

**UNIVERSITY PLACE CITY COUNCIL  
Regular Council Meeting  
Monday, August 3, 2020, 6:30 p.m.**



*Note: Times are approximate and subject to change.*

**PUBLIC NOTICE**

The University Place City Council will REMOTELY hold its scheduled meetings to ensure essential city functions continue. However, pursuant to Governor Inslee's Proclamation 20-25.5 Safe Start – Stay Healthy issued on May 31, 2020 and Proclamation 20-28.6 – Open Public Meetings Act, there will be no in-person attendance by members of the public.

Members of the public can virtually attend City Council meetings by watching them live on University Place Television, Click! Channel 12 or Comcast Channel 21, by watching digitally on the City's YouTube channel [www.YouTube.com/UniversityPlaceTV](http://www.YouTube.com/UniversityPlaceTV) or by dialing in to listen audibly-only at +1 509-342-7253 United States, Spokane (Toll), Conference ID: 294 379 041#

Participation in Public Comments and public testimony on Public Hearings will be accepted by the following methods. Written comments/testimony will be accepted via email. Comments should be sent to Emy Genetia, City Clerk at [Egenetia@cityofup.com](mailto:Egenetia@cityofup.com). Comments received up to one hour (i.e., 5:30 p.m.) before the meeting will be provided to the City Council electronically. Subject to technological limitations, the Council will also accept telephonic comments/testimony by calling the number listed above.

In the event of technical difficulties or the absence of a quorum, all items on this agenda shall be carried over to the agenda for the August 17, 2020 Regular Meeting.

**AGENDA**

- 6:30 pm      1.      **CALL REGULAR MEETING TO ORDER**
- 2.      **ROLL CALL**
- 6:35 pm      3.      **PLEDGE OF ALLEGIANCE – Councilmember Figueroa**
- 4.      **APPROVAL OF AGENDA**
- 6:40 pm      5.      **PRESENTATION**
  - [Proclamation Against Racial Injustice](#)
- 6:45 pm      6.      **PUBLIC COMMENTS**
- 6:50 pm      7A. – **CONSENT AGENDA**  
                 7D. **Motion: Approve or Amend the Consent Agenda as Proposed**

The Consent Agenda consists of items considered routine or have been previously studied and discussed by Council and for which staff recommendation has been prepared. A Councilmember may request that an item be removed for the Consent Agenda so that the Council may consider the item separately. Items on the Consent Agenda are voted upon as one block and approved with one vote.

- A. [Approve the minutes of the July 20, 2020 Council meeting as submitted.](#)
- B. [Pass an Ordinance amending Chapter 4.40 of the University Place Municipal Code, relating to City Fund Types.](#)
- C. [Adopt a Resolution making further technical corrections to Resolution No. 924.](#)
- D. [Authorize the City Manager to execute a Local Agency Agreement with Sitts & Hill for survey services, as required for the construction of the Chambers Creek Road/Chambers Lane project, in the amount not to exceed Thirty-One Thousand Five Hundred and Fifty-One Dollars \(\\$31,551.00\).](#)

- 6:55 pm      8.      **CITY MANAGER & COUNCIL COMMENTS/REPORTS** - (Report items/topics of interest from outside designated agencies represented by Council members, e.g., AWC, PRSC, Pierce Transit, RCC, etc., and follow-ups on items of interest to Council and the community.)

**STUDY SESSION** – (At this time, Council will have the opportunity to study and discuss business issues with staff prior to its consideration. Citizen comment is not taken at this time; however, citizens will have the opportunity to comment on the following item(s) at future Council meetings.)

7:00 pm      **9.      INSURANCE CODE**

7:30 pm      **10.     ADJOURNMENT**

\*PRELIMINARY CITY COUNCIL AGENDA

August 17, 2020

Regular Council Meeting

September 8, 2020

Regular Council Meeting

September 21, 2020

Regular Council Meeting

October 5, 2020

Regular Council Meeting

**Preliminary City Council Agenda subject to change without notice\***

Complete Agendas will be available 24 hours prior to scheduled meeting.

To obtain Council Agendas, please visit [www.cityofup.com](http://www.cityofup.com).

**American Disability Act (ADA) Accommodations Provided Upon Advance Request  
Call the City Clerk at 253-566-5656**

# ***CITY OF UNIVERSITY PLACE PROCLAMATION***

***WHEREAS***, the end of the Civil War did not bring about an end to overt racism or systemic racism in the United States of America; and

***WHEREAS***, despite significant progress in the last 50 years, the United States still suffers from racial division and racial inequality; and

***WHEREAS***, engrained in our Country's history and culture are policies and practices that have created disparities between the races in wealth, housing, justice, healthcare, consumer credit, universal suffrage, education; and

***WHEREAS***, the recent events, including the very raw (visual) videos of George Floyd's and Manuel Ellis' deaths, have awakened the nation as to significant issues of racial injustice in policing and the criminal justice system; and

***WHEREAS***, University Place supports the physical and mental well-being and health of all individuals is valued. Violence is not tolerated. A cooperative community spirit and respect for each other--our commonalities and differences--foster a diverse cultural, spiritual and ethnic life and prepare us for future challenges. This will include issues of social justice and equity; and

***WHEREAS***, local government, being closest to the people and most accessible government, plays an important role in addressing these profound issues; and

***WHEREAS***, the City of University Place will listen with an open mind to difficult discussions, hear the voice of its citizens and embrace changes to ensure social justice for all and that discrimination will not be tolerated in policies and actions by the City and those entities whom they associate.

***NOW THEREFORE***, the City Council of the City of University Place declares its intent to investigate; to change policies and procedures that have contributed to systemic racism within our local government based on outcomes of community conversations partnered with subject matter experts.

**PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, ON AUGUST 3, 2020.**

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Caroline Belleci, Mayor

ATTEST:

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Emelita J. Genetia, City Clerk

# APPROVAL OF CONSENT AGENDA

**CITY OF UNIVERSITY PLACE  
DRAFT MINUTES  
Regular Meeting of the City Council  
Monday, July 20, 2020  
(Remote Participation)**

**1. CALL REGULAR MEETING TO ORDER**

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

**2. ROLL CALL**

Roll call was taken by the City Clerk as follows:

Councilmember Figueroa	Present
Councilmember Keel	Present
Councilmember Pro Tem Lee	Present
Councilmember McCluskey	Present
Councilmember Flemming	Present
Mayor Pro Tem Worthington	Present
Mayor Belleci	Present

Staff Present: City Manager Sugg, City Attorney Kaser, Executive Director/ACM Craig, Police Chief Premo, Finance Director Blaisdell, Public Safety Administrator Hales and City Clerk Genetia.

**3. PLEDGE OF ALLEGIANCE**

Mayor Belleci led Council in the Pledge of Allegiance.

**4. APPROVAL OF AGENDA**

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

**The motion carried unanimously.**

**5. PRESENTATION**

Public Safety Report – Police Chief Premo provided a recap of the Fourth of July fireworks calls for service report. He also provided crime statistics and incidents reflecting the impact of COVID-19 on police operations.

**6. PUBLIC COMMENTS** – None.

**7. CONSENT AGENDA**

Mayor Belleci informed Council that Resolution No. 927 in Item 7C has been amended to reflect a new re-allocation date in the distribution of the CARES Act funds from August 17 to July 27, 2020 to ensure that businesses get the funding as soon as possible.

**MOTION:** By Mayor Pro Tem Worthington, seconded by Councilmember Keel, to approve the amended Consent Agenda as follows:

- A.** Approve the minutes of the July 6, 2020 Council meeting as submitted.
- B.** Receive and File: Payroll for periods ending 07/15/20; and Claims dated 06/15/20 and 06/30/20.
- C.** Adopt a resolution making technical corrections to Resolution No. 924. **(RESOLUTION NO. 927)**

**The motion carried unanimously.**

## **COUNCIL CONSIDERATION**

### **8. CONSTRUCTION ZONE SPEED LIMIT**

Staff Report – Engineering and Capital Projects Director Ecklund presented a proposal to amend UPMC Section 10.10.010. This amendment would provide administrative provision for temporary reductions in speed limits on roadways undergoing construction and/or repairs. Director Ecklund indicated that high vehicle speeds through construction zones pose a hazard to both construction workers and traveling public. The proposed language would allow for a reduction of speed when conditions merit based on an engineering study. The speed limit would not be reduced lower than 25 mph on arterial streets and lower than 20 mph on local streets and would not extend past the construction project limits. The adopted speed limits would be restored when the construction and/or repair work is completed to the point where normal traffic flow can be safely accommodated.

Public Comment – None.

Council Consideration – **MOTION:** By Mayor Pro Tem Worthington, seconded by Councilmember Keel, to pass an ordinance amending Section 10.10.010 of the University Place Municipal Code to allow for administrative reduction in speed limits during active street construction or repairs.

**The motion carried. (ORDINANCE NO. 731)**

### **9. CITY MANAGER & COUNCIL COMMENTS/REPORTS**

City Manager Sugg provided an update on the CARES Act relief fund for the COVID-19 recovery efforts. He indicated that \$500,000 of the \$992,700 fund received from the State of Washington will be used to support University Place businesses that have suffered economic losses as a result of the COVID-19 shut down. The application period began on July 8 and will close on July 22. He reported that as of today, the City has received 62 applications.

Councilmember Flemming reminded the community on the impact of COVID-19 and urged the practice of social distancing and to wear mask in public.

Mayor Pro Tem Worthington reported that he attended the Rainier Communications Commission (RCC) meeting where they discussed potential changes to the future franchise with Comcast. He also shared his thoughts regarding the challenges of fireworks and the next steps with respect to the community's desire to ban it.

Mayor Belleci also commented on the longstanding challenges of use and discharge of illegal fireworks within the City.

## **STUDY SESSION**

### **10. FUND ORDINANCE**

Finance Director Blaisdell presented an Ordinance containing housekeeping adjustments to the University Place Municipal Code related to City fund types. She indicated that the changes include additions and changes to RCW references, elimination of references to the Recreation program, the addition of new funds created in recent years, and elimination of fund types no longer in use. New funds to be added include the Transportation Benefit District Fund, Traffic Impact Fee Fund, and the LRF Fund; and those that will be eliminated include the Arterial Street Fund and Paths and Trails Fund.

The proposal will be moved forward for Council consideration.

## **11. PROCLAMATION AGAINST RACIAL INJUSTICE**

Mayor Belleci presented a proclamation against racial injustice drafted by Councilmember McCluskey, Councilmember Pro Tem Lee and Mayor Belleci for Council review and discussion. Councilmembers provided individual comments and viewpoints on the drafted proclamation and the changes that need to be made. The proclamation will be finalized and presented/read at the August 3 Council meeting and will serve as a living document that will set the beginning of Council and community discussions and changes towards racial injustice.

## **12. ADJOURNMENT**

The meeting adjourned at 7:39 p.m. No other action was taken.

Submitted by,

Emy Genetia  
City Clerk

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

**Proposed Council Action:**

Pass an Ordinance amending Chapter 4.40 of the University Place Municipal Code; relating to City Fund Types.

<b>Agenda No:</b>	7B
<b>Dept. Origin:</b>	Finance
<b>For Agenda of:</b>	August 3, 2020
<b>Exhibits:</b>	Ordinance
<b>Concurred by Mayor:</b>	_____
<b>Approved by City Manager:</b>	_____
<b>Approved as to Form by City Atty.:</b>	_____
<b>Approved by Finance Director:</b>	_____
<b>Approved by Dept. Head:</b>	_____

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

Municipal code housekeeping adjustment to reflect changes to RCW references, elimination of references to recreation, addition of new funds added over the years and elimination of funds no longer in use.

New funds added include the Transportation Benefit District Fund, Traffic Impact Fee Fund, Police/Public Safety Fund and the LRF Fund.

Funds eliminated include the Arterial Street Fund and Paths and Trails Fund which are no longer required to be separate by the State. Fuel taxes are now deposited into the Street Fund in their entirety. Additionally, there were three funds set up at the inception of the City which have never been used. This ordinance eliminates the University Place Retirement Systems Fund, Deferred Compensation Fund and the Investment Control Fund.

**RECOMMENDATION/MOTION**

**MOVE TO:** Pass an Ordinance amending Chapter 4.40 of the University Place Municipal Code; relating to City Fund Types.



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

**AN ORDINANCE OF THE UNIVERSITY PLACE CITY COUNCIL AMENDING CHAPTER 4.40 OF THE UNIVERSITY PLACE MUNICIPAL CODE; RELATING TO CITY FUNDS**

WHEREAS, RCW 35A.42.010 imposes certain duties and grants authorities to the City Treasurer, as designated by ordinance, including the management and investment of city funds; and

WHEREAS, the establishment of separate accounts for every appropriation or fund of a municipality is required by RCW 43.09.210; and

WHEREAS, this provision also states that “all services rendered by . . . one department, public improvement, undertaking, institution, or public service industry to another, shall be paid for at its true and full value . . . or no department . . . shall benefit in any financial manner whatever by an appropriation or fund made for the support of another”; and

WHEREAS, it is appropriate from time-to-time to reevaluate and reexamine the need to repeal outdated funds, establish new funds and to otherwise readdress funds in order to accommodate the City’s needs;

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

Section 1. Section 4.40.060 of the University Place Municipal Code entitled “General fund (RCW 35.37.010 and 35A.37.010)” is retitled as “General fund (RCW 35.37.010)” and amended to read as follows:

A. Purpose. The general fund is established to account for all receipt and disbursement transactions associated with ordinary City operations that are not required to be accounted for in another fund.

B. Revenue Sources. Taxes and general revenues, including but not limited to property taxes, local sales taxes, franchise fees, gambling taxes, liquor taxes, utility taxes, fines and forfeitures, license fees, permits, ~~recreation~~ park fees, and miscellaneous other revenues that support general government operations.

Section 2. Section 4.40.070 of the University Place Municipal Code entitled “Street Fund” is amended to read as follows:

A. Purpose. This fund is established to account for the receipt and disbursements of state-levied unrestricted motor vehicle fuel taxes, pursuant to RCW 48.68.090.

B. Revenue Sources. Specific revenue sources shall include, but not be limited to, unrestricted motor vehicle fuel taxes, transportation related fees, permits, interest earnings, and such other sources as may be authorized by the City Council.

Section 3. Section 4.40.180 of the University Place Municipal Code entitled “Community Information Services Fund” is retitled, without change to the text of the Code, to “Information Services Fund”.

Section 4. A new section 4.40.340 of the University Place Municipal Code entitled “Traffic Impact Fee Fund” is created which reads as follows:

A. Purpose: This fund is established to account for the receipt and disbursement of the traffic impact fees established by City Council pursuant to the Washington State Growth Management Act codified at chapter 36.70A RCW and at RCW 82.02.050 to 82.02.100. Such expenditures include development of transportation facilities that constitute System Improvements and may include the following items to the extent that they relate to a particular System Improvement: facility planning, land acquisition, site

improvements, necessary off-site improvements, facility construction, facility engineering and design work, facility permit fees, facility financing, grant matching funds, applicable mitigation costs, capital equipment pertaining to a particular System Improvement, and any other capital costs related to a particular System Improvement. Impact fees may also be used to recoup transportation facility improvement costs previously incurred by the City to the extent that new growth and development will be served by the previously acquired or constructed improvements resulting in such costs.

B. Revenue Sources: Traffic Impact Fees authorized by RCW 82.02.060, interest earnings, and other revenue that may be authorized by the City Council.

Section 5. A new section 4.40.350 of the University Place Municipal Code entitled "Transportation Benefit District Fund" is created which reads as follows:

A. Purpose: This fund is established to account for the receipt and disbursement of transportation benefit funds that are consistent with existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels authorized by RCW 35.21.225 and subject to the provisions of Chapter 36.73 RCW.

B. Revenue Sources: Transportation Benefits funds, and other revenue that may be authorized by the City Council.

Section 6. A new section 4.40.360 of the University Place Municipal Code entitled "Local Revitalization Financing Fund" is created which reads as follows:

A. Purpose: This fund is established to account for receipt and disbursement transactions associated with Local Revitalization Financing.

B. Revenue Sources: Revenues received from the sale of Local Revitalization Revenue Bonds.

Section 7. A new section 4.40.370 of the University Place Municipal Code entitled "Police/Public Safety Fund" is created which reads as follows:

A. Purpose: This fund is established to account for receipt and disbursement transactions associated with police services, court services, jail services, city attorney's office, crime prevention, animal control, code enforcement, and emergency management.

B. Revenue Sources: Revenues supporting this fund include property taxes, revenues identified by state statutes collected in support of public safety, fines and forfeitures, pet license fees, grants and other revenue that may be authorized by the City Council.

Section 8. The following sections of the University Place Municipal Code are repealed in their entirety:

4.40.080 Arterial Street Fund.

4.40.100 Path and trails reserve fund.

4.40.210 University Place retirement system fund.

4.40.220 Deferred compensation fund.

4.40.230 Investment control fund.

Section 9. Ratification. Any act taken that is consistent with the authority conveyed and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 10. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 11. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall be effective five (5) days after passage and publication of an approved summary of this ordinance.

**PASSED BY THE CITY COUNCIL ON AUGUST 3, 2020.**

\_\_\_\_\_  
Caroline Belleci, Mayor

**ATTEST:**

\_\_\_\_\_  
Emelita J. Genetia, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Matthew S. Kaser, City Attorney

Publication Date: xx/xx/xx  
Effective Date: xx/xx/xx

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

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**Proposed Council Action:**

Adopt a Resolution making further technical corrections to Resolution No. 924.

<b>Agenda No:</b>	7C
<b>Dept. Origin:</b>	City Manager
<b>For Agenda of:</b>	August 3, 2020
<b>Exhibits:</b>	Resolution
<b>Concurred by Mayor:</b>	_____
<b>Approved by City Manager:</b>	_____
<b>Approved as to Form by City Atty.:</b>	_____
<b>Approved by Finance Director:</b>	_____
<b>Approved by Dept. Head:</b>	_____

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

On July 6, 2020, the City Council passed Resolution 924. Following its passage, an additional need for a technical correction was brought to our attention.

This concern relates to addressing unallocated funds from either the business assistance program or the human services programs. The original legislation provided the then-existing balance of \$392,700.00 “subject to allocation for reasonable, proper, authorized and necessary expenses via the City’s purchasing processes or via separate legislation.” Included within the scope of these monies are such items as “personnel costs, City’s equipment needs, facility improvements, personal protective equipment and other expenditures authorized by the Interagency Agreement or the CARES Act.” Because it is now probable that this balance may increase, language is necessary to subject these additional sums to this same process.

**MOTION**

**MOVE TO:** Adopt a Resolution making further technical corrections to Resolution No. 924

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE CITY OF UNIVERSITY PLACE MAKING FURTHER  
TECHNICAL CORRECTIONS TO RESOLUTION 924**

WHEREAS, on July 6, 2020, the City Council passed Resolution 924; and

WHEREAS, following its passage, the need for further technical corrections have been identified with the implementation of Resolution 924;

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

Section 1. The following portions of Resolution 924, as amended by Resolution 927, are further amended:

Section 3(A) Allocation of Coronavirus Relief Funds.

A. Subject to the constraints otherwise set forth in this Resolution, the City Council directs the following sums of those of Coronavirus Relief Funds (i.e. those funds which are to be received or anticipated to be received via the interagency agreement identified in Section 1 of this Resolution), to be allocated to the following programs:

1. Five hundred thousand dollars (\$500,000.00) shall be allocated to the COVID-19 City Business Relief Funds Program. Of these funds, four hundred thousand dollars (\$400,000.00) shall be initially dedicated to businesses addressing the City's priority needs (referred to in the program herein described as "Tier 1" businesses).
2. One hundred thousand dollars (\$100,000.00) shall be allocated to the COVID-19 Human Services Stabilization Program. Of these amounts,
  - a. an amount, not exceeding ten thousand dollars (\$10,000.00), may be allocated first to nonprofit corporations who have demonstrate a direct impact related to COVID-19 and who provide human services to the University Place Community, with a maximum grant amount of \$3,000.00. The criterion generally applicable, excluding compliance with the City's business licensing requirements, to those Tier 2 business are applicable to an award of funds under this subsection;
  - b. an additional ten thousand dollars (\$10,000) together with any monies which may be unallocated under subsection (a) by August 17, 2020 to nonprofits may be allocated to one or more nonprofit corporations with a demonstrated commitment towards serving the human services needs of University Place residents for the purposes of ensuring food stability and other related human services impacts presented by COVID-19 within the City of University Place during the course of this emergency.
3. The remaining funds, in the amount of three hundred ninety-two thousand, seven hundred dollars (\$392,700.00) together with any unallocated funds determined by the City Manager to be in excess of the needs of the Programs identified in subsections (A)(1) and (A)(2) above may be ~~are~~ subject to allocation for reasonable, proper, authorized and necessary expenses via the City's purchasing processes or via separate legislation. These expenses may include, but are not limited to: personnel costs, City's equipment needs, facility

improvements, personal protective equipment and other expenditures authorized by the Interagency Agreement or the CARES Act.

Section 2. Retroactive Ratification of Actions Taken. Any and all applications for assistance under the COVID-19 Business Relief Fund Program which are consistent with the amendments herein shall be processed in a manner consistent with this resolution. Any other applications which may have been received by the City which are consistent with the amendments herein that occurred prior to the authorization provided in this Resolution are hereby ratified and approved.

Section 3. General Provisions.

- A. This Resolution shall be implemented consistent with applicable law and subject to the availability of funding.
- B. This Resolution is not intended to, and it does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the City of University Place, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Section 4. Effective Date. This Resolution shall take effect immediately upon its adoption.

**ADOPTED BY THE CITY COUNCIL ON AUGUST 3, 2020.**

\_\_\_\_\_  
Caroline Belleci, Mayor

**ATTEST:**

\_\_\_\_\_  
Emelita J. Genetia, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Matthew S. Kaser, City Attorney

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

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**Proposed Council Action:**

Authorize the City Manager to execute a Local Agency Agreement with Sitts & Hill for Survey services, as required for construction of the Chambers Creek Road/Chambers Lane project, in an amount not to exceed Thirty-One Thousand Five Hundred and Fifty-One Dollars (\$31,551.00).

**Agenda No:** 7D  
**Dept. Origin:** Engineering  
**For Agenda of:** August 3, 2020  
**Exhibits:** Sitts & Hill Proposal

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

Expenditure Required: \$31,551.00	Amount Budgeted: \$40,000.00	Appropriation Required: \$0.00
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**SUMMARY/POLICY ISSUES**

It is necessary to begin the survey services associated with construction of the Chambers Creek Road/Chambers Lane project. On June 25, 2020 we placed a legal advertisement requesting qualifications from survey firms. A total of four firms responded to the request. The City reviewed the qualification packages, interviewed firms, and determined Sitts and Hill to be the most qualified firm for this work. They have submitted a proposal for \$31,551.00. The City has reviewed the proposal and found it to be acceptable. This work is 86.5% reimbursable from the FHWA grant acquired for the project, and the required matching funds are within the approved budget.

**ALTERNATIVES CONSIDERED**

None.

**BOARD OR COMMITTEE RECOMMENDATION**

N/A

**RECOMMENDATION/MOTION**

**MOVE TO:** Authorize the City Manager to execute a Local Agency Agreement with Sitts & Hill for Survey services, as required for construction of the Chambers Creek Road/Chambers Lane project, in an amount not to exceed Thirty-One Thousand Five Hundred and Fifty-One Dollars (\$31,551.00).

# SITTS & HILL ENGINEERS, INC.

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Professional Engineers and Planners  
4815 Center Street, Tacoma, WA 98409  
sittshill.com  
(253) 474-9449

BRENT K. LESLIE, P.E.  
KATHY A. HARGRAVE, P.E.  
LARRY G. LINDELL, P.E.  
MICHAEL A. McEVILLY, P.L.S.  
WESLEY J. JONES, P.E.

July 30, 2020

CITY OF UNIVERSITY PLACE  
3609 Market Place West, Suite 200  
University Place, WA 98466

TO: Mr. Jack Ecklund

SUBJECT: ***PROPOSAL FOR TOPOGRAPHIC MAPPING SERVICES FOR CHAMBERS CREEK DRIVE BETWEEN BRIDGEPORT WAY WEST AND 81<sup>ST</sup> AVENUE WEST, IN THE CITY OF UNIVERSITY PLACE, WA***

Dear Jack,

Thank you for the opportunity to submit this proposal for survey services on the above referenced property.

## PROJECT SCOPE

Our Scope of Services will be as follows:

**Horizontal Datum:** The horizontal datum for all survey control shall be NAD 83/91 - Washington State Plane Coordinate System, South Zone.

**Vertical Datum:** The vertical datum for all survey data gathered shall be NGVD 29.

**Right-of-Way Determination:** All rights-of-way included within the limits of the topographic survey shall be determined utilizing all available information, and the source documents/instruments utilized for the determination shall be disclosed on the face of the survey. Controlling monuments utilized in determining rights-of-way shall be shown and labeled with detailed description, coordinate value, and date visited. All property corners found along right-of-way lines shall be shown and described on the face of the survey. If City records include existing stationing/alignment information associated with any right-of-way within the limits of this survey, the associated values shall be utilized and shown on the face of the survey. Bearings and distances of all controlling elements of the rights-of-way throughout the project corridor shall be shown.

## Topographic Survey:

- **Extents:** The Chambers Creek Road corridor survey shall be limited to the legal extents of the right-of-way. Cross streets shall be surveyed 50' northerly and southerly of the respective right-of-way limits of Chambers Creek Road, and shall include the full width of the cross streets' right-of-way. The easterly extent of the Chambers Creek Road survey is the east right-of-way of Bridgeport Way West, and the westerly extent is the west right-of-way of 81<sup>st</sup> Avenue West. If access to adjoining private property is required, the City shall notify private property owners in advance.
- **Features:** The features to be collected in the field and displayed on mapping include, but are not limited to, the following: structures, curbs, gutters, edge of pavement, sidewalks, detailed mapping of existing  
**Civil, Structural and Surveying**



July 30, 2020

Page 2 of 3

curb returns and ramps to include delineation of concrete ramp panels (ADA), shoulders, driveways, walls, fences, landscaped areas, all visible surface utilities (manholes, cleanouts, vaults, junction boxes, valves, meters, hydrants, vents, utility poles (note overhead line directions and drops), light poles, irrigation, risers, etc.), traffic striping (including stop bars, turn arrows, and lettering), signs (including description), significant and/or ornamental trees > 2" (note size and species), edge of vegetation, underground utility paint marks and other evidence (signage, asphalt patches, fresh trenching, etc.), top of slopes, toe of slopes, breaklines, spot elevations as needed, ditches, storm drainage structures, including culverts, catch basins and manholes. Note size, type, direction and invert elevations of sanitary sewer and storm drainage structures and appurtenances within the City of University Place.

**Utility Research and Mapping:** Underground utilities shall be shown based on surface evidence (signage, evidence of trenching, etc.), paint marks completed by a private utility locate company, and examination of City of University Place, or utility company records. All record information that is not supported by physical evidence shall be noted as such on the face of the survey, and the corresponding linetypes should make a distinction between observed and record (solid vs. dashed, bold vs. faint, etc.). Drawings utilized for underground utility research shall be noted on the face of the survey. Invert elevations, pipe sizes, direction and types, of all storm and sanitary structures shall be noted on the face of the survey.

**Deliverables:**

- Provide topographic survey at 1"=20'.
- North shall be up or to the right.
- Provide 1' contour interval mapping, and include statement regarding compliance with National Map Accuracy Standards. Include spot elevations as needed.
- All text shall be "simplex" font (no slant), sized at 0.10.
- Standard APWA drafting standards shall be utilized for layers, colors, and symbols to coincide with City of University Place standards.
- Sheet Size shall be 22"x34" on standard Sitts & Hill title blocks. All sheets shall include a north arrow, graphic scale, and a legend for symbology and linetypes.
- Electronic drawing deliverables shall be in AutoCAD Civil3D version 2013, or later. Supporting electronic files shall include point files (.csv or equivalent), .xml file(s) as required, and .ctb file(s) as required.
- Electronic deliverables will include a digital terrain model (DTM).
- Signed hard copy and pdf sets shall be provided.

**EXCLUSIONS**

- **Adjoining Property Boundary and Easement Determination:** The location and direction of property lines intersecting the rights-of-way along the project corridor will not represent a boundary determination. Parcel lines will be shown as approximate, and will be based on GIS information. Easements adjoining right-of-way corridor will not be determined or depicted.
- Profiles showing road centerline, flowline and underground utilities will not be provided on hard copy or electronic deliverables. All mapping will be presented in plan view.

July 30, 2020

Page 3 of 3

## COMPENSATION

Our **NOT TO EXCEED** fee for this Scope of Services is **\$26,408.00**, to be billed monthly on an hourly basis per our LAG accepted Indirect Cost Rate. A cost breakdown related to our anticipated scope of services is attached for your reference. The following estimated subconsultant fees are not included in our lump sum fee and will be billed at cost of services plus 10% markup.

Utility Locate Service: **\$5,143.00** (including 10% markup)

The total anticipated cost to complete the above Scope of Services is **\$31,551.00**.

We understand that our formal contract to perform this work will be in a format determined by you, and as such, this proposal letter is meant only as a scoping and cost document.

## SCHEDULE

We can begin this project immediately after receiving your Authorization to Proceed, and we anticipate providing deliverables to you within 8 weeks of authorization.

We appreciate the opportunity to submit this proposal and are looking forward to the successful completion of this project for you. If you have any questions, please don't hesitate to contact our office.

Sincerely,

SITTS & HILL ENGINEERS, INC.

A handwritten signature in black ink, appearing to read "Mike McEvilly". The signature is written in a cursive, flowing style.

Mike McEvilly, P.L.S.

Principal – Director of Surveying

**SURVEYING SERVICES ESTIMATE**

**PREPARED FOR:**

FILE: BD\Fee Prop\City of UP\Chambers Creek  
 DATE: July 29, 2020  
 ESTIMATE BY: McEvelly

**City of University Place**  
**3609 Market Place, Suite 200**  
**University Place, WA 98466**

**SITTS & HILL ENGINEERS, INC**

CIVIL ■ STRUCTURAL ■ SURVEYING

4815 CENTER STREET | TACOMA, WA 984

PHONE: 253-474-9449 | FAX: 253-474-01

**PROJECT:** Chambers Creek Road West Topographic Survey

DESCRIPTION	PRINCIPAL	PROJECT	ONE MAN	SURVEY	SURVEY	MILEAGE	MATERIAL (PER UNIT)	TOTAL COSTS
	SURVEYOR \$140	SURVEYOR \$125	CREW \$95	CREW (2) \$165	TECH. \$85			
<b>RIGHT-OF-WAY DETERMINATION &amp; TOPOGRAPHIC SURVEY</b>								
1. Research General		4						\$500
2. Right-of-Way Research and Determination		24						\$3,000
3. Survey Control - Establish Horizontal and Vertical Datum		1		12		14	8	\$2,117
4. Utility Research		8			8			\$1,680
5. Topographic Mapping				56		48		\$9,267
6. Field Utility Investigation				8		7		\$1,324
7. Drafting					40			\$3,400
8. Utility Locate Coordination		4						\$500
Private Utility Locate								\$5,143
9. Prepare Deliverables					4			\$340
10. QA/QC, Project Management, Finalize and Deliver	24	6			2			\$4,280
NOTES:	24	47	0	76	54	69	8	
Subtotalled Costs (this sheet)	\$3,360	\$5,875	\$0	\$12,540	\$4,590	\$38.99	\$4.00	\$31,551
Subtotalled Man Hours (this sheet)	24	47	0	76	54			
Total Man Hours (entire estimate)	24	47	0	76	54			
<b>ESTIMATED TOTAL COSTS:</b>								<b>\$31,551</b>



**Washington State  
Department of Transportation**

**Development Division**  
Contract Services Office  
PO Box 47408  
Olympia, WA 98504-7408  
7345 Linderson Way SW  
Tumwater, WA 98501-6504

TTY: 1-800-833-6388  
[www.wsdot.wa.gov](http://www.wsdot.wa.gov)

January 29, 2020

Sitts & Hill Engineers, Inc.  
4815 Center Street  
Tacoma, WA 98409

Subject: Acceptance FYE 2018 ICR – Risk Assessment Review

Dear Larry Lidell:

Based on Washington State Department of Transportation's (WSDOT) Risk Assessment review of your Indirect Cost Rate (ICR), we have accepted your proposed FYE 2018 ICR of 148.66%. This rate will be applicable for Local Agency Contracts in Washington only. This rate may be subject to additional review if considered necessary by WSDOT. Your ICR must be updated on an annual basis.

Costs billed to agreements/contracts will still be subject to audit of actual costs, based on the terms and conditions of the respective agreement/contract.

This was not a cognizant review. Any other entity contracting with your firm is responsible for determining the acceptability of the ICR.

If you have any questions, feel free to contact our office at **(360) 705-7019** or via email [consultantrates@wsdot.wa.gov](mailto:consultantrates@wsdot.wa.gov).

Regards;

Jonson, Erik

Jan 29 2020 11:28 AM

cosign

ERIK K. JONSON  
Contract Services Manager

EKJ:ah

# STUDY SESSION

# Memo

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**DATE:** August 3, 2020  
**TO:** City Council  
**FROM:** Matt Kaser, City Attorney  
**SUBJECT:** Proposed Municipal Code Changes Relative to Insurance

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For a number of permit types, the City of University Place conditions permit issuance upon appropriate indemnity conditions. These conditions safeguard the City in the event that the permittee conducts work in such a manner that would potentially subject the City to third-party lawsuits.

Recently, the City's insurance carrier has provided guidance relative to a number of contracts and obligations that the City regularly enters into. As part of this process, our carrier has provided input on several recommended changes to the University Place Municipal Code.

These changes include recommendations to the following code provisions:

- Section 10.45.100 of the University Place Municipal Code, entitled, "Transportation permits – Oversized Load – Liability. The City issues permits to those moving oversized loads (defined within the Code based on a formula indexing with the number of axels on the vehicle). Although seldomly issued, our carrier has recommended changes raising these limits from \$100,000 per occurrence to \$2,000,000 per occurrence and from \$300,000 to \$2,000,000 aggregate. Permittees would also be required, as a condition of permit issuance, to indemnify and hold the City harmless.
- Section 13.05.670 "Insurance Required." The City issues a number of public works-related permits. The Municipal Code already imposes an insurance requirement. Currently, the Code requires that commercial general liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate and a \$2,000,000 products-completed operations aggregate limit. In addition, the Code requires that 30 days' advance notice is required if insurance is cancelled. The recommended changes to this provision

## Memo

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involve (1) raising the rate of CGL insurance coverage to no less than \$2,000,000 per occurrence; and (2) shortening the time to two days of notice of policy cancellation.

- Section 14.10.050 entitled “Application, Deposits and Fees.” The City has a chapter of the Municipal Code pertaining to moving buildings and other structures. This action requires a permit. Permittees are required to (1) post “[a] cash deposit or corporate surety bond in the sum of \$1,000 or such greater amount as the Building Official determines necessary as indemnity for any damage which the City may sustain ...”; (2) obtain a “public liability insurance policy” in the minimum amount of \$100,000.00; and (3) post a cash deposit or other bond in the minimum amount of \$500 to guarantee performance. In view of the rarity of applications for such permits, the “public liability insurance policy,” given the other requirements, has been recommended to be removed.

The foregoing recommended changes are intended to modernize Code provisions in light of current best-practices recommended by our insurance carrier.

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING TITLES 10, 13 AND 14 OF THE UNIVERSITY PLACE MUNICIPAL CODE; RELATING TO INSURANCE AND INDEMNITY REQUIREMENTS FOR CERTAIN PERMITS**

WHEREAS, the City requires certain indemnification and insurance requirements for certain permits, which are set forth in the University Place Municipal Code; and

WHEREAS, from time to time the University Place Municipal Code is reviewed by the City and its insurer, Washington Cities Insurance Authority (WCIA); and

WHEREAS, in its most recent review, WCIA is recommending amendments to Titles 10, 13 and 14 of the Code in order to ensure adequate security to protect the City in the event a permit holder fails to perform its obligations; and

WHEREAS, it is in the City's best interests to adopt the recommended amendments;

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

Section 1. Amendment of Section 10.45.100 UPMC. Section 10.45.100 of the University Place Municipal Code, entitled, "Transportation permits – Oversized Load – Liability insurance and/or bond required" is amended to read as follows:

10.45.100 Transportation permits – Oversized Load – Liability insurance and/or bond required.

A. Every person applying for a transportation permit, in addition to the requirements contained in this chapter, shall submit to the permits center evidence of adequate general liability ~~and property damage~~ insurance coverage, which shall not be less than ~~\$100,000~~\$2,000,000 per ~~person~~occurrence and ~~\$300,000~~2,000,000 general aggregate, naming the City of University Place as an additional insured using ISO endorsement form CG 20 12 or coverage at least as broad, and auto liability insurance which shall not be less than \$2,000,000 combined single limit, per accident and not less than \$100,000 for property damage, which insurance coverage shall adequately protect the city of University Place against any loss to property or bodily injury, or other damages sustained or claimed by any person, or sustained or claimed by the city of University Place, arising out of the granting or use of this permit or any acts or omissions done or performed under or in connection with such moving activities.

B. In addition to the foregoing insurance coverage, the applicant shall submit with this application a cash bond with a lawful corporate surety, the form to be approved by the city attorney, in the amount of \$10,000, conditioned upon the applicant's compliance with all the provisions of this chapter and agreeing to pay and hold blameless and harmless and indemnify the city of University Place, its officers, agents, and employees against any accident, liability, loss, injury, action and the costs thereof arising from the conduct or operations of the permittee in connection with this permit.

C. The Permittee shall be required to defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or in connection with activities or operations performed by the Permittee or on the Permittee's behalf out of issuance of the Permit.

Section 2. Amendment of Section 13.05.670 UPMC. Section 13.05.670 of the University Place Municipal Code, entitled, "Insurance Required" is amended to read as follows:

13.05.670 Insurance Required.

A. The applicant shall procure and maintain for the duration of the permit insurance against claims for injuries to persons or damage to property which may arise from or in connection with operations or activities performed by or on the applicant's behalf with the issuance of this permit.



B. No Limitation. Applicant's maintenance of insurance as required by the permit shall not be construed to limit the liability of the applicant to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

C. Minimum Scope of Insurance. The applicant shall obtain insurance of the type described below:

1. Commercial general liability insurance shall be written on Insurance Services Office (ISO) occurrence form CG 00 01 and shall cover products liability. The City shall be named as an insured under the applicant's commercial general liability insurance policy using ISO Additional Insured-State or Political Subdivisions – Permits CG 20 12 or a substitute endorsement providing equivalent coverage.

2. Automobile liability insurance covering all owned, nonowned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. ~~If necessary, the policy shall be endorsed to provide contractual liability coverage.~~

D. Minimum Amounts of Insurance. Applicant shall maintain the following insurance limits:

1. Commercial general liability insurance shall be written with limits no less than \$24,000,000 each occurrence, \$2,000,000 general aggregate and a \$2,000,000 products-completed operations aggregate limit.

2. Automobile liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.

E. Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions for commercial general liability insurance:

1. The applicant's insurance coverage shall be primary insurance as respect to the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the applicant's insurance and shall not contribute to it.

2. ~~The Applicant shall provide the City with written notice of any policy cancellation, within two business days of their receipt of such notice. The applicant's insurance shall be endorsed to state that coverage shall not be canceled by either party, except after 30 days' prior written notice by certified mail, return receipt requested, has been given to the City.~~

F. Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

G. Verification of Coverage. Applicant shall furnish the City with original certificates and a copy of the amendatory endorsements, including the additional insured endorsement, evidencing the insurance requirements of the applicant before issuance of the permit.

Section 3. Amendment of Section 14.10.050 UPMC. Section 14.10.050 of the University Place Municipal Code, entitled, "Application, Deposits and Fees" is amended to read as follows:

14.10.050 Application, Deposits and Fees.

A. Every applicant before being granted a permit shall pay an application filing fee as shall be established from time to time by the City.

B. For any application for a Class I or II move herein provided for, there shall be charged and collected an inspection fee in an amount established from time to time by the City.

C. An application hereunder shall be accompanied by:

1. A cash deposit or corporate surety bond in the sum of \$1,000 or such greater amount as the Building Official determines necessary as indemnity for any damage which the City may sustain by reason or damage or injury to any highway, street or alley, sidewalk, or other property of the City which may be caused by or be incidental to the removal of any building over, along or across any street in the City and to indemnify the City against any claim of damages to persons or private property;

~~2. A public liability insurance policy, naming the city as an additional assured and providing \$100,000 or such greater amount the building official determines necessary to satisfy any claim by private individuals, firm, or corporations arising out of, caused by, or incidental to the moving of any building over, along, or across any street in the city; and~~

~~2~~3. A cash deposit or a corporate surety bond in the sum of \$500.00 or such greater amount as the building official determines necessary conditioned upon the permittee, within six months from the date of the issuance of such permit (a) completing the construction, painting and finishing of the exterior of the building and (b) faithfully complying with all requirements of this chapter, the building code, UPMC Title 19, Zoning, the other ordinances then in effect within the City including but not limited to permittee completing such work within six months of the date of the issuance of such permit. In the event the provisions of this subsection are not complied with within the time specified, the sum of \$500.00 shall be forfeited to the City

as a penalty for the default, and this shall be in addition to any other penalties provided for failure to comply within the terms of this chapter.

Section 4. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 5. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other.

Section 6. Effective Date. This Ordinance shall be in full force and effect five (5) days after final passage.

**PASSED BY THE CITY COUNCIL ON AUGUST \_\_\_\_, 2020.**

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Caroline Belleci, Mayor

**ATTEST:**

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Emelita J. Genetia, City Clerk

**APPROVED AS TO FORM:**

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Matthew S. Kaser, City Attorney

Publication Date: xx/xx/xx

Effective Date: xx/xx/xx