

CITY COUNCIL WORKSHOP

**April 19, 2016
5:30 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

*The City Council may act on items listed on this agenda, or by consensus give direction for future action.
The Council may also add and take action on other items not listed on this agenda.*

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

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

II. ROLL CALL:

Elected Officials: Mayor Neil Johnson, Jr., Deputy Mayor Randy McKibbin, Councilmember Justin Evans, Councilmember Donn Lewis, Councilmember Katrina Minton-Davis, Councilmember James Rackley, Councilmember Dan Swatman, and Councilmember Tom Watson.

III. AGENDA ITEMS:

- A. Council Open Discussion
- p. 3 B. Proclamation: Parks Appreciation Day
- p. 5 C. Proclamation: Arbor Day
- p. 7 D. Review of Draft Minutes: April 5, 2016 Workshop and April 12, 2016 Meeting
- p. 15 E. Discussion: AB16-07 – Ordinance D16-07 – Extension of the PSE-Washington Natural Gas Company Franchise Agreement
- p. 29 F. Discussion: AB16-22 – Ordinance D16-22 – Creation of a Transportation Benefit District
- p. 43 G. Discussion: AB16-55 – Resolution 2523 – Regarding Regular Meeting Dates and Times for Council Standing Committees
- p. 47 H. Discussion: AB16-57 – Ordinance D16-57 – Amending Chapter 3.90 Of The Bonney Lake And Ordinance Nos. 1417 Relating To Miscellaneous Fees

IV. EXECUTIVE/CLOSED SESSION:

Pursuant to RCW 42.30.110 and/or RCW 42.30.140, 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 early as possible prior to the meeting regarding the type of service or equipment needed.

This Page Intentionally Left Blank



Proclamation

WHEREAS, Parks, playgrounds, nature trails, open spaces, community and cultural centers, and historic sites make a community attractive and desirable places to live, work, play, and visit and contribute to our ongoing economic vitality; and

WHEREAS, Parks are a place where people can reflect, exercise, play, socialize, and have fun; and

WHEREAS, public parks and open spaces help build a sense of community and are places where everyone is welcome; and

WHEREAS, numerous jurisdictions, cities and organizations, including Bonney Lake, have joined together to create an event that encourages citizens to celebrate the value and enhanced quality of life that parks bring to our communities; and

WHEREAS, Starbucks and many other businesses, benefactors, organizations and donors have provided sponsorships and donations to support this event that will bring citizens together to support their local parks; and

WHEREAS, thousands of citizens throughout Pierce County will volunteer their time to clean-up and beautify parks and open spaces on Saturday, **April 23, 2016**

NOW, THEREFORE, I, Neil Johnson, Mayor of the City of Bonney Lake, Pierce County, Washington, proclaim **April 23, 2016** as:

Parks Appreciation Day!

And encourage all citizens to celebrate by participating in this event and assisting to clean up and beautify Bonney Lake's parks, trails, and open spaces.

Dated this 19th day of April, 2016

Mayor Neil Johnson

This Page Intentionally Left Blank



Proclamation

WHEREAS, 2016 is the 143rd anniversary of Arbor Day which is observed throughout the nation and the world; and

WHEREAS, Saturday April 23rd has been set aside as the official Arbor Day in the City of Bonney Lake; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for homes, and beauty to our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and renewal.

NOW, THEREFORE, I, Neil Johnson, Jr., Mayor of the City of Bonney Lake, Washington, do hereby proclaim:

Saturday April 23rd, 2016
Arbor Day in the City of Bonney Lake

And urge all citizens and property owners to celebrate Arbor Day; and to support efforts to protect our trees and woodlands; and to plant trees to gladden the heart and promote the well-being of this and future generations.

Mayor Neil Johnson, Jr.

Date

This Page Intentionally Left Blank

**CITY COUNCIL
WORKSHOP**

**April 5, 2016
5:30 P.M.**

DRAFT MINUTES



"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. called the meeting to order at 5:30 p.m.
- II. Roll Call:** Administrative Specialist II Renee Cameron called the roll. In addition to Mayor Johnson, elected officials attending were Councilmember Dan Swatman, Councilmember Justin Evans, Councilmember Donn Lewis, Councilmember Katrina Minton-Davis, and Councilmember James Rackley. Deputy Mayor McKibbin arrived after roll call.

Councilmember Rackley moved to excuse Councilmember Watson. Councilmember Lewis seconded the motion.

Motion approved 6 - 0.

Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Community Development Director John Vodopich, Senior Planner Jason Sullivan, Chief Financial Officer Cherie Gibson, Chief of Police Dana Powers, City Attorney Kathleen Haggard, and Administrative Specialist II Renee Cameron.

III. Agenda Items:

- A. ~~Presentation/Discussion (Continued from 3/15 Workshop): Tarragon Development Agreement Proposal.~~**
This item was removed from the agenda and will be presented at a future Council Workshop.

- B. Discussion:** AB16-22 – Ordinance D16-22 – Creation of a Transportation Benefit District [Pursuant to Public Hearing held March 22, 2016]

Councilmember Lewis said he would like to be the Council sponsor for creation of a Transportation Benefit District (TBD). Councilmember Swatman said he does not want to create a TBD that includes tab fees and thinks it should not be included in the funding sources. Councilmember Minton-Davis said she does not have a concern with including the tab fee as a funding source, and said including the tab fee as a possible fund source would not require it to be implemented, but provide this Council or a future council with that option. Councilmember Rackley proposed to have the ordinance move forward as written. Councilmember Lewis also agreed with Councilmember Minton-Davis, but didn't see a difference as a future a future council can make an amendment, he just wants to see the TBD created. City Attorney Haggard clarified that the proposed ordinance would allow formation of the TBD and to study and pursue any funding sources allowed by law, and eliminate the language that suggest automatically imposing the \$20 tab fee. After formation of the TBD an additional ordinance will be forthcoming regarding the funding mechanisms and the assumption of powers of the TBD. Chief Financial Officer Gibson stated her concerns about the additional insurance costs that may have to be paid to WCIA if the City did not absorb the TBD in a timely manner. After discussion, Council consensus was to bring the proposed ordinance to the April 12, 2016 for further discussion and possible action on Full Council Issues.

C. Council Open Discussion.

Councilmember Evans. Councilmember Evans thanked everyone for their support and donations for the March to Give. He said they raised over 400 items and toys which were delivered to Seattle Children’s Hospital on Sunday, and they are still receiving more.

Sumner Bonney Lake Family Center Move. Councilmember Lewis advised that the Sumner Bonney Lake Family Center is moving to a new location on Friday, April 15, 2016. They are relocating from their current location at Sumner Middle School to 1518 Main Street, Sumner.

Pierce Council Regional Council. Councilmember Lewis said that at the March 17th Pierce County Regional Council (PCRC) meeting it was determined that neither position of the Chairman and Deputy Chairman were open for election/appointment on the Zoo/Trek Board, as neither had to relinquish the appointments due to their new positions. He said if either position is given up, he and Councilmember Evans did a good job in communicating Councilmember Evans interest to serve.

Councilmember Lewis also said Jason Sullivan was one of three presenters at the meeting. He said Jason did a great presentation about the Growth Management Policy Board – Tacoma Pierce County Health Department Healthy Communities Award, and the presentation was very well received by the Council. He said another item discussed was an opportunity with the budget for the Link light rail to be extended to Lakewood, and he said PCRC is fully supporting this extension.

He said the next PCRC meeting will be April 21, 2016.

Puget Sound Regional Council. Councilmember Lewis said Councilmember Evans will be serving as the City’s primary representative on the Puget Sound Regional Council (PSRC), as he will be replacing former Councilmember Mark Hamilton. Councilmember Evans will be attending the PSRC monthly meetings. Councilmember Lewis said he will be serving as the alternate representative.

These items were for discussion purposes only, no action was taken.

D. Review of Draft Minutes: March 15, 2016 Workshop and March 22, 2016 Meeting.

Councilmembers Lewis had minor corrections to the minutes, and the minutes were forwarded to the April 12, 2016 Meeting for action.

E. Discussion: AB16-14 – Ordinance No. D16-14 – RC-5 Code

Senior Planner Jason Sullivan summarized the agenda bill and the proposed ordinance. Councilmember Rackley asked about the aquifer recharge areas and Mr. Sullivan advised that the RC-5 zoning has been placed on those areas, as they are all considered environmental critical areas. Councilmember Swatman said he appreciated the Planning Commission’s review and work on this item. This item was forwarded to the April 12, 2016 Meeting for action, on the Consent Agenda

IV. EXECUTIVE SESSION: None.

V. ADJOURNMENT:

Mayor Johnson adjourned the Workshop at 6:08 p.m.

Harwood Edvalson, MMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council for the April 5, 2016 Workshop:

- City Administrator Don Morrison– *Revised Ordinance No. D16-22 for review and discussion regarding Agenda Items III.B.*

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

April 12, 2016
7:00 P.M.

DRAFT MINUTES



“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. 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: Deputy City Clerk Susan Haigh called the roll. In addition to Mayor Johnson, elected officials attending were Deputy Mayor Randy McKibbin, Councilmember Justin Evans, Councilmember Donn Lewis, Councilmember Katrina Minton-Davis, Councilmember James Rackley, Councilmember Dan Swatman, and Councilmember Tom Watson.

Staff members in attendance were City Administrator Don Morrison, Chief Financial Officer Cherie Gibson, Public Works Director Dan Grigsby, Police Chief Dana Powers, Community Development Director John Vodopich, City Attorney Kathleen Haggard, and Deputy City Clerk Susan Haigh.

- C. Agenda Modifications: None.
- D. Announcements, Appointments and Presentations:

1. Announcements:

- a. **Bonney Lake & Sumner Special Olympics Athletes:** Mayor Johnson congratulated members of the Bonney Lake and Sumner Special Olympics basketball team, who became four-time Washington State Champions last month. He invited Mark Cofer to speak. Mr. Cofer introduced the team and individual athletes who won medals, recognized the coaches in attendance, and encouraged all to attend next seasons' soccer and basketball games.

2. Appointments: None.

3. Presentations:

- a. **Recognition:** Good Samaritan Award (Bonney Lake Police).
Police Chief Powers presented the Police Department's first ever Good Samaritan Award to Bonney Lake resident Brandon Howard for his actions to help a fellow motorist on SR167 which led to the rescue of children from a disabled and burning vehicle. Chief Powers said it is important to recognize positive and courageous actions in the community.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: None.

B. Citizen Comments:

Rex Frank, 6009 187th Ave E, Bonney Lake, thanked the Council and Mayor for assisting residents with the flooding issue on 62nd Street / East Hills Estates.

Fred Jacobsen, 9100 189th Ave Ct E, Bonney Lake, spoke about parking issues on 186th Street E near the Renwood Apartments.

C. Correspondence: None.

III. COUNCIL COMMITTEE REPORTS:

A. Finance Committee: Deputy Mayor McKibbin said the Committee met at 5:30 p.m. earlier in the evening and discussed the pothole flooding issue and the proposed property acquisition on 186th St, which is on the current agenda (Resolution 2520).

B. Community Development Committee: Councilmember Lewis said the Committee met on April 5, 2016 and discussed the Water and Sewer Comprehensive Plans; ways to provide more published guidance to residents; a proposed franchise agreement extension with PSE, which is on the current agenda (proposed Ordinance D16-14). He said additional updates are available in the Committee's meeting notes.

C. Economic Development Committee: Councilmember Minton-Davis said the Committee met earlier in the afternoon and received a current projects update from Permit Coordinator Jenn Francis. She said the Master Builders Association will hold its 2016 Housing Forum on June 4, 2016 at 7:30 a.m. at the Puyallup Pavilion.

D. Public Safety Committee: Councilmember Watson said the Committee has not met since the last Council Meeting.

E. Other Reports: None.

IV. CONSENT AGENDA:

A. **Approval of Minutes**: March 16, 2016 Workshop and March 22, 2016 Meeting.

B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers**:
Accounts Payable checks/vouchers #73343-73382 (including wire transfer numbers 17649535, and 20160306) in the amount of \$173,597.23.
Accounts Payable checks/vouchers #73383-73455 in the amount of \$253,118.79.
Accounts Payable wire transfer #2016031701 in the amount of \$41,061.32 for p-card purchases.
Accounts Payable checks/vouchers #73456-73486 in the amount of \$607,671.87.
VOIDS: 73271 – Paid on p-card and with AP check.

- C. **Approval of Payroll:** Payroll for March 1st-15th, 2016 for checks #32893-32909 including Direct Deposits and Electronic Transfers is \$528,900.11. Payroll for March 16-31st, 2016 for checks #32910-32934 including Direct Deposits and Electronic Transfers is \$738,345.22.
- D. **AB16-14 – Ordinance 1542 [D16-14]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Portions Of Chapter 18.20 Of The Bonney Lake Municipal Code Related To The Purpose Statement And Minimum Setbacks Of The Residential – Conservation District.

**Councilmember Rackley moved to approve the Consent Agenda.
Councilmember Watson 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. **AB16-22 – Ordinance D16-22** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Establishing The Bonney Lake Transportation Benefit District, Specifying The Boundaries And Functions For The Transportation Benefit District, And Specifying The Transportation Improvements To Be Funded. [Pursuant to Public Hearing held March 22, 2016]

**Councilmember Watson moved to approve proposed Ordinance D16-22.
Councilmember Rackley seconded the motion.**

Councilmember Swatman said that since the Council’s discussion on April 5, he has learned that Pierce County already formed a Transportation Benefit District for unincorporated areas in Pierce County. He suggested the item be tabled for more discussion. Deputy Mayor McKibbin agreed that more discussion would be helpful.

Councilmember Watson moved to table proposed Ordinance D16-22 for discussion. Councilmember Swatman seconded the motion.

Mayor Johnson clarified that the item will be placed on the next Workshop agenda.

Motion to table Ordinance D16-22 approved 7 – 0.

- B. **AB16-52 – Resolution 2520** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Ratifying The Purchase Of A Parcel Of Real Estate For The Extension Of 186th Avenue East. (Parcel 5640001335)

Councilmember Watson moved to approve Resolution 2520. Councilmember Rackley seconded the motion.

Councilmember Watson said this property is needed for future plans to extend the roadway and provide a connection to Veterans Memorial Drive East.

Resolution 2520 approved 7 – 0.

- C. **AB16-53 – Resolution 2521** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Ratifying The Purchase Of A Parcel Of Real Estate For The Planned Public Works Center. (Parcel 0519022023)

Councilmember Watson moved to approve Resolution 2521. Councilmember Lewis seconded the motion.

City Administrator Morrison said the title report for the property came back with no issues or encumbrances. He said his only concern is the amount of personal property including vehicles and other materials on the property. He said the owners have promised to remove the items and the closing date will be set after items are removed.

Councilmember Lewis said he fully supports the proposed acquisition, which provides more flexibility in the placement of the new Public Works Center, rather than trying to fit it in around wetlands on the site. Councilmember Watson said he is generally opposed to buying property that is not fully utilized, and he looks forward to making full use of this property, and selling other properties that are not needed.

Resolution 2521 approved 7 – 0.

- D. **AB16-56** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Voting For Justin Evans To Serve As A Member Of The Zoo/Trek Authority Board, Position #2, For A 3 Year Term Representing The 11 Larger Cities And Towns Within The Pierce County Regional Council Boundary.

Councilmember Lewis moved to approve motion AB16-56. Councilmember Watson seconded the motion.

Councilmember Lewis said the original opening on the Board is no longer available, but another position is still available. This revised ballot must be submitted for the new vote by member cities. He said Councilmember Evans did a great job communicating with member cities to let them know about his background and interest in the position, and he received multiple votes on the initial ballot. Mayor Johnson said Councilmember Evans will be a great representative. Councilmember Lewis provided clarification of the PCRC and PSRC’s definitions of “large cities”.

Motion AB16-56 approved 7 – 0.

X. EXECUTIVE/CLOSED SESSION: None.

XI. ADJOURNMENT:

At 7:18 p.m. the Meeting was adjourned by common consent of the City Council.

Harwood Edvalson, MMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council at the April 12, 2016 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 of Bonney Lake, Washington
City Council Agenda Bill (AB)

Department/Staff Contact: PW / GRIGSBY	Meeting/Workshop Date: 19 April 2016	Agenda Bill Number: AB16-07
Agenda Item Type: Ordinance	Ordinance/Resolution Number: D16-07	Councilmember Sponsor: Donn Lewis

Agenda Subject: Extension of City Franchise Agreement with PSE-Washington Natural Gas Company

Full Title/Motion: An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Extension Of City Franchise Agreement With Pse-Wshington Natural Gas Company To June 9, 2030.

Administrative Recommendation: Recommend Approval

Background Summary: PSE has two Franchise Agreements with the City from the companies that were consolidated to form PSE. The 25-year old Natural Gas agreement expires this year on July 9th; however, the 50-year Power & Light agreement does not expire until June 9th, 2030. Rather than consolidate these two agreements now, PSE has requested the City extend the Natural Gas agreement from 2016 to 2030 and consolidate it with the Power & Light agreement in 2030.

Attachments: Ordinance D16-07, and Ordinance 631

BUDGET INFORMATION				
Budget Amount	Current Balance	Required Expenditure	Budget Balance	Fund Source
				<input type="checkbox"/> General <input type="checkbox"/> Utilities <input type="checkbox"/> Other
Budget Explanation:				

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	Community Development Date: 5 April 2016	Approvals: Chair/Councilmember Councilmember Councilmember	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
		Donn Lewis James Rackley Dan Swatman	
	Forward to:	Consent Agenda:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Commission/Board Review:			
Hearing Examiner Review:			

COUNCIL ACTION	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

APPROVALS		
Director: <i>D.L. Grigsby, P.E.</i>	Mayor: <i>Neil Johnson, Jr.</i>	Date Reviewed by City Attorney: (if applicable)

This Page Intentionally Left Blank

ORDINANCE NO. D16-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING ORDINANCE NO. 631 RELATING TO THE PSE-WASHINGTON NATURAL GAS COMPANY FRANCHISE AGREEMENT.

WHEREAS, Ordinance 631, effective July 9th, 1991 established a 25-year Franchise Agreement between Washington Natural Gas Company and the City of Bonney Lake that expires on July 9, 2016; and,

WHEREAS, Ordinance 497, effective June 9th, 1980 established a 50-year Franchise Agreement between Puget Sound Power & Light and the City of Bonney Lake that expires on June 9th 2030; and

WHEREAS, Puget Sound Energy, the successor company to Washington Natural Gas Company and Puget Sound Power & Light, who these two franchise agreements are now with, has requested extension of the Natural Gas agreement to June 9th, 2030; and

WHEREAS, Puget Sound Energy desires to consolidate these two franchise agreements into one agreement in 2030, by June 9th.

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

Section 1. The Franchise granted to Washington Natural Gas Company via Ordinance No. 631 is hereby extended, upon the same terms and conditions, to June 9, 2030.

Section 2. 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 April, 2016.

Neil Johnson Jr., Mayor

AUTHENTICATED:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

FILE COPY

FILE COPY

ORDINANCE NO. 631

AN ORDINANCE GRANTING TO WASHINGTON NATURAL GAS COMPANY, A WASHINGTON CORPORATION, AND A PUBLIC UTILITY SELLING AND DISTRIBUTING GAS WITHIN THE STATE OF WASHINGTON, THE RIGHT AND FRANCHISE TO USE AND OCCUPY THE STREETS, AVENUES, ROADS, ALLEYS, LANES AND OTHER PUBLIC PLACES AND WAYS OF THE CITY OF BONNEY LAKE, WASHINGTON, FOR CONSTRUCTING, MAINTAINING, REPAIRING, RENEWING AND OPERATING A GAS DISTRIBUTION SYSTEM AND ACCESSORIES WITHIN AND THROUGH THE CITY OF BONNEY LAKE, WASHINGTON.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BONNEY LAKE AS FOLLOWS:

Section 1. Rights Granted/Term of Franchise. The right is hereby granted to WASHINGTON NATURAL GAS COMPANY (hereinafter referred to as "the Grantee") to lay, construct, extend, maintain, repair, renew and replace gas pipes and gas mains and accessories under, along and/or across any and all streets, avenues, roads, alleys, lanes and other public places and ways in the City of Bonney Lake, Washington, and all territory hereafter lawfully annexed, and to use and occupy said streets, avenues, roads, alleys, lanes and other public places and ways for the purpose of therein laying, constructing, extending, maintaining, renewing, replacing and repairing mains and pipes and all appurtenances thereto and accessories used and/or useful for the transmission, sale and distribution of gas within and through the present or future territorial limits of the City of Bonney Lake, Washington (hereinafter referred to as "the City"), for the term of twenty-five (25) years from and after the effective date of this Ordinance, except as hereinafter provided. These rights are conditioned as hereinafter set forth and are subject to the ordinances, rules and regulations of the City and other governmental agencies having jurisdiction.

RECEIVED
JUL 28 1971

Section 2. Scope of Ordinance. The terms and conditions of this Ordinance shall apply and shall be deemed to be terms and conditions of a franchise to use the streets or other public property of the City, which franchise is herein granted by the City to the Grantee, a private corporation engaged in the public utility business.

Section 3. Non-Exclusivity of Franchise. This grant shall not be deemed or held to be an exclusive franchise. It shall in no manner prohibit the City from granting other franchises of a like nature or franchises for other public or private utilities over, along, across, under and upon any of such streets, avenues, roads, or public places, and shall in nowise prevent or prohibit the City from using any of said streets, avenues, roads, or public places or affect its jurisdiction over them or any part of them, with full power to make all necessary changes, relocations, repairs, maintenance, etc., of same as the City may deem fit. If at any time the City shall vacate any city road, right-of-way or street which is subject to the rights granted by this Franchise, the City will, in its vacation procedure, reserve an easement for utility purposes, provided that Grantee has, at that time, improvements in place in said road, right-of-way or street.

vacation

Section 4. Rights Reserved. The granting of this Franchise shall not preclude the City, or any other city or municipality to which the City becomes annexed or consolidated, from acquiring by purchase or condemnation any or all of the mains, laterals, pipes or other improvements installed by the Grantee within the city streets or public places within the City or in the municipality resulting from such consolidation by such legal means as would have been available to such municipality if no such franchise had been granted.

Rights herein granted shall be subject to and governed by this Ordinance; provided, however, that the City Council expressly reserves unto itself all of its police power to adopt general ordinances necessary to protect the safety and welfare of the general public in relation to the rights hereby granted not inconsistent herewith.

Section 5. Permit Required. The proposed location of all mains, laterals and appurtenances, their depth below or their height above the surface of the ground, or the grade of any road, street, avenue, alley, or public place, shall be determined by the Grantee and approved by the Director of Public Works, and before any work is done by the Grantee under this Franchise, it shall first file with the Department of Public Works an application for a permit to do such work, accompanied the number of sets of drawings requested by the Director of Public Works, showing the position and location of all such mains, laterals, pipes, extensions, meter boxes, and other appurtenances sought to be constructed, laid, installed or erected at that time showing their relative positions to existing roads, streets, avenues, alleys, and lanes, upon prints drawn to scale designating said roads and streets by their names and numbers, showing width of same, giving outline of local improvements such as sidewalks, curbs, gutters, shoulders of roadways, ditches, paved or otherwise surfaced roadways, parking strips, utility poles, conduits, sewer, water and gas pipelines, etc., as may exist on the ground sought to be occupied.

The Grantee in such application shall specify the class and type of material to be used and the equipment to be used and the mode of safeguarding and facilitating public traffic during construction. All such material and equipment shall be adequate, and the Grantee shall pay to the City all reasonable costs of and expenses incurred in

the examination, inspection and supervision of such work on account of the granting of said permit.

In the event of an emergency, the Grantee may immediately commence necessary work and apply for a permit as soon as practicable thereafter.

The Grantee shall install the pipes, valves, meters, blow off assemblies or other authorized improvements in the designated streets, avenues, alleys or other places pursuant to plans and specifications approved by the Director of Public Works and under the supervision and inspection of a supervisor or inspector provided by the City at the expense of the Grantee.

Section 6. Maintenance of Plans. The Grantee shall at all times keep full and complete plans, plat or plats, specifications, and records showing the location, depth, and size of all gas mains and lines heretofore laid in the City, and showing the location of all gates, gauges, and other service construction, and such plans, plat or plats, specifications, and records shall be kept current annually by the Grantee to show thereon the location of all additional mains and lines hereinafter installed by the Grantee, and its successors and assigns, and these records shall be subject to inspection at all reasonable times by the proper officials and agents of the City, and a copy of these plans, plat or plats, and specifications shall be furnished to the City within thirty (30) calendar days of a written request from the City.

Section 7. Grantee Responsibility. After laying and installing mains, doing construction work, or making repairs to equipment, etc., the Grantee shall leave all streets, avenues, roads, alleys, lanes, public places and ways, and other city property in as good and safe

structural condition in all respects as is practicable as they were before the commencement of such work by the Grantee, its agents or contractors. In case of any damage to said streets, avenues, roads, alleys, lanes, public places and ways, to the pavement, turnouts, gutters, ditches, walks, drain pipes, rails, bridges, trestles, wharves or landings by the Grantee, the Grantee shall immediately repair said damage at its sole cost and expense. After providing written notice to the Grantee, the Public Works Director may at any time do, order and have done any and all work considered necessary to restore to a safe condition any such streets, avenues, roads, alleys, lanes, public places and ways, or pavement, turnouts, gutters, ditches, walks, drain pipes, rails, bridges, trestles, wharves or landings, or other city property left by the Grantee or its agents in a condition dangerous to life or property, and the Grantee, upon demand, shall pay to the City all costs of such construction or repair and of doing such work.

Whenever any of the streets, avenues, alleys, roads or public places designated in this Franchise shall be eliminated from the city limits by reason of the subsequent disincorporation or reduction of city limits, then all the rights, privileges and franchises so granted shall terminate in respect to said streets, alleys, avenues, roads and public places so eliminated, but otherwise this Franchise shall continue in full force and effect in respect to all streets, avenues, alleys, roads and public places not so eliminated by such reduction or disincorporation.

Before undertaking any of the work or improvements authorized by this Franchise, the Grantee, its successors or assigns shall on reasonable request by the City, furnish a bond, executed by the Grantee and a corporate surety

authorized to do a surety business in the State of Washington, in a sum to be set and approved by the Public Works Director as sufficient to insure performance of the Grantee's obligations under this Franchise, conditioned that the Grantee shall well and truly keep and observe all of the covenants, terms and conditions and faithfully perform all of the Grantee's obligations under this Franchise; shall correct or replace forthwith, on receipt of notice thereof, any defective work or materials used in the replacement of the city streets or property discovered within a two-year period of the date of the replacement and acceptance of such repaired streets by the City; and shall restore the streets or property to the condition in which they existed prior to any commencement of work thereon by the Grantee, where the change was occasioned by the work being performed thereon by the Grantee, within the period of time specified by the Director of Public Works in the permit issued for such work.

Section 8. Indemnification. By accepting this Franchise, the Grantee hereby agrees, for itself, its successors and assigns, to indemnify the City from and against claims made against the City for injuries or damages arising out of work performed by the Grantee within the public right-of-way, but only to the extent that such claims for such injuries or such damages are caused by the negligence of the Grantee in the prosecution of such work. Any claim from and against which the City intends to seek indemnity from the Grantee shall be submitted to the Grantee in writing, and Grantee shall have the right at its election and sole cost and expense to settle, compromise or defend such claim by attorneys of its own election. The Grantee hereby waives its immunity from suit under RCW 51 if necessary to comply with this provision.

Section 9. Cleanup. On completion of said work herein contemplated, all rubbish and debris shall be immediately removed and the roadway and roadside shall be left neat and presentable and satisfactory to the Public Works Director.

Section 10. Insurance. The Grantee shall at all times during the existence of this Franchise maintain in force, at its own expense, a general comprehensive liability insurance policy for loss or damages for personal injury, death and property damage occasioned by the construction, operation, and/or maintenance of the Grantee under this Franchise, with minimum liability limits of One Million Dollars (\$1,000,000) for personal injury or death of any one person, and One Million Dollars (\$1,000,000) for personal injury or death of two or more persons in any one occurrence.

The policies mentioned in the foregoing paragraph shall name the City as certificate holder and shall contain a provision that a written notice of any cancellation or reduction in coverage of said policy shall be delivered to the City not less than thirty (30) days in advance of the effective date thereof. If such insurance is provided in either case by a policy which also covers the Grantee or any other entity or person other than those above named, then such policy shall contain the standard cross-liability endorsement.

Section 11. Conformity to New Grades. If at any time the City deems it advisable to improve any of its streets, avenues, alleys, county roads or public places, by grading, regrading or draining, or installing or relocating municipally owned sewers, drains or water mains, the Grantee, upon thirty (30) days written notice by the City, shall at its own expense so raise, lower or move its line of pipes to conform to such new grades as may be

established, or place said property in such location or positions as shall cause the least interference with any such improvements or work thereon as contemplated by the City, and the City shall in nowise be held liable for any damages to the Grantee that may occur by reason of the such relocation or by the exercise of any rights so reserved in this section; provided, the Grantee shall be required to relocate its facilities only if such facilities interfere with the proposed improvement and if no cost-effective alternative plan is available.

The laying, construction, maintenance and operation of the system of improvements granted under this Franchise shall not preclude the City, its accredited agents or its contractors, from blasting, grading or doing other necessary road work contiguous to the Grantee's improvements; provided, that the Grantee shall have forty-eight (48) hours notice of said blasting or excavating in order that the Grantee may protect its lines and property.

If at any time the City installs a line of pipes for sewage, drainage, or water upon any of the streets, avenues, alleys, roads or public places herein described, the Grantee, upon written notice by the City, shall relocate its line of pipes or improvements at its own expense during said installation and replace same at its own sole cost and expense under the supervision of the City, provided that the Grantee shall only be required to relocate its facilities if they interfere with such improvements and if no cost effective alternative plan is available.

Section 12. Extent of Grantee's Obligations. The obligations imposed upon the Grantee by the express terms of this Ordinance shall be deemed to include every

employee, nominee or independent contractor of the Grantee performing work in the city streets, or other city property, under contract direction, request, or authority of the Grantee under this Franchise. All of the provisions, conditions, regulations and requirements herein contained shall be binding upon the successors, assigns and independent contractors of the Grantee, and all privileges of the Grantee shall inure to its successors, assigns and independent contractors as if they were specifically mentioned wherever the Grantee is mentioned. Transfer of the rights granted by this Franchise to any person, corporation, company or entity requires the consent of the City Council.

Section 13. Violation of Franchise Terms. If the Grantee shall willfully violate or fail to comply with any of the provisions of this grant, or through willful or unreasonable neglect shall fail to heed or comply with any notice given to the Grantee under the provisions of this grant, then the Grantee, its successors or assigns, shall at the election of the City Council forfeit all rights conferred hereunder and this Franchise may be revoked or annulled by the City, provided, however, that the City Council shall give thirty (30) days written notice of its intentions to revoke or annul the Franchise during which period the Grantee shall have the opportunity to remedy the situation. Prior to the expiration of the thirty (30) day period, the Grantee may obtain from the City a reasonable time, not to exceed forty-five (45) days, within which to remedy the situation.

Section 14. Effective Date.

This Franchise shall take effect upon the City's passage and the Grantee's acceptance of same. If within thirty (30) days after the granting of this Franchise the Grantee

shall have failed to execute its written acceptance of same, then the rights and privileges granted herein shall be deemed forfeited and this Franchise shall be declared null and void.

PASSED BY THE COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON, AND APPROVED BY ITS MAYOR AT A REGULAR MEETING OF SAID COUNCIL HELD ON THIS 9th DAY OF July, 1991.

CITY OF BONNEY LAKE, WASHINGTON

BY: [Signature]

ATTEST:

BY: [Signature]

CITY CLERK

The undersigned hereby accepts all rights and privileges of the above-granted franchise, subject to all the terms, conditions and obligations contained therein.

DATED this 23rd day of July, 1991.

WASHINGTON NATURAL GAS COMPANY

BY: [Signature]

R. R. Golliver
Its President

This Page Intentionally Left Blank

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

Department/Staff Contact: Executive / Don Morrison	Meeting/Workshop Date: 19 April 2016	Agenda Bill Number: AB16-22
Agenda Item Type: Ordinance	Ordinance/Resolution Number: AB16-22	Councilmember Sponsor: Lewis

Agenda Subject: Formation of a Transportation Benefit District

Full Title/Motion: An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Establishing The Bonney Lake Transportation Benefit District, Specifying The Boundaries For The Transportation Benefit District, Specifying The Maintenance And Preservation Of Existing Transportation Improvements, Authorizing The Transportation Benefit District Board To Establish Funding Mechanisms; Establishing An Effective Date; And, Providing For Severability .

Administrative Recommendation: Approve

Background Summary: The City of Bonney Lake has the responsibility under the Constitution of the State of Washington for the improvement, maintenance, and protection of public ways within the corporate limits of the City. However, declining gas taxes and traffic impact fees are the only dedicated sources of revenues for maintaining street. The sources are woefully inadequate to fund the transportation improvement program of the City and otherwise meet our statutory obligations. The comprehensive transportation plan identifies nearly \$40 million in needed transportation improvements, with less than \$500K per year of recurring revenue available. A transportation Benefit District would provide additional funding mechanisms to fund local street improvements. The Council held a public hearing on March 22nd. Any decision as to how to fund the District would be made after the district is formed. It is estimated that a \$20 tab fee would raise an esitimated \$260,000 annually for the street system, and the .02 voted sales tax option would raise an estimated \$850,000.

Attachments: Ordinance D16-22; Misc. TBD Information

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

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	<i>Approvals:</i>		Yes No
Date:	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:			
Hearing Examiner Review:			

COUNCIL ACTION			
Workshop Date(s):	March 1, 2016, April 5, 2016	Public Hearing Date(s):	March 22, 2016
Meeting Date(s):	April 12, 2016	Tabled to Date:	

ORDINANCE NO. D16-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON ESTABLISHING THE BONNEY LAKE TRANSPORTATION BENEFIT DISTRICT, SPECIFYING THE BOUNDARIES AND FUNCTIONS FOR THE TRANSPORTATION BENEFIT DISTRICT, AND SPECIFYING THE TRANSPORTATION IMPROVEMENTS TO BE FUNDED.

WHEREAS, the City Council of the City of Bonney Lake has the responsibility under the Constitution of the State of Washington for the improvement, maintenance, and protection of public ways within the corporate limits of the City pursuant to RCW 35A.11.020 and Chapter 35A.47 RCW; and

WHEREAS, the improvement, maintenance, and protection of public ways requires maintaining and preserving existing transportation improvements to avoid catastrophic failure of the improvements which would require significant additional funds to reconstruct; and

WHEREAS, the Washington State Transportation Commission (the “Commission”) is mandated pursuant to RCW 47.01.071(4) to adopt the Washington Transportation Plan (WTP 2030) which is a comprehensive and balanced statewide transportation plan that establishes a 20-year vision for the development of the statewide transportation system, from state highways and ferries to sidewalks and bike paths, county roads, city streets, public transit, air and rail; and

WHEREAS, the WTP 2030 identifies the total unfunded statewide need over 20 years, identifies significant statewide transportation issues, and recommends statewide transportation policies and strategies reflecting the priorities of government based on five transportation policy goals established by the Legislature and set forth at RCW 47.04.280; and

WHEREAS, the number one priority in WTP 2030 is to maintain the capacity of the existing transportation system by providing for ongoing maintenance, upgrades, and replacement of aging infrastructure to ensure continued safety, improve mobility and preserve and extend prior investments in existing transportation facilities and the services they provide to people and commerce; and

WHEREAS, on average, cities invest approximately \$1 billion in transportation annually which amounts is estimated to be at least \$28.7 billion in year 2030; and

WHEREAS existing city street systems will continue to be the backbone of cities’ transportation system; however, pavement ratings show the statewide average declined from an average score of 72 out of 100 in 2006 to 69 out of 100 in 2010; and

WHEREAS, the investment principles from the Puget Sound Regional Council “Destination 2030 Metropolitan Transportation Plan for the Central Puget Sound Region” states that the first priority should be to maintain, preserve, make safe, and optimize existing transportation infrastructure and services; and

WHEREAS, the City has extremely limited transportation funding to pay for necessary transportation preservation and maintenance and current revenues will not sustain the current City transportation system; and

WHEREAS, establishing a stable funding mechanism for partial funding for transportation infrastructure maintenance and preservation is essential to continued mobility and the economic health and quality of life that come from an integrated and connected transportation network; and

WHEREAS, the funding dedicated for the preservation and maintenance of the City's transportation infrastructure has been dramatically reduced due to the ongoing annual decrease in Gas Tax revenues; and

WHEREAS, while dedicated revenues have decreased, the ongoing annual costs to preserve and maintain the City's transportation infrastructure continue to rise leaving the City unable to continue to adequately preserve and maintain the City's transportation infrastructure; and

WHEREAS, Chapter 36.73 RCW provides for the establishment of transportation benefit districts and for the levying of additional revenue sources for transportation improvements within the district that are consistent with existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels; and

WHEREAS, RCW 35.21.225 authorizes the City Council to establish a Transportation Benefit District subject to the provisions of Chapter 36.73 RCW; and

WHEREAS, the City desires to form a Transportation Benefit District which includes the entire City of Bonney Lake as the boundaries currently exist; and

WHEREAS, prior to establishing a Transportation Benefit District, the City Council shall conduct a public hearing upon proper notice, which shall describe the functions and purposes of the proposed Transportation Benefit District; and

WHEREAS, the City provided notice of and conducted the public hearing on the proposed establishment of a Transportation Benefit District in accordance with RCW 36.73.050; and

WHEREAS, the City Council of the City of Bonney Lake finds it to be in the public interest to establish a citywide Transportation Benefit District for the preservation and maintenance of the City's transportation infrastructure consistent with Chapter 36.73 RCW, to protect the City's long-term investments in that infrastructure,

to reduce the risk of transportation facility failures and improve safety, to continue optimal performance of the infrastructure over time, and to avoid more expensive infrastructure replacements in the future; and

WHEREAS, the City Council of the City of Bonney Lake shall establish a governing body for the Transportation Benefit District comprised of the City Council acting in an *ex officio* and independent capacity;

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

Section 1. Purpose. The purpose of this Ordinance is to establish a Transportation Benefit District pursuant to RCW 35.21.225 and Chapter 36.73 RCW, as the City Council finds it is in the public interest to provide adequate levels of funding for the purposes of ongoing transportation improvements that preserve and maintain the transportation infrastructure of the City of Bonney Lake, consistent with Chapter 36.73 RCW.

Section 2. Creation of Transportation Benefit District.

(1) **Establishing Transportation Benefit District.** There is created a Transportation Benefit District to be known and referred to as the Bonney Lake Transportation Benefit District (the “District”) with geographical boundaries comprised of the corporate limits of the City as they currently exist or as they may exist following future annexations.

(2) **Governing Board.**

(a) The governing board (the “Board”) of the District shall be the Bonney Lake City Council acting in an *ex officio* and independent capacity, which shall have the authority to exercise the statutory powers set forth in Chapter 36.73 RCW.

(b) The treasurer of the District shall be the Chief Financial Officer of the City.

(c) The Board shall develop a “material change policy” to address major plan changes that affect project delivery or the ability to finance the plan, pursuant to the requirements set forth in RCW 36.73.160(1).

(d) The Board shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).

(3) **Transportation Improvements Funded.** The funds generated by the District shall be used for transportation improvements that preserve and maintain the transportation infrastructure of the City, consistent with the requirements of Chapter 36.73 RCW, and shall be used primarily for improvements to preserve and maintain the City's previous investments in the transportation infrastructure, reduce the risk of transportation facility failure, improve safety, continue the cost-effectiveness of the City's infrastructure investments, continue the optimal performance of the transportation system, to cure deficiencies in the transportation network, and to expand the transportation

system generally as outlined in the adopted transportation plan of the City.

(4) **Potential Revenue Sources.** The Board shall have the authority to establish and utilize all revenue sources as are allowed by law, after following all statutory requirements for utilizing such sources and allowing for public comment. The Board shall have the power to request voter approval of, and thereafter impose and collect, a sales and use tax, in accordance with RCW 82.14.0455, and/or a vehicle fee as allowed by RCW 82.80.140. The Board may impose an ad valorem tax pursuant to RCW 36.73.060; issue general obligation and/or revenue bonds in the manner and subject to the restrictions set forth in RCW 36.73.070; form local improvement districts and impose assessments therefor, subject to the limitations of, RCW 36.73.0810; contract for transportation improvements; and accept and use gifts and grants.

(5) **Dissolution of District.** The Bonney Lake Transportation Benefit District shall be dissolved when all indebtedness of the district has been retired and when all of the district's anticipated responsibilities have been satisfied.

Section 3. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with provisions of the Bonney Lake Municipal Code, this ordinance is deemed to control.

Section 4. Effective Date. Per RCW 35.21.225, authority to form a transportation benefit district has been conferred upon the City legislative authority. Accordingly, this ordinance is not subject to referendum and shall take effect and be in full force five (5) days after approval, and publication in accordance with law.

PASSED by the City Council and approved by the Mayor this 12th day of April, 2016.

Neil Johnson, Jr., Mayor

AUTHENTICATED:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

TRANSPORTATION BENEFIT DISTRICT (TBD) REVENUE

May 1, 2012

Location	Count of Vehicles	Revenue generated by TBD \$20 Vehicle Fee
Auburn/King	43,039	\$ 860,780
Auburn/Pierce	4,289	\$ 85,780
Bonney Lake	12,554	\$ 251,080
Buckley	3,597	\$ 71,940
Carbonado	522	\$ 10,440
DuPont	5,259	\$ 105,180
Eatonville	2,349	\$ 46,980
Edgewood	7,035	\$ 140,700
Fife	6,812	\$ 136,240
Fircrest	5,039	\$ 100,780
Gig Harbor	5,407	\$ 108,140
Lakewood	34,363	\$ 687,260
Milton/Pierce	4,577	\$ 91,540
Milton/King	690	\$ 13,800
Orting	5,600	\$ 112,000
Pacific/King	4,272	\$ 85,440
Pacific/Pierce	379	\$ 7,580
Puyallup	25,723	\$ 514,460
Roy	778	\$ 15,560
Ruston	637	\$ 12,740
South Prairie	250	\$ 5,000
Steilacoom	4,545	\$ 90,900
Sumner	6,859	\$ 137,180
Tacoma	128,648	\$ 2,572,960
University Place	18,174	\$ 363,480
Wilkeson	352	\$ 7,040
Unincorporated Pierce County	241,182	\$ 4,823,640
Total (Includes King Co portions of cities)	572,931	\$11,458,620
Not including King Co portion of cities	524,930	\$10,498,600

List of Known Transportation Benefit Districts in Washington State

Jurisdiction	County	Year Established	Funding Mechanism
Aberdeen	Grays Harbor	2013	Sales Tax, 0.13%
<u>Airway Heights</u>	Spokane	2013	Sales Tax, 0.2%
<u>Anacortes</u>	Skagit	2014	Vehicle License Fee, \$20
<u>Arlington</u>	Snohomish	2013	Sales Tax, 0.2%
Auburn	King/Pierce	2011	Unfunded
<u>Bainbridge Island</u>	Kitsap	2012	Vehicle License Fee, \$20
<u>Battle Ground</u>	Clark	2014	Vehicle License Fee, \$20
<u>Bellingham</u>	Whatcom	2010	Sales Tax, 0.2%
Bothell	King/Snohomish	2015	Unfunded
<u>Bremerton</u>	Kitsap	2009	Vehicle License Fee, \$20
<u>Buckley</u>	Pierce	2012	Vehicle License Fee, \$20
Burien	King	2009	Vehicle License Fee, \$10
Carbonado	Pierce	2012	Vehicle License Fee, \$20
<u>Castle Rock</u>	Cowlitz	2012	Sales Tax, 0.2%
<u>Clarkston</u>	Asotin	2014	Vehicle License Fee, \$20
<u>Covington</u>	King	2013	Unfunded
Dayton	Columbia	2014	Sales Tax, 0.2%
<u>Des Moines</u>	King	2008	Vehicle License Fee, \$20
<u>DuPont</u>	Pierce	2013	Vehicle License Fee, \$20
<u>East Wenatchee</u>	Douglas	2012	Vehicle License Fee, \$20
<u>Eatonville</u>	Pierce	2012	Vehicle License Fee, \$20
<u>Edgewood</u>	Pierce	2013	Vehicle License Fee, \$20
<u>Edmonds</u>	Snohomish	2008	Vehicle License Fee, \$20
Electric City	Grant	2012	Vehicle License Fee, \$20
<u>Enumclaw</u>	King	2013	Vehicle License Fee, \$20
Everett	Snohomish	2014	Vehicle License Fee, \$20
<u>Ferndale</u>	Whatcom	2011	Sales Tax, 0.2%
Friday Harbor	San Juan	2014	Sales Tax, 0.2%
<u>Grandview</u>	Yakima	2011	Vehicle License Fee, \$20
Kalama	Cowlitz	2012	Vehicle License Fee, \$20
<u>Kelso</u>	Cowlitz	2012	Vehicle License Fee, \$20
<u>Kenmore</u>	King	2012	Vehicle License Fee, \$20
King County	King	2014	Unfunded
Kirkland	King	2014	Unfunded
Kittitas	Kittitas	2012	Vehicle License Fee, \$20
<u>Lake Forest Park</u>	King	2008	Vehicle License Fee, \$20
Lakewood	Pierce	2012	Vehicle License Fee, \$20
<u>Leavenworth</u>	Chelan	2010	Sales Tax, 0.2%
Liberty Lake	Spokane	2002	Unknown
<u>Lynden</u>	Whatcom	2012	Sales Tax, 0.2%
<u>Lynnwood</u>	Snohomish	2010	Vehicle License Fee, \$20
Mabton	Yakima	2011	Vehicle License Fee, \$20
<u>Maple Valley</u>	King	2012	Vehicle License Fee, \$20
<u>Marysville</u>	Snohomish	2013	Sales Tax, 0.2%
<u>Mercer Island</u>	King	2014	Vehicle License Fee, \$20

<u>Monroe</u>	Snohomish	2012	Sales Tax, 0.2%
<u>Mountlake Terrace</u>	Snohomish	2011	Vehicle License Fee, \$20
<u>North Bend</u>	King	2011	Sales Tax, 0.2%
<u>Olympia</u>	Thurston	2008	Vehicle License Fee, \$20
<u>Orting</u>	Pierce	2011	Vehicle License Fee, \$20
<u>Othello</u>	Adams	2012	Unfunded
<u>Point Roberts</u>	Whatcom	1992	Border Area Fuel Tax
<u>Prosser</u>	Benton	2009	Vehicle License Fee, \$20
<u>Ridgefield</u>	Clark	2008	Unfunded
<u>Roy</u>	Pierce	2014	Vehicle License Fee, \$20
<u>Royal City</u>	Grant	2012	Vehicle License Fee, \$20
<u>Seattle</u>	King	2010	Vehicle License Fee, \$80
<u>Sedro-Woolley</u>	Skagit	2014	Vehicle License Fee, \$20
<u>Sequim</u>	Clallam	2008	Sales Tax, 0.2%
<u>Shoreline</u>	King	2009	Vehicle License Fee, \$20
<u>Snohomish</u>	Snohomish	2010	Sales Tax, 0.2%
<u>Snohomish County (unincorporated)</u>	Snohomish	2011	Unfunded
<u>Snoqualmie</u>	King	2010	Vehicle License Fee, \$20
<u>Soap Lake</u>	Grant	2013	Vehicle License Fee, \$20
<u>Spokane</u>	Spokane	2011	Vehicle License Fee, \$20
<u>Stanwood</u>	Snohomish	2012	Sales Tax, 0.2%
<u>Tacoma</u>	Pierce	2012	Vehicle License Fee, \$20
<u>Toppenish</u>	Yakima	2012	Vehicle License Fee, \$20
<u>Tumwater</u>	Thurston	2014	Sales Tax, 0.2%
<u>University Place</u>	Pierce	2009	Vehicle License Fee, \$20
<u>Waitsburg</u>	Walla Walla	2012	Sales Tax, 0.1%
<u>Walla Walla</u>	Walla Walla	2011	Sales Tax, 0.2%
<u>Wapato</u>	Yakima	2012	Vehicle License Fee, \$20
<u>Wenatchee</u>	Chelan	2011	Vehicle License Fee, \$20
<u>Wilkeson</u>	Pierce	2014	Vehicle License Fee, \$20
<u>Zillah</u>	Yakima	2011	Vehicle License Fee, \$20

Transportation Benefit Districts

This report provides a general overview of transportation benefit districts (TBDs) in Washington State, including formation procedures, assumption of powers, revenue sources, reporting requirements, and sample documents.

Overview

Chapter 36.73 RCW authorizes cities (see also RCW 35.21.225) and counties to form transportation benefit districts (TBDs), quasi-municipal corporations and independent taxing districts that can raise revenue for specific transportation projects, usually through vehicle license fees or sales taxes.

RCW 36.73.015(6) allows TBD revenue to be used for transportation improvements included in a local, regional, or state transportation plan. Improvements can range from roads and transit service to sidewalks and transportation demand management. Construction, maintenance, and operation costs are eligible.

Formation

RCW 36.73.050 allows any city or county to form a TBD by ordinance, following a public hearing, if it finds that the action is in the public interest. The establishing ordinance must specify the boundaries of the district - which may include all or part of the city or county establishing the TBD - and the transportation improvements that will be funded. The boundaries and functions of the TBD may not be changed without further public hearings.

RCW 36.73.020(2) allows TBDs to include all or part of the territory in another jurisdiction (city, county, port district, county transportation authority, or public transportation benefit area) through interlocal agreement.

Governance

Almost all TBDs share the same boundaries as their establishing jurisdiction, in which case they must be governed by the members of that jurisdiction's legislative body, acting as a separate legal entity, unless the jurisdiction assumes the TBD's powers (see below). Even though they comprise the same members, the legislative body and the governing board are separate and distinct bodies and must hold separate and distinct meetings.

Note that in mayor-council cities, the mayor is not part of the legislative body and is not eligible for membership on the TBD board.

If a TBD includes territory in multiple jurisdictions, it must be governed under an interlocal agreement pursuant to chapter 39.34 RCW. Under RCW 36.73.020(3), the governing board must consist of at least five members, including at least one elected official from each participating jurisdiction, or - if the TBD has the same boundaries as the metropolitan planning organization (MPO) - it may be governed by the MPO governing body.

Assumption of Powers

New legislation in 2015 (2ESSB 5987) allows a city or county that forms a TBD with the same boundaries as the city or county to absorb the TBD and assume all of its “rights, powers, functions, and obligations,” with the result that the TBD would cease to exist as a separate entity. As of March 2016, MRSC is aware of almost 30 cities and towns that have assumed these powers.

Note: A section has been added to the BARS Manual discussing the requirements for jurisdictions that assume the powers of their TBDs. In particular, a jurisdiction assuming a TBD must (1) still file an annual financial report for the year in which the TBD was assumed and (2) submit a New Entity Creation or Dissolution Notification form. For more details, see the BARS Manual, Section 3.11.1.120.

Vehicle License Fees

The most common TBD funding source is a vehicle license fee in accordance with RCW 82.80.140, as authorized by RCW 36.73.040(3)(b). TBDs may impose vehicle license fees up to \$50 without a public vote, subject to the conditions below, or may impose fees up to \$100 with voter approval.

Until 2015, vehicle license fees of \$20 or less could be imposed without voter approval, but 2ESSB 5987 increased the allowable nonvoted vehicle license fee up to a \$50 maximum. However, a TBD may only impose a nonvoted vehicle license fee above \$20 as follows:

- Up to \$40, but only if a \$20 fee has been in effect for at least 24 months.
- Up to \$50, but only if a \$40 fee has been in effect for at least 24 months. Any nonvoted fee higher than \$40 is subject to potential referendum, as provided in RCW 36.73.065(6), as amended by Section 309 of 2ESSB 5987.

Any license fees over these amounts, up to \$100, must be approved by a simple majority of voters. However, voters have rejected these measures almost every time. The only TBD to successfully pass a voted vehicle license fee is the Seattle TBD, whose voters approved a \$60 fee increase in 2014 after rejecting a similar increase in 2011.

If two or more TBDs with the authority to impose a nonvoted fee overlap, credits must be issued so that the combined nonvoted fees do not exceed \$50 total.

If a countywide TBD wishes to impose a vehicle license fee, RCW 82.80.140(2)(a) requires it to distribute the revenues to each city in the county by interlocal agreement, which must be approved by 60% of the cities representing 75% of the city population. If this threshold cannot be met, RCW 36.73.065(5) allows a district that includes the unincorporated areas only to impose the nonvoted license fees discussed above.

Sales and Use Taxes

Another common TBD funding source is a sales and use tax of up to 0.2% in accordance with RCW 82.14.0455, as authorized by RCW 36.73.040(3)(a). This tax may not be imposed for longer than 10 years at a time, except to repay debt, and must be approved by a simple majority of voters.

In recent years, voters have approved the vast majority of all proposed TBD sales and use taxes. At least three jurisdictions - Seattle, Tacoma, and Enumclaw - have imposed a sales tax on top of an existing vehicle license fee. For individual results, see MRSC's Local Ballot Measure Database.

Other Funding Sources

Other potential funding sources include:

- **General obligation bonds** (RCW 36.73.070) - MRSC is only aware of one TBD that has attempted to pass a bond measure, and it failed with 50% of the vote (Auburn TBD, 2012).
- **Border area fuel tax**, only available to TBDs that include a Canadian border crossing (RCW 82.47.020). MRSC is aware of one TBD - Point Roberts - that uses this funding mechanism.
- **Impact fees** on commercial and industrial development in accordance with chapter 39.92 RCW (RCW 36.73.040(3)(c) and RCW 36.73.120).
- **Vehicle tolls** (RCW 36.73.040(3)(d)).
- **Excess property taxes** (RCW 36.73.060).
- **Local improvement districts** (RCW 36.73.080).

Material Change Policies

RCW 36.73.160(1) requires TBDs to adopt a material change policy that addresses significant changes to the transportation improvement finance plan that affect project delivery or the ability to finance the plan. The policy must at least address material changes to cost, scope, and schedule, the level of change that will require governing body involvement, and how the governing body will address those changes. At a minimum, the policy must require the governing body to hold a public hearing if the revised cost exceeds the original estimate by more than 20%.

Budgeting

State law does not clearly require TBDs to adopt an appropriations budget. However, adopting a budget would be considered a best practice, and a number of TBDs have done so, setting up the budget process to coincide with the annual/biennial process used by the establishing jurisdiction. It is up to the TBD governing board to develop and adopt a budget policy.

Under RCW 36.73.020(4), the treasurer of the establishing city or county must serve, in an independent and ex officio capacity, as the TBD treasurer.

Accounting and Financial Reporting

RCW 43.09.230 requires TBDs to submit annual financial reports to the State Auditor's Office using the BARS reporting templates.

For information on the specific TBD accounting requirements, see the BARS Manual, Section 3.11.1. For assistance developing financial reports, see MRSC's Annual Financial Reporting Checklists page.

Annual Transportation Improvement Report

In addition to the annual financial report, RCW 36.73.160(2) requires TBDs to issue a separate annual transportation improvement report detailing the district revenues, expenditures and the status of all projects, including cost and construction schedules. The report must be distributed to the public and newspapers of record in the district.

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

Department/Staff Contact: Executive / Don Morrison	Meeting/Workshop Date: 19 April 2016	Agenda Bill Number: AB16-55
Agenda Item Type: Resolution	Ordinance/Resolution Number: Resolution 2523	Councilmember Sponsor: Watson

Agenda Subject: Amendments to Council Standing Committee Meeting Times

Full Title/Motion: A Resolution Amending The Meeting Times Of Various Standing Committees Of The City Council.

Administrative Recommendation: Approve

Background Summary: Chapter 2.04.910 of the Bonney Lake Municipal Code provides that the regular meeting times and dates of all standing committees of the City Council shall be established by resolution. The Public Safety Committee has requested to change its meeting time. This would be an ideal time for the other committees to review their meeting times as well. The Community Development Committee forwards the most items to the Council agenda, so retaining a twice-monthly schedule makes sense. Other committees may want to consider a single monthly meeting, or a twice-monthly schedule with the option to cancel when there is no official business to consider.

Attachments: Resolution No. 2523

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation: N/A			

COMMITTEE, BOARD & COMMISSION REVIEW											
Council Committee Review:	Public Safety Date: 23 February 2016	<i>Approvals:</i> Chair/Councilmember Tom Watson Councilmember James Rackley Councilmember Justin Evans	<table style="width: 100%; border: none;"> <tr> <td style="text-align: right;">Yes</td> <td style="text-align: left;">No</td> </tr> <tr> <td style="text-align: right;"><input checked="" type="checkbox"/></td> <td style="text-align: left;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: right;"><input type="checkbox"/></td> <td style="text-align: left;"><input checked="" type="checkbox"/></td> </tr> <tr> <td style="text-align: right;"><input checked="" type="checkbox"/></td> <td style="text-align: left;"><input type="checkbox"/></td> </tr> </table>	Yes	No	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Yes	No										
<input checked="" type="checkbox"/>	<input type="checkbox"/>										
<input type="checkbox"/>	<input checked="" type="checkbox"/>										
<input checked="" type="checkbox"/>	<input type="checkbox"/>										
	Forward to: Workshop	Consent Agenda: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No									
Commission/Board Review:											
Hearing Examiner Review:											

COUNCIL ACTION	
Workshop Date(s): April 19, 2016	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

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

RESOLUTION NO. 2523

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, ESTABLISHING REGULAR MEETING DATES AND TIMES FOR COUNCIL STANDING COMMITTEES, AND REPEALING RESOLUTION NOS. 2354 AND 2485.

WHEREAS, Chapter 2.04.910 of the Bonney Lake Municipal Code provides that the regular meeting times and dates of all standing committees of the City Council shall be established by resolution; and

WHEREAS, the Council deems it appropriate to review and reset the meeting times of its standing committees;

NOW THEREFORE, BE IT RESOLVED; The City Council of the City of Bonney Lake, Washington does hereby establish regular meeting dates and times for standing Council committees as follows:

Section 1. Finance Committee. The Finance Committee will regularly meet on the second and fourth Tuesdays of the month at 5:30 p.m. when there is business to conduct; and

Section 2. Public Safety Committee. The Public Safety Committee will regularly meet on the fourth Tuesday of the month at 4:00 p.m. when there is business to conduct; and

Section 3. Community Development Committee. The Community Development Committee (CDC) will regularly meet on the first and third Tuesdays of the month at 4:00 p.m. when there is business to conduct; and

Section 4. Economic Development Committee. The Economic Development Committee (EDC) will regularly meet on the second and fourth Tuesdays of the month at 4:00 p.m. when there is business to conduct; and

Section 5. Meeting Places. The agenda and public notice of each of the standing Council committees shall include the meeting place, including the building and specific meeting room.

Section 6. Prior Resolutions Repealed. Resolution Numbers 2354 and 2485 are hereby repealed.

PASSED by the City Council this ____ day of _____, 2016.

Neil Johnson, Jr., Mayor

AUTHENTICATED:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

This Page Intentionally Left Blank

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

Department/Staff Contact: Administrative Services / Jenna Richardson	Meeting/Workshop Date: 19 April 2016	Agenda Bill Number: AB16-57
Agenda Item Type: Ordinance	Ordinance/Resolution Number: D16-57	Councilmember Sponsor:

Agenda Subject: Micellaneous Fee Schedule

Full Title/Motion: An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 3.90 Of The Bonney Lake And Ordinance Nos. 1417 Relating To Miscellaneous Fees.

Administrative Recommendation: Approve

Background Summary: This is a minor update to the City's miscellaneous fee schedule to add the Public Safety Building Training Room to the facility rental fees. The rental rates cover the cost of a building monitor (person) which, under the proposed ordinance, can be reduced if a City employee is part of the rental group and agrees to provide monitoring services on his/her own time. For example, if the GBLHS wanted to hold a fund raising banquet at the Senior Center, and a city employee is a GBLHS member who would be attending, the City could agree to waive half the rental rate (to cover the building monitor portion) if the city employee agrees to serve as the building monitor. The monitor opens/closes, does pre and post facility inspection, serves as a "security guard", and otherwise assists the group as needed. Our regular monitor costs \$10.85/hour, including mandatory benefits (L&I, FICA).

Attachments: Ordinance D16-57

BUDGET INFORMATION				
Budget Amount	Current Balance	Required Expenditure	Budget Balance	Fund Source
				<input type="checkbox"/> General <input type="checkbox"/> Utilities <input type="checkbox"/> Other
Budget Explanation: NA.				

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	<i>Approvals:</i>		Yes No
Date:	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:			
Hearing Examiner Review:			

COUNCIL ACTION	
Workshop Date(s): April 19, 2016	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

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

This Page Intentionally Left Blank

ORDINANCE NO. D16-57

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTER 3.90 OF THE BONNEY LAKE MUNICIPAL CODE AND ORDINANCE NO. 1417 RELATING TO MISCELLANEOUS FEES.

WHEREAS, the Council finds it necessary to adjust various miscellaneous user fees;

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

Section 1. BLMC Section 3.90.040 and Section 3 of Ordinance No. 1417 are hereby amended to read as follows:

3.90.040 City facility rental.

The following usage rates apply for use of the following City facilities:

Rates & Deposits (2 hour minimum)

Facility	Standard Hourly Rate	Standard Damage Deposit	Local Non-Profit Hourly Rate	Non-Profit Damage Deposit
Senior Center Main Hall	\$ 50	\$ 250	\$ 30	\$ 125
<u>Public Works Building (19306 Bonney Lake Blvd) City Hall Meeting Room</u>	\$ 30	\$ 250	\$ 20	\$ 125
<u>Justice & Municipal Center Council Chambers/Lobby</u>	\$ 40	\$ 250	\$ 25	\$ 125
<u>Justice & Municipal Center Meeting Room/Lobby</u>	\$ 30	\$ 250	\$ 25	\$ 125
<u>Public Safety Building Training Room</u>	\$ 40	\$ 250	\$ 25	\$ 125

Given that the rental rate includes the cost of a building monitor, rental rates may be reduced by 50% if a member of rental group is a City employee who agrees to serve as the building monitor at his/her sole expense, and is so approved in advance by the City.

The Justice & Municipal Center rental rate shall be reduced by 30% if both facilities are rented simultaneously.

The City may retain a portion of the damage deposit if rental activities require City staff to incur additional labor to return the facility to pre-use condition, even though there may have been no

physical damage. Examples include but are not limited to: removal of balloons or other items caught in a ceiling fan, removing stains to carpet, general cleanup, and trash removal.

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

Section 3. Administration. The Mayor is hereby authorized to adopt and implement such administrative policies, procedures, forms, guidelines, etc. as may be necessary to carry out the intent of this ordinance.

Section 4. Effective Date. This Ordinance shall take effect thirty (30) days after its passage, approval, and publication as required by law.

PASSED by the City Council and approved by the Mayor this __ day of April, 2016.

Neil Johnson, Jr., Mayor

AUTHENTICATED:

Harwood T. Edvalson, City Clerk, MMC

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney