

## **COUNCILMEMBERS**

Position No.

1. Tod Gunther
2. Chris Moore
3. Don Tracy
4. John Williams
5. Gregg Bradshaw
6. Greg Hogan
7. Melodi Koenig



**REVISED**

## **ORTING CITY COUNCIL**

Study Session Meeting Agenda  
104 Bridge Street S, Orting, WA  
Zoom – Virtual  
March 16th, 2022  
6:00 p.m.

**Deputy Mayor Hogan, Chair**

### **1. CALL MEETING TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL.**

You may attend this meeting virtually via the platform Zoom by clicking the following link <https://zoom.us/j/92249637403?pwd=S2NlMTZlZm5nQUUp6WUJtaHZSdzg0UT09>, by telephone by dialing 1-253-215-8782 and entering Meeting ID: 922 4963 7403 and the passcode 298473, or in person at the Orting City Hall. Per the Governor's directives, all in person attendees shall comply with social distancing regulations and all attendees shall wear a face covering. If you log in at zoom.com, you will need to enter the meeting ID 922 4963 7403 the passcode 298473, and your name.

### **2. COMMITTEE REPORTS.**

- A. Public Works  
**CM Bradshaw & CM Williams**
- B. Public Safety  
**CM Moore & CM Koenig**
- C. Community and Government Affairs  
**CM Gunther & CM Tracy**

### **3. STAFF REPORTS.**

### **4. AGENDA ITEMS.**

- A. **AB22-23** – Park Impact Fees.  
**Emily Adams**
- B. **AB22-24** – Supportive and Transitional Housing.  
**Emily Adams**
- C. **AB22-20** - Minimal Impacts to the City's Parks from the Whitehawk Boulevard Project (4(f) De minimis).
- D. **AB22-22** – 2020 Lift Station Improvements Construction Management Supplement 1.  
**Maryanne Zukowski**
- E. **AB22-21** – SMAP Phase 2 Supplement 1.  
**Maryanne Zukowski**
- F. **AB22-19** – Draft Public Outreach Kansas Street SW Outfall Replacement & Calistoga St. W. Stormwater Improvements.  
**Maryanne Zukowski**
- G. **AB22-16** – Parking Strip Regulations.  
**Scott Larson**
- H. **AB22-25** – ARPA Fund Allocation.  
**Scott Larson**
- I. **AB22-17** – Council Rules – Remote Attendance DRAFT Language.  
**Scott Larson.**

*Americans with Disabilities Act – reasonable accommodations provided upon request (360) 893-2219*  
**Next Regular Meeting: March 30th, 2022 7:00pm**

**5. EXECUTIVE SESSION.**

**6. ADJOURNMENT.**

**Motion: To Adjourn.**



**City of Orting  
Council Agenda Summary Sheet**

	<b>Agenda Bill #</b>	<b>Recommending Committee</b>	<b>Study Session Dates</b>	<b>Regular Meeting Dates</b>
<b>Subject:</b> Schedule Public Hearing Whitehawk Boulevard Extension 4(f) De minimis	<b>AB22-20</b>	<b>Public Works</b> <b>03.02.2022</b>	<b>03.16.2022</b>	<b>03.30.2022</b>
	<b>Department:</b>	Engineering		
	<b>Date Submitted:</b>	02.23.2022		
<b>Cost of Item:</b>		N/A		
<b>Amount Budgeted:</b>		N/A		
<b>Unexpended Balance:</b>		N/A		
<b>Bars #:</b>		N/A		
<b>Timeline:</b>		N/A		
<b>Submitted By:</b>		Maryanne Zukowski, PE		
<b>Fiscal Note:</b> N/A				
<b>Attachments:</b> <b>Power Point Whitehawk Boulevard Extension – Public Out Reach 4(f) De minimis Figures</b> <b>De minimis Documentation Justification</b>				
<b>SUMMARY STATEMENT</b>				
<u>Purpose:</u> Fulfill the 4(f) De minimis environmental requirements for the Whitehawk Boulevard Extension Project.				
Those requirements are:				
<ul style="list-style-type: none"> <li>• Concurrence from the WSDOT Environmental Engineer.</li> <li>• A letter from the park/site manager supporting the project and stating that the (4f) use is beneficial in nature and the project will not adversely affect the features, attributes or activities qualifying the property for protection under (4f).</li> <li>• Documentation of public involvement regarding the de minimis impact, typically minutes from a public meeting (such as a City council meeting) demonstration that the use of de minimis on the project has been presented and discussed as an agenda item.</li> </ul>				
<u>Background:</u>				
What is a Section 4(f) and what is a 4(f) property?				
<ul style="list-style-type: none"> <li>• City parks and School District property.</li> </ul>				
Section 4(f) of the Department of Transportation Act of 1996 prohibits FHWA from approving the use of land from a significant publicly owned park, recreation area, or wildlife and waterfowl refuge, or any historic site, unless a determination is made that both of the following conditions are met:				

1. There is no feasible and prudent alternative to using the property.
2. The proposed action includes all possible planning to minimize harm resulting to the property from such use.

#### History:

The following Whitehawk Boulevard Extension – De minimis introduction.

- October 6, 2021 Public Works Committee
- October 20, 2021 Council Study Session.
- March 2, 2022 Public Works Committee De minimis Public Out Reach
- March 16, 2022 Study Session De minimis Public Outreach
- March 30, 2022 Public Hearing De minimis Public Outreach

The following is just a partial list Whitehawk Boulevard Extension project alternatives analysis and project public involvement:

#### Corridor Study:

- September 11, 2008 Stakeholder Meeting
- November 18, 2008 Planning Commission Meeting
- June 2005 2030 Transportation Plan

(4) Project Advisory Committee (PAC) Meetings: Planning Commission, Council, Agency, and Public Stakeholders for the:

- December 2009 SW Connector Corridor Study

#### Comprehensive Plan Updates:

- October 2019 2040 Transportation Plan
- December SW Connector Corridor Study

#### Whitehawk Boulevard Extension 2009:

- December 2, 2008 Street Committee
- March 26, 2009 Street Committee

#### Whitehawk Boulevard Extension 2021:

- April 21, 2021 Study Session
- July 21, 2021 Study Session
- August 18th, 2021 Study Session
- September 25, 2021 Special Meeting Budget Workshop
- September 29, 2021 Council
- October 6, 2021 Public Works Committee
- October 20, 2021 Study Session
- November 10, 2021 Study Session
- November 17, 2021 City Council
- November 23, 2021 Public Hearing City Council

**The Financial Summary:**

None

De minimis justifications attached.

**RECOMMENDED ACTION: Action:**

Invite Orting School District to attend and move item forward for Public Hearing at the regular City Council Meeting on March 30<sup>th</sup>, 2022.

**FUTURE MOTION: Motion:**

To authorize the Mayor to execute a letter from the park/site manager supporting the project and stating that the (4f) use is beneficial in nature and the project will not adversely affect the features, attributes, or activities qualifying the property for protection under (4f).



# Notice of Public Hearing

The Orting City Council will hold a public hearing on Wednesday, March 30<sup>th</sup>, 2022 at 7:00pm in person at Orting City Hall located at 104 Bridge St. S. Orting, WA 98360 and virtually on Zoom regarding the minimal impacts to the City's parks from the Whitehawk Boulevard Project, otherwise known as the 4(f) *De minimis* process.

To join the meeting via Zoom:

<https://zoom.us/j/97133043541?pwd=M3BCVzVvNFdwQkZkN0ViVmhySGRVdz09>,

Meeting ID: 971 3304 3541

Passcode: 200384

Dial by your location

+1 253 215 8782 US (Tacoma)

Meeting ID: 971 3304 3541

Passcode: 200384

The public is invited to attend the public hearing. Written comments may be submitted to the Clerk's office no later than 3:00 pm on March 30<sup>th</sup>, 2022, otherwise comments must be made at the hearing. Send comments to Kim Agfalvi, City Clerk, at [clerk@cityoforting.org](mailto:clerk@cityoforting.org) or at 360-893-9008.

City Council  
March 30, 2022  
Public Hearing

Whitehawk Boulevard Extension  
Public Out Reach 4(f) De minimis

Public Works Committee  
March 2, 2022  
Council Study Session March 16,  
2022



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### What is the process for addressing a 4(f) resource?

When a project proposes the use of a Section 4(f) resource, a Section 4(f) evaluation is required. This evaluation may lead to one of the following:

- A *de minimis* impact determination.
- A programmatic evaluation.
- An individual evaluation.

Upon receiving concurrence from the EE that the use of a *de minimis* determination appears to be appropriate, the local agency needs to acquire specific supporting documentation:

- A letter from the park/site manager supporting the project and stating that the 4(f) use is beneficial in nature and that the project will not adversely affect the features, attributes or activities qualifying the property for protection under 4(f).
- Documentation of public involvement regarding the *de minimis* impact, typically minutes from a public meeting (such as a city council meeting) demonstrating that the use of *de minimis* on the project has been presented and discussed as an agenda item.
- For projects where there is a co-lead federal agency (for example, Corps of Engineers) in the NEPA process, the local agency also needs to provide a letter from the co-lead agency concurring with the use of *de minimis* on the project.

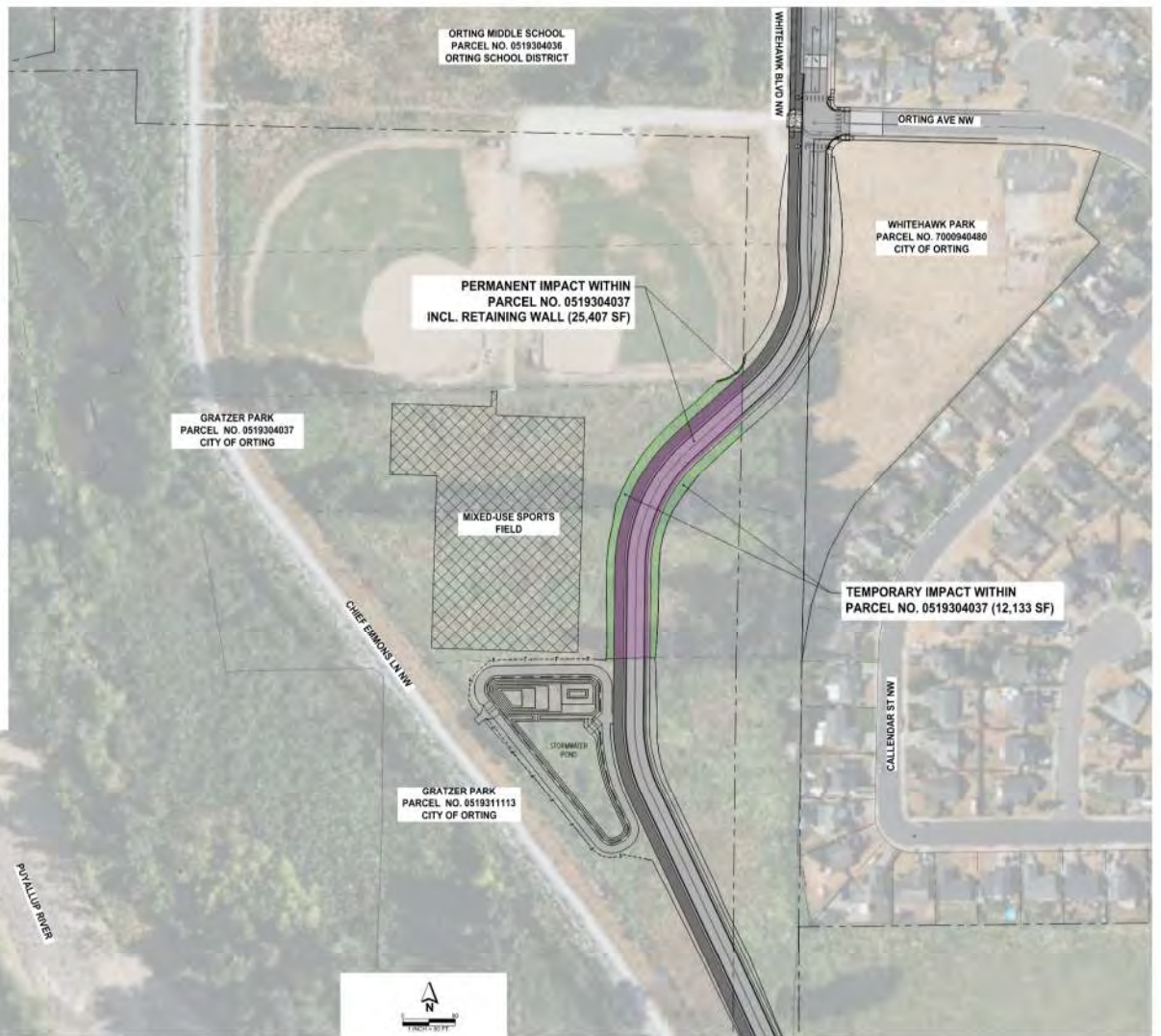


CITY OF ORTING





VICINITY MAP  
1"=100 FT  
N



N  
1"=100 FT

**LEGEND**

UNDER CONSTRUCTION AS OF FIGURE DATE



PERMANENT IMPACT



TEMPORARY IMPACT



**Figure 2**  
City of Orting  
Whitehawk Boulevard Improvements  
Gratzler Park Northside



VICINITY MAP  
1" = 400 FT



**LEGEND**

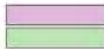
PARK PROPERTY

UNDER CONSTRUCTION AS OF FIGURE DATE



PERMANENT IMPACT

TEMPORARY IMPACT



**Figure 1**

City of Orting  
Whitehawk Boulevard Improvements  
Whitehawk Park



VICINITY MAP  
1" = 100 FT



1" = 100 FT

**LEGEND**

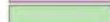
UNDER CONSTRUCTION AS OF FIGURE DATE



PERMANENT IMPACT



TEMPORARY IMPACT



**Figure 3**  
City of Orting  
Whitehawk Boulevard Improvements  
Gratzer Park Southside



VICINITY MAP  
 1" = 100 FT  
 N



**LEGEND**

UNDER CONSTRUCTION AS OF FIGURE DATE



PERMANENT IMPACT



**Figure 4**  
 City of Orting  
 Whitehawk Boulevard Improvements  
 Orting Middle School

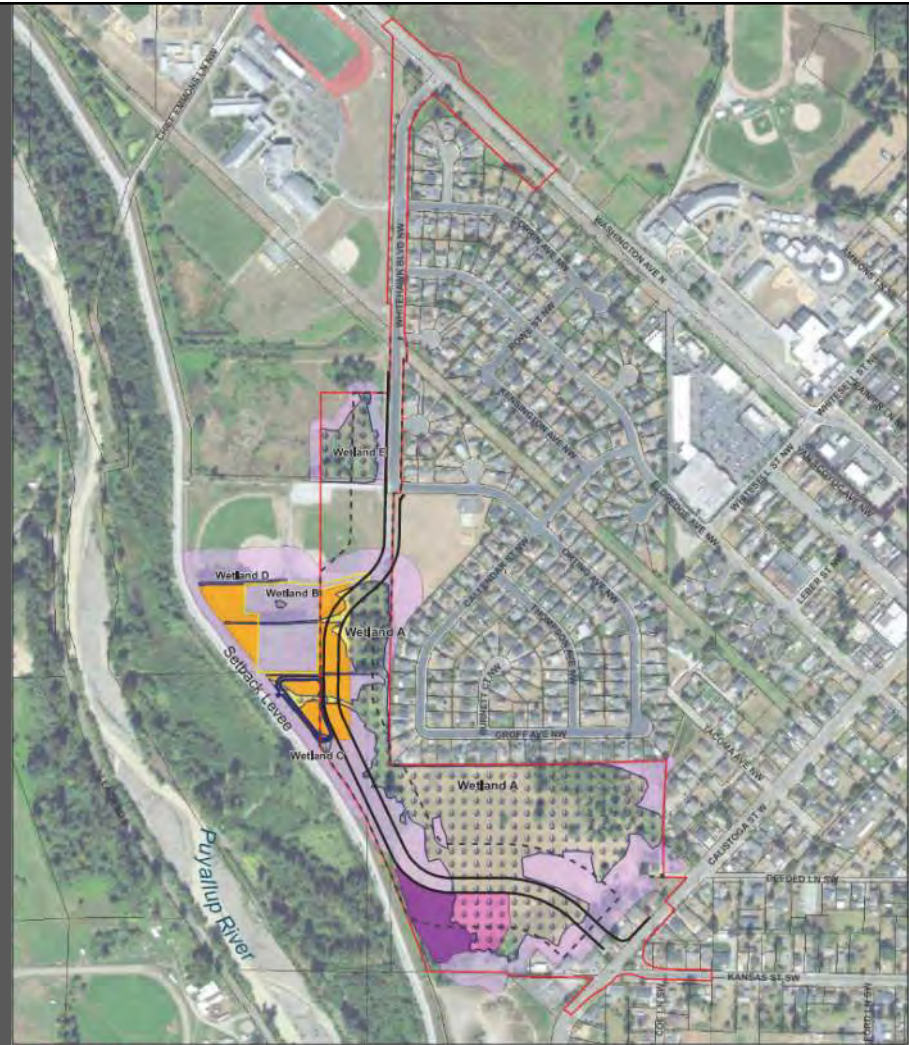


**Figure 3-1**  
**Delineated Wetlands**  
**Whitehawk Blvd Extension**

**Parametrix**  
 Source: Pierce County, City of Orting  
 Aerial: InGV Content Program (2019)

- Sample Point
- ▭ Study Area
- ▭ Gratz Park Project
- ▭ Area (under development)
- ▭ Wetland Area
- ▭ Wetland Buffer
- ▭ Wetland Boundary
- ▭ Wetland Boundary (Parametrix 2019)
- ▬ Delineated Stormwater Ditch
- ▬ Estimated Stormwater Ditch

0 75 150 300 Feet  
 Orting, WA



**Figure 2**  
**Project Impact Areas**  
**Whitehawk Blvd Extension**

**Parametrix**  
 Source: Pierce County, City of Orting  
 Aerial: InGV Content Program (2019)

- ▭ Study Area
- ▭ Gratz Park Project
- ▭ Parcels
- ▭ Wetland Area
- ▭ Wetland Buffer
- ▭ Direct Impacts
- ▭ Roadway
- ▭ Stormwater Pond
- ▭ Wetland Compensatory Storage
- ▭ Buffer Compensatory Storage
- ▭ Indirect Impacts
- ▭ Gratz Ballfield Mitigation Areas
- ▭ Wetland Buffer Enhancement
- ▭ Wetland Enhancement

0 75 150 300 Feet  
 Orting, WA

## 2. MITIGATION APPROACH

The mitigation approach for this project began with a thorough analysis of alternatives to determine the least environmentally damaging practical alternative. A preferred alternative was then evaluated through mitigation sequencing. Any remaining needs for compensatory mitigation areas were calculated. Because no wetland mitigation bank or in-lieu fee programs that serve this area have surplus credits available, suitable adjacent areas with mitigation potential were evaluated and mapped. The mitigation areas' potential was compared to the compensatory mitigation needs to develop a mitigation strategy. Each of these steps is described in the following sections.



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## 2.1 Alternatives Analysis

The project design team considered several alternatives and have designed the project to meet the least environmentally damaging practicable alternative standards of federal, state, and local standards (Ecology et al. 2021; USACE 404(b)(1) - 40 CFR Part 230; OMC chapter 11). The alternative that is preferred after the mitigation sequencing process is what was used as the basis for the impact calculations in the previous chapter. The mitigation sequencing is described below.



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## 2.2 Mitigation Sequencing

The project team evaluated and adjusted the project design in compliance with mitigation sequencing requirements: avoid, minimize, rectify, reduce/eliminate over time, and compensate for unavoidable impacts (Ecology et al. 2021). The project design team took the following steps:

- **Avoided** wetland impacts by moving the alignment toward the levee. This will avoid impacts to forested wetlands and avoid further impacts to emergent and scrub-shrub wetlands, minimizing the overall impacts.
- Further **minimized** impacts by shrinking the footprint to the minimal size needed for roadway safety and focusing impacts from the roadway and floodplain storage areas outside of wetlands. Improvements will include features that will be refined to lessen environmental impacts: a two- or three-lane section with a travel lane in each direction and a median or center turn lane; curb; gutter; sidewalk; bike lanes and/or combined-use trail; drainage; utility adjustments;



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**Parametrix**  
 Source: Pierce County, City of Oring  
 Aerial: HGL Content Program (2019)

- Study Area
- Mitigation Study Area
- Whitehawk Blvd Mitigation Area
- Parcel Boundary

**Figure 1**  
 Vicinity Map  
 Whitehawk Blvd Extension



**Parametrix**  
 Source: Pierce County, City of Oring  
 Aerial: HGL Content Program (2019)

- Whitehawk Blvd Study Area
- Previously Mitigated Areas
- Buffer Enhancement
- Wetland Creation
- Wetland Enhancement
- Groundwater Monitoring Well



**Figure 3**  
 Site 1 Mitigation Areas  
 Whitehawk Blvd Extension



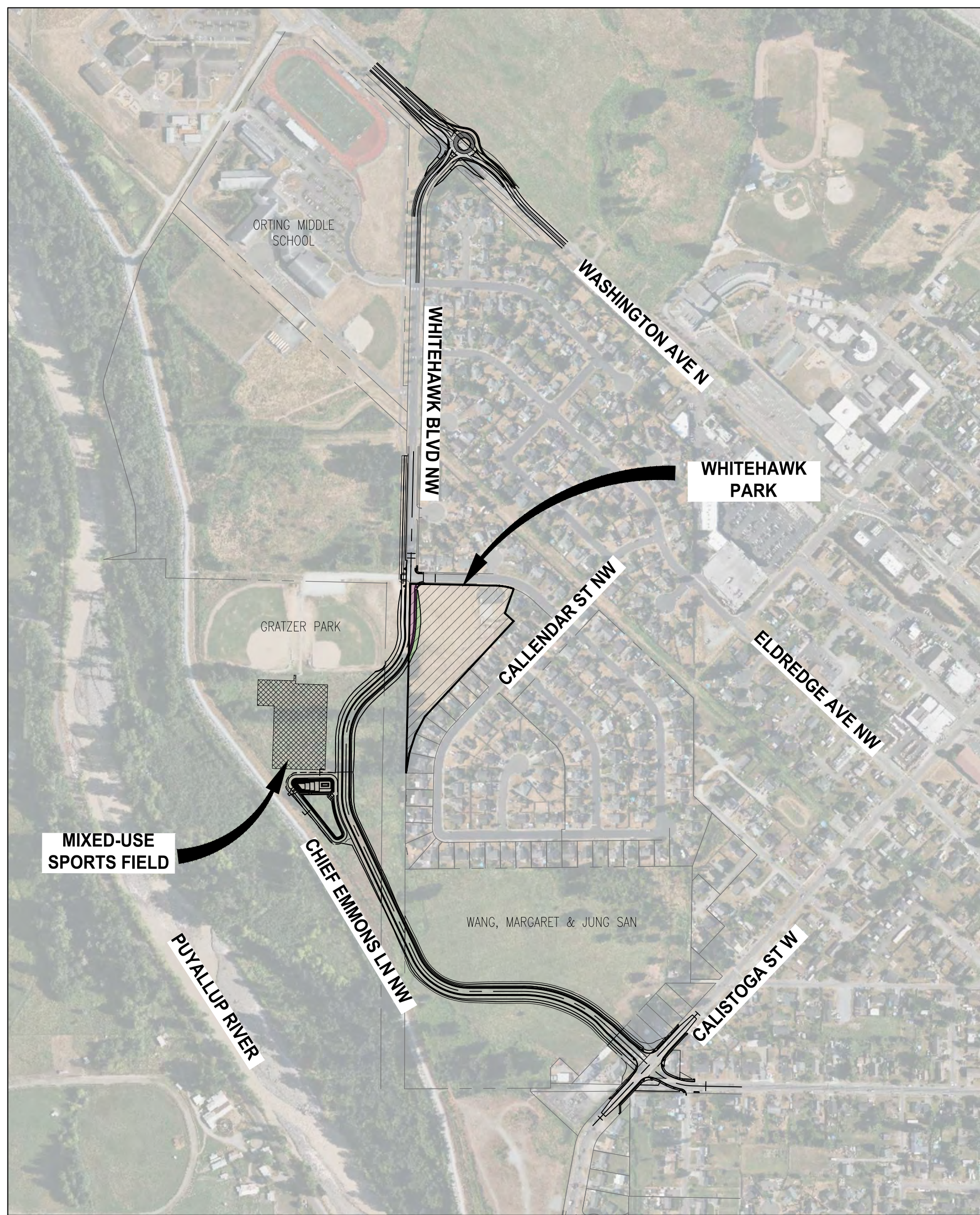
**rametrix**  
 Pierce County, City of Orting  
 RCIN Contour Program (2019)



- Previously Mitigated Areas
  - Buffer Enhancement
  - Wetland Enhancement
- Whitehawk Blvd Mitigation**

**Figure 4**  
 Site 2 Mitigation Areas  
 Whitehawk Blvd Extension





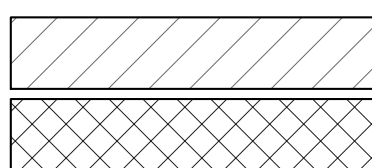
VICINITY MAP  
 0 400  
 1 INCH = 400 FT.



0 80  
 1 INCH = 80 FT.

**LEGEND**  
 PARK PROPERTY

UNDER CONSTRUCTION AS OF FIGURE DATE

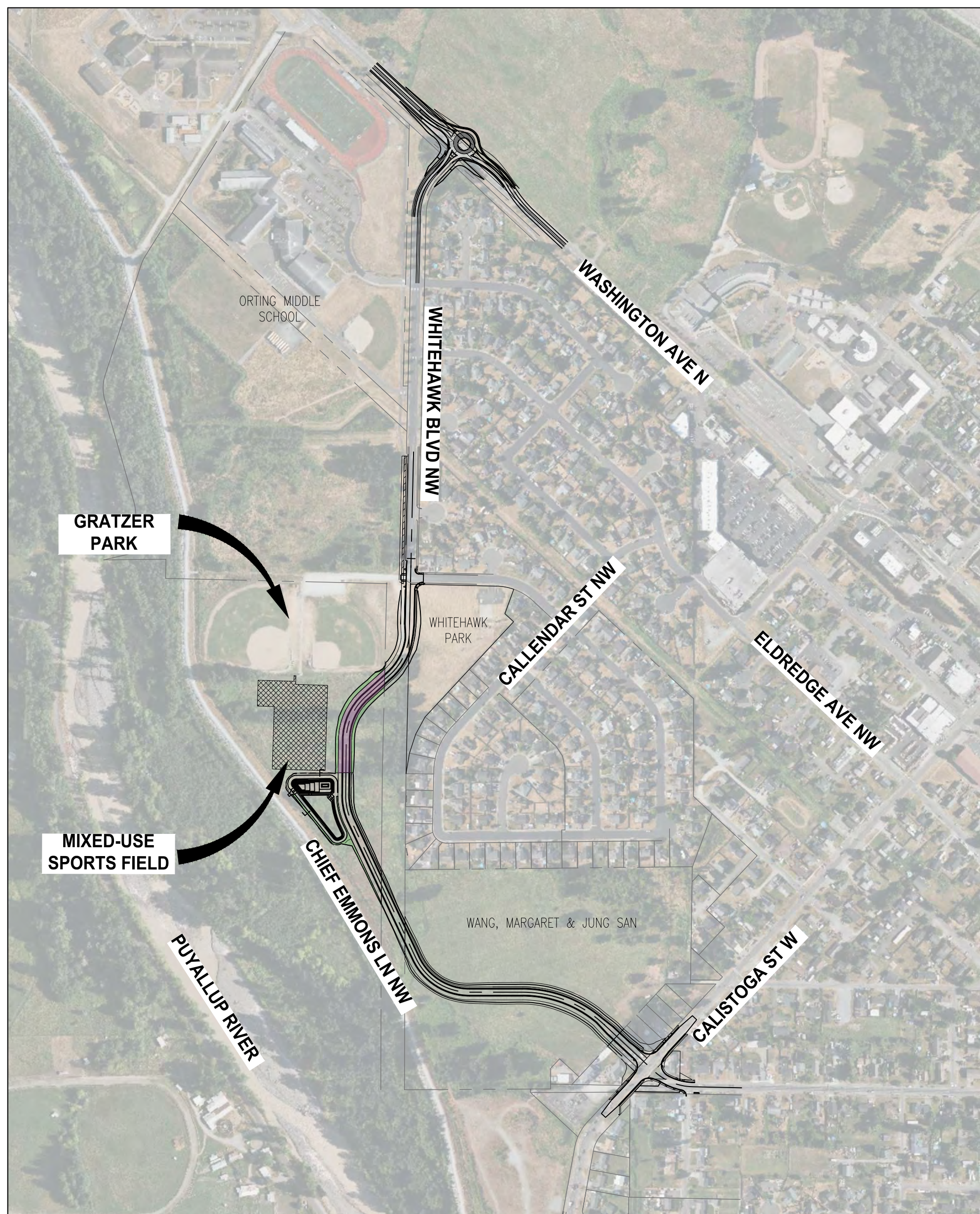


PERMANENT IMPACT

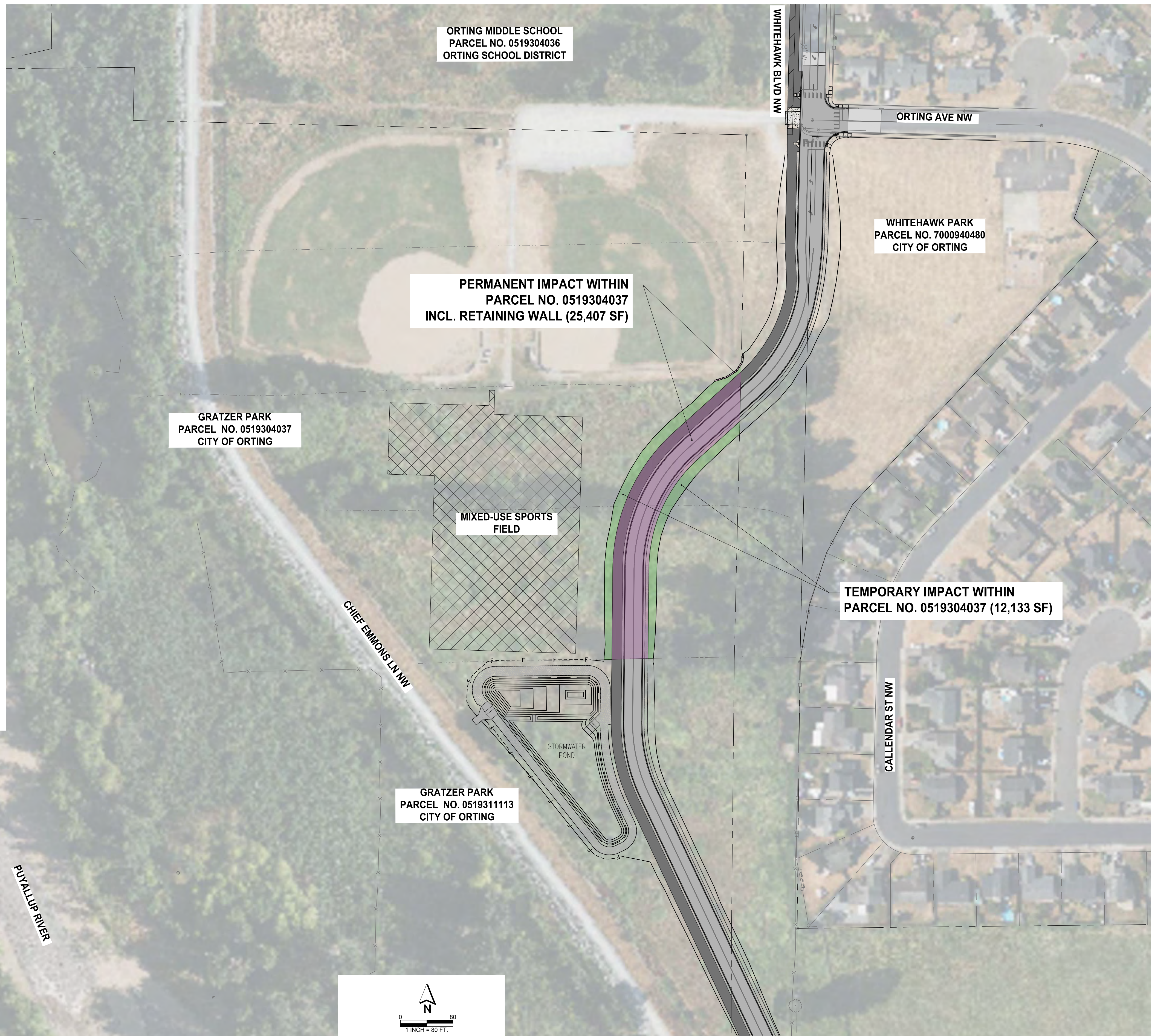
TEMPORARY IMPACT



**Figure 1**  
 City of Orting  
 Whitehawk Boulevard Improvements  
 Whitehawk Park



VICINITY MAP  
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 1 INCH = 400 FT. N



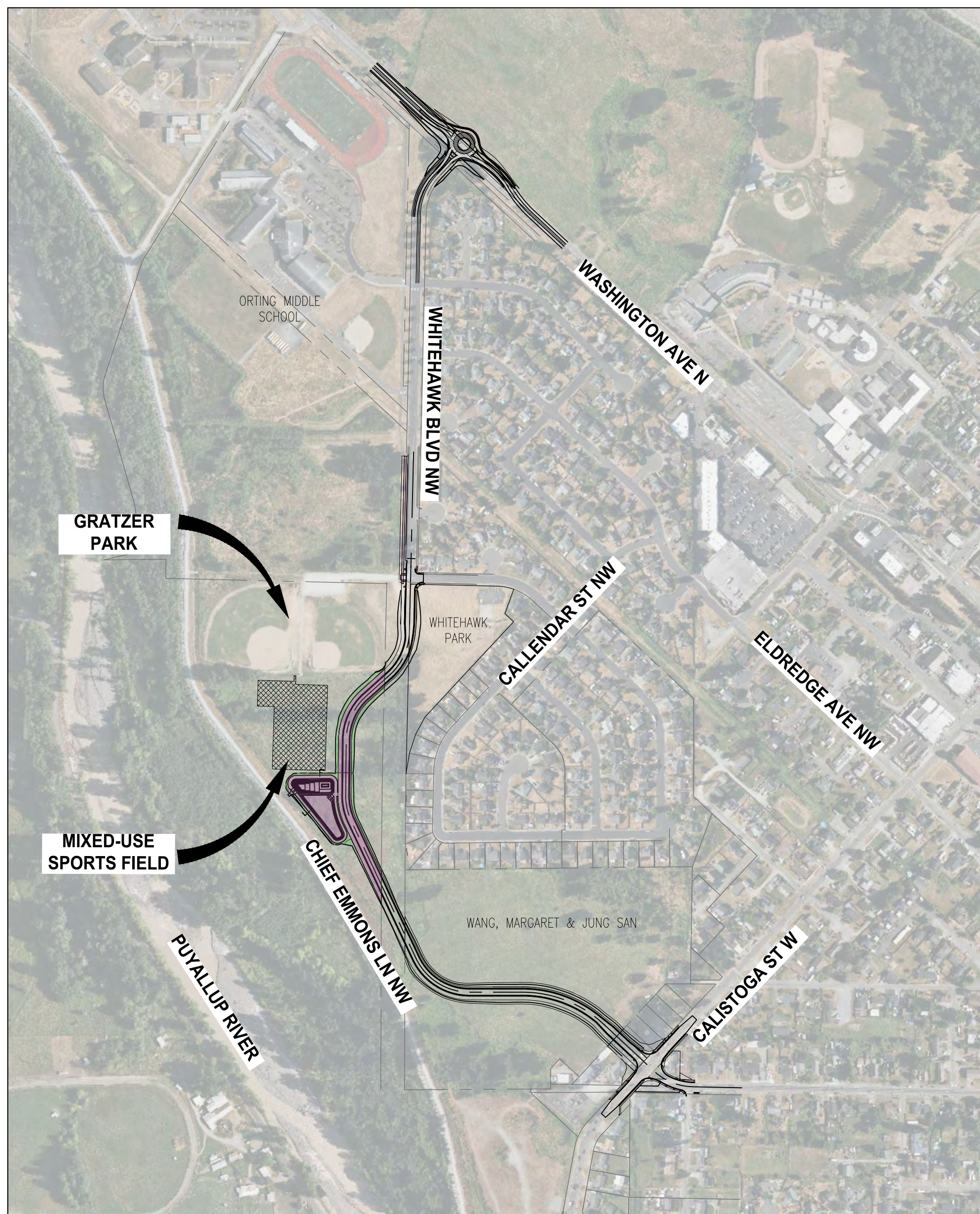
**LEGEND**  
 UNDER CONSTRUCTION AS OF FIGURE DATE



PERMANENT IMPACT  
 TEMPORARY IMPACT



**Figure 2**  
 City of Orting  
 Whitehawk Boulevard Improvements  
 Gratzler Park Northside



VICINITY MAP  
 0 400  
 1 INCH = 400 FT.



ORTING MIDDLE SCHOOL  
 PARCEL NO. 0519304036  
 ORTING SCHOOL DISTRICT

WHITEHAWK PARK  
 PARCEL NO. 7000940480  
 CITY OF ORTING

GRATZER PARK  
 PARCEL NO. 0519304037  
 CITY OF ORTING

MIXED-USE SPORTS FIELD

PARCEL NO. 0519311113  
 CITY OF ORTING

PERMANENT IMPACT WITHIN  
 PARCEL NO. 0519311113 (68,306 SF)

TEMPORARY IMPACT WITHIN  
 PARCEL NO. 0519311113 (12,666 SF)

0 80  
 1 INCH = 80 FT.

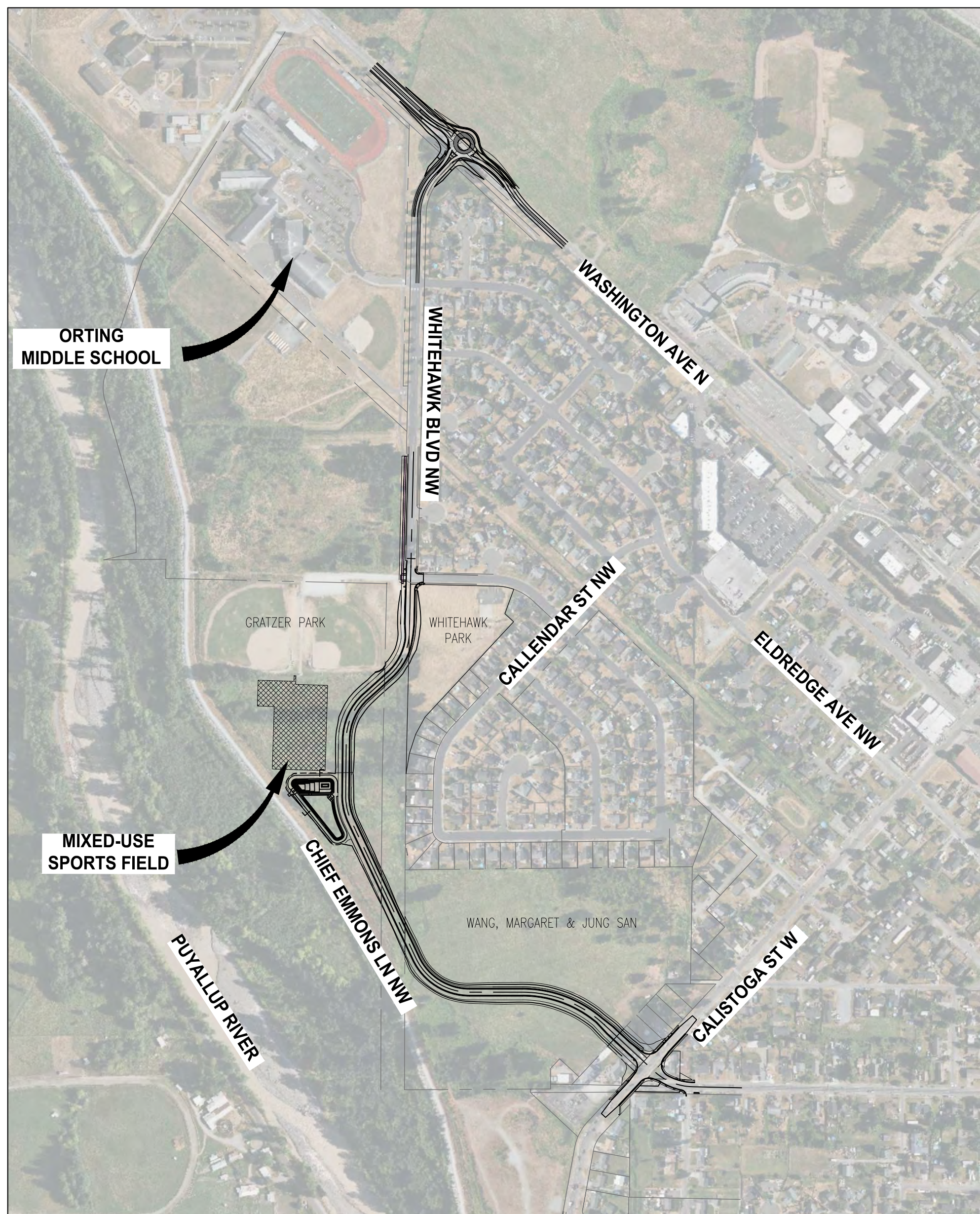
**LEGEND**  
 UNDER CONSTRUCTION AS OF FIGURE DATE



PERMANENT IMPACT  
 TEMPORARY IMPACT



**Figure 3**  
 City of Orting  
 Whitehawk Boulevard Improvements  
 Gratz Park Southside



VICINITY MAP  
 0 400  
 1 INCH = 400 FT.



0 80  
 1 INCH = 80 FT.

**LEGEND**  
 UNDER CONSTRUCTION AS OF FIGURE DATE

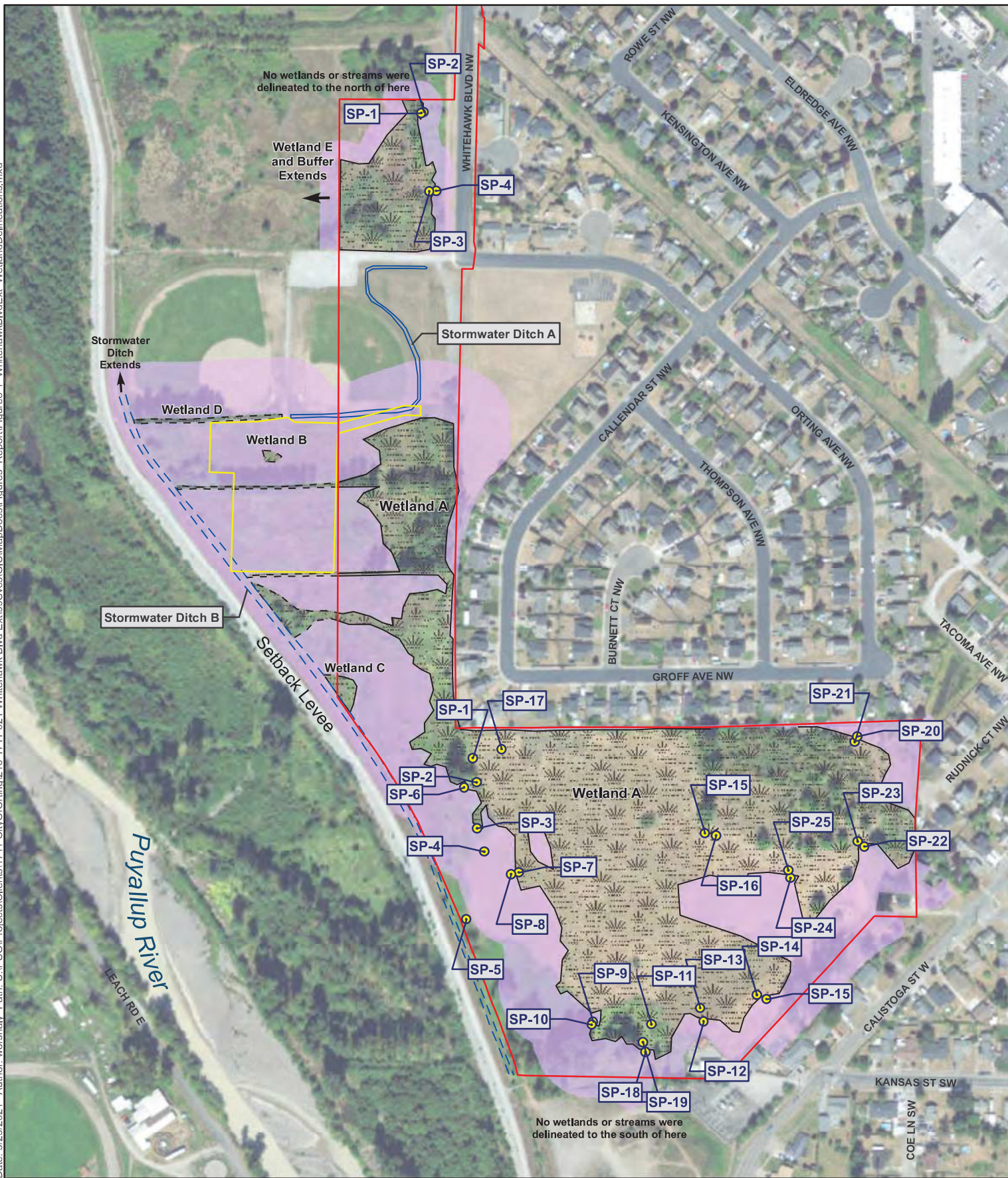


PERMANENT IMPACT



**Figure 4**  
 City of Orting  
 Whitehawk Boulevard Improvements  
 Orting Middle School

Date: 9/29/2021 Author: worshahy Path: U:\PSOI\Projects\Clients\1711-CityOfOrting\216-1711-021 Whitehawk Blvd Ext\99Svc\GIS\MapDocs\Figures\_Report\Figure3-1 WhitehawkBlvdExt WetlandDelineations.mxd



**Parametrix**

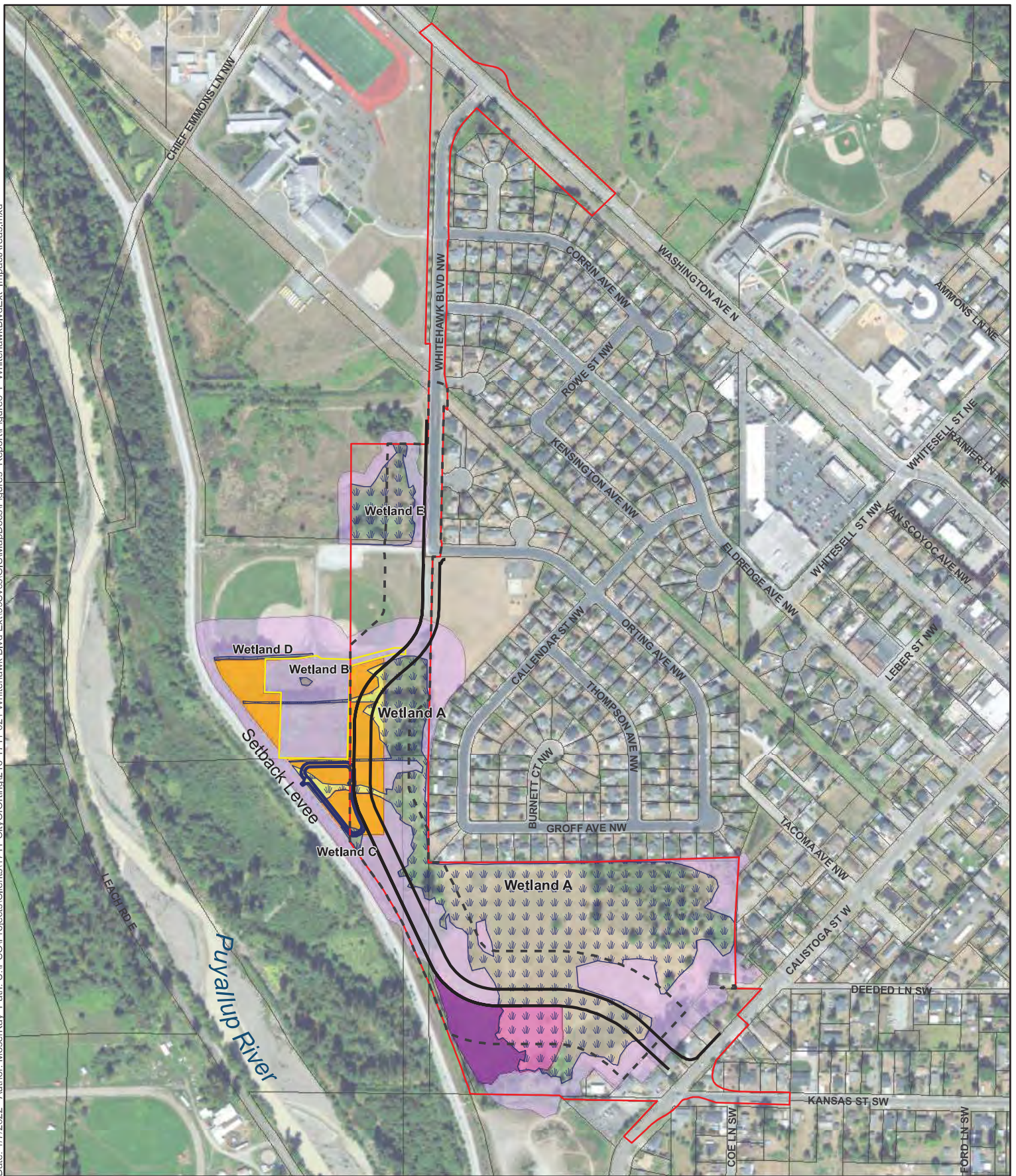
Source: Pierce County, City of Orting  
Aerial: HxGN Content Program (2019)

- Sample Point
- Study Area
- Gratzler Park Project Area (under development)
- Wetland Area
- Wetland Buffer
- Wetland Boundary
- Wetland Boundary (Parametrix 2019)
- Delineated Stormwater Ditch
- Estimated Stormwater Ditch



**Figure 3-1**  
**Delineated Wetlands**  
Whitehawk Blvd Extension





**Parametrix**

Source: Pierce County, City of Orting  
Aerial: HxGN Content Program (2019)



- Study Area
- Gratzler Park Project
- Parcels
- Wetland Area
- Wetland Buffer

- Direct Impacts**
- Roadway
  - Stormwater Pond
  - Wetland Compensatory Storage
  - Buffer Compensatory Storage

- Indirect Impacts
- Gratzler Ballfield Mitigation Areas**
- Wetland Buffer Enhancement
  - Wetland Enhancement

**Figure 2**  
**Project Impact Areas**  
Whitehawk Blvd Extension

## Section 4(f) *De Minimis* Impact Determination (per 23 CFR 771)

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### Summary Table

<b>Date:</b>	February 18, 2022
<b>WSDOT Region:</b>	Olympic Region
<b>Project Number:</b>	3269(001)
<b>Project:</b>	Whitehawk Boulevard Extension
<b>Project Description:</b>	This project will construct a new connector roadway, extending Whitehawk Boulevard NW. The roadway includes the extension of Whitehawk Boulevard NW from the intersection of Whitehawk Blvd NW/Orting Avenue NW to the intersection of Calistoga St W/Kansas Street SW. New roadway is a single, asphalt-paved travel lane in each direction, curb and gutter, planter strips, and sidewalks on one side with a shared use path on the other side along the length of the roadway. The project includes water, sewer, stormwater facilities and mitigation, wetland mitigation facilities offsite, flood compensatory storage, and permitting. Single lane roundabouts will be constructed at the intersections of SR 162/Whitehawk Boulevard NW and Whitehawk Boulevard NW/Calistoga St W/Kansas St SW which are the project termini.
<b>Section 4(f) Resource:</b>	Whitehawk Park Pierce County Tax Lot 7000940480
<b>Type of 4(f) Resource:</b>	Public Park or Recreational Area
<b>Size of the <i>de minimis</i> use of the 4(f) Resource (in acres):</b>	The project would require approximately 7,426 square feet (0.17-acre) of permanent impacts to the 174,240 square foot (4-acre) park.  The project would require approximately 4,665 square feet (0.2 acres) of temporary construction impacts.
<b>Primary Purpose/Function of the 4(f) Resource:</b>	Neighborhood park with playground equipment, an asphalt parking area, and temporary grass soccer fields.
<b>Official with Jurisdiction:</b>	City of Orting

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### De minimis Documentation

- 1. Describe the Section 4(f) property and the attributes and features that qualify it to Section 4(f) protection, attach a map showing the boundaries of the resource, the locations of key features (e.g. ball fields, structures) and the area to be used.**

Whitehawk Park is a neighborhood park that is located at 409 Orting Ave NW. This park features a paved parking area, a basketball court, a playground, a large grassy area utilized as youth soccer fields, benches and picnic tables. The area to be used for the project would be the far western portion of the park, a 7,426 square foot strip of vegetated land (impacts shown on Figure 1).

- 2. Describe the impacts to the Section 4(f) property, and any avoidance, minimization and mitigation or enhancement measures, and why they are considered *de minimis* as defined in 23 CFR 771.17.**

The Project would require approximately 7,426 square feet (0.17-acre) of permanent impacts to the far western strip of Whitehawk Park for the proposed road, pedestrian access facilities to the park, and shared use trail to access the park. No park features are located within this area. The impact area is of marginal park use given shape, size, and distance from the majority of the facilities in the park. Potential impacts to park users may include noise and fugitive dust and fumes from construction equipment. These impacts will be short term and temporary. The proposed park impacts would not adversely affect the activities, features, or attributes that make Whitehawk Park eligible for Section 4(f) protection under Section 4(f) of the US Department of Transportation Act of 1966 as amended.

Additionally, the Project would require approximately 4,665 square feet of temporary construction impacts of the western portion of the park, adjacent east of the proposed road (see Figure 1). No park features are located within this area. The proposed temporary construction area would not impact any features within the park. The project will restore the temporarily disturbed construction area with native grasses and shrubs to provide improved park and habitat functions and provide an additional layer of protection from the roadway. The condition of the park post-project will be at least as good as that which existed prior to the project.

There will be no permanent adverse physical impacts or interference with protected park activities, feature, or attributes due to the Project. The portion of the park impacted by the temporary construction area (and the portion impacted permanently) is over 150 feet to the west of any permanent park features. Youth soccer fields with portable soccer nets appear to occupy the western portion of the park on occasion. The temporary impacts will not infringe on the soccer fields or the portable nets.

- 3. For parks, recreational facilities, and wildlife and waterfowl sanctuaries:**

- a. **Describe the public outreach that has been or is being conducted (leave blank for historic sites).**

This will be provided after all public outreach has occurred.

[If this form is being prepared for use in a public meeting include when the meeting will be held. If there has been an open house, mailings, or other public outreach effort, describe it here.]

- b. **Attach written concurrence of the official with jurisdiction over the 4(f) resource with the *de minimis* determination.**

This will be provided once WSDOT/FHWA concur with the *de minimis* determination.

[Include the date of the documented agreement (usually a letter or e-mail) from the official with jurisdiction and attach the documentation to this form.]

- 4. **For historic resource, attach Section 106 documentation (include SHPO concurrence in project-level findings (DOEs and or FOEs) and Programmatic Agreement Memos for archaeological resources).**

Whitehawk Park is not a historic resource.

**Request for Approval**

**Based upon this analysis we request FHWA approval that the use of the Section 4(f) resource described above is *de minimis* as defined in 23 CFR 774.17.**

[Name, Title – typically the Project Engineer will sign]

\_\_\_\_\_

<b>WSDOT</b> [Region]	<b>Date</b>
-----------------------	-------------

**FHWA Approval**

[Name, Title – typically the Area Engineer will sign]

\_\_\_\_\_

<b>FHWA Washington Division</b>	<b>Date</b>
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## Section 4(f) *De Minimis* Impact Determination (per 23 CFR 771)

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### Summary Table

<b>Date:</b>	February 18, 2022
<b>WSDOT Region:</b>	Olympic Region
<b>Project Number:</b>	3269(001)
<b>Project:</b>	Whitehawk Boulevard Extension
<b>Project Description:</b>	This project will construct a new connector roadway, extending Whitehawk Boulevard NW. The roadway includes the extension of Whitehawk Boulevard NW from the intersection of Whitehawk Blvd NW/Orting Avenue NW to the intersection of Calistoga St W/Kansas Street SW. New roadway is a single, asphalt-paved travel lane in each direction, curb and gutter, planter strips, and sidewalks on one side with a shared use path on the other side along the length of the roadway. The project includes water, sewer, stormwater facilities and mitigation, wetland mitigation facilities offsite, flood compensatory storage, and permitting. Single lane roundabouts will be constructed at the intersections of SR 162/Whitehawk Boulevard NW and Whitehawk Boulevard NW/Calistoga St W/Kansas St SW which are the project termini.
<b>Section 4(f) Resource:</b>	Gratzer Park North Pierce County Tax Lot 0519304037
<b>Type of 4(f) Resource:</b>	Public Park or Recreational Area
<b>Size of the <i>de minimis</i> use of the 4(f) Resource (in acres):</b>	The project would require approximately 25,407 square feet (0.6 acre) of permanent impacts to the 1,681,416 square foot (38.6-acre) northern parcel (Tax Lot 0519304037)  The project would require approximately 12,133 square feet (0.3 acres) of temporary construction impacts.
<b>Primary Purpose/Function of the 4(f) Resource:</b>	Baseball Fields

<b>Official with Jurisdiction:</b>	City of Orting
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**De minimis Documentation**

- 1. Describe the Section 4(f) property and the attributes and features that qualify if to Section 4(f) protection, attach a map showing the boundaries of the resource, the locations of key features (e.g. ball fields, structures) and the area to be used.**

Gratzer Sports Park is a community park located at 401 Whitehawk Blvd NW off of Whitehawk Blvd NW and comprised of a northern parcel (Gratzer Park North Tax Lot 0519304037) and a southern parcel (Gratzer Park South Tax Lot 0519311113). Gratzer Park North currently features a softball field, a baseball field, a gravel parking area, and a planned space for an additional mixed-use sports field to the south of the existing fields. These fields are used by Orting Parks and Recreation programs and are located on the northern parcel of the park (TPN 0519304037, 38.6 total acres), zoned “Open Space and Recreation”. The current acreage of the land in use for Gratzer Park is approximately 3.5 acres. Chain-link fencing surrounds both of the ballfields. To the north of the ballfields and parking lot is undeveloped vegetated land followed by a school and to the south of the ballfields is the southern portion of the park (Gratzer Park South). The Gratzer Park South parcel (TPN 0519311113, 21.5 acres) is also zoned “Open Space and Recreation”. See Gratzer Park South *De Minimis* Impact Determination form.

The Whitehawk Boulevard Extension Project will not impact any existing park facilities or areas designated for future park use. With the completion of the mixed-use sports field, the City has met its obligations to the Gratzer family for park development. The portion of the parcel to be utilized for the Project is remnant land and is therefore considered a de minimis impact by the City of Orting. The impact will result in no adverse effect to the activities, features, or attributes qualifying the park for protection under Section 4(f).

- 2. Describe the impacts to the Section 4(f) property, and any avoidance, minimization and mitigation or enhancement measures, and why they are considered *de minimis* as defined in 23 CFR 771.17.**

The Project will require approximately 25,407 square feet (0.6 acres) of permanent impacts to Gratzer Park North for the proposed road and a retaining wall to the southeast of the existing ballfields to minimize impacts to a stormwater ditch. The retaining wall will be situated outside of the existing fence and will be less than 4 feet in height (no railing is planned for the retaining wall). No impacts would occur to the ballfields, fencing or other features of the park.

The impact area is of marginal park use given shape, size, and distance from the majority of the facilities in the park. Potential impacts to park users may include noise and fugitive dust and fumes

from construction equipment. These impacts will be short term and temporary. The proposed park impacts would not adversely affect the activities, features, or attributes that make Gratzler Park eligible for Section 4(f) protection under Section 4(f) of the US Department of Transportation Act of 1966 as amended. Alternatives of not impacting the corner of the in-use portion of Gratzler Park (southwest corner of the existing ballfields) would be to realign the roadway, impacting more wetlands. This alternative was chosen to lessen environmental impacts.

Additionally, the Project would require approximately 12,133 square feet of temporary construction impacts to the southeastern corner of the fenced portion of Gratzler Park North currently utilized as ballfields, extending to the south past the planned mixed-use sports field. Temporary impacts will occur on both sides of the proposed road for construction purposes (see Figure 2). The proposed temporary construction area would not impact any features within the park. The project will restore the temporarily disturbed construction area with native grasses and shrubs to provide improved park and habitat functions and provide an additional layer of protection from the roadway. The condition of the park post-project will be at least as good as that which existed prior to the project.

**3. For parks, recreational facilities, and wildlife and waterfowl sanctuaries:**

- a. Describe the public outreach that has been or is being conducted (leave blank for historic sites).**

Information will be updated after all public outreach has occurred.

[If this form is being prepared for use in a public meeting include when the meeting will be held. If there has been an open house, mailings, or other public outreach effort, describe it here.]

- b. Attach written concurrence of the official with jurisdiction over the 4(f) resource with the *de minimis* determination.**

This will be provided once WSDOT/FHWA concur with the *de minimis* determination.

[Include the date of the documented agreement (usually a letter or e-mail) from the official with jurisdiction and attach the documentation to this form.]

**4. For historic resource, attach Section 106 documentation (include SHPO concurrence in project-level findings (DOEs and or FOEs) and Programmatic Agreement Memos for archaeological resources).**

Gratzler Park is not a historic resource.

**Request for Approval**

Based upon this analysis we request FHWA approval that the use of the Section 4(f) resource described above is *de minimis* as defined in 23 CFR 774.17.

[Name, Title – typically the Project Engineer will sign]

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**WSDOT** [Region]

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**Date**

**FHWA Approval**

[Name, Title – typically the Area Engineer will sign]

---

**FHWA Washington Division**

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**Date**



## Section 4(f) *De Minimis* Impact Determination (per 23 CFR 771)

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### Summary Table

<b>Date:</b>	February 18, 2022
<b>WSDOT Region:</b>	Olympic Region
<b>Project Number:</b>	3269(001)
<b>Project:</b>	Whitehawk Boulevard Extension
<b>Project Description:</b>	This project will construct a new connector roadway, extending Whitehawk Boulevard NW. The roadway includes the extension of Whitehawk Boulevard NW from the intersection of Whitehawk Blvd NW/Orting Avenue NW to the intersection of Calistoga St W/Kansas Street SW. New roadway is a single, asphalt-paved travel lane in each direction, curb and gutter, planter strips, and sidewalks on one side with a shared use path on the other side along the length of the roadway. The project includes water, sewer, stormwater facilities and mitigation, wetland mitigation facilities offsite, flood compensatory storage, and permitting. Single lane roundabouts will be constructed at the intersections of SR 162/Whitehawk Boulevard NW and Whitehawk Boulevard NW/Calistoga St W/Kansas St SW which are the project termini.
<b>Section 4(f) Resource:</b>	Gratzer Park South Pierce County Tax Lot 0519311113
<b>Type of 4(f) Resource:</b>	Public Park or Recreational Area
<b>Size of the <i>de minimis</i> use of the 4(f) Resource (in acres):</b>	The project would require approximately 68,306 square feet (1.6 acres) of permanent impacts to the 936,540 (21.5-acre) southern Gratzer Park parcel (Tax Lot 0519311113).  The project would require approximately 12,666 square feet (0.3 acre) of temporary construction impacts.
<b>Primary Purpose/Function of the 4(f) Resource:</b>	Baseball Fields

<b>Official with Jurisdiction:</b>	City of Orting

**De minimis Documentation**

- 1. Describe the Section 4(f) property and the attributes and features that qualify if to Section 4(f) protection, attach a map showing the boundaries of the resource, the locations of key features (e.g. ball fields, structures) and the area to be used.**

Gratzer Sports Park is a community park located at 401 Whitehawk Blvd NW off of Whitehawk Blvd NW and comprised of a northern parcel (Gratzer Park North Tax Lot 0519304037) and a southern parcel (Gratzer Park South Tax Lot 0519311113). The southern parcel (Tax Lot 0519311113, 21.5 acres) of Gratzer Park, zoned “Open Space and Recreation”, is mostly vacant undeveloped land. The Whitehawk Boulevard Extension Project will not impact any existing park facilities or areas designated for future park use. The impact will result in no adverse effect to the activities, features, or attributes qualifying the park for protection under Section 4(f).

The northern parcel of the park currently features a softball field, a baseball field and a gravel parking area. These fields are used by Orting Parks and Recreation programs and are located on the northern parcel of the park (TPN 0519304037, 38.6 total acres), zoned “Open Space and Recreation”. See Gratzer Park North *De Minimis* Impact Determination form. Chain-link fencing surrounds both of the ballfields. The parcel also includes planned space for an additional mixed-use sports field, south of the existing ballfields. With the completion of the mixed-use sports field to the north (on the Gratzer Park North parcel), the City has met its obligations to the Gratzer family for park development. The portion of the parcel to be utilized for the Project is remnant land and is therefore considered a de minimis impact by the City of Orting.

- 2. Describe the impacts to the Section 4(f) property, and any avoidance, minimization and mitigation or enhancement measures, and why they are considered *de minimis* as defined in 23 CFR 771.17.**

The Project will require approximately 68,306 square feet (1.6 acres) of permanent impacts to Gratzer Park South for the proposed road and stormwater pond. No impacts would occur to the ballfields, fencing or other features of the park. The Project proposes a stormwater pond to the south of the planned space for the new multi-use sports field, adjacent west of the proposed road.

The impact area is of marginal park use given shape, size, and distance from the majority of the facilities in the park. Potential impacts to park users may include noise and fugitive dust and fumes from construction equipment. These impacts will be short term and temporary. The proposed park impacts would not adversely affect the activities, features, or attributes that make Gratzer

Park eligible for Section 4(f) protection under Section 4(f) of the US Department of Transportation Act of 1966 as amended.

Additionally, the Project would require approximately 12,666 square feet of temporary construction impacts to the south of the fenced portion of Gratzer Park currently utilized as ballfields, extending to the south past the planned mixed-use sports field. Temporary impacts will occur on both sides of the proposed road for construction purposes. Additionally, temporary impacts will occur around the perimeter of the proposed stormwater pond during construction (see Figure 3). No park features are located within this area and no impacts would occur to the ballfields, planned mixed-use sports field, or other features of the park. The proposed temporary construction area would not impact any features within the park. The project will restore the temporarily disturbed construction area with native grasses and shrubs to provide improved park and habitat functions and provide an additional layer of protection from the roadway. The condition of the park post-project will be at least as good as that which existed prior to the project.

**3. For parks, recreational facilities, and wildlife and waterfowl sanctuaries:**

- a. Describe the public outreach that has been or is being conducted (leave blank for historic sites).**

Information will be updated after all public outreach has occurred.

[If this form is being prepared for use in a public meeting include when the meeting will be held. If there has been an open house, mailings, or other public outreach effort, describe it here.]

- b. Attach written concurrence of the official with jurisdiction over the 4(f) resource with the *de minimis* determination.**

This will be provided once WSDOT/FHWA concur with the *de minimis* determination.

[Include the date of the documented agreement (usually a letter or e-mail) from the official with jurisdiction and attach the documentation to this form.]

**4. For historic resource, attach Section 106 documentation (include SHPO concurrence in project-level findings (DOEs and or FOEs) and Programmatic Agreement Memos for archaeological resources).**

Gratzer Park is not a historic resource.

### **Request for Approval**

**Based upon this analysis we request FHWA approval that the use of the Section 4(f) resource described above is *de minimis* as defined in 23 CFR 774.17.**

[Name, Title – typically the Project Engineer will sign]

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**WSDOT** [Region]

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**Date**

**FHWA Approval**

[Name, Title – typically the Area Engineer will sign]

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**FHWA Washington Division**

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**Date**

## Section 4(f) *De Minimis* Impact Determination (per 23 CFR 771)

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### Summary Table

<b>Date:</b>	February 18, 2022
<b>WSDOT Region:</b>	Olympic Region
<b>Project Number:</b>	3269(001)
<b>Project:</b>	Whitehawk Boulevard Extension
<b>Project Description:</b>	This project will construct a new connector roadway, extending Whitehawk Boulevard NW. The roadway includes the extension of Whitehawk Boulevard NW from the intersection of Whitehawk Blvd NW/Orting Avenue NW to the intersection of Calistoga St W/Kansas Street SW. New roadway is a single, asphalt-paved travel lane in each direction, curb and gutter, planter strips, and sidewalks on one side with a shared use path on the other side along the length of the roadway. The project includes water, sewer, stormwater facilities and mitigation, wetland mitigation facilities offsite, flood compensatory storage, and permitting. Single lane roundabouts will be constructed at the intersections of SR 162/Whitehawk Boulevard NW and Whitehawk Boulevard NW/Calistoga St W/Kansas St SW which are the project termini.
<b>Section 4(f) Resource:</b>	Orting Middle School
<b>Type of 4(f) Resource:</b>	Publicly-owned Park or Recreational Area (School)
<b>Size of the <i>de minimis</i> use of the 4(f) Resource (in acres):</b>	4,418 square feet (0.1 acre) of the 42.65 acre (Tax Lot 0519304036) total park area
<b>Primary Purpose/Function of the 4(f) Resource:</b>	Public School and Vacant Recreational Land
<b>Official with Jurisdiction:</b>	Orting School District

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### De minimis Documentation

- 1. Describe the Section 4(f) property and the attributes and features that qualify it to Section 4(f) protection, attach a map showing the boundaries of the resource, the locations of key features (e.g. ball fields, structures) and the area to be used.**

Orting Middle School is a public school located at 111 Whitehawk Blvd NW. The school features buildings, a multi-use sports field, and a baseball field on the southeastern portion of the 42.65-acre property. A paved trail runs from Washington Ave N along Whitehawk Blvd NW, on the eastern boundary of the school property.

The southern portion of the school parcel (Tax Lot 0519304036) will be impacted by the project as the paved trail will be extended from its current terminus into Whitehawk Blvd NW (approximately halfway through the school property) to the south until it meets Gratzler Park to the south of the school property (see Figure 4). Approximately 4,418 square feet of permanent impacts are proposed to the southern portion of the school's property, along the eastern boundary and Whitehawk Blvd NW, in the form of a connector paved trail (impacts shown on Figure 4). The Whitehawk Boulevard Extension Project will not impact any existing school facilities and will provide a safer route to and from Orting Middle School to Gratzler Park. The impact will result in no adverse effect to the activities, features, or attributes qualifying the park for protection under Section 4(f).

- 2. Describe the impacts to the Section 4(f) property, and any avoidance, minimization and mitigation or enhancement measures, and why they are considered *de minimis* as defined in 23 CFR 771.17.**

The Project would require approximately 4,418 square feet of permanent impacts to a portion of the school's southeastern boundary, along Whitehawk Blvd NW. No impacts would occur to the ballfield or multi-use sports field or any other school facilities on the property. The impact area is of marginal school use given shape, size, and distance from the majority of the school facilities. Potential impacts to the school users may include noise and fugitive dust and fumes from construction equipment. These impacts will be short term and temporary. The proposed park impacts would not adversely affect the activities, features, or attributes that make Orting Middle School eligible for Section 4(f) protection under Section 4(f) of the US Department of Transportation Act of 1966 as amended.

- 3. For parks, recreational facilities, and wildlife and waterfowl sanctuaries:**
  - a. Describe the public outreach that has been or is being conducted (leave blank for historic sites).**

This will be provided after all public outreach has occurred.





**City of Orting  
Council Agenda Summary Sheet**

	<b>Agenda Bill #</b>	<b>Recommending Committee</b>	<b>Study Session Dates</b>	<b>Regular Meeting Dates</b>
<b>Subject:</b> Park Impact Fee Code Amendments	<b>AB22-23</b>			
		<b>CGA</b>	<b>3.16.2022</b>	<b>3.30.2022</b>
	<b>Department:</b>	Planning		
	<b>Date Submitted:</b>			
<b>Cost of Item:</b>	<u>\$NA</u>			
<b>Amount Budgeted:</b>	<u>\$NA</u>			
<b>Unexpended Balance:</b>	<u>\$NA</u>			
<b>Bars #:</b>				
<b>Timeline:</b>				
<b>Submitted By:</b>	<b>Emily Adams (Planner)</b>			
<b>Fiscal Note:</b>				
<b>Attachments:</b> Staff report and ordinance no. 2022-1092.				
<b>SUMMARY STATEMENT:</b> The park impact fee was updated as part of the 2021 budget and fee schedule update by resolution.  The park impact fee is also codified in the Orting Municipal Code, to update the code Council must adopt an ordinance doing so. The proposed ordinance therefore updates the formula and park impact fee to provide consistency with the adopted fee schedule and adopted Parks, Recreation, and Opens Space plan. This does not require a public hearing.				
<b>RECOMMENDED ACTION: <u>Action:</u></b>  Move forward to consent agenda at the regular City Council meeting on Wednesday, March 30 <sup>th</sup> , 2022.				
<b>FUTURE MOTION: <u>Motion:</u></b>  To approve Ordinance No. 2022-1092, an ordinance of the City of Orting, Washington, relating to the park impact fee; providing for severability; and establishing an effective date.				



**CITY OF ORTING  
WASHINGTON  
ORDINANCE NO. 2022-1092**

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**AN ORDINANCE OF THE CITY OF ORTING,  
WASHINGTON, RELATING TO THE PARK IMPACT FEE;  
PROVIDING FOR SEVERABILITY; AND ESTABLISHING  
AN EFFECTIVE DATE**

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**WHEREAS**, the City of Orting is authorized under RCW 35A.11.020, 35A.63.100(2) and RCW 19.27.040 to require licenses for the conduct of business, permits for the construction of structures and improvements, and to impose fees to recoup the costs of processing and/or providing services; and

**WHEREAS**, the Orting Municipal Code (OMC), at various places, establishes the bases for the assessment and/or collection of such license, permit fees and service charges; and

**WHEREAS**, the City Council adopted Resolution 2021-14 adopting an amended fee schedule which included an updated park impact fee; and

**WHEREAS**, the City Council adopted the 2022 update of the Parks, Trails and Open Space plan which included the updated park impact fee;

**WHEREAS**, the City Council has determined that the proposed regulations are in accord with the Comprehensive Plan, will not adversely affect the public health, safety, or general welfare, and are in the best interest of the citizens of the City;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORTING, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1. Recitals.** The Recitals set forth above are hereby adopted and incorporated as Findings of Fact and/or Conclusion of Law of the City Council. The City Council bases its findings and conclusions on the entire record of testimony and exhibits.

**Section 2. OMC Section 15-6-7 Amended.** Orting Municipal Code Section 15-6-7-B is hereby amended as follows:

**PARKS LAND DEDICATION FORMULA, TABLE 15-6-2**

Park land area per household: ~~9 X 43,560/400 = 980 square feet/HH (rounded)~~ 8\*43,560/322.58 = 1,080 square feet/ household (rounded)

Given the following variables:

- a) Comprehensive plan park land-to-population ratio = ~~nine-eight (98)~~ nine-eight (98) acres per thousand (1,000)

- b) Average household size = ~~two and one-half~~ three and one-tenth (2.53.1) persons per household
  - c) Households per thousand (1,000) = 1,000/2.53.1 = 400322.58
3. The fee value of land to be dedicated may be determined by either of the following methods:
    - a. The applicant may provide a fair market appraisal of the improved property value. The appraisal shall be prepared by a member of the Appraisal Institute (MAI).
    - b. The city may calculate the average improved land value using Pierce County assessor's data for all new dwelling units constructed in the previous calendar year.
  4. Park impact fee (PIF) assessments in lieu of land dedication shall be collected based on table 15-6-3 of this section and specified by city council resolution:

**TABLE 15-6-3  
PARKS IMPACT FEE FORMULA**

Given the following variables:

- A = Adjustment in accordance with Revised Code of Washington 82.02.050 and 060 to provide a balance between impact fees and other sources of public funds to meet capital facilities needs. For park improvements this adjustment is fifty (50) percent, so that A = 0.5.
- HS = Average household size of ~~two and one-half~~ three and one-tenth (2.53.1) persons.
- PLOS = Adopted park land level of service standard of ~~nine-eight~~ (98) acres per thousand (1,000) population.
- PLR = Proportionate land requirement per new household of two-one-hundredths (0.0248) acre calculated as PLOS ÷ 1,000 x HS.
- PV = Park land value of ten thousand dollars (~~\$10,000~~15,000) per acre and park improvement value of seventy thousand dollars (~~\$70,000~~104,000).
- TLOS = Adopted trails level of service standard of one-~~fourth~~ mile per thousand (1,000) population.
- TV = Trails land and improvement value of thirty thousand dollars (~~\$30,000~~44,000) per mile.
- PTR = Proportionate trail requirement per new household of two-one-thousandths (0.~~002~~000775) calculated as TLOS ÷ 1,000 x HS.

Therefore: PIF = A x [PLR x PV + PTR x TV]  
 PIF = 0.5 x [0.0248 x \$~~80,000~~119,000 + 0.~~002~~000775 x \$~~30,000~~44,000] = \$~~830~~  
1,492 per new household (unless amended by city council resolution)

\*\*\*

**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. Codification.** The City Council authorizes the City Clerk to correct any non-substantive errors herein, codify the above, and publish the amended code.

**Section 5. 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 30<sup>th</sup> DAY OF March, 2022.**

CITY OF ORTING

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Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

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Kimberly Agfalvi, City Clerk

Approved as to form:

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Charlotte A. Archer  
Inslee, Best, Doezie & Ryder, P.S.  
City Attorney

Filed with the City Clerk:  
Passed by the City Council:  
Date of Publication:  
Effective Date:



## Staff Report

**Project Name:** Park Impact Fee

**Applicant:** City of Orting

**Date of Staff Report:** March 2, 2022

**Date of Meeting:** March 16, 2022 and March 30, 2022

**Staff Recommendation:** Approval

**City Staff Contact:** Emily Adams, AICP  
Contract City Planner

### Exhibits:

1. Staff Report
2. Proposed Ordinance

### Findings of Fact

The park impact fee was updated as part of the 2021 budget and fee schedule update. Resolution 2021-14 was adopted by Council on November 17, 2021 updating a number of fees to bring them in line with peers. This included increasing the park impact fee from \$830.00 to \$1,492.00. This increase was due to inflation and is in line with similar jurisdictions.

The park impact fee is also codified in the Orting Municipal Code through the adopted impact fee formula. To update the code Council must adopt an ordinance doing so. The proposed ordinance therefore updates the formula and park impact fee to provide consistency with the adopted fee schedule and adopted Parks, Recreation, and Open Space plan. The code revisions shown below were included in the Council packet for the fee schedule, however they amendments need to be formally adopted with an ordinance.

### Impact Fee Code Revisions

*OMC 15-6-7.B: Calculation of Impact Fees*

PARKS LAND DEDICATION FORMULA, TABLE 15-6-2

Park land area per household: ~~9 X 43,560/400 = 980 square feet/HH (rounded)~~  $8 * 43,560 / 322.58 = 1,080 \text{ square feet/ household (rounded)}$

Given the following variables:

- a) Comprehensive plan park land-to-population ratio = ~~nine-eight (98)~~  $98$  acres per thousand (1,000)
  - b) Average household size = ~~two and one-half~~  $2.53.1$  ~~three and one-tenth (2.53.1)~~ persons per household
  - c) Households per thousand (1,000) =  $1,000 / 2.53.1 = 400322.58$
3. The fee value of land to be dedicated may be determined by either of the following methods:





**City Of Orting  
Council Agenda Summary Sheet**

	<b>Agenda Bill #</b>	<b>Recommending Committee</b>	<b>Study Session Dates</b>	<b>Regular Meeting Dates</b>
<b>Subject:</b> E2SHB 1220 – Supportive and Transitional Housing Interim Code Extension	<b>AB22-24</b>			
		<b>CGA</b>	<b>3.16.2022</b>	<b>3.30.2022</b>
	<b>Department:</b>	Planning		
	<b>Date Submitted:</b>	<b>3.2.2022</b>		
<b>Cost of Item:</b>	<u>\$NA</u>			
<b>Amount Budgeted:</b>	<u>\$NA</u>			
<b>Unexpended Balance:</b>	<u>\$NA</u>			
<b>Bars #:</b>				
<b>Timeline:</b>				
<b>Submitted By:</b>	<b>Emily Adams (Planner)</b>			
<b>Fiscal Note:</b>				
<b>Attachments:</b>	Staff Report, Ordinance no. 2022-1093			
<b>SUMMARY STATEMENT:</b>				
<p>E2SHB 1220 was signed into law, it states: “A city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed” and “a city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed.” The bill does allow for reasonable occupancy, spacing and intensity of use requirements to be imposed.</p> <p>When the bill was signed, the City’s current code had no regulations related to the development and operation of transitional housing or permanent supportive housing or shelters; and hotels/motels were permitted in the MUTC and MUTCN zones. Without changes under the new law, emergency shelters, emergency housing, transitional housing, and permanent supportive housing would have been required to be permitted in the MUTC and MTUCN zones.</p> <p>Interim regulations, which were set expire after 6 months, addressing the new law were adopted on September 29, 2021, going into effect on October 4, 2021. Interim regulations were done as city staff did not had sufficient time to evaluate the needs to transitional housing or permanent supportive housing and develop regulations between the time that E2SHB 1220 was signed by the Governor and became law. Permanent regulations of other cities have been in review by staff and brought forth for planning commission review, however more time is necessary to meet process requirements.</p> <p>Staff is requesting Council approve a 6-month extension on the interim regulations, as allowed per the adopted ordinance, as permanent regulations are currently under review with the planning commission and will not be adopted before the interim regulations expire. A public hearing before City Council will be required.</p>				

**RECOMMENDED ACTION: Action:**

Move forward to consent agenda at the regular City Council meeting on Wednesday, March 30<sup>th</sup>, 2022.

**RECOMMENDED MOTION: Motion:**

To approve ordinance no. 2022-1093, an ordinance of the City of Orting, Washington, relating to interim zoning controls pertaining to permanent supportive housing and transitional housing for a period of six months in response to E2SHB 1220; providing for severability; and establishing an effective date.

**CITY OF ORTING  
WASHINGTON  
ORDINANCE NO. 2022-1093**

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**AN ORDINANCE OF THE CITY OF ORTING,  
WASHINGTON, RELATING TO INTERIM ZONING  
CONTROLS PERTAINING TO PERMANENT  
SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING  
FOR A PERIOD OF SIX MONTHS IN RESPONSE TO E2SHB  
1220; PROVIDING FOR SEVERABILITY; AND  
ESTABLISHING AN EFFECTIVE DATE**

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**WHEREAS**, under the authority of RCW 35A.63.220 and RCW 36.70A.390, the City may impose interim regulations to be effective for a period of up to six months, and for six-month intervals thereafter; and

**WHEREAS**, in 2021 the state legislature enacted Engrossed Second Substitute House Bill (E2SHB) 1220 signed by Governor Inslee on May 12, 2021, became Chapter 254, Laws of 2021 and will take effect on partially on July 25, 2021 and partially on September 30, 2021; and

**WHEREAS**, Section 3 of E2SHB 1220 contains the following preemption of local zoning authority:

A code city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed. Effective September 30, 2021, a code city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit.; and

**WHEREAS**, the City of Orting had no regulations related to the development and operation of transitional housing or permanent supportive housing needed to protect the community and residents of these units; and

**WHEREAS**, the City had not had sufficient time to evaluate the needs associated with transitional housing or permanent supportive housing and develop regulations between the time that E2SHB 1220 was signed by the Governor and became law; and

**WHEREAS**, in accordance with the requirement set forth in RCW 36.70A.106, the City provided the Washington State Department of Commerce notice of the City's intent to adopt the proposed ordinance for its expediated review and comment period; and



**WHEREAS**, the City’s Planning Commission held a public hearing on the proposed interim amendments on September 9, 2021 and proposed a recommendation and forwarded it to the City Council to adopt the proposed OMC amendments; and

**WHEREAS**, the City Council, on September 29, 2021, considered the proposed code amendments and the entire record, including recommendations from the Planning Commission and had a closed record final decision; and

**WHEREAS**, in response to E2SHB 1220 the Orting City Council would like to make certain changes to its development regulations on an interim basis to give City staff and the Planning Commission time to make a recommendation to the City Council with respect to recommendations that will keep the City compliant with E2SHB 1220 on a permanent basis;

**WHEREAS** on October 4, 2021 the interim regulations went into effect for an initial period of six months per Ordinance 2021-1083;

**WHEREAS** the City Council has decided to extend the interim regulations by six months as the permanent regulations are being developed and going through the public process;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORTING, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1. Recitals.** The Recitals set forth above are hereby adopted and incorporated as Findings of Fact and/or Conclusion of Law of the City Council. The City Council bases its findings and conclusions on the entire record of testimony and exhibits, including all written and oral testimony before the Planning Commission and the City Council.

**Section 2. OMC Section 13-3-3, Amended.** Orting Municipal Code Section 13-3-3 is hereby amended as follows:

**13-3-3: USES**

**TABLE 1  
CITY OF ORTING LAND USE**

	<b>Zones</b>							
	RC	RU	RMF	MUTC	MUTCN <sup>2</sup>	LM	OS	PF
Residential Uses <sup>1</sup> :								
Cottage	P	P	P		P			
Cottage development		P <sup>3,4</sup>	P <sup>3,4</sup>		P			
Duplex		P <sup>10</sup>	P	P	P <sup>25</sup>			
Group residences:		C	C <sup>3</sup>	C <sup>3</sup>				C <sup>22</sup>
Adult family homes	P	P	P	P	P			
Attached ground related residences					P			
<u>Permanent Supportive Housing</u>	C <sup>26</sup>	C <sup>26</sup>	C <sup>26</sup>	C <sup>3,26</sup>	C <sup>3,26</sup>			

Single room occupancy sleeping units								C
<u>Transitional Housing</u>	C <sup>26</sup>	C <sup>26</sup>	C <sup>26</sup>	C <sup>3,26</sup>	C <sup>3,26</sup>			
Other <sup>6</sup>		C	P	C				
Manufactured home park	C	C	C					
Mobile/ manufactured home	P <sup>7</sup>	P <sup>7</sup>	P <sup>7</sup>					
Multiple-family			P	P <sup>3</sup>	P			
Single-family detached	P	P	P		P <sup>25</sup>			
Temporary Lodging								
Bed and breakfast	C	C	C	P <sup>3</sup>				
Hotel/motel				P <sup>3</sup>	P			
Rooming house			C	C <sup>3</sup>				

Notes:

1. Residential planned unit developments (PUD) may allow increases in underlying density except in the MUTCN.
2. All development subject to Master Development Plan and MUTCN Bulk and Dimensional Requirements. See sections 13-3-2 E2 and E5 of this code.
3. Subject to architectural design review.
4. As a binding site plan.
5. Not located along retail street frontages.
6. Housing more than 12 unrelated individuals.
7. On a legal lot with permanent foundation.
8. On upper floors above ground floor commercial only.
9. On upper floors above ground floor commercial, or in freestanding residential buildings.
10. Duplexes and townhouses are not allowed on flag lots in the RU zone.
11. In planned retail centers when building area is less than 10,000 square feet.
12. See section 13-5-4 of this title.
13. On site sales of agricultural products allowed.
14. Food stores only.
15. On upper floors above ground floor retail.
16. Including outdoor display or sales yards.
17. Not including overnight kennels or treatment facilities.
18. Machine shops, incinerators, wrecking yards, and feedlots may be permitted subject to appropriate mitigation of impacts on surrounding nonindustrial areas. Significant adverse noise, air quality, or other impacts caused by manufacturing processes shall be contained within buildings.
19. When entirely located in a building, not producing adverse noise or air quality impacts, and not located along retail street frontage. Ground floor area limited to 10,000 square feet maximum.
20. Private facilities.
21. Subject to all other City regulations regarding livestock.
22. Redevelopment of the Orting Soldiers' Home subject to site plan and architectural design review approval.
23. Three or more units per building.
24. May not have frontage along SR 162/Washington Avenue N. Must be screened from all adjacent residences with sight obscuring landscaping, 6-foot tall solid fencing.
25. For Senior Housing (aged 55+) only.

26. The number of permanent supportive housing units and transitional housing units allowed on any given property shall be no more than the number of standard dwelling units that would be allowed under the applicable zoning of the property. No permanent supportive housing or transitional housing may be located within one mile of another property than contains permanent supportive housing or transitional housing or a quarter mile of any school or park.

\*\*\*

**Section 3. OMC Section 13-2, Amended.** Orting Municipal Code Section 13-2 is hereby amended as follows:

### **13-2: DEFINITIONS**

\*\*\*

#### **13-2-6: E**

EMERGENCY HOUSING: Temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

EMERGENCY SHELTER: a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

\*\*\*

#### **13-2-17: P**

PERMANENT SUPPORTIVE HOUSING: One or more subsidized, leased dwelling units with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in the Residential Landlord Tenant Act, chapter 59.18 RCW.

\*\*\*

#### **13-2-21: T**

TRANSITIONAL HOUSING: A facility that is owner, operated, or managed by a nonprofit organization or governmental entity that provides housing and supportive services to homeless individuals or families for up to two years and whose primary purpose is to

enable homeless individuals or families to move into independent living and permanent housing.

\*\*\*

**Section 4. Duration.** The interim zoning regulations adopted herein shall be in effect for six months, beginning upon the effective date of this Ordinance and ending six months thereafter, unless an ordinance is adopted prior thereto rescinding the interim zoning regulations adopted herein.

**Section 5. 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 6. Codification.** The City Council authorizes the City Clerk to correct any non-substantive errors herein, codify the above, and publish the amended code.

**Section 7. 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 30<sup>th</sup> DAY OF March, 2022.**

CITY OF ORTING

\_\_\_\_\_  
Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Kimberly Agfalvi, City Clerk

Approved as to form:

\_\_\_\_\_  
Charlotte A. Archer  
Inslee, Best, Doezie & Ryder, P.S.  
City Attorney

Filed with the City Clerk:  
Passed by the City Council:  
Date of Publication:  
Effective Date:



## Staff Report

<b>Project Name:</b>	Supportive and Transitional Housing Code Amendments (E2SHB 1220)
<b>Applicant:</b>	City of Orting
<b>Date of Staff Report:</b>	February 18, 2022
<b>Date of Meeting:</b>	March 16, 2022 & March 30, 2022
<b>Staff Recommendation:</b>	Approval
<b>City Staff Contact:</b>	Emily Adams, AICP Contract City Planner
<b>Public Comment Period:</b>	March 18 – March 30, 2022 following notice of public hearing.
<b>Public Notice:</b>	Type 5 applications do not require notice of application per OMC 15-4-1. Notice of a public hearing will be published and posted online 10 days prior to the hearing per OMC 15-7-3.

### Exhibits:

1. Staff Report
2. Proposed Ordinance

### Findings of Fact

E2SHB 1220 was signed into law in May 2021. Its purpose is to encourage cities to take active steps to accommodate transitional housing, emergency shelters, and similar homelessness-related facilities through local planning and changes to local development regulations. This signed bill contains new requirements related to:

- Comprehensive plan housing element updates;
- Adoption of moratoria or interim zoning controls; and
- Zoning and development regulations regarding indoor shelters, permanent supportive housing, and transitional housing.

The bill states: “A city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed” and “a city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed.” The bill does allow for reasonable occupancy, spacing and intensity of use requirements to be imposed on the uses.

When the bill was signed, the City’s current code had no regulations related to the development and operation of transitional housing or permanent supportive housing or shelters; and hotels/motels were permitted in the MUTC and MUTCN zones. Without changes under the new law, emergency shelters,

emergency housing, transitional housing, and permanent supportive housing would have been required to be permitted in the MUTC and MTUCN zones.

Interim regulations, which were set to expire after 6 months, addressing the new law were adopted on September 29, 2021, going into effect on October 4, 2021. Interim regulations were done as city staff did not have sufficient time to evaluate the needs for transitional housing or permanent supportive housing and develop regulations between the time that E2SHB 1220 was signed by the Governor and became law. Permanent regulations of other cities have been in review by staff and brought forth for planning commission review, however more time is necessary to meet process requirements.

Staff is requesting Council approve a 6-month extension on the interim regulations, as allowed per the adopted ordinance, as permanent regulations are currently under review with the planning commission and will not be adopted before the interim regulations expire.

### **Public Hearing**

A public hearing will be held by City Council on March 30, 2022 followed by action.

### **Staff Recommendation**

Staff recommends approval of the ordinance extending the interim regulations by six months.

### **Reconsideration and Appeal**

A party to a public hearing may seek reconsideration only of a final decision by filing a written request for reconsideration with the administrator within five (5) days of the oral announcement of the final decision. The request shall comply with OMC 15-10-4B.



**City of Orting  
Council Agenda Summary Sheet**

	<b>Agenda Bill #</b>	<b>Recommending Committee</b>	<b>Study Session Dates</b>	<b>Regular Meeting Dates</b>
<b>Subject:</b> 2020 Lift Station Improvements Construction Management Supplement 1	<b>AB22-22</b>	<b>Public Works 03.02.2022</b>	<b>03.16.2022</b>	<b>03.30.2022</b>
	<b>Department:</b>	Engineering		
	<b>Date Submitted:</b>	<b>02.16.2022</b>		
<b>Cost of Item:</b>	79,960.00			
<b>Amount Budgeted:</b>	\$1,287,000 (2022)			
<b>Unexpended Balance:</b>	\$1,287,000 (2022)			
<b>Bars #:</b>	408-594-35-63-33			
<b>Timeline:</b>	ASAP			
<b>Submitted By:</b>	Maryanne Zukowski, PE			
<b>Fiscal Note:</b> The total project budget crosses 2021 and 2022 Budgets (see table)				
<b>Attachments:</b> Scope and Fee Task: <b>2020 Lift Station Improvements Construction Management Supplement 1</b>				

**SUMMARY STATEMENT**

Purpose:

Construction delays and material procurement problems has created additional construction management costs for the 2020 Lift Station Improvements project. This will require and increase to the consultant's budget.

Background:

The 2022 Capital Budget was approved in November of 2021 and included \$1,775,496 for the lift station program.

History:

- The project bid in 2020 and bids were rejected since they came in substantially higher than expected.
- There was no construction award in 2020.
- The project was rebid in 2021.
- The project was awarded in summer of 2021.
- Construction did not actively start until September 2021.
- The late start was due to procurement delays.
- Current schedule projects construction completion in June 2022.

Construction Issues:

- Procurement delays have caused additional construction management time and labor. This is due to the contractor’s frequent schedule changes.
- The contract requires an increase to add consultant costs for start up and telemetry programming at both lift stations.
- There are increases to costs and added materials testing.

The Financial Summary:

2020 Lift Station Improvements Fiscal Snapshot				
	Current Contract	2021 budget	2021 Exp	2022 Budget
Construction Contract	\$ 1,449,914.75	\$ 1,400,000.00	\$ 349,051.13	\$ 1,140,000.00
Construction Management	\$ 187,457.00	\$ 200,000.00	\$ 75,043.74	\$ 147,000.00
	\$ 1,637,371.75	\$ 1,600,000.00	\$ 424,094.87	\$ 1,287,000.00
*Increase to Construction Mgt Contract	\$ 79,960.00			
Increase for PSE Costs Pending Estimate	\$ 30,000.00			
Total Project Cost	\$ 1,747,331.75			
2021 EXP and 2022 BUDGET	\$ 1,711,094.87			
Project Cost Increase	\$ 36,236.88			

The increase in construction management and PSE costs will exceed the expected original overall budget by approximately \$36,000.

Construction Management Increase Documentation Justification:

- There was a change in working day assumptions. Contract working days were increased from the estimated 125 working days during construction management budgeting to 160 working days during construction advertisement.
- This moved an extension of contractor’s estimated project schedule from finishing in March 2022 to finishing in at least May 2022. As of today, the estimated construction completion is June 2022 due to procurement delays.
- Construction management coordination for Notices of Noncompliance were issued early in project to address contractor’s work deficiencies.
- Construction management labor increased for coordination of the revised tie-in location to existing Sanitary Sewer Force Main (SSFM) at Puyallup River Lift (PR LS) site due to differing site conditions.
- Construction management labor increases for coordination of PSE Service applications during construction.
- City staff added Materials Testing & Consulting (MTC) to construction management’s subconsultant services which added additional scope.
- Construction management and design costs were added for coordination and costs for the extra Stainless Steel (SST) mooring post in each wet well.
- Construction management increases were added as a result of coordination for consideration of extra items such as additional equipment enclosure at PR LS.



**RECOMMENDED ACTION: Action:** Move forward to consent agenda at the regular City Council meeting on Wednesday, March 30<sup>th</sup>, 2022.

**FUTURE MOTION: Motion:** To authorize the Mayor to sign a contract with Parametrix for 2020 Lift Station Improvements Construction Management Supplement 1 in an amount to not exceed of \$79,960.00.

# SCOPE OF WORK

## City of Orting 2020 Lift Station Improvements Construction Services – Supplement 1

### SCOPE SUMMARY

The City of Orting (City) has requested that Parametrix, Inc. (Parametrix) provide a budget supplement to complete the ongoing construction administration and add programming and system integration services for both the Puyallup River and Rainier Meadows lift station sites. The purpose of this scope and fee supplement is to identify the remaining effort and anticipated costs to complete the work, as described below.

### TASK 6 - OFFICE ENGINEERING AND DOCUMENTATION

#### 6.1 Construction Meetings

Lead routine construction progress meetings and prepare the agendas and minutes.

##### Assumptions

- 15 remaining weekly meetings.
- 2 remaining on-site meetings.

#### 6.2 Construction Documentation

Provide all required documentation for the project, including pay estimates, submittal review, RFI responses, field directives, notices of non-compliance, and change orders.

##### Assumptions

- 4 remaining pay estimate reviews.
- 6 remaining submittal reviews.
- 2 remaining RFI responses.
- 4 remaining field directives/notices of non-compliance.
- 1 remaining change order.

#### 6.3 Project Close-Out Documents

Coordinate and attend final walk-through and acceptance of the project, including documentation of any outstanding issues and follow-up to resolution. Assist with execution of all project and contract close-out documentation, including verification of prevailing wages paid, notice of substantial completion, documentation of project punch list and completion, notice of final completion, and final payments and release of retainage.

## Assumptions

- Project Close-Out activities will be the same as initially scoped.

## TASK 8 - PROGRAMMING & SYSTEMS INTEGRATION

### 8.1 Puyallup River & Rainier Meadows Lift Stations

Parametrix will provide PLC and SCADA programming integration for both Puyallup River and Rainier Meadows sanitary sewer lift stations.

## Assumptions

- No separate specifications will be written for programming or systems integration; programming will be based on the control strategy in the design documents.
- On-site installation of PLC and SCADA programming will not begin until after the electrical and controls system is fully installed and tested by the Contractor.
- The Contractor will provide qualified testing assistance, tools, and clean water to operate the pump station and simulate alarms during the programming and integration process.
- The Contractor will be responsible for furnishing and installing the PLC, HMI, and all associated software and equipment.
- The City will provide access to their SCADA system as necessary for systems integration.
- All programming will be provided with open architecture to facilitate future programming changes and operational adjustments.
- Training of Owner's operations staff will be limited to one trip not exceeding 4 hours and will be conducted on the pump station site after proper operation of the pump station is confirmed.
- SCADA programming is limited to the following:
  - Five Screens: System Overview, Grinder Controls, Pump Controls, Set Points, Alarms.
  - No Trends.
  - No Reports.
- This scope of work covers effort through commissioning only. Ongoing SCADA system support after commissioning, if desired by the City, will be provided under separate contract.

## Deliverables

- Programming of both pump stations' PLC and SCADA.
- One copy each of the final programming in electronic format on CD or Thumb Drive.

## BUDGET

A fee estimate supplement is included as an exhibit on the next page.

CONSTRUCTION SERVICES - SUPPLEMENT 1 BUDGET

LABOR				Rates:																
Phase	Task	Description	Labor Dollars	Labor Hours	John Hungerford	April Whittaker	Kyle Burtis	Lenaya Grabowski	Sarah Cracikenberger	Glen Barcus	Robert Rohler	Joel Linke	Randy Raymond	Steven Wagner	Jay Munro	Steven Sharpe	Scott Spees	Joshua Kelly	Adam Merrill	Denise Peterson
					\$170.00	\$120.00	\$145.00	\$110.00	\$95.00	\$170.00	\$180.00	\$155.00	\$190.00	\$180.00	\$125.00	\$125.00	\$115.00	\$90.00	\$135.00	\$110.00
					Division Manager	Project Controls Specialist	Engineer IV	Engineer II	Project Accountant	Sr Designer	Sr Electrical Engineer	Sr Engineer	Sr Consultant	Sr Engineer	Sr Surveyor	CADD Tech Lead	Surveyor III	Surveyor I	Scientist/Biologist IV	Designer II
		2020 Lift Stations Improvements	\$79,960.00	516	8	32	168	40	0	188	24	24	24	8	0	0	0	0	0	0
	06	Office Engineering and Doc.	\$49,360.00	336	8	32	168	40		8	24	24	24	8						
	08	Programming & Systems Integ.	\$30,600.00	180						180										
<b>Labor Total:</b>					8	32	168	40	0	188	24	24	24	8	0	0	0	0	0	0
					\$1,360.00	\$3,840.00	\$24,360.00	\$4,400.00	\$0.00	\$31,960.00	\$4,320.00	\$3,720.00	\$4,560.00	\$1,440.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

**EXPENSES**

Survey Equipment	\$	-
Survey Mileage	\$	-
Observation Mileage	\$	-
<b>Expenses Total:</b>	\$	-

**SUBCONSULTANTS**

Materials Testing & Consulting Inc (MTC)	\$	-
<b>Subconsultant Total:</b>	\$	-

**NOTES:**  
 Construction start date: 9/27/2021  
 Current construction end date: 6/10/2022

**PROJECT TOTAL \$ 79,960.00**

City Notes: Total Construction Management Costs \$267,417.00 Percent of Construction Contract 18% Total with Programming. 16% without Programming.

# SCOPE OF WORK

## City of Orting 2020 Lift Station Improvements

### SCOPE SUMMARY

The City of Orting desires to upgrade the existing Puyallup River and Rainier Meadows sanitary sewer lift stations. The purpose of this scope of work is to outline the pre-bidding services, bidding support, construction administration, construction staking and inspection services that Parametrix will provide for the 2020 Lift Station Improvements Project for the City of Orting.

### TASK 1 – PROJECT MANAGEMENT

The objective of this task is to provide overall project management of the consultant contract with the City of Orting.

#### Objectives

This task includes general management functions that include the following:

- Project Planning – Document and communicate the scope of work, budget, and schedule as a road map for the project team. Coordinate project team and issues throughout the project.
- Budget and Schedule Tracking – Track the project budget using Parametrix in-house tools to verify that progress is keeping pace with spending.
- Monthly Progress Reports – Prepare a monthly invoice for services performed by Parametrix.
- Correspondence – Prepare written correspondence as needed to document project management issues and/or concerns.

#### Deliverables

- Miscellaneous correspondence to document project management issues.
- Monthly progress reports enclosed with invoices.

#### Assumptions

- Project management services will begin during preconstruction preparation in March 2020 and end with construction closeout by October 2020.
- Total construction time will not exceed 125 working days.

## TASK 2 – BIDDING ASSISTANCE

### Objectives

This task will cover services related to producing necessary documents. The following activities demonstrate the scope of these services:

- Reproduction of 6 sets of plans and specifications for Parametrix files, contractor purchase, and plan center use.
- Creating and placing project advertisement. One advertisement will be placed in the Tacoma News Tribune and one advertisement will be placed in the Daily Journal of Commerce.
- Addressing bidder questions.
- One contract addendum.
- Distributing plans and plan holders list.
- Attending bid opening, assembling bid tab, and reviewing submittals to determine contractor responsiveness.
- Recommendation of award letter.

### Deliverables

- Six sets of plans and specifications.
- One contract addendum.
- Recommendation of award letter with certified bid tabulation.

## TASK 3 – PERMITTING SUPPORT

### Objectives

This project lies within the jurisdiction of Pierce County. Therefore, a Pierce County Class B ROW Permit and a Shoreline Permit are required. Parametrix has applied for the permits and Pierce County has decided that a Shoreline Determination is required, resulting in the list of deliverables below. Due to this, ongoing support in addition to the original budget has been required. The permits are submitted, and the City is awaiting a Shoreline and SEPA Determination from Pierce County.

### Deliverables

- Pierce County Shoreline and SEPA Determinations.
- Wetland delineation for nearby wetlands
- Critical Areas Report
- Associated plan revisions

### Assumptions

- Parametrix will provide coordination with Pierce County up to the hours budgeted. Should additional be required, a budget amendment may be required.
- The project is allowed in a shoreline area by Pierce County.

## TASK 4 – PROJECT STARTUP

### Objectives

The objective of this task is to provide project startup of the 2020 Lift Station Improvements Project.

This task includes general management functions that include the following:

- Establish lines of communication for project between City, Contractor and Parametrix.
- Review of the file structure and prepare structure consistent with audit standards.
- Create Record of Materials (ROM) and review with the City.
- Set up submittal log for reviews to be completed by Parametrix.

### Deliverables

- Submittal review log (ROM)

### Assumptions

- Total construction time will not exceed 125 working days.

## TASK 5 – CONSTRUCTION STAKING

### Objectives

The objective of this task is to provide construction survey, as required by the contract documents, and restoration of monuments disturbed by the construction.

Parametrix staff will perform construction survey, as described in the contract documents:

- Sanitary Sewer: Surveyors will double offset to center of manhole for sanitary sewer structures. Grades will be marked on the stakes to invert of pipe and rim of structure. Cut-sheets will be provided.
- Pump Station: Surveyors will provide offset stakes for the pump station and associated structures. Cut-sheets will be provided.
- Roadway: Surveyors will provide staking of saw cut limits within the roadway.
- Staking will be provided once. Should the contractor demolish stakes, they will be provided at a cost to the contractor.

## Assumptions

- Total construction time will not exceed 125 calendar days.
- Any change orders that require additional contract time may require additional time or costs associated with this task.

## TASK 6 - OFFICE ENGINEERING AND DOCUMENTATION

### Objectives

The objective of Task 6 is to provide construction administration and documentation services for the 2020 Lift Station Improvements Project. This task includes administering construction; monitoring construction costs and schedule; providing documentation of materials, submittals, and requests for information; preparing progress payments; and completing final construction contract documentation.

#### 6.1 Construction Meetings

Prepare for and facilitate the preconstruction meeting. Parametrix will prepare the agenda and project documentation package for the meeting. Minutes will be prepared and distributed to all applicable parties. Up to 25 weekly meetings and six field meetings during construction will also be conducted. The purpose of the meetings is to observe, document, and facilitate resolution of any problems encountered during the course of construction.

#### 6.2 Construction Documentation

Parametrix will provide all required documentation for the project. Parametrix will maintain an accurate, up to date project file that will be copied to the City of Orting at the end of the project. Documentation in the project files will include the following items:

- Monitoring and calculating material quantities on a daily basis.
- Preparing monthly pay estimates (7 total).
- Reviewing and approving submittals (up to 60 total).
- Responding to requests for information (up to five total).
- Documenting contractor conformance with contract documents.
- Preparing one change order for the City's signature and approval.

#### 6.3 Project Close-Out Documents

Parametrix staff will coordinate the final walk-through and acceptance of the project. This will include documentation of any outstanding issues and follow-up to resolution. Parametrix will provide and/or assist with the execution of all project and contract close-out documentation including:

- Verification of prevailing wages paid.
- Notice of substantial completion.
- Documentation of project punch list and completion thereof.
- Notice of final completion.
- Final payments and release of retainage.



## TASK 7 – CONSTRUCTION OBSERVATION

### Objectives

Construction observation will be provided on a part time basis in coordination with City Staff. A Parametrix construction observer will be onsite for 4 hours per day for 125 working days.

### 7.1 Construction Observation

The part construction observer will monitor the contractor during construction activities. Services provided under this task include, but are not limited to the following:

- Attendance at Preconstruction Meeting and weekly meetings.
- Review of daily on-site project progress. This will be documented in the inspector's daily reports (IDRs) and field note records (FNRs).
- Documentation of pay quantities using Field Note Records.
- Verification of the contractor's work for compliance with the contract and City standards.
- Coordination of sampling and testing for asphalt and concrete bid items. Review of subsequent test results and reports for correctness and compliance with the contract documents.
- Documentation of construction progress, potential problems, and identified problems with photos and/or videos.
- Inspection of contractor-implemented traffic control on a daily basis.
- Inspection of contractor-implemented temporary erosion and sediment control.
- Upon substantial completion of the project, Parametrix staff along with appropriate City staff will perform a punch list walk-through of the entire project. The purpose is to itemize all miscellaneous uncompleted work items and/or faulty workmanship items that would need to be addressed before final acceptance of the project. Parametrix will document the list of outstanding items and coordinate with the contractor to expedite the completion.

### Deliverables

- Daily observation reports.
- Field note records.
- Project photos.
- Testing results of asphalt and subgrade.

### Assumptions

- Total construction time will not exceed 125 working days.
- Any change orders that require additional contract time may require additional time or costs associated with this task.
- Workdays will not exceed 8 hrs. per day or 40 hours per week. Observation will be provided for 4 hours per day with 1 hour of travel time. Weekend observation beyond 40 hours per week is not included in this scope of work.

**TASK 8 – PROGRAMMING & SYSTEMS INTEGRATION (FUTURE PHASE – NOT IN BUDGET)**

John C. Hungerford	April D. Whittaker	Sarah Crackenberger	Marcus Vassey	Jeff Reinmuth	Joel S. Linke	Jared Kemnitz	Adam Merrill	Brandon Moss	Lauretha L. Ruffin	Lenaya Grabowski	Shane Phelps	Scott Spees	Art Stokes
Division Manager	Project Controls Specialist	Project Accountant	Engineer III	Electrical Designer IV	Sr Engineer	Sr Surveyor	Scientist/Biologist IV	Engineer II	Project Constrols Specialist	Engineer I	EP&C Division Manager	Surveyor III	Sr Electrical Engineer

Rates: \$170.00 \$120.00 \$95.00 \$125.00 \$145.00 \$160.00 \$150.00 \$140.00 \$110.00 \$110.00 \$100.00 \$195.00 \$115.00 \$200.00

Phase	Task	Description	Labor Dollars	Labor Hours														
		<b>HC FM &amp; LS Const. Svcs</b>	<b>\$182,460.00</b>	<b>1,452</b>	<b>138</b>	<b>120</b>	<b>6</b>	<b>760</b>	<b>10</b>	<b>8</b>	<b>8</b>	<b>80</b>	<b>68</b>	<b>2</b>	<b>44</b>	<b>80</b>	<b>40</b>	<b>8</b>
	01	PM	\$15,570.00	106	60	40	6											
	02	Bidding Assistance	\$3,210.00	26	4	8			2				8		4			
	03	Permitting Support	\$27,480.00	244	4							80				80		
	04	Project Startup	\$1,780.00	14	2	12												
	05	Construction Staking	\$6,020.00	50						8				2				40
	06	Office Engineering and Doc.	\$30,700.00	252	8	60		60	8	8			60		40			8
	07	Construction Observation	\$97,700.00	760	60			700										
	08	Programming & Systems Integ.		0														

<b>Labor Totals:</b>				<b>\$182,460.00</b>	<b>1,353</b>	<b>138</b>	<b>120</b>	<b>6</b>	<b>760</b>	<b>10</b>	<b>8</b>	<b>8</b>	<b>80</b>	<b>68</b>	<b>2</b>	<b>44</b>	<b>80</b>	<b>40</b>	<b>8</b>	
				<b>\$23,460.00</b>	<b>\$14,400.00</b>	<b>\$570.00</b>	<b>\$95,000.00</b>	<b>\$1,450.00</b>	<b>\$1,280.00</b>	<b>\$1,200.00</b>	<b>\$11,200.00</b>	<b>\$7,480.00</b>	<b>\$220.00</b>	<b>\$4,400.00</b>	<b>\$15,600.00</b>	<b>\$4,600.00</b>	<b>\$1,600.00</b>			

**SUBCONSULTANTS**

Subconsultant Name	Amount
Materials Testing & Consulting Inc	\$ 5,000.00
<b>Subconsultant Total:</b>	<b>\$ 5,000.00</b>

**PROJECT TOTAL \$ 187,460.00**





**City of Orting  
Council Agenda Summary Sheet**

	<b>Agenda Bill #</b>	<b>Recommending Committee</b>	<b>Study Session Dates</b>	<b>Regular Meeting Dates</b>
<b>Subject:</b> SMAP Phase 2 Supplement 1	<b>AB22-21</b>	<b>Public Works 03.02.2022</b>	<b>03.16.2022</b>	<b>03.30.2022</b>
	<b>Department:</b>	Engineering		
	<b>Date Submitted:</b>	02.16.2022		
<b>Cost of Item:</b>	\$40,765			
<b>Amount Budgeted:</b>	\$90,000			
<b>Unexpended Balance:</b>	\$90,000 less \$ 25,000 for Phase 1			
<b>Bars #:</b>	410 000 000 594 31 41 46			
<b>Timeline:</b>	3/31 to 6/30/2022			
<b>Submitted By:</b>	Maryanne Zukowski, PE			
<b>Fiscal Note:</b>				
<b>Attachments:</b> Scope and Fee Task: <b>SMAP Phase 2 Supplement 1 Contract Package.</b>				
<b>SUMMARY STATEMENT</b>				
<u>Background:</u> Stormwater Management Action Plan (SMAP) is a compliance requirement of our NPDES Permit. We are currently completing Phase 1.				
PHASE 2 RECEIVING WATER PRIORITIZATION (PHASE 2)				
Phase 2 analyzes a “receiving water” which is a body of water that our stormwater is discharged into and was identified in Phase 1. These receiving waters identified are both small unnamed tributaries of the carbon river. Phase two analyzes the condition of these receiving waters and conditions impacting them including development, roads, zoning, population and etc. This assessment will be submitted to the Department of Ecology by June 30, 2022.				
<b>RECOMMENDED ACTION: <u>Action:</u></b> Move forward to consent agenda at the regular City Council meeting on Wednesday, March 30 <sup>th</sup> , 2022.				
<b>FUTURE MOTION: <u>Motion:</u></b> To authorize the Mayor to sign a contract with Parametrix for <b>SMAP Phase 2 Supplement 1</b> in an amount to not exceed of \$40,765.				

**AMENDMENT NO. 01  
TO AGREEMENT FOR PROFESSIONAL SERVICES**

**Between**

City of Orting  
PO Box 489/104 Bridge Street S.  
Orting, WA 98360

**and**

Parametrix, Inc.  
1019 39<sup>th</sup> Ave SE, Ste. 100  
Puyallup, WA 98374

<b>The terms and provisions of the Agreement for Professional Services apply herein unless otherwise specifically revised.</b>	
<b>Date:</b> 2/18/2022	<b>Project No.:</b> 216-1711-024
<b>Project Name:</b> Stormwater Management Action Plan – Phase 2	

**Contract Price:**

Original Contract:	\$	<u>24,985.00</u>
Prior Amendments:	\$	<u>N/A</u>
This Amendment:	\$	<u>40,765.00</u>
Revised Total:	\$	<u>65,750.00</u>

**Time of Completion:**

Original Contract:	<u>March 31, 2022</u>
Prior Amendments:	<u>N/A</u>
This Amendment:	<u>June 30, 2022</u>

**Description of Amendment:**

This amendment is for Phase 2 of the SMAP for preparing the receiving water prioritization as described in the attached Scope of Work, Supplement 1.

**Reason for Amendment:**

Phase 2 receiving water prioritization is needed to complete the Stormwater Management Action Plan.

**Approved By:**

**City of Orting**

**By:** \_\_\_\_\_  
**Title:** \_\_\_\_\_  
**Date:** \_\_\_\_\_

**Accepted For:**

**Parametrix, Inc.**

**By:** \_\_\_\_\_  
**Title:** \_\_\_\_\_  
**Date:** \_\_\_\_\_

Execution Date is the date of the latest signature by both Parties.

# SCOPE OF WORK

City of Orting  
Stormwater Management Action Plan (SMAP)  
Receiving Water Conditions Assessment  
Phase 2  
Supplement 1

## INTRODUCTION

Section S5.C.1.d of the Washington State Department of Ecology's (Ecology's) Western Washington Phase II Municipal Stormwater Permit (Phase II Permit) effective August 1, 2019, requires that permittees prepare a Stormwater Management Action Plan (SMAP) to support planning and decisions in an effort to improve water quality in a prioritized receiving waterbody. Section S5.C.1.d.i of the Phase II Permit requires permittees to complete a receiving water assessment by March 31, 2022. The receiving water assessment, referred to as Phase 1, is in process under a separate scope of work (SOW).

The Phase 1 SOW identified Phase 2 (the receiving water prioritization) as a future, separate scope item. This SOW is for Phase 2 of the SMAP for preparing the receiving water prioritization. Phase 3 of the SMAP process is to prepare the final overall SMAP document and will be addressed through a supplemental SOW.

The receiving water prioritization will be based on the two receiving waters identified in SMAP Phase 1, referred to as the Carbon River North Unnamed Tributary and the Carbon River South Unnamed Tributary. SMAP Phase 1 is to be completed by March 31, 2022, in accordance with the Phase II Permit.

The schedule for this SOW will be as follows:

- Notice to Proceed: March 31, 2022.
- SMAP Phase 2, Step 1: Identify retrofits and land management actions for the two receiving waters and submit to the City of Orting (City) no later than April 22, 2022. Retrofits and land management action considerations include:
  - Conservation, protection or restoration of receiving waters through stormwater and land management strategies that acts as water quality management tools.
  - Reduction of pollutant loading.
  - Addressing hydrologic impacts from existing and proposed future development.
- SMAP Phase 2, Step 2: Develop a ranking process and submit to the City no later than May 4, 2022.
- SMAP Phase 2, Step 3: Develop a draft and final technical report summarizing the receiving water prioritization process:
  - Submit draft report to City Public Works Committee no later than June 1, 2022.
  - Draft report available for City Council meeting on June 8, 2022.
  - Submit final report to the City no later than June 29, 2022.

Selection of the receiving water by the City for inclusion in Phase 3 of the SMAP will occur after Phase 2 is completed.

Based on Appendix 2 of the Phase II Permit, there are no total maximum daily loads (TMDLs) applicable to the City. Based on Ecology's online Water Quality Atlas, there are no 303(d)-listed waterbodies in the City.

## TASK 01 – PROJECT MANAGEMENT, MEETINGS, AND QC/QA

### Objective

The objective of this task is to provide overall project management, project coordination, and quality control/quality assurance (QC/QA) for the deliverables associated with this scope of work.

### Approach

Parametrix will track and monitor project progress, including preparing monthly invoices and project status reports. The Parametrix project manager will have phone and email contact with the City's project manager as needed. Parametrix will have internal coordination meetings as needed. Parametrix will perform QC reviews in accordance with Parametrix QC standards.

### Deliverables

Deliverables for this task include:

- Monthly invoices and progress reports.
- Miscellaneous correspondence to document project management issues.

### Assumptions

Assumptions for this task include:

- Project management will extend throughout project duration from March 1, 2022, through June 30, 2022 (4 months).
- Budget includes up to 24 hours for coordination with the City, which includes phone and email correspondence, online web-based meetings, in-person meetings with City staff, and attendance at up to one City Council meeting.
- Budget includes up to 24 hours for Parametrix team internal coordination meetings.
- QC reviews will be performed for the following documents:
  - Draft Receiving Water Prioritization technical memorandum.
  - Final Receiving Water Prioritization technical memorandum.

QA/QC review documentation will be provided upon request.



## TASK 02 – RECEIVING WATER CONDITIONS ASSESSMENT

### Objective

To evaluate existing and planned future conditions for the two identified receiving waters for future selection of a prioritized receiving water. The evaluation will be based on National Pollutant Discharge Elimination System (NPDES) Phase II Permit Section S5.C.1.d.ii (excerpt attached) and in consideration of the Stormwater Management Action Planning Guidance (excerpt attached)<sup>1</sup>.

### Approach

This task will include the following activities:

- Prepare a summary table that strategizes the prioritization process to be used. The summary table will be similar to Table 1.

**Table 1. Receiving Water Prioritization Strategy**

Consideration	Carbon River North Unnamed Tributary	Carbon River South Unnamed Tributary
What retrofits or new facilities have been identified in previous stormwater plans?		
What retrofits or new facilities may be appropriate for consideration?		
What future best management practices (BMPs) might be applicable for future development or redevelopment?		
What land management strategies, such as Low Impact Development, may be applicable as water quality management tools to conserve, protect, or restore the receiving water?		
What elements in the Stormwater Management Plan (SWMP) are applicable in the receiving water tributary area, and are those elements adequately addressing stormwater quality?		
What factors make this receiving water considered a “high quality” receiving water?		
What are the applicable regional plans?		
From Phase 1, are there health-risk-related considerations that can be addressed through stormwater management?		
What new or redeveloped areas could potentially accommodate a higher level of treatment?		

<sup>1</sup> Washington State Department of Ecology. 2019. Stormwater Management Action Planning Guidance: Phase I and Western Washington Phase II Municipal Stormwater Permits, Publication 19-10-010. Olympia, Washington. August 2019.

SCOPE OF WORK (continued)

- Perform pollutant loading calculations for the following scenarios based on the Washington State Department of Transportation Quantitative Procedures for Surface Water Impact Assessments (April 2009):
  - New City-owned facilities to treat existing development that is not treated.
  - If an existing City-owned facility can be retrofitted for a higher level of treatment.
  - New or redevelopment privately-owned projects with currently required best management practices (BMPs) for basic or enhanced treatment based on proposed land use.
  - Use of enhanced treatment BMPs in lieu of basic treatment BMPs for new or redevelopment land uses if enhanced treatment is practicable
- Identify capital improvement projects (CIPs) from the June 2010 Stormwater Comprehensive Plan that are within the receiving water tributary areas that have been constructed or are still being planned. Identify any CIPs for the receiving water tributary areas that have been identified subsequent to the June 2010 Stormwater Comprehensive Plan.
- Identify future private developments or redevelopments being planned and stormwater requirements.
- Identify potential future land use changes or future stormwater requirements that go above and beyond for improving water quality.
- The City will provide notification to the public regarding when the receiving water prioritization will be discussed at a City Council meeting. The City Clerk will provide notification on the City’s website when the receiving water prioritization will be discussed. The City’s reader board at the south entrance to the City is also available for the City to provide notification on when the receiving water prioritization will be discussed at a City Council meeting.

The results will be summarized in a table similar to Table 2.

**Table 2. Summary of Receiving Water Prioritization Analyses**

	Unit	Carbon River North Unnamed Tributary	Carbon River South Unnamed Tributary
Existing area routed to existing basic treatment best management practices (BMPs)	Acres		
Existing developed area not treated	Acres		
Existing undeveloped area	Acres		
Total suspended solids annual loading	Pounds		
Total zinc annual loading	Pound		
Total copper annual loading	Pounds		
Existing area routed to existing basic treatment BMPs	Acres		
Existing area routed to facilities retrofitted for enhanced treatment	Acres		
Existing developed area not treated	Acres		
Future development/redevelopment routed to basic treatment BMPs	Acres		

## SCOPE OF WORK (continued)

	Unit	Carbon River North Unnamed Tributary	Carbon River South Unnamed Tributary
Future development/redevelopment routed to enhanced treatment BMPs	Acres		
Undeveloped area	Acres		
Total suspended solids annual loading	Pounds		
Total zinc annual loading	Pounds		
Total copper annual loading	Pounds		
Change in total suspended solids	Pounds		
Change in total zinc	Pounds		
Change in total copper	Pounds		

### Assumptions

City staff will submit the Final Receiving Waters Prioritization technical memorandum to Ecology. The technical memorandum will be included as an appendix in the SMAP Phase 3 document.

The Puyallup River and the Carbon River will not be included in the receiving water prioritization due to the size difference between the City's tributary area and the overall basin size.

Enhanced treatment for stormwater discharges into the Carbon River are currently required by the Stormwater Management Manual for Western Washington for site uses triggering enhanced treatment. Treatment levels beyond enhanced treatment for sites triggering enhanced treatment will not be practicable and not considered further.

Parametrix will use basins and areas delineated for SMAP Phase 1. Basin or area redelineation is not included.

### Deliverables

- Draft Receiving Water Prioritization technical memorandum with summary tables and exhibits.
- Final Receiving Water Prioritization technical memorandum with summary tables and exhibits.

### PHASE 3 – STORMWATER MANAGEMENT ACTION PLAN (SMAP) (FUTURE PHASE)

Phase 3 is a future phase of the project that will support the City for NPDES Phase II Permit Section S5.C.1.d.iii. Tasks and budget for Phase 3 will be determined in the future.

### ATTACHMENTS

- A NPDES Phase II Permit Section S5.C.1.d
- B Excerpts from Stormwater Management Action Planning Guidance

Client: City of Orting  
 Project: SMAP Phase 2 - Receiving Water Prioritization  
 Project No: P1711\_SMAPP2\_jlc

	Jeffrey L. Coop	April D. Whittaker	John L. Wright	Amanda B. Lucas	John C. Hungerford	Sarah A. Crackenberger	Clara F. Olson	Kyle Bretherton
	Sr Engineer	Sr Project Control Specialist	Sr Engineer	Publications Supervisor	Water Division Manager	Project Accountant	Engineer III	GIS Technician
<b>Rates:</b>	\$215.00	\$150.00	\$235.00	\$145.00	\$220.00	\$120.00	\$150.00	\$120.00

Task	Description	Labor Dollars								
01	Project Management & QA/QC	\$14,510.00	22	13	6	4	17	4	6	6
02	Receiving Water Conditions Assessment	\$26,255.00	22	1		7	5		106	28
<b>Labor Totals:</b>		<b>\$40,765.00</b>	<b>44</b>	<b>14</b>	<b>6</b>	<b>11</b>	<b>22</b>	<b>4</b>	<b>112</b>	<b>34</b>
<b>Totals:</b>		<b>\$40,765.00</b>	<b>\$9,460.00</b>	<b>\$2,100.00</b>	<b>\$1,410.00</b>	<b>\$1,595.00</b>	<b>\$4,840.00</b>	<b>\$480.00</b>	<b>\$16,800.00</b>	<b>\$4,080.00</b>

**Project Total \$40,765.00**



**City of Orting  
Council Agenda Summary Sheet**

	<b>Agenda Bill #</b>	<b>Recommending Committee</b>	<b>Study Session Dates</b>	<b>Regular Meeting Dates</b>
<b>Subject:</b> Draft Public Outreach Kansas Street SW Outfall Replacement & Calistoga St W Stormwater Improvements	<b>AB22-19</b>	<b>Public Works</b> <b>03.02.2022</b>	<b>03.16.2022</b>	<b>03.30.2022</b>
	<b>Department:</b>	Engineering		
	<b>Date Submitted:</b>	<b>02.23.2022</b>		
<b>Cost of Item:</b>	N/A			
<b>Amount Budgeted:</b>	N/A			
<b>Unexpended Balance:</b>	N/A			
<b>Bars #:</b>	N/A			
<b>Timeline:</b>	N/A			
<b>Submitted By:</b>	Maryanne Zukowski, PE			
<b>Fiscal Note:</b> N/A				
<b>Attachments:</b> Draft Public Outreach PPT Draft Public Outreach Kansas Street SW Outfall Replacement & Calistoga St W Stormwater Improvements				
<b>SUMMARY STATEMENT</b>				
<u>Purpose:</u> Inform the public of upcoming construction that may have temporary impacts on travel, parking, walking, biking, and driveway access. Receive feedback on the Communications Plan.				
<b>CONCEPT PUBLIC INVOLVEMENT COMMUNICATION PLAN (PICP)</b>				
The project proposes:				
A Base Bid Kansas Street SW Outfall Replacement will install approximately 630 linear feet of Storm Drain from Calistoga Street to an existing ditch east of the Puyallup River Levee.				
Schedule A Calistoga Street West Improvements will install approximately 3,100 linear feet along Calistoga St W, Tacoma Ave and provide a connection to the Kansas Street Outfall connection.				
The following are the recommended activities proposed for this project.				
(1) Press Release process.				

- (1) Direct Mail to business and residential addresses abutting the project limits.
- (1) Mailed SEPA Notifications within 500 feet of the project limits.
- (1) Project site visits with plans to affected properties for rights of entry and/or project notifications.
- (1) Web Page:
  - (1) Phone contact
  - (1) Email address for the project. (example 2022Construction@cityoforting.org)
- (1) Media notifications to Pierce County public affairs contact.
- (1) Notifications to Refuse Services.
- (1) Coordination meeting with Public Services (Police and Fire).
- (2) Variable Messages Signs (2) weeks in advance of the active construction.
- (1) City Entrance message notification of construction delay impacts.

**CONCEPTS:**

**Press Release Process –**

Project flyer will contain the same branding as the web page and mail flyer.

**Direct Mail –**

SEPA Notifications March 2022 is estimated.

Direct property notification mailings will occur March 2022.

**Project Site Visits –**

Project site visits are scheduled for rights of entry and/or property notifications the month of March prior to construction advertising.

**Web Page:**

The concept format for the Project is recommended to include:

- Project development information to include ADT
- Project scope
- Project schedule
- Project funding
- Project purpose and need
- Contact information
  - Phone Line
  - Mailing Address
  - Email
- Project Flyer

**RECOMMENDED ACTION: Action:**

No action needed. Informational item only.

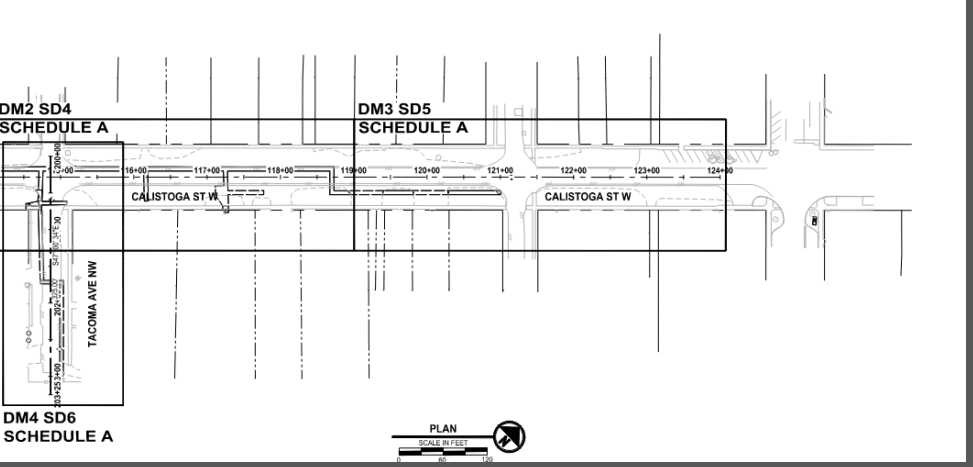
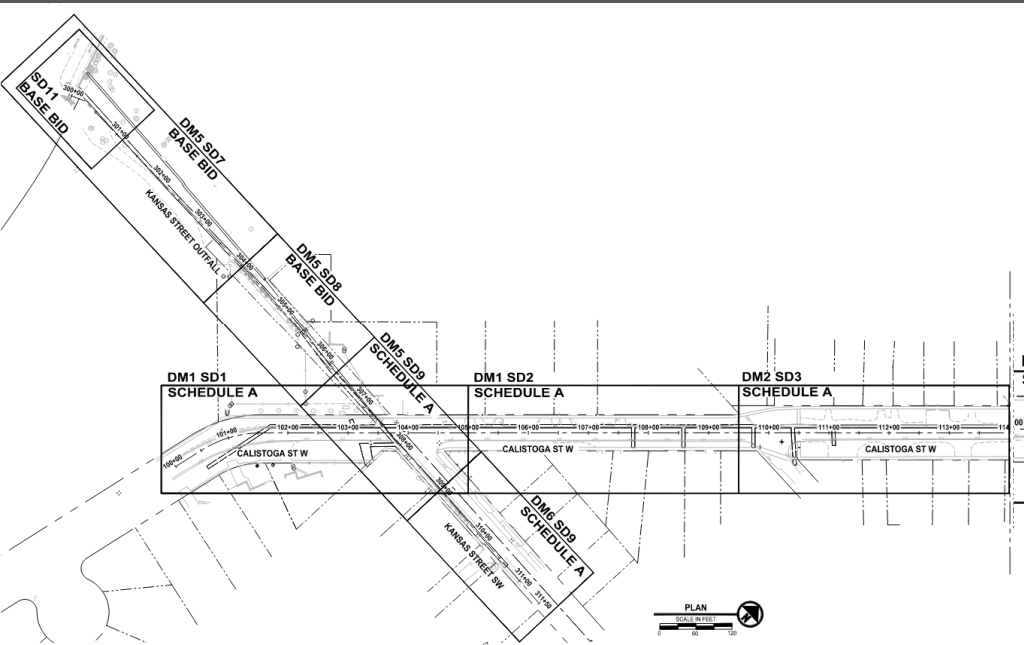
# Public Outreach Plan Kansas Street SW Outfall Replacement & Calistoga St W Stormwater Improvements

Public Works Committee  
March 2, 2022  
Council Study Session  
March 16, 2022  
City Council  
March 30, 2022



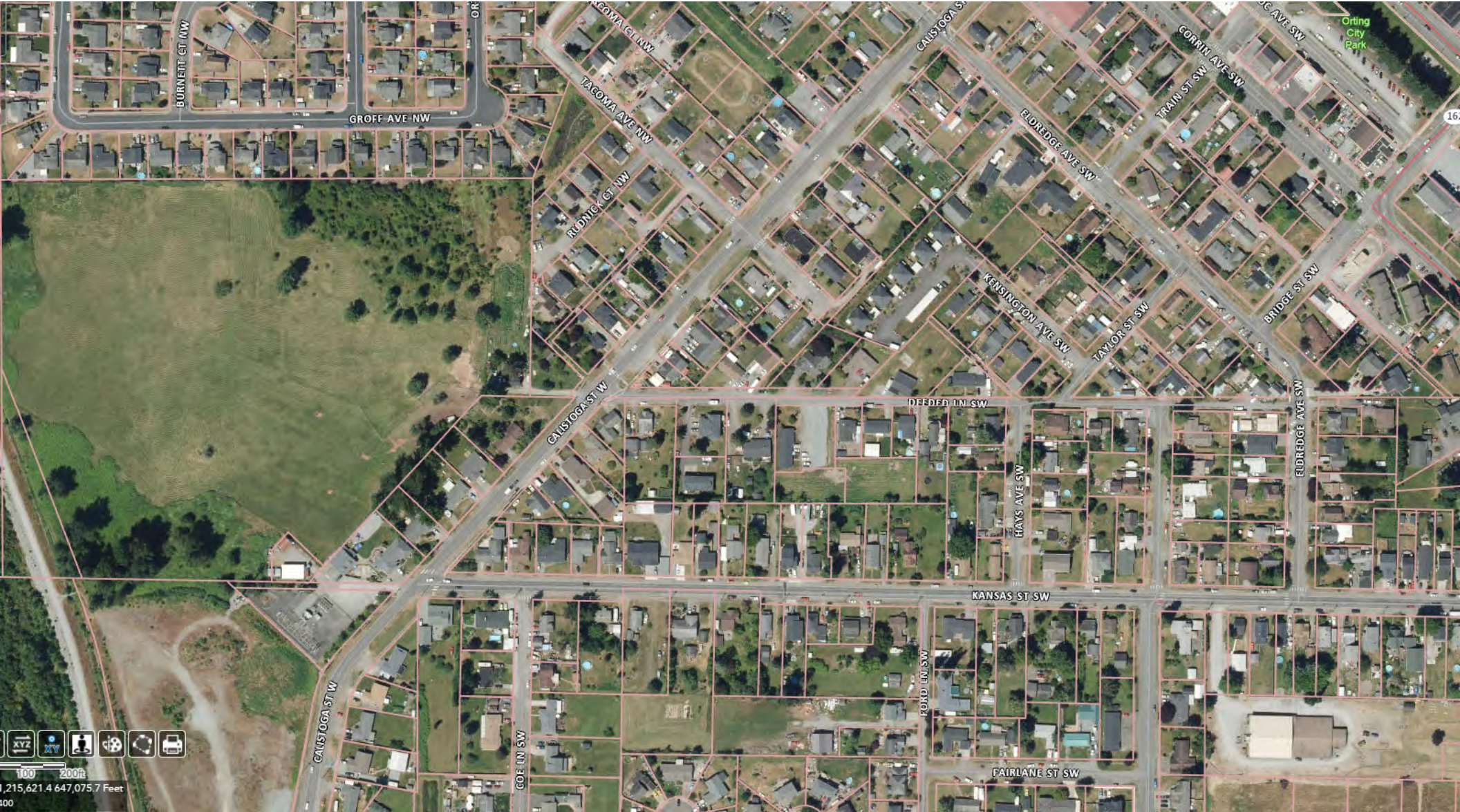
CITY OF ORTING

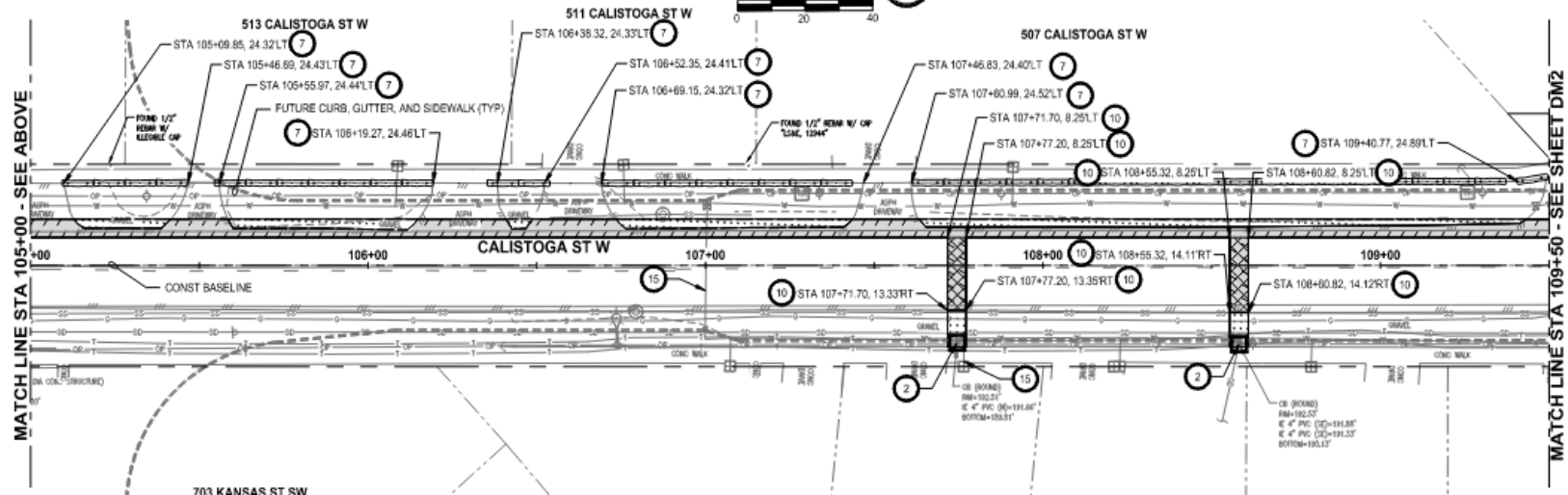
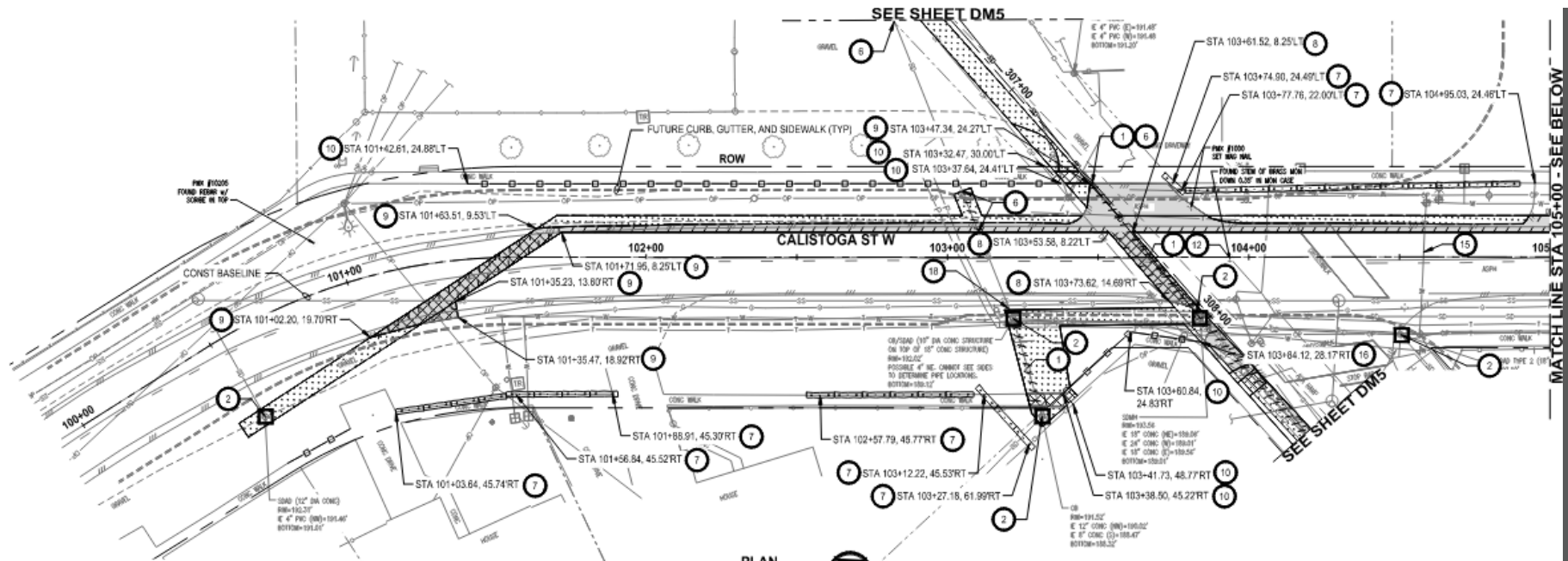




CITY OF ORTING







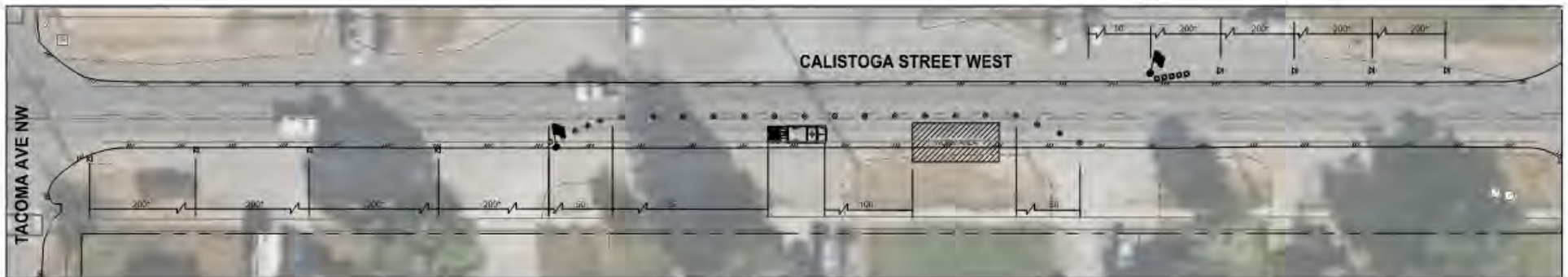
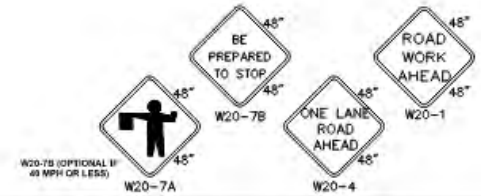
701 KANSAS ST SW

BUFFER DATA										
LONGITUDINAL BUFFER SPACE = B										
SPEED (MPH)	25	30	35	40	45	50	55	60	65	70
LENGTH (ft)	155	200	250	305	360	425	495	570	645	730
TRANSPORTABLE ATTENUATOR ROLL AHEAD DISTANCE = R										
HOST VEHICLE WEIGHT 9,900 TO 22,000 lbs					HOST VEHICLE WEIGHT > 22,000 lbs					
< 45 MPH	45-55 MPH	> 55 MPH	< 45 MPH	45-55 MPH	> 55 MPH					
100'	123'	172'	72'	100'	150'					
PROTECTIVE VEHICLE (WORK VEHICLE) = R										
NO SPECIFIED DISTANCE REQUIRED										

SIGN SPACING = X (1)		
RURAL HIGHWAYS	60 - 65 MPH	600'
RURAL ROADS	45 - 55 MPH	300'
RURAL ROADS & URBAN ARTERIALS	35 - 45 MPH	150'
RURAL ROADS, URBAN ARTERIALS	20 - 30 MPH	200' (2)
RESIDENTIAL & BUSINESS DISTRICTS	25 MPH OR LESS	100' (2)
URBAN STREETS	25 MPH OR LESS	100' (2)

(1) ALL SPACING MAY BE ADJUSTED TO ACCOMMODATE INTERSECTIONS AND DRIVEWAYS.  
(2) THIS SPACING MAY BE REDUCED IN URBAN AREAS TO FIT ROADWAY CONDITIONS.

CHANNELIZATION DEVICE SPACING (FEET)		
MPH	TAPER	TANGENT
50-65	10 TO 20	80
35-45	10 TO 20	60
25-30	10 TO 20	40



\* SIGN DISTANCE TO BE ADJUSTED IN FIELD TO ACCOMMODATE DRIVEWAYS AND INTERSECTIONS



#### NOTES

1. ALL SIGNS ARE BLACK ON ORANGE
2. EXTENDING THE CHANNELIZATION DEVICE TAPER ACROSS SHOULDER IS RECOMMENDED.
3. NIGHT WORK REQUIRES ADDITIONAL ROADWAY LIGHTING AT FLAGGING STATIONS. SEE THE **STANDARD SPECIFICATIONS** FOR ADDITIONAL DETAILS.
4. SEE **SPECIAL PROVISIONS** FOR WORK HOUR RESTRICTIONS.
5. ANY REQUESTS TO DEVIATE FROM TRAFFIC CONTROL PLANS SHALL BE SUBMITTED TO THE ENGINEER FOR REVIEW AND APPROVAL.

#### LEGEND

- FLAGGING STATION
- TEMPORARY SIGN LOCATION
- CHANNELIZATION DEVICES
- ▣ PROTECTIVE VEHICLE

100 % REVIEW SUBMITTAL  
NOT FOR CONSTRUCTION





**LEGEND**

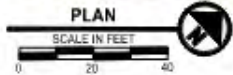
- - - - - PEDESTRIAN DETOUR ROUTE NO. 1
- - - - - PEDESTRIAN DETOUR ROUTE NO. 2
- - - - - PEDESTRIAN DETOUR ROUTE NO. 3
- K1** CONSTRUCTION SIGNS

**GENERAL NOTES:**

1. THIS PLAN REPRESENTS SEVERAL POSSIBLE ALTERNATIVE PEDESTRIAN ACCESS ROUTES FOR THE CLOSURE OF THE CALISTOGA ST W AND KANSAS ST SW, CALISTOGA ST W AND DEEDED STREET, AND THE INTERSECTION OF CALISTOGA ST SW AND TACOMA AVE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO PROVIDE AND MAINTAIN AN ACCESSIBLE AND CONVENIENT TRAVEL PATH THAT DUPLICATES AS CLOSELY AS FEASIBLE, THE CHARACTERISTICS OF THE EXISTING PEDESTRIAN FACILITIES. THE CONTRACTOR SHALL MODIFY THE ALTERNATIVE PEDESTRIAN ACCESS ROUTES TO ACCOMMODATE ADDITIONAL INTERSECTION CLOSURES AS NECESSARY DURING CONSTRUCTION SEQUENCING.
2. TEMPORARY PAVING AND CHANNELIZATION DEVICES MAY BE REQUIRED TO ROUTE SIDEWALK USERS AND ARE NOT SHOWN ON THIS PLAN. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY, AS PART OF THE WORK SEQUENCING, TO INCLUDE SUCH ITEMS IN AN AMENDED PEDESTRIAN CONTROL PLAN.
3. THE TWO PEDESTRIAN DETOUR ALTERNATIVES SHOWN ARE INTENDED TO BE UTILIZED AT INDEPENDENT TIMES DURING CONSTRUCTION. SHOULD THE CROSSINGS AT THE INTERSECTION OF CALISTOGA ST W AND KANSAS STREET SW AND AT CALISTOGA ST W AND TACOMA AVE NW BE UNAVAILABLE AT THE SAME TIME, THE CONTRACTOR SHALL PROPOSE ALTERNATE ROUTES OR TEMPORARY ADA CROSSINGS TO THE ENGINEER FOR REVIEW AND APPROVAL.

**KEYNOTES:**

- 1** RD-9  
24"x12"
- 2** M4-26 L  
30"x24"
- 3** M4-26 R  
30"x24"



CITY OF ORTING





**City of Orting  
Council Agenda Summary Sheet**

	<b>Agenda Bill #</b>	<b>Recommending Committee</b>	<b>Study Session Dates</b>	<b>Regular Meeting Dates</b>
<b>Subject:</b>  Parking Strip Regulations – Ord. 2022-1091	<b>AB22-16</b>	<b>CGA</b>		
		<b>10.7.2021</b> <b>1.6.2022,</b> <b>3.2.2022</b>	<b>10.20.2021</b> <b>3.16.2022</b>	<b>10.27.2021</b> <b>3.30.2022</b>
	<b>Department:</b>	Administration		
	<b>Date Submitted:</b>	<b>9.20.2021</b>		
<b>Cost of Item:</b>	<u>N/A</u>			
<b>Amount Budgeted:</b>	<u>N/A</u>			
<b>Unexpended Balance:</b>	<u>N/A</u>			
<b>Bars #:</b>	N/A			
<b>Timeline:</b>	None			
<b>Submitted By:</b>	Scott Larson			
<b>Fiscal Note:</b> None				
<b>Attachments:</b> Ordinance 2022-1091				

**SUMMARY STATEMENT:**

The City has received concerns from citizens related to the maintenance of parking strips for activities other than parking, specifically property owners who are landscaping their parking strips. Based on this feedback staff have prepared an Ordinance for Council to consider how parking strips are used within the city.

**RECOMMENDED ACTION: Action:**

Move forward to consent agenda at the regular City Council meeting on Wednesday, March 30<sup>th</sup>, 2022.

**RECOMMENDED ACTION: MOTION:**

To approve ordinance 2022-1091, an Ordinance of the City of Orting, Washington, relating to parking strips; amending Orting Municipal Code section 8-4-2; providing for severability; and establishing an effective date.

**CITY OF ORTING  
WASHINGTON**

**ORDINANCE NO. 2022-1091**

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**AN ORDINANCE OF THE CITY OF ORTING,  
WASHINGTON, RELATING TO PARKING STRIPS;  
AMENDING ORTING MUNICIPAL CODE  
SECTION 8-4-2; PROVIDING FOR SEVERABILITY;  
AND ESTABLISHING AN EFFECTIVE DATE**

---

**WHEREAS**, cities are authorized to protect the public health, safety, and welfare of their communities; and

**WHEREAS**, cities are authorized under state law to make and enforce by appropriate ordinances all such police and human health regulations that are not in conflict with state law; and

**WHEREAS**, at Orting Municipal Code Chapter 8-4, the City has adopted regulations for the width and use of “parking strips”, or portions of the rights of way on each side of the traveled portion of public streets within the City; and

**WHEREAS**, the City of Orting finds the residents of Orting derive a public benefit from accessible parking strips within the City-owned rights of way for short term parking of licensed vehicles; and

**WHEREAS**, therefore the City of Orting wishes to amend and establish regulations related to the maintenance of the parking strips to preserve their use for public benefit; and

**WHEREAS**, the City of Orting wishes to give property owners who have parking strips that are not in conformance with these regulations time to bring their parking strips into compliance.

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

Section 1. OMC 8-4-2 (Improvements and maintenance by abutting property owners). Amended. Orting Municipal Code 8-4-2 (Improvements and maintenance by abutting property owners) is hereby amended to read as follows:

8-4-2: IMPROVEMENTS AND MAINTENANCE BY  
ABUTTING PROPERTY OWNERS:

The owners of property abutting upon streets and avenues shall have the right to improve by grading, planting of shrubbery, trees or otherwise and by seeding for lawn purposes, ~~parking strips immediately the area~~ abutting their property ~~on the width not defined above as "Width Specifications" for Parking Strips above provided.~~ The City ~~subject to the right reserved by the city~~ reserves its right to use ~~the parking strips~~ any portion of the right-of-way for the purposes of laying water pipes, sewer pipes and other public or street use.

It shall be the responsibility of the abutting property owners to maintain abutting parking strips for public use as permitted in the OMC, including but not limited to the short-term parking of licensed vehicles, and corresponding planting strips, to keep them free from rubbish and debris, and to maintain vegetation thereon in a reasonable manner consistent with the surrounding properties. Improvements and maintenance shall be subject to title 5, chapter 1, "Nuisances", of this code except for conflicting provisions provided under this Chapter shall control.

Section 2. Grandfather Period. Abutting property owners who have parking strips that are not in compliance with this regulation shall have one year from passage to bring their parking strips into compliance. ~~by removing all permitted.~~

Section 3. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 4. 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 5. 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  
30<sup>th</sup> DAY OF March, 2022.**

CITY OF ORTING

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Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

---

Kim Agfalvi, City Clerk

Approved as to form:

---

Charlotte A. Archer  
Inslee Best  
City Attorney

Filed with the City Clerk:  
Passed by the City Council:  
Ordinance No.  
Date of Publication:  
Effective Date:



**City of Orting  
Council Agenda Summary Sheet**

	<b>Agenda Bill #</b>	<b>Recommending Committee</b>	<b>Study Session Dates</b>	<b>Regular Meeting Dates</b>
<b>Subject:</b>  ARPA Fund Allocation	<b>AB22-25</b>	<b>ARPA ad hoc</b>		
		<b>3.3.2022</b>	<b>3.16.2022</b>	
	<b>Department:</b>	Administration		
	<b>Date Submitted:</b>	3.9.2022		
<b>Cost of Item:</b>	<u>\$560,000</u>			
<b>Amount Budgeted:</b>	<u>\$2,400,000</u>			
<b>Unexpended Balance:</b>	<u>\$1,840,000</u>			
<b>Bars #:</b>	TBD			
<b>Timeline:</b>	End of April			
<b>Submitted By:</b>	Scott Larson			
<b>Fiscal Note:</b> These are funds that were granted to the city as part of the American Rescue Act				
<b>Attachments:</b> Resolution 2022-05				
<b>SUMMARY STATEMENT:</b>				
<p>The ARPA ad hoc committee has met twice and identified a number of projects that they would like to approve. Additional projects will be forthcoming as the committee works through a solicitation and project identification process. Projects included in this round of funding approval are:</p> <ul style="list-style-type: none"> <li>- Recovery Café Affordable Housing Proposal (\$30,000)</li> <li>- City Events Funding (\$20,000)</li> <li>- Water Chlorinator Plant (\$85,000)</li> <li>- Electronic Reader Board (\$80,000)</li> <li>- Additional Lobby Barriers (\$15,000)</li> <li>- Premium Pay for Police Officers (\$30,000)</li> <li>- 2022 Stormwater Project Assistance (\$300,000)</li> </ul> <p>Advertisements to the public for project solicitation will be going out by the end of March and reviewed in May. This will give the community an opportunity to propose projects or apply for projects they are interested in seeing funded.</p>				
<b>RECOMMENDED ACTION: <u>Action:</u></b>				
Move forward to consent agenda at the regular City Council meeting on Wednesday, March 30 <sup>th</sup> , 2022.				
<b>FUTURE MOTION: <u>Motion:</u></b>				
To adopt Resolution No. 2022-05, a resolution of the City of Orting, Washington, declaring a public purpose and authorizing use of American Rescue Plan Act funds.				

**CITY OF ORTING**  
**WASHINGTON**  
**RESOLUTION NO. 2022-05**

**A RESOLUTION OF THE CITY OF ORTING,  
WASHINGTON, DECLARING A PUBLIC PURPOSE AND  
AUTHORIZING USE OF AMERICAN RESCUE PLAN ACT  
FUNDS.**

---

**WHEREAS**, Congress adopted the American Rescue Plan Act in March 2021 (“ARPA”) which included \$65 billion in recovery funds for cities across the country; and

**WHEREAS**, ARPA funds are intended to provide support to state, local, and tribal governments in responding to the impact of COVID-19 and in their efforts to contain COVID-19 in their communities, residents, and businesses; and

**WHEREAS**, \$2,403,464 has been allocated to the City of Orting (“City”) pursuant to the ARPA (“Allocation”); and

**WHEREAS**, the United States Department of Treasury has adopted guidance regarding the use of ARPA funds; and

**WHEREAS**, the City, in response to the Pandemic, has had expenditures and anticipates future expenditures consistent with the Department of Treasury’s ARPA guidance; and

**WHEREAS**, the City of Orting adopted its 2022 Budget which authorized for the expenditure of ARPA funds; and

**WHEREAS**, this resolution allocates the use of some of the ARPA funds based on the Council’s goals and desires; and

**WHEREAS**, the City Council determines that the use of these funds bring significant value to the citizens of Orting and serve valid municipal purposes; and

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

**Section 1. Declaration of Public Purpose.** The City Council declares that the allocation of ARPA funds in Exhibit A (Grants) and Exhibit B (Purchases and Transfers) serves the valid municipal purposes described herein.

**Section 2. Authorization for Funding Grants.** The City Council authorizes the City’s grant funding of the grants described in Exhibit A, for the municipal purposes described herein. The Mayor is authorized to enter into a contract to memorialize the City’s grant funding described herein.

**Section 3. Authorization of Purchases.** The City Council authorizes the purchases and transfers described in Exhibit B. The Mayor is authorized to effectuate the purchase to the extent the City's Purchasing Policy allows and bring items exceeding the Mayor's Purchasing Policy authorization back to the Council for final approval.

**Section 4. Effective Date.** This Resolution shall take effect and be in full force immediately upon its passage.

**PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 30<sup>th</sup> DAY OF MARCH, 2022.**

CITY OF ORTING

\_\_\_\_\_  
Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Kimberly Agfalvi, City Clerk

Approved as to form:

\_\_\_\_\_  
Charlotte Archer, City Attorney  
Inslee, Best, Doezie & Ryder, P.S.

Exhibit A – Grants

<u>Purpose</u>	<u>Organization</u>	<u>Amount</u>
Affordable Housing	Recovery Café Orting Valley	\$30,000
Aid to Tourism & Travel	Event Funding Community Grants	\$20,000

Exhibit B – Purchases and Transfers

<u>Purpose</u>	<u>Brief Description</u>	<u>Amount</u>
Drinking Water Treatment	Water Chlorinator Plant	\$85,000
Public Health Exp. Communication	Electronic Reader Board	\$80,000
Capital Investment Physical Changes	City Hall Lobby Barriers	\$15,000
Premium Pay for Public Sector Employees	Police Premium Pay	\$30,000
Clean Water: Stormwater	2022 Stormwater Project Assistance	\$300,000



**City of Orting  
Council Agenda Summary Sheet**

	<b>Agenda Bill #</b>	<b>Recommending Committee</b>	<b>Study Session Dates</b>	<b>Regular Meeting Dates</b>
<b>Subject:</b> Council Rules – Remote Attendance DRAFT Language	<b>AB22-17</b>	<b>CGA</b>		
		<b>3.2.2022</b>	<b>3.16.2022</b>	<b>3.30.2022</b>
	<b>Department:</b> Council/Admin			
	<b>Date Submitted:</b> <b>2.24.2022</b>			
<b>Cost of Item:</b>		<u>N/A</u>		
<b>Amount Budgeted:</b>		<u>N/A</u>		
<b>Unexpended Balance:</b>		<u>N/A</u>		
<b>Bars #:</b>		N/A		
<b>Timeline:</b>		None		
<b>Submitted By:</b>		Scott Larson		
<b>Fiscal Note:</b> N/A				
<b>Attachments:</b> Draft Rules				
<b>SUMMARY STATEMENT:</b>				
<p>Council requested at the February 23, 2022 council meeting that the CGA committee review updated language to address remote attendance. The attached DRAFT rules contain language to permit remote attendance. Council members may still wish to consider additional language providing for parameters around remote attendance depending on their goals for the new rules.</p>				
<b>RECOMMENDED ACTION:</b> TBD				
<b>FUTURE MOTION:</b> TBD				



# City of Orting

## City Council Rules of Procedure

### TABLE OF CONTENTS

#### 1. General Rules

- 1.1 Meetings to be Public
- 1.2 Quorum
- ~~1.3~~ Attendance, Excused Absences
- ~~1.3~~~~1.4~~ Remote Participation
- ~~1.4~~~~1.5~~ Council Meeting Staffing
- ~~1.5~~~~1.6~~ Journal of Proceedings
- ~~1.6~~~~1.7~~ Right of Floor
- ~~1.7~~~~1.8~~ Rules of Order
- ~~1.8~~~~1.9~~ Councilmember Seating

#### 2. Types of Meetings

- 2.1 Regular Council Meetings
- 2.2 Special Meetings and Workshops
- 2.3 Council Committee Meetings
- 2.4 Emergency Meetings
- 2.5 Executive Sessions
- 2.6 Council Contact Outside an Official Meeting

#### 3. Chairs and Duties

- 3.1 Chair
- 3.2 Call to Order
- 3.3 Preservation of Order
- 3.4 Points of Order
- 3.5 Questions to be Stated
- 3.6 Mayor – Powers
- 3.7 Mayor – Duties
- 3.8 Deputy Mayor – Powers
- 3.9 Deputy Mayor – Duties
- 3.10 Councilmembers – Powers
- 3.11 Councilmembers – Duties



- 4. Order of Business and Agenda**
  - 4.1 Order of Business
  - 4.2 Council Agenda
  - 4.3 Ordinances
  - 4.4 Resolutions
  - 4.5 Council Packets
  - 4.6 Council Confirmation of Mayoral Appointments
  
- 5. Consensus, Motions and Decorum**
  - 5.1 Consensus Votes
  - 5.2 Motions
  - 5.3 Council Relations with City Staff
  - 5.4 Council Representation to the Media
  
- 6. Public Hearing Procedures**
  - 6.1 Definition of Public Hearing
  - 6.2 Speaker Sign-In
  - 6.3 Conflict of Interest/Appearance of Fairness
  - 6.4 The Public Hearing Process
  
- 7. Duties and Privileges of the Media and Citizens**
  - 7.1 Media Representation
  - 7.2 Meeting Participation
  - 7.3 Subjects Not on the Current Agenda
  - 7.4 Comments and Suggestions to the Council
  - 7.5 Personal and Slanderous Remarks
  - 7.6 Written Communications
  
- 8. Filling Council Vacancies and Selecting Deputy Mayor**
  - 8.1 Notice of Vacancy
  - 8.2 Application Procedure
  - 8.3 Interview Process
  - 8.4 Selection of Councilmember
  - 8.5 Selecting Deputy Mayor
  
- 9. Creation of Committees, Boards and Commissions**
  - 9.1 Citizen Committees, Boards and Commissions
  - 9.2 Types of Committees
  - 9.3 Membership and Selection
  - 9.4 Committee Meetings
  - 9.5 Committee Records
  - 9.6 Open Public Meetings Act
  - 9.7 Removal of Members of Boards and Commissions
  
- 10. Public Records**

- 10.1 Public Records
- 10.2 Electronic Mail
- 10.3 Open Public Meetings Act Regarding Electronic Mail

**11. Council Travel Expenses**

- 11.1 Applications
- 11.2 Administration
- 11.3 Documentation
- 11.4 Council Retreats
- 11.5 Service Award Ceremonies
- 11.6 Transportation Expenses
- 11.7 Meals
- 11.8 Local Business Meals
- 11.9 Meeting through Mealtimes
- 11.10 Business Meals between City Employees and Non-City Employees
- 11.11 Meals While on Authorized Travel Status
- 11.12 Non-Reimbursable Expenditures
- 11.13 Lodging
- 11.14 Non-Allowable Expenses

**12. Suspension and Amendment of These Rules**

- 12.1 Suspension of These Rules
- 12.2 Amendment of These Rules
- 12.3 Conflict

## 1. General Rules

### 1.1 Meetings to be Public:

The meetings of the City Council shall be open to the public with the exception of executive sessions for certain limited topics (as defined in RCW Chapter 42.30). After minutes have been approved, the City Clerk will post the minutes on the website and retain the minutes in a fire proof safe or file, and retain them in accordance with Washington State Retention schedules.

### 1.2 Quorum:

A simple majority of Councilmembers shall be in attendance to constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance will be named and they shall adjourn to a later time, but no adjournment shall be for a longer period than until the next regular meeting.

### 1.3 Attendance, Excused Absences:

RCW 35A.12.060 provides that a Councilmember shall forfeit his/her office by failing to attend three (3) consecutive regular meetings of the Council without being excused by the Council. The member shall contact the Mayor or the City Clerk prior to the meeting and state the reason for his/her inability to attend the meeting. The Mayor shall inform the Council of the member's absence, state the reason for such absence and inquire if there is a motion to excuse the member. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the City Clerk will make an appropriate notation in the minutes. If the motion is not passed, the City Clerk will note in the minutes that the absence is unexcused.

### 1.4 Remote Participation

Councilmembers are encouraged to attend meetings in person as often as possible. In the event that you are not able to attend meetings in person remote attendance (visually and audibly) will be permitted. [The council may consider adding additional parameters]

### 1.45 Council Meeting Staffing:

The City Administrator, City Clerk, City Treasurer, City Engineer and City Attorney shall attend all meetings of the Council unless excused. The staff may make recommendations to the Council and may take part in the discussions of the Council, but shall have no vote. The City Attorney shall give an opinion, either written or oral, on legal questions. The City Attorney shall act as the Council's parliamentarian.

Other City staff may be asked to attend if their expertise is required to answer questions or make a report on a specific agenda item.

### **1.56 Journal of Proceedings:**

The City Clerk will keep an account of all proceedings of the Council, in accordance with statutory requirements, all proceedings will be either audio or video recorded and then written minutes will be prepared by the City Clerk, as the official record of the Council meeting. All Planning Commission and Civil Service Commission meetings will be audio recorded and written minutes shall be retained according to Washington State Record Retention schedules Committee meetings may be audio and written recorded and retained according to Washington State Record Retention schedules.

### **1.67 Right of Floor:**

Any Councilmember desiring to speak shall be recognized by the Chair and shall confine his/her remarks to one subject under consideration or to be considered. Councilmembers may speak about the subject under consideration for a reasonable length of time.

### **1.78 Rule of Order:**

Except as otherwise provided herein, *Robert's Rules of Order* shall be the guideline procedures for the proceedings of the Council.

### **1.89 Councilmember Seating:**

A Councilmember's seat at the dais will be determined as follows or as mutually agreed upon by Council:

- (A) The Mayor shall sit in the center seat, and the Deputy Mayor shall sit to the Mayor's right.

## **2. Types of Meetings:**

### **2.1 Regular Council Meetings:**

The Council shall meet on the second, and last Wednesday of each month at 7:00 pm, at the Multipurpose Center (202 Washington Avenue South, or at another location the City Council may deem appropriate and noticed). The Council may reschedule regular meetings to a different date or time by a motion and majority vote of the Council. All meetings shall be open to the public.

#### **2.1.1 Regular Study Sessions:**

The Council shall hold, as regular meetings, study sessions at the Orting Multi-Purpose Center on the third Wednesday of each month, at 6:00 pm., unless otherwise noticed. Study sessions may be used by the city council to receive reports and presentations, review and evaluate complex matters, and/or engage in preliminary analysis of city issues or city council business.

## **2.2 Special Meetings and Workshops:**

Special meetings may be called by the Mayor or any three members of the Council in conformance with Chapter 35A.12 RCW. The City Clerk shall prepare a notice of the special meeting stating the time, place and business to be transacted. The City Clerk shall notify each member of the Council, as required by law, of the special meeting. The City Clerk shall give at least 24 hours' notice of the special meeting and post that notice to the City's website, to the News Tribune, and to the information box at City Hall and at the location of the City Council meeting. No subjects other than those specified in the notice shall be considered during the meeting. The Council may not make final disposition on any matter not mentioned in the notice. All special meetings shall be open to the public. The Council may meet informally in study sessions and workshops (open to the public), at the call of the Mayor or of any three of more members of the Council. Discussions and conclusions shall be informal and do not constitute official actions of the Council.

## **2.3 Council Committee Meetings:**

There shall be three standing council committees: Public Works; Public Safety; and Community and Government Affairs. Committee assignments shall be made in accordance with Rule 3.9. There shall be two councilmembers on each committee, with one serving as Chairperson and one serving as Vice Chairperson. The Chairperson shall chair the Committee meeting. A Councilmember may attend a Council Committee meeting for a Committee to which he or she is not assigned, however the non-committee member attends the Committee meeting as an observer and the Chair or presiding officer of the Committee determines the extent of the Councilmember's participation in the meeting.

Council Committees shall establish a regular time, date location for their meetings, and the City Clerk will maintain a list of committee meeting times, dates and locations. All meetings shall be publicly noticed and open to the public.

Agenda items for Council Committee Meetings may be submitted by any of the following: (1) the Mayor; (2) the City Administrator or his or her designee; and (3) a Department Director, with consent of the City Administrator; and/or (4) a City Councilmember.

Unless otherwise stated in these rules, the Council Committee may make recommendations on agenda items to the Council for consideration at a study session. In the event of a dispute between the Chairperson and Vice Chairperson on a particular agenda item, where no consensus can be reached, both recommendations may be submitted to the full council to debate at a study session.

## **2.4 Emergency Meetings:**

An emergency meeting is a Special Council meeting called without 24-hour notice. An emergency meeting deals with injury or damage to persons or property or the

likelihood of such injury or damage, when time requirements of a 24-hour notice is impractical and would likely increase such injury or damage. Emergency meetings may be called by the City Administrator or the Mayor or two Councilmembers. The minutes will indicate the reason for the emergency.

## **2.5 Executive Sessions:**

An executive session is a Council meeting that is closed except to the Council, City Administrator and staff members and/or consultants authorized by the Mayor. The public is restricted from attendance and all matters discussed during an executive session are confidential. Executive sessions may be held during regular or special Council meetings or at separate meetings and will be announced by the Mayor. Executive session subjects are limited to considering matters authorized by state law, as set forth in RCW 42.30.110, including considering real property acquisition and sale, public bid contract performance, complaints against public officers and employees, pending litigation, public employment applications and public employee evaluation, and elective office appointments. Before convening in executive session the Mayor shall publicly announce the purpose for excluding the public from the meeting place, the time when the executive session will be concluded and the potential for action by Council when it reconvenes. Should the session require more time, a public announcement shall be made by the City Clerk, extending the meeting to a specific time. At the end of that time, if the discussion has not concluded, the meeting shall, by public announcement, again be extended to a specific time. If the Council wishes to adjourn at the close of a meeting from executive session, that fact will be announced along with the estimated time for the executive session.

## **2.6 Council Contact outside an Official Meeting:**

Generally Councilmembers have the same freedoms of association as any other citizen. Councilmembers must take great care when present at the same social, unofficial functions, or in any public setting to refrain from engaging in any activity which could be interpreted as de facto deliberation or action on a matter of city business.

## **3. Chairs and Duties**

### **3.1 Chair:**

The Mayor shall preside as Chair at all meetings of the Council, except as otherwise stated in these rules. In the absence of the Mayor, the Deputy Mayor shall preside. In the absence of both the Mayor and Deputy Mayor, the Council shall elect a Chair for that meeting.

### **3.2 Call to Order:**

The meetings of the Council shall be called to order by the Chair.

### **3.3 Preservation of Order:**

The Chair shall preserve order and decorum; prevent attacks on personalities or the impugning of members' motives and confine members in debate to the question under discussion.

### **3.4 Points of Order:**

The City Attorney who is the parliamentarian, shall determine all points of order, subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be "Shall the decision of the parliamentarian be sustained?"

### **3.5 Questions to be stated:**

The Chair shall state all motions submitted for a vote and announce the result. A roll call vote may be taken by the City Clerk on any question at the request of the Mayor or any member of the City Council.

### **3.6 Mayor – Powers:**

The Mayor may not make or second motions, but may participate in debate to the extent that such debate does not interfere with chairing the meeting. If the Mayor wishes to participate vigorously in the debate of an issue, the Mayor shall turn over chairing of that portion of the meeting to the Deputy Mayor, or to another Councilmember if the Deputy Mayor is absent. The Mayor's voting rights and veto power are as specified in RCW 35A.12.100.

### **3.7 Duties:**

#### **The Mayor or designee shall:**

- (A) Be the official spokesperson for the City.
- (B) Act as the official head of the City for all ceremonial purposes.
- (C) Sign contracts and other documents as appropriate on behalf of the Council.
- (D) Observe and enforce all policies and procedures adopted by the Council.
- (E) Act as presiding officer at all meetings of the Council.
- (F) Preserve order and decorum in the Council Chambers.
- (G) Recognize Councilmembers in the order in which they request the floor.
- (H) Endeavor to keep the discussion moving and within a reasonable timeframe.

- ( I ) Share information with Councilmembers on meetings, issues, etc., that the Mayor has received as part of his/her official status as Mayor.

### **3.8 Deputy Mayor – Powers:**

- (A) In the event of the temporary disability or illness of the mayor the Deputy Mayor will assume the Mayor’s powers.

### **3.9 Deputy Mayor -- Duties:**

- (A) Term of the Deputy Mayor shall be one year. ( February 1<sup>st</sup>, to January 31<sup>st</sup>. )
- (B) Election of Deputy Mayor. At the first meeting of January, the Council shall elect a Deputy Mayor (DM) for a term of one year, beginning Febraury 1<sup>st</sup>, and ending the last day of January.
- (C) The election process shall be as follows:
  1. The Deputy Mayor shall serve as the Chair for the nomination process for the position of DM, unless they are a nominee in the process, at which time it will be turned over to the Mayor as Chair. The Chair will repeat each nomination until all nominations have been made. When it appears that no one else wishes to make any further nominations, the Chair will ask again for further nominations and if there are none, the Chair will declare the nominations closed. A motion to close the nominations is not necessary.
  2. No one Councilmember may nominate more than one person for a given office until every member wishing to nominate a candidate has an opportunity to do so. Second nominations will then be accepted.
  3. Nominations may be made by another Councilmember, or by self.
  4. Nominations may include brief supporting comments by the Councilmember.
  5. A Councilmember may withdraw their nomination from consideration.
  6. Nominations do not require a second.
  7. After nominations have been closed (see #2 above for second nominations), each nominee will have an opportunity to speak, either at their seat or at the podium. If the nominee chooses to speak, it may not be for longer than three minutes, with a fifteen second wrap-up period. Then voting for DM will precede:



- a. Voting will be according to alphabetic order, A-Z of nominations made. Any second vote will be by reverse order, Z-A; continuing to reverse as necessary for subsequent votes. This is done to be as fair as possible to all nominees.
- b. If there is **only one nominee** for the position, the Chair will open the floor for a motion and appointment.
- c. If there are **two nominees**, the following scenario will be followed:

**Scenario #1: 2 Nominees, 7 standing councilmembers**

- 1. Clerk does a roll call for Councilmembers on their preferred candidates
  - 2. Nominee A receives 3 votes
  - 3. Nominee B receives 4 votes
  - 4. Deputy Mayor is chosen (Nominee/Candidate B) by majority consensus, no further motion of appointment necessary.
- d. If there are **three or more nominees**, the following scenarios will be followed:

**Scenario #1: 3 or more Nominees, 7 standing Councilmembers**

- 1. Clerk does a roll call for Council-members on their preferred candidates
- 2. Nominee A gets 3 votes
- 3. Nominee B gets 2 votes
- 4. Nominee C gets 2 votes
- 5. Nominee A is chosen as Candidate A. Chair sets a second ballot for Nominees B & C to determine second candidate.
- 6. Clerk does a roll call for Councilmembers on their preferred candidate
- 7. Nominee B gets 3 votes
- 8. Nominee C gets 4 votes
- 9. Nominee C is chosen as Candidate B.
- 10. Clerk does a roll call for Councilmembers on the two final candidates
- 11. Candidate A gets 2 votes
- 12. Candidate B gets 5 votes
- 13. Deputy Mayor is chosen (Candidate B) by majority consensus, no further motion of appointment necessary.

**Scenario #2: 3 or more Nominees, 7 standing Councilmembers**

1. Clerk does a roll call for Councilmembers on their preferred candidates
2. Nominee A gets 3 votes
3. Nominee B gets 3 votes
4. Nominee C gets 1 vote
5. Chair need not set a second ballot as there is a top-two
6. Clerk does a roll call for Councilmembers on their preferred candidate from A & B
7. Candidate A gets 5 votes
8. Candidate B gets 2 votes
9. Deputy Mayor is chosen (Candidate A) by majority consensus, no further motion of appointment necessary.

**Scenario #3: 3 or more Nominees, 7 standing Councilmembers**

1. Clerk does a roll call for Councilmembers on their preferred candidates.
2. Nominee A gets 4 votes
3. Nominee B gets 2 votes
4. Nominee C gets 1 vote
5. Deputy Mayor is chosen (Nominee/Candidate A) by majority consensus, no further motion of appointment necessary.

8. The goals of this procedure are, above all: public transparency, consensus, respect, and fairness.

(D) When filling Council vacancies, see section 8.

(E) An appointment committee consisting of the Deputy Mayor, one (1) Councilmember, and the Mayor shall recommend assignments for the Council Committee Chair and Vice-Chair positions in accordance with the following procedure:

- a) The appointment committee shall provide recommendations for Council Committee assignments to the full Council for its approval no later than the first regular meeting in February.
- b) Each Council member shall be assigned to at least one (1) Council Committee, with the exception of the Deputy Mayor who shall chair the study session and shall not be assigned a role in a Council Committee.
- c) Chairperson selection shall be based on seniority, balance of experience, knowledge and interest prior to assignment.

- d) The appointment committee shall give weighted consideration for those working on long range project.

### **3.10 Councilmember - Powers:**

Any Councilmember may bring forth an item, resolution or ordinance by submitting a timely request to the City Clerk for inclusion on a Council Committee's Agenda or Study Session Agenda. At the request of the Councilmember(s) sponsoring the proposed legislation, their name(s) shall appear on the agenda indicating such sponsorship.

### **3.11 Councilmember – Duties:**

Councilmembers are individually responsible for gathering additional information on issues, calling staff with questions or requesting information to be included in Council Meeting Packets. Councilmembers who attend meetings of another jurisdiction or regional meetings should provide a report.

## **4. Order of Business and Agenda**

### **4.1 Order of Business:**

The order of business for all regular meetings shall be transacted as follows unless the Council, by a majority vote of the members present, suspends the rules and changes the order:

- 1. Call to Order:** The Mayor calls the meeting to order.
- 2. Pledge of Allegiance**
- 3. Roll Call:** The Mayor requests a roll call of Councilmembers and indicates whether an absent Councilmember has requested an excused absence. Excused absences will be handled as stated in Section 1.3 of this document. After roll call any additions or deletions to the agenda should be addressed.
- 4. Public Comments:** Members of the audience may comment on items relating to any matter not on the agenda. Comments are limited to three minutes, or for a person speaking on behalf of a group or organization, comments are limited to five minutes. No speaker may convey or donate his or her time for speaking to another speaker. Persons addressing the Council will be requested to step to the podium and give their name and address for the record.
- 5. Awards, Confirmations & Presentations:** The Mayor makes announcements of upcoming meetings and events. Other special presentations may also be scheduled at this time.
- 6. Public Hearings:** See Section 6.

- 7. **Consent Agenda:** The Consent Agenda contains items which are of a routine and non-controversial nature which may include, but are not limited to, the following: meeting minutes, payroll, and claims. Any item on the Consent Agenda may be removed and considered separately as an agenda item at the request of any Councilmember.
- 8. **Commission Reports & Committee Reports on Titles of Agenda Bills Moving To Study Session From Committee.**
- 9. **Old Business**
- 10. **New Business**
- 11. **Executive Session**
- 12. **Adjournment**

**4.2 Council Agenda:**

**4.2.1 Regular Council Meetings.** The Mayor, City Administrator and the City Clerk shall prepare the agenda for Council meetings. Subject to the Council's right to amend the agenda, no legislative item shall be voted upon which is not on the Council agenda, except in emergency situations (defined as situations which would jeopardize the public's health, safety or welfare). An item may be placed on a Council regular meeting agenda by any of the following:

- (A) The Deputy Mayor or a majority of the Council (after consideration of the item at a study session);
- (B) The Mayor
- (C) The City Administrator or a Department Director, with the approval of the City Administrator.

Agenda items shall be submitted in final form to the City Clerk no later than 12:00 pm on the Thursday prior to the meeting.

**4.2.2 Regular Study Sessions.** An item may be placed on a Council study session agenda by any of the following:

- (A) A Councilmember;
- (B) A Council Committee, per Rule 2.3;
- (B) The Mayor; or
- (D) The City Administrator, or a Department Director with the approval of the City Administrator.

Agenda items shall be submitted in final form to the City Clerk no later than 12:00pm on the Thursday prior to the meeting.

Items reviewed by Committee will be scheduled for Council review at a study session, per committee recommendation (see Rule 2.3). Committee Chairs will notify the City Clerk of any upcoming Council agenda items or hearings, so that proper notification may be made.

An item may be delayed if the Mayor and/or City Administrator know it is of particular importance to an absent Councilmember.

### **4.3 Ordinances:**

Ordinances are legislative acts or local laws. They are the most permanent and binding form of Council action and may be changed or repealed only by a subsequent ordinance. Ordinances normally become effective five days after publication in the City's official newspaper. Ordinances may be passed under any of the agenda sections.

The City Clerk shall assign a permanent ordinance number prior to placing the ordinance on the agenda. The City Attorney shall review the ordinance prior to placing it before the City Council for their consideration.

Upon enactment of the ordinance, the City Clerk shall obtain the signature of the City Attorney and the Mayor. The City Clerk is responsible for notifying Sterling Publisher of new ordinances, so that they will be codified, and Ordinance titles or summaries shall be published in the official newspaper as a legal publication in the first publication following enactment.

### **4.4 Resolutions:**

Resolutions are adopted to express Council policy or to direct certain types of administrative action by the Mayor. A resolution may be changed by adoption of a subsequent resolution. Resolutions may be passed under any of the agenda sections.

The City Clerk shall assign a permanent resolution number prior to placing the resolution on the agenda. The City Attorney shall review the resolution prior to placing it before the City Council for their consideration.

Upon enactment of the resolution, the City Clerk shall obtain the signature of the City Attorney and the Mayor. After the Mayor's signature, the City Clerk shall sign the resolution.

### **4.5 Council Packets:**

Agendas and packets will be provided to the City Council by 5 pm the Friday prior to the meeting. The City Clerk will post the Agenda Packet on the City's Website.

Agendas and packet materials will be available at the Council meeting and may be requested at City Hall from the City Clerk by the public.

#### **4.6 Council Confirmation of Mayoral Appointments:**

In addition to select Councilmember participation in any Mayoral-defined hiring process, the Council will, per Ordinance 961, confirm the appointment of certain mayoral appointments prior to final hiring actions.

Currently the appointment of the City Administrator, City Treasurer, City Clerk, Police Chief, City Attorney, Public Works Director, Building Inspector/Official, and Parks and Recreation Director are subject to Council confirmation. The confirmation of the Municipal Judge is provided pursuant to OMC Chapter 1-10.

The confirmation process, if circumstances allow, should be scheduled for televised meetings. These meetings should be broadly advertised via the official publication, reader boards, City website, social media pages, etc. to allow maximum public notification. The Mayor may request a Special Meeting if pressing and extenuating hiring circumstances exist.

The confirmation process is as follows:

- (A) Prior to the meeting, the Council will be provided a copy of the Employment Application and/or resume (with personal information redacted) for review in the Council Packet. Staff may provide other pertinent information as appropriate.
- (B) During the Confirmation agenda item of the Council meeting the:
  - 1. Mayor or City Administrator will introduce the nominated applicant and briefly recap the process that resulted in the nominee being selected for the position,
  - 2. The applicant (if available to attend) will provide a brief background and description of their qualifications to the Council.
  - 3. Council will have a question and answer opportunity with the applicant and/or staff to last up to 30 minutes (time may be extended upon majority Council consent), and
  - 4. Public Testimony will be taken with each speaker given a maximum of three minutes to provide comments. All comments must be directed toward the Chair and limited to the confirmation discussion. Two-way discussions are discouraged.
- (C) An executive session in accordance with RCW 42.30.110(g) may be requested by any Councilmember to “evaluate the qualifications of an

applicant for public employment or to review the performance of a public employee” if questions or concerns arise that should not be discussed in a public forum. Final actions must take place in an open meeting.

- (D) After the question and answer session, upon resumption of the regular meeting after an Executive Session (if requested), and upon a motion, the Council will vote to confirm the hire/ nomination on a simple majority vote of the present Council quorum.

## 5. Consensus, Motions and Decorum

### 5.1 Consensus Votes:

When a formal motion is not required on a Council action or opinion, a consensus voice vote may be taken. The Chair will state the action or opinion. The Council as a group will indicate concurrence or non-concurrence. When the Council concurs or agrees to an item that does not require a formal motion, the Mayor will summarize the agreement at the conclusion of the discussion.

### 5.2 Motions:

- (A) **Making a Motion.** Motions shall be clear and concise and not include arguments for or against the motion within the motion. No motion shall be entertained or debated until duly seconded and announced by the Chair. A motion that does not receive a second dies. After a motion and second, the Mayor will indicate the names of the Councilmembers making the motion and second. After a motion has been made and seconded, the Councilmember making the motion may speak to the motion and then the Council may discuss their opinions on the issue prior to the vote. Motions that do not need a second include nominations, withdrawal of motion, agenda order, request for a roll call vote, and point of order.
- (B) **Audience Comment.** Audience comment on a motion may be taken after the briefing on the motion occurs and before the motion is voted on by the Council.
- (C) **Restatement of Motions.** The City Council votes on motion as restated by the Chair if the motion is amended.
- (D) **Votes on Motions.** Each member present shall vote on all questions put to the Council except on matters in which he or she has a conflict of interest. If a conflict of interest exists, such member shall disqualify himself or herself prior to any discussion of the matter. If a majority of Council arrives at a consensus to put up an issue for vote and a Councilmember is not there when the vote takes place, the Councilmember cannot bring the item back.

- (E) **Failure to Vote on a Motion.** Any Councilmember present who fails to vote without a valid disqualification shall be declared to have voted in the affirmative on the question.
- (F) **Unanimous Vote.** If the vote is unanimous, the Mayor shall state that the motion has passed unanimously according to the number of Councilmembers present such as “7-0” or “6-0”.
- (G) **Roll Call Vote.** If a vote is not unanimous, and the Mayor or a Councilmember requests it, each Councilmember shall state his/her vote and the City Clerk shall record it. The City Clerk then restates the outcome of the vote. For example, the outcome may be restated as, “Councilmembers A, B, C and D vote ‘yes’. Councilmembers E, F and G vote ‘no’. The vote is 4-3 to adopt Ordinance No\_\_\_\_\_. The motion carries.”
- (H) **Tie Vote.** A motion that receives a tie vote is deemed to have failed.
- (I) **Topic Closed.** Once a vote on a motion has been taken, the topic of motion is closed for the remainder of that meeting.
- (J) **Withdrawal of Motion.** A motion may be withdrawn by the maker of the motion at any time before a vote is taken without the consent of the Council. If the motion had received a second, the Councilmember making the second must also agree to withdraw or the motion remains on the table for discussion, debate and disposition.
- (K) **Motions to Reconsider.** A motion to reconsider must be made by a person who voted with the majority on the principal question and must be made at the same or succeeding regular meeting. No motion to reconsider an adopted quasi-judicial written decision shall be entertained after the close of the meeting at which the written findings were adopted.
- (L) **Motion to Lay on the Table.** A motion to table shall preclude all amendments or debates of the issue under consideration. It requires a second, is not debatable, is not amendable, and requires a majority vote. The purpose of the motion to lay on the table is to temporarily set aside the motion in order to conduct other more urgent business. A motion not taken from the table by the close of that meeting or the next regular meeting dies on the table. If the motion to table prevails, the matter may be “taken from the table” by motion which requires a second, is not debatable and requires a majority vote. When a motion is taken from the table, everything is in the same condition as it was when laid on the table, including any amendments to the original motion that received an affirmative vote prior to the motion to table.
- (M) **Motion to Postpone to Date Certain.** A motion to postpone to a time certain requires a second, is debatable, is amendable, requires a majority



vote and may be reconsidered at the same meeting. The original motion being postponed must be considered at a time certain at a future regular or special Council meeting.

- (N) Motion to Postpone Indefinitely.** A motion to postpone indefinitely requires a second, is debatable, is not amendable, and takes precedence over the main motion and requires a majority vote. This motion assists in disposing of the main motion. Its purpose is to reject a main motion without a vote on the main motion. Postponed indefinitely is an indirect or polite motion by which a main motion may be disposed of.
- (O) Motion to Call for the Question.** A motion to call for the question shall close debate on the main motion and is not debatable. This motion must receive a second and fails without a two-thirds (2/3) vote. Debate is reopened if the motion fails.
- (P) Motion to Amend.** A motion to amend is defined as amending a motion that is on the floor and has been seconded by inserting or adding, striking out, striking out and inserting, or substituting. Motions that cannot be amended include a motion to adjourn, to amend the agenda order, lay on the table, for a roll call vote, for a point of order, for reconsideration and take from the table. Amendments are voted on first, then the main motion as amended (if the amendment received an affirmative vote).
- (Q) Interpretation.** The City Attorney shall decide all questions of interpretations of these rules and other questions of a parliamentary nature that may arise at a Council meeting.
- (R) Order of Precedence.** All cases not provided for in these rules shall be governed by the most current version of Robert's Rules of Order Newly Revised. In the event of a conflict between Robert's Rules of Order and these Council rules, these Council rules shall prevail.

### **5.3 Council Relations with City Staff:**

The following guidelines should be adhered to:

- (A)** There will be mutual respect from both City staff and Councilmembers of their respective roles and responsibilities.
- (B)** City staff shall acknowledge the Council as policy makers, and the Councilmembers shall acknowledge the City staff as administering the Council's policies.

- (C) Councilmembers with particular interest in an item or topic should be given a courtesy call if that item is rescheduled.
- (D) Councilmembers shall not attempt to direct City staff in performing their regular daily functions.
- (E) No Councilmember shall direct the City staff to initiate any action or prepare any report, or initiate any project or study without the consent of the Mayor. New initiatives having policy implementation shall be directed to a Council Committee for consideration.
- (F) Individual requests for information can be made directly to any staff member. If the request would create a change in work assignments or City staffing levels, the request must be made through the Mayor or City Administrator.
- (G) To provide staff the necessary preparation time, Councilmembers will provide staff advance notice of any questions or concerns they may have regarding an agenda item prior to a public meeting, if possible.

#### **5.4 Council Representation to any Media and other Organizations:**

Councilmembers shall use the following guidelines when speaking with the media:

- (A) If a Councilmember appears on behalf of the City before another governmental agency, a community organization, or through the media, for the purpose of commenting on an issue, the Councilmember shall state the majority position of the Council, if known, on such issue. Personal opinions and comments which differ from the Council majority may be expressed if the Councilmember clarifies that these statements do not represent the Council's position.
- (B) Councilmembers need to have other Councilmembers' concurrence before representing: (1) another Councilmember's view or position, or (2) the majority of Council's view or position with the media, another governmental agency or community organization.
- (C) As a matter of courtesy, letters to the editor, interviews or other communication by a Councilmember of a controversial nature, which do not express the majority opinion of the Council, should be presented to the full Council and Mayor prior to publication so that the Councilmembers may be made aware of the pending publication.

## **6. Public Hearing Procedures**

### **6.1 Definition of Public Hearing:**

There are two types of public hearings: legislative and quasi-judicial. Legislative hearings focus on broad policy with general application. Quasi-judicial hearings focus on the rights of specific parties and decisions must be based on a formal record. The Mayor will state the public hearing procedures before each public hearing, staff and/or consultants will introduce the topic. Citizens may comment on public hearing items.

### **6.2 Speaker Sign-In:**

Prior to the start of a public hearing the Mayor may require that all persons wishing to be heard sign in with the City Clerk, giving their name and whether they wish to speak as a proponent, opponent or from a neutral position. Any person who fails to sign in shall not be permitted to speak until all those who signed in have given their testimony. The Mayor will establish time limits and otherwise control presentations. (The speaking time limit is three minutes per speaker or five minutes when presenting the official position of an organization or group). The Chair may change the order of speakers so that testimony is heard in the most logical groupings (i.e. proponents, opponents, adjacent owners, etc.).

### **6.3 Conflict of Interest/Appearance of Fairness:**

Prior to the start of a public hearing, the Chair will ask if any Councilmember has or may have an interest or may have engaged in an ex-parte communication which could, pursuant to Ch. 42.23 RCW or Ch. 42.36 RCW, prohibit or disqualify the Councilmember from participating in the public hearing process.

A Councilmember who refuses to step down after challenge and the advice of the City Attorney, a ruling by the Mayor or Chair and/or a request by the majority of the remaining members of the Council to step down, is subject to censure. The Councilmember who has stepped down shall not participate in the Council decision nor vote on the matter. The Councilmember shall leave the Council Chambers while the matter is under consideration, provided, however, that nothing herein shall be interpreted to prohibit a Councilmember from stepping down in order to participate in a hearing in which the Councilmember has a direct financial or other personal interest. The appearance of fairness doctrine applies only during quasi-judicial hearings. The conflict of interest provisions, however, apply anytime there will be a vote by the council on a contract. Normally, an announcement would not be required for a vote in which a conflict would occur and it is up to the elected official to bring up the conflict. The City Attorney may prompt the Councilmember to remove him or herself or not participate in the vote. However, if there is a conflict, this must be announced on the record before the vote. The Councilmember is not required to leave during the vote or discussion, but may not participate in the vote.

## **6.4 The Public Hearing Process:**

The Chair introduces the agenda item, opens the public hearing and announces the following Rules of Order intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard, and to ensure that no individual is embarrassed by exercising his/her right to free speech.

- (A) All comments by proponents, opponents or other members of the public shall be made from the podium; individuals making comments shall first give their name and address.
- (B) No comments shall be made from any other location, unless is it is impractical to make comment from the podium. Anyone making “out of order” comments shall be subject to removal from the meeting. If a citizen is disabled and requires accommodation, the citizen is required to advise the City Clerk.
- (C) There will be no demonstrations during or at the conclusion of a public hearing.
- (D) The order for a public hearing shall be as follows:
  - 1. The Chair calls upon City Staff to describe the matter under consideration.
  - 2. The Chair calls upon proponents, opponents and all other individuals who wish to speak regarding the matter under consideration.
  - 3. The Chair inquires as to whether any Council-member has questions to ask the proponents, opponents, speakers or staff. If any Council-member has questions, the appropriate individual will be recalled to the podium.
  - 4. The Chair continues the public hearing to a specific time or closes the public hearing.

## **7. Duties and Privileges of Media and Citizens**

### **7.1 Media Representation:**

Seating space shall be provided for the media at each public meeting. The media shall also be provided with a packet containing the background information provided to the Council.

## **7.2 Meeting Participation:**

Citizens are welcome at and encouraged to attend all Council meetings. Recognition of a speaker by the Chair is a prerequisite and necessary for an orderly and effective meeting, be the speaker a citizen, Councilmember or staff member. Further, it will be expected that all speakers will deliver their comments in a courteous and efficient manner and will speak only to the specific subject under consideration. Anyone making out-of-order comments or acting in an unruly manner shall be subject to removal from the meeting. Cell phones will be silenced and not used for phone calls during council meetings.

## **7.3 Subjects Not on the Current Agenda:**

Under agenda item "Comments from Citizens" citizens may address any item not already on the agenda. They shall first obtain recognition by the Chair, stand at the podium, state their name, address and subject of their comments. The Chair shall then allow the comments, subject to a three-minute limitation per speaker and five-minute limitation per speaker representing a group or organization, or other limitations as the Chair may deem necessary. Following such comments, if action is required or has been requested, the Chair may place the matter on the current agenda or a future agenda or refer the matter to staff or a Council committee for action or investigation and report at a future meeting.

## **7.4 Public Comments and Suggestions to Council:**

When citizen comments or suggestions unrelated to the agenda are brought before the City Council, the Chair shall first determine whether the issue is legislative or administrative in nature and then:

- (A) If the issue is legislative, and comments on the letter or intent of a legislative act or is a suggestion for changes to such an act, and if any Councilmember suggests a change to an ordinance or resolution of the City, the Council may refer the matter to a committee, City Administration, City Attorney or the Council as a whole for study and recommendation.
- (B) If the issue is administrative and comments on administrative staff performance, administrative execution of legislative policy or administrative policy within the authority of the City Administrator, the Chair should then refer the complaint directly to the City Administrator for his/her review if the complaint has not yet been reviewed. The City Council may direct that the City Administrator report to the Council his/her response and resolution.

## **7.5 Personal and Slanderous Remarks:**

Any person making personal, offensive, impertinent or slanderous remarks or who shall become boisterous while addressing the Council may be requested to leave the

meeting and may be barred from further audience participation before the Council during that Council meeting by the Mayor.

Any councilmember making personal, offensive, impertinent or slanderous remarks to a member of the audience, city staff member or another councilmember will be asked to refrain. If the remarks continue he/she may be asked to leave the meeting.

#### **7.6 Written Communications:**

Interested parties, or their authorized representatives, may address the Council by written communication in regard to any matter concerning the City's business or over which the Council had control at any time. The written communication may be submitted by direct mail, e-mail, text message or by addressing the communication to the City Clerk who will distribute copies to the Mayor and Councilmembers. The communication will be entered into the record without the necessity for reading as long as sufficient copies are available to members of the audience/public.

#### **7.7 Video Recording of Public Meetings:**

All public meetings of the City of Orting, including but not limited to regular and special meetings of the City Council, committee meetings and commission and board meetings may be recorded by members of the public, including members of the media. The City reserves its right to place restrictions on the location of all recording equipment, so as to ensure the recording equipment does not pose a safety hazard, and that the recording does not hinder the public's attendance or disrupt the decorum of the meeting. Failure to comply with the City's request to move recording equipment may result in expulsion from the meeting.

In order to preserve the decorum of the regular and special meetings of the City Council, all recording equipment shall be placed south of the kitchen door at the Multipurpose Center, in a location that does not pose a safety hazard or otherwise interfere with the public's access to attend and view the meeting.

At Committee meetings located at the Public Safety Building, all recording equipment shall be placed at the end of the first row on the west side of the meeting space in a location that does not pose a safety hazard or otherwise interfere with the public's access to attend and view the meeting, and shall be placed at the northwest corner of the room at the Multipurpose Center Conference Room. The Committee Chair (or his or her designee) may proscribe an alternative location for placement of recording equipment, so long as the location does not pose a safety hazard, does not hinder the public's attendance and does not disrupt the decorum of the meeting.

## **8. Filling Council Vacancies and Selecting Deputy Mayor**

### **8.1 Notice of Vacancy:**

If a Council vacancy occurs, the Deputy Mayor will take the lead with the assistance of two councilmembers and guide the Council through the procedures as outlined in RCW 42.12.070. In order to fill the vacancy with the most qualified person available, until an election is held, the Council will widely distribute and publish a notice of the vacancy, procedure, deadline for applying for the position and the date of the interview.

### **8.2 Application Procedure:**

Each applicant will submit a written request to the City Clerk prior to the posted deadline.

### **8.3 Interview Process:**

All candidates who submit an application by the deadline will be interviewed by the Council during a regular or special Council meeting. The order of the interviews will be determined by a drawing of names. Applicants will be asked to answer questions posed by each Councilmember during the interview process. Each candidate will be allowed two minutes for opening and closing comments. Candidates may not make comments or responses about other applicants.

### **8.4 Selection of Councilmember:**

The Council may recess into executive session to discuss the qualifications of all candidates. Nominations via a motion, voting and selection of a person to fill the vacancy will be conducted during an open public meeting. If no motion is made, none of the candidates shall be selected.

The City Clerk will prepare the Oath of Office and the Mayor, The City Administrator or the City Clerk may swear in any newly-appointed Councilmember. The new Councilmember will immediately take his/her seat with the Council.

### **8.5 Selecting Deputy Mayor:**

The Deputy Mayor will be selected by a majority of the Councilmembers annually at the first Council meeting in January.

## **9. Committees and Commissions**

### **9.1 Citizen Committees, Boards and Commissions:**

The Council will create committees and commissions to assist in the conduct and operation of city government with such duties as are consistent with the Orting Municipal Code.

### **9.2 Types of Committees:**

There shall be four types of committees in the City of Orting.

- (A) Standing Committees. Such committees will be established to conduct business by the Deputy Mayor plus one council member and the mayor when delegated to the legislative body and approved by the council.
- (B) Ad Hoc Committees. Such Council Advisory Committees are to investigate a specific subject and report back to the City Council. Such a group may be chaired by a council-member. Typically such a Committee would focus on a policy issue or legislative matter.
- (C) Citizen Advisory Commissions. Such groups are formed to promote citizen participation on a particular subject and provide guidance on community views on a subject to the Council, for example Parks and Planning Commissions.
- (D) Mayor's Committee. Such Committees are formed to investigate a specific operational issue and report back to the Mayor and City Council. It may be chaired by a councilmember or the Mayor.

### **9.3 Membership and Selection:**

Membership and selection of members shall be as provided by the Mayor or designee and confirmed by the Council. Any committee or commission so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the Council. Committees so appointed shall have advisory powers to the Council except as otherwise specified in the Orting Municipal Code (OMC).

### **9.4 Committee Meetings:**

Committees shall establish a regular time, date location for their meetings. The City Clerk will maintain a list of committee meeting times, dates and locations. Committees may make recommendations for action to the Council as a whole. Councilmembers who do not serve on a committee with questions or concerns about an agenda item, are responsible to contact staff or a committee member prior to the meeting to express their concern or need for additional information.



## **9.5 Committee Records:**

Draft summaries of each meeting will be prepared by a committee member or the staff assigned to the committee by the City Administrator and distributed to each Councilmember. Verbal reports may be given at Regular and Special Council meetings as requested by a committee member, the committee chair, the Mayor or any member of the Council.

## **9.6 Open Public Meetings Act:**

The City Council Committees shall comply with the state's "Open Public Meetings Act."

## **9.7 Removal of Members of Boards and Commissions:**

The Mayor may remove any member of any commission based upon the following criteria.

- (1) Parks Advisory Board: Three consecutive unexcused absences will result in automatic removal. (OMC 2-5-2)
- (2) Planning Commission: The mayor may remove after a public hearing and with approval by the council. (OMC 2-1-3)
- (3) Civil Service Commission: Any member of the commission may be removed from office for incompetency, incompatibility or dereliction of duty, or malfeasance in office, or other good cause. (RCW 41.12.030)

## **10. Public Records**

### **10.1 Public Records:**

Records created or received by the Mayor or any Councilmember should be transferred to the City Clerk for retention by the City in accordance with the Public Records Act, Chapter 42.56 RCW. Public records that are duplicates of those received by, or in the possession of the city, are not required to be retained. Questions about whether or not a document is a public record or if it is required to be retained; should be referred to the City Attorney.

### **10.2 Electronic Mail:**

Electronic communications that do not relate to the functional responsibility of the recipient or sender as a public official, such as meeting notices, reminders, telephone messages and informal notes, do not constitute a public record. All other messages that relate to the functional responsibility of the recipient or sender as a public official constitute public records.

### **10.3 Open Public Meetings Act Regarding Electronic Mail:**

E-mails between elected officials of a governing body can implicate the Open Public Meetings Act. If discussing city business with a fellow Councilmember via e-mail, it can constitute a meeting and all the requirements for a public meeting would have to be met or a violation of the Act could occur.

## **11. Council Travel Policy**

### **11.1 Applications:**

The provisions of Chapter 42.24 RCW and the Budgeting, Accounting, and Reporting Systems (BARS) manual prescribed by the Washington State Auditor's Office apply. The City of Orting reimburses its elected or appointed officials for reasonable travel, subsistence and related expenses incurred conducting City business provided the expenses are prudent and directly related to the individual's service on behalf of the City.

### **11.2 Administration:**

The City Treasure administers the travel and expense reimbursement program, designs and distributes forms and instruction and carries responsibility for review of claims. Claims will not be allowed without a detailed account of monies spent certified by the individual making the claim as required by the Division of Municipal Corporations in the Office of the State Auditor.

### **11.3 Documentation:**

Claims for personal reimbursement must be made on official forms, be accompanied by the vendor's original receipt or bankcard charge slip showing the date, vendor imprinted name, amount paid and the items/services received, and must be certified correct and signed by the individual seeking reimbursement.

In addition to the documentation above, claims for business related meals require the following documentation:

- (A) The names of the individuals participating.
- (B) Their official title or capacity as it relates to city business.
- (C) The nature of the topics discussed, nature of the occasion, what public purpose or policy was being served (and/or copy of agenda).

### **11.4 Council Retreats/Executive Team Retreats:**

The reasonable cost of necessary food and beverages while conducting a City retreat is authorized for reimbursement.

### **11.5 Service Awards Ceremonies:**

Expenditures for reasonable refreshments served and awards given are eligible for reimbursement.

### **11.6. Transportation Expenses:**

Public officials are to exercise prudent judgment in incurring travel expenses on official City business. Excessive or unnecessary expenses will not be reimbursed or paid for by the City.

Authorization of travel is to be exercised through the use of the current budget. Reasonable transportation expenses for approved travel will be reimbursed. The most direct and cost effective mode of transportation will be the basis for the reimbursement. Out-of-state travel must be approved by the City Council. In-state travel means travel within the state of Washington. In special or unusual circumstances, arrangements will be made to accommodate unique transportation requirements.

### **11.7 Meals:**

Based on recommendations from the State Auditor's Office, the City uses the following guidelines in determining the use of public funds for expenditures for food and beverages:

- (A) Name of the consumer.
- (B) Nature of the occasion for the consumption.
- (C) Public purpose or policy objective was served.
- (D) The expenses are consistent with the policy authorizing reimbursement.

### **11.8 Local Business Meals:**

Meals (including snacks) between City public officials/employees will not normally be reimbursed. It is expected that City business between City public officials/employees can, for the most part, be conducted on City premises during normal work hours.

### **11.9 Meetings through Mealtimes:**

The City recognizes that there are occasions when it may be necessary for a group of public officials and/or employees to work through a meal in order to meet a deadline or to keep a group convened in order to accomplish the task. To be considered for reimbursement as a working meal, the meeting must span over a three-hour period, which includes the group's normal mealtime.

### **11.10 Business Meals between City Employees and Non-City Employees:**

The practice of the City providing meals to non-city employees is discouraged. However, for directors and above, the City recognizes that there are situations where non-city employees provide an unpaid service to the City during a mealtime. The costs of meals while conducting City business with persons other than City employees either locally or out of town are authorized for reimbursement subject to the limitations described in this document.

### **11.11 Meals While On Authorized Travel Status:**

Per Diem shall be used for meals while out of town on city business. Out of town means the one-way travel distance is greater than 40 miles from the city and overnight stay is required. Per Diem for meals shall be at the rate in effect at the time of travel for the specific area or locality. The maximum allowable rate shall be those in effect by the State of Washington, Office of Financial Management.

### **11.12 Non-Reimbursable Expenditures:**

Unauthorized expenditures include, but are not limited to, liquor, expenses of spouse, guests or other persons not authorized to receive reimbursement under this policy or state regulations. Situations not specifically addressed above will be reviewed by the City Administrator for propriety.

### **11.13 Lodging:**

Hotel/motel accommodations for public officials/ employees attending out-of-town functions on city business are acceptable. Lodging expenses shall be reimbursed at actual costs, as evidenced by a receipt, up to the specific daily maximum allowable lodging rate in effect at the time of travel for the specific area or locality. The maximum allowable lodging rates shall be those in effect by the State of Washington, Office of Financial Management.

The cost of accommodations should be requested by purchase order and billed directly to the City by the vendor whenever possible. If advance payment is required, a purchase order will be prepared and the lodging registration will serve as supporting documentation for the claims check issued to the vendor. A vendor's receipt for these expenditures is required in all cases. In some situations, the maximum allowable lodging amount may not be adequate and the City Administrator may approve payment of lodging not to exceed 150% of the applicable maximum per diem amount.

### **11.14 Non-Allowable Expenses:**

Certain travel expenses are considered personal and not essential to the transaction of official city business and therefore not reimbursable. Such non-reimbursable expenses include, but are not limited to: Baggage checking, valet services, laundry

services, entertainment expenses, radio or television rental, transportation to or from places of entertainment, costs of personal trip insurance, medical and hospital services, personal toiletry articles, barber or hairdresser, personal postage or reading materials, expenses of a spouse or other family member, mileage allowance for commuting to regular, special, and committee meetings of the City Council, expenses on a personal car, meal expenses for formal meetings of City Council committees, fines for violation of motor vehicle laws.

## **12. Suspension and Amendment of These Rules**

### **12.1 Suspension of These Rules:**

Any provision of these rules not governed by state law or the Orting Municipal Code may be temporarily suspended by a vote of a majority of the Council.

### **12.2 Amendment of These Rules:**

These rules may be amended or new rules adopted by a majority vote of all members of the Council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting.

### **12.3 Conflict:**

In the event of a conflict between the City Council Rules of Procedure and other rules adopted by resolution of the Council, these City Council Rules of Procedure shall prevail to the extent of the conflict. In the event of a conflict between these City Council Rules and state law, state law shall prevail to the extent of the conflict.