



\*PRELIMINARY CITY COUNCIL AGENDA

March 7, 2016  
Regular Council Meeting

March 21, 2016  
Regular Council Meeting

April 4, 2016  
Regular Council Meeting

April 18, 2016  
Regular Council Meeting

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# APPROVAL OF MINUTES

**CITY OF UNIVERSITY PLACE  
DRAFT MINUTES  
Regular Meeting of the City Council  
Monday, February 1, 2016  
City Hall, Windmill Village**

**1. CALL REGULAR MEETING TO ORDER**

Mayor Figueroa 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 (Arrived at 6:49 p.m.)
Councilmember McCluskey	Present
Councilmember Nye	Present
Councilmember Worthington	Present
Mayor Pro Tem Keel	Present
Mayor Figueroa	Present

Staff Present: City Manager Sugg, City Attorney Victor, Human Resources Manager Petorak, Police Chief Blair, Paralegal Grover, and City Clerk Genetia.

Councilmember McCluskey led the Pledge of Allegiance.

**3. APPROVAL OF AGENDA**

Mayor Figueroa requested that an Item 9 – Adjournment of the Regular Business Meeting, be added to the agenda.

**MOTION:** By Councilmember Belleci, seconded by Mayor Pro Tem Keel, to approve the agenda as amended.

**The motion carried.**

**4. PRESENTATION**

Public Safety Report – Police Chief Blair presented the Public Safety report covering the 2015 crime statistics in comparison to the 2014 figures, enforcement enhancements and partnership with the Sheriff Department’s Property Crime Unit, staffing cuts and policy changes; 2016 mission and upcoming Public Safety undertakings.

Chief Blair also recognized the work of Deputy Adam Paulik who was presented with the “2015 Officer of the Year” award, and Deputy Dan Hacker who was presented with the “2015 Police Chief’s Award.”

**5. PUBLIC COMMENTS – None.**

**6. CONSENT AGENDA**

Councilmember McCluskey requested that Item 6B be removed for separate consideration.  
Councilmember Belleci requested that Items 6D-6K be removed for separate consideration.

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

- A. Receive and File: Payroll for the period ending 01/15/16, signed and dated 01/14/16, in the total amount of Two Hundred Twenty-Five Thousand Two Hundred Eleven and 88/100 Dollars (\$225,211.88); Claims dated 01/25/16, signed 01/14/16, check nos. 51977590 through 51977617, in the total amount of One Hundred Six Thousand Five Hundred Eighty-Four and 99/100 Dollars (\$106,584.99); Claims dated 01/27/16, signed 01/14/16, check nos. 51977618 through 51977663, in the total amount of Forty-Nine Thousand Eight Hundred Thirty-Seven and 88/100 Dollars (\$49,837.88).
- B. Receive and File: 2016-2017 Committee and Representative Assignments. **(PULLED FOR SEPARATE CONSIDERATION.)**
- C. Adopt a resolution amending the Council Rules to formally establish a City Council Finance Committee of the Whole and a process for appointment of the Finance Chair. **(RESOLUTION NO. 801)**
- D. Confirm Julie Finnegan's re-appointment to the Parks and Recreation Commission for a four-year term ending January 31, 2020. **(PULLED FOR SEPARATE CONSIDERATION.)**
- E. Confirm Susan Mauss' appointment to the Parks and Recreation Commission for a four-year term ending January 31, 2020. **(PULLED FOR SEPARATE CONSIDERATION.)**
- F. Confirm Ken Campbell's appointment to the Planning Commission for a four-year term ending January 31, 2020. **(PULLED FOR SEPARATE CONSIDERATION.)**
- G. Confirm David Graybill's appointment to the Planning Commission for a four-year term ending January 31, 2020. **(PULLED FOR SEPARATE CONSIDERATION.)**
- H. Confirm Stephen Smith's re-appointment to the Planning Commission for a four-year term ending January 31, 2020. **(PULLED FOR SEPARATE CONSIDERATION.)**
- I. Confirm Jeanne Thurston's appointment to the Public Safety Commission for a four-year term ending January 31, 2020. **(PULLED FOR SEPARATE CONSIDERATION.)**
- J. Confirm Melody Williams' re-appointment to the Public Safety Commission for a four-year term ending January 31, 2020. **(PULLED FOR SEPARATE CONSIDERATION.)**
- K. Confirm Ed Wood's re-appointment to the Public Safety Commission for a four-year term ending January 31, 2020. **(PULLED FOR SEPARATE CONSIDERATION.)**

**The motion carried.**

Item 6B: 2016-2017 Committee and Representative Assignments was amended to reflect representation of all Council members in the Legislative and Intergovernmental Council line item with Mayor Figueroa being designated the lead responsibility and Mayor Pro Tem Keel as alternate; and in the Community Connector Program (16<sup>th</sup> CAB) with Councilmember McCluskey being designated the lead responsibility and Councilmember Belleci as alternate.

After discussion, a motion to receive and file the amended 2016-2017 Committees and Representative Assignments was approved and carried.

After a brief comment, approval of items 6D through 6K were carried.

**7. UNIVERSITY PLACE REFUSE RATE INCREASE**

Staff Report – Human Resource Manager Petorak provided a brief background on the refuse services that are offered within the City. She presented a proposed ordinance authorizing an increase of the solid waste base rate in accordance with the City's current franchise agreement with University Place Refuse Service, Inc. and Lakewood Refuse Service. The increase is based on (1) Pierce County's solid waste tipping fee increase of \$0.87 per ton, and (2) a 1.12% increase in the Consumer Price Index (CPI) figure in 2015. The proposed increase is specifically provided for under the current franchise agreements. In addition, a waste broker account restart fee in the amount of \$50.00 for delinquent waste broker accounts and a doubling to \$100 if the account lapses within the consecutive 12 month period; and an increase to the late charge fee for all customers from \$1.69 to \$6.50 is being proposed. The above, if approved by Council, will be effective March 1, 2016.

Public Comment – None.

Council Consideration – **MOTION:** By Mayor Pro Tem Keel, seconded by Councilmember Grassi, to pass an ordinance increasing the solid waste base rate, approving the waste broker account restart fee, and

increasing late charge fees in accordance with the current solid waste franchise agreements with University Place Refuse Services, Inc., and Lakewood Refuse Service.

**The motion carried. (ORDINANCE NO. 663)**

## **8. COUNCIL COMMENTS/REPORTS**

Mayor Pro Tem Keel reported on the Legislative Action Days session that he, Mayor Figueroa and Councilmember Worthington attended in Olympia.

Councilmember Worthington thanked staff for creating the brochure that listed the City's legislative priorities which was well received by individual elected officials.

Councilmember Belleci reminded Council of Pierce County Regional Council's Annual General Assembly meeting on February 25.

## **9. ADJOURNMENT OF THE REGULAR BUSINESS MEETING (ADDED)**

The regular business meeting was adjourned at 7:26 p.m. The City Council reconvened and recessed to study session at 7:32 p.m., after taking a five-minute break.

## **RECESS TO STUDY SESSION**

## **10. ANIMAL CONTROL/CODE ENFORCEMENT AMENDMENTS**

City Attorney Victor discussed minor amendments to the City's Animal Control and Civil Infraction codes. He explained that when the City contracted with the County for animal control services, the City retained the animal licensing function. He indicated that in order to allow the County to enforce the licensing code for unlicensed animals, an amendment to the City's code is needed in the interlocal agreement and the code to allow them to enforce and assess the penalty for unlicensed pets. In order for them to use our civil infraction code, the City needs to align its civil infraction penalty with that of the County's – from \$100 to \$120. This also has the benefit of allowing the City's law enforcement personnel to use the civil infraction code for violations of City code should they find it necessary or useful in their work.

## **11. COUNCIL HEALTH BENEFITS PROPOSAL**

Human Resource Manager Petorak provided a brief background and history on benefits that have been provided to Council in the past. In 2010, Council decided to discontinue participation in those benefits. She indicated that since then, there have been certain plan amendments and new participation requirements that may warrant a look into this topic again. She provided an overview on health benefits offered to regular employees through the Association of Washington Cities (AWC) trust. Ms. Petorak explained the variance in financial impact to the City based on the number of participants and the chosen coverage afforded to Council and added that AWC modified its participation requirement rate from 75% to 50% for Council members. She indicated that should Council adopt an ordinance restoring Council participation in medical benefits, it is recommended that Council members participate in the same medical plans and premium percentage payments provided for regular employees to provide for a cohesive and uniform benefits program. Because staff has also determined that the provision for medical benefits is separate and apart from "salaries", a new Employer Master Participation Agreement will need to be completed.

At 8:00 p.m., a motion was made and was carried to extend the meeting to 8:30 p.m.

Discussion followed and staff was directed to bring back two proposals for further consideration: (1) that extend to Council members the same medical benefits offered to employees and (2) an option for coverage for Council members only.

**12. ADJOURNMENT**

The meeting adjourned at 8:28 p.m. No other action was taken.

Submitted by,

Emy Genetia  
City Clerk

# APPROVAL OF CONSENT AGENDA

**City of University Place**  
**Voucher Approval Document**

#7A

<b>Control No.:</b> 5 Agenda of: 02/16/16	<b>PREPAY</b>
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**Claim of:** Payroll for Pay Period Ending 01/31/2016

Check #	Date	Amount		Check #	Date	Amount
318601	02/05/16	92.75		318604	02/05/16	49.65
318602	02/05/16	115.44		318605	02/05/16	287.30
318603	02/05/16	95.84				
					02/05/16	<b>115,245.39</b>

**Direct Deposit**

**EMPLOYEE NET    115,886.37**

318606	02/05/16	53.80	EMPLOYMENT SECURITY DEPARTMENT
318607	02/05/16	228.70	IUOE LOCAL 612
318608	02/05/16	3,891.34	IUOE LOCALS 302/612 TRUST FUND
318609	02/05/16	225.00	MALAIER, TRUSTEE, MICHAEL G.
318610	02/05/16	250.00	NATIONWIDE RETIREMENT SOLUTION
318611	02/05/16	7.50	PACIFIC SOURCE ADMINISTRATORS
318612	02/05/16	2,082.42	UNUM LIFE INSURANCE COMPANY
318613	02/05/16	699.37	UNUM LIFE INSURANCE COMPANY

WIRE	02/05/16	64,002.92	AWC EMPLOYEE BENEFIT TRUST
WIRE	02/05/16	21,912.58	BANK OF AMERICA
WIRE	02/05/16	19,097.33	- 106006, VANTAGEPOINT TRANSF
WIRE	02/05/16	6,643.87	- 304197, VANTAGEPOINT TRANSF
WIRE	02/05/16	4,213.77	- 800263, VANTAGEPOINT TRANSF
WIRE	02/05/16	27,807.66	WA STATE DEPT OF RETIREMENT SY
WIRE	02/05/16	987.10	PACIFIC SOURCE ADMINISTRATORS
WIRE	02/05/16	254.17	- 705544, VANTAGEPOINT TRANSF
WIRE	02/05/16	3,037.78	- 106006 LOAN, VANTAGEPOINT
WIRE	02/05/16	79.90	AFLAC INSURANCE
WIRE	02/05/16	890.30	WA ST DEPT OF RETIREMENT SYS
WIRE	02/05/16	473.32	- 304197 LOAN, VANTAGEPOINT TR

<b>BENEFIT/DEDUCTION AMOUNT</b>	<b>156,838.83</b>
<b>TOTAL AMOUNT</b>	<b>272,725.20</b>

**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 \_\_\_\_\_

Steve Sugg, City Manager

FINAL CHECK LISTING  
CITY OF UNIVERSITY PLACE

Check Date: 02/02/16 (2015 Invoices)

Check Range: 51977664-51977681 and Wire Transfers: 4118039 and 17257716

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 original check was voided and a replacement check issued.

Vendor Name

Replacement Check #

Original Check #

Auditing Officer: \_\_\_\_\_ (Signature on file.)

Date: \_\_\_\_\_

Bank : bofa BANK OF AMERICA

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
4118039	1/27/2016	003049	DEPT OF LABOR & INDUSTRIES 4THQTR15	1/27/2016	4TH QTR 15/VOLUNTEER HOUR	55.99	55.99
		Voucher: 40081					
17257716	1/26/2015	002072	WA STATE DEPT OF REVENUE DEC15	1/25/2016	DEC15/USE TAX/B&O TAX	5,426.14	5,426.14
		Voucher: 40094					
51977664	1/29/2016	001664	WA STATE DEPT OF REVENUE 4THQTR15	1/25/2016	4TH QTR 15/LEASHOLD EXCISE	389.08	389.08
		Voucher: 40093					
51977665	1/30/2016	001152	CENTURYLINK 206-Z20-0051	12/20/2015	PHONES/CITY WIDE	2,400.00	2,400.00
		Voucher: 40076					
51977666	1/30/2016	001152	CENTURYLINK 253-564-1992	1/11/2016	PHONES/SR CENTER	254.38	254.38
		Voucher: 40077					
51977667	2/12/2016	002661	AIR SYSTEMS ENGINEERING INC000206331	1/18/2016	HVAC REPAIR/PW SHOP	1,437.98	
		Voucher: 40075	000206243	1/11/2016	HVAC ASSESMENT/SR. CENTER	350.90	1,788.88
51977668	2/12/2016	001024	CITY TREASURER 100156306	1/20/2016	POWER/5400 ALAMEDA AVE W	412.77	
		Voucher: 40078	100940204	12/17/2015	WATER/7299 44TH ST W	337.08	
			100737063	1/21/2016	POWER/2715 ELWOOD DR W	135.58	
			100129708	1/21/2016	POWER/2702 ELWOOD DR W	20.52	905.95
51977669	2/12/2016	025528	CLEARVIEW MIXED USE BLD LLCREIMB	11/2/2015	REIMB/ROAD HEATER	349.28	349.28
		Voucher: 40079					
51977670	2/12/2016	024347	COPIERS NORTHWEST, INC. INV1323264	1/18/2016	OCT15-JAN14/OVERAGE CHARG	155.95	
		Voucher: 40080	INV1320719	1/12/2016	DEC9-JAN8/OVERAGE CHARGE/	43.27	199.22
51977671	2/12/2016	001727	FENCE SPECIALIST INC RETAINAGE	1/25/2016	RETAINAGE RELEASE/LEACH CH	578.25	578.25
		Voucher: 40082					
51977672	2/12/2016	002220	HANDS, LISA REIMB	1/27/2016	REIMB/MILEAGE	18.75	18.75
		Voucher: 40083					
51977673	2/12/2016	025894	LOWER 48 CONTRACT/PAINTING2287	1/5/2016	PAINTING/GARAGE PARKING	17,924.60	17,924.60
		Voucher: 40084					
51977674	2/12/2016	001109	PIERCE COUNTY BUDGET & FIN/CI-210973	12/31/2015	2015 VOTER MAINTENANCE CH/	59,006.81	
		Voucher: 40085	CI-210830	12/31/2015	DEC15/JAIL SERVICES	11,195.50	
			CI-210774	12/31/2015	2015 ELECTION COST	11,101.90	
			CI-210933	12/31/2015	APR15-DEC15/IT WIDE AREA NE'	499.95	
			CI-210646/#2	12/31/2015	DEC15/ROAD MAINT SERVICES	243.56	82,047.72
51977675	2/12/2016	025128	REDAL, HEATHER 15	1/15/2016	PRODUCTION SVCS/SAFE RTS 1	1,155.00	1,155.00
		Voucher: 40086					

Bank : bofa BANK OF AMERICA

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
51977676	2/12/2016	023869	SIGNS BY TOMORROW,CORP.	I-7721	12/15/2015	BLOCKOUT BANNER MATERIAL	2,497.70	2,497.70
		Voucher: 40087						
51977677	2/12/2016	025147	SILENT LIGHTS LLC	2015244	2/1/2016	ATRIUM SET UP	2,188.00	
		Voucher: 40088		2015238	1/15/2016	2015 TREE STORAGE	875.20	3,063.20
51977678	2/12/2016	025311	TACOMA WINSUPPLY, INC.	024631-00	1/5/2016	IRRIGATION DESIGN/BP WAY WE	3,011.25	3,011.25
		Voucher: 40089						
51977679	2/12/2016	001636	THOMSON REUTERS - WEST	833201261	2/1/2016	DEC15/WEST INFORMATION CH/	653.09	653.09
		Voucher: 40090						
51977680	2/12/2016	001153	VERIZON WIRELESS,LLC.	9758817357	1/12/2016	CELL PHONES/PW & PARKS MAI	1,196.33	1,196.33
		Voucher: 40091						
51977681	2/12/2016	002891	WA ASSOC. OF TELECOMMUNIC/01-2016-UNIV		12/21/2015	2016 AGENCY MEMBERSHIP DUI	100.00	100.00
		Voucher: 40092						
<b>Sub total for BANK OF AMERICA:</b>							<b>124,014.81</b>	

20 checks in this report.

Grand Total All Checks: 124,014.81

FINAL CHECK LISTING  
CITY OF UNIVERSITY PLACE

Check Date: 02/09/16 (2016 Invoices)

Check Range: 51977682-51977734

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.

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Auditing Officer: \_\_\_\_\_ (Signature on file.)

Date: \_\_\_\_\_

Bank : bofa BANK OF AMERICA

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
51977682	2/12/2016	025715	ABM JANITORIAL SERVICES 9022046	2/1/2016	FEB16/JANITORIAL SERVICES	3,831.65	
	Voucher:	40095	9063734	1/28/2016	3RD FLOOR VACANCY CLEANING	325.17	4,156.82
51977683	2/12/2016	025179	ACCESS INFORMATION MANAGEMENT 1297434	1/31/2016	JAN16/OFFSITE RECORDS STOP	1,112.90	1,112.90
	Voucher:	40096					
51977684	2/12/2016	001617	ACCOUNTTEMPS INC 44973499	2/1/2016	TEMP HELP/3 WEEKS/WHITFIELD	1,175.90	1,175.90
	Voucher:	40097					
51977685	2/12/2016	001004	ALARM WORKS NW 6375	2/1/2016	FEB16/ALARM MONITORING	358.00	358.00
	Voucher:	40098					
51977686	2/12/2016	025666	APPAREL BY BEE 10292016	1/29/2016	UP LOGO T-SHIRT	21.88	21.88
	Voucher:	40099					
51977687	2/12/2016	023411	AUTOZONE, INC. 1164562850	1/28/2016	MOTORCRAFT MOTOR OIL/PW	108.61	
	Voucher:	40100	1164562847	1/28/2016	DURALAST BATTERY	57.47	
			1164562851	1/28/2016	DURALAST BATTERY/CREDIT	-10.94	155.14
51977688	2/12/2016	001632	BALLOON SPECIALTIES B16012102	1/21/2016	300 BALLOONS/RED, WHITE & M	333.67	333.67
	Voucher:	40101					
51977689	2/12/2016	002333	BANK OF AMERICA 548001400009914	1/22/2016	MASTERCARD/1-22-16	12,505.07	12,505.07
	Voucher:	40102					
51977690	2/12/2016	025428	CAPITAL ONE COMMERCIAL/COS7003-7301-0003-1	1/26/2016	7003-7301-0003-1024	27.96	27.96
	Voucher:	40103					
51977691	2/12/2016	001188	CASCADE A & E SUPPLIES CO. IN482673	1/20/2016	24LB COLOR INK JET OPAQUE B	471.31	471.31
	Voucher:	40104					
51977692	2/12/2016	001152	CENTURYLINK 206-Z20-0051	1/20/2016	PHONES/CITY WIDE	2,400.00	
	Voucher:	40105	1364720536	1/23/2016	PHONES/CITYWIDE	1,546.86	
			253-584-0775	2/1/2016	PHONE/KOBAYASHI	49.86	3,996.72
51977693	2/12/2016	001024	CITY TREASURER 100068203	2/2/2016	POWER/3715 BP WAY W	1,616.76	
	Voucher:	40106	100456986	2/3/2016	POWER/5918 HANNAH PIERCE F	54.60	
			100165190	1/27/2016	POWER/3761 BP WAY W	42.29	
			100615001	1/26/2016	POWER/2247 E DAY ISLAND BLV	2.78	1,716.43
51977694	2/12/2016	024565	COMCAST 849835010094487	1/15/2016	JAN25-FEB24/INTERNET/CITY H/	140.79	140.79
	Voucher:	40107					
51977695	2/12/2016	023782	COMPLETE OFFICE SOLUTIONS, 1318702-0	1/18/2016	TONER	993.83	993.83
	Voucher:	40108					
51977696	2/12/2016	024347	COPIERS NORTHWEST, INC. INV1326456	1/25/2016	JAN22-FEB21/LEASE CHARGE/R	105.46	
	Voucher:	40109	INV1328948	1/29/2016	JAN28-FEB27 BASE RATE/DEC28	72.09	177.55

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
51977697	2/12/2016	025941 DS-OH FAMILY TRUST	REFUND	1/21/2016	REFUND/LOCATED IN TACOMA	50.00	50.00
		Voucher: 40110					
51977698	2/12/2016	023461 ENTERTAINMENT MASTERS	21316	1/12/2016	DJ/DADDY DAUGHTER DANCE	375.00	375.00
		Voucher: 40111					
51977699	2/12/2016	025703 FATZ DETAIL ESTABLISHMENT	458	1/21/2016	DETAIL INSIDE AND OUTSIDE OF	928.81	928.81
		Voucher: 40112					
51977700	2/12/2016	022268 GEMPLER'S	SI02224619	1/29/2016	MISC SUPPLIES/PW/ROW SPRAY	190.40	190.40
		Voucher: 40113					
51977701	2/12/2016	024152 HI STRENGTH BOLT	234291	1/27/2016	MISC SUPPLIES	103.65	103.65
		Voucher: 40114					
51977702	2/12/2016	001222 HOME DEPOT CREDIT SERVICES6035-3225-0105-0		1/28/2016	MISC REPAIRS & MAINT SUPPLIE	547.70	547.70
		Voucher: 40115					
51977703	2/12/2016	001223 HUMANE SOCIETY OF TACOMA	IVC0001593	2/1/2016	FEB16/BOARDING CONTRACT	100.00	100.00
		Voucher: 40116					
51977704	2/12/2016	001971 INK INC	31910	1/25/2016	JERSEYS/BASKETBALL/RECREA	278.97	
		Voucher: 40117	31916	1/29/2016	SCREEN PRINTED JERSEY/BASI	21.88	300.85
51977705	2/12/2016	025431 JR SIMPLOT COMPANY	212042895	1/29/2016	PESTICIDE SEMINAR/FEB 23	175.00	175.00
		Voucher: 40118					
51977706	2/12/2016	021616 KELLEY IMAGING SYSTEMS	18216119	1/27/2016	LEASE/SHARP MX 5111N COPIEF	745.80	745.80
		Voucher: 40119					
51977707	2/12/2016	001960 KROGER - FRED MEYER STORES700070		1/30/2016	CUSTOMER # 700070/MISC PURC	22.35	22.35
		Voucher: 40120					
51977708	2/12/2016	025939 KUHARIC, ROBERT	REFUND	2/8/2016	REFUND/DUPLICATE PAYMENT/1	40.00	40.00
		Voucher: 40121					
51977709	2/12/2016	025942 LEHMAN, STEFANIE	REFUND	2/5/2016	REFUND/OVERPAYMENT FOR AM	9.20	9.20
		Voucher: 40122					
51977710	2/12/2016	023115 LEMAY MOBILE SHREDDING	4465305	2/1/2016	JAN16/DOCUMENT SHREDDING	70.30	70.30
		Voucher: 40123					
51977711	2/12/2016	001352 MILES RESOURCES, LLC	253817	1/18/2016	HOT ASPHALT FOR STREET/SWI	804.83	804.83
		Voucher: 40124					
51977712	2/12/2016	001913 NATOA	2016DUES	2/3/2016	2016DUES/SEESZ/ID#15168	1,245.00	1,245.00
		Voucher: 40125					
51977713	2/12/2016	001095 NEWS TRIBUNE	I02202710-011120	1/20/2016	MEETING NOTICE/MTG 1-19	134.69	134.69
		Voucher: 40126					

Bank : bofa BANK OF AMERICA

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
51977714	2/12/2016	002847	NW PLAYGROUND EQUIPMENT, I	39153	1/26/2016	CHATTERBOX FUNNELS/SWING	583.82	583.82
		Voucher: 40127						
51977715	2/12/2016	025794	OPEN GOV	1915	1/31/2016	OPENGOV TRANSPARENCY/COI	4,500.00	4,500.00
		Voucher: 40128						
51977716	2/12/2016	002089	OWEN EQUIPMENT CO.	00078441	1/19/2016	TUBE BROOM-POLY	547.00	547.00
		Voucher: 40129						
51977717	2/12/2016	003178	OWENS PRESS, INC.	26207	1/17/2016	BUSINESS CARDS/STAFF	946.31	946.31
		Voucher: 40130						
51977718	2/12/2016	023078	P.C. POLICE CHIEFS ASSN.	2016DUES	2/3/2016	2016 ANNUAL DUES/CHIEF MIKE	50.00	50.00
		Voucher: 40131						
51977719	2/12/2016	001109	PIERCE COUNTY BUDGET & FIN	CI-210671	1/27/2016	SOUNDGRO LOOSE BULK/POLY	492.85	
		Voucher: 40132		CI-210553	1/6/2016	FEB16/I-NET CHARGES/UPTV	253.00	
				CI-210552	1/6/2016	JAN16/I-NET CHARGES/UPTV	253.00	998.85
51977720	2/12/2016	001588	PIERCE COUNTY SEWER	00664685	2/1/2016	SEWER/4951 GRANDVIEW DR W	176.86	
		Voucher: 40133		00566276	2/1/2016	SEWER/3715 BP WAY W	134.19	
				00000591	2/1/2016	SEWER/2534 GRANDVIEW DR W	76.00	
				01576739	2/1/2016	SEWER/3609 MARKET PL W/RET	37.22	
				01576721	2/1/2016	SEWER/3609 MARKET PL W/RET	37.22	
				01576712	2/1/2016	SEWER/3609 MARKET PL W/RET	37.22	
				01571443	2/1/2016	SEWER/7520 CIRQUE DR W	33.34	
				00604682	2/1/2016	SEWER/2917 MORRISON RD W	25.58	
				01633279	2/1/2016	SEWER/1902 SEAVIEW AVE W	17.83	
				01512692	2/1/2016	SEWER/3555 MARKET PL W	17.83	593.29
51977721	2/12/2016	023882	PIVETTA BROTHERS CONST., INC	1	2/2/2016	CONSTRUCTION OF THE BRIDG	134,597.96	134,597.96
		Voucher: 40134						
51977722	2/12/2016	001161	PUGET SOUND ENERGY CORP	200017087624	1/29/2016	GAS/2534 GRANDVIEW DR W	306.37	
		Voucher: 40135		200000971479	1/26/2016	GAS/4910 BRISTONWOOD DR W	297.83	
				300000010987	2/2/2016	GAS/3715 BP WAY W, #E2	49.65	
				220008861142	1/28/2016	GAS/3715 BP WAY W, #BDGS1	39.19	
				200014542258	1/28/2016	GAS/7450 MARKET SQ W	35.38	
				300000009641	2/2/2016	GAS/3715 BP WAY W, #D2 & #A3	381.16	1,109.58
51977723	2/12/2016	003149	RODDA PAINT COMPANY	27068420	2/2/2016	PAINT	40.82	40.82
		Voucher: 40136						
51977724	2/12/2016	025147	SILENT LIGHTS LLC	2015239	1/15/2016	REMOVAL OF 2015 HOLIDAY LIG	2,461.50	
		Voucher: 40137		2015210	1/15/2016	LABOR/ARTIFICIAL TREE REMO	1,641.00	4,102.50

Bank : bofa BANK OF AMERICA

(Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
51977725	2/12/2016	025916	SPECIAL WEAPONS AND TRAPS 2	1/17/2016	BEAVER TRAP/RELOCATION	145.00	145.00
		Voucher: 40138					
51977726	2/12/2016	003008	SPRAGUE PEST SOLUTIONS INC2768765	1/26/2016	PEST CONTROL/SR. CENTER	43.76	43.76
		Voucher: 40139					
51977727	2/12/2016	002613	SUPERIOR LINEN SERVICE,INC. 26411	1/27/2016	OFFICE MAT RENTAL/PW SHOP	89.00	89.00
		Voucher: 40140					
51977728	2/12/2016	025940	THE SHOP HAIRCUTS, LLC REFUND	1/21/2016	REFUND/APPLIED FOR LICENSE	50.00	50.00
		Voucher: 40141					
51977729	2/12/2016	001157	WA ASSN OF BUILDING OFFICIAL31152	1/12/2016	2015 INTL FUEL GAS CODE - LOC	2,003.06	2,003.06
		Voucher: 40142					
51977730	2/12/2016	001809	WA STATE DEPT OF ECOLOGY 2016-WAR045021	1/6/2016	MUNICIPAL STORMWATER PERM	10,236.00	10,236.00
		Voucher: 40143					
51977731	2/12/2016	024399	WELLS FARGO FINANCIAL LEAS15002795161	1/23/2016	FEB16-MARCH16/LEMARK PRINT	95.00	95.00
		Voucher: 40144					
51977732	2/12/2016	001781	WILLIAMS OIL FILTER SERVICE C193253	1/26/2016	HOSE END	17.96	17.96
		Voucher: 40145					
51977733	2/12/2016	023675	ZEE MEDICAL INC. 68303997	1/29/2016	AED COMPLIANCE MANAGEMEN	435.41	435.41
		Voucher: 40146					
51977734	2/12/2016	001357	ZUMAR INDUSTRIES INC 0180550	2/2/2016	SINGLE CLAMP ON U-BRACKET	60.72	60.72
		Voucher: 40147					
<b>Sub total for BANK OF AMERICA:</b>							<b>194,433.59</b>

53 checks in this report.

Grand Total All Checks: 194,433.59

FINAL CHECK LISTING  
CITY OF UNIVERSITY PLACE

Check Date: 02/10/16 (2015 Invoices)

Check Range: 51977735-51977743

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 original check was voided and a replacement check issued.

Vendor Name

Replacement Check #

Original Check #

Auditing Officer: \_\_\_\_\_ (Signature on file.)

Date: \_\_\_\_\_

Bank : bofa BANK OF AMERICA

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
51977735	12/31/2015	001818	APEX ENGINEERING PLLC	201552712	1/5/2016	REVISIONS TO BP 5 RIGHT OF W	2,382.50
	Voucher:	40148		201552711	1/5/2016	PREPARE THREE LEGAL DESCR	1,560.00
							3,942.50
51977736	12/31/2015	025824	BOULTON INSULATION CO. INC.	15007	4/30/2015	PARKING GARAGE ELEVATOR L	2,349.00
	Voucher:	40149					2,349.00
51977737	12/31/2015	025938	CALLISONRTKL INC.	00000000493	10/13/2015	GRAPHIC DESIGN SERVICES FC	20,587.50
	Voucher:	40150		000000001639	11/24/2015	GRAPHIC DESIGN SERVICES FC	2,126.04
				000008364408	12/23/2015	GRAPHIC DESIGN SERVICES FC	861.19
							23,574.73
51977738	12/31/2015	025943	FM RESTAURANTS, INC.	REFUND	2/9/2016	REFUND/TRASH COMPACTOR P.	524.53
	Voucher:	40151					524.53
51977739	12/31/2015	025766	H. YORK ENTERPRISES, LLC	5123	8/5/2015	CEMENT FINISHING/PARKING G/	5,725.60
	Voucher:	40152		5122	8/5/2015	PUNCH LIST ITEMS/ELEVATOR L	1,972.51
				5124	8/5/2015	REIMBURSABLES FOR GARAGE	254.34
							7,952.45
51977740	12/31/2015	023808	P.C. FAMILY JUSTICE CENTER	2015DONATION	2/3/2016	2015 DONATION	3,000.00
	Voucher:	40153					3,000.00
51977741	12/31/2015	001109	PIERCE COUNTY BUDGET & FIN/CI-211101		12/31/2015	2015 SPECIAL OVERTIME	5,014.35
	Voucher:	40154		CI-210646/2	1/30/2016	DEC15/PW ROAD MAINTENANCE	198.56
							5,212.91
51977742	12/31/2015	003165	RAINIER COMMUNICATIONS CEN4THQTR15		2/10/2016	COMCAST/4THQTR15/PEG FEES	11,071.67
	Voucher:	40155		4THQTR15	2/9/2016	CLICK/4THQTR15/PEG FEES	2,160.00
							13,231.67
51977743	12/31/2015	021800	TACID	2015DONATION	2/3/2016	2015 DONATION	3,000.00
	Voucher:	40156					3,000.00
<b>Sub total for BANK OF AMERICA:</b>							<b>62,787.79</b>

9 checks in this report.

Grand Total All Checks: 62,787.79

# **COUNCIL CONSIDERATION**

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

**Proposed Council Action:**

Authorize the City Manager to award the Elwood Drive Safe Routes to School project to Puget Paving & Construction in the amount of \$816,023.45 and execute all necessary contract documents.

**Agenda No:** 8  
**Dept. Origin:** Engineering  
**For Agenda of:** February 16, 2016  
**Exhibits:** Bid Tabulation Sheet

**Concurred by Mayor:** \_\_\_\_\_  
**Approved by City Manager:** \_\_\_\_\_  
**Approved as to form by City Atty.:** \_\_\_\_\_  
**Approved by Finance Director:** \_\_\_\_\_  
**Approved by Department Head:** \_\_\_\_\_

Expenditure Required: \$816,023.45	Amount Budgeted: \$1,070,000	Appropriation Required: \$0.00
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**SUMMARY / POLICY ISSUES**

The bid opening for the Elwood Drive Safe Routes to School project was held on February 9, 2016. Ten bids were received. Puget Paving & Construction has submitted the lowest responsive, responsible bid in the amount of \$816,023.45. This project includes construction of curbs, gutters, sidewalks, bike lanes, storm drainage improvements, landscaping, irrigation, and street lights on the East side of Elwood Drive West from Cirque Drive West to 40<sup>th</sup> Street West and on the South side of 44<sup>th</sup> Street West from Elwood Drive West to Sunset Drive West.

This project is funded through a \$811,131.00 Safe Routes to School grant.

**ALTERNATIVES CONSIDERED**

<b>Company</b>	<b>Total Bid</b>
<b><i>Puget Paving &amp; Construction</i></b>	<b><i>\$816,023.45</i></b>
Pivetta Brothers Construction	\$826,087.00
RW Scott Construction	\$834,252.75
3 Kings Environmental	\$995,736.55
Rodarte Construction	\$1,009,147.25
Miles Resources	\$1,025,631.55
Global Contractors	\$1,078,465.00
Rognlin's, Inc.	\$1,092,250.75
Nova Contracting	\$1,325,125.00
Westwater Construction	\$1,376,760.00
<b><i>Engineers Estimate</i></b>	<b><i>\$780,000.00</i></b>

**BOARD OR COMMITTEE RECOMMENDATION**

Representatives from WSDOT have reviewed and approved the low bid proposal.

**RECOMMENDATION / MOTION**

**MOVE TO:** Authorize the City Manager to award the Elwood Drive Safe Routes to School project to Puget Paving & Construction in the amount of \$816,023.45 and execute all necessary contract documents.

City of University Place  
Elwood Safe Routes to School

Bid Analysis for Tuesday, February 9, 2016 Bid Opening

No.	Item Description Schedule A	Plan	Quantity	Unit	Pugot Paving Construction		Pivotta Brothers Construction		RW Scott		3 Kings		Rodarte Construction		Miles Resources		Global Contractors		Regalin's, Inc.		Nova Contracting		Westwater Construction		
					Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price
1	Demobilization	1	LS	\$ 66,760.00	66,760.00	\$ 13,700.00	13,700.00	\$ 62,000.00	62,000.00	\$ 72,700.00	72,700.00	\$ 100,000.00	100,000.00	\$ 85,600.00	85,600.00	\$ 50,000.00	50,000.00	\$ 90,000.00	90,000.00	\$ 130,000.00	130,000.00	\$ 125,000.00	125,000.00	\$ 125,000.00	125,000.00
2	Roadway Surveying	1	LS	\$ 19,500.00	19,500.00	\$ 10,000.00	10,000.00	\$ 20,000.00	20,000.00	\$ 39,785.00	39,785.00	\$ 12,500.00	12,500.00	\$ 20,800.00	20,800.00	\$ 28,000.00	28,000.00	\$ 17,000.00	17,000.00	\$ 12,000.00	12,000.00	\$ 20,000.00	20,000.00	\$ 20,000.00	20,000.00
3	Locate Existing Utilities	1	LS	\$ 3,500.00	3,500.00	\$ 6,000.00	6,000.00	\$ 1,500.00	1,500.00	\$ 1,130.00	1,130.00	\$ 3,000.00	3,000.00	\$ 500.00	500.00	\$ 1,500.00	1,500.00	\$ 6,120.00	6,120.00	\$ 1,700.00	1,700.00	\$ 5,500.00	5,500.00	\$ 10,000.00	10,000.00
4	Project Temporary Traffic Control	1	LS	\$ 79,200.00	79,200.00	\$ 75,000.00	75,000.00	\$ 65,000.00	65,000.00	\$ 77,320.00	77,320.00	\$ 50,000.00	50,000.00	\$ 60,000.00	60,000.00	\$ 97,700.00	97,700.00	\$ 107,000.00	107,000.00	\$ 107,000.00	107,000.00	\$ 160,000.00	160,000.00	\$ 130,000.00	130,000.00
5	Cleaning & Grubbing	1	LS	\$ 22,000.00	22,000.00	\$ 5,800.00	5,800.00	\$ 16,000.00	16,000.00	\$ 12,185.00	12,185.00	\$ 25,000.00	25,000.00	\$ 34,400.00	34,400.00	\$ 60,000.00	60,000.00	\$ 17,000.00	17,000.00	\$ 40,215.00	40,215.00	\$ 65,000.00	65,000.00	\$ 65,000.00	65,000.00
6	Obstructions	1	LS	\$ 28,000.00	28,000.00	\$ 20,000.00	20,000.00	\$ 18,000.00	18,000.00	\$ 30,755.00	30,755.00	\$ 15,000.00	15,000.00	\$ 43,350.00	43,350.00	\$ 25,000.00	25,000.00	\$ 38,600.00	38,600.00	\$ 55,410.00	55,410.00	\$ 5,000.00	5,000.00	\$ 5,000.00	5,000.00
7	Sawcutting Bituminous Pavement	4500	LF	\$ 1.00	4,500.00	\$ 1.50	6,750.00	\$ 1.50	6,750.00	\$ 1.25	5,625.00	\$ 2.50	11,250.00	\$ 2.20	9,900.00	\$ 3.00	13,500.00	\$ 1.85	8,325.00	\$ 4.00	18,000.00	\$ 2.00	9,000.00	\$ 2.00	9,000.00
8	and Grading for Roadway	1481	CY	\$ 18.00	26,658.00	\$ 28.00	41,748.00	\$ 36.00	53,676.00	\$ 30.50	45,475.50	\$ 50.00	74,550.00	\$ 43.50	64,858.50	\$ 40.00	59,640.00	\$ 63.50	94,678.50	\$ 40.00	59,640.00	\$ 60.00	89,460.00	\$ 60.00	89,460.00
9	Crushed Surfacing Top Course	780	TN	\$ 30.00	23,400.00	\$ 29.00	22,620.00	\$ 32.00	24,960.00	\$ 78.30	61,074.00	\$ 40.00	31,200.00	\$ 62.00	48,360.00	\$ 50.00	39,000.00	\$ 49.00	38,230.00	\$ 50.00	39,000.00	\$ 60.00	46,800.00	\$ 60.00	46,800.00
10	HMA 1 1/2" PG 58-22	370	TN	\$ 118.00	43,660.00	\$ 113.00	41,810.00	\$ 100.00	37,000.00	\$ 105.50	39,035.00	\$ 120.00	44,400.00	\$ 98.00	36,260.00	\$ 150.00	55,500.00	\$ 110.00	40,700.00	\$ 150.00	55,500.00	\$ 150.00	55,500.00	\$ 150.00	55,500.00
11	Hot Mix 1 1/2" PG 58-22	59	TN	\$ 118.00	6,962.00	\$ 159.00	9,381.00	\$ 167.00	9,853.00	\$ 174.75	10,310.25	\$ 175.00	10,325.00	\$ 154.50	9,115.50	\$ 200.00	11,800.00	\$ 195.00	11,505.00	\$ 161.00	9,499.00	\$ 150.00	8,850.00	\$ 150.00	8,850.00
12	Cold Mix Asphalt Concrete	5	TN	\$ 100.00	500.00	\$ 400.00	2,000.00	\$ 250.00	1,250.00	\$ 295.00	1,475.00	\$ 300.00	1,500.00	\$ 144.00	720.00	\$ 150.00	750.00	\$ 310.00	1,550.00	\$ 150.00	750.00	\$ 250.00	1,250.00	\$ 250.00	1,250.00
13	Underdrain Pipe 4" Diam	195	LF	\$ 10.00	1,950.00	\$ 6.00	1,170.00	\$ 15.00	2,925.00	\$ 12.00	2,340.00	\$ 1.75	341.25	\$ 20.00	3,900.00	\$ 15.00	1,950.00	\$ 8.00	1,560.00	\$ 60.00	11,700.00	\$ 10.00	1,950.00	\$ 10.00	1,950.00
14	Gravel Backfill for Drains	16	TN	\$ 30.00	480.00	\$ 50.00	800.00	\$ 65.00	1,040.00	\$ 68.15	1,090.40	\$ 15.00	240.00	\$ 29.25	468.00	\$ 50.00	800.00	\$ 52.00	832.00	\$ 35.00	560.00	\$ 20.00	320.00	\$ 20.00	320.00
15	Pipe 12 In. Diam	827	LF	\$ 37.00	30,599.00	\$ 46.00	38,042.00	\$ 40.00	33,080.00	\$ 41.55	34,361.85	\$ 42.00	34,734.00	\$ 38.50	31,839.50	\$ 65.00	53,755.00	\$ 67.00	55,409.00	\$ 120.00	99,240.00	\$ 110.00	90,970.00	\$ 110.00	90,970.00
16	in. Diam.	231	LF	\$ 62.00	14,322.00	\$ 80.00	18,480.00	\$ 75.00	17,325.00	\$ 68.75	15,881.25	\$ 80.00	18,480.00	\$ 87.25	20,154.75	\$ 95.00	21,945.00	\$ 92.00	21,252.00	\$ 100.00	23,100.00	\$ 75.00	17,325.00	\$ 75.00	17,325.00
17	in. Diam.	12	LF	\$ 100.00	1,200.00	\$ 287.00	3,444.00	\$ 150.00	1,800.00	\$ 92.75	1,113.00	\$ 90.00	1,080.00	\$ 171.00	2,052.00	\$ 110.00	1,320.00	\$ 132.00	1,584.00	\$ 100.00	1,200.00	\$ 150.00	1,800.00	\$ 150.00	1,800.00
18	Catch Basin Type 1	13	EA	\$ 1,000.00	13,000.00	\$ 1,358.00	17,654.00	\$ 1,200.00	15,600.00	\$ 1,785.00	23,205.00	\$ 1,000.00	13,000.00	\$ 1,275.00	16,575.00	\$ 1,500.00	19,500.00	\$ 1,776.00	23,088.00	\$ 1,500.00	19,500.00	\$ 1,000.00	13,000.00	\$ 1,000.00	13,000.00
19	PVC Catch Basin	3	EA	\$ 2,600.00	7,800.00	\$ 3,462.00	10,386.00	\$ 2,800.00	8,400.00	\$ 3,125.00	9,375.00	\$ 3,200.00	9,600.00	\$ 3,975.00	11,925.00	\$ 4,300.00	12,900.00	\$ 4,800.00	14,670.00	\$ 1,200.00	3,600.00	\$ 1,000.00	3,000.00	\$ 3,000.00	3,000.00
20	Structure	7	EA	\$ 800.00	5,600.00	\$ 865.00	6,055.00	\$ 500.00	3,500.00	\$ 910.00	6,370.00	\$ 900.00	6,300.00	\$ 675.00	4,725.00	\$ 700.00	4,900.00	\$ 550.00	3,850.00	\$ 500.00	3,500.00	\$ 200.00	1,400.00	\$ 1,400.00	1,400.00
21	Solid Lid	4	EA	\$ 500.00	2,000.00	\$ 690.00	2,760.00	\$ 600.00	2,400.00	\$ 585.00	2,340.00	\$ 700.00	2,800.00	\$ 760.00	3,040.00	\$ 700.00	2,800.00	\$ 830.00	3,320.00	\$ 700.00	2,800.00	\$ 500.00	2,000.00	\$ 2,000.00	2,000.00
22	Systems	1	LS	\$ 1,000.00	1,000.00	\$ 3,115.00	3,115.00	\$ 500.00	500.00	\$ 83.25	83.25	\$ 1,000.00	1,000.00	\$ 2,600.00	2,600.00	\$ 1,000.00	1,000.00	\$ 2,600.00	2,600.00	\$ 2,500.00	2,500.00	\$ 2,500.00	2,500.00	\$ 2,500.00	2,500.00
23	Pollution/Erosion Control	1	LS	\$ 3,000.00	3,000.00	\$ 7,000.00	7,000.00	\$ 4,500.00	4,500.00	\$ 5,527.00	5,527.00	\$ 7,500.00	7,500.00	\$ 6,575.00	6,575.00	\$ 2,500.00	2,500.00	\$ 6,000.00	6,000.00	\$ 2,500.00	2,500.00	\$ 10,000.00	10,000.00	\$ 10,000.00	10,000.00
24	Topsoil Type A	50	CY	\$ 50.00	2,500.00	\$ 91.00	4,550.00	\$ 50.00	2,500.00	\$ 72.80	3,640.00	\$ 45.00	2,250.00	\$ 83.25	4,162.50	\$ 60.00	3,000.00	\$ 74.00	3,700.00	\$ 51.00	2,550.00	\$ 50.00	2,500.00	\$ 2,500.00	2,500.00
25	Bark or Wood Chip Mulch	20	CY	\$ 50.00	1,000.00	\$ 103.00	2,060.00	\$ 100.00	2,000.00	\$ 128.80	2,576.00	\$ 55.00	1,100.00	\$ 94.50	1,890.00	\$ 60.00	1,200.00	\$ 74.00	1,480.00	\$ 80.00	1,600.00	\$ 50.00	1,000.00	\$ 1,000.00	1,000.00
26	Seeding, Fertilizing and Mulching	50	SV	\$ 10.00	500.00	\$ 17.00	850.00	\$ 5.00	250.00	\$ 16.80	840.00	\$ 6.00	300.00	\$ 15.50	775.00	\$ 15.00	750.00	\$ 19.00	950.00	\$ 40.00	2,000.00	\$ 20.00	1,000.00	\$ 1,000.00	1,000.00
27	cal - Columnar Norway Maple	76	EA	\$ 475.00	36,050.00	\$ 574.00	43,604.00	\$ 650.00	49,500.00	\$ 806.40	61,694.40	\$ 550.00	41,800.00	\$ 530.00	40,250.00	\$ 550.00	41,800.00	\$ 517.00	39,272.00	\$ 650.00	49,500.00	\$ 800.00	61,600.00	\$ 800.00	61,600.00
28	Vernon - 1 gal - Mount Vernon	756	EA	\$ 11.00	8,316.00	\$ 16.00	12,096.00	\$ 12.00	9,072.00	\$ 11.20	8,467.20	\$ 14.75	11,151.00	\$ 14.50	10,962.00	\$ 15.00	11,340.00	\$ 11.00	8,316.00	\$ 16.00	12,096.00	\$ 10.00	7,560.00	\$ 7,560.00	7,560.00
29	Root Barrier (24")	320	LF	\$ 5.00	1,600.00	\$ 17.00	5,440.00	\$ 11.00	3,520.00	\$ 7.84	2,508.80	\$ 14.00	4,480.00	\$ 15.50	4,960.00	\$ 12.00	3,840.00	\$ 8.00	2,560.00	\$ 12.00	3,840.00	\$ 15.00	4,800.00	\$ 4,800.00	4,800.00
30	Irrigation System	1	LS	\$ 10,000.00	10,000.00	\$ 11,122.00	11,122.00	\$ 16,000.00	16,000.00	\$ 25,000.00	25,000.00	\$ 22,500.00	22,500.00	\$ 10,200.00	10,200.00	\$ 22,000.00	22,000.00	\$ 25,600.00	25,600.00	\$ 13,910.00	13,910.00	\$ 20,000.00	20,000.00	\$ 20,000.00	20,000.00
31	Cement Concrete Curb & Gutter	3942	LF	\$ 10.00	39,420.00	\$ 11.00	43,362.00	\$ 10.00	39,420.00	\$ 10.65	41,982.30	\$ 20.00	78,840.00	\$ 10.00	39,420.00	\$ 20.00	78,840.00	\$ 21.00	82,782.00	\$ 20.00	78,840.00	\$ 30.00	118,260.00	\$ 118,260.00	118,260.00
32	Approach	457	SV	\$ 31.00	14,167.00	\$ 35.00	15,995.50	\$ 31.50	14,386.50	\$ 33.75	15,423.75	\$ 54.00	24,678.00	\$ 33.60	15,355.20	\$ 50.00	22,850.00	\$ 65.00	29,705.00	\$ 50.00	22,850.00	\$ 115.00	52,555.00	\$ 52,555.00	52,555.00
33	Repair	91	SV	\$ 31.00	2,821.00	\$ 35.00	3,185.00	\$ 34.75	3,162.25	\$ 37.00	3,367.00	\$ 55.00	5,005.00	\$ 33.60	3,057.60	\$ 50.00	4,550.00	\$ 57.50	5,232.50	\$ 50.00	4,550.00	\$ 100.00	9,100.00	\$ 9,100.00	9,100.00
34	Pots	60	LF	\$ 150.00	9,000.00	\$ 94.00	5,640.00	\$ 90.00	5,400.00	\$ 130.00	7,800.00	\$ 90.00	5,400.00	\$ 90.50	5,430.00	\$ 85.00	5,100.00	\$ 93.00	5,580.00	\$ 40.00	2,400.00	\$ 100.00	6,000.00	\$ 6,000.00	6,000.00
35	31"	1	EA	\$ 3,500.00	3,500.00	\$ 3,445.00	3,445.00</																		

# Memo

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**DATE:** February 11, 2016  
**TO:** City Council  
**FROM:** Steve Victor, City Attorney  
**CC:** Steve Sugg, City Manager  
**SUBJECT:** University Place Elected Officials and the Federal Affordable Care Act

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## I. INTRODUCTION

The purpose of this memo is to provide an answer to the question of whether there is a legal requirement under the federal Affordable Care Act (“ACA”) for the City to provide health care coverage to City Council Members.

## II. LEGAL ANALYSIS

As a threshold matter, I note that there are a number of tests that can be applied to answer the question whether or not the “employer shared responsibility” or “employer mandate” provisions of the ACA require health care coverage for U.P. elected officials, including the total number of City employees, and the total hours worked by Council Members and how those hours are documented and reported, but I do not need to reach those questions, because the answer to the question of whether elected officials are employees under ACA makes further analysis moot.

To answer the question of whether City Council members, as elected officials, would be considered employees entitled to coverage under the Affordable Care Act, it is first necessary to understand that each major piece of federal legislation is essentially a stand-alone, and their definitions are often completely inconsistent with one another.

By way of example, under the Internal Revenue Code (IRC), elected officials are deemed employees by the IRS for purposes of withholding and paying federal income tax, social security and Medicare taxes, and issuing form W-2, wage and tax statements. In contrast, under the Fair Labor Standards Act (FLSA), elected officials are exempt and have no protection under the Act. The ACA is silent on the status of elected officials.

This definitional disconnect between differing major federal programs creates great confusion among non-attorneys, and even among some attorneys. For purposes of this analysis, the essential principle to understand is that the treatment of elected officials under the IRC, the FLSA, ERISA, or any other federal program is irrelevant

to the status of elected officials under the ACA. For that determination, only the ACA must be consulted.

Though the ACA statute does not specifically address the status of elected officials, the ACA regulations do define an "employee" under the ACA as "an individual who is an employee under the common law standard." The "common law" is the part of the law of the United States that is derived from custom and judicial precedent rather than statutes.

Much unnecessary confusion has been generated by the fact that in various places, the Code of Federal Regulations (CFR) states that elected officials are considered employees for purposes of withholding and paying federal income tax, social security and Medicare taxes, and issuing form W-2, wage and tax statements under the IRC, and the CFR also references the common law test for employment. In fact, the determination that elected officials are employees under the IRC is an administrative determination of the IRS, and was not made by application of the common law. That IRC determination is irrelevant to the ACA. The common law test for employment, which must be used in applying the ACA, reaches the opposite result.

Under the common law standard for determining whether someone is an employee of an organization, the relevant common law factors that the courts would look to are: (a) whether the employer has control over how and when the individual's work is done, control being characteristic of employee status; (b) the employer's right to fire the individual; (c) whether the individual is engaged in an independent business, calling or occupation; (d) whether the individual is doing the work at a fixed price or for a lump sum or upon a quantitative basis, payment on a quantitative basis being characteristic of an employee; and (f) whether the individual is free to use such assistants as he may think proper and has full control over such assistants.

Elected officials in Washington State have control over how and when they do the legislative work, cannot be fired, often have other employment (or other sources of income, if retired), are paid a lump-sum salary regardless of the amount of time they spend on legislative work, and are free to hire assistants to help in the work at their own expense. Washington State elected officials are not employees under the common law test.

### **III. CONCLUSION**

Because the current regulations implementing the ACA utilize the common law test for employees, at this time, City Council Members cannot be considered employees of the City under the ACA, and therefore there is no legal requirement for the City to provide health care coverage to City Council Members.

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

**Proposed Council Action:**

Pass an ordinance:

1. Repealing and replacing Section 3.15.040 of the City's Municipal Code to extend medical benefits to Council Members only per exhibit A of the ordinance; or
2. Repealing and replacing Section 3.15.040 of the City's Municipal Code to extend medical benefits to Council Members and their dependents per exhibit A of the ordinance.

**Agenda No:** 9  
**Dept. Origin:** Human Resources  
**For Agenda of:** February 16, 2016  
**Exhibits:** Ordinance 1/Ordinance 2

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

Expenditure Required: \$33,888 - \$100,000	Amount Budgeted: \$0.00	Appropriation Required: \$0.00
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**SUMMARY / POLICY ISSUES**

**1. Background**

Beginning in 2002, Council Members participated in and received City medical benefits, until voting to discontinue participation in 2010. Between 2002 through 2010, Council Members received a medical benefit plan that was different from and more expensive than what was provided to non-represented staff. Since 2010, there have been plan changes and new participation requirements that may warrant consideration for once again extending medical benefits to Council.

**2. Current Medical Plans**

Regence and Group Health plan choices are provided to all regular employees through the Association of Washington Cities (AWC) trust. The City pays 100% of the medical premium for regular employees. Spouses and dependents are covered at 75% of the premium cost. The remaining 25% of the insurance premium is borne by the employee.

**3. Two Options and Financial Impacts**

There are two options that are being proposed. The first option is to extend medical coverage to Council Members only. If four Council Members participated in Regence, the City would pay approximately \$2,824 per month or \$33,888 per year. All seven members participating in Regence would cost \$4,941 per month or \$59,292 per year.

The second option is to extend medical coverage to Council Members and their dependents at the same rates that are provided to employees (100% coverage for Council Members and 75% coverage for dependents). The cost to the City increases based on the variables if the City were to pay for dependents (spouses and children up to the age of 26). For example, the cost to cover five Council Members and five spouses would be \$6,196 per month or \$74,352 per year.

AWC now allows Council Members to pay for their own premiums out of pocket in addition to the cost for their dependents. The financial impacts on the City range from \$0 to \$100,000 depending on the policy decision of the Council.

**4. Participation Agreement Requirements**

AWC requires 50% of Council to participate in order for medical benefits to be extended to Council in an effort to prevent adverse selection and balance risk. If such an ordinance is passed, participation in either of the City's medical plans would likely begin the first day of the month following the execution of a new Employer Master Participation Agreement.

**RECOMMENDATION / MOTION**

**MOVE TO:** Pass an ordinance:

1. Repealing and replacing Section 3.15.040 of the City's Municipal Code to extend medical benefits to Council Members only per exhibit A of the ordinance; or
2. Repealing and replacing Section 3.15.040 of the City's Municipal Code to extend medical benefits to Council Members and their dependents per exhibit A of the ordinance.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE,  
WASHINGTON, REPEALING AND REPLACING UMPC 3.15.040, RELATING TO  
MEDICAL BENEFITS FOR CITY COUNCIL MEMBERS**

WHEREAS, the City Council for the City of University Place currently does not receive medical benefits; and

WHEREAS, the City Council wishes to extend the option for Council Members to participate in the City's medical insurance plans for medical coverage only;

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

Section 1. Repeal and replace Section 3.15.040, Limited Health Allowance Benefit for Council Members. Section 3.15.040, Limited Health Allowance Benefit for Council Members is hereby repealed and replaced with a new Section 3.15.040 as shown in Exhibit A of this Ordinance.

Section 2. 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 be effective March 1, 2016.

**PASSED BY THE CITY COUNCIL ON FEBRUARY 16, 2016.**

\_\_\_\_\_  
Javier H. Figueroa, Mayor

**ATTEST:**

\_\_\_\_\_  
Emelita Genetia, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Steve Victor, City Attorney

Publication Date: xx/xx/xx

Effective Date: xx/xx/xx

## **Exhibit A**

### **3.15.040 Medical Healthcare benefits for Council members.**

A. Effective March 1, 2016, City Council Members currently or newly elected to office are eligible to choose to participate in either of the City's medical insurance plans (Group Health or Regence). The City will pay the medical insurance premiums for Council Members only at the same rates and under the same requirements as regular employees only, subject to the Association of Washington Cities' underwriting requirements for medical insurance.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE,  
WASHINGTON, REPEALING AND REPLACING UPMC 3.15.040 RELATING TO  
MEDICAL BENEFITS FOR CITY COUNCIL MEMBERS**

WHEREAS, the City Council for the City of University Place currently does not receive medical benefits; and

WHEREAS, the City Council wishes to extend the option for Council Members and their dependents to participate in the City's medical insurance plans for medical coverage only;

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

Section 1. Repeal and Replace Section 3.15.040, Limited Health Allowance Benefit for Council Members. Section 3.15.040, Limited Health Allowance Benefit for Council Members is hereby repealed and replaced with a new Section 3.15.040 as shown in Exhibit A of this Ordinance.

Section 2. 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 be effective March 1, 2016.

**PASSED BY THE CITY COUNCIL ON FEBRUARY 16, 2016.**

\_\_\_\_\_  
Javier H. Figueroa, Mayor

**ATTEST:**

\_\_\_\_\_  
Emelita Genetia, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Steve Victor, City Attorney

Publication Date: xx/xx/xx

Effective Date: xx/xx/xx

## **Exhibit A**

### **3.15.040 Medical Healthcare benefits for Council members.**

A. Effective March 1, 2016, City Council Members currently or newly elected to office are eligible to choose to participate in either of the City's medical insurance plans (Group Health or Regence) for themselves and their dependents. The City will pay the medical insurance premiums for Council Members and their dependents at the same rates and under the same requirements as regular employees, subject to the Association of Washington Cities' underwriting requirements for medical insurance.

# Memo

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**DATE:** February 16, 2016  
**TO:** City Council  
**CC:** Steve Sugg, City Manager  
**FROM:** Lisa Petorak, Human Resources Manager  
**SUBJECT:** Council Health Benefits

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## 1. Background

Beginning in 2002, Council Members participated in and received City medical benefits, until voting to discontinue participation in 2010. Between 2002 through 2010, Council members received a medical benefit plan that was different from and more expensive than what was provided to non-represented staff. Since 2010, there have been plan changes and new participation requirements that may warrant consideration for once again extending medical benefits to Council.

## 2. Current Medical Plans

Regence and Group Health plan choices are provided to all regular employees through the Association of Washington Cities (AWC) trust. The City pays 100% of the medical premium for regular employees. Spouses and dependents are covered at 75% of the premium cost. The remaining 25% of the insurance premium is borne by the employee. The table below shows the 2016 rates for both Regence and Group Health.

Coverage Type	Regence Premium	Group Health
Employee Only	\$705.88	\$591.02
Spouse	\$711.21	\$582.33
First Dependent	\$349.92	\$296.86
Second Dependent*	\$289.95	\$296.86

\*No additional charge for three or more dependents.

The 2016 rates above have been decreased by 2% as a reward for being a "Well-City" award recipient from AWC.

## 3. Options and Financial Impacts

The financial impact will vary based on the number of participants and the chosen coverage. There are two options that are being proposed. The first option is to extend medical coverage to Council Members only. If four Council Members participated in Regence, the City would pay approximately \$2,824 per month or \$33,888 per year.

All seven members participating in Regence would cost \$4,941 per month or \$59,292 per year.

The second option is to extend medical coverage to Council Members and their dependents at the same rates that are provided to employees (100% coverage for Council Members and 75% coverage for dependents). If the City were to pay for dependents (spouses and children up to the age of 26) at the same rate as employees, the cost increases based on the variables. For example, the cost to cover five Council Members and five spouses would be \$6,196 per month or \$74,352 per year. The addition of dependents could conceivably increase the City cost closer to \$100,000 per year.

AWC now allows Council Members to pay for their own premiums out of pocket in addition to the cost for their dependents. The financial impacts on the City range from \$0 to \$100,000 depending on the policy decision of the Council.

#### **4. Participation Agreement Requirements**

In 2014, AWC modified its participation requirements specifically for Council Members and lowered the required participation rate from 75% to 50%. The AWC Employee Benefits Advisory Committee felt the need to maintain a 50% participation requirement to prevent adverse selection and balance risk. Since there are seven Council Members, four must participate to meet the 50% participation requirement threshold.

A new Employer Master Participation Agreement will need to be completed. Depending on the passage of such an ordinance, it is likely that participation in either of the City's medical plans would begin the first day of the month following the execution of the agreement.

#### **5. Conclusion**

Council may adopt an ordinance restoring participation in medical benefits, and staff was directed to bring back two proposals for this purpose. The first is to extend medical benefits to Council Members only at \$705.88 per person. The second is to extend medical benefits to Council Members and their dependents at the same rates as employees (100% coverage for Council Members and 75% coverage for dependents).

There are other cities that do pay medical benefits for Council Members, and the costs and types of coverage vary. Some cities pay all of the costs associated with medical insurance, while others offer coverage, but pay no part of the premium. Still others have chosen to not provide medical coverage. The great variance of choice from city to city has not been smoothed over by the implementation of the Affordable Care Act (ACA).

To say that the Affordable Care Act is a complex law is greatly understated. The Internal Revenue Service rulings, guidance and determinations are as fluid as the law is vast. To entangle the intricacies of the ACA is not necessary to the question at hand. Council may adopt a resolution providing medical benefits, as they see fit, regardless of what is provided for in the ACA.

# **STUDY SESSION**

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

**Proposed Council Action:**

Adopt a resolution approving an Interlocal Agreement with the Pierce County Flood Control Zone District.

**Agenda No:** 11  
**Dept. Origin:** Public Works & Parks  
**For Agenda of:** February 16, 2016  
**Exhibits:** Interlocal Agreement Resolution

**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**

State law authorizes counties to create a countywide flood control zone district for the purpose of undertaking, operating, or maintaining flood control projects or storm water control projects, among other powers. A countywide district is authorized to address flood and storm water control needs throughout the county, including within cities in the county.

In 2010, Pierce County created a Flood Control Zone District (FCZD) which is governed by a board, and includes an advisory committee that includes representing the cities and junior taxing districts. The Board assessed a property tax throughout the District, and established an Opportunity Fund set-aside to fund flood control projects in cities outside the areas affected by the Puyallup, Carbon-White and Nisqually Rivers.

The FCZD Board has designated 10 percent of the FCZD levy proceeds for the Opportunity Fund, which is made available to jurisdictions throughout the FCZD on a proportional basis, based on assessed valuation. The City's proportional share is approximately \$30,000 per year. The City's current proportional balance is \$84,414.

Once the City has entered into the attached Interlocal Agreement for Opportunity Fund projects, the City may submit a Notice of Intent to Request Funds to indicate how it intends to use its Opportunity Fund allocation on an annual basis.

**RECOMMENDATION / MOTION**

**MOVE TO:** Adopt a resolution approving an Interlocal Agreement with the Pierce County Flood Control Zone District.

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE  
APPROVING AN INTERLOCAL AGREEMENT WITH THE PIERCE COUNTY FLOOD  
CONTROL ZONE DISTRICT**

WHEREAS, State law authorizes counties to create a countywide flood control zone district for the purpose of undertaking, operating, or maintaining flood control projects or storm water control projects, among other powers, including within cities in the county; and

WHEREAS, in 2010, Pierce County created a Flood Control Zone District (FCZD) which is governed by a board, and includes an advisory committee that includes representing the cities and junior taxing districts. The Board assessed a property tax throughout the District, and established an Opportunity Fund set-aside to fund flood control projects in cities outside the areas affected by the Puyallup, Carbon-White and Nisqually rivers; and

WHEREAS, the FCZD board has designated 10 percent of the FCZD levy proceeds for the Opportunity Fund, which is made available to jurisdictions throughout the FCZD on a proportional basis, based on assessed valuation. The City's proportional share is approximately \$30,000 per year. The City's current proportional balance is \$84,414; and

WHEREAS, once the City has entered into the attached Interlocal Agreement for Opportunity Fund projects, the City may submit a Notice of Intent to Request Funds to indicate how it intends to use its Opportunity Fund allocation on an annual basis;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF UNIVERSITY PLACE,  
WASHINGTON, AS FOLLOWS:**

1. Incorporation. The recitals are hereby incorporated herein as if set forth in full.
2. Interlocal Agreement Approved. The City Council hereby approves the Interlocal Agreement with the Pierce County Flood Control Zone District, substantially in the form attached hereto.
3. Effective Date. This Resolution shall be effective immediately upon adoption by the City Council.

**ADOPTED BY THE CITY COUNCIL ON FEBRUARY 16, 2016.**

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Javier H. Figueroa, Mayor

**ATTEST:**

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Emelita Genetia, City Clerk

**APPROVED AS TO FORM:**

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Steve Victor, City Attorney

## Memo

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**DATE:** February 11, 2016  
**TO:** City Council  
**FROM:** David Swindale, Planning and Development Services Director  
**SUBJECT:** Flood Control Zone District Opportunity Fund Interlocal Agreement

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Without consulting with its cities, on June 5, 2010 the Pierce County Council adopted Ordinance No. 2010-16, creating a countywide flood control zone district (FCZD). The Ordinance focused on the need to repair and maintain flood protection facilities on the Puyallup, Carbon-White and Nisqually Rivers. Despite the focus of the Ordinance on only those rivers, the County Council chose to include the entire county within the District including University Place, which has no flood hazard areas affected by any of the rivers.

The City of University Place ( City) and other cities in Pierce County invoked the jurisdiction of the Boundary Review Board (BRB) pursuant to RCW 36.93.100(2). The cities objected to being included in the District because property owners in the cities would be assessed a property tax but would receive no benefit.

When the BRB voted in favor of the new FCZD, several cities, led by the City of Lakewood, appealed the BRB ruling. Rather than proceed with the appeal, the Flood Control District Board (County Council) dissolved the FCZD in January 2011 and resolved to reach out to the municipalities and other special taxing districts in the County and involve them in the formation of a new FCZD. Between April and November 2011 the County conducted several meetings with city councils and junior taxing districts, including the University Place City Council on September 6, 2011.

In the new FCZD Ordinance, the County created an advisory committee that includes representation of the cities and junior taxing districts. Although not in the Ordinance itself, there was an understanding that once the FCZD was reestablished by Ordinance, the District Board would set the property tax rate at \$.10 /\$1,000 of assessed value and establish an Opportunity Fund set-aside to fund flood control projects in cities outside the areas affected by the Puyallup, Carbon-White and Nisqually rivers.

The Flood Control District has designated 10 percent of the Flood District's levy proceeds for the Opportunity Fund. This fund is made available to jurisdictions throughout the District on a proportional basis, based on assessed valuation. The City's proportional share is approximately \$30,000 per year. The City's current proportional balance is \$84,414.

Once the City has entered into the attached Interlocal Agreement for Opportunity Fund projects, the City will need to submit a Notice of Intent to Request Funds to indicate how it intends to use its Opportunity Fund allocation on an annual basis. Jurisdictions can choose to:

- Bank their allocation for use in future years. There are no time or amount limitations on banking imposed by the District on jurisdictions. However, the District holds the right to review this policy in the future and modify if necessary.
- Request reimbursement in the amount of up to its allocation, including any unused balance from prior years, for one or more projects.
- Request reimbursement of up to its allocation, including any unused balance from prior years, for multi-jurisdictional projects.

The Opportunity Fund can be used for the following purposes and uses:

- Flood control or storm water control improvements (whether extended, enlarged, acquired or constructed).
- Maintenance and operation of flood control and storm water control improvements that were constructed or acquired by the jurisdiction.
- Studies and plans for flood control or stormwater control improvements that will be constructed or acquired by the jurisdiction.
- Watershed management projects, studies, plans and activities that are for water supply, water quality and water resource and habitat protection and management.
- Major equipment used for stormwater control or water quality protection.

The City has not identified any specific projects for the use of these funds. However, Forterra (formerly the Cascade Land Conservatory) has asked the City of University Place and Pierce County to provide the match for a grant Forterra received from the State Salmon Recovery Funding Board to study the removal of the impound dam at the mouth of Chambers Creek. The City's primary interest in this study is the structural integrity of the Chambers Creek Road Bridge, which may be impacted when the dam is removed. The Bridge, which is already compromised, will need to be repaired or replaced in the future. Forterra is requesting that the City and County share the grant match of \$78,600. The County has tentatively agreed to provide \$10,000 toward the match and has suggested that the City contribute \$10,000 to the match as well. Forterra will need to raise the balance of the match (\$58,600) from other sources.

**INTERLOCAL AGREEMENT BETWEEN  
THE PIERCE COUNTY FLOOD CONTROL ZONE DISTRICT AND  
[insert name of municipality] FOR DISTRICT FUNDED PROJECTS**

THIS AGREEMENT is made and entered into by and between [insert name of municipality], a municipal corporation of the State of Washington ("Municipality") and the PIERCE COUNTY FLOOD CONTROL ZONE DISTRICT, a quasi-municipal corporation of the State of Washington ("District") ("Parties" or when singular "Party"), and shall be effective upon execution by the Municipality and the District.

**RECITALS**

A. In Resolution 2013-3s, passed on September 11, 2013, the District Board of Supervisors ("Board") adopted the District comprehensive plan, which is a document titled "Pierce County Flood Control Zone District Comprehensive Plan of Development" and is commonly referred to as "CPOD." The Resolution requires the Board to approve by resolution before construction all flood control and storm water control improvements.

B. In Resolution No. 2013-4, the Board adopted the 2014 District budget, which includes the capital projects and improvements that will be funded by the District in 2014. The [insert name of project or improvement] is listed in the Resolution as one of such capital projects and improvements ("Project").

C. In Resolution No. 2013-1, passed on June 5, 2013, the Board approved an interlocal agreement between the District and Pierce County ("District/County ILA"), pursuant to which the District authorized and directed Pierce County to administer and implement the District's budget and work program, which includes design and construction of capital projects and improvements in the District's annual budget and the CPOD.

D. Consistent with the District/County ILA, Pierce County has entered into an interlocal agreement with the Municipality to design, construct, operate, maintain, repair and replace the Project ("Municipality/County ILA"). The Municipality/County ILA acknowledges that funding for the Project will be provided in part by the District, subject to the terms and conditions of an interlocal agreement between the Municipality and the District.

E. Pursuant to Chapter 39.34 RCW and RCW 86.15.080, the Parties desire to enter into this Agreement to establish the terms and conditions of District funding for the Project.

## AGREEMENT

In furtherance of the foregoing and in consideration of the following terms and conditions, the Parties agree as follows:

1. Definitions. In this Agreement, the following terms shall have the following meanings.

1.1 "Board" means the Board of Supervisors of the District.

1.2 "District Administrator" means the Director of the Pierce County Public Works and Utilities Department, or designee.

1.3 "Funds" shall mean the funds authorized for payment by the District to the Municipality for Project expenses, as set forth in Resolution No. 2013-4 and any subsequent budget resolutions or resolutions approving modifications to or funds for the Project. In Resolution No. 2013-4, the District authorized \$ *[insert dollar amount]* for Project expenses in 2014, and determined that the estimated cost of the Project over six years will be \$ *[insert dollar amount]*.

1.4 "Project" means the project or improvement authorized by Resolution No. 2013-3s, including amendments thereto.

2. Term of Agreement—Termination of Agreement--Survival of Agreement.

2.1 This Agreement shall be effective upon execution by both Parties, and shall remain in effect until distribution of all Funds in accordance with this Agreement, or until termination by one or both of the Parties pursuant to this Section.

2.2 Either party may terminate this Agreement for material breach by the other party, which has not been remedied within sixty (60) days of notice of breach. Notice by the Municipality shall be provided to the District Administrator, and notice by the District shall be provided to the chief executive employee of the Municipality. The parties may terminate this Agreement by mutual agreement expressed in writing. The District may terminate this Agreement as provided in Section 7 of this Agreement.

2.3 If this Agreement is terminated, Sections 8.2, 10 and 11 shall survive termination.

3. Project Scope and Approval—Permits and Approvals. The Municipality shall obtain approval of the Project plans, specifications and drawings in accordance with the Municipality/County ILA. The Municipality shall design, construct and install the Project only as authorized by Pierce County and the Municipality/County ILA, and in compliance with all applicable laws, rules and regulations. The Municipality shall obtain and be responsible for all approvals and permits for the Project.

4. Project Work and Funding Sources. At times and in a format approved by the District Administrator, the Municipality shall submit a description of the Project work, a description of the Project funding sources, a schedule of the Project work, and a schedule of the receipt of all Project funds, including the Funds.

5. Payment and Use of Funds. The District shall pay Funds to the Municipality only for the Municipality's Project related expenses, in accordance with a schedule and procedure approved by the District Administrator. The Municipality acknowledges and understands that the financial obligations of the District pursuant to this Agreement are limited to payment of the Funds. Accordingly, the District shall not be responsible for and shall not provide any funds toward Project expenses in excess of the Project cost estimate or in excess of the Funds. Furthermore, where the funds for the Project are provided by multiple non-Municipality funding sources, and the actual Project cost is less than the Project cost estimate, the Municipality shall use its best efforts to request payment from the District in a percentage that is equal to the District's percentage of non-Municipality funds.

6. Withholding or Denial of Funds. The District reserves the right to withhold or deny payment of Funds for failure of the Municipality to comply with the terms and conditions of this Agreement or the Municipality/County ILA, or for failure of the Project to meet the description of the Project stated in Section 1.4.

7. Multi-Year Projects. The District shall provide Funds for the budget year in which this Agreement is executed, and anticipates providing funds for subsequent budget years, if the Project description provides for construction and installation over multiple years. If the Project description provides for construction and installation over multiple years, the District's obligation to provide Funds for subsequent budget years is conditioned upon appropriation of Funds by the Board in subsequent budget years. If the Board fails to appropriate Funds for any subsequent budget year, the District reserves the right to make final distribution of appropriated Funds and to close out this Agreement as soon as possible, in accordance with the terms and conditions of this Agreement. After close out, the District may terminate this Agreement. The parties acknowledge and understand that if the District terminates this Agreement under this Section 7, the parties must enter into a new Agreement for any subsequently appropriated Funds for the Project.

8. Reports—Audits—Records Retention--Inspections.

8.1 The Municipality shall prepare and file written reports describing its request for and expenditure of the Funds, as required by the District Administrator. The Municipality shall prepare and file such other written reports, including but not limited to a final report after final distribution of Funds, as required by the District Administrator.

8.2 The Municipality shall retain all records and documents relating to the Funds for a minimum of seven (7) years after final payment of Funds by the District, unless required by law to be retained for a longer period, in which case the longer period shall apply.

8.3 Upon reasonable notice, the Municipality shall make available to the District Administrator for inspection, review and audit all records and documents relating to the Funds.

9. Project Ownership and Maintenance. The Municipality shall take ownership of, and shall be obligated to design, construct, operate, maintain, repair and replace the Project in accordance with the Municipality/County ILA. The District shall have no obligation or responsibility for the design, construction, operation, maintenance, repair and replacement of the Project.

10. Audit Exception Repayments. The Municipality agrees that it is financially responsible for and will repay to the District all indicated amounts following an audit exception, which occurs due to the negligent or intentional acts of the Municipality, its officers, officials, employees, agents, contractors or volunteers.

11. Hold Harmless and Indemnification.

11.1 To the maximum extent permitted by law, each Party shall defend, indemnify and hold harmless the other Party, and all of its officers, officials, employees, agents, contractors and volunteers, from any and all claims, injuries, damages, losses or suits, including attorney fees, arising out of or resulting from any negligent acts, errors, omissions of the indemnifying Party and its officers, officials, employees, agents, contractors and volunteers in performing obligations under this Agreement or in implementing the Project. However, if any such injuries and damages to persons or property are caused by or result from the concurrent negligence of the District or its officers, officials, employees, agents, contractors and volunteers, and the Municipality or its officers, officials, employees, agents, contractors and volunteers, each Party's obligation hereunder applies only to the extent of the negligence of such Party or its officers, officials, employees, agents, contractors or volunteers.

11.2 The foregoing indemnity is specifically and expressly intended to constitute a waiver of each Party's immunity under industrial insurance, Title 51 RCW, as respects the other Party only, and only to the extent necessary to provide the indemnified Party with a full and complete indemnity of claims made by the indemnitor's employees. This waiver has been mutually negotiated by the Parties.

12. Amendment. This Agreement may be modified by written instrument approved by the Municipality's governing body and the Board and signed by the authorized representatives of the Parties.

13. Waiver. No waiver by either Party of any term or condition of this Agreement shall be deemed or construed to be a waiver of any other term or condition, nor shall a waiver of any breach be deemed to constitute a waiver of any subsequent breach whether of the same or different provision of this Agreement. No waiver shall be effective unless made in writing.

14. No Third Party Rights. Nothing in this Agreement shall be construed to create any rights in or duties to any third party, nor any liability to or standard of care with reference to any third party.

15. Entirety. This Agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated are excluded. This Agreement merges and supersedes all prior negotiations, representations and agreements between the Parties relating to the projects and constitutes the entire agreement between the Parties.

16. Counterparts. This Agreement may be signed in counterparts and, if so signed, shall be deemed one integrated document.

17. Filing of Documents. The District Administrator and the [*insert name of Municipality's employee or officer*], respectively, shall receive and give all notices, approvals, reports and documents under this Agreement.

IN WITNESS WHEREOF, authorized representatives of the parties hereto have signed their names in the spaces below:

\_\_\_\_\_

PIERCE COUNTY FLOOD  
CONTROL ZONE DISTRICT

Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attested to:

Attested to:

Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Kate Kennedy  
Clerk of Board of Supervisors