

Town Hall Meeting Room
3715 Bridgeport Way West

- 6:30 pm
1. **CALL REGULAR MEETING TO ORDER**
 2. **ROLL CALL AND PLEDGE OF ALLEGIANCE**
 3. **APPROVAL OF MINUTES – October 12, 2013, January 17, 2014, April 7, 2014, April 14, 2014, April 21, 2014, and May 5, 2014**
 4. **APPROVAL OF AGENDA**
 5. **PRESENTATIONS**
 - Representative Tami Green, 28th Legislative District
 - Representative Dick Muri, 28th Legislative District
 - Senator Steve O’Ban, 28th Legislative District
- 7:00 pm
6. **PUBLIC COMMENTS** - (At this time, citizens will be given an opportunity to address the Council on any items listed under the Consent Agenda and on any subject not scheduled for a Public Hearing or Council consideration. Comments or testimony related to a scheduled Public Hearing or Council consideration should be held until the Mayor calls for citizen comments during that time. State law prohibits the use of this forum to promote or oppose any candidate for public office, or ballot measure. Public comments are limited to three minutes. Please provide your name and address for the record.)
- 7:05 pm
7. **COUNCIL COMMENTS/REPORTS**
- 7:10 pm
8. **CITY MANAGER’S REPORT**
- 7:15 pm
- 9A- **CONSENT AGENDA**
 - 9B. **Motion: Approve or Amend the Consent Agenda as Proposed**

<p>The Consent Agenda consists of items considered routine or have been previously studied and discussed by Council and for which staff recommendation has been prepared. A Councilmember may request that an item be removed from the Consent Agenda so that the Council may consider the item separately. Items on the Consent Agenda are voted upon as one block and approved with one vote.</p> <p>A. <u>Receive and File: Payroll and Claims.</u></p> <p>B. <u>Approve the final plat of Creek Vista, a 9-lot single family subdivision containing eight (8) proposed new homes and one (1) existing home located at the 9000 block of Chambers Creek Road.</u></p>
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- COUNCIL CONSIDERATION** – (The following item(s) will require Council action.)
- 7:20 pm
10. **ZAYO FRANCHISE AGREEMENT**
 - Staff Report
 - Public Comment
 - Council Consideration
- 7:40 pm
11. **MAYOR’S REPORT**
- RECESS TO STUDY SESSION** - (At this time, Council will have the opportunity to study and discuss business issues with staff prior to its consideration. Citizen comment is not taken at this time; however, citizens will have the opportunity to comment on the following item(s) at future Council meetings.)
- 7:45 pm
12. **2015-2016 COUNCIL GOALS/OUTCOMES**

9:00 pm

13. ADJOURNMENT

*PRELIMINARY CITY COUNCIL AGENDA

June 2, 2014
Regular Council Meeting

June 16, 2014
Regular Council Meeting – CANCELLED

June 23, 2014
Special Council Meeting

July 7, 2014
Regular Council Meeting

July 21, 2014
Regular Council Meeting

Preliminary City Council Agenda subject to change without notice*
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APPROVAL OF MINUTES

**CITY OF UNIVERSITY PLACE
DRAFT MINUTES
Special Meeting of the City Council
Saturday, October 12, 2013
City Hall, Windmill Village**

CALL SPECIAL MEETING TO ORDER

Mayor Grassi called the Special Meeting to order at 8:30 a.m.

Attendance was noted as follows: Councilmember Belleci, Councilmember Choiniere, Councilmember Nye, Mayor Pro Tem McCluskey, Mayor Grassi, Councilmember Figueroa and Councilmember Keel.

Staff present: City Manager Sugg, Executive Director/ACM Faison, Executive Director/ACM Craig, City Attorney Victor, Parks, Recreation and Public Works Director Cooper, Planning and Development Services Director Swindale, Human Resource Manager Petorak, Police Chief Blair and City Engineer Ecklund.

BUDGET STRATEGIC ISSUES

Executive Director/ACM Faison detailed the City's financial position for Council's discussion. He reported on the City's projected deficit indicating that the City's expenditures will exceed revenues in 2015, the Public Safety fund balance will be depleted in 2016, and by 2018 the City's ending fund balance will be depleted. Previously, Council directed the Public Safety Commission, Parks & Recreation Commission and staff to study and make recommendations to stimulate revenue and sustain services. Executive Director Faison provided Council with information necessary to understand the financial imbalance and analyze the recommendations when they are made. He explained revenue options from property taxes, business and occupation taxes, utility taxes, as well as transportation benefit districts and metropolitan park districts.

AFFORDABLE CARE ACT

Council was provided with an overview regarding how the City as an employer would be affected by the Affordable Care Act (ACA) as well as how it will affect City employees. Council had questions regarding how Council themselves may be affected by the ACA. The Internal Revenue Service (IRS) has determined that elected officials are considered employees for the purposes of the ACA. However, in order to be offered benefits by the City, Council needs to determine whether or not its members are full time equivalent employees working thirty or more hours a week. Council will take a look at this issue again as part of the budget update discussion in November.

COUNCIL GOALS REVIEW

A status update of the 2012/2013 Council Goals was provided with follow-up discussion.

2015 U.S. OPEN ACTIVITIES

Council discussed marketing and branding strategies for the upcoming 2015 U.S. Open.

PARK NAMING

Council reviewed and accepted the Parks and Recreation Commission recommendation of three park names that were submitted by citizens through the Commission's public solicitation process: Brookside Park, Paradise Pond Park and Creekside Park.

ADJOURNMENT - The meeting adjourned at 2:54 p.m. No other action was taken.

Submitted by,

Mariza Craig
Executive Director/Assistant City Manager

**CITY OF UNIVERSITY PLACE
DRAFT MINUTES
Special Meeting of the City Council
Friday, January 17, 2014
City Hall, Windmill Village**

CALL SPECIAL MEETING TO ORDER – MAYOR

Mayor McCluskey called the Special Meeting to order at 6:30 p.m.

Attendance was noted as follows: Councilmember Belleci, Councilmember Nye, Mayor McCluskey, Mayor Pro Tem Figueroa, Councilmember Grassi, Councilmember Keel, and Councilmember Worthington.

Staff Present: City Manager Sugg, Executive Director/ACM Faison, City Attorney Victor, and Executive Director/ACM Craig.

EVENTS

Mayor McCluskey shared the Council goals that relate to the significance of community events. She summarized the issues regarding City events and conveyed the need for Council to find agreeable solutions as they work to identify which events to support for 2014. City Attorney Victor classified events into two models, City organized events on City property and non-City organized events on City property and identified critical components as traffic, safety, sanitation, licensing and insurance. He discussed event impacts, liability, risks, insurance, and necessary regulations. Council will hold a future study session on the issue.

The City Council recognizes that City events are valuable in promoting the City's identity as a distinct community and are a fundamental component for University Place's quality of life.

COUNCIL ASSIGNMENTS

Council reviewed and updated its Council Committee Representative and Assignments list for 2014.

ADJOURNMENT

The meeting adjourned at 9:00 p.m. No other action was taken.

Submitted by:

Mariza Craig
Executive Director/ACM

**CITY OF UNIVERSITY PLACE
DRAFT MINUTES
Regular Meeting of the City Council
Monday, April 7, 2014
City Hall, Windmill Village**

1. CALL REGULAR MEETING TO ORDER – MAYOR

Mayor McCluskey called the Regular Meeting to order at 6:30 p.m.

2. ROLL CALL AND PLEDGE OF ALLEGIANCE

Roll call was taken by the City Clerk as follows:

Councilmember Belleci	Present
Councilmember Grassi	Present
Councilmember Keel	Present
Councilmember Nye	Present
Councilmember Worthington	Present
Mayor Pro Tem Figueroa	Present
Mayor McCluskey	Present

Staff Present: City Manager Sugg, City Attorney Victor, Executive Director/ACM Craig, Police Chief Blair, Planning and Development Services Director Swindale, Public Works, Parks & Recreation Director Cooper, City Engineer Ecklund, IT/Communications Manager Seesz, Maintenance & Operations Crew Chief Schmidt; Maintenance Worker III Bibby, Paralegal Grover, Project Assistant Metcalf, and City Clerk Genetia.

Councilmember Keel led the pledge of allegiance.

3. APPROVAL OF MINUTES

MOTION: By Councilmember Belleci, seconded by Councilmember Grassi, to approve the minutes of February 8, 2014, March 10, 2014 and March 17, 2014 as submitted.

The motion carried.

4. APPROVAL OF AGENDA

MOTION: By Councilmember Belleci, seconded by Mayor Pro Tem Figueroa, to approve the agenda.

The motion carried.

5. PRESENTATIONS

Association of Washington Cities (AWC) Retro Safety Academy – Kevin Schmidt and Terry Bibby were recognized by Roger Neal, AWC Loss Prevention Coordinator, for completing series of workshops from the Retro Safety Academy. They were presented the Retro Safety award for their efforts to reduce risks in the workplace.

6. PUBLIC COMMENT – None

7. COUNCIL COMMENTS/REPORTS

Councilmember Keel remarked on the City's Public Safety proposition and indicated that the City is seeking members for the "for" and "against" committees for this ballot measure.

Councilmember Belleci recognized the home-based business community who participated at the Partner UP event.

8. CITY MANAGER'S REPORT

City Manager Sugg called the Council's attention to an invitation to a public forum on the Global Cities Initiative. The Global Cities Initiative aims to equip city and metropolitan leaders with the information, policy ideas, and connections they need to bolster their position within the global economy. The forum is a joint project of Brookings and JPMorgan Chase and will be held on April 10, 2014 beginning at 8:30 a.m.

9A-9D. CONSENT AGENDA

Councilmember Keel requested that Item 9B be pulled from the Consent Agenda for separate consideration.

MOTION: By Councilmember Grassi, seconded by Councilmember Belleci, to approve the amended Consent Agenda as follows:

- A. Receive and File: Payroll for the period ending 02/28/14, signed and dated 03/12/14, check nos. 317881 through 317902, and wires in the total amount of Two Hundred Fifty-One Thousand One Hundred Seventy-Six and 01/100 Dollars (\$251,176.01); Payroll for the period ending 03/15/14, signed and dated 04/02/14, check nos. 317903 through 317919, and wires in the total amount of One Hundred Ninety-Three Thousand Six Hundred Thirty-Five and 08/100 Dollars (\$193,635.08); Claims dated 02/28/14, signed 03/12/14, check no. 49979, in the total amount of One Thousand Five Hundred Fifty-Six and 06/100 Dollars (\$1,556.06); Claims dated 03/14/14, signed 03/12/14, check nos. 49980 through 50029, in the total amount of One Hundred Twenty-Four Thousand Ninety-Three and 60/100 Dollars (\$124,093.60); and Claims dated 03/31/14, signed 04/02/14, check nos. 50030 through 50107, in the total amount of Five Hundred Twenty-Six Thousand One Hundred Nineteen and 05/100 Dollars (\$526,119.05).
- B. Adopt a resolution directing the Parks and Recreation Commission to examine the benefits and potential challenges of forming a Metro Park District to fund parks and recreation including options for creating, managing and operating a District, level of funding required to meet the City's long-term parks and recreation vision for the next twenty years. **(Pulled for separate consideration.)**
- C. Authorize the payment of \$48,567.84 for the Rainier Communications Commission invoice for 2014 membership dues covering January 1, 2014 through December 31, 2014.
- D. Adopt a resolution amending and superseding Resolution No. 706 which established the Economic Development Commission to reflect a new meeting day and housekeeping changes. **(RESOLUTION NO. 752)**

The motion carried.

Item 9B.

MOTION: By Councilmember Worthington, seconded by Mayor Pro Tem Figueroa, to amend the resolution to include wording that would provide direction to the Commission to evaluate options for governance, financial revenue, organizational design as it relates to operating costs, and control of assets.

The motion carried.

MOTION: By Councilmember Keel, seconded by Mayor Pro Tem Figueroa, to adopt Item 9B as amended.

The motion carried. (RESOLUTION NO. 753)

COUNCIL CONSIDERATION

10. CHAMBERS CREEK PROPERTIES DESIGN STANDARDS ORDINANCE

Staff Report – Planning and Development Services Director Swindale provided background on the Chambers Creek Properties Standards and Guidelines. The Standards and Guidelines apply to the 930 acres of Pierce County-owned property located along the Puget Sound and extending through the cities of University Place and Lakewood. On February 7, 2000, the three jurisdictions entered into a Joint Procedural Agreement that established the process and procedures to facilitate the implementation of the Master Site Plan and the adopted design standards. The City Council approved the first update to the Chambers Creek Properties Master Plan subject to a condition that includes the revision of the Chambers Creek Properties Design Standards. Many of the standards were vague and did not include a process for review and approval of projects, and were not codified, which makes them difficult to administer. It is proposed that the existing design standards be repealed and replaced with a new set of standards that include an administrative section, goals and policies, and definitions for temporary uses for temporary structures which currently exist on the property. Other amendments include provisions for substitutions, adjustments, exceptions, joint processes, signage, landscaping and setbacks.

Public Comment – None

Council Consideration – **MOTION:** By Councilmember Belleci, seconded by Mayor Pro Tem Figueroa, to pass an ordinance repealing Ordinance No. 383, amending Title 19 Zoning including revisions to the Chambers Creek Properties Design Standards and amending Title 22 Administration of Development Regulations to administer the Chambers Creek Properties Design Standards.

The motion carried. (ORDINANCE NO. 636)

11. MAYOR'S REPORT

Mayor McCluskey reported on the following: University Place Refuse's spring cleanups on April 12 and 19; marijuana and other legislative updates; required training for elected officials on Public Records Act; U.S. Open update; Sound Transit's Seattle to Huskies Stadium link; Department of Public Health's program on healthy communities; University of Tacoma YMCA; Prairie Line Trail connecting to Chambers Bay; Public Health's business inspection regulations; Whole Foods ground breaking event; and 16th CAB community support. Mayor McCluskey also submitted her appointments to the Planning Commission and the Pierce County Conservations Futures Advisory Board positions which will be included in the consent agenda at Council's next business meeting for Council confirmation.

At 7:11 p.m., Council adjourned its business meeting and recessed to Study Session.

RECESS TO STUDY SESSION

12. ZAYO FRANCHISE AGREEMENT

City Attorney Victor informed Council that the Zayo Group has applied for a franchise to install and maintain telephone infrastructure in certain portions of the City's right-of-way. He indicated that under State law, the City is precluded from charging a franchise fee. However, they will be subject to permit fees and other administrative costs. He also noted that telephone communications are subject to utility tax. Zayo Group is a global provider of bandwidth infrastructure services.

Discussion followed with regards to the use of a public asset with no financial benefit, pavement management policy, and undergrounding utilities vs. overhead wires. Council requested an undergrounding package for study and consideration. City Attorney Victor indicated that staff will look to demonstrate the value this additional infrastructure will bring to the City; however, he reminded Council that communications infrastructure is a highly regulated environment under Federal and State laws.

13. SIX-YEAR TRANSPORTATION IMPROVEMENT PLAN UPDATE

City Engineer Ecklund presented the proposed amendments to the City's Six-Year Transportation Improvement Plan (TIP) for years 2015-2020. The primary changes to the TIP include updates to project schedules and costs, and updates to project funding status.

The City of University Place is required by State law to adopt and annually update a Six-Year Transportation Improvement Plan (TIP). However, the approval of the Six-Year Transportation Improvement Plan does not commit the City to any financial expenditure; rather, each project is reviewed individually by the City Council in each relevant budget cycle as a component of the Capital Improvement Plan. Its approval, however, does create eligibility for the City to apply for various grant opportunities, and provides an indication of the City's planning direction for transportation needs.

City Engineer Ecklund requested input from Council on the 27th Street Phase II project which is on the project list. Currently the plan for this project includes undergrounding of utilities. Under the City's franchise agreement with Tacoma Public Utilities, the City is required to pay half the cost of undergrounding utilities on City projects that require relocation and undergrounding of utilities. He indicated that if the City was to underground the utilities on 27th Street, its share of the cost would be around \$1.5 million. City Engineer Ecklund noted that a grant opportunity to fund the rest of the street improvements on the other side of 27th Street is available and that applications are due at the end of the month. He asked Council's direction on whether to pursue this grant opportunity, basically without the undergrounding of the wires, or hold off seeking funds for that portion of that portion of 27th Street until such time as funds to pay for undergrounding become available. He also addressed specifics on Bridgeport Phase IV, 44th Street and Elwood Street Safe Routes to Schools, and Cirque Drive Overlay projects.

The Council directed the staff to proceed with the grant application. A public hearing on the proposed amendments to the City's Six-Year Transportation Improvement Plan is scheduled on April 14.

A study session on undergrounding utilities will be scheduled at a future meeting.

MOTION: By Councilmember Belleci, seconded by Mayor Pro Tem Figueroa, to switch the order of agenda items 14 and 15.

The motion carried.

14. CURRAN LEASE AGREEMENT

City Attorney Victor provided background information on the Curran House and presented the proposed lease agreement between the City of University Place and the University Place Historical Society, Inc. The lease consists of a house and property located at 4009 Curran Lane West, and is modeled after the Adrianna Hess property lease. The lease will allow the University Place Historical Society to have the opportunity to raise funds to program the facility.

Mr. Howard Lee of the University Place Historical Society summarized the lease conditions and terms, and also provided an overview of the group's overall plan for restoring the house for public use.

Upon execution of the lease, the University Place Historical Society will become the property manager for the Curran House.

At 8:35 p.m., the Council took a ten-minute break. The study session resumed at 8:45 p.m.

15. MARIJUANA ORDINANCE

City Attorney Victor provided an overview on Initiative 502 and addressed legal concerns with regards to the State's mandate to implement a marijuana production, processing and retail sale industry which remains a criminal violation of federal law. Based on the conflict between Initiative 502 and the marijuana-industry option of the federal Controlled Substance Act, and the uncertainty of qualified assurances about criminal prosecution for government officials and city employees, he presented a proposed legislation that takes into account all of the legal issues with regards to Initiative 502. The proposed ordinance contains a number of regulations the Council can adopt and implement, including an option on local excise tax in order to offset impact on regulatory and public safety burden, and an option for an interim prohibition similar to what the County adopted. In addition, a map depicting where marijuana businesses could locate in the City reflects limited areas that are not within the prohibited zones.

The City had adopted two six-month moratorium on marijuana businesses in the City.

City Attorney Victor recommended that Council consider enacting a local marijuana and cannabis prohibition based on the direct conflict with federal law. He noted that the Council can revisit this issue again when changes to the federal law occurs.

At 10:00 p.m., **MOTION:** By Councilmember Grassi, seconded by Councilmember Keel, to extend the meeting to 10:30 p.m.

The motion carried.

16. U.S. OPEN – HOST CITY WORK PLAN

Executive Director/ACM Craig, along with Rusty George and Public Relations Manager Seesz presented the overall strategies and progress of activities the City is pursuing in preparation for the 2015 U.S. Open, including goals and desired outcomes. The main focus of these strategies is in the areas of communications and branding. Rusty George presented an initial overview of signage options in the City and following Council approval will begin to develop design concepts for this signage.

Discussion about community engagement, regulations, and permitting process followed.

17. ADJOURNMENT

The meeting adjourned at 10:30 p.m. No other action was taken.

Submitted by,

Emy Genetia
City Clerk

**CITY OF UNIVERSITY PLACE
DRAFT MINUTES
Special Meeting of the City Council
Monday, April 14, 2014
City Hall, Windmill Village**

1. CALL SPECIAL MEETING TO ORDER – MAYOR

Mayor McCluskey called the Special Meeting to order at 6:30 p.m.

2. ROLL CALL AND PLEDGE OF ALLEGIANCE

Roll call was taken by the City Clerk as follows:

Councilmember Belleci	Present
Councilmember Grassi	Present
Councilmember Keel	Present
Councilmember Nye	Present
Councilmember Worthington	Present
Mayor Pro Tem Figueroa	Present
Mayor McCluskey	Present

Staff Present: City Manager Sugg, City Attorney Victor, Executive Director/ACM Craig, City Engineer Ecklund, and City Clerk Genetia.

Mayor Pro Tem Figueroa led the pledge of allegiance.

3. PRESENTATION

National Day of Prayer Proclamation – Added to the Consent Agenda as receive and file item. Mayor McCluskey will present the proclamation to Pastor Fay on May 1, 2014.

4. PUBLIC COMMENT – None.

5A-5F. CONSENT AGENDA

Councilmember Nye requested that Item 5E be pulled for separate consideration.

Mayor McCluskey requested that the Proclamation for the National Day of Prayer be added to the consent agenda as receive and file.

MOTION: By Councilmember Belleci, seconded by Councilmember Grassi, to approve the amended Consent Agenda as follows:

- A.** Receive and File: Certificate of Appreciation for Pastor Fred Fay.
- B.** Confirm Morry Stafford's appointment to the Planning Commission for a term ending January 31, 2016.
- C.** Confirm Greg Gooch's re-appointment to the Pierce County Conservation Futures Citizens' Advisory Board for a four-year term ending March 31, 2018.
- D.** Ratify Resolution No. 753 that was adopted on April 7, directing the Parks and Recreation Commission to examine the benefits and potential challenges of forming a Metro Park District to fund parks and recreation including options for creating, managing and operating a District, level of funding required to meet the City's long-term parks and recreation vision for the next twenty years.
- E.** Adopt a resolution expressing intent to expend funds in preparation for capitalizing on the impact of the 2015 U.S. Open to be held at Chambers Bay Golf Course. **(Pulled for separate consideration.)**

- F. Adopt a resolution approving a Lease Agreement between the City of University Place and the University Place Historical Society for the Curran House substantially in the form attached hereto. **(RESOLUTION NO. 754)**
- G. Receive and File: National Day of Prayer Proclamation. **(Added for consideration.)**

The motion carried.

Item 5E.

MOTION: By Councilmember Worthington, seconded by Councilmember Belleci, to remove the words "Public Relations/Communications" under the fifth paragraph and replace it to read "Study and understand the regulatory role of the City including the potential for a new or amended ordinances."

The motion passed 6 to 1. Mayor Pro Tem Figueroa voted no.

MAIN MOTION: By Councilmember Belleci, seconded by Councilmember Grassi, to adopt a resolution expressing intent to expend funds in preparation for capitalizing on the impact of the 2015 U.S. Open to be held at Chambers Bay Golf Course as amended.

Councilmember Nye expressed his reservations about spending the budgeted funds without a good solid plan and a well thought-out message.

The passed 6 to 1. Councilmember Nye voted no. (RESOLUTION NO. 755)

COUNCIL CONSIDERATION

6. PUBLIC HEARING: SIX-YEAR TRANSPORTATION IMPROVEMENT PLAN

Staff Report – City Engineer Ecklund presented the proposed amendments to the City's Six-Year Transportation Improvement Plan (TIP) for years 2015-2020. The primary changes to the TIP include the following: Updates to project schedules, costs and funding status; adjusting project descriptions to be consistent with upcoming grant opportunities; and removing completed projects.

The City of University Place is required by State law to adopt and annually update a Six-Year Transportation Improvement Plan (TIP). However, the approval of the Six-Year Transportation Improvement Plan does not commit the City to any financial expenditure; rather, each project is reviewed individually by the City Council in each relevant budget cycle as a component of the Capital Improvement Plan. Its approval, however, does create eligibility for the City to apply for various grant opportunities, and provides an indication of the City's planning direction for transportation needs.

Public Comment – The following individual provided comment on the matter: *Anthony Paulson, 9201 61st Street Court West.*

Council Consideration – **MOTION:** By Councilmember Grassi, seconded by Councilmember Belleci, to adopt a resolution approving the Six-Year Transportation Improvement Plan for years 2015-2020.

The motion carried. (RESOLUTION NO. 756)

7. MARIJUANA ORDINANCE

Staff Report - City Attorney Victor presented a proposed legislation that takes into account all of the legal issues with regards to Initiative 502. Initiative 502 purports to decriminalize the possession and consumption of certain amounts of marijuana with the State, and it also directs State government to implement a marijuana production, processing and retail sale industry. The initiative's second mandate to implement a marijuana production, processing and retail sale industry in Washington is directly contradictory to federal law and remains illegal and subject to criminal prosecution. The federal

administration's approach is unknown at this time. The effect of this ordinance would prohibit such business until such time as the conflict with federal law is resolved.

Attorney Victor recommended that the Council consider enacting a local marijuana and cannabis prohibition based on the direct conflict with federal law.

Public Comment – The following individual provided comment on the matter: *Carl Mollnow, 5124 84th Avenue West.*

Council Consideration – **MOTION:** By Councilmember Grassi, seconded by Mayor Pro Tem Figueroa, to pass an ordinance pertaining to marijuana, also known as cannabis; adopting local regulations for recreational marijuana as defined in state law and medical cannabis as defined in state law; repealing Ordinance No. 631 which established a moratorium on marijuana uses; adopting a new chapter in the University Place Municipal Code, "Marijuana/Cannabis Uses" which establishes local regulations for all marijuana uses; recognizing the conflict with federal law; and adopting legislative findings.

The motion carried. (ORDINANCE NO. 657)

At 7:47 p.m., the City Council took a five-minute break. The special meeting resumed at 7:54 p.m.

RECESS TO STUDY SESSION

8. NON-CITY EVENTS WAIVER REQUESTS

In March 2014, Council adopted a resolution designating seven City events for 2014. However, Council has yet to determine which, if any, non-City events hosted by City partners will be provided with City support in the form of in-kind contributions, staff support, fee waivers or free use of facilities. Over time, staff gets numerous requests for fee waivers, use cost and deposit waivers, and support for these worthy events all on the basis of being a City partner/friend. City Attorney Victor explained that the City partner designation is part of the City's limited public forum policy and benefits afforded to them specifically relate to the use of the City's newsletter, web page, events calendar, bulletin board, UPTV, and public display areas. Legislation regarding City partners does not include financial support or fee waivers. City staff has no legislative authority to handle these requests. City Manager Sugg indicated that although the extent of these costs is approximately \$10,000 annually, it has direct budgetary impact on staff and on the City in terms of direct hard cost. City staff is seeking direction and clarification from Council on this matter.

Council discussion followed with regards to concern with having to incur additional expense on an already limited budget; the value of these community events; the grass root efforts and the benefits they give back to the community; economic activity and return on investment; discounted fees; the group's ability to provide liability insurance; and building permit fee waivers.

Staff will prepare and bring back a defined proposal addressing the above concerns for additional study by Council.

9. ADJOURNMENT

The meeting adjourned at 8:58 p.m. No other action was taken.

Submitted by,

Emy Genetia
City Clerk

**CITY OF UNIVERSITY PLACE
DRAFT MINUTES
Regular Meeting of the City Council
Monday, April 21, 2014
City Hall, Windmill Village**

1. CALL REGULAR MEETING TO ORDER – MAYOR

Mayor McCluskey called the Regular Meeting to order at 6:30 p.m.

2. ROLL CALL AND PLEDGE OF ALLEGIANCE

Roll call was taken by the City Clerk as follows:

Councilmember Belleci	Present
Councilmember Grassi	Present
Councilmember Keel	Present
Councilmember Nye	Present
Councilmember Worthington	Present
Mayor Pro Tem Figueroa	Present
Mayor McCluskey	Present

Staff Present: City Manager Sugg, City Attorney Victor, Executive Director/ACM Craig, Public Works, Parks & Recreation Director Cooper, and City Clerk Genetia.

Councilmember Belleci led the pledge of allegiance.

3. APPROVAL OF AGENDA

MOTION: By Councilmember Belleci, seconded by Mayor Pro Tem Figueroa, to approve the agenda.

The motion carried.

4. PRESENTATIONS

Arbor Day and Parks Appreciation Day Proclamations – Mayor McCluskey presented proclamations to Public Works, Parks & Recreation Director Cooper recognizing April 26, 2014 as Parks Appreciation Day and Arbor Day in University Place. Director Cooper presented the City a dogwood tree, donated by the Public Works and Recreation staff, to be planted at one of the City parks.

Tree City U.S.A. Award – Public Works, Parks & Recreation Director Cooper presented Mayor McCluskey the 14th consecutive Tree City USA award.

5. PUBLIC COMMENT – *Clare Bungay, Parks and Recreation Commissioner.*

6. COUNCIL COMMENTS/REPORTS

Councilmember Keel informed the City Council that he has submitted an application for the AWC Board member position. He also attended a homeowners' association meeting to provide information on the 2015 U.S. Open.

Councilmember Worthington stated that he decided not to submit an application for the AWC Board at this time.

Councilmember Grassi commended Public Safety Detective Shook for his professionalism in handling an incident involving theft. He validated the City's decision to increase the University Place Police department budget in order to add a detective.

Councilmember Belleci reported that Pierce County Regional Council members Mark Hamilton and Steve Vermillion were appointed to the Puget Sound Regional Council's Growth Management Board.

7. CITY MANAGER'S REPORT

City Manager Sugg reported that as a result of recent amendments to the Washington Administrative Code (WAC), the Office of the State Treasurer has created a prospectus to be distributed to participants of the Local Government Investment Pool; and that all participants must also complete a new Transaction Authorization Form and approve an updated resolution. Accordingly, City staff will forward a resolution for Council consideration in compliance with these changes.

8A. CONSENT AGENDA

MOTION: By Councilmember Belleci, seconded by Councilmember Grassi, to approve the Consent Agenda as follows:

- A. Receive and File: Payroll for the period ending 03/31/14, signed and dated 04/14/14, check nos. 317920 through 317939, and wires in the total amount of Two Hundred Fifty-Three Thousand Three Hundred Seventy-Three and 92/100 Dollars (\$253,373.92); Claims dated 04/15/14, signed 04/14/14, check nos. 50108 through 50186, in the total amount of Four Hundred Fifty-Three Thousand Three Hundred Forty-Seven and 15/100 Dollars (\$453,347.15).

The motion carried.

COUNCIL CONSIDERATION

8. FOR AND AGAINST VOTERS' PAMPHLET STATEMENTS WRITERS

Staff Report – City Attorney Victor presented a resolution that completes the process of the City Council's adopted Resolution No. 749, placing a measure for the sole purpose of funding police in University Place on the ballot for the November 2014 general election. State law provides that the legislative authority of that jurisdiction seek committees of up to three persons to prepare arguments advocating voters' approval and rejection of the measure. Accordingly, the City published a notice seeking members for the "For" and "Against" committee for this purpose. The City received two responses, both seeking appointment to write a statement advocating for approval of the public safety funding measure.

Public Comment – None

Council Consideration – **MOTION:** By Councilmember Grassi, seconded by Mayor Pro Tem Figueroa, to adopt a resolution appointing persons to serve on the committees to draft the Voters' Pamphlet statements for and against the police funding measure.

The motion carried. (RESOLUTION NO. 757)

9. MAYOR'S REPORT

Mayor McCluskey reported on the following events: Veterans Memorial Plaza's fundraising; Grassi's ribbon cutting; Parks and Recreation Commission's presentation; AUSA meeting; and JBLM Commander's briefing.

At 7:07 p.m., **MOTION:** By Councilmember Grassi, seconded by Councilmember Belleci, to adjourn the business meeting of the City Council and recess to study session.

The motion carried.

The Council took a five-minute break and reconvened to study session at 7:20 p.m.

RECESS TO STUDY SESSION

10. 2015-2016 COUNCIL GOALS

The study session was facilitated by Dr. Lowell Kuehn who introduced the objective of this discussion. He reviewed the 2012-2014 Council Goals and asked each Councilmember to identify which accomplishment they are most proud of. The refinancing of the 2012 bonds was identified as most significant by most Councilmembers, followed by the progress made towards the redevelopment of the 27th Street Business District. Council's improved communication and collaboration efforts were also noted. Defining a goal as a "condition that will be better in the future," Councilmembers were asked to visualize their own legacy and what they would like the community to remember about them as a member of the City Council. Councilmembers shared their responses.

Dr. Kuehn then began the discussion on goal setting for 2015-2016 using the goal/vision model. The following is a summary of goals and priorities for 2015-2016:

1. A safer, more livable community
 - Undergrounding of utility poles, especially those along 27th Street
 - Work towards successful passage of Proposition 1
 - Add more sidewalks
2. Increase the community's economic viability
 - Redevelopment of the Narrows Plaza, Grandview Plaza and McGuire property
 - Re-evaluate zoning and consider a business park to make room for home-based business expansions
 - Diversify with zoning
 - Provide more access to water and views as strategy for improving desirability and attraction
3. Create a full-service, self-sufficient community
 - Sustain and improve current levels of service (UPTV, senior shuttle, city supported events, COLA)
4. Continue to embrace greater citizen trust and confidence
 - Improve communications with citizens especially in soliciting citizen input
5. Increase City's financial viability
 - Reduce debt by using one-time or extraordinary sources of revenues
 - Build City reserves through unspecified sources of revenues and dedicate for debt reduction

The remaining 2012-2014 goals are to be added to the above list with an "in progress" status.

(At 8:55 p.m., a motion was made and was carried to extend the meeting to 10:00 p.m.)

11. ADJOURNMENT

The meeting adjourned at 10:00 p.m. No other action was taken.

Submitted by,

Emy Genetia
City Clerk

**CITY OF UNIVERSITY PLACE
DRAFT MINUTES
Regular Meeting of the City Council
City Council and Commissions Annual Meeting
Monday, May 5, 2014
City Hall, Windmill Village**

CALL REGULAR MEETING TO ORDER – MAYOR

Mayor McCluskey called the Regular Meeting to order at 6:35 p.m.

Attendance was noted by the Deputy City Clerk as follows: Mayor McCluskey, Mayor Pro Tem Figueroa, Councilmember Belleci, Councilmember Grassi, Councilmember Keel, Councilmember Nye, and Councilmember Worthington.

Staff present: City Manager Sugg, Executive Director/ACM Craig, City Attorney Victor, Police Chief Blair, Planning and Development Services Director Swindale, Public Works Director Cooper, City Clerk Genetia, Public Safety Manager Hales, Principal Planner Briske, and Deputy City Clerk Nicholas.

Economic Development Commission: Chuck Foster, Randy Walden, Rick Larson, Ron Kent and Ruthann Reim McCaffree.

Parks and Recreation Commission: Clare Bungay, Elias Santiago, Greg Gooch, Jim Baldes, Rebecca Vader and Stefanie Coleman.

Planning Commission: Cliff Quisenberry, Morry Stafford and Tony Paulson.

Public Safety Commission: Dan Grey, Ed Wood, Melody Williams, Michael Smith, Phil Hoffman, Mitch Sagers and Ben Zielke.

CITY COUNCIL AND COMMISSIONS ANNUAL MEETING

Milt Tremblay, Director of Physical Planning & Sustainability at the University of Washington Tacoma (UWT), introduced the University's project to develop the Prairie Line Trail as essential open space for the UWT campus and shared collaborative efforts significant in the project's development.

City Attorney Victor reminded attendees that the November 2014 general election will include the City's public safety proposition and informed them of the Washington State statute for appropriate public agency conduct relating to ballot propositions.

Public Safety Commission Co-chair Smith gave an overview of the public safety measure proposed to increase revenue necessary to fund future police services. If approved, the City would levy an additional 3.5% tax on utility companies who provide services in University Place.

Executive Director/ACM Craig updated commissioners on the City's role as the 2015 U.S. Open Host City. She reviewed targeted outcomes and announced strategies developed to achieve them with emphasis on branding, welcoming, public relations and communications.

Commissioners provided their 2013 work plan updates to Council.

ADJOURNMENT

The meeting adjourned at 8:25 p.m.

Submitted by,

Debora Nicholas, CMC
Deputy City Clerk

APPROVAL OF CONSENT AGENDA

City of University Place
Voucher Approval Document

#9A

Control No.: 5 Agenda of: 05/05/14	PREPAY
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Claim of: Payroll for Pay Period Ending 04/15/14

Check #	Date	Amount	Check #	Date	Amount	
317940	4/18/2014	138.52	317941	4/18/2014	81.26	
				4/18/2014	102,683.72	Direct Deposit
					EMPLOYEE NET	102,903.50
317942	4/18/2014	16,344.82				- 106006, VANTAGEPOINT TRANSF
317943	4/18/2014	3,521.77				- 106006 LOAN, VANTAGEPOINT
317944	4/18/2014	4,960.66				- 304197, VANTAGEPOINT TRANSF
317945	4/18/2014	300.00				- 705544, VANTAGEPOINT TRANSF
317946	4/18/2014	3,778.26				- 800263, VANTAGEPOINT TRANSF
317947	4/18/2014	513.63				- 304197 LOAN, VANTAGEPOINT TR
317948	4/18/2014	1,885.00				HOWE TRUSTEE, DAVID M.
317949	4/18/2014	250.00				NATIONWIDE RETIREMENT SOLUTION
317950	4/18/2014	971.67				PACIFIC SOURCE ADMINISTRATORS
WIRE	4/18/2014	19,491.36				BANK OF AMERICA
WIRE	4/18/2014	21,659.98				WA STATE DEPT OF RETIREMENT SY
WIRE	4/18/2014	126.39				AFLAC INSURANCE
WIRE	4/18/2014	845.30				WA ST DEPT OF RETIREMENT SYS
					BENEFIT/DEDUCTION AMOUNT	74,648.84
					TOTAL AMOUNT	177,552.34

Preparer Certification:

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the above-named governmental unit, and that I am authorized to authenticate and certify to said claim.

Signed: (Signature on file)

Date 04/28/14

Steve Sugg, City Manager

FINAL CHECK LISTING
CITY OF UNIVERSITY PLACE

Check Date: 04/30/14

Check Range: 50187 - 50307

Claims Approval

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of University Place, and that I am authorized to authenticate and certify to said claim.

I also certify that the following list of checks were issued to replace previously issued checks that have not been presented to the bank for payment. The check was returned due to an incorrect mailing address. The original check was voided and a replacement check issued.

<u>Vendor Name</u>	<u>Replacement Check #</u>	<u>Original Check #</u>
Alpine West Ski School	50188	50033

Auditing Officer: (Signature on file)

Date: 04/29/14

Bank : bofa BANK OF AMERICA

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
50187	4/15/2014	001344	WA STATE DEPT OF RETIREMEN`00346331	3/14/2014	EMPLOYER CONTRIBUTION/GR/	10,348.20	10,348.20
*50188	Voucher:	36722					
50189	4/30/2014	001000	ABC LEGAL MESSENGERS INC MMFWA00061500	3/28/2014	LEGAL DELIVERY SERVICE - SOI	50.00	50.00
	Voucher:	36615					
50190	4/30/2014	002661	AIR SYSTEMS ENGINEERING INC000196738	4/1/2014	2NDQTR14/HVAC MAINT/CITY HA	1,811.12	
	Voucher:	36616	000197000	4/7/2014	REPLACE FAILED GAS VALVE & I	1,148.24	
			000196662	3/31/2014	HVAC REPAIR/UP SALON	230.28	3,189.64
50191	4/30/2014	025479	ALZOLA, CESAR A. 13UTAX	4/18/2014	2013 UTILITY TAX REFUND	65.00	65.00
	Voucher:	36617					
50192	4/30/2014	025634	ANDRADE, PATTY 76720	4/24/2014	REFUND/#8422 - BASEBALL	70.00	70.00
	Voucher:	36618					
50193	4/30/2014	001818	APEX ENGINEERING PLLC 201450484	3/14/2014	SURVEYING & ENGINEERING CC	6,708.75	
	Voucher:	36619	201450642	4/10/2014	SURVEYING & ENGINEERING CC	2,082.50	
			201450633	4/10/2014	SURVEY SERVICES/44TH ST W	1,646.76	10,438.01
50194	4/30/2014	001007	ASSN OF WASHINGTON CITIES IVC001863	4/11/2014	2014 WORKERS' COMP RETRO S	2,953.48	2,953.48
	Voucher:	36620					
50195	4/30/2014	025464	BENNETT, LLOYD 13UTAX	4/9/2014	2013 UTILITY TAX REFUND	56.00	56.00
	Voucher:	36621					
50196	4/30/2014	025628	BERTAN, ANNETTE 13UTAX	4/9/2014	2013 UTILITY TAX REFUND	56.00	56.00
	Voucher:	36622					
50197	4/30/2014	025631	BOURNE, MARTIN R ROW	4/22/2014	ROW EASEMENT/PARCEL #0220	8,200.00	8,200.00
	Voucher:	36623					
50198	4/30/2014	023445	BROOKS, DELORES 13UTAX	4/9/2014	2013 UTILITY TAX REFUND	56.00	56.00
	Voucher:	36624					
50199	4/30/2014	025632	BURKS, DEBORA 75915	4/22/2014	REFUND/#8268 - 5TH AVE SPAM/	35.00	35.00
	Voucher:	36625					
50200	4/30/2014	024052	BURNSON, HELEN 13UTAX	4/17/2014	2013 UTILITY TAX REFUND	56.00	56.00
	Voucher:	36626					
50201	4/30/2014	025573	CANON FINANCIAL SERVICES 13716685	4/12/2014	APR14/LEASE/IRC5255	311.67	311.67
	Voucher:	36627					
50202	4/30/2014	023981	CARLSEN, ROSALIE 13UTAX	4/10/2014	2013 UTILITY TAX REFUND	56.00	56.00
	Voucher:	36628					
50203	4/30/2014	023530	CASEY JR., ARTHUR S. 13UTAX	4/10/2014	2013 UTILITY TAX REFUND	56.00	56.00
	Voucher:	36629					

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
50204	4/30/2014	025629	CASTRO, FERDINAND B.M.	13UTAX	4/14/2014	2013 UTILITY TAX REFUND	56.00	56.00
		Voucher: 36630						
50205	4/30/2014	001152	CENTURYLINK	253-564-1992	4/11/2014	PHONE/SR CENTER	242.48	
		Voucher: 36631		253-566-9558	4/14/2014	PHONE/PW PUMP CALLOUT LINI	35.07	277.55
50206	4/30/2014	025272	CHILDS, CONSTANCE R.	13UTAX	4/18/2014	2013 UTILITY TAX REFUND	56.00	56.00
		Voucher: 36632						
50207	4/30/2014	025630	CHRISTENSEN, RICHARD M	ROW	4/22/2014	ROW EASEMENT/PARCEL #0220	14,150.00	14,150.00
		Voucher: 36633						
50208	4/30/2014	024266	CHRISTY, DEBRA	13UTAX	4/10/2014	2013 UTILITY TAX REFUND	56.00	56.00
		Voucher: 36634						
50209	4/30/2014	025066	CHURCH OF CHRIST	REFUND	4/16/2014	REFUND/DEPOSIT/SR CENTER F	200.00	200.00
		Voucher: 36635						
50210	4/30/2014	003056	CITY OF LAKEWOOD	12367	4/2/2014	1STQTR14/COURT SERVICES	56,250.00	
		Voucher: 36636		12368	4/2/2014	MAR14/IN CUSTODY COURT TR/	495.00	56,745.00
50211	4/30/2014	001108	CITY OF UNIVERSITY PLACE	1STQTR14	4/17/2014	1STQTR14/PETTY CASH FUND R	133.95	133.95
		Voucher: 36637						

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
50213	4/30/2014	001024 CITY TREASURER	100358203	4/14/2014	POWER/7150 CIRQUE DR W	665.63	
	Voucher:	36638	100083325	4/18/2014	POWER/4910 BRISTONWOOD DR	372.82	
			100032203	4/9/2014	POWER & WATER/2534 GRANDV	247.65	
			100077160	4/15/2014	POWER/5202 67TH AVE W	234.47	
Void #50212 - City Treasurer check stub overrun			100775637	4/14/2014	POWER/7001 CIRQUE DR W	233.53	
			100092335	4/9/2014	POWER/3050 BRIDGEPORT WAY	223.93	
			100081728	4/11/2014	POWER/6701 BRIDGEPORT WAY	209.13	
			100263915	4/14/2014	WATER & POWER/7250 CIRQUE	198.15	
			100333844	4/18/2014	WATER/4951 GRANDVIEW DR W	193.92	
			100101775	4/8/2014	POWER/5250 GRANDVIEW DR W	179.88	
			100172057	4/18/2014	POWER & WATER/3920 GRANDV	148.22	
			100781041	4/15/2014	WATER/4600 BECKONRIDE DR W	124.56	
			100324281	4/14/2014	POWER/7820 CIRQUE DR W	110.36	
			100679491	4/11/2014	POWER/8002 40TH ST W	109.88	
			100798512	4/21/2014	POWER/4402 97TH AVE W	103.63	
			100101783	4/10/2014	POWER/5520 GRANDVIEW DR W	96.36	
			100094683	4/18/2014	POWER/4758 BRISTONWOOD DR	92.58	
			100346073	4/14/2014	WATER/7250 CIRQUE DR W	75.32	
			100125349	4/18/2014	POWER/4009 CURRAN LANE W	67.13	
			100722752	4/18/2014	WATER/4009 CURRAN LN W	60.22	
			100089560	4/14/2014	POWER/4317 GRANDVIEW DR W	46.18	
			100080586	4/18/2014	POWER/4951 GRANDVIEW DR W	39.11	
			100131881	4/21/2014	POWER/4523 97TH AVE W	36.93	
			100089578	4/14/2014	POWER/4116 GRANDVIEW DR W	34.64	
			100357178	4/11/2014	POWER/2620 BRIDGEPORT WAY	33.55	
			100089528	4/14/2014	POWER/3912 GRANDVIEW DR W	28.87	
			100344745	4/14/2014	POWER/6810 CIRQUE DR W	27.24	
			100089555	4/14/2014	POWER/4526 GRANDVIEW DR W	23.10	
			100057075	4/14/2014	POWER/4100 GRANDVIEW DR W	22.36	
			100256491	4/14/2014	POWER/7250 CIRQUE DR W	19.28	
			100089583	4/14/2014	POWER/4016 GRANDVIEW DR W	17.31	
			100089550	4/14/2014	POWER/4704 GRANDVIEW DR W	17.31	
			100312959	4/4/2014	POWER/3715 BP WAY W, #A1	9.64	
			100077151	4/14/2014	POWER/4000 OLYMPIC BLVD W	9.56	
			100109710	4/11/2014	POWER/8902 40TH ST W	8.69	

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
			100077140	4/14/2014	POWER/2900 GRANDVIEW DR W	8.09	
			100072286	4/14/2014	POWER/8501 40TH ST W	8.09	
			100072268	4/14/2014	POWER/8901 40TH ST W	8.09	
			100072254	4/14/2014	POWER/8417 40TH ST W	8.09	4,153.50
50214	4/30/2014	001140 CITY TREASURER	90553467	4/1/2014	FEB14/HYDRANT STANDBY & CC	434.79	
	Voucher:	36639	90554368	4/2/2014	HYDRANT USE PERMIT #400002:	100.00	
			300032862	4/12/2014	LATE FEES/INVOICES #90509790	14.35	549.14
50215	4/30/2014	002171 CITY TREASURER	90557292	4/17/2014	REPAIRS/CITY VEHICLES	7,827.05	7,827.05
	Voucher:	36640					
50216	4/30/2014	025161 CITY TREASURER	130297	4/7/2014	DTA RECEIVERS/CITY HALL	11.66	
	Voucher:	36641	129335	4/7/2014	DTA RECEIVERS/SR CENTER	4.24	15.90
50217	4/30/2014	024565 COMCAST	849835010094436	4/10/2014	APR19-MAY18/INTERNET/PW SH	137.56	
	Voucher:	36642	849835010094487	4/15/2014	BUSINESS CLASS INTERNET/CIT	125.13	
			849835010094441	4/10/2014	APR19-MAY18/ INTERNET/SR CE	97.56	
			849835010073570	4/10/2014	MODEMS/REMOTE SURVEILLAN	70.84	
			849835010073571	4/23/2014	MODEMS/REMOTE SURVEILLAN	70.84	501.93
50218	4/30/2014	024076 COMMENCEMENT BAY CONST.IN2022817		4/14/2014	SAKRETE CONCRETE MIX/60 LB	195.39	195.39
	Voucher:	36643					
50219	4/30/2014	023782 COMPLETE OFFICE SOLUTIONS,	1062283-0	3/25/2014	PA SYSTEM/PRO AUDIO/100W	1,411.23	
	Voucher:	36644	1055539-0	3/10/2014	TONER CARTRIDGES	233.89	
			1067075-0	4/3/2014	COPY PAPER	198.78	
			1064921-0	3/28/2014	PAPER	148.46	
			1071850-0	4/16/2014	CARD STOCK PAPER/ED OFFICE	87.26	
			1068838-0	4/8/2014	WALL CLOCK/LAMINATING POU	75.08	
			1071852-0	4/16/2014	COPY PAPER	39.76	
			1064317-0	3/27/2014	COPY PAPER	32.95	
			C1038729-0	3/31/2014	RETURN/EXPANDABLE FILE FOL	-8.42	
			C1053067-0	4/4/2014	RETURN/MAILING LABELS	-28.84	2,190.15
50220	4/30/2014	023130 COONS, WAYNE	13UTAX	4/10/2014	2013 UTILITY TAX REFUND	56.00	56.00
	Voucher:	36645					

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
50221	4/30/2014	024347	COPIERS NORTHWEST, INC.	INV1019496	4/7/2014	MAR4-APR3/OVERAGE CHARGE	156.77
	Voucher:	36646		INV1024322	4/16/2014	JAN15-APR14/OVERAGE CHARG	154.76
				INV1023591	4/15/2014	MAR14-APR13/OVERAGE CHARG	94.76
				INV1021729	4/10/2014	MAR9-APR8/OVERAGE CHARGE	68.06
				INV1022876	4/14/2014	APR11-MAY10/LEASE PAYMENT/	32.31
				INV1022877	4/14/2014	MAR11-APR10/OVERAGE CHARG	25.69
							532.35
50222	4/30/2014	022207	CRAIG, MARIZA	REIMB	4/16/2014	REIMB PREMIUM/SHORT TERM I	30.15
	Voucher:	36647					30.15
50223	4/30/2014	002431	DIANE DEMARS	APR14	4/25/2014	APR14/HEART & SOUL FITNESS/	1,254.00
	Voucher:	36648		APR14	4/24/2014	APR14/COMMUNITY YOGA CLAS	941.25
							2,195.25
50224	4/30/2014	001737	DON SMALL & SONS OIL DIST	CC51565	4/8/2014	BULK FUEL/PW SHOP	2,747.30
	Voucher:	36649					2,747.30
50225	4/30/2014	023187	EILTS & CO., PS	031402	3/31/2014	CASEWARE CONSULTING/FINAN	2,640.00
	Voucher:	36650					2,640.00
50226	4/30/2014	024319	ERICKSON, ROBIN M.	13UTAX	4/9/2014	2013 UTILITY TAX REFUND	56.00
	Voucher:	36651					56.00
50227	4/30/2014	025271	FAIR, RAY C	13UTAX	4/11/2014	2013 UTILITY TAX REFUND	56.00
	Voucher:	36652					56.00
50228	4/30/2014	021969	FAUVER, RICHARD	13UTAX	4/9/2014	2013 UTILITY TAX REFUND	56.00
	Voucher:	36653					56.00
50229	4/30/2014	002198	FIRST AMERICAN TITLE INSUR.	C865-426945677	4/4/2014	TITLE PROCESSING/2109 BP WA	256.82
	Voucher:	36654		865-426945678	4/4/2014	TITLE PROCESSING/2003-2005 E	193.82
				865-426945676	4/4/2014	TITLE PROCESSING/2307 BP WA	183.82
							634.46
50230	4/30/2014	024308	FITZGERALD, KATHIE	13UTAX	4/16/2014	2013 UTILITY TAX REFUND	56.00
	Voucher:	36655					56.00
50231	4/30/2014	024303	FULMER, CHERIE	13UTAX	4/14/2014	2013 UTILITY TAX REFUND	56.00
	Voucher:	36656					56.00
50232	4/30/2014	025602	G&G INCORPORATED	MISC.UP3-10-14	4/8/2014	LUMINAIRE REPLACEMENT/27TH	950.00
	Voucher:	36657					950.00
50233	4/30/2014	002088	GEOLINE INC.	324055	4/17/2014	2014 SOFTWARE LICENSE/TERF	579.82
	Voucher:	36658					579.82
50234	4/30/2014	001858	GRAY LUMBER COMPANY	27019	4/23/2014	1X4 #3 COMMON PINE BOARD	31.19
	Voucher:	36659					31.19
50235	4/30/2014	002965	H.D. FOWLER CO., INC.	I3607366	4/18/2014	DRAINAGE PIPE/REPAIR PEACH	1,782.56
	Voucher:	36660					1,782.56

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
50236	4/30/2014	024404 HARVEY, DONNA	13UTAX	4/10/2014	2013 UTILITY TAX REFUND	56.00	56.00
		Voucher: 36661					
50237	4/30/2014	025633 HOLIDAY INN EXPRESS	JUNE2014	4/24/2014	LODGING/US OPEN SITE VISIT/8	13,446.56	13,446.56
		Voucher: 36662					
50238	4/30/2014	024252 HORTON, GEORGIA	13UTAX	4/10/2014	2013 UTILITY TAX REFUND	56.00	56.00
		Voucher: 36663					
50239	4/30/2014	023562 HUNT, DANIELLE	13UTAX	4/10/2014	2013 UTILITY TAX REFUND	56.00	56.00
		Voucher: 36664					
50240	4/30/2014	025210 HUNTER, OLA MARIE	13UTAX	4/9/2014	2013 UTILITY TAX REFUND	56.00	56.00
		Voucher: 36665					
50241	4/30/2014	001224 IIMC - MUNICIPAL CLERKS	2014DUES	3/26/2014	2014 MEMBER DUES/D NICHOL	85.00	85.00
		Voucher: 36666					
50242	4/30/2014	025456 KAKELY, TRACYE	13UTAX	4/17/2014	2013 UTILITY TAX REFUND	56.00	56.00
		Voucher: 36667					
50243	4/30/2014	021616 KELLEY IMAGING SYSTEMS	15118570	3/31/2014	LEASE/SHARP MX-5111N COPIER	366.50	366.50
		Voucher: 36668					
50244	4/30/2014	024606 KELSO, BILLIE	13UTAX	4/18/2014	2013 UTILITY TAX REFUND	56.00	56.00
		Voucher: 36669					
50245	4/30/2014	025491 KOOPMAN, ANN	13UTAX	4/10/2014	2013 UTILITY TAX REFUND	56.00	56.00
		Voucher: 36670					
50246	4/30/2014	002356 LANE & ASSOCIATES	1199	4/3/2014	ROW ACQUISITION & APPRAISAI	13,254.00	13,254.00
		Voucher: 36671					
50247	4/30/2014	023115 LEMAY MOBILE SHREDDING	1091811	3/26/2014	MAR14/DOCUMENT SHREDDING	67.60	67.60
		Voucher: 36672					
50248	4/30/2014	025526 LISCOTT, PATRICIA	13UTAX	4/18/2014	2013 UTILITY TAX REFUND	56.00	56.00
		Voucher: 36673					
50249	4/30/2014	001797 LOWE'S BUSINESS ACCOUNT/GE874-3507-017634-		4/17/2014	MISC MAINT & REPAIR SUPPLIES	56.17	56.17
		Voucher: 36674					
50250	4/30/2014	001800 MALONE, JOHN	REIMB	4/16/2014	REIMB PREMIUM/SHORT TERM I	30.15	30.15
		Voucher: 36675					
50251	4/30/2014	025609 MATERIALS TESTING & CONSULT112708		4/18/2014	CONSTRUCTION TESTING & INS	1,923.25	1,923.25
		Voucher: 36676					
50252	4/30/2014	022385 MCCANN, JANE R	13UTAX	4/10/2014	2013 UTILITY TAX REFUND	56.00	56.00
		Voucher: 36677					

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(Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
50253	4/30/2014	001258	MCCARTHY & CAUSSEAU	208	3/31/2014	MAR14/HEARINGS EXAMINER SI	236.50	236.50
		Voucher: 36678						
50254	4/30/2014	001352	MILES RESOURCES, LLC	236251	4/14/2014	HOT ASPHALT	3,346.54	3,346.54
		Voucher: 36679						
50255	4/30/2014	023433	NAQUIN, SANDRA	13UTAX	4/11/2014	2013 UTILITY TAX REFUND	56.00	56.00
		Voucher: 36680						
50256	4/30/2014	025001	NATIONAL CONSTRUCTION REN	3868863	4/1/2014	APR2-APR29/FENCE RENTAL/PA	19.04	19.04
		Voucher: 36681						
50257	4/30/2014	001095	NEWS TRIBUNE	I00922946-022620	2/26/2014	LEGAL NOTICE/PUB PART COMF	779.53	
		Voucher: 36682		I00934439-030520	3/5/2014	LEGAL NOTICES/DNS/CHAMBER	182.93	962.46
50258	4/30/2014	001096	NORTHWEST CASCADE, INC.	1-895031	4/5/2014	PORTA POTTIES RENTAL /SKATE	72.00	
		Voucher: 36683		1-894526	4/6/2014	PORTA POTTIES RENTAL/CURR/	72.00	
				1-894525	4/25/2014	PORTA POTTIES RENTAL/SUNSE	72.00	
				1-894527	4/6/2014	PORTA POTTIES RENTAL/KOBAY	52.00	268.00
50259	4/30/2014	022852	P & N QUALITY JANITORIAL SVC.	258	4/15/2014	APR14/JANITORIAL SERVICES	3,154.89	
		Voucher: 36684		259	4/15/2014	MAR15-31/JANITORIAL SERVICE	233.86	3,388.75
50260	4/30/2014	021638	PACIFICSOURCE ADMIN, INC.	0000203906	4/9/2014	APR14/ADMIN FEES	82.50	82.50
		Voucher: 36685						
50261	4/30/2014	025055	PATRICK D. CAIN	040414	4/8/2014	2014/BEEHIVE RENTAL/CURRAN	350.00	350.00
		Voucher: 36686						
50262	4/30/2014	023993	PECK, BEVERLY	13UTAX	4/11/2014	2013 UTILITY TAX REFUND	56.00	56.00
		Voucher: 36687						
50263	4/30/2014	022497	PEETE, EDWIN	13UTAX	4/11/2014	2013 UTILITY TAX REFUND	56.00	56.00
		Voucher: 36688						
50264	4/30/2014	001109	PIERCE COUNTY BUDGET & FIN	AR158259	4/7/2014	APR14/POLICE SERVICES	280,935.41	
		Voucher: 36689		AR157006	3/4/2014	1STQTR14/RAINIER COMMUNIC/	12,140.46	
				AR158550	4/15/2014	MAR14/ANIMAL CONTROL & SHE	7,709.73	
				AR158578	4/16/2014	2NDQTR14/EMERGENCY MANAC	6,659.75	
				AR157406	4/9/2014	JAN14/TRAFFIC SERVICES	479.04	
				AR158083	4/1/2014	MAR14/RECORDING FEES	161.00	308,085.39
50265	4/30/2014	024698	PIERCE COUNTY SECURITY, INC.	273728	4/3/2014	#9205/MAR14/SECURITY/CIRQUE	150.00	
		Voucher: 36690		273781	4/3/2014	#9206/MAR14/SECURITY/KOBAY/	150.00	300.00
50266	4/30/2014	001114	PITNEY BOWES GLOBAL FIN. SV	MAY14	4/24/2014	MAY14/ACCT19533470/POSTAGE	1,500.00	1,500.00
		Voucher: 36691						

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
50267	4/30/2014	024027 PRELLWITZ, TRUDY	13UTAX	4/12/2014	2013 UTILITY TAX REFUND	56.00	56.00
		Voucher: 36692					
50268	4/30/2014	025202 PRICE, SHARYNE	13UTAX	4/10/2014	2013 UTILITY TAX REFUND	56.00	56.00
		Voucher: 36693					
50269	4/30/2014	001630 PUGET SD CLEAN AIR AGENCY C14-087S/2NDQTR		1/10/2014	2NDQTR14/CLEAN AIR ASSESS/	3,630.25	3,630.25
		Voucher: 36694					
50270	4/30/2014	024350 REYES, LAURA	13UTAX	4/11/2014	2013 UTILITY TAX REFUND	65.00	65.00
		Voucher: 36695					
50271	4/30/2014	024313 RIGGIO, SANDRA	13UTAX	4/17/2014	2013 UTILITY TAX REFUND	65.00	65.00
		Voucher: 36696					
50272	4/30/2014	025241 ROBERT HALF TECHNOLOGY, INI40089620		4/1/2014	WE 03-28-14/BRYAN HEAD/TEMP	1,420.00	
		Voucher: 36697	40189155	4/15/2014	WE 04-11-14/BRYAN HEAD/TEMP	1,402.25	
			40139602	4/8/2014	WE 04-04-14/BRYAN HEAD/TEMP	1,136.00	3,958.25
50273	4/30/2014	025058 ROBINSON, DIANE	13UTAX	4/18/2014	2013 UTILITY TAX REFUND	56.00	56.00
		Voucher: 36698					
50274	4/30/2014	023930 ROBINSON, HAZEL	13UTAX	4/9/2014	2013 UTILITY TAX REFUND	56.00	56.00
		Voucher: 36699					
50275	4/30/2014	023866 RUSTY GEORGE CREATIVE	5793	4/18/2014	WEBSITE RESPONSIVENESS	2,000.00	2,000.00
		Voucher: 36700					
50276	4/30/2014	023437 SABOL, NANCY J.	13UTAX	4/9/2014	2013 UTILITY TAX REFUND	56.00	56.00
		Voucher: 36701					
50277	4/30/2014	025627 SMITH FIRE SYSTEMS MGMT LLCR26685		4/10/2014	MAR-MAY14/FIRE SPRINKLER S)	577.56	577.56
		Voucher: 36702					
50278	4/30/2014	024457 SONSRAY MACHINERY LLC	608108	4/8/2014	PLOW BOLT KIT PKG	45.93	45.93
		Voucher: 36703					
50279	4/30/2014	023490 STAGNER, LEIGH	13UTAX	4/16/2014	2013 UTILITY TAX REFUND	56.00	56.00
		Voucher: 36704					
50280	4/30/2014	023967 STROTHER, MARJORIE	13UTAX	4/16/2014	2013 UTILITY TAX REFUND	56.00	56.00
		Voucher: 36705					
50281	4/30/2014	025503 SUBICA, ARLEEN P.	13UTAX	4/18/2014	2013 UTILITY TAX REFUND	56.00	56.00
		Voucher: 36706					
50282	4/30/2014	002613 SUPERIOR LINEN SERVICE,INC. 89723		4/23/2014	OFFICE MAT RENTAL/PW SHOP	79.97	79.97
		Voucher: 36707					

Bank : bofa BANK OF AMERICA

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
50283	4/30/2014	025311	TACOMA WINSUPPLY, INC.	010275-00	3/28/2014	REPAIR PARTS/IRRIGATION/PAR	686.84
	Voucher:	36708		010482-00	4/1/2014	MISC REPAIR PARTS/PW SHOP	412.00
				010511-00	4/1/2014	MISC REPAIR PARTS/PARKS MAI	143.18
				010729-00	4/11/2014	MISC REPAIR PARTS/BALLFIELD	43.72
							1,285.74
50284	4/30/2014	001528	THE BANK OF NEW YORK MELLC	111-1593304	4/4/2014	UNIPLTGOR12A/DEBT SERVICE I	303.65
	Voucher:	36709		111-1593306	4/4/2014	UNIPLTGOR12B/DEBT SERVICE I	303.65
				111-1593305	4/4/2014	UNIPLTGOR12B/ADMIN FEE	300.00
				111-1593303	4/4/2014	UNIPLTGOR12A/ADMIN FEE/12-0	300.00
							1,207.30
50285	4/30/2014	002823	THOMPSON ELECTRICAL CONST	0414-6134CV	4/9/2014	APR14/STREET LIGHT REPAIRS	2,447.28
	Voucher:	36710		0414-6063CV	4/9/2014	FLAG POLE LIGHTING RELOCAT	1,341.27
				0414-6147HM	4/17/2014	REPAIR/DAMAGED CONDUIT	1,285.01
							5,073.56
50286	4/30/2014	001636	THOMSON REUTERS - WEST	829290087	4/1/2014	MAR14/WEST INFORMATION CH.	615.57
	Voucher:	36711					615.57
50287	4/30/2014	025376	UNIVERSAL FIELD SERVICES, IN	38581	3/31/2014	BP WAY PH 5/ROW ACQUISITION	8,049.69
	Voucher:	36712					8,049.69
50288	4/30/2014	001331	UNIVERSITY PLACE REFUSE SV,	1789543	4/22/2014	MAY14/BILLING PERIOD/REFUSE	1,549.73
	Voucher:	36713					1,549.73
50289	4/30/2014	001151	UNIVERSITY PLACE SCHOOL DISF	22034	4/9/2014	MAR14/CJH & CHS GYM USE/BA	585.00
	Voucher:	36714					585.00
50290	4/30/2014	001332	UNIVERSITY PLACE TIRE CENTE	7318	4/14/2014	FLAT REPAIR/GATOR	18.54
	Voucher:	36715					18.54
50291	4/30/2014	025336	US BANK	745000006	4/24/2014	CUSTOMER #745000006/MAR14/	22.00
	Voucher:	36716					22.00
50292	4/30/2014	025220	VANDERHOEK, GERALD	13UTAX	4/14/2014	2013 UTILITY TAX REFUND	65.00
	Voucher:	36717					65.00
50293	4/30/2014	024018	VONSCHEELE, MARYLOU	13UTAX	4/14/2014	2013 UTILITY TAX REFUND	56.00
	Voucher:	36718					56.00
50294	4/30/2014	001157	WA ASSN OF BUILDING OFFICIAL	28706	4/14/2014	JOB POSTING/CODE ENF OFFIC	50.00
	Voucher:	36719					50.00
50295	4/30/2014	001338	WA MUNICIPAL CLERKS ASSN	DUES	4/7/2014	MAY14-APR15 DUES/E GENETIA	150.00
	Voucher:	36720					150.00
50296	4/30/2014	001446	WA RECREATION & PARK ASSN	DUES	2/26/2014	2014 MEMBERSHIP DUES/4 STAF	624.00
	Voucher:	36721					624.00
50297	4/30/2014	001664	WA STATE DEPT OF REVENUE	1STQTR14	4/23/2014	1ST QTR 14 LEASEHOLD EXCISE	1,594.32
	Voucher:	36723					1,594.32

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
50298	4/30/2014	001389	WA STATE PATROL	I14006785	4/2/2014	MAR14/EMPLOYEE BACKGROUN	430.00	430.00
		Voucher: 36725						
50299	4/30/2014	001345	WA STATE TREASURER	1STQTR14	4/16/2014	1STQTR14/BUILDING CODE FEE	252.00	252.00
		Voucher: 36726						
50300	4/30/2014	024399	WELLS FARGO FINANCIAL LEAS	5001107450	4/18/2014	MAY15-JUN14/RENT/LEXMARK P	95.07	95.07
		Voucher: 36727						
50301	4/30/2014	001149	WEST PIERCE FIRE & RESCUE	1STQTR14	4/16/2014	FIRE FEES/1ST QTR 14	14,316.56	
		Voucher: 36728						
				INV14-010/1STQT	1/23/2014	1STQTR14/ FIRE MARSHAL SER\	6,250.00	
				INV14-010/2NDQT	1/23/2014	2NDQTR14/FIRE MARSHAL SER\	6,250.00	26,816.56
50302	4/30/2014	025502	WESTWICK, STACY	13UTAX	4/15/2014	2013 UTILITY TAX REFUND	56.00	56.00
		Voucher: 36729						
50303	4/30/2014	025226	WHITE, MICHELLE	13UTAX	4/22/2014	2013 UTILITY TAX REFUND	65.00	65.00
		Voucher: 36730						
50304	4/30/2014	022306	WHITWORTH PEST SOLUTIONS	I224273	4/15/2014	PEST CONTROL/CITY HALL	67.55	
		Voucher: 36731						
				224272	4/15/2014	PEST CONTROL/SR CENTER	46.77	114.32
50305	4/30/2014	001781	WILLIAMS OIL FILTER SVC, INC.	110314	4/7/2014	MISC REPAIR PARTS/PW SHOP	100.89	100.89
		Voucher: 36732						
50306	4/30/2014	023469	WYNNE, DANIEL	13UTAX	4/19/2014	2013 UTILITY TAX REFUND	56.00	56.00
		Voucher: 36733						
50307	4/30/2014	024295	ZELITCHENKO, ABRAM	13UTAX	4/18/2014	2013 UTILITY TAX REFUND	56.00	56.00
		Voucher: 36734						
13265583	4/28/2014	002072	WA STATE DEPT OF REVENUE	MAR14	4/25/2014	MAR14/USE TAX & B&O TAX	2,004.64	2,004.64
		Voucher: 36724						
Sub total for BANK OF AMERICA:								545,866.94

120 checks in this report.

Grand Total All Checks: 545,866.94

**Business of the City Council
City of University Place, WA**

Proposed Council Action:

Approve the final plat of "Creek Vista," a 9-lot single family subdivision containing 8 proposed new homes and 1 existing home located at the 9000 block of Chambers Creek Road West.

Agenda No: 9B
Dept. Origin: Planning and Development Services
For Agenda of: May 19, 2014
Exhibits: Pages 1-3 of the Final Plat document
Concurred by Mayor: _____
Approved by City Manager: _____
Approved as to form by City Atty: _____
Approved by Finance Director: _____
Approved by Department Head: _____

Expenditure Required	0	Amount Budgeted	0	Appropriation Required	0
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SUMMARY / POLICY ISSUES

UPMC Section 21.25.050 requires the City Council to approve a final plat in accordance with RCW 58.17. When the Planning and Development Services Director finds that the subdivision meets the criteria of UPMC Chapter 21.25, he or she shall recommend approval of the proposed final plat to City Council.

The Preliminary Plat of "Creek Vista" was approved on May 3, 2011. The applicant has been working since that time to comply with State law, City zoning and subdivision codes, and all conditions of preliminary approval. The applicant has either installed necessary utility and access infrastructure and landscaping – which have been inspected and approved – or submitted financial guarantees to the City for these improvements as required by all applicable regulations.

Staff finds that the final plat of "Creek Vista" meets applicable State law, subdivision and zoning codes, and conditions of approval of the preliminary plat.

ALTERNATIVES CONSIDERED

Disapproval – All conditions of preliminary approval have been met, and staff knows of no reason to disapprove the action.

BOARD OR COMMITTEE RECOMMENDATION

N/A

RECOMMENDATION / MOTION

MOVE TO: Approve the final plat of "Creek Vista," a 9-lot single family subdivision containing 8 proposed new homes and 1 existing home located at the 9000 block of Chambers Creek Road West.

CREEK VISTA

A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF
SECTION 28, TOWNSHIP 20 NORTH, RANGE 2 EAST, W.M.
CITY OF UNIVERSITY PLACE, PIERCE COUNTY, WASHINGTON

BASIS OF BEARING

BASIS OF BEARING BEING THE FOUND MONUMENT AT THE INTERSECTION OF CHAMBERS CREEK ROAD AND 64TH STREET WEST TO THE FOUND MONUMENT ON 64TH STREET WEST BEING THE NORTHWEST PLAT MONUMENT FOR THE PLAT OF CHAMBERS VISTA BEARING SOUTH 89°36'46" EAST.

LEGAL DESCRIPTIONS

PARCEL #0220281000

THAT PORTION OF THE NORTHWEST ¼ OF NE ¼ OF SECTION 28, TOWNSHIP 20 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN.

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST ¼ OF SAID SECTION, THENCE SOUTH 1320 FEET THENCE EAST 200 FEET THENCE NORTH 1320 FEET THENCE WEST 200 FEET BACK TO THE POINT OF BEGINNING.

EXCEPT THE NORTH 30 FEET THEREOF FOR CHAMBERS CREEK ROAD.

PARCEL # 0220281024

THAT PORTION OF THE NORTHWEST ¼ OF NE ¼ OF SECTION 28, TOWNSHIP 20 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN.

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF SAID SECTION, THENCE ALONG THE NORTH LINE OF SAID NORTHEAST ¼ 200 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING ALONG SAID NORTH LINE A DISTANCE OF 8.71 FEET, THENCE SOUTH 210 FEET, THENCE WEST 8.71 FEET, THENCE NORTH 210 FEET BACK TO THE POINT OF BEGINNING.

EXCEPT THE NORTH 30 FEET THEREOF FOR CHAMBERS CREEK ROAD.

EASEMENT PROVISIONS

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF UNIVERSITY PLACE, TACOMA POWER, THE U.S. POSTAL SERVICE, ANY COMMUNICATIONS COMPANY, PUGET SOUND ENERGY, ANY CABLE TELEVISION COMPANY, TACOMA WATER, ALL LOT OWNERS AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER AND UPON THE FRONT 10 FEET PARALLEL WITH AND ADJOINING THE PRIVATE OR PUBLIC STREET FRONTAGE OF ALL LOTS, AS SHOWN HEREON, FOR WIRES WITH THE NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSES OF SERVING THIS SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC, TELEPHONE AND UTILITY SERVICES, TOGETHER WITH RIGHT TO ENTER UPON THESE LOTS AT ALL TIMES FOR THE PURPOSES HEREIN STATED.

THESE EASEMENTS ENTERED UPON FOR THESE PURPOSES SHALL BE RESTORED AS NEAR AS POSSIBLE TO THEIR ORIGINAL CONDITION. NO LINES OR WIRES FOR THE TRANSMISSION OF ELECTRIC CURRENT OR FOR TELEPHONE USE OR CABLE TELEVISION SHALL BE PLACED OR PERMITTED TO BE PLACED UPON ANY LOT UNLESS THE SAME SHALL BE UNDERGROUND OR IN CONDUIT ATTACHED TO A BUILDING.

LOT / TRACT AREA & ADDRESS

LOT #	AREA	ADDRESS
LOT 1	7,410SQFT 0.17AC	6404 90TH AVENUE COURT WEST
LOT 2	9,030SQFT 0.21AC	6408 90TH AVENUE COURT WEST
LOT 3	9,030SQFT 0.21AC	6412 90TH AVENUE COURT WEST
LOT 4	9,030SQFT 0.21AC	6416 90TH AVENUE COURT WEST
LOT 5	8,612SQFT 0.20AC	6422 90TH AVENUE COURT WEST
LOT 6	8,059SQFT 0.19AC	6506 90TH AVENUE COURT WEST
LOT 7	8,025SQFT 0.18AC	6510 90TH AVENUE COURT WEST
LOT 8	10,295SQFT 0.24AC	6518 90TH AVENUE COURT WEST
LOT 9	18,558SQFT 0.43AC	6514 90TH AVENUE COURT WEST
TRACT A	4,493SQFT 0.10AC	STORM & UTILITIES DEDICATED TO U.P.
TRACT B	1,524SQFT 0.03AC	OPEN SPACE; RETAINED BY HOA
TRACT C	1,534AC 0.04AC	STORM DEDICATED TO UP
TRACT D	133,821SQFT 3.07AC	OPEN SPACE; RETAINED BY OWNER CHAMBERS CREEK PROPERTIES
TRACT E	1,978SQFT 0.05AC	OPEN SPACE; RETAINED BY HOA
ROAD	25,724SQFT 0.59AC	90TH AVE COURT WEST, DEDICATED TO THE PUBLIC

TRACTS

TRACT OWNERS VIA H.O.A WILL HAVE A 1/9TH UNDIVIDED INTREST IN TRACTS B AND E.

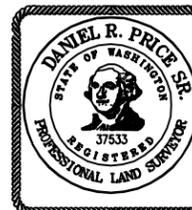
THE H.O.A. SHALL MAINTAIN THE LANDSCAPING IN TRACTS A AND C.

SITE INFORMATION

PARCEL NUMBERS: 0220281024 & 0220281000
PROPERTY ADDRESS: 9020 CHAMBERS CREEK RD, TACOMA WA. 98467
PROPERTY OWNER: FREDRICH WAGNER
ZONING: R2
SCHOOL DISTRICT: UNIVERSITY PLACE
WATER: TACOMA WATER
SEWER: PIERCE COUNTY PUBLIC WORKS & UTILITIES
POWER: TACOMA POWER
GAS: PUGET SOUND ENERGY

NOTES & CONDITIONS OF APPROVAL

1. ALL LOTS WILL GAIN ACCESS TO CHAMBERS CREEK ROAD WEST ONLY VIA THE INTERNAL PLAT ROAD.



DAN PRICE LAND SURVEYING

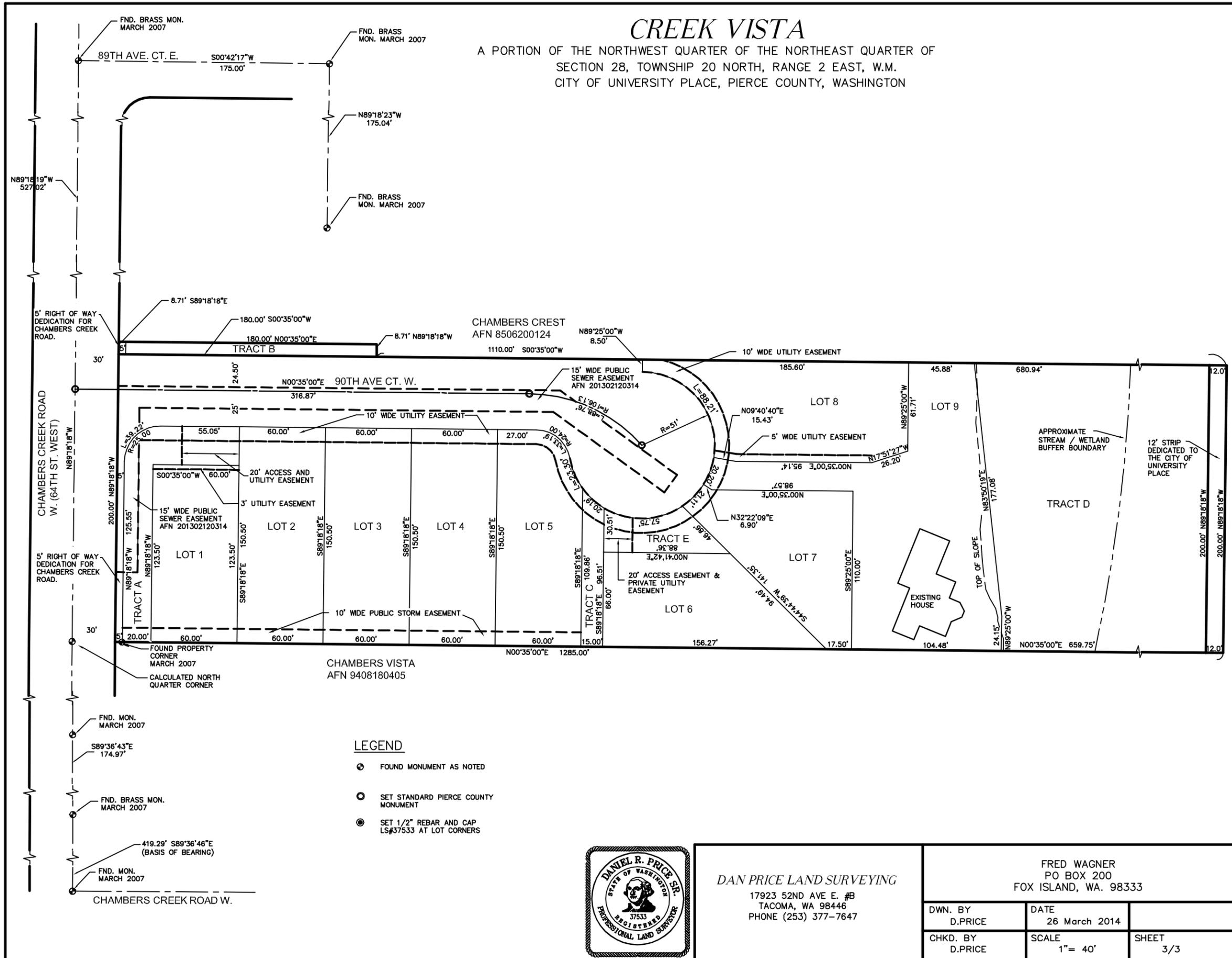
17923 52ND AVE E. #B
TACOMA, WA 98446
PHONE (253) 377-7647

FRED WAGNER
PO BOX 200
FOX ISLAND, WA. 98333

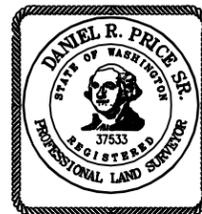
DWN. BY D.PRICE	DATE 26 March 2014	
CHKD. BY D.PRICE	SCALE	SHEET 2/3

CREEK VISTA

A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 20 NORTH, RANGE 2 EAST, W.M. CITY OF UNIVERSITY PLACE, PIERCE COUNTY, WASHINGTON



- LEGEND**
- ⊙ FOUND MONUMENT AS NOTED
 - SET STANDARD PIERCE COUNTY MONUMENT
 - ⊙ SET 1/2" REBAR AND CAP LS#37533 AT LOT CORNERS



DAN PRICE LAND SURVEYING
 17923 52ND AVE. E. #B
 TACOMA, WA 98446
 PHONE (253) 377-7647

FRED WAGNER PO BOX 200 FOX ISLAND, WA. 98333		
DWN. BY D.PRICE	DATE 26 March 2014	
CHKD. BY D.PRICE	SCALE 1" = 40'	SHEET 3/3

**Business of the City Council
City of University Place, WA**

Proposed Council Action:

Pass an ordinance granting a twenty-year franchise to Zayo Group, LLC, to provide a telecommunications system within the City of University Place.

Agenda No: 11
Dept. Origin: City Attorney
For Agenda of: May 19, 2014

Exhibits: Ordinance
Memo

Concurred by Mayor _____
Approved by City Manager _____
Approved as to Form by City Atty: _____
Approved by Finance Director _____
Approved by Dept. Head _____

Expenditure Required \$ 0.00	Amount Budgeted \$ 0.00	Appropriation Required \$ 0.00-
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SUMMARY / POLICY ISSUES

The Zayo Group has applied for a franchise to install and maintain telephone infrastructure in certain portions of City right-of-way. The proposed Ordinance was discussed by Council at a study session on April 7, 2014. Since then, the Ordinance has been revised to include language that requires Zayo to install its facilities underground if the utility facilities are underground in that area, and it allows Zayo to install above ground in areas where the existing utility facilities are above ground in that area. Additionally, if the City undertakes any public works improvement which would otherwise require relocation of Zayo's above-ground facilities, the City may, by written notice, direct that Zayo convert its above-ground facilities in the improvement area to underground facilities. All costs for such undergrounding conversion will be paid by Zayo.

In terms of benefits, in addition to additional telecommunication capacity within the City, the City will receive telephone utility tax from Zayo under University Place Municipal Code 4.35 in the amount of six percent (6%) of gross revenues. There is no estimate of those revenues at this time.

RECOMMENDATION / MOTION

MOVE TO: Pass an ordinance granting a twenty-year franchise to Zayo Group, LLC, to provide a telecommunications system within the City of University Place.

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE,
WASHINGTON, GRANTING A TWENTY-YEAR FRANCHISE TO ZAYO GROUP, LLC,
TO PROVIDE A TELECOMMUNICATIONS SYSTEM WITHIN THE CITY**

Whereas, Zayo Group, LLC, a Delaware limited liability company, and the City of University Place have engaged in negotiations regarding permitting Zayo Group, LLC to install, operate and maintain a communications system in certain rights-of-way of the City; and

Whereas Zayo Group, LLC and the City desire to enter into an agreement authorizing Zayo Group, LLC to use certain portions of the right of way in the City for its communication system subject to certain conditions and restrictions;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE,
WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

Section 1. Granting a Telecommunication Franchise to ZAYO GROUP, LLC. Zayo Group, LLC is hereby granted a franchise to construct, maintain and provide telecommunication services, as set forth in the Telecommunications Right-of-Way Use Franchise Agreement between the City of University Place and Zayo Group, LLC, in the form attached hereto as Exhibit "A" and incorporated herein by reference. This franchise shall expire twenty (20) years from its effective date unless terminated sooner.

Section 2. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances by a court of competent jurisdiction shall not be affected.

Section 3. Directions to City Clerk. The City Clerk is hereby authorized and directed to forward certified copies of this ordinance to the franchisee and permit holder as set forth in this ordinance.

Section 4. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL ON _____, 2014.

Denise McCluskey, Mayor

ATTEST:

Emelita Genetia, City Clerk

APPROVED AS TO FORM:

Steve Victor, City Attorney

Published:
Effective Date:

Exhibit A

TELECOMMUNICATIONS RIGHT-OF-WAY USE FRANCHISE AGREEMENT

Whereas, Zayo Group, LLC, a Delaware limited liability company ("COMPANY"), and the City of University Place ("City") have engaged in negotiations regarding permitting the COMPANY to install, operate and maintain a communications system in certain rights-of-way of the City ("Agreement"); and

Whereas COMPANY and the City desire to enter into an agreement authorizing COMPANY to use certain portions of the right of way in the City for its communication system subject to certain conditions and restrictions; now therefore, COMPANY and the City agree as follows:

Agreement

A. COMPANY is authorized to use those certain City rights-of-way as specified in the Scope of Work, Attachment A, for the purpose of constructing, replacing, maintaining and using equipment and facilities for a telecommunications system provided they shall first obtain all necessary permits and authorizations required by the City. Such permits and authorizations shall be issued subject to the provisions of the University Place Municipal Code and the General conditions set forth in this Agreement, which General Conditions shall be incorporated by reference in such permits and authorizations as if fully set forth in whole therein. Such permits and authorizations shall also be subject to any other applicable City ordinances, resolutions, codes, policies and standards. Nothing provided herein shall in any way limit the City's authority to otherwise exercise its police powers.

B. COMPANY and the City recognize that the rights-of-way authorized to be used by COMPANY pursuant to Paragraph A above will permit COMPANY to construct its telecommunications system. COMPANY and the City further recognize that COMPANY may need to utilize substantial additional rights-of-way in order to be able to provide service to its customers. COMPANY agrees to cooperate with the City's Public Works and Planning and Development Services Departments to identify and evaluate those additional rights-of-way necessary for COMPANY to serve its customers. Priority shall be given to use of those rights-of-way, construction upon which can be coordinated with other City and private construction activities in a manner that will least impact the existing condition of the rights-of-way, the traffic during construction, and the adjacent neighborhoods during construction and after installation. The Director of the Public Works Department or other person designated by the City Manager, shall be authorized to

approve the use by COMPANY of such additional rights-of-way requested by COMPANY which the Director deems appropriate.

Any additional rights-of-way authorized for use by the Director from time to time shall be listed and made an addendum to Attachment A.

C. Compensation and Financial Provisions

1. Fees; Taxes.

1.1 State Prohibition of Franchise Fee. The parties understand that RCW 35.21.860 currently prohibits a municipal franchise fee. COMPANY agrees that if this statutory prohibition is removed, the City may assess a reasonable franchise fee to be agreed to by the parties. The parties agree that this Section does not limit the right of COMPANY to challenge the franchise fee pursuant to 47 USC §253.

1.2 COMPANY Subject to the City Telephone Business Tax. COMPANY agrees that all of its activities in the City of University Place, as identified in Attachment A – Scope of Work are activities specifically taxable as a telephone business under University Place Municipal Code 4.35 and are taxable at the rate specified in University Place Municipal Code 4.35 now in effect or as amended, which at the time of the execution of this Franchise Agreement is six percent (6%) of COMPANY’S total gross income. It is agreed that the amount of total gross income to be taxed will include the amount of tax imposed on COMPANY by City ordinance. This Franchise does not limit the City’s power of taxation.

1.3 COMPANY obligated to Pay Administrative Costs. In accord with RCW 35.21.860 as presently effective and as it may be later amended, COMPANY must pay the City an amount sufficient to recover administration expenses incurred in receiving and approving this Franchise, including, but not limited to, the reasonable costs of outside consultants retained by the City to assist in the City’s consideration and processing of this Franchise application. The first \$2,500 of said expenses will be covered by the \$2,500 application fee deposited with the City. COMPANY will also pay the reasonable costs of enforcing or, as necessary, reviewing the provisions of this Franchise, as well as costs involved with the modification, amendment, renewal, or transfer of this Franchise as ordered by the City Manager, whether such costs result from accrued in-house staff time or out-of-pocket expenses or administrative costs, as well as expenses of retaining independent technical, legal, or financial consultants or advisors; or whether relating to costs incurred due to initial system development or to future system expansion. The amount of payment to be made by COMPANY to cover these administrative costs is an amount determined to be reasonable by the City Manager. Such obligation further includes municipal fees related to receiving and approving permits or licenses, inspecting plans and construction, or relating to the preparation of a detailed statement pursuant to Chapter 43.21C RCW. Said fees must be paid within 30 days of receipt of the City’s billing therefor.

1.4 Manner of Payment; Audit. COMPANY shall make all required fee payments in the form, intervals, and manner requested by the City Finance Director and shall furnish him/her any information related to his/her revenue collection functions reasonably requested. In case of audit, the City Finance Director may require COMPANY to furnish a verified statement of compliance with COMPANY'S obligations or in response to any questions. Said certificate may be required from an independent, certified public accountant at COMPANY'S expense. All audits will take place on COMPANY'S premises or offices furnished by COMPANY, which shall be a location within the City of University Place or other mutually agreeable place; however, COMPANY must agree to pay the associated costs. COMPANY agrees, upon request of the City Finance Director, to provide copies of all documents filed with any federal, state, or local regulatory agency, to be mailed to the City Finance Director on the same day as filed, postage prepaid, affecting any of COMPANY'S facilities or business operations in the City of University Place.

1.5 No Other Deductions. Subject to federal law and regulation, no deductions, including current or previously paid fees, shall be subtracted from the gross income amount upon which payments are calculated and due for any period, nor shall copyright fees or other license fees paid by COMPANY be subtracted from the gross income for purposes of calculating payments.

1.6 Late Payments. Any fees owing which remain unpaid more than 10 days after the dates specified herein shall be delinquent and shall thereafter accrue interest at 12 percent per annum or 2 percent above highest prime lending rate published daily in the Wall Street Journal during the period the payment is due but unpaid, whichever is greater.

1.7 Period of Limitations. The period of limitation for recovery of any fee payable hereunder shall be six years from the date on which payment by COMPANY is due, subject to tolling as provided as a matter of law or equity.

2. Auditing and Financial Records.

COMPANY shall manage all of its operations in accordance with a policy of keeping books and records open and accessible to the City. Without limiting its obligations under this Franchise, COMPANY agrees that it will collect and make available books and records for inspection and copying by the City in accordance with UPMC 4.35. COMPANY shall be responsible for collecting the information and producing it. Books and records shall be produced to the City at the City Hall or such other location as the parties may agree. Notwithstanding any provision of UPMC 4.35 or this Franchise, if documents are too voluminous or for security reasons cannot be produced at the City Hall or mutually agreeable location within the City, then COMPANY may produce the material at another central location, provided it also agrees to pay the additional reasonable costs incurred by the City in reviewing the materials.

COMPANY shall take all steps required if any, to ensure that it is able to provide the City all information which must be provided or may be requested under UPMC 4.35

or this Franchise, including by providing appropriate subscriber privacy notices. Nothing in this section shall be read to require COMPANY to violate 47 USC §551. COMPANY shall be responsible for redacting any data that federal law prevents it from providing to the City. Records shall be kept for at least six years. In addition to maintaining all records as required by UPMC 4.35, COMPANY shall maintain records sufficient to show its compliance with the requirements of this Franchise and shall produce those records within 30 days of a City request.

COMPANY agrees to meet with a representative of the City upon request to review its methodology of record-keeping, financial reporting, computing fee obligations, and other procedures, the understanding of which the City deems necessary for understanding the meaning of reports and records.

In exercising its rights under this section, the City agrees to request access to only those books and records which it deems reasonably necessary as part of a bona fide exercise of its authority over the telecommunications system under the Franchise, UPMC 4.35, or other applicable law.

The City also reserves its right to charge site specific charges for the use of City right-of-way for placement of personal wireless services equipment or facilities as provided in RCW 35.21.860(e).

D. This Agreement shall be in effect for a period of five (5) years from the effective date of this Agreement. This Agreement shall be automatically renewed for three (3) additional five (5) year period(s) thereafter.

E. This Agreement may be terminated if COMPANY fails to commence construction of its facilities/system within one year of the effective date of this Agreement unless otherwise agreed to in writing by the City.

F. To the extent that COMPANY makes the facilities and/or services available to other governmental entities within the State of Washington, COMPANY shall also make such facilities and services available to the City at similar rates and on similar terms and conditions unless otherwise prohibited or restricted by state or federal laws, regulations, or tariffs.

G. The General Conditions referenced in paragraph A are as follows:

1. Permits and Authorizations. COMPANY shall apply for and obtain all necessary permits and authorizations prior to the construction, installation and operation of its telecommunications system in those certain rights-of-way specified in Attachment A.

2. Installation of Equipment.

2.1 All facilities shall be installed and maintained at such locations shown in Attachment A, and subsequent amendments to Attachment A, as may be

approved by the City so as to least interfere with existing and planned utilities and with the free passage of traffic, in accordance with the laws of the State of Washington and the ordinances and standards of the City regulating such construction. For purposes of this Section 2, "planned" shall mean utilities which the City intends to construct in the future, which intent is evidenced by the inclusion of said utility project in the Capital Facilities Plan, a comprehensive plan or other written construction or planning schedule. No permit condition shall conflict with or waive any requirement of the University Place Municipal Code for the construction of said facilities.

2.2 In areas of the City where all utilities are underground when COMPANY installs new or extended facilities, COMPANY shall install its facilities underground in such areas. In areas of the City where existing above ground utility installations are in place, when COMPANY installs new or extended facilities, COMPANY may install its facilities above ground in such areas.

2.3 If, during the term of this Franchise, the City shall direct the COMPANY to replace (convert) its overhead facilities then existing within the Franchise area or portion thereof with underground facilities, the COMPANY will cooperate and participate with the City and underground its facilities within the Franchise area including paying all costs thereof.

2.4 if the City undertakes any public works improvement which would otherwise require relocation of COMPANY'S above-ground facilities in accordance with Section 3 below, the City may, by written notice to COMPANY, direct that COMPANY convert any such facilities to underground facilities. All costs for such conversion shall be paid by the COMPANY.

3. Relocation.

3.1 Whenever the City undertakes or approves the construction of any sewer or storm drainage line or other street improvement project (including, without limitation, installation of traffic signals, street lights, sidewalks and pedestrian amenities wherein the facility so constructed or approved is or shall become, by gift, transfer, dedication or otherwise, a public facility owned, maintained or operated by the City) and such project necessitates the relocation of COMPANY'S then existing facilities, the City shall:

3.1.1 Provide COMPANY, at least one hundred eighty (180) days prior to the commencement of such improvement project, written notice requiring such relocation; and

3.1.2 Provide COMPANY with copies of pertinent portions of the plans and specifications for such street improvement project so that COMPANY may relocate its facilities to accommodate such street improvement project.

3.1.3 No later than one hundred seventy (170) days after receipt of such notice and such plans and specifications, COMPANY shall complete the relocation of such facilities at no charge or expense to the City so as to accommodate such improvement project at least ten (10) days prior to commencement of such improvement.

3.2 If the City requires the subsequent relocation of any facility within five years of the date of relocation of such facility pursuant to subsection 3.1 above, the City shall bear the entire cost of such relocation.

3.3 The provisions of this Section 3 shall in no manner preclude or restrict COMPANY from making any arrangements it may deem appropriate when responding to a request for relocation of its facilities by any person or entity other than the City where the facilities to be constructed by said person or entity are not or will not become City owned, operated or maintained facilities.

3.4 Should COMPANY elect to relocate all of its facilities to non-City owned facilities, this Right of Way Use Agreement shall be terminated and be of no further force and effect, effective as of the date COMPANY provides written notice that it has fully relocated said facilities.

4. Repairs. If the City requires the relocation (temporary or permanent) of COMPANY's facilities for the purpose of repairing or maintaining any City owned, operated or maintained facility, COMPANY shall make such relocation at no cost to the City.

5. Record of Installations.

5.1 As a condition of this Right of Way Use Agreement, COMPANY shall provide to the City upon request and at no cost, a copy of all as-built plans, maps and records, including revealing the final location and condition of its facilities within the rights-of-way. Such records shall be provided in a format acceptable to the City. With respect to excavations by COMPANY near any other facilities in the rights-of-way, COMPANY and the City shall each comply with its respective obligations pursuant to Chapter 19.122 RCW and any other applicable State law.

5.2 Upon written request of the City, COMPANY shall provide the City with the most recent update available of any plan of potential improvements to its facilities that are subject to this Right of Way Use Agreement; provided, however, any such plan submitted shall be for informational purposes only and shall not obligate COMPANY to undertake any specific improvements, nor shall such plan be construed as a proposal to undertake any specific improvements. The City agrees not to disclose such information unless required to do so pursuant to chapter 42.17 RCW. In any event, the City agrees to notify COMPANY of the anticipated disclosure of such information at least five (5) days prior to such disclosure.

6. Shared Use of Excavations. If at any time, or from time to time, either COMPANY or the City shall cause excavations to be made near facilities, the party causing such excavation to be made shall afford the other, upon receipt of a written request to do so, an opportunity to use such excavation, provided that: (i) such joint use shall not unreasonably delay the work of the party causing the excavation to be made; and (ii) such joint use shall be arranged and accomplished on terms and conditions satisfactory to both parties.

7. Restoration After Construction. COMPANY shall, after construction, maintenance or repair of facilities, leave the area in as good or better condition in all respects as it was in before the commencement of such construction, maintenance or repairs. All concrete-encased recorded monuments which have been disturbed or displaced by such work shall be restored pursuant to City standards and specifications. COMPANY agrees to promptly complete restoration work and to promptly repair any damage caused by such work at its sole cost and expense.

8. Hold Harmless and Indemnity.

8.1 COMPANY shall indemnify, save harmless and defend the City, its elected and appointed officials, employees, and agents (including reimbursing the City for all costs and attorneys' fees) from any and all damages, claims, or demands, of any kind, on account of injury to or death of any and all persons, caused by COMPANY or its use of the rights-of-way, including, but not limited to, COMPANY, its agents, employees, subcontractors and their successors and assigns as well as the City or the City's employees, elected and appointed officials and agents, contractors and all third parties. COMPANY shall further indemnify, save harmless and defend the City, as provided above, from all property damage of any kind, whether tangible or intangible, including loss of use resulting from such damage, that occurs in connection with any work performed by COMPANY or caused, in whole or in part, by the presence of COMPANY or its officials, employees, agents, contractors, subcontractors, or their property upon or in proximity to City rights-of-way or City utilities. Such indemnification will not extend to damages, claims, or demands that are caused by the sole negligence or intentional misconduct of the City, its employees, agents or contractors or a third party.

8.2 This indemnification, hold harmless, and defense agreement includes the promise that COMPANY shall indemnify, save harmless and defend the City, its elected and appointed officials, employees and agents (including reimbursing the City for all costs and attorneys' fees) from any and all damages, claims, or demands of any kind on account of COMPANY's violation of city, county, state or federal laws relating to environmental health except to the extent caused by the negligence of the City, its employees, agents or contractors.

8.3 COMPANY agrees that its obligations under this section extend to any claim, demand, and/or cause of action brought by, or on behalf of, any of its

employees or agents. For this purpose, COMPANY, by mutual negotiation, hereby waives, as respects the City only, any immunity that would otherwise be available against such claims under the Industrial Insurance provisions of Title 51 RCW. In the event the City incurs any judgment, award, and/or cost arising therefrom, including attorneys' fees, to enforce the provisions of this article, all such fees, expenses, and costs shall be recoverable from COMPANY.

9. Insurance. COMPANY shall maintain in full force and effect throughout the term of this Agreement the following:

9.1 One Million Dollars (\$1,000,000) comprehensive general liability insurance for bodily injury or death to any one person; and

9.2 Two Million Dollars (\$2,000,000) comprehensive general liability insurance for bodily injury or death resulting from any one accident;

9.3 One Million Dollars (\$1,000,000) comprehensive general liability insurance for property damage resulting from any one accident; and

9.4 The City shall be named as an additional insured on any policy for the purposes of any actions performed under this Agreement.

10. Civil Penalties and Additional Relief.

10.1 The COMPANY, and the officers, directors, and employees of the COMPANY or any agent, subcontractor or other person acting on behalf of the COMPANY failing to comply with any of the provisions of this Agreement shall be subject to a civil penalty in the manner and to the extent provided for in Chapter 1.20 UPMC. A monetary penalty in an amount not more than \$500.00 per day for each day of violation may be assessed and abatement required as provided therein.

10.2 In addition to any penalty which may be imposed by the City, any person violating or failing to comply with any of the provisions of this Agreement shall be liable for any and all damage to City property or rights-of-way arising from such violation, including the cost of restoring the affected area to its condition prior to the violation.

10.3 Notwithstanding any other provision herein, the City may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of the applicable provisions of this Agreement when civil or criminal penalties are inadequate to effect compliance. In addition to the penalties set forth in this section, violation of any provision of this Agreement may also result in the revocation of any rights-of-way use agreement, rights-of-way use permit, facilities lease, or other authorization.

10.4 Nothing in this Section shall be construed as limiting any remedies that the City may have, at law or in equity, for enforcement of this Agreement.

11. Non-Exclusive. The rights and privileges herein granted shall not be deemed exclusive and the right is hereby reserved to the City to grant to any other person, company, corporation or association, including the City, the right to exercise the rights and privileges herein granted; provided that such grant to any other person, company, corporation or association, including the City, does not disturb or affect the rights and privileges herein granted to COMPANY.

12. Police Powers. Nothing contained herein shall be deemed to affect the City's authority to exercise its police powers. COMPANY shall not by this Agreement obtain any vested rights to use any portion of the City right-of-way except for the locations approved by the City and then only subject to the terms and conditions of this Agreement. This Agreement and the permits and authorizations issued thereunder shall be governed by applicable City ordinances in effect at the time of application for such permits and authorizations.

13. Construction Permit Required. Prior to the performance of any work in any public rights-of-way, and in addition to any other permits required by law, COMPANY shall apply for and obtain from the City, a Right of Way Use Permit, which application and Permit shall comply with all applicable City ordinances, regulations or standards. If the City reasonably determines that there is a potential for injury, damage or expense to the City as a result COMPANY's use of the rights-of-way the City may require COMPANY to provide additional security in a form acceptable to the City, for activities described in the subject permit.

H. Modifications of Terms and Conditions. The City and COMPANY hereby reserve the right to alter, amend or modify the terms and conditions of this Agreement and any permit issued thereunder upon written agreement by both parties to such alteration, amendment or modification.

I. Interference. The City shall not use, nor shall the City permit others to use, any portion of the right-of-way in any way which unreasonably interferes with the operation of COMPANY's facilities in the locations authorized under this Agreement. COMPANY shall provide notice to the City of such interference and the City and COMPANY shall then cooperatively work to eliminate or substantially mitigate such interference.

J. Abandonment or Non-Use of Facilities. In the event COMPANY discontinues commercial use of any facility located in any City right-of-way for a period of one hundred eighty (180) consecutive days or longer, the City may, upon ninety (90) days' written notice from the City to COMPANY, require removal of all such facilities from the City rights-of-way at COMPANY's sole expense. If COMPANY fails to remove such facilities upon proper notice from the City, the City may remove such facilities and COMPANY shall be responsible for reimbursing the City for the City's cost of removal.

Notwithstanding any other provision of this Agreement, the City may permit COMPANY to abandon such facilities in place; however, no facilities of any type may be abandoned in place without the express written consent of the City. Upon permanent abandonment, the facilities shall become the property of the City, and COMPANY shall submit to the City an instrument in writing, to be approved by the City Attorney, transferring ownership of such facilities to the City. The provisions of this Section shall survive the expiration, revocation or termination of this Agreement.

K. Severability. If any term, provision, condition, or portion of this Agreement shall be held to be invalid or unconstitutional for any reason, the portion declared invalid shall be severable and the remaining portions of this Agreement shall be enforceable unless to do so would be inequitable or would result in a material change in the rights and obligations of the parties hereunder.

L. Transferability. The rights and privileges granted to COMPANY as provided in this Agreement may only be assigned or transferred to another entity with the prior written approval of the City, which shall not be unreasonably withheld, conditioned or delayed. However, COMPANY may assign or transfer the rights and privileges granted herein to any affiliate, parent or subsidiary of COMPANY, or to an entity with or into which COMPANY may merge or consolidate, or to an entity which controls, is controlled by, or is under common control with such entity or to any purchaser of all or substantially all of the assets of COMPANY without the requirement for City approval, so long as the successor provides written notice to the City that it agrees to be fully liable to the City for compliance with all terms and conditions of this Agreement.

M. Reimbursement of City. COMPANY shall reimburse the City, upon submittal by the City of an itemized billing by project costs, for COMPANY's proportionate share of all actual, identifiable and reasonable expenses incurred by the City in planning, designing, constructing, installing, repairing or altering any City facility as the result of the actual or proposed presence in the rights-of-way of COMPANY's facilities. Such costs and expenses shall include but not be limited to the proportionate cost of City personnel utilized to oversee or engage in any work in the rights-of-way as the result of the presence of COMPANY's facility in the rights-of-way. Such costs and expenses shall also include the proportionate share of any time spent reviewing construction plans in order to either accomplish the relocation of facilities or the routing or rerouting of any utilities so as not to interfere with facilities. The time of City employees shall be charged at their respective rate of salary, including overtime if utilized, plus benefits (approximately 22% of salary) and overhead. Any other costs will be billed proportionately on an actual cost basis. All billing will be itemized so as to specifically identify the costs and expenses for each project for which the City claims reimbursement. The billing may be on an annual basis, but the City shall provide COMPANY with the City's itemization of costs at the conclusion of each project for information purposes.

N. Effective Date. This Agreement shall take effect upon execution by both parties to this Agreement.

O. Miscellaneous.

1. This Agreement constitutes the entire agreement and understanding between the parties, and supersedes all offers, negotiations and other agreements concerning the subject matter contained herein. Any amendments to this Agreement must be in writing and executed by both parties.

2. If any provision of this Agreement is invalid or unenforceable with respect to any party, the remainder of this Agreement or the application of such provision to persons other than those as to whom it is held invalid or unenforceable, shall not be affected and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

3. This Agreement shall be binding on and inure to the benefit of the successors and permitted assignees of the respective parties.

4. Any notice or demand required to be given herein shall be made by certified or registered mail, return receipt requested, or reliable overnight courier to the address of the respective parties set forth below:

CITY: Stephen P. Sugg
City Manager
City of University Place
3715 Bridgeport Way W.
University Place, WA 98466

COMPANY: Zayo Group, LLC
Attn: General Counsel, ZFTI
1805 29th Street, Suite 2050
Boulder, CO 80301

The City or COMPANY may from time to time designate any other address for this purpose by written notice to the other party. All notices hereunder shall be deemed received upon actual receipt.

5. This Agreement shall be governed by the laws of the State of Washington, with venue in Pierce County.

6. In any case where the approval or consent of one party hereto is required, requested or otherwise to be given under this Agreement, such party shall not unreasonably delay or withhold its approval or consent.

7. All Riders and Exhibits annexed hereto form material parts of this Agreement.

8. This Agreement may be executed in duplicate counterparts, each of which shall be deemed an original.

IN WITNESS WHEREOF, the parties hereby execute this Agreement as follows.

CITY:

COMPANY:

City of University Place

Zayo Group, LLC

By: _____

By: _____

Stephen P. Sugg
City Manager

Its _____

Date: _____

Date: _____

Memo

DATE: May 19, 2014
TO: City Council
Steve Sugg, City Manager
FROM: Steve Victor, City Attorney
SUBJECT: Zayo Franchise Ordinance

The Zayo Group has applied for a franchise to install and maintain telephone infrastructure in certain portions of City right-of-way.

Pursuant to RCW 35.21.860 the City is precluded from imposing a franchise fee on a telephone business as defined in RCW 82.04.065, except for administrative expenses or any tax authorized by RCW 35.21.865. The Zayo Group has warranted that its operations as authorized under this franchise are those of a telephone business as defined in RCW 82.04.065. As a result, the City cannot impose a franchise fee.

In terms of benefits, in addition to additional telecommunication capacity within the City, the City will receive telephone utility tax from Zayo under University Place Municipal Code 4.35 in the amount of six percent (6%) of gross revenues. There is no estimate of those revenues at this time.

Finally, in areas of the City where all utilities are underground when Zayo installs new or extended facilities, Zayo will install its facilities underground in such areas. In areas of the City where existing above ground utility installations are in place when Zayo installs new or extended facilities, Zayo may install its facilities above ground in such areas.

If the City undertakes any public works improvement which would otherwise require relocation of Zayo's above-ground facilities, the City may, by written notice, direct that Zayo convert its above-ground facilities in the improvement area to underground facilities. All costs for such undergrounding conversion will be paid by Zayo.

2015-2016 COUNCIL GOALS

1. A safer, more livable community
 - a. Improved parks and recreation
 - i. Continue to develop sustainable funding plan for parks and recreation
 - ii. Continue park improvements following adopted park capital improvement plan prioritization
 - iii. Continue work on Chambers Creek Trail
 - b. Better infrastructure
 - i. Add more sidewalks
 - ii. Identify sustainable funding source for street maintenance
 - c. More beautiful city
 - i. Explore feasibility of undergrounding utility poles
 - ii. Develop a gateway signage plan
 - d. Increase public safety
 - i. Respond to voter decision on Proposition 1 ballot measure
 - e. A full-service, self-sufficient community
 - i. Explore sustainable financing options for City events
 - ii. Develop long-range plan identifying community gaps in services, resources
2. Increased community economic vitality
 - a. Improved business climate
 - i. Continue to encourage redevelopment of downtown
 - ii. Continue revitalization strategy of 27th Street Business corridor including Grandview Plaza
 - iii. Develop sub-area plan for Narrows Plaza
 - iv. Review of city-wide zoning for economic development opportunities (e.g., waterfront and business park zoning)
 - v. Review EDC branding recommendations for possible next steps
3. Better financial conditions
 - a. Increased City financial viability
 - i. Enhance City's reserves
 - ii. Review policies for debt reduction
4. Greater citizen trust and confidence
 - a. Improved public understanding of Council initiatives
 - i. Adopt a Communications Strategy
 - ii. Develop opportunities for citizen feedback