

Gig Harbor City Council Meeting

**July 23, 2007
6:00 p.m.**



**AMENDED AGENDA FOR
GIG HARBOR CITY COUNCIL MEETING
July 23, 2007 - 6:00 p.m.**

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

RECOGNITION CEREMONY: Reserve Officer, Ryan Menday

CONSENT AGENDA:

1. Approval of the Minutes of City Council Meeting of July 9, 2007 and Special City Council Meeting of July 16, 2007.
2. Proclamations: Payroll Week.
3. Receive and File: City-wide Newsletter Schedule; Workstudy Session July 9, 2007 – Main Street Program.
4. Eddon Boat Park – Pedestrian Improvement Project Bid Award.
5. Eddon Boat Park – Pedestrian Improvement Project – Surveying Services Contract.
6. General Facility Charge Analysis and Rate Study – Consultant Services Contract.
7. WSDOT Interlocal Signal Assignment for Repair or Replacement.
8. Approval of Payment of Bills for July 23, 2007:
Checks #54751 through #54906 in the amount of \$490,944.95.

PRESENTATION: Dept. of Ecology – Presentation of 2006 “Outstanding Wastewater Treatment Plant” Award. Mike Dawda, Department of Ecology

OLD BUSINESS:

1. Second Reading of Ordinance – Amendment to Skateboarding Ordinance.
2. Second Reading of Ordinance – Budget Amendment: Staffing and Legal Services.
3. Second Reading of Ordinance – Amending School Impact Fees.

NEW BUSINESS:

1. Public Hearing and First Reading of Ordinance – Lighted Materials Ban in City Parks.
2. Public Hearing and First Reading of Ordinance – Three Ordinances Adopting Text Amendments Recommended in Phase 1c of the Design Review Process Improvements Initiative (ZONE 07-0026, 07-0027 and 07-0028).
3. First Reading of Ordinance – Non-motorized Vehicle Safety and Helmets.
4. ~~Public Hearing – Water Utility Extension Capacity Agreement, Rohwer.~~

STAFF REPORT:

Gig Harbor Police Department – June Report.

PUBLIC COMMENT:

MAYOR’S REPORT / COUNCIL COMMENTS / COUNCIL COMMITTEE REPORTS:

Skansie Netshed Update.

ANNOUNCEMENT OF OTHER MEETINGS:

1. GH North Traffic Options Committee – Wednesday, September 12th, at 9:00 a.m. in Community Rooms A & B.
2. Council Budget Retreat – Monday, July 30th at 6:00 p.m.
3. Cancellation: August 27th City Council Meeting.

EXECUTIVE SESSION: For the purpose of discuss potential litigation per RCW 42.30.110(1)(i).

ADJOURN:

GIG HARBOR CITY COUNCIL MEETING OF JULY 9, 2007

PRESENT: Councilmembers Young, Franich, Conan, Dick, Payne, Kadzik and Mayor Hunter. Councilmember Ekberg was absent,

CALL TO ORDER: 6:00 p.m.

PLEDGE OF ALLEGIANCE:

RECOGNITION OF SERVICE: John Vodopich, Community Development Director.

Mayor Chuck Hunter asked John Vodopich to come forward so that he could present him with a plaque to recognize John for service to the City of Gig Harbor over the past seven years. This is to be John's last City Council meeting. John received a standing ovation from several of the staff members and members of the audience.

CONSENT AGENDA:

1. Approval of the Minutes of City Council Meeting of June 25, 2007.
2. Correspondence / Proclamations: Parks and Recreation Month.
3. Receive and File:
4. Sanitary Sewer & Stormwater Facilities Easement & Maintenance Agreements – Costco Wholesale.
5. Sanitary Sewer & Stormwater Facilities Easement & Maintenance Agreements – Mallards Landing Lots 2, 3 and 7.
6. Sanitary Sewer & Stormwater Facilities Easement & Maintenance Agreements – Franciscan Health System.
7. Eddon Boat Sediment Cleanup, Design & Construction Documents – Consultant Services Contract – Anchor Environmental LLC.
8. Approval of Payment of Bills for July 9, 2007:
Checks #54635 through #54750 in the amount of \$498,182.53.
9. Approval of Payment of Payroll for June:
Checks #4711 through #4745 and direct deposits in the amount of \$303,593.79.

MOTION: Move to approve the Consent Agenda as presented.
Franich / Conan - unanimously approved.

OLD BUSINESS:

1. Second Reading of Ordinance – Public Records Rules of Procedure. Carol Morris, City Attorney, presented this ordinance establishing procedures to provide public access to public records.

MOTION: Move to adopt Ordinance No. 1094 as presented.
Young / Conan – unanimously approved.

2. Tides Tavern Tidelands Lease. Carol Morris gave an overview of her changes to the lease agreement, changes suggested by City Council at the last meeting, and other changes suggested by Rob Karlinsey, City Administrator. She added that \$14 is a small amount of consideration for private use of public property. She further explained that this version of the lease has not yet been reviewed by Mr. Stanley's attorney.

Councilmember Dick voiced concern on whether the amount being proposed meets the gift of public funds standard. Council discussed the difference in the class of tidelands being leased by DNR and the city and the merits of requiring Mr. Stanley to obtain an appraisal for a 5' by 8' piece of property verses using the same calculation that the Department of Natural Resources is charging for their portion.

Carol Morris recommended forwarding the latest version of the lease agreement to Mr. Stanley and his attorney for review, and request that they provide a comparable value for this type of tidelands. Council concurred.

MOTION: Move to table this item.
Young / Payne – unanimously approved.

3. Gig Harbor Boatshop Lease Agreement. Rob Karlinsey explained that he continues to work on additional changes suggested by the Gig Harbor Boatshop representatives late last week and this morning. He explained that they wish to memorialize that future non-exclusive use of the railways, dock, and float, was discussed.

Councilmember Young suggested that this should be done by resolution rather than including the language in the agreement. His concern is that this may become a litigation issue at some point in the future. Carol Morris said that she too was concerned that addition of this language implies intent that future Councils may not agree upon, even though the language is non-binding.

Councilmember Franich said that he wanted to make sure that the issue of gift of public funds brought up by Councilmember Dick on an earlier agenda item has been addressed on this lease agreement. Mr. Karlinsey explained that the public benefit of the program fulfills this standard. Mayor Hunter then added that the intent of the bond issue was to save the building to be used for cultural heritage programs. He added that a demonstration boatyard fits the criteria, and so the gift of public funds concern is not an issue.

Carol Morris added that the issue is whether the proposed services are of sufficient benefit to offset the \$1 lease. She also asked Council to consider whether the uses described in the lease are clear enough to be enforceable.

Mr. Karlinsey asked if it would be possible to leave the language regarding future non-exclusive use of the facilities in the agreement, as it is very important to them. He said

that he would approach them to see if they would agree to have this language in resolution form instead, and then bring back a final lease at a future council meeting.

NEW BUSINESS:

1. First Reading of Ordinance – Budget Amendment: Staffing and Legal Services. Rob Karlinsey presented this proposal to increase the budget to allow for the addition of seven positions in 2007 and also to increase the amount budgeted for legal services. Mr. Karlinsey discussed the proposal came about, why it is justified, and the funding sources to add staff to handle the increase in work load. He stressed that though the new positions are an increase in expenditures, there is a corresponding increase in revenues to match, and so there will be no impact on the General Fund.

Mr. Karlinsey referred to his memo dated May 30th which contains a table describing each position, function, duration, annual cost and funding source. He then addressed the projected increase in legal services.

Councilmember Payne pointed out in error I the cover memo, which listed the increase of \$210,000 for legal fees instead of the correct amount of \$110,000.

Councilmember Franich addressed the comment of “no impact to the general fund.” He said that there is impact because the additional revenues would increase the general fund if they were not being used. He said that he sees the need for some of the positions, but hasn’t had the opportunity to further explore the necessity of them all.

Mr. Karlinsey responded to questions brought forward by Councilmember Payne. He said that the city reserves the right, due to funding, to eliminate unnecessary positions without negotiation. He also responded that all start-up costs for the positions have been included in the calculations. The Eddon Boat Cleanup would be completed by 2008 and that is why the Park Engineer position would decrease in hours. He concluded by saying that the full-time Associate Planner is needed not only because of the increase in workload, but the need to review policies and processes. This position would also allow the Planning Department to facilitate the Planning Commission Workplan.

Councilmember Dick asked if the funding source figure includes grants that have not yet been approved. Mr. Karlinsey referred to the Capitol Projects Funding Sources table, which indicates the grant fund components that are approved and those which are pending. He said that the city’s consultant has indicated that approval for the Public Works Trust Fund Loan for the Outfall Extension is extremely high, but if the loan does not come through the improvements must still be made. A low interest revenue bond is an option. The corresponding position would not result in an increase in the project, but would offset money otherwise spent on consultant fees.

Councilmember Dick asked if tax revenues are being taken into consideration. Mr. Karlinsey said that increased tax revenue is not included, only development services fees that have already been adopted and project grant revenues. He reported that

property tax has not increased over the estimated amount, but sales tax is increasing, however, he recommended using that increase to address the existing infrastructure needs.

Councilmember Franich asked for clarification on the need for a Permit Coordinator. Mr. Karlinsey said that the primary need for this is due to workload increases. The addition of the position will be an opportunity to increase customer services and improve the business process. The person in this position would be a contact for the customer and act as an "internal shepherd" to bring the different divisions together and to keep projects on track. This adds a human element to the permit tracking system. He said that the position requires a certain level of expertise and discretion, and the salary range is not much higher than that of a Community Development Assistant.

Mayor Hunter said that the addition of this position would improve the efficiency and increase production of the plan-checkers by minimizing interruptions.

Councilmember Payne asked for clarification on the reference to P.E. verses E.I.T. Mr. Karlinsey explained that he is recommending re-instating the Associate Engineer position that was eliminated last year when the existing Associates were reclassified as Senior Engineers. He further explained that an E.I.T., Engineer in Training, is a lower skilled engineering position that is going to be proposed in 2008. If approved, this position will help to head up the increased stormwater quality requirements and also help with development review activity.

Mayor Hunter listed several upcoming projects, and emphasized that not much has been done with Capital Improvement Projects in the past; now there are several scheduled. He said that the strategy to pay off the Civic Center and not do roadwork projects has failed. The city can't wait until 2011 to begin road repairs. Mayor Hunter also said that the city is going to be on the hook to complete all these projects, and it is time to "pour on the coal." So far, staff has been doing a good job of keeping up, but if we don't move, we are going to get bound up. He emphasized that we are not here to build the General Fund...we are here to serve our citizens.

Councilmember Young talked about the merits of a Permit Coordinator. He said that the theory behind the Community Development Department was to get the departments to work together, but there is still a need for one person to be in charge of project coordination. He noted that originally he was taken back by the number of proposed positions, but then realized that the Civic Center was built on projected growth. The development activity has increased almost to the point that this projection anticipated. The one department that lags is the Police Department because they respond after the fact to the increased activity rather than adding staff in anticipation of growth. He said that he will be supportive of all the positions.

Councilmember Kadzik also voiced full support of the positions. He said that we are in the business of service and it fits the bottom line.

The proposed ordinance will return at the next meeting for a second reading.

2. Public Hearing and First Reading of Ordinance – Amending School Impact Fees. John Vodopich, Community Development Director, presented this ordinance that would increase the school impact fees to be commensurate with what is being charged by Pierce County in the unincorporated area. It would raise the current single-family dwelling fee from \$2670 to \$2780 and multi-family from \$1410 to \$1465.

Mayor Hunter opened the public hearing at 7:09 p.m. No one came forward to speak and so the public hearing was closed.

Councilmember Franich asked for the school district's calculation for the unfunded need. Mr. Vodopich said that he didn't have that information, but he had requested someone from the school to come to answer questions.

Vicki Smith – Peninsula School District. Ms. Smith answered that the district is showing a slight decline in enrollment, but they expect that to change in the near future. She introduced Jeff Green to answer the financial questions.

Jeff Green - 6219 Reid Drive. Mr. Green explained that page 15 of the Peninsula School District 2007 Capital Facilities Plan outlines the anticipated expense and income. The unfunded balance is just less than 23 million. He said that the impact fee is a portion of the obligation, adding that the school district is looking for consistency between the county and city charges. He added that they have not based the calculation on a per-student figure.

Councilmember Franich said that this would be important to know.

This will return at the next meeting for a second reading.

3. Installation & Maintenance of Traffic Management System (TMS) Closed Circuit Television (CCTV) Camera Systems - WSDOT Master Agreement. Steve Misiurak, City Engineer, presented this agreement providing for closed circuit television within city limits. The first one being requested will be installed at the intersection of 36th and Point Fosdick and there may be a future request for placement of a camera on Olympic at the QFC area. As each camera location is requested, a new task order will be brought to Council for approval.

Councilmember Franich said that he understands the idea is to monitor traffic flow and allow the public to view the video online, but he isn't a fan of cameras in public. It may seem benign, but each time municipalities allow this type of thing, it becomes more accepted. He said that the long-term ramification is a "bad thing."

Mayor Hunter said that in London, where there are cameras everywhere, it helps to be a deterrent for negative activity.

MOTION: Move to authorize the Mayor on behalf of Council to execute this Interlocal Agreement between WSDOT and the City of Gig Harbor.
Payne / Young – four voted in favor. Councilmember Franich voted no.

SWEARING IN CEREMONY: Chief of Police, Mike Davis, introduced the newest Police Officer Sharon Cox. Sharon served 8-1/2 years at the Port of Seattle and worked on the Missing and Exploited Children's' Task Force in Olympia this past year. Sharon and her family live in Gig Harbor.

Mayor Hunter performed the ceremony to swear in Officer Cox.

STAFF REPORT:

1. Affordable Housing – Tom Dolan, Planning Director. Mr. Dolan presented information that Pierce County is in the process of developing countywide policies to address affordable housing. Mr. Dolan explained that at the February Council Retreat, several Councilmembers expressed interest in exploring affordable housing, and asked if they want the Planning Commission to review this in greater detail. He said that some of the city's Comprehensive Plan goals and policies would need to be amended to comply with those adopted by the County. Then, we would also need to make changes to the zoning ordinance so that it is consistent with the Comprehensive Plan.

Councilmember Franich ask what changes will be considered for the zoning code. Mr. Dolan explained that there are several mechanisms to promote affordable housing such as breaks on additional density and / or a decrease in design requirements. The intent is to take the Comprehensive Plan intent and translate that into zoning regulations that would help. Mr. Dolan stressed that affordable housing is a challenge here due to the cost of land.

Councilmember Franich addressed the concern of maintaining the character of Gig Harbor. He said that he realizes housing prices are an issue, but he doesn't want to see mechanisms such as density used in older areas of town where the people have certain expectations.

Councilmember Payne said that those types of concerns will be taken into consideration by the Planning Commission. He said that besides the discussion during the Council Retreat, Council has heard compelling testimony regarding low-income housing. He said that both affordable and low-income housing are issues worthy of Council's discussion regardless of the price of property.

MOTION: Move to direct staff to place the issue of affordable housing and discussion of policies and potential amendments to the Comprehensive Plan and zoning code on the Planning Commission's Work Program.
Payne / Young –

Councilmember Young stressed that this is a giant issue, and the current staff doesn't have the ability to take this on. He suggested budgeting money to hire the consultant that developed the report for Pierce County to assist the city.

Councilmember Conan asked which tier on the Planning Commission Work Program that this should be placed. Councilmember Kadzik recommended that this be considered by the Planning / Building Committee at their August meeting.

RESTATED MOTION: Move to direct staff to place the issue of affordable housing and discussion of policies and potential amendments to the Comprehensive Plan and zoning code on the Planning Commission's Work Program.
Payne / Young – unanimously approved.

2. Update on Wollochet Drive Road Rehabilitation. Steve Misiurak reported that the sub-grade of the roadway along Wollochet Drive north of Hunt Street is failing. He said that the estimated cost of reconstruction of this section is \$120,000 - \$130,000 and emphasized the importance of the repairs because of the heavy traffic at this major arterial. This was not a budgeted item, and so Mr. Misiurak asked the Council to consider authorizing the project. He said that the repair will add an addition 12-15 years to the life of the road.

Council asked questions regarding the scope of the repair to the roadway. Rob Karlinsey said that there are sufficient funds in the budget through savings in other areas and that he would like to put this out for bid and come back to Council for approval. He voiced concern that if the repairs are not done now, the roadway may not make it through another winter. He added that they were hoping to do this project in conjunction with the Mallard's Landing repairs to save on costs, but they don't think it should wait.

After further discussion, staff was directed to obtain bids for the project to be brought back for Council review.

3. PenMet Grant. Rob Karlinsey said that the Metropolitan Parks District for the Peninsula is soliciting grant applications for park enhancements and encouraged the city to apply. He recommended applying for a grant for irrigation improvements at City Park because it is so heavily used by unincorporated residents as well as city residents. He said that the PenMet portion that we are applying for is \$41,000, and he would also apply for a State IAC Grant to further offset the city's share. If the city receives the IAC Grant, the remaining amount for the city's share would be around \$7000. He said that Council would have the option to accept or reject the grant if awarded.

Mr. Karlinsey then reported that on July 16th the new bridge opens to traffic. He said that Chief Davis is concerned with possible gridlock for the first couple of days and asked him to share more information.

Chief Davis said that lukewarm sales of the transponders is causing concern, and for the first week he is going to schedule extra staff to address backups on city streets and any resulting problems. He then gave a brief report on the bridge opening events on the 15th and increased staffing in anticipation of the 10,000 - 40,000 people attending the event to assist at the bridge and to address any problems in the city.

MAYOR'S REPORT / COUNCIL COMMENTS / COUNCIL COMMITTEE REPORTS:

Councilmember Kadzik elaborated on John Vodopich's service to the city. He said that he worked with John on the Planning Commission, the Design Review Board, and now on the Council. When John came, the Planning Department was in complete disarray. John increased services to both the public and staff, and increased staff morale. As a Community Development Director, John has helped keep the "wheels on the wagon." John is professional, knowledgeable, and accessible. Councilmember Kadzik thanked him and said that everyone is going to miss him; he has done a good job.

Councilmember Kadzik then shared an article regarding the new mobile signs. He encouraged Councilmembers to read the article, paying special attention to the part that describes them as "backlit" and having sound systems. He said that the sound systems can be obnoxious. He said that some cities have regulated them and asked Council to consider putting this on the next Planning / Building Committee agenda for discussion.

Councilmember Kadzik then encouraged the others to take a look at the Hearing Examiner's decision on the Costco signage. The Sign Code allows a maximum of 100 square feet on any one building plane or 10% of the building plane, whichever is less. A variance was given both on the 10% and the 100 square feet on weak reasoning. He said that he is not suggesting that this decision be appealed, but he just wanted to bring attention to the on-going ease of obtaining variances.

Councilmember Payne announced that he would not be at the next meeting. He then said that John Moist was in the audience earlier, adding that Mr. Moist wrote a letter to the editor which speaks to the roaming billboard issue. He recommended that Council take a look at the letter. Councilmember Payne also commended John Vodopich, explaining that although he didn't have the pleasure of a lengthy relationship, but he certainly appreciates his service. He added that John will do nothing but good in Bonney Lake.

Mayor Hunter said that there are going to be five paddlers from the local kayak and canoe club competing in the world championships in Europe. He praised their effort and said that we should do what we can for them.

PUBLIC COMMENT: No one signed up to speak.

ANNOUNCEMENT OF OTHER MEETINGS:

1. GH North Traffic Options Committee – Wednesday, (not yet determined), at 9:00 a.m. in Community Rooms A & B.
2. Bridge Opening Celebration – Skansie Brothers Park, July 10th, 5:00 – 8:00 p.m.
3. Finance & Safety Committee – July 12th at 4:00 p.m.
4. Museum Groundbreaking Ceremonies – Friday, July 13th and Saturday, July 14th – 10:00 – noon and 11:00 - 3:00 p.m.
5. WSDOT Bridge Ceremony – Sunday, July 15th – all day events.
6. Special City Council Meeting – Monday, July 16th at 6:00 p.m.
7. Operations and Public Projects Committee – Thursday, July 19th, at 3:00 p.m. in the Engineering/Operations Conference Room.
8. Council Budget Retreat – Monday, July 30th at 6:00 p.m.

ADJOURN:

MOTION: Move to adjourn at 8:01 p.m.
Franich / Payne – unanimously approved.

CD recorder utilized:
Disk #1 Tracks 1- 33
Disk #2 Tracks 1- 15

Charles L. Hunter, Mayor

Molly Towslee, City Clerk

Recess to Worksession: Mainstreet Program.

SPECIAL GIG HARBOR CITY COUNCIL MEETING OF JULY 16, 2007

PRESENT: Councilmembers Young, Conan, Dick, Payne, Kadzik and Mayor Hunter. Councilmembers Ekberg, Young, and Franich were absent.

CALL TO ORDER: 6:10 p.m.

EXECUTIVE SESSION: For the purpose of discussing potential litigation per RCW 42.30.110(1)(i).

MOTION: Move to adjourn to Executive Session at 6:11 p.m. for the purpose of discussing potential litigation for approximately 60 minutes.
Dick / Conan – unanimously approved.

MOTION: Move to return to regular session at 7:10 p.m.
Kadzik / Payne – unanimously approved.

MOTION: Move to adjourn back to Executive Session at 7:11 p.m. for the purpose of discussing pending litigation for approximately another 15 minutes.
Dick / Young – unanimously approved.

MOTION: Move to return to regular session at 7:24 p.m.
Payne / Kadzik – unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 7:24 p.m.
Young / Dick – unanimously approved.

Charles L. Hunter, Mayor

Molly M. Towslee, City Clerk

PROCLAMATION OF THE MAYOR OF THE CITY OF GIG HARBOR

WHEREAS, the American Payroll Association and its 22,000 members have launched a nationwide public awareness campaign that pays tribute to the more than 156 million people who work in the United States and the payroll professionals who support the American system by paying wages, reporting worker earnings and withholding federal employment taxes; and

WHEREAS, payroll professionals in Gig Harbor, Washington play a key role in maintaining Gig Harbor's economic health, carrying out such diverse tasks as paying into the unemployment insurance system, providing information for child support enforcement and carrying out tax withholding, reporting and depositing; and

WHEREAS, payroll departments collectively spend more than \$15 billion annually complying with a myriad of federal and state wage and tax laws; and

WHEREAS, payroll professionals play an increasingly important role ensuring the economic security of American families by helping to identify non-custodial parents and making sure they comply with their child support mandates; and

WHEREAS, payroll professionals have become increasingly proactive in educating both the business community and the public at large about the payroll tax withholding systems; and

WHEREAS, payroll professionals meeting regularly with federal and state tax officials to discuss both improving compliance with government procedures and how compliance can be achieved at less cost to both government and businesses; and

NOW, THEREFORE, I, Charles L. Hunter, Mayor of the City of Gig Harbor, hereby give additional support to the efforts of the people who work in Gig Harbor, Washington and of the payroll profession by proclaiming the first full week in September as

PAYROLL WEEK FOR GIG HARBOR

and encourage all citizens to join me in celebrating these professionals. In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Gig Harbor to be affixed this 13TH day of August, 2007.

Charles L. Hunter, Mayor

Date



Mayor Chuck Hunter
City Hall
3510 Grandview Street
Gig Harbor, WA 98335

Dear Mayor Hunter:

I am writing on behalf of the American Payroll Association to seek your support for a Payroll Week in **Gig Harbor**. We believe the designation of the week in which Labor Day occurs as Payroll Week would go far to recognize the important contributions of the people of this city who work to support the American Dream and highlight the partnership between taxpayers and payroll professionals. As former President Bill Clinton said: "By honoring hardworking Americans across our nation and underscoring the vital importance of payroll taxes to our country's strength and security, National Payroll Week helps to foster growth and prosperity for our entire nation." The American Payroll Association has designated the week in which Labor Day falls as National Payroll Week.

The American Payroll Association represents 6.4 million residents in our state and ^{over 561,000} ~~400,000~~ businesses. Needless to say these taxpayers and businesses contribute millions of dollars to the state and federal treasuries through payroll taxes each year. These taxes include both federal and state withholding, which go toward important civic projects, including roads, schools and parks. Taxpayers and payroll professionals are also partners in supporting the social security and Medicare systems. In addition, companies are now playing an increasingly important role in the enforcement of child support laws by calculating and deducting child support payments from workers' pay.

The theme of National Payroll Week is "America works because we're working for America." The collection, reporting and payment of payroll taxes by employers is a positive example of what works in America. Your support of Payroll Week would be an important step in recognizing and celebrating the contributions of workers in the United States and the payroll professionals who report these workers' earnings, collect their taxes and pay their wages. We believe the proclamation of Payroll Week in **Gig Harbor** will enhance the public's understanding of their role in helping support the system and the contributions of payroll professionals.

Enclosed is a proclamation proposal which we believe captures the spirit of Payroll Week. I would, however, be happy to work with you or your staff to refine the language of the proclamation. I would also be interested in discussing additional projects for Payroll Week with your staff and participating in any project that can help improve the public's understanding of issues related to our payroll and tax systems.

Also enclosed is a NPW 2006 recap on the Government Outreach results by state. As you can see, the Rainier Chapter took first place in obtaining proclamations from the Governor and cities of WA. Please help us retain that position of a state that cares for its payroll professionals by presenting a proclamation for NPW and having **Gig Harbor** included on the list. Over 22,000 payroll members, along with their respective companies view the results of NPW.

I look forward to hearing from you and your staff in the near future. Please feel free to contact me at (206) 854-1182 or at kristiwillson@msn.com.

Sincerely, 
Kristine K. Willson, CPP

Enclosures



Founded by the American Payroll Association.

The American Payroll Association is the professional society for Payroll Professionals

Indiana

Northeast Indiana Chapter

City of Fort Wayne,
Graham Richard, Mayor
City of Warsaw,
Ernest B. Wiggins, Mayor

Louisiana

APA of Acadiana

City of Alexandria,
Ned Randolph, Mayor
City of Pineville,
Clarence Fields, Mayor
State of Louisiana,
Kathleen Blanco, Governor

Mississippi

North Mississippi Chapter

Town of Arlington,
Russell Wiseman, Mayor

Missouri

Greater Kansas City Chapter

City of Independence,
Don Reimal, Mayor
City of Lee's Summit,
Karen R. Messerli, Mayor
City of Merriam, Carl Wilkes, Mayor
City of Overland Park (Kansas),
Carl Gerlach, Mayor
City of Pittsburg (Kansas),
Marty Beezley, Mayor
City of Paola, Artie Stuteville, Mayor
City of Shawnee (Kansas),
Jeff Meyers, Mayor
State of Missouri,
Matt Blunt, Governor

New Jersey

Jersey Shore Chapter

Township of Jackson,
Mark A. Seda, Mayor

Ohio

Greater Cincinnati & Northern Kentucky Chapter

City of Cincinnati, Mark Mallory, Mayor

Hall of Fame Chapter

City of Akron,
Donald L. Plusquellic, Mayor

Miami Valley Chapter

City of Brookville,
David E. Seagraves, Mayor
City of Centerville,
C. Mark Kingseed, Mayor
City of Kettering,
Donald E. Patterson, Mayor
City of Miamisburg,
Dick Church Jr., Mayor
City of Moraine,
Robert Roscommon, Mayor

South Carolina

South Carolina Chapter

City of Greenville, Nox White, Mayor
State of South Carolina,
Mark Sanford, Governor

Tennessee

Greater Nashville Chapter

City of Franklin,
Thomas R. Miller, Mayor
Metropolitan Government of Nashville
and Davidson County,
Bill Purcell, Mayor
State of Tennessee,
Phil Bredesen, Governor

Texas

Dallas Chapter

City of Addison, Joe Chow, Mayor
City of Allen, Stephen Terrell, Mayor
City of Flower Mound,
Jody A. Smith, Mayor
City of Frisco,
E. Michael Simpson, Mayor
City of Garland, Bob Day, Mayor
City of Irving, Herbert A. Gears, Mayor
City of Lewisville, Gene Carey, Mayor
City of Plano, Pat Evans, Mayor
City of Richardson, Gary Slagel, Mayor
City of Sachse, Mike J. Felix, Mayor

City of The Colony, John Dillard, Mayor
City of McKinney, Bill Whitfield, Mayor
State of Texas, Rick Perry, Governor

The Alamo Chapter of the APA

City of New Braunfels,
Bruce Boyer, Mayor
City of Schertz, Hal Baldwin, Mayor
City of Windcrest,
Jack H. Leonhardt, Mayor
City of Universal City,
Joseph Medinger, Mayor

Washington

Rainier Chapter

City of Bellevue,
Grant Degginger, Mayor
City of Camas, Paul Dennis, Mayor
City of Gig Harbor,
Charles L. Hunter, Mayor
City of Lakewood,
Claudia B. Thomas, Mayor
City of Ocean Shores,
Michael E. Patrick, Mayor
City of Pacific, Richard Hildreth, Mayor
City of Pasco, Joyce Olson, Mayor
City of Port Orchard,
Kim E. Abel, Mayor
City of Poulsbo,
Kathryn H. Quade, Mayor
City of Redmond,
Rosemarie M. Ives, Mayor
City of SeaTac, Gene Fisher, Mayor
City of Spokane,
Dennis P. Hession, Mayor
City of Tukwila, Steve Mullet, Mayor
City of University Place,
Gerald Gehring, Mayor
City of Westpost, Michael Bruce, Mayor
State of Washington,
Christine O. Gregoire, Governor

Wisconsin

Greater Milwaukee Chapter

State of Wisconsin, Jim Doyle, Governor



Business of the City Council
City of Gig Harbor, WA

Subject: City of Gig Harbor Newsletter
Schedule 2007-2009

Proposed Council Action: I recommend
the Council approve the newsletter
schedule as presented.

Dept. Origin: Administration- Marketing

Prepared by: Laureen Lund

For Agenda of: July 23, 2007

Exhibits:

Initial & Date

Concurred by Mayor: _____

Approved by City Administrator: _____

Approved as to form by City Atty: _____

Approved by Finance Director: _____

Approved by Department Head: _____

| | | |
|--------------------------------|----------|---------------|
| Expenditure | Amount | Appropriation |
| Required see fiscal note below | Budgeted | Required |

INFORMATION / BACKGROUND

Proposed schedule of the newsletter including each council members contribution to "Council Corner"

FISCAL CONSIDERATION

This item has already been budgeted in the 2007 City of Gig Harbor Budget.

BOARD OR COMMITTEE RECOMMENDATION

I recommend the approval of this schedule.

RECOMMENDATION / MOTION

Move to:

Gig Harbor Matters Schedule

September

| Topics due July 20th | COVER | | COUNCIL CORNER | | OTHER STORIES THIS ISSUE | |
|----------------------|------------|----------|----------------|----------|---|----------|
| Stories due Aug 1st | | | | | | |
| Rodika Aug 15th | Budget?Rob | 8/1/2007 | TIM PAYNE | 8/1/2007 | Who Ya Gonna Call?/ Laurelyn | 8/1/2007 |
| Printer Sept 1st | | | (fuel dock?) | | Bridge Toll Violators - Paul Nelson | 8/1/2007 |
| Mailboxes Sept 15th | | | | | Police Report/Back to School Safety/ Mike Davis | 8/1/2007 |
| | | | | | Chum Festival/ Paul Ancich & Laureen | 8/1/2007 |
| | | | | | Maritime Pier and or Eddon Boat story/ Ward&Stanton | 8/1/2007 |
| | | | | | Halloween/ Laureen | 8/1/2007 |
| | | | | | Public Meetings/ Molly | 8/1/2007 |
| | | | | | YMCA Opens- Laureen | 8/1/2007 |
| | | | | | Spread: Summer in the Harbor/Laureen | 8/1/2007 |
| | | | | | Block Watch/Crimie Prevention - Mike Davis/Hunter | 8/1/2007 |
| | | | | | Lighted Material Ordinance - Karlinsey | 8/1/2007 |
| | | | | | New Officer Profile (Cox) - Davis | 8/1/2007 |
| | | | | | Survey Results - Lund | |

December

| | | | | | | |
|--------------------|----------------|------------|-------------|------------|-----------------------------------|------------|
| Topics due Oct 1 | Mayor's Report | 10/20/2007 | JIM FRANICH | 10/20/2007 | New Staff/Rob | 10/20/2007 |
| Stories due Oct 20 | | | | | Harbor Holidays | 10/20/2007 |
| Rodika Nov 1 | | | | | Police Report/DUI | 10/20/2007 |
| Printer Nov 15 | | | | | Budget/Rob/Dave R | 10/20/2007 |
| Mailboxes Dec 1 | | | | | Legislative issues for 2008/Rob? | |
| | | | | | Survey?? | |
| | | | | | Grand Openings(Costco/Uptown etc) | |
| | | | | | Icy driving and sidewalks/who? | |
| | | | | | Spread: Year in Review/ Laureen | |

2008

March

Rob??

Paul Conan

Parks Appreciation Day
Spread: Annual Report

June

Mayor's Report

Paul Kadzik

Parks Appreciation Review
Spread: Fireworks Rules and Regs

September

Derek Young

December

New Person

2009

March

Steve Ekberg

June

Tim Payne

September

Jim Franich

December

Paul Conan

**GIG HARBOR CITY COUNCIL
MAIN STREET PROGRAM - WORKSESSION
July 9, 2007 8:00 p.m. – Community Rooms A&B**

Members Present: Mayor Hunter and Councilmembers Young, Franich, Conan, Payne, and Kadzik. Councilmembers Ekberg and Dick were absent.

Staff Present: Rob Karlinsey, Laureen Lund, and Molly Towslee

Mayor Hunter called the worksession to order at 8:12 p.m. He asked Councilmember Paul Kadzik to give an introduction to the Main Street Program.

Councilmember Kadzik explained that after attending the National Main Street Program Conference in Seattle with other local business owners, Steve Lynn and John Moist, a local Ad Hoc Committee formed to discuss the merits of bringing a program of this type to Gig Harbor. He introduced Sherry Stewart from the Washington Mainstreet Program, and Joe Dacca from Representative Derek Kilmer's office. Councilmember Kadzik turned the meeting over to Steve Lynn, owner of Water to Wine in Gig Harbor, who presented the background on this state and national program.

Mr. Lynn gave a PowerPoint presentation describing the strategy and elements on organizing a successful downtown revitalization program and how it could help here in Gig Harbor.

After the presentation, Councilmember Kadzik discussed his concern with what is happening to the Downtown area. He said that it is worth investing both time and money.

Councilmember Franich said that he is concerned with any effort to bring more activity into the downtown area and how that may affect the Millville Residential area.

Sherry Stewart said that she has worked for 17 years on Main Street Programs and used Port Townsend as example of how the program can be successful. She emphasized that the stakeholders consider both the positive and negative impacts of revitalization efforts when implementing any elements. She stressed that this program is designed to sustain the feel of what the community wants the town to be.

There was discussion on the "Forward Together" program a few years that didn't meet with good results. The difference is in that effort, the business owners were being told what to do. With this program, all stakeholders are involved in the process.

Ms. Stewart stressed that this program is a proven and effective tool, but there is no requirement to join. A community could choose to self-initiate their own program. She addressed the concern that there would be a great deal of change, explaining that each program is tailored to the demonstrated need.

Councilmember Payne praised the results of this program in Walla Walla and said he was supportive of a similar effort here in Gig Harbor now that he understands more of the structure of the program. He said that it is designed to funnel concerns of the community in order to formulate a blueprint to sustain the city's downtown. He emphasized that the quality of life here is declining due to the closure of several downtown businesses.

Steve Lynn added that one element of the program is to teach business owners better skills. He stressed that the idea is to maintain the town in a way that all the citizens want it to stay.

Sherry Stewart explained that the program came from a desire to preserve the fabric of the community. This approach requires work and the involvement of a wide range of stakeholders. Change will happen to a community and you can either let it happen or you can direct the results.

Councilmember Franich said that it is through the City Council that change is directed, adding that the parking issue has to be settled before any other direction is taken.

Mayor Hunter said that we don't want "urban renewal." We want to maintain the way it is with both residential and business together. The key is to keep the existing businesses viable and get others to come in, not to knock down the existing buildings.

Councilmember Young emphasized that if there is no plan in place that is exactly what could happen. We need a method for find out what the citizens want to see in our downtown. Councilmember Payne added that the success of the downtown is much broader than just the merchants.

Councilmember Kadzik discussed a grass-roots effort to take this plan to the Chamber and as many other organizations as possible. He stressed that no one is proposing to change the corridor along Harborview. The vision is to keep it as is, but to encourage economic stability at each end.

Councilmember Franich said that there is an undercurrent to connect the downtown area with the Finholm district. He is concerned with the quality of life for the residents in between.

There was a discussion on the quality of life if the downtown retail businesses are replaced by professional services. John Moist and Steven Lynn talked about partnering to help maintain the businesses and to revitalize the downtown in light of the Gig Harbor North and Westside growth; enhancing...not changing what is there. They mentioned economic incentives to encourage property owners to spruce up the older buildings.

Councilmember Young asked for clarification on the goals of this Ad Hoc Committee. Councilmember Kadzik responded that they are trying to get a feel for how the City

Council responds to this program before taking it to other organizations. With Council's support, they will be more effective in asking for financial or in-kind support from others.

Councilmember Young then said that he is reluctant to budget money for this before there is other community buy-in to avoid the perception that the "city is doing something to the downtown." He said that he thinks it would be best to come in with financial support after the group matures.

John Moist explained that he visions a type of grant support verses a yearly budget line-item from the city. Mayor Hunter recommended that they bring a proposal to the city for consideration.

Steve Lynn asked for direction on how to avoid any negative connotations of drastic change when they take the program out into the community. He again said that it is important to have the city's support.

Councilmember Payne offered a suggestion to further de-mystify who the "we" is in the program. He said that it would be helpful to share stories of other Washington towns that have successfully implemented the program and to stress that sustaining means "serving citizens" not tourists.

Sherry Stewart touched on the eight guiding principles as comprehensive and incremental, and based on what the community wants. She emphasized that you need everyone working together; both the public and private sectors.

Mayor Hunter said that it would be safe to say that Council is interested and would like more information. Councilmember Payne asked how much it takes to start a Main Street Program.

Ms. Stewart responded that on page 25 of the hand-out there is a sample budget which a little on the low side, but helpful. She pointed out the back of the other handout lists which Washington cities are involved in this program and at which phase.

Steve Lynn said that he needs the Council's support in order to proceed with plans to go before other groups to ask for support. He said that they want to begin with an idea of whether the city would contribute in order to be able to build on that figure.

Sherry Stewart offered a suggestion that Port Townsend committed to a matching grant amount. She also said that Bainbridge Island would be another good example.

Councilmember Conan said that he likes the idea of using successful case studies similar to Gig Harbor to review the process.

Councilmember Payne said that he supports this effort. He said that when the properties downtown are sold or developed, he wants to make sure that they fit the community. This program is a model that we need.

The work study session ended at 9:32 p.m.

Respectfully submitted,

Molly Towslee, City Clerk



**Business of the City Council
City of Gig Harbor, WA**

Subject: Eddon Boat Park Pedestrian Improvements Project CSP-0710
-- Contract Authorization

Proposed Council Action: Authorize the award and execution of the contract for the Eddon Boat Park Pedestrian Improvement Project to Pape & Sons Construction, Inc. for their bid quotation in the amount of eighty-seven thousand eight hundred forty dollars (\$87,840.00).

Dept. Origin: Engineering Division
Prepared by: Stephen Misiurak, P.E. City Engineer
For Agenda of: July 23, 2007
Exhibits: Contract

Initial & Date

Concurred by Mayor: GH 7/19/07
Approved by City Administrator: RJK 7/19/07
Approved as to form by City Atty: _____
Approved by Finance Director: _____
Approved by Department Head: _____

| | | | | |
|----------------------|-------------|-----------------|--------------|------------------------|
| Expenditure Required | \$87,840.00 | Amount Budgeted | \$150,000.00 | Appropriation Required |
|----------------------|-------------|-----------------|--------------|------------------------|

INFORMATION / BACKGROUND

This project provides for the demolition of the existing sidewalk, curb and gutter, the construction of a new sidewalk, curb and gutter, and the construction of a planter strip.

In accordance with the City's Small Works Roster Process (Resolution No. 592), nine paving contractors were contacted for price quotations. Three contractors responded with the following price quotation proposals:

| | |
|--------------------------------|--------------|
| Pape & Sons Construction, Inc. | \$ 87,840.00 |
| ESE Corporation | \$109,740.50 |
| Harlow Construction | \$114,400.00 |

In determining "lowest responsible bidder", in addition to price, the following elements were given consideration by the City:

- a) The ability, capacity, and skill of the bidder to perform the contract or provide the service required;
- b) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- c) Whether the bidder can perform the contract within the time specified;
- d) The quality of performance of previous contracts or services;
- e) The previous and existing compliance by the bidder with laws relating to the contract or services.

The City Engineer's analysis has concluded that Pape & Sons Construction have satisfied all the above criteria. In particular, Pape & Sons has completed previous construction projects for the City and have satisfied all the above criteria.

FISCAL CONSIDERATION

The engineer's estimate for this project was \$75,100. The 2007 Park Operating Fund has allocated \$150,000 for this project under Objective No.14.

BOARD OR COMMITTEE RECOMMENDATION

N/A

RECOMMENDATION / MOTION

Move to: Authorize the award and execution of the contract for the Eddon Boat Park Pedestrian Improvement Project to Pape & Sons Construction, Inc., for their bid quotation in the amount of eighty-seven thousand eight hundred forty dollars and no cents (\$87,840.00).

**CITY OF GIG HARBOR
CONTRACT
For
EDDON BOAT PARK PEDESTRIAN IMPROVEMENT PROJECT
CSP-0710**

THIS AGREEMENT, made and entered into, this ____ day of _____, 2007, by and between the City of Gig Harbor, a Non-Charter Code city in the State of Washington, hereinafter called the "City", and Pape and Sons Construction, Inc., hereinafter called the "Contractor."

WITNESSETH:

That in consideration of the terms and conditions contained herein and attached and made a part of this Contract, the parties hereto covenant and agree as follows:

1. The Contractor shall do all of the work and furnish all of the labor, materials, tools, and equipment necessary for the demolition of the existing sidewalk, curb and gutter, the construction of a new sidewalk, curb and gutter, and construction of a planter strip, and other site work, all in accordance with the special provisions and standard specifications, and shall perform any changes in the work, all in full compliance with the contract documents entitled "Eddon Boat Park Pedestrian Improvement Project, CSP-0710," which are by this reference incorporated herein and made a part hereof; and agrees to accept payment for the same in accordance with the said contract documents, including the schedule of prices in the "Proposal," the sum of Eighty-seven Thousand Eight Hundred Forty dollars and no cents, (\$87,840.00), subject to the provisions of the Contract Documents, the Special Provisions, and the Standard Specifications.
2. Work shall commence and contract time shall begin on the first working day following the tenth (10th) calendar day after the date the City executes the Contract, or the date specified in the Notice to Proceed issued by the City Engineer, whichever is later. All physical contract work shall be completed within fifteen (15)-working days.
3. The Contractor agrees to pay the City the sum of \$878.40 per day for each and every day all work remains uncompleted after expiration of the specified time, as liquidated damages.
4. The Contractor shall provide for and bear the expense of all labor, materials, tools and equipment of any sort whatsoever that may be required for the full performance of the work provided for in this Contract upon the part of the Contractor.
5. The term "Contract Documents" shall mean and refer to the following: "Invitation to Bidders," "Quotation Proposal," "Addenda" if any, "Specifications," "Plans,"

“Contract,” “Performance Bond,” “Maintenance Bond,” “Payment Bond,” “Notice to Proceed,” “Change Orders” if any, and any documents referenced or incorporated into the Contract Documents, including, but not limited to the Washington State Department of Transportation’s “2006 Standard Specifications for Road, Bridge, and Municipal Construction,” including the Local Agency (APWA) General Special Provisions.

6. The City agrees to pay the Contractor for materials furnished and work performed in the manner and at such times as set forth in the Contract Documents.
7. The Contractor for himself/herself, and for his/her heirs, executors, administrators, successors, assigns, agents, subcontractors, and employees, does hereby agree to the full performance of all of the covenants herein contained upon the part of the Contractor.
8. It is further provided that no liability shall attach to the City by reason of entering into this Contract, except as expressly provided herein.

IN WITNESS WHEREOF the parties hereto have caused this Contract to be executed the day and year first hereinabove written:

CITY of GIG HARBOR:

CONTRACTOR:

Charles L. Hunter, Mayor
City of Gig Harbor
Date: _____

Print Name: _____
Print Title: _____
Date: _____

ATTEST:

James Pape
Pape and Sons Construction, Inc.
9401 54th Ave. NW, Ste. 1A
Gig Harbor, WA 98332
253-851-6040 253-851-3290 (fax)

City Clerk

APPROVED FOR FORM:

City Attorney



Business of the City Council
City of Gig Harbor, WA

Subject: Eddon Boat Park Pedestrian Improvements Project CSP-0710
-- Contract Authorization for Surveying Services

Dept. Origin: Engineering Division
Prepared by: Stephen Misiurak, P.E. City Engineer
For Agenda of: July 23, 2007
Exhibits: Contract

Handwritten signature of Stephen Misiurak

Proposed Council Action: Authorize the award and execution of the contract for the Eddon Boat Park Pedestrian Improvement Project to PriZm Surveying, Inc. in the amount of Two Thousand Six Hundred Eighty Dollars (\$2,680.00)

Initial & Date

Concurred by Mayor:
Approved by City Administrator:
Approved as to form by City Atty:
Approved by Finance Director:
Approved by Department Head:

Table with 4 columns: Expenditure Required, Amount Budgeted, Appropriation Required, and values: \$2,680.00, \$150,000.00.

INFORMATION / BACKGROUND

This project provides for the demolition of the existing sidewalk, curb and gutter, the construction of a new sidewalk, curb and gutter, and the construction of a planter strip. Survey services are required for the layout and grade prior to construction.

In accordance with the City's Small Works Roster Process (Resolution No. 592), the City contacted the survey firm of PriZm Surveying, Inc. and requested quotations to provide surveying services. Upon review of the provided price quotations and proposals, the survey firm of PriZm Surveying, Inc. was selected to perform the work.

FISCAL CONSIDERATION

The 2007 Park Operating Fund has allocated \$150,000.00 for this project under Objective No.14.

BOARD OR COMMITTEE RECOMMENDATION

N/A

RECOMMENDATION / MOTION

Move to: Authorize the contract for surveying services for the Eddon Boat Park Pedestrian Improvement Project to PriZm Surveying, Inc., in the amount of Two Thousand Six Hundred Eighty Dollars and no cents (\$2,680.00).

**CONSULTANT SERVICES CONTRACT
BETWEEN THE CITY OF GIG HARBOR AND
PRIZM SURVEYING, INC.**

THIS AGREEMENT is made by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and PriZm Surveying, Inc., a corporation organized under the laws of the State of Washington, located and doing business at PO Box 110700, Tacoma, Washington 98411 (hereinafter the "Consultant").

RECITALS

WHEREAS, the City is presently engaged in the survey and sidewalk construction for the Eddon Boat Park Pedestrian Improvement Project and desires that the Consultant perform services necessary to provide the following consultation surveying services.

WHEREAS, the Consultant agrees to perform the services more specifically described in the Scope of Work, dated July 19, 2007 including any addenda thereto as of the effective date of this agreement, all of which are attached hereto as **Exhibit A – Scope of Services**, and are incorporated by this reference as if fully set forth herein.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed by and between the parties as follows:

TERMS

I. Description of Work

The Consultant shall perform all work as described in **Exhibit A**.

II. Payment

A. The City shall pay the Consultant an amount based on time and materials, not to exceed Two Thousand Six Hundred Eighty Dollars and No Cents (\$2,680.00) for the services described in Section I herein. This is the maximum amount to be paid under this Agreement for the work described in **Exhibit A**, and shall not be exceeded without the prior written authorization of the City in the form of a negotiated and executed supplemental agreement. PROVIDED, HOWEVER, the City reserves the right to direct the Consultant's compensated services under the time frame set forth in Section IV herein before reaching the maximum amount. The Consultant's staff and billing rates shall be as described in **Exhibit B**. The Consultant shall not bill for Consultant's staff not identified or listed in **Exhibit B** or bill at rates in excess of the hourly rates shown in **Exhibit B**; unless the parties agree to a modification of this Contract, pursuant to Section XVIII herein.

B. The Consultant shall submit monthly invoices to the City after such services have been performed, and a final bill upon completion of all the services described in this Agreement. The City shall pay the full amount of an invoice within forty-five (45) days of

receipt. If the City objects to all or any portion of any invoice, it shall so notify the Consultant of the same within fifteen (15) days from the date of receipt and shall pay that portion of the invoice not in dispute, and the parties shall immediately make every effort to settle the disputed portion.

III. Relationship of Parties

The parties intend that an independent contractor-client relationship will be created by this Agreement. As the Consultant is customarily engaged in an independently established trade which encompasses the specific service provided to the City hereunder, no agent, employee, representative or sub-consultant of the Consultant shall be or shall be deemed to be the employee, agent, representative or sub-consultant of the City. In the performance of the work, the Consultant is an independent contractor with the ability to control and direct the performance and details of the work, the City being interested only in the results obtained under this Agreement. None of the benefits provided by the City to its employees, including, but not limited to, compensation, insurance, and unemployment insurance are available from the City to the employees, agents, representatives, or sub-consultants of the Consultant. The Consultant will be solely and entirely responsible for its acts and for the acts of its agents, employees, representatives and sub-consultants during the performance of this Agreement. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that the Consultant performs hereunder.

IV. Duration of Work

The City and the Consultant agree that work will begin on the tasks described in **Exhibit A** immediately upon execution of this Agreement. The parties agree that the work described in **Exhibit A** shall be completed by **August 31, 2007**; provided however, that additional time shall be granted by the City for excusable days or extra work.

V. Termination

A. Termination of Agreement. The City may terminate this Agreement, for public convenience, the Consultant's default, the Consultant's insolvency or bankruptcy, or the Consultant's assignment for the benefit of creditors, at any time prior to completion of the work described in **Exhibit A**. If delivered to consultant in person, termination shall be effective immediately upon the Consultant's receipt of the City's written notice or such date stated in the City's notice, whichever is later.

B. Rights Upon Termination. In the event of termination, the City shall pay for all services satisfactorily performed by the Consultant to the effective date of termination, as described on a final invoice submitted to the City. Said amount shall not exceed the amount in Section II above. After termination, the City may take possession of all records and data within the Consultant's possession pertaining to this Agreement, which records and data may be used by the City without restriction. Upon termination, the City may take over the work and prosecute the same to completion, by contract or otherwise. Except in

the situation where the Consultant has been terminated for public convenience, the Consultant shall be liable to the City for any additional costs incurred by the City in the completion of the Scope of Work and Cost referenced as **Exhibit A** and as modified or amended prior to termination. "Additional Costs" shall mean all reasonable costs incurred by the City beyond the maximum contract price specified in Section II(A), above.

VI. Discrimination

In the hiring of employees for the performance of work under this Agreement or any sub-contract hereunder, the Consultant, its subcontractors, or any person acting on behalf of such Consultant or sub-consultant shall not, by reason of race, religion, color, sex, national origin, or the presence of any sensory, mental, or physical disability, discriminate against any person who is qualified and available to perform the work to which the employment relates.

VII. Indemnification

The Consultant shall 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 legal costs and attorneys' fees, arising out of or in connection with the performance of this Agreement, except for injuries and damages caused by the sole negligence of the City. The City's inspection or acceptance of any of the Consultant's work when completed shall not be grounds to avoid any of these covenants of indemnification.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, agents and volunteers, the Consultant's liability hereunder shall be only to the extent of the Consultant's negligence.

IT IS FURTHER SPECIFICALLY AND EXPRESSLY UNDERSTOOD THAT THE INDEMNIFICATION PROVIDED HEREIN CONSTITUTES THE CONSULTANT'S WAIVER OF IMMUNITY UNDER INDUSTRIAL INSURANCE, TITLE 51 RCW, SOLELY FOR THE PURPOSES OF THIS INDEMNIFICATION. THE PARTIES FURTHER ACKNOWLEDGE THAT THEY HAVE MUTUALLY NEGOTIATED THIS WAIVER. THE CONSULTANT'S WAIVER OF IMMUNITY UNDER THE PROVISIONS OF THIS SECTION DOES NOT INCLUDE, OR EXTEND TO, ANY CLAIMS BY THE CONSULTANT'S EMPLOYEES DIRECTLY AGAINST THE CONSULTANT.

The provisions of this section shall survive the expiration or termination of this Agreement.

VIII. Insurance

A. The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the Consultant's own work including the work of the Consultant's agents, representatives, employees, sub-consultants or sub-contractors.

B. Before beginning work on the project described in this Agreement, the Consultant shall provide evidence, in the form of a Certificate of Insurance, of the following insurance coverage and limits (at a minimum):

1. Business auto coverage for any auto no less than a \$1,000,000 each accident limit, and
2. Commercial General Liability insurance no less than \$1,000,000 per occurrence with a \$2,000,000 aggregate. Coverage shall include, but is not limited to, contractual liability, products and completed operations, property damage, and employers liability, and
3. Professional Liability insurance with no less than \$1,000,000. All policies and coverage's shall be on an occurrence made basis.

C. The Consultant is responsible for the payment of any deductible or self-insured retention that is required by any of the Consultant's insurance. If the City is required to contribute to the deductible under any of the Consultant's insurance policies, the Contractor shall reimburse the City the full amount of the deductible within 10 working days of the City's deductible payment.

D. The City of Gig Harbor shall be named as an additional insured on the Consultant's commercial general liability policy. This additional insured endorsement shall be included with evidence of insurance in the form of a Certificate of Insurance for coverage necessary in Section B. The City reserves the right to receive a certified and complete copy of all of the Consultant's insurance policies.

E. Under this agreement, the Consultant's insurance shall be considered primary in the event of a loss, damage or suit. The City's own comprehensive general liability policy will be considered excess coverage with respect to defense and indemnity of the City only and no other party. Additionally, the Consultant's commercial general liability policy must provide cross-liability coverage as could be achieved under a standard ISO separation of insured's clause.

F. The Consultant shall request from his insurer a modification of the ACORD certificate to include language that prior written notification will be given to the City of Gig Harbor at least 30-days in advance of any cancellation, suspension or material change in the Consultant's coverage.

IX. Exchange of Information

The City warrants the accuracy of any information supplied by it to the Consultant for the purpose of completion of the work under this Agreement. The parties agree that the Consultant will notify the City of any inaccuracies in the information provided by the City as may be discovered in the process of performing the work, and that the City is entitled to rely upon any information supplied by the Consultant which results as a product of this Agreement.

X. Ownership and Use of Records and Documents

Original documents, drawings, designs and reports developed under this Agreement shall belong to and become the property of the City. All written information submitted by the City to the Consultant in connection with the services performed by the Consultant under this Agreement will be safeguarded by the Consultant to at least the same extent as the Consultant safeguards like information relating to its own business. If such information is publicly available or is already in consultant's possession or known to it, or is rightfully obtained by the Consultant from third parties, the Consultant shall bear no responsibility for its disclosure, inadvertent or otherwise.

XI. City's Right of Inspection

Even though the Consultant is an independent contractor with the authority to control and direct the performance and details of the work authorized under this Agreement, the work must meet the approval of the City and shall be subject to the City's general right of inspection to secure the satisfactory completion thereof. The Consultant agrees to comply with all federal, state, and municipal laws, rules, and regulations that are now effective or become applicable within the terms of this Agreement to the Consultant's business, equipment, and personnel engaged in operations covered by this Agreement or accruing out of the performance of such operations.

XII. Consultant to Maintain Records to Support Independent Contractor Status

On the effective date of this Agreement (or shortly thereafter), the Consultant shall comply with all federal and state laws applicable to independent contractors including, but not limited to the maintenance of a separate set of books and records that reflect all items of income and expenses of the Consultant's business, pursuant to the Revised Code of Washington (RCW) Section 51.08.195, as required to show that the services performed by the Consultant under this Agreement shall not give rise to an employer-employee relationship between the parties which is subject to RCW Title 51, Industrial Insurance.

XIII. Work Performed at the Consultant's Risk

The Consultant shall take all precautions necessary and shall be responsible for the safety of its employees, agents, and sub-consultants in the performance of the work

hereunder and shall utilize all protection necessary for that purpose. All work shall be done at the Consultant's own risk, and the Consultant shall be responsible for any loss of or damage to materials, tools, or other articles used or held by the Consultant for use in connection with the work.

XIV. 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 to be a waiver or relinquishment of said covenants, agreements, or options, and the same shall be and remain in full force and effect.

XV. Resolution of Disputes and Governing Law

Should any dispute, misunderstanding, or conflict arise as to the terms and conditions contained in this Agreement, the matter shall first be referred to the City Engineer and the City shall determine the term or provision's true intent or meaning. The City Engineer shall also decide all questions which may arise between the parties relative to the actual services provided or to the sufficiency of the performance hereunder.

If any dispute arises between the City and the Consultant under any of the provisions of this Agreement which cannot be resolved by the City Engineer's determination in a reasonable time, or if the Consultant does not agree with the City's decision on the disputed matter, jurisdiction of any resulting litigation shall be filed in Pierce County Superior Court, Pierce County, Washington. 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 parties' expenses and reasonable attorney's fees.

XVI. Written Notice

All communications regarding this Agreement shall be sent to the parties at the addresses listed on the signature page of the agreement, unless notified to the contrary. Unless otherwise specified, any written notice hereunder shall become effective upon the date of mailing by registered or certified mail, and shall be deemed sufficiently given if sent to the addressee at the address stated below:

CONSULTANT
Dennis J. Pierce, P.L.S.
PriZm Surveying Inc.
PO Box 110700
Tacoma, Washington 98411
(253) 404-0983

Stephen Misiurak, P.E.
City Engineer
City of Gig Harbor
3510 Grandview Street
Gig Harbor, Washington 98335
(253) 851-6170

XVII. Assignment

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

XVIII. Modification

No waiver, alteration, or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of the City and the Consultant.

XIX. Entire Agreement

The written provisions and terms of this Agreement, together with any Exhibits attached hereto, shall supersede all prior verbal statements of any officer or other representative of the City, and such statements shall not be effective or be construed as entering into or forming a part of or altering in any manner whatsoever, this Agreement or the Agreement documents. The entire agreement between the parties with respect to the subject matter hereunder is contained in this Agreement and any Exhibits attached hereto, which may or may not have been executed prior to the execution of this Agreement. All of the above documents are hereby made a part of this Agreement and form the Agreement document as fully as if the same were set forth herein. Should any language in any of the Exhibits to this Agreement conflict with any language contained in this Agreement, then this Agreement shall prevail.

IN WITNESS WHEREOF, the parties have executed this Agreement on this _____ day of _____, 200__.

CONSULTANT

CITY OF GIG HARBOR

By: _____
Its Principal

By: _____
Mayor

Notices to be sent to:
CONSULTANT
Dennis J. Pierce, P.L.S.
PriZm Surveying Inc.
PO Box 110700
Tacoma, Washington 98411
(253) 404-0984

Stephen Misiurak, P.E.
City Engineer
City of Gig Harbor
3510 Grandview Street
Gig Harbor, Washington 98335
(253) 851-6170

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

STATE OF WASHINGTON)
) ss.
COUNTY OF _____)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the _____ of _____ Inc., to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

(print or type name)
NOTARY PUBLIC in and for the
State of Washington, residing at:

My Commission expires: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that Charles L. Hunter is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Mayor of Gig Harbor to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

(print or type name)

NOTARY PUBLIC in and for the
State of Washington, residing at:

My Commission expires: _____

PRIZM SURVEYING INC.

P. O. BOX 110700, TACOMA WASHINGTON, 98411

PHONE: (253) 404-0983, FAX: (253) 404-0984

DENNIS J PIERCE PLS, GREG A ZURN, GARY LETZRING PLS, AARON BLAISDELL PLS

BID PROPOSAL FOR EDDON BOAT PARK SIDEWALK

PRIZM IS PLEASED TO PROVIDE THE FOLLOWING QUOTE FOR THE ABOVE REFERENCED PROJECT. THIS QUOTE IS BASED ON STAKING EACH ITEM ONE TIME ONLY UNLESS OTHERWISE INDICATED.

- * HORIZONTAL AND VERTICAL CONTROL FOR PROJECT DURATION. CONSISTS OF ESTABLISHING A CONTROL NETWORK THAT WILL BE USED THROUGHOUT THE CONSTRUCTION PROCESS AND WILL EMPLOY BOTH CONVENTIONAL AND GPS PROCEDURES.
- * PROVIDE INITIAL GRADE STAKES FOR ROUGH GRADING OF PROPOSED CURBING AND SIDEWALK.
- * LAYOUT AND GRADE PROPOSED ON SITE SIDEWALKS NOT ADJACENT TO BUILDINGS OR CURBS.
- * LAYOUT AND GRADE CONCRETE CURB AND GUTTER. (OFFSET STAKES WILL BE SET AT 3 FEET FROM BACK OF CURB GRADED TO TOP BACK OF CURB, OR AS REQUESTED BY THE CONTRACTOR) AT AREAS OF NO CURBING WE WILL PROVIDE OFFSETS TO THE EDGE OF PAVING.

ESTIMATED COST FOR THE ABOVE ITEMS . . . \$2,680.00

PRIZM HAS TRIED TO INCLUDE ALL ITEMS PERTINATE TO THIS PROJECT, BUT IF ADDITIONAL STAKING OR RESTAKING IS NECESSARY, UNIT PRICES OF \$140.00 FOR A TWO MAN SURVEY CREW AND \$85.00 FOR OFFICE SUPPORT, LICENSED SURVEYOR AND COMPUTER WORK WILL BE APPLIED.

PRIZM CARRIES ERRORS AND OMISSION (\$1,000,000) AND LIABILITY INSURANCE (\$1,000,000), IF ADDITIONAL INSURANCE IS REQUIRED, THE PREMIUMS WILL BE IN ADDITION TO THE ABOVE PRICE. SHOULD YOU DESIRE TO BE NAMED PRIMARY ADDITIONALLY INSURED ADD \$300.00 TO THE ABOVE PRICE.

SINCERELY



DENNIS J. PIERCE
PRIZM SURVEYING INC.

CONSULTANT'S SALARY AND BILLING RATES
PRIZM SURVEYING INC.

Contract Title: **EDDON BOAT PARK Pedestrian Improvement Project**

The following are the Billing Rates the Consultant will charge for work performed under this Contract. Any adjustments to these rates must be requested in writing and, if agreed to, be documented in a "Revised" Consultants' Salary and Billing Rates Exhibit, which will be incorporated in and attached to this Contract by the fact of the Exhibit's acceptance by the SPU Project Manager.

Billing Rates are an all-inclusive "Direct Labor" (DL) flat rate equal to times the Base Salary Rates.

OR

The Hourly rates used on this Contract are based on all-inclusive, fair and competitive "standard industry rates."

| Staff Name | Title | Base Hourly Salary Rates | Hourly Billing Rates (Base Salary times DL Rate) |
|----------------------|-----------------------|--------------------------|---|
| DENNIS J. PIERCE PLS | PROFFESIONAL SURVEYOR | \$98.00 | |
| GARY D. LETZRING PLS | PROFFESIONAL SURVEYOR | \$98.00 | |
| AARON BLAISDELL PLS | PROFFESIONAL SURVEYOR | \$98.00 | |
| GREG A. ZURN | SURVEY COORDINATOR | \$80.00 | |
| 2 MAN SURVEY CREW | CONVENTONAL | \$130.00 | |
| | | | |
| 2 MAN SURVEY CREW | GPS | \$150.00 | |
| | | | |
| TONY WIBORG | PARTY CHIEF | | |
| SCOTT TWISS | PARTY CHIEF | | |
| DARWIN WALTER | PARTY CHIEF | | |
| DAVID DIAZ | CHAINMAN | | |
| CORY MENDENHALL | CHAINMAN | | |
| MIKE HARRITT | CHAINMAN | | |
| | | | |
| REBEL ANDERSON | OFFICE MANAGER | \$50.00 | |
| | | | |
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Business of the City Council
City of Gig Harbor, WA

Subject: General Facility Charge Analysis
and Rate Study – Consultant Services Contract

Dept. Origin: Engineering Division

Prepared by: Stephen Misiurak, P.E.
City Engineer *Stm*

Proposed Council Action: Authorize the Mayor to approve and sign the Consultant Services Contract with Peninsula Financial Consulting for the amount not-to-exceed \$13,700.00.

For Agenda of: July 23, 2007

Exhibits: Consultant Services Contract

Initial & Date

Concurred by Mayor:

CSM 7/19/07

Approved by City Administrator:

RJK 7/19/07

Approved as to form by City Atty:

CAM 7/18/07

Approved by Finance Director:

Approved by Department Head:

Dave 7/18/07

| | | |
|-------------------|-------------------|---------------|
| Expenditure | Amount | Appropriation |
| Required \$13,700 | Budgeted \$50,000 | Required \$0 |

INFORMATION / BACKGROUND

This scope of work includes calculation of general facility charges (GFC's) and monthly rate recommendations for the City's water, sewer, and stormwater utilities. With the upcoming several high cost capital improvement projects and in particular, the Wastewater Treatment Plant Expansion and outfall projects, this GFC and rate study is required at this time to be performed.

FISCAL CONSIDERATION

Sufficient funds exist within the respective utilities to fund this expenditure.

BOARD OR COMMITTEE RECOMMENDATION

N/A

RECOMMENDATION / MOTION

Move to: Authorize the Mayor to approve and sign the Consultant Services Contract with Peninsula Financial Consulting for the general facility charges and monthly rate recommendations in the not-to-exceed amount of Thirteen Thousand Seven Hundred Dollars and no cents.

**CONSULTANT SERVICES CONTRACT
BETWEEN THE CITY OF GIG HARBOR AND
PENINSULA FINANCIAL CONSULTING**

THIS AGREEMENT is made by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and Peninsula Financial Consulting, a sole proprietorship organized under the laws of the State of Washington, located and doing business at 3601 24th Avenue West, #104, Seattle, Washington 98199 (hereinafter the "Consultant").

RECITALS

WHEREAS, the City is presently engaged in the General Facility Charge Analysis and Rate Study Project and desires that the Consultant perform services necessary to provide the following consultation services.

WHEREAS, the Consultant agrees to perform the services more specifically described in the Scope of Work , dated July 13, 2007 including any addenda thereto as of the effective date of this agreement, all of which are attached hereto as **Exhibit A – Scope of Work**, and are incorporated by this reference as if fully set forth herein.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed by and between the parties as follows:

TERMS

I. Description of Work

The Consultant shall perform all work as described in **Exhibit A**.

II. Payment

A. The City shall pay the Consultant an amount based on time and materials, not to exceed Thirteen Thousand Seven Hundred dollars and no cents (\$13,700.00) for the services described in Section I herein. This is the maximum amount to be paid under this Agreement for the work described in **Exhibit A**, and shall not be exceeded without the prior written authorization of the City in the form of a negotiated and executed supplemental agreement. PROVIDED, HOWEVER, the City reserves the right to direct the Consultant's compensated services under the time frame set forth in Section IV herein before reaching the maximum amount. The Consultant's staff and billing rates shall be as described in **Exhibit B**. The Consultant shall not bill for Consultant's staff not identified or listed in **Exhibit B** or bill at rates in excess of the hourly rates shown in **Exhibit B**; unless the parties agree to a modification of this Contract, pursuant to Section XVIII herein.

B. The Consultant shall submit monthly invoices to the City after such services have been performed, and a final bill upon completion of all the services described in this

Agreement. The City shall pay the full amount of an invoice within forty-five (45) days of receipt. If the City objects to all or any portion of any invoice, it shall so notify the Consultant of the same within fifteen (15) days from the date of receipt and shall pay that portion of the invoice not in dispute, and the parties shall immediately make every effort to settle the disputed portion.

III. Relationship of Parties

The parties intend that an independent contractor-client relationship will be created by this Agreement. As the Consultant is customarily engaged in an independently established trade which encompasses the specific service provided to the City hereunder, no agent, employee, representative or sub-consultant of the Consultant shall be or shall be deemed to be the employee, agent, representative or sub-consultant of the City. In the performance of the work, the Consultant is an independent contractor with the ability to control and direct the performance and details of the work, the City being interested only in the results obtained under this Agreement. None of the benefits provided by the City to its employees, including, but not limited to, compensation, insurance, and unemployment insurance are available from the City to the employees, agents, representatives, or sub-consultants of the Consultant. The Consultant will be solely and entirely responsible for its acts and for the acts of its agents, employees, representatives and sub-consultants during the performance of this Agreement. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that the Consultant performs hereunder.

IV. Duration of Work

The City and the Consultant agree that work will begin on the tasks described in **Exhibit A** immediately upon execution of this Agreement. The parties agree that the work described in **Exhibit A** shall be completed by December 31, 2007; provided however, that additional time shall be granted by the City for excusable days or extra work.

V. Termination

A. Termination of Agreement. The City may terminate this Agreement, for public convenience, the Consultant's default, the Consultant's insolvency or bankruptcy, or the Consultant's assignment for the benefit of creditors, at any time prior to completion of the work described in **Exhibit A**. If delivered to consultant in person, termination shall be effective immediately upon the Consultant's receipt of the City's written notice or such date stated in the City's notice, whichever is later.

B. Rights Upon Termination. In the event of termination, the City shall pay for all services satisfactorily performed by the Consultant to the effective date of termination, as described on a final invoice submitted to the City. Said amount shall not exceed the amount in Section II above. After termination, the City may take possession of all records and data within the Consultant's possession pertaining to this Agreement, which records

and data may be used by the City without restriction. Upon termination, the City may take over the work and prosecute the same to completion, by contract or otherwise. Except in the situation where the Consultant has been terminated for public convenience, the Consultant shall be liable to the City for any additional costs incurred by the City in the completion of the Scope of Work referenced as **Exhibit A** and as modified or amended prior to termination. "Additional Costs" shall mean all reasonable costs incurred by the City beyond the maximum contract price specified in Section II(A), above.

VI. Discrimination

In the hiring of employees for the performance of work under this Agreement or any sub-contract hereunder, the Consultant, its subcontractors, or any person acting on behalf of such Consultant or sub-consultant shall not, by reason of race, religion, color, sex, national origin, or the presence of any sensory, mental, or physical disability, discriminate against any person who is qualified and available to perform the work to which the employment relates.

VII. Indemnification

The Consultant shall 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 legal costs and attorneys' fees, arising out of or in connection with the performance of this Agreement, except for injuries and damages caused by the sole negligence of the City. The City's inspection or acceptance of any of the Consultant's work when completed shall not be grounds to avoid any of these covenants of indemnification.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, agents and volunteers, the Consultant's liability hereunder shall be only to the extent of the Consultant's negligence.

IT IS FURTHER SPECIFICALLY AND EXPRESSLY UNDERSTOOD THAT THE INDEMNIFICATION PROVIDED HEREIN CONSTITUTES THE CONSULTANT'S WAIVER OF IMMUNITY UNDER INDUSTRIAL INSURANCE, TITLE 51 RCW, SOLELY FOR THE PURPOSES OF THIS INDEMNIFICATION. THE PARTIES FURTHER ACKNOWLEDGE THAT THEY HAVE MUTUALLY NEGOTIATED THIS WAIVER. THE CONSULTANT'S WAIVER OF IMMUNITY UNDER THE PROVISIONS OF THIS SECTION DOES NOT INCLUDE, OR EXTEND TO, ANY CLAIMS BY THE CONSULTANT'S EMPLOYEES DIRECTLY AGAINST THE CONSULTANT.

The provisions of this section shall survive the expiration or termination of this Agreement.

VIII. Insurance

A. The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the Consultant's own work including the work of the Consultant's agents, representatives, employees, sub-consultants or sub-contractors.

B. Before beginning work on the project described in this Agreement, the Consultant shall provide evidence, in the form of a Certificate of Insurance, of the following insurance coverage and limits (at a minimum):

1. Business auto coverage for any auto no less than a \$1,000,000 each accident limit, and
2. Commercial General Liability insurance no less than \$1,000,000 per occurrence with a \$2,000,000 aggregate. Coverage shall include, but is not limited to, contractual liability, products and completed operations, property damage, and employers liability, and
3. Professional Liability insurance with no less than \$1,000,000. All policies and coverage's shall be on a claims made basis.

C. The Consultant is responsible for the payment of any deductible or self-insured retention that is required by any of the Consultant's insurance. If the City is required to contribute to the deductible under any of the Consultant's insurance policies, the Contractor shall reimburse the City the full amount of the deductible within 10 working days of the City's deductible payment.

D. The City of Gig Harbor shall be named as an additional insured on the Consultant's commercial general liability policy. This additional insured endorsement shall be included with evidence of insurance in the form of a Certificate of Insurance for coverage necessary in Section B. The City reserves the right to receive a certified and complete copy of all of the Consultant's insurance policies.

E. Under this agreement, the Consultant's insurance shall be considered primary in the event of a loss, damage or suit. The City's own comprehensive general liability policy will be considered excess coverage with respect to defense and indemnity of the City only and no other party. Additionally, the Consultant's commercial general liability policy must provide cross-liability coverage as could be achieved under a standard ISO separation of insured's clause.

F. The Consultant shall request from his insurer a modification of the ACORD certificate to include language that prior written notification will be given to the City of Gig Harbor at least 30-days in advance of any cancellation, suspension or material change in the Consultant's coverage.

IX. Exchange of Information

The City warrants the accuracy of any information supplied by it to the Consultant for the purpose of completion of the work under this Agreement. The parties agree that the Consultant will notify the City of any inaccuracies in the information provided by the City as may be discovered in the process of performing the work, and that the City is entitled to rely upon any information supplied by the Consultant which results as a product of this Agreement.

X. Ownership and Use of Records and Documents

Original documents, drawings, designs and reports developed under this Agreement shall belong to and become the property of the City. All written information submitted by the City to the Consultant in connection with the services performed by the Consultant under this Agreement will be safeguarded by the Consultant to at least the same extent as the Consultant safeguards like information relating to its own business. If such information is publicly available or is already in consultant's possession or known to it, or is rightfully obtained by the Consultant from third parties, the Consultant shall bear no responsibility for its disclosure, inadvertent or otherwise.

XI. City's Right of Inspection

Even though the Consultant is an independent contractor with the authority to control and direct the performance and details of the work authorized under this Agreement, the work must meet the approval of the City and shall be subject to the City's general right of inspection to secure the satisfactory completion thereof. The Consultant agrees to comply with all federal, state, and municipal laws, rules, and regulations that are now effective or become applicable within the terms of this Agreement to the Consultant's business, equipment, and personnel engaged in operations covered by this Agreement or accruing out of the performance of such operations.

XII. Consultant to Maintain Records to Support Independent Contractor Status

On the effective date of this Agreement (or shortly thereafter), the Consultant shall comply with all federal and state laws applicable to independent contractors including, but not limited to the maintenance of a separate set of books and records that reflect all items of income and expenses of the Consultant's business, pursuant to the Revised Code of Washington (RCW) Section 51.08.195, as required to show that the services performed by the Consultant under this Agreement shall not give rise to an employer-employee relationship between the parties which is subject to RCW Title 51, Industrial Insurance.

XIII. Work Performed at the Consultant's Risk

The Consultant shall take all precautions necessary and shall be responsible for the safety of its employees, agents, and sub-consultants in the performance of the work

hereunder and shall utilize all protection necessary for that purpose. All work shall be done at the Consultant's own risk, and the Consultant shall be responsible for any loss of or damage to materials, tools, or other articles used or held by the Consultant for use in connection with the work.

XIV. 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 to be a waiver or relinquishment of said covenants, agreements, or options, and the same shall be and remain in full force and effect.

XV. Resolution of Disputes and Governing Law

Should any dispute, misunderstanding, or conflict arise as to the terms and conditions contained in this Agreement, the matter shall first be referred to the City Engineer and the City shall determine the term or provision's true intent or meaning. The City Engineer shall also decide all questions which may arise between the parties relative to the actual services provided or to the sufficiency of the performance hereunder.

If any dispute arises between the City and the Consultant under any of the provisions of this Agreement which cannot be resolved by the City Engineer's determination in a reasonable time, or if the Consultant does not agree with the City's decision on the disputed matter, jurisdiction of any resulting litigation shall be filed in Pierce County Superior Court, Pierce County, Washington. 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 parties' expenses and reasonable attorney's fees.

XVI. Written Notice

All communications regarding this Agreement shall be sent to the parties at the addresses listed on the signature page of the agreement, unless notified to the contrary. Unless otherwise specified, any written notice hereunder shall become effective upon the date of mailing by registered or certified mail, and shall be deemed sufficiently given if sent to the addressee at the address stated below:

CONSULTANT
Ashley Emery
Peninsula Financial Consulting
3601 24th Ave. West, #104
Seattle, Washington 98199
(206) 285-4624

Stephen Misiurak, P.E.
City Engineer
City of Gig Harbor
3510 Grandview Street
Gig Harbor, Washington 98335
(253) 851-6170

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

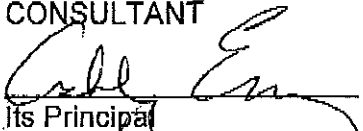
XVIII. Modification

No waiver, alteration, or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of the City and the Consultant.

XIX. Entire Agreement

The written provisions and terms of this Agreement, together with any Exhibits attached hereto, shall supersede all prior verbal statements of any officer or other representative of the City, and such statements shall not be effective or be construed as entering into or forming a part of or altering in any manner whatsoever, this Agreement or the Agreement documents. The entire agreement between the parties with respect to the subject matter hereunder is contained in this Agreement and any Exhibits attached hereto, which may or may not have been executed prior to the execution of this Agreement. All of the above documents are hereby made a part of this Agreement and form the Agreement document as fully as if the same were set forth herein. Should any language in any of the Exhibits to this Agreement conflict with any language contained in this Agreement, then this Agreement shall prevail.

IN WITNESS WHEREOF, the parties have executed this Agreement on this _____ day of _____, 200__.

CONSULTANT
By: 
Its Principal

CITY OF GIG HARBOR
By: _____
Mayor

Notices to be sent to:

CONSULTANT:
Ashley Emery
Peninsula Financial Consulting
3601 24th Ave. West, #104
Seattle, Washington 98199
(206) 285-4624

Stephen Misiurak, P.E.
City Engineer
City of Gig Harbor
3510 Grandview Street
Gig Harbor, Washington 98335
(253) 851-6170

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

STATE OF WASHINGTON)
) ss.
COUNTY OF _____)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the _____ of _____ to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

(print or type name)
NOTARY PUBLIC in and for the
State of Washington, residing at:

My Commission expires: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that Charles L. Hunter is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the Mayor of Gig Harbor to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

_____ (print or type name)

NOTARY PUBLIC in and for the
State of Washington, residing at:

My Commission expires: _____

Exhibit A Scope of Work

City of Gig Harbor General Facility Charge Analysis & Rate Study

Introduction

This scope of work includes calculation of general facility charges (GFCs) and monthly rate recommendations for the City's water, sewer, and stormwater utilities. Unless specifically identified, all tasks described herein refer to all three utilities. The cost estimate for this work (see attached Exhibit A) is \$13,700.

Note: per discussions with City staff, the City will provide an inventory of existing facilities and original costs segregated by components. For example, the cost of all 8" water pipe, 10" water pipe, and treatment plant facilities will be identified.

Overview

General facility charges, or GFCs, are charges paid by a new customer connection to a utility system. There are many different terms used when discussing connection charges; however, a connection charge can include three components. The first, call a site facility charge is for the cost of physically connecting a customer to a system. The second component, called a local facility charge, is for the cost of the local facilities to serve a specific area such as a main running down the street in front of a property. These charges are sometimes assessed as a front footage fee based on the length of the property abutting the street being served. A third component, called a general facility charge (GFC) is for facilities that provide a regional benefit, such as a treatment plant. Agencies frequently combine local and general facility charges because, for example, the minimum water pipe size may be based on providing fire flow. Since fire flow is often considered a general benefit, all water pipe is also considered of general benefit and there is no need to segregate water pipe between piping providing local and general benefit.

A GFC includes a pro-rate share of the cost of existing facilities (existing facility component) and a pro-rata share of planned facilities (future facilities component). The existing facility component offsets the historical contributions from existing customers used to acquire existing assets of benefit to a new customer. The future facility component contributes towards capital improvement cost needed to serve customers in the future and is intended to minimize the impact to existing customers to fund the construction of facilities that may only be required due to growth.

The approach used in this analysis to determine GFCs is to compute the maximum amount a City may charge that is supportable by Washington State law and case law associated with GFCs. The City may then elect to adopt water, sewer, and stormwater GFCs, up to these maximum amounts that are consistent with City policies and goals.

This study also includes providing the City with a five year schedule of recommended monthly service rates necessary to fund operations, construct required capital improvements, and fund reserve balances.

TASK 1 - GENERAL FACILITY CHARGE ANALYSIS

The following activities will be performed as part of the determination of general facility charges for the water, sewer, and stormwater utilities. Note that as discussed, recommended GFCs will be stated in terms of a dollar per ERU (equivalent residential unit) and a single, Citywide GFC will be determined for each utility. Each GFC will also identify a local pipe component (\$/ERU) that can be used by the City to offset connection charges paid by new customers connecting within a ULID area or in an area with a latecomer's agreement.

Task 1A - Gather Customer & System Data

The following is a preliminary list of data that is required to calculate a GFC:

- Utility revenues and expenses for the last 4 calendar years
- Number and type of utility customers
- Copies of all outstanding debt schedules and bond ordinances
- List of capital improvement projects (segregated between developer and City funded projects)
- Growth projections
- Inventory and costs for all major infrastructure (net plant in service)
- Annual water consumption and wastewater flows
- System and facility design capacities (e.g. average and maximum day wastewater flow, well pumping rates, reservoir storage, etc.)
- Annual depreciation
- Current water & sewer utility reserves
- Identification of fiscal policies (e.g. percentage of depreciation to be collected from rates, debt coverage factors, etc.)
- Copies of current GFC and rate ordinances

Note that much of the preceding data is already available in planning documents currently being written by Gray & Osborne. This will reduce the amount of data to be provided by the City.

Task 1B - Review Planned Capital Improvements

Each planned improvements will be reviewed to identify the benefit to existing and future customers. Projects that will be developer funded are excluded from the GFC since growth is already paying for these improvements. We will identify the total number of existing and future customers (ERUs) benefiting from each capital improvement based on a review of design capacities and capacities available to provide benefit to future customers.

Task 1C - Calculation of Single-system Wide Water GFC

Per discussions with City staff, a single GFC for each utility will be calculated. GFCs will be stated in terms of a dollar per ERU. Recommended GFCs will also include a sub amount for local pipe facilities that can be used to offset connection charges paid by customers connecting within a ULID area or an area with latecomer's agreements. This will allow the City, if they so elect, to adjust certain connections charges paid by customers in a ULID area or that are required to pay a latecomers charge.

TASK 2 – RATE INCREASE RECOMMENDATIONS

Task 2A – Gather Financial Data

This task supplants financial data already gathered to calculate GFCs in Task 1A. The financial data listed below will be used to develop a budget forecast to be used in defining revenue requirements. The following is a preliminary list of data that is required to provide rate recommendations:

- Utility revenues and expenses for the last 4 calendar years
- Number and type of utility customers
- Annual depreciation
- Identification of fiscal policies (e.g. percentage of depreciation to be collected from rates, debt coverage factors, etc.)
- Copies of current rate ordinances
- Copies of all interlocal agreements or contracts for providing utility service
- Customer water flows for wholesale customers

Task 2B – Financial Model Development

A custom budget forecast model will be developed to guide discussions and planning with City staff. The budget forecast model utilizes visual basic programming within EXCEL to enable clients to interact with the model using only a mouse. The model allows users to change a multitude of planning and financial variables to identify a comprehensive plan to financially operate the water, sewer, and stormwater utilities for the next 5 years. The model allows users to change numerous variables including rates and connection charges, growth, capital improvement timing and funding sources, inflation, etc. The model is part of the work product and will be turned over to the client as part of the completion of the study.

Once the model has been developed, it will be used in interactive meetings with City staff (engineering, planning, administration) to define revenue requirements

Task 2C – Defining Revenue Requirements

The revenue requirements of a utility define the amount and timing of revenue to be generated from monthly rates. Using the budget model, we will meet with City staff in a workshop setting to analyze and set projected operating costs, the timing and cost of capital improvements, and capital funding sources (e.g. debt funding). The model will

then be used to change these variables to assess the resulting rate revenue required to be generated from both existing and new customers due to growth (revenue requirements).

Task 2D – Rate Recommendations

Once revenue requirements have been defined, percentage increases to existing rates will be identified that will provide the necessary revenue. The intent of this study is not to undertake a cost of service rate analysis but rather to modify the magnitude of existing rates within the current rate structure to improve rate equity among customers and to generate needed revenues. Recommended rate modifications might include non-uniformly increasing the magnitude of water base charges and volume rates, or increasing commercial sewer base charges greater than residential base charges. We will provide City staff rate alternatives that meet revenue requirements, promote City policies and goals (e.g. conservation) and promote rate equity.

The City also provides water and sewer service through wholesale agreements to several customers. This scope of work includes a review of all wholesale agreements and recommendations for any wholesale rate increases that are consistent with planned rate increases for retail customers. At this time this scope of work does not entail a cost of service analysis for wholesale rates, however, if a more rigorous approach is required by contract or circumstances then an addendum to this scope will be provided to address the additional work.

TASK 3 MEETINGS

I anticipate four meetings with staff in order to develop GFCs and rate recommendations and review findings prior to public dissemination.

TASK 4 DOCUMENTATION

A report will be prepared that completely documents the data, process, and calculations utilized in determining the recommended GFCs and rate increases.

TASK 5 PRESENTATIONS

It is expected that two public meeting will be necessary to inform the public and review finding with the City Council. A summary PowerPoint presentation will be created and used to guide public discussions.

EXHIBIT B

**FINANCIAL CONSULTING SERVICES
SCOPE AND ESTIMATED COST**

Project Title: 2007 Utility GFC & Rate Study

| TASKS | | Hours | Cost |
|---|---|------------------|------------------|
| 1. | General Facility Charges | | |
| A | Gather data | 8 | \$ 760 |
| B | Review planned capital improvements | 12 | \$ 1,140 |
| C | Calculate system wide GFCs for water, sewer, and stormwater | 24 | \$ 2,280 |
| 2. | Recommended Rate Increases | | |
| A | Gather financial data | 8 | \$ 760 |
| B | Financial budget modeling | 16 | \$ 1,520 |
| C | Define revenue requirements | 24 | \$ 2,280 |
| D | Rate recommendations | 12 | \$ 1,140 |
| 3. | Staff meetings (4) | 10 | \$ 950 |
| 4. | Documentation/Report (6 copies) | 16 | \$ 1,520 |
| 5. | Public presentations (2) and presentation material | 12 | \$ 1,140 |
| Total | | 142 | \$ 13,490 |
| Hourly Rate: | | \$ 95.00 | |
| Total Labor Cost | | \$ 13,490 | |
| Mileage & Expenses (Mileage @ \$0.485/mile) | | \$ 150 | |
| Printing | | \$ 75 | |
| TOTAL ESTIMATED COST: | | \$ 13,700 | |



**Business of the City Council
City of Gig Harbor, WA**

Subject: Interlocal Signal Assignment For Repair or Replacement.

Proposed Council Action: Authorize Council to approve and the Mayor to sign the Signal Assignment For Repair or Replacement.

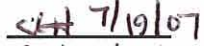
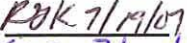
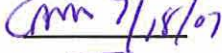

Dept. Origin: Engineering

Prepared by: Stephen Misiurak, P.E.
City Engineer 

For Agenda of: July 23, 2007

Exhibits: Agreement with WSDOT
Signal Assignment For Repair or Replacement

Initial & Date

Concurred by Mayor:  7/19/07
Approved by City Administrator:  7/19/07
Approved as to form by City Atty:  7/18/07
Approved by Finance Director: _____
Approved by Department Head:  7/18/07

| | | | | | |
|----------------------|---|-----------------|---|------------------------|--------------------------------|
| Expenditure Required | 0 | Amount Budgeted | 0 | Appropriation Required | See Fiscal Consideration Below |
|----------------------|---|-----------------|---|------------------------|--------------------------------|

INFORMATION / BACKGROUND

This interlocal agreement between the City and WSDOT provides for the structural inspection and assessment of the damaged traffic signal pole foundation located at the NE corner of Hunt and Wollochet. The agreement has been reviewed and deemed acceptable by the City Attorney.

FISCAL CONSIDERATION

The City will reimburse WSDOT in accordance with a time and material fee not to exceed \$1,500. The City will seek reimbursement from the automobile insurance company whose vehicle impacted the traffic signal pole.

BOARD OR COMMITTEE RECOMMENDATION

N/A

RECOMMENDATION / MOTION

Move to: Authorize Council to approve and the Mayor to sign the Agreement with WSDOT Signal Assignment For Repair and Replacement. GMW-0008.

EXHIBIT "B"
AGREEMENT NO. GMW-0008
SIGNAL ASSIGNMENT FOR REPAIR OR REPLACEMENT

This Signal Assignment for Repair or Replacement, made and entered into this _____ day of _____, _____, is by and between The **State of Washington**, Department of Transportation, by virtue of Title 47 RCW, hereinafter designated as the "**STATE**", and the **City of Gig Harbor**, 3510 Grandview Street, Gig Harbor, Washington 98335, hereinafter called the "**CITY**".

WHEREAS, Master Agreement Number **GMW-0008**, entered into between the **STATE** and the **CITY** is incorporated and by this reference, made a part of this Signal Assignment for Repair or Replacement as if fully set forth herein.

NOW THEREFORE, it is mutually agreed that the following work is to be performed by the **STATE** at **CITY** expense:

1. Description and Location of Existing Facility: Traffic signal pole foundation located in the NE quadrant of the Hunt and Wollochet Street intersection, Gig Harbor, WA.
2. Description of Work: Structural inspection and assessment of the damaged traffic signal pole foundation in the NE quadrant of the intersection for base rotation, soil consolidation, leveling nut and foundation bolt deformation and fractures, and investigative write-up. The signal pole must be removed for this inspection to occur.
3. Cost (labor, materials and overhead): \$1,500 to include labor, vehicle, tools, and investigative write-up.
4. The effective date to start this Signal Assignment for Repair or Replacement is _____, _____.

IN WITNESS WHEREOF, the parties hereto have executed this Signal Assignment for Repair or Replacement as of the day and year first above written.

CITY OF GIG HARBOR (Pierce Co.)

STATE OF WASHINGTON
DEPARTMENT OF TRANSPORTATION

By: _____
Mayor

By: _____
Asst. Region Administrator for Operations

EXHIBIT "B"
AGREEMENT NO. GMW-0008
SIGNAL ASSIGNMENT FOR REPAIR OR REPLACEMENT

This Signal Assignment for Repair or Replacement, made and entered into this _____ day of _____, _____, is by and between The **State of Washington**, Department of Transportation, by virtue of Title 47 RCW, hereinafter designated as the "**STATE**", and the **City of Gig Harbor**, 3510 Grandview Street, Gig Harbor, Washington 98335, hereinafter called the "**CITY**".

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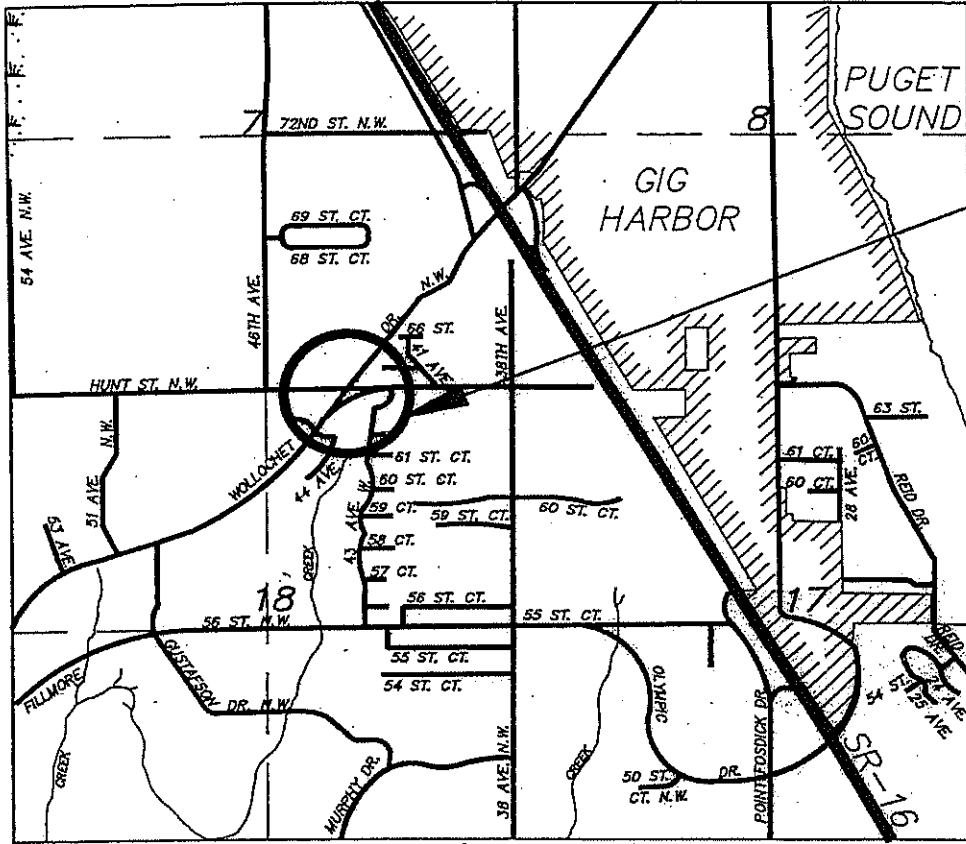
CITY OF GIG HARBOR (Pierce Co.)

STATE OF WASHINGTON
DEPARTMENT OF TRANSPORTATION

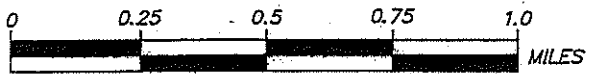
By: _____
Mayor

By: _____
Asst. Region Administrator for Operations

| REGION NO. | STATE | FEDERAL AID PROJECT NO. | SHEET NO. | TOTAL |
|------------|-------|-------------------------|-----------|-------|
| 10 | WASH. | HES-H273(001) | 1 | 1 |



VICINITY MAP

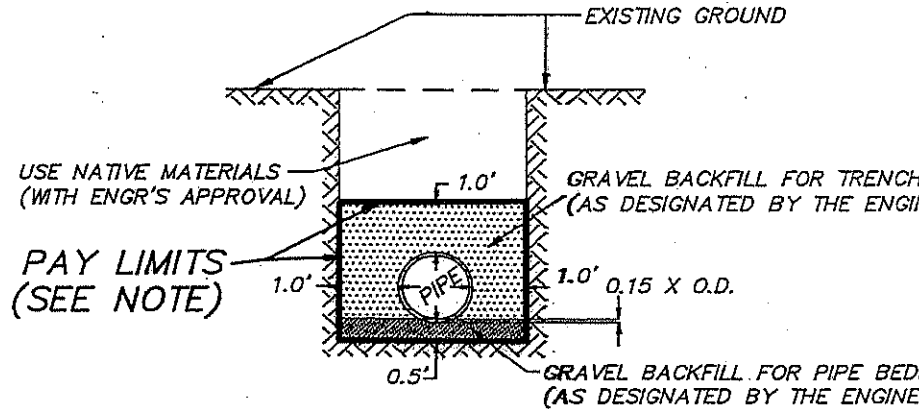


PROJECT SITE

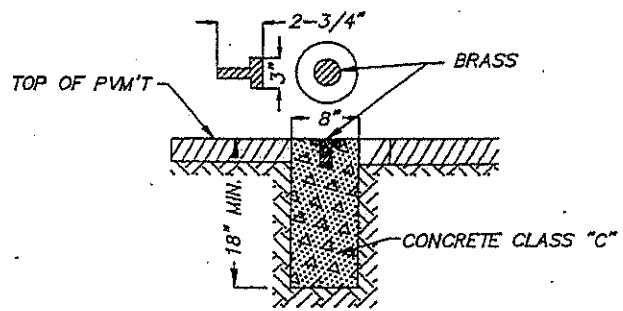
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NOTE:
NO ADDITIONAL BACKFILL MATERIAL SHALL BE ALLOWED UNLESS APPROVED BY THE ENGINEER.



TRENCH DETAIL
(NO SCALE)



MONIMENT DETAIL

WOLLOCHET DRIVE N.W.
AT HUNT STREET N.W.
INTERSECTION SIGNALIZATION

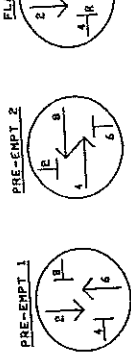
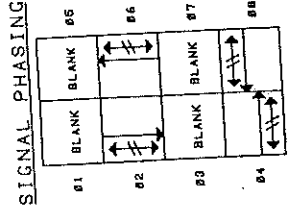
CRP 5233
PIERCE COUNTY PUBLIC WORKS DEPARTMENT
TACOMA, WASHINGTON



AUGUST 17 1989

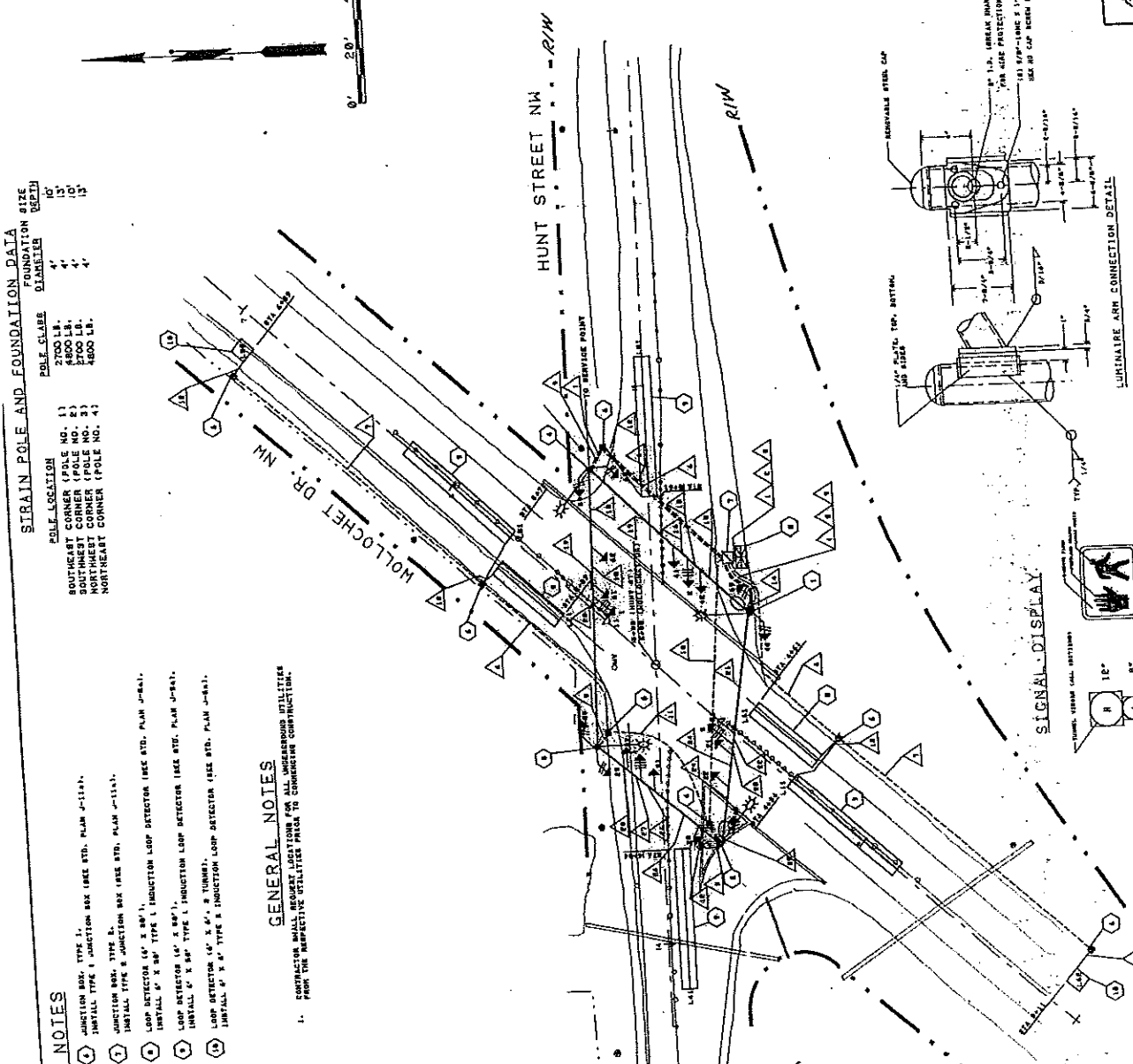
STRAIN POLE AND FOUNDATION DATA

| POLE LOCATION | POLE CLASSE | FOUNDATION SIZE |
|-------------------------------|-------------|-----------------|
| SOUTHEAST CORNER (POLE NO. 1) | 4' | 10' |
| SOUTHWEST CORNER (POLE NO. 2) | 4' | 10' |
| NORTHEAST CORNER (POLE NO. 3) | 4' | 13' |
| NORTHWEST CORNER (POLE NO. 4) | 4' | 13' |



- LEGEND**
- CONTROLLER CABINET
 - STRAIN POLE
 - LUMINAIRE
 - VEHICLE SIGNAL HEAD
 - PEDESTRIAN SIGNAL HE.
 - OPTICAL DETECTOR
 - JUNCTION BOX, TYPE 1
 - JUNCTION BOX, TYPE 2
 - CONDUIT
 - LOOP DETECTOR
 - AERIAL TERMINAL CONN.

INTERSECTION SIGNAL
 AT
 HUNTS STREET NW
SIGNAL PLAN
 CRP 5233
 PIERCE COUNTY
 PUBLIC WORKS DEPT
 TACOMA, WASHING



CONSTRUCTION NOTES

1. JUNCTION BOX, TYPE 1.
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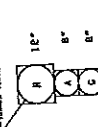
GENERAL NOTES

1. CONTRACTOR SHALL RECHECK LOCATIONS TO CONSTRUCTION UTILITIES FROM THE RESPECTIVE UTILITIES PANEL TO CONSTRUCTION.

WIRE NOTES

| WIRE | CONDUCTOR | CONDUIT |
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NOTE: EQUIPMENT BRANDING SHALL BE IN ACCORDANCE WITH STD. PLAN 507.



1" U.S. WIRE MARK CODES
 FOR USE PROTECTION 1
 (SEE STD. PLAN 507)
 SEE STD. PLAN 507 (ART. 408)

APPROVED



MAY 15 2007

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

May 11, 2007

The Honorable Charles Hunter
City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335

Dear Mayor Hunter:

I am pleased to inform you that the Gig Harbor Wastewater Treatment Plant has been selected by the Washington State Department of Ecology (Ecology) to receive a 2006 "Outstanding Wastewater Treatment Plant" award.

Of approximately 300 wastewater treatment plants, yours ranked one among 55 that achieved full compliance with its discharge permit in 2006. My staff evaluated each treatment plant for compliance with its effluent limits, monitoring and reporting requirements, spill prevention planning, pretreatment, and other regulatory activities.

Ecology appreciates the extraordinary level of effort you and your team demonstrated throughout 2006. The Gig Harbor Wastewater Treatment Plant is run by dedicated operators whose efforts complement one another to ensure outstanding compliance and the protection of our state's water quality. As in past years, we plan to issue a news release about the 2006 award recipients that will mention your facility.

Past award winners have scheduled special public events, such as city council meetings, to receive their award. Ecology will gladly send a representative to attend an event of your choosing and officially present you with your award. Please contact Amy Jankowiak at (425) 649-7195 no later than May 31 to schedule an award presentation.

Thank you again and congratulations!

Sincerely,

David C. Peeler
Water Quality Program Manager

DP:PC:mw

cc: Darrell Winans, WWTP Supervisor
Stephen Misiurak, City Engineer





Business of the City Council
City of Gig Harbor, WA

OB-1

Subject: 2nd Reading of Ordinance.
Revisions to GHMC Section 8.30 prohibiting
the use of Skateboards, scooters and roller
skates on "through streets" with in the City
of Gig Harbor.

Proposed Council Action: Adopt the
ordinance at this second reading.

Dept. Origin: Police Department

Prepared by: Chief Mike Davis

For Agenda of: July 23, 2007

Exhibits:

Initial & Date

Concurred by Mayor:

CLH 7/18/07

Approved by City Administrator:

RJK 7/18/07

Approved as to form by City Atty:

AM 7/18/07

Approved by Finance Director:

Approved by Department Head:

Table with 4 columns: Expenditure Required, Amount Budgeted, Appropriation Required, and dollar amounts (\$0).

INFORMATION / BACKGROUND

After reviewing our current ordinance regulating the riding of skateboards, roller skates/in-line skates, scooters and other similar devices, it was determined we needed to broaden the types of city roadways where the riding of these devices would be restricted. This revision prohibits the riding of these devices from all "through streets", streets which do not terminate in a dead-end or cul-de-sac, within the City of Gig Harbor. This ordinance does prohibit the riding of skateboards, scooters and other similar devices while crossing at crosswalks, but exempts roller skates/in-line skates from this prohibition.

FISCAL CONSIDERATION

None.

RECOMMENDATION / MOTION

Move to: Approve the revision to Ordinance 8.30.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO SKATEBOARDS, SCOOTERS, ROLLER SKATES/IN-LINE SKATES, AMENDING THE PROHIBITION ON TRAVEL BY MEANS OF SKATEBOARDS, SCOOTERS, ROLLER SKATES/IN-LINE SKATES ON "ARTIERIAL STREETS" TO "STREETS" IN THE CITY, REGULATING THE USE OF SUCH DEVICES WHEN CROSSING STREETS AT ANY LOCATION, INCLUDING CROSSWALKS, CHANGING THE PELALTIES TO A MAXIMUM OF FIFTY DOLLARS OR, IN THE COURT'S DISCRETION, COMMUNITY SERVICE, AMENDING GIG HARBOR MUNICIPAL CODE SECTION 8.30.010 AND 8.30.060.

WHEREAS, since Gig Harbor Municipal Code Section 8.30.010 was adopted, the City has adopted street classification standards, which creates a separate classification for "arterials" among many different types of streets; and

WHEREAS, GHMC Section 8.30.010 prohibits travel by roller skates/in-line skates, coasters, skateboards, scooters or similar devices "upon the roadway of any arterial street" and

WHEREAS, the City Council intended the prohibition to extend to all City through streets, not just arterial streets; and

WHEREAS, the penalty for violation of chapter 8.30 on the subject of travel by means of skateboards, scooters, roller skates/in-line skates has three levels, but the lowest penalty of \$100.00 is to high; and

WHEREAS, the City Council considered this ordinance during its regular meeting of July 23, 2007; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 8.30.010 of the Gig Harbor Municipal Code shall read as follows:

8.30.010. Skateboards, Scooters and Roller Skates/In-Line Skates Prohibited on ~~in certain~~ City Streets.

No person upon roller skates/in-line skates, or riding in or by means of any coaster, skateboard, scooter or similar device, shall move, go or travel upon the roadway of any arterial "through street" or transit bus route with in the City of Gig Harbor, except while crossing such street at a crosswalk; or engage in any sport, amusement or exercise or play in the roadway of any such street. "Through street" is defined as any street which does not terminate in a dead-end or cul-de-sac. This prohibits any riding or travel with coasters, skateboards, scooters or similar devices in order to cross the street, including the cross-walk. The use of roller skates/in-line skates to cross at a crosswalk is exempted from this prohibition.

Section 2. Section 8.30.060 of the Gig Harbor Municipal Code shall read as follows:

8.30.060 Penalties.

It is unlawful for any person to violate or fail to comply with any of the provisions of this chapter. With the exception of Section 8.30.050, an person who shall have committed a violation of this chapter shall, upon a finding by the municipal court that such a violation has been committed, shall be ~~subject to the civil infraction penalties as set forth in GHMC § 1.16.010~~ a civil infraction subject to a maximum penalty of Fifty Dollars (\$50.00). The municipal court may, in lieu of all or part of the penalty authorize the violator to provide up to eight (8) hours of community service.

Section 3. Severability. If any portion of this Ordinance or its application to any person or circumstances is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the remainder of the Ordinance or the application of the remainder to other persons or circumstances.

Section 4. Effective Date. This ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this _____ day of _____, 200__.

CITY OF GIG HARBOR

CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 07/18/07
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.



**Business of the City Council
City of Gig Harbor, WA**

**Subject: Second Reading of Ordinance Amending
The 2007 General Fund Budget**

Proposed Council Action:

Adopt ordinance amending the 2007 General Fund budget.

Dept. Origin: Finance

Prepared by: David Rodenbach

For Agenda of: July 23, 2007

Exhibits: Ordinance, Community Development Staffing Memo

Initial & Date

Concurred by Mayor:

CRH 7/17/07

Approved by City Administrator:

PRK 7/16/07

Approved as to form by City Atty:

Cam 7/17/07

Approved by Finance Director:

DR 7/16/07

Approved by Department Head:

PRK 7/16/07

| | | | | |
|--------------------|----------|-----|---------------|--------------------------|
| Expenditure | Amount | | Appropriation | |
| Required \$154,300 | Budgeted | \$0 | Required | see fiscal consideration |

INFORMATION / BACKGROUND

Development activity is at an all-time high in the city and city-planned capital projects over the next 5-7 years are expected to exceed \$100 million. In order to keep pace with this activity and the capital spending plan, additional staffing is needed. The proposed positions will be funded by additional revenues resulting from recently adopted fee increases and increased development and capital project activity. In a sense these are project positions. If the increased activity slows down or goes away – then the corresponding positions will be eliminated. However, it is anticipated that the revenue and corresponding workload will sustain these positions for the next four or more years.

A total of seven new positions are proposed as follows: Associate Engineer, Permit Coordinator, Associate Planner, Building Inspector, Maintenance Technician (formerly Laborer), Administrative Assistant, and Community Development Assistant.

Two new positions, Associate Engineer, and Permit Coordinator and several changes to job titles as highlighted with ~~strikeout~~ and underline in the position and salary range listing are also ~~deleted~~/proposed. These changes have no budgetary impact other than what is identified under the fiscal consideration section below.

The Administration budget also needs to be increased due to the J. Richard Aramburu legal contract and other incurred legal services which were not contemplated in the 2007 budget.

FISCAL CONSIDERATION

As of June 27, building permits and land use fee revenues were \$780,000 more than was budgeted. This trend is expected to continue for the rest of this year and into the foreseeable future. The unexpected revenue increase more than pays for the additional positions.

Total unanticipated revenues through June are \$780,000. Of this amount we are recommending that an additional \$55,000 and \$99,300 be appropriated for legal fees and additional positions respectively; and the remaining \$625,700 be appropriated to ending fund balance. The initial Administration request has been pared down to \$55,000 from first reading because the J. Richard Aramburu legal contract is not expected to cost as much as originally estimated.

RECOMMENDATION / MOTION

Move to: Pass ordinance amending the 2007 General Fund Budget.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF GIG HARBOR,
WASHINGTON, RELATING TO THE CITY'S 2007 BUDGET,
INCREASING THE APPROPRIATION TO THE GENERAL FUND
AND ADDING SEVEN NEW POSITIONS FOR THE 2007
BUDGET.

WHEREAS, the Community Development Activity and corresponding revenues are at an all time high for the city; and

WHEREAS, permit revenues are more than double historical levels and have already exceeded 2007 budget by \$780,000; and

WHEREAS, the city will spend over \$100 million on its own capital projects over the next 5-7 years; and

WHEREAS, increased development activity requires that an additional Associate Planner, Building Inspector, Maintenance Technician (formerly Laborer) and Administrative Assistant be hired; and

WHEREAS, the desire to enhance customer service in Community Development requires that a Permit Coordinator be hired; and

WHEREAS, increased capital projects activity requires that an additional Associate Engineer and Community Development Assistant be hired; and

WHEREAS, seven new positions are required and will be added; and

WHEREAS, the Administrative/Finance department requires an additional budgetary appropriation due to increased legal fees; NOW, THEREFORE,

THE GIG HARBOR CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. The 2007 Budget for the General Fund shall be amended as follows:

| Fund/Department | Original Appropriation | Amended Appropriation |
|------------------------|-----------------------------------|----------------------------------|
| Licenses and Permits | \$549,756 | \$1,329,756 |
| Fund/Department | Original Appropriation | Amended Appropriation |
| Administration/Finance | \$1,068,200 | \$1,123,200 |
| Community Development | \$1,670,160 | \$1,769,460 |

Ending Fund Balance

\$930,701

\$1,556,401

Section 2. The Gig Harbor City Council finds that it is in the best interests of the City to increase the General fund appropriations as shown above, and directs the Finance Director to amend the budget as shown above and as shown on the attached salary schedule (Exhibit A).

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance is 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, clause or phrase of this Ordinance.

Section 4. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this ___ day of _____, 200_.

CITY OF GIG HARBOR

CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 06/29/07
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO:

**Exhibit A
City of Gig Harbor
2007 Salary Ranges**

| POSITION | 2007 RANGE | |
|--|---------------|--------------|
| | Minimum | Maximum |
| City Administrator | \$ 8,595 | \$ 10,744 |
| Chief of Police | 6,714 | 8,393 |
| Community Development Director | 6,592 | 8,240 |
| Finance Director | 6,481 | 8,101 |
| Police Lieutenant | 5,806 | 7,258 |
| City Engineer | 5,735 | 7,169 |
| Director of Operations | 5,735 | 7,169 |
| Fire Marshal/Building Official | 5,735 | 7,169 |
| Information Systems Manager | 5,735 | 7,169 |
| Planning Director | 5,735 | 7,169 |
| Senior Engineer | 4,759 | 6,805 |
| Wastewater Treatment Plant Supervisor | 4,965 | 6,206 |
| Court Administrator | 4,913 | 6,141 |
| Police Sergeant | 4,901 | 6,126 |
| City Clerk | 4,807 | 6,009 |
| Tourism Marketing Director | 4,807 | 6,009 |
| Senior Planner | 4,786 | 5,983 |
| <u>Associate Engineer</u> | <u>4,759</u> | <u>5,949</u> |
| Assistant Building Official/Fire Marshall | 4,728 | 5,910 |
| Public Works Supervisor | 4,728 | 5,910 |
| Accountant | 4,664 | 5,830 |
| Field Supervisor | 4,463 | 5,579 |
| Construction Inspector | 4,083 | 5,104 |
| Planning / Building Inspector | 4,083 | 5,104 |
| Associate Planner | 4,045 | 5,056 |
| Payroll/Benefits Administrator | 4,038 | 5,048 |
| Wastewater Treatment Plant Operator | 3,897 | 4,871 |
| Police Officer | 3,846 | 4,808 |
| Mechanic | 3,812 | 4,765 |
| Engineering Technician | 3,749 | 4,686 |
| Information System Assistant | 3,672 | 4,590 |
| <u>Maintenance Worker Technician II</u> | <u>3,645</u> | <u>4,556</u> |
| Assistant City Clerk | 3,584 | 4,480 |
| Assistant Planner | 3,529 | 4,411 |
| <u>Permit Coordinator</u> | <u>3,529</u> | <u>4,411</u> |
| Community Services Officer | 3,426 | 4,283 |
| Finance Technician | 3,414 | 4,268 |
| Community Development Assistant | 3,295 | 4,119 |
| Administrative Assistant | 3,028 | 3,785 |
| Police Services Specialist | 2,979 | 3,724 |
| Court Clerk | 2,939 | 3,674 |
| Custodian | 2,927 | 3,659 |
| <u>Laborer Maintenance Technician I</u> | <u>2,927</u> | <u>3,659</u> |
| Mechanic Assistant | 2,927 | 3,659 |
| Administrative Receptionist | 2,563 | 3,204 |
| Community Development Clerk | \$ 2,563 | \$ 3,204 |



TO: Mayor and City Council
FROM: Rob Karlinsey, City Administrator
SUBJECT: Community Development Staffing Recommendations
DATE: May 30, 2007

Community Development Department activity and corresponding revenues are at an all-time high for the City of Gig Harbor. Permit fee revenues are more than double historical levels; in addition, we project that the City will spend over \$100 million on its own capital projects over the next 5-7 years, dwarfing capital spending of prior years.

This increased level of development services and capital activity is not expected to let up any time soon, and City employees are struggling to keep up with demand. In other words, staff workload demands have been tracking with the increased activity, and we need to staff accordingly.

Therefore, I recommend the addition of eight new Community Development positions, most of which should be added as soon as possible. The proposed eight positions will help meet the needs of increased activity and new projects in the following areas:

- Development Services (planning, building, and engineering permits, plan reviews, inspections, etc.): 4.5 positions.
- Capital Projects (street, sewer, water, and park infrastructure improvements): 3.0 positions.
- New Stormwater Quality Requirements Mandated by the State and Federal Governments: 0.5 position

I also propose that these positions be funded with *no net negative impact* to the City's budget (i.e., revenue-expenditure neutral). In order for there to be no net negative impact to the budget, the funding for these positions is proposed to come from a combination of the following sources:

- New revenue from recently adopted development services fee increases
- New revenue from increased development activity that is above the historical baseline level of activity
- Capital project revenue (grants, hospital benefit zone tax increment, federal earmarks, etc.)
- Stormwater Utility rate increase

The following table provides a summary of the eight proposed positions:

| Community Development Staffing Recommendations | | | | | | |
|--|---|---|-----------------|------------------------|-------------|---|
| DIVISION | POSITION | DUTIES/ PROJECT(S) | START | DURATION | ANNUAL COST | FUNDING SOURCE |
| DEVELOPMENT SERVICES | | | | | | |
| #FTE | Associate Planner | Increased & Ongoing Development Activity | Now | 4 years & Re-assess | \$87,980 | Planning fees increase |
| 1 | | | | | | |
| 1 | Building Inspector/Plan Review | Increased & Ongoing Development Activity, incl. Hospital & MOB | Now | 4 years & Re-assess | \$87,980 | Higher than historical baseline activity & increased fees |
| 1 | Permit Coordinator/ "Ombudsman" | Coordinate Permits; Serve as "one stop" for permits. | Now | 4 years & Re-assess | \$77,200 | Higher than historical baseline activity & increased fees |
| 0.5 | Project Engineer – EIT | Civil review of development plans | January 2008 | 4 years & Re-assess | \$50,000 | Engineering plan review fee Increase |
| 0.5 | Laborer - Utilities | Backfill workload of increased utility plan review activity | Now | 4 years & Re-assess | \$26,000 | Sewer fee updates starting in '08 |
| 0.5 | Administrative Assistant/Shop Clerk | Backfill workload of increased utility plan review activity | Now | 4 years & Re-assess | \$33,390 | Water, Sewer, Stormwater fee updates starting '08 |
| CAPITAL PROJECTS | | | | | | |
| #FTE | Project Engineer - P.E. | Oly/56 th , BB- 16, WWTP Upgrades & Outfall, etc. | Now | 4 years & Re-assess | \$109,900 | CERB, TIB, PWTF, HBZ, etc. |
| 1 | | | | | | |
| 1 | Community Development Assistant | Oly/56 th , BB- 16, WWTP Upgrades & Outfall, etc. | Now | 4 years & Re-assess | \$66,780 | CERB, TIB, PWTF, HBZ, etc. |
| 0.5 | Laborer - Utilities | Backfill workload of utility capital projects | Now | 4 years & Re-assess | \$26,000 | Capital project funding sources |
| 0.5 | Administrative Assistant/Shop Clerk | Backfill workload of utility capital projects | Now | 4 years & Re-assess | \$33,390 | Capital project funding sources |
| UTILITIES | | | | | | |
| #FTE | Project Engineer – EIT | NPDES Phase II Permit: Stormwater Quality Mandate | January 2008 | 4 years & Re-assess | \$50,000 | Stormwater fee increase |
| 0.5 | | | | | | |

Note that each of the ½-time positions will be combined—for example, the two ½-time laborers will actually be filled by one person.

The remainder of this proposal is divided into two sections:

1. An outline of the proposed new positions, including a five-year cost summary and funding strategy.
2. Justification for the proposed positions: duties, what voids they will fill, etc.

Part I: Outline of the Proposed New Positions and How to Pay for Them

Development Services (planning, building, engineering, & utilities):

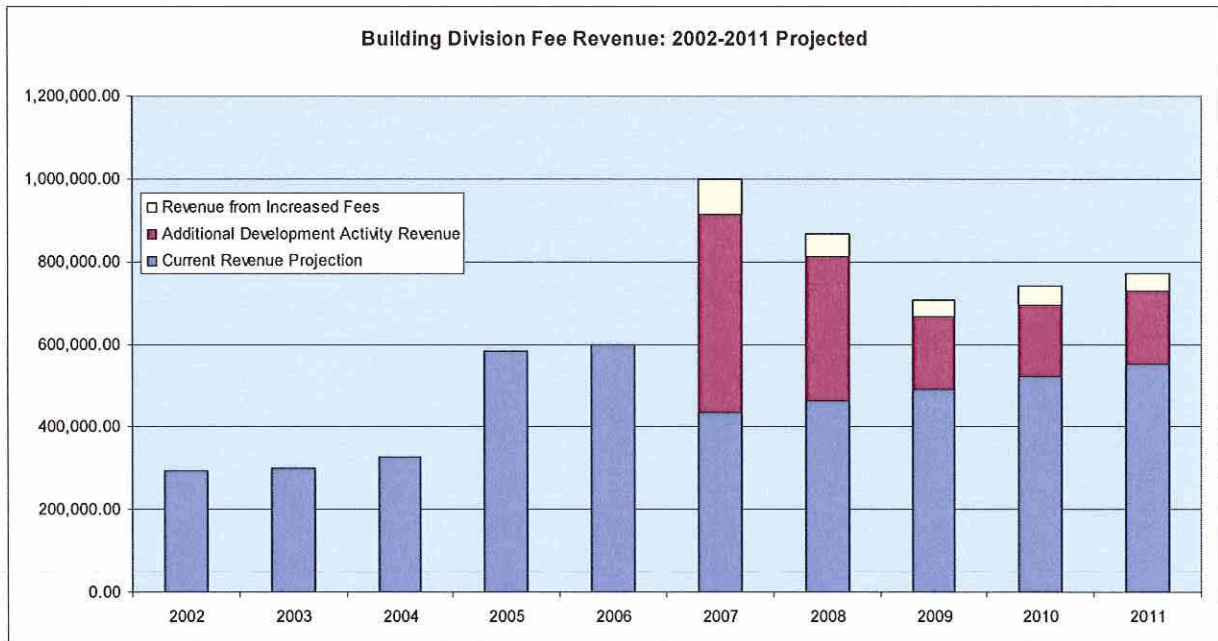
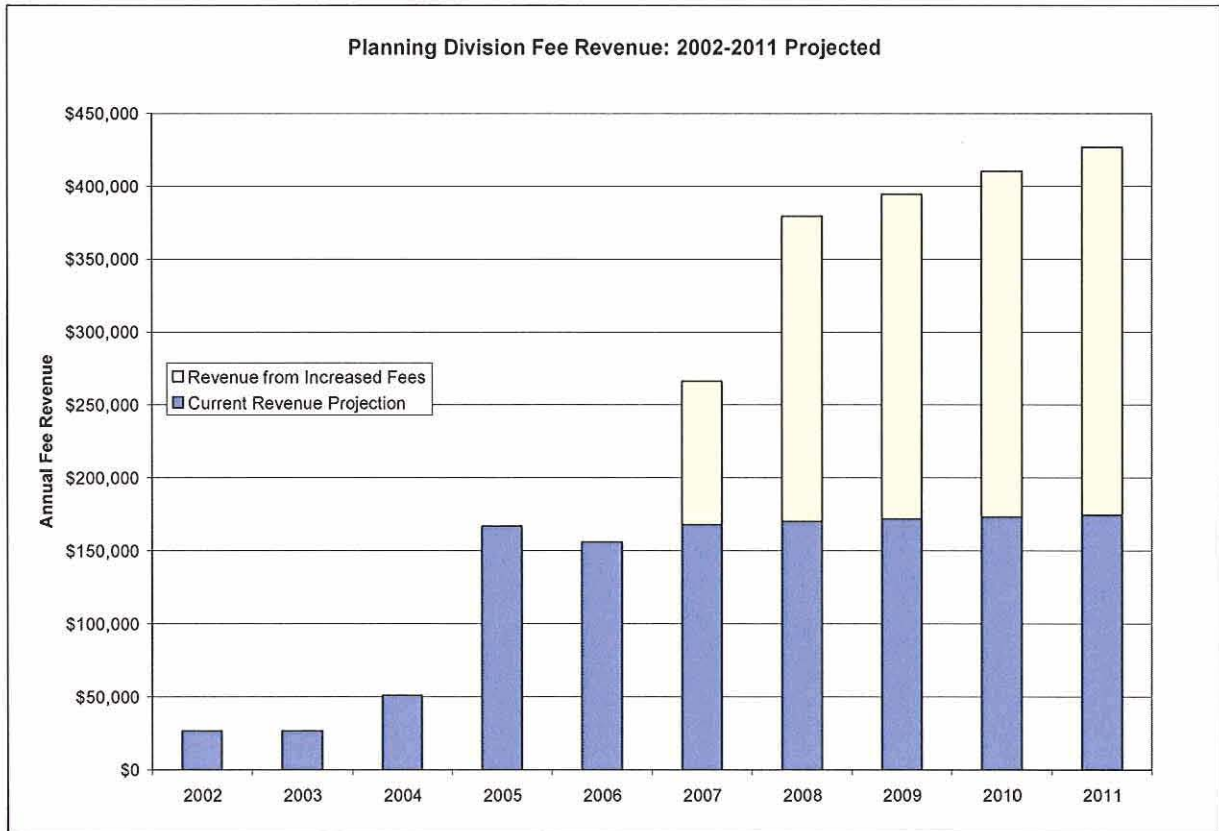
| | |
|------------|--|
| 1.0 | Associate Planner |
| 1.0 | Building Inspector/Plans Examiner |
| 1.0 | Permits Coordinator/"Ombudsman" |
| 0.5 | Project Engineer – E.I.T. |
| 0.5 | Laborer – Utilities (development workload backfill) |
| <u>0.5</u> | <u>Administrative Assistant/Shop Clerk (development workload backfill)</u> |
| 4.5 | Total |

The above development services (planning, building, engineering, and utilities) positions are proposed to be funded with no net negative impact to the City's budget. The funding for these 4.5 new positions comes from two sources:

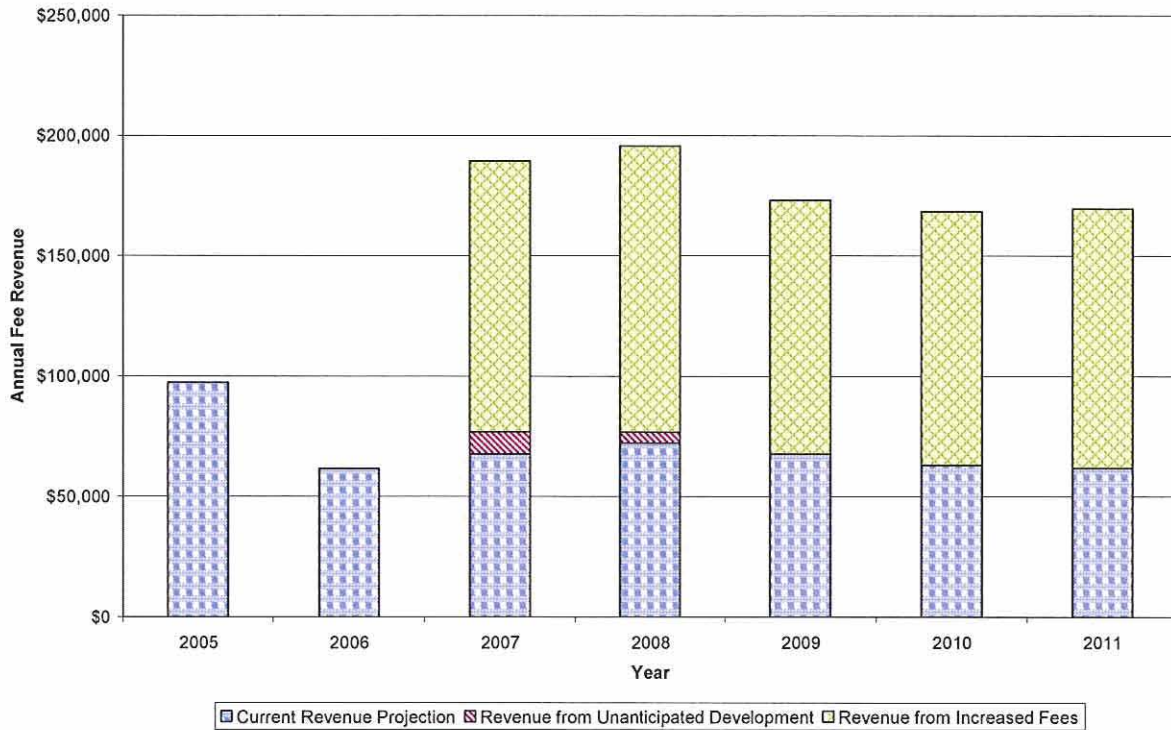
- Unbudgeted, new revenue from recently adopted increases in development services fees (planning, building, and engineering fees). Due to the recent adoption of new fees, the planning and engineering divisions forecast an annual increase of approximately \$210,000 and \$105,000 per year, respectively. The building division predicts an annual increase in excess of \$40,000 due to the recently increased fees.
- Unbudgeted, new revenue from increased development activity (i.e. number of permit applications) above the historical base line. For 2007, the building division predicts its revenue to be over \$500,000 above budget projections, and, based on land availability and activity, the trend is expected to continue into the foreseeable future.

Note that the two utility positions, laborer and administrative assistant/shop clerk, will be funded indirectly from development fee revenue—utility supervisors' and operators' time spent on development review (water plans, sewer plans, etc.) will be backfilled by the two new positions. As a result, a portion of the utilities supervisors' and operators' time would now be funded via development fees, and the resulting freed up operations funding would pay for a portion (50%) of the two new utility positions.

The following three graphs illustrate the increased development fee revenue for the three development fee-generating divisions (planning, building, and engineering):



Engineering Division Fee Revenues: 2005-2011 Projected



Note that the above estimates are conservative. For example, the building division revenue graph projects \$1 million in full-year revenue for 2007; at the end of May, building division revenues have already exceeded the full-year \$1 million projection.

The five-year cost and funding strategy for these positions are detailed on the following page. Note that the costs are “fully loaded,” meaning that they include salary, benefits, startup costs (new furniture and equipment if needed), and ongoing support costs (supplies, services, etc.).

Development Services

Sources

| | 2007 | 2008 | 2009 | 2010 | 2011 | Total |
|---|------------------|------------------|------------------|------------------|------------------|--------------------|
| Development Services Fees | | | | | | |
| Planning, Building, and Engineering Fees | | | | | | |
| Revenue Above Historical Baseline Activity | \$488,007 | \$354,527 | \$175,000 | \$175,000 | \$175,000 | \$1,367,534 |
| New Revenue from Adopted Fee Increase | \$297,024 | \$382,861 | \$370,378 | \$387,218 | \$404,917 | \$1,842,397 |
| Total New Development Services Fee Revenue | \$785,031 | \$737,389 | \$545,378 | \$562,218 | \$579,917 | \$3,209,932 |

Uses

| | 2007 | 2008 | 2009 | 2010 | 2011 | Total |
|--|------------------|------------------|------------------|------------------|------------------|--------------------|
| Proposed Development Services Positions | | | | | | |
| Associate Planner | \$45,000 | \$87,980 | \$93,259 | \$98,854 | \$104,786 | \$429,879 |
| Building Inspector/Plan Reviewer | \$45,000 | \$87,980 | \$93,259 | \$91,000 | \$95,000 | \$412,239 |
| Permit Coordinator/Ombudsman* | \$39,999 | \$77,199 | \$81,831 | \$86,741 | \$91,945 | \$377,715 |
| Project Engineer - E.I.T. (0.5 FTE) | \$0 | \$50,000 | \$48,000 | \$50,880 | \$53,933 | \$202,813 |
| Laborer - Utilities (0.5)* | \$9,500 | \$26,000 | \$27,560 | \$29,214 | \$30,966 | \$123,240 |
| Administrative Assistant/Shop Clerk (0.5)* | \$9,356 | \$25,740 | \$27,284 | \$28,921 | \$30,657 | \$121,958 |
| Development Services Total Uses | \$148,855 | \$354,899 | \$371,193 | \$385,610 | \$407,287 | \$1,667,843 |
| Balance | \$636,177 | \$382,490 | \$174,185 | \$176,607 | \$172,630 | \$1,542,088 |

*Funded indirectly as workload backfill for utility time/resources spent by other utility staff on development review.

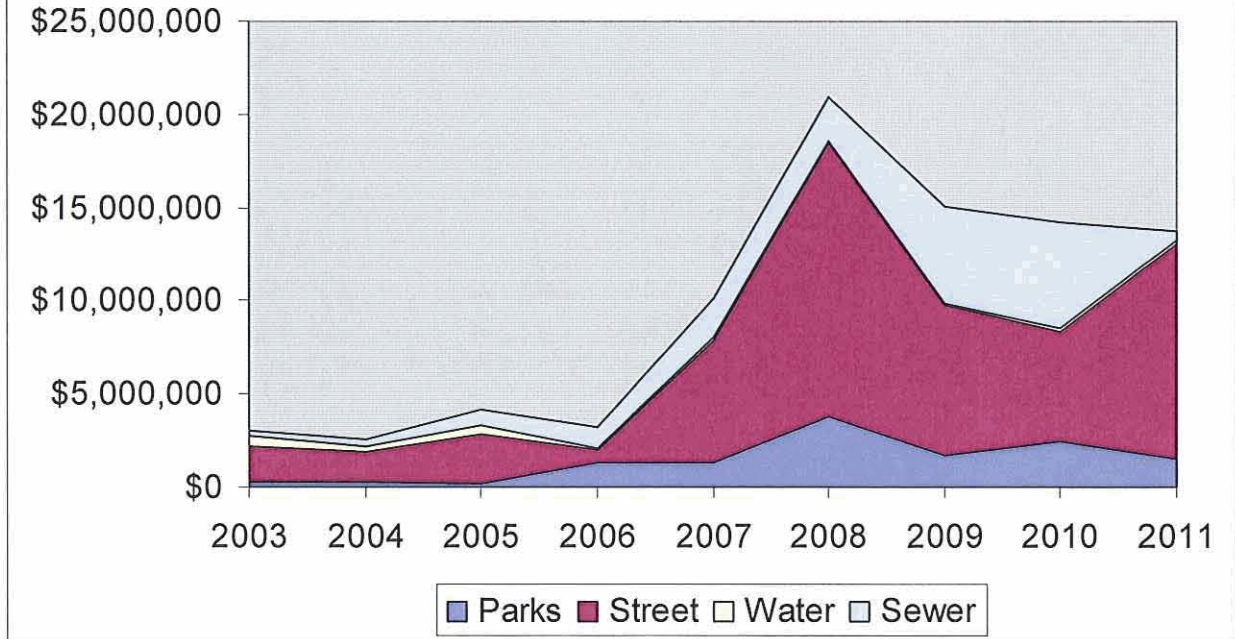
As the above table demonstrates, because they are funded from increased fees and revenue from increased development activity, the addition of the proposed 4.5 development services positions is revenue-expenditure neutral.

Capital Projects

- 1.0 Project Engineer – P.E.
- 1.0 Administrative Assistant
- 0.5 Laborer – Utilities (capital project workload backfill)
- 0.5 Administrative Assistant/Shop Clerk (capital project workload backfill)
- 3.0 Total

Similar to development activity, the City's own capital project activity is at an all-time high, and will most likely be into the foreseeable future (Olympic/56th improvements, Burnham Interchange interim and long-term improvements, sewer treatment plant and outfall expansion, and more). The \$10 million capital budget for 2007 more than doubles last year's capital budget (or any prior year in recent memory, for that matter), and we anticipate that the capital budgets for 2008 through 2011 will also be significantly higher than in the past. The following graph shows historical and predicted capital expenditures through 2011:

**City of Gig Harbor
Capital Improvement Project Expenditures:
Historical and Projected**



The addition of a project engineer is needed to help design and manage this increase in project activity, as is an administrative assistant to provide the clerical support needed for grant/loan documentation and contract administration.

Similar to backfilling development review activity, the laborer and administrative assistant/shop clerk are needed to fill the voids left by utility staff who will be working on the utility capital projects (treatment plant expansion, outfall expansion & extension, lift station upgrades, etc.).

The funding strategy for these capital project positions is detailed in the next page. Note that the costs are “fully loaded,” meaning that they include salary, benefits, startup costs (new furniture and equipment if needed), and ongoing support costs (supplies, etc.).

Capital Projects

Sources

| | 2007 | 2008 | 2009 | 2010 | 2011 | Total |
|--|------------------|------------------|------------------|------------------|------------------|--------------------|
| Capital Projects | | | | | | |
| Streets Capital | | | | | | |
| TIB Grant (Olympic/56th) | \$35,000 | \$40,457 | \$0 | \$0 | \$0 | \$75,457 |
| CERB Grant (Burnham Interchange) | \$20,500 | \$80,914 | \$114,114 | \$0 | \$0 | \$215,528 |
| HBZ Revenue (GH North Infrastructure) | \$0 | \$0 | \$38,038 | \$161,281 | \$197,458 | \$396,778 |
| Streets Subtotal | \$55,500 | \$121,370 | \$152,152 | \$161,281 | \$197,458 | \$687,762 |
| Utilities Capital | | | | | | |
| PWTF Loan (Tx Plant & Outfall Expansion) | \$35,356 | \$84,494 | \$89,564 | \$94,937 | \$100,634 | \$404,984 |
| Utilities Subtotal | \$35,356 | \$84,494 | \$89,564 | \$94,937 | \$100,634 | \$404,984 |
| Parks Capital | | | | | | |
| Brownsfield Grant (Eddon Cleanup) | \$11,000 | \$21,836 | \$0 | \$0 | \$0 | \$32,836 |
| Parks Subtotal | \$11,000 | \$21,836 | \$0 | \$0 | \$0 | \$32,836 |
| Capital Projects Total Sources | \$101,856 | \$227,700 | \$241,716 | \$256,219 | \$298,092 | \$1,125,582 |

Uses

| | 2007 | 2008 | 2009 | 2010 | 2011 | Total |
|---|------------------|------------------|------------------|------------------|------------------|--------------------|
| Capital Projects | | | | | | |
| Streets | | | | | | |
| Project Engineer - P.E. (0.5 FTE)* | \$27,500 | \$54,590 | \$81,365 | \$86,247 | \$117,922 | \$367,625 |
| Administrative Assistant (1.0 FTE) | \$28,000 | \$66,780 | \$70,787 | \$75,034 | \$79,536 | \$320,137 |
| Streets Capital Subtotal | \$55,500 | \$121,370 | \$152,152 | \$161,281 | \$197,458 | \$687,762 |
| Utilities | | | | | | |
| Project Engineer - P.E. (0.3 FTE) | \$16,500 | \$32,754 | \$34,719 | \$36,802 | \$39,011 | \$159,786 |
| Laborer - Utilities (0.5)** | \$9,500 | \$26,000 | \$27,560 | \$29,214 | \$30,966 | \$123,240 |
| Administrative Assistant/Shop Clerk (0.5)** | \$9,356 | \$25,740 | \$27,284 | \$28,921 | \$30,657 | \$121,958 |
| Utilities Capital Subtotal | \$35,356 | \$84,494 | \$89,564 | \$94,937 | \$100,634 | \$404,984 |
| Parks | | | | | | |
| Project Engineer - P.E. (0.2 FTE)* | \$11,000 | \$21,836 | \$0 | \$0 | \$0 | \$32,836 |
| Parks Capital Subtotal | \$11,000 | \$21,836 | \$0 | \$0 | \$0 | \$32,836 |
| Capital Projects Total Uses | \$101,856 | \$227,700 | \$241,716 | \$256,219 | \$298,092 | \$1,125,582 |

* Streets Project Engineer increases from 0.5 to 0.7 FTE starting in 2009. Corresponding decrease in Parks Engineer that same year.

**Funded indirectly as workload backfill for utility time/resources spent by other utility staff on capital projects.

As shown in the table above, the funding for these capital project positions can come directly from the projects—the positions can be charged to the grants and loans that fund the projects. As a result, the addition of these capital project positions will also result in no net negative impact to the City's budget (i.e. these positions do not increase the size of the project budgets). If and when the level of capital project activity drops, these positions will need to be reduced or eliminated accordingly; however this higher level of capital activity is anticipated well beyond 2011.

When designing and managing capital projects, cities can choose to use engineering firms to perform the work, hire in-house engineers to do the work, or a combination of the two. Contracting with engineering firms makes sense when the capital project workload comes in spurts. However, when the capital project workload is at a high level for a sustained period, it makes more sense to bring more of the work in-house—the hourly rate of an in-house engineer is lower than a consulting engineer. Furthermore, consulting engineers are still labor intensive for city staff because the engineer's contract requires negotiating, monitoring, etc.

Utilities

0.5 Storm Water Project Engineer – E.I.T.
 0.5 Total

Stormwater Project Engineer (0.5 FTE). With the new Federal and State NPDES Phase II stormwater requirements, the City will need the equivalent of a half-time engineer to implement the program, which will include water quality testing at all of the City’s outfalls, community education/outreach, and working with both public and private property owners to comply with the new regulations.

The five-year cost and funding strategy for this position is detailed below. Note that the cost is “fully loaded,” meaning that it includes salary, benefits, startup costs (new furniture and equipment if needed), and ongoing support costs (supplies, services, etc.).

| |
|-----------|
| Utilities |
|-----------|

Sources

| | 2007 | 2008 | 2009 | 2010 | 2011 | Total |
|--------------------------------|------------|-----------------|-----------------|-----------------|-----------------|------------------|
| Utilities Operations | | | | | | |
| Storm Water Rate Increase | \$0 | \$50,000 | \$48,000 | \$50,880 | \$53,933 | \$202,813 |
| Utilities Total Sources | \$0 | \$50,000 | \$48,000 | \$50,880 | \$53,933 | \$202,813 |

Uses

| | 2007 | 2008 | 2009 | 2010 | 2011 | Total |
|--|------------|-----------------|-----------------|-----------------|-----------------|------------------|
| Utilities Operations | | | | | | |
| Storm Water | | | | | | |
| Project Engineer - E.I.T. (0.5 FTE) | \$0 | \$50,000 | \$48,000 | \$50,880 | \$53,933 | \$202,813 |
| Utilities Operations Total Uses | \$0 | \$50,000 | \$48,000 | \$50,880 | \$53,933 | \$202,813 |

According to the proposed funding strategy outlined above, the stormwater rate increase would be approximately \$1.45 per household per month, translating into a stormwater rate percentage increase of approximately 17%.

Part II: Justification for the Positions

Development Services

Associate Planner (1.0 FTE)

At the February 28, 2007 City Council Retreat, Planning Director Tom Dolan identified a number of process improvements that would improve the land use permitting process. The improvements are summarized as follows:

- a. Comprehensive review of zoning regulations to identify needed changes.
- b. Development of standard operating procedures for our permits and activities.
- c. Updating existing and developing new handouts.
- d. In conjunction with the City Attorney – identifying specific needs for training on various sections of the code.

- e. Staff identification of specific permits (currently pending and those proposed) that have the potential for conflicts with existing provisions of the zoning ordinance. Such identified permits shall be forwarded to the City Attorney for review.
- f. Review needs for technology improvements within the planning section. This may include replacement of computers for some of the staff. This may also include the purchase of additional modules for the Interlocking Permit System.

The immediate need is to identify internal conflicts within the zoning ordinance. In addition, the development of standard operating procedures and customer handouts are critically important. Although not yet critical in terms of timing, the city's Shoreline Master Program and accompanying regulations will require major review and revision by 2011.

One of the issues that planning is currently dealing with is a substantial increase in the volume of permits being submitted. As of April 13, approximately 200 permits (of all types) have been submitted for planning review in 2007. This compares to 89 applications in 2005 and 102 applications in 2006 (again as of April 13 for both of those years).

Due to current caseloads, the process improvements identified above cannot be implemented by existing planning staff. It is my recommendation that an additional associate planner position be authorized. It would be my intent to utilize the new associate planner position to implement the process improvements identified above and to assist with the increase in planning caseload.

Building Inspector/Plans Examiner (1.0 FTE)

Like the other positions needed for development services, the justification for the Building Inspector/Plans Examiner comes from increased development activity well above the historical baseline level. This position will be responsible for performing all duties of the position as contained in the current building inspector position description.

Due to the high level of activity and the large projects currently under review and construction, it is anticipated that one inspector will be needed nearly full time at the St. Anthony's project when it begins substantial vertical construction. Based on the activity in the Harbor Crossing plat, we also anticipate that one inspector will also be needed full time as additional homes are started.

The new position will allow us the ability to provide timely inspections without reducing our established level of service. Depending on qualifications, the new inspector will either be assigned to the Harbor Crossing plat or general permits and inspections (commercial and residential).

Permit Coordinator/Ombudsman (1.0 FTE)

There are two main reasons for adding this position:

1. Increased development activity. As of the end of April there were 326 building permit applications in the pipeline compared to 140 and 195 for the same period in 2006 and 2005, respectively. This permit coordinator position will help to meet these increased workload demands.

2. The need to better coordinate the processing of applications between the development services divisions (planning, building, engineering, and utilities). This “Ombudsman” position will fill two key roles:
 - Serve as a main point of contact for permit applications and inquiry. This person will “own the call” and will be able to know the status of the entire application and inform the customer accordingly.
 - In addition, this person in this position will be the internal “shepherd” of land use applications. The Ombudsman will work to keep applications on track, on schedule, and coordinated. Put another way, this position will serve as an internal advocate for the applicant.

Specific duties of the Permit Coordinator/Ombudsman would include the following:

- Coordinate intake of all development permit applications including building/fire, planning and engineering.
- Serve as first point of contact for general permitting questions and for specific permit questions that don’t require a technical answer from a project lead.
- Monitor applications for compliance with statutorily required time frames.
- Serve as the public’s “ombudsman” in working through the City permit processes by troubleshooting administrative permit issues and offering suggestions to resolve them and keep projects on track.
- Generate reports on activity levels, turnaround times, permit status, etc. as requested by other staff members and the public (as approved).
- Route and track documents, plans, etc. submitted/generated during the review and inspection processes.
- Coordinate cross-department inspection records using the LIS inspection module.
- Perform file management activities to assure documents are properly archived while reducing un-necessary paper file storage.
- Other duties as assigned.

Project Engineer – E.I.T. (0.5 FTE)

Similar to the other proposed development services positions, the half-time project engineer would provide the civil engineering support needed for the increase in development activity. This position would provide routine development engineering review and would therefore free up more senior engineers for capital project design management along with capital facilities planning. Specific duties of this position would include:

Some of the specific duties of the proposed project engineer – EIT position would include the following:

- Attend pre-applications meetings.
- Conduct plan review for consistency with City public works requirements.
- Generate plan check comments and plan review schedule.
- Provide project SEPA comments.
- Interface with developers and applicants, and guide them through the engineering portion of the permitting process.

- Assist in and/or monitor construction survey staking.
- Assist in the preparation of capital construction planning and documents.

Laborer – Utilities (1.0 FTE: ½ from development workload backfill and ½ from capital project workload backfill)

See under capital projects below.

Administrative Assistant/Shop Clerk (1.0 FTE: ½ from development workload backfill and ½ from capital project workload backfill)

See under capital projects below.

Capital Projects

Project Engineer – P.E. (1.0 FTE)

The proposed new project engineer at the professional engineer (P.E.) level is essential to help manage the design, permitting, and construction of the City's capital projects over the next four or more years. Because of the sustained level of capital project activity, hiring a P.E. in-house is more cost-effective than using consultants. This P.E. will manage the work of engineering firms through the design, bid, construction, and permitting process and will also provide in-house design and construction management work. Potential projects include but are not limited to the following:

- Olympic/56th Street Improvements
- Burnham Interchange Interim design and construction and long-term designing and permitting.
- Gig Harbor North Infrastructure Improvements
- Wastewater Treatment Plant Expansion
- Wastewater Outfall Expansion and Extension
- Eddon Boat Cleanup

Administrative Assistant (1.0 FTE)

This position will be consumed with the administrative and clerical work that will come with the City's large capital projects. The current administrative assistant is currently overburdened with both capital project support and all of engineering's development review support. The proposed new administrative assistant's duties will include:

Engineering Contract Administration:

- Requests for Qualifications
- Council bill and contract preparation
- Invoice processing
- Professional services agreement processing and monitoring

Capital Project Contract Administration:

- Requests for bids, including compiling bid documents and addenda
- Council bill and contract preparation
- Contract execution
- Insurance certificates
- Prevailing wage affidavits and compliance
- Notice to proceed/substantial completion, etc.
- Retainage tracking, reporting, and processing
- Change order processing
- Progress payment processing and tracking
- Project closeout procedures and final contract payments and records management

Grant Administration:

- Grant applications
- Grant Compliance tracking and reporting
- Project time tracking
- Grant accounting
- Drawdown requests
- Federal/state audit compliance
- Records management

Laborer – Utilities (1.0 FTE: ½ from development workload backfill and ½ from capital project workload backfill)

This laborer position would backfill the increased development review and capital project workload of utility supervisors and operators. Currently, only six employees are assigned to the wastewater treatment division that maintains over 50 miles of sewer line, 17 lift stations throughout the City, and all of the moving parts that go with a 1 million gallon-per-day treatment plant. Treatment plant supervisor Darrel Winans and his plant operators also have the added capital project workload of expanding the plant and outfall starting this year and going easily through 2011.

Furthermore, both wastewater and water division staff have the responsibility of keeping up with water and wastewater plan reviews for new developments. Mr. Winans provides the following justification and duties for the laborer position:

- Line maintenance and televising: Currently we have to do a major juggling process to schedule annual line cleaning. We have to drop all maintenance tasks for at least 2 areas of the system maintenance to perform line cleaning. We are short staffed to have a complete flagging and operation crew so we have to borrow street/parks staff. That reduces their productivity.
- Lift Station mechanical maintenance: Our lift stations are getting old and require a lot of maintenance and repair. We have a lot of corrosion issues, peeling paint, rusting bolts needing replaced, electrical cabinet repairs, and more.
- Lift Station landscape maintenance: All the lift stations could use some year round maintenance but only get minimal off season care; better care comes with the seasonal summer help.
- Flagging Duties: We always need a flagger for some form of maintenance work.

- Friday fill in: On Fridays we are always one person short because it is the previous week's on call person's day off. Having an extra person available would allow us to do tasks we normally would put off because we are short staffed.
- Plant site maintenance: General cleanup around the plant site, mowing, hosing down basins and general maintenance.
- Inventory Control for maintenance parts: This person could also keep our maintenance supplies stocked and order parts and supplies for upcoming projects.
- As we've discussed each individual has a daily task at the treatment plant and every time we have to do any additional work to a lift station or have a major repair we have to pull someone away from their duties and then have to make up for lost time. We always seem to be playing catch up and keep getting further behind.

Administrative Assistant/Shop Clerk (1.0 FTE: ½ from development workload backfill and ½ from capital project workload backfill)

As stated previously, this proposed position would backfill the increased development review and capital project workload of utility supervisors and operators. Only one person, Terri Reed, provides direct clerical support to the three utilities (water, wastewater, and stormwater) as well as parks and streets. Terri is stretched thin and is often unable to complete the numerous administrative tasks that go with her position, often because her co-workers are consumed with development review and capital project work.

This new administrative assistant position would provide needed relief and support and would perform the following duties (a list of duties performed by the existing community development assistant for operations follows):

Maintenance Shop:

- Fleet Maintenance (all city vehicles & equipment):
 - Track equipment inventory data
 - Coordinate purchases and surplus
 - Track vehicle mileage
 - Enter work orders into RTA database to track all repairs and maintenance
 - Track cost of each part used
 - Track labor required
 - Track preventative maintenance schedule
 - Monthly reporting of vehicles due for pm
 - Monthly reporting of vehicle repair costs, per vehicle
 - Fuel card administration
- Filing and file clean up
- Office organization

Water System:

- CCR – Yearly creation, printing, mailing, delivery of Water Quality Brochures
- Maintain reporting requirements to DOE, DOH
- City water quality issues
- Outside water company/utilities coordination

Waste Water Treatment Plant Support:

- DMR Entry and associated monthly totals and checks
- Work order entry – monthly meter number entry
- Invoice processing/tracking
- Control charts entry
- Filing and file clean-up
- SOP typing
- Grease program letters and data entry
- Lab manual updates
- Monthly completion of lab sheets
- Monthly dewatering/thickening Excel reports
- Monthly forms print out
- Manual updates

Capacity Reservation Certificates (CRC's):

- Track applications in Interlocking
- Approval from Director of Operations
- ERU Tracking
- Coordination with Engineering requirements
- Documentation

Sidewalk Inventory:

- Enter repair information and photos into database

Traffic Signal Maintenance:

- Coordinate maintenance with Pierce County and WSDOT

Citizen Requests/Questions/Concerns/Complaints:

- Phone Calls/Walk-in
 - Receive information
 - Enter into Call Director database
 - Route to appropriate resources
 - Follow up on tasks
 - Respond to Citizen

Contact Lists/Cards:

- Maintain current information for phone contacts
- Create laminated phone number cards for Public Works and City Council

Filing:

- Maintain all department files and records-electronic and hard copy

Adopt-A-Road Program – Program Coordinator:

- Program paperwork
- Safety training
- Equipment/Supplies check-out/in
- Litter bag retrieval after pickup
- New group assignment

Pagers

- Track Inventory
- Provide replacement for damaged pagers

Purchasing:

- Order office supplies
- Order miscellaneous equipment/items
- Coordinate delivery of purchases
- Process invoices for payment

For context and informational purposes, duties that will be (are) performed by the existing community development assistant position are as follows:

Budget:

- Monitor budget lines
- Purchase Orders
- Contract administration
- Bonds
- Contract Award
- Invoices/Vouchers
- Consultant services contracts
- Insurance

City Council:

- Prepare items for agenda
- Creation and approvals for Council Bills
- Track City Attorney contract & council bill review progress

Claims for Damages/Public Record Requests:

- Respond to request
- Supply forms
- Forward to City Clerk
- Research details of request
- Provide documentation

Director of Operation Support:

- Meeting coordination
- Mail
- Responding to calls and requests

Festivals/Events:

- Holidays – coordination of tree cutting, wreath orders, tree lighting
- Maritime Gig – coordination with committee
- Blessing of the Fleet – coordination with committee, float permits-WDFW, USACE, DOE
- Outdoor movies/concerts – coordination of Public Works activities with Marketing

Field Supervisor Meetings:

- Schedule meetings
- Follow up on task assignments GIS:

Use of GIS system for requests and permits

Outside Agency Permits:

- Creation and submittal of permitting requirements and documents for WDFW, USACE, DOE
 - Mooring Buoys
 - Temporary Floats

Park Projects (current):

- Westside Park
 - Public meeting administration
 - Team meetings with HBB & HDR
 - Respond to citizen questions
- Cushman Trail
 - Public meeting administration
 - Team meetings with Pierce County, TPU and IAC
 - Respond to citizen questions
- Skansie House
- Estuary Park
- Crescent Creek
- Donkey Creek

Parks Commission:

- Provide administrative support to Commission
- Create agendas, meeting packets, notifications
- Provide meeting minutes
- Coordinate public meetings
- Communicate with City Council (reports, recommendations, etc.)

Permit Tracking:

- Route permits to Director and WWTP for approvals and comments
- Coordinate for Engineering, Building and Planning requirements

Public Works Project Tracking:

- Maintain status of projects
- Track budgeted purchases

Requests for Proposals/Bids:

- Advertisement
- Contracts
- Awards
- Specs
- Communication with bidders

Training/Certifications:

- Operator Certifications

- Scheduling and registering for classes/conferences
- Coordinating requests for leave

Volunteer Program Coordination:

- Envirocorps
- Scout/Senior Projects
- Parks Appreciation Day

Stormwater Utility

Project Engineer – E.I.T. (0.5 FTE)

The “NPDES Phase II” stormwater requirement is an unfunded mandate from state and federal governments. To comply with this mandate, a minimum of a ½-time engineer is needed.

The person in this position would help the City comply with the new NPDES regulations and improve stormwater quality by doing the following:

- Outfall sampling and testing.
- Working with property owners (primarily businesses) to improve on-site stormwater quality and retention.
- Providing stormwater quality education and outreach to the community at-large.
- Detecting and enforcing illicit discharge violations.
- Developing a comprehensive citywide storm water monitoring and reporting program.
- Reporting compliance to appropriate state and federal agencies.

Conclusion

In conclusion, the eight proposed new positions in the community development department are needed because of the increased development activity and capital project workload that will most likely be sustained through 2011 and beyond. All of these proposed new positions are revenue-expenditure neutral, meaning that they are fee and/or projected supported and will not have a negative impact on the city's historical baseline budget.

Only one of these proposed positions, the ½-time stormwater quality engineer, will need to be funded through a rate increase to local residents and property owners. The other 7.5 positions will be funded through increased development activity and permit fee increases as well as capital project revenue (grants, tax increment financing, etc.).

City of Gig Harbor Operations Department

Dave Brereton Director of Operations

- Schedules Objectives
- Purchases Capital equip
- Attends meetings with staff, committees & public
- Prepare & monitor annual budget
- Plan review
- Work w/ consultants for city & develop projects
- Manage concurrency program for water & sewer
- Submit water quality reports to DOH
- Continued on next page...

Marco Malich Public Works Supervisor

- Schedule & prioritize maint. activities in water, street, storm & parks
- Schedule staff & safety meetings
- Onsite inspection & oversee city projects
- Project & plan review
- Respond to citizen complaints
- Operate equipment as needed
- Deal with personnel issues, hiring, conduct employee evaluations
- Work w/ other depts. To complete tasks
- Purchase supplies & maintain inventories

Darrell Winans Treatment Plant Supervisor The supervisor is a working position being able to perform all tasks associated with:

- Supervise employees
- Review plans for commercial construction
- Work with engineers & staff on upgrades to plant & collection system
- Dewater/Thickening
- Plant Maintenance
- Collection System repair and maintenance
- Responsible for NPDES reporting and compliance
- Monitor lab work

George Williams Custodian

- Inspect all facilities
- Maintain alarm systems
- Order supplies
- Schedule inspections for fire & elevator
- Supervise custodial staff
- Coordinate Community Service people
- Manage maintenance contracts
- Monitor & balance HVAC system
- Clean and maintain Civic Center and Volunteer Center buildings.

Terri Reed Community Dev. Assistant

- Admin support for Director of Operations
- Purchase orders
- Contracts & contract administration
- Meeting coordination
- Responding to calls & requests
- Project coordinator for Westside, Cushman, Austin Parks
- Administrative support for Parks Commission
- Permit tracking/Interlock.
- Prepare maps & exhibits using GIS
- Continued on next page...

Proposed New Shop Clerk Shop & WWTP Support

- Maintain Fleet Maintenance program & process vehicle work orders
- Assist and develop filing system as needed at City Shop and WWTP
- Grease Trap data entry
- Track Sidewalk Inventory
- Update & keep current MSDS book
- Assist with Adopt-a-Road Program
- Water/Sewer CRC processing
- Continued on next page...

City of Gig Harbor Operations Department

Dave Brereton – Director of Operations:

- Provide administrative support to Parks Commission
- Employee evaluations, personnel issues, hiring

Terri Reed – Community Development Assistant:

- Assist with event coordination for Maritime Gig, Blessing of the Fleet, annual holiday decorations, etc.
- Prepare council bills for Public Works agenda items

Proposed New Shop Clerk & WWTP Support:

- WWTP support with invoices, data entry, etc.
- Assist with Water Quality Reports
- Purchase office supplies
- Citizens requests & enter into Call Director
- Prepare monthly maintenance reports

City of Gig Harbor Wastewater Treatment Plant

Darrell Winans

Treatment Plant Supervisor

The supervisor is a working position being able to perform all tasks associated with:

- Supervise employees
- Review plans for commercial construction.
- Work with engineers and staff on upgrades to plant and collection system.
- Monitor Lab work
- Dewater/Thickening
- Plant Maintenance
- Collection System repair and maintenance
- Float (assist as needed)
- Each Operator is in the On-Call rotation for a seven day period.
- Responsible for NPDES reporting and compliance.
- is in the On-Call rotation for a seven day period

Norine Landon

Treatment Plant Operator

Each plant operator is on a one month rotation in five areas of responsibility each area of responsibility contains many facets too numerous to detail :

- Lab duties as assigned
- Dewater/Thickening
- Plant Maintenance
- Collection System repair and maintenance
- Float (assist as needed)
- Each Operator is in the On-Call rotation for a seven day period

Jim Landon

Treatment Plant Operator

Each plant operator is on a one month rotation in five areas of responsibility each area of responsibility contains many facets too numerous to detail :

- Lab duties as assigned
- Dewater/Thickening
- Plant Maintenance
- Collection System repair and maintenance
- Float (assist as needed)
- Each Operator is in the On-Call rotation for a seven day period
- Advise/participate in Treatment Plant Expansion & Outfall Extension
- Back up to Supervisor for Development Review, etc.

Joe Pominville

Treatment Plant Operator

Each plant operator is on a one month rotation in five areas of responsibility each area of responsibility contains many facets too numerous to detail :

- Lab duties as assigned
- Dewater/Thickening
- Plant Maintenance
- Collection System repair and maintenance
- Float (assist as needed)
- Each Operator is in the On-Call rotation for a seven day period
- Safety officer

Daniel Garcia

Treatment Plant Operator

Each plant operator is on a one month rotation in five areas of responsibility each area of responsibility contains many facets too numerous to detail :

- Lab duties as assigned
- Dewater/Thickening
- Plant Maintenance
- Collection System repair and maintenance
- Float (assist as needed)
- Each Operator is in the On-Call rotation for a seven day period

Laurie Nicholas

Treatment Plant Operator

Each plant operator is on a one month rotation in five areas of responsibility each area of responsibility contains many facets too numerous to detail :

- Lab duties as assigned
- Dewater/Thickening
- Plant Maintenance
- Collection System repair and maintenance
- Float (assist as needed)
- Each Operator is in the On-Call rotation for a seven day period

Proposed

New Treatment Plant Laborer

Each plant operator is on a one month rotation in five areas of responsibility each area of responsibility contains many facets too numerous to detail :

- Dewater/Thickening
- Plant Maintenance
- Collection System repair and maintenance
- Float (assist as needed)
- Backfill labor for Supervisor & Operator time spent on Development Review & Capital Treatment Plant Expansion

City of Gig Harbor Building Department

Dick Bower

Building Official/Fire Marshal

- Plans, organizes & directs all activities related to const. permitting, fire prevention & emergency management programs
- Prepares budge requests, annual goals & objectives, & monitor progress toward their achievement
- Coordinates the assignment of street names & address #'s & maintains city's address map
- Coordinates the const. code activities w/ other city depts & divisions, local jurisdictions & fed., state and regional agencies
- Coordinates with GHPD, PCFD#5, PC & State Fire Marshal on fire & explosion prevention, investigation, ...

Perry Fegley Assistant Building Official/ Fire Marshal

- Assists customers with code requirements
- Plan review, inspections, code enforcement
- Reviews special permit & business license apps
- Prepare reports & maintains records as assigned
- Assists building official / fire marshal in fire and explosion investigations

Paul Rice Assistant Building Official/ Fire Marshal

- Assists customers with code requirements
- Plan review, inspections, code enforcement
- Reviews special permit & business license apps
- Prepare reports & maintains records as assigned
- Assists building official / fire marshal in fire and explosion investigations

Dennis Kuntz Building Inspector

- Consults with customers on general & project specific const. code requirements
- Perform field inspections to verify compliance
- Investigates un-permitted work and takes appropriate enforcement action
- Maintains accurate reports & records of plan review & inspection activities
- Prepares requests for additional information, correction reports, & inspection notes

Proposed Building Inspector

- Inspection services for Hospital and overboard
- Consults with customers on general & project specific const. code requirements
- Perform field inspections to verify compliance
- Investigates un-permitted work and takes appropriate enforcement action
- Maintains accurate reports & records of plan review & inspection activities
- Prepares requests for additional information, correction reports, & inspection notes

Patty McGallian Community Development Assistant

- Consults with customers on general & project specific const. code requirements & processes
- Receives building/fire safety permit apps & submittals / re-submittals from the permit coordinator and routes them accordingly
- Prepares Certificates of Occupancy
- Prepares approved permits & submittals for issuance
- Enters data into the permit tracking software
- Develops & maintains public info materials, checklists, & app packets for public use
- Continued on next page...

Proposed Permit Coordinator/ Ombudsman

- Serves as primary contact for Comm Dev Dept w/ customers on general & non-technical project specific code requirements & processes
- Assist public in completing permit apps & assoc. forms
- Acts as ombudsman throughout the permit process by facilitating communications to maintain performance goals, legal time lines, and timely permit review & issuance
- Coord. & sched. All permit intakes, pre-apps & project triage, and permit-by-appt meetings
- Continued on next page...

City of Gig Harbor

Building Department

Patty McGallian - Community Development Assistant:

- Coordinates collection and maintenance of permit specific and general address files, including application documents, inspection and special inspection reports, annual fire safety and system inspection reports, annual fire safety and system inspection reports, and notices of violation in accordance with records management regulations
- Assists w/ coordination of MyBuildingPermit.com program
- Provides daily schedule of inspections for staff and coordinates entry of building/fire safety inspection records into permit tracking system.
- Maintains the division's website including scheduled updates of regional training calendar.
- Recommends process improvements, fee adjustments, and administrative code provisions to improve customer service and department effectiveness
- Processes applications, coordinates payment, and issues permits through the E-permit program
- Tracks permit application and review processes within the division to assure compliance with statutory mandates and division performance goal
- Coordinates the division's response to requests for access to public records

Proposed Permit Coordinator Ombudsman:

- Processes permit submittals, performs data entry into permit tracking system, and routes submittal information and plans to the appropriate divisions
- Reviews building permit plans, engineering plans and administrative/discretionary submittal documents for completeness
- Prepares building, engineering, land use, impact, and connection fee estimates and coordinates their collection
- Issues permits upon approval by division staff
- Coordinates issuance of Certificates of Occupancy between all divisions
- Tracks permit application and review processes to assure compliance with statutory mandates and department performance goals
- Coordinates street naming, assigns address numbers and maintains the official City address map
- Provides data and reports to staff and management related to development permit activity
- Serves as departments' lead administrator for use and maintenance of permit tracking system
- Develops and maintains public information materials (brochures, instructions, etc.)
- Provides information and scheduling of utility locates and fire flow tests
- Recommends process improvements, fee adjustments, and administrative code provision to improve customer service and departments' effectiveness

City of Gig Harbor Planning Department

Tom Dolan Planning Director

- Plans, organizes & directs all activities related to long range & current planning as well as the enforcement thereof
- Reviews & recommends changes to the zoning ordinance & comp plan
- Coordinates & provides professional staff to the DRB
- Issues minor discretionary land use decision on admin variances, site plan / landscaping plans
- Continued on next page...

Jennifer Kester Senior Planner

- Planning Supervisor when Director is out
- Trainer for new planners
- Lead long range planner
- Planning Commission work program liaison
- Buildable Lands coordinator
- Hospital planner
- Counter duty & phones

Cliff Johnson Associate Planner

- Land use permit processing
- Lead shoreline planner
- Design review
- Pre-app meetings
- Counter duty & phones

Matt Keough Associate Planner

- Land use permit processing
- Annexations
- Parks planner
- GIS/mapping
- Design review
- Pre-app meetings
- Counter duty & phones

Kristin Moerler Associate Planner

- Land use permit processing
- Watershed planning
- Design review
- Pre-app meetings
- Counter duty & phones

Proposed Associate Planner

- Land use permit processing
- Code enforcement
- Design review
- Development of standard operating procedures
- Development of customer handouts
- Code review/text amendments
- Counter duty & phones

Diane Gagnon Assistant Planner (acting)

- Sign review
- Short plat & BLA review
- Minutes for PC, DRB, and Planning & Building Comm.
- Interlocking coordinator
- Pre-app meetings
- Counter duty & phones

Cindy Andrews Community Development Clerk

- Back-up for Reception desk
- File Management
- Hearing Examiner assistant
- Minutes for PC & DRB
- Assist customer with simple zoning questions
- Interlocking coordinator

City of Gig Harbor **Planning Department**

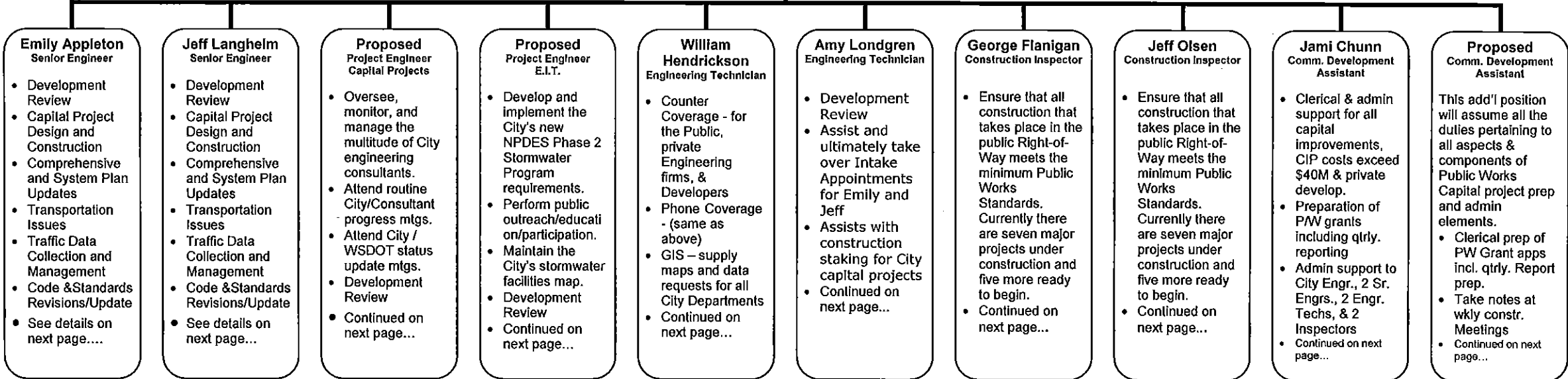
Tom Dolan – Planning Director:

- Administers consultant/hearing examiner contracts
- Prepares and administers department budget
- Serves as city representative on the Pierce County Growth Management Coordinating Committee
- Serves as City's Responsible Official for SEPA

City of Gig Harbor Engineering Department

Steve Misiurak
City Engineer

- Manages and oversees Engineering Consultants for ensuring completion deliverables is on time & on budget.
- Reviews & comments on all City capital project designs totaling over \$30,000,000.
- Continued on next page...



Emily Appleton
Senior Engineer

- Development Review
- Capital Project Design and Construction
- Comprehensive and System Plan Updates
- Transportation Issues
- Traffic Data Collection and Management
- Code & Standards Revisions/Update
- See details on next page....

Jeff Langhelm
Senior Engineer

- Development Review
- Capital Project Design and Construction
- Comprehensive and System Plan Updates
- Transportation Issues
- Traffic Data Collection and Management
- Code & Standards Revisions/Update
- See details on next page...

Proposed Project Engineer
Capital Projects

- Oversee, monitor, and manage the multitude of City engineering consultants.
- Attend routine City/Consultant progress mtgs.
- Attend City / WSDOT status update mtgs.
- Development Review
- Continued on next page...

Proposed Project Engineer
E.I.T.

- Develop and implement the City's new NPDES Phase 2 Stormwater Program requirements.
- Perform public outreach/education/participation.
- Maintain the City's stormwater facilities map.
- Development Review
- Continued on next page...

William Hendrickson
Engineering Technician

- Counter Coverage - for the Public, private Engineering firms, & Developers
- Phone Coverage - (same as above)
- GIS – supply maps and data requests for all City Departments
- Continued on next page...

Amy Londgren
Engineering Technician

- Development Review
- Assist and ultimately take over Intake Appointments for Emily and Jeff
- Assists with construction staking for City capital projects
- Continued on next page...

George Flanigan
Construction Inspector

- Ensure that all construction that takes place in the public Right-of-Way meets the minimum Public Works Standards. Currently there are seven major projects under construction and five more ready to begin.
- Continued on next page...

Jeff Olsen
Construction Inspector

- Ensure that all construction that takes place in the public Right-of-Way meets the minimum Public Works Standards. Currently there are seven major projects under construction and five more ready to begin.
- Continued on next page...

Jami Chunn
Comm. Development Assistant

- Clerical & admin support for all capital improvements, CIP costs exceed \$40M & private develop.
- Preparation of P/W grants including qtrly. reporting
- Admin support to City Engr., 2 Sr. Engrs., 2 Engr. Techs, & 2 Inspectors
- Continued on next page...

Proposed Comm. Development Assistant

This add'l position will assume all the duties pertaining to all aspects & components of Public Works Capital project prep and admin elements.

- Clerical prep of PW Grant apps incl. qtrly. Report prep.
- Take notes at wkly constr. Meetings
- Continued on next page...

City of Gig Harbor

Engineering Department

City Engineer (Steve Misiurak):

- Provides Department Leadership and prioritizes the daily functions and work loads of the department, consisting of seven individuals.
- Responsible for the on time completion of all City capital and rehabilitation projects related to Parks, sewer, streets, storm, and water.
- Writes numerous City Council Agenda Bills pertaining to all aspects of City Engineering.
- Seeks and writes Federal, State and Local grants and loans.
- Prepares budgets and prioritizes City capital projects.
- Responds and provides technical assistance to numerous citizen and developer questions and concerns.
- Attends City Council meetings and provides numerous public presentations.

Senior Engineer (Emily & Jeff):

- Development Review: Review proposed private development projects at all stages of the development process.
- Require offsite conditions of private development to ensure the City's interests and infrastructure needs are addressed.
- Provide customer service via counter assistance and responding to customer requests for information and guidance.
- City Capital Project Design/Construction: Assist as necessary to provide engineered designs and cost estimates for proposed capital projects including roadway, water, sewer, and stormwater projects.
- Prepare construction documents and special provisions for bidding and construction purposes. Provide technical support and project management throughout the construction of projects.
- City Comprehensive and System Plans: Assist in the selection and management of consultants assisting with the City
- Coordinate the transportation concurrency tracking via the City-wide traffic model.
- Drafts new City Code to support proposed changes in structure or process.
- Performs a multitude of engineering studies to support various traffic and transportation issues.
- Formalize private development guidelines for use by customers
- Produce a private development internal procedures manual to standardize process and comment memos/letters.
- UGA private development guidelines and processes.

Proposed Project Engineer (Capital Projects):

- Assist the City Engineer in the coordination and management of the design and construction of capital projects and assist with review of permit development applications.

Proposed EIT (Stormwater):

- Perform illicit discharge and pollution prevention training.
- Develop record keeping standards and maintain records for construction and development runoff.
- Prepare annual reports for submission to DOE.
- Review grading permit applications, land use permit applications, and civil plan permit applications for conformance with the City's Stormwater Design Manual.
- Be the lead in the update to the City's Stormwater Design Manual to be in conformance with the NPDES requirements.

City of Gig Harbor

Engineering Department

Willy Hendrickson – GIS/Engineering Technician:

- Encroachment Permits – coordinate and process all of these permits
- Easement and Agreements – Process all Right Of Way and Temporary Construction easements, all Storm Maintenance, Sewer Maintenance, Utility Extension, and Latecomers agreements
- Engineering Support – Assist the Engineering Department with in-house design work using AutoCAD including updates to the Water and Sewer base maps.
- Business License's – Process all license's for the Engineering Dept.
- Files – Maintain and update the hanging file cabinets
- Interlocking – Update the City's permit tracking database monthly with current assessor's parcel information.
- Street Addressing – Maintain and update this list used by all City Departments
- Copy Room – Maintain the operation and supplies of the large format copier and plotter.

Amy Londgren – Engineering Technician:

- Review site plans for Pre-application conferences and provide initial comments regarding traffic impacts, topographic/grading problems, sewer and water connectivity/availability. Have provided these comments to Jeff and Emily for the pre-app. conferences and ultimately will be providing this information to the client myself.
- Performs AutoCAD revisions for City projects.
- Maintains the City's traffic accident data into month-by-month spreadsheets.
- Assists with customer service at the Engineering counter.
- Utilizes Interlocking software for civil comments and submitting invoices to the client.

George Flanigan & Jeff Olsen – Construction Inspectors:

- Inspect all commercial construction for private development that pertains to Sewer, Storm, Water, and Roadway construction
- Manage and inspect all City capital projects including contract preparation, pre work submittal review, progress payments and final project close out duties
- Manage and inspect all Encroachment Permits for smaller projects that take place in the public R.O.W. To date there are over 65 permit out in the system
- Assist senior engineers in private development plan review
- Support Senior engineers with day to day duties
- Install traffic counters throughout the city for traffic study information
- Work at the front counter to help answer public questions and concerns
- Reviews City capital projects plans and specifications for constructability and utility conflicts.

Jami Chunn – Community Development Assistant:

Currently Jami is the single community development assistant performing all of the clerical and administrative duties in the Engineering Division.

- All of the contract administration duties listed below for the city Capital projects. These include the preparation of contract specifications, formal bidding through contract close-out. Tracking of all project insurances, bonds, submittals of materials from contractor for city approval, request to sublet work, pay estimates, daily quantities, etc.
- Filing of daily project paperwork for both Capital and Private Development projects.
- Preparation of all invoices and vouchers for Engineering including the details of tracking all on-call services for both Capital and Private Development projects.

City of Gig Harbor Engineering Department

- Banner duties and details – scheduling the hanging and removal of the banner.
- Finalization of all Engineering council bills including the preparation and tracking of consultant contracts
- Corresponding weekly with contractors for city projects for outstanding documentation required by state auditor.
- Prepare public hearing notices and ads for bidding jobs.
- Tracking all Eddon Boat paperwork and special spreadsheets for Eddon Boat finances.
- Logging in all incoming project documents for Engineering, on both hard copy and Interlocking permit software. This includes the routing to staff within Engineering and associated divisions.
- Assistance with design consultant selection and contracting. Consultant selection consists of assistance with the preparation of Request for Qualifications (RFQ's), Development of PW construction contract documents, preparation of ad and award documents, responding to bidder inquiries, preparation of bid addendums, processing progress pay estimates and closeout procedures/verification.

Proposed Community Development Assistant:

- Clerical and administrative support for all City capital improvements: CIP costs exceed \$40M.
- Assistance with design consultant selection and contracting (preparation of council memos and attachments). Consultant selection consists of assistance with the preparation of Request for Qualifications (RFQ's), Development of PW construction contract documents, preparation of ad and award documents, responding to bidder inquiries, preparation of bid addendums, processing progress pay estimates and closeout procedures/verification.
- Prepare monthly progress pay estimates.
- Track all contractor required paperwork, insurance, Intent to Pay Prevailing Wages documentation.



Business of the City Council
City of Gig Harbor, WA

Subject: Second Reading of an Ordinance Amending School Impact Fees

Proposed Council Action: Approve the Ordinance as presented at this second reading.

Dept. Origin: Community Development

Prepared by: Stephen Misiurak, P.E. City Engineer

For Agenda of: July 23, 2007

Exhibits: Ordinance; Letter of June 8, 2007 from the Peninsula School District; PSD Six-Year CFP 2007-2013; & Pierce County Ordinance No, 2006-109s

Initial & Date

Concurred by Mayor: [Signature] 7/19/07
Approved by City Administrator: [Signature] 7/19/07
Approved as to form by City Atty:
Approved by Finance Director:
Approved by Department Head:

Table with 4 columns: Expenditure Required, Amount Budgeted, Appropriation Required, and dollar amounts (\$0).

INFORMATION / BACKGROUND

The Peninsula School District has requested a revision to the current impact fee Ordinance. The fee schedule presented in the Ordinance is based on the Peninsula School District's proposal that the district considers consistent with its capital facility plan and growth projection needs. The proposed fees are identical to fees currently collected in Pierce County.

School impact fees will provide mitigation for the effects of new residential growth and attendant school capacity needs.

FISCAL CONSIDERATION

The proposed fee levels are equal to the currently adopted Pierce County fee levels.

Table comparing Current Fee and Proposed Fee for Single Family Dwelling and Multi-Family Dwelling.

BOARD OR COMMITTEE RECOMMENDATION

N/A

RECOMMENDATION / MOTION

Approve the Ordinance as presented at this second reading.

ORDINANCE NO. xxxx

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE FEE SCHEDULE FOR SCHOOL IMPACT FEES, ADOPTED AS APPENDIX D TO ORDINANCE NO. 1017, AS CONTEMPLATED BY GIG HARBOR MUNICIPAL CODE SECTIONS 19.12.070 AND 19.12.080.

WHEREAS, with the adoption of Ordinance No. 963 on July 12, 2004, the City amended Chapter 19.12 of the Gig Harbor Municipal Code to provide for the imposition and collection of school impact fees; and

WHEREAS, the City has the authority to adopt impact fees to address the impact on school facilities caused by new development, pursuant to RCW 82.02.050 through 82.02.100; and

WHEREAS, Pierce County amended school impact fees for 2007 with the adoption of Pierce County Ordinance No. 2006-109s; and

WHEREAS, the Peninsula School District has requested that the City amend the school impact fee scheduled to be consistent with the changes made by Pierce County; and

WHEREAS, the Peninsula School District SEPA Responsible Official issued a determination of non-significance on April 6, 2007, with a comment and appeal deadline of May 4, 2007, and no appeals were filed; and

WHEREAS, the City's SEPA Responsible Official issued a determination that the adoption of this ordinance is exempt from SEPA under WAC 197-11-800; and

WHEREAS, the City Council held a public hearing and considered this Ordinance during its regular City Council meeting of July 9th and July 23rd, 2007; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON,
ORDAINS AS FOLLOWS:

Section 1. The impact fee schedule for schools, adopted as appendix D to Ordinance No. 1017, as contemplated by Gig Harbor Municipal Code sections 19.12.070 and 19.12.080 is hereby repealed.

Section 2. The following impact fee schedule for schools, identified as Appendix D in Gig Harbor Municipal Code sections 19.12.070 and 19.12.080 is hereby adopted to read as follows:

Appendix 'D'

**City of Gig Harbor
2007 School Impact Fee Schedule**

Single Family Dwelling: \$2,780.00

Multi-Family Dwelling: \$1,465.00 x number of units

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance is 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, clause or phrase of this Ordinance.

Section 4. Effective Date. This ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this 23rd day of July, 2007.

CITY OF GIG HARBOR

CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.

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PASSED by the Council and approved by the Mayor of the City of Gig Harbor this 23rd day of July, 2007.

CITY OF GIG HARBOR

CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

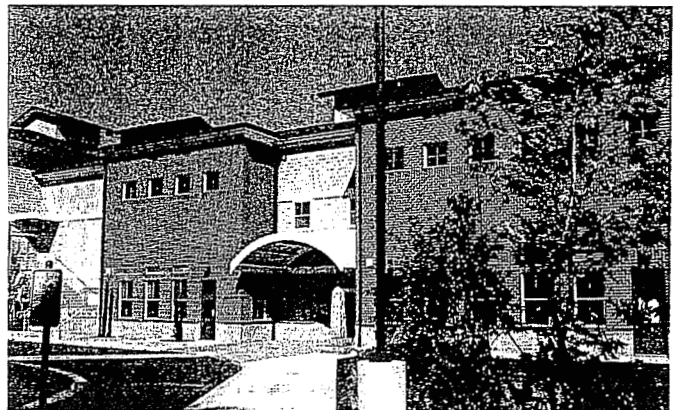
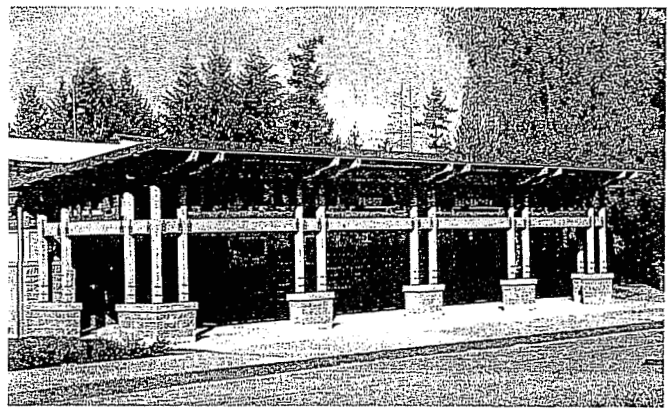
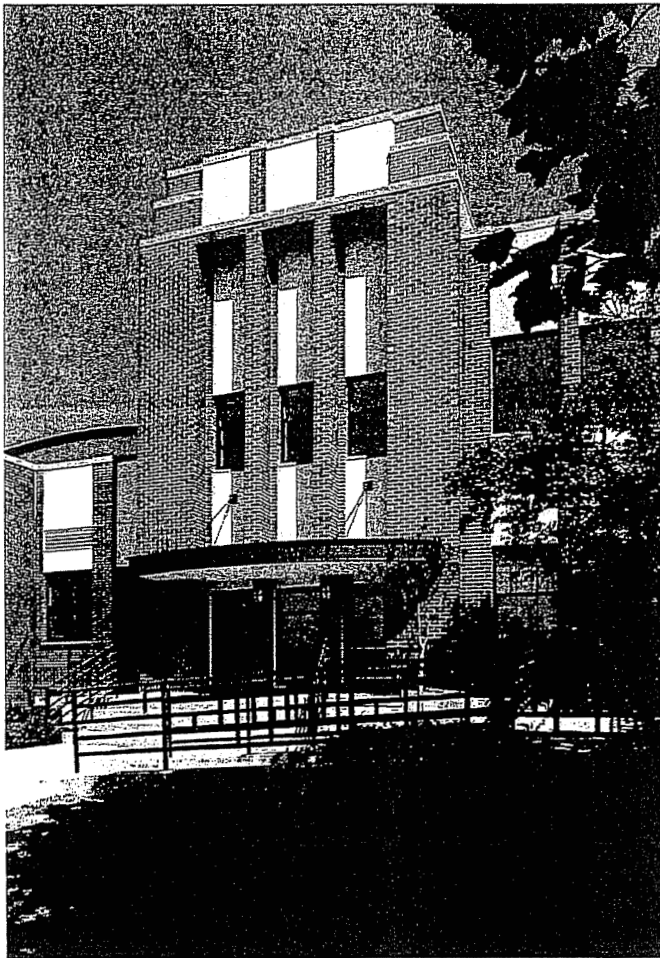
APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.

PENINSULA SCHOOL DISTRICT No. 401

SIX-YEAR CAPITAL FACILITIES PLAN 2007-2013



MARCH 2007

PENINSULA SCHOOL DISTRICT
14015 62nd Ave. NW
Gig Harbor, WA 98332
253-530-1000

BOARD OF DIRECTORS

Geoffrey Baillie, President
Jill Guernsey, Vice President
Betty Ringlee
Jill Johnson
Jill Uddenberg

Terry Nelsen Bouck, Superintendent

Adopted by the Board of Directors on May 10, 2007.

Prepared by

Jeff Greene
Greene Gasaway Architects, pllc
May 2007

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I. EXECUTIVE SUMMARY AND SCHOOL DISTRICT OVERVIEW

EXECUTIVE SUMMARY

The Peninsula School District (PSD) Capital Facilities Plan is a six year plan intended to be revised each year for the succeeding six years.

The plan is developed with the knowledge of the development and population implications of the City of Gig Harbor and Pierce County community and land use plans and with the projections of Office of Financial Management (OFM) for population increases. The District is committed to planning in a manner consistent with the community's vision of its future as represented in these and other development documents. For these reasons, the District is committed to acquiring future school sites in advance of need consistent with its evaluation of the ultimate build-out of the District.

The plan addresses the anticipated capital facility needs through the 2012/2013 school year.

The plan addresses the following elements:

- Executive summary and district overview.
- Analysis of the current and projected growth in student enrollment within the District's boundaries. Office of the Superintendent of Public Instruction (OSPI) projects a significant increase in enrollment at the elementary school grade level, a moderate increase in enrollment at the middle school grade level, and a decline in enrollment at the high school grade level. The District's enrollment projection accounts for the provision of full-day kindergarten starting in September 2007.
- The 2007 capacity summary is included for reference. The District has recently updated its capacity analysis. Comparing the District's capacity to the projected enrollment indicates that the District will remain over capacity at all grade levels.
- The six-year plan is revised to reflect the impact of the revised enrollment projections. The plan anticipates capacity projects at elementary and middle school grade levels as well as property acquisitions and temporary classrooms. The District intends to payoff the Local Government Obligation (LGO) bonds used to finance the construction of Henderson Bay High School. No construction project is anticipated at the high school grade level.

The impact fee is re-calculated using the Pierce County formula. Input factors are revised using the most current information.

II. SIX YEAR ENROLLMENT PROJECTIONS

The District has reviewed historical demographic trends and enrollment projection techniques.

The District prepares enrollment projections based on historical enrollment data, census and planning information and knowledge of residential construction information.

Currently the District believes that the OSPI projection represents a moderately conservative estimate of its anticipated future enrollment.

Total enrollment has grown slightly since October 2000. Elementary enrollment has fluctuated, but remained essentially unchanged. Enrollment at the middle school grade level has declined slightly. That decline has been offset by a slight increase at the high school grade level. The District believes that enrollment will increase at the elementary grade level and at the middle school grade level while declining at the high school grade level over the next six years. This belief is supported by research from OFM that projects a future baby-boom echo commencing in the next decade. The District anticipates that enrollment will continue to increase at all grade levels over the next twenty years as that future baby-boom echo moves through to the high school grade level.

The District is planning to provide full-day kindergarten beginning in September 2007. This policy change will increase enrollment by approximately 275 full-time-equivalent (fte) students.

Attached is the enrollment projection through 2013 in accordance with OSPI projection formula.

PENINSULA SCHOOL DISTRICT NO. 401

DETERMINATION OF PROJECTED ENROLLMENT BY COHORT SURVIVAL (CONSTANT K)

ACTUAL FTE ENROLLMENT ON OCTOBER 1

PREPARED MARCH 30, 2007

| | <u>2000</u> | <u>2001</u> | <u>2002</u> | <u>2003</u> | <u>2004</u> | <u>2005</u> | <u>2006</u> | <u>SURVIVAL</u> | <u>2007</u> | <u>2008</u> | <u>2009</u> | <u>2010</u> | <u>2011</u> | <u>2012</u> | <u>2013</u> |
|-----------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <u>KINDERGARTEN</u> | 460 | 479 | 550 | 594 | 526 | 550 | 566 | | 581 | 591 | 602 | 612 | 623 | 633 | 644 |
| <u>GRADE 1</u> | 586 | 566 | 540 | 626 | 652 | 576 | 581 | <u>1.1029</u> | 624 | 641 | 652 | 664 | 675 | 687 | 698 |
| <u>GRADE 2</u> | 607 | 623 | 596 | 563 | 659 | 684 | 602 | <u>1.0485</u> | 609 | 655 | 672 | 683 | 696 | 708 | 720 |
| <u>GRADE 3</u> | 677 | 635 | 645 | 635 | 588 | 688 | 712 | <u>1.0460</u> | 630 | 637 | 685 | 703 | 715 | 728 | 740 |
| <u>GRADE 4</u> | 711 | 718 | 649 | 690 | 658 | 606 | 691 | <u>1.0326</u> | 735 | 650 | 658 | 707 | 726 | 738 | 752 |
| <u>GRADE 5</u> | 694 | 734 | 737 | 688 | 710 | 689 | 631 | <u>1.0408</u> | 719 | 765 | 677 | 685 | 736 | 755 | 768 |
| <u>TOTAL K-5</u> | 3735 | 3755 | 3717 | 3796 | 3793 | 3793 | 3783 | <u>FULL DAY K</u> | <u>3899</u> | <u>3939</u> | <u>3945</u> | <u>4054</u> | <u>4171</u> | <u>4250</u> | <u>4323</u> |
| <u>TOTAL K-5 FTE</u> | <u>3505</u> | <u>3516</u> | <u>3442</u> | <u>3499</u> | <u>3530</u> | <u>3518</u> | <u>3500</u> | | 3608 | 3643 | 3644 | 3748 | 3859 | 3933 | 4001 |
| <u>TOTAL 1-5</u> | 3275 | 3276 | 3167 | 3202 | 3267 | 3243 | 3217 | | 3318 | 3348 | 3343 | 3442 | 3548 | 3617 | 3679 |
| <u>GRADE 6</u> | 786 | 700 | 776 | 771 | 732 | 752 | 709 | <u>1.0511</u> | 663 | 756 | 804 | 711 | 720 | 773 | 794 |
| <u>TOTAL K-6</u> | 4521 | 4455 | 4493 | 4567 | 4525 | 4545 | 4492 | | 4562 | 4695 | 4749 | 4765 | 4890 | 5023 | 5117 |
| <u>TOTAL K-6 FTE</u> | 4291 | 4216 | 4218 | 4270 | 4262 | 4270 | 4209 | | 4271 | 4399 | 4448 | 4459 | 4579 | 4706 | 4795 |
| <u>TOTAL 1-6</u> | 4061 | 3976 | 3943 | 3973 | 3999 | 3995 | 3926 | | 3981 | 4104 | 4147 | 4153 | 4267 | 4390 | 4473 |
| <u>GRADE 7</u> | 740 | 815 | 724 | 822 | 831 | 746 | 760 | <u>1.0402</u> | 738 | 690 | 786 | 837 | 740 | 749 | 805 |
| <u>GRADE 8</u> | 741 | 779 | 849 | 738 | 827 | 860 | 756 | <u>1.0231</u> | 778 | 755 | 706 | 804 | 856 | 757 | 766 |
| <u>TOTAL 6-8</u> | <u>2267</u> | <u>2294</u> | <u>2349</u> | <u>2331</u> | <u>2390</u> | <u>2358</u> | <u>2225</u> | | <u>2178</u> | <u>2200</u> | <u>2296</u> | <u>2352</u> | <u>2316</u> | <u>2279</u> | <u>2364</u> |
| <u>TOTAL 7-8</u> | 1481 | 1594 | 1573 | 1560 | 1658 | 1606 | 1516 | | 1515 | 1444 | 1492 | 1641 | 1596 | 1506 | 1571 |
| <u>GRADE 9</u> | 906 | 845 | 829 | 935 | 845 | 919 | 929 | <u>1.1004</u> | 832 | 856 | 830 | 777 | 885 | 942 | 833 |
| <u>TOTAL 7-9</u> | 2387 | 2439 | 2402 | 2495 | 2503 | 2525 | 2445 | | 2347 | 2300 | 2322 | 2418 | 2481 | 2448 | 2404 |
| <u>GRADE 10</u> | 903 | 899 | 842 | 848 | 895 | 838 | 911 | <u>0.9919</u> | 921 | 825 | 849 | 824 | 770 | 878 | 934 |
| <u>GRADE 11</u> | 791 | 793 | 841 | 773 | 785 | 829 | 776 | <u>0.9263</u> | 844 | 854 | 764 | 786 | 763 | 714 | 813 |
| <u>GRADE 12</u> | 717 | 681 | 737 | 720 | 709 | 749 | 789 | <u>0.9217</u> | 715 | 778 | 787 | 705 | 725 | 703 | 658 |
| <u>TOTAL 9-12</u> | <u>3317</u> | <u>3218</u> | <u>3249</u> | <u>3276</u> | <u>3234</u> | <u>3335</u> | <u>3405</u> | | <u>3313</u> | <u>3312</u> | <u>3230</u> | <u>3091</u> | <u>3143</u> | <u>3237</u> | <u>3239</u> |
| <u>TOTAL 10-12</u> | 2411 | 2373 | 2420 | 2341 | 2389 | 2416 | 2476 | | 2481 | 2457 | 2400 | 2314 | 2258 | 2295 | 2405 |
| <u>TOTAL K-12</u> | 9319 | 9267 | 9315 | 9403 | 9417 | 9486 | 9413 | | <u>9389</u> | <u>9452</u> | <u>9472</u> | <u>9497</u> | <u>9629</u> | <u>9766</u> | <u>9926</u> |
| <u>TOTAL K-12 FTE</u> | <u>9089</u> | <u>9028</u> | <u>9040</u> | <u>9106</u> | <u>9154</u> | <u>9211</u> | <u>9130</u> | | 9099 | 9156 | 9171 | 9191 | 9318 | 9449 | 9604 |
| <u>TOTAL 1-12</u> | 8859 | 8788 | 8765 | 8809 | 8891 | 8936 | 8847 | | 8808 | 8861 | 8870 | 8885 | 9006 | 9133 | 9282 |

III. DISTRICT STANDARD OF SERVICE

The District standard of service is based on classroom use. It is expected that, over time, community expectations for reduced number of students in each classroom and for program enrichment, including changing government mandates, will increase the amount of area required to provide services to each student.

Peninsula School District has adopted an organization that houses kindergarten through fifth grade in elementary schools, sixth, seventh and eighth grade in middle schools and ninth through twelfth grade in high school. In 2007 PSD will provide full-day kindergarten at all facilities. This is indicated in the enrollment projection, not in the capacity calculation.

Peninsula School District has adopted a traditional calendar beginning in late August or early September and completing in mid June. Peninsula School District has adopted a traditional daily schedule with academic classes beginning 7:30 - 9:00 am and completing mid afternoon.

Although Peninsula School District continues to study alternate organizations, calendars and schedules, the Peninsula School District believes the adopted organization is educationally sound and reflects community values.

Peninsula School District, together with Peninsula Education Association, has established goals to limit average class size to 22 students for grades K through 2, 27 students for grades 3 and 4, and 28 students for grade 5. Secondary grades are limited by classroom utilization factors as well, with 30 students for grades 6 through 8 with 83.3% utilization, and 30 students for grades 9 through 12 with 80% utilization.

Portables are excluded from the level of service calculation.

The capacity for each facility is established by multiplying the permanent classrooms available by the programmatic limitations on average students per class.

For purposes of this submittal, the Level of Service (LOS) is quantified by dividing the calculated capacity into the permanent square foot area by grade grouping. Given current trends, the district anticipates that the level of service will change every year as new programs are mandated and implemented. The District's LOS is not the same as the LOS provided in the OSPI funding matching formula.

| <u>Facility Grade Group</u> | <u>LOS</u> |
|-----------------------------|------------------|
| High School | 133.3 SF/Student |
| Middle School | 129.6 SF/Student |
| Elementary School | 93.8 SF/Student |

DEFINITION

With respect to public schools, the “level of service” is a measure of the school buildings provided for the purpose of supporting the instruction of students. Most often, the measure of service is reported as the number of students that a school accommodates (i.e. the Practical Capacity). However, the number of square feet each student is afforded (i.e. Space Allocation) is also used as a measure of service.

The level of service (LOS) is dictated by the types and amounts of space required to accommodate the District’s adopted educational program. The educational program standards that typically drive facility space needs include grade configuration, optimum facility size, class size, educational program offerings, and classroom utilization and scheduling requirements.

Government mandates and community expectations may affect how classroom space is used. Traditional educational programs offered by school districts are often supplemented by non-traditional or special programs such as special education, bilingual education, remediation, alcohol and drug education, AIDS education, preschool programs, computer lab, music programs, etc. These special or non-traditional programs can have a significant impact on the student capacity of school facilities.

District educational program standards and government mandates will undoubtedly change in the future as a result of changes in the school year, special programs, class sizes, grade span configurations, use of new technology, and other physical aspects of the school facilities. The LOS will be reviewed periodically and adjusted for any changes to the educational program standards. These changes will also be reflected in future updates of this Capital Facilities Plan (CFP).

PRACTICAL CAPACITY MODEL

The Practical Capacity Model calculates student capacity based on limitations that existing facilities place on enrollment due to existing educational program, operating policy and contractual restrictions.

The calculation is made by reviewing the use of each room in each facility. For every room housing students, a calculation is made assigning a maximum number of students per room.

Often core facilities, such as size of cafeteria or size of gym, number of restrooms or size and number of specialty areas such as shops; limit enrollment to levels below that expected by room occupancy levels.

Occupancy at secondary schools is further limited by scheduling limitations and student course selection. If rooms are utilized by staff for their planning period in a six period day, capacity is limited to 83% (5/6) of the theoretical capacity. Since secondary schools offer a number of elective courses, many courses will not attract a full classroom of students.

SPACE ALLOWANCE MODEL

The Space Allowance Model calculates student capacity based on an allowance of a certain number of building square footage for each student.

The space allowance model has a great deal of credibility because the State of Washington assists local school districts in funding school construction in accordance with a space allowance model that allows 90 SF per elementary school student, 117 SF per middle school student and 130 SF per senior high student. The state allows 144 SF per special needs student at any grade level.

The state does not consider portable space as part of a school district's building inventory.

IV. INVENTORY AND EVALUATION OF FACILITIES

Facilities include Peninsula High School, Gig Harbor High School, Henderson Bay High School, Harbor Ridge Middle School, Goodman Middle School, Kopachuck Middle School, Key Peninsula Middle School, Artondale Elementary School, Discovery Elementary School, Evergreen Elementary School, Harbor Heights Elementary School, Minter Creek Elementary School, Purdy Elementary School, Vaughn Elementary School, and Voyager Elementary School. The capacity of Henderson Bay is shown as 0 since it is a portable facility.

TABLE : INVENTORY OF FACILITIES

| <u>NAME</u> | <u>CAPACITY</u> | <u>LOCATION</u> |
|-----------------------|---------------------|--|
| <u>Elementary</u> | | |
| Artondale | <u>500</u> | 6219 40 th St NW, Gig Harbor 98335 |
| Discovery | <u>475</u> | 4905 Rosedale St NW, Gig Harbor 98335 |
| Evergreen | <u>250</u> | 1820 Key Peninsula Hwy, Lakebay 98349 |
| Harbor Heights | <u>550</u> | 4002 36 th St NW, Gig Harbor 98335 |
| Minter Creek | <u>400</u> | 12617 118 th Ave NW, Gig Harbor 98329 |
| Purdy | <u>500</u> | 13815 62 nd Ave NW, Gig Harbor 98332 |
| Vaughn | <u>500</u> | 17521 Hall Rd, Vaughn 98394 |
| Voyager | <u>525</u> | 5615 Kopachuck Dr NW, Gig Harbor 98335 |
| ELEMENTARY | 3,700 | |
| <u>Middle</u> | | |
| Goodman | <u>600</u> | 3701 38 th Ave NW, Gig Harbor 98335 |
| Harbor Ridge | <u>545</u> | 9010 Prentice Ave, Gig Harbor 98332 |
| Key Peninsula | <u>600</u> | 5510 Key Peninsula Hwy, Lakebay 98349 |
| Kopachuck | <u>580</u> | 10414 56 th St NW, Gig Harbor 98335 |
| MIDDLE SCH | 2,325 | |
| <u>High School</u> | | |
| Gig Harbor | <u>1,500</u> | 5101 Rosedale St, Gig Harbor 98335 |
| Peninsula | <u>1,400</u> | 14105 Purdy Dr NW, Gig Harbor 98332 |
| Henderson Bay (1) | <u>0</u> | 8402 Skansie Dr NW, Gig Harbor 98332 |
| HIGH SCHOOL | 2,900 | |
| DISTRICT TOTAL | <u>8,925</u> | |

(1) All portables are excluded from permanent capacity.

INVENTORY OF EXISTING ELEMENTARY SCHOOL FACILITIES

| School | Permanent Construction | Date | Square Feet | Portable Construction | Date | Number of Classrooms | Square Feet |
|---------------------------|----------------------------------|--------|----------------|----------------------------|------|----------------------|---------------|
| Elementary Schools | | | | | | | |
| Artondale | Orig. Constructed | 1950's | | Constructed | 2005 | 4 | 3,584 |
| | Remodeled | 1988 | 38,548 | | 2006 | 2 | 1,792 |
| | Addition | 1991 | 14,804 | | | | |
| | Assignable S.F. | | 53,352 | | | | |
| Discovery | Constructed | 1980 | 32,585 | Constructed | 2006 | 4 | 3,584 |
| | Addition | 1988 | 7,920 | | | | |
| | Assignable S.F. | | 40,505 | | | | |
| Evergreen | Orig. Constructed | 1955 | | Constructed | 1994 | 4 | 3,584 |
| | Addition/Re-Mod | 1988 | 18,489 | | 2004 | 2 | 1,792 |
| | Addition | 2000 | 6,925 | | | | |
| | Assignable S.F. | | 25,414 | | | | |
| Harbor Heights | Constructed | 1991 | 48,225 | Constructed | 2004 | 4 | 3,584 |
| | Assignable S.F. | | 48,225 | | 2004 | 2 | 1,792 |
| | | | | | 2005 | 2 | 1,792 |
| Minter Creek | Constructed | 1983 | 22,617 | Constructed | 1993 | 2 | 1,792 |
| | Addition | 1988 | 13,298 | | 2004 | 2 | 1,792 |
| | Assignable S.F. | | 35,915 | | | | |
| Purdy | Orig. Constructed | 1971 | | Constructed | 1991 | 2 | 1739 |
| | Modernization | 2005 | 55,477 | | 2004 | 2 | 1792 |
| | Assignable S.F. | | 55,477 | | 2006 | 2 | 1792 |
| Vaughn | Constructed | 1992 | 48,214 | Constructed | 1992 | 4 | 3584 |
| | Assignable S.F. | | 48,214 | | 2005 | 2 | 1792 |
| Voyager | Constructed | 1988 | 40,878 | Constructed | 2002 | 2 | 1680 |
| | Assignable S.F. | | 40,878 | | 2006 | 6 | 6272 |
| Elementary | Assignable Permanent S.F. | | 347,980 | Total Portable S.F. | | 48 | 43,739 |

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4121 South Bellegrove
Spokane, WA 99223

INVENTORY OF EXISTING MIDDLE SCHOOL FACILITIES

| School | Permanent Construction | Date | Square Feet | Portable Construction | Date | Number of Classrooms | Square Feet |
|-----------------------|----------------------------------|------|----------------|----------------------------|------|----------------------|---------------|
| Middle Schools | | | | | | | |
| Goodman | Constructed | 1991 | 70,094 | Constructed | 1994 | 4 | 3,584 |
| | Assignable S.F. | | 70,094 | | | | |
| Harbor Ridge | Orig. Constructed | 1922 | | | | | |
| | Addition | 1968 | 13,228 | | | | |
| | Addition | 1975 | 7,129 | | | | |
| | Replaced with New | 2003 | 51,826 | | | | |
| | Assignable S.F. | | 72,183 | | | | |
| Key Peninsula | Constructed | 1980 | 57,710 | Constructed | 1994 | 2 | 1,792 |
| | Addition | 1991 | 5,640 | | 2004 | 2 | 1,792 |
| | Addition | 1993 | 1,384 | | 2004 | 2 | 1,792 |
| | Assignable S.F. | | 64,734 | | | | |
| Kopachuck | Constructed | 1980 | 63,164 | Constructed | 2005 | 2 | 1,792 |
| | Addition | 1991 | 2,555 | | 2005 | 1 | 1,120 |
| | Assignable S.F. | | 65,719 | | | | |
| Middle | Assignable Permanent S.F. | | 272,730 | Total Portable S.F. | | 13 | 11,872 |

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4121 South Bellegrove
Spokane, WA 99223

INVENTORY OF EXISTING HIGH SCHOOL FACILITIES

| School | Permanent Construction | Date | Square Feet | Portable Construction | Date | Number of Classrooms | Square Feet | |
|---------------------|------------------------|------|-------------|-----------------------|--------|----------------------|-------------|--|
| High Schools | | | | | | | | |
| Gig Harbor | Constructed | 1979 | 120,142 | Constructed | 2000 | 1 | 768 | |
| | Addition | 1982 | 1,819 | | 2006 | 2 | 1792 | |
| | Addition | 1991 | 73,699 | | | | | |
| | Assignable S.F. | | 195,660 | | | | | |
| Henderson Bay | | | | Constructed | 2002 | 14 | 27,332 | |
| | Assignable S.F. | | 0 | | | | | |
| Peninsula | Constructed | 1946 | 49,142 | Constructed | 1970's | 7 | 4,200 | |
| | Addition | 1954 | 4,581 | | 2004 | 8 | 8,064 | |
| | Addition | 1960 | 10,131 | | | | | |
| | Addition | 1962 | 13,991 | | | | | |
| | Addition | 1964 | 11,703 | | | | | |
| | Addition | 1969 | 29,242 | | | | | |
| | Addition | 1970 | 19,451 | | | | | |
| | Addition | 1978 | 6,644 | | | | | |
| | Addition | 1981 | 19,197 | | | | | |
| | Addition | 1992 | 26,844 | | | | | |
| | Assignable S.F. | | 190,926 | | | | | |

| | | | | | |
|--------------|---------------------------|---------|---------------------|----|--------|
| High Schools | Assignable Permanent S.F. | 386,586 | Total Portable S.F. | 32 | 42,156 |
|--------------|---------------------------|---------|---------------------|----|--------|

SCHOOL SUMMARY

| | | | | |
|------------|---------------------------|-----------|---------------------|--------|
| Elementary | Assignable Permanent S.F. | 347,980 | Total Portable S.F. | 43,739 |
| Middle | Assignable Permanent S.F. | 272,730 | Total Portable S.F. | 11,872 |
| High | Assignable Permanent S.F. | 386,586 | Total Portable S.F. | 42,156 |
| Combined | Assignable Permanent S.F. | 1,007,296 | Total Portable S.F. | 97,767 |

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4121 South Bellegrove
Spokane, WA 99223

V. SIX YEAR CAPITAL FACILITIES PLAN

Between 2000 and 2003 Peninsula School District completed construction of Henderson Bay High School as a factory-built (portable) facility and Harbor Ridge Middle School, Phase 1 (opened fall 2003). Between 2003 and 2006 Peninsula School District completed modernization and addition to Purdy Elementary School, modernization of Peninsula High School, modernization of Gig Harbor High School food lab and auditorium, addition to Harbor Ridge Middle School (Final Phase), replacement of mechanical systems, technology upgrades and portable replacements. PSD is currently planning implementation of additional site improvement projects funded by the May 20, 2003 Capital Facilities Bond. These projects will modernize sites but not provide additional school capacity.

In addition to these projects, PSD intends to continue funding capital projects for increased capacity through impact/mitigation fees and future bond issues.

A. CAPITAL PROJECTS FOR ENROLLMENT GROWTH¹

The District anticipates that elementary enrollment will increase approximately 540 students from current enrollment (K-5) per the OSPI chart on page 3. Middle school enrollment will increase approximately 139 students, and high school enrollment will decrease approximately 166 students.

The District intends to add portables at permanent facilities as necessary to house increases in enrollment at that facility.

The District intends to construct a new elementary school or to provide elementary school additions in order to house the increases in elementary level enrollment projected by OSPI. Additional middle school capacity will be provided through additions at the existing facilities.

In addition, the District intends to acquire additional sites for future enrollment growth.

B. BUSES FOR ENROLLMENT GROWTH²

The District anticipates that additional buses will be required. Estimated cost is \$1,375 per elementary school child. Total estimated cost to handle enrollment growth is \$1,131,625.

C. CAPITAL FACILITIES FOR SUPPORT SERVICES³

Additional improvements for support services have not been identified at this time.

D. IMPROVEMENTS TO EXISTING FACILITIES³

Site improvements were identified for use of State reimbursement funds in the 2003 Capital Facilities Bond. These site improvements are being planned at this time.

E. CONSTRUCTION FOR PROGRAM CHANGES³

The Capital Facilities Task Force identified improvements for program changes for construction within the next six years. Those improvements are identified in the May 20, 2003 bond issue literature and include the addition of modular facilities to support the Community Transition programs. These improvements are funded through the 2003 Capital Facilities Bond.

¹ Included in fee calculation

² Not included in the fee calculation per Pierce County Ordinance

³ Not included in fee calculation per the Growth Management Act

VI. THE DISTRICT'S FINANCE PLAN

Many on-going capital facility needs that maintain the existing facilities are funded through the District's general operating fund.

Many improvements to existing facilities, property acquisitions for future facilities, and most construction of new facilities are funded through the District's capital fund. There are a number of sources of revenue that are restricted to the capital fund.

The District is currently studying future capital facility needs.

FUNDING SOURCES

Current projects are funded with impact fees and with funds from state match on OSPI-qualified capital projects funded by the 2003 bond issue.

BONDS

The District currently has an assessed valuation of \$10,040,182,116. The bond limit for all outstanding bonds is 5% of assessed value, or \$502,009,105. The District currently has about \$55,075,000 debt as of January 2007, leaving capacity of about \$479,934,105.

STATE MATCHING FUNDS

The District has not qualified for state matching funds for additional capital facilities.

The District intends to apply for state matching funds for several future projects.

The State of Washington has a Common School Construction Fund. The State Board of Education is responsible for administration of the funds and the establishment of matching ratios on an annual basis. The Office of the Superintendent of Public Instruction (OSPI), on behalf of the State Board of Education, has determined that Peninsula School District's 2006 matching ratio is 39.2 percent, for the expenses that are qualified to be matched.

The base to which the percent is applied is the cost of construction, as determined by the AREA COST ALLOWANCE Index. The AREA COST ALLOWANCE Index is an index of construction costs that is used by the state to help define or limit their level of support. This particular construction cost index rarely matches the actual cost of school construction in districts across Washington State. Nevertheless, the AREA COST ALLOWANCE Index for school construction costs as of June 2006 is \$154.22 per square foot (less 7% state sales tax).

The formula for determining the amount of state matching support can be expressed as $A \times B \times C = D$ where:

- A = eligible area (determined by OSPI's student square foot allowances)
- B = the AREA COST ALLOWANCE Index (in dollars per square foot)
- C = a school district's applicable matching rate
- D = the amount of state fiscal assistance to which a district will be entitled

Qualification for state matching funds involves an application process. Districts may submit information for consideration by the State Board of Education, which meets once every two months during the year. Once approved, a district qualifies for matching funds in a sequence that recognizes the existing approvals of previous submittals. Failure of a school district to proceed with a project in a timely manner can result in loss of a district's "place in line".

RESIDENTIAL DEVELOPER MITIGATION/IMPACT FEES

State laws allow permitting authorities to require residential developers to make provisions for public schools.

Residential developers may contribute properties that will have value to a district.

Since the mid-1990's it has been more common for residential developers to contribute money through payment of impact fees imposed by the permitting authority, or through mitigation payments requested under SEPA either voluntarily agreed to or imposed by a Hearing Examiner.

The District collects impact fees for residences constructed in Pierce County in accordance with its adopted impact fee ordinance. The fee is capped at \$2,780 for single family residences and \$1,465 for multi-family residences.

The City of Gig Harbor imposes impact fees similarly to those imposed by Pierce County.

TABLE: CONSTRUCTION FINANCE PLAN

| <u>ITEM</u> | <u>EXPENSE</u> | <u>INCOME</u> |
|---|----------------|---------------|
| • Construction for Enrollment Growth | \$ 18,855,629 | |
| • Site Acquisition | 5,440,000 | |
| • Construction of Support Facilities (tentative) | 0 | |
| • Portables | 450,000 | |
| • Buses | 856,625 | |
| • Improvements to Existing Facilities | 4,000,000 | |
| • Program Changes | 0 | |
| • Funds Balance | | \$ 4,000,000 |
| • Voluntary Mitigation/Impact Fees | | 2,625,000 |
| • Transfer from General Fund | | 0 |
| • State Matching Funds | | 0 |
| <hr/> | | |
| • <i>Unfunded Balance</i> | | 22,977,254 |
| <hr/> | | |
| TOTAL | \$ 29,602,254 | \$ 29,602,254 |
| <p>The current District unused bonding capacity is estimated to be \$479,934,105.</p> | | |

VII. IMPACT FEE CALCULATION

In accordance with Pierce County ordinance, the impact fee is calculated on the attached spreadsheet.

PENINSULA SCHOOL DISTRICT
 FEE CALCULATION PER PIERCE COUNTY FORMULA
 SINGLE-FAMILY RESIDENCE
 JANUARY 29, 2007

PROJECTS: Peninsula School District is planning to acquire additional property in anticipation of enrollment increases after completion of the second Tacoma Narrows Bridge.

Based on OSPI enrollment projections Peninsula School District is planning new elementary school and middle school capacity.

PSD is planning to provide additional portable classrooms at elementary and middle schools as required to house enrollment shifts.

Student factor, land cost, building cost, temporary building cost, Cost Index, match ratio, bond rate and duration, average assessed value, interest rate for bonds, term and tax rate have been updated to 2006 data.

SITE ACQUISITION COST

| | <u>SITE AREA</u> | <u>COST PER ACRE</u> | <u>STUDENTS</u> | <u>STUDENT FACTOR</u> | <u>COST</u> |
|----------|------------------|----------------------|-----------------|-----------------------|----------------|
| A1 | 12 | 120000 | 550 | 0.238 | \$623 |
| A2 | 24 | 110000 | 750 | 0.119 | \$420 |
| A3 | 40 | 100000 | 750 | 0.135 | \$723 |
| A | | | | | \$1,765 |

BUILDING ACQUISITION COST

| | <u>COST</u> | <u>STUDENTS</u> | <u>STUDENT FACTOR</u> | <u>COST</u> |
|----------|-------------|-----------------|-----------------------|-----------------|
| B1 | 17,285,783 | 623 | 0.238 | \$6,604 |
| B2 | 1,569,846 | 39 | 0.119 | \$4,800 |
| B3 | 0 | 0 | 0.135 | \$0 |
| B | | | | \$11,404 |

TEMPORARY BUILDING ACQUISITION COST

| | <u>COST</u> | <u>STUDENTS</u> | <u>STUDENT FACTOR</u> | <u>COST</u> |
|----------|-------------|-----------------|-----------------------|----------------|
| C1 | 150,000 | 44 | 0.238 | \$811 |
| C2 | 150,000 | 50 | 0.119 | \$358 |
| C3 | 0 | 0 | 0.135 | \$0 |
| C | | | | \$1,169 |

STATE MATCH CREDIT

| | <u>COST INDEX</u> | <u>SPI SQ FT</u> | <u>MATCH %</u> | <u>STUDENT FACTOR</u> | <u>CREDIT</u> |
|----------|-------------------|------------------|----------------|-----------------------|----------------|
| D1 | 154.22 | 90 | 0.392 | 0.238 | \$1,295 |
| D2 | 154.22 | 117 | 0.392 | 0.119 | \$844 |
| D3 | 154.22 | 130 | 0.392 | 0.135 | \$0 |
| D | | | | | \$2,138 |

TAX PAYMENT CREDIT

| | | |
|-------------------------|-------------|--|
| AVERAGE ASSESSED VALUE | 402,462 | |
| INTEREST RATE FOR BONDS | 0.61% | |
| TERM (MAXIMUM 10) | 10 | |
| TAX RATE | 0.000826678 | |
| | | \$3,403.96 NET PRESENT VALUE OF TAX PAYMENTS |

TC **\$3,404**

FACILITY CREDIT **\$0**

FEE **\$8,796**

50% FEE **\$4,398**

PENINSULA SCHOOL DISTRICT
 FEE CALCULATION PER PIERCE COUNTY FORMULA

MULTI-FAMILY RESIDENCE
 JANUARY 29, 2007

PROJECTS: Peninsula School District is planning to acquire additional property in anticipation of enrollment increases after completion of the second Tacoma Narrows Bridge.

Based on OSPI enrollment projections Peninsula School District is planning new elementary school and middle school capacity.

PSD is planning to provide additional portable classrooms at elementary and middle schools as required to house enrollment shifts.

Student factor, land cost, building cost, temporary building cost, Cost Index, match ratio, bond rate and duration, average assessed value, interest rate for bonds, term and tax rate have been updated to 2005 data.

SITE ACQUISITION COST

| | <u>SITE AREA</u> | <u>COST PER ACRE</u> | <u>STUDENTS</u> | <u>STUDENT FACTOR</u> | <u>COST</u> |
|----------|------------------|----------------------|-----------------|-----------------------|--------------|
| A1 | 12 | 120000 | 550 | 0.143 | \$374 |
| A2 | 24 | 110000 | 750 | 0.071 | \$251 |
| A3 | 40 | 100000 | 1250 | 0.081 | \$259 |
| A | | | | | \$884 |

BUILDING ACQUISITION COST

| | <u>COST</u> | <u>STUDENTS</u> | <u>STUDENT FACTOR</u> | <u>COST</u> |
|----------|-------------|-----------------|-----------------------|----------------|
| B1 | 17,285,783 | 623 | 0.143 | \$3,952 |
| B2 | 1,569,846 | 39 | 0.071 | \$2,874 |
| B3 | 0 | 0 | 0.081 | \$0 |
| B | | | | \$6,836 |

TEMPORARY BUILDING ACQUISITION COST

| | <u>COST</u> | <u>STUDENTS</u> | <u>STUDENT FACTOR</u> | <u>COST</u> |
|----------|-------------|-----------------|-----------------------|--------------|
| C1 | 150,000 | 44 | 0.143 | \$487 |
| C2 | 150,000 | 50 | 0.071 | \$214 |
| C3 | 0 | 0 | 0.081 | \$0 |
| C | | | | \$701 |

STATE MATCH CREDIT

| | <u>COST INDEX</u> | <u>SPI SQ FT</u> | <u>MATCH %</u> | <u>STUDENT FACTOR</u> | <u>CREDIT</u> |
|----------|-------------------|------------------|----------------|-----------------------|----------------|
| D1 | 154.22 | 90 | 0.392 | 0.143 | \$777 |
| D2 | 154.22 | 117 | 0.392 | 0.071 | \$505 |
| D3 | 0 | 130 | 0.392 | 0.081 | \$0 |
| D | | | | | \$1,282 |

TAX PAYMENT CREDIT

| | | |
|-------------------------|-------------|---|
| AVERAGE ASSESSED VALUE | 326,644 | |
| INTEREST RATE FOR BONDS | 0.61% | |
| TERM (MAXIMUM 10) | 10 | |
| TAX RATE | 0.000826678 | |
| | | \$2,762.71 NET PRESENT VALUE OF TAX PAYMENTS |

TC **\$2,763**

FACILITY CREDIT **\$0**

FEE **\$4,377**

50% FEE **\$2,188**

VIII. APPENDIX

NEW ELEMENTARY SCHOOL AND ADDITIONS
PENINSULA SCHOOL DISTRICT
PREPARED BY JEFF GREENE
MARCH 31, 2007

ELEMENTARY SCHOOL ADDITIONS

| | | | |
|-------------------|-----------------|----------------------------|-----------------|
| <u>AREA</u> | <u>58,437</u> | <u>STATE MATCH</u> | <u>0.392</u> |
| <u>CAPACITY</u> | <u>623</u> | <u>UNHOUSED</u> | <u>0</u> |
| <u>SF/STUDENT</u> | <u>93.8</u> | <u>SF/STUDENT</u> | <u>90</u> |
| <u>COST/SF</u> | <u>\$200.00</u> | <u>AREA COST ALLOWANCE</u> | <u>\$144.13</u> |

| | | | |
|--------------------------|---------------------|--------------|---------------------|
| | <u>TOTAL</u> | <u>STATE</u> | <u>LOCAL</u> |
| <u>CONSTRUCTION COST</u> | <u>\$11,687,480</u> | <u>\$0</u> | <u>\$11,687,480</u> |
| BUILDING | \$11,687,480 | | |
| SITE | | | |
| OFF-SITE | | | |

NON-CONSTRUCTION PROJECT COSTS

| | | | |
|----------------------|--------------------|------------|--------------------|
| PROFESSIONAL FEES | 11.00% | 8.00% | |
| SALES TAX | 8.40% | 7.00% | |
| CO CONTINGENCY | 5.00% | | |
| PERMITS | 1.00% | | |
| SPECIAL INSP. | 1.00% | 1.00% | |
| ART | 0.50% | | |
| NIC WORK | 1.00% | | |
| TEMPORARY FACILITIES | 1.00% | | |
| MOVING/STORAGE | 1.00% | | |
| FURNISHINGS | 6.00% | 2.00% | |
| MANAGEMENT | 3.00% | 1.00% | |
| MITIGATION FEES | 2.00% | | |
| PROJECT CONT. | 7.00% | | |
| TOTAL | 47.90% | 19.00% | |
| <u>SUBTOTAL</u> | <u>\$5,598,303</u> | <u>\$0</u> | <u>\$5,598,303</u> |

LAND ACQUISITION

| | | | |
|------------------------------|---------------------|------------|---------------------|
| <u>TOTAL IN 2007 DOLLARS</u> | <u>\$17,285,783</u> | <u>\$0</u> | <u>\$17,285,783</u> |
|------------------------------|---------------------|------------|---------------------|

MIDDLE SCHOOL ADDITION
PENINSULA SCHOOL DISTRICT
PREPARED BY JEFF GREENE
MARCH 31, 2007

MIDDLE SCHOOL

| | | | |
|-------------------|-----------------|----------------------------|-----------------|
| <u>AREA</u> | <u>5.054</u> | <u>STATE MATCH</u> | <u>0.392</u> |
| <u>CAPACITY</u> | <u>39</u> | <u>UNHOUSED</u> | <u>0</u> |
| <u>SF/STUDENT</u> | <u>129.6</u> | <u>SF/STUDENT</u> | <u>117</u> |
| <u>COST/SF</u> | <u>\$210.00</u> | <u>AREA COST ALLOWANCE</u> | <u>\$144.13</u> |

| | | | |
|--------------------------|--------------------|--------------|--------------------|
| | <u>TOTAL</u> | <u>STATE</u> | <u>LOCAL</u> |
| <u>CONSTRUCTION COST</u> | <u>\$1,061,424</u> | <u>\$0</u> | <u>\$1,061,424</u> |
| BUILDING | \$1,061,424 | | |
| SITE | | | |
| OFF-SITE | | | |

NON-CONSTRUCTION PROJECT COSTS

| | | | |
|----------------------|------------------|------------|------------------|
| PROFESSIONAL FEES | 11.00% | 8.00% | |
| SALES TAX | 8.40% | 7.00% | |
| CO CONTINGENCY | 5.00% | | |
| PERMITS | 1.00% | | |
| SPECIAL INSP. | 1.00% | 1.00% | |
| ART | 0.50% | | |
| NIC WORK | 1.00% | | |
| TEMPORARY FACILITIES | 1.00% | | |
| MOVING/STORAGE | 1.00% | | |
| FURNISHINGS | 6.00% | 2.00% | |
| MANAGEMENT | 3.00% | 1.00% | |
| MITIGATION FEES | 2.00% | | |
| PROJECT CONT. | 7.00% | | |
| TOTAL | 47.90% | 19.00% | |
| <u>SUBTOTAL</u> | <u>\$508,422</u> | <u>\$0</u> | <u>\$508,422</u> |

LAND ACQUISITION

| | | | |
|------------------------------|--------------------|------------|--------------------|
| <u>TOTAL IN 2007 DOLLARS</u> | <u>\$1,569,846</u> | <u>\$0</u> | <u>\$1,569,846</u> |
|------------------------------|--------------------|------------|--------------------|

3
4
5 **ORDINANCE NO. 2006-109s**
6

7
8 **An Ordinance of the Pierce County Council Amending Chapter 4A.30 of the**
9 **Pierce County Code to Adjust the Maximum Fee Obligation**
10 **for School Impact Fees.**
11

12 **Whereas**, school impact fees in Pierce County are calculated by each District
13 according to the formula in the Pierce County Code (PCC) 4A.30.030, then the fee is
14 "capped" by a "Maximum Fee Obligation," which increases annually according to the
15 Consumer Price Index. The 2006 fees paid in the unincorporated areas of qualifying
16 school districts are a maximum of \$2,675 per single family dwelling and \$1,410 per
17 multifamily dwelling unit; and
18

19 **Whereas**, each school district within Pierce County is responsible to plan how it
20 will provide and fund services to its projected student population. In order to be eligible
21 for school impact fees, a district must submit its Capital Facilities Plan and calculated
22 impact fee to Pierce County, pursuant to RCW 82.02.050 to 82.02.090 and Title 4A
23 PCC; and
24

25 **Whereas**, increasing the Maximum Fee Obligation means that the school impact
26 fees collected for new residential development will more closely match each school
27 district's calculated need for impact fee, which reflects the specific, per residence costs
28 for a district to serve new students from new residential development; and
29

30 **Whereas**, the Consumer Price Index for all urban consumers for the Seattle-
31 Tacoma-Bremerton area increased by 3.78 percent in the relevant period between
32 January 1, 2006 and August 2006, the most recently published index; and
33

34 **Whereas**, pursuant to Sections 4A.10.130 and 4A.30.010 C. PCC, the County
35 has reviewed the School Districts' Capital Facilities Plans, County Comprehensive Plan
36 Amendments, and Title 4A PCC; and
37

38 **Whereas**, the County Council has received recent requests from the Puyallup
39 School District asking that the Maximum Fee Obligation be removed and from the
40 Schools' Coalition asking that the Maximum Fee Obligation increase annually in accord



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ALL PIERCE CTY SCHOOL DIST ✓
ALL PIERCE CTY CITIES AND TOWNS ✓
BOOK ✓

12-22-06 STM
Date/initials

1 with the Census Construction Index and that the School District Capital Facility Plans,
2 as submitted, be adopted by reference; Now Therefore,

3
4 **BE IT ORDAINED** by the Council of Pierce County:

5
6 Section 1. Chapter 4A.30 of the Pierce County Code is amended as shown in
7 Exhibit A, which is attached hereto and incorporated herein by reference.

8
9 Section 2. At the next update of the Pierce County Comprehensive Plan, the
10 County shall consider amending PCC 19A.100.050 to make the Plan language
11 consistent with Title 4A.

12
13 Section 3. This ordinance shall be effective on January 1, 2007.

14
15 PASSED this 12th day of December, 2006.

16
17 ATTEST:

PIERCE COUNTY COUNCIL

Pierce County, Washington

18
19
20 Patricia R. Free, for
21 Denise D. Johnson
22 Clerk of the Council

23 Shawn Bunney
24 Shawn Bunney
25 Council Chair

26
27 John W. Ladenburg
28 John W. Ladenburg
29 Pierce County Executive
30 Approved Vetoed , this
31 15 day of Dec,
2006.

32
33 Date of Publication of
34 Notice of Public Hearing: November 29 + December 6 2006

35
36 Effective Date of Ordinance: January 1, 2007
37
38

Chapter 4A.30

SCHOOL IMPACT FEES

Sections:

- 4A.30.010 School District Capital Facilities Plan.
- 4A.30.020 Impact Fee Calculations.
- 4A.30.030 School Impact Fee Schedule.

4A.30.010 School District Capital Facilities Plan.

- A. Prior to the collection of impact fees for a School District and on regular basis thereafter, a School District seeking imposition by the County of an impact fee shall submit according to the established Comprehensive Plan amendment process in Chapter 19C.10, a Capital Facilities Plan adopted by the District's Board of Directors.
- B. School Districts must update their Plans regularly so that the adopted Plans, submitted to the County, maintain at least a six-year forecast of needs and a six-year plan for funding, and provide at a minimum the information required by RCWs 36.70A.070(3), 82.02.050, 82.02.060, and this Title, including but not limited to:
 - a. An inventory of existing capital facilities, showing locations and capacities of the facilities.
 - b. District service standards.
 - c. Identification of additional facility improvements required to serve new development.
 - d. Identification of existing deficiencies and the means by which existing deficiencies will be eliminated within a reasonable time.
 - e. The proposed locations and capacities for expanded or new capital facilities.
 - f. At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes.
 - g. Based on the preceding information, the Impact Fee Calculations for the District, for single-family and multi-family dwelling units, using the formula and definitions in this Title (Table 4A-1), with information required by Chapter 82.02 RCW.
- C. In conjunction with the process for review of the Capital Facilities Plan Element of the County Comprehensive Plan, the County shall review the School District's Capital Facilities Plans and Plan amendments, and any County implementing fee ordinances to ensure that the Plan element and fee schedules reflect current conditions and address at least the minimum requirements of Chapters 36.70A and 82.02 RCW.
- D. The County shall adopt the School District's adopted Capital Facilities Plan and Plan amendments as part of the Capital Facilities Plan element of the County Comprehensive Plan prior to the imposition of an impact fee.

4A.30.020 Impact Fee Calculations.

- A. The impact fee schedule is calculated based upon the formula set forth in Table 4A-1. The formula in Table 4A-1 is the County's determination of the appropriate



1 proportionate share of the costs of public school capital facilities needed to serve new
2 growth and development to be funded by school impact fees.

3 B. The impact fee schedule, as enacted, includes a Maximum Fee Obligation. The actual
4 fee obligation is the lesser of the Fee Calculation or the Maximum Fee Obligation.

5 C. Separate fees shall be calculated for single-family and multi-family types of dwelling
6 units, because of their different impact on school facilities. Separate student generation
7 rates (student factor) must be determined by the District for each type of dwelling unit.
8 For purposes of this Title, mobile homes shall be subject to the single-family dwelling
9 unit fee and duplexes and zero lot line homes shall be subject to the multi-family
10 dwelling units fee.

11 D. Effective January 1, 2002, the Maximum Fee Obligation shall be adjusted annually, as
12 indicated:

13 1. In 2002-2004, the Maximum Fee Obligations shall be adjusted according to the
14 Consumer Price Index for the Seattle/Tacoma/Bremerton Standard Metropolitan
15 Statistical Area, using the first half of 1997 as the base value.

16 2. In 2005, the Maximum Fee Obligation shall be increased by 25 percent from the
17 2004 Maximum Fee Obligation. In 2006, the Maximum Fee Obligation shall be
18 increased by 25 percent from the 2005 Maximum Fee Obligation. In 2005 and 2006,
19 the Maximum Fee Obligation shall not be adjusted according to the Consumer Price
20 Index.

21 3. Beginning January 2007, the Maximum Fee Obligation shall be adjusted annually
22 according to the Consumer Price Index for the Seattle/Tacoma/Bremerton Standard
23 Metropolitan Statistical area, using January 2006 as the base year. The most
24 recently published index shall be used to adjust the fee obligation for the following
25 year.

26 4. Each year, the adjustment shall be brought forth by ordinance in conjunction with
27 adoption of the County Capital Facility Plan and any review of impact fees pursuant
28 to Section 4A.10.030 A.

29 E. The Fee Calculations shall be made on a district-wide basis to assure maximum
30 utilization of all school facilities in the District currently used for instructional purposes.

31 F. The formula in Table 4A-1 also provides for a credit for school sites or facilities actually
32 provided by a fee payer which are included in a School District Capital Facilities Plan
33 and that are required by the County as a condition of development approval.

34 G. The Maximum Fee Obligation in this Chapter continues until adjusted by ordinance.
35



| SCHOOL DISTRICT | PER SINGLE FAMILY DWELLING UNIT | PER MULTIFAMILY DWELLING UNIT | 2005 Fee Calculation Effective: 1/01/05 | | 2005 Fee Calculation Effective: 1/01/06 | |
|-----------------|---------------------------------|-------------------------------|---|-----------|---|-----------|
| | | | Maximum Fee Obligation | Effective | Maximum Fee Obligation | Effective |
| Bethel | \$4,229 | 2,140 | 2,675 | \$1,115 | 1,130 | 1,410 |
| Carbonade | \$2,666 | 2,140 | 2,675 | \$689 | 1,130 | 1,410 |
| Dieringer | \$4,932 | 2,140 | 2,675 | \$1,801 | 1,130 | 1,410 |
| Eatonville | \$2,814 | 2,140 | 2,675 | \$1,689 | 1,130 | 1,410 |
| Fife | \$2,676 | 2,140 | 2,675 | \$1,091 | 1,130 | 1,410 |
| Franklin Pierce | \$2,695 | 2,140 | 2,675 | \$1,260 | 1,130 | 1,410 |
| Orting | \$5,473 | 2,140 | 2,675 | \$3,202 | 1,130 | 1,410 |
| Peninsula | \$3,287 | 2,140 | 2,675 | \$1,709 | 1,130 | 1,410 |
| Puyallup | \$8,539 | 2,140 | 2,675 | \$1,835 | 1,130 | 1,410 |
| Steilacoom | \$5,717 | 2,140 | 2,675 | \$3,623 | 1,130 | 1,410 |
| Summer | \$1,952 | 2,140 | 2,675 | \$0 | 1,130 | 1,410 |
| White River | \$3,674 | 2,140 | 2,675 | \$941 | 1,130 | 1,410 |
| Yelm | \$4,504 | 2,140 | 2,675 | \$1,914 | 1,130 | 1,410 |



1

| SCHOOL DISTRICT | PER SINGLE-FAMILY DWELLING UNIT | | PER MULTI-FAMILY DWELLING UNIT | |
|-----------------|--|--|--|--|
| | School District Fee Calculation for 2007 | 2007 Impact Fee (Maximum Fee Obligation Effective 1/1/07 is \$2,780) | School District Fee Calculation for 2007 | 2007 Impact Fee (Maximum Fee Obligation Effective 1/1/07 is \$1,465) |
| Bethel | \$8,019 \$6,495 | \$ 2,780 | Check 6,876 | \$ 1,465 |
| Carbonado | \$2,666 | \$2,670 | \$689 | \$690 |
| Dieringer | \$ 9,835 | \$ 2,780 | \$ 604 | \$ 605 |
| Eatonville | \$ 7,647 | \$ 2,780 | \$ 4,256 | \$ 1,465 |
| Fife | \$ 3,182 | \$ 2,780 | \$ 384 | \$ 385 |
| Franklin Pierce | \$ 2,695 | \$ 2,695 | \$ 1259 | \$ 1260 |
| Orting | \$ 11,739 | \$ 2,780 | \$ 7,443 | \$ 1,465 |
| Peninsula | \$ 3,837 Check 6,839 | \$ 2,780 | \$ 3,793 Check 3,794 | \$ 1,465 |
| Puyallup | \$ 8,215 | \$ 2,780 | \$1,168 \$1,668 | \$1,170 \$1,465 |
| Steilacoom | \$5,717 | \$2,780 | \$3,623 | \$1,465 |
| Sumner | \$ 5,361 | \$ 2,780 | \$ 695 | \$ 695 |
| White River | \$ 9,377 | \$ 2,780 | \$ 2,768 | \$ 1,465 |
| Yelm | \$ 8,875 | \$ 2,780 | \$ 1,217 | \$ 1,220 |

2

3

4 Explanation for Changes, by District:

5

6 Bethel -- Calculation took 70% of the "Total Unfunded Need" rather than 50%

7 Carbonado -- District submitted updated Tables but not impact fee calculations

8 Peninsula -- Error in reading faxed calculations

9 Puyallup -- Error in reading faxed calculations

10 Steilacoom -- District submitted updated Tables but not impact fee calculations

11

12

13

TABLE 4A-1

14

15 Given the following variables:

16 A = Full cost fee for site acquisition costs = A1+A2+A3

17 A1 = Elementary School site cost per student x the student factor

18 A2 = Middle School site cost per student x the student factor

19 A3 = High School site cost per student x the student factor

20 B = Full cost fee for school construction = B1+B2+B3

21 B1 = Elementary School construction cost per student x the student factor

22 B2 = Middle School construction cost per student x the student factor

23 B3 = High school construction cost per student x the student factor

24 C = Full cost fee for temporary facilities construction = C1+C2+C3

25 C1 = Elementary School temporary facility cost per student x the student factor

26

27



1 C2 = Middle School temporary facility cost per student x the student factor
 2 C3 = High School temporary facility cost per student x the student factor
 3
 4 D = State Match Credit = D1+D2+D3
 5 D1 = Cost Index x SPI square footage per student for elementary school x state match % x
 6 student factor
 7 D2 = Cost Index x SPI square footage per student for middle school x state match % x student
 8 factor
 9 D3 = Cost Index x SPI square footage per student for high school x state match % x student
 10 factor

12 TC = Tax payment credit = the net present value of the Average Assessed Value for the
 13 Dwelling Unit type in the School District,
 14 $\frac{((1+I)^n - 1)}{I(1+I)^n}$ x the current School District capital property tax levy rate, I (1+I) n, where
 15
 16
 17 I = the current interest rate for outstanding bond issues
 18 n = the number of years left before the bond or capital levy is retired, up to a maximum of
 19 ten years.

21 FC = Facilities Credit = the per-dwelling-unit value of any site or facilities provided directly
 22 by the development.

23
 24 FC = $\frac{\text{Value of fee payer's contribution}}{\text{number of dwelling units in the development}}$
 25

27 *Then the Unfunded Need (UN):*

28
 29 UN = A+B+C-D-TC-FC
 30

31 *The Fee Obligation:*

32
 33 Total Unfunded Need x 50% = Fee Calculation
 34

35 The Fee Obligation is the lesser of the Fee Calculations or the Maximum Fee Obligation in this
 36 Chapter.
 37

39 *WHERE:*

- 40 A. "Capacity" means the number of students a School District's facilities can
 41 accommodate district-wide at each grade span, based on the District's adopted level of
 42 service.
- 43 B. "Classrooms" means educational facilities of the District required to house students for
 44 its basic educational program. The classrooms are those facilities the District
 45 determines are necessary to serve its student population. Specialized facilities identified
 46 by the District, including but not limited to gymnasiums, cafeterias, libraries,
 47 administrative offices, special education classrooms not suitable for general use because
 48 of design or equipment needs, and child day care centers, shall not be counted as
 49 classrooms.
- 50 C. "Construction Cost Per Student" means the estimated cost of construction of a
 51 permanent school facility in the District for the grade span of school to be provided, as a



1 function of the District's design standard per grade span and taking into account the
2 requirements of students with special needs. A District shall establish construction costs
3 based upon the District's experience with comparable projects, adjusted for inflation, or
4 the cost of similar projects in other districts.

5 D. **"Cost Index"** means the area cost allowance for school construction determined under
6 WAC 180-27-060.

7 E. **"Facilities Credit"** means the value of any site, school facilities, or monetary
8 compensation the District has agreed to accept as an off-set against a school impact fee
9 from a fee payer regarding the development activity.

10 F. **"Grade Span"** means the categories into which a District groups its grades of students;
11 i.e., elementary, middle or junior high school, and high school.

12 G. **"Level of Service (for schools)"** means the standard adopted by each District that
13 identifies the program year, the class size by grade span, and taking into account the
14 requirements of students with special needs, the number of classrooms presently
15 available of facilities the District believes will best serve its student population, the
16 student population for new school facilities per grade span, and other factors as
17 identified by the School District. Unless a District adopts by board resolution a standard
18 of service that specifically deems all or any portion of its relocatable facilities to be
19 permanent facilities, a District's standard of service shall not include any classrooms or
20 other educational facilities housed in relocatable facilities or in transitional facilities.
21 Except as otherwise defined by the school board pursuant to a board resolution,
22 transitional facilities shall mean those facilities, including relocatable facilities or leased
23 space, that are used to cover the time required for the construction of permanent
24 facilities called for in the Capital Facilities Plan.

25 H. **"Permanent Facilities"** means facilities of the District with a fixed foundation that are
26 not relocatable facilities.

27 I. **"Relocatable or Temporary Facilities"** means any factory built structure,
28 transportable in one or more sections that is designed to be used as an education space
29 and is needed to prevent the over-building of school facilities, to meet the needs of
30 service areas within a District, or to cover the gap between the time that families move
31 into new residential developments and the date that construction is completed on
32 permanent school facilities.

33 J. **"Relocatable or Temporary Facilities Cost Per Student"** means the estimated cost of
34 purchasing and siting a relocatable facility in the District for the grade span of school to
35 be provided, as a function of the District's design standard per grade span and taking into
36 account the requirements of students with special needs.

37 K. **"Site Cost Per Student"** means the estimated cost of a site in the District for the grade
38 span of school to be provided as a function of the District's design standard per grade
39 span and taking into account the requirements of students with special needs. A District
40 shall determine site costs based on past experience or the acquisition costs for similar
41 sites in comparable School Districts.

42 L. **"SPI Square Footage Per Student"** means the space allocations per grade span
43 determined by WAC 180-27-035. State Board of Education.

44 M. **"State Matching Credit"** means the calculation set forth in Attachment A of the
45 District's Boeckh Index times SPI square footage per student per grade span times state
46 match percentage times applicable student factor.

- 1 N. "State Match Percentage" means the percentage of school construction costs for
2 which a District is eligible to receive state funding pursuant to RCW 28A.525.166 and
3 the rules of the
- 4 O. "State Matching Credit" means the calculation set forth in Attachment A of the
5 District's Boeckh Index times SPI square footage per student per grade span times state
6 match percentage times applicable student factor.
- 7 P. "Student Factor" means the number derived by a School District to describe how
8 many students of each grade span are expected to be generated by development activity.
9 Student factors shall be based on District records of average actual student generated
10 rates for new developments constructed over a period of not more than five years prior
11 to the date of the fee calculation; provided that, if such information is not available in
12 the District or if there are no developments in the District similar to that being proposed,
13 the District may use data from districts with similar demographics, or, if no other data
14 sources are reasonably available, county-wide averages.
- 15 Student factors shall be separately determined for single family dwelling units and
16 dwelling units within multi-family residences. For purposes of this Chapter, mobile
17 homes shall be considered single family residences.
- 18 Q. "Tax Payment Credit or 'TC'" means the calculation set forth in Attachment A of the
19 District's average real property tax determined value for single family dwelling units or
20 multi-family dwelling units times the District's capital property tax rate as adjusted by
21 the current interest rate for any bonds being retired by a capital tax and the number of
22 years each capital levy tax shall be imposed, up to ten years. The District's capital tax
23 rate consists of authorized tax levies to retire bonded indebtedness incurred for School
24 District capital purposes under Chapter 28A.530 RCW and school facility levies for
25 construction, remodeling, and modernization under RCW 84.52.053.
26





Business of the City Council
City of Gig Harbor, WA

Subject: Gig Harbor City Parks
Lighted Materials Ordinance

Dept. Origin: Administration

Prepared by: Rob Karlinsey

Proposed Council Action:

For Agenda of: July 23, 2007
Exhibits:

Consider the proposed lighted materials ban
in all city parks.

Initial & Date

Concurred by Mayor: [Signature] 7/11/07
Approved by City Administrator: [Signature] 7/10/07
Approved as to form by City Atty: [Signature] 7/10/07
Approved by Finance Director: [Signature] 7/10/07
Approved by Department Head: _____

Table with 4 columns: Expenditure Required, Amount Budgeted, Appropriation Required, and dollar amounts (\$0).

INFORMATION / BACKGROUND

This ordinance seeks to further enhance public health and safety in all Gig Harbor city parks by establishing a ban on all lighted materials in city parks. This ordinance was drafted as the result the Gig Harbor Parks Commission recommendation that a ban on smoking in all city parks be considered and enacted to ensure that our public spaces are healthy and available for everyone. The Commission voted and passed a recommendation to this effect. As a result of their recommendation, this ordinance and accompanying policy paper was drafted in order to inform and facilitate a City Council decision on the matter.

FISCAL CONSIDERATION

See attached policy paper.

BOARD OR COMMITTEE RECOMMENDATION

The Gig Harbor Parks Commission suggested such an ordinance be drafted.

RECOMMENDATION / MOTION

Move to: Consider Gig Harbor City Parks Lighted Materials Ordinance.



**Business of the City Council
City of Gig Harbor, WA**

**Subject: Gig Harbor City Parks
Lighted Materials Ordinance**

Dept. Origin: Administration

Prepared by: Rob Karlinsey

Proposed Council Action:

For Agenda of: July 23, 2007

Consider the proposed lighted materials ban in all city parks.

Exhibits:

Initial & Date

Concurred by Mayor:

CHA 7/11/07

Approved by City Administrator:

RJK 7/10/07

Approved as to form by City Atty:

CAM 7/10/07

Approved by Finance Director:

QR 7/10/07

Approved by Department Head: _____

| | | | |
|--------------|--------------|---------------|-----|
| Expenditure | Amount | Appropriation | |
| Required \$0 | Budgeted \$0 | Required | \$0 |

INFORMATION / BACKGROUND

This ordinance seeks to further enhance public health and safety in all Gig Harbor city parks by establishing a ban on all lighted materials in city parks. This ordinance was drafted as the result the Gig Harbor Parks Commission recommendation that a ban on smoking in all city parks be considered and enacted to ensure that our public spaces are healthy and available for everyone. The Commission voted and passed a recommendation to this effect. As a result of their recommendation, this ordinance and accompanying policy paper was drafted in order to inform and facilitate a City Council decision on the matter.

FISCAL CONSIDERATION

See attached policy paper.

BOARD OR COMMITTEE RECOMMENDATION

The Gig Harbor Parks Commission suggested such an ordinance be drafted.

RECOMMENDATION / MOTION

Move to: Consider Gig Harbor City Parks Lighted Materials Ordinance.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO FIRES AND LIGHTED MATERIALS IN ALL CITY PARKS, PROHIBITING SMOKING IN CITY PARKS, RESTRICTING THE STARTING OF FIRES IN CITY PARKS TO SPECIFICALLY DESIGNATED AREAS, DESCRIBING VIOLATIONS AND ESTABLISHING PENALTIES AND ADDING A NEW CHAPTER 9.24 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, lighted material in parks, including cigarettes, cigarette butts, cigars, cigar butts and other lighted materials, all of which pose a risk of fire or other damage to public facilities, trails, equipment, forests, landscaping, and the like; and

WHEREAS, the City's parks are intended for the healthy enjoyment of all our citizens, including our children and youth; and

WHEREAS, children are particularly at risk from the effects of passive smoke from tobacco and other lighted materials, which has been linked with development of lung cancer, heart attack, low birth weight, sudden infant death syndrome, bronchitis, pneumonia, asthma, chronic respiratory problems, eye and nasal irritation, and middle ear infection; and

WHEREAS, each year, more than one million young people continue to become regular smokers and more than 400,000 adults die from tobacco-related diseases; and

WHEREAS, limiting the amount of smoking in parks will provide children and youth with positive role modeling and discourage them from smoking when they get older; and

WHEREAS, it is in the best interest of the citizens of the City of Gig Harbor;

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. A new chapter 9.24 is hereby added to the Gig Harbor

Municipal Code, which shall read as follows:

Chapter 9.24 PARKS

9.24.010 Fires. It is unlawful to build any fires in any park except in areas designated by the Director of Operations. Campfires, including those used for cooking as well as existing or personal barbecues may only be built, used or assembled in areas designated by the Director of Operations. The Director of Operations shall post signs in appropriate locations advising patrons of this section.

9.24.020 Lighted material in city park property prohibited. It is unlawful for any person to smoke or light cigars, cigarettes, tobacco or other material or to throw any lighted tobacco, cigars, cigarettes, matches or other lighted material, on or within any city park, including without limitation any shelters or other structures located in such parks; provided, a person may safely dispose of cigarette and cigar smoking materials in a trash receptacle designed for such purpose if such trash receptacle is placed within a park. The Director of Operations shall post signs in appropriate locations advising patrons of this section.

9.24.030 Penalties. Failure to comply with any of the provisions of this chapter shall constitute a civil infraction, subject to a penalty of \$100 as provided in GHMC § 1.16.010D.3, and, notwithstanding penalty provisions set forth in other provisions of this chapter, shall not be construed as a misdemeanor.

Section 2. Severability. If any portion of this Ordinance or its application to any person or circumstances is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the remainder of the Ordinance or the application of the remainder to other persons or circumstances.

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

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this ____ day of _____, 200_.

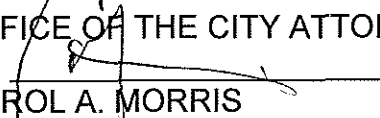
CITY OF GIG HARBOR

CHUCK HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:
By:  _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO. _____

Gig Harbor Parks: Lighted Materials Ordinance

Policy Paper
Recommendation
City of Gig Harbor

History

In an effort to facilitate a healthy environment for all citizens, the State of Washington has passed and enforced a ban on smoking in all indoor public places. This ban also pertains to all entrances and exits, safeguarding a 25 foot radius. While this state ban is currently the strictest in the nation, many municipalities throughout the country are considering the further expansion of their smoking restrictions so as to further safeguard the general public, especially children, from the risks associated with smoking and secondhand smoke. It has been suggested that a ban on smoking in all city parks in the City of Gig Harbor, should be considered so as to ensure that our public spaces are healthy and available for everyone.

While the ban on indoor smoking was met by some opposition, the law has been accepted by the general public. Enforcing a smoke free environment in all public buildings, restaurants, businesses and work places has proved to be relatively simple to enforce. Voluntary compliance on the part of the majority of Washingtonians has illustrated that not all laws require enforcement by the police. While there are strict fines for smokers and businesses that allow smoking, the threat of such fines is enough to ensure that the law is observed.

The City Parks Commission has explored this issue and is in favor of a smoking ban in all City of Gig Harbor parks. They voted and passed a recommendation to this effect. As a result of their recommendation, this ordinance and paper was drafted in order to inform and facilitate a City Council decision on the matter.

Research and Analysis

The expansion of smoking laws and ordinances has been considered by cities across the United States. In California, cities such as San Francisco, Sacramento, Beverly Hills, Carson, Davis, El Monte, Huntington Beach, Los Angeles, Malibu, Pasadena, Redondo Beach and Santa Monica have enacted restrictions on outdoor smoking. (City of San Francisco, sfgov.org) Bans on smoking are common and enforced on school and hospital grounds. The Peninsula School District bans smoking on all district property and the

Franciscan Health System also bans all smoking on hospital lands. Most if not all schools and hospitals throughout the country also have bans.

Here in Washington State the cities of Mill Creek and Puyallup both have enacted smoking ordinances in one or more of their parks. Mill Creek has an ordinance on the books restricting smoking in their Sports Park, which includes ball fields and a skate park.

City of Mill Creek Park Smoking ban ordinance

12.12.165 Smoking and tobacco use prohibited.

Smoking and tobacco use are prohibited in the Mill Creek Sports Park. (Ord. 2006-638 § 1)

12.12.170 Violation – Penalty.

Any violation of or any failure to comply with any of the A. provisions of this chapter in which no penalty is otherwise specified shall constitute a civil infraction as contemplated by RCW 7.80.120 and any person convicted thereof may be punished by a civil fine or forfeiture in the sum of \$100.00.

Payment of the civil fine within 24 hours of the issuance of the B. notice of infraction issued under this chapter shall reduce the amount of the fine owing by 50 percent. (Ord. 2006-638 § 3; Ord. 2003-569 § 1)

According to the Police Chief of Mill Creek, Bob Crannell, and the Parks Director for the City of Puyallup, Ralph Dannenberg, the ordinances banning smoking in the park(s) are complied with voluntarily by the public. Mr. Dannenberg even stated that he was “very surprised at how well it is working.” It seemed that he, at first, was skeptical of the smoking ban concept but that the issue of enforcement has taken care of itself. The Mill Creek Police Chief however, was not as enthusiastic but rather diplomatic when discussing the issue concerning restrictions on smoking in the city’s Sports Park.

The City of Puyallup has taken on the issue of smoking for all of its city parks. However, when the ordinance against smoking was first suggested, both the public and the media worked the issue into a frenzy. Ralph Dannenberg recalls being invited onto every radio station “between here and Vancouver.” The public wanted to know why the city was pushing this issue. The city cited research on secondhand smoke and also pointed out that smoking invites an atmosphere which is not beneficial for children. The City of Mill Creek also cited this concern as the reason for the ban in their Sports Park, which sees large groups of kids after school, on the weekends and during the summer months.

The City of Puyallup also cited its concerns with respect to brush and forest fires. As is the case here in the harbor during the summer, the City of Puyallup desired to safeguard its parks from the threats of fire, which often start as a result of a

cigarette being discarded on the roadside, in bushes or in garbage cans. With the increasing growth rate of the city's population and the number of people who visit the parks, the risk of fire as the result of a careless visitor increases.

With all the controversy surrounding the proposed ban, the City of Puyallup decided to take another approach to the issue. Rather than ban "smoking" the city decided to ban "lighted materials" in the parks.

9.20.195 Lighted material in city park property prohibited.

It is unlawful for any person to smoke cigars, cigarettes, tobacco, or other material or to throw any lighted tobacco, cigars, cigarettes, matches, firecrackers, or other lighted material, on or within any city park, including without limitation any shelters or other structures located in such parks; provided, a person may dispose of smoking materials in a receptacle designed for such purpose if such item is placed within a park. Enforcement officers shall make a good faith effort to warn persons observed to be in violation of this section before issuing a violation notice. The director shall post signs in appropriate locations advising patrons of this section. Failure to comply with this section shall constitute a civil violation, subject to the procedures and penalties contained in Chapter 1.03 PMC, and, notwithstanding penalty provisions set forth in other provisions of this chapter, shall not be construed as a misdemeanor. (Ord. 2840 § 2, 2005).

This in conjunction with their ban on fireworks and firearms constitutes the elimination of all lighted materials in their parks. The city however does allow, as is the case here in Gig Harbor's City Park, cooking fires in designated areas.

9.20.190 Fires.

It is unlawful to build any fires in any park except in areas designated by the parks director. Campfires, including those used for cooking and in barbecues, can be built only in areas designated by the parks director. (Ord. 2840 § 2, 2005; Ord. 2105 § 2, 1986; Ord. 1733 § 4, 1978).

The voluntary compliance of the public, according to both the Police Chief of Mill Creek and the Parks Director of Puyallup is what makes this program and ordinance possible. As is the case with such laws as bike helmets, littering, J-walking and even speeding, what makes these laws possible to enforce is the public's voluntary compliance. While our police department does enforce these laws on occasion, the majority of the public complies with the laws and ordinances regulating these activities simply out of respect for the rule of law. Others comply out of the fear of punishment, either monetary or otherwise.

The Gig Harbor Police Department has raised concerns about this possible legislation. Is it a good use of police resources? What enforcement will be

involved? While there is some support among officers for a smoking ban in the Skate Park, it is apparent that many see enforcement of such a ban as a drain on police resources and manpower. Their concerns relate to the feasibility of enforcement and the fact that they could become "the smoking police." Many in the Police Department expressed that they have larger, more serious issues to deal with such as the growing graffiti problem, not to mention their calls and case loads which are already part of the job. Police Chief Mike Davis and all the officers articulated their opinions and suggestions concerning a proposed smoking ban but also affirmed their commitment to upholding the rule of law as stipulated by the Council.

Both the Police Chief of Mill Creek and the Parks Director of Puyallup reported that the number of citations and telephone calls launching smoking complaints were negligible. Since the start of the smoking/lighted materials bans in city parks, there have been few problems with enforcement. The initial warnings, informational patrols and enforcement resulted in widespread compliance. Gig Harbor should expect the same outcome in the event that this ordinance becomes law.

Ordinance Proposal

The ordinance which has been proposed by City Staff follows the general form of the Puyallup ordinance. In eliminating all lighted materials, except for fires in designated cooking areas, the city will improve both the environment in the parks as well as preventing the risk of brush and forest fires. Our parks should be a safe and healthy environment for all city residents and visitors. This ordinance will do just that.

Proposed Gig Harbor Park Ordinances

9.24.010 Fires. It is unlawful to build any fires in any park except in areas designated by the Director of Operations. Campfires, including those used for cooking and in barbecues, may only be built in areas designated by the Director of Operations.

9.24.020 Lighted material in city park property prohibited. It is unlawful for any person to smoke or light cigars, cigarettes, tobacco or other material or to throw any lighted tobacco, cigars, cigarettes, matches or other lighted material, on or within any city park, including without limitation any shelters or other structures located in such parks; provided, a person may dispose of cigarette and cigar smoking materials in a receptacle designed for such purpose if such item is placed within a park. Enforcement officers shall make a good faith effort to warn persons observed to be in violation of this section before issuing a violation

notice. The Director of Operations shall post signs in appropriate locations advising patrons of this section. Failure to comply with this section shall constitute a civil infraction, subject to the procedures and penalties contained in GHMC § 1.16.010, and, notwithstanding penalty provisions set forth in other provisions of this chapter, shall not be construed as a misdemeanor.

In addition to the gained benefits in safety and environment for visitors, this measure also helps cut down on littering. In the case of the skate park there is a safety issue which accompanies the littering aspect of lighted materials. Cigarette butts can cause injury, in that if cigarette butts are in the skate bowl, skaters may run over them, causing them to trip, resulting in serious injury. The safety and health of the visitors in our city parks should be our top priority.

If the ordinance under consideration is passed, the city will need to erect signs and have an initial education period prior to enforcement so as to inform the public. After this initial period, it can be expected that, similar to the cities of Mill Creek and Puyallup, the smoking ordinance will largely be complied with voluntarily. The fines for a violation of the proposed ordinance would be that of a Civil Infraction as identified in the Gig Harbor Municipal Code Chapter 1.16.

The City of Gig Harbor is a wonderful place for families and this proposed parks ordinance ensures that all our city facilities are family friendly environments. Not only does this ordinance ensure that the parks provide children, visitors and residents with a healthy, safe and clean area for recreation; it eliminates the possible threats associated with lighted materials during the summer months and throughout the year. Our community prides itself on being a "healthy harbor". This ordinance addresses this important issue and ensures that our city parks are healthy and available for everyone to enjoy.



**Business of the City Council
City of Gig Harbor, WA**

Subject: Public Hearing and First Reading of three Ordinances adopting text amendments recommended in Phase 1c of the Design Review Process Improvements Initiative (ZONE 07-0026, 07-0027 and 07-0028)

Proposed Council Action: Review ordinances and approve at second reading.

Dept. Origin: Community Development

Prepared by: Jennifer Kester *JK*
Senior Planner

For Agenda of: July 23, 2007

Exhibits: Three Ordinances, Minutes of Joint Planning Commission and DRB meetings, Administrative Interpretation

Initial & Date

Concurred by Mayor: *CLH 7/18/07*
Approved by City Administrator: *CK 7/18/07*
Approved as to form by City Atty: *Cam 7/17/07*
Approved by Finance Director: *NA*
Approved by Department Head: *Dave 7/18/07*

| | | | | | |
|-------------|---|----------|---|---------------|---|
| Expenditure | | Amount | | Appropriation | |
| Required | 0 | Budgeted | 0 | Required | 0 |

INFORMATION / BACKGROUND

Attached for the Council's consideration are three draft ordinances, which if approved, will adopt the recommendations identified in Phase 1c of the Design Review Process Improvements Initiative. The three ordinances will:

- 1) Define what is considered a quorum for DRB meetings related to certified local government activities and define what is considered a quorum for DRB project review meetings.
- 2) Require that zone transition dense vegetative buffers be entirely located on the parcel being developed.
- 3) Amend the measurement for calculating the average building height for zone transition development standards to be consistent with the intent of the Design Manual and measurement for calculating average building footprint.
- 4) Amend the architectural requirements in the Design Manual so that those requirements related to long, low wall planes and horizontal wall shifts apply to prominent facades only.

The Planning Commission held a public hearing on the proposed ordinances on June 7, 2007. There was no testimony at the public hearing. The Planning Commission voted unanimously to recommend approval of the draft ordinances. Copies of the minutes for the two (2) Planning Commission meetings which these amendments were discussed are attached.

These amendments are the final amendments of Phase 1. The Planning Commission, DRB and staff will now be working on amendments to the Community Design Element of the Comprehensive Plan.

POLICY CONSIDERATIONS

Zoning text amendments are addressed in Chapter 17.100 of the Gig Harbor Municipal Code. There are no criteria for approval of a zoning text amendment, but the Council should generally consider whether the proposed amendment furthers the public health, safety and welfare, and whether the proposed amendment is consistent with the Gig Harbor Municipal Code, the Comprehensive Plan and the Growth Management Act (chapter 36.70A RCW). Zoning text amendments are considered a Type V legislative action (GHMC 19.01.003).

Staff/Planning Commission Analysis:

The proposed text amendments for Phase 1c of the Design Review Process Improvement Initiative consist of three ordinances:

- 1. DRB Quorum:** The following process problems and improvements related to the DRB meeting quorums have been identified:

Identified Problem:

As the DRB also serves as the City's Historic Preservation Board, the DRB must include two members with experience in historic preservation. These board members are required to attend meetings related to historic preservation, but may choose to opt-out of project review meetings. As a seven member board, the current code states that a quorum consists of majority of all members: 4 members for all meetings. If one historic preservation member is absent, 4 of the 6 other members must attend a project review meeting. If both historic members opt-out, 4 of the 5 remaining members must attend. This situation puts a significant burden on the 5 members who should attend all historic and project review board meetings.

Proposed Process Improvement:

Amend the quorum requirements so that for historic preservation meetings a majority of all members constitutes a quorum; for project review meetings, those members which are allowed to opt-out would not be included in the majority calculation.

- 2. Zone Transition Update:** The following process problems and improvements related to zone transition standards have been identified:

Identified Problems:

A) At the December 11, 2006 City Council meeting, the Council approved an easement which allowed a portion of a 40 foot wide zone transition buffer required for an office building development to be located on an adjacent residentially zoned parcel of land. The City Council raised concerns regarding the use of an easement to satisfy the requirement for a zone transition buffer. The Council requested staff to develop alternatives that would preclude the future use of easements on abutting property. As a result, an administrative interpretation was issued by the Planning Director on January 3, 2007.

B) The 2004 update of the Design Manual changed the way in which the average building footprint and building height was measured for buildings subject to zone transition standards. The intent was to use the same buildings for measurement of height and footprint. Shortly after the adoption of the new manual, staff discovered that the measurements for average building footprint and average building height were not consistent. In fact, staff found that the intent statement in the new manual desired consistency in measurement, but the standards did not fulfill the intent: "All buildings in the opposing zone within 200 feet of the subject site should be identified to determine average height and average footprint." The height measurement is based on any building on an adjacent parcel in the opposing zone, even if it is 1000 feet away.

Proposed Process Improvement:

- A) Codify administrative decision that requires the location of zone transition buffer on the site that is developing.
- B) Amend 17.99.190(A and B) so that the measurements for the average building footprint and average building height are consistent with each other and meet the intent of the zone transition standards.

3. Prominent Facades: The following process problems and improvements related to prominent façade requirements have been identified:

Identified Problem:

The 1996 version of the Design Manual required that only prominent facades comply with the standards for long, low wall planes (GHMC 17.99.380(A)) and horizontal wall shifts (GHMC 17.99.380(B)(1)). The 2004 update of the Design Manual requires that all wall planes meet the long, low wall plane and horizontal wall shift requirements, no matter their visibility. Staff cannot find any documentation to justify the change; nor can DRB members which were involved in the 2004 update recall the reason for the change. These shift standards, as applied in the current code, require shifts in walls not seen by customers, clients and not visible from public rights-of-way. These standards prove difficult for applicants designing buildings with service areas and functional issues which might require non-shifted walls.

Proposed Process Improvement:

Amend the long, low wall plane and horizontal shift requirements so that they apply to prominent facades only.

ENVIRONMENTAL ANALYSIS

The SEPA Responsible Official issued a Determination of Non-Significance (DNS) on June 27, 2007, for the zone transition update and prominent facades amendments. The appeal period ends on July 18, 2007. The City's SEPA Responsible Official issued a determination that the DRB Quorum amendment is merely procedural and is therefore exempt from SEPA under WAC 197-11-800(20).

FISCAL CONSIDERATION

None

BOARD OR COMMITTEE RECOMMENDATION

The Planning Commission is recommending adoption of the two ordinances. The Design Review Board members are invited to attend and participate in the Planning Commission meetings on the Design Review Process Improvements Initiative. Those members present at the meeting related to these ordinances are in support of the amendments.

RECOMMENDATION / MOTION

Move to: Staff recommends Council review the ordinances and approve at second reading.

DRAFT ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, DEFINING WHAT CONSTITUTES A QUORUM FOR DESIGN REVIEW BOARD MEETINGS RELATED TO CERTIFIED LOCAL GOVERNMENT ACTIVITIES AND DEFINING WHAT CONSTITUTES A QUORUM FOR PROJECT REVIEW MEETINGS BY THE DRB; AMENDING SECTION 2.21.060 OF THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the Design Review Board serves two functions for the city: as the City's historic preservation board to perform certified local government activities and as the City's board to review those projects which do not meet the specific requirements of chapter 17.99 GHMC, the Design Manual; and

WHEREAS, the Design Review Board consists of seven board members, two of which are appointed for their experience and knowledge of historic preservation, as defined GHMC 2.21.020(B)(6); and

WHEREAS, those two historic preservation members are required to attend all meetings related to certified local government activities, but may choose not to attend meetings related to Design Manual project review, as allowed by GHMC 2.21.020(B)(6); and,

WHEREAS, the current quorum requirement does not distinguish between certified local government meetings and Design Manual project review meetings and therefore requires four of the seven members to be present at all meetings to conduct business; and,

WHEREAS, if the historic preservation members choose to not attend meetings related to Design Manual project review, four of the five remaining members must attend the meetings to conduct business; and,

WHEREAS, the City desires to amend the quorum requirements to distinguish between the two types of meetings the Design Review Board conducts and acknowledge the allowance for the historic preservation members to opt-out of project review; and,

WHEREAS, the City's SEPA Responsible Official has determined that the adoption of this Ordinance is merely procedural and is therefore exempt from SEPA under WAC 197-11-800(20); and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on June 7, 2007 and made a recommendation of approval to the City Council; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on July 23, 2007; and

WHEREAS, the Gig Harbor City Council voted to _____ this Ordinance during the second reading on August 13, 2007; and

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Subsection 2.21.060(B) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

2.21.060 Organization.

The city's design review board shall be organized as follows:

* * *

B. Quorum. No business shall be conducted without a quorum at the meeting. ~~A quorum shall exist when the meeting is attended by a majority of the appointed members of the DRB, which may include the chairman.~~

1. Certified local government meetings pursuant to Chapter 17.97 GHMC. A quorum shall exist when the meeting is attended by a majority of the appointed members of the DRB, including all historic preservation members as defined in GHMC 2.21.020(B)(6).

2. Project review meetings pursuant to Chapter 17.98 GHMC. A quorum shall exist when the meeting is attended by a majority of the appointed members of the DRB, excluding historic preservation members as defined in GHMC 2.21.020(B)(6).

* * *

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance is 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, clause or phrase of this Ordinance.

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

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this ____ day of _____, 2007.

CITY OF GIG HARBOR

CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO: _____

DRAFT ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, REQUIRING ZONE TRANSITION DENSE VEGETATIVE BUFFERS BE ENTIRELY LOCATED ON THE PARCEL BEING DEVELOPED; AMENDING THE MEASUREMENT FOR CALCULATING THE AVERAGE BUILDING HEIGHT FOR ZONE TRANSITION DEVELOPMENT STANDARDS TO BE CONSISTENT WITH THE INTENT OF THE SECTION AND THE MEASUREMENT FOR CALCULATING AVERAGE BUILDING FOOTPRINT; AMENDING SECTION 17.99.180 AND 17.99.190 OF THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the City Council recently raised concerns regarding the use of an easement to satisfy the requirement for a zone transition buffer on adjacent parcels; and,

WHEREAS, an administrative interpretation was issued by the Planning Director on January 3, 2007 which requires all zone transition buffers to be entirely located on the developing parcel which created the need for the buffer; and,

WHEREAS, the City desires to amend the Design Manual to require that applicants satisfy all zone transition buffer standards on his/her parcel so that staff does not need to rely on an interpretation and can enforce the code; and,

WHEREAS, the current Design Manual section on zone transition development standards has the following intent statement: All buildings in the opposing zone within 200 feet of the subject site should be identified to determine average height and average footprint; and,

WHEREAS, in the specific requirements of the zone transition development standards, the measurement for calculating average building height is not consistent with the intent statement as the average height measurement is based on all buildings on all adjacent parcels in the opposing zone; and,

WHEREAS, the average building height is used to calculate the allowed height of any proposed building subject to the zone transition development standards; and,

WHEREAS, the City desires to amend the measurement for calculating average building height to be consistent with the intent statement of the zone transition development standards and be consistent with the measurement for average building footprint; and,

WHEREAS, the City Community Development Director forwarded a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development on June 7, 2007 pursuant to RCW 36.70A.106; and

WHEREAS, the City's SEPA Responsible Official issued a DNS for the proposed amendments on June 27, 2007 pursuant to WAC 197-11-350, which was ____ appealed; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on June 7, 2007 and made a recommendation of approval to the City Council; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on July 23, 2007; and

WHEREAS, the Gig Harbor City Council voted to _____ this Ordinance during the second reading on August 16, 2007; and

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 17.99.180 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.99.180 Zone transition buffering standards.

Substantially separate and shield opposing zones located outside the height restriction area with a minimum 40-foot dense vegetative buffer.

Buffering between zones in parcels outside the height restriction area defined in Chapter 17.62 GHMC shall include a dense vegetative buffer of 40 feet or more unless the zone transition development standards of GHMC 17.99.190 are complied with. The dense vegetative buffer shall be entirely located on the parcel being developed.

In situations where the subject site is located in the height restriction area, the development standards of GHMC 17.99.190 shall apply:

Section 2. Section 17.99.190 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.99.190 Zone transition development standards.

In situations where zone transition buffering standards cannot be achieved or where zone transitions occur within the height restriction area, the following development standards shall apply:

A. Limit building footprint to the average size of building footprints in the opposing zones.**

Building footprints shall be no larger than the average footprint size ~~on~~ of all buildings in opposing zones located within 200 feet of the subject site and that are on parcels that are contiguous to the transition zone boundary (accessory structures, e.g., sheds and garages, may be excluded from this calculation).

B. Limit building height to the average height of buildings in opposing zones.**

Building height shall be no taller than the average building height ~~on~~ of all ~~parcels~~ buildings in opposing zones (including code allowed height on vacant parcels) ~~that are located~~ within 200 feet of subject site and that are on parcels contiguous to the transition zone boundary. Structures may step up to a greater height (not to exceed maximum height limits) if the taller portions are stepped back at least 1.25 feet for every increased foot of height. In this context, structures shall be measured from the average finished grade along the side of the building facing the opposing zone to the highest point on the roof.

* * *

** The design review board may recommend alternative measures of complying with this standard under the provisions of the alternate zone transition standards in GHMC 17.99.200.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance is 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, clause or phrase of this Ordinance.

Section 4. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this ___ day of _____, 2007.

CITY OF GIG HARBOR

CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO: _____

DRAFT ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE DESIGN MANUAL SO THAT THOSE REQUIREMENTS RELATED TO LONG, LOW WALL PLANES AND HORIZONTAL WALL SHIFTS APPLY TO PROMINENT FACADES ONLY; AMENDING SECTION 17.99.380 OF THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the 1996 version of the Design Manual required that only prominent facades comply with the standards for long, low wall planes (GHMC 17.99.380(A)) and horizontal wall shifts (GHMC 17.99.380(B)(1)); and

WHEREAS, in the current code, based on the 2004 update of the Design Manual, all wall planes are required meet the long, low wall plane and horizontal wall shift requirements, no matter the wall plane's visibility; and

WHEREAS, these shift standards, as applied in the current code, require shifts in walls not seen by customers and clients or not visible from public rights-of-way; and

WHEREAS, these wall plane standards prove difficult to comply with for applicants designing buildings with service areas and functional issues which might require non-shifted walls; and

WHEREAS, neither staff nor DRB members which were involved in the 2004 update can find documentation to justify the increased architectural standard; and

WHEREAS, the City desires to apply these long, low wall plane and horizontal shift requirements to prominent facades only; and,

WHEREAS, the City Community Development Director forwarded a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development on June 7, 2007 pursuant to RCW 36.70A.106; and

WHEREAS, the City's SEPA Responsible Official issued a DNS for the proposed amendments on June 27, 2007 pursuant to WAC 197-11-350, which was ____ appealed; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on June 7, 2007 and made a recommendation of approval to the City Council; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on June 23, 2007; and

WHEREAS, the Gig Harbor City Council voted to _____ this Ordinance during the second reading on August 13, 2007; and

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Subsections 17.99.380(A) and (B) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.99.380 Mass and scale.

The following standards are applicable to all nonresidential and multifamily residential development. Their purpose is to break large structures down into smaller building modules and ensure that each module's proportions are consistent with the existing pattern of development in Gig Harbor.

A. Avoid long, low wall planes (IBE).

Prominent Facades shall have no wall plane wider than two and one-half times the height of the wall plane. If a new wall plane is required to achieve compliance with this requirement, it must be offset by at least six feet.*

**Note: Porches, porticos and similar unenclosed projections do not affect the height/width ratio of the wall plane from which the unenclosed structure projects.*

B. Provide substantial shifts in walls and roof surfaces. (IBE)

Wall and roof surfaces shall be broken down into smaller planes using substantial shifts in building footprints which result in substantial shifts in roof lines, as follows:

1. Horizontal shift

No portion of a prominent facade may exceed 80 feet in length without a shift in the building footprint measuring one-tenth of the facade length. This shift may be broken down into smaller shifts of at least six feet each. Horizontal shifts, when required, shall be reflected by a shift alteration in the roof design. To assure that footprint shifts are distributed across the building facade, shifted wall planes shall have a width proportion of between one-to-one and three-to-one the width of adjacent wall planes on the same facade.

2. Vertical shift

No single run of ridge, cornice or fascia (excluding eave overhang) shall exceed 80 feet without a five-foot transition in height. Cupolas and similar minor projections above roof lines do not meet the vertical shift requirement.

* * *

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance is 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, clause or phrase of this Ordinance.

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

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this ___ day of _____, 2007.

CITY OF GIG HARBOR

CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO: _____



COMMUNITY DEVELOPMENT DEPARTMENT

**ADMINISTRATIVE INTERPRETATION
OF THE
CITY OF GIG HARBOR
PLANNING DIRECTOR**

Date: January 3, 2007

Authority: Interpretations and appeals,
Gig Harbor Municipal Code Section 17.66.050

Subject: Zone Transition Buffers

Introduction: The Community Development Director or his/her designated representative has the authority to review and determine any questions involving the proper interpretation or application of the provisions of Title 17. GHMC Section 17.66.050(A)(1). The Director's decision must be in keeping with the spirit and intent of Title 17 and the City's Comprehensive Plan.

Question Presented: When a dense vegetative buffer of 40 feet or more is required to provide consistency with Zone Transition Buffering Standards, does the entire buffer area need to be provided on the site proposed for development that creates the need for the buffer?

Brief Interpretation/Answer: Yes.

Analysis: Gig Harbor Municipal Code (GHMC) 17.99.170 (Zone transition standards) states in part that:

"Zone transitions occur wherever opposing zones meet. All parcels in a specific zone that abut, or are across the street from, parcels in a different zone (regardless of uses in that zone or as otherwise stated below) are subject to either ZONE TRANSITION BUFFERING STANDARDS or ZONE TRANSITION DEVELOPMENT STANDARDS"

GHMC 17.99.180 (Zone transition buffering standards) states in part:


“Substantially separate and shield opposing zones located outside of height restriction area with a minimum 40-foot dense vegetative buffer. Buffering between zones.....shall include a dense vegetative buffer of 40 feet or more unless the zone transition development standards of GHMC 17.190 are complied with.”

It is clear from the language in GHMC 17.99.170 that parcels in a specific zone that abut or are across the street from parcels in a different zone are subject to zone transition buffering standards or zone transition development standards. Therefore, it is the parcel that creates the need for the zone transition buffer that must have the buffer. Nothing in GHMC 17.99.170 allows the required buffer to be located in whole or in part on another parcel in a different zone. GHMC 17.99.180 requires parcels in opposing zones (outside of height restriction areas) to be substantially separated and shielded. Buffering between zones is required to include either a 40 foot wide dense vegetative buffer or compliance with the zone transition development standards found in 17.99.190. While the provisions of GHMC 17.99.180 do not specify the location of the 40 foot wide buffer, when read together, Sections 17.99.170 and 180 should be interpreted to require the entire buffer on the parcel creating the need for the zone transition buffer.

In lieu of providing a minimum 40 foot dense vegetative buffer on their parcels, property owners can utilize the provisions of GHMC 17.99.190 (Zone transition development standards) or GHMC 17.99.200 (Alternative zone transition standards) to eliminate or reduce the required buffer.

Conclusion:

In instances where a zone transition buffer is required, the buffer shall be entirely located on the parcel creating the need for the buffer.



Tom Dolan
Planning Director

Date 11/3/07

SEPA Threshold Decision: Exempt

Procedures for Administrative Appeal: As provided in GHMC Section 17.66.050(B), an appeal may be filed of this interpretation to the Hearing Examiner within 20 days of the date of issuance. Appeals must be submitted to the Community Development Department in writing along with a \$130.00 appeal fee.

City of Gig Harbor Planning Commission and Design Review Board
Minutes of Joint Work-Study Session
May 17th, 2007
Gig Harbor Civic Center

PRESENT: Commissioners Jim Pasin, Joyce Ninen, Dick Allen, Jill Guernsey, Jeanne Derebey, Theresa Malich and Harris Atkins. Board members John Jernejcic, Darrin Filand and Rick Gagliano were present. Staff present: Jennifer Kester and Diane Gagnon. Kurt Latimore from the Latimore Company was also present.

CALL TO ORDER: 5:30 p.m.

APPROVAL OF MINUTES:

The minutes were not prepared as of the meeting date. They will be voted on at the next meeting.

OLD BUSINESS

1. **City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA 98335** – Zoning Code Text Amendment amending the complete design review application requirements and design review procedures (ZONE 07-0023)

Senior Planner Jennifer Kester stated that the Design Review Board had recommended approval of this draft ordinance. Additionally, she pointed out that Rick Gagliano had suggested that the wording of “site layout plan” be changed.

Darrin Filand suggested that perhaps the wording should be schematic site plan. Jeanne Derebey asked if perhaps schematic layout plan would work better. John Jernejcic said he would rather keep it as site layout. It was agreed that it should say site layout and drop the word site within the description.

Chairman Theresa Malich asked about page 10 where it references the historic register and asked whether that designation prevents a structure from being used as something else if the zone were to change. Ms. Kester stated that a structure on the historic register could change use; however, they would have to obtain a certificate of appropriateness in order to change the exterior.

MOTION: Move to forward a recommendation of approval to the City Council with the change of the wording to site layout. Pasin/Derebey – Motion carried unanimously.

Rick Gagliano arrived at 5:45.

NEW BUSINESS

2. **Design Review Process Improvements – Batch 1c** – Discussion of the third batch of proposed amendments in Phase 1.

DRB Quorum

Ms. Kester went over the current problem with the way the quorum is currently handled. She stated that she had spoken with the City Attorney who had suggested that the quorum be different dependent upon which kind of meeting is being held. For a Historic Preservation meeting it would be the majority of the members of the DRB. Project review meetings would require a majority of the appointed members of the DRB excluding the CLG members. She noted that both CLG members must attend for meetings where recommendations are being made to the state. Discussion was held on how to refer to the two historic preservation members. Mr. Filand asked if there was a purpose in stating that the quorum may include the Chairman. Ms. Kester explained that it was just for clarification. Mr. Gagliano said he felt that the wording was confusing.

Joyce Ninen asked if there was a requirement for one of the historic preservation members to attend certain meetings and Ms. Kester answered that it was not required. Mr. Gagliano said that he felt that one of them needed to be there. Discussion followed on the two separate historic preservation members and whether their attendance should be required. Jim Pasin expressed that he didn't feel it would be fair to an applicant if there were recurrent quorum issues. It was decided to refer to them as Historic Preservation members. Ms. Kester showed the item in the code relative to the Historic Preservation members and Mr. Atkins pointed out that the wording said that they shall participate in applications received pursuant to Chapter 17.97. It was decided for project review meetings the Historic Preservation members would not need to attend but CLG items would need a basic majority.

Common Area Requirements

Ms. Kester said that in talking to the City Attorney it was indicated that there had been some recent case law that had struck down open space requirements that were a blanket percentage. She explained that the common area section had been given to the City Attorney to suggest some new wording and would have the section by the end of June.

Industrial Building Exemption Criteria

Ms. Kester pointed out that she had sent an administrative interpretation that dealt with the industrial building exemption and explained that it had helped clear up some of the confusion but now it was necessary to get it into the code. She went over the exemptions. John Jernejcic asked why it says building, structure or site. Ms. Kester answered that there are various uses that do not necessarily include a building. Mr. Pasin said that he felt that there had not been an original intention to have 800 feet as criteria. Mr. Gagliano asked if they were making substantive changes or if perhaps this should be moved entirely to Phase 2. Ms. Kester suggested that she go through how the standards are applied today and then decide what we want to change.

Jill Guernsey suggested that in Item 2 the word industrial should be struck so that it just said building and that in 2a remove the comma after "or" and in 2b move the comma. She asked if it should say Subsection C and it was decided that it should just say "eligible for the industrial building exemption". Mr. Gagliano said that it really just needed to say not within the Historic District and not visible from the right of way. Ms. Kester pointed out that within the

Employment District it can be visible. Mr. Pasin said that he felt that using 800 feet was causing people from using an exemption. Ms. Kester asked if perhaps they should just deal with the larger issue of the IBE and not examine each word. Mr. Pasin said that he really felt that 800 feet made it impossible for an industrial building to be built. It was decided to remove it from the table

MOTION: Moved to table this issue. Guernsey/Atkins –

Mr. Pasin said that he felt that tabling the item without modifying the 800 feet would be detrimental and prolong the problem. Ms. Kester reminded them that it can put it into Phase 2. Mr. Gagliano illustrated where some of the zones were located and what these regulations could mean in different areas. Ms. Derebey asked when they would reach Phase 2 and Ms. Kester said that the text amendments themselves will probably not happen until October or November.

Motion carried with Jim Pasin opposed.

Zone Transition Update

Ms. Kester went over the current problems and explained that this was codifying an interpretation along with some further clarification.

John Jernejcic asked why a property owner cannot negotiate an easement for putting the buffer on and Ms. Kester explained that the City Council felt that it should be on their property. Mr. Pasin said that as an example the Stroh's property has been there forever, but if the Strohs want to rebuild they will have to buffer from the townhouses. Mr. Pasin said that the residential property should have to have the buffer. Ms. Kester explained that they could go through the development standards by averaging the building footprint and height rather than having a buffer.

Mr. Gagliano said that although he never really liked the rule he did support it and noted that it needs to be thought about in conjunction with the building size maximums. Mr. Pasin said that he felt that this would not work within the downtown area. Ms. Kester pointed out that the buffer option is not applicable in the height restriction area. Mr. Gagliano said that it should be a reflection of the scale of surrounding structures. Mr. Allen asked for clarification of the buffer requirements. Discussion was held on what an appropriate amount of buffer was. Mr. Gagliano asked about what the different transitions were. Ms. Kester went over the standards in 17.99.170. Discussion followed on how the standards are applied in the different zones.

MOTION: Move that draft language is developed to codify the administrative interpretation. Guernsey/Atkins –

Mr. Pasin said that he didn't feel that it was clear as to who was creating the need for the buffer. Ms. Ninen said that maybe it should say as a result of recurring development or the parcel being developed. Ms. Kester pointed out that both properties could be developed at the same time. It was decided on "entirely located on the parcel being developed". Ms. Kester said that there may be a need to totally look at zone transition standards and maybe the Council will accept it more readily. Mr. Pasin said he would like clarification on where this standard applies. He said that it

seemed to say that a residential development may be required to have a 40' buffer. Ms. Guernsey said that she believed it may be a problem but she still believed the language should be clarified. Ms. Kester explained how this section of code was applied today.

Motion carried with Jim Pasin opposed.

Discussion was then held on Item 2 of zone transition. Ms. Kester explained the average building footprint and building height measurement. She explained that the amendment was to make it so that the same method would be used for averaging the building footprint and height. Ms. Guernsey suggested that in item 2A the words "at the discretion of the applicant" be added. Mr. Pasin explained a situation where the 200' could be unreasonable. Kurt Latimore asked about legal nonconforming uses. Ms. Kester explained that if they were in the same zone then zone transition would not apply. She reminded them that they were only trying to fix the consistency of the height and footprint measurement.

MOTION: Move to approve the change as written Guernsey/Ninen – Motion passed unanimously.

Prominent facades

Ms. Kester stated that there was no specific language written at this time and she was looking for direction on what language to write. She stated that in the 1996 manual it was clear that the architectural standards only applied to prominent facades. In 2004 when it was updated some of those exemptions did not follow through so staff has had to struggle with how to apply the standards to non prominent facades. She stated that of particular interest were mass and scale, windows and doors and siding and trim. She asked if they wanted to increase the number of standards which are exempt if the façade is considered not prominent. Mr. Pasin said that it is not practical to not have a back side to a building. Ms. Kester said that what she was asking was given what the definition is, do we want to change the standards which apply to prominent facades. Mr. Jernejcic pointed out that Mr. Pasin had been concerned about the view seen from residential properties to a commercial property. Mr. Gagliano stated that when changes have been made to non prominent facades it has been more material and windows not to mass and scale. Ms. Kester suggested that mass and scale should be the only ones exempt. Mr. Filand asked why look at it at all if it's not a prominent façade. Mr. Gagliano said that he didn't like having one or two sides of a building looking good. Ms. Kester said that maybe that was why in 1996 the only exemption was mass and scale. Mr. Gagliano said that he felt that solid/void ratio should also not apply. Ms. Kester said that it is not applicable to non prominent facades now. She then suggested that they apply the language as it was in 1996 and she would bring some suggested language. Mr. Gagliano suggested that it also state what does apply on non prominent façades. Ms. Kester said she didn't think it was necessary but it could be more specifically stated. Everyone agreed that avoid long low wall planes and provide substantial shifts in walls and roof surfaces should not apply to non prominent facades. Ms. Kester said that she would separate the prominent and non prominent facades requirements and bring back language.

MOTION: Move to recommend that staff bring back language for the categories of review including 2 and 3 as prominent facades only. Atkins/Guernsey – Motion passed unanimously.

UPCOMING MEETINGS

- June 7th Work study session at 5:30 with 7:00 p.m. public hearing on zone transition and prominent facades
- June 11th Council meeting on the 1st reading of the process improvements.
- June 21st Phase 2 Plan for comp plan amendment changes.

ADJOURNMENT

MOTION: Move to adjourn at 7:49 p.m. Atkins/Guernsey – Motion passed unanimously.

City of Gig Harbor Planning Commission
Minutes of Work-Study Session and Public Hearing
June 7th, 2007
Gig Harbor Civic Center

PRESENT: Commissioners Jim Pasin, Joyce Ninen, Jill Guernsey, Jeanne Derebey, Theresa Malich and Harris Atkins. Commissioner Dick Allen was absent. Design Review Board members John Jernejcic, Charles Carlson and Rick Gagliano were present. Staff present: Jennifer Kester, Tom Dolan and Diane Gagnon. Kurt Latimore from the Latimore Company was also present.

CALL TO ORDER: 5:30 p.m.

APPROVAL OF MINUTES:

The minutes from May 7th and May 17th were tabled until the next meeting.

WORK STUDY SESSION

1. **City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA 98335** – Begin discussion of Phase 2 of the Design Review Process Improvements.

Senior Planner Jennifer Kester explained that Phase 2 was editing the Community Design Element of the Comprehensive Plan. She stated that the intent is to look at the steps in order to put together a work plan and determine what the meetings over the next several months will look like. Ms. Kester stated that it needed to be done by the end of September. She stated that they had developed some Phase 2 items as they had been going through Phase 1 that needed to be categorized and prioritized. She pointed out that some of the list may not get accomplished within this phase. She went over the master list and talked about the sub areas (bull's eye approach). She emphasized that identifying these sub areas should probably be the first step in order to categorize the design standards for these sub areas. She talked about the formation of goals and policies and what those could be.

Jill Guernsey arrived at 5:40.

Ms. Kester explained that what is decided tonight will be used as a basis for noticing the public of a meeting in July. She also noted that citizens have until August 15th to turn in other comprehensive plan amendments, so those will also need to be processed in September.

Mr. Gagliano asked about whether there was consideration of whether the policies within the comprehensive plan may conflict with the code and Ms. Kester acknowledged that they will need to be researched on both levels. She stated that she thought that the broad policies within the comprehensive plan would be modified first and then implementation of code changes would follow. Mr. Gagliano asked if they were required to have these policies and goals and suggested that they create the sub areas and not write policies and goals for each. Ms. Kester said that she didn't feel that it would be supportable and that each sub area needed to have goals and policies.

Kurt Latimore said that sub areas are a well recognized approach to comprehensive plans. He noted that if there is already language that supports certain sub areas, then nothing will need to be changed; however, in the case where there is not language to support a certain sub area then they will need to add it. Commissioner Atkins said that it seemed that possibly when we finish this process in October we could have a set of rules that aren't matching. Ms. Kester assured him that immediately after the comp plan amendment the zoning code changes would get done. Ms. Kester said that if we had more time we wouldn't take the comp plan forward until we had the implementation code changes. Commissioner Jeanne Derebey asked why they were doing it this way and Ms. Kester said that there was a desire by the City Council to get this done. Planning Director Tom Dolan reiterated that he didn't think there would be much of a delay in between the comp plan amendments and zoning code changes.

Rick Gagliano arrived at 5:45.

John Jernejcic arrived at 5:55.

Jim Pasin said that he felt that they were going down a path that was too rushed and they needed to take a strong look at the maps. He then said that he didn't feel that they knew where they want business centers to be, etc. Mr. Gagliano said that this process is actually to make these decisions and look at the future of the city. He said that by deciding where these sub areas are it will create a vision and a plan. Theresa Malich asked if they will be looking at maps and deciding these things holistically. Ms. Kester said that yes, they will be looking at the maps and making these decisions at the next meeting. Ms. Kester stated that the Mayor was a strong supporter of sub area planning and sees the next move of the city is to have standards for each of these areas.

Commissioner Jill Guernsey noted that if you don't have policies within the comp plan then you are randomly picking which portions of the manual apply. Ms. Kester said that while the process of the comp plan amendment is going on, we can be processing text amendments at the same time so the lag time can be only a month or two. She stated that if they felt that they really wanted the implementing policies and the comp plan amendments to happen at the same time, she could take that back to the council. Mr. Atkins felt that he would like to implement them at the same time. Ms. Malich stated that perhaps each sub area could be done one at a time. She pointed out that it just depends on how long this will take. Mr. Gagliano pointed out that there are some standards that may need to be moved up in front of the comp plan amendment process. He suggested that they look at the rest of the list and see if there are some pressing issues. Mr. Dolan said that he felt it was difficult to do the implementing text amendments without policies to look to for guidance.

Commissioner Guernsey said she liked Commissioner Atkin's idea to do each of the sub areas one at a time with the comp plan amendments and zoning code text amendments. Ms. Kester noted that some of these decisions can be decided at the next meeting.

Ms. Kester then went through each topic; Category 1 - Natural conditions, Historic District; Category 2 - Housing Development Standards, Structures on the Front Setback Line, Zone Transition Policies; Category 3 (implementing text amendments) - Criteria for Design Review Board Approval, Detail of Administrative Requirements along with items already addressed in Phase 1 and ideas not yet categorized.

Mr. Pasin emphasized the need to look at the Historic District. Mr. Gagliano said that he felt that they needed to know the volume of development that is going on in order to determine which of these issues takes precedence.

Mr. Gagliano asked if some of the standards would bring Engineering into the process. Ms. Kester said that they would need to stay out of right of way standards within the Design Review Manual. He then asked if the Chair could take a poll of the five elements and ask which of those five things they thought should be done first.

Joyce Nine – Housing Development Standards

Theresa Malich – Housing Development Standards

Rick Gagliano - Trees

John Jernejcic – Housing, then Natural Conditions, Zone, Setbacks, Historic District

Jill Guernsey – Natural Conditions

Jeane Derebey– Setbacks

Chuck Carlson – Setbacks

Harris Atkins – Natural Conditions

Jim Pasin – Housing Standards

Ms. Kester said that not including sub areas, it seemed housing development standards and natural conditions rose to the top with setbacks a close second and the historic district being not as important since there are already standards in place. She suggested moving housing development and setbacks into Category 1 and move the Historic District down to Category 2. Ms. Kester further explained that if they felt that the idea of neighborhoods was good then they would need to decide what those neighborhoods are. She then went through the proposed list of sub areas and what those areas may or may not entail. Mr. Carlson asked if in the Westside and Gig Harbor North it may be appropriate to have a residential and commercial sub area.

Chair Theresa Malich called a recess at 6:55 p.m. prior to the public hearing at 7:00 p.m. She reconvened the meeting at 7:05 p.m.

PUBLIC HEARING

Ms. Malich opened the public hearing at 7:05 p.m.

There being no public testimony, the public hearing was closed at 7:07 p.m.

Ms. Kester noted that technically on the first item of the DRB quorum the Planning Commission did not need to make a recommendation.

1. City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA 98335 – Zoning Code Text Amendment (ZONE 07-0026) amending the quorum for DRB Meetings.

MOTION: Move to recommend adoption of the amendment to the DRB quorum.
Atkins/Pasin – Motion passed unanimously.

2. City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA 98335 – Zoning Code Text Amendment (ZONE 07-0027) updating the zone transition standards.

Ms. Kester pointed out where she had made the changes as suggested at their last meeting.

MOTION: Move to recommend adoption of zoning code text amendment updating the zone transition standards. Atkins/Derebey – Motion passed unanimously.

3. City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA 98335 – Zoning Code Text Amendment (ZONE 07-0028) clarifying standards that apply to prominent and non-prominent facades.

Ms. Kester noted that she had added the language as they had discussed at the last meeting applying the same language as in 1996. Ms. Malich thought maybe it had changed because there were areas where there was no screening. Ms. Kester noted that all the commercial areas are in activity centers and in an activity center any façade visible must be treated as prominent.

MOTION: Moved to recommend the adoption of the proposed text amendment clarifying standards that apply to prominent and non-prominent facades. Atkins/Ninen – motion passed unanimously.

Ms. Kester noted that she had sent them copies of the two ordinances that are going to council on June 11th.

Mr. Atkins voiced the importance of communicating that this change will not affect the quality of development and that they would assess how the process was going. He also noted that it is crucial to provide adequate staffing levels to support that.

A poll was conducted as to whether or not sub areas should be tackled and which of the non categorized items deserves comp plan policy text development.

Jim Pasin – Number one should be housing development standards and sub areas should not be first.

Jeane Derebey – Creating the sub areas was important to do first and if we do other things before the sub areas we may end up going backwards.

Rick Gagliano – Housing development standards will affect the entire city.

Ms. Kester briefly went over what areas of the city are undeveloped and noted that there are 1500 units in the system right now and approximately 2000 coming down the pipeline. She also noted that there is a lot of undeveloped land in the UGA.

Jim Pasin - The housing item has major significance because of the lack of criteria in the UGA.

Ms. Kester pointed out that any development wanting our services, must meet our standards.

Harris Atkins – Housing standards first

Theresa Malich – Housing

Joyce Ninen - Housing, since we know where the housing will occur within the sub area
Jill Guernsey – The sub areas are necessary but she didn't have a problem doing housing first
Jeane Derebey – It's fine to do housing first, but she wants to know where it falls within the sub area.

Charles Carlson – Sub areas are very important but housing is the priority.

John Jernejcic – Housing

Rick Gagliano – Natural conditions and housing together.

Kurt Latimore commented that he heard from applicants that retaining walls were a big thing and they are part of the natural conditions. He also noted that zone transition was an area where many applicants were struggling on how to deal with those codes and he would recommend that we include those issues in the process discussions. He also noted that there seemed to be some rules that were written for the downtown that don't work outside of the downtown.

Mr. Gagliano agreed with Mr. Latimore that those three things rise to the top for applicants but they pale in the public reaction if we don't tackle these things first. Ms. Kester said that the sub areas are important. She said she was hearing let's talk about housing development and pull natural conditions for housing into that change and then talk about sub areas next. She also reiterated that structures on the front setback should be part of the sub area discussion and they should at least take a look at zone transition and there may be a larger discussion when we get into the design manual. Ms. Guernsey and Mr. Pasin stated that they would not be at the next meeting. Ms. Kester said that they could work on the list at the next meeting and then work on housing in July. Mr. Atkins emphasized that they need to think about how to involve the community. Ms. Ninen suggested that we have a handout available at the community forum.

Charles Carlson asked if roadway standards were off limits and Ms. Kester said she would double check with legal counsel but she understood that the right of way is an engineering issue. She said that the City Attorney has made it clear that any design standards for the right of way need to be in the public works standards and perhaps this group could lobby for getting that done.

Ms. Kester said that the next meeting will briefly deal with sub areas and a platform for public notice to the July 19th meeting. She then asked if there any things within the list in Item E that they need to look at for comp plan policies.

John Jernejcic – Renovations/remodels

Rick Gagliano - Renovation/remodel – What do we do with existing buildings, enhancement corridor standards.

Mr. Gagliano also mentioned that IBE should be added to the list. Ms. Kester said that she thought that could happen with the discussion on employment district.

Theresa Malich – Renovation/remodel

Ms. Kester said she would put the list into Category 2 and see how many we can tackle. She said she will pull renovation/remodel out of the list to be done first. She emphasized the importance of the Planning Commission spending some time doing research and homework outside of the

meeting and coming prepared. She also stated that it works better to start with broad strokes and then analyze the specific language.

Planning Director Tom Dolan pointed out the draft ordinance dated May 21st which is to allow for the combination of non conforming lots. Ms. Kester reminded them of the revision to the boundary line adjustment section. Mr. Dolan said that this language resolves the legal issue and he wanted them to know that this had been reviewed by the Planning and Building Committee and may go to the City Council via direct consideration; however they wanted it to at least be looked at by the Planning Commission to give them the opportunity to comment. Mr. Atkins suggested that a whereas be changed to remove the statement that the Planning Commission held a public hearing. Ms. Guernsey explained that there is case law that each lot had to meet minimum lot size requirements so we need to have an ordinance.

MOTION: Move to support direct consideration of the draft ordinance for legally non conforming lots. Guernsey/Ninen – Motion passed unanimously.

Ms. Kester said that there is a possible text amendment for direct consideration related to the Employment District zone. She stated that the Planning and Building Committee is looking at the proposal and there is an application in for an independent living facility in the ED, which takes up almost a third of our Employment District. She asked if the Planning Commission was okay with removing those three uses as conditional uses within that zone since neither our comp plan or the intent of the ED talk about residential uses in that zone. She noted that this was brought up in the land use matrix. Mr. Dolan noted that residential uses in the ED zone are not compatible and will create complaints. Ms. Ninen asked if there was a desire to incorporate a comp plan change and Ms. Kester said that there is a desire to look at the ED and BP zones, but more so a desire to make this change right now.

MOTION: Move to recommend approval of the proposed changed. Derebey/Ninen – Motion passed with Jim Pasin opposed.

Ms. Guernsey noted that she would be gone for the meetings of June 21st and July 19th.

UPCOMING MEETINGS

July 5th – Cancelled
July 19th – Public Hearing

ADJOURNMENT

MOTION: Move to adjourn at 8:15 p.m. Atkins/Malich – Motion passed unanimously.



**Business of the City Council
City of Gig Harbor, WA**

Subject: Non-Motorized Vehicle Safety and Helmets Ordinance

Proposed Council Action: Consider the proposed helmet ordinance requiring all operators and riders of bikes, skateboards, roller skates, roller blades and scooters to wear a helmet.

Dept. Origin: Administration

Prepared by: Rob Karlinsey

For Agenda of: July 23, 2007
Exhibits:

Initial & Date

Concurred by Mayor:

Approved by City Administrator:

Approved as to form by City Atty:

Approved by Finance Director:

Approved by Department Head:

CKK 7/18/07
RJK 7/18/07
CAM 7/18/07

| | | | | | |
|----------------------|-----|-----------------|-----|------------------------|-----|
| Expenditure Required | \$0 | Amount Budgeted | \$0 | Appropriation Required | \$0 |
|----------------------|-----|-----------------|-----|------------------------|-----|

INFORMATION / BACKGROUND

This ordinance seeks to further enhance public health and safety. Currently, according to Chapter 10.22 of the Gig Harbor Municipal Code, all bicyclists are required to wear a helmet while operating or riding a bicycle. This ordinance would expand this requirement to all non-motorized vehicles. The current GHMC Chapter 10.22 would be replaced by this proposed ordinance. This ordinance would improve public safety and was drafted in order to facilitate a City Council decision on the matter.

FISCAL CONSIDERATION

None

RECOMMENDATION / MOTION

Move to: Consider the proposed Non-Motorized Vehicle Safety and Helmets Ordinance.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REQUIRING THE WEARING OF AN APPROVED HELMET WHILE CYCLING, RIDING ON A BICYCLE, SKATEBOARDING, ROLLER SKATING, ROLLER BLADING OR RIDING ON A SCOOTERS IN PUBLIC AREAS IN THE CITY; MAKING A PARENT OR GUARDIAN RESPONSIBLE FOR REQUIRING THE USE OF SUCH HELMETS BY A MINOR; SETTING SAFETY STANDARDS FOR HELMETS OFFERED FOR SALE OR LEASE; PRESCRIBING PENALTIES; AND AMENDING THE GIG HARBOR MUNICIPAL CODE BY REPEALING CHAPTER 10.22 GHMC AND ADDING A NEW CHAPTER 10.22 GHMC.

WHEREAS, it is the intent of the City Council to enact laws that protect and preserve the public health, welfare; and

WHEREAS, the City of Gig Harbor seeks to minimize injuries involving bicyclists, skateboarders, roller skaters, scooters, and motorists by providing information about the need for helmets, methods of safety, and existing safety programs through the City of Gig Harbor Police Department; and

WHEREAS, head injuries are a major cause of death or disability associated with the operation of a bicycle, skateboard, roller skates and scooter on public rights-of-way and publicly owned property; and

WHEREAS, the Harborview Injury Prevention Study has shown that bicycle helmets reduce by 85 percent the risk of head injuries suffered while operating or riding a bicycle not powered by motor, and reduce brain injury by 88 percent; and

WHEREAS, the City of Gig Harbor Police Department enforces traffic laws for non-motorized vehicles on public rights-of-way and publicly-owned facilities under the jurisdiction of the City; now therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Chapter 10.22 of the Gig Harbor Municipal Code is hereby repealed.

Section 2. A new chapter 10.22 is hereby added to the Gig Harbor Municipal

Code, which shall read as follows:

Chapter 10.22
NON-MOTORIZED VEHICLE SAFETY AND HELMETS

- 10.22.010 Purpose.
- 10.22.020 Definitions.
- 10.22.030 Helmet required.
- 10.22.040 Bicycle, skateboard, roller skate, roller blade, and scooter races and events – Helmet required.
- 10.22.050 Bicycle, skateboard, roller skate, roller blade, and scooter leasing or loan – Helmet required.
- 10.22.060 Helmet sales – Safety standards.
- 10.22.070 Penalties – Civil nontraffic violations.
- 10.22.080 Enforcement.
- 10.22.090 Information and education.

10.22.010 Purpose.

A. This chapter is enacted as an exercise of the authority of the City of Gig Harbor to protect and preserve the public health and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.

B. It is the express purpose of this chapter to provide for and to promote the health and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

C. It is the specific intent of this chapter to place the obligation of complying with its requirements upon any person falling within this scope, and no provision of, nor term used, in this chapter is intended to impose any duty whatsoever upon the City of Gig Harbor, its officers, employees, or agents, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

D. Nothing contained in this chapter is intended to be, nor shall be, construed to create or to form the basis for a liability on the part of the City of Gig Harbor, its officers, employees, or agents, for any injury or damage resulting from the failure of any person subject to this chapter to comply with this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of the City of Gig Harbor by its officers, employees, or agents.

10.22.020 Definitions.

As used in this chapter, the following terms shall have the meanings indicated, unless the context clearly requires otherwise:

A. "Bicycle" means every device propelled solely by human power upon which a person or persons may ride having two tandem wheels, either of which is 16 inches or more in diameter, or three

wheels, any one of which is more than 20 inches in diameter (RCW 46.04.071). Within this chapter, the term "bicycle" shall include any attached trailers, sidecars, and/or other device being towed by a bicycle.

B. "Guardian" means a parent, legal guardian, an adult with custody, or temporary guardian who maintains responsibility, whether voluntary or otherwise, for the safety and welfare of a person under the age of 16 years.

C. "Approved helmet" means a head covering that meets or exceeds safety standards of the Standard Z-90.4 set by the American National Standards Institute (ANSI), or the Snell Foundation, or such subsequent nationally recognized standard for bicycle, skateboard, roller skate or roller blade, or scooter helmet performance as the City Council may adopt.

D. "Public area" means public roadways, bicycle paths, parks, or any right-of-way or publicly owned facility under the jurisdiction of the City of Gig Harbor.

E. "Roller skates" or "roller blades" means a pair of shoes or boots mounted upon two sets of wheels, or mounted upon two or more sets of wheels located one behind the other under the attached shoe or boot, and is most often propelled by the user in an upright, standing position.

F. "Scooter" means a footboard mounted upon two or more wheels, controlled by an upright steering handle, and is most often propelled by the user usually in an upright position or kneeling.

G. "Skateboard" means a board of any material with wheels affixed to the underside, which is designed to be ridden by a person.

H. "Public area" means public roadways, bicycle paths, parks, or any right-of-way, publicly-owned facility, or publicly-owned property within the city.

10.22.030 Helmet required.

A. Any person bicycling, skateboarding, roller skating or roller blading, or riding upon a scooter, or riding as a bicycle passenger on or in tow of a bicycle, skateboard, roller skater or roller blader, or scooter, upon any public area, in the City of Gig Harbor shall wear an approved helmet designed for safety. The helmet shall have either the neck or chin strap fastened securely while the bicycle, skateboard, roller skates or roller blades, or scooter is in motion.

B. No person shall transport another person on or in tow of a bicycle, skateboard, roller skates or roller blades, or scooter upon any public area in the jurisdiction of the City of Gig Harbor, unless the passenger is wearing a helmet that meets the requirements of this chapter.

C. A parent or guardian is responsible for requiring that a child under the age of 16 years wear an approved helmet and has the neck or chin strap of the helmet fastened securely while bicycling,

skateboarding, roller skating or roller blading, or riding a scooter, or riding as a passenger on a bicycle, skateboard, roller skates or roller blades, or scooter, in any public area in the City of Gig Harbor.

10.22.040 Bicycle, skateboard, roller skate, roller blade, and scooter races and events – Helmet required.

A. Any person managing a bicycle, skateboard, roller skate, roller blade, or scooter race, or an organized event involving bicycling, skateboarding, roller skating, roller blading, riding a scooter, or a bicycle tour in public areas in the City of Gig Harbor shall require that all participants on or in tow of bicycles, skateboards, roller skates, roller blades, or scooters wear approved helmets.

B. The person managing any such event shall include the helmet requirement in any promotional brochures and on registration materials.

10.22.050 Bicycle, skateboard, roller skate, roller blade, and scooter leasing or loan – Approved helmet required.

A. Any person engaging in the business of renting or loaning (e.g., a test drive) any bicycle, skateboard, roller skates, roller blades, or scooter for use in any public area in the City of Gig Harbor shall supply the person(s) leasing or using bicycles, skateboards, roller skates, roller blades, or scooters with approved helmets as defined herein, along with the bicycles, skateboards, roller skates, roller blades, or scooter, unless the bicycle, skateboard, roller skates, roller blades, or scooter rider(s) and passenger(s) possess approved helmets of their own, and offer proof thereof, for use with the bicycle, skateboard, roller skates, roller blades, or scooter.

B. The rental papers (contract, agreement, or receipt) must advise the person renting the bicycle, skateboard, roller skates, roller blades, or scooter of the helmet requirements of this chapter.

C. It is a defense to a violation of this section for a person wearing an unapproved helmet that the helmet was furnished in conjunction with his or her lease of a bicycle, skateboard, roller skates, roller blades, or scooter by a person engaged in the business of renting bicycles, skateboards, roller skates, roller blades, or scooters and that the helmet was fastened securely while bicycling, skateboarding, roller skating, roller blading, or riding a scooter.

10.22.060 Helmet sales – Safety standards.

A. No person shall sell or offer for sale a helmet that does not meet or exceed the safety standards described in GHMC 10.22.010(C).

B. It is a defense to a violation of this section that the sale or offer for sale was an isolated sale of used merchandise made by an individual who was not engaged in the business of selling or

repairing recreational equipment, such as a seller at a garage or rummage sale.

10.22.070 Penalties – Civil nontraffic violations.

A. Any person, including a parent or guardian, violating any of the provisions of this chapter shall have committed a civil infraction and shall be liable for a monetary penalty not to exceed \$50.00.

B. The court may waive, reduce, or suspend the penalty and clear the notice of violation as a warning for an individual who has not received a notice of violation of this chapter within one year, and provides proof that he or she has acquired an approved helmet at the time of appearance in court.

C. A parent or guardian is responsible for requiring that a child under the age of 16 years wear an approved helmet, the neck or chin strap of which is fastened securely, while upon a bicycle, skateboard, roller skates, roller blades or scooters in motion, in any public area.

D. Each rental and each event under section A of this section shall be a separate violation.

10.22.080 Enforcement.

A. The City of Gig Harbor Police Department shall be responsible for enforcing the provisions of this chapter.

B. For the purpose of this chapter, law enforcement officers may, at their discretion:

1. Enter, during business hours, the premises of a business selling, repairing, or renting bicycles, skateboards, roller skates, roller blades, or scooters, or selling sporting or recreation equipment to determine compliance with this chapter; and/or

2. Post notice outside the premises of the business that offers for sale, rent, or other public use, bicycle, skateboard, roller skate, roller blade, or scooter helmets that do not meet the safety standards of this chapter, so that the public is informed; and/or

3. Stop a bicycle, skateboard, roller skate, roller blade, and scooter race; an organized event involving bicycling, skateboarding, roller skating, roller blading, riding a scooter; or a bicycle tour that takes place in a public area or private parking lot or publicly accessible driveway in the City of Gig Harbor when there is a violation of the requirements of this chapter.

10.22.090 Information and education.

A. Information on the need for bicycle, skateboard, roller skate, roller blade, and scooter helmets; safe helmet use; safe bicycle, skateboard, roller skate, roller blade, and scooter operation; and existing bicycle, skateboard, roller skate, roller blade, and scooter safety programs shall be available at or provided by the City of Gig Harbor Police Department.

B. The City of Gig Harbor encourages any person engaging in the business of selling bicycles, skateboards, roller skates, roller blades, and scooters to include information on bicycle, skateboard, roller skates, roller blades, and scooter safety and the helmet requirements of this chapter with each bicycle, skateboard, roller skate, roller blade, and scooter sold.

C. The City of Gig Harbor encourages any person engaging in the business of selling bicycle, skateboard, roller skate, roller blade, and scooter helmets to include information on safe helmet usage with each helmet sold.

Section 2. Pursuant to RCW 35A.12.140, a copy of Standard Z-90.4, set by the American National Standards Institute (ANSI) or the Snell Foundation, has been filed in the Office of the City Clerk for use and examination by the public.

Section 3. Severability. If any portion of this ordinance or its application to any person or circumstances is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the remainder of the ordinance or the application of the remainder to other persons or circumstances.

Section 4. Effective Date. This ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this ____ day of _____, 200_.

CITY OF GIG HARBOR

CHUCK HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO. _____



Business of the City Council
City of Gig Harbor, WA

**Subject: Gig Harbor Police June 2007
Council Report**

Proposed Council Action: Review

Dept. Origin: Police Department

Prepared by: Chief Mike Davis *(signature)*

For Agenda of: July 23, 2007

Exhibits: Report attached

Initial & Date

Concurred by Mayor:

CLA 7/18/07

Approved by City Administrator:

R&K 7/17/07

Approved as to form by City Atty: _____

Approved by Finance Director: _____

Approved by Department Head: _____

| | | | | | |
|-------------------------|---|--------------------|---|---------------------------|---|
| Expenditure Required | 0 | Amount Budgeted | 0 | Appropriation Required | 0 |
|-------------------------|---|--------------------|---|---------------------------|---|



POLICE

TO: MAYOR CHUCK HUNTER AND CITY COUNCIL
FROM: CHIEF OF POLICE MIKE DAVIS
SUBJECT: GHPD MONTHLY REPORT FOR JUNE 2007
DATE: JULY 23, 2007

DEPARTMENTAL ACTIVITIES

June 2007 YTD ***calls for service*** when compared to June 2006 YTD ***calls for service*** show an increase of 560 dispatched calls. During this time frame we have seen 92 fewer ***reports written*** by our officers. ***DUI arrests*** for 2007 YTD are up by nine compared to 2006. Our ***infractions*** are up by 219 this year; and our criminal citations are up by 107. Statistics show our June 2007 YTD ***traffic accidents*** have decreased by sixteen accidents when compared to June 2006 YTD. June 2007 YTD statistics show our ***misdemeanor and felony arrests*** are down by 28 and two arrests respectively when compared to the same time period in 2006.

| Category | June 2007 | | | | | |
|---------------------|-----------|-----------|--------|----------|----------|--------|
| | June 2006 | June 2007 | Change | YTD 2006 | YTD 2007 | Change |
| Calls for Service | 351 | 538 | 187 | 2086 | 2646 | 560 |
| General Reports | 172 | 167 | -5 | 1000 | 908 | -92 |
| Criminal Traffic | 7 | 17 | 10 | 47 | 98 | 51 |
| Infractions | 81 | 151 | 70 | 516 | 735 | 219 |
| Criminal Citations | 0 | 36 | 36 | 8 | 115 | 107 |
| Warrant Arrests | 6 | 7 | 1 | 35 | 50 | 15 |
| Traffic Reports | 17 | 18 | 1 | 103 | 87 | -16 |
| DUI Arrests | 3 | 4 | 1 | 18 | 27 | 9 |
| Misdemeanor Arrests | 30 | 29 | -1 | 197 | 169 | -28 |
| Felony Arrests | 11 | 16 | 5 | 62 | 60 | -2 |
| FIR's | 2 | 1 | -1 | 11 | 6 | -5 |

Attached you will find several graphs that track 2007 monthly statistics. I have left data from the last two years on several graphs to provide a baseline with which to compare our current activity levels as we progress through 2007 (remember some of the graphs contain cumulative numbers).

The Reserve Unit supplied 56 hours of volunteer time assisting our officers in June. Reserve Officer Ken Watkins recently resigned due to a busy work schedule. We have

also lost long time Reserve Officer Ryan Menday, who was recently hired by the Jefferson County Sheriff's Office. We are actively recruiting lateral reserves in an attempt to bring the unit staffing up to five members.

The COPS (Citizens on Patrol) program was active in June. Our COPS volunteer Ken McCray donated 25 hours of his time setting the speed trailer out during the month of June. CSO Lynn Mock reports we had 22 false alarms during the month of June and currently have had 139 during the first half of 2007. You may remember that before we initiated our false alarm compliance program we were receiving over 700 false alarms a year. Lynn has been very active in giving presentations throughout the community on school violence and internet safety.

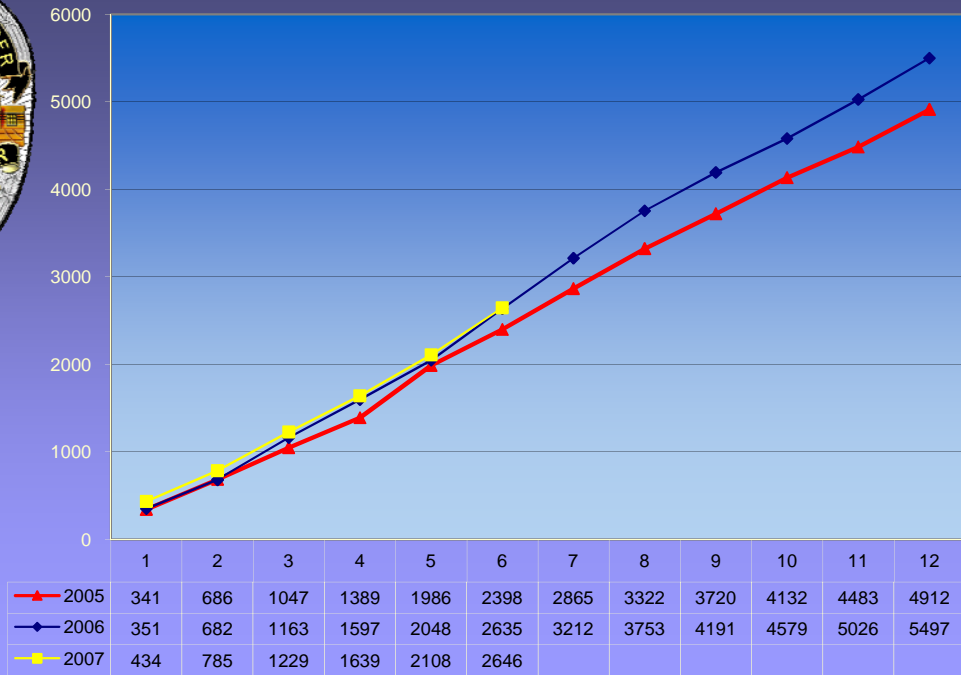
The Marine Services Unit was involved in the following activity during the month of June

- PATROL HOURS: 55
- ADMINISTRATIVE HOURS: 3
- MAINTENANCE HOURS: 4
- TOTAL OFFICER HOURS: 62
- CALLS FOR SERVICE: 13
- SEARCH & RESCUE CALLS: 3
- WRITTEN INSPECTIONS: 10

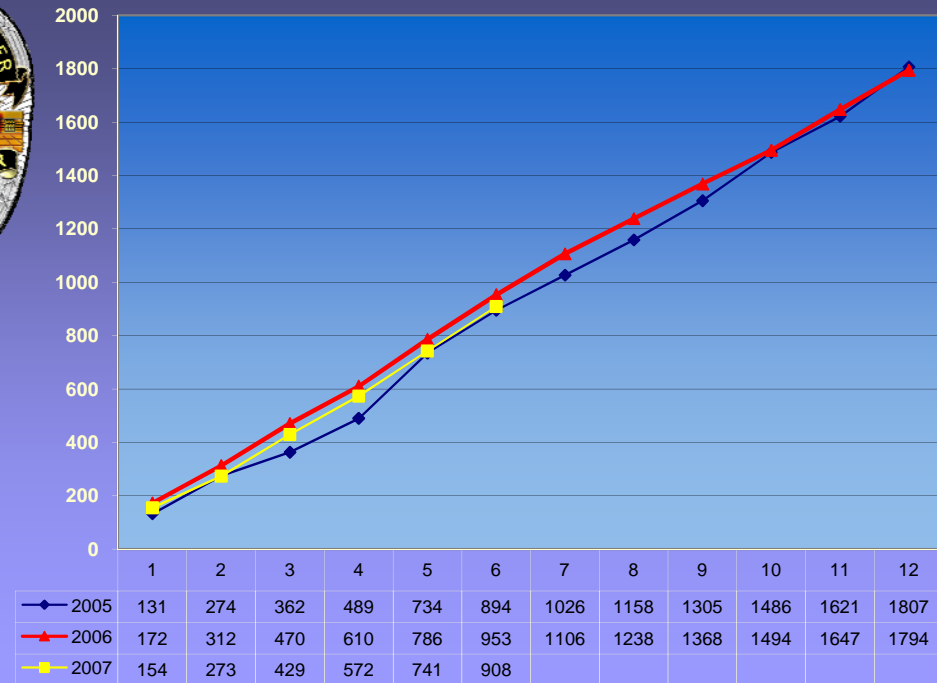
| TRAFFIC ACCIDENTS FOR JUNE 2007 | | | | | |
|---------------------------------|-------|-------------------------------|-----------|----------|-----|
| DATE | TIME | LOCATION | TYPE | CASE# | AGE |
| 6/3/2007 | 9:15 | Borgen Blvd. & Burnham Dr. | R/A - Non | GH070695 | 60 |
| 6/3/2007 | 12:15 | N. Harborview & Harborview | Non | GH070696 | 90 |
| 6/6/2007 | 0:16 | Wollochet & Hunt | Non | GH070709 | 24 |
| 6/9/2007 | 10:50 | Olympic Dr. & Pt. Fosdick Dr. | Non | GH070723 | 22 |
| 6/11/2007 | 13:28 | Wollochet Dr. Off Ramp @ SR16 | Non | GH070729 | 30 |
| 6/13/2007 | 15:27 | Peacock Hill & Vernhardson | Non | GH070736 | 17 |
| 6/15/2007 | 7:30 | Hunt St. & Soundview Dr. | Non | GH070743 | 42 |
| 6/15/2007 | 16:26 | Olympic Dr. & 50th St. Ct. | Non | GH070744 | 61 |
| 6/21/2007 | 14:20 | Borgen & Burnham | R/A - Non | GH070781 | 61 |
| 6/22/2007 | 11:00 | Olympic Dr. & Off Ramp SR 16 | Non | GH070788 | 70 |
| 6/22/2006 | 13:41 | Wollochet @ Off Ramp SR16 | Inj | GH070790 | 89 |
| 6/26/2007 | 14:51 | Pioneer Way & Stinson Ave. | Non | GH070808 | 28 |
| 6/23/2007 | 18:00 | 11330 51st Ave. NW | H&R | GH070811 | N/A |
| 6/29/2007 | 12:13 | 38th Ave. & Murphy Dr. | Non | GH070822 | 41 |
| 6/30/2007 | 16:50 | 38th Ave. & 56th St. | Non | GH070826 | 18 |

June 2007 YTD MONTHLY ACTIVITY GRAPHS

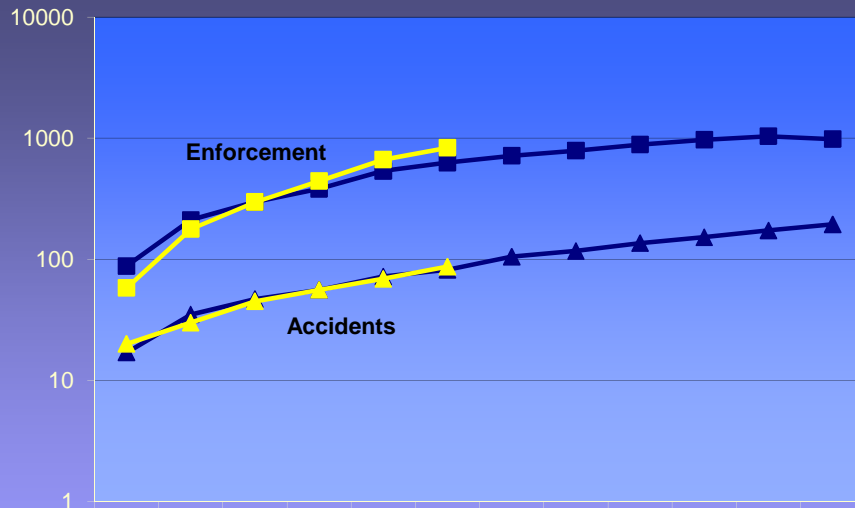
GHPD Calls for Service (cumulative) 2005 - 2007 YTD Comparison



Case Reports Written (cumulative) 2005 - 2007 YTD Comparison

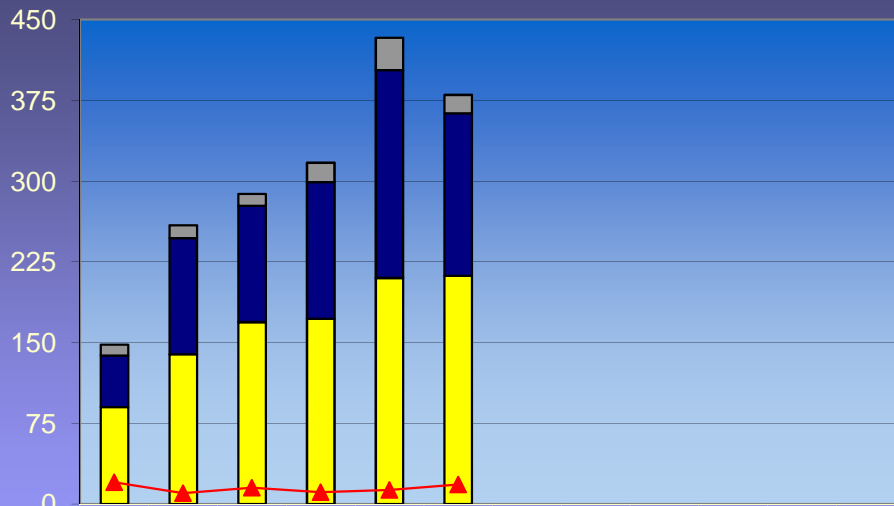


Trends: Traffic Enforcements vs. Accidents 2006 - 2007 YTD Comparison (cumulative)



| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|------------------------------|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|-----|
| 2006 Infractions + Citations | 88 | 211 | 297 | 382 | 536 | 628 | 717 | 788 | 888 | 970 | 1038 | 985 |
| 2007 Infractions + Citations | 58 | 178 | 297 | 442 | 665 | 833 | | | | | | |
| 2006 Reportable Accidents | 17 | 35 | 47 | 56 | 72 | 82 | 105 | 117 | 136 | 152 | 173 | 194 |
| 2007 Reportable Accidents | 20 | 30 | 45 | 56 | 69 | 87 | | | | | | |

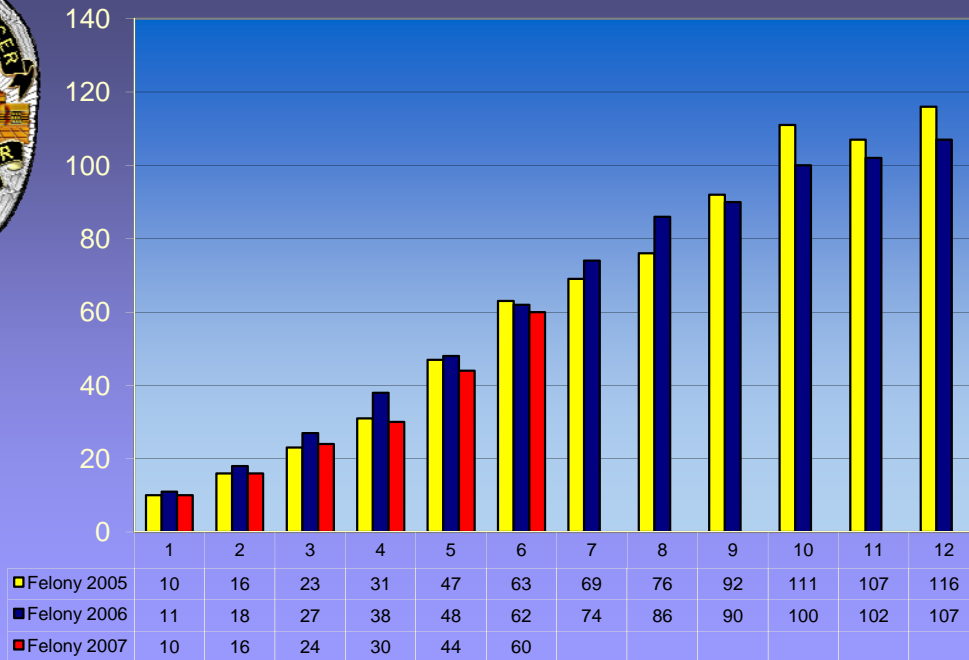
2007 Traffic Enforcement vs. Accidents Comparison Monthly Totals



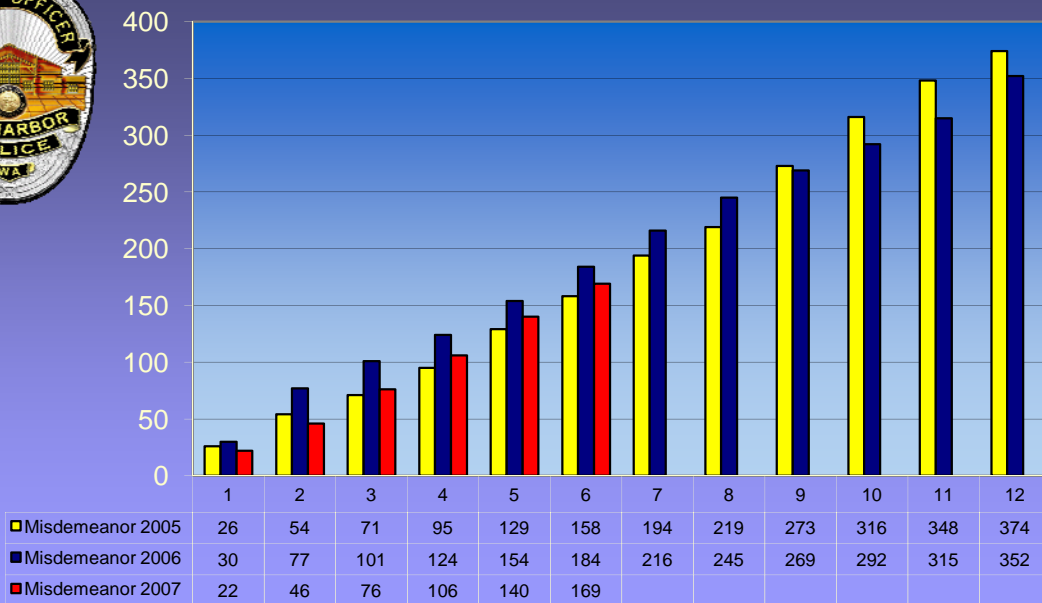
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------------------------|----|-----|-----|-----|-----|-----|---|---|---|----|----|----|
| Criminal Traffic Citations | 10 | 12 | 11 | 18 | 30 | 17 | 0 | 0 | 0 | 0 | 0 | 0 |
| Infractions | 48 | 108 | 108 | 127 | 193 | 151 | 0 | 0 | 0 | 0 | 0 | 0 |
| Verbal Warnings | 90 | 139 | 169 | 172 | 210 | 212 | 0 | 0 | 0 | 0 | 0 | 0 |
| Accidents | 20 | 10 | 15 | 11 | 13 | 18 | | | | | | |



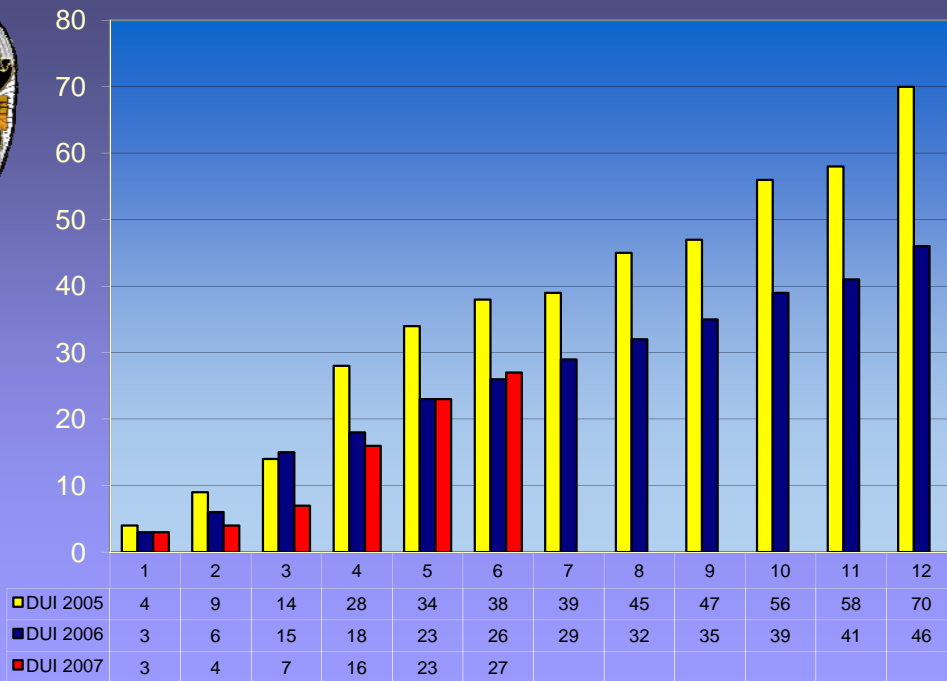
Felony Arrests (cumulative) 2005 - 2007 YTD Comparison



Misdemeanor Arrests (Cumulative) 2005 - 2007 YTD Comparison



DUI Arrests (cumulative) 2005 - 2007 YTD Comparison



Warrant Arrests (cumulative) 2005 - 2007 YTD Comparison

