



CITY COUNCIL
ANDY RYDER
Mayor

CYNTHIA PRATT
Deputy Mayor

VIRGIL CLARKSON
JEFF GADMAN
LENNY GREENSTEIN
JASON HEARN
MICHAEL STEADMAN

CITY MANAGER
SCOTT SPENCE

LACEY CITY COUNCIL AGENDA
JUNE 11, 2015
7:00 P.M.
420 COLLEGE STREET, LACEY CITY HALL

CALL TO ORDER:

1. PLEDGE OF ALLEGIANCE
2. APPROVAL OF AGENDA & CONSENT AGENDA ITEMS*
 - A. [Worksession meeting minutes of May 21, 2015](#)
 - B. [Council meeting minutes of May 28, 2015](#)
 - C. [A motion to approve payment of claims, wages, and transfers for 5/21/2015 through 6/3/2015](#)

** Items listed under the consent agenda are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

3. PUBLIC RECOGNITIONS AND PRESENTATIONS:

- A. Presentation: America's Classic Jazz Festival (*Charlotte Dickison; Walt Bowen*)
- B. Presentation: Lacey in Tune Summer Concerts (*Jeannette Sieler; Jordanne Beasley*)
- C. Presentation: Lacey History Month (*Lori Flemm*)
- D. Recognition of Lacey Historian of the Year (*Lori Flemm*)

4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA*

The City Council will allow comments under this section on items **NOT already on the agenda. Where appropriate, the public will be allowed to comment on agenda items as they are addressed during the meeting.*

5. PUBLIC HEARING:

6. PROCLAMATION:

- A. [Proclamation declaring June as Lacey History Month](#) (*Lori Flemm*)

7. REFERRAL FROM PLANNING COMMISSION:

- A. [Ordinance adding LMC Chapter 16.82 relating to regulations for development agreements](#) (*Rick Walk*)

8. REFERRAL FROM HEARINGS EXAMINER:

9. RESOLUTIONS:

10. ORDINANCES:

11. **MAYOR'S REPORT:**

12. **CITY MANAGER'S REPORT:**

- A. [Consider bid award for 2015 Overlay project](#) (*Justin Knox*)

13. **STANDING GENERAL COMMITTEE:**

- A. [Transportation Committee](#) (05.27.15)
B. [Community Relations & Public Affairs Committee](#) (06.01.15)
• **Action: Spirit of Lacey Award Nominations**

14. **OTHER BUSINESS:**

15. **BOARDS, COMMISSIONS, AND COMMITTEE REPORTS:**

- A. Mayor Andy Ryder:
1. Mayors' Forum
2. Transportation Policy Board (TPB)
- B. Deputy Mayor Cynthia Pratt:
1. Olympic Region Clean Air Agency (ORCAA)
2. LOTT
- C. Councilmember Virgil Clarkson:
1. Community Action Council (CAC)
2. Health & Human Services Council (HHSC)
3. HOME Consortium
4. Thurston Regional Planning Council (TRPC)
- D. Councilmember Jeff Gadman:
1. Intercity Transit (IT)
2. Joint Animal Services Commission (JASCOM)
- E. Councilmember Lenny Greenstein:
1. Emergency Medical Services (EMS)
2. TCOMM911
- F. Councilmember Jason Hearn:
1. Thurston County Coalition Against Trafficking (TCCAT)
2. Thurston County Law & Justice Council
- G. Councilmember Michael Steadman:
1. Economic Development Council (EDC)
2. Olympia-Lacey-Tumwater Visitor & Convention Bureau (VCB)
3. Solid Waste Advisory Committee (SWAC)

16. **ADJOURN**

**MINUTES OF THE LACEY CITY COUNCIL WORKSESSION
THURSDAY, MAY 21, 2015
LACEY CITY HALL
7:00 – 8:50 P.M.**

COUNCIL PRESENT: A. Ryder, C. Pratt, V. Clarkson, L. Greenstein, J. Hearn,
M. Steadman, J. Gadman

STAFF PRESENT: S. Spence, L. Flemm, T. Woo, D. Schneider, D. Pierpoint, C.
Litten, S. Kirkman, S. Egger, L. Gotelli, M. Coppin

Councilmember Clarkson requested an amendment to the agenda to discuss the Community Investment Partnership.

COUNCILMEMBER GADMAN MOVED TO APPROVE THE AMENDED AGENDA. DEPUTY MAYOR PRATT SECONDED. MOTION CARRIED.

TIMBERLAND REGIONAL LIBRARY / AWC MEMBERSHIP

Liz Gotelli, Public Affairs & Human Resources Director, presented Council with a proposal to approve the Timberland Regional Library Resolution to join the Association of Washington Cities (AWC) Employee Benefit Trust.

Cheryl Heywood, Timberland Regional Library Director, and Rick Homchick, Business Manager, stated the Timberland Regional Library wishes to provide health insurance benefits to employees through the Association of Washington Cities Employee Benefit Trust. In order to join the Trust, a city member of the Association of Washington Cities Employee Benefit Trust must sponsor a non-city entity's request before the non-city can participate in the health insurance benefits program.

COUNCILMEMBER GADMAN MOVED TO FORWARD THE RESOLUTION TO FULL COUNCIL TO SPONSOR THE TIMBERLAND REGIONAL LIBRARY AS A MEMBER OF THE ASSOCIATION OF WASHINGTON CITIES (AWC) EMPLOYEE BENEFIT TRUST. COUNCILMEMBER GREENSTEIN SECONDED. MOTION CARRIED.

RED LIGHT CAMERAS

Police Chief Dusty Pierpoint provided an overview of the Automated Traffic Safety Program, which is authorized under RCW 46.63.170.

In 2007, the City of Lacey authorized the use of automated traffic safety cameras by enacting Chapter 10.06 of the Lacey Municipal Code. Studies were conducted to

determine feasibility and a decision was made to install an automated traffic safety camera on the east and west bound lanes of Pacific Avenue at Sleater Kinney Road.

As a result, the City of Lacey contracted with American Traffic Solutions (ATS) for the Automated Traffic Safety Camera Program which began in 2008.

Data collected from violations at Sleater-Kinney and Pacific Avenue indicated that most red-light runners in Lacey do not get a second ticket. The recidivism rate is 3%, which means 97% of all violators who receive a ticket and pay it, do not violate again. This low rate of repeat behavior, tracked from program inception through April 2014, indicates a change in driver behavior to stop on red. However, accident rates for this intersection have risen to levels almost equal to the level prior to when automated traffic safety cameras were installed.

The current agreement expires August 30, 2015, with one automatic three year renewal. Notice to terminate the contract must be given "not less than 90 days prior to the expiration of the current term." Staff requested Council direction.

COUNCILMEMBER CLARKSON MOVED TO RENEW THE ATS CONTRACT. COUNCILMEMBER HEARN SECONDED. COUNCILMEMBERS CLARKSON AND HEARN VOTED YES. MAYOR RYDER, DEPUTY MAYOR PRATT, AND COUNCILMEMBERS GADMAN, STEADMAN AND GREENSTEIN VOTED NO. MOTION FAILED.

COUNCILMEMBER STEADMAN MOVED TO TERMINATE THE CURRENT ATS CONTRACT. COUNCILMEMBER GREENSTEIN SECONDED. COUNCILMEMBERS CLARKSON AND HEARN VOTED NO. MAYOR RYDER, DEPUTY MAYOR PRATT, AND COUNCILMEMBERS GADMAN, STEADMAN AND GREENSTEIN VOTED YES. MOTION CARRIED.

Those opposed to the contract termination expressed concerns about public safety and identifying other locations for enforcement. Those in favor of the contract termination expressed concerns about continuing a program that had achieved its goal. In general, Council agreed that other intersections should be explored for the use of automated traffic safety cameras if certain intersections met the criteria.

PLASTIC BAG DISCUSSION

As a result of a recent SWAC survey showing 57% of Lacey residents oppose the recent enactment of the plastic bag ban, Councilmember Greenstein opened discussion about Council's decision to enact the ban.

Councilmember Greenstein noted that the original SWAC survey upon which the ban was based was not a scientific survey, and focused primarily on environmental issues, not on raising public awareness related to recycling. Based on the recent survey indicating that Lacey residents oppose the ban, Councilmember Greenstein urged Council to place this issue on the ballot for a vote of the people.

Mayor Ryder noted that SWAC will hire a consultant in 2016 to conduct a scientific survey related to the plastic bag ban. His recommendation is to wait until the survey is completed before Council considers any action related to the ban.

COUNCILMEMBER HEARN MOVED TO PLACE THE ISSUE ON THE BALLOT FOR A PUBLIC VOTE. COUNCILMEMBER GREENSTEIN SECONDED. COUNCILMEMBERS GREENSTEIN, HEARN AND CLARKSON VOTED YES. MAYOR RYDER, DEPUTY MAYOR PRATT, COUNCILMEMBERS GADMAN AND STEADMAN VOTED NO. MOTION FAILED.

COUNCILMEMBER GREENSTEIN MOVED TO REPEAL THE PLASTIC BAG BAN. COUNCILMEMBER HEARN SECONDED. COUNCILMEMBERS GREENSTEIN, HEARN AND CLARKSON VOTED YES. MAYOR RYDER, DEPUTY MAYOR PRATT, COUNCILMEMBERS GADMAN AND STEADMAN VOTED NO. MOTION FAILED.

COMPASSION CAMPAIGN

Liz Gotelli, Public Affairs & Human Resources Director, presented Council with a request to consider approving a resolution, which authorizes the signing of the International Charter for Compassionate Communities, and supports a partnership with North Thurston Public Schools promoting compassion within the community.

During an October 2014 Worksession, Raj Manhas, Superintendent of North Thurston Public Schools District, Courtney Schrieve, Director of Community Relations & Communications, and Assistant Superintendent Dr. Maddy de Give, provided a presentation to Council on a district-wide compassion initiative of the North Thurston Public Schools to reinforce positive behaviors and kindness.

The district is following the principles of the International Charter for Compassionate Schools, which encourages creation of compassion-filled learning environments, and expressed an interest in partnering with the city to host a compassion conference in the future. Councilmembers expressed a strong interest in partnering with the district on this and other compassion endeavors.

This resolution calls for the signing of the International Charter for Compassionate Communities, and supports a partnership with North Thurston Public Schools promoting compassion within the community.

The General Government & Public Safety Committee reviewed a draft resolution at its April 13, 2015, meeting and recommended forwarding the topic to a Worksession for Council consideration.

COUNCILMEMBER STEADMAN MOVED TO FORWARD THE RESOLUTION FOR APPROVAL TO FULL COUNCIL TO SIGN THE INTERNATIONAL CHARTER FOR COMPASSIONATE COMMUNITIES, AS WELL AS TO PARTNER WITH NORTH THURSTON PUBLIC SCHOOLS TO PROMOTE COMPASSION WITHIN THE COMMUNITY. COUNCILMEMBER CLARKSON SECONDED. MOTION CARRIED.

COMMUNITY INVESTMENT PARTNERSHIP

Under the Community Investment Partnership, Lacey, Olympia, Tumwater and Thurston County each allocate one-half of one percent of their sales tax towards social services funding. This amounts to approximately \$180,000, of which Lacey's share is approximately \$40,000. The United Way contributes \$400,000.

Councilmember Clarkson noted that although the Community Investment Partnership has received \$580,000 in funding, requests have exceeded \$1.4 million. After reviewing the request for proposals, United Way offered to increase their contribution by an additional \$30,000 and asked if each jurisdiction would increase their share by \$7,500; this proposal would add another \$60,000 to the Community Investment Partnership's total available funding.

As a result, Councilmember Clarkson is requesting Council consideration to increase Lacey's share by \$7,500.

COUNCILMEMBER CLARKSON MOVED TO INCREASE LACEY'S CURRENT CIP ALLOCATION BY \$7,500. COUNCILMEMBER GADMAN SECONDED.

Following discussion about the fiscal impact on the City's budget, Council agreed that in order for the City of Lacey to commit an additional \$7,500, all jurisdictions must agree to equally increase their funding amounts.

COUNCILMEMBER GADMAN MOVED TO AMEND THE MOTION TO APPROVE THE CIP INCREASE IN THE AMOUNT OF \$7,500, IF ALL JURISDICTIONS PARTICIPATE EQUALLY. COUNCILMEMBER GREENSTEIN SECONDED. COUNCILMEMBERS HEARN AND STEADMAN VOTED NO. MAYOR RYDER, DEPUTY MAYOR PRATT, COUNCILMEMBERS CLARKSON, GREENSTEIN, AND GADMAN VOTED YES. MOTION CARRIED.

Councilmember Clarkson also requested further Council action at a later date to discuss a process to improve efficiency and criteria for social service funding requests.

RETREAT UPDATE

Council agreed to schedule the Council Retreat for Thursday, August 6, 2015, from 7:30 a.m. – 4:30 p .m. at St. Martin's University – Cebula Hall.

**MINUTES OF A REGULAR MEETING OF THE
LACEY CITY COUNCIL HELD THURSDAY,
MAY 28, 2015, IN LACEY COUNCIL CHAMBERS.**

CALL TO ORDER: Mayor Ryder called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE: Mayor Ryder led the Pledge of Allegiance.

COUNCIL PRESENT: A. Ryder, C. Pratt, V. Clarkson, J. Gadman,
L. Greenstein, J. Hearn, M. Steadman

STAFF PRESENT: S. Spence, D. Schneider, S. Egger, D. Pierpoint,
T. Woo, L. Flemm, R. Walk, C. Litten, S. Schelling, B.
Moreland, R. Andrews, T. Palmateer, S. Kirkman

APPROVAL OF AGENDA
AND CONSENT AGENDA: Consent Agenda Items:

- A. Worksession Meeting Minutes of April 16, 2015
- B. Council Meeting Minutes of May 14, 2015
- C. Joint Worksession Minutes of May 11, 2015
- D. Project #13-59 – Final Plat of Southwick Lake Estates
- E. A motion to approve payment of claims, wages, and transfers for 05/06/2015 through 05/20/2015

**COUNCILMEMBER GADMAN MOVED TO
APPROVE THE CONSENT AGENDA AND
AGENDA. DEPUTY MAYOR PRATT SECONDED.
MOTION CARRIED.**

PUBLIC COMMENTS: Lay Brother Steven Sidlovsky, spoke to Council regarding citizen overlay zones that address social concerns and the creation of a new pro-life zone.

Ron Nesbitt addressed Council regarding the state of the sovereign black nation in a white America. He called for fair treatment of black Americans in the process of local government. He commented on the recent shooting in Olympia.

Mark Kelly, Olympia resident, addressed Council to express his disappointment with the enactment of the plastic bag ban, and his frustration with government oversight. He encouraged Council to exert the will of the people.

Terry Stanley-Ballard, resident in the urban growth area, addressed Council with his concerns regarding the lack of enforcement and maintenance of handicap parking spots. He urged Council to take action to correct the situation.

PUBLIC HEARING:

Mayor Ryder opened a public hearing at 7:22 p.m. to receive comments from property owners within Utility Local Improvement District 23 (ULID 23) regarding the final assessment roll.

Dave Schneider, City Attorney, briefed the Council on the purpose of the public hearing and their role in the process. There are five presumptions that must be met when considering the final assessment roll.

1) Did the city act legally and properly; 2) Does the improvement benefit the property; 3) Is the assessment less than the benefit; 4) Is the assessment equal or proportionate to all; and 5) Is the assessment fair? Council will consider objections made and may correct, revise, raise, lower, change, or modify the roll or set aside the roll and order a new assessment to be made.

Tom Palmateer, PW - Management Analyst, stated the four parcels located at the southeast corner of College Street and Martin Way were connected to the City of Olympia sewer system according to an "Agreement for Temporary Public Sewerage Service" dated January 11, 1980, and a contract executed on July 24, 1980, which is filed in the City Clerk's office. The agreement called for the parcels to connect to other sewer facilities should the City of Olympia facilities become overloaded. One year notification of the need to disconnect from Olympia's facilities was required.

The agreement also acknowledged that Lacey would subsequently install sewerage facilities by developer

extension, utility local improvement district or some other method, and that area charges and connection charges may be levied.

The City of Olympia notified the parcel owners via certified mail on December 5, 2012, of the need to disconnect from their system within one year.

The Council's Utility Committee addressed this subject on May 3, 2013, and on December 19, 2013, the Council adopted Resolution 1004, indicating their intent to form the district and set the public hearing for January 23, 2014. After the public hearing, the Council passed Ordinance 1428, forming the district. On April 23, 2015, the Council passed Resolution 1021, setting the date for the public hearing to consider the final assessment roll.

Construction has been completed and all costs of the project have been determined. The total assessment is \$502,001.31. If property owners choose to finance the public improvements through the City of Lacey, property owners will also pay market-based interest rates and associated financing costs.

Prior to the final hearing date, official notice of the hearing was published in the newspaper and notices of the individual assessments were provided to each of the property owners.

For the record Mr. Palmateer, read LMC 13.16.027, Section A-4 related to General Facilities Charge, and LMC 13.16.040 related to service charges and volume of water for non-residential establishments.

No additional comments were made by the public.

Mayor Ryder closed the public hearing at 7:41 p.m., and reconvened the regular Council meeting.

PROCLAMATION:

Councilmember Clarkson and Mayor Ryder declared May 2015 as Older Americans Month. The Older Americans Act of 1965 has not yet been codified into law, but has been renewed every ten years until 2011. Councilmember Clarkson encouraged Council to

contact legislators to re-enact the Older Americans Act which is needed to support seniors. Mayor Ryder offered to follow-up with congressional delegates.

REFERRAL FROM
PARKS BOARD:

Lori Flemm, Parks & Recreation Director, presented Council with a request to name the Lacey Senior Center the Virgil S. Clarkson Senior Center as recommended by the Board of Park Commissioners.

Ms. Flemm stated that Virgil S. Clarkson has faithfully served the citizens of Lacey for five terms on the City Council, serving six years as Mayor and 4 years as Deputy Mayor. Mr. Clarkson has been a staunch supporter of services for seniors including the construction of the Lacey Senior Center in 2003 as well as the expansion in 2011. He was honored by Senior Services for South Sound as a living legend in 2005, and is currently serving on its Board of Directors. Mr. Clarkson has lived in Lacey for fifty years, and is a recognized leader in our community. Councilmember Lenny Greenstein requested that the Board of Park Commissioners consider naming the senior center located in Woodland Creek Community Park, the Virgil S. Clarkson Senior Center.

The Board of Parks Commissioners reviewed its Policy for Naming Public Parks, Trails, Pathways, Recreation Facilities, Community Buildings, Open Space Areas, habitat Reserves, Memorials and Features, and affirmed that the naming of the Lacey Senior Center after Virgil S. Clarkson meets provisions of the policy.

At its April 22, 2015, meeting the Board of Park Commissioners voted unanimously to approve the recommended name change of the Lacey Senior Center, to the Virgil S. Clarkson Senior Center, and to forward the recommendation to the City Council for consideration.

All Council and staff expressed their appreciation to Councilmember Clarkson for his exceptional and long-standing service to the Lacey community.

COUNCILMEMBER GREENSTEIN MOVED TO NAME THE LACEY SENIOR CENTER THE VIRGIL S. CLARKSON SENIOR CENTER. COUNCILMEMBER HEARN SECONDED. MOTION CARRIED. MAYOR RYDER, DEPUTY MAYOR PRATT, AND COUNCILMEMBERS GREENSTEIN, GADMAN, HEARN AND STEADMAN VOTED YES. COUNCILMEMBER CLARKSON ABSTAINED. MOTION CARRIED.

Councilmember Clarkson graciously accepted the honor and recognized all the Councilmembers who he has worked with throughout the years to serve the Lacey community.

RESOLUTIONS:

Resolution No. 1022 sponsors the Timberland Regional Library's request to join the Association of Washington Cities Employee Benefit Trust.

Bernadette Moreland, HR–Senior Human Resources Analyst, stated the Timberland Regional Library has requested that the City of Lacey sponsor them as a non-city entity to join the AWC Employee Benefit Trust in order to participate in the health insurance benefits program.

Council reviewed the resolution at its Worksession on May 21, 2015, and agreed to take action at a subsequent Council meeting.

COUNCILMEMBER GADMAN MOVED TO ADOPT RESOLUTION NO. 1022 TO SPONSOR THE TIMBERLAND REGIONAL LIBRARY'S REQUEST TO JOIN THE ASSOCIATION OF WASHINGTON CITIES EMPLOYEE BENEFIT TRUST. COUNCILMEMBER STEADMAN SECONDED. MOTION CARRIED.

Resolution No. 1023 authorizes the signing of the International Charter for Compassionate Communities, and supports the creation of a Compassion Campaign in partnership with North Thurston Public Schools.

Steve Kirkman, PA – Public Affairs Manager, remarked the district is following the principles of the International Charter for Compassionate Schools, which encourages creation of compassion-filled learning environments.

The district expressed an interest in partnering with the City to host a compassion conference in the future, and Councilmembers expressed a strong interest in partnering with the district on this and other compassion endeavors.

Council reviewed the draft resolution at its May 21, 2015, Worksession and recommended taking action at a subsequent Council meeting.

DEPUTY MAYOR PRATT MOVED TO ADOPT RESOLUTION NO. 1023 TO AUTHORIZE THE MAYOR TO SIGN THE INTERNATIONAL CHARTER FOR COMPASSIONATE COMMUNITIES, AND TO SUPPORT THE CREATION OF A COMPASSION CAMPAIGN IN PARTNERSHIP WITH NORTH THURSTON PUBLIC SCHOOLS. COUNCILMEMBER GADMAN SECONDED. MOTION CARRIED.

ORDINANCES:

Ordinance No. 1467 amends LMC Chapters 14.03, 14.04, 14.05, 14.06, 14.07, 14.09, 14.13, 14.15, 14.16 and appendixes to integrate the 2012 International Building Codes as adopted by the Washington State Building Code Council.

At its April 13, 2015, meeting, the General Government & Public Safety Committee reviewed the Title 14 amendments, and recommended approval by full Council.

DEPUTY MAYOR PRATT MOVED TO ADOPT ORDINANCE NO. 1467 TO AMEND LMC CHAPTERS 14.03, 14.04, 14.05, 14.06, 14.07, 14.09, 14.13, 14.15, 14.16 AND APPENDIXES TO INTEGRATE THE 2012 INTERNATIONAL BUILDING CODES AS ADOPTED BY THE WASHINGTON STATE BUILDING CODE COUNCIL.

**COUNCILMEMBER STEADMAN SECONDED.
MOTION CARRIED.**

Ordinance No. 1468 confirms and levies the Final Assessment Roll for College Street and Martin Way ULID 23.

**COUNCILMEMBER GREENSTEIN MOVED TO
ADOPT ORDINANCE NO. 1468 APPROVING AND
CONFIRMING THE ASSESSMENTS AND FINAL
ASSESSMENT ROLL IN ULID 23.
COUNCILMEMBER STEADMAN SECONDED.
MOTION CARRIED.**

Ordinance No. 1470 approves the Hill-Betti Annexation.

Ryan Andrews, CD-Planning Manager, stated the City has received a petition for annexation filed by the Hill-Betti Business Park, LLC using the 60 percent petition method (RCW 35A.14.120).

The area proposed for annexation is located in the Hawks Prairie Planning Area and within the Lacey Urban Growth Area generally east of Marvin Road NE, north of Hickory Stick Lane NE, and south of 33rd Avenue NE. The area includes 150.0 acres in 20 separate tax parcels. The 2012-2013 assessed value of these parcels is \$22,846,600 of which the Hill-Betti ownership represents \$10,871,200, or approximately 48 percent of the assessed valuation.

The annexation area contains a variety of zoning uses, including Light Industrial/Commercial, Hawks Prairie Business District Business Commercial (HPBD-BC), Business Park and Moderate Density Residential.

There are very few identified critical areas in the area proposed for annexation with no identified water bodies, wetlands, or steep slopes. The area around the east side of the area adjacent to Marvin Road is in a critical aquifer recharge area associated with the Betti well operated by the City of Lacey. As

properties develop in this area, certain land use restrictions apply to protect the aquifer.

The area proposed for annexation includes the properties in the Hill-Betti ownership as well as adjacent properties to the north. This boundary would connect to the current City limits to the south of the Raili May subdivision. This configuration is a logical extension and would not create any islands or illogical boundaries.

While City of Lacey B&O taxes would apply to any business operations within the City, this may be offset by benefits to property owners no longer having to pay higher rates on City of Lacey water and sewer as well as no longer having to pay the Thurston County road tax.

When reviewing the annexation, the City was notified by Fire District 8 (South Bay) that eight parcels along the west side of the proposed annexation area are within District 8. According to RCW 52.08.025, any future annexations into a city that has annexed into a fire district shall also be annexed into that fire district. Since Lacey annexed into Fire District 3 several years ago, any future annexations not currently within Fire District 3 (including the 8 parcels in the Hill-Betti annexation area) are also annexed into Fire District 3. Fire District 3 facilities, which include Station 35 on Willamette Drive, are located generally closer to the annexation area than Fire District 8 facilities. These parcels would benefit from improved response time provided by Fire District 3.

There are currently a high number of non-conforming and illegal signs located along the commercial properties west of Marvin Road. A majority of the signs support businesses that are well setback off of Marvin Road and are lacking street frontage and visibility. Provisions have been included in the ordinance giving the businesses 18 months to comply with City regulations by either removing the signs or by bringing them into conformance. Also any change of use/occupancy that triggers a land use permit would require the signage to be brought into conformance.

COUNCILMEMBER GADMAN MOVED TO ADOPT ORDINANCE NO. 1470 TO APPROVE THE HILL-BETTI ANNEXATION WITH A CORRECTION NOTING THE PUBLIC HEARING WAS HELD ON APRIL 9, 2015. COUNCILMEMBER GREENSTEIN SECONDED. MOTION CARRIED.

MAYOR'S REPORT:

Councilmembers shared their participation on behalf of the city at several Memorial Day services held to honor those who have lost their lives in military service.

CITY MANAGER'S REPORT:

Scott Egger, Public Works Director presented Council with a request to award Lacey Contract Number PW 2011-20 to low bidder Active Construction Inc. from Puyallup, Washington, in the amount of \$1,531,258.39.

This contract provides for the construction of a modern roundabout, including stormwater, water, sewer, flashing beacons, illumination, landscaping and other work. Although the bids are higher than the Engineers Estimate, the grant funds are sufficient to cover the cost of construction with a contingency.

COUNCILMEMBER HEARN MOVED TO AWARD LACEY CONTRACT NUMBER PW 2011-20 TO LOW BIDDER ACTIVE CONSTRUCTION INC. FROM TACOMA, WASHINGTON, IN THE AMOUNT OF \$1,531,258.39. COUNCILMEMBER CLARKSON SECONDED.

COUNCILMEMBER HEARN AMENDED THE MOTION TO AWARD LACEY CONTRACT NUMBER PW 2011-20 TO LOW BIDDER ACTIVE CONSTRUCTION INC. FROM PUYALLUP, WASHINGTON, IN THE AMOUNT OF \$1,531,258.39. DEPUTY MAYOR PRATT SECONDED. MOTION CARRIED.

Scott Spence, City Manager, announced the City has received the Governor's Smart Community Award for

innovative planning in the Woodland District. The award will be presented at the AWC Conference.

Scott Egger, Public Works Director, provided an update on the 3rd Avenue extensions. Due to heavy rains during the road paving, the work will have to be redone. City inspectors requested that paving crews stop the project, because rain can cause pavement deterioration. However, the subcontractors chose to continue paving and will now have to repave the road at their own cost.

GENERAL COMMITTEES:

Transportation Committee

Councilmember Hearn reported the Committee met on April 22, 2015, to receive an update on transportation projects and discuss the Sleater-Kinney traffic calming proposal in Panorama.

Community Relations & Public Affairs Committee

Councilmember Clarkson reported the Committee met on May 4, 2015, to discuss the July 3 Fireworks Spectacular, Lacey Days, and Lacey Spring Fun Fair.

Land Use Committee

Deputy Mayor Pratt reported the Committee met on May 4, 2015 to discuss the Carpenter Crest LLC Zoning Text Amendment Application: Project No. 14-263.

BOARDS & COMMISSIONS:

EMS

Councilmember Greenstein reported the Board approved selecting TRPC to further analyze BLS data, and they discussed setting policies on adequate reserve allocations.

HOME Consortium

Councilmember Clarkson announced the Board has forwarded its funding recommendations of \$200,000 to the County Commissioners for consideration.

Intercity Transit

Councilmember Gadman reminded the public that a June 3, 2015, public hearing will be held to receive input on changes to Route 42.

ADJOURNMENT: Mayor Ryder adjourned the meeting at 9:09 p.m.

MAYOR: _____

ATTESTED BY CITY CLERK: _____

DATE APPROVED: _____



LACEY CITY COUNCIL MEETING
June 11, 2015

SUBJECT: Disbursement Approval

RECOMMENDATION: By motion, approve payment of claims, wages, and transfers.

STAFF CONTACT: Troy Woo, Finance Director *TW*

ORIGINATED BY: Troy Woo, Finance Department

BACKGROUND:

The action requested of the City Council is by motion to approve payment of claims, wages and transfers for 5/21/2015 through 6/3/2015. The disbursements consist of the following:

Checks:	<u>Week of</u>	<u>Beg. Check No.</u>	<u>End. Check No.</u>	<u>Amount</u>
	5/22/2015	216004	216119	1,117,573.03
	*5/29/2015	216120	216122	6,776.95
	5/29/2015	216123	216240	196,872.80

Electronic Transfers:	<u>Week of</u>	<u>Amount</u>
	5/22/2015	79,780.59
	5/26/2015	66,588.29
	*5/29/2015	1,166,074.39
	5/29/2015	119,793.37
	6/1/2015	314,937.07

Payroll:	<u>Month Ended:</u>	<u>Wages</u>
	5/29/2015	1,189,398.59

* Disbursements for employee out-of-pocket deductions and employee benefits.

CITY OF LACEY *Official Proclamation*

WHEREAS, in 1852, the area now known as the Lacey Historical Neighborhood was homesteaded by an industrious settler named Isaac Wood, who eventually became the first brew master in the territory north of the Columbia River and provided the inspiration for Lacey's original name of Woodland; and

WHEREAS, by 1891, the Northern Pacific Railroad added a rail line through the growing community which now boasted a sulky racing track, hotel, train depot, school district, platted subdivision, and post office; and

WHEREAS, in June 1891, a post office was established with the unique name of Lacey to avoid confusion with another town in the state; and

WHEREAS, in 1895, Saint Martin's College opened its doors, and on its campus in 1922 KGY radio received one of the earliest radio licenses in the state of Washington; and

WHEREAS, by the 1920s, with the advent of the automobile, Lacey had become well-known as a resort community, over time featuring nineteen lakeside resorts offering swimming, diving, roller skating, dancing, and exciting water chutes; and

WHEREAS, the City of Lacey, through a vote of its citizens, was incorporated on December 5, 1966; and

WHEREAS, Lacey's Historical Commission, Historical Society, City Council, and residents recognize the significance of our community's heritage.

NOW, THEREFORE, I, Andy Ryder, Mayor of the City of Lacey, on behalf of the Lacey City Council, do hereby proclaim the month of June, 2015, to be

Lacey History Month

AND FURTHER, I encourage all citizens to join me in discovering and celebrating Lacey's 163 years of history during this month of June and throughout the year.



Mayor Andy Ryder
June 11, 2015



LACEY CITY COUNCIL MEETING
June 11, 2015

SUBJECT: Development Agreements Ordinance, Proposed LMC 16.82

RECOMMENDATION: Adopt proposed Lacey Municipal Code 16.82 pertaining to regulations for development agreements

STAFF CONTACT: Scott Spence, City Manager *SS*
Rick Walk, Community Development Director *RW*
Christy Osborn, Associate Planner *CO*

ORIGINATED BY: Community Development Department

ATTACHMENTS: 1. Proposed LMC16.82 - Development Agreements
2. Planning Commission Record

FISCAL NOTE: No budget impacts are expected as a result of the proposed revisions.

PRIOR REVIEW: April 7, 2015 – Planning Commission Work Session
April 21, 2015 – Planning Commission Work Session
May 4, 2015 – Land Use Committee
May 19, 2015 – Planning Commission Hearing

BACKGROUND:

Predictability in the development review process can encourage development and redevelopment of property, which is particularly important for large-scale or multiphase projects that can take years to complete and require substantial commitment of both public and private resources.

Constitutional and statutory law establishes the authority to regulate the use of property, and also defines the limitations of that authority. The Local Project Review Act (Chapter 36.70B RCW) provides the authority and direction for local jurisdictions to enter into development agreements with project applicants to enhance certainty in the development process for both the City and the developer. Further, the Washington Administrative Code

(WAC 365-196-845) establishes specific code provisions to implement and explain the intent of the law.

The authority to enter into a development agreement must be clearly set forth in a jurisdiction's development regulations. The City's 2014 Annual Review and Audit by the Washington Cities Insurance Authority (WCIA) contained a mandatory audit requirement to adopt provisions in our code to provide for development agreements during the 2015 calendar year.

A development agreement is a contract between a local jurisdiction and a person who owns or controls property that specifies the standards and conditions that will govern the development of the property. The agreement provides the developer with vested rights by freezing existing zoning and development regulations and vesting development rights. In turn, a local jurisdiction can get commitments from the developer for high quality site and building design elements, dedication of parks and open space, coordination of public infrastructure or other facilities, and ensure that development will proceed in a timely fashion. Development agreements can also allow for flexibility and innovation in land use and design techniques provided that they are in compliance with the Comprehensive Plan.

A draft Chapter 16.82, Development Agreements, is attached for your review. The content contains mandatory requirements in statutory law and procedures that will be used for required content, terms, and review of development agreements. The city attorney reviewed the draft chapter and the suggested changes have been incorporated into the proposal.

A State Environmental Policy Act (SEPA) Determination of Non-Significance was issued and published for the proposed chapter on April 27, 2015, and no public comments were received. A 60-day Notice of Intent to adopt amendments to the City's development regulations was sent to the state Department of Commerce for agency comments. No comments were received. The City was granted expedited review by the Department of Commerce. Notice of the Planning Commission public hearing was published on May, 8, 2015, in the *Olympian*, no public comments were received.

The Planning Commission reviewed the draft chapter at work sessions on April 7 and April 21, 2015. The Land Use Committee reviewed the proposed draft ordinance on May 4, 2015. The Planning Commission held a public hearing on May 19, 2015 and forwarded a recommendation to adopt proposed LMC 16.82, Development Agreements by a unanimous vote of 7 – 0.

ADVANTAGES:

1. Development agreements provide for predictability in the development review process, which can encourage development and redevelopment of large-scale or multiphase projects.

2. Development agreements support efficient use of public and private resources in the development process.
3. Development agreements provide for high quality, innovative site and building design, coordination of public infrastructure and facilities, and dedication of parks and open spaces while maintaining compliance with the goals, policies and vision contained in the Lacey Comprehensive Plan.
4. The adoption of provisions for development agreements in the Lacey Municipal Code will satisfy the mandatory audit finding by the Washington Cities Insurance Authority and state law.

DISADVANTAGES:

1. None identified

ORDINANCE NO. _____

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON RELATING TO DEVELOPMENT AGREEMENTS, ADOPTING A NEW CHAPTER 16.82 OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, predictability in the development review process can encourage development and redevelopment of property, and

WHEREAS, State law provides the authority and direction for local jurisdictions to enter into development agreements with project applicants to enhance certainty in the development process for both the City and the developer, and

WHEREAS, the authority to enter into a development agreement must be clearly set forth in a jurisdiction's development regulations, and

WHEREAS, a State Environmental Policy Act (SEPA) Determination of Non-Significance was issued and published for the City's proposed development regulations on April 27, 2015 and no public comments were received, and

WHEREAS, a 60-day Notice of Intent to adopt amendments to the City's development regulations was sent to the state Department of Commerce for agency comments and no comments were received, and

WHEREAS, the City's Planning Commission reviewed the proposed development regulations on April 7 and April 21, 2015 and held a public hearing on May 19, 2015, and

WHEREAS, the City's Planning Commission held a vote and unanimously recommends adoption of the proposed development regulations, and

WHEREAS, the City Council finds that the adoption of said development regulations will be in the public interest, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, AS FOLLOWS:

Section 1. There is hereby added to the Lacey Municipal Code a new Chapter 16.82, to read as follows:

16.82.005 Authority.

A. This chapter applies to development agreements authorized pursuant to RCW Chapters 36.70B.170 – 36.70B.210, as a legislative action, between the City of Lacey and a person having ownership or control of real property within its jurisdiction. The execution of a development agreement is a proper exercise of City police power and contract authority.

B. The City may enter into a development agreement for real property outside its city limits as part of a proposed annexation, or a service agreement.

C. The provisions of this chapter do not apply to or affect the validity of any contract rezone, concomitant agreement, annexation agreement or other agreement in existence on or before the effective date of this chapter, or adopted under separate authority, even though such agreements may also relate to development standards, mitigation, and other regulatory requirements.

D. The City may enter into development agreements pursuant to this chapter. The decision whether to enter into a development agreement is discretionary with the City Council. The development agreement shall provide for the scope and timing of the project, applicable regulations and requirements, mitigation requirements and other matters relating to the development process.

16.82.010 Purpose.

The purpose of development agreements are as follows:

1. The lack of certainty in the approval of development projects can result in a waste of public and private resources escalate housing costs for consumers, and discourage the commitment to comprehensive planning which maximizes efficient use of resources at the least economic cost to the public.

2. Assurance in the development review process can significantly encourage development or redevelopment of real property. This certainty is especially important for large-scale or multiphase developments that take years to complete and that require substantial financial commitments at an early stage.
3. A development agreement promotes the general welfare by balancing the public and private interests, providing reasonable certainty for a development project, and addressing other matters, including funding or providing services, infrastructure, or other facilities.

16.82.020 Development Standards.

A. Any person intending to propose a development agreement shall first meet with the Director of Community Development or their designee for purposes of understanding the parameters of the proposal and applicable procedures.

B. In order to encourage innovative land use techniques and to further achieve public benefits, a development agreement adopted pursuant to this chapter may impose development standards that differ from the standards of the Lacey Municipal Code and the Lacey Development Guidelines and Public Works Standards which would otherwise be applicable to a proposed development. Examples of development standards that may differ include infrastructure requirements, street standards, performance standards, and duration of approvals. All development standards imposed must achieve public benefits, respond to changing community needs, and require modifications which provide the functional equivalent or adequately achieve the purposes of otherwise applicable City standards. Any development standard imposed by the development agreement must be consistent with and further the stated intent of the comprehensive plan.

C. The development standards as approved through a development agreement shall apply to and govern the development and implementation of the subject site in lieu of any conflicting or different standards or requirements elsewhere in the Lacey Municipal Code. A

development agreement shall reserve authority to impose new or different regulations to the extent required by serious threat to public health and safety.

D. Notwithstanding the foregoing, the International Building Code, International Fire Code, and other construction codes in effect in the State of Washington, and as adopted by the City of Lacey, on the date of filing a fully complete building permit application or other construction application for a building on the subject site shall apply; except that no changes to such codes taking effect after the date of the development agreement shall require redesign or modification of then-existing project utilities, facilities, or other infrastructure that were installed in accordance with the development agreement.

16.82.030 Contents of a Development Agreement.

A. A development agreement must set forth the development standards and other provisions that shall apply to, govern, and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement.

B. For purposes of this chapter, the term “development standards” means and includes, but is not limited to the following items. In approving a development agreement, conditions of approval shall at a minimum establish:

1. A site plan for the entire project, showing locations of sensitive areas and buffers, required open spaces, perimeter buffers, location of residential development, and location of non-residential development;
2. Project elements such as permitted uses, residential densities and nonresidential densities; range of uses authorized for any non-residential development; intensities; and building sizes;
3. The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of State law, any reimbursement provisions, other financial contributions by the property owner, or dedications;

4. Mitigation measures, development conditions, and other requirements under LMC Chapter 14.24, Environmental Policy, and RCW Chapter 43.21C;
5. Design standards such as maximum heights, setbacks, streets, drainage and water quality requirements, landscaping, and other development features;
6. Sewer, water, stormwater and other utility plans;
7. Parks and open space preservation;
8. Phasing plan, if applicable;
9. Review procedures and standards for implementing decisions;
10. Thresholds and procedures for amendments to the agreement;
11. A dispute resolution process for the failure or refusal to comply with the terms of the agreement;
12. A build-out or vesting period for applicable standards; and
13. Any other development requirement or procedure deemed appropriate by the City Council.

C. Nothing in this Chapter is intended to authorize the City to impose impact fees, inspection fees, or dedications or to require any other financial contributions or mitigation measures except as expressly authorized by other applicable provisions of law.

16.82.040 Effect and Vesting.

A. Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period of the project specified in the agreement, and the project may not be subject to an amendment to a zoning ordinance, or development standard, or regulation adopted after the effective date of the agreement. A permit or approval issued by the City after the execution of the development agreement must be consistent with the development agreement.

B. Under subsection (A), a development agreement provides an alternative to vesting rights provided in Section 1B.060 of the Lacey Development Guidelines and Public Works Standards.

C. The tenure of the approval of a development agreement shall be determined on a project specific basis. The City Council may consider modifying the tenure of an agreement at the request of the property owner. In order to modify the tenure of the agreement, the City Council shall find that the agreement is consistent with the City's Comprehensive Plan and modifying the tenure of the agreement is in the best interest of the City.

D. A development agreement may reserve capacity in the transportation system for the proposed developments trip generation and, in such case, the proposed development shall be deemed to have achieved transportation concurrency under the concurrency rules and regulations in effect on the effective date of the development agreement. The term for the concurrency determination shall be set forth in the development agreement.

16.82.050 Procedure.

A. If a development agreement is not proposed in conjunction with an action requiring 'quasi-judicial review' or 'legislative review' under Chapter 1C of the City of Lacey Development Guidelines and Public Works Standards, the development agreement shall be presented to City Council at a public hearing for approval by ordinance or resolution.

B. If the development agreement is proposed in conjunction with an action requiring "quasi-judicial review," the development agreement shall be presented to the City Council for final approval by ordinance or resolution, after a public hearing with the Hearing Examiner. The Hearing Examiner shall make a recommendation of approval or denial on the applications and the development agreement to the City Council.

C. If the development agreement is proposed in conjunction with an action requiring 'legislative review,' the development agreement shall be presented to the City Council for final approval by ordinance or resolution, after a public hearing with the Planning Commission. The Planning Commission shall make a recommendation of approval or denial on the applications and the development agreement to the City Council.

D. Prior to any required public hearing, the Director or their designee shall issue a public hearing notice in accordance with the provisions for providing such notice under Section 1C of the City of Lacey Development Guidelines and Public Works Standards.

16.82.060 City Council Action.

A. The City Council shall consider the proposed development at and following the public hearing. The City Council may approve and enter into a proposed development agreement if the Council finds, in its sole discretion, that a proposed agreement is consistent with the comprehensive plan and the purposes of this chapter. The decision of the City Council on a development agreement is the final decision of the City.

B. Notice of the final decision by the City Council shall be mailed to the applicant, to any person who submitted public comments, and to any other person who has specifically requested it.

C. The development agreement shall be recorded with the Thurston County Auditor prior to the effective date of any development proposal that was submitted and reviewed concurrently with the development agreement.

D. The appeal of a final decision of the City Council shall be timely filed as a judicial appeal pursuant to Section 1D.040, of the City of Lacey Development Guidelines and Public Works Standards.

16.82.070 Terms of Agreement.

A. A development agreement pursuant to RCW 36.70B and this chapter shall be binding on the parties and their successors during the term of the development agreement and enforceable during its term by a party to the agreement, unless the agreement is amended or terminated.

B. The City reserves the right to modify or terminate the development agreement upon the failure or refusal to comply with the terms of the agreement by the developer in accordance with the dispute resolution process contained in the agreement.

C. Amendments to the terms of the development agreement shall be done only by a written instrument executed by all parties pursuant to the procedures of this article, or as may be amended. The City will process and decide upon application of an amendment in accordance with the thresholds and procedures for amendments contained in the project specific agreement.

Section 2. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 3. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make corrections to this ordinance including, but not limited to, the corrections of scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

Section 4. The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON, at a regularly-called meeting thereof, held this _____ day of
_____, 2015.

CITY COUNCIL

By: _____
Mayor

Approved as to form:

City Attorney

Attest:

City Clerk

SUMMARY FOR PUBLICATION

ORDINANCE NO _____

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on _____, Ordinance No. _____, entitled "AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON RELATING TO DEVELOPMENT AGREEMENTS, ADOPTING A NEW CHAPTER 16.82 OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are described as follows:

1. The Ordinance adopts a new Chapter 16.82 entitled Development Agreements.
2. The Ordinance approves this Summary for Publication.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: _____, 2015.

MINUTES

Lacey Planning Commission Meeting
Tuesday, May 19, 2015 – 7:00 p.m.
Lacey City Hall Council Chambers, 420 College Street SE

Meeting was called to order at 7:00 p.m. by Mike Beehler.

Planning Commission members present: Mike Beehler, Cathy Murcia, Jason Gordon, Carolyn St. Claire, Sharon Kophs, Carolyn Cox, and Paul Enns. Staff present: Ryan Andrews, Christy Osborn, and Leah Bender.

Mike Beehler noted a quorum present.

Paul Enns made a motion, seconded by Sharon Kophs, to approve the agenda for tonight's meeting. All were in favor, the motion carried. Carolyn St. Claire made a motion, seconded by Cathy Murcia, to approve the minutes of the May 5, 2015, meeting, with the clarification that she moved to recommend the amended zoning code to Council to approve the applicant's request to allow multi-family but not drive-thru espresso stands in CBD7. All were in favor, the motion carried.

1. **Public Comments:** None.

2. **Commission Member's Report:** None.

3. **Director's Report:**

- Ryan Andrews reported that Rick Walk and Economic Development Coordinator George Smith are at the International Council of Shopping Centers Retailer's Convention in Las Vegas.
- Ryan announced that the Woodland District Strategic Plan won the Governor's 2015 Smart Community Award for implementation and the award will be accepted at the AWC conference in Wenatchee.

4. **Public Hearings:**

Proposed LMC 16.82 Related to Development Agreements:

- Mike Beehler opened the public hearing at 7:10 p.m.
- Christy Osborn gave some background information and discussed the advantages of development agreements.
- Christy went over the changes made to the draft at the request of Planning Commission and the City Attorney.
- Mike Beehler closed the public hearing at 7:30 p.m.
- There was a discussion regarding the two options for the Effect and Vesting section regarding agreement time limits. There was a consensus to accept the City Attorney's option that does not set a time limit but allows the tenure to be determined on a project-specific basis.
- **Sharon Kophs made a motion, seconded by Carolyn Cox, to refer the Development Agreements draft ordinance to Council with the changes proposed by the Lacey City Attorney. All were in favor, the motion carried.**

5. **Old Business:**

2016 Land Use Element Update Chapter 3 Topic Sections:

- Christy introduced the Residential and Infill section of the Land Use Element chapter 3. She explained that the section outlines the need for increased densities and more diverse housing types to better accommodate anticipated increases in population.
- A suggestion was made to clarify the definitions of multi-family and place-based design.
- Christy went over the goals and policies, and the implementation measures.
- Ryan introduced the Sub-areas section, which will help Lacey transition from a suburban community to more urban community where residents can live and work in close proximity.
- Ryan went over the sections regarding the Woodland District Strategic Plan and Northeast Area Planning Element.
- Ryan discussed the future sub-area plans – Depot District, Martin Way Corridor between Galaxy Drive NE and Carpenter Road, and south Golf Club Road area. Ryan also went over the goals and policies, and implementation measures.

6. **New Business:**

Envision Lacey Outreach:

- Ryan distributed a handout regarding Envision Lacey Outreach Phase II.

- Ryan went over the general timeline and presentation opportunities, and noted that an informational flyer will go out with utility bills.
- Staff is in the process of developing a booth and materials for use at community events. A City of Lacey Facebook page and YouTube channel are in the discussion stage.
- A training session will be given so that staff and Planning Commissioners can make presentations and participate in events. A sign-up sheet for participation will be distributed after that time.
- Ryan asked Commissioners to think about and offer suggestions for possible promotional giveaway items.

7. **Communications and Announcements:** None.

8. **Next meeting:** June 2, 2015.

9. **Adjournment:** 8:35 p.m.



PLANNING COMMISSION STAFF REPORT

May 19, 2015

SUBJECT: Development Agreements Public Hearing

RECOMMENDATION: Conduct a public hearing and make a formal recommendation on the addition of municipal code provisions to authorize development Agreements.

TO: Lacey Planning Commission

STAFF CONTACTS: Rick Walk, AICP, Community Development Director *RW*
Ryan Andrews, Planning Manager *RA*
Christy Osborn, Associate Planner *CO*

ATTACHMENT(S): 1. Draft Chapter 16.82 LMC, Development Agreements

**PRIOR COUNCIL/
COMMISSION/
COMMITTEE REVIEW:**

April 7, 2015 Planning Commission Work Session
April 21, 2015 Planning Commission Work Session
May 4, 2015 Land Use Committee Work Session

BACKGROUND:

A development agreement is a contract between a local jurisdiction and a person who owns or controls property within the jurisdiction that specifies the standards and conditions that will govern the development of the property. The development agreement provides the developer with vested rights by freezing existing zoning and development regulations and vesting development rights. In turn, a local jurisdiction can get commitments from the developer for high quality site and building design elements, dedication of parks and open space, coordination of public infrastructure or other facilities, and ensure that development will proceed in a timely fashion. Development agreements also allow for flexibility and innovation in land use and design techniques provided that they are in compliance with the Comprehensive Plan.

Constitutional and statutory law establishes the authority to regulate the use of property, and also defines the limitations of that authority. The Local Project Review Act (Chapter 36.70B RCW) provides specific authority and direction for development agreements. Further, the Washington Administrative Code (WAC 365-196-845) establishes specific code provisions to implement and explain the intent of the law. The City Council is the required decision making authority for these agreements.

The authority to enter into a development agreement must be clearly set forth in a jurisdiction's development regulations. The City's 2014 Annual Review and Audit by the Washington Cities Insurance Authority (WCIA) contained a mandatory audit requirement to adopt provisions in our code for development agreements during the 2015 calendar year. Draft Chapter 16.82 is attached for your review.

The Planning Commission began their review of Draft Chapter 16.82 LMC, Development Agreements at a worksession on April 7, 2015. The Commission also reviewed the draft code language on April 21, 2015. A key item of discussion was the maximum time period to allow vesting of a development agreement. The draft code was modified in subsection 16.82.040(C) to clarify the language to determine the tenure of the agreement based on the specific project but not to exceed a twenty-year time period. Proposed changes are shown in red underline.

On May 4, 2015, the Land Use Committee held a work session on the draft. The committee discussed the draft chapter and concerns related to possible long-term vesting of an agreement. The committee indicated that they preferred determining the duration of the agreement during the review process of a specific project.

The city attorney reviewed the draft chapter provisions for development agreements, including proposed changes recommended by the Planning Commission. Suggested changes recommended by the city attorney to the draft include: additions to subsection 16.82.030(B) to establish thresholds and procedures for amendments to the agreement, and a dispute resolution process for the failure or refusal to comply with the terms of the agreement. These provisions are reiterated in section 16.82.070, Terms of Agreement.

The city attorney also recommended alternative language to subsection 16.82.040(C) to allow for determining the tenure of an agreement based on the project. Suggested language in this section also allows for consideration of modifications to an agreement by the City Council when findings are made that the agreement is consistent with the Comprehensive Plan and modifications to the agreement are in the best interest of the City. Suggested changes to the draft by the city attorney are shown in blue font.

RECOMMENDATION:

The Planning Commission will conduct a public hearing to take testimony and comment on the proposed provisions for the addition of Chapter 16.82, Development Agreements to the Lacey Municipal Code. At the conclusion of the public hearing, the Planning Commission will conduct a work session to analyze the testimony, ask questions, and make any necessary changes to the draft. At the conclusion of the work session, the Planning Commission is requested to move the proposed development agreement regulations to the City Council for consideration.



LACEY CITY COUNCIL MEETING June 11, 2015

SUBJECT: 2015 Overlay Project

RECOMMENDATION: Award Lacey Contract Number PW 2015-10 to low bidder Lakeside Industries, Inc. from Lacey, Washington in the amount of \$497,641.00.

STAFF CONTACT: Scott Spence, City Manager *SS*
Scott Egger, P.E., Public Works Director
Roger Schoessel, P.E., City Engineer *RAS*
Aubrey Argeris, P.E., Design and Construction Manager *ASA*
Tyson Poeckh, Ph.D., P.E., Project Administrator *TP*
Justin Knox, P.E., Design Engineer *JK*

ORIGINATED BY: Public Works Department

ATTACHMENTS: 1. Bid Summary Sheet
2. Area Map

FISCAL NOTE: 2015 Street Overlay was anticipated and included in Lacey's 2015 Budget. Funding for the project is provided through fund source ST15OL and the project is within budget.

PRIOR REVIEW: N/A

BACKGROUND:

This contract provides for street reconstruction and hot mix asphalt overlay of one (1) street to include planing, adjustment of utility appurtenances, striping and other work.

The project was advertised for two weeks and bids were opened June 1, 2015. Three (3) bids were received. The 3 bids ranged from a low of \$497,641.00 to a high of \$667,511.00. Lakeside Industries from Lacey, Washington is low bidder at \$497,641.00. The Engineer's Estimate is \$479,007.50. A Bid Summary Sheet is attached.

Lakeside Industries is qualified and capable of performing the work. Start date is anticipated to be middle of July, and there are 20 working days allotted.

ADVANTAGES:

1. Provides new asphalt wearing surface.

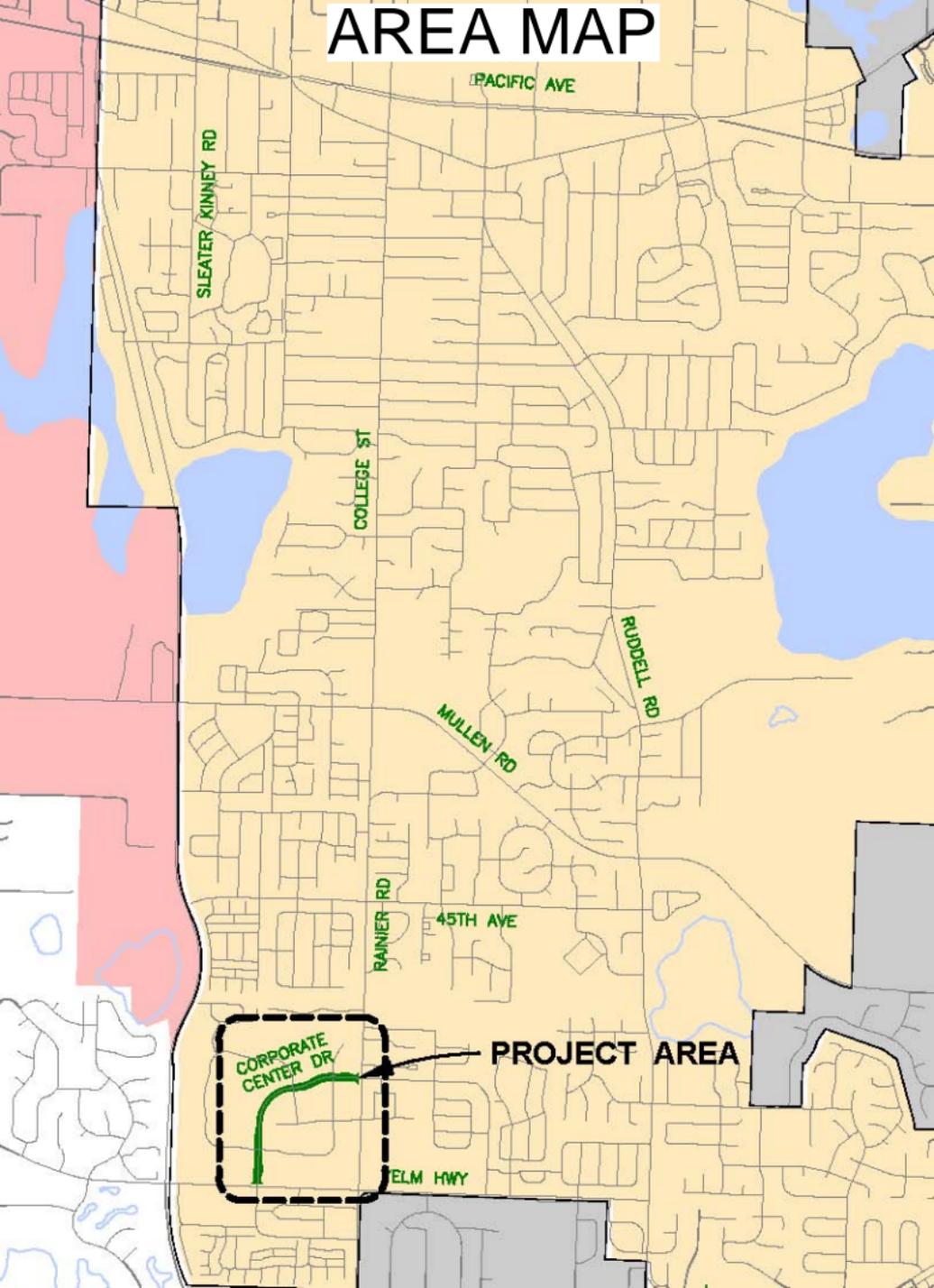
DISADVANTAGES:

1. Traffic delays can be expected during construction.

**CITY OF LACEY
2015 Street Overlay
PW 2015-10**

CONTRACTOR	LOCATION	BID AMOUNT	POS.
Lakeside Industries, Inc.	Lacey, WA	\$497,641.00	1
Miles Resources, LLC	Puyallup, WA	\$519,992.00	2
Granite Construction, Co.	Everett, WA	\$667,511.00	3
ENGINEER'S ESTIMATE \$479,007.50			

AREA MAP



PROJECT AREA

CORPORATE
CENTER DR

ELM HWY

45TH AVE

RAINIER RD

MULLEN RD

RUDELL RD

COLLEGE ST

SLEATER KINNEY RD

PACIFIC AVE

TRANSPORTATION COMMITTEE MINUTES
MAY 27, 2015
5:30 – 6:25 P.M.

COUNCIL PRESENT: Chair, Jason Hearn, Jeff Gadman

COUNCIL EXCUSED: Andy Ryder

STAFF PRESENT: Scott Spence, Scott Egger, Dave Schneider, Tim Reisher, Aubrey Argeris, Carol Litten

COUNCILMEMBER GADMAN MOVED TO APPROVE THE AGENDA. COUNCILMEMBER HEARN SECONDED. MOTION CARRIED.

Pavement Markings – Maintenance Management Program

Tim Reisher, SH-Transportation Supervisor, provided a briefing on the *Pavement Markings – Maintenance Management Program*.

The Transportation division manages edgelines, raised pavement markers, word & symbol markings, and parking lot & c-curb painting.

Edgelines are contracted out due to the expense of the equipment needed. City crews maintain 89.5 miles of edgeline with a contracted replacement value of \$791,000. Thermoplastic edging is less labor intensive and longer lasting than painting.

City crews maintain 106.34 miles of raised pavement marker (RPM) with a replacement value of \$168,000 (materials only). RPM's include double yellow centerline, center turn land strip/passing zone, yellow skip line, lane line, and gore stripe. Streets are scheduled for RPM maintenance every 5 years, every 10 years they are assessed for complete reflector replacement.

City crews maintain 310 intersections and school zones with replacement value of \$561,000 (materials only). Markings include crosswalks, stop bars, yield lines, arrows, school zones, and YIELD signs. Word and symbol maintenance is scheduled with varying intervals depending on the type of roadway.

UPDATE ON 3RD AVENUE BETWEEN GOLF CLUB ROAD AND COLLEGE STREET

Aubrey Argeris, PW-Design & Construction Manager, provided an update on the 3rd Avenue extension. Due to heavy rains during the road paving, the work will have to be redone. City inspectors requested that paving crews stop the project, because rain can cause pavement deterioration. However, the subcontractors chose to continue paving and will now have to repave the road at their own cost. There will be some inconvenience to the public with road closures.

**COMMUNITY RELATIONS & PUBLIC AFFAIRS COMMITTEE
JUNE 1, 2015
11:00 – 11:23 A.M.**

COUNCIL PRESENT: Chair Virgil Clarkson, Lenny Greenstein

COUNCIL ABSENT: Michael Steadman

STAFF PRESENT: Scott Spence, Liz Gotelli, Troy Woo, Mary Coppin, Lori Flemm, Jeannette Sieler, Jordy Beasley, Carol Litten

COUNCILMEMBER GREENSTEIN MOVED TO APPROVE THE AGENDA. COUNCILMEMBER CLARKSON SECONDED.

COUNCILMEMBER GREENSTEIN MOVED TO AMEND THE AGENDA TO ADD A THIRD ITEM. COUNCILMEMBER CLARKSON SECONDED.

COUNCILMEMBER GREENSTEIN MOVED TO AMEND THE AMENDED AGENDA TO REMOVE THIRD AGENDA ITEM. COUNCILMEMBER CLARKSON SECONDED. MOTION CARRIED.

LACEY S.T.E.M FAIR & GRAND PRIX ELECTRIC CAR RACES S.T.E.M. FAIR

Jeannette Sieler, announced that the City has received the Washington Recreational Parks Association (WAPA) Excellence Award for its innovative S.T.E.M Fair event. Committee members congratulated staff for the recognition.

This year's event attracted 3,800 visitors with thirty groups providing activities and programs, including strong participation from the school districts. Forty-eight electric cars participated in the Grand Prix Electric Car Races. The River Ridge High School Electric Vehicle Club is the only local team that participates and has provided technical support and labor for the event during the last 18 years.

Jeanette was recently notified that River Ridge High School will no longer participate in the electric car races, in order to better showcase other S.T.E.M. skills, such as robotics. Without the support of the school district, staff is recommending that the races be discontinued.

Councilmembers Clarkson and Greenstein agreed with staff's recommendation and requested that former Mayor Graeme Sackrison and Carl Schegel, River Ridge High School Electric Vehicle Club, receive Council recognition for initiating and supporting this program.

SPIRIT OF LACEY AWARD

Scott Spence, City Manager, presented the Committee with two nominations for the Spirit of Lacey Award.

The purpose of the Spirit of Lacey Award Program is to recognize individuals, organizations and businesses who make significant contributions to the betterment of the greater community, or whose acts of heroism, courage, selfishness, or exceptional volunteerism are worthy of special recognition.

The first nomination is for Brady Olson, North Thurston High School Teacher, for his act of heroism during a school shooting on April 27, 2015. Mr. Brady tackled the teen in the common area, and restrained him until police arrived. Mr. Olson's display of courage and willingness to risk his life to save students and staff exemplifies the true meaning of a hero.

COUNCILMEMBER GREENSTEIN MOVED TO FORWARD A RECOMMENDATION TO FULL COUNCIL TO PRESENT BRADY OLSON WITH THE SPIRIT OF LACEY AWARD FOR AN ACT OF HEROISM. COUNCILMEMBER CLARKSON SECONDED. MOTION CARRIED.

In addition the committee requested that Steve Rood, North Thurston High School Principal, be recognized for his assistance in restraining the student. They also requested that recognition be given to former Councilmember Lawson who initiated the award.

The second nomination is to recognize the exceptional volunteerism of the Lacey Sunrise Lions Club who has placed American flags on Lacey street posts during patriotic holidays since 1987. This project not only reflects Lacey's special connection to the military community, it also demonstrates the dedicated volunteerism of the Lacey Sunrise Lions members. For 28 years, the Lions Club has never faltered in their dedication to provide this unique service for the Lacey community.

COUNCILMEMBER GREENSTEIN MOVED TO FORWARD A RECOMMENDATION TO FULL COUNCIL TO PRESENT THE LACEY SUNRISE LIONS CLUB WITH THE SPIRIT OF LACEY AWARD FOR EXCEPTIONAL VOLUNTEERISM. COUNCILMEMBER CLARKSON SECONDED. MOTION CARRIED.



CITY OF LACEY
CITY CLERK
420 COLLEGE STREET SE
LACEY, WA 98509
PHONE: 360.491.3214
FAX: 360.412.3185
CLITTEN@CI.LACEY.WA.US

SPIRIT OF LACEY AWARD NOMINATION FORM

The purpose of the *Spirit of Lacey Award* program is to recognize individuals, organizations, and businesses who make significant contributions to the betterment of the greater community, or, whose acts of heroism, courage, selflessness, or exceptional volunteerism are worthy of special recognition. Please see attached policy for detailed information on the eligibility, criteria, and process for the program.

NOMINEE INFORMATION

Lacey Sunrise Lions Club

Name

2402 Abernethy Rd. Lacey, WA 98516

Address

360-791-9121

flags@laceysunriselions.org

Phone Number

Email address

Please select one: Individual Business Organization

Provide a detailed explanation of the significant and extraordinary contribution of the nominee:

Since 1987, Lacey Sunrise Lions Club volunteers have placed American flags on Lacey street posts during patriotic holidays. For a week before each holiday, the stars and stripes wave over Lacey's major thoroughfares thanks to the inspiration and support of the Sunrise Lions Club. This project not only reflects Lacey's special connection to the military community, it also demonstrates the dedicated volunteerism of the Lacey Sunrise Lions members. In 1987, 250 flags were installed to celebrate Memorial Day. Since then, the project has grown to encompass nine annual holidays - each celebrated with more than 580 flags decorating our streets! Since its inception, this project has continued to demand increasing resources and support. For twenty-eight years, the Lions Club has never faltered in their dedication to providing this unique service for the people of Lacey. For exceptional volunteerism, we are proud to nominate the Lacey Sunrise Lions Club for the Spirit of Lacey Award.

NOMINATION FORM COMPLETED BY

Stephanie Hemphill, Exexecutive Director, Lacey Chamber of Commerce

X Signature

Date 5/27/15

Scott Spence, Lacey City Manager

Signature

Date 5/28/2015

MAIL COMPLETED FORM TO: CITY OF LACEY
CAROL LITTEN, CITY CLERK
420 COLLEGE STREET SE
LACEY, WA 98509



Shaping
our community
together

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NOMINEE INFORMATION

Brady J. Olson
Name
600 Sleater-Kinney Rd NE , Lacey, WA 98506
Address City, State, Zip
360.412.4800
Phone Number Email address

Please select one: Individual Business Organization

Provide a detailed explanation of the significant and extraordinary contribution of the nominee:

See attached _____

(If needed, please use a separate sheet of paper.)

NOMINATION FORM COMPLETED BY

Mayor Andy Ryder
Name 05-13-15
Date

Address City, State, Zip

Phone Number Email address
Andy D. Ryder
Signature 5-15-15
Date

MAIL COMPLETED FORM TO:
CITY OF LACEY
CAROL LITTEN, CITY CLERK
420 COLLEGE STREET SE
LACEY, WA 98509



SPIRIT OF LACEY AWARD

The purpose of the Spirit of Lacey Award program is to recognize individuals, organizations, and businesses who make significant contributions to the betterment of the greater community, or, whose acts of heroism, courage, selflessness, or exceptional volunteerism are worthy of special recognition.

On April 27, 2015 as students were about to start their day, many of them were gathered in the commons area of North Thurston High School visiting with friends. Teacher Brady Olson was standing in the area of the Commons when he heard a loud noise. Not yet realizing the noise was gunfire, Mr. Olson moved toward the sound to investigate the source of the loud noise. He reached the staircase and encountered a student holding a weapon which was pointed at the ceiling. Mr. Olson was near the teen when the second shot rang out and reacted by tackling the student to the ground. Mr. Olson held the student on the floor until Officer McClanahan and Mr. Rood assisted in securing the gun and handcuffing the student.

Mr. Olson's display of courage and willingness to put his life on the line to save innocent students and staff members exemplifies the true meaning of a hero and he is very deserving of the Spirit of Lacey Award.