

Councilmembers

Position No.

1. Tod Gunther
2. Barbara Ford
3. William Birkes
4. Dave Harman
5. Sam Colorossi
6. Josh Penner, Deputy Mayor
7. Scott Drennen



Orting City Council Regular Business Meeting Agenda

Orting Public Safety Building
401 Washington Ave. SE, Orting, WA

June 24, 2015
7 p.m.

Audience members are welcome to speak on any topic on the agenda after Councilmembers have finished their discussion.

Deputy Mayor Josh Penner, Presiding

1. CALL MEETING TO ORDER

- A. Pledge of Allegiance
- B. Roll Call

2. REQUEST FOR ADDITIONS OR CORRECTIONS TO THE AGENDA

Motion: *Move to change the order of tonight's agenda moving New Business before Old Business.*

3. CONSENT AGENDA

- A. *Minutes of June 10, 2015
- B. *Payroll and Claims Warrants

Motion: *Move to approve Consent Agenda as prepared.*

4. COMMENTS FROM CITIZENS - Persons wishing to address the City Council regarding items of new business are encouraged to do so at this time. When recognized by the Mayor, please come to the podium and clearly state your name and address. Please limit your comments to 3 minutes. If you desire a formal agenda placement, please contact the City Clerk at 360-893-2219. Thank you for attending.

5. PRESENTATIONS - None

6. COMMITTEE AND STANDING REPORTS

- A. Transportation – CM Drennen/DM Penner
- B. Technology and Land Use – CM Gunther/CM Harman
- C. Miscellaneous activity reports, i.e. PSRC, Zoo Trek, special meetings, etc.

7. NEW BUSINESS

- A. *DUI Emergency Response Costs – CM Colorossi
Ordinance No. 2015- 966• DUI Emergency Response Cost Recovery
Motion: *Move to adopt Ordinance No. 2015-966, adding Article C relating to Recovery of Emergency Response Costs to Chapter 1, Title 6, concerning Police regulations of the Orting Municipal Code*
- B. *Memorandum of Understanding with Public Works & Admin Staff Union – DM Penner
Motion: *Move to approve the Memorandum of Understanding with the WCCSE as written.*
- C. *Memorandum of Understanding with the Police Guild – DM Penner
Motion: *Move to approve the Memorandum of Understanding with the Police Guild as written.*

D. *Street Lighting Request Policy – CM Drennen
Motion: Move to approve the Street Lighting Policy and Procedure as written.

E. *Closed Record Appeal - Rezone Request for 801 Calistoga St. W.

• Open Public Hearing – Deputy Mayor Penner

“The purpose of this closed record public hearing is to hear an appeal from a representative of American Concrete that asks the Council to approve its rezone request that was rejected by the Planning Commission following its public hearing on May 4th, 2015. Because this is a Closed Record Appeal the Council will not be taking testimony from the audience. The order of the hearing will start with the staff report and the Planning Commission’s Facts and Findings. The Council will be allowed to ask the Planner questions and seek clarifications.

Next, the Appellant will be permitted to make their appeal of the Planning Commission’s recommendation to Council of rejection of the Rezone request. Again Council will be allowed to ask the Appellant and the Planner questions and seek clarifications.

After these steps I will close the public hearing and the Council will deliberate. The Council may or may not choose to go into Executive Session according to RCW 42.30.110(i) to discuss with legal counsel matters relating to potential litigation. If the Council goes into executive session it will come out of the session and take action.”

- Staff Report and Facts & Findings – Roger Wagoner, Planner
 - Questions/Clarifications by Council to the Planner
- Appellant presents appeal
 - Questions/Clarifications by Council
- Close Public Hearing – Deputy Mayor Penner

Motion: Move to...

8. OLD BUSINESS

A. *2015 Comprehensive Plan – Roger Wagoner, City Planner

Ordinance No. 2015-967 • 2015 Comprehensive Plan

Motion: Move to approve Ordinance No. 2015-967, relating to Land Use and Zoning; adopting amendments to the Comprehensive Plan

B. *Memorandum of Agreement with Pierce County – CM Drennen

Motion: Move to approve the Memorandum of Agreement with Pierce County regarding Road and Traffic Maintenance Services

C. *Financing Strategies for Additional Police Officers – CM Penner/Gunther

D. Emergency Evacuation Bridge Lead Agency Agreement – CM Drennen

9. ADJOURN

Motion: Move to Adjourn.

Note: An * indicates enclosures or attachments

Next Regular Meeting: July 8, 2015

ORTING CITY COUNCIL MEETING MINUTES

June 10, 2015

Mayor Joachim Pestinger called the meeting to order with the flag salute at 7:00 pm in the Orting Public Safety Building. Roll call found in attendance Deputy Mayor Josh Penner, Councilmembers Sam Colorossi, Scott Drennen, William Birkes, Barbara Ford, Tod Gunther and Dave Harman.

ATTENDANCE:

City Employees	Mark Bethune, City Administrator Rachel Pitzel, City Clerk	Bill Drake, Police Chief Stephen Vincenti, Treasurer
Professional Representatives	Jay Long, Attorney – Kenyon Disend JC Hungerford, Engineer – Parametrix	
Visitors (signed in)	John Aldrich Jim Dawd Rex Rodin	

REQUEST FOR ADDITIONS OR CORRECTIONS TO THE AGENDA:

Councilmember Gunther requested an update on cemetery issue.

CONSENT AGENDA:

Councilmember Colorossi moved to approve the Consent Agenda as prepared. Second by Councilmember Birkes. Motion carried (7-0).

COMMENTS FROM CITIZENS: NONE

PRESENTATIONS: NONE

COMMISSION REPORTS: (7:03)

Parks Commission	No report.
Planning Commission	Commissioner Hogan – discussed the Parks Plan and review.

COMMITTEE AND STANDING REPORTS: (7:03)

Community & Government Affairs	Councilmember Ford reported on the city sponsorship policy which is still in progress; Gambling Tax ratios; Council objective for Agriculture; noted the Farmers Market will begin on Fridays in the North Park June 19 from 3-7 p.m.
Public Works	Councilmember Drennen asked Finance Director Vincenti to come forward and discuss the utility billing change for water shut offs in

July; Councilmember Drennen reported on the proposal for the DM garbage services. He noted an ordinance will be brought forward to Council on July 8; Councilmember Colorossi is continuing to work on the Orville Road easement which was a total of 17 parcels – 15 are completed; he discussed utility staffing- what are our needs in the high use months; replacement vehicle needed and maintenance RFQ for fleet maintenance.

Finance & Cemetery

Councilmember Colorossi discussed the Finance Committee report; discussed court fine rates; new ordinance on recouping DUI costs.

Public Safety

Deputy Mayor Penner reported a lot of work that is in progress; LOS – round table; education opportunities for the community (2 x year) traffic class and rape defense class; independent review in Police Department - work in progress; funding strategies for Public Safety- discussed Guild stating more Officers needed and options on how we can fund it. Deputy Mayor Penner asked Council- should we look to a utility or garbage tax, property tax or B & O tax; Council can also choose to do an advisory vote.

Discussion ensued regarding Public Safety and parameters of funding.

Councilmember Drennen moved to go forward with an Advisory vote and put out to citizens for input on Public Safety funding. Councilmember Birkes seconded the motion.

Councilmember Drennen amended his motion to add an Advisory vote for an increase in real estate [property] tax to help fund Public Safety.

Councilmember Birkes noted that it was just the intent for an Advisory vote, not to determine what tax to increase, that would come at a later date by the Committee and brought forward to Council.

Deputy Mayor Penner explained the difference between an Advisory vote and Real Estate property tax vote.

Birkes withdrew the second motion, motion died.

Miscellaneous

Councilmember Ford discussed the AWC Conference, thanked City Clerk for getting a scholarship to attend. She noted she was asked to present at the Tarragon Ridge Career Fair.

Deputy Mayor Penner noted he attended a breakfast with the Governor of Idaho where he discussed Bridge for Kids.

Mayor Pestinger noted a letter from Comcast – service costs are going up and everyone should be getting notice with their bill; the City of Orting is once again a Well City, City Administrator Bethune explained what a Well City is; reported on Mr. Wolfe and the Levee project being awarded the Municipal Excellence Award which will be

presented at the AWC Conference. Mayor Pestinger reported that Deputy Mayor Penner will be presiding over the next regular Council meeting on June 24.

City Administrator Bethune reported on the cemetery and the gates being open over the weekends by the Police Department, he discussed the signs and crosswalk.

Mayor Pestinger reported on Sound Transit and working with their staff for easier transportation for citizens who ride the Sounder; he also noted he is trying to get two 4x4 military vehicles from JBLM at no cost to the City.

Technology

Councilmember Gunther reminded folks about the police survey- next step is to expand perhaps a random mailing; discussed communication and the Police Guild volunteering their time to fill the communication gap; discussed reader board technology.

OLD BUSINESS:

Orting Emergency
Evacuation Bridge
Lead Agency
Agreement

No report.

Approval of
Software to Track
City's Facebook
and Twitter
Accounts

Councilmember Gunther reported acquiring software to capture and archive the City's Facebook, email and Twitter accounts.

City Administrator Bethune asked if Council wanted staff to bring forward the policy and procedures back for more discussion in front of Council.

Councilmember Ford moved to approve an expenditure of \$400 for 2015 and \$120 in the following years to specifically purchase software that tracks the City's electronic accounts for archival purposes (email, Facebook and twitter accounts) for potential public records requests in the future.

Councilmember Birkes suggested an amendment to approve up to a maximum amount.

Councilmember Ford moved to approve an expenditure not to exceed \$600 for 2015 and \$120 in the following years to specifically to purchase software with Popular Networks, that tracks the City's electronic accounts for archival purposes (email, Facebook and twitter accounts) for potential public records requests in the future. Second by Penner. Motion carried (7-0).

NEW BUSINESS:

PUBLIC HEARING
2015 Comprehensive
Plan Amendments

Mayor Pestinger opened the public hearing at 8:06 pm.

Mr. Wagoner reported on the 2015 Comp Plan- this is not a complete rewrite, responded to the State changes to the Growth Management Act and the process of changes with Planning Commission. Discussed the schedule – he noted tonight’s public hearing and then June 24th Council meeting to adopt the ordinance. He noted that State law requires City to have the Comprehensive Plan done by June 30. He also noted the City received three State Agency comments with very little changes to be made. If Council has comments – please submit no later than the end of next week. A new document can be produced to Council at the next meeting on June 24th to adopt the plan. Discussed the Planning Commission’s Facts & Findings which was a summary of changes made to the document.

No public comment.

Mayor Pestinger closed the public hearing at 8:26 pm.

PUBLIC HEARING
Parks, Trails and
Open Space Plan
Update

Mayor Pestinger opened the public hearing at 8:26 pm.

Ms. Abby Weber reported on the Parks Plan that was started last Fall; she noted how it was critical for Parks funding and needed to be updated every 6 years. She discussed that the draft plan was submitted to the State, the Parks Commission recommended the Plan and the Planning Commission held the public hearing and recommended adoption of the proposed amendments. She discussed the Facts & Findings that were provided by the Planning Commission and reviewed the changes with Council.

No public comment.

Mayor Pestinger closed the public hearing at 8:34 pm.

Councilmember Gunther moved to approve Resolution No. 2015-8, adopting updates to the Orting Parks, Trails & Open Space Plan. Second by Councilmember Colorossi. Motion carried (7-0).

Chip Seal Bid
Approval

Deputy Mayor Penner reported on the Chip Seal project and this being on the 6 year TIP.

Deputy Mayor Penner moved to approve Santa Fe as low bidder for the Chip Seal project in the amount of \$65,656.61. Second by Councilmember Drennen. Motion carried (7-0).

Kingsmen Event

Councilmember Colorossi reported on the Kingsmen event occurring on June 20th.

Red Hat Day

Councilmember Gunther reported on the Red Hat Day event and gave history of the event.

Introduced the President and Vice President of the event to discuss the project.

Mr. Rex Rodin addressed Council. He noted they are asking Council to allow them to bring the breakfast back in the Park; this year is the 40th Anniversary and they have come up with plans to get kids involved in the event; he noted they would like to run the breakfast pit for 24 hours - 72 hours total.

Councilmember Birkes discussed a situation that occurred last year, he noted he hoped that something like that does not occur again.

Councilmember Gunther moved to permit a food booth as a function of Red Hat Days to stay open from Friday, October 16th until Noon on Sunday, October 18th. Second by Councilmember Harman. Motion carried (7-0).

Backflow Testing

Councilmember Drennen reported on the testing of backflow assemblies; he noted this needed to be certified and done yearly.

Councilmember Drennen moved to approve Cross Connection Specialist, LLC as the low bidder for Backflow Testing in the amount of \$11,489.28. Second by Councilmember Birkes. Motion carried (7-0).

CLOSED SESSION AND EXECUTIVE SESSION:

Mayor Pestinger recessed to an Executive Session pursuant to RCW 42.30.110(i) regarding potential litigation and a Closed Session to discuss Collective bargaining sessions with employee organizations, including contract negotiations, grievance meetings, and discussions relating to the interpretation or application of a labor agreement, as authorized by RCW 42.30.140(4)(a). Council will reconvene at 9:30 pm. Possible action may follow the Closed and Executive Session.

Mayor Pestinger called for a 15 minute extension to the Closed and Executive Session.

Mayor Pestinger called for a 5 minute extension to the Closed and Executive Session.

Mayor Pestinger called for a 3 minute extension to the Closed and Executive Session.

Mayor Pestinger reconvened the Council meeting at 9:53 pm.

Councilmember Gunther moved to allow Councilmember Ford to listen in to the Council meeting on June 24th while at the AWC Conference. Second by Harman. Motion carried (7-0).

ADJOURN:

Councilmember Gunther moved to adjourn. Second by Deputy Mayor Penner. Motion carried (7-0).

ATTEST:

Joachim Pestinger, Mayor

Rachel Pitzel, City Clerk

CITY OF ORTING
VOUCHER/WARRANT REGISTER
FOR JUNE 24, 2015 COUNCIL

CLAIMS/PAYROLL VOUCHER APPROVAL

CITY OF ORTING

WE, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE CLAIM IS A JUST, DUE AND UNPAID OBLIGATION AGAINST THE CITY OF ORTING, AND THAT WE ARE AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIM.

CLAIMS WARRANTS #42326 THRU #42380
IN THE AMOUNT OF \$ 86,897.76

PAYROLL WARRANTS #22130 THRU #22143
IN THE AMOUNT OF \$ 113,949.72

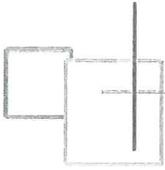
ARE APPROVED FOR PAYMENT ON JUNE 24, 2015

FINANCE COMMITTEE CHAIR _____

COUNCILPERSON _____

COUNCILPERSON _____

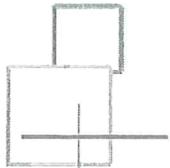
CITY CLERK _____



Fund Transaction Summary

Transaction Type: Invoice
Fiscal: 2015 - June - 2nd Council
System Types: Financials

001	Current Expense	\$38,845.12
101	City Streets	\$6,278.61
104	Cemetery	\$100.45
105	Parks Department	\$14,190.76
320	Transportation Impact	\$26.40
401	Water	\$10,814.77
408	Wastewater	\$14,140.91
410	Stormwater	\$2,500.74
	Count: 8	\$86,897.76

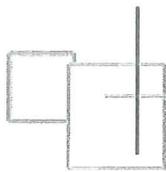


Register

Fiscal: 2015
Deposit Period: 2015 - June
Check Period: 2015 - June - 2nd Council
Bank Accounts: Key Bank - 2000073
Register Types: Warrant
Show Outstanding: All
System Types: Financials
Outstanding Date: 6/19/2015 11:12:23 AM
Show Details: Hide

Key Bank Check	2000073			
42326	Keybank	6/16/2015	\$4,037.89	
42327	ACRnet CBS Branch	6/24/2015	\$44.00	
42328	Alpine Products Inc.	6/24/2015	\$181.33	
42329	Associated Petroleum Products INC	6/24/2015	\$2,424.98	
42330	Bhc Consultants	6/24/2015	\$4,371.19	
42331	Bratwear	6/24/2015	\$384.76	
42332	Bucky's of Oring Inc	6/24/2015	\$32.78	
42333	CenturyLink/Qwest	6/24/2015	\$81.48	
42334	Comcast	6/24/2015	\$20.74	
42335	Consolidated Supply	6/24/2015	\$64.95	
42336	Crystal & Sierra Springs	6/24/2015	\$143.35	
42337	Department of Enterprise Services-Financial Office	6/24/2015	\$186.42	
42338	Diesel Services Northwest INC	6/24/2015	\$1,761.20	
42339	Enumclaw, City of	6/24/2015	\$540.00	
42340	Evident -Crime Scene Products	6/24/2015	\$62.00	
42341	Fastenal Company	6/24/2015	\$466.91	
42342	Firestone Complete Auto Care	6/24/2015	\$377.54	
42343	Foxcroft Equipment & Service CO Inc	6/24/2015	\$516.32	
42344	GC Systems INC	6/24/2015	\$1,553.66	
42345	Gwen Robosn	6/24/2015	\$507.50	
42346	H D Fowler Company	6/24/2015	\$659.72	
42347	Hach Company	6/24/2015	\$2,320.71	
42348	Honey Bucket-NW Cascade Inc	6/24/2015	\$80.80	
42349	Kenyon Disend PLLC	6/24/2015	\$12,301.35	
42350	Konika Minoita Business Solutions	6/24/2015	\$331.54	
42351	Lake Side Doors	6/24/2015	\$430.85	
42352	Law Offices of Matthew J Rusnak	6/24/2015	\$1,800.00	
42353	Lincoln, Tim	6/24/2015	\$1,080.00	
42354	Office Depot	6/24/2015	\$177.17	

42355	Orca Pacific, Inc	6/24/2015	\$775.86
42356	Orting Auto Parts	6/24/2015	\$241.60
42357	Orting Historical Society	6/24/2015	\$500.00
42358	P County Budget & Finance	6/24/2015	\$25.00
42359	Phillips 66-CO /GECRB	6/24/2015	\$20.00
42360	Pierce County	6/24/2015	\$76.00
42361	Popular Networks, Llc	6/24/2015	\$7,138.39
42362	Puget Sound Energy	6/24/2015	\$14,261.42
42363	Ricoh USA INC	6/24/2015	\$251.00
42364	South Correctional Entity	6/24/2015	\$17.50
42365	Spectral Laboratories	6/24/2015	\$360.00
42366	Staples Advantage-Dept LA	6/24/2015	\$335.16
42367	Sunnyside, City Of	6/24/2015	\$798.00
42368	T M G Services Inc	6/24/2015	\$939.37
42369	Tacoma Electric Supply Inc	6/24/2015	\$17,146.88
42370	The Humane Society Tac/p.	6/24/2015	\$103.00
42371	The News Tribune	6/24/2015	\$542.52
42372	The Tactical Tailor Inc.	6/24/2015	\$60.29
42373	United Laboratories	6/24/2015	\$295.56
42374	Vision Forms LLC	6/24/2015	\$2,377.83
42375	Washington Rock Quarries,	6/24/2015	\$67.30
42376	Washington Tractor	6/24/2015	\$197.97
42377	Wex Bank	6/24/2015	\$2,425.01
42378	Whitworth Pest Solutions, INC	6/24/2015	\$756.16
42379	Wild West International Llc	6/24/2015	\$136.80
42380	Winfield	6/24/2015	\$108.00
	Total	Total	\$86,897.76
	Total	Check	\$86,897.76
	Grand Total	2000073	\$86,897.76



Custom Council Report

ACRnet CBS Branch	42327	1505248	001-518-10-41-01	Background Check-Pitzel	\$44.00
				Total	\$44.00
Alpine Products Inc.	42328	TM-149088	101-542-64-49-01	Paint	\$181.33
				Total	\$181.33
Associated Petroleum Products INC	42329	0750865-IN	101-542-30-32-00	Fuel	\$101.63
			401-534-80-32-00	Fuel	\$914.71
			401-534-80-32-01	Fuel	\$176.53
			408-535-80-32-00	Fuel	\$914.72
			408-535-80-32-01	Fuel	\$176.53
			410-531-38-32-01	Fuel	\$101.63
			410-531-38-32-02	Fuel	\$39.23
				Total	\$2,424.98
Bhc Consultants	42330	0006824-I	001-558-60-41-02	VG/Corliss/Levee Repair	\$2,625.26
		0006824-II	001-558-60-41-02	Comp Plan	\$1,745.93
				Total	\$4,371.19
Bratwear	42331	15101	001-521-20-31-01	Uniform Items for Burson/Taylor	\$119.90
		15315	001-521-20-31-01	Bicycle Uniform-Boone	\$264.86
				Total	\$384.76
Bucky's of Orting Inc	42332	024653	001-521-50-48-02		\$32.78
				Total	\$32.78
CenturyLink/Qwest	42333	465B-June2015	001-521-20-45-02	Cell Connection Data Interface	\$81.48
				Total	\$81.48
Comcast	42334	5839-June2015	001-514-23-42-00	City Hall Equipment	\$6.92
			401-534-10-42-01	City Hall Equipment	\$6.91
			408-535-10-42-01	City Hall Equipment	\$6.91
				Total	\$20.74
Consolidated Supply	42335	S7335922.001	401-534-50-48-02	Meter Box Lid	\$64.95
				Total	\$64.95
Crystal & Sierra Springs	42336	29189795225720-June2015	401-534-10-31-00	Water for Public Works	\$57.34

Crystal & Sierra Springs	42336	29189795225720-June2015	408-535-10-31-00	Water for Public Works	\$86.01
				Total	\$143.35
Department of Enterprise Services-Financial Office	42337	15115009	001-521-20-31-03	Office Equipment	\$186.42
				Total	\$186.42
Diesel Services Northwest INC	42338	248	101-542-30-48-04	Tune Up For 1994 Ford F350	\$165.14
			104-536-50-48-01	Tune Up For 1994 Ford F350	\$27.52
			105-576-80-48-02	Tune Up For 1994 Ford F350	\$192.69
			401-534-50-48-06	Tune Up For 1994 Ford F350	\$55.04
			408-535-50-48-08	Tune Up For 1994 Ford F350	\$55.04
			410-531-38-48-01	Tune Up For 1994 Ford F350	\$55.04
	254		101-542-30-48-04	06 Dump Truck-Oil Change & Fuel Filter	\$133.52
			105-576-80-48-02	06 Dump Truck-Oil Change & Fuel Filter	\$333.83
			401-534-50-48-06	06 Dump Truck-Oil Change & Fuel Filter	\$66.76
			408-535-50-48-08	06 Dump Truck-Oil Change & Fuel Filter	\$66.76
			410-531-38-48-01	06 Dump Truck-Oil Change & Fuel Filter	\$66.76
	256		101-542-30-48-04		\$108.62
			105-576-80-48-02		\$271.55
			401-534-50-48-06		\$54.31
			408-535-50-48-08		\$54.31
			410-531-38-48-01		\$54.31
				Total	\$1,761.20
Enumclaw, City of	42339	pol-0009-June 2015	001-523-60-41-00	Jail Fees-May 2015	\$540.00
				Total	\$540.00
Evident -Crime Scene Products	42340	94670A	001-521-21-31-01	Evidence Bags	\$62.00
				Total	\$62.00
Fastenal Company	42341	WAPUY69293	101-594-42-63-07	Supplies for VanScoyoc Lights	\$140.07
			105-594-76-63-31	Supplies for VanScoyoc Lights	\$326.84
				Total	\$466.91
Firestone Complete Auto Care	42342	BI12214966	001-521-50-48-02	Tires-08 Charger	\$314.34
		BI12219764	001-521-50-48-02	Oil Change/Flat Repair-08 Charger	\$63.20
				Total	\$377.54

Foxcroft Equipment & Service CO Inc	42343	804051	401-534-50-48-04	Maintenance Kit for Analyzers	\$516.32
				Total	\$516.32
GC Systems INC	42344	4227	401-534-50-48-02	Rebuild on Pump for Well 1	\$1,553.66
				Total	\$1,553.66
Gwen Robosn	42345	Invoice - 6/17/2015 1:23:47 PM	001-514-20-10-06	Consultant Services 5/21/15-5/25/2015 14.5 HRS	\$279.13
			001-524-10-10-07	Consultant Services 5/21/15-5/25/2015 14.5 HRS	\$25.38
			001-554-30-10-01	Consultant Services 5/21/15-5/25/2015 14.5 HRS	\$5.07
			101-542-90-10-02	Consultant Services 5/21/15-5/25/2015 14.5 HRS	\$15.23
			401-534-70-10-06	Consultant Services 5/21/15-5/25/2015 14.5 HRS	\$55.83
			408-535-70-10-05	Consultant Services 5/21/15-5/25/2015 14.5 HRS	\$76.11
			410-531-37-10-03	Consultant Services 5/21/15-5/25/2015 14.5 HRS	\$50.75
				Total	\$507.50
H D Fowler Company	42346	I3924566	105-576-80-48-00	2" Valve/Teflon Tape	\$90.30
		I3941007	401-534-50-48-02	Gaskets/Clamp/PVC	\$569.42
				Total	\$659.72
Hach Company	42347	9415616	408-535-50-48-03	Transmitter Ball for WWTP Meter	\$2,320.71
				Total	\$2,320.71
Honey Bucket-NW Cascade Inc	42348	2-1225795	408-535-60-48-04	Honey Bucket Services	\$80.80
				Total	\$80.80
Kenyon Disend PLLC	42349	183031/183032	001-515-30-41-01	City Attorney Retainer	\$3,500.00
			001-515-30-41-02	City Attorney Fees	\$8,801.35
				Total	\$12,301.35
Keybank	42326	4412-June2015	001-521-20-31-01	Battery Core Creidt	(\$12.00)
			001-521-20-31-01	Hangar Packs for Uniforms	\$16.49
			001-521-20-31-01	Name Tags for Officer Hattaway	\$65.31
			001-521-20-31-01	Battery For Crown Vic	\$146.70
			001-521-40-49-00	Training for Drake-Hotel	\$424.80

Keybank	42326	4412-June2015	001-521-50-48-02	Oil Change for Ford Explorer	\$69.61	
			001-521-50-48-04	IR Flashlight	\$119.32	
			4438-June2015	001-513-10-31-00	Credit for Municipal Excellence Breakfast	(\$35.00)
				001-513-10-31-00	Municipal Excellence Breakfast	\$105.00
				001-513-10-31-02	Employee Recognition Lunch	\$37.70
				001-513-10-49-00	NW Clerks Institute Training-Pitzel	\$875.00
				001-514-23-43-00	Meals for Training Vincenti	\$7.56
				001-514-23-43-00	Meals for Training Vincenti	\$7.56
				001-514-23-43-00	Fuel for Training Vincenti	\$19.21
				001-514-23-43-00	Meals for Training Vincenti	\$20.45
				001-514-23-43-00	Fuel for Training Vincenti	\$26.26
				001-514-30-49-01	Publications	\$72.95
				001-514-40-41-19	Hotel For Training-Vencenti	\$389.67
				401-534-10-31-00	I Pad Data Storage	\$6.67
				401-534-10-31-00	Bags for Door Hangers	\$15.03
				401-534-10-31-00	Supplies	\$17.29
				408-535-10-31-00	I Pad Data Storage	\$6.66
				408-535-10-31-00	Bags for Door Hangers	\$15.03
				408-535-10-31-00	Supplies	\$17.28
				408-535-10-41-03	Lab Testing	\$75.00
				410-531-38-31-00	I Pad Data Storage	\$6.66
				410-531-38-31-00	Bags for Door Hangers	\$15.03
				4461-June2015	001-521-20-31-03	Toner
001-521-40-49-00	Training for Isenhardt	\$253.31				
001-571-20-31-01	Storage for Parks & Rec	\$495.00				
001-571-20-31-25	Awards Baseball	\$620.75				
401-534-10-31-00	Toner	\$18.00				
408-535-10-31-00	Toner	\$18.00				
408-535-10-31-00	Battery for WWTP Alarm	\$65.61				
410-531-38-31-00	Toner	\$17.99				
	Total	\$4,037.89				
Konica Minolta Business Solutions	42350	00279172	001-594-21-75-00	PD Copier Lease	\$331.54	
				Total	\$331.54	
Lake Side Doors	42351	56594	001-522-20-48-02	Repair for PSB Fire Bays Doors	\$430.85	
				Total	\$430.85	
Law Offices of Matthew J Rusnak	42352	69	001-512-50-49-01		\$1,800.00	
				Total	\$1,800.00	

Lincoln, Tim	42353	1032	001-524-20-49-00	Contracted Building Inspector-June 1-15 2015	\$1,080.00
				Total	\$1,080.00
Office Depot	42354	774130705001	001-512-50-31-00	Toner	\$177.17
				Total	\$177.17
Orca Pacific, Inc	42355	15514 15703	401-534-10-31-01 401-534-10-31-01	Sodium Hypochlorite	\$387.93
				Sodium Hypochlorite	\$387.93
				Total	\$775.86
Orting Auto Parts	42356	1000-June2015	105-576-80-48-02	Supplies for Oil Changes #1034 & 1028	\$79.66
			105-576-80-48-02	Battery #1028	\$109.66
			401-534-50-48-04	Anti-Seize for Power Washer	\$4.44
			401-534-50-48-04	Supplies for Oil Changes #1034	\$19.03
			408-535-50-48-04	Supplies for Oil Changes #1034	\$19.03
			410-531-38-48-01	Glass Cleaner	\$9.78
				Total	\$241.60
Orting Historical Society	42357	June2015-401	001-571-20-31-11	2015 Grant	\$500.00
				Total	\$500.00
P County Budget & Finance	42358	0519311092-2015	410-531-20-50-01	Noxious Weed/Forest Protection-801 Cali ST W	\$25.00
				Total	\$25.00
Phillips 66-CO./GECRB	42359	7076224500989843-June2015	001-524-20-32-01	Fuel	\$20.00
				Total	\$20.00
Pierce County	42360	CI-204321	001-514-30-49-01	Document Filing	\$76.00
				Total	\$76.00
Popular Networks, Llc	42361	15246	001-513-23-41-01	Computer Maintenance	\$74.20
			001-514-23-41-04	Computer Maintenance	\$211.10
			001-524-20-41-01	Computer Maintenance	\$142.65
			001-525-60-41-03	Disaster Recovery	\$575.09
			001-575-50-41-03	Computer Maintenance	\$142.65
			101-542-30-41-04	Computer Maintenance	\$74.70
			401-534-10-41-05	Computer Maintenance	\$278.55
			408-535-10-41-05	Computer Maintenance	\$278.55

Popular Networks, Llc	42361	15246	410-531-38-41-04	Computer Maintenance	\$210.60	
		15251	001-521-50-41-01	Computer Maintenance	\$1,537.00	
			001-525-60-41-03	Disaster Recovery	\$24.15	
		15274	001-513-23-41-01	Computer Maintenance	\$74.20	
			001-514-23-41-04	Computer Maintenance	\$211.10	
			001-524-20-41-01	Computer Maintenance	\$142.65	
			001-525-60-41-03	Disaster Recovery	\$614.97	
			001-575-50-41-03	Computer Maintenance	\$142.65	
			101-542-30-41-04	Computer Maintenance	\$74.70	
			401-534-10-41-05	Computer Maintenance	\$278.55	
			408-535-10-41-05	Computer Maintenance	\$278.55	
			410-531-38-41-04	Computer Maintenance	\$210.60	
		15279	001-521-50-41-01	Computer Maintenance	\$1,537.00	
			001-525-60-41-03	Disaster Recovery	\$24.18	
				Total	\$7,138.39	
	Puget Sound Energy	42362	200001247663-June2015	408-535-50-47-07	VC Lift Station	\$150.27
			200001247812-June2015	320-542-30-41-03	SR162 Signal	\$26.40
		200001248034-June2015	401-534-50-47-07	Harman Springs	\$26.28	
		200001248190-June2015	105-576-80-47-01	North Park B	\$10.80	
		200001248372-June2015	401-534-50-47-08	Well 3	\$1,075.75	
		200001248539-June2015	001-525-50-47-01	Lahar Siren	\$10.80	
		200001532189-June2015	105-576-80-47-02	Main Park	\$116.94	
			105-576-80-47-03	Bell Tower	\$50.12	
		200002708986-June2015	408-535-50-47-05	VG Lift Station	\$194.02	
		200003766280-June2015	001-514-21-32-01	City Hall/City Shop @ City Hall	\$19.61	
			001-514-21-47-01	City Hall/City Shop @ City Hall	\$67.12	
			001-524-20-32-05	City Hall/City Shop @ City Hall	\$67.11	
			401-534-50-47-01	City Hall/City Shop @ City Hall	\$67.12	
			401-534-50-47-09	City Hall/City Shop @ City Hall	\$19.60	
			408-535-50-47-01	City Hall/City Shop @ City Hall	\$67.11	
			408-535-50-47-08	City Hall/City Shop @ City Hall	\$19.61	
		200009717931-June2015	401-534-50-47-04	Well 2	\$61.87	
		200010396329-June2015	001-521-50-47-00	PSB	\$615.72	
			001-522-50-47-00	PSB	\$615.71	
		200010396543-June2015	105-576-80-47-01	North Park	\$83.59	
		200010396733-June2015	401-534-50-47-11	Well 4	\$2,294.68	
		200010629349-June2015	101-542-63-47-01	City Shop	\$10.75	
			104-536-50-47-01	City Shop	\$8.60	
			401-534-50-47-01	City Shop	\$12.90	
			408-535-50-47-01	City Shop	\$10.76	
		200013874264-June2015	408-535-50-47-04	WWTP	\$7,655.05	
		200014994137-June2015	410-531-38-47-00	VG Storm Pond	\$43.63	

Puget Sound Energy	42362	200019613294-June2015	104-536-50-47-02	Cemetery Shop	\$64.33		
		200019646914-June2015	101-542-63-47-03	Street Lights	\$54.17		
		200021141250-June2015	408-535-50-47-03	Lift Station 2	\$81.20		
		200021421298-June2015	408-535-50-47-06	Sewer Pump Station	\$27.39		
		200022934653-June2015	001-575-50-47-01	MPC/Library	\$527.13		
		200024404523-June2015	408-535-50-47-02	Lift Station 1	\$84.59		
		220000846174-June2015	101-542-63-47-03	Street Lights	\$20.69		
		Total			\$14,261.42		
Ricoh USA INC	42363	94870918	001-594-14-75-00	City Hall Copier Lease	\$251.00		
				Total	\$251.00		
South Correctional Entity	42364	1153	001-523-60-41-00	Health Services Pathology	\$17.50		
				Total	\$17.50		
Spectral Laboratories	42365	99887	408-535-10-41-03	Lab Testing	\$242.00		
				99995	408-535-10-41-03	Lab Testing	\$118.00
				Total	\$360.00		
Staples Advantage- Dept LA	42366	3266451097	001-511-60-31-01		\$52.10		
				001-514-23-31-01	\$52.09		
				401-534-10-31-00	\$52.10		
				408-535-10-31-00	\$52.10		
			410-531-38-31-00	\$52.10			
			3267122223	001-511-60-31-01	Office Supplies	\$9.56	
			3268027944	001-513-10-31-00	Office Supplies	\$30.41	
				001-558-60-31-00	Office Supplies	\$34.70	
Total		\$335.16					
Sunnyside, City Of	42367	1850-June 2015	001-523-60-41-00	Jail Fees-May 2015	\$798.00		
				Total	\$798.00		
T M G Services Inc	42368	0038109-IN	401-534-50-48-02	Supplies	\$469.68		
				401-534-50-48-03	Supplies	\$469.69	
			Total	\$939.37			
Tacoma Electric Supply Inc	42369	2721231-00	101-594-42-63-07	Street Lights-VanScoyoc	\$5,144.06		
				105-594-76-63-31	Street Lights-Park	\$12,002.82	
			Total	\$17,146.88			
The Humane Society Tac/p.	42370	IVC0001476	001-554-30-31-00	Animal Control	\$103.00		
				Total	\$103.00		
The News Tribune	42371	257635-June2015	001-511-60-49-03	Publications	\$171.63		
				001-558-60-31-03	Publications	\$370.89	
			Total	\$542.52			

The Tactical Tailor Inc.	42372	RT102616	001-521-20-31-01	Uniform Item for Hattaway	\$60.29
				Total	\$60.29
United Laboratories	42373	INV121673	105-576-80-48-00	X-Empt Bio-Based Herbicide	\$295.56
				Total	\$295.56
Vision Forms LLC	42374	3003	401-534-10-31-00	Utility Bill Processing & Mailing	\$179.52
			401-534-10-42-00	Utility Bill Processing & Mailing	\$439.64
			408-535-10-31-00	Utility Bill Processing & Mailing	\$179.51
			408-535-10-42-00	Utility Bill Processing & Mailing	\$439.64
			410-531-38-31-00	Utility Bill Processing & Mailing	\$179.52
			410-531-38-42-00	Utility Bill Processing & Mailing	\$439.63
		3021	401-534-10-31-00	Utility Bill Processing & Mailing	\$25.57
			401-534-10-42-00	Utility Bill Processing & Mailing	\$66.11
			408-535-10-31-00	Utility Bill Processing & Mailing	\$25.57
			408-535-10-42-00	Utility Bill Processing & Mailing	\$66.11
			410-531-38-31-00	Utility Bill Processing & Mailing	\$25.57
			410-531-38-42-00	Utility Bill Processing & Mailing	\$66.11
		3033	001-514-23-31-01	Direct Deposit Forms	\$49.07
			001-521-20-31-03	Direct Deposit Forms	\$49.06
			401-534-10-31-00	Direct Deposit Forms	\$49.06
			408-535-10-31-00	Direct Deposit Forms	\$49.07
			410-531-38-31-00	Direct Deposit Forms	\$49.07
				Total	\$2,377.83
Washington Rock Quarries,	42375	54323	408-535-50-48-02	Topsoil	\$67.30
				Total	\$67.30
Washington Tractor	42376	735530	105-576-80-48-01	Repair on Weekeaters	\$25.57
			410-531-38-48-00	Repair on Weekeaters	\$25.57
		764056	105-576-80-31-00	Repair for New Gator	\$146.83
				Total	\$197.97
Wex Bank	42377	41284884	001-521-20-32-00	Fuel-PD	\$2,425.01
				Total	\$2,425.01

Company Name	Account Number	Invoice Number	Invoice Date	Item Description	Amount
Whitworth Pest Solutions, INC	42378	268212	410-531-38-48-03	Mosquito Control Storm Ponds	\$756.16
				Total	\$756.16
Wild West International Llc	42379	7865	001-521-40-49-00	Certification & Ammo	\$136.80
				Total	\$136.80
Winfield	42380	000060159517	101-542-30-31-00	Crossbow-Weed Control	\$54.00
				105-576-80-31-00	Crossbow-Weed Control
				Total	\$108.00
				Grand Total	\$86,897.76



City of Orting
City Council Staff Report

Date: June 17, 2015

Prepared By: Mark Bethune

Agenda Item: DUI Emergency Response Costs

Issue Synopsis:	City expenses are not sufficiently recouped during arrests for Driving Under the Influence (DUI).
Background:	The ability for the City to recoup its costs for a DUI arrest are provided by RCW.
Policy Options:	Approve, amend, deny
Analysis:	See above
Fiscal Impact:	Fund(s): 001 Expenditure Required: 0 Amount Budgeted: 0 Additional Appropriation Required: 0
Policy Questions:	See above
Staff Recommendation:	Approve
Finance Committee Recommendation:	Approve
Attachments:	DUI worksheet and Ordinance

CITY OF ORTING
WASHINGTON

ORDINANCE NO. 2015-966

AN ORDINANCE OF THE CITY OF ORTING,
WASHINGTON, ADDING ARTICLE C RELATING TO
RECOVERY OF EMERGENCY RESPONSE COSTS TO
CHAPTER 1, TITLE 6, CONCERNING POLICE
REGULATIONS OF THE ORTING MUNICIPAL CODE;
PROVIDING FOR SEVERABILITY; AND ESTABLISHING
AN EFFECTIVE DATE

WHEREAS, the City of Orting expends general fund monies responding to emergencies caused by intoxicated persons; and

WHEREAS, RCW 38.52.430 authorizes the City to recover from persons convicted of certain alcohol related expenses up to two thousand five hundred dollars (\$2,500) of the City's cost of emergency response;

NOW, THEREFORE, the City Council of the City of Orting, Washington, ordains as follows:

Section 1. Article C. Recovery of Emergency Response Costs. Article C. "Recovery of Emergency Response Costs" is added to the Orting Municipal Code and reads as follows:

6-1C-1: Definitions.

6-1C-2: Emergency response caused by person's intoxication – Recovery of costs from convicted person.

6-1C-3: Administration – Collection.

6-1C-4: Reimbursement.

6-1C-1: Definitions.

As used in this subchapter:

- (a) "Emergency" means an incident that requires a normal police, coroner, fire, rescue, emergency medical services, or utility response as a result of a violation of one of the statutes enumerated in OMC 6-1C-2.
- (b) "Emergency response" means a public agency's use of emergency services during an emergency or disaster as defined in subsection (a) of this section.

- (c) "Expense of an emergency response" means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, but shall only include those costs directly arising from the response to the particular incident. Reasonable costs shall include the costs of providing police, coroner, firefighting, rescue, emergency medical services, or utility response at the scene of the incident, as well as the salaries of the personnel responding to the incident.
- (d) "Public agency" means the State, and a city, county, Municipal Corporation, district, town, or public authority located, in the whole or in part, within this State which provides or may provide firefighting, police, ambulance, medical, or other emergency services.

6-1C-2: Emergency response caused by person's intoxication – Recovery of costs from convicted person.

(a) A person whose intoxication causes an incident resulting in an appropriate emergency response, and who, in connection with the incident, has been found guilty of or has had their prosecution deferred for (1) driving while under the influence of intoxicating liquor or any drug, RCW [46.61.502](#); (2) operating an aircraft under the influence of intoxicants or drugs, RCW [47.68.220](#); (3) use of a vessel while under the influence of alcohol or drugs, RCW [79A.60.040](#); (4) vehicular homicide while under the influence of intoxicating liquor or any drug, RCW [46.61.520\(1\)\(a\)](#); or (5) vehicular assault while under the influence of intoxicating liquor or any drug, RCW [46.61.522\(1\)\(b\)](#), is liable for the expense of an emergency response by a public agency to the incident.

(b) The expense of an emergency response is a charge against the person liable for expenses under this section. The charge constitutes a debt of that person and is collectible by the public agency incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied. Following a conviction of an offense listed in this section, and prior to sentencing, the prosecution may present to the court information setting forth the expenses incurred by the public agency for its emergency response to the incident. Upon a finding by the court that the expenses are reasonable, the court shall order the defendant to reimburse the public agency. The cost reimbursement shall be included in the sentencing order as an additional monetary obligation of the defendant and may not be substituted for any other fine or cost required or allowed by statute. The court may establish a payment schedule for the payment of the cost reimbursement, separate from any payment schedule imposed for other fines and costs.

(c) In no event shall a person's liability under this section for the expense of an emergency response exceed two thousand five hundred dollars for a particular incident.

(d) If more than one public agency makes a claim for payment from an individual for an emergency response to a single incident under the provisions of this section, and the sum of the claims exceeds the amount recovered, the division of the amount recovered shall

be determined by an interlocal agreement consistent with the requirements of chapter 39.34 RCW.

6-1C-3: Administration – Collection.

Any public agency of the City of Orting as defined under OMC 6-1C-4 may submit to the City Prosecutor a notice of liability for the expense of an emergency response. The notice shall set forth the name of the responsible person, the date of emergency response, the date of the conviction or deferred prosecution, and the amount owing to the City. The notice shall be sent certified mail with a return receipt and shall be deemed delivered three days after mailing. Any fees not collected within 60 days of the date of issuance of the notice of liability for the expense of emergency response shall be referred to a collection agency. The cost of collection shall be added to the bill. The amounts collected, after payment of the collection agency fee, shall be deposited into the general fund.

6-1C-4: Reimbursement.

The Orting Police Department is authorized to seek reimbursement, whenever allowed by law, for any services rendered to another public agency as part of cooperative law enforcement efforts to enforce laws prohibiting impaired driving. Reimbursement of costs shall be calculated by the Orting Police Chief, and billed and collected in the manner as may be applicable for the emergency response cost recovery program in the jurisdiction where assistance was provided.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 24TH DAY OF JUNE, 2015.

CITY OF ORTING

Joachim Pestinger, Mayor

ATTEST/AUTHENTICATED:

Rachel Pitzel, City Clerk

Approved as to form:

John P. Long, Jr.,
Kenyon Disend PLLC
City Attorney

Filed with the City Clerk: 06/24/15
Passed by the City Council: 06/24/15
Ordinance No. 2015-966
Date of Publication: 06/26/15
Effective Date: 07/01/15

Staff Report
Opening Union Contracts To Increase Wages

Regarding the public works/Admin union, when we negotiated their contract in 2013 they were reluctant to sign given that the police union might make a much more lucrative contract – which has occurred in the past. The Mayor and I agreed to “ask” the council in the future, if the police union made a better deal, to open their contract and see if we could do any better and seek parity. We gave no guarantees and told them that it would also depend on the budget at that time. The public works/admin union received a 1% COLA in 2014 (inflation was about 1.8%). They received a 1.5% COLA for 2015 and are will receive a 2% in 2016.

In the police binding arbitration they received a 2.25% COLA for 2014 and a 2% COLA for 2015. 2016 is depending on the inflation index but will be a minimum of 2%.

The Public Works/Admin union is requesting opening their contract. They propose a \$250 per person to make up for the low COLA for 2014. They then propose a .75% COLA increase beginning 7/1/15 for the rest of this year – no back pay for 2015. They also propose a 2.5% COLA for 2016 but we indicated would not negotiate presently until we begin the budgeting process later this year.

Now the police CBA. The arbitrator decreased our number of step increases from 8 to 6 eliminating the first two steps. The stated primary purpose of this was to increase our low end to better meet comparables. The consequence was two of our new officers who are on beginning step immediately increased their pay to be equal to officers who had been here two years. This was an unintended consequence. The union is not requesting nor would we grant back pay for officers who have left that were still on the steps during 2014/2015. They are requesting that the two officers still on steps who have been here more than 2 years, receive a two step increase effective 7/1/15 – no back pay.

Attached is a table for your review that shows the expected financial impact of these changes. It also has recommendations for decreases in expense that could balance out the increases.

It will be important for us to come to a conclusion no later than the last meeting of this month of June or we will not be able to meet the 7/1/15 date. Of course, any changes to the CBA's could be put off for a later start date.

MOU For the Police Guild - Financial Impact

- 2 step increases for 2 officers affective 7/1/15

Fund	Steps Expense	Expense Reduction*	Annual Difference
General Fund	\$4,200	\$40,000	\$35,800

* Expense Reductions:

- Arbitration award with reduced COLA
- Arbitration award with reduced medical
- Officer resignations
- Addition of 11th officer



MOU For the Public Works/Admin Union Proposal - Financial Impact

- Increase COLA from 1.5% to 2.25% affective 7/1/15
- Pay all members \$250 lump sum now to compensate for 2014

Fund	FTE's	COLA Expense	One Time Payment	Total Expense	Expense Reduction*	Difference
General Fund	6	\$1,500	\$1,500	\$3,000	\$6,000	\$3,000
Streets	0.7	\$300	\$175	\$475	\$200	-\$275
Cemetery	0.3	\$100	\$75	\$175	\$0	-\$175
Parks	1.9	\$400	\$500	\$900	\$300	-\$600
Water	5.3	\$1,100	\$1,300	\$2,400	\$3,700	\$1,300
Wastewater	6.7	\$1,300	\$1,700	\$3,000	\$2,200	-\$800
Stormwater	4.6	\$700	\$1,200	\$1,900	\$1,100	-\$800
Total	25.5	\$5,400	\$6,450	\$11,850	\$13,500	\$1,650

*

Expense Reductions:

- General Fund: not filling Recreation P/T position
 Streets: Delayed hire of W/WW I position
 Parks: Delayed hire of seasonal help
 Water: Delayed hire of W/WW 1 position
 Wastewater: Delayed hire of W/WW 1 position
 Stormwater: Delayed hire of W/WW 1 position

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF ORTING
AND WSCCE LOCAL 120 REPRESENTING
PUBLIC WORKS AND ADMINISTRATIVE EMPLOYEES**

It is understood and agreed that the City of Orting, Washington ("City") and AFSCME Local 120 of the Washington State Council of County and City Employees, Council 2 ("Union"), enter into the following Memorandum of Understanding ("MOU") to address the Union's request for parity. This MOU is entered into this 1st day of July, 2015.

WHEREAS, the City and the Union entered into a collective bargaining agreement ("CBA") on behalf of all regular full-time and regular part-time Public Works and Administrative Employees from January 1, 2013, through December 31, 2013; and

WHEREAS, the Union has requested improvement to the employees' pay; and

WHEREAS, the parties wish to amend the terms and conditions of the current CBA through the end of year 2015;

WHEREAS, nothing contained in this Memorandum of Understanding deletes, negates, or otherwise changes any Article or Section in the current CBA between the two parties other than the change below;

NOW, THEREFORE, on the condition that both sides agree that this MOU does not constitute a precedent and/or practice and neither side will cite it as such in any future grievance, other administrative process, or any other matter under the Collective Bargaining Act or RCW Chapters 41.56 and 41.58, the City and the Union agree as follows:

1. The terms and conditions of said Agreement, except as hereafter set forth, shall remain unchanged.
2. The Cost of Living Adjustment ("COLA") will be increased from 1.5% to 2.25% starting July 1, 2015 and continuing until December 31, 2015.
3. The City will pay a onetime amount of \$250 to each union employee. The \$250 is subject federal and payroll taxes.

CITY OF ORTING

WSCCE LOCAL 120 OF THE
WASHINGTON STATE COUNCIL OF
COUNTY AND CITY EMPLOYEES,
COUNCIL 2

By: _____
Mayor Joachim Pestinger

By: _____
WSCCE Staff Representative

By: _____
Shop Steward, Local 120

By: _____
Shop Steward, Local 120

Staff Report Opening Union Contracts To Increase Wages

Regarding the public works/Admin union, when we negotiated their contract in 2013 they were reluctant to sign given that the police union might make a much more lucrative contract – which has occurred in the past. The Mayor and I agreed to “ask” the council in the future, if the police union made a better deal, to open their contract and see if we could do any better and seek parity. We gave no guarantees and told them that it would also depend on the budget at that time. The public works/admin union received a 1% COLA in 2014 (inflation was about 1.8%). They received a 1.5% COLA for 2015 and are will receive a 2% in 2016.

In the police binding arbitration they received a 2.25% COLA for 2014 and a 2% COLA for 2015. 2016 is depending on the inflation index but will be a minimum of 2%.

The Public Works/Admin union is requesting opening their contract. They propose a \$250 per person to make up for the low COLA for 2014. They then propose a .75% COLA increase beginning 7/1/15 for the rest of this year – no back pay for 2015. They also propose a 2.5% COLA for 2016 but we indicated would not negotiate presently until we begin the budgeting process later this year.

Now the police CBA. The arbitrator decreased our number of step increases from 8 to 6 eliminating the first two steps. The stated primary purpose of this was to increase our low end to better meet comparables. The consequence was two of our new officers who are on beginning step immediately increased their pay to be equal to officers who had been here two years. This was an unintended consequence. The union is not requesting nor would we grant back pay for officers who have left that were still on the steps during 2014/2015. They are requesting that the two officers still on steps who have been here more than 2 years, receive a two step increase effective 7/1/15 – no back pay.

Attached is a table for your review that shows the expected financial impact of these changes. It also has recommendations for decreases in expense that could balance out the increases.

It will be important for us to come to a conclusion no later than the last meeting of this month of June or we will not be able to meet the 7/1/15 date. Of course, any changes to the CBA’s could be put off for a later start date.

MOU For the Police Guild - Financial Impact

1. 2 step increases for 2 officers affective 7/1/15

Fund	Steps Expense	Expense Reduction*	Annual Difference
General Fund	\$4,200	\$40,000	\$35,800

* Expense Reductions:

1. Arbitration award with reduced COLA
2. Arbitration award with reduced medical
3. Officer resignations
4. Addition of 11th officer

MOU For the Public Works/Admin Union Proposal - Financial Impact

1. Increase COLA from 1.5% to 2.25% affective 7/1/15
2. Pay all members \$250 lump sum now to compensate for 2014

Fund	FTE's	COLA Expense	One Time Payment	Total Expense	Expense Reduction*	Difference
General Fund	6	\$1,500	\$1,500	\$3,000	\$6,000	\$3,000
Streets	0.7	\$300	\$175	\$475	\$200	-\$275
Cemetery	0.3	\$100	\$75	\$175	\$0	-\$175
Parks	1.9	\$400	\$500	\$900	\$300	-\$600
Water	5.3	\$1,100	\$1,300	\$2,400	\$3,700	\$1,300
Wastewater	6.7	\$1,300	\$1,700	\$3,000	\$2,200	-\$800
Stormwater	4.6	\$700	\$1,200	\$1,900	\$1,100	-\$800
Total	25.5	\$5,400	\$6,450	\$11,850	\$13,500	\$1,650

* Expense Reductions:

- General Fund: not filling Recreation P/T position
 Streets: Delayed hire of W/WW I position
 Parks: Delayed hire of seasonal help
 Water: Delayed hire of W/WW 1 position
 Wastewater: Delayed hire of W/WW 1 position
 Stormwater: Delayed hire of W/WW 1 position

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF ORTING
AND THE ORTING POLICE GUILD REPRESENTING
CITY LAW ENFORCEMENT OFFICERS**

It is understood and agreed that the City of Orting (“City”) and the Orting Police Guild (“Guild”) enter into the following Memorandum of Understanding (“MOU”) to address the Guild’s request for improvement of wages for two officers. This MOU is entered into this 1st day of July, 2015.

WHEREAS, the City and the Guild entered into entered into collective bargaining agreement negotiations on behalf of all regular full-time and regular part-time police officers, corporals, and sergeants for the period from October 2013 through September 2014, and were unable to complete negotiations. The City and the Guild submitted the CBA to binding arbitration; and

WHEREAS, the binding arbitration was completed with a decision by the arbitrator on February 13, 2015. The decision included the removal of the first two steps of the City’s eight-step pay plan. Only officers on the first step were moved up two steps; the arbitrator was silent on the impact to two officers on steps above the first two steps; and

WHEREAS, the Guild requests the improvement of wages for the two officers who were on steps above the first two pay steps and are still employed at this date; and

WHEREAS, the parties wish to amend the terms and conditions of the current CBA through the year 2015; and

WHEREAS, nothing contained in this Memorandum of Understanding deletes, negates, or otherwise changes any Article or Section in the current CBA between the two parties or the binding arbitration decision other than the change below;

NOW, THEREFORE, on the condition that both sides agree that this MOU does not constitute a precedent and/or practice and neither side will cite it as such in any future grievance, other administrative process, or any other matter under the Collective Bargaining Act or under RCW Chapters 41.56 and 41.58, the City and the Guild agree as follows:

1. The terms and conditions of said Agreement, except as hereafter set forth, shall remain “as is.”
2. The Officers who were on the pay steps “between step C and H and are currently employed” shall receive an increase of two steps each. These increases will occur on July 1, 2015.

CITY OF ORTING

ORTING POLICE GUILD

By: _____
Mayor Joachim Pestinger

By: _____



City of Orting
City Council Staff Report

Date: June 17, 2015

Prepared By: Mark Bethune

Agenda Item: Street Lighting Policy and Procedure

Issue Synopsis:	The City lacks a comprehensive street lighting policy and procedure.
Background:	The City has received requests from citizens for additional street lighting to provide security. Historically the city has used the Illuminating Engineer Society of North America's (IES) recommended lighting level of service for developments. Street lighting is normally for traffic and pedestrian safety. Security against crime has been an individual homeowner responsibility with many options available for additional lighting on their property. There is no approved process for a citizen to request additional street lighting.
Policy Options:	Approve, amend, deny
Analysis:	It has become necessary to establish a city street lighting policy and procedure. The Transportation Committee has been working on this subject for about a year. The attached policy and procedure are the culmination of this work. PSE is willing to install additional street lighting for an individual customer but will charge them for the installation and monthly energy use.
Fiscal Impact:	Fund(s): NA Expenditure Required: NA Amount Budgeted: NA Additional Appropriation Required: NA
Policy Questions:	See above
Staff Recommendation:	Approve
Transportation Committee Recommendation:	Approve
Attachments:	Policy and Procedure

**Street Lighting
Request
Policy**

**City of Orting
Washington
June 16, 2015**

POLICY FOR WHICH ADDITIONAL LIGHTING REQUEST FOLLOWS
CITY OF ORTING BUILDING STANDARDS & OMC

I. Policy Objective

The objective of this policy is to provide adequate illumination on residential City Streets and to maintain a standard level of service.

II. Requests

Property owners can request street lighting for public rights-of-way. The guidelines below shall be followed for deciding if a request will be denied or approved.

III. Approvals

- A. Property owners requesting additional lighting shall meet with the City's Streets and Transportation Committee to propose the request.
- B. Property owners requesting additional lighting shall petition a minimum of 90% from adjacent homeowners within 500 feet of proposed light location, including both sides of the street and on the same street as proposed light.
- C. Approval shall be made through the City's Streets and Transportation Committee and forwarded to Council for recommendation and final approval.

IV. Guidelines

- A. Intersection Lighting: Street lights are warranted at all City street intersections.
- B. Long Line Lighting: This lighting provides street lighting between intersections. If the distance between intersections is more than 900 feet, a light could be warranted. The spacing between lights should not be less than 450 feet. This type of installation can only be accomplished in an areas where electric cable is available.
- C. End of Street or Cul-de-sac: If a street is 500 feet or more to its terminus a street light is warranted. All cul-de-sacs shall have a street light at a location near the end of the cul-de-sac.
- D. Lighting shall be placed in consideration to ensure illumination for the safety of both the pedestrian and the automobile.
- E. Where sidewalks exist on one side of the street only, street lighting will be placed on that side to ensure illumination for the pedestrian.
- F. Additional lighting on a street shall be similar in style and illumination to the existing lighting.
- G. All requests shall be looked at on a case by case basis and shall follow these guidelines as close as possible.
- H. Requests that receive final approval from Council shall be given to Puget Sound Energy for installation. The lights will be installed as budget and time allows.

V. Maintenance

- A. If trees/limbs in the street right-of-way are blocking a street light the City has the authority to trim the tree branches or cut the tree down to maintain illumination and/or standard level of service.
- B. If trees are on private property and are blocking a City street light, the homeowner of that tree will be asked in writing to trim the tree in accordance of the Orting Municipal Code (OMC) Chapter 7, Section 8-7-1 thru 8-7-3. If homeowners refuse to trim the tree in a timely manner then the City will take action to trim the tree and bill the homeowner accordingly. (OMC Chapter 7, Section 8-7-4)

Street Illumination

Street Illumination shall require cut-off luminaire

Street lighting systems design shall conform to the illuminating Engineer Society of North American (IES) Standards Specification for Roadway Lighting as Outline in (RP-8-00). Puget Sound Energy (PSE) owns and maintains the street illumination system for the City of Orting.

- A. Plats and Short Plats, Commercial, Industrial or Institutional Property Development, Street lighting is required for all public streets. The street lighting design shall be reviewed and approved by the City Engineer prior to final plat approval. The cost of all street lighting shall be paid for by the developer.

The City will accept maintenance and power cost responsibility for the public street light system when a plat is fifty percent (50%) or more occupied. Until the plat is fifty percent (50%) occupied, the developer is responsible for the maintenance and energy charges for the street lighting system.

Street lighting is not required on private streets within a plat. However, a street lighting system is encouraged. The City does not install or maintain private street lighting systems. On private streets, all street light maintenance and power costs shall be paid by the developer, homeowner, or homeowners association.

- B. Existing Residential Ares. If a resident or group of residents desires the installation of a new street light they must apply to the City Administrator.
- C. Commercial, Street lighting is required on all public street frontages. The developer is responsible for design, installation or relocation of new or existing lighting. Commercial development shall replace existing lighting systems on power poles with a new lighting system serviced by underground power if the system will not conflict with essential distribution lines.
- D. Ownership and Maintenance. Puget Sound Energy (PSE) under franchise with the City provides, installs, owns and maintains the street illumination system for the City. Maintenance of the completed lighting system is provided by Puget Sound Energy.

The property owner of homeowners association shall maintain private lighting systems.

- E. General Considerations.

Existing street light systems that extend along the frontage of a new development project, or within the limits of a roadway improvement project will not be generally required to be brought into conformance with these street lighting standards, unless the project is required to install full frontage improvements. If the City determines that existing street light systems should be brought into conformance with these requirements due to special circumstances the applicant will be notified of this requirement during the City's development review process.

When required, the applicant is responsible for the installation of streetlights and all accessories necessary to energize the street light system consistent with Standards.

For all new street light installations, the applicant shall coordinate jointly with Puget Sound Energy and the Public Works Department to prepare a street lighting plan for submittal to and approval by the City Engineer. The type of installation shall be as set forth in PSE (IES) Standard Specifications and these standards. The applicant can request that PSE design the street illumination system.

Street lighting plans shall be designed and submitted to the City Engineer for review and approval prior to construction. All lighting plans shall be prepared by a licensed engineer experienced with lighting design or by PSE (INTOLIGHT) Lighting Services). Lighting plans shall pursuant to PSE (IES) Standard Specifications and these standards.

The applicant shall coordinate with Puget Sound Energy for the availability and location of power sources for new light system.

All public street light systems shall be accessible for public maintenance by a wheeled vehicle weighing twenty-thousand pounds (20,000 lbs.).

All street light installations including wiring, conduit, and power connections shall be located underground. Exception: existing residential areas with existing above ground utilities may have street lighting installed on the existing power poles. The applicant will be responsible for providing or obtaining necessary easements for underground power for street lighting systems designed and constructed as part of an approved development permit.

As-built drawings on 22-inch x 34-inch or 24-inch x 36-inch mylar are required for all new or relocated underground street lighting systems prior to receiving a final occupancy permit.

Street light circuitry will be provided with available voltage.

The exact location of the power source should be indicated. System continuity and extension should be considered.

Particular attention shall be given to locating luminaires near intersections, at all street ends and at pedestrian and/or equestrian crossings.

- F. Illumination. Calculations should include luminaire spacing, illumination level, uniformity ration, lines loses, power source and other necessary details for the electrical and physical installation of the street lighting system.

Design Standards

- A. Illumination Levels utilizing cut-off luminaires.

Street light illumination levels shall conform to the levels listed in the table below:

Illumination Standards Average

Maintained Horizontal Illumination (Foot Candles)

Road Class	Area Class	
	Residential	Industrial/Commercial
Private(Access)	0.4	N/A
Residential (Local Access)	0.6	0.9 To 1.2
Residential (Collector)	0.6	0.9 To 1.2
Arterial*	0.8	1.2 To 1.6
* Intersection lighting is required. Street lights shall be placed in accordance with the Standards listed below.		

Uniformity Ration:

- 6:1 average to minimum for private (access)
- 6:1 average to minimum for residential (local access)
- 4:1 average to minimum for residential (collector)
- 3:1 average to minimum for arterial

Average illumination levels at intersections shall be 1.5 times the illumination required on the more highly illuminated street. Exception: Local residential streets intersecting other local residential streets shall not require 1.5 times the illumination at other intersections, provided that one luminaire is placed at the intersection.

At signalized intersections, all signal poles shall include a street light. Lighting levels at these locations may be higher than the criterial listed above.

B. Luminaires shall be cut-off

1. The following luminaires have been approved for use in the City of Orting;

Arterials:

Fixtures: PSE Hunter Green Flat Lens Cobrahead. Wattage Based on Design.
 Arms: Ameron Mo-AE Elliptical Arm. Appropriate Arm Lengths Based on design.
 Poles: Aneron 25" Mounting height Victorian 2 Fluted Green Concrete

Residential:

Fixtures: hunter Green King K823 Fanconridge Cutoff Optics Shallow Lens. Wattage Based on Design
 Arms: Hunter Green Bishops Crook.
 Poles: Ameron 13', 15', or 18' Mounting Height Victorian 2 fluted Green Concrete. Based on Design & Location

2. All luminaires shall have clear lamps
3. All luminaires shall be cut-off high pressure sodium or LED Equivalent
 - a. 400 watt lamp = 50,000 initial lamp lumens
250 watt lamp = 29,000 initial lamp lumens
200 watt lamp = 22,000 initial lamp lumens
150 watt lamp = 16,000 initial lamp lumens
100 watt lamp = 9,500 initial lamp lumens
 - b. Lamp Dirt Depreciation factor (LDD) = 0.90
 - c. Lamp Lumen Depreciation factor (LLD) = 0.85
 - d. Combined LDD x LLD = 0.76

*NOTE: LED'S MAY BE CONSIDERED BY THE CITY AS AN ALTERNATIVE TO REDUCE ENERGY AND MAINTENANCE COST.

C. Lighting Standards

1. Light standards shall be located on one side of the roadway only or shall be located opposite each other when placed along both sides of the roadway.

Staggered spacing will be allowed upon approval of the City Engineer where there is an established staggered pattern and it is necessary to continue this pattern, or when site or safety conditions prevent locating luminaires on only one side of the roadway.

2. In areas where the street width differs from the City standard, or there are other factors influencing the location of the street lights, the City Engineer will provide input to the applicant on acceptable options.

Street Light poles shall be direct buried as specified by PSE Line loss calculations shall show that no more than a 5 percent voltage drop occurs in any circuits. Branch circuits shall serve a minimum of four luminaires.

Conductors: Conductor size will be determined by the wattage and circuit lengths provided through the IES design. The minimum wire size for any illumination circuit shall be No. 6 Aluminum. No. 10 wire will be acceptable for the pole and bracket cable within the light standard only.

POLICY FOR PRIVATE SECURITY LIGHTING

I. Policy Objective

- A. The objective of this policy is to guide homeowners with the understanding of private security lighting and the costs associated with owning those lights.

II. Private Security Lighting

- A. Request for private security lighting shall be made directly to Puget Sound Energy, by the property owner.
- B. Installation of lighting shall be located on homeowner's property, and not in the street right-of-way.
- C. Installation will not occur on City owned poles, trees or any other objects in right-of-ways.
- D. Costs associated with installation shall be the responsibility of the property owner.
- E. Monthly/annual or any other costs associated with the lighting on private property shall remain the responsibility of the property owner for the existence of the light.
- F. All maintenance and its costs associated with the lighting shall be the responsibility of the property owner.
- G. If current property owner should sell his/her property, all monthly/annual or maintenance costs shall be the responsibility of the new property owner.

III. Building Standards

- A. Private security lighting can come in many different forms. If a property owner wishes to install light poles near the right-of-way or on their property within the street, then there are building standards to follow. Please visit www.cityoforting.org to review these building standards.
- B. Property owners are advised to call the locate notification center prior to digging for utility locates. (800) 424-5555.
- C. Flood lights or additional security can be mounted to any building that provides adequate and safe electrical connection as deemed by Puget Sound Energy, as long as it's on the homeowners property.

IV. Orting Municipal Code

- A. Property owners who wish to install private security lighting shall follow the guidelines of the Orting Municipal Code and not create a nuisance.
- B. Lighting shall not be set towards the direction of his/her neighbors and create a nuisance.
- C. Lighting shall not be set in the direction of motor vehicles/drivers and cause unsafe driving conditions.



City of Orting
City Council Staff Report

Date: June 18, 2015

Prepared By: Mark Bethune

Agenda Item: American Concrete Re-zone Appeal

Issue Synopsis:	American Concrete is appealing the Planning Commissions recommended rejection of their application for rezone.
Background:	American Concrete Inc. applied for a rezone of their property at 801 Calistoga St. W. The Planning Commission held a public hearing on May 4 th and then completed Facts & Findings that recommended against the rezone.
Policy Options:	Approve, amend, deny
Analysis:	The criteria for a successful rezone is to meet the criteria of 1) The rezone will not adversely affect the general public interest; 2) The resulting zoning of the subject property is consistent with the Comprehensive Plan; 3) The rezone will not create significantly adverse non-conforming use or building impacts. The City's staff report recommended approval based on this criteria. After taking testimony the Planning Commission disagreed and recommended rejection of the rezone. American Concrete has appealed the recommendation. Part of the appeal is to offer lower density housing that would be single family dwellings but still a higher density than allowed under the residential urban zone. American Concrete is requesting appeal approval with the condition of the lower density single family dwellings. The appeal must be approved with the Comprehensive Plan approval by June 30 th , 2015 or the appeal is automatically rejected.
Fiscal Impact:	Fund(s): NA Expenditure Required: NA Amount Budgeted: NA Additional Appropriation Required: NA
Policy Questions:	See above
Staff Recommendation:	Approval of the Appeal
Attachments:	Staff Report, Facts and Findings, American Concrete Appeal.

City of Orting Staff Report

Corliss Rezone 2015-1

APPLICANT: American Concrete
3106 A Sumner Tapps Highway
Lake Tapps, WA 98391

LOCATION OF PROPOSAL: 801 Calistoga Ave W.
Orting, WA 98360
Tax Parcel No. 0519311093

DESCRIPTION OF PROPOSAL:

The applicant requests a rezone of parcel 0519311093 from Residential Urban (RU) to Residential Multi-Family (RMF). The subject property is 7.32 acres and is vacant except for a non-used barn. There is a maximum capacity of 10 multi-family units per acre.

STAFF REPORT:

Public Notices have been published, posted and mailed to adjacent property owners within 300 feet in accordance with the Public Notice Requirements (OMC 15-5). A Public Hearing with the Planning Commission has been scheduled for Monday May 4th at 7:00 pm at the Orting Public Safety Building.

Criteria for Approval

- 1. The rezone will not adversely affect the general public interest**
There is no evidence that a rezone will affect the general public interest.
- 2. The resulting zoning of the subject property is consistent with the Comprehensive Plan.**
The zoning is consistent with the comprehensive plan and the Growth Management Act that seeks greater residential density as well as more diversity in housing choices. See application.
- 3. The rezone will not create significantly adverse non-conforming use or building impact**
There is no evidence that a rezone will create adverse non-conforming use or building impacts.

Approval is subject to:

- 1) Planning Commission recommendation to Orting City Council.
- 2) Orting City Council approval

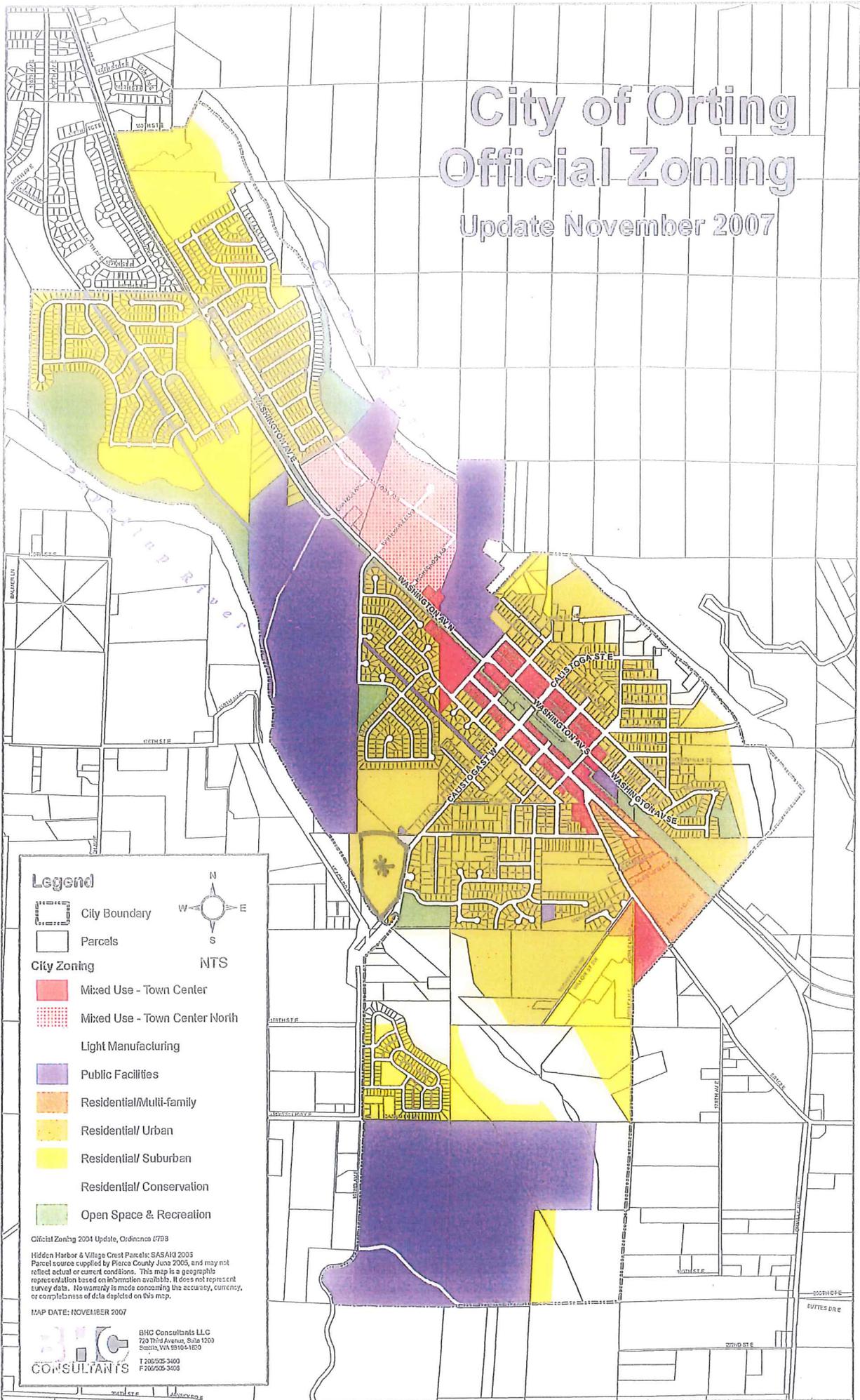
ENCLOSURES:

Letter, application and map.

PREPARED BY: Mark Bethune, May 1, 2015

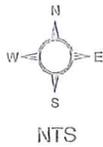
City of Orting Official Zoning

Update November 2007



Legend

-  City Boundary
-  Parcels



City Zoning

-  Mixed Use - Town Center
-  Mixed Use - Town Center North
-  Light Manufacturing
-  Public Facilities
-  Residential/Multi-family
-  Residential/Urban
-  Residential/Suburban
-  Residential/Conservation
-  Open Space & Recreation

Official Zoning 2004 Update, Ordinance 6788
 Hidden Harbor & Village Crest Parcels: SASAKI 2003
 Parcel sources supplied by Pierce County June 2003, and may not reflect actual or current conditions. This map is a geographic representation based on information available. It does not represent survey data. No warranty is made concerning the accuracy, currency, or completeness of data depicted on this map.

MAP DATE: NOVEMBER 2007



BHC CONSULTANTS LLC
 723 Third Avenue, Suite 1200
 Seattle, WA 98101-1810
 T 206.525.3400
 F 206.525.3403

City of Orting

110 Train St SE, P.O. Box 489, Orting, WA 98360-0489

Phone: (360) 893-2219
Fax: (360) 893-6809

4/21/15

To whom this may concern,

American Concrete Inc. is the owner of tax parcel 0519311093 in the City of Orting. The property owner proposes a rezone of this tax parcel from urban residential to residential multi-family.

The City of Orting Planning Commission will review this request during a public hearing on Monday May 4th at 7:00 PM at the City's Public Safety Building at 401 Washington Ave. S.

The Planning Commission will make recommendations for amendments to the City's Comprehensive Plan to the City Council who will also hold a public hearing on the amendments. The date for the Council public hearing has not yet been determined.

Please contact Mark Bethune, City Administrator, if you have any questions.

Sincerely,



Mark Bethune, City Administrator
(360) 893-2219

“Small Town – Big View”

Assessor-Treasurer electronic Property Information Profile

04/21/2015 01:22 PM



Parcel Map for 0519311093

Property Details Parcel Number: 0519311093 Site Address: 801 CALISTOGA ST W Account Type: Real Property Category: Land and Improvements Use Code: 1101-SINGLE FAMILY DWELLING	Taxpayer Details Taxpayer Name: AMERICAN CONCRETE INC Mailing Address: PO BOX 487 SUMNER WA 98390-0090
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For additional mapping options, visit [Public GIS](#)

RTSQ Maps: [Normal \(200 Scale\)](#) | [Detailed \(100 Scale\)](#)

I acknowledge and agree to the prohibitions listed in RCW 42.56.070(9) against releasing and/or using lists of individuals for commercial purposes. Neither Pierce County nor the Assessor-Treasurer warrants the accuracy, reliability or timeliness of any information in this system, and shall not be held liable for losses caused by using this information. Portions of this information may not be current or accurate. Any person or entity who relies on any information obtained from this system does so at their own risk. *All critical information should be independently verified.*

Pierce County Assessor-Treasurer
 Mike Lonergan
 2401 South 35th St Room 142
 Tacoma, Washington 98409
 (253)798-6111 or Fax (253)798-3142
www.piercecountywa.org/atc

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WEBSITE INFORMATION

- Privacy Policy
- Copyright Notices

RECEIVED

APR 30 2015

City of Orting - Land Use Permits

CITY OF ORTING

REQUIRED APPLICATION INFORMATION
(All Permits)

If it is necessary to submit applications for more than one permit, just fill out this page once

Property Owners' Name	A. J. ...	
Affidavit of Ownership (Attached)	[Handwritten]	
Address	[Handwritten]	
Phone/Fax	[Handwritten]	
Email	[Handwritten]	
Applicant/Agent's Name	[Handwritten]	
Address	[Handwritten]	
Phone/Fax	[Handwritten]	
Email	[Handwritten]	
Project Site Address	[Handwritten]	
Tax Parcel Number(s)	[Handwritten]	
Legal Description (May be on a separate sheet)	[Handwritten]	
Project Name (If Applicable)	[Handwritten]	
Permits Needed (Check All that Apply)	<input type="checkbox"/> Short Plat <input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Conditional Use <input type="checkbox"/> Variance <input type="checkbox"/> Clearing & Grading <input type="checkbox"/> Shoreline Variance <input type="checkbox"/> Planned Development <input type="checkbox"/> Master Plan	<input type="checkbox"/> Boundary Line Adjustment <input type="checkbox"/> Final Plat <input checked="" type="checkbox"/> Rezone <input type="checkbox"/> Critical Area Exception <input type="checkbox"/> Shoreline Development <input type="checkbox"/> Shoreline Conditional Use <input type="checkbox"/> Architectural Design Review <input type="checkbox"/> Binding Site Plan



3106 A Sumner Tapps Highway
Lake Tapps WA 98391
P: 253.826.5020

April 29, 2015

City of Orting
Planning Commission

Re: Owner: American Concrete Inc.
Address: 801 Calistoga
Orting WA 98360
Parcel #: 0519311093
Acres: 7.32 ac/318,859sf

To Whom It May Concern:

Thank you for the opportunity to address the Commission regarding this rezone.

First, we would like to describe the changed conditions which affect and impact the land use and existing zoning of this site.

This site completed a Boundary Line Adjustment in 2011, recording number 201109235001, to remove flood plain area along the Puyallup River from the site and dedicate that area to the City. This made the parcel approximately 50% smaller and removed any river frontage from the site area, ensuring protection of the Puyallup River. The site has great access to the town core and SR 162 due to its location along and Calistoga St W., which has become a major arterial. Further, the site is adjacent to a City park providing more recreational opportunities to potential future residents. All of these changed site conditions work together to promote a wider array of potential uses and higher density development in this location. Therefore we are requesting that the Residential-Urban zone (RU) be changed to Residential-Multi-Family Zone (RMF).

Secondly, we would like to show how the proposal to change from RU to RMF zoning is supported by the Comprehensive Plan.

The proposal fulfills vision goals and major findings of the Comprehensive Plan as well as specific policies within the Housing Element. Those have been outlined below.

Vision Goals—The vision statement is amplified with the following over-arching goals that direct the more specific goals and policies of the plan elements. Below are three goals that the proposal supports along with a short explanation:

Vision Goal	Explanation
Provide a variety of housing choices for new residents	The RMF zone allows for a wider array of development types and a slightly higher density.
Foster a financially sound development pattern	Providing more density where infrastructure is available is financially sound for the City.
Preserve a reasonable use of the land for all landowners	Allowing more flexible development on this site, provides the opportunity for other parcels with similar conditions to do the same and avoids development pressure on lands where it may be more reasonable to retain rural characteristics.

Major Findings—The Comprehensive Plan is based on major findings, here are three that the proposed development supports:

Major Finding	Explanation
Orting residents want the city to retain its small rural town and rural character as it grows. Residential development should remain predominantly single-family, with some multi-family development in the mixed-use town center and in close proximity to services.	Development along Calistoga St W is an arterial providing close proximity to City services. Development here allows for growth while maintaining rural areas of the City.
The plan establishes the following development pattern: a central core of mixed use development in the downtown commercial area of Orting, surrounded by single-family residential development at moderate densities. Other commercial uses and light industrial development may be allowed or encouraged along major arterials and in future urban growth area(s).	This is development along a major arterial.
Transportation needs in Orting range from potential future traffic volumes on the existing roadways, to the configuration of the future roadway system, to the feasibility of transit in the Orting area. The transportation element addresses transportation issues and links them into a cohesive assessment of Orting's transportation options and future.	Development along this arterial does contribute to the feasibility of transit in the Orting area.

Supported policies of the Housing Element:

Policy H 1.1	Explanation
Provide for a variety of housing types and densities in appropriate areas.	The RMF zone allows for more variety in housing types and densities on a parcel which due to changed conditions is an appropriate area.
Policy H 1.3	Explanation
Ensure appropriate infrastructure levels of service in areas that are designated for higher densities.	The site has access to all the necessary infrastructure required to support higher densities.
Policy H 2.1	Explanation
Ensure that development regulations provide opportunity for a variety of housing densities and types, including mixed use in the downtown	The RMF zone would provide for these opportunities at this location.
Policy H 2.2	Explanation
Encourage creative design and development of denser, urban housing including cottage housing in the Residential Urban and Residential Multifamily Zones	The RMF zone allows for more types of uses and for denser housing than the RU zone, while still complying with City design requirements.

Finally, we would like to reiterate that we are excited to have the opportunity to develop this site in a way that the City of Orting has also envisioned.

Should you have any questions, please do not hesitate to contact me directly at 253.826.5020 or via email at sloanc@canyoncompany.com.

Sincerely,



Sloan Clack
Real Estate Manager
Canyon Creek Company

AMERICAN CONCRETE INC.

UBI Number 171003419
 Category REG
 Profit/Nonprofit Profit
 Active/Inactive Active
 State Of Incorporation WA
 WA Filing Date 01/29/1960
 Expiration Date 01/31/2016
 Inactive Date
 Duration Perpetual
 Registered Agent Information
 Agent Name VILCOR GROUP LLC
 Address 3106 SUMMER TAPPS HWY E STE A

 City LAKE TAPPS
 State WA
 ZIP 983916716

Special Address Information

Address

City

State

Zip

Governing Persons

Title	Name	Address
President, Chairman	CORLISS, SCOTT	3106 SUMMER TAPPS HWY E SUITE A LAKE TAPPS, WA 98391
Secretary	WILLIAMSON, SHAWNA	3106 SUMMER TAPPS HWY E SUITE A LAKE TAPPS, WA 98391
Vice President, Treasurer	CORLISS, TIM	3106 SUMMER TAPPS HWY E SUITE A LAKE TAPPS, WA 98391

1

OCT 05 2011
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CFC

201110050719 4 PGS
10/05/2011 03:44:06 PM \$65.00
PIERCE COUNTY, WASHINGTON

AFTER RECORDING, PLEASE RETURN TO:

City of Orting
Attn: City Administrator
Orting City Hall
110 Train St SE
Orting, WA 98360

QUIT CLAIM DEED

Grantor: American Concrete, Inc., a Washington State corporation
Grantee: City of Orting, a municipal corporation
Short Legal Description: That portion of Original Parcel A and B described in attached Ex A located in SE Quarter of NE Quarter, Section 31, Township 19 N, Range 3 EWM
Legal on Page 2-4.
Assessor's Property Tax
Parcel/Account Number(s): 0519311106

The GRANTOR, American Concrete, Inc., a Washington State corporation, for and in consideration of Ten Dollars and No/100ths (\$10.00) and other good and valuable consideration, conveys and quitclaims to CITY OF ORTING, WASHINGTON, the following-described real estate, situated in the County of Pierce, State of Washington, including any interest therein which the Grantors may hereafter acquire:

Legally described as:

See Exhibit "A", attached hereto and incorporated as though fully set forth herein.

DATED: October 5, 2011

AMERICAN CONCRETE, INC.

Scott D. Lewis
Print Name: Scott D. Lewis
Title: PRESIDENT

65-

STATE OF WASHINGTON)
) ss
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that Scott Corliss is the person who appeared before me, and said person acknowledged that [he/she] signed this instrument, as the President of American Concrete, Inc., on oath stated that [he/she] was authorized to execute the instrument on behalf of American Concrete, Inc., and acknowledged it to be [his/hers] free and voluntary act for the uses and purposes mentioned in the instrument.

DATE: 9-29-2011

Shawna Williamson
NAME: Shawna Williamson
(Print Name)

Notary Public in and for the State of Washington,
residing at Olympia, WA

My Commission Expires: 6-19-2012

SHAWNA WILLIAMSON
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
JUNE 19, 2012

BEGINNING AT A POINT ON THE WESTERLY LINE OF CALISTOGA AVENUE 15 FEET SOUTH OF THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 31; THENCE SOUTH 42°40' WEST ALONG THE WESTERLY LINE OF CALISTOGA AVENUE 244.97 FEET TO THE FORMER TOWN LIMITS LINE OF THE TOWN OF ORTING; THENCE NORTH 47°35'15" WEST ALONG SAID TOWN LIMITS LINE 273.35 FEET TO A POINT 15 FEET SOUTH OF THE NORTH LINE OF SAID SUBDIVISION; THENCE EAST PARALLEL TO SAID SUBDIVISION LINE 358.95 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT THE FOLLOWING:

BEGINNING 896.5 FEET WEST AND 20 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 31; THENCE NORTH 10° EAST ALONG THE WEST SIDE OF THE COUNTY ROAD 330 FEET; THENCE SOUTH 55° WEST 135 FEET TO THE PUYALLUP RIVER; THENCE SOUTH 43° 48' EAST 153.5 FEET; THENCE EAST TO THE POINT OF BEGINNING.

ALSO EXCEPT THAT PORTION OF THE NORTH 15 FEET THEREOF CONVEYED TO THE TOWN OF ORTING BY DEED RECORDED UNDER AUDITOR'S NO. 1240716, RECORDS OF PIERCE COUNTY, WASHINGTON.

ALSO EXCEPT THAT PORTION CONVEYED TO PIERCE COUNTY UNDER AUDITOR'S NO. 9409090215, FOR CRP NO. 5318, ENTITLED PUYALLUP RIVER BRIDGE NO. 31195-A.

ALSO EXCEPT THAT PORTION LYING SOUTHWESTERLY OF THE NORTHEASTERLY LINE OF LEACH ROAD EAST AS CONVEYED TO PIERCE COUNTY UNDER AUDITOR'S NO. 9409090600 AND CONVEYED TO KENNETH M. CHRISTLAW UNDER AUDITOR'S NO. 8402080148.

City of Orting
Planning Commission Facts and Findings
Corliss Rezone 2015-1

APPLICANT: **American Concrete**
3106 A Sumner Tapps Highway
Lake Tapps, WA 98391

LOCATION OF PROPOSAL: 801 Calistoga Ave W.
Orting, WA 98360
Tax Parcel No. 0519311093

DESCRIPTION OF PROPOSAL:

The applicant requests a rezone of parcel 0519311093 from Residential Urban (RU) to Residential Multi-Family (RMF). The subject property is 7.32 acres and is vacant except for a non-used barn. The maximum density allowed is 8 dwelling units per acre.

STAFF REPORT:

The Staff Report was prepared on May 1, 2015, and an Open Record Public Hearing was held on May 4, 2015 at 7:00pm at the Orting Public Safety Building. Public Notices were published, posted and mailed to adjacent property owners within 300 feet in accordance with the Public Notice Requirements (OMC 15-5). The Staff Report was presented by City staff at the Hearing.

Criteria for Approval, City staff and the City Planner found:

1. **The rezone will not adversely affect the general public interest**
There is no evidence that a rezone will affect the general public interest.
2. **The resulting zoning of the subject property is consistent with the Comprehensive Plan.**
The zoning is consistent with the Comprehensive Plan and the Growth Management Act that seeks greater residential density as well as more diversity in housing choices. See application.
3. **The rezone will not create significantly adverse non-conforming use or building impact**
There is no evidence that a rezone will create adverse non-conforming use or building impacts.

Staff approval is subject to:

- 1) Planning Commission recommendation to Orting City Council.
- 2) Orting City Council approval.

FACTS AND FINDINGS OF THE PLANNING COMMISSION:

1. Mark Bethune presented the Staff Report at the May 4th Hearing, this included review of the Criteria for Approval and supporting evidence.

Staff Comment: The Staff Report to the Planning Commission misstated the RMF maximum density as 10 du/acre. The actual RMF maximum density is 8 du/acre.

2. The May 4th Hearing was well attended. Nine members of the public provided testimony, herein referred to as witnesses; 5 against, 4 contingent approval.

Three witnesses against the rezone were concerned about water drainage and surface water issues. Margaret Wang submitted a letter to the City, which was read aloud by Mark Bethune at the Hearing. Wang was present at the Hearing. The letter stated existing standing water issues on her property resulting from new residential development adjacent to her property. Wang is concerned that the impervious surfaces resulting from the higher density development will exacerbate drainage and surface water issues on her property.

In regards to capacity, witnesses were concerned that police staffing, the treatment plant, and the schools were inadequate to serve the increased population associated with higher density residential development.

In regards to traffic, witnesses were concerned the rezone would increase traffic on Calistoga and 162; increase the number of school buses needed; increase the traffic turning from Kansas onto Calistoga, where turning is already difficult; and increased traffic would create an unsafe environment for children. One witness was concerned that the parking spaces provided on site would be insufficient, and cars would be parked in the streets.

In regards to higher density development types, witnesses were generally against apartment buildings. Witnesses were in favor the following multi-family development types acceptable: senior living, assisted living, duplexes, and four-plexes. Four witnesses stated approval of the rezone was contingent on development being limited to these residential types. Witnesses mentioned that apartment buildings are “eyesores”, block views, attract drug users and “other issues”, make it difficult to know your neighbor, decrease the value of surrounding homes, and are not consistent with “small town” character. One witness was concerned that the increase in population associated with higher density housing types would hinder evacuation procedures.

Two witnesses were concerned that developers “just build and leave”, and do not care about the community.

Staff Comment: Density-related testimony was based on the misconception that the maximum allowed density for RMF is 10 dwelling units per acre, when in fact the maximum allowed density is 8 dwelling units per acre.

3. **Approval Criteria No. 1: The rezone will not adversely affect the general public interest.** The Planning Commission found the rezone does not meet approval criteria no. 1, the rezone may adversely affect the general public interest because of potentially unmitigated traffic and surface water problems and lack of City/School District infrastructure.
4. **Approval Criteria No. 2: The resulting zoning of the subject property is consistent with the Comprehensive Plan.** The Planning Commission found the rezone does not meet approval criteria no. 2, the rezone may not be compatible with the Comprehensive Plan in that greater density is not compatible the “small town” vision for Orting or with hazard mitigation measures, including the reduced ability for evacuation because of greater housing density.
5. **Approval Criteria No. 3: The rezone will not create significantly adverse non-conforming use or building impact.** The Planning Commission found the rezone does not meet approval criteria no. 3, the rezone may create projects that are not compatible with the area’s single family home residential zoning. The current Residential Urban zoning allows for duplexes, four-plexes and cottage housing, which are acceptable multi-family residential development types that are compatible with the adjacent zoning.

RECOMMENDATION:

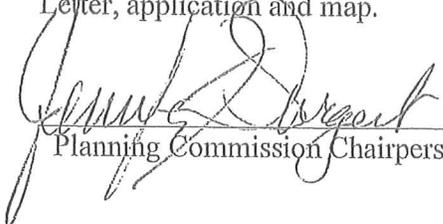
The Planning Commission recommends rejection of the rezone application by the City Council.

Approval is subject to:

- 1) Orting City Council approval.

ENCLOSURES:

Letter, application and map.



Planning Commission Chairperson

6/2/15

Date

City of Orting
PLANNING COMMISSION MINUTES
May 4, 2015

Chair Jennifer Sargent called the meeting to order with the flag salute at 7:00 pm at the Public Safety Building. Roll call found Commissioners Aaron Willits, Arlene Dannat, Greg Hogan and Kelly Cochran in attendance. Commissioner Jami Moeller was absent with no contact.

ATTENDANCE:

City	City Administrator Mark Bethune, Planning Secretary Margaret O’Harra Buttz
Professional Representatives	City Planner Abby Weber
Visitors	Margaret Wang, Jeffery Sack, Teri & John Fischer, Kathy McMullen, Carla Watkins, Scott Drennen, Doug & Vicki Bishop, Stanley Holland, Frank Lindan, Sloan Clack

AGENDA APPROVAL:

No additions to the agenda.

AUDIENCE PARTICIPATION:

Hazard Mitigation Planning	Scott Drennen presented an updated Hazard Mitigation Planning section for the Comprehensive Plan review. This revision addressed specifically that the City of Orting will assume the role of the lead agency for the evacuation bridge(s). Commissioner Cochran moved to approve the revised Hazard Mitigation Planning section, as presented, to be included into the Comprehensive Plan. Commissioner Hoyt seconded the motion and it carried.
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MINUTES:

Minutes of April 6, 2015	Commissioner Hogan moved to approve April 6, 2015 minutes as presented. Commissioner Cochran seconded the motion and it carried.
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ARCHITECTURAL DESIGN REVIEW:

None.

NEW BUSINESS:

Public Hearing: American Concrete Rezone	Administrator Bethune presented the rezone application and staff report, addressing questions from the commission. Chair Sargent opened the public hearing at 7:20pm. After hearing public comment the hearing was closed at 7:50pm. Commissioner Dannat moved to recommend to the city council the denial of the rezone for parcel #0519311093.
--	--

Commissioner Willits seconded the motion; the motion passed with four (4) affirmative votes and one (1) nay vote.

After the vote Sloan Clack, representative for American Concrete, addressed the residents in attendance, expressing her understanding of the concerns the residents have and that American Concrete wanted to do want worked best for the community.

A facts and findings report will be generated with public comment included for the city council which will hold a closed hearing in June.

Public Hearing: 2015
Comprehensive Plan

Planner Abby Weber reviewed the staff report that summarized the areas that have had updates.

Chair Sargent opened the public hearing at 8:01pm, hearing no public comment the hearing was closed at 8:03pm.

OLD BUSINESS:

Comprehensive Plan: Final
Review

Commissioner Cochran moved to recommend to the council the 2015 Comprehensive Plan Final Draft as presented and with the inclusion of the revised Hazard Mitigation Planning.

Commissioner Dannat seconded the motion and it carried.

GOOD OF THE ORDER:

Council Meetings

Report for April 8th:

Administrator Bethune gave a brief report.

Representation at the
May 13th meeting:

Commissioner Hoyt will attend.

Report for April CGA
Meeting:

Meeting was cancelled.

Agenda Setting:
June 1, 2015

- ADR 2015-0_: United Methodist Church – Replacing existing signage
- ADR Sign Code Update

ADJOURNMENT:

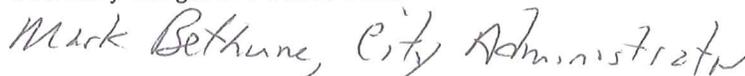
Meeting Adjournment

Commissioner Hogan moved to adjourn at 8:31pm. Commissioner Willits seconded the motion and it carried.

ATTEST:

Chair Jennifer Sargent


Secretary Margaret O'Harra Buttz


Mark Bethune, City Administrator



NOTICE OF RECOMMENDATION

City of Orting, Washington

The Planning Commission held an Open Record Public Hearing on May 4, 2015 on the proposed rezone of Pierce County parcel #0519311093 from Residential Urban (RU) to Residential Multi-Family (RMF). The Planning Commission recommends rejection of the rezone application by the City Council. The Facts and Findings are included with this Notice. The prior Facts and Findings is stricken from the record, and the new Facts and Findings, dated June 2, 2015, is replacing it in the record and will govern proceeding going forward.

In accordance with OMC 15.10.4: Filing of Appeals, appeals of a planning commission recommendation shall be filed with the administrator within 10 days after the date of the recommendation. The 10-day appeal period is from June 2, 2015 to June 12, 2015.

The June 10 Closed Record Hearing before City Council has been cancelled and is scheduled for June 24, 2015 at 7PM at the Orting Public Safety Building. More information is available at City Hall, 110 Train Street SE, Orting, WA 98360.



May 4, 2015

Planning Commission Public Hearing
Re-Zone" American Concrete – Parcel 0519311093
Located at 801 Calistoga St W

Testimony Record

7:20pm – 7:50pm

Testimony given by:

Margaret Wang – submitted letter and present – 507 Calistoga St W
Doug Bishop - 702 Kansas St SW
Stanley Holland – 708 Calistoga St W
John Fischer – 608 Calistoga St W
Jeff Sack – 803 Calistoga Ct SW
Vickie Bishop – 702 Kansas St SW
Frank Lindan – 801 Calistoga Ct SW
Carla Watkins – 609 Coe Lane SW
Kathy McMullen – 606 Calistoga St W

Testimony Summary:

(4) Contingent Approval
(5) Against

Comments:

- (3) Water drainage/Surface water; we have issues now
- (1) Height of apartment buildings?
- (1) Apartment buildings are an eyesore
- (5) Would increase traffic on Calistoga; widen, traffic light, increased school buses
- (1) Traffic from Kansas onto Calistoga; can't make turns now
- (1) Traffic on Hwy 162; needs to be widen
- (1) Inadequate Police staffing for additional population
- (1) Does the Treatment Plant have the capacity?
- (2) It would decrease values of surrounding homes
- (1) Insufficient parking; most family have more than 1.5 cars so they would be parking on the streets
- (3) Child safety would be at risk with increased traffic
- (2) Developers just build and leave, do not care about Orting
- (3) Apartments bring drugs and other issues into our community
- (1) Moved here to get away from the apartments and the type of people that live there
- (1) With potential of 73 apartments – would not know the tenants; can't go to anyone if there were issues, would be scared to
- (1) Moved here for the "small town", not to see an apartment complex across the street
- (2) School district does not have the capacity
- (1) Increased amount of people would hinder evacuation

Acceptable types of multi-family by consensus of the group

Senior Living

Assisted Living

Duplexes

4-Plexes

RECEIVED
APR 30 2015
CITY OF ORTING

April 30, 2015

Planning Commission
City of Orting
110 Train St. SE
P.O. Box 489
Orting, WA 98360

Re: Proposal to rezone tax parcel 0519311093

Dear Planning Commission members,

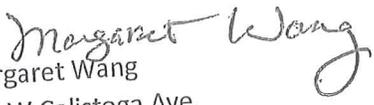
My name is Margaret Wang and I own the property at 507 West Calistoga that is adjacent to the land that is the subject of this rezone proposal.

While we have no objections to the rezone, we are asking for you to consider a few factors as this parcel moves closer to being developed for residential multi-family housing, especially in the area of drainage and water run-off.

Our land sits between tax parcel 0519311093 and the Whitehawk residential area. When Whitehawk was built, the ground on which the houses sit was allowed to be elevated, without careful study and consideration for the drainage and impact of the surrounding area. The result is that the water naturally drains into our pasture, creating areas of standing water that is a detriment to how we utilize the property. If the same were to happen for the requested rezone land, we potentially face irreparable harm.

Any development plans for a subdivision usually requires solutions on how to handle drainage and water run-off on the property. We ask you to also make sure it analyzes how its drainage plan will affect the surrounding properties and instruct the owners to mitigate any potential problems prior to approval.

Thank you for your assistance. We are always available if you have any questions.


Margaret Wang
507 W Calistoga Ave.
360-893-2407



3106 A Sumner Tapps Highway
Lake Tapps WA 98391
P: 253.826.5020

June 12, 2015

City of Orting Council

Re: **Appeal of City of Orting Planning Commission Facts and Findings, dated June 2, 2015 (Corliss Rezone 2015-1)**

Property Owner/Applicant: American Concrete Inc.
Property Address: 801 Calistoga Street West
Orting, WA 98360
Pierce County Parcel No: 0519311093

Dear Orting Councilmembers:

Thank you for the opportunity to address the Council on this application for rezone.

Please let this letter serve as the Applicant American Concrete Inc.'s formal appeal of the City of Orting Planning Commission's June 2, 2015 recommendation of denial of the Applicant's request for an amendment to the Orting Comprehensive Plan and rezone of Pierce County Parcel No. 0519311093 from Residential Urban (RU) to Residential Multifamily (RMF).¹ A copy of that decision is enclosed. The address of the subject property is 801 Calistoga Street West, Orting, Washington.

The Appellant believes the Planning Commission's decision to reject its proposed amendment and rezone was erroneous for the following reasons:

- 1. The Planning Commission's finding that the Applicant's proposal "may adversely affect the general public interest because of potentially unmitigated traffic and surface water problems and lack of City/School District infrastructure" is premature and unsupported by the record.**

An applicant is not required to submit a development plan with a rezone request. That comes later along with SEPA review and land use permit process to ensure compliance with City regulations. That process will ensure that impacts are mitigated. The rezone itself, however, does not have any impact on traffic, surface water or schools.

¹ The decision was made at a May 4, 2015 Planning Commission meeting; however, the Planning Commission Facts and Findings was issued on June 2, 2015.

Where no specific proposal has yet been presented, as here, consideration of potential impacts becomes a “vague and superficial” exercise that is not appropriate at such an early step in the development process. See *Concrete Nor'West v. Western Washington Growth Management Hearings Bd.*, 185 Wn. App. 745, 342 P.3d 351, 358 (2015). Any development plan for the subject property would be required to address predicted impacts through the SEPA process before the City would grant the necessary permits.

The fact that a development may have impacts does not mean that it may be denied. Any project will have impacts and denial on that basis alone is not lawful; if it was, no change in land use would ever be possible. *Maranatha Mining, Inc. v. Pierce County*, 59 Wn.App. 795, 801 P.2d 985 (1990). Moreover, the Planning Commission has not identified any way in which the proposal is likely to generate impacts that could not be reasonably mitigated. This finding, without supporting facts, is not adequate justification for the denial of the rezone.

2. **The Planning Commission’s finding that the proposed rezone may not be compatible with the Comprehensive Plan because “greater density is not compatible with the ‘small town’ vision for Orting or with hazard mitigation measures” is erroneous and unsupported by the record.**

The Planning Commission is incorrect that multifamily density is not compatible with the long-term vision for Orting, since the City’s Comprehensive Plan and zoning code include a Residential Multi-Family zone specifically intended for “moderate to high density residential development.” Orting Comprehensive Plan 2009, Land Use Element, Goal RE 2. The Comprehensive Plan requires that higher density multifamily development be located in areas served by community improvements and facilities appropriate for urban area development. *Id.*, at Pol. RE 2.1. The subject property is near arterials and existing community services intended to serve an urban population, consistent with this objective.

Further, the Planning Commission provides no support for its assertion that the rezone will result in a reduced ability to safely evacuate the area. Hazard mitigation measures will be addressed when the Applicant submits a site-specific development plan. The record does not support the Commission’s conclusion that the proposed rezone will create a public hazard in any different way than development under the current RU zoning.

3. **The Planning Commission’s finding that the proposal “may create projects that are not compatible with the area’s single family home residential zoning” is unsupported by the record.**

The Planning Commission provides no support for its assertion that the rezone “may create projects that are not compatible” with nearby single family home residential zoning, in direct conflict with the conclusions of City staff and the City Planner. The rezone does not permit any specific development, nor does it authorize the construction of any nonconforming structures or uses. Any development proposal will have to comply with regulations designed to ensure compatibility with the surrounding neighborhood. The Commission’s conclusion to the contrary is arbitrary and unsupported by the record.

American Concrete Inc. is owned by the Corliss family, longstanding members of the Orting community. The Corliss family wishes to maintain a positive relationship with both the City and the community for many years to come. The family has extensive experience in high quality,

upper end real estate development. It typically retains ownership of its land through development and construction until occupation. The Applicant's intentions for this property are no different.

Most of the concerns expressed in the Planning Commission's facts and findings focus on the proposed type of development, not on the proposed density. There is only a small difference in the density permitted under the RMF zone, at 8 du/acre, compared to the RU zone, at 6 du/acre. In addition to allowing slightly greater density, the RMF zone allows more varied lot sizes that would enable the Applicant to more efficiently use the subject property.

The Applicant is willing to consider alternatives to multifamily construction, including detached single family homes, that are permitted in both RU and RMF. Indeed, the Applicant would consider restricting its development to use types allowed in the existing RU zone, thereby precluding multifamily construction, if the project was otherwise subject to the development standards applicable to the RMF zone.

The Applicant respectfully requests that the City Council consider granting a conditional approval of its rezoning request, with the condition that development be restricted to use types allowed in the RU zone. In the alternative, the Applicant requests that the Council remand this matter for further deliberation so that the Applicant has an opportunity to respond to the Planning Commission's concerns.

American Concrete Inc. and the Corliss family welcome the opportunity to bring thoughtfully planned, progressive development to the City of Orting. They are confident that the concerns and design issues identified by the Planning Commission can be resolved by continuing to work closely with the City and the community to develop this site in a manner consistent with the City's vision, as expressed in the Comprehensive Plan.

Thank you for your time and consideration.

Respectfully,



Eric Corliss
Authorized Agent, American Concrete Inc.

Enclosure

RECEIVED

APR 30 2015

City of Orting – Land Use Permits

CITY OF ORTING

REQUIRED APPLICATION INFORMATION
(All Permits)

If it is necessary to submit applications for more than one permit, just fill out this page once.

Property Owners' Name	American Concrete Inc	
Affidavit of Ownership (Attached)	attached	
Address	3100 N. Sumner, Topps Highway Lake Topps WA 98341	
Phone/Fax	253 876 5200	
Email	c12c@americanconcrete.com	
Applicant/Agent's Name	Eric Curtis	
Address	3100 N. Sumner, Topps Highway Lake Topps WA 98341	
Phone/Fax	253 876 5203	
Email	c12c@americanconcrete.com	
Project Site Address	501 Calistoga, Orting WA	
Tax Parcel Number(s)	051934093	
Legal Description (May be on a separate sheet)	attached	
Project Name (If Applicable)	501 Calistoga Rezoning	
Permits Needed (Check All that Apply)	<input type="checkbox"/> Short Plat <input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Conditional Use <input type="checkbox"/> Variance <input type="checkbox"/> Clearing & Grading <input type="checkbox"/> Shoreline Variance <input type="checkbox"/> Planned Development <input type="checkbox"/> Master Plan	<input type="checkbox"/> Boundary Line Adjustment <input type="checkbox"/> Final Plat <input checked="" type="checkbox"/> Rezone <input type="checkbox"/> Critical Area Exception <input type="checkbox"/> Shoreline Development <input type="checkbox"/> Shoreline Conditional Use <input type="checkbox"/> Architectural Design Review <input type="checkbox"/> Binding Site Plan



3106 A Sumner Tapps Highway
Lake Tapps WA 98391
P: 253.826.5020

April 29, 2015

City of Orting
Planning Commission

Re: Owner: American Concrete Inc.
 Address: 801 Calistoga
 Orting WA 98360
 Parcel #: 0519311093
 Acres: 7.32 ac/318,859sf

To Whom It May Concern:

Thank you for the opportunity to address the Commission regarding this rezone.

First, we would like to describe the changed conditions which affect and impact the land use and existing zoning of this site.

This site completed a Boundary Line Adjustment in 2011, recording number 201109235001, to remove flood plain area along the Puyallup River from the site and dedicate that area to the City. This made the parcel approximately 50% smaller and removed any river frontage from the site area, ensuring protection of the Puyallup River. The site has great access to the town core and SR 162 due to its location along and Calistoga St W., which has become a major arterial. Further, the site is adjacent to a City park providing more recreational opportunities to potential future residents. All of these changed site conditions work together to promote a wider array of potential uses and higher density development in this location. Therefore we are requesting that the Residential-Urban zone (RU) be changed to Residential-Multi-Family Zone (RMF).

Secondly, we would like to show how the proposal to change from RU to RMF zoning is supported by the Comprehensive Plan.

The proposal fulfills vision goals and major findings of the Comprehensive Plan as well as specific policies within the Housing Element. Those have been outlined below.

Vision Goals–The vision statement is amplified with the following over-arching goals that direct the more specific goals and policies of the plan elements. Below are three goals that the proposal supports along with a short explanation:

Vision Goal	Explanation
Provide a variety of housing choices for new residents	The RMF zone allows for a wider array of development types and a slightly higher density.
Foster a financially sound development pattern	Providing more density where infrastructure is available is financially sound for the City.
Preserve a reasonable use of the land for all landowners	Allowing more flexible development on this site, provides the opportunity for other parcels with similar conditions to do the same and avoids development pressure on lands where it may be more reasonable to retain rural characteristics.

Major Findings-The Comprehensive Plan is based on major findings, here are three that the proposed development supports:

Major Finding	Explanation
Orting residents want the city to retain its small rural town and rural character as it grows. Residential development should remain predominantly single-family, with some multi-family development in the mixed-use town center and in close proximity to services.	Development along Calistoga St W is an arterial providing close proximity to City services. Development here allows for growth while maintaining rural areas of the City.
The plan establishes the following development pattern: a central core of mixed use development in the downtown commercial area of Orting, surrounded by single-family residential development at moderate densities. Other commercial uses and light industrial development may be allowed or encouraged along major arterials and in future urban growth area(s).	This is development along a major arterial.
Transportation needs in Orting range from potential future traffic volumes on the existing roadways, to the configuration of the future roadway system, to the feasibility of transit in the Orting area. The transportation element addresses transportation issues and links them into a cohesive assessment of Orting's transportation options and future.	Development along this arterial does contribute to the feasibility of transit in the Orting area.

Supported policies of the Housing Element:

Policy H 1.1	Explanation
Provide for a variety of housing types and densities in appropriate areas.	The RMF zone allows for more variety in housing types and densities on a parcel which due to changed conditions is an appropriate area.
Policy H 1.3	Explanation
Ensure appropriate infrastructure levels of service in areas that are designated for higher densities.	The site has access to all the necessary infrastructure required to support higher densities.
Policy H 2.1	Explanation
Ensure that development regulations provide opportunity for a variety of housing densities and types, including mixed use in the downtown	The RMF zone would provide for these opportunities at this location.
Policy H 2.2	Explanation
Encourage creative design and development of denser, urban housing including cottage housing in the Residential Urban and Residential Multifamily Zones	The RMF zone allows for more types of uses and for denser housing than the RU zone, while still complying with City design requirements.

Finally, we would like to reiterate that we are excited to have the opportunity to develop this site in a way that the City of Orting has also envisioned.

Should you have any questions, please do not hesitate to contact me directly at 253.826.5020 or via email at sloanc@canyoncompany.com.

Sincerely,



Sloan Clack
 Real Estate Manager
 Canyon Creek Company

AMERICAN CONCRETE INC.

UBI Number 171003419
 Category REG
 Profit/Nonprofit Profit
 Active/Inactive Active
 State Of Incorporation WA
 WA Filing Date 01/29/1960
 Expiration Date 01/31/2016
 Inactive Date
 Duration Perpetual
 Registered Agent Information
 Agent Name WILCOR GROUP LLC
 Address 3106 SUMNER TAPPS HWY E STE A

 City LAKE TAPPS
 State WA
 ZIP 983916716
 Special Address Information
 Address

 City
 State
 Zip

Governing Persons

Title	Name	Address
President,Chairman	CORLISS, SCOTT	3106 SUMNER TAPPS HWY E SUITE A LAKE TAPPS, WA 98391
Secretary	WILLIAMSON, SHAWNA	3106 SUMNER TAPPS HWY E SUITE A LAKE TAPPS, WA 98391
Vice President,Treasurer	CORLISS, TIM	3106 SUMNER TAPPS HWY E SUITE A LAKE TAPPS, WA 98391

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201110050719 4 PGS
10/05/2011 03:44:06 PM \$65.00
PIERCE COUNTY, WASHINGTON

AFTER RECORDING, PLEASE RETURN TO:

City of Orting
Attn: City Administrator
Orting City Hall
110 Train St SE
Orting, WA 98360

QUIT CLAIM DEED

Grantor: American Concrete, Inc., a Washington State corporation
Grantee: City of Orting, a municipal corporation
Short Legal Description: That portion of Original Parcel A and B described in attached Ex A located in SE Quarter of NE Quarter, Section 31, Township 19 N, Range 5 EWM
Legal on Pages 344.
Assessor's Property Tax
Parcel/Account Number(s): 0519311106

The GRANTOR, American Concrete, Inc., a Washington State corporation, for and in consideration of Ten Dollars and No/100ths (\$10.00) and other good and valuable consideration, conveys and quitclaims to CITY OF ORTING, WASHINGTON, the following-described real estate, situated in the County of Pierce, State of Washington, including any interest therein which the Grantors may hereafter acquire:

Legally described as:

See Exhibit "A", attached hereto and incorporated as though fully set forth herein.

DATED: October 5, 2011

AMERICAN CONCRETE, INC.

Scott J. Cozlis
Print Name: Scott J. Cozlis
Title: PRESIDENT

65-

EXHIBIT A

Legal Description

PARCEL A

THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 19 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF ORTING, PIERCE COUNTY, WASHINGTON, LYING NORTHERLY AND WESTERLY OF CALISTOGA AVENUE AND LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 19 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON: THENCE SOUTH 89°41'01" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER 1,241.86 FEET TO THE TRUE POINT OF BEGINNING OF THIS LINE DESCRIPTION; THENCE LEAVING SAID NORTH LINE SOUTH 20°46'32" EAST, 46.97 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 950.00 FEET; THENCE SOUTHERLY 142.26 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 08°34'47"; THENCE SOUTH 12°11'45" EAST, 460.82 FEET; THENCE SOUTH 24°39'43" EAST, 231.42 FEET; THENCE SOUTH 30°20'22" EAST, 182.38 FEET TO THE NORTH LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO PIERCE COUNTY BY DEED RECORDED UNDER RECORDING NO. 9409090215 AND THE TERMINUS OF THIS LINE DESCRIPTION.

FROM SAID TERMINUS THE EAST QUARTER CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER BEARS SOUTH 69°16'18" EAST, 945.34 FEET.

TOGETHER WITH:

THAT PART OF THE EAST HALF OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 19 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON, LYING NORTH OF THE SOUTH FORK OF THE PUYALLUP RIVER.

EXCEPTING THEREFROM THE FOLLOWING:

BEGINNING AT A POINT ON THE WESTERLY LINE OF CALISTOGA AVENUE 15 FEET SOUTH OF THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 31; THENCE SOUTH 42°40' WEST ALONG THE WESTERLY LINE OF CALISTOGA AVENUE 244.97 FEET TO THE FORMER TOWN LIMITS LINE OF THE TOWN OF ORTING; THENCE NORTH 47°35'15" WEST ALONG SAID TOWN LIMITS LINE 273.55 FEET TO A POINT 15 FEET SOUTH OF THE NORTH LINE OF SAID SUBDIVISION; THENCE EAST PARALLEL TO SAID SUBDIVISION LINE 358.95 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT THE FOLLOWING:

BEGINNING 896.5 FEET WEST AND 20 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 31; THENCE NORTH 10° EAST ALONG THE WEST SIDE OF THE COUNTY ROAD 230 FEET; THENCE SOUTH 55° WEST 135 FEET TO THE PUYALLUP RIVER; THENCE SOUTH 13°48' EAST 153.5 FEET; THENCE EAST TO THE POINT OF BEGINNING.

ALSO EXCEPT THAT PORTION OF THE NORTH 15 FEET THEREOF CONVEYED TO THE TOWN OF ORTING BY DEED RECORDED UNDER AUDITOR'S NO. 1240716, RECORDS OF PIERCE COUNTY, WASHINGTON.

ALSO EXCEPT THAT PORTION CONVEYED TO PIERCE COUNTY UNDER AUDITOR'S NO. 9409090215, FOR CRP NO. 5318, ENTITLED PUYALLUP RIVER BRIDGE NO. 31195-A.

ALSO EXCEPT THAT PORTION LYING SOUTHWESTERLY OF THE NORTHEASTERLY LINE OF LEACH ROAD EAST AS CONVEYED TO PIERCE COUNTY UNDER AUDITOR'S NO. 9409090600 AND CONVEYED TO KENNETH M. CHRISTILAW UNDER AUDITOR'S NO. 8402080148.



MEMORANDUM

Date: June 18, 2015
To: Mayor Joachim Pestinger; Orting City Council
From: BHC Consultants
CC: Mark Bethune, City Administrator
Subject: 2015 Comprehensive Plan – Final Draft for Amendment

This memo presents revisions made to the draft 2015 Comprehensive Plan in response to recommendations and comments received from Council and State agencies since the Open Record Public Hearing on June 10, 2015. These revisions do not address goals and policies, but rather update the data and analyses presented in the supporting appendices. These revisions have been incorporated into the draft Plan previously reviewed by Council, and together represent the final draft Plan for adoption.

The following is a generalized summary of the additional substantial revisions. Minor text and formatting edits are not included here, but have been revised as recommended.

Introduction

- A new bullet has been added under “Plan Summary” discussing that even though the role of the Plan to guide growth between 2015 and 2035, the stated planning horizon is 2030. It is explained that this is due to Pierce Countywide Planning Policies establishing targets for that year.
- Discussion of the City’s participation in hazards mitigation planning has been added under the Land Use Element summary.

Land Use

- Discussion of the discrepancies between the Plan’s 2035 horizon and the Pierce County 2030 targets has been added under the “Population and Employment Targets” section.

Capital Facilities

- Discussion of need for maintenance and repair facilities, and potential future collaboration with the Orting School District for joint use facilities, has been added.
- Water system demand projections and water storage capacity discussions have been updated.
- Sewer system demand projections, service capacity and future wastewater flows discussions have been updated. Tables reflecting capacity have been added.
- The Eldredge Avenue Sewer Rehabilitation Project has been added to the 20-Year Capital Facilities Plan.



Transportation

- Text has been included addressing the fact that the data, analyses, and conclusions are based on an earlier City Transportation Plan, but that the conclusions are still valid. It is mentioned that the City of Orting is set to update their Transportation Plan within the next two years to be consistent with the PSRC 2040 Plan, the Pierce County Transportation Plan and state highway plans, this would include updated traffic forecasting and volume data.
- A section titled “Public Transit” has been added under “Other Modes”. It addresses Sound Transit commuter rail service to nearby communities.
- Figure T-3: Non-Motorized Facilities depicting the non-motorized facilities within Orting City limits has been added. Under the “Non-Motorized Facilities” section, text has been added indicating that aside from the Foothills Trail, no other non-motorized facilities besides sidewalks have been dedicated in Orting.
- A bulleted list identifying key projects in the currently adopted 6-Year Transportation Improvement Plan has been added.
- The roadway nomenclature has been revised for consistency throughout.

CITY OF ORTING WASHINGTON

ORDINANCE NO. 2015-967

**AN ORDINANCE OF THE CITY OF ORTING,
WASHINGTON, RELATING TO LAND USE AND ZONING;
ADOPTING AMENDMENTS TO THE COMPREHENSIVE
PLAN; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, as required by the Growth Management Act (Chapter 36.70A RCW), the City adopted a comprehensive plan for the community on November 29, 2004, (the “Comprehensive Plan”), which is updated frequently; and

WHEREAS, the City Council on October 30, 2003, adopted Ordinance No. 778 which adopted substantive and procedural guidelines for amendments to the Comprehensive Plan and development regulations; and

WHEREAS, in October 2013, the City initiated review of the Comprehensive Plan to consider plan elements that require updating and offered to consider amendment proposals from citizens; and

WHEREAS, in accordance with WAC 365-196-630, a notice of intent to adopt the proposed Comprehensive Plan amendments was sent to the State of Washington Department of Commerce and to other state agencies with acknowledgement by the Department on April 14, 2015, to allow for a 60-day review and comment period; and

WHEREAS, an environmental review of the proposed Comprehensive Plan amendments has been conducted in accordance with the requirements of the State Environmental Policy Act (“SEPA”), and a SEPA threshold determination of non-significance was issued on March 25, 2015; and

WHEREAS, the public process for the proposed amendments has provided for early and continuous public participation opportunities including Planning Commission workshops from October 2013 to May 2015, the May 4, 2015 Planning Commission public hearing, and the June 10, 2015 City Council public hearing.

WHEREAS, the Planning Commission after considering the public comment received and other information presented at the public hearings and public meetings, including the documents identified in the exhibit list, voted after its May 4, 2015, public hearing to recommend to the City Council adoption of the proposed amendments to the Comprehensive Plan, and

WHEREAS, on June 10, 2015, a public hearing was held before the City Council to take public testimony regarding the proposed amendments including the above described requested changes; and

WHEREAS, having considered, among other things, the public testimony, the minutes of the Planning Commission meetings, the preliminary and final staff reports, and the Planning Commission recommendations, the City Council finds that the proposed amendments to the Comprehensive Plan are consistent with and would serve to further implement the planning goals of the adopted Comprehensive Plan and the Growth Management Act;

NOW, THEREFORE, the City Council of the City of Orting, Washington, do ordain as follows:

Section 1. Incorporation of Recitals. The above stated recitals are incorporated as though fully set forth herein.

Section 2. Findings, Conclusions, and Recommendations Adopted. The “Findings and Planning Commission’s Recommendations” report for the Amendments to the City of Orting 2015 Comprehensive Plan, as amended, and dated May 4, 2015, attached hereto as Exhibit “A,” is incorporated herein by this reference and hereby adopted.

Section 3 Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4 Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF
ON THE 24TH DAY OF JUNE, 2015.**

CITY OF ORTING

Joe Pestinger, Mayor

ATTEST/AUTHENTICATED:

Rachel Pitzel, City Clerk

Approved as to form:

John P. Long, Jr., City Attorney

Filed with the City Clerk: 6/24/15
Passed by the City Council: 6/24/15
Ordinance No. 2015-967
Date of Publication: 6/26/15
Effective Date: 7/1/15

Exhibit A 2015 Comprehensive Plan Amendments

Comprehensive Plan Chapter	Summary of Proposed Amendments
Introduction	<p>Update of the "public process and visioning" section</p> <p>Update of the element summaries</p> <p>Update of the amendment process</p> <p>Clarification of the 2035 plan horizon within the context of Pierce Countywide Planning Policy population and employment targets</p>
Land Use Element	<p>Designation of the Center of Local Importance</p> <p>New Goal LU 14 and associated policies regarding Urban Agriculture</p>
Transportation Element	<p>Clarification of transportation Level of Service Standards</p> <p>Correction of street nomenclature</p>
Capital Facilities Element	<p>Amendment of Park, Trail and Open Space section consistent with the 2015 Park, Trail and Open Space Plan update</p> <p>Minor edits</p>
Economic Development Element	<p>Amendment to Goal ED 8 to strengthen intent to promote tourism</p> <p>Amendment to Goal ED 9 to promote regional expansion of opportunities for agricultural activities</p>
Land Use Appendix	<p>Updated population, land use and land capacity information and forecasts</p> <p>Increased information on natural hazards mitigation and mapping</p>
Transportation Appendix	<p>Minor updating to the Appendix to reflect the recent improvements and anticipated future projects.</p>
Capital Facilities Appendix	<p>Updates to current inventories, functional plan consistency for water, sanitary sewer, and stormwater, Schools & Libraries, Parks Plan Update, Police & Fire, and</p>

20-Year Capital Facility Needs



City of Orting
City Council Staff Report

Date: June 18, 2015

Prepared By: Mark Bethune

Agenda Item: Memorandum of Agreement With Pierce County – Street repairs

Issue Synopsis:	Every two years the city is required to re-contract with Pierce County for road maintenance work
Background:	The City uses Pierce County public works for occasional street repairs and maintenance including striping.
Policy Options:	Approve, amend, deny
Analysis:	The City's plan to improve streets through the TBD this year includes an asphalt overlay on Whitesell St. NE and Bridge St. SE for the amount of \$38,000.
Fiscal Impact:	Fund(s): 635 (TBD Fund) Expenditure Required: Up to \$45,000 Amount Budgeted: \$41,000 Additional Appropriation Required: 0
Policy Questions:	See above
Staff Recommendation:	Approve
Transportation Committee Recommendation:	Approve
Attachments:	Memorandum of Agreement

**MEMORANDUM OF AGREEMENT
BETWEEN PIERCE COUNTY AND THE CITY OF ORTING
REGARDING ROAD AND TRAFFIC MAINTENANCE SERVICES**

THIS AGREEMENT is entered into this day by and between **PIERCE COUNTY**, a municipal corporation and political subdivision of the State of Washington (herein referred to as "COUNTY") and the undersigned, **CITY OF ORTING** a municipal corporation of the State of Washington (herein referred to as "CITY").

WHEREAS, the CITY has a need for specific road and traffic maintenance services and has requested said services as described below to be performed by the Pierce County Public Works and Utilities Department.

WHEREAS, the COUNTY agrees to perform the work described below at the convenience of the Pierce County Public Works and Utilities Department and that the CITY will reimburse the COUNTY for all costs incurred.

NOW, THEREFORE, in consideration of the terms and conditions contained herein, it is mutually agreed by and between the COUNTY and the CITY as follows,

SECTION 1. PURPOSE. The purpose of this agreement is to establish the rights, duties and responsibilities of the parties with regards to the road and traffic maintenance services requested by the CITY and any costs associated with this work.

SECTION 2. COUNTY'S RESPONSIBILITY. The COUNTY will perform the following road and traffic maintenance services for the CITY under the direction and control of the CITY.

- A. The COUNTY will provide road and traffic maintenance, including but not limited to, traffic signals, street lighting, traffic signs, roadway markings, roadway striping, raised pavement markers, general street repair, material hauling, street sanding, street sweeping, vector service, snow plowing, small engineering projects, grading, and street resurfacing.

Street resurfacing project may include, but are not limited to, full depth asphalt grinding, HMA patching, and chip seal resurfacing.

De-icing/Anti-icing products will be available at the COUNTY's discretion. See Attachment 1 for the guidelines related to the supply of these materials.

- B. The COUNTY may also provide services on an on-call basis, if needed. Charges for these services shall include a call out fee and an hourly fee.
- C. If in the opinion of COUNTY staff the maintenance services requested are not appropriate, the COUNTY may refuse to perform such work for any reason.

SECTION 3. CITY'S RESPONSIBILITY.

- A. The CITY shall specify the location of the work to be provided by the COUNTY. The CITY shall provide the COUNTY with a list of work for each year of this agreement.
- B. Any work requested from the COUNTY shall be through written "Work Authorizations" which shall indentify the specific activities to be performed.
- C. The CITY shall be responsible for locating utilities in the area in which the COUNTY shall perform work. The CITY shall be solely responsible for all costs and damage to the utility lines.
- D. All work requested by the CITY must be performed in compliance with the COUNTY's NPDES permit.

SECTION 4. COMPENSATION AND BILLING PROCEDURE. The CITY has agreed to pay up to the estimated amount of **\$45,000.00** per calendar year to complete the described road and traffic maintenance services and any other on call work. The CITY certifies that sufficient budgeted funds are available to cover the costs of the requested services, and agrees to make payment to the COUNTY.

In consideration for the provision of maintenance services described herein, the CITY agrees to pay the COUNTY for the actual work completed based on monthly billings and in accordance with the provisions of Section 2 and 3 above. Monthly billings will be calculated as indicated below.

- A. The labor rate billed to the CITY shall be increased by thirty percent (30%) to account for administration overhead. The rate of overhead includes Maintenance Administration costs and Department Administration costs. No supervision or maintenance office costs will be charged directly.
- B. Equipment use will be charged to the CITY based upon the hours used times the Pierce County Equipment Services Division (ESD) rental rate. A five percent (5%) administration charge will be assessed for processing.
- C. Materials and supplies will be billed at cost plus a ten percent (10%) administration processing fee. –Equipment Rental & Revolving Fund (ERR) inventory stocked items will be billed at the Pierce County ERR materials rate.
- D. The costs of services as outlined will be billed no later than the thirtieth (30th) day of the month by the COUNTY based on services provided in the previous month. Payments by the CITY will be due within thirty days of receipt of the billing. Monthly payments that are not paid within the

allotted time period shall be considered delinquent. Delinquent charges shall accrue interest on the unpaid balance, from the date of delinquency until paid, at an interest rate of one half of one percent (.5%) per month.

- E. The billing rates for labor and equipment related to providing the functions and services each year after 2015 shall be adjusted annually, effective January 1st of each year to reflect current costs. Increases in the costs that are the results of changes in regulatory requirements will be included in any increases to billing rates after 2015.

SECTION 5. DURATION. Unless sooner terminated as provided elsewhere in the Agreement, this agreement shall have an initial term commencing on the date that the last signature is affixed hereto until midnight December 31, 2015. After which, the contract shall be automatically renewed annually on January 1 of each year for an additional one year term, unless either party gives notice of non-renewal not less than 60 days prior to the expiration of the current term.

SECTION 6. INDEMNIFICATION AND HOLD HARMLESS. The COUNTY shall defend, indemnify, and save harmless the CITY, its officers, employees, and agents from any and all costs, claims, judgments, or awards of damages, resulting from the acts or omissions of the COUNTY, its officers, employees, or agents associated with this Agreement. In executing this Agreement, the COUNTY does not assume liability or responsibility for or in any way release the CITY from any liability or responsibility which arises in whole or in part from the existence or effect of CITY ordinances, rules, regulations, resolutions, customs, policies, or practices. If any cause, claim, suit, action, or administrative proceeding is commenced in which the enforceability and/or validity of any such CITY ordinance, rule, regulation, resolution, custom, policy, or practice is at issue, the CITY shall defend the same at its sole expense and if judgment is entered or damages are awarded against the CITY, the COUNTY, or both, the CITY shall satisfy the same, including all chargeable costs and attorney's service charges.

The CITY shall defend, indemnify and save harmless the COUNTY, its officers, employees, and agents from any and all costs, claims, judgments, or awards of damages, resulting from the acts or omissions of the CITY, its officers, employees, or agents associated with this Agreement. In executing this Agreement, the CITY does not assume liability or responsibility for or in any way release the COUNTY from any liability or responsibility which arises in whole or in part from the existence or effect of COUNTY ordinances, rules, regulations, resolutions, customs, policies, or practices. If any cause, claim, suit, action, or administrative proceeding is commenced in which the enforceability and/or validity of any such COUNTY ordinance, rule, regulation, resolution, custom, policy, or practice is at issue, the COUNTY shall defend the same at its sole expense and if judgment is entered or damages are awarded against the COUNTY, the CITY, or both, the COUNTY shall satisfy the same, including all chargeable costs and attorney's service charges.

SECTION 7. NO THIRD-PARTY BENEFICIARY. The COUNTY does not intend by this agreement to assume any contractual obligations to anyone other than the CITY, and the CITY does not intend by this agreement to assume any contractual obligations to anyone other than the COUNTY. The COUNTY and the CITY do not intend that there be any third-party

beneficiary to this agreement.

SECTION 8. INSURANCE COVERAGE. The CITY shall maintain at all times during the course of this agreement a general liability insurance policy or other comparable coverage with a self-insured retention of no more than \$500,000.00 and a policy limit of no less than \$5,000,000.00 dollars.

SECTION 9. NON-DISCRIMINATION. The COUNTY and the CITY certify that they are Equal Opportunity Employers.

SECTION 10. ASSIGNMENT. Neither the COUNTY nor the CITY shall have the right to transfer or assign, in whole or in part, any or all of its obligations and rights hereunder without the prior written consent of the other Party.

SECTION 11. NOTICE. Any formal notice or communication to be given by the COUNTY to the CITY under this agreement shall be deemed properly given, if delivered, or if mailed postage prepaid and addressed to:

City of Orting
110 Train Street Southeast
Orting, WA 98360
attn: Public Works Director

Any formal notice or communication to be given by the CITY to the COUNTY under this agreement shall be deemed properly given, if delivered, or if mailed postage prepaid and addressed to:

Pierce County Public Works & Utilities
4301 South Pine Street, Suite 446
Tacoma, WA 98409
Attention: County Traffic Engineer

AND

Pierce County Public Works & Utilities
4812 196th Street East
Spanaway, WA 98387
Attention: Road Operations Manager

The name and address to which notices and communications shall be directed may be changed at any time, and from time to time, by either the CITY or the COUNTY giving notice thereof to the other as herein provided.

SECTION 12. WAIVER. No waiver by either party of any term or condition of this Agreement shall be deemed or construed to constitute a waiver of any other term or condition or of any subsequent breach, whether of the same or a different provision of this Agreement.

SECTION 13. ENTIRE AGREEMENT. This agreement contains all of the agreements of the Parties with respect to any matter covered or mentioned in this agreement and no prior agreements shall be effective for any purpose.

SECTION 14. TERMINATION FOR DEFAULT. If the CITY defaults by failing to perform any of the obligations of this agreement or fails to timely pay for County services, the COUNTY may, by depositing written notice to the CITY in the U.S. mail, postage prepaid, terminate the agreement.

SECTION 15. TERMINATION FOR PUBLIC CONVENIENCE. The COUNTY may terminate the contract in whole or in part whenever the COUNTY determines, in its sole discretion that such termination is in the interests of the COUNTY. Whenever the contract is terminated in accordance with this paragraph, the COUNTY shall be entitled to payment for actual work performed at unit contract prices for completed items of work. Termination of this contract by the COUNTY at any time during the term, whether for default or convenience, shall not constitute a breach of contract by the COUNTY.

SECTION 16. AMENDMENT. Provisions within this agreement may be amended with the mutual consent of the parties hereto. No additions to, or alteration of, the terms of this agreement shall be valid unless made in writing, formally approved, and executed by duly authorized agents of both parties.

SECTION 17. SEVERABILITY. If any of the provisions contained in this agreement are held illegal, invalid or unenforceable, the remaining provisions shall remain in full force and effect.

SECTION 18. CHOICE OF LAW, JURISDICTION AND VENUE. This agreement shall be governed by, construed, and enforced in accordance with the laws and regulations of the United States, the State of Washington, and the ordinances of Pierce County.

SECTION 19. ATTORNEY FEES AND COSTS. In the event of any controversy, claim, or dispute arising out of or in any way relating to this agreement or its breach, the prevailing party shall be entitled to recover its cost and reasonable attorney fees.

IN WITNESS WHEREOF, the parties have executed this Agreement this ____ day of _____, 20__.

CITY OF ORTING

PIERCE COUNTY:

Approved as to legal form only:

By: _____
City Manager Date

By: _____
Deputy Prosecuting Attorney Date

Approved as to form only:

Recommended:

By: _____
City Attorney Date

By: _____
Budget & Finance Date

Attest:

Approved:

By: _____
City Clerk Date

By: _____
Department Director Date
(less than \$250,00)

By: _____
Pierce County Executive Date
(\$250,000 or more)



City of Orting
City Council Staff Report

Date: June 18, 2015

Prepared By: Mark Bethune

Agenda Item: Police Officer staffing increase – financial considerations

Issue Synopsis:	The Council is considering increasing the number of police officers
Background:	The current financial resources available to the city will not support the hiring of another police officer. The Public Safety Committee has been researching revenue strategies that support increasing the number of officers by one to three more than current staffing. The City Councilmembers have voiced a desire that any increase in taxes or fees be put to a vote of the citizens.
Policy Options:	Approve, amend, deny
Analysis:	See attached financial analysis. The City is limited in its taxing authority to 1) Property Tax levy increase, 2) B&O Taxes on power and communications, 3) B&O tax on business, 4) Utility taxes on Water, Wastewater, Stormwater and garbage services. If council desires to take a tax increase to a vote in November, the plan must be forwarded to the County Auditor by August 4 th .
Fiscal Impact:	Fund(s): General Fund Expenditure Required: NA for 2015. There will be no increase in election expense due to Councilmember races. Amount Budgeted: NA for 2015 Additional Appropriation Required: NA for 2015
Policy Questions:	See above
Staff Recommendation:	None
Recommendation:	None
Attachments:	Financial Analysis of revenue sources, police staffing comparables with other cities, tax comparables with other cities.

Financial Considerations to Increase the Police Department Staffing

- Consider increase from 11.00 officers to 14 officers.
- Increase the Police Clerk from .75 time to full time.
- Cost per officer including all incidentals is approximately \$124,000.
- Additional cost of the Police Clerk is \$11,000.

Proposal 1: 11 to 12 officers: \$124,000 - \$10,000 in OT = \$114,000 additional expense

Proposal 2: 11 to 13 officers: \$248,000 + \$11,000 = \$259,000 - \$20,000 OT = \$239,000 additional Expense

Proposal 3: 11 to 14 officers: \$372,000 + 11,000 = 321,000 - \$30,000 OT = \$353,000 additional expense

Regardless of how it is broken out or divided amongst the options below, the average Orting Citizen will have to pay \$50/year more per new officer. 14 officers will cost the average citizen \$140/year in some form of increased taxes.

Types of Revenue Sources Allowable for Code Cities

1. Property Tax levy lift
2. B&O Tax on Power and Communication Services
3. Utility Tax on Sewer, Water, and Stormwater
4. Utility Tax on Garbage Services

Financial Alternatives:

Proposal 1: Increase officers from 11 to 12.

1. Property Tax Lid Lift – Requires Election
Increase 2015 rate of \$1.60/1000 to \$1.84/1000
Home assessed at \$200,000 will pay an annual increase of approx. \$50
Net Revenue = \$115,000
2. B&O Tax on Communications and Power – Requires an Election
Increase tax rate from 6% to 7.4%
Average annual increase per household is approx. \$50 or \$4/month
Net Revenue = \$115,000
3. Utility Tax - by Council action or election
Tax Water, Sewer and Stormwater rates at 4%
Increase annual utility bills approx. \$50 or \$4/month
Net Revenue = \$115,000
4. Garbage Service Utility Tax – by Council action or election
Tax Garbage service 17%
Increases the average home owner bill \$4/month or about \$50 annually
Net Revenue = \$115,000

Proposal 2: Increase Officers from 11 to 13

1. Property Tax Lid Lift – Requires Election
Increase 2015 rate of \$1.60/1000 to \$2.10/1000
Home assessed at \$200,000 will pay an annual increase of approx. \$100
Net Revenue = **\$240,000**
2. B&O Tax on Communications and Power – Requires an Election
Increase tax rate from 6% to 8.6%
Average annual increase per household is approx. \$100 or \$8/month
Net Revenue = **\$240,000**
3. Utility Tax - by Council action or election
Tax Water, Sewer and Stormwater rates at 8%
Increase annual utility bills approx. \$100 or \$8/month
Net Revenue = **\$240,000**
4. Garbage Service Utility Tax – by Council action or election
Tax Garbage service 34%
Increases the average home owner bill \$8/month or about \$100 annually
Net Revenue = **\$240,000**

Proposal 3: Increase Officers from 11 to 14

1. Property Tax Lid Lift – Requires Election
Increase 2015 rate of \$1.60/1000 to \$2.30/1000
Home assessed at \$200,000 will pay an annual increase of approx. \$140
Net Revenue = **\$350,000**
2. B&O Tax on Communications and Power – Requires an Election
Increase tax rate from 6% to 11.2%
Average annual increase per household is approx. \$140 or \$11.65/month
Net Revenue = **\$350,000**
3. Utility Tax - by Council action or election
Tax Water, Sewer and Stormwater rates at 11.4%
Increase annual utility bills approx. \$140 or \$11.65/month
Net Revenue = **\$350,000**
4. Garbage Service Tax – by Council action or election
Tax Garbage service 50%
Increases the average home owner bill \$11.65/month or about \$140 annually
Net Revenue = **\$350,000**

New Alternative – divide evenly amongst the 4 taxing strategies = \$350,000/Yr

1. Property Tax – increase from 1.60/1000 to 1.78/1000 = \$35/yr
2. B&O Tax on Communications and Power: increase tax from current 6% to 7.3% = \$2.91/mo.
3. Utility Tax: increase from 0 to 3% = \$2.91/month
4. Garbage Franchise Fee – from 0 to 12.5% = \$2.91/month

POLICE COMPARABLES

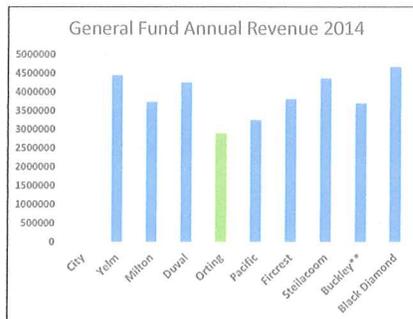
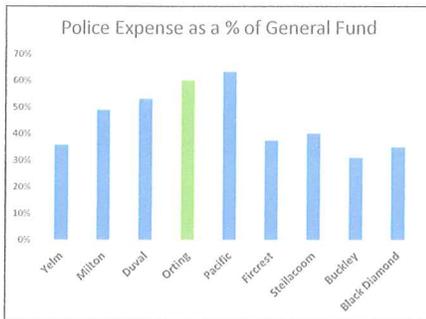
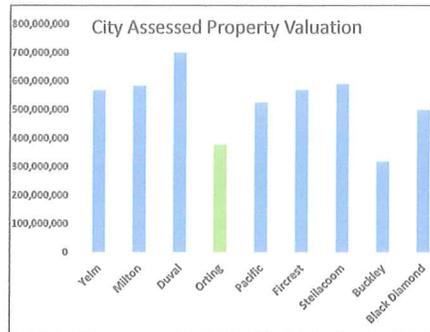
Police Comparables			2014 Rev	Beginning		Total	Police	Police % of	Police % of	Police	Percent of
City	Population	Valuation	General Fund	GF Reserve	Less Fire**	FTE's	FTE's	Total FTE	GenFundFTE's	Budget	General fund
Yelm	7,470	567,993,293	\$4,453,000	\$2,100,000	No	47	12	26%		\$1,595,574	36%
Milton	7,185	583,971,779	\$3,733,957	\$725,676	No	41	12	29%		\$1,827,172	49%
Duval	7,120	699,978,432	\$4,253,686	\$1,386,643	No	43	12	28%		\$2,256,484	53%
Orting	6,930	378,099,092	\$2,840,000	\$1,801,000	No	34	11	32%	68%	\$1,637,000	58%
Pacific	6,760	525,337,117	\$3,250,000	\$950,000	No	27	10	37%		\$2,057,000	63%
Fircrest	6,540	569,373,361	\$3,810,673	\$3,765,000	Yes	32	9	28%		\$1,425,456	37%
Stellacoom	6,040	591,241,028	\$4,367,533	\$4,097,784	Yes	44	9	20%		\$1,749,692	40%
Buckley*	4,370	318,871,406	3,700,000	\$6,200,000	Yes/Vol	34	9	26%		\$1,565,816	42%
Black Diamond	4,170	\$499,715,546	\$4,670,852	\$671,787	Yes	29	9	31%		\$1,632,382	35%
Average	6,287	526,064,562	\$3,897,745	\$2,410,877	NA	37	10	29%		\$1,749,620	45%

*General Fund Revenue does not include sale of Natural Gas facility for \$5.4 million which will go to the general fund

** If the City received funding and had expenses for Fire/EMS these amounts were subtracted out of the general fund revenue expected for 2014.

Comparables

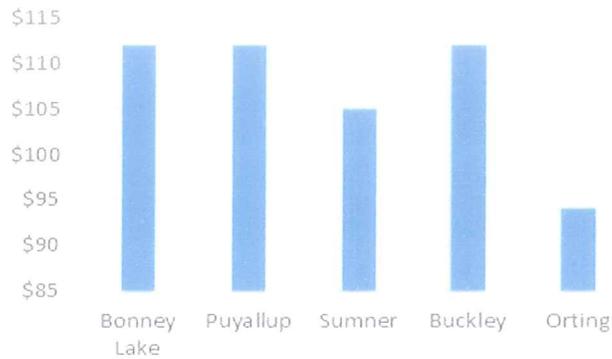
Orting Comparison to the average of the comparable cities	
Population:	9% higher
Valuation	28% Lower
General Fund Revenue	25% Lower
General Fund Reserves	25% Lower
FTE's	8% Lower
Police FTE's	Average
Police Budget	6.5% Lower
Police Budget as % of Revenue	21% Higher
Police Pay Step 1	6.5% Lower
Police Pay Top	11% Lower



Association of Washington Cities - 2010 Tax and User Fee Survey

City Name	Utility Tax Rates											
	Natural Gas		Electricity		TeleCom		Cable	Garbage	Water	Sewer	Storm	
	Rate		Rate		Rate		Rate					
Bonney Lake	6%		6%		6%		6.50%		6%	8%	8%	8%
Milton	6%		6%		6%		6%		6%	6%	6%	6%
Orting	6%		6%		6%		6%		0%	0%	0%	0%
Puyallup	5%		5%		6%		3.80%		8%	8%	8%	8%
Sumner	5.25%		5.25%		5.25%		No		6%	6%	6%	6%
Tacoma	6%		6%		6%		8%		8%	8%	8%	8%
Steilacoom	6%		6%		6%		5%		6%	6%	6%	6%

Average Utility Rate



Property Tax Rates for Regional Cities - 2015

City	City Rate/\$1000	Total Rate/\$1000
Orting	\$1.60	\$17.86
Puyallup	\$1.81	14.00
Sumner	\$0.61	\$13.79
Bonney Lake	\$1.54	\$14.71
Milton	\$1.60	\$13.50
Buckley	\$2.43	\$16.15
Average	\$1.60	\$15.00