUNTY,
WASHINGTON.

TOGETHER WITH:

THE WEST HALF OF THE LOT 12, GIG HARBOR ABANDONED MILITARY
RESERVE IN SECTION 7, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE W.M.,
IN PIERCE COUNTY, WASHINGTON.

TOGETHER WITH:

THAT PORTION OF THE NORTH HALF OF LOTS 14 AND 15, ABANDONED
MILITARY RESERVE IN SECTION 7, TOWNSHIP 21 NORTH, RANGE 2 EAST OF
THE W.M., IN PIERCE COUNTY, WASHINGTON, LYING NORTHWESTERLY OF
THE NORTHWESTERLY LINE OF WOLLOCHET GIG HARBOR COUNTY ROAD
IN PIERCE COUNTY, WASHINGTON.

EXCEPT PORTION APPROPRIATED BY THE STATE OF WASHINGTON FOR
STATE HIGHWAY IN PIERCE COUNTY SUPERIOR COURT CAUSE NO. 133250.

EXCEPT THAT PORTION THEREOF CONVEYED TO THE STATE OF
WASHINGTON FOR STATE HIGHWAY NO. 16, BY DEED RECORDED UNDER
AUDITOR'S NO. 2418883.

TOGETHER WITH:

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF THE WOLLOCHET
- GIG HARBOR COUNTY ROAD, AND THE SOUTH LINE OF SECTION 7,
TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE W.M. IN PIERCE COUNTY,
WASHINGTON; THENCE NORTHEASTERLY ALONG SAID WEST LINE 619 FEET
TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE WEST
PARALLEL WITH THE SOUTH LINE OF SAID SECTION TO THE WEST LINE OF
THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE
SOUTHEAST QUARTER OF SAID SECTION; THENCE NORTH ALONG SAID LINE
TO THE NORTHWEST CORNER OF THE SOUTH HALF OF SAID SUBDIVISION;
THENCE EAST ALONG NORTH LINE OF SAID SUBDIVISION TO THE WEST LINE
OF THE WOLLOCHET - GIG HARBOR COUNTY ROAD; THENCE
SOUTHWESTERLY ALONG SAID LINE TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH:

LOT 10 AND THE WEST HALF OF LOT 11 OF GIG HARBOR ABANDONED
MILITARY RESERVE IN SECTION 7, TOWNSHIP 21 NORTH, RANGE 2 EAST OF
THE W.M., MERIDIAN IN PIERCE COUNTY WASHINGTON;

EXCEPT THE NORTH 30 FEET FOR HOOVER COUNTY ROAD;

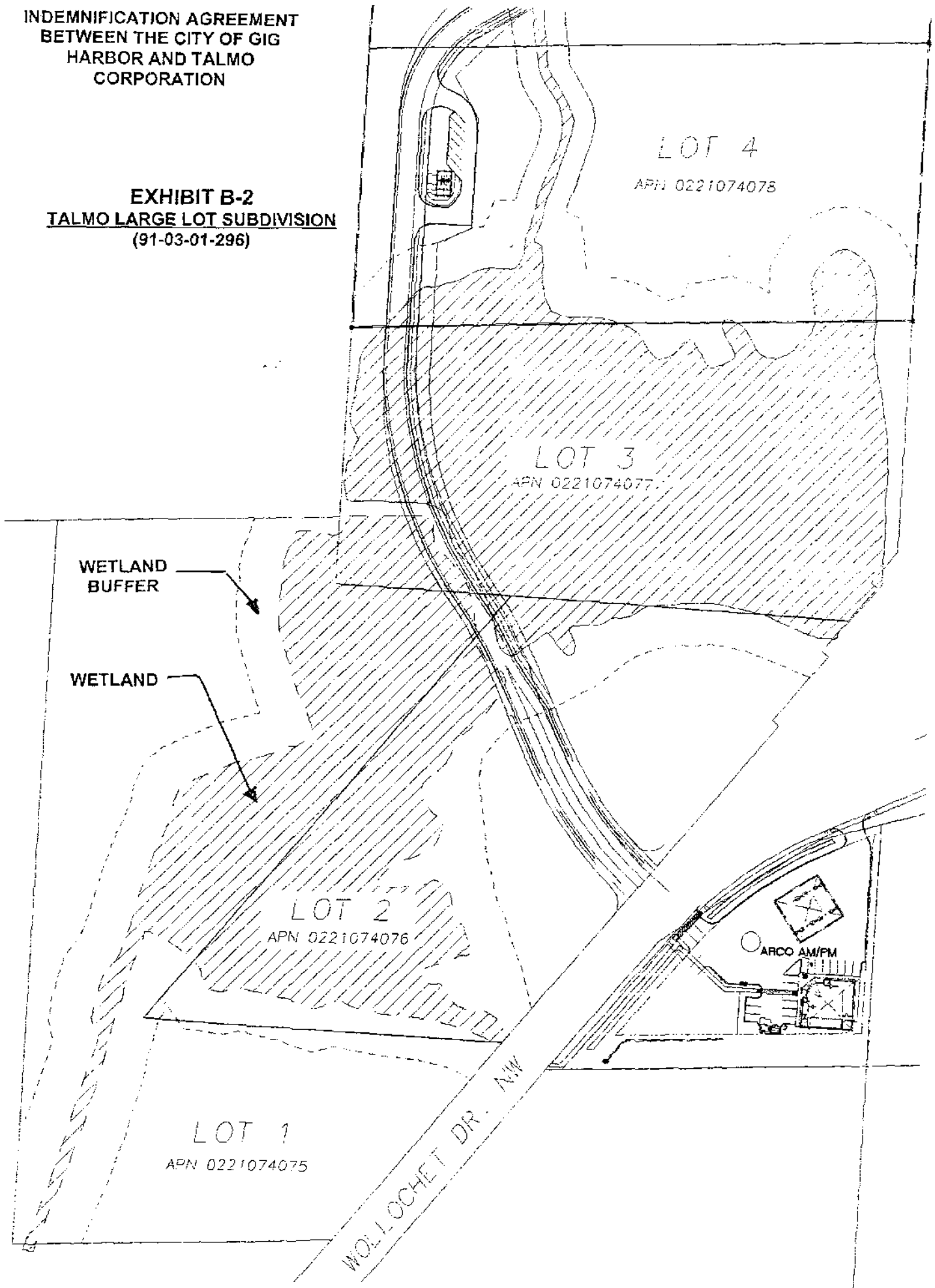
ALSO EXCEPT STATE HIGHWAY NO. 14 (NOW S.R. 16);

ALSO EXCEPT, THAT PORTION CONVEYED FOR STATE HIGHWAY NO. 14 BY
DEED RECORDED APRIL 3, 1957, UNDER AUDITOR'S FEE NO. 1783620, AND
THAT PORTION CONVEYED FOR STATE HIGHWAY NO. 16 BY DEEDS
RECORDED AUGUST 4, 1971, UNDER AUDITOR'S FEE NO'S. 2404298 AND 2404299.

ALSO KNOWN AS LOTS 1 THROUGH 6 OF PIERCE COUNTY LARGE LOT
SUBDIVISION, RECORDED UNDER A.F.N.# 9103010296, RECORDS OF
PIERCE COUNTY AUDITOR.

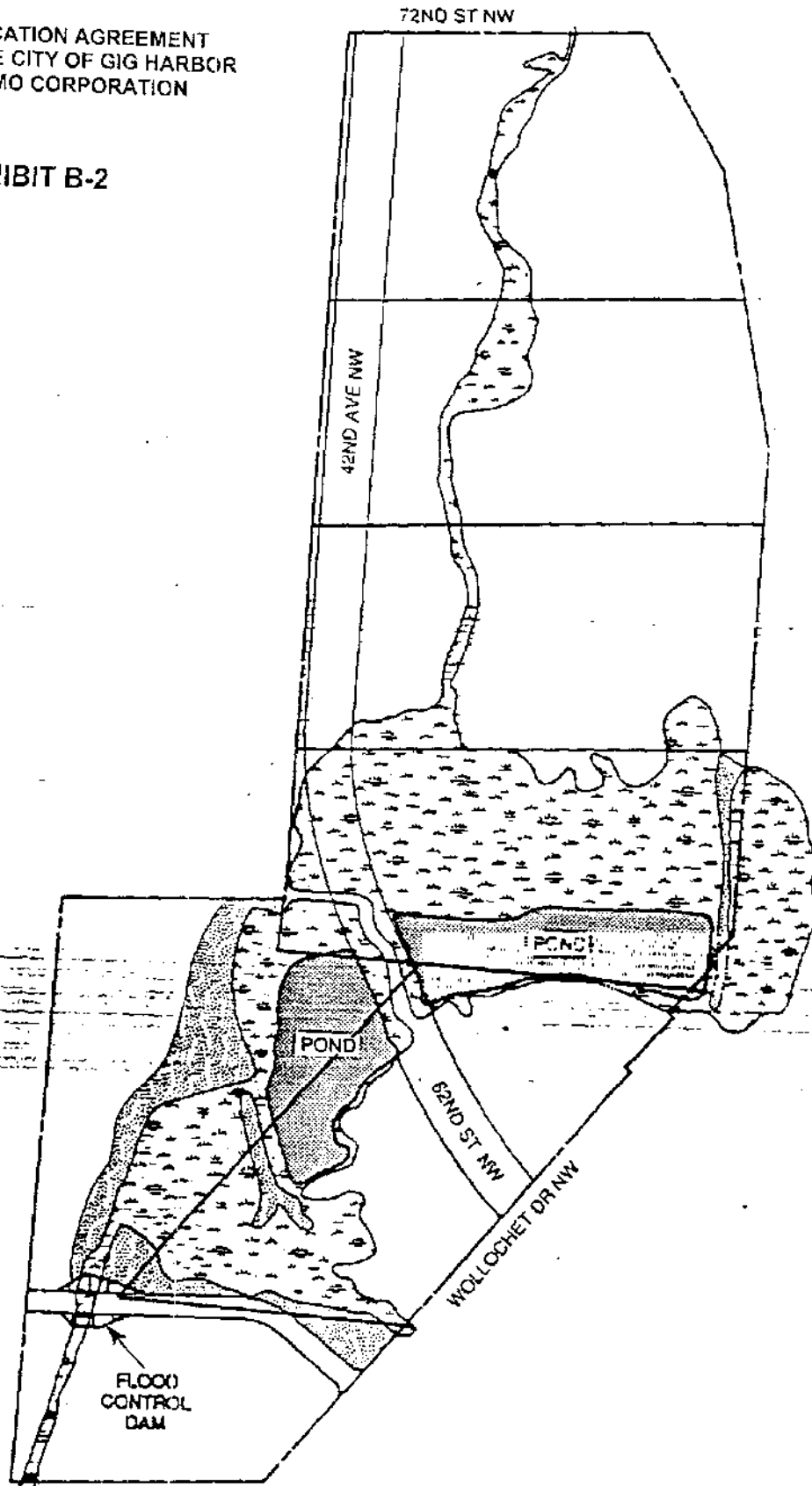
INDEMNIFICATION AGREEMENT
BETWEEN THE CITY OF GIG
HARBOR AND TALMO
CORPORATION

EXHIBIT B-2
TALMO LARGE LOT SUBDIVISION
(91-03-01-296)

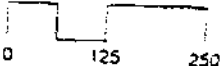


INDEMNIFICATION AGREEMENT
BETWEEN THE CITY OF GIG HARBOR
AND TALMO CORPORATION

EXHIBIT B-2



SCALE IN FEET






-  Proposed Large-Lot Boundary
-  Additional Wetland Created by Flood Control Dam
-  Wetland

EXHIBIT B-2

Additional Wetlands Resulting
from Flood Control Structures at
Talmo Large-Lot Subdivision Project



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR *MMA*
SUBJECT: FIRST READING OF ORDINANCE - SEVEN COUNCILMEMBERS
RATHER THAN FIVE SHALL BE ELECTED
DATE: JULY 8, 1997

INFORMATION/BACKGROUND

The current Gig Harbor Municipal Code states that five councilmembers shall be elected for terms of four years each. This changed to seven members due to the annexations in 1997 and subsequent increase in population. This is a housekeeping item to update the code.

RECOMMENDATION

Move to adopt the ordinance at the second reading.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF GIG HARBOR,
WASHINGTON, RELATING TO THE ELECTION OF
COUNCILMEMBERS; AMENDING GIG HARBOR
MUNICIPAL CODE SECTION 2.12.080 TO REFLECT THE
FACT THAT SEVEN COUNCILMEMBERS RATHER
THAN FIVE SHALL BE ELECTED.

WHEREAS, due to the annexation of property into the city an increase in the population has occurred; and

WHEREAS, pursuant to RCW 35A.12.010, when the population of a mayor-council code city increases to five thousand or more inhabitants, the number of councilmanic offices in the city shall increase from five to seven members; and

WHEREAS, two persons have been appointed to serve in these offices until the next municipal general election,

WHEREAS, the municipal code needs to be updated to reflect the increase in offices; now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Section 2.12.080 of the Gig Harbor Municipal Code is hereby amended to read as follows:

2.12.080 Election of councilmembers - Vacancy.

~~Five~~ Seven councilmembers shall be elected for terms of four years each, with three such councilmembers being elected at one biennial election and ~~two~~ four councilmembers being elected at the subsequent biennial election, and shall serve until his or her successor is elected, qualified and assumes office in accordance with RCW 29.04.170. In the event of a vacancy in a councilmember office, the city council shall, by majority vote, choose and appoint a councilmember to fill said vacancy in the manner set forth in RCW 42.12.010 or other applicable state statute.

Section 2. In 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 ordinance.

Section 3. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:

MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY M. TOWSLEE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY: _____

Filed with the City Clerk: 6/9/99
Passed by the City Council:
Published:
Effective Date:

**SUMMARY OF ORDINANCE NO.
of the City of Gig Harbor, Washington**

On the ___ day of _____, 1999, the City Council of the City of Gig Harbor, passed Ordinance No. . A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE ELECTION OF COUNCILMEMBERS; AMENDING GIG HARBOR MUNICIPAL CODE SECTION 2.12. 080 TO REFLECT THE FACT THAT SEVEN COUNCILMEMBERS RATHER THAN FIVE SHALL BE ELECTED.

The full text of this Ordinance will be mailed upon request.

DATED this ___ day of _____, 1999.

Molly Towslee, City Clerk



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: DAVID RODENBACH *DR*
DATE: JUNE 8, 1999
SUBJECT: SPECIAL BENEFIT STUDY-AMENDMENT TO CONTRACT

INTRODUCTION

This is a proposal for an additional analysis in conjunction with the proposed east-west road LID special benefit/proportionate assessment study.

The scope of the current study estimates the market value of individual parcels both with and without the proposed east-west road. In order for the LID to be successful, the increase in value attributed to each parcel due to improvements must exceed the cost of the improvements by a margin that is comfortable to the bond underwriter and potential investors. Generally a minimum after-improvements market value to assessment ratio of 5 to 1 is required. At this time it appears that the estimated increase in market value solely attributable to the road may not be enough to make a LID feasible.

In order to increase the after-improvements value, we may need to include sewer and water in the LID. In order to accomplish this we must also have before and after market valuations with sewer and water for the affected parcels.

FINANCIAL

The additional analysis including both sewer and water will add \$11,025 in costs to the original contract amount of \$47,400. Contract completion is expected at the end of June.

RECOMMENDATION

Staff recommends approval of this contract amendment.

Macaulay & Associates, Ltd.

2927 Colby Avenue, Suite 100

Everett, WA 98201

(425) 258-2611-Everett

(206) 382-9711-Seattle

(425) 252-1210-Fax

Charles R. Macaulay, MAI

Robert J. Macaulay, MAI

Jim E. Dodge

Yvonne Alexander-Smith

Paul C. Bird, CPA

Richard J. DeFrancesco

Steven D. Lodge

Greg Muller

Lauren M. Apelt

May 21, 1999

Mr. Dave Rodenbach, CPA

Finance Director

City of Gig Harbor

3105 Judson Street

Gig Harbor, WA 98335

RE: Time and fee proposal for additional analysis in conjunction with the proposed east-west road LID preliminary special benefit/proportionate assessment study, Gig Harbor, WA.

Dear Mr. Rodenbach:

As we discussed in our last meeting, this letter briefly outlines our time and fee estimate for completion of an additional valuation scenario in conjunction with the above-referenced project. The scope of this assignment is also addressed.

The special benefit study on which we are currently working estimates market value of individual ownerships (as outlined in our April 21, 1999 LID boundary recommendation letter), both without and with the proposed east-west road project completed. The analysis recognizes that water service is a considerable distance to the southwest of the LID boundary area, on the west side of Highway 16. Sewer service is available to the west of the LID area, along Burnham Drive NW, and extensions are not a significant obstacle to development in the area.

The alternative scenario we would be considering assumes that a water line has been extended under Highway 16 to Burnham Drive NW, just to the southwest of the LID boundary. Although, under this assumption, water availability is still a considerable distance and would need to be extended north along Burnham Drive NW, cost and risk are considerably less than extending it from the location west of Highway 16. Using the same LID boundary, we could complete a special benefit study under this new assumption dealing with water service.

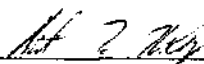
Mr. Dave Rodenbach, CPA
May 21, 1999
Page two

Below is an estimate of the time and expense to complete the additional work discussed above.

Appraiser	Tasks	Hours	Hourly Rate	Total
Charles R. Macaulay, MAI	Analysis and project overview	16	\$150	\$2,400
Robert J. Macaulay, MAI	Analysis, sales review and inspection	45	\$125	\$5,625
Julie Willie	Market research, analysis assistance	50	\$60	\$3,000
Total Proposed Fee				\$11,025

Based on our current progress with the initial assignment and the additional work, completion of both preliminary special benefit study scenarios would be by the end of June. If you have any questions or need additional information, please feel free to call.

Sincerely,
MACAULAY & ASSOCIATES, LTD.



Robert J. Macaulay, MAI
WA State Certified - General Appraiser No. 270-11 MA-CA-UR-J408PS

RJM:krh



City of Gig Harbor Police Dept.
3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-2236

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MITCH BARKER *MB*
SUBJECT: INTERLOCAL AGREEMENT FOR MUTUAL POLICE SERVICES
DATE: JUNE 18, 1999

INFORMATION/BACKGROUND

In order to be prepared for events, which require specialized police services, the police department wishes to enter into an interlocal agreement with various police agencies within the county. Specialized services, to include major crime scene investigations, clandestine lab cleanup, and special weapons groups, would be provided by a multi agency cadre of trained officers. This allows us the ability to provide these services without utilizing the Pierce County Sheriff's services. The participating cities will be Bonney Lake, Buckley, DuPont, Fife, Fircrest, Gig Harbor, Orting, Puyallup, Roy, Sumner, and the Towns of Eatonville, Ruston, Wilkeson, and Steilacoom.

The attached interlocal agreement has been signed by a number of cities within the metro teams group. Our legal counsel has advised me that this agreement is not sufficient for the long term. She has provided a new draft agreement that I am proposing to the other cities at this time. However, we will not be able to have the new agreement in place until January 2000. We need to have some agreement in place in order to continue our cooperation with the other agencies until a new agreement can be established.

FISCAL IMPACTS

Signatory agencies would not bill for their services. Each member organization will pay the salary, equipment, and other costs directly related to members of the team from their agency.

RECOMMENDATION

The Police Departments recommends that the Council authorize the Mayor to sign this interlocal agreement, to remain in effect until a new agreement can be established. This agreement should not exceed the date of the second regular Council meeting of 2000

**INTERLOCAL COOPERATION AGREEMENT
FOR MUTUAL LAW ENFORCEMENT AID
BETWEEN
VARIOUS LAW ENFORCEMENT AGENCIES
OF PIERCE COUNTY**

THIS AGREEMENT is entered into under the Interlocal Cooperation Act (Chapter 39.34 RCW) between the Law Enforcement Agencies of the Cities of Bonney Lake, Buckley, Dupont, Fife, Fircrest, Gig Harbor, Orting, Puyallup, Roy, Ruston, Steilacoom, Sumner, Wilkeson, and the Town of Eatonville by which said jurisdictions agree to provide mutual aid as provided herein.

WHEREAS, law enforcement agencies have the responsibility of protecting lives and property, and keeping the peace; and

WHEREAS, extra-jurisdictional sharing of resources and capabilities is the most efficient and effective use of law enforcement resources to protect life and property; and,

WHEREAS, a major law enforcement operation may affect more than one law enforcement agency which necessitates joint cooperation in order that persons and property may be protected and the peace maintained; and

WHEREAS, the parties to this agreement are also parties to a previously executed Interlocal Cooperation Agreement which is still in effect; and

WHEREAS, the City of Tacoma, and the County of Pierce no longer wish to engage in joint enforcement with respect to certain operations and services; and

WHEREAS, it is necessary and desirable that a cooperative agreement be executed for the purposes of effectuating mutual aid on the largest geographical basis as possible;

NOW, THEREFORE, the parties agree as follows:

1. DEFINITIONS

The following terms shall have the following meanings, unless the context indicates otherwise:

(a) Assisting Agency

Any or all other police agencies contacted for mutual aid by the primarily responsible agency.

(b) **Crime Response Unit**

Organization comprised of individual officers of the Signatory Agencies organized to provide quality investigative assistance for major incidents.

(c) **Major Law Enforcement Operation**

Existence of an actual or suspected Clandestine Laboratory, an emergent emergency situation which requires extraordinary and additional expertise and/or a major crime incident which demands extraordinary expertise for effective investigation.

(d) **Major Law Enforcement Operation Services**

Services provided by a Signatory Agency to a Primarily Responsible Agency.

(e) **Primarily Responsible Agency**

The law enforcement agency within whose local geographical jurisdiction a Major Law Enforcement Operation first occurs.

(f) **Regional Emergency Response Team**

Organization comprised of individual officers of the Signatory Agencies organized to respond to emergent emergency situations which require additional and extraordinary expertise.

(g) **Signatory Agency**

Agencies to this Interlocal Agreement for Mutual Law Enforcement Aid.

(h) **Small Agency Lab Team**

Organization comprised of individual officers of the Signatory Agencies organized to respond to, process and obtain evidence for all actual and suspected Clandestine Laboratories within the participating jurisdictions.

2. **PRIOR AGREEMENT.** This Agreement is not intended to replace, but rather to enhance that Interlocal Agreement previously executed by the Cities of Pierce County and Pierce County to provide backup law enforcement services. It is intended that the Pierce County Interlocal Mutual Aid Protocol approved in conjunction with the aforementioned agreement shall also be applicable to this present agreement and is hereby adopted in its entirety.

3. **ADDENDUM "A"-SMALL AGENCY LAB TEAM.** A Small Agency Lab Team shall be created in accordance with the Specialized Response Team Proposal adopted by the Signatory Agencies.

4. **ADDENDUM "B"-REGIONAL EMERGENCY RESPONSE TEAM** A Regional Emergency Response Team shall be created in accordance with the Regional Emergency Response Team proposal adopted by the Signatory Agencies.

5. **ADDENDUM "C"-CRIME RESPONSE UNIT.** A Crime Response Unit shall be created in accordance with the Crime Response Unit proposal adopted by the Signatory Agencies.

6. **REQUEST FOR ASSISTANCE.** In the event of a Major Law Enforcement Operation, the first law enforcement resources to be used shall be those of the primarily responsible agency. In the event that such resources are inadequate for the primarily responsible agency to safely control the situation, or there is a need for a specialized unit, a request for mutual aid under this plan will be made directly to a Signatory Agency. Such requests for assistance shall, if possible, specify the number of police officers and types of equipment required, and shall further specify where and to whom such officers are to report and where and to whom the equipment should be delivered.

7. **OPERATIONAL COMMAND.** In the event of mobilization under this agreement, the Primarily Responsible Agency shall take charge of the operation, unless the Primarily Responsible Agency specifically requests that a different law enforcement agency or unit fulfill this responsibility, or unless the scope of the problem is multi-jurisdictional, in which case the provisions of the Statewide Mutual Aid plan become operative. Taking charge of an operation shall include directing the assignment of all personnel and equipment. The assignment of duties to officers of Assisting Agencies shall be made by the supervising officer of the Primarily Responsible Agency unless that responsibility is delegated to a different law enforcement agency.

8. **AUTHORIZED STAFF.** The parties to this agreement shall provide the names, addresses and phone numbers of its' staff who have the authority to commit personnel and/or equipment to any Major Law Enforcement Operation.

9. **PRESS RELEASES.** All agencies participating in this mutual aid agreement will make all press releases through the Primarily Responsible Agency, or jointly, if agencies have concurrent jurisdiction.

10. **ARREST POLICIES.** Arrest policies will be determined by mutual agreement of the agencies.

11. **PRISONER TRANSPORTATION.** Transportation of prisoners will be coordinated by the supervising officer in charge of the incident

12. **SUPPLY REPLACEMENT.** The Primarily Responsible Agency will be responsible for supplying and/or replacing supplies needed and/or used by officers from an Assisting Agency. These supplies shall include food, gas for police vehicles, tear or CS gas, or any other supplies that are reasonably needed to sustain the officers in providing assistance with respect to the Major Law Enforcement Operation. Each agency shall be responsible for any repairs and/or damages done to their own vehicles as a result of participation in a Major Law Enforcement Operation.

13. **EMPLOYEE INSURANCE.** Each agency shall only be responsible for the actions of its own employees and shall insure its own employees for false arrest, assault and battery, false imprisonment or detention, malicious prosecution, libel or slander, wrongful entry or eviction or other invasion of rights of private occupancy and/or wrongful death, bodily injury, property damage and comprehensive liability.

14. **INDEMNITY AND HOLD HARMLESS.** Each Signatory Agency agrees to accept liability for any act, error or omission of its own employees of whatever kind and nature and from whatever cause arising out of or connected with the performance of this Agreement, and to indemnify and hold the other Signatory Agencies hereto and their employees harmless from any such liability, claim, or cause of action, including amounts arising out of the performance, by that Signatory Agency's employees, of this Agreement. All liability for salaries, wages, and other compensation of any Signatory Agency's employees shall be that of the respective employers.

15. **INJURY BENEFITS.** Whenever any commissioned officer of a Signatory Agency is injured while acting pursuant to this agreement and is thus rendered incapable of performing his/her regular duties, even though such injury may have occurred while the officer was under the direction of a Signatory Agency which was not the employer of the injured officer at the time of such injury, such officer or his/her dependents shall receive from that officer's employer, the same benefits which such officer would have received had said officer been enacting under the immediate direction of said officer's employer and within said employer's jurisdiction.

16. **AUTOMATIC COMMISSION.** Full time, paid commissioned officers who are responding to any request for assistance under this agreement shall be automatically commissioned by virtue of this agreement, through the commissioning authority of the Primarily Responsible Agency, and therefore shall be empowered to exercise the same police authority during the entirety of their response to the Major Law Enforcement Operation as though they were full-time commissioned officers of the Primarily Responsible Agency. This provision shall apply whether the request for assistance is based upon a formal request between department heads, a request through Watch Commanders or Shift Supervisors, or when the officers of one jurisdiction cross jurisdictional boundaries to aid or assist the officers of another Signatory Agency.

17. **PLANS FOR MOBILIZATION.** Each Signatory Agency should develop and maintain a current plan for mobilization of its personnel and other resources in order to effectively provide mutual aid to the other signatory agencies

18. **WITHDRAWAL FROM AGREEMENT.** Any Signatory Agency may withdraw from this agreement when a period of twenty (20) days has elapsed after notification is made by registered letter to the other Signatory Agencies' normal business address. Withdrawal or non-execution of this agreement by any one agency shall not affect the continued efficacy of the agreement with regard to other Signatory Agencies.

19. **MODIFICATION.** The parties may amend, modify, or supplement this Agreement only by written agreement of the parties.

20. **EXTENT OF AGREEMENT.** This agreement contains the complete understanding of the parties regarding the subject matter of this agreement.

CITY OF BONNEY LAKE

By: _____

CITY OF DUPONT

By: _____

CITY OF FIRCREST

By: _____

CITY OF ORTING

By: _____

CITY OF ROY

By: _____

CITY OF STEILACOOM

By: _____

CITY OF WILKESON

By: _____

CITY OF BUCKLEY

By: _____

CITY OF FIFE

By: _____

CITY OF GIG HARBOR

By: _____

CITY OF PUYALLUP

By: _____

CITY OF RUSTON

By: _____

CITY OF SUMNER

By: _____

TOWN OF EATONVILLE

By: _____

ADDENDUM

A

SPECIALIZED RESPONSE TEAM

COOPERATIVE

CLANDESTINE LAB TEAM

lck
5/29/98

Specialized Response Team Proposal

Small Agency Lab Team

Establishment of a Multi-Agency Clandestine Laboratory Team

The illicit manufacture of Methamphetamine is recognized by the Pierce County Chiefs Association as a growing epidemic requiring specially trained personnel to effectively investigate suspected Clandestine Laboratory sites. The presence of hazardous chemicals and materials, explosive environments, and counter detection measures utilized by criminal suspects exceed the capabilities of the patrol force.

Law Enforcement personnel with specialized training are necessary to respond to, assess, identify and collect evidence, properly document the sites, dismantle the operation, ensure proper disposal of hazardous materials and coordinate with other government entities. Protection of life, property, limiting environmental impact and assisting in the subsequent prosecution of identified suspects is the mission of team personnel.

The Pierce County police agencies have identified cost reduction and increased operational benefits as the basis for the establishment of a multi-agency Clandestine Laboratory response Team. This team will respond at the request of participating agency jurisdictions for assessment and initial investigation of suspected clandestine laboratory sites.

The Small Agency Lab Team (SALT) will be comprised of members from the Sumner, Bonney Lake, Buckley, Orting and Steilacoom Police Departments. The team will identify and absorb members from jurisdictions who wish to participate.

Small Agency Lab Team Mission

The purpose of the Small Agency Laboratory Response Team is to respond to, process and obtain evidence for all actual and suspected Clandestine Laboratories within the jurisdictions participating under the mutual aid agreement.

The principle interest in any and every response made by the Clandestine Laboratory Team is to ensure the safety of responding personnel, the public, and the environment. This interest requires the utmost level of professionalism, attention to detail and cooperation amongst participating agency personnel.

Multi-Agency Clandestine Laboratory Team Response

Members of the clandestine laboratory response team will be specifically trained to handle the following situations;

- Active Labs- (Currently in Operation)

- Inactive- (Set up but not operational)
- Boxed - (Dismantled and boxed)
- In Transit- (boxed lab or components being moved from one site to another)
- Trashed- (discarded chemicals, residues and equipment)

Structure

- Overall coordination and control of the Multi-Agency Clandestine Response team would rest with the Pierce County Chiefs Association (PCCA).
- The PCCA will approve all protocols for the Multi-Agency Clandestine Lab Team.
- The PCCA will designate the Lab Team Coordinator.
- The Lab Team will operate in accordance Small Agency Lab Team Policies and Procedures Manual.

Overview

- The Multi-Agency Clandestine Laboratory Team will consist of personnel designated by the Chief of each member agency, in consultation with the Lab team Coordinator.
- Clandestine Laboratory site operations/investigations will be under the immediate supervision of the Lab Site Supervisor. Upon completion of on site investigation, the investigation shall be the responsibility of the requesting jurisdiction.
- The Multi-Agency Clandestine Laboratory team will conduct their investigation in a professional manner and will use and apply current techniques in their investigation. Individual Lab team members are accountable to their agency administrator for their conduct, performance, and activities as a law enforcement official.
- The decision to call for assistance from the Small Agency Lab Team shall be made by the agency of primary jurisdiction.
- If additional support from other entities is necessary, the lab Site Supervisor or his designee will request the assistance.
- All reports will be submitted to the lead detective of agency of primary jurisdiction. The Lab team Records Officer will retain copies of the site investigation for Lab team purposes.
- The Small Agency Lab Team members will attend training sessions as required to maintain certification. If available, team members may provide their assistance as instructors in local in-service training.
- Each member agency is responsible for their employee's wages and associated cost.

- Individual agencies shall supply each team member with the necessary safety equipment required to participate on the team.

Agency of Primary Jurisdiction

Each jurisdiction shall be responsible for the expense incurred by members of their agency. The agency of primary jurisdiction is NOT responsible for cost incurred by salaries or overtime of Lab Team Members from other member agencies.

In all investigations of clandestine labs within the city limits, the city police shall be the agency of primary jurisdiction, unless the Chief of Police of the primary jurisdiction delegates the responsibility to another agency.

Upon determining that the Small Agency Lab Team will be called out, the primary agency shall follow the listed protocol.

- Assure that proper protection of the crime scene until the arrival of the Lab Team.
- If an immediate danger is identified to surrounding life/property, implement evacuation procedures of surrounding area.
- Notify the Lab Team Supervisor who will, in turn, notify the team members. The Lab Team supervisor will then contact the primary agency and advise them of the ETA of the responding team. In the event that the Lab Team Supervisor does not respond to calls a designated alternate may be contacted.
- The primary agency with jurisdiction will provide all available assistance as requested by the Clandestine laboratory team, eg. Fire/Medical Aid Support, Hazardous Materials Team.
- The primary agency shall be responsible for providing all reports of the investigation to the prosecutor's office.

Release of Information/Press Releases

All information and press releases shall be the responsibility of the agency of primary jurisdiction. Upon request, the Lab Team Site Supervisor or his designee shall assist the primary agency as necessary. At no time shall any team member release information pertaining to their investigations without the permission of the primary agency supervisor. This does not pertain to statistical figures and other non-specific data maintained by the Records Officer for the Lab team.

Evidence

- The agency of primary jurisdiction will arrange for storage and control of all evidence in conformance with their established property control procedures. Copies of all property reports will be included in the investigation reports.
- The Lab Team will facilitate the disposition of the hazardous materials, glassware, and other items not deemed necessary as evidence through the Washington State Department Of Ecology and their designated hazardous materials contractor.

General Duties and Responsibilities

Site Supervisor

The site supervisor is responsible for directing and coordinating all aspects of a particular Clandestine Lab response.

The site supervisor shall be a certified member of the Lab Team, and most often the callout Team leader or Lab Team Supervisor, or his designee.

The Site Supervisor Shall;

- Notify all necessary members of the Clandestine Lab Team along with all assisting agencies (e.g., Hazardous Materials Team, fire department, local emergency services, etc.).
- Ensure proper disposal of chemical hazards and/or hazardous waste materials by the Department of Ecology (DOE).
- Evaluate the progress of the planned emergency response to ensure that the response objectives are being met safely, effectively, and efficiently and adjust the plan of action accordingly by completing the following task;
- Evaluate the progress of the plan of action.
- Report and document the hazardous materials incident.
- Conduct a multi-agency critique.
- Complete a Pre-Entry Operational Plan and conduct a pre-entry briefing for the Clandestine Lab Team and other assisting agencies.

The Site Supervisor shall:

- Know and be able to implement the Incident Command System.
- Coordinate a multi-agency Clandestine Drug Lab Response.
- Insure that appropriate personal protective equipment is utilized. Know and understand the hazards and risk associated with employees working in chemical protective clothing.

- Provide Security in order to ensure that unauthorized personnel do not enter the lab and/or exclusion zone.
- Know and understand the importance of decontamination procedures.
- Assign Site Safety Officer(s) as needed.
- Respond to public or media request for information regarding the Clandestine Lab.
- Notify the appropriate supervisor in the affected area to coordinate any needed Field operations response.
- Authorize the entry into the lab site of lab site personnel and ensure that they exit promptly upon completion of their specific task.
- If circumstances warrant, the Site Supervisor may authorize additional members of the Lab Team to enter the lab to assist with the processing of evidence.
- Ensure completion of the Exposure Report forms for each person involved in the Clandestine Lab investigation prior to submission for filing.
- See that contaminated personnel and equipment are properly decontaminated and hazardous materials are disposed of properly.
- Ensure the proper use of all personal protective equipment.
- See that current regulations are followed.
- Provide a commissioned officer for security during removal of the chemicals and contaminated apparatus.

Site Safety Officer

The Site Supervisor shall designate the site safety officer.

The site safety officer may be either a certified member of the lab team or a member of the responding fire department HazMat unit.

The Site Safety Officer shall:

- Update the Hazardous Assessment and Recognition Plan (HARP) form and brief all involved personnel on all known hazards associated with the particular Clandestine Lab prior to entry.
- When applicable, complete the Confined Space Checklist.
- Administrate the site safety and health procedures and complete the Safety, Health and Processing Clandestine Lab Checklist.
- Ensure that all safety precautions are adhered to during the securing and dismantling of a Clandestine Lab site.
- Establish the Exclusionary Zone, (Hot Zone), and the Contamination Reduction Zone.
- Tape off the Exclusionary and Contamination Reduction Zones.
- Limit access to the Exclusionary Zone and the Contamination Reduction Zone to properly trained and equipped personnel. Ensure that access/exit to these zones come through the Contamination Reduction Corridor.
- Monitor the activities of the Entry Team and determine appropriate rest breaks. When establishing rest periods for the Entry Team, the Site Safety Officer shall take into consideration the weather conditions, activities of the processing team, and the general physical condition of each member of the Entry Team.

- Monitor and record blood pressure, pulse, and body temperature of the Entry Team members prior to and after entry into the Exclusionary Zone.
- Monitor the decontamination activities.
- Provide an air monitor device and trained operator.
- Provide and ensure the proper use of all ventilation equipment.
- Provide adequate supplies of disposable personal protective equipment.

Entry Team

Entry teams are made up of at least two full time, certified lab team members and enter the Lab Site only while equipped in the proper personal protective equipment.

The responsibilities of the Entry Teams depend on which phase of the Lab Site processing is in effect.

- During Tactical Entry Warrant Service, the entry team shall arrest or detain any suspects present in the lab site and remove them to a predetermined refuge area. After removing any subjects present in the lab site, the team shall debrief the Site Supervisor and Site Safety Officer regarding any obvious hazards associated with the lab site prior to processing or dismantling the lab site. Persons detained at the Lab Site may be able to provide additional information about the hazards involved as well. The Hazard Assessment Recognition Plan (HARP) shall be updated as necessary.
- The purpose of the initial Entry/Appraisal team(s) is to provide the Site Supervisor and Site Safety Officer with information as to any obvious hazards associated with the lab site. Such information includes explosive limits and oxygen levels as determined by an air monitor, the status of the lab site, (hot, cold, etc.), and type of lab site (e.g. P2P, Red Phosphorus/HI/ Nazi method). The Hazard Assessment Recognition Plan (HARP) shall be updated as necessary.

Entry Team(s) responsible for the Processing and Dismantling of the lab site shall:

- Recover and document any relevant criminal evidence relating to the lab site and criminal investigation.
- Collect and document any chemical samples.
- Assist in the organization and classification of chemicals in preparation for disposal.
- Document their activities/findings in a Supplemental Report.

All entry team personnel shall wear appropriate personal protective equipment and complete decontamination as deemed necessary by the Site Safety Officer.

Documentation Officer

The Documentation Officer is responsible for documenting certain specifics of the lab site as well as the entry teams' notes and observations. These items include documentation of the lab site's location, case number, Site Supervisor, Site Safety Officer, Entry Team personnel, entry/exit times, etc.

- The Documentation Officer may be any member of the Clandestine Lab Team.
- The Documentation Officer shall write a Supplemental Report.
- Copies of all reports and paperwork shall be given to the Records Officer, Lab Team Supervisor, and police department whose jurisdiction the lab site is located in.

Case Officer

The Case Officer is responsible for the primary general report regarding the Lab Site and the Lab Team response.

These duties include:

- Assisting the requesting jurisdiction with obtaining the necessary warrants and court orders prior to entry into the lab site.
- Being responsible for ensuring the transport and booking of any suspects taken into custody.
- Ensuring that all necessary evidence recovered from the lab site is properly documented and submitted. If necessary, a Property/Evidence Officer may be appointed.
- Complete a general or supplemental report, as necessary.

The Case Officer need not be a lab team member. The position is filled commonly by an officer involved in the original investigation leading to the discovery of the lab site. The case officer shall provide all appropriate forms and paperwork to the records Officer.

Property/Evidence Officer

The Property/Evidence Officer is responsible for ensuring that all evidence recovered by the Entry Teams from the lab site are properly documented and submitted into evidence. All appropriate forms and paperwork shall be provided to her Records Officer.

Records Officer

The Records Officer shall communicate with appropriate members of the response team to ensure that all files, forms and reports regarding the lab call are given or forwarded to him. These reports shall be kept in a case file by the records Officer.

It is imperative that copies of all criminal reports and processing reports be forwarded to the Records Officer. This ensures that the case file for each response is complete.

Medical Records of Team members shall be retained and maintained by the Records Officer In accordance with applicable statutes.

Small Agency Lab Team

MISSION STATEMENT

The purpose of the Small Agency Laboratory Response Team is to respond to, process and obtain evidence for all actual and suspected Clandestine Laboratories within the jurisdictions participating in the agreement.

The principle interest in any and every response made by the Clandestine Laboratory Team is to ensure the safety of responding personnel, the public, and the environment. This interest requires the utmost level of professionalism, attention to detail and cooperation amongst participating agency personnel. The dedication and discipline inherent in these qualities shall be expected of every member of the Clandestine Laboratory Team.

The purpose of the Policy and Procedures Manual is to establish a set of standards that detail the structure of the Clandestine Laboratory Team itself as well as the procedures used in responding to a Lab Site. Each Lab site presents an infinite array of possible hazards and challenges, and each response will therefore adapt accordingly to the specific factors present. The Clandestine Laboratory Policy and Procedures Manual is to be used as a guide in order to consistently provide the safest, most efficient response to the public, while complying with all Federal, State and Local rules and regulations.

ADDENDUM

B

COOPERATIVE

EMERGENCY RESPONSE TEAMS

PIERCE COUNTY POLICE AGENCIES REGIONAL EMERGENCY RESPONSE TEAM

Establishment of the Emergency Response Teams

The police agencies of Pierce County recognize the need for specially trained people to handle the unusual situations which the regular patrol force may not be equipped or trained to handle.

The agencies' administrations identified the cost reduction and increased operational benefits of using two already existing teams and will combine these two teams whenever the need arises.

Bonney Lake Police Department's Special Response Team will absorb any new members that wish to participate. The Puyallup Police Department's Special Operations Group will be the lead emergency response team and will draw from Bonney Lake's team whenever the need arises and vice versa. The two teams will train jointly every other month and train by themselves monthly. A joint week of training will commence in the Summer, every year.

Mission of the Emergency Response Teams

The mission of the emergency response teams is to provide the citizens under the participating jurisdictions with trained personnel and resources to work as a coordinated unit to resolve unusual situations without the loss of life.

It is recognized that, due to the actions of the suspect, not all situations may end without the loss of life. In situations that become life threatening because of actions by the suspect, the goal will be one of preserving the life of innocent citizens and the police.

Types of Emergency Response Team Situations

The emergency response teams will be specially trained to handle the following types of situations:

- ✓ Barricaded person – no hostage
- ✓ High risk warrant service.(This may not require a full mobilization of both teams)
- ✓ VIP protection.(This, also, may not require a full mobilization of both teams)
- ✓ Civil disturbances.

General Duties and Responsibilities

Watch Commander: The Chief's designee. This person will authorize the call out of the emergency response team. The initial call will be placed to the Commander of the Puyallup PD's SOG team to determine what elements of the SOG/SRT are needed. The Watch Commander will remain in charge of the scene until the SOG/SRT Commander(s)

arrive. The Watch Commander will remain in the Command Post and provide input to the SOG/SRT effort to ensure that the requesting agency's policies are being adhered to.

Chief of Police: The Chief of Police has the ultimate responsibility for ensuring that the policies of the requesting agency are followed. He/she may be used for consultation by the Watch Commander and/or the SOG/SRT Commander.

SOG/SRT Commander: The SOG/SRT Commander is responsible for Command Post operations, directing negotiations, directing and coordinating the collection and distribution of background and intelligence information, directing support services, and directing all other activities not controlled or directed by the SOG/SRT Team Leaders.

The Command Post will be the primary gathering point of all information on the situation. It is designed for the quick and accurate dissemination of information to the necessary components of the emergency response teams. The Command Post is also designed as the primary point for decision making.

SOG/SRT Team Leader: The Team Leader(s) are responsible for directing and supervising the emergency response team's and the inner perimeter personnel. He/she will develop strategy and tactical plans to remedy the situation by tactical means when called upon to do so.

SOG/SRT Teams: The emergency response teams will include components of Entry Team and Marksmen. They will act under the direction of the SOG/SRT Team Leader(s) and will be used for tactical resolution of the problem when called upon to do so.

The emergency response teams are designed to be used in situations where their inherent strengths provide a tactical advantage over the standard patrol force. Those strengths include superior weapons and body armor, increased covert capabilities, access to diversion devices/explosive entry techniques, superior teamwork due to constant team training, increased knowledge of tactics, specialized equipment, and a formalized support network.

Negotiations Team: The Negotiations Team will include at least a Lead Negotiator and a Back-up Negotiator, and will act under the direction of the SOG/SRT Commander. The Negotiators will attempt to persuade the suspect by verbal communications to leave his/her position so the he/she may be taken into custody.

Support Services: The Support Services consist of personnel from the Patrol and Investigations Divisions acting under the direction of the Watch Commander and/or the SOG/SRT Commander. Support Services will conduct interviews of witnesses or released hostages, obtain background and intelligence information, obtain a search warrant for the suspect's location if needed, and assist with perimeter security.

Shift Supervisor: The Patrol Shift Supervisor of the requesting agency is responsible for directing and controlling the situation until units of the SOG/SRT arrive. Responsibilities include:

- ✓ Ensuring proper containment of the suspect
- ✓ Assessing the situation to include categorizing the type of situation, the type of suspect, and the goal of the suspect.
- ✓ Attempting initial contact with the suspect to determine if the suspect is willing to surrender.
- ✓ Notifying the Watch Commander if it is determined to be an emergency response team situation, and request the call out of SOG/SRT members.
- ✓ Designating an Arrest Team out of inner perimeter personnel. The Arrest Team is responsible for taking control of the suspect should the suspect exit his/her location prior to the deployment of the SOG/SRT team(s).
- ✓ Attempting to remove citizens from the inner perimeter if they are in a life threatening situation. However, if, in the Shift Supervisor's opinion, attempts to remove people from the inner perimeter should place those people or police lives in greater jeopardy than if the people were to remain at their location, the Shift Supervisor may elect to wait until SOG/SRT arrive before evacuation is attempted.
- ✓ Attempting to establish an outer perimeter. Outside agencies should be utilized if there is not enough personnel available.
- ✓ Establishing a temporary Command Post location, and notifying Dispatch of the location and a safe route to the location.
- ✓ Establishing a temporary staging area location, and notifying Dispatch of the locations and a safe route to the location.
- ✓ Obtaining as much information as possible on the situation. This includes the number and descriptions of the suspects, types of weapons, number and description of hostages, and diagrams or floor plans of the suspect's location.
- ✓ Briefing the Watch Commander, SOG/SRT Commander, and SOG/SRT Team Leaders on the situation and deployment of police personnel.
- ✓ Remaining in command of the situation until relieved by SOG/SRT Personnel.

Mobilization Criteria

A Patrol Shift Supervisor or Division Head may request a mobilization of the emergency response team through the Watch Commander. The following factors should be considered prior to requesting an SOG/SRT response:

- ✓ Is the suspect armed or known to be dangerous?
- ✓ Is there suspicion of heavy or unusual weapons, booby traps, or explosives?
- ✓ Is the suspect's location fortified?
- ✓ Is there reason to believe the suspect may have hostages?
- ✓ Has the suspect refused to surrender, or otherwise can't be arrested?
- ✓ Does the situation require resources that are not immediately available?

- ✓ Are there other factors that would justify an SOG/SRT response (e.g. special concealment problems, large number of civilians in the area, logistically difficult location)?

If any of the factors exist and the situation warrants an SOG/SRT response, a request should be made to the Watch Commander. The Watch Commander will contact the Puyallup Police Department's SOG Commander, who will then determine what units of the SOG/SRT are needed to handle the situation.

Call-Out Procedure

- ✓ The primary jurisdiction's Patrol Shift Supervisor or Division Head contacts the agency's Watch Commander and requests a SOG/SRT response. The Watch Commander reviews all available information and determines if the situation warrants a SOG/SRT response.
- ✓ The Watch Commander notifies the Chief of his/her agency and advises them of the situation.
- ✓ For a partial SOG/SRT mobilization (e.g. high risk warrant service) the Watch Commander of the requesting agency notifies the jurisdiction that is geographically closer to them, Bonney Lake or Puyallup, and the Commander of that team's emergency response team will determine what resources are needed to respond to the situation.
- ✓ For a full SOG/SRT mobilization, the Watch Commander of the requesting agency contacts the SOG Commander for Puyallup Police Department and he/she notifies the SRT Commander for Bonney Lake Police Department.
- ✓ The SOG/SRT Commanders notify all Negotiators on their respective teams. SOG / SRT Commanders are responsible for ensuring that all pertinent Command Post equipment is picked up and deployed and that one of the Negotiators is designated to pick up all necessary negotiator's equipment.
- ✓ The SOG/SRT Team Leaders will notify SOG/SRT personnel and ensure that all necessary equipment is picked up.

ADDENDUM

C

COOPERATIVE

**CRIME RESPONSE UNIT
(C.R.U.)**

Mission Statement

The mission of the Crime Response Unit is to provide quality investigative assistance to the member agencies at the level of professional excellence expected by our communities.

Purpose and Goals of the C.R.U.

The Crime Response Unit was conceived in an effort to:

- ▶ Provide an investigative resource to law enforcement agencies in the most cost effective manner.
- ▶ Continue to enhance public trust by conducting professional and consistent multi-jurisdictional investigations.
- ▶ Provide uniform investigation of major incidents by the member agencies.
- ▶ Maximize the availability and sharing of the latest technological equipment and investigative techniques.
- ▶ Share the skills of the most experienced investigators available, to assure that thorough investigations are conducted in a timely fashion.
- ▶ Allow the benefit of training and shared experience to smaller agency's investigators through hands-on experience with the investigative team.

Crime Response Unit

C.R.U.

1. COORDINATION, CONTROL AND SUPERVISION

- 1.1 Overall coordination and control of the C.R.U. will rest with the Chiefs of the participating agencies, or their designee. This group will be known as the C.R.U. Control Committee and is further referred to as the "Control Committee." The Control Committee will also consist of the Unit Coordinator, Unit Supervisor, and any other persons so designated. A list of the Control Committee will be maintained by the Unit Coordinator and / or their designee. All agencies participating in the C.R.U. will be known as "Member Agencies." A list of Member Agencies will be maintained by the Unit Coordinator.
- 1.2 The Control Committee will approve all protocols for the C.R.U. .
- 1.3 The Control Committee will approve the "Unit Coordinator and Unit Supervisor."
- 1.4 The C.R.U. will be coordinated by an individual designated as the "Unit Coordinator." They will be responsible for maintaining the contact list of unit members and contacting the unit members when a C.R.U. activation is requested. They will be responsible for providing any logistical support needed by the Unit Supervisor. They will serve as an assistant to the Unit Supervisor at the location of the activation. An Assistant Unit Coordinator may be selected at the discretion of the Unit Coordinator and Unit Supervisor.
- 1.5 The C.R.U. investigations will be supervised by an individual designated as the "Unit Supervisor." This person will supervise the investigative aspects of the C.R.U. The Unit Supervisor shall be responsible for supervision of unit members at the crime scene and assignments of unit members during activations / call-outs. They will serve as the supervisory liaison between the C.R.U. and the Venue Agency. An Assistant Unit Supervisor may be selected at the discretion of the Unit Coordinator and Unit Supervisor.

2. SELECTION OF PERSONNEL

- 2.1 C.R.U. position announcements, application form, and application procedures will be approved by the Control Committee.
- 2.2 The C.R.U. will consist of personnel selected from applications submitted to the Control Committee. The Control Committee will select C.R.U. members based on the needs of the unit, and the applicants qualifications as a benefit to the unit. If assigned to the unit, an applicant may be designated as a Primary Member, Alternate Member, or Unit Resource.
- 2.3 Member agencies will have, at least, one unit member as a Primary Member, Alternate Member, or Unit Resource.

3. OPERATIONS AND EQUIPMENT

- 3.1 Investigations shall be under the direction of the supervisor or lead investigator of the Venue Agency, who will work directly with the Unit Supervisor.
- 3.2 The C.R.U. will conduct their investigation in a professional manner and will use approved techniques in handling all evidence. Each individual C.R.U. member is accountable to their agency administrator for their conduct, performance, and activities as a law enforcement officer / investigator.
- 3.3 The C.R.U. may request the assistance of the W.S. P. Crime Lab - Crime Scene Response Team. The decision to use the WSP Crime Scene Response Team will be made by the Venue Agency, in consultation with the Unit Supervisor.
- 3.4 The C.R.U. members will attend training seminars, if requested and available, and will provide their assistance as instructors in local in-service training.
- 3.5 Each member agency is responsible for their employees' wages and associated costs.
- 3.6 All reports and follow-up paperwork will be submitted to the Lead Investigator of the Venue Agency. All reports will be retained by the Venue Agency. A copy of all reports will be maintained by the Unit Supervisor or Unit Coordinator.
- 3.7 Member agencies shall supply each team member with basic safety equipment to adhere to current WISHA or OSHA blood borne pathogens rules.

- 3.8 Member agencies will furnish a jacket, shirt, and baseball type cap, typical only to the C.R.U. , which shall be worn by each team member on call out. Each team member will be issued identification to identify that they are members of the C.R.U. This identification will be worn at each team activation.
- 3.8 Each C.R.U. member will be supplied by their agency with a copy of the book, "Practical Homicide Investigation" and the accompanying "Checklist and Field Guide" by Vernon J. Geberth. C.R.U. members will become familiar with these publications as they will be used as the primary resources for C.R.U. investigations.
- 3.9 As soon as practical after each C.R.U. activation, all team members involved in the incident will attend an operational debriefing session.

4. ACTIVATION / CALL OUT PROCEDURES

- 4.1 The decision to call for C.R.U. assistance shall be made by the Chief of the venue agency, or their designee.
- 4.2 Upon determining that a C.R.U. assistance request will be initiated, the Chief of the venue agency shall follow the listed protocol.
 - A. Assure proper protection of the crime scene until the arrival of the C.R.U. .
 - B. Notify the C.R.U. Coordinator who will determine if the assistance request meets the guidelines for C.R.U. activation as determined by the Control Committee. If a C.R.U. call out is justified, the Unit Coordinator will notify the Unit Supervisor and team members to respond to the designated briefing location. The Unit Coordinator will then contact the Venue Agency and advise them of E.T.A. of the C.R.U. to the crime scene.
NOTE: In the event that the Unit Coordinator can not be contacted within 15 minutes, the Unit Supervisor (or Assistant Unit Coordinator if designated) will be contacted and they will assume the duties of the Team Coordinator. A list of contact numbers for the Unit Coordinator and Unit Supervisor will be maintained by Puyallup P.D. City Communications.
- 4.3 When notified of a team activation / call-out, each C.R.U. member contacted shall respond to the assigned location. If it is determined that additional assistance is needed, additional team members may be activated by the Unit Coordinator or Unit Supervisor.

- 4.4 Members of the C.R.U. who are not employed by the Venue Agency, shall be assigned to the C.R.U. investigation for 72 hours from the time that the Team was activated. After the 72 hour activation, the team members shall return to their individual agency responsibilities unless a specific request for extension is made to the team member's agency.

NOTE: Team members may be released earlier than 72 hours if it is determined that their assistance is no longer needed for the investigation or they are requested to return to their agency responsibilities on an emergency basis. The determination of early release shall be made, jointly, by the Venue Agency, the member's agency, the Unit Coordinator, and the Unit Supervisor. If the member's employing agency Chief, requests that the member be released from the team, that decision shall be final.

5. VENUE AGENCY RESPONSIBILITIES

- 5.1. Each jurisdiction shall be responsible for the expense incurred by members of their agency. The Venue Agency is responsible for costs incurred by salaries or overtime of their agency personnel but not C.R.U. members from other agencies.
- 5.2. In all investigations of crimes committed within the city limits, the city police shall be the Venue Agency, unless the responsibility is delegated to another agency by the Chief of the Venue Agency.
- 5.3. The Venue Agency will provide all available assistance as requested by the C.R.U.
- 5.4. The Venue Agency shall be responsible for continuing the investigation to its ultimate completion and subsequent prosecution once the life span of the C.R.U. has expired.
- 5.5. The Venue Agency shall be responsible for providing all reports of the investigation to the prosecutor's office.
- 5.6. All information and press releases shall be the responsibility of the Venue Agency. The Unit Coordinator, Unit Supervisor or a designated C.R.U. member will assist the Venue Agency if requested. At no time shall any team member release information, related to the C.R.U. investigation, without the permission of the Venue Agency supervisor.

- 5.7 The Venue Agency will arrange for storage and control of all evidence in conformance with their established property control procedures.
- 5.8 The Venue Agency may request assistance from any police agency they deem necessary.

By: **Bryan D. Johnson**
Milton Police Department



City of Gig Harbor Police Dept.
3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-2236

GIG HARBOR POLICE DEPARTMENT

MONTHLY ACTIVITY REPORT

May 1999

	<u>MAY</u> <u>1999</u>	<u>YTD</u> <u>1999</u>	<u>YTD</u> <u>1998</u>	<u>%chg to</u> <u>1998</u>
CALLS FOR SERVICE	344	1865	1959	- 4
CRIMINAL TRAFFIC	13	96	114	- 15
TRAFFIC INFRACTIONS	105	478	425	+ 12
DUI ARRESTS	8	27	54	- 50
FELONY ARRESTS	3	16	11	+ 10
MISDEMEANOR ARRESTS	27	128	19	+ 119
WARRANT ARRESTS	7	48	50	- 4
CASE REPORTS	89	487	547	- 10
REPORTABLE VEHICLE ACCIDENTS	8	69	58	+ 18



City of Gig Harbor Police Dept.
3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-2236

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MITCH BARKER, CHIEF OF POLICE
SUBJECT: MAY INFORMATION FROM PD
DATE: JUNE 9, 1999

The May 1999 activity statistics are attached for your review.

The Reserves worked 326 hours of service in May. This was divided between 245 hours of patrol time, 60 administrative hours, and 21 hours of training.

The Marine Services Unit provided 39.5 hours of patrol time, 1 hour of maintenance, 1 hour of administrative time, and trained for 8 hours in May. The officers responded to 8 dispatched calls for service, 1 search/rescue call, conducted 6 safety inspections, and provided 4 boater assists.

The Explorers volunteered 54 hours of service in May. This was split between regular meetings and one fundraiser.

Reserve Officer Siburg has continued visiting schools and in May contacted students and staff at Henderson Bay and Discovery.

GIG HARBOR PENINSULA AREA
CHAMBER OF COMMERCE

3302 HARBOR



June 11, 1999

The Honorable Gretchen Wilbert and
Members of the City Council
3105 Judson
Gig Harbor, Washington 98335

RE: CONCURRENCY ORDINANCE

Dear Gretchen and Council Members:

Thank you for the opportunity to work with the city regarding the complex and important issue of concurrency. We appreciate the Council's willingness to open dialogue and hold public hearings to better understand the implications and nuances of this issue.

We would like to offer one final recommendation for the public hearing June 14. It is one we have spoke of before, and believe is important for the smooth implementation of the ordinance. Our recommendation is that the ordinances' "effective date" be changed to January 1, 2000.

We encourage you to consider this recommendation for the following reasons:

- Many projects are already in the pipeline. We are concerned that these will be unnecessarily stopped or hindered. Moving the effective date allows these businesses to work closely with the city on compliance without grinding the projects to a halt. It also gives other businesses an opportunity to understand concurrency and build it into the project development on the planning side.
- Concurrency is a complex issue that requires a well-defined process and accurate methods of measurement and evaluation. We believe the extra time may be needed for staff to adequately prepare for administration and management of the ordinance.
- Moving the effective date will allow the city and interested parties to develop next year's six-year transportation plan knowing what effect concurrency will have on it.

For these reasons, and probably some we haven't thought of, we respectfully ask that you change the effective date to January 1, 2000 or later. We're happy to answer any questions. And again, thank you for allowing more time on this complex issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Marie Sullivan". The signature is fluid and cursive, written over a faint, illegible typed name.

Marie Sullivan
Executive Director

File



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS
FROM: WES HILL, P.E., PUBLIC WORKS DIRECTOR *Wes Hill*
SUBJECT: ROSEDALE STREET IMPROVEMENT PROJECT (F.A. PROJECT NO. STP US-TA96(235), CONTRACT NO. TA-0851, CSP 9800) – BID AWARD
DATE: JUNE 9, 1999

INTRODUCTION/BACKGROUND

A budgeted item for 1999 was reconstruction of Rosedale Street from Harborview Drive to west of Shirley Avenue.

The project will provide a reconstructed two-lane section with a five (5)-ft. wide bicycle lane in the westbound (uphill) direction, and a widened lane in the eastbound direction. The project will also provide for curbs and gutters on both sides, a sidewalk on at least one side for the full project length, a landscaped planter strip, undergrounding of overhead utilities within the right-of-way, replacement of the asbestos-cement (A/C) water main, and provisions for the addition of architectural street lighting. In addition, a deficient section of the sanitary sewer from Shirley Avenue to Stinson Avenue will be replaced in conjunction with the project. Funding assistance for the project, including replacement of the A/C water main, was obtained in the amount of \$569,000 through a grant under the Surface Transportation Program (STP) of the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA).

This project was previously advertised for bids in 1998. All bids were rejected due to the amount that the bids exceeded budgeted funds and the Engineer's estimate.

Bids were advertised in February of this year in accordance with federal-aid and City requirements. On March 17, 1999, nine bids were received as summarized in the attached table. The lowest responsible bidder has been determined to be Harlow Construction Company, Inc., of Gig Harbor.

The bid opening occurred one day after the listing of the Puget Sound Chinook salmon as a threatened species under the Endangered Species Act (ESA). As a federally funded project, construction could not proceed pending completion and agency review (and approval) of a biological assessment, together with a commitment to undertake any additional improvements identified in the biological assessment, or as required by the reviewing agency(ies) to mitigate for any impacts to ("takings" of) fisheries habitat (or endangered species).

A biological assessment was submitted to WSDOT's TransAid office the first week in May for state and federal agency review. The biological assessment determined that with the addition of two oil/water separators for stormwater runoff from the project corridor, that the project would have "no effects" on threatened or endangered species in the area. Following submittal of additional information, WSDOT's TransAid office provided verbal authorization on June 8, 1999 to proceed to award based on agency confirmation of the "no effects" determination.

MAYOR WILBERT AND CITY COUNCIL

June 9, 1999

Page 2

Council approval is requested to award the bid to, and execute the construction contract with Harlow Construction Company, Inc., as the lowest responsible bidder.

POLICY/FISCAL CONSIDERATIONS

The low bid of \$1,237,570.20, including all taxes and schedules (A, B, C, D, and E), is less than the Engineer's estimate of \$1,348,514.60, and is within budgeted funds for the project.

RECOMMENDATION

I recommend Council authorize award and execution of the contract for the Rosedale Street Improvement Project (F.A. Project No. STP US-TA96(235), Contract No. TA-0851, CSP 9800) to Harlow Construction Company, Inc., as the lowest responsible bidder, for their bid proposal amount of one million two hundred thirty-seven thousand five hundred seventy dollars and twenty cents (\$1,237,570.20), for Schedules A, B, C, D, and E, including state sales tax.

ROSEDALE STREET IMPROVEMENT PROJECT (F.A. No. STP US-TA96 (235))
 Contract No. TA-0851, CSP 9800
 BID TABULATION SUMMARY

Bids Opened:
 March 17, 1999

SCHEDULE	Harlow Construction Company, Inc.	Olson Brothers Excavating, Inc.	Pape & Sons Construction Inc.	RJC, Inc.	Tucci & Sons, Inc.	R. W. Scott Construction Co.	S & W Utility Contractors, Inc.	Woodworth & Co., Inc.	E.J. Rody & Sons, Inc.	Engineer's Estimate
SCHEDULE A (79-Items):										
Street and Storm Drainage Improvements	\$ 968,476.40	\$ 974,745.10	\$ 1,005,126.00	\$ 1,075,960.80	\$ 1,067,622.75	\$ 1,056,951.15	\$ 1,165,781.50	\$ 1,217,107.50	\$ 1,319,234.00	\$ 1,006,287.00
SCHEDULE B (15 Items):										
Sanitary Sewer Improvements (Subtotal)	\$ 72,340.00	\$ 81,240.00	\$ 74,520.00	\$ 75,467.00	\$ 94,890.00	\$ 87,020.00	\$ 78,900.00	\$ 77,650.00	\$ 127,760.00	\$ 81,000.00
Sales Tax	\$ 5,787.20	\$ 6,499.20	\$ 5,961.60	\$ 6,037.36	\$ 7,591.20	\$ 6,961.60	\$ 6,312.00	\$ 6,212.00	\$ 10,220.00	\$ 6,000.00
Schedule B	\$ 78,127.20	\$ 87,739.20	\$ 80,481.60	\$ 81,504.36	\$ 102,481.20	\$ 93,981.60	\$ 85,212.00	\$ 83,862.00	\$ 137,980.00	\$ 87,000.00
SCHEDULE C (20 Items):										
Water System Improvements (Subtotal)	\$ 158,270.00	\$ 192,300.00	\$ 191,766.00	\$ 165,223.60	\$ 203,900.00	\$ 220,880.00	\$ 216,280.00	\$ 227,850.00	\$ 227,160.00	\$ 218,200.00
Sales Tax	\$ 12,661.60	\$ 15,384.00	\$ 15,341.28	\$ 13,217.89	\$ 16,312.00	\$ 17,670.40	\$ 17,302.40	\$ 18,228.00	\$ 18,172.80	\$ 17,456.00
Schedule C	\$ 170,931.60	\$ 207,684.00	\$ 207,107.28	\$ 178,441.49	\$ 220,212.00	\$ 238,550.40	\$ 233,582.40	\$ 246,078.00	\$ 245,332.80	\$ 235,656.00
SCHEDULE D (2 Items) (Non-participating)										
Utility Trench (Subtotal)	\$ 17,625.00	\$ 16,525.00	\$ 19,702.50	\$ 37,960.00	\$ 34,920.00	\$ 28,810.00	\$ 17,965.00	\$ 29,150.00	\$ 31,350.00	\$ 16,270.00
Sales Tax	\$ 1,410.00	\$ 1,322.00	\$ 1,576.20	\$ 3,036.80	\$ 2,793.60	\$ 2,304.80	\$ 1,437.20	\$ 2,332.00	\$ 2,508.00	\$ 1,301.60
Schedule D	\$ 19,035.00	\$ 17,847.00	\$ 21,278.70	\$ 40,996.80	\$ 37,713.60	\$ 31,114.80	\$ 19,402.20	\$ 31,482.00	\$ 33,858.00	\$ 17,571.60
SCHEDULE E (1 Item) (Non-participating)										
Maintenance Bond	\$ 1,000.00	\$ 4,500.00	\$ 100.00	\$ 3,000.00	\$ 3,160.00	\$ 3,500.00	\$ 600.00	\$ 7,500.00	\$ 1,000.00	\$ 8,000.00
TOTAL (All schedules)	\$ 1,237,570.20	\$ 1,292,515.30	\$ 1,314,093.58	\$ 1,379,903.45	\$ 1,431,189.55	\$ 1,424,097.95	\$ 1,504,578.10	\$ 1,586,029.50	\$ 1,737,404.80	\$ 1,354,514.60

A Call To Action: Planning for Youth in Pierce County

Participants to Date (May 6, 1999)

Jennifer Allen, YWCA
Sharilyn Anderson, Tacoma Urban Network
Dan Barkley, Tacoma Public Schools
Betty Beer, Chair, Greater Pierce County Community Network
Laurie Arnold, Tacoma Empowerment Consortium
Trudy Arnold, Consultant, Children's Commission
Christine Avanesian, Faith Homes
Collette Babbs, Tacoma Urban League
Jim Beaudoin, Boys Scouts of America
Alex Beck, United Way of Pierce County
Sue Bernstein, Tahoma Food System
Mary Bohn, Greater Lakes Mental Health
Frank Bonero, Salishan Lutheran Mission
Evelyn Blank, Literacy Outreach
Jane Boyajian, Children's Commission
John Briehl, City of Tacoma
John Britt, Tacoma-Pierce County Health Department
Diane Brogden, Clover Park Technical College
Fran Carll, Literacy Outreach
Janet Chance, City of Fife
Casey Cochrane, Chamber of Commerce
Joanne Coleman Campbell, Tacoma Urban Network
Guy Colorossi, Mayor, Town of Orting
Dan Comsia, Children's Commission
Melanie Denise Cunningham
Mike Darland, Police Department, City of Tacoma
Harold Davis, Fort Lewis Youth Services
Dick Devlin, US Department of Education
Tom Dixon, Tacoma Urban League
John Dobson, Student, Bellarmine High Schools
Louisa Erickson, Goodwill Steps Program
Dan Erker, Pierce County Juvenile Court/Children's Commission
Bette Felker, Life Skills
Tom Felkins, Orting Community
Liz Frausto, Puget Sound Educational Service District
Janis Gall Martin, Safe Homes
Andie Gernon, Community Volunteer, City of Lakewood/Children's Commission
Rick Gillmore, Boys and Girls Club

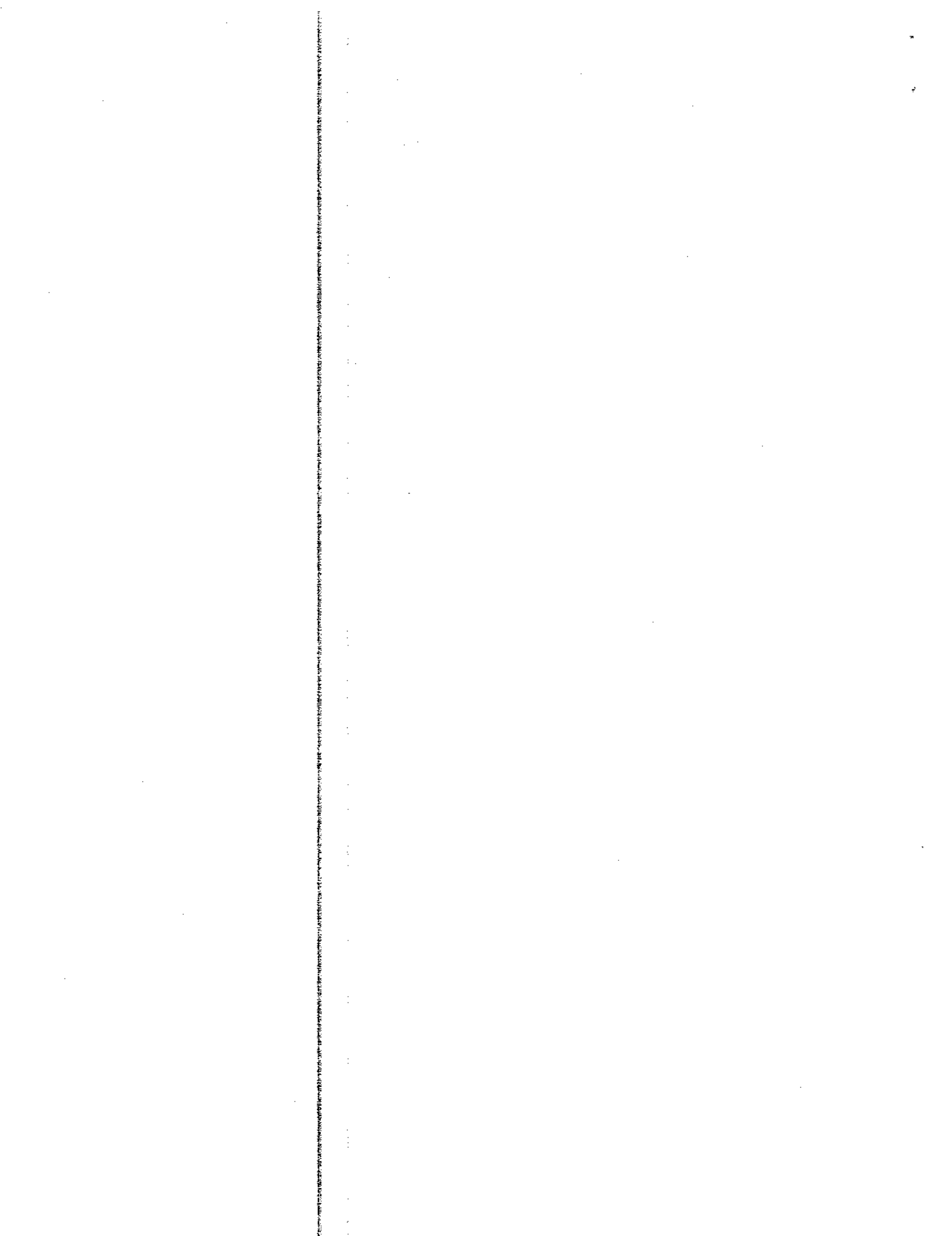
Marcia Golubic, Indochinese Culteral Services Center
Jeni Gregory, Camp Fire Boys and Girls
Julie Grevstad, Tacoma Urban Network
Karen Hadley, Greater Lake Mental Health
James Hairston, Police Department, City of Tacoma
Rich Hamlin, Youth for Christ
Scott Hedlund, Pierce County Juvenile Court/Children's Commission
Drew Henke, Pierce County Juvenile Court
Marilee Hill Anderson, Sumner Schools
Rebekkah Hinds, World Vision (KidREACH)
Ed Hines, Safe Homes
Minh Anh Hodge, Tacoma Public Schools
Kevin Hunter, KidREACH
Denny Hunthausen, Catholic Community Services/PC Human Services Coalition
Linda Ishem, PC Community Services
Kevin Iversen, Pierce County Alliance
LeiLani Jackson, Children's Commission
Lyn Jacobsen, Child and Parent Resources
Bill James, Centro Latino
Meredith Johnson, Student, Sumner High School
Diako Jones, Student, Sumner High School
Mary Ann Jones, Tacoma Urban League
Barbara Kartchner, Children's Commission
Burk Ketchum, Franciscan Health
Mariann Kucklick, Tacoma Public Schools
Connie Ladenburg, Children's Commission
John Ladenburg, Pierce County Prosecutor
Mike Laederich, Greater Lakes Mental Health
Michael Lafreniere, City of Fife
Priscilla Lisicich, Safe Streets Campaign
Mandy Ma, My Service Mind
Leanna Magnus, City of Tacoma
Elizabeth Magoon, Facilitator, Children's Commission
Bill Mason, Office of Superintendent of Public Instructions
Sandi McCord, Superintendent, Orting Schools
Mark McGowan, Tacoma Urban League
Rosalie McHale, Governor's Juvenile Justice Advisory Committee
Shari McLane, Children's Commission
Renee Meyer, St. Clare Hospital
Dan Miles, Orting Community Volunteer
Helen Myrick, Greater Pierce County Community Network
Gloria Moorehouse, Pacific Peaks Girls Scouts
Eileen O'Brien, Pierce County Prosecutor's office

A CALL TO ACTION: Planning for Youth in Pierce County

**Draft Strategic Plan
April 30, 1999**

**A Pierce County-Wide
Communities Collaboration**

**For more information contact:
Tacoma-Pierce County
Commission on Children,
Youth, and Their Families
(253) 798-2884 Phone
(253) 798-6490 FAX
3629 South D, MS069
Tacoma, WA 98408**



A CALL TO ACTION: PLANNING FOR YOUTH IN PIERCE COUNTY

STRATEGIC PLAN - 4/30/99 Draft for Public Presentation

(Note to reader: This draft has been developed by a broad planning group representing agencies and communities throughout Pierce County, meeting from October 1998 - April 1999, see list enclosed. During May, many public meetings have been scheduled to seek input from local communities and county-wide associations.)

PRINCIPLES

- Youth should be partners in the resolution of youth issues.
- Juvenile justice resources, services, and systems should be focused at the front end - on prevention and early intervention.
- Juvenile justice resources services and systems should target moderate-risk youth and their families¹.
- The family is the foundation of our society.
- Community agencies should emphasize coordination, build trust and develop collaborative relationships.
- Policies and services should be culturally responsive.

OUR VISION IS THAT

All youth in Pierce County have a positive belief in their future, and access to the opportunities and resources to become productive citizens.

THE MISSION OF THIS WORK IS

To develop a plan and structure to guide juvenile justice efforts - resources and services - for all moderate-risk middle and high school-aged youth, their families, communities and service providers in Pierce County.

¹ Proposed working definition of moderate-risk as defined by the Pierce County Juvenile Court and the schools: all youth who meet two or more of the following criteria for two consecutive time periods in a row (whatever school system has for time measurements, i.e., semesters, quarters): absences, behavioral issues, grade point average below 2.0.

GOALS

In five years, Pierce County will offer moderate-risk youth:

1. A continuum of juvenile justice services accessible to them that enhances their lives.
2. A county-wide planning body for juvenile justice coordination, representing private and public services which:
 - includes youth,
 - assesses needs,
 - sets priorities based on research-based best practices.
3. Asset-based services developed by, with and for youth.
4. County leadership mentoring youth as leaders.
5. Communities and citizens mobilized to support youth and advocate for their welfare.
- 6.. An environment in which youth are viewed by their communities as valued resources, assets and leaders.

SUGGESTED COUNTY-WIDE STRATEGIES

In two years, community agencies and the county-wide planning body² will:

1. Review the inventories and assessments already completed by volunteer and paid service providers in Pierce County which identify the needs of targeted youth, where service gaps exist, and where services should be linked.
2. Offer training in asset building in Pierce County communities.
3. Review current data on best practices and their relevance to our youths' needs.
4. Establish an on-line network database of youth providers, so that:
 - Agencies can coordinate and integrate services
 - Youth can find the information and resources they need.
5. Develop one-stop shopping so youth can identify what resources are available and where they can be heard and cared about.

² Yet to be established.

6. Assertively market Pierce County to potential funding sources.
7. Get youth input and involvement in their own solutions, and buy-in to action plans.
8. Provide a regular forum for people concerned about and/or serving youth to share information.

(Note to reader: There is space below for you to suggest other strategies which your constituents believe are critical if we are to achieve these goals and which you believe should be promoted throughout the entire county.)

COMMUNITY-SPECIFIC STRATEGIES TOWARD WHICH YOU ARE WILLING TO COMMIT:

(Note to reader: You are encouraged to add strategies which your community/agency believes are important to your community AND which you are willing to actively support.)

Entity	Strategy	Public and Private Agencies and Stakeholders	Desired Outcomes
Enter below the name of your community, your council or agency:	Enter below strategies which respond to the needs of your constituents, especially middle and high school age youth at moderate risk, and for which you are willing to be responsible:	List below those whose help you need to achieve this strategy:	What outcomes do you seek? List below:

Please return to: Tacoma-Pierce County Commission on Children, Youth, and Their Families by (latest) MAY 25, 1999

by Mail: 3629 South D, MS069, Tacoma, WA 98408

or by fax: 253 798-6490

phone: 253-798-2884

Submitted by: _____ / _____ / _____ / _____ / _____
 Name Organization Phone FAX E-mail



May 24, 1999

Gig Harbor City Council
3105 Judson Street
Gig Harbor, WA 98335

RE: Definitions Ordinance/Concurrency and Transportation Impact Fees

Honorable City Council:

Thank you for your continued efforts to gather comments on the above definitions ordinance. At this time, we will make only one comment on the definitions ordinance. We may make additional requests during oral questions and answers during the public hearing.

The Planning Commission and staff are currently working to revise Title 19 by adding a development agreement section. Since development agreements are a type of permitted activity, they should be added to the list of permitted activities in the definitions ordinance. Please revise the ordinance as follows:

26. "Development Permit" or "project permit:" Any land use permit required by the City for a project action, including but not limited to: building permits, subdivisions, short plats, binding site plans, planned unit developments, conditional use, development agreements, shoreline substantial developments, site plan review, or site specific rezones, and, for purposes....."

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Jon Rose". The signature is fluid and cursive, with the first name "Jon" being particularly prominent.

Jon Rose, P.E.
Project Manager

**TACOMA-PIERCE COUNTY
COMMISSION of CHILDREN, YOUTH, and THEIR FAMILIES**

DATE: May 24, 1999
TO: Interested Parties/Participants
FROM: Jane A. Boyajian
RE: **A Call To Action: Planning for Youth in Pierce County**

At today's presentation you will learn more details about the county-wide strategic planning effort for juvenile justice which we have titled: **A Call To Action: Planning for Youth in Pierce County**. If you would like more information, or the schedule of other public meetings, or would like to be added to our mailing list, please call the Children's Commission office 253 798-2884.

Next steps:

- May 27, 1999:** A Call To Action's Advisory Committee will meet to incorporate public input received during public meetings in May.
- June 10, 1999:** Presentation of the revised draft plan to the Tacoma-Pierce County Commission on Children, Youth, and Their Families.
- Summer 1999** Presentation of A Call To Action: Planning for Youth in Pierce County, and recommendations to the County Council.

PREVENTION CONTINUUM

Prevention Early Intervention Treatment
Primary Prevention **Secondary Prevention** **Tertiary Prevention**



➡➡➡ Healthy Communities

➡➡➡ Advocacy for Children, Youth, and Their Families

➡➡➡ Prevention Partnership for Children

Healthy Start - ECEAP & Head Start - Readiness To Learn

Family Support Centers - Birth to Three (0-3)

➡➡➡ Universal Parenting

➡➡➡ Middle School Projects

❖ Safe Streets grant

➡➡➡ Jail Beds

➡➡➡ A Blueprint for Youth and Juvenile Justice
Services in Pierce County

➡➡➡ County-wide coordinated Juvenile Justice Plan
for Early Intervention (A Call To Action)

**COMMUNITY PRESENTATION SCHEDULE: to Local Jurisdictions, Coalitions and Commissions
for
A CALL TO ACTION: Planning for Youth in Pierce County**

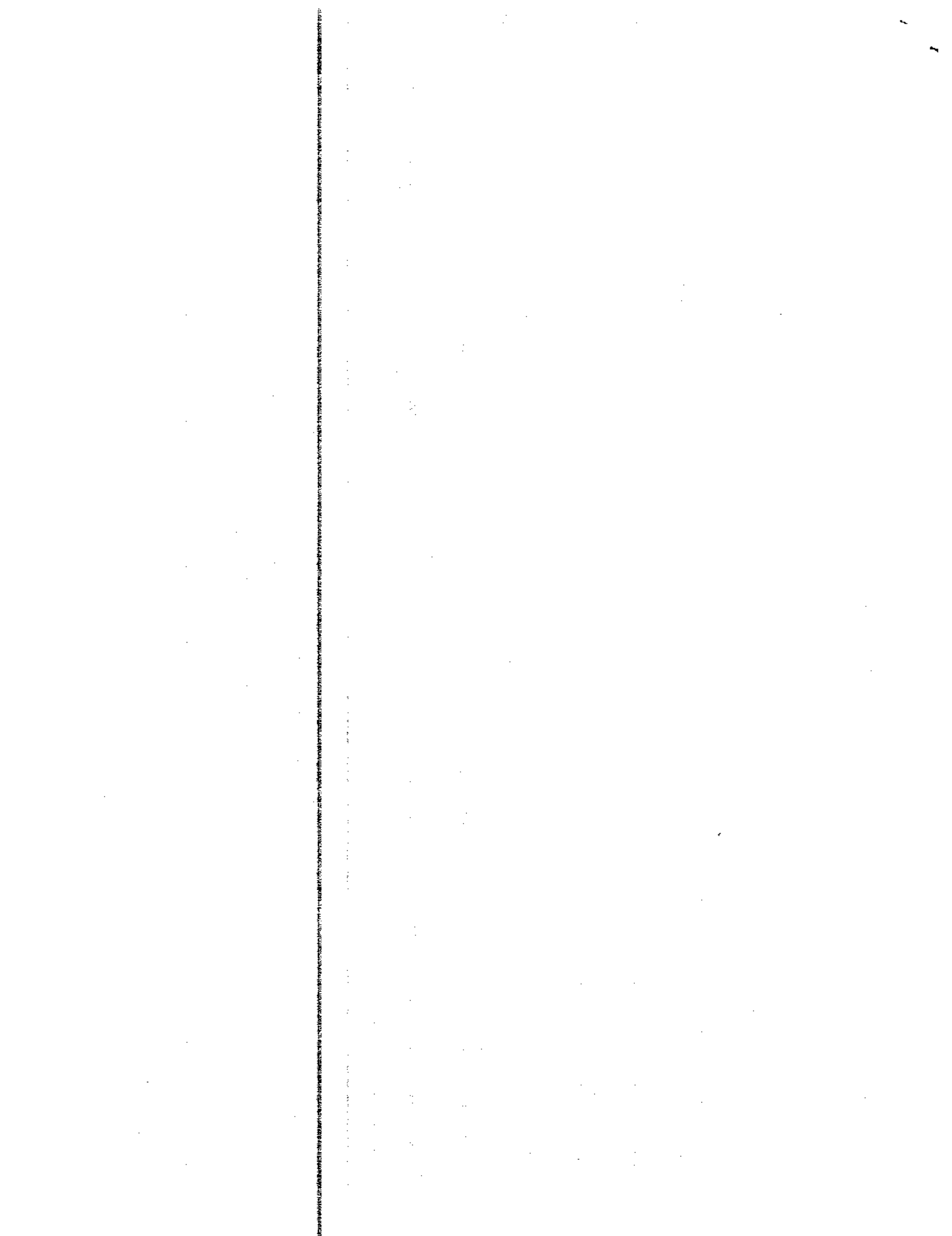
Local Jurisdictions Presentations contact: Barbara Kartchner (253) 798-2884			
Present To:	Presenters/ Present (tentative)	Date & Time	Special Notes
Comm. Against Domestic Violence contact: Eileen O'Brien - 798-6725	Introduction: Scott Hedlund Presenters: Eileen O'Brien	May 6, 1999 - 12:00 noon Tac.Pub. Lbr'y. Olympic Room	completed
Small Cities and Towns Association contact: Susan Claugh - 564-8901	Introduction: Michael Lafreniere Presenters: Michael Lafreniere, John Ladenburg, Priscilla Lisicich	May 6, 1999 - 6:30 p.m. social 7:00 p.m. meeting Fife Bar & Grill	completed
PC Human Services Coalition	Introduction: Michael Lafreniere Presenters: Michael Lafreniere, Jennifer Allen Support: Christine Avenessian, Ron Vignec	May 11, 1999 -10:00 a.m. Eastside/Salishan	completed
Lakewood Human Services Collab. contact: Beth Wilson - 589-8804	Introduction: Beth Wilson, Claudia Thomas Presenters: Jennifer Allen, Beth Wilson Support: Andie Gernon, Mandy Ma	May 12, 1999 - 9:00 a.m. Lakewood City Hall Court Room, 1st floor	completed
PC Law and Justice Commission contact: Connie Perry - 798-7792	Introduction: Scott Hedlund Presenters: Duane Rivera, Scott Hedlund, Priscilla Lisicich Support: Drew Henke, John Vance, Debra Wiley	May 12, 1999 - 11:30 a.m. County Building	completed
Youth Services Committee: contact: Scott Hedlund - 798-7936	Introduction: Scott Hedlund Meredith Johnson chairs Youth Services Committee Support: Helen Myrick, David Vance, Jane Boyajian	May 17, 1999 - 3:30 p.m. CCYF Office	completed
Lakewood City Council contact: Debi Young - 589-2489	Introduction: Andie Gernon Presenters: Jane Boyajian, Claudia Thomas Support: Kelly Selby	May 17, 1999 - 7:00 p.m. Lkwd City Hall	completed
Dr. Federico Cruz-Uribe, Director Tacoma-Pierce County Health Department	Introduction: Jane Boyajian Presenters: Jane Boyajian, Scott Hedlund	May 19, 1999 - 8:45 a.m. TPCHD, Dr. Cruz's office	completed
Lakewood Healthy Start contact: Burk Ketchum	Introduction: Jane Boyajian Presenter: Jane Boyajian	May 20, 1999 - 11:30 a.m. St. Clare Hospital	completed

Please attend as many meetings as your schedule allows. Priority should be given to Tacoma and Lakewood City Councils, Pierce County Council, and the Children's Commission meetings.

.....

Puget Sound Educational Service District School Superintendents Association contact: - T. Lindquist/Kathy 596-6926	Introduction: Jane Boyajian Presenters: Jane Boyajian, Claudia Thomas Support: Michael Lafreniere, Helen Myrick, Connie Rickman	May 21, 1999 - 8:30 a.m. Fife School District	completed
Doug Sutherland, PC Executive contact: Kelly Bast - 798-6628	Introduction: Jane Boyajian Presenters: Dan Erker, Duane Rivera	May 25, 1999 - 8:00 a.m. Doug Sutherland's office County/City Building, 7th floor	material faxed 5/18
PC County Council Study Session contact: Geri Rainwater - 798-7579	Introduction: Michael Lafreniere Presenters: Dan Erker, Jane Boyajian, John Ladenburg Support: Priscilla Lisicich, Eileen O'Brien, Paul Pastor	May 25, 1999 - 10:00 a.m. County Building, 10th floor	
Safe Streets Board contact: Priscilla Lisicich - 272-6824	Introduction: Michael Lafreniere Presenters: Jane Boyajian, John Briehl	May 28, 1999 - 7:30 a.m. Safe Streets Campaign Board TNT Building - Baker Room	
Department Representatives: Puyallup Indian Tribe contact: Carla - 573-7904 - fax 573-7929 contact: Roberta O'Conner - 573-7906	Introduction: Gabriel Landry Presenters: Drew Henke, Theresa Reda Martinez, Jane Boyajian, John Vance(not confirmed),	June 7, 1999 - 10:00 a.m. Location: TBT	
Tacoma City Council Study Session contact: John Briehl - 591-5059	Introduction: Dan Erker Presenters: Jane Boyajian, Meredith Johnson, Janice Gall Martin Support: John Briehl	June 8, 1999 - 12:00 noon Municipal Building	
Children's Commission Meeting contact: Barbara Kartchner - 798-2884	PRESENTATION OF FINAL DRAFT	June 10, 1999 - 4:00 p.m. Tacoma Public Lib., Cascade	
Brian Ebersole, Mayor, City of Tacoma contact: John Briehl, - 591-5059 contact: Cindy - 591-5100	Introduction: Jane Boyajian Presenters: John Briehl, Dan Erker	Date: TBD Municipal Building	material faxed 5/18
PC Chief of Police Association contact: Paul Pastor - 798-3633	Introduction: Scott Hedlund Presenters: Dan Erker, Jane Boyajian Support: David Vance, Helen Myrick, Priscilla Lisicich	AUGUST	
Small Cities/Towns and Stakeholders Presentations contact: Beth Wilson (253) 589-8804			
City of Puyallup contact: Barbara Price - 841-5500	Introduction: Scott Hedlund Presenters: Scott Hedlund, Priscilla Lisicich	May 3, 1999 - 7:00 p.m.	Completed
City of Bonney Lake contact: Gail Butcher - 862-8602	Introduction: Beth Wilson Presenter: Beth Wilson	May 4, 1999 - 5:30 p.m.	Completed

Please attend as many meetings as your schedule allows. Priority should be given to Tacoma and Lakewood City Councils, Pierce County Council, and the Children's Commission meetings.



City of Milton contact: Virginia Kolano - 922-8733	Introduction: David Vance Presenter: David Vance	May 10, 1999 - 7:00 p.m.	Completed
City of Roy 843-1609	Introduction: Beth Wilson Presenter: Beth Wilson	May 10, 1999 - 7:30 p.m.	Completed
City of Orting 360-893-2219	Introduction: Beth Wilson Presenter: Beth Wilson	May 13, 1999 - 6:30 p.m.	Completed
City of University Place contact: Susan Matthews (460-2510) City Hall: 566-5656	Introduction: Neel Parikh Presenter: Duane Rivera	May 17, 1999 - 7:00 p.m.	Completed
City of Sumner (Work Session) contact: 863-8300	Introduction: Beth Wilson Presenter: Beth Wilson	May 24, 1999 - 6:00 p.m.	
City of Gig Harbor contact: Mark Hoppen - 851-8136	Introduction: Karen Biskey Presenters: Dan Erker, Jane Boyajian	May 24, 1999 - 7:00 p.m.	
City of Eatonville contact: Judy Thomas - 832-3361	Introduction: Helen Myrick Presenters: Helen Myrick, Betty Beer	May 24, 1999 - 7:00 p.m.	
City of DuPont contact: 964-8121	Introduction: Andrea Gernon Presenter: Eileen O'Brien, Priscilla Lisicich	May 25, 1999 - 7:00 p.m.	
City of Fircrest contact: Susan Clough - 564-8901	Introduction: Wendy Alexander Presenters: Duane Rivera, Jane Boyajian	May 25, 1999 - 7:00 p.m.	
City of Fife contact: 922-2489	Introduction: Michael Lafreniere Presenter: David Vance, Debrah Wiley	May 25, 1999 - 7:00 p.m.	
City of Buckley contact: 360-829-1921	Introduction: Beth Wilson Presenter: Beth Wilson	May 25, 1999 - 7:00 p.m.	
City of Steilacoom 584-5114	Introduction: Robin Barry Presenter: Debra Wiley	June 1, 1999 - 8:00 p.m.	
White River Schools Family First Coalition	Introduction: Theresa Reda Martinez Presenter: Theresa Reda Martinez	June 3, 1999 - 5:30 p.m. Buckley Eagles	
City of Edgewood contact: Beth Wilson	Introduction: Dan Comsia Presenter: Beth Wilson	June 8, 1999 - 7:00 p.m.	

*Duane Rivera is willing to fill in when needed. (CCYF/bak/5/21/99)

Please attend as many meetings as your schedule allows. Priority should be given to Tacoma and Lakewood City Councils, Pierce County Council, and the Children's Commission meetings.

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WHAT WE NEED FROM YOU!

- 1. Are there any additional county-wide strategies you think vital?**
- 2. What strategies are critical to your local community or constituency?**
- 3. Are you willing to commit energy to these strategies?**



MEMO

Date: May 24, 1999
To: Mark Hoppen, City Administrator
From: Tiffany Speir, Government Affairs Associate
Subject: City Concurrency Ordinance--New Draft
Cc: Carol Morris, City Attorney
Gig Harbor City Council

Dear Mr. Hoppen:

I am submitting herein comments concerning the new draft concurrency and definitions ordinances to be read for second reading this evening.

Definitions Ordinance:

- ✍ In the second WHEREAS clause, correct "82,02.050" to "82.02.050."
- ✍ In the third WHEREAS clause, and the word "and" between "Concurrency" and "Transportation Impact Fee Ordinances."
- ✍ In Section 1, change "he" to read "be."
- ✍ In the definition for "Capacity Evaluation," change "am" to "are."
- In the definition for "Feepayer," remove "an" from the last sentence.
- In the definition for "Interest," change "rare" to "rate."
- In the definition for "Project List," it states that the projects can be included in the CIP and pursuant to the impact fee ordinance. All projects which have impact fees collected should be included on the CIP list – there should not be a separate list under the impact fee ordinance. This would be a source of confusion and may be contrary to state law.
- In the definition of "Proportionate Share," add a period at the end of the sentence.

Concurrency Ordinance:

- The language of 19.10.003 (B), (C), and (D) is somewhat confusing. From discussions at the public workshops and the first reading for this ordinance, the intent of staff and council was to exempt development that would produce less than 15 new p.m. peak hour trips per day altogether. However, the way subsections (B), (C), and (D) read, it is unclear if the language bears that intent out. The language could be amended as follows:

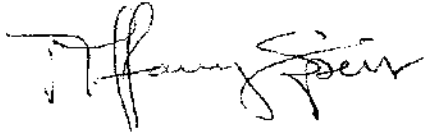
B. De Minimis Development. After the effective date of this Chapter, this Chapter shall apply to all development applications for development or re-development if the proposal or use will generate more than 15 new p.m. peak hour trips, PROVIDED, however, that the development activity (as defined in the definition section of this Chapter) specifically exempted below in subsection C shall be exempt from the requirements of this Chapter.

- 19.10.012 (E) refers to subsection (A) in its last sentence. This should be changed to subsection (B).

- In the second sentence of 19.10.013 (A), change “may” to “shall.” All five steps must be performed to complete the capacity evaluation, and the current language conflicts with subsection (C).
- In 19.10.013 (D), remove the clause “, if such an application has been made,” from the second to last sentence. The concurrency ordinance procedure has been set up to allow appeals only when the underlying permit is also appealed, so the clause is redundant.
- In 19.10.018 (2), change “applicant=s” to “applicant’s.”
- In 19.10.019, change “permit=s” to “permit’s.”

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads "Tiffany Speir". The signature is written in a cursive style with a large initial 'T' and 'S'.

Tiffany Speir



Edith Owen, Grandparents/Families Raising Children
Jurley Paddock, Olympic Counseling Services
Marooha Pasha, Tacoma Urban League
Paul Pastor, PC Sheriff's Department
Larry Pederson, Department of Social and Health Services
Sally Perkins, Children's Commission
Robert Pittman
Lua Pritchard, Korean Women's Association
Connie Prudente, Lakewood Boys and Girls Club
Ernest (Chino) Ramirez, Safe Streets Campaign
Michael Raffanti, Pierce County Aids Foundation
Teresa Reda Martinez, WSU Pierce County Cooperative Extension
Don Rennegarbe, Tacoma Community House
Connie Rickman, Literacy Outreach
Duane Rivera, Pierce County Executive Office
Mike Robinson, United Way of Pierce County
Jacob Romo, Department of Social and Health Services
Larry Saunders, Chief of Police, Lakewood
Carolyn Schultz, Children's Commission
Lisa Schmitt, Goodwill/Steps Program
Kelly Selby, Korean Woman's Association
James Shoemake, Tacoma Public Schools
David Shamika, Student, Tacoma Urban League Academy
Joan Sikonia, Tacoma Public Schools
Barbara Skinner, Mayor, City of Sumner
Doug Swanberg, Metropolitan Development Council
Claudia Thomas, Deputy Mayor, City of Lakewood
Lena Thompson, World Vision
Janice Tornow, Peninsula School District
John Vance, Pierce County Juvenile Court
David Vance, Tacoma-Pierce County Health Department
Ron Vignec, Eastside Lutheran Mission
Joannah Vosburg, Literacy Outreach
Jim Walton, City of Tacoma
Franklin Whitten, Student, Tacoma Urban League Academy
Gretchen Wilbert, City of Gig Harbor
Debra Wiley, PC Center for Dispute Resolution
Debra Williams-Appleton, OSPI
Beth Wilson, Children's Commission (Consultant)
Debbie Winskill, Safe Streets
Sandra Wright, Children's Home Society
Drex Zimmerman, Life Skills

