

**CITY COUNCIL
SPECIAL MEETING**

**June 30, 2015
4:00 P.M.**

AGENDA



“Where Dreams Can Soar”

The City of Bonney Lake’s Mission is to protect the community’s livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.

www.ci.bonney-lake.wa.us

Location: Bonney Lake Justice & Municipal Center, 9002 Main Street East, Bonney Lake, Washington.

I. CALL TO ORDER: Mayor Neil Johnson, Jr.

- A. **ROLL CALL:** Mayor Neil Johnson, Jr., Deputy Mayor Dan Swatman, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin, Councilmember Katrina Minton-Davis, Councilmember James Rackley, and Councilmember Tom Watson.
- B. **Presentation:** Tacoma-Pierce County Health Department – Bonney Lake 2015 Comprehensive Plan Periodic Update. *No advance materials.*

II. CONSENT AGENDA:

The items listed below may be acted upon by a single motion and second of the City Council. By simple request to the Chair, any Councilmember may remove items from the Consent Agenda for separate consideration after the adoption of the remainder of the Consent Agenda items.

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- A. **Approval of Reviewed Minutes:** June 2, 2015 Council Workshop; June 9, 2015 Special Council Meeting (Committee of the Whole); June 9, 2015 Regular Council Meeting.
- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable checks/vouchers #71337-71371 (including wire transfer #'s 06022015, and 2015061201) in the amount of \$277,575.50.
Accounts Payable checks/vouchers #71372-71412 (including wire transfer #'s 20150601, and 20150602) in the amount of \$555,081.21.
VOIDS: 70230 – replaced with check #71261; 70257 – replaced with check #71298; 70273 – replaced with check #71273; 70284 – replaced with check #71294; 70313 – replaced with check #71293; 70328 – replaced with check #71292; 70359 – replaced with check #71330; 70445 – replaced with check #71323; 70460 – replaced with check #71291; 70534 – replaced with check #71321; 70535 – replaced with check #71322; 70536 – replaced with check #71325; 70729 – replaced with check #71324; 70733 – replaced with check #71331; 70742 – replaced with check #71312; 70754 – replaced with check #71289; 70768 – replaced with check #71311; 70769 – replaced with check #71277; 70775 – replaced with check #71336; 70776 – replaced with check #71315; 70777 – replaced with check #71284; 70780 – replaced with check #71329; 70792 – replaced with check #71326; and 70793 – replaced with check #71309.
- C. **Approval of Payroll:** Payroll for June 1-15th, 2015 for checks #32445-32471 including Direct Deposits and Electronic Transfers is \$ 501,594.60.

III. FULL COUNCIL ISSUES:

- p. 13 A. **AB15-51 – Ordinance D15-51** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting Bonney Lake 2035 As The Comprehensive Plan For The City Of Bonney Lake.

- p. 19 B. **AB15-78 – Resolution 2468** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Professional Services Agreement With Coldwell Banker Commercial Offenbecher To Provide Real Estate Listing Services For The City Of Bonney Lake.

IV. EXECUTIVE/CLOSED SESSION:

Pursuant to RCW 42.30, the City Council may hold an executive or closed session. The topic(s) and duration will be announced prior to the session.

V. ADJOURNMENT

For citizens with disabilities requesting translators or adaptive equipment for communication purposes, the City requests notification as soon as possible of the type of service or equipment needed.

**THE COUNCIL MAY ADD AND TAKE ACTION ON
OTHER ITEMS NOT LISTED ON THIS AGENDA**

CITY COUNCIL WORKSHOP

June 2, 2015
5:30 P.M.

MINUTES



“Where Dreams Can Soar”

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Location: Bonney Lake Justice & Municipal Center, 9002 Main Street East, Bonney Lake, Washington.

I. CALL TO ORDER –Deputy Mayor Dan Swatman called the meeting to order at 5:30 p.m.

II. ROLL CALL: Administrative Services Director/City Clerk Woody Edvalson called the roll. In addition to Deputy Mayor Dan Swatman, elected officials attending were Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin, Councilmember James Rackley, and Councilmember Tom Watson. Councilmember Katrina Minton-Davis was absent. Mayor Johnson arrived to the Workshop at 5:47 p.m.

Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Community Development Director John Vodopich, Police Chief Dana Powers, Senior Planner Jason Sullivan, Permit Coordinator Jenn Francis, and Administrative Specialist II Renee Cameron.

III. Agenda Items:

A. Presentation: Jenn Francis – Community Development Activity Report

Permit Coordinator Francis presented a detailed presentation regarding Community Development’s 2014 and 2015 Year to Date Development Activity. Council and staff discussed the urban growth area (UGA) capacity deficiency, the Tehaleh project, the reports from the Housing Forum, and the remaining buildable lots within the City. Council thanked Permit Coordinator Francis for the well-prepared presentation. This item was for presentation purposes only, no action was taken.

B. Presentation: Chief Powers – 2014 Police Department Annual Report

Police Chief Powers presented the 2014 Police Department Annual Report, as contained in the agenda packet. Councilmember Lewis asked about long term inmate housing and where long term inmates are currently held. Chief Powers responded and spoke of the new jail agreement with SCORE in Des Moines, as well as the agreement with Okanagan County. Council asked about the relationship between the Police Department and the Sumner School District, placing cameras in patrol vehicles, and the continued increase of heroin in the community. Chief Powers answered the Council’s questions. This item was for presentation purposes only, no action was taken.

C. Council Open Discussion:

Parks Programs/Gnomes. Councilmember Watson spoke regarding the “Gnomes in the Park” geocaching Program and would like to see that event start up again.

Chalk Art Event. Councilmember Watson said he would like to see the City promote a sidewalk chalk event during the summers, in addition to the sidewalk chalk event held during Bonney Lake Days.

Park Play Areas. Councilmember Watson said he would like to see the City put together an Ad Hoc Committee to discuss interactive ideas in City parks. He shared a PowerPoint of photos at Tehaleh parks, which he said are simple educational and interactive ideas for the City to consider.

Lake Tapps Water Level Update. Councilmember Hamilton inquired of the lake level, and Mayor Johnson said he intends to provide an update of the lake's levels by next week.

- D. Review of Draft Minutes:** May 5, 2015 Workshop, May 12, 2015 Special Meeting, May 12, 2015 Regular Meeting, and May 26, 2015 Meeting.

Minor corrections were made to the minutes, and all of the minutes were forwarded to the June 9, 2015 Meeting for action.

- E. Discussion:** AB15-65 – Resolution 2459 – Approving the City's Inclusion in the Pierce County Conservation District.

City Administrator Morrison summarized the agenda bill and the proposed resolution for this item. He said that the Pierce County Conservation District (PCCD) made a presentation to the Council on February 17, 2015, and said there were citizens present at the Workshop who support the City's inclusion in the PCCD. Mayor Johnson said he sees the Program as a win-win for the City, the residents, and the community. Councilmember Watson said he supports the program, but is concerned about the homeowners who are on a fixed income. Councilmember McKibbin said there is an appeal process for fixed income homeowners who can have the tax statement adjusted. Councilmember Rackley said the City could have utilized the PCCD in the past and is glad to see the Council supporting the City's inclusion in the PCCD. Mayor Johnson said with the City's inclusion into the PCCD, Bonney Lake will be eligible to have a delegate appointment to the PCCD Board.

- F. Discussion:** AB15-50 – Resolution 2451 – Notice of Intent to Adopt the Implementation Element.

Senior Planner Sullivan summarized the agenda bill and the proposed resolution for this item. He spoke regarding how the City will measure all of the elements of the comprehensive plan, and the implementation plan. Councilmember Hamilton asked for clarification of concurrence management. Mr. Sullivan advised that these updates will help to build on concurrency management and to development the annual Planning Commission work plan, keep the Bonney Lake Municipal Code up to date annually, assist with grant writing by showing the City's proactive approach, and be a competitive city in the area of growth management. Deputy Mayor Swatman asked about the designation of the Lake Tapps Center and where that area is located. Mr. Sullivan responded and advised of how that area was identified and designated and the purpose it will serve. Deputy Mayor Swatman said from a policy maker's perspective, he wants not only to review the code for updates, but also to make it better. This item was forwarded to the June 9, 2015 Meeting for action on the Consent Agenda.

- G. Discussion:** AB15-51 – Ordinance D15-51 – 2015 Comprehensive Plan Periodic Update

Senior Planner Sullivan summarized the agenda bill and the proposed ordinance for Bonney Lake 2035, the periodic Comprehensive Plan update. He said he has spoken with the Department of Commerce, and they advised that the City has met all of their requirements, with minor corrections. He said that the critical item is hearing back from Pierce County Regional Council (PCRC) for approval, as they are the authority who will certify the City's

Comprehensive Plan for consideration of future grants and loans, and he hopes to hear back from PCRC by June 16th. He noted that over the past two years the Planning Commission has held 6 public hearings, 13 public meetings, met with the Arts Commission, the Parks Commission, held two open houses, mailed out postcards twice to every family within the City, and the City Council has had over 18 public meetings over the past 2 years to talk about each of the elements of the Comprehensive Plan. He said the Growth Management Policy Board will be doing staff review for any certification issues, but does not expect any issues as Bonney Lake staff have worked closely with PCRC throughout the update process.

Deputy Mayor Swatman asked about establishing an “Eastown Center”, and stated concerns regarding the frontage roads. Mr. Sullivan spoke regarding consistencies of the Plan and whether they are for to be included in the Implementation Element of Bonney Lake 2035. Mr. Sullivan also spoke of the Mobility Element and clarification of private roads and public frontage roads. Public Works Director Grigsby and Mr. Sullivan clarified the frontage road changes, and roads that were closed under the Mobility Element of the Comprehensive Plan in the Eastown Subarea Plan. Mr. Sullivan advised that all of the roads are on the 20 year plan and staff did not find any level of service issues with the proposed update. He advised that staff have worked closely with the City Attorney regarding private road ownership and public use. Mr. Sullivan spoke regarding developers receiving credit toward traffic impacts fees, and Mr. Grigsby said developers must show a nexus from the development of an actual improvement to receive credit toward traffic impact fees. Mr. Sullivan said commercial developer fees will pay for the roads. Mayor Johnson asked Mr. Sullivan what is needed to move forward with this item. Mr. Sullivan asked for any questions from Council, or amendments to the update, to be received by staff by next week, as the complete update needs to be submitted by June 30th. Mayor Johnson asked about amendments to the update. Community Development Director Vodopich and Mr. Sullivan clarified the amendment procedures. Council agreed that they want 225th to have a direct connection to 96th. Proposed Ordinance D15-51 will be brought back to the June 16th Workshop for further discussion and possible action.

IV. EXECUTIVE\CLOSED SESSION: Pursuant to RCW 42.30.140(b), the Council adjourned to a Closed Session at 7:50 p.m. for 15 minutes to discuss labor negotiations. The Council returned to Chambers at 8:06 p.m. No action was taken.

V. ADJOURNMENT:

At 8:06 p.m., Councilmember Watson moved to adjourn the Council Workshop. Councilmember Lewis seconded the motion.

Motion to adjourn approved 6 - 0.

Harwood Edvalson, MMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council at the June 2, 2015 Meeting:

- Jenn Francis, Permit Coordinator – *Community Development’s 2014 & 2015 Year to Date Development Activity Report, dated June 2, 2015.*

Note: Unless otherwise indicated, all documents submitted at City Council meetings and workshops are on file with the City Clerk. For detailed information on agenda items, please view the corresponding Agenda Packets, which are posted on the city website and on file with the City Clerk.

CITY COUNCIL MEETING

**June 9, 2015
7:00 P.M.**

MINUTES



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Location: Bonney Lake Justice & Municipal Center, 9002 Main Street East, Bonney Lake, Washington.

I. CALL TO ORDER – Mayor Neil Johnson, Jr. called the meeting to order at 7:00 p.m.

- A. Flag Salute:** Mayor Johnson led the audience in the Pledge of Allegiance.
- B. Roll Call:** Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Mayor Johnson, elected officials attending were Deputy Mayor Dan Swatman, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin, Councilmember Katrina Minton-Davis, Councilmember James Rackley, and Councilmember Tom Watson.

Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Community Development Director John Vodopich, Chief Financial Officer Cherie Gibson, Police Chief Dana Powers, Administrative Services Director/City Clerk Harwood Edvalson, City Attorney Kathleen Haggard, and Records & Information Specialist Susan Haigh.

C. Announcements, Appointments and Presentations:

- 1. Announcements: None.
- 2. Appointments: None.
- 3. Presentations:
 - a. **Presentation:** Representative Drew Stokesbary, 31st Legislative District.

Representative Stokesbary provided a report on the current legislative session and proposed bills to increase liquor and marijuana revenue sharing with local governments. He said once the operating budget is set he expects funding for the Public Works Trust Fund and specific projects such as the SR167 completion to be finalized. Mayor Johnson thanked Rep. Stokesbary for his time.

D. Agenda Modifications: None.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

- A. Public Hearings:** None.
- B. Citizen Comments:** None.
- C. Correspondence:** None.

III. COUNCIL COMMITTEE REPORTS:

- A.** Finance Committee/Committee of the Whole: Deputy Mayor Swatman said the Committee of the Whole met at 5:30 p.m. earlier in the evening and discussed personnel updates, the Mobility Element of the Comprehensive Plan; and the status of the future Public Works Center in Eastown.
- B.** Community Development Committee: Councilmember Lewis said the June 2, 2015 Committee meeting was cancelled.
- C.** Economic Development Committee: Councilmember Minton-Davis said the June 9, 2015 Committee Meeting was cancelled.
- D.** Public Safety Committee: Councilmember Watson said the Committee met on June 1, 2015. The Committee met new East Pierce Fire Chief E. L. "Bud" Backer and discussed Lake Tapps lake levels, the Lake Tapps dock indicator program, Probation work crew projects, WSU-owned property trails and police patrols, and reports from the Police Department on the Traffic Emphasis program and monthly statistics.

Community Development Director Vodopich explained that WSU gave notice one year ago that interim use of trails on their property would end in June 2015. The 40 acres of city-owned property in the middle of the forest area, Midtown Park, remains open to the public. He said the City is working on a 'no trespassing' letter to provide Police staff with legal authority to trespass people from the park, and WSU plans to fence their portion of the forest.

E. Other Reports:

Lake Tapps Water Levels: Mayor Johnson said Cascade Water Alliance announced that additional water will be diverted into Lake Tapps from a Mud Mountain Dam project.

Flood Control Zone District: Councilmember Rackley said he attended the District meeting on June 5, 2015, where the group discussed public funding for flood walls around the Tacoma and Puyallup sewer treatment facilities, whereas the Sumner/Bonney Lake Wastewater Treatment Facility upgrade project received no such funding.

IV. CONSENT AGENDA:

- A.** **Approval of Minutes:** May 5, 2015 Workshop, May 12, 2015 Special Meeting, May 12, 2015 Regular Meeting, and May 26, 2015 Meeting.
- B.** **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable checks/vouchers #71212-71255 (including wire transfer #20150504) in the amount of \$307,662.76; Accounts Payable checks/vouchers #71256 in the amount of \$1,962,852.54; Accounts Payable checks/vouchers #71257-71336 (including wire transfer #'s 2015051301) in the amount of \$124,781.33; and Accounts Payable wire transfer #2015051501 in the amount of \$43,587.21.
- C.** **Approval of Payroll:** Payroll for May 16th – 31th, 2015 for checks #32415-32444 including Direct Deposits and Electronic Transfers is \$ 832,502.38.

- D. AB15-15 – Ordinance 1520 [D15-15]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending The Land Use Matrix Codified In Section 18.08.020 Of The Bonney Lake Municipal Code Related To Single Family Homes In The R-2 Zone, Essential Public Facilities, Electrical Vehicle Infrastructure, And Family Day Cares In Zones That Allow Residential Development. [Land Use Matrix Amendments]
- E. AB15-38 – Ordinance 1521 [D15-38]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Portions Of Section 19.06.080 Of The Bonney Lake Municipal Code Related To The Timeframe To Expend Collected Park Impact Fees.
- F. AB15-48 – Resolution 2449** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Expressing The Intent To Adopt The Community Services And Facilities Element Of The Comprehensive Plan.
- G. AB15-50 – Resolution 2451** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Expressing The Intent To Adopt The Implementation Element Of Bonney Lake 2035.
- H. AB15-65 – Resolution 2459** – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Approving The City’s Inclusion In Pierce Conservation District Pursuant To State Law; And Requesting That The Pierce County Council Approve The Conservation District Resource Conservation Fee Or Other Authorized Funding Within The Corporate Boundaries Of The City Of Bonney Lake.

Councilmember Watson moved to approve the Consent Agenda. Councilmember Lewis seconded the motion.

Consent Agenda approved 7 – 0.

- V. FINANCE COMMITTEE ISSUES:** None.
- VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:** None.
- VII. ECONOMIC DEVELOPMENT COMMITTEE ISSUES:** None.
- VIII. PUBLIC SAFETY COMMITTEE ISSUES:** None.
- IX. FULL COUNCIL ISSUES:**
 - A. AB15-68** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Cancel The Council Meeting, Workshop, And Council Committee meetings on June 23, 2015 and August 4, 2015, And To Set A Special City Council Meeting on June 30, 2015 at 4:00 P.M.

Councilmember Lewis moved to approve motion AB15-68. Councilmember Rackley seconded the motion.

Deputy Mayor Swatman moved to amend the main motion to insert “and to Set a Special City Council Meeting on June 30, 2015 at 4:00 p.m.” Councilmember Lewis seconded the motion.

Motion to amend the main motion approved 7 – 0.

Motion AB15-68 approved as amended 7 – 0.

- B. AB15-49 – Resolution 2450 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Expressing The Intent To Adopt The Community Mobility Element Of The Comprehensive Plan.**

Councilmember Watson moved to approve Resolution 2450. Councilmember Lewis seconded the motion.

Councilmember Rackley moved to table the Resolution 2450 to the June 16, 2015 Council Meeting. Councilmember Lewis seconded the motion.

Motion to table Resolution 2450 to the June 16, 2015 Meeting approved 7 – 0.

X. EXECUTIVE/CLOSED SESSION: None.

XI. ADJOURNMENT:

At 7:16 p.m., Councilmember Watson moved to adjourn the Council Meeting. Councilmember Lewis seconded the motion.

Motion to adjourn approved 7 – 0.

Harwood Edvalson, MMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council at the June 9, 2015 Meeting: None.

Note: Unless otherwise indicated, all documents submitted at City Council meetings and workshops are on file with the City Clerk. For detailed information on agenda items, please view the corresponding Agenda Packets, which are posted on the city website and on file with the City Clerk.

**CITY COUNCIL SPECIAL
MEETING – COMMITTEE OF
THE WHOLE /FINANCE
COMMITTEE**

**June 9, 2015
5:30 P.M.**



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www.ci.bonney-lake.wa.us

MINUTES

Location: Bonney Lake Justice & Municipal Center, Suite 200 Conference Room, 9002 Main Street East, Bonney Lake, Washington.

I. CALL TO ORDER – Deputy Mayor Dan Swatman called the special meeting to order at 5:30 p.m.

II. ATTENDANCE: Elected officials attending were Deputy Mayor Dan Swatman, Councilmember Donn Lewis, Councilmember Randy McKibbin, Councilmember Katrina Minton-Davis, Councilmember James Rackley, and Councilmember Tom Watson.

Staff members in attendance were City Administrator Don Morrison, Finance Director Cherie Gibson, Community Development Director John Vodopich, Public Works Director Dan Grigsby, Administrative Services Director/City Clerk Harwood Edvalson, Human Resources Manager Jenna Richardson and Senior Planner Jason Sullivan.

III. AGENDA ITEMS:

A. Updates and/or Reports:

1. Personnel Updates and/or Issues. HR Manager Jenna Richardson gave a report regarding the ongoing recruitments for Maintenance Worker I, Administrative Specialist II and Probation Officer vacancies. She also asked Council to allow for ratification of the Police Guild labor contracts at the June 16th Workshop. There was general consensus of the Council to schedule this item for action at the workshop.

B. Old Business: None.

C. New Business: None.

B. New Discussion Items:

1. Easttown Center Comprehensive Plan Element. Senior Planner Jason Sullivan reviewed the contents of a memo prepared for Mayor Johnson and dated June 4, 2015. The memo outlined some proposed changes to the mapped streets in the Easttown area. With input from Public Works Director Grigsby, Mr. Sullivan explained the proposal with two options. One option was for a 60 ft. right-of-way for public streets internal to the Easttown Area, which would include sidewalk and bike lanes. The second was for a 45 ft. cross section to include one sidewalk and one drainage swale. The drainage swale would eliminate the need for additional storm retention ponds necessary to handle the runoff from these future streets. The Council discussed the pros and cons of public versus private streets with the Easttown Center plan. There was general consensus expressed in favor of the public streets with the proposed 45 ft. cross section.

Also discussed was the addition of a north-south connection between SR410 and 96th St. E. to be called 221st Ave. E. There was also general consensus expressed in favor of this addition to the mapped streets. Finally, the City Council also expressed general consensus in favor of a proposed surcharge to the Transportation Impact Fee for development of roads in Eastown and adoption of the future streets map by separate ordinance outside of the comprehensive plan. Placing the map outside of the comprehensive plan will allow the City Council to amend the mapped streets to meet future development needs without going through the longer process of a comprehensive plan amendment. A possible special meeting for final comprehensive plan adoption was discussed for June 30, 2015 at 4:00 p.m.

2. Status of the New Public Works Center. City Administrator Morrison reported that no further information had yet been forthcoming from the design consultants regarding previous preferences expressed by the City Council regarding the layout of the new Public Works Center. Deputy Mayor Swatman expressed a feeling of urgency to resolve location and general design of the facility.

IV. ADJOURNMENT:

Noting no further business to conduct, Deputy Mayor Swatman closed the meeting at 6:24 p.m.

Harwood Edvalson, MMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council at the June 9, 2015 Special Meeting:

- Jason Sullivan – *Memo Re: Eastown Roads* – Community Development Senior Planner.

Note: Unless otherwise indicated, all documents submitted at City Council meetings and workshops are on file with the City Clerk. For detailed information on agenda items, please view the corresponding Agenda Packets, which are posted on the city website and on file with the City Clerk.

City of Bonney Lake, Washington
City Council Agenda Bill (AB)

Department/Staff Contact: Community Development/ Jason Sullivan – Senior Planner	Meeting/Workshop Date: June 30, 2015	Agenda Bill Number: AB15-51
Agenda Item Type: Ordinance	Ordinance/Resolution Number: D15-51	Councilmember Sponsor: Donn Lewis and Katrina Minton-Davis

Agenda Subject: Adoption of *Bonney Lake 2035*

Full Title/Motion: An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington adopting Bonney Lake 2035 as the comprehensive plan for the City of Bonney Lake.

Administrative Recommendation:

Background Summary: The City of Bonney Lake is required to review and update its comprehensive plan and development regulations to ensure compliance with the Washington State Growth Management Act (GMA), Chapter 36.70A RCW, by June 30, 2015 pursuant to RCW 36.70A.130. The GMA does not exempt any portion of the City's comprehensive plan or development regulation from being subject to review and evaluation as part of the required period update. Adoption of Ordinance 15-51 will adopted *Bonney Lake 2035* as the comprehensive plan for the City of Bonney Lake and will fulfill the City's required periodic update.

A copy the attachments to Ordinance D15-51 are available at the following link:

www.citybonneylake.org/planning/compplanupdates:

- Attachment A: Findings of Facts and Conclusions
- Attachment B: Comment Matrix
- Attachment C: *Bonney Lake 2035*

Attachments: Ordinance D15-51 and Planning Commission Recommendation Memo

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation:			

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	Date:	Approvals:	Yes No
		Chair/Councilmember	<input type="checkbox"/> <input type="checkbox"/>
		Councilmember	<input type="checkbox"/> <input type="checkbox"/>
		Councilmember	<input type="checkbox"/> <input type="checkbox"/>
	Forward to:	Consent Agenda:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Commission/Board Review:	Planning Commission – August 7 2013, September 18, 2013, February 5, 2014, March 5, 2014, May 21, 2014, June 4, 2014, July 2, 2014, July 16, 2014, August 13, 2014, September 17, 2014, October 15, 2014, November 5, 2014, November 19, 2014, December 3, 2014, March 4, 2015, April 8, 2015, April 15, 2015, May 6, 2015, May 20, 2015, and June 3, 2015 Arts Commission – October 22, 2014 Parks Commission – May 11, 2015		
Hearing Examiner Review:			

COUNCIL ACTION

Workshop Date(s): September 17, 2013, October 15, 2013, May 6, 2014, October 7, 2014, November 18, 2014, January 20, 2015, April 21, 2015, June 2, 2015, and June 16, 215

Public Hearing Date(s):

Meeting Date(s): September 24, 2013, October 22, 2013, May 13, 2014, October 14, 2014, November 25, 2014, January 27, 2015, April 28, 2015, May 26, 2015, June 9, 2015, and June 30, 2015

Tabled to Date:

APPROVALS

Director:
John P. Vodopich, AICP

Mayor:

**Date Reviewed
by City Attorney:**
(if applicable):

ORDINANCE NO. D15-51

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, ADOPTING BONNEY LAKE 2035 AS THE COMPREHENSIVE PLAN FOR THE CITY OF BONNEY LAKE.

WHEREAS, the Washington State Growth Management Act (GMA) codified as Chapter 36.70A Revised Code of Washing (RCW) requires that the City of Bonney Lake adopt a local comprehensive plan; and

WHEREAS, the GMA affords cities significant flexibility to implements the goals of the GMA and meets the mandatory requirements of the GMA; and

WHEREAS, RCW 36.70A.130(4) requires the City of Bonney Lake to review and revises, if needed, its Comprehensive Plan and development regulations by June 30, 2015 to ensure compliance with the Growth Management Act (GMA) – Chapter 36.70A RCW; and

WHEREAS, the last periodic update of the City’s Comprehensive Plan was completed in 2004; and

WHEREAS, the Bonney Lake Planning Commission held the final public hearing on *Bonney Lake 2035* on June 3, 2015 and recommended that the City Council adopt *Bonney Lake 2035* as the comprehensive plan for the City of Bonney Lake; and

WHEREAS, notice of public hearings were given in accordance with the law and held by the Planning Commission and all persons wishing to be heard were heard;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings of fact and conclusions. The findings of fact set forth in Attachment “A”, and the response to comments submitted to the City provided in Attachment “B” attached hereto and incorporated by this reference, are adopted in full by the City Council in support of its decision to adopt *Bonney Lake 2035* as the comprehensive plan for the City of Bonney Lake.

Section 2. Comprehensive Plan. The City Council adopts *Bonney Lake 2035* included as Attachment “C”, attached hereto and incorporated by this reference, as the official comprehensive plan superseding all previous versions of the Bonney Lake Comprehensive Plan.

Section 3. Periodic Review. The adoption of *Bonney Lake 2035* signifies that the City of Bonney Lake has completed the periodic review and update of the City’s comprehensive plan and development regulations as required by RCW 36.70A.130 with the exception of the City’s critical areas code. The City Council passed Resolution 2447 on April 28, 2015 expressing the City’s intent to adopted amendments to the City’s critical area regulations and to the City’s Shoreline Master Program to incorporate the amendments to the City’s critical area regulations. Final adoption to the critical areas code amendments will occur after the Department of Ecology approves the proposed amendments.

Section 4. Effective Date. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication, as required by law.

PASSED by the City Council and approved by the Mayor this ___ day of _____, 2015.

Neil Johnson, Mayor

AUTHENTICATED:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney



Agenda Placeholder

For the Special Council Meeting of June 30, 2015

- III. A. AB15-51 – Ordinance D15-51 – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting Bonney Lake 2035 As The Comprehensive Plan For The City Of Bonney Lake.**

*Digital copies of each Comprehensive Plan element
are available on the City website:*

www.citybonneylake.org/planning/compplanupdates

A printed hard copy will be available for public viewing at the Council Meeting and upon request to the City Clerk's office (253-862-8602).



Memo

Date : June 3, 2015
To : Mayor and City Council
From : Grant Sulham, Planning Commission Chair
Re : **Ordinance D15-51 – Adoption of Bonney Lake 2035**

The City of Bonney Lake is required to review and, if needed, update its Comprehensive Plan and development regulations to ensure compliance with the Washington State Growth Management Act (GMA), Chapter 36.70A RCW, by June 30, 2015 pursuant to RCW 36.70A.130. This periodic review and update of the City’s Comprehensive Plan and development regulations is necessary to ensure that the City’s Comprehensive Plan and development regulations reflect current laws, local needs and goals, and new data. The GMA does not exempt any portion of a comprehensive plan or development regulation from being subject to review and evaluation as part of the required period update. Annual amendments made to a comprehensive plan typically focus on specific sections or changes, but the periodic update is required to assess the plan as a whole.

Over the last two years, the Planning Commission has been working on the preparation of *Bonney Lake 2035* in order to comply with the required periodic update process. As part of this process, the Planning Commission has held two open houses, thirteen public meetings, and seven public hearings.

The Planning Commission has determined that the *Bonney Lake 2035* will ensure consistency between applicable state laws, *VISION 2040*, the Pierce County Countywide Planning Policies, and the Bonney Lake Municipal Code based on the Findings and Conclusion included as Attachment A to Ordinance D15-51.

The preparation of *Bonney Lake 2035* was identified in the *2015 – 2016 Planning Commission Work Plan* adopted pursuant to Resolution 2423.

At the June 3, 2015 meeting, the Planning Commission held a public hearing and voted 7-0-0 that the City Council adopt Ordinance D15-51 adopting *Bonney Lake 2035* as the comprehensive plan for the City of Bonney Lake and concluding the periodic update process in respect to the comprehensive plan.

City of Bonney Lake, Washington
City Council Agenda Bill (AB)

Department/Staff Contact: Executive / Don Morrison	Meeting/Workshop Date: 30 June 2015	Agenda Bill Number: AB15-78
Agenda Item Type: Resolution	Ordinance/Resolution Number: 2468	Councilmember Sponsor: Lewis, Hamilton

Agenda Subject: Real Estate Listing Agreement with Coldwell Banker Commercial Offenbecher

Full Title/Motion: A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Professional Services Agreement With Coldwell Banker Commercial Offenbecher To Provide Real Estate Listing Services For The City Of Bonney Lake. .

Administrative Recommendation:
Approve

Background Summary: The City is in the process of attempting to lease the old City Hall Annex, and sell the surplus City property located in the Junction 192 development. To date, City staff have not been successful in leasing or selling the property on their own. The Administration recently completed a request for proposal process to solicit commercial real estate firms to provide listing services for these properties. Colliers International and Coldwell Banker Commercial Offenbecher submitted Proposals to provide listing services for these two properties.
Attachments: Resolution; Agreement

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation: NA			

COMMITTEE, BOARD & COMMISSION REVIEW											
Council Committee Review:	Other Date: 2015	Approvals: Chair/Councilmember Councilmember Councilmember	<table style="width: 100%; border: none;"> <tr> <td style="text-align: right;">Yes</td> <td style="text-align: right;">No</td> </tr> <tr> <td style="text-align: right;"><input type="checkbox"/></td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: right;"><input type="checkbox"/></td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: right;"><input type="checkbox"/></td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>					
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	Forward to:	Consent Agenda:	<input type="checkbox"/> Yes <input type="checkbox"/> No								
Commission/Board Review:											
Hearing Examiner Review:											

COUNCIL ACTION	
Workshop Date(s): June 16, 2015	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

APPROVALS		
Director:	Mayor:	Date Reviewed by City Attorney: (if applicable):

RESOLUTION NO. 2468

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH COLDWELL BANKER COMMERCIAL OFFENBECHER TO PROVIDE REAL ESTATE LISTING SERVICES FOR THE CITY OF BONNEY LAKE.

WHEREAS, the City is in the process of attempting to lease the old City Hall Annex, and sell the surplus City property located in the Junction 192 development; and

WHEREAS, City staff have not yet been successful in leasing or selling the property on their own; and

WHEREAS, the City recently completed a request for proposal process to solicit commercial real estate firms to provide listing services for these properties; and

WHEREAS, it is recommended that the firm of Coldwell Banker Commercial Offenbecher be retained to help lease or sell these two properties;

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Bonney Lake, Washington, does hereby authorize the Mayor to sign the attached agreement with Coldwell Banker Commercial Offenbecher to provide real estate assistance with these two properties.

PASSED BY THE CITY COUNCIL this 30th day of June, 2015.

Neil Johnson, Jr., Mayor

AUTHENTICATED:

Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney



**Coldwell Banker Commercial
OFFENBECHER**
929 East Main
Puyallup, WA 98372
Phone: (253) 840-5574
Fax: (866) 232-1602

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CBA Form XS
Exclusive Sale Listing
Rev. 6/2011
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EXCLUSIVE SALE LISTING AGREEMENT

CBA Text Disclaimer: Text deleted by licensee indicated by strike.
New text inserted by licensee indicated by small capital letters.

This Agreement is made by and between City of Bonney Lake ("Seller") and Coldwell Banker Commercial Offенbecher ("Firm"). Seller hereby grants to Firm the exclusive and irrevocable right to sell and to receipt for deposit in connection therewith, Seller's commercial real estate legally described as set forth on attached Exhibit A and commonly described as Parcel # 0520338013, City of Bonney Lake, Pierce County, Washington (the "Property").

1. DURATION OF AGREEMENT. This Agreement shall commence on _____, 20____ and shall expire at 11:59 p.m. on _____, 20_____.

2. PRICE AND TERMS. Seller agrees to list the Property at a price of \$_____ and shall consider offers that include the following terms:
Possession: On Closing
Terms: Cash

3. DEFINITIONS. As used in this Agreement, (a) "CBA" shall mean the Commercial Brokers Association; and (b) "sell" shall mean sell, contract to sell, enter into a contract to sell, exchange, lease for over 5 years, and/or enter into an option to purchase the Property. The phrases "this Agreement" and "during the term hereof" include separate, written extensions or renewals of this Agreement.

4. AGENCY/DUAL AGENCY. Seller authorizes Firm to appoint Steve Dorenbusch as Seller's Listing Broker. This Agreement creates an agency relationship with Listing Broker and any of Firm's brokers who supervise Listing Broker's performance as Seller's agent ("Supervising Broker"). No other brokers affiliated with Firm are agents of Seller, except to the extent that Firm, in its discretion, appoints other brokers to act on Seller's behalf as and when needed.

If the Property is sold to a buyer represented by one of Firm's brokers other than Listing Broker ("Buyer's Broker"), Seller consents to any Supervising Broker, who also supervises Buyer's Broker, acting as a dual agent. If the Property is sold to a buyer who Listing Broker also represents, Seller consents to Listing Broker and Supervising Broker acting as dual agents. Seller has received from Listing Broker the pamphlet entitled "The Law of Real Estate Agency."

If any of Firm's brokers act as a dual agent, Firm shall be entitled to the entire commission payable under this Agreement plus any additional compensation Firm may have negotiated with the buyer.

5. PROPERTY OWNERSHIP AND INFORMATION. Seller warrants that Seller has the right to sell the Property on the terms set forth in this Agreement and agrees to furnish and pay for a buyer's policy of title insurance showing marketable title to the Property. Seller also warrants that the Property information on the Property Information pages of this Agreement is correct. Seller understands that Firm and other members of CBA will make representations to prospective buyers based solely on the Property information in this Agreement and agrees to indemnify and hold Firm and other members of CBA harmless in the event the foregoing warranties are incorrect. Seller confirms that following closing, the amount of the purchase price and any other terms of the sale of the Property shall not be deemed confidential information and Seller authorizes disclosure of the same. Seller acknowledges receipt of a copy of this Agreement, with the Property Information pages of this Agreement fully filled in.



**Coldwell Banker Commercial
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CBA Form XS
Exclusive Sale Listing
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**EXCLUSIVE SALE LISTING AGREEMENT
(CONTINUED)**

6. CLOSING COSTS. In addition to purchasing a buyer's policy of title insurance, Seller agrees to pay one-half of any escrow fees. Rents, insurance, taxes, interest and reserves on assumed encumbrances are to be prorated between Seller and buyer as of the date of closing. A sale on real estate contract shall be on Form LPB45, currently distributed by title insurance companies.

7. COMMISSION. Firm shall be entitled to a commission if: (a) Seller sells the Property during the term of this Agreement; (b) Seller sells the Property within six months after the expiration or sooner termination of this Agreement to a person or entity that submitted an offer to purchase the Property during the term of this Agreement or that appears on any registration list provided by Firm pursuant to this Agreement or to an "Affiliate" of such a person or entity that submitted an offer or that appears on the registration list; (c) the Property is made unmarketable by Seller's voluntary act; or (d) Seller withdraws the Property from sale, or otherwise prevents Broker from selling it. The commission shall be calculated as follows: 6% of the sales price at closing.

Firm shall submit any registration list to Seller within 15 days after the expiration or sooner termination of this Agreement and shall only include on the registration list persons or entities to whose attention the Property was brought through the signs, advertising or other action of Firm, or who received information secured directly or indirectly from or through Broker during the term of this Agreement. Seller shall provide the registration list to any other brokers that assist the Seller with this Property. "Affiliate" means, with respect to any person or entity that submitted an offer during the term of this Agreement or that appears on the registration list, any buyer which has more than a 10% ownership or voting interest in such an entity or any buyer in which more than 10% of the ownership or voting interests are owned or controlled by such a person or entity.

8. FIRM/MULTIPLE LISTING. Firm shall cause this listing to be published by CBA for distribution to all CBA members through CBA's listing distribution systems. Firm shall cooperate with all other members of CBA in working toward the sale of the Property. Seller understands and agrees that all Property information contained in this Agreement or otherwise given to CBA becomes the Property of CBA, is not confidential, and will be given to third parties, including prospective buyers, other cooperating members of CBA who do not represent the Seller and, in some instances, may represent the buyer and other parties granted access to CBA's listing systems. Seller agrees that Firm may record this Agreement. Regardless of whether a cooperating member is the Firm of the buyer, the Seller, neither or both, the member shall be entitled to receive the selling office's share of the commission as designated by the listing office. IT IS UNDERSTOOD THAT CBA IS NOT A PARTY TO THIS AGREEMENT, AND ITS SOLE FUNCTION IS TO FURNISH THE DESCRIPTIVE INFORMATION SET FORTH IN THIS LISTING TO ITS MEMBERS, WITHOUT VERIFICATION AND WITHOUT ASSUMING ANY RESPONSIBILITY FOR SUCH INFORMATION OR IN RESPECT TO THIS AGREEMENT.

9. ATTORNEY'S FEES. In the event either party employs an attorney to enforce any terms of this Agreement and is successful, the other party agrees to pay a reasonable attorney's fee and any costs and expenses incurred. In the event of trial, venue shall be in the county in which the Property is located, and the amount of the attorney's fee shall be as fixed by the court.

10. ADDITIONAL TERMS. In addition to the Property Information pages of this Agreement and Exhibit A (legal description), the following amendments or addenda (which are also attached hereto) are part of this Agreement: None



Coldwell Banker Commercial
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**EXCLUSIVE SALE LISTING AGREEMENT
(CONTINUED)**

SELLER

Seller/Authorized Signature

Seller/Authorized Signature

Title: _____

Title: _____

Date: _____

Date: _____

FIRM

Coldwell Banker Commercial Offenbecher
(Office)

By: _____
(Authorized Representative)

Date: _____