



**CITY OF COVINGTON**  
**CITY COUNCIL REGULAR MEETING AGENDA**  
[www.covingtonwa.gov](http://www.covingtonwa.gov)

**Tuesday, June 28, 2016**  
**7:00 p.m.**

**City Council Chambers**  
**16720 SE 271<sup>st</sup> Street, Suite 100, Covington**

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**CALL CITY COUNCIL REGULAR MEETING TO ORDER**

**ROLL CALL/PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**PUBLIC COMMUNICATION**

- Recognition of 47<sup>th</sup> District Legislators

**RECEPTION RECOGNIZING 47<sup>TH</sup> DISTRICT LEGISLATORS**

**PUBLIC COMMENT** Speakers will state their name, address, and organization. Comments are directed to the City Council, not the audience or staff. Comments are not intended for conversation or debate and are limited to no more than four minutes per speaker. Speakers may request additional time on a future agenda as time allows.\*

**APPROVE CONSENT AGENDA**

- C-1. Minutes: May 24, 2016 Regular Meeting (Scott)
- C-2. Vouchers (Hendrickson)
- C-3. Pass Ordinance Extending Electric Lightwave Telecommunications Franchise for an Additional Five Years (Vondran)
- C-4. Award Timberlane-Jenkins Stormwater LID Site 1 Bioretention Area and Groundwater Diversion Project (CIP 1027A) Construction Contract to Welwest Construction (Parrish)
- C-5. Pass Ordinance Establishing Permanent Land Use Regulations Governing Marijuana Production, Processing, and Retail Uses (Hart)
- C-6. Pass Ordinance Establishing New Chapter 2.95 of the Covington Municipal Code, Code of Ethics (Springer)

**REPORTS OF COMMISSIONS**

- Human Services Chair Fran McGregor: June 9 meeting.
- Parks & Recreation Chair Laura Morrissey: June 15 meeting.
- Arts Chair Lesli Cohan: June 9 meeting.
- PRePAC Chair Jennifer Harjehausen: May 25 meeting.
- Economic Development Council Co-Chair Jeff Wagner: May 26; June 23 meeting canceled.
- Planning: June meetings were canceled.

**CONTINUED BUSINESS**

1. Consider Resolution to Adopt Six-Year 2017-2022 Transportation Improvement Program (TIP) (Vondran)
2. Consider Appointment to Open City Council Position No. 6 (Council)

**NEW BUSINESS**

3. Consider Ordinance Establishing a Biennial Budget Beginning January 1, 2019 (Hendrickson)
4. Consider Resolution Naming the Jenkins Creek Park Bridges in Honor of George and Susan Pearson (Newton)
5. Discuss Selection of Citizen and Honorary Citizen of the Year (Beaufreere/Slate)

**FUTURE AGENDA ITEMS****COUNCIL/STAFF COMMENTS**

**PUBLIC COMMENT** \*See Guidelines on Public Comments above in First Public Comment Section

**EXECUTIVE SESSION – if needed****ADJOURN**

**Americans with Disabilities Act – reasonable accommodations provided upon request a minimum of 24 hours in advance (253-480-2400).**

**Consent Agenda Item C-1**

Covington City Council Meeting

Date: June 28, 2016

SUBJECT: APPROVAL OF MINUTES: MAY 24, 2016 CITY COUNCIL REGULAR MEETING MINUTES

RECOMMENDED BY: Sharon G. Scott, City Clerk

ATTACHMENT(S): Proposed Minutes

PREPARED BY: Joan Michaud, Senior Deputy City Clerk

EXPLANATION:

ALTERNATIVES:

FISCAL IMPACT:

CITY COUNCIL ACTION: \_\_\_\_\_ Ordinance \_\_\_\_\_ Resolution  X  Motion \_\_\_\_\_ Other

**Councilmember \_\_\_\_\_ moves, Councilmember \_\_\_\_\_ seconds, to approve the May 24, 2016 City Council Regular Meeting Minutes.**

**City of Covington  
Regular City Council Meeting Minutes  
Tuesday, May 24, 2016**

The Regular Meeting of the City Council of the City of Covington was called to order in the City Council Chambers, 16720 SE 271<sup>st</sup> Street, Suite 100, Covington, Washington, Tuesday, May 24, 2016, at 7:05 p.m., with Mayor Wagner presiding.

**COUNCILMEMBERS PRESENT:**

Jeff Wagner, Joe Cimaomo, Margaret Harto, Mark Lanza, Marlla Mhoon, Jim Scott, and Sean Smith.

**STAFF PRESENT:**

Regan Bolli, City Manager; Don Vondran, Public Works Director; Noreen Beaufrere, Personnel Manager; Richard Hart, Community Development Director; Karla Slate, Communications & Marketing Manager; Rachel Bahl, Aquatics Supervisor; Casey Parker, Senior Accountant; Sara Springer, City Attorney; Bob Lindskov, City Engineer; and Sharon Scott, City Clerk/Executive Assistant.

Mayor Wagner opened the meeting with the Pledge of Allegiance.

**APPROVAL OF AGENDA:**

**Council Action: Councilmember Cimaomo moved and Mayor Pro Tem Smith seconded to approve the Agenda. Vote: 7-0. Motion carried.**

**Council Action: Mayor Pro Tem Smith moved and Councilmember Mhoon seconded to amend the Agenda to add an item, *Appointment to the Arts Commission – Position No. 2*, as the first New Business item and continue re-numbering from that point. Vote: 7-0. Motion carried.**

**PUBLIC COMMUNICATION:**

- Colleen McMeen, Multicare, accepted the *Summer of Promoting Healthy Families and Lifestyles* Proclamation.
- Colin Lund, Oakpointe, provided a presentation on the Lakepointe Project status.

**PUBLIC COMMENT:**

Mayor Wagner called for public comments.

**Conni Elliott, Covington resident, representing Parks & Recreation Commission**, expressed appreciation to Councilmember Scott for his support of parks and recreation programs and his support of the commission.

**Wayne Snoey, Covington resident**, expressed appreciation for Councilmember Scott's service and contributions to the community.

There being no further comments, Mayor Wagner closed the public comment period.

Mayor Wagner thanked Councilmember Scott for his service and presented him with a City of Covington embroidered jacket and pitchfork signed with words of congratulations and best wishes from Council and staff.

Council recessed for a reception for outgoing Councilmember Scott at 7:40 p.m. and reconvened at 8:05 p.m.

**APPROVE CONSENT AGENDA:**

- C-1. Vouchers: Electronic fund transfers in the amount of \$17.88, dated May 2, 2016; Vouchers #34099-34099, including electronic fund transfers, in the amount of \$200,344.11, dated May 6, 2016; Vouchers #34100-34163, including ACH payments, in the amount of \$586,898.87, dated May 13, 2016; and Paylocity Payroll Checks #1005271446-1005271455 inclusive, plus employee direct deposits in the amount of \$187,877.70, dated May 20, 2016.
- C-2. Appoint Voting Delegates for 2016 Association of Washington Cities Annual Business Meeting.
- C-3. Approve Agreement for Detention Pond Restoration, Drainage Ditch Repair, and Shoulder Regrading Project.
- C-4. Approve Aquatic Center Room Addition Design Services Agreement Amendment No. 1.
- C-5. Authorize Purchase and Installation of Equipment at Gerry Crick Skate Park.

**Council Action: Councilmember Mhoon moved and Councilmember Harto seconded to approve the Consent Agenda. Vote: 7-0. Motion carried.**

**REPORTS OF COMMISSIONS:**

**Human Services Commission** – Chair Fran McGregor reported on the May 12 meeting.

**Parks & Recreation Commission** – Chair Laura Morrissey reported on the May 9 special meeting and the May 18 regular meeting.

**Arts Commission** – Chair Leslie Cohan reported on the May 12 meeting.

**Parks & Recreation Priorities Advisory Committee** – Vice Chair George Pearson reported on the April 27 meeting.

**Planning Commission** – Vice Chair Paul Max reported on the May 5 and May 19 meetings.

**Economic Development Council** – Co-Chair Jeff Wagner reported on the April 28 meeting.

**PUBLIC HEARING:**

1. To Receive Public Testimony on the Proposed Six-Year 2017-2022 Transportation Improvement Program (TIP).

City Engineer Bob Lindskov gave the staff report on this item.

Councilmembers asked questions, and Mr. Lindskov and Public Works Director Don Vondran provided responses.

Mayor Wagner called for public comments for the public hearing.

There being no comments, Mayor Wagner closed the public comment period for the public hearing.

Councilmembers asked some additional questions, and several staff provided responses.

**CONTINUED BUSINESS:**

2. Continue Discussion of Proposed Amendments to Council Policies and Procedures.

City Attorney Sara Springer gave the staff report on this item, directing Council to the most recent changes in version 3 of the draft document.

Councilmembers asked questions and suggested additional edits and additions to the draft, and Ms. Springer provided responses.

**Council Action: There was Council consensus to request Ms. Springer to make the edits and additions to the draft document and place this item to the Consent Agenda for the June 14 regular meeting.**

**NEW BUSINESS:**

3. Appointment to the Arts Commission Position No. 2.

**Council Action: Councilmember Scott moved and Councilmember Harto seconded to appoint Leslie Spero to fill open Position No. 2 on the Arts Commission with a term expiring May 31, 2019. Vote: 7-0. Motion carried.**

4. Consider Resolution Acknowledging the Puget Sound Regional Council's (PSRC) Conditional Certificate of Covington's 2015-2035 Comprehensive Plan.

Community Development Director Richard Hart gave the staff report on this item.

Councilmembers provided comments and asked questions, and Mr. Hart and City Manager Regan Bolli provided responses.

RESOLUTION NO. 2016-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, ACKNOWLEDGING THE PUGET SOUND REGIONAL COUNCIL'S CONDITIONAL CERTIFICATION OF COVINGTON'S COMPREHENSIVE PLAN 2015-2035 AND STATING THE CITY'S INTENT TO ADDRESS THE COMPLIANCE REQUIREMENTS OF THE PUGET SOUND REGIONAL COUNCIL AND PROVIDE A RESPONSE BY DECEMBER 31, 2017.

**Council Action: Councilmember Harto moved and Councilmember Scott seconded to adopt Resolution No. 2016-09 acknowledging PSRC's Conditional Certification, in substantial form as that provided in the agenda packet. Vote: 7-0. Motion carried.**

5. 2016 First Quarter Financial Report.

Senior Accountant Casey Parker gave the staff report on this item.

Councilmembers asked questions, and Ms. Parker provided responses.

**COUNCIL/STAFF COMMENTS:**

Councilmembers and staff discussed Future Agenda Topics and made comments.

**Council Action: Councilmember Lanza moved and Councilmember Harto seconded to extend the meeting to 10:15 p.m. Vote: 7-0. Motion carried.**

**PUBLIC COMMENT:**

Mayor Wagner called for public comments.

**David Lucavish, Covington resident,** acknowledged Councilmember Scott for his years of service to Covington.

**Mary Pritchard, Covington resident,** expressed thanks to Councilmember Scott for his years of service to Covington.

**Fran McGregor, Covington resident,** expressed thanks to Councilmember Scott for his years of service to Covington.

**Gerald, Covington resident, Senior at Kentwood High School,** informed the Council that he attended the meeting to satisfy a school project requirement. Gerald thanked the Council for the opportunity to gain insight into how the city council works. Gerald also thanked Councilmember Scott for his years of service.

There being no further comments, Mayor Wagner closed the public comment period.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 10:05 p.m.

Prepared by:

Submitted by:

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Joan Michaud  
Senior Deputy City Clerk

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Sharon Scott  
City Clerk

**Consent Agenda Item C-2**

Covington City Council Meeting

Date: June 28, 2016

SUBJECT: APPROVAL OF VOUCHERS

RECOMMENDED BY: Rob Hendrickson, Finance Director

ATTACHMENT(S): Vouchers: Vouchers #34269-34270 in the amount of \$4,921.38, dated June 20, 2016; and Paylocity Payroll Checks #1005391732-1005391742 inclusive, plus employee direct deposits, in the amount of \$184,348.26, dated June 17, 2016.

PREPARED BY: Joan Michaud, Senior Deputy City Clerk

EXPLANATION: Not applicable.

ALTERNATIVES: Not applicable.

FISCAL IMPACT: Not applicable.

CITY COUNCIL ACTION: \_\_\_\_\_ Ordinance \_\_\_\_\_ Resolution  X  Motion \_\_\_\_\_ Other

**Councilmember \_\_\_\_\_ moves, Councilmember \_\_\_\_\_ seconds, to approve for payment Vouchers: Vouchers #34269-34270 in the amount of \$4,921.38, dated June 20, 2016; and Paylocity Payroll Checks #1005391732-1005391742 inclusive, plus employee direct deposits, in the amount of \$184,348.26, dated June 17, 2016.**

June 20, 2016

City of Covington

City of Covington

City of Covington  
Voucher/Check Register

Check #34269 through Check #34270

In the Amount of \$4,921.38

We, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claims are just, due and unpaid obligations against the City of Covington, Washington, County of King, and that we are authorized to authenticate and certify said claims per the attached register.

\_\_\_\_\_  
Cassandra Parker  
Senior Accountant

\_\_\_\_\_  
Mark Lanza  
City Councilmember

\_\_\_\_\_  
Jeff Wagner  
Mayor

\_\_\_\_\_  
Marlla Mhoon  
City Councilmember

Council Meeting Date Approved \_\_\_\_\_

# Accounts Payable

## Checks by Date - Detail by Check Date

User: scles  
 Printed: 6/20/2016 4:25 PM



| Check No                      | Vendor No<br>Invoice No | Vendor Name<br>Description                       | Check Date<br>Reference | Check Amount |
|-------------------------------|-------------------------|--|-------------------------|--------------|
| 34269                         | 0499                    | Bank of America                                  | 06/20/2016              |              |
|                               | 0405-6                  | Drinking fountain filter cartridges              |                         | 130.30       |
|                               | 0405-6                  | Drinking fountain filter cartridges, use tax     |                         | -10.32       |
|                               | 0405-6                  | Bahl; WRPA conference, hotel                     |                         | 123.31       |
|                               | 0405-6                  | Leung; WRPA conference, hotel                    |                         | 61.66        |
|                               | 0405-6                  | Leung; WRPA conference, hotel                    |                         | 61.65        |
|                               | 0405-6                  | Aquatics Brag badges for Play Unplugged          |                         | 325.80       |
|                               | 0405-6                  | Aquatics Brag badges for Play Unplugged, use tax |                         | -25.80       |
|                               | 0405-6                  | Finazzo; WRPA conference, hotel                  |                         | 123.31       |
|                               | 1197-6                  | Refund, Hart; Chamber luncheon                   |                         | -20.00       |
|                               | 1197-6                  | Tri-City meeting, set up dinner                  |                         | 22.81        |
|                               | 1197-6                  | Hart; Chamber luncheon                           |                         | 20.00        |
|                               | 1842-6                  | CiderFest; domain name renewals, 5/4-5/3/17      |                         | 30.00        |
|                               | 1842-6                  | CiderFest; facebook ads                          |                         | 43.49        |
|                               | 1842-6                  | CiderFest; hosting                               |                         | 35.00        |
|                               | 1842-6                  | CiderFest; marketing postcards                   |                         | 170.66       |
|                               | 1842-6                  | CiderFest; marketing postcards, use tax          |                         | -13.51       |
|                               | 1842-6                  | Covington Days; facebook ads                     |                         | 2.43         |
|                               | 2923-6                  | Accidental personal purchase; reimbursed         |                         | 99.00        |
|                               | 2923-6                  | Classified ads; seasonal maintenance             |                         | 10.00        |
|                               | 2923-6                  | Treasure chest gift cards                        |                         | 50.00        |
|                               | 3433-6                  | Bolli; Bond presentation, parking                |                         | 52.00        |
|                               | 3433-6                  | City Brag badges for Play Unplugged, use tax     |                         | -25.80       |
|                               | 3433-6                  | City Brag badges for Play Unplugged              |                         | 325.80       |
|                               | 3433-6                  | Bolli; City of Renton meeting, parking           |                         | 4.00         |
|                               | 3639-6                  | Mueller; EPIC conference, registration           |                         | 85.00        |
|                               | 5946-6                  | Manhole puller/grate hooks, hook holder          |                         | 525.00       |
|                               | 5946-6                  | CCP; batting mats, use tax                       |                         | -11.70       |
|                               | 5946-6                  | CCP; batting mats                                |                         | 147.70       |
|                               | 6093-6                  | Buck; GIS conference, registration               |                         | 335.00       |
|                               | 6668-6                  | Patterson; WRPA conference, hotel                |                         | 126.66       |
|                               | 6686-6                  | Hendrickson; GFOA conference, bag fee/transac    |                         | 32.62        |
|                               | 6686-6                  | Bates; planner                                   |                         | 11.43        |
|                               | 6686-6                  | Bates; planner                                   |                         | 11.43        |
|                               | 6686-6                  | Hendrickson; online excel training               |                         | 254.00       |
|                               | 7314-6                  | External CD/DVD writer                           |                         | 76.00        |
|                               | 7314-6                  | Surface stylus attachment, use tax               |                         | -2.14        |
|                               | 7314-6                  | Surface stylus attachment                        |                         | 27.04        |
|                               | 7314-6                  | External CD/DVD writer, use tax                  |                         | -6.02        |
|                               | 7314-6                  | Christenson; monitor                             |                         | 525.59       |
|                               | 9148-6                  | Hendrickson; PSFOA lunch meeting, May            |                         | 25.00        |
|                               | 9148-6                  | Aquatics back room, refrigerator/microwave       |                         | 677.98       |
|                               | 9148-6                  | Hendrickson/Parker; PSFOA lunch meeting, Jun     |                         | 50.00        |
| Total for Check Number 34269: |                         |  |                         | 4,486.38     |
| 34270                         | 0127                    | GFOA   | 06/20/2016              |              |
|                               | 0127-6                  | CAFR submittal fee                               |                         | 435.00       |

| Check No | Vendor No<br>Invoice No | Vendor Name<br>Description | Check Date<br>Reference       | Check Amount |
|----------|-------------------------|----------------------------|-------------------------------|--------------|
|          |                         |                            | Total for Check Number 34270: | 435.00       |
|          |                         |                            | Total for 6/20/2016:          | 4,921.38     |
|          |                         |                            | Report Total (2 checks):      | 4,921.38     |

June 17, 2016

City of Covington

Payroll Approval

- Request Council approval for payment of Payroll dated 06/17/16 consisting of:

PAYLOCITY CHECK # 1005391732 through PAYLOCITY CHECK # 1005391742 inclusive,  
plus employee direct deposits

IN THE AMOUNT OF \$184,348.26

WE, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE CLAIMS ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF COVINGTON, WASHINGTON, COUNTY OF KING, AND THAT WE ARE AUTHORIZED TO AUTHENTICATE AND CERTIFY SAID CLAIMS PER THE ATTACHED COUNCIL APPROVAL REPORT.

\_\_\_\_\_  
Cassandra Parker  
Senior Accountant

\_\_\_\_\_  
Mark Lanza  
City Councilmember

\_\_\_\_\_  
Jeff Wagner  
Mayor

\_\_\_\_\_  
Marlla Mhoon  
City Councilmember

Council Meeting Date Approved: \_\_\_\_\_

06/17/16 Payroll Voucher

Payroll Checks for Account Paylocity Account

| Check/Voucher | Check Type | Check Date | Employee Id | Employee Name         | Net Amount |
|---------------|------------|------------|-------------|-----------------------|------------|
| 112597        | Regular    | 6/17/2016  | 503         | Bolli, Regan H        | 4,931.50   |
| 112598        | Regular    | 6/17/2016  | 246         | Kirshenbaum, Kathleen | 491.98     |
| 112599        | Regular    | 6/17/2016  | 243         | Lyon, Valerie         | 1,509.36   |
| 112600        | Regular    | 6/17/2016  | 234         | Mhoon, Darren S       | 1,492.31   |
| 112601        | Regular    | 6/17/2016  | 162         | Michaud, Joan M       | 2,221.79   |
| 112602        | Regular    | 6/17/2016  | 123         | Scott, Sharon G       | 2,579.56   |
| 112603        | Regular    | 6/17/2016  | 313         | Slate, Karla J        | 2,545.73   |
| 112604        | Regular    | 6/17/2016  | 444         | Ziolkowski, Diana     | 38.79      |
| 112605        | Regular    | 6/17/2016  | 275         | Hart, Richard         | 3,008.45   |
| 112606        | Regular    | 6/17/2016  | 368         | Mueller, Ann M        | 1,797.82   |
| 112607        | Regular    | 6/17/2016  | 487         | Bykonen, Tyler B      | 54.65      |
| 112608        | Regular    | 6/17/2016  | 180         | Cles, Staci M         | 1,972.88   |
| 112609        | Regular    | 6/17/2016  | 146         | Hagen, Lindsay K      | 1,642.23   |
| 112610        | Regular    | 6/17/2016  | 235         | Hendrickson, Robert   | 3,857.18   |
| 112611        | Regular    | 6/17/2016  | 105         | Parker, Cassandra     | 2,650.23   |
| 112612        | Regular    | 6/17/2016  | 433         | Cimaomo, Joseph T     | 390.15     |
| 112613        | Regular    | 6/17/2016  | 323         | Harto, Margaret       | 578.24     |
| 112614        | Regular    | 6/17/2016  | 324         | Lanza, Mark           | 382.15     |
| 112615        | Regular    | 6/17/2016  | 326         | Mhoon, Marlla         | 541.85     |
| 112616        | Regular    | 6/17/2016  | 502         | Smith, Sean D         | 539.85     |
| 112617        | Regular    | 6/17/2016  | 329         | Wagner, Jeffrey       | 766.94     |
| 112618        | Regular    | 6/17/2016  | 353         | Dalton, Jesse J       | 2,083.63   |
| 112619        | Regular    | 6/17/2016  | 524         | Denning, Jerald J     | 945.12     |
| 112620        | Regular    | 6/17/2016  | 373         | Fealy, William J      | 2,281.38   |
| 112621        | Regular    | 6/17/2016  | 301         | Gaudette, John J      | 1,845.66   |
| 112622        | Regular    | 6/17/2016  | 511         | Goranson, Gage W      | 1,424.85   |
| 112623        | Regular    | 6/17/2016  | 186         | Junkin, Ross D        | 2,983.36   |
| 112624        | Regular    | 6/17/2016  | 559         | Parker, Bryce R       | 712.67     |
| 112625        | Regular    | 6/17/2016  | 457         | Smith, Nathan H       | 1,050.87   |
| 112626        | Regular    | 6/17/2016  | 408         | Terwillegar, Jeremy A | 1,392.95   |
| 112627        | Regular    | 6/17/2016  | 560         | Wareham, Casey M      | 964.58     |
| 112628        | Regular    | 6/17/2016  | 268         | Bykonen, Brian D      | 2,307.92   |
| 112629        | Regular    | 6/17/2016  | 279         | Christenson, Gregg R  | 2,947.96   |
| 112630        | Regular    | 6/17/2016  | 270         | Lyons, Salina K       | 2,370.50   |
| 112631        | Regular    | 6/17/2016  | 269         | Meyers, Robert L      | 3,468.53   |
| 112632        | Regular    | 6/17/2016  | 284         | Ogren, Nelson W       | 2,752.70   |
| 112633        | Regular    | 6/17/2016  | 266         | Thompson, Kelly       | 2,278.03   |
| 112634        | Regular    | 6/17/2016  | 518         | Islam, Shahinur       | 471.67     |
| 112635        | Regular    | 6/17/2016  | 307         | Morrissey, Mayson     | 3,099.26   |
| 112636        | Regular    | 6/17/2016  | 199         | Bahl, Rachel A        | 2,194.40   |
| 112637        | Regular    | 6/17/2016  | 557         | Bahl, Sally A         | 45.42      |
| 112638        | Regular    | 6/17/2016  | 397         | Ball, Jaquelyn I      | 1,588.62   |
| 112639        | Regular    | 6/17/2016  | 451         | Conway, Sean          | 1,569.80   |
| 112640        | Regular    | 6/17/2016  | 428         | Feser, Angela M       | 2,314.87   |
| 112641        | Regular    | 6/17/2016  | 448         | Finazzo, Dominic V    | 1,623.94   |

|                    |           |                               |          |
|--------------------|-----------|-------------------------------|----------|
| 112642 Regular     | 6/17/2016 | 305 Kiselyov, Tatyana         | 627.92   |
| 112643 Regular     | 6/17/2016 | 453 Leung, Rachael M          | 1,352.04 |
| 112644 Regular     | 6/17/2016 | 194 Newton, Ethan A           | 3,363.76 |
| 112645 Regular     | 6/17/2016 | 195 Patterson, Clifford       | 2,521.74 |
| 112646 Regular     | 6/17/2016 | 106 Bates, Shellie L          | 2,215.20 |
| 112647 Regular     | 6/17/2016 | 349 Buck, Shawn M             | 1,851.60 |
| 112648 Regular     | 6/17/2016 | 273 French, Fred              | 147.87   |
| 112649 Regular     | 6/17/2016 | 436 Lindskov, Robert T        | 3,170.93 |
| 112650 Regular     | 6/17/2016 | 257 Parrish, Benjamin A       | 2,078.59 |
| 112651 Regular     | 6/17/2016 | 173 Vondran, Donald M         | 3,796.43 |
| 112652 Regular     | 6/17/2016 | 252 Wesley, Daniel A          | 2,260.05 |
| 112653 Regular     | 6/17/2016 | 388 Andrews, Kaitlyn E        | 158.85   |
| 112654 Regular     | 6/17/2016 | 481 Binder, Jordan M          | 246.88   |
| 112655 Regular     | 6/17/2016 | 534 Blakely, Gavin D          | 121.29   |
| 112656 Regular     | 6/17/2016 | 513 Bryant, Colin A           | 59.89    |
| 112657 Regular     | 6/17/2016 | 517 Burke, Austin W           | 187.02   |
| 112658 Regular     | 6/17/2016 | 549 Callen, Ian A             | 485.26   |
| 112659 Regular     | 6/17/2016 | 514 Collins, Ashtyn E         | 371.48   |
| 112660 Regular     | 6/17/2016 | 258 Cox, Melissa              | 895.79   |
| 112661 Regular     | 6/17/2016 | 526 Duval-Dreblow, Shailynn R | 325.58   |
| 112662 Regular     | 6/17/2016 | 508 Halbert, Olivia M         | 28.88    |
| 112663 Regular     | 6/17/2016 | 553 Hall, Michael J           | 164.30   |
| 112664 Regular     | 6/17/2016 | 530 Hauck, Liam M             | 69.30    |
| 112665 Regular     | 6/17/2016 | 425 Knox, John Q              | 583.38   |
| 112666 Regular     | 6/17/2016 | 426 Knox, Patrick L           | 245.33   |
| 112667 Regular     | 6/17/2016 | 410 Lanz, Avalon A.           | 743.02   |
| 112668 Regular     | 6/17/2016 | 539 Losacco, Alessandra G     | 161.71   |
| 112669 Regular     | 6/17/2016 | 558 Maine, Connor             | 164.30   |
| 112670 Regular     | 6/17/2016 | 435 Martin, Iain-Josiah       | 256.81   |
| 112671 Regular     | 6/17/2016 | 525 Mastroianni, Anthony J    | 119.56   |
| 112672 Regular     | 6/17/2016 | 483 Medel, Erick              | 228.23   |
| 112673 Regular     | 6/17/2016 | 340 Middleton, Jordan         | 298.35   |
| 112674 Regular     | 6/17/2016 | 550 Moriarty, Dylan M         | 46.20    |
| 112675 Regular     | 6/17/2016 | 387 Praggastis, Elena C       | 93.79    |
| 112676 Regular     | 6/17/2016 | 429 Sizemore, Christine A     | 575.54   |
| 112677 Regular     | 6/17/2016 | 232 Smith, Gaylynn M.         | 256.43   |
| 112678 Regular     | 6/17/2016 | 492 Spencer, Ethan R          | 74.80    |
| 112679 Regular     | 6/17/2016 | 561 Steinmeyer, Karsten K     | 792.57   |
| 112680 Regular     | 6/17/2016 | 392 Wardrip, Spencer A        | 549.83   |
| 112681 Regular     | 6/17/2016 | 432 Wilton, Sara J            | 38.85    |
| 112682 Regular     | 6/17/2016 | 480 Woods, Dylan J            | 486.95   |
| 112683 Regular     | 6/17/2016 | 533 Wruth, Hunter T           | 133.16   |
| 112684 Regular     | 6/17/2016 | 541 Cox, Christopher S        | 174.61   |
| 112685 Regular     | 6/17/2016 | 495 Tashiro-Townley, Joshua C | 134.98   |
| 112686 Regular     | 6/17/2016 | 500 White, Preston A          | 108.27   |
| 112687 Regular     | 6/17/2016 | 116 Beaufrere, Noreen         | 2,990.41 |
| 112688 Regular     | 6/17/2016 | 137 Throm, Victoria J         | 2,031.14 |
| 1005391732 Regular | 6/17/2016 | 364 Newell, Nancy J           | 55.41    |
| 1005391733 Regular | 6/17/2016 | 471 Shank, Maia M             | 235.08   |
| 1005391734 Regular | 6/17/2016 | 527 Ainsworth, Nicholas D     | 377.00   |

|                    |           |                         |        |
|--------------------|-----------|-------------------------|--------|
| 1005391735 Regular | 6/17/2016 | 509 Brannon, David J    | 290.78 |
| 1005391736 Regular | 6/17/2016 | 555 Casey, Noah         | 80.84  |
| 1005391737 Regular | 6/17/2016 | 274 Goldfoos, Rhyan     | 297.32 |
| 1005391738 Regular | 6/17/2016 | 399 Jensen, Emily A     | 426.40 |
| 1005391739 Regular | 6/17/2016 | 489 Wold, Jared K       | 139.98 |
| 1005391740 Regular | 6/17/2016 | 395 Wunschel, Ethan G.  | 108.42 |
| 1005391741 Regular | 6/17/2016 | 556 Bethune, Lauchlin A | 293.03 |

**Totals for Payroll Checks 102 Items 118,805.46**

Third Party Checks for Account Paylocity Account

| Check/Voucher | Check Type | Check Date | Employee Id | Employee Name                  | Net Amount |
|---------------|------------|------------|-------------|--------------------------------|------------|
| 112689        | AGENCY     | 6/17/2016  | 401SS       | ICMA Retirement Trust          | 18,880.71  |
| 112690        | AGENCY     | 6/17/2016  | 457Ex       | Vantagepoint Transfer Agent-   | 375.80     |
| 112691        | AGENCY     | 6/17/2016  | CICOV       | City of Covington              | 3,362.27   |
| 112692        | AGENCY     | 6/17/2016  |             | Emp City of Covington Employee | 102.00     |
| 112693        | AGENCY     | 6/17/2016  | IC401       | ICMA Retirement Trust          | 15,931.84  |
| 112694        | AGENCY     | 6/17/2016  | IC457       | ICMA Retirement Trust          | 2,371.18   |
| 112695        | AGENCY     | 6/17/2016  |             | ROTH ICMA Retirement Trust     | 150.00     |
| 112696        | AGENCY     | 6/17/2016  | VEBA        | HRA VEBA Trust Contributions   | 1,785.00   |
| 1005391742    | AGENCY     | 6/17/2016  | JG1         | WASH CHILD SUPPORT             | 110.41     |

**Totals for Third Party Checks 9 Items 43,069.21**

**Tax Liabilities 21,749.07**

**Paylocity Fees 724.52**

**Grand Total \$ 184,348.26**

## Consent Agenda Item C-3

Covington City Council Meeting

Date: June 28, 2016

**SUBJECT:** CONSIDER AN ORDINANCE AMENDING ORDINANCE NO. 07-11 TO EXTEND THE CURRENT NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE WITH ELECTRIC LIGHTWAVE LLC, FOR AN ADDITIONAL FIVE YEARS.

**RECOMMENDED BY:** Don Vondran, Public Works Director

**ATTACHMENT(S):**

1. Proposed Ordinance amending Ordinance No. 07-11 to extend the Non-Exclusive Franchise with Electric Lightwave LLC (ELI) for an additional five years
2. ELI Infrastructure Map in Covington

**PREPARED BY:** Don Vondran, Public Works Director

**EXPLANATION:**

On June 28, 2011, the council approved anon-exclusive telecommunications franchise with Electric Lightwave LLC (ELI). The term of that franchise was for five years and will expire on July 13<sup>th</sup> of this year. ELI has requested a renewal of the franchise for another five year term.

ELI is a subsidiary of Integra Telecommunications and is a limited liability company that provides fiber based telecommunication services. They primarily provide services to businesses as well as healthcare and educational organizations. ELI has indicated that their services over the last five years will remain relatively unchanged over the next five years. See Attachment 2 for a map of their fiber network through Covington.

**FISCAL IMPACT:**

The city currently collects utility tax revenue from services that are provided by ELI. With the extension of the franchise, the utility tax will continue to be collected on ELI services. In addition, the city will collect fees for any right-of-way permits that are necessary for ELI to maintain their infrastructure.

**CITY COUNCIL ACTION:**      X   Ordinance           Resolution           Motion           Other

**Council member \_\_\_\_\_ moves, Council member \_\_\_\_\_ seconds, to pass an ordinance, in substantial form as that attached hereto, amending Ordinance No. 07-11 to extend the current ELI non-exclusive telecommunications franchise for an addition five years.**

**REVIEWED BY:** City Manager, City Attorney, Finance Director

**ORDINANCE NO. 13-2016**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON AMENDING ORDINANCE NO. 07-11, TO EXTEND THE CURRENT NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE WITH ELECTRIC LIGHTWAVE, LLC FOR AN ADDITIONAL FIVE YEARS.**

WHEREAS, RCW 35A.11.020 grants cities broad authority to regulate the use of public right-of-way; and

WHEREAS, RCW 35A.47.040 grants cities broad authority to grant nonexclusive franchise agreements; and

WHEREAS, Electric Lightwave, LLC (“ELI”) currently holds a telecommunications franchise with the City of Covington (the “City”), granted by Ordinance No. 07-11, on July 13, 2011 (the “ELI Franchise”); and

WHEREAS, the ELI Franchise is scheduled to expire on July 13, 2016; and

WHEREAS, the City and ELI desire to extend the ELI Franchise; and

WHEREAS, Section 18 of the Franchise Agreement allows for amendments and modifications of the Franchise Agreement upon the written agreement of both ELI and the City; and

WHEREAS, the City Council of the City of Covington finds that it is in the best interest of the health, safety, and welfare of the residents of the City that the telecommunications franchise granted by Ordinance No. 07-11 be extended until July 13, 2021;

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

**Section 1. Extension of Franchise Term.** The non-exclusive franchise granted in Ordinance No. 07-11 (attached hereto as Exhibit A) is hereby extended until July 13, 2021. Section 1 of Ordinance No. 07-11 is hereby amended to read as follows:

Section 1. Franchise Granted. Pursuant to Section 35A.47.040 of the Revised Code of Washington (RCW), the City hereby grants to ELI, a company organized under the laws of the State of Delaware, its successors, and assigns, subject to the terms and conditions hereinafter set forth, a non-exclusive franchise for the purposes of providing data communication services. The term of the franchise shall expire on July 13, 2021.

This franchise shall grant ELI the right, privilege and authority to construct, operate, maintain, replace, and use all necessary equipment and facilities thereto for a telecommunications system, in, under, on, across, over, through, along, or below the public right-of-ways located in the City, as approved under City permits issued pursuant to this franchise. Said facilities shall not include towers, mono poles, antennas, or other equipment for the transmission of public wireless telecommunications. However, antennas for GPS timing, GPS locating, or other monitoring or sensor equipment for ELI's internal use, shall be permitted. Public "rights-of-way" as used herein means all public streets, roads, alleys and highways of the City as now or hereafter laid out, platted, dedicated or improved.

**Section 2. Amendment.** Section 11 of Ordinance No. 07-11 is hereby amended to read as follows:

ELI shall further be subject to all permit fees associated with Activities undertaken through the authority granted in this franchise ordinance or under the laws of the City. Where the City incurs costs and expenses for review, inspection, or supervision of activities undertaken through the authority granted in this franchise or any ordinances relating to the subject for which a permit fee is not established, ELI shall pay such costs and expenses directly to the City. In addition to the above, ELI shall promptly reimburse the City for any and all costs the City reasonably incurs in response to any emergency involving ELI's cable and facilities. All City costs, fees, or expenses which are reimbursable by the terms of this agreement shall be subject to RCW 35.21.860.

**Section 3. Acceptance.** Within thirty (30) days after the passage and approval of this ordinance, this franchise extension and amendment may be accepted by ELI by its filing with the City Clerk an unconditional written acceptance thereof on the form provided in Exhibit B, attached hereto. Failure of ELI to so accept this franchise amendment within said period of time shall be deemed a rejection thereof by ELI, and the rights and privileges herein granted shall, after the expiration of the sixty (60) day period, absolutely cease and terminate, unless the time period is extended by ordinance duly passed for that purpose.

**Section 4. Severability.** If any provision of this ordinance, or ordinance modified by it, is determined to be invalid or unenforceable for any reason, the remaining provision of this ordinance and ordinances and/or resolutions modified by it shall remain in force and effect.

**Section 5. Corrections.** Upon approval of the city attorney, the city clerk and the codifiers of this ordinance are authorized to make necessary technical corrections to this ordinance, including, without limitation, the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or section/subsection numbering.

**Section 6. Effective Date.** This ordinance or a summary thereof shall be published in the official newspaper of the City and shall take effect and be in full force and effect five (5) days after passage and publication as provided by law.

**Section 7. Notice.** Electric Lightwave LLC's notice address shall be modified to reflect 18110 SE 34<sup>th</sup> Street, Vancouver, WA 98683.

PASSED by the City Council of the City of Covington, Washington at its regular meeting on the 28<sup>th</sup> of June, 2016, and signed in authentication of its passage.

\_\_\_\_\_  
Jeff Wagner, Mayor

PUBLISHED: July 1, 2016

EFFECTIVE: July 6, 2016

Attested:

\_\_\_\_\_  
Sharon Scott, City Clerk

APPROVED AS TO FORM ONLY:

\_\_\_\_\_  
Sara Springer, City Attorney

**ORDINANCE NO. 07 - 11**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON GRANTING UNTO ELECTRIC LIGHTWAVE, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND ASSIGNS, FOR THE RIGHT, PRIVILEGE, AUTHORITY AND NON-EXCLUSIVE FRANCHISE FOR FIVE YEARS TO CONSTRUCT, MAINTAIN, OPERATE, REPLACE AND REPAIR TELECOMMUNICATIONS SYSTEM, IN, ACROSS, OVER, ALONG, UNDER, THROUGH AND BELOW CERTAIN DESIGNATED PUBLIC RIGHTS-OF-WAY OF THE CITY OF COVINGTON, WASHINGTON.

WHEREAS, Electric Lightwave, LLC (ELI) has requested that the City of Covington ("City") grant it a non-exclusive telecommunications franchise; and

WHEREAS, the City has the authority to grant franchises for the use of its streets and other public properties (RCW 35A.47.040);

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Franchise Granted. Pursuant to Section 35A.47.040 of the Revised Code of Washington (RCW), the City hereby grants to ELI, a company organized under the laws of the State of Delaware, its successors, and assigns, subject to the terms and conditions hereinafter set forth, a non-exclusive franchise for a period of five (5) years, beginning on the effective date of this ordinance.

This franchise shall grant ELI the right, privilege and authority to construct, operate, maintain, replace, and use all necessary equipment and facilities thereto for a telecommunications system, in, under, on, across, over, through, along or below the public right-of-ways located in the City, as approved under City permits issued pursuant to this franchise. Said facilities shall not include towers, mono poles, antennas, or other equipment for the transmission of public wireless telecommunications. However, antennas for GPS timing, GPS locating, or other monitoring or sensor equipment for ELI's internal use, shall be permitted. Public "rights-of-way" as used herein means all public streets, roads, alleys and highways of the City as now or hereafter laid out, platted, dedicated or improved.

Section 2. Non-Exclusive Franchise Grant. This franchise is granted upon the express condition that it shall not in any manner prevent the City from granting other or further franchises in, along, over, through, under, below or across any of said right-of-ways. This franchise shall in no way prevent or prohibit the City from using any of said roads, streets or other public properties or affect its jurisdiction over them or any part of them, and the City shall retain power to make all necessary changes, relocations, repairs, maintenance, establishment, improvement, dedication of same as the City may

deem fit, including the dedication, establishment, maintenance, and improvement of all new rights-of-ways, thoroughfares and other public properties of every type and description.

Section 3. Location of Telecommunications System Facilities. ELI is authorized to place its telecommunication system facilities in, under, on, across, over, through, along, or below the public right-of-ways of the City as approved under City permits issued pursuant to this franchise.

Section 4. Relocation of Telecommunications System Facilities.

4.1 ELI agrees and covenants at its sole cost and expense to protect, support, temporarily disconnect, relocate, or remove from any street any of its installations when so required by the City by reason of traffic conditions or public safety, dedications of new rights-of-way, street vacations, freeway construction, change or establishment of street grade, or the construction of any public improvement or structure by any governmental agency acting in a governmental capacity, provided that ELI shall in all such cases have the privilege to temporarily bypass, in the authorized portion of the same street upon approval by the City, any section of cable required to be temporarily disconnected or removed.

4.2 Any condition or requirement imposed by the City upon any person or entities (including, without limitation, any condition or requirement imposed pursuant to any contract or in conjunction with approvals for permit for zoning, land use, construction or development) which reasonably necessitates the relocation of ELI's facilities within the franchise area shall be a required relocation for purposes of subsection 4.1 above.

4.3 If the City determines that the project necessitates the relocation of ELI's then existing facilities, the City shall:

4.3.1 At least sixty (60) days prior to the commencement of such improvement project, provide ELI with written notice requiring such relocation.

4.3.2 Provide ELI with copies of pertinent portions of the plans and specifications for such improvement project and a proposed location for ELI's facilities so that ELI may relocate its facilities in other City right-of-way in order to accommodate such improvement project.

4.3.3 After receipt of such notice and such plans and specifications, ELI shall complete relocation of its facilities at least ten (10) days prior to commencement of the City's project at no charge or expense to the City.

4.3.4 Relocation shall be accomplished in such a manner as to accommodate the City's project.

4.4 ELI may, after receipt of written notice requesting a relocation of its facilities, submit to the City written alternatives to such relocation. The City shall evaluate such alternatives and advise ELI in writing if one or more of the alternatives are suitable to accommodate the work which would otherwise necessitate relocation of the facilities. If so requested by the City, ELI shall submit additional information to assist the City in making such evaluation. The City shall give each alternative proposed by ELI full and fair consideration. In the event the City ultimately determines that there is no other reasonable or feasible alternative, ELI shall relocate its facilities as otherwise provided in this Section. The provisions of this Section shall survive the expiration or termination of this franchise agreement for a period of three (3) years.

4.5 The provisions of this Section shall in no manner preclude or restrict ELI from making any arrangements it may deem appropriate when responding to a request for relocation of its facilities by any person or entity other than the City, where the facilities to be constructed by said person or entity are not or will not become City-owned, operated or maintained facilities, provided that such arrangements do not unduly delay a City construction project.

Section 5. Undergrounding of Facilities. In any area of the City in which there are no aerial facilities, or in any area in which telephone, electric power wires and cables have been placed underground, ELI shall not be permitted to erect poles or to run or suspend wires, cables or other facilities thereon, but shall lay such wires, cables or other facilities underground in the manner required by the City. ELI acknowledges and agrees that if the City does not require the undergrounding of its facilities at the time of permit application, the City may, at any time in the future, require the conversion of ELI's aerial facilities to underground installation at ELI's expense.

Whenever the City may require the undergrounding of the aerial utilities in any area of the City, ELI shall underground its aerial facilities in the manner specified by the City, concurrently with and in the area of the other affected utilities. Where other utilities are present and involved in the undergrounding project, ELI shall only be required to pay its fair share of common costs borne by all utilities, in addition to the costs specifically attributable to the undergrounding of ELI's own facilities. "Common costs" shall include necessary costs not specifically attributable to the undergrounding of any particular facility, such as costs for common trenching and utility vaults. "Fair share" shall be determined for a project on the basis of the number and size of ELI facilities being undergrounded in comparison to the total number and size of all other utility facilities being undergrounded.

Section 6. Maps and Records. After construction is complete, and as a condition of this franchise, ELI shall provide the City upon request and at no cost, a copy of all as-built plans, maps and records revealing the final location and condition of its facilities within the public right-of-ways and public places.

Section 7. Excavations. During any period of relocation, construction or maintenance, all work performed by ELI or its contractors shall be accomplished in a safe and workmanlike manner so to minimize interference with the free passage of

traffic and the free use of adjoining property, whether public or private. ELI shall at all times post and maintain proper barricades and comply with all applicable safety regulations during such period of construction as required by the ordinances of the City or the laws of the State of Washington, including RCW 39.04.180 for the construction of trench safety systems.

Whenever ELI shall excavate in any public right-of-way for the purpose of installation, construction, repair, maintenance or relocation of its cable or equipment, it shall apply to the City for a permit to do so and, in addition, shall give the City at least five (5) working days prior notice of its intent to commence work in the public right-of-way. In no case shall any work commence within any public right-of-way without a permit, except as otherwise provided in this franchise ordinance.

If either the City or ELI shall at any time plan to make excavations in any area covered by this franchise and as described in this Section, the party planning such excavation shall afford the other, upon receipt of a written request to do so, an opportunity to share such excavation, PROVIDED THAT:

- A. Such joint use shall not unreasonably delay the work of the party causing the excavation to be made; and
- B. Such joint use shall be arranged and accomplished on terms and conditions satisfactory to both parties; and
- C. Either party may deny such request for safety reasons. The provisions of this Section shall survive the expiration or termination of this franchise agreement.

Section 8. Restoration after Construction. ELI shall, after abandonment approved under Section 15 herein, or installation, construction, relocation, maintenance or repair of its facilities within the franchise area, restore the surface of the right-of-way to at least the same condition the property was in immediately prior to any such installation, construction, relocation, maintenance or repair. The City's Public Works Director shall have final approval of the condition of such streets and public places after restoration. All concrete encased monuments which have been disturbed or displaced by such work shall be restored pursuant to all federal, state and local standards and specifications. ELI agrees to promptly complete all restoration work and to promptly repair any damage caused by such work to the franchise area or other affected area at its sole cost and expense. The provisions of this Section shall survive the expiration, revocation or termination by other means of this franchise, for a period of three (3) years.

Section 9. Emergency Work – Permit Waiver. In the event of any emergency in which any of ELI's facilities located in or under any street breaks, become damaged, or if ELI's construction area is otherwise in such a condition as to immediately endanger the property, life, health or safety of individuals necessitating emergency work, ELI may perform said work without first applying for and obtaining a permit as required by this franchise. However, this shall not relieve ELI from the requirement of obtaining any

permits necessary for this purpose, and ELI shall apply for all such permits not later than the next succeeding day during which the Covington City Hall is open for business.

Section 10. Dangerous Conditions. Authority for City to Abate. Whenever the construction, installation or excavation of facilities authorized by this franchise has caused or contributed to a condition that appears to substantially impair the lateral support of the adjoining street or public place, or endangers the public, an adjoining public place, street utilities or City property, the City's Public Works Director may direct ELI, at ELI's own expense, to take actions to protect the public, adjacent public places, City property, or street utilities, and such action may include compliance within a prescribed time. In the event that ELI fails or refuses to promptly take the actions directed by the City, or fails to fully comply with such directions, or if emergency conditions exist which require immediate action, the City may enter upon the property and take such actions as are necessary to protect the public, the adjacent streets, or street utilities, or to maintain the lateral support thereof, or actions regarded as necessary safety precautions, and ELI shall be liable to the City for the costs thereof. The provisions of this Section shall survive the expiration, revocation or termination of this franchise, for a period of three (3) years.

Section 11. Recovery of Costs. ELI shall pay a filing fee for the City's administrative costs in drafting and processing this franchise agreement and all work related thereto. ELI shall further be subject to all permit fees associated with activities undertaken through the authority granted in this franchise ordinance or under the laws of the City. Where the City incurs costs and expenses for review, inspection or supervision of activities undertaken through the authority granted in this franchise or any ordinances relating to the subject for which a permit fee is not established, ELI shall pay such costs and expenses directly to the City. In addition to the above, ELI shall promptly reimburse the City for any and all costs the City reasonably incurs in response to any emergency involving ELI's cable and facilities. All City costs, fees, or expenses which are reimbursable by the terms of this agreement shall be subject to RCW 35.21.860.

Section 12. City's Reservation of Rights. Pursuant to RCW 35.21.860, the City is precluded from imposing a franchise fee on a telephone business as defined in RCW 82.04.065, except for administrative expenses or any tax authorized by RCW 35.21.865. ELI hereby warrants that its operations as authorized under this franchise are those of a telephone business as defined in RCW 82.04.065. As a result, the City will not impose a franchise fee under the terms of this ordinance, other than as described herein.

However, the City hereby reserves its right to impose a franchise fee on ELI for purposes other than to recover its administrative expenses if ELI's operations as authorized by this franchise change so that not all uses of the franchise are those of a "telephone business" as defined in RCW 82.04.065; or, if statutory prohibitions on the imposition of such fees are removed. In either instance, the City also reserves its right to require that ELI obtain a separate franchise for its change in use, which franchise may include provisions intended to regulate ELI's operations as allowed under applicable law.

Section 13. Indemnification: ELI hereby releases, covenants not to bring suit and agrees to indemnify, defend and hold harmless the City, its officers, employees, agents and representatives from any and all claims, costs, judgements, awards or liability to any person, including claims by ELI's own employees for which ELI might otherwise be immune under Title 51 RCW, for injury or death of any person or damage to property caused by or arising out of the negligent acts or omissions of ELI, its agents, servants, officers or employees in the performance of this franchise, and any rights granted hereunder.

Inspection or acceptance by the City of any work performed by ELI at the time of completion of construction shall not be grounds for avoidance by ELI of any of its obligations under this Section. Said indemnification obligations shall extend to claims which are not reduced to a suit and any claims which may be compromised prior to the culmination of any litigation or the institution of any litigation.

In the event that ELI refuses the tender of defense in any suit or any claim, said tender having been made pursuant to the indemnification provision contained herein, and said refusal is subsequently determined by a court having jurisdiction (or such other tribunal that the parties shall agree to decide the matter), to have been a wrongful refusal on the part of ELI, then ELI shall pay all of the City's reasonable and documented costs for defense of the action, including all expert witness fees, costs, and attorney's fees, including costs and fees incurred in recovering under this indemnification provision.

In the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of ELI and the City, its officers, employees and agents, ELI's liability hereunder shall be only to the extent of ELI's negligence. It is further specifically and expressly understood that the indemnification provision provided herein constitutes ELI's waiver of immunity under Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this Section shall survive the expiration or termination of this franchise agreement for a period of three (3) years.

Section 14. Insurance. ELI shall procure and maintain for the duration of the franchise insurance against claims for injuries to persons or damages to property which may arise from or in connection with the exercise of the rights, privileges and authority granted hereunder to ELI, its agents, representatives or employees. ELI shall provide a copy of such insurance certificate to the City for its inspection prior to the adoption of this franchise ordinance, and such insurance shall include:

- A. Automobile Liability insurance with limits no less than \$1,000,000 combined single limit per occurrence for bodily injury and property damage; and
- B. Commercial General Liability insurance, written on an occurrence basis with limits no less than \$1,000,000 combined single limit per occurrence and \$2,000,000 aggregate for personal injury, bodily

injury and property damage. Coverage shall include but not be limited to: blanket contractual; products and completed operations; broad form property damage; explosion, collapse and underground (XCU); and employer's liability.

Any deductibles or self-insured retentions must be declared to and approved by the City. Payment of deductible or self-insured retention shall be the sole responsibility of ELI.

The insurance policies obtained by ELI shall name the City (its officers, employees and volunteers) as an additional insured with regard to activities performed by or on behalf of ELI. The coverage shall contain no special limitations on the scope of protection afforded by the City, its officers, officials, employees or volunteers. In addition, the insurance policy shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability. ELI's insurance shall be primary insurance as respects the City, its officers, employees, agents and volunteers. Any insurance maintained by the City, its officers, employees, agents or volunteers shall be excess of ELI's insurance and shall not contribute with it. The insurance certificate required by this clause shall state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days prior written notice has been given to the City.

Any failure to comply with the reporting provisions of the policies required herein shall not affect coverage provided to the City, its officers, employees, agents or volunteers.

Section 15. Abandonment of ELI's Cable or Telecommunication System Facilities. No cable, section of cable or facility laid in the street by ELI may be abandoned by ELI without the express written consent of the City. Any plan for abandonment or removal of ELI's cable and facilities must be first approved by the City's Public Works Director and all necessary permits must be obtained prior to such work. The provisions of this Section shall survive the expiration, revocation or termination of this franchise agreement for a period of three (3) years.

Section 16. Bond. Before undertaking any of the work, installation, improvements, construction, repair, relocation or maintenance authorized by this franchise, ELI shall, upon the request of the City, furnish a bond executed by ELI and a corporate surety authorized to do a surety business in the State of Washington, in a reasonable sum to be set and approved by the City's Director of Public Works as sufficient to ensure performance of ELI's obligations under this franchise. The bond shall be conditioned so that ELI shall observe all the covenants, terms and conditions and faithfully perform all of the obligations of this franchise, and to erect or replace any defective work or materials discovered in the replacement of the City's streets or property within a period of two years from the date of the replacement and acceptance of such repaired streets by the City.

Section 17. City Requested Facilities. At any time that ELI is constructing, relocating, or placing ducts or conduits in public rights-of-way, the City may require ELI to provide additional duct or conduit and related access structures. ELI agrees to perform such requests at the sole expense of the City and pursuant to RCW 35.99.070 and the applicable terms of this franchise agreement.

Section 18. Modification. The City and ELI hereby reserve the right to alter, amend or modify the terms and conditions of this franchise upon written agreement of both parties to such alteration, amendment or modification.

Section 19. Forfeiture and Revocation: If ELI willfully violates or fails to comply with any of the provisions of this franchise, or through willful misconduct or gross negligence fails to heed or comply with any notice given ELI by the City under the provisions of this franchise, then ELI shall, at the election of the Covington City Council, forfeit all rights conferred hereunder and this franchise may be revoked or annulled by the Council after a hearing held upon notice to ELI.

Section 20. Remedies to Enforce Compliance. The City may elect, in lieu of the above and without any prejudice to any of its other legal rights and remedies, to obtain an order from the superior court having jurisdiction compelling ELI to comply with the provisions of this ordinance and to recover damages and costs incurred by the City by reason of ELI's failure to comply. In addition to any other remedy provided herein, the City reserves the right to pursue any remedy to compel or force ELI and/or its successors and assigns to comply with the terms hereof, and the pursuit of any right or remedy by the City shall not prevent the City from thereafter declaring a forfeiture or revocation for breach of the conditions herein.

Section 21. City Ordinances and Regulations. Nothing herein shall be deemed to restrict the City's ability to adopt and enforce all necessary and appropriate ordinances regulating the performance of the conditions of this franchise, including any valid ordinance made in the exercise of its police powers in the interest of public safety and for the welfare of the public. The City shall have the authority at all times to control by appropriate regulations the location, elevation, manner of construction and maintenance of any fiber optic cable or cable facilities by ELI, and ELI shall promptly conform with all such regulations, unless compliance would cause ELI to violate other requirements of law. In the event of a conflict between the provisions of this franchise and any other ordinance(s) enacted under the City's police power authority, such other ordinance(s) shall take precedence over the provisions set forth herein.

Section 22. Cost of Publication. The cost of publication of this ordinance shall be borne by ELI.

Section 23. Acceptance. Within sixty (60) days after the passage and approval of this ordinance, this franchise may be accepted by ELI by its filing with the City Clerk an unconditional written acceptance thereof. Failure of ELI to so accept this franchise within said period of time shall be deemed a rejection thereof by ELI, and the rights and privileges herein granted shall, after the expiration of the sixty (60) day period,

absolutely cease and determine, unless the time period is extended by ordinance duly passed for that purpose.

Section 24. Survival. All of the provisions, conditions and requirements of Sections 4 – Relocation of Telecommunications Facilities; 5 – Undergrounding of Facilities; 7 – Excavation; 8 – Restoration after Construction; 10 – Dangerous Conditions; 13 – Indemnification; and 15 – Abandonment of ELI’s Facilities, of this franchise shall be in addition to any and all other obligations and liabilities ELI may have to the City at common law, by statute, or by contract, and shall survive the City’s franchise to ELI for the use of the areas mentioned in Section 1 herein, and any renewals or extensions thereof, for a period of three (3) years. All of the provisions, conditions, regulations and requirements contained in this franchise Ordinance shall further be binding upon the successors and assigns of ELI and all privileges, as well as all obligations and liabilities of ELI shall inure to its heirs, successors and assigns equally as if they were specifically mentioned wherever ELI is named herein.

Section 25. Assignment. This agreement may not be assigned or transferred without the written approval of the City, except ELI may freely assign this agreement in whole or in part to a parent, subsidiary, or affiliated corporation or as part of any corporate financing, reorganization or refinancing. In the case of transfer or assignment as security by mortgage or other security instrument in whole or in part to secure indebtedness, such consent shall not be required unless and until the secured party elects to realize upon the collateral. ELI shall provide prompt, written notice to the City of any such assignment.

Section 26. Notice. Any notice or information required or permitted to be given to the parties under this franchise agreement may be sent to the following addresses unless otherwise specified:

CITY OF COVINGTON  
Attn: City Manager  
16720 SE 271<sup>st</sup> Street, Suite 100  
Covington, WA 98042

ELECTRIC LIGHTWAVE,LLC.  
Attn: VP Treasurer & Finance  
1201 NE Lloyd Boulevard, Suite 500  
Portland, OR 97232

With a copy to:

CITY OF COVINGTON  
Attn: Public Works Director  
16720 SE 271<sup>st</sup> Street, Suite 100  
Covington, WA 98042

ELECTRIC LIGHTWAVE,LLC.  
Attn: Department of Law & Policy  
1201 NE Lloyd Boulevard, Suite 500  
Portland, OR 97232

Section 27. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by the court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

If any provision of this ordinance, or ordinance modified by it, is determined to be invalid or unenforceable for any reason, the remaining provisions of this ordinance and

ordinances and/or resolutions modified by it shall remain in force and effect.

Section 28. Effective Date. This ordinance shall be in full force and effect on July 13, 2011. A summary of this ordinance may be published in lieu of publishing the ordinance in its entirety.

Passed by the City Council on the 28<sup>th</sup> day of June, 2011.

Margaret Harto  
Mayor Margaret Harto

PUBLISHED: July 8, 2011  
EFFECTIVE: July 13, 2011

ATTESTED:

[Signature]  
Sharon Scott  
City Clerk

APPROVED AS TO FORM:

[Signature]  
Sara Springer  
City Attorney

**EXHIBIT B**

Electric Lightwave, LLC Franchise Agreement Extension Acceptance Form

City Clerk  
City of Covington  
16720 SE 271<sup>st</sup> Street, Suite 100  
Covington, WA 98042-4964

This is to advise the City of Covington, Washington, that Electric Lightwave LLC (“ELI”) hereby accept the terms and provisions of Ordinance No. 13-2016 passed by the City Council on June 28, 2016 (the “Franchise Extension”) granting to ELI a non-exclusive telecommunication Franchise until July 13, 2021. ELI acknowledges and agrees to abide by each and every term of the current Franchise Agreement (Ordinance No. 07-11) and Franchise Extension.

BY \_\_\_\_\_

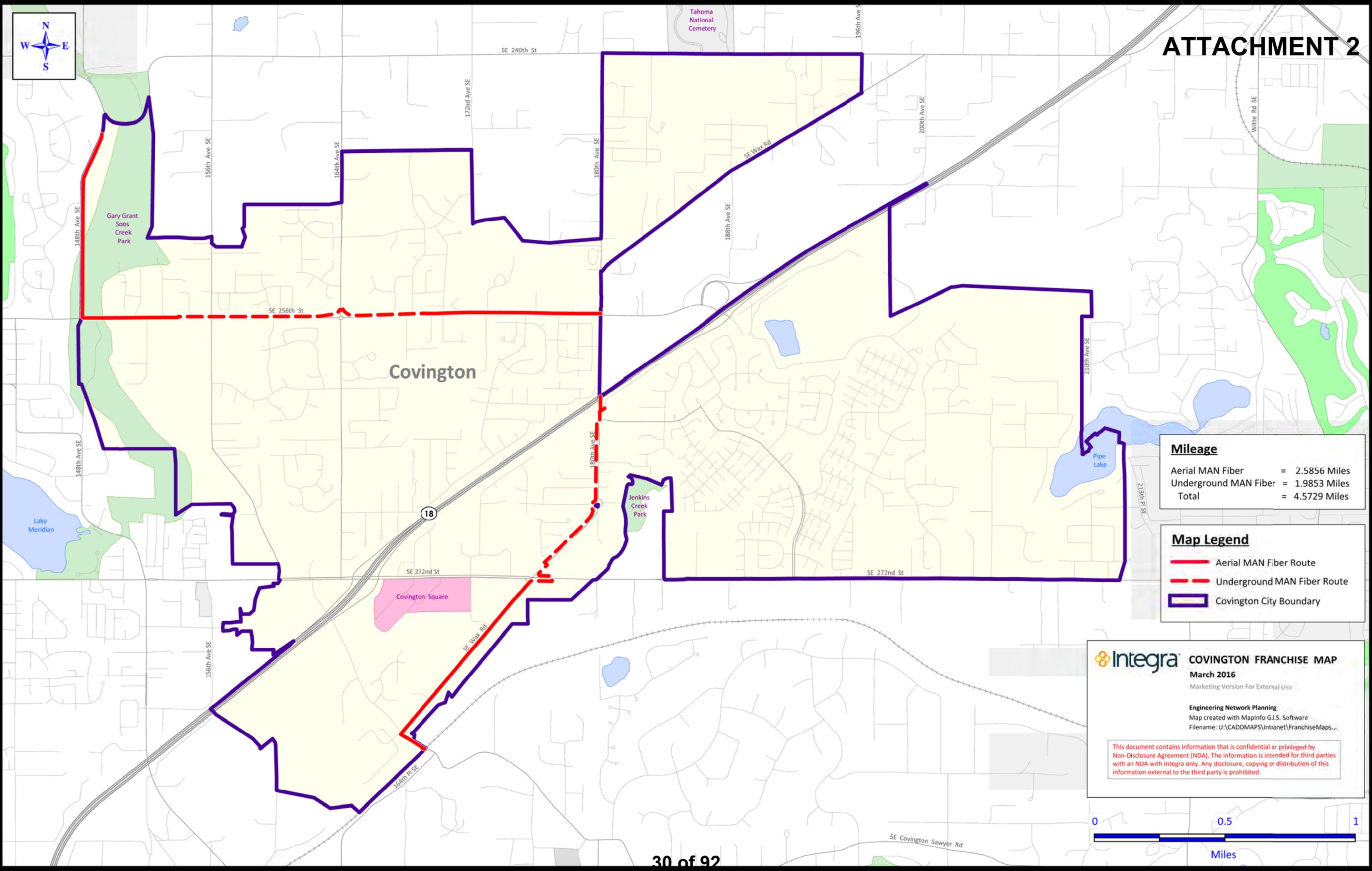
TITLE \_\_\_\_\_

DATE \_\_\_\_\_

This Acceptance was received by the City of Covington on \_\_\_\_\_, 2016.

Attested By:

\_\_\_\_\_  
City Clerk



**Mileage**

|                       |   |                     |
|-----------------------|---|---------------------|
| Aerial MAN Fiber      | = | 2.5856 Miles        |
| Underground MAN Fiber | = | 1.9853 Miles        |
| <b>Total</b>          | = | <b>4.5729 Miles</b> |

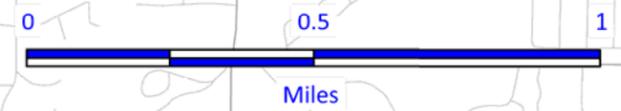
**Map Legend**

|  |                             |
|--|-----------------------------|
|  | Aerial MAN Fiber Route      |
|  | Underground MAN Fiber Route |
|  | Covington City Boundary     |

**Integra** COVINGTON FRANCHISE MAP  
 March 2016  
 Marketing Version For External Users

Engineering Network Planning  
 Map created with MapInfo G.I.S. Software  
 Filename: U:\CADD\MAPS\Intanet\FranchiseMaps...

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## Consent Agenda Item C-4

Covington City Council Meeting

Date: June 28, 2016

**SUBJECT:** CONSIDER AWARDING THE CONSTRUCTION CONTRACT FOR THE  
TIMBERLANE-JENKINS STORMWATER LID SITE 1 BIORETENTION AREA  
AND GROUNDWATER DIVERSION PROJECT (CIP 1027A) TO WELWEST  
CONSTRUCTION LLC.

**RECOMMENDED BY:** Don Vondran, Public Works Director

**ATTACHMENT(S):**

1. Gray & Osborne's bid evaluation

**PREPARED BY:** Ben Parrish, SWM Program Coordinator

**EXPLANATION:**

On May 20, 2016, the city advertised a call for bids for the Timberlane-Jenkins Stormwater LID Site 1 Bioretention Area and Groundwater Diversion Project (The "Project"). Bid opening for the Project occurred on June 9, 2016.

The Project provides for the retrofit of stormwater facilities within portions of the existing drainage easement areas within Timberlane Estates. An existing wet pond near Cedar Valley Elementary School at the intersection of SE 263<sup>rd</sup> Street and 193<sup>rd</sup> Place SE is currently limited in its efficacy due to high groundwater. The retrofit includes the installation of an interceptor trench and vaults to provide drainage for upslope runoff, decreasing offsite flows to the pond, as well as renovating the pond to a bioretention facility.

The call for bids specifically reserves the City of Covington is right to award the Project to the lowest responsive, responsible bidder. The bids ranged from \$142,700.40 to \$237,182.40. After evaluating the four bids, staff found no apparent issues in the discrepancy between the lowest bid and the three higher bids. The three higher bids were not consistently high on the same bid items and in some cases they were lower than the low bid. The low bid is approximately three percent higher than the Engineer's Estimate (\$137,650.50), but the low bid falls in line with the city's estimate and Welwest Construction, the lowest responsive and responsible bidder, is confident in their numbers.

| <b>Bidder</b>              | <b>Contract Bid</b> |
|----------------------------|---------------------|
| <b>Engineer's Estimate</b> | <b>\$138,000.00</b> |
| 1. Welwest Construction    | \$142,700.40        |
| 2. Iron Creek Construction | \$198,846.60        |
| 3. Northwest Cascade       | \$223,802.88        |
| 4. R.W. Scott Construction | \$237,182.40        |

Although the bids are higher than the engineer's estimate, we recommend awarding the project to Welwest Construction, LLC as the lowest responsive and responsible bidder.

ALTERNATIVES:

Reject all bids and re-advertise, which would delay the project.

FISCAL IMPACT:

This project is fully funded as part of the City's Stormwater Management program. The following breakdown will show how the completion of the project will most likely occur.

**Timberlane-Jenkins Stormwater LID Project**

|                        |   |                  |
|------------------------|---|------------------|
| <b>Site 1:</b>         | Bioretention and groundwater diversion (2016) | \$138,000        |
| <b>Site 2 &amp; 3:</b> | Bioretention Areas (2017)                     | \$186,000        |
| <b>Site 4:</b>         | Infiltration Trench (2017)                    | \$105,000        |
| <b>Site 5:</b>         | Jenkins Creek Park Outfall (2015)             | Completed        |
|                        | <b>Project Total Cost Remaining</b>           | <b>\$429,000</b> |

**SWM Funds:**

- SWM Funds Allocated for project 2016 \$257,950
  - SWM Funds Allocated for project 2017 \$257,950
- Total SWM Funds Available \$515,900**

Funds are budgeted in 2016 to more than cover the costs of the Site 1 construction. Although the low bid was above the engineer's estimate, we expect the remaining budgeted funds will be adequate to cover the construction cost of Sites 2 & 3 and Site 4. Typically, a 10% contingency cost is budgeted in order to cover unforeseen issues/costs associated with more complex and variable construction. However, our intent is to remain diligent in our quantities and keep this project entirely funded through the SWM program as budgeted above.

CITY COUNCIL ACTION:     Ordinance     Resolution     Motion     Other

**Council member \_\_\_\_\_ moves, Council member \_\_\_\_\_ seconds, to award the bid of the Timberlane-Jenkins Stormwater LID Site 1 Bioretention and Groundwater Diversion Project to Welwest Construction, LLC, and authorizes the City Manager to execute a contract with Welwest Construction in the amount of \$142,700.40.**

REVIEWED BY: City Manager, Finance Director, City Attorney

# ATTACHMENT 1

| NO. | ITEM   | QUANTITY | ENGINEER'S ESTIMATE |             | WELWEST CONSTRUCTION, INC. |                          | IRON CREEK CONSTRUCTION, LLC |                        | NORTHWEST CASCADE, INC. |             | RW SCOTT CONSTRUCTION |             |
|-----|--|----------|---------------------|-------------|----------------------------|--------------------------|------------------------------|------------------------|-------------------------|-------------|-----------------------|-------------|
|     |  |          | UNIT PRICE          | AMOUNT      | UNIT PRICE                 | AMOUNT                   | UNIT PRICE                   | AMOUNT                 | UNIT PRICE              | AMOUNT      | UNIT PRICE            | AMOUNT      |
|     | BIDDER ADDRESS   |          |                     |             | P.O. Box 1491              | 22525 SE 64th Pl., #2228 | 10412 John Bananola Wy E     | 4005 West Valley Hwy N |                         |             |                       |             |
|     | WASHINGTON STATE WORKMAN'S COMP. ACCT. NO.   |          |                     |             | Monroe, WA 98272           | Issaquah, WA 98027       | Puyallup, WA 98373           | Auburn, WA 98001       |                         |             |                       |             |
|     | WASHINGTON STATE CONTRACTOR'S REG. NUMBER  |          |                     |             | 238, 109-00                | 283, 059-00              | 265, 081-00                  | 579, 092-00            |                         |             |                       |             |
|     | BID BOND OR OTHER GOOD FAITH TOKEN   |          |                     |             | 5% BID BOND                | 5% BID BOND              | 5% BID BOND                  | 5% BID BOND            |                         |             |                       |             |
|     |  |          |                     |             |                            |                          |                              |                        |                         |             |                       |             |
| 1   | Minor Changes  | 1        | CALC                | \$2,000.00  | \$2,000.00                 | \$2,000.00               | \$2,000.00                   | \$2,000.00             | \$2,000.00              | \$2,000.00  | \$2,000.00            | \$2,000.00  |
| 2   | Survey   | 1        | LS                  | \$1,500.00  | \$1,500.00                 | \$4,000.00               | \$3,500.00                   | \$4,700.00             | \$4,700.00              | \$7,000.00  | \$7,000.00            | \$7,000.00  |
| 3   | SPCC Plan  | 1        | LS                  | \$1,000.00  | \$1,000.00                 | \$1,000.00               | \$500.00                     | \$500.00               | \$250.00                | \$2,500.00  | \$2,500.00            | \$2,500.00  |
| 4   | Mobilization, Cleanup and Demobilization   | 1        | LS                  | \$12,000.00 | \$12,000.00                | \$11,000.00              | \$10,000.00                  | \$10,000.00            | \$20,500.00             | \$20,500.00 | \$25,000.00           | \$25,000.00 |
| 5   | Project Temporary Traffic Control  | 1        | LS                  | \$1,000.00  | \$1,000.00                 | \$5,000.00               | \$1,000.00                   | \$1,000.00             | \$13,000.00             | \$13,000.00 | \$500.00              | \$500.00    |
| 6   | Cleaning and Grubbing  | 1        | LS                  | \$2,000.00  | \$2,000.00                 | \$8,000.00               | \$10,000.00                  | \$11,000.00            | \$11,000.00             | \$20,000.00 | \$20,000.00           | \$20,000.00 |
| 7   | Removal of Structure and Obstruction   | 1        | LS                  | \$1,000.00  | \$1,000.00                 | \$3,500.00               | \$5,000.00                   | \$20,500.00            | \$20,500.00             | \$2,500.00  | \$2,500.00            | \$2,500.00  |
| 8   | Locate Existing Utilities  | 1        | LS                  | \$1,000.00  | \$1,000.00                 | \$1,000.00               | \$1,000.00                   | \$1,000.00             | \$2,200.00              | \$2,200.00  | \$2,500.00            | \$2,500.00  |
| 9   | Gravel Backfill for Drains   | 200      | TN                  | \$35.00     | \$7,000.00                 | \$5.00                   | \$1,000.00                   | \$30.00                | \$6,000.00              | \$37.00     | \$7,400.00            | \$35.00     |
| 10  | Crushed Surfacing Top Course   | 40       | TN                  | \$40.00     | \$1,600.00                 | \$20.00                  | \$800.00                     | \$40.00                | \$1,600.00              | \$70.00     | \$2,800.00            | \$40.00     |
| 11  | Underdrain Pipe, 12 In. Diam.  | 200      | LF                  | \$50.00     | \$10,000.00                | \$40.00                  | \$8,000.00                   | \$60.00                | \$12,000.00             | \$57.00     | \$11,400.00           | \$50.00     |
| 12  | Storm Sewer Pipe, 12 In. Diam. (Incl. Bedding)   | 40       | LF                  | \$50.00     | \$2,000.00                 | \$40.00                  | \$1,600.00                   | \$100.00               | \$4,000.00              | \$93.00     | \$3,720.00            | \$80.00     |
| 13  | Concrete Vault   | 2        | EA                  | \$3,500.00  | \$7,000.00                 | \$6,000.00               | \$12,000.00                  | \$12,000.00            | \$24,000.00             | \$6,800.00  | \$13,600.00           | \$4,000.00  |
| 14  | Catch Basin, Type 2, 48 In. Diam. w/Vaned Grate  | 2        | EA                  | \$3,000.00  | \$6,000.00                 | \$4,500.00               | \$9,000.00                   | \$8,500.00             | \$17,000.00             | \$5,700.00  | \$11,400.00           | \$4,000.00  |
| 15  | Removal of Unsuitable Material (Trench)  | 10       | CY                  | \$35.00     | \$350.00                   | \$100.00                 | \$1,000.00                   | \$100.00               | \$1,000.00              | \$31.00     | \$310.00              | \$60.00     |
| 16  | Trench Excavation Safety Systems   | 1        | LS                  | \$1,500.00  | \$1,500.00                 | \$2,000.00               | \$2,000.00                   | \$3,000.00             | \$3,000.00              | \$1,000.00  | \$1,000.00            | \$1,500.00  |
| 17  | Plugging Existing Pipe   | 1        | EA                  | \$300.00    | \$300.00                   | \$500.00                 | \$500.00                     | \$1,500.00             | \$1,500.00              | \$300.00    | \$300.00              | \$500.00    |
| 18  | Erosion/Water Pollution Control  | 1        | LS                  | \$1,000.00  | \$1,000.00                 | \$5,000.00               | \$5,000.00                   | \$500.00               | \$500.00                | \$8,500.00  | \$8,500.00            | \$5,000.00  |
| 19  | Bioretention Facilities  | 1,500    | SY                  | \$40.00     | \$60,000.00                | \$32.00                  | \$48,000.00                  | \$50.00                | \$75,000.00             | \$42.00     | \$63,000.00           | \$72.00     |
| 20  | Quarry Spalls  | 100      | TN                  | \$75.00     | \$7,500.00                 | \$50.00                  | \$5,000.00                   | \$40.00                | \$4,000.00              | \$72.00     | \$7,200.00            | \$50.00     |
| 21  | Project Documentation  | 1        | LS                  | \$1,000.00  | \$1,000.00                 | \$2,000.00               | \$2,000.00                   | \$500.00               | \$500.00                | \$1,300.00  | \$1,300.00            | \$2,000.00  |
|     | Subtotal:  |          |                     |             | \$126,750.00               |                          | \$131,400.00                 |                        | \$183,100.00            |             | \$206,080.00          |             |
|     | Sales Tax @ 8.6%   |          |                     |             | \$10,900.50                |                          | \$11,300.40                  |                        | \$15,746.60             |             | \$17,722.88           |             |
|     | <b>TOTAL CONSTRUCTION COST</b>   |          |                     |             | \$137,650.50               |                          | \$142,700.40                 |                        | \$198,846.60            |             | \$223,802.88          |             |
|     | Sealed bids were opened at the City of Covington, 16720 SE 271st Street, Suite 100, Covington, Washington 98042 on Thursday, June 9, 2016, at 2:00 p.m. (local time) |          |                     |             |                            |                          |                              |                        |                         |             |                       |             |
|     | I hereby certify that, to the best of my knowledge, the above tabulations are true and correct   |          |                     |             |                            |                          |                              |                        |                         |             |                       |             |
|     | transcriptions of the unit prices and total amounts bid.   |          |                     |             |                            |                          |                              |                        |                         |             |                       |             |
|     | <br><b>BARRY BAKER, P.E.</b>  |          |                     |             |                            |                          |                              |                        |                         |             |                       |             |

**DENOTES  
MATHEMATICAL OR  
ROUNDING ERROR**

DATE: 6/2016  
DRAWN: SC  
CHECKED: BB  
APPROVED: BB

CITY OF COVINGTON, WASHINGTON  
TIMBERLANE-JEKINS STORMWATER LID SITE 1: BIORETENTION AREA  
GRAY & OSBORNE #13599

GRAY & OSBORNE, INC.  
CONSULTING ENGINEERS

## Consent Agenda Item C-5

Covington City Council Meeting

Date: June 28, 2016

**SUBJECT:** APPROVAL OF ORDINANCE ESTABLISHING PERMANENT LAND USE REGULATIONS FOR MARIJUANA BUSINESSES.

**RECOMMENDED BY:** Richard Hart, Community Development Director  
Sara Springer, City Attorney

**ATTACHMENT(S):**

1. Proposed ordinance establishing permanent land use regulations for marijuana businesses
2. Zoning map with 500 ft. Sensitive Area Buffers for marijuana uses

**PREPARED BY:** Richard Hart, Community Development Director

**EXPLANATION:**

The purpose of this agenda bill is to take final action on an ordinance to establish permanent land use regulations for marijuana businesses within the City of Covington. The proposed ordinance (Attachment 1) combines both recreational and medical marijuana uses into one set of land use requirements with appropriate controls that meet Washington State Liquor and Cannabis Board (WSLCB) requirements for marijuana production, processing, and retail sales. Permanent land use regulations for all marijuana businesses should ideally be passed by July 1, 2016, when the final set of state regulations regarding recreational and marijuana uses goes into effect.

At the city council meeting on June 14, 2016, council gave direction to city staff to reduce the sensitive use buffer areas to allow retail marijuana businesses to locate within five hundred feet (500 ft.) of all sensitive uses as identified in state regulations, except for schools and day care centers, which would still require a one thousand foot (1,000 ft.) buffer from all marijuana businesses. The council also directed staff to remove the requirement that marijuana retail businesses must obtain a conditional use permit in order to locate within five hundred feet (500 ft.) of the noted sensitive uses.

City staff has made the above requested changes to the attached ordinance for the council's consideration and final adoption. (Attachment 1)

**ALTERNATIVES:** NA

**FISCAL IMPACT:** None

**CITY COUNCIL ACTION:**  Ordinance  Resolution  Motion  Other

**Councilmember \_\_\_\_\_ moves, and councilmember \_\_\_\_\_ seconds, to pass an ordinance, in substantial form as that presented, establishing permanent land use regulations governing marijuana production, processing, and retail uses within the City of Covington.**

**REVIEWED BY:** City Manager; City Attorney; Community Development Director

# ATTACHMENT 1

## ORDINANCE NO. 12-2016

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON, ESTABLISHING LAND USE REGULATIONS FOR MARIJUANA USES; CREATING A NEW CHAPTER 18.33 OF THE COVINGTON MUNICIPAL CODE (CMC) AND AMENDING RELATED CMC SECTIONS; AND REPEALING ORDINANCE NOS 06-2016 and 07-2016; PROVIDING FOR SAVINGS AND SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, Initiative Measure No. 502, passed by Washington voters on November 6, 2012, and codified in Chapter 69.50 of the Revised Code of Washington (RCW), modified the State Controlled Substances Act to allow the possession of recreational marijuana for private and personal use and established a system for lawful production, processing, and retailing of recreational marijuana under state law; and

**WHEREAS**, Initiative Measure No. 502 and the Washington State Liquor and Cannabis Board (WSLCB) rules adopted thereunder establish licenses for producers, processors, and retailers of marijuana (collectively “marijuana businesses”); and

**WHEREAS**, in April 2015 the state legislature passed, and the governor signed into law, SB 5052, the Cannabis Patient Protection Act (the “Act”); and

**WHEREAS**, the Act establishes the WSLCB as the oversight body for all marijuana uses, both recreational and medical, provides guidance and rules for the regulation and licensing of medical marijuana, eliminates collective gardens to be replaced with medical marijuana collectives and personal grows, and requires special endorsements for marijuana retailers wishing to sell medical marijuana in addition to recreational marijuana; and

**WHEREAS**, the significant portions of the Act that affect the city’s zoning and licensing regulations does not go into effect until July 1, 2016; and

**WHEREAS**, on January 16, 2014, the Washington State Attorney General issued a formal opinion which concluded that I-502 does not prevent local governments from regulating or banning marijuana businesses; and

**WHEREAS**, the City has had, at all relevant times, a moratorium on medical marijuana production, processing, and distribution facilities (Ordinance No. 08-11, as amended); and

**WHEREAS**, the City has had, at all relevant times, interim zoning regulations (Ordinance No. 10-013, as amended) such that applicants have had clear notice of local zoning requirements for marijuana businesses; and

**WHEREAS**, the City’s interim regulations allow production and processing facilities only in the Industrial Zone (I) and marijuana retailers only in the General Commercial (GC) and Mixed Commercial (MC) zones; and

**WHEREAS**, one marijuana retailer has established in the City and no marijuana production or processing facilities have established in the City; and

**WHEREAS**, the City desires to adopt permanent regulations for all marijuana businesses at this time, even though the City will continue to monitor impacts and additional information related to this new industry in Covington and elsewhere in the state and will make additional change as may be determined by the City to be in its best interests; and

**WHEREAS**, a State Environmental Policy Act, RCW 43.21C, Final Determination of Non-Significance for the regulation of marijuana businesses was issued on April 13, 2016; and

**WHEREAS**, the Covington Planning Commission held a duly and properly noticed public hearing on May 6, 2016, providing an opportunity for the public to comment on the regulations set forth in this Ordinance, from which the planning commission made recommendations to the city council regarding permanent regulations for marijuana businesses; and

**WHEREAS**, the city council concludes that:

- a. Nothing in this Ordinance is intended to encourage any use or activity that violates federal law; and
- b. It is prudent to take a conservative approach to land use regulations related to marijuana businesses until there is more evidence concerning the community impacts from such uses in Covington and elsewhere in Washington state; and
- c. The proposed amendments and new code provisions are consistent with the applicable policies of the Covington Comprehensive Plan; and
- d. The proposed amendments and new code provisions promote the best long-term interests of the Covington community.

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

**Section 1. Findings of Fact.** The “Whereas” provisions above shall constitute Findings of Fact and are incorporated by reference as if fully set forth herein.

**Section 2. Medical Marijuana Moratorium Repealed.** Ordinance No. 08-11, as amended, establishing a moratorium on all medical marijuana production, processing, and distribution facilities and related businesses is hereby repealed in its entirety.

**Section 3. Interim Recreational Marijuana Regulations Repealed.** Ordinance No. 10-13, as amended, establishing interim zoning regulations for recreational marijuana production, processing, and retail facilities is hereby repealed in its entirety.

**Section 4. New Chapter 18.33 CMC Created.** The following regulations governing all marijuana businesses are hereby adopted as follows and shall be codified as a new Chapter 18.33 CMC:

### **Chapter 18.33 CMC, Marijuana-Related Uses**

#### **18.33.010 Definitions.**

Unless the context clearly indicates otherwise the terms within this chapter shall have the meanings established pursuant to Chapter 18.20 CMC. Any terms not defined in Chapter 18.20 CMC shall have meanings established pursuant to RCW 69.50.101.

#### **18.33.020 Marijuana-Related Uses—Generally.**

(1) The production, processing, and retailing of marijuana is and remains illegal under federal law. Nothing in this chapter is an authorization to circumvent federal law or provide permission to any person or entity to violate federal law.

(2) This chapter incorporates the requirements and procedures set forth in chapter 69.50 RCW and 314-55 WAC. Except as otherwise specifically provided herein, in the event of any conflict between the provisions of this chapter and the provisions of chapter 69.50 RCW or chapter 314-55 WAC, the more restrictive provision shall control.

(3) The regulations under chapter 69.50 RCW and chapter 314-55 WAC, now or as may hereafter be amended, shall apply to all marijuana producers, processors, retailers, and retail outlets in addition to the provisions of this chapter.

(4) Only marijuana producers, marijuana processors, and marijuana retailers licensed by the Washington State Liquor Control Board may locate in the City and then only pursuant to the license issued by the Washington State Liquor Control Board.

(5) Marijuana producers, marijuana processors, and marijuana retailers are required to acquire all additional necessary business licenses and permits, and comply with all other applicable City ordinances and regulations.

(6) The City may, prior to issuance of any license or permit, perform an inspection of the proposed premises to determine compliance with any applicable requirements of this chapter and all other applicable City ordinances and regulations.

#### **18.33.030 Marijuana Producers and Processors.**

Marijuana producers and marijuana processors licensed by the Washington State Liquor Control Board are permitted only in the Industrial (I) zone, subject to the requirements and other general provisions as set forth in this title, except where modified by this chapter.

(1) Marijuana producers and marijuana processors shall not operate as an accessory to a primary use or as a home occupation.

(2) All marijuana production and processing activities shall occur within an enclosed structure and the facility shall be designed, located, constructed, and buffered to blend in with its surroundings and mitigate significant adverse impacts on adjoining properties and the community. Special attention shall be given to minimizing odor, noise, light, glare, and traffic impacts.

#### **18.33.040 Marijuana Retailers.**

Marijuana retailers licensed by the Washington State Liquor Control Board are permitted only in the General Commercial (GC) and Mixed Commercial (MC) zones, subject to the requirements and other general provisions as set forth in this title, except where modified by this chapter.

(1) Marijuana retailers shall not operate as an accessory to a primary use or as a home occupation.

(2) Any marijuana odor shall be contained within the marijuana retail outlet so that the odor of marijuana cannot be detected from any abutting use or property by a person with a normal sense of smell. If any marijuana odor can be smelled from any abutting use or property, the marijuana retailer shall be required to implement measures necessary to contain the odor, including, but not limited to, installation of ventilation equipment.

(3) In addition to the security requirements in Chapter 315-55 WAC, during business hours, all marijuana retailers shall store all useable marijuana, marijuana-infused product, and cash in a safe or in a substantially constructed and locked cabinet. The safe or cabinet shall be incorporated into the building structure or securely attached thereto. For useable marijuana products that must be kept refrigerated or frozen, these products must be stored in a locked refrigerator or freezer container in a manner approved by the Director, provided the container is affixed to the building structure.

#### **18.33.050 Sensitive Use Buffers.**

(1) Marijuana producers and marijuana processors shall not locate within one thousand feet (1,000 ft.) of the following uses or any use included in Chapter 314-55 WAC now or as hereafter may be amended, unless otherwise regulated in state law:

- (a) Public or private elementary or secondary school, or any facility owned or operated by such school;
- (b) Child care center, preschool, nursery school, or other childcare facility;
- (c) Public park, trail, or playground;
- (d) Any real property designated in the Capital Improvement Plan for future park use;
- (e) Recreation center or facility;
- (f) Church, temple, synagogue, mosque, or chapel;
- (g) Public transit center;
- (h) Public library; or
- (i) Any game arcade admission to which is not restricted to persons aged twenty-one (21) years or older.

(2) Marijuana retailers and marijuana retail outlets shall not locate:

(a) Within one thousand feet (1,000 ft.) of the following uses:

- (i) Public or private elementary or secondary school, or any facility owned or operated by such school; or
- (ii) Child care center, preschool, nursery school, or other childcare facility.

(b) Within five hundred feet (500ft) of the following uses or any use included in Chapter 314-55 WAC now or as hereafter may be amended, unless otherwise required in applicable state law:

- (i) Public park, trail, or playground;
- (ii) Any real property designated in the Capital Improvement Plan for future park use;
- (iii) Recreation center or facility;
- (iv) Church, temple, synagogue, mosque, or chapel;
- (v) Public transit center;
- (vi) Public library; or
- (vii) Any game arcade admission to which is not restricted to persons aged twenty-one (21) years or older.

(3) The buffer restrictions in subsections (1) and (2) of this section shall be measured by following a straight line from the nearest point of the property parcel upon which the proposed use is to be located to the nearest point of the parcel of property from which the proposed land use is to be separated.

#### **18.33.060 Enforcement - Penalty.**

(1) Any violation of this chapter is declared to be a public nuisance per se and, in addition to any other remedy provided by law or equity, may be abated by the City under applicable provisions of this code or state law.

(2) No person or entity may violate or fail to comply with any provision of this chapter. Each person or entity commits a separate offense for each and every day they commit, continue, or permit a violation of any provision of this ordinance.

#### **18.33.070 Legal Non-Conforming Uses**

No use that constitutes or purports to be a marijuana producer, marijuana processor, or marijuana retailer as those terms are defined in this title, that was engaged in that activity prior to the enactment of this ordinance shall be deemed to have been a legally established use under the provisions of the Covington Municipal Code and that use shall not be entitled to claim legal non-confirming use status.

**Section 5. Chapter 18.20 CMC Amended.** Chapter 18.20 CMC, established by Ordinance No. 12-2016, as amended (CMC Title 18, Zoning), is hereby amended by the addition of the following:

**18.20.744 Marijuana**

“Marijuana” shall have the meaning established pursuant to RCW 69.50.101(v), as currently adopted and hereafter amended.

**18.20.744.1 Marijuana processor**

“Marijuana processor” shall have the meaning established pursuant to RCW 69.50.101(x), as currently adopted and hereafter amended.

**18.20.744.2 Marijuana producer**

“Marijuana producer” shall have the meanings established pursuant to RCW 69.50.101(y), as currently adopted and hereafter amended.

**18.20.744.3 Marijuana retail outlet**

“Marijuana retail outlet” shall have the meanings established pursuant to RCW 69.50.101(oo), as currently adopted and hereafter amended.

**18.20.744.4 Marijuana retailer**

“Marijuana retailer” shall have the meanings established pursuant to RCW 69.50.101(bb), as currently adopted and hereafter amended.

**18.20.744.5 Marijuana-infused products**

“Marijuana-infused products” shall have the meanings established pursuant to RCW 69.50.101(cc), as currently adopted and hereafter amended.

**18.20.744.6 Marijuana, useable**

“Marijuana, useable” or “useable marijuana” shall have the meanings established pursuant to RCW 69.50.101(tt), as currently adopted and hereafter amended.

**Section 6. Section 18.25.080 CMC Amended.** Section 18.25.080(A) CMC, Manufacturing land uses, established by Ordinance No. 42-02, as amended (CMC Title 18, Zoning), is hereby amended to include “Marijuana Production and Processing” as a permitted “P” use.

**Section 7. Section 18.31.080 CMC Amended.** Section 18.31.080(3) CMC, established by Ordinance No. 10-10, as amended (CMC Title 18, Zoning), is hereby amended to include “Marijuana Retailer and Retail Outlets” under the “Commercial” subheading as: Not Permitted (NP) in the Town Center (TC); Permitted (P) in Mixed Commercial (MC); Permitted (P) in General Commercial (GC); and Not Permitted (NP) in Mixed Housing Office (MHO); subject to the applicable one thousand (1000) foot and five hundred (500) foot sensitive use buffers outlined in CMC 18.33.050.

**Section 8. Conflict.** In the event there is a conflict between the provisions of this Ordinance and any other City ordinance, the provisions of this Ordinance shall control.

**Section 9. 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 preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 10. Savings.** The enactment of this Ordinance shall not affect any case, proceeding, appeal, or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

**Section 11. Corrections.** Upon the approval of the city attorney, the city clerk is authorized to make any necessary technical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

**Section 12. Supersede.** The provisions of this Ordinance shall supersede the provisions of Ordinance Nos. 08-11, as amended, the City's moratorium on medical marijuana, and Ordinance Nos. 10-13, as amended, the City's interim zoning regulations for recreational marijuana.

**Section 13. Effective Date.** This ordinance shall be published in the official newspaper of the city and shall take full force and effect five (5) days after publication.

**PASSED BY THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON,** at a regular meeting thereof on the 28<sup>th</sup> day of June, 2016, and signed in authentication of its passage.

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Mayor Jeff Wagner

PUBLISHED: July 1, 2016

EFFECTIVE: July 6, 2016

ATTESTED:

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Sharon Scott, City Clerk

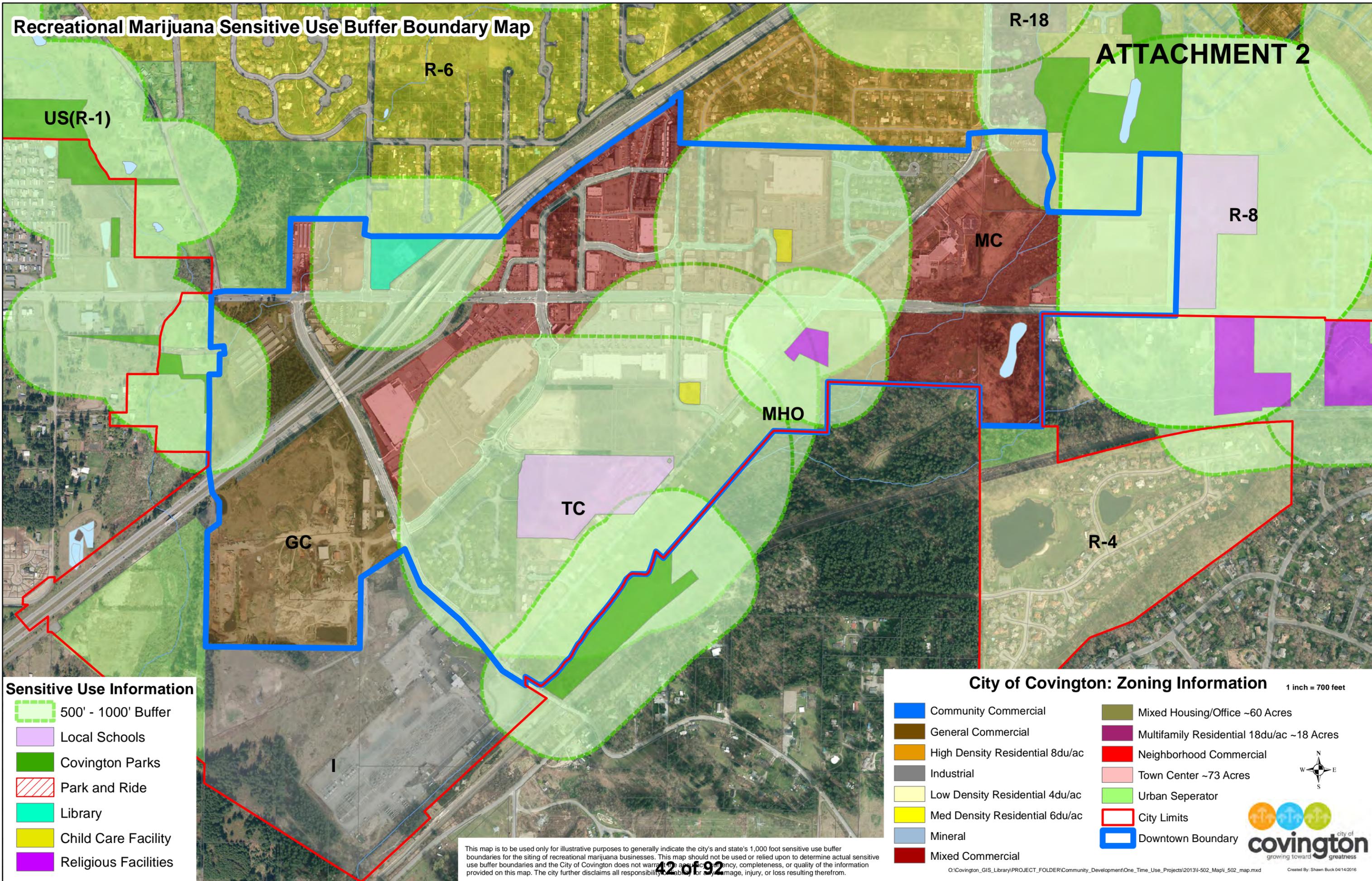
APPROVED AS TO FORM ONLY:

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Sara Springer, City Attorney

# Recreational Marijuana Sensitive Use Buffer Boundary Map

## ATTACHMENT 2



**Sensitive Use Information**

- 500' - 1000' Buffer
- Local Schools
- Covington Parks
- Park and Ride
- Library
- Child Care Facility
- Religious Facilities

**City of Covington: Zoning Information** 1 inch = 700 feet

|  |  |
|--|--|
| <span style="background-color: #0000ff; border: 1px solid black; padding: 2px;"> </span> Community Commercial            | <span style="background-color: #808000; border: 1px solid black; padding: 2px;"> </span> Mixed Housing/Office ~60 Acres            |
| <span style="background-color: #800000; border: 1px solid black; padding: 2px;"> </span> General Commercial              | <span style="background-color: #800080; border: 1px solid black; padding: 2px;"> </span> Multifamily Residential 18du/ac ~18 Acres |
| <span style="background-color: #ffa500; border: 1px solid black; padding: 2px;"> </span> High Density Residential 8du/ac | <span style="background-color: #ff0000; border: 1px solid black; padding: 2px;"> </span> Neighborhood Commercial                   |
| <span style="background-color: #808080; border: 1px solid black; padding: 2px;"> </span> Industrial                      | <span style="background-color: #ffb6c1; border: 1px solid black; padding: 2px;"> </span> Town Center ~73 Acres                     |
| <span style="background-color: #ffff00; border: 1px solid black; padding: 2px;"> </span> Low Density Residential 4du/ac  | <span style="background-color: #90ee90; border: 1px solid black; padding: 2px;"> </span> Urban Separator                           |
| <span style="background-color: #ffff00; border: 1px solid black; padding: 2px;"> </span> Med Density Residential 6du/ac  | <span style="border: 1px solid red; padding: 2px;"> </span> City Limits  |
| <span style="background-color: #add8e6; border: 1px solid black; padding: 2px;"> </span> Mineral                         | <span style="border: 2px solid blue; padding: 2px;"> </span> Downtown Boundary   |
| <span style="background-color: #800000; border: 1px solid black; padding: 2px;"> </span> Mixed Commercial                |  |




Created By: Shawn Buck 04/14/2016

This map is to be used only for illustrative purposes to generally indicate the city's and state's 1,000 foot sensitive use buffer boundaries for the siting of recreational marijuana businesses. This map should not be used or relied upon to determine actual sensitive use buffer boundaries and the City of Covington does not warrant the accuracy, completeness, or quality of the information provided on this map. The city further disclaims all responsibility for any damage, injury, or loss resulting therefrom.

**Consent Agenda Item C-6**

Covington City Council Meeting

Date: June 28, 2016

**SUBJECT: CONSIDER PASSING ORDINANCE ESTABLISHING NEW CHAPTER 2.95 IN THE COVINGTON MUNICIPAL CODE, CODE OF ETHICS**

**RECOMMENDED BY: Regan Bolli, City Manager  
Sara Springer, City Attorney**

**ATTACHMENT(S):**

1. Proposed Ordinance Establishing New Chapter 2.95 CMC, Code of Ethics (Including Exhibit A)

**PREPARED BY: Sara Springer, City Attorney**

**EXPLANATION:**

In April of this year, staff presented an overview of the first draft of a new code of ethics to apply to all council members and all appointed members of official council boards and commissions. The council further discussed and reviewed the proposed code of ethics at the June 14, 2016 council meeting and approved staff to bring forward an ordinance for council consideration to establish the code of ethics as a new chapter in the Covington Municipal Code.

Attached is the proposed ordinance establishing the code of ethics as a new Chapter 2.95 of the Covington Municipal Code. (Attachment 1)

**ALTERNATIVES:**

1. Recommend amendments to the proposed code of ethics.
2. Do not pass ordinance establishing code of ethics.

**FISCAL IMPACT:**

None

**CITY COUNCIL ACTION:      X   Ordinance         Resolution         Motion         Other**

**Council member \_\_\_\_\_ moves, and council member \_\_\_\_\_ seconds to pass an ordinance, in substantial form as presented, to establish a new chapter 2.95 of the Covington Municipal Code, Code of Ethics.**

**REVIEWED BY:    City Manager; City Attorney; City Clerk**

**ORDINANCE NO. 14-2016**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, RELATING TO THE ESTABLISHMENT OF A NEW CHAPTER 2.95 IN THE COVINGTON MUNICIPAL CODE, CODE OF ETHICS.**

**WHEREAS**, the citizens and businesses of the City of Covington are entitled to have fair, ethical, and accountable local government that has earned the public's full confidence for integrity; and

**WHEREAS**, adopting a Code of Ethics for members of the city council and the council-appointed boards and commissions will promote public confidence in the integrity of local government and fair operation; and

**WHEREAS**, the Code of Ethics will provide the basis for education and training for City officials both elected and appointed to ensure that the highest standards and best practices with regard to ethics be followed;

**WHEREAS**, Chapter 35A.11 RCW gives the city council of each code city the power to organize and regulate its internal affairs within the provisions of Title 35A RCW; and

**WHEREAS**, the Covington City Council wishes to adopt a new Code of Ethics to apply to all Covington council members and appointees to official council boards and commissions;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Covington, King County, Washington, as follows:

**Section 1. Chapter 2.95 CMC-Code of Ethics Adopted.** The code of ethics as set forth in Exhibit A hereto and fully incorporated herein by this reference is hereby adopted and shall be established as a new Chapter 2.95, Code of Ethics, of the Covington Municipal Code.

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

**Section 3. Corrections.** Upon the approval of the city attorney, the city clerk is authorized to make any necessary technical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

**Section 4. Effective Date.** This ordinance shall be published in the official newspaper of the city and shall take full force and effect on August 1, 2016.

**PASSED BY THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON**, at a regular meeting thereof on the 28<sup>th</sup> day of June, 2016, and signed in authentication of its passage.

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Mayor Jeff Wagner

PUBLISHED: July 1, 2016  
EFFECTIVE: August 1, 2016

ATTESTED:

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Sharon Scott, City Clerk

APPROVED AS TO FORM ONLY:

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Sara Springer, City Attorney

**CHAPTER 2.95  
CODE OF ETHICS**

**(To be Codified in Full by City Clerk and Code Publisher)**

**1. SECTION 1: PURPOSE**

- 1.1. Purpose.** The Covington City Council has adopted this code of ethics to be complied with by members of the city council and the City of Covington’s council-appointed boards and commissions to promote public confidence in the integrity of local government and its fair operation. This code of ethics will also provide the basis for the education and training of city officials, both elected and appointed, to ensure that the highest standards and best practices with regard to ethics will be followed.
- 1.2. Intent.** The citizens and businesses of Covington are entitled to have fair, ethical, and accountable local government that has earned the public’s full confidence. In keeping with the City of Covington’s commitment to excellence, the effective functioning of democratic government therefore requires that:
  - 1.2.1.** Public officials, both elected and appointed, comply with the laws and policies affecting the operations of government;
  - 1.2.2.** Public officials be independent, impartial and fair in their judgment and actions;
  - 1.2.3.** Public office be used for the public good, not for personal gain; and
  - 1.2.4.** Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.
- 1.3.** This code of ethics shall be liberally construed to effectuate its purpose and policy and to supplement existing laws that relate to the same subject.
- 1.4.** The conduct of all officials shall meet the applicable requirements of both this code of ethics and Chapter 42.23 RCW. When a higher standard of conduct is established by this code of ethics than by Chapter 42.23 RCW, the standards of this code of ethics shall control; provided, this code of ethics shall not be construed to permit any act or omission that is prohibited by Chapter 42.23 RCW.
- 1.5.** This code of ethics shall take effect August 1, 2016 by Ordinance No 14-2016.

**2. SECTION 2: DEFINITIONS.**

For the purpose of interpreting and enforcing this code of ethics, the following definitions shall apply:

- 2.1.** “Business entity” means any corporation, general or limited partnership, sole proprietorship (including a private consultant operation), joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not organized for profit.
- 2.2.** “City agency” means every department, office, ethics officer, hearing examiner, commission, or committee of the city, or any subdivision thereof, but excludes public corporations and ad hoc advisory committees.
- 2.3.** “City officer or employee” means any person holding a position by election, appointment, or employment in the service of the city or city agency, whether paid or unpaid, including members of any ethics hearing officer, committee or commission.
- 2.4.** “Compensation” means anything of economic value, however designated, which is paid, loaned, advanced, granted, given or transferred for or in consideration of personal services to any person.
- 2.5.** “Beneficial interest” means any direct or indirect, pecuniary or material benefit, other than a remote interest, accruing to a city official as a result of a contract, transaction, zoning decision or other matter which is or may be the subject of an official act or act by or with the city, except for such contracts, transactions, zoning decisions or other matters which by their terms and by the substance or their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated. For purposes of this code, a city official shall be deemed to have an interest in the affairs of:
  - 2.5.1.** The official’s spouse or dependent children;
  - 2.5.2.** Any person or business entity with whom a contractual relationship, whether oral or written, exists with the official;
  - 2.5.3.** Any business entity in which the official is an officer, director, member, or employee;
  - 2.5.4.** Any business entity in which the officer controls or owns, directly or indirectly, in excess of one percent (1%) of the total stock, or an interest totaling five thousand dollars (\$5,000) or more in value; and
  - 2.5.5.** Any person or business entity with whom a contractual relationship, whether oral or written, exists with the official; provided, however, that a contractual obligation of less than five hundred dollars (\$500.00), or a commercially reasonable lien made in the ordinary course of business, or a contract for a commercial retail sale, shall not be deemed to create an interest in violation of this code.
- 2.6.** “Immediate family” means any person who is:
  - 2.6.1.** A spouse or domestic partner;

- 2.6.2. Any dependent parent, parent-in-law, child or son-in-law or daughter-in-law; or
- 2.6.3. Any parent, parent-in-law, child, son-in-law, daughter-in-law, sibling, uncle, aunt, cousin, niece or nephew residing in the household of the city official.
- 2.7. "Official" means a member of the city council or a member of council-appointed city boards and commissions and other council-appointed task groups or committees, including youth members.
- 2.8. "Official act or action" means any legislative, administrative, appointive or discretionary act of any city official or committee or commission thereof.
- 2.9. "Person" means any individual, association, corporation, or other legal entity.
- 2.10. "Remote interest" means:
  - 2.10.1. That of a non-salaried officer of a nonprofit corporation;
  - 2.10.2. That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary;
  - 2.10.3. That of a landlord or tenant of a contracting party;
  - 2.10.4. That of a holder of less than one percent (1%) of the shares of a corporation or cooperative which is a contracting party.
- 2.11. "Relative" means "Immediate Family" as defined herein.

**3. SECTION 3: FINANCIAL OR BENEFICIAL INTEREST IN CITY TRANSACTIONS**

No official, while holding such office or position, shall:

- 3.1. Regardless of prior disclosure thereof, hold or acquire a beneficial interest, direct or indirect, personally or through a member of his or her immediate family, in any contract which, in whole or in part, is, or which may be, made by, through, or under the supervision of such official or which may be made for the benefit of his or her office/position, or accept, directly or indirectly, any compensation, gratuity, or reward in connection with such contract from any other person or entity beneficially interested therein, in violation of Chapter 42.23 RCW.

**3.2.** Regardless of prior disclosure thereof, be beneficially interested, directly or indirectly, other than a remote interest, in any contract or transaction which may be made by, through, or under the supervision of such official, in whole or in part, or which may be made for the benefit of his or her office/position, or accept, directly or indirectly, any compensation, gratuity, or reward in connection with such contract or transaction from any other person beneficially interested therein, in violation of Chapter 42.23 RCW. This subsection shall not apply to the furnishing of utility services or other services of the city at the same rates and on the same terms as are available to the public generally, or to any other transaction specifically exempted by Chapter 42.23 RCW.

#### **4. SECTION 4: DISQUALIFICATIONS FROM ACTING ON CITY BUSINESS**

**4.1. Generally.** In order to ensure their independence and impartiality on behalf of the common good, officials shall abstain from participating in deliberations and decision-making where conflicts exist pursuant to this code.

**4.2. Prohibited Conduct.** No city official, while holding such office or position, shall:

**4.2.1.** Engage in any transaction or activity, which is, or would to a reasonable person appear to be, in conflict with or incompatible with the proper discharge of official duties, or which impairs, or would to a reasonable person appear to impair, the official's independence of judgment or action in the performance of official duties and fail to disqualify himself or herself from official action in those instances where the conflict occurs.

**4.2.2.** Have a financial or other private interest, other than a remote interest as defined in this code, direct or indirect, personally or through a member of his or her immediate family, or business entity, in any matter upon which the official is required to act in the discharge of his or her official duties, and fail to disqualify himself or herself from acting or participating.

**4.2.3.** Fail to disqualify himself or herself from acting on any transaction which involves the city and any person who is, or at any time within the preceding twelve-month period has been, a private client of his or hers, or of his or her firm or partnership.

**4.2.4.** Have a financial or other private interest, other than a remote interest as defined in this code, direct or indirect, personally or through a member of his or her immediate family, or business entity, in any contract or transaction to which the city or any city agency may be a party, and fail to disclose such interest to the appropriate city authority prior to the formation of the contract or the time the city or city agency enters into the transaction.

**4.3. Appearance of Conflict.** If it could appear to a reasonable person, having knowledge of the relevant circumstances, that the official's judgment is impaired because of either a personal or business relationship not covered under the foregoing subsections, or a transaction or activity engaged in by the official, the official shall make a public, written disclosure of the facts giving rise to the appearance of a conflict before participating in the matter.

**4.4. Exceptions.** This section shall not apply to the following:

**4.4.1.** decisions regarding taxes or fees;

**4.4.2.** if the financial interest is shared with more than ten percent (10%) of the city's population; or

**4.4.3.** if the financial interest exists solely because of the official's ownership of less than one percent (1%) of the outstanding shares of a publicly traded corporation.

## **5. SECTION 5: GIFTS AND FAVORS**

**5.1. Definitions.** For purposes of this section, the following terms have the given meaning:

**5.1.1.** "Gift" means anything of economic value for which no consideration is given. "Gift" does not include:

5.1.1.1. Items from relatives or friends where it is clear beyond a reasonable doubt that the gift was not made as part of any design to gain or maintain influence in the city or with the recipient in connection with city matters;

5.1.1.2. Items related to the outside business of the recipient that are customary and not related to the recipient's performance of official duties;

5.1.1.3. Items exchanged among officials and employees or a social event hosted or sponsored by a city officer or city employee for co-workers;

5.1.1.4. Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event;

5.1.1.5. Items an official or employee is authorized by law to accept;

5.1.1.6. Payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide nonprofit governmental or nonprofit professional, educational, trade, or charitable association or institution. As used in this subsection, "reasonable travel expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event;

5.1.1.7. Items returned by the recipient to the donor within thirty (30) days of receipt or donated to a charitable organization within thirty (30) days of receipt;

5.1.1.8. Campaign contributions reported under Chapter 42.17 RCW;

5.1.1.9. Discounts available to an individual as a member of an employee group, occupation, or similar broad-based group;

5.1.1.10. Awards, prizes, scholarships, or other items provided in recognition of academic or scientific achievement.

**5.1.2.** “Single gift” means any event, item, or group of items used in conjunction with each other or any trip including transportation, lodging, and attendant costs, not excluded from the definition of gift under this subsection.

**5.1.3.** “Single source” means any person, corporation, or entity, whether acting directly or through any agent or other intermediary

**5.2. Prohibited Gifts.** Officials shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are not available to the public in general. They may not solicit or receive any thing of monetary value from any person or entity where the thing of monetary value has been solicited, received, or given or, to a reasonable person, would appear to have been solicited, received, or given with intent to give or obtain special consideration or influence as to any action by the official in his or her official capacity; provided, that nothing shall prohibit campaign contributions which are solicited or received and reported in accordance with applicable law.

**5.3. Limitations on Gifts.** Other than those specified in this section, no official may accept gifts beyond the following limitations:

**5.3.1. Single Gift.** An official shall not accept a single gift with a value in excess of fifty dollars (\$50.00) in accordance with RCW 42.52.150(1).

**5.3.2. Single Source.** An official shall not accept gifts from a single source with an aggregate value in excess of fifty dollars (\$50.00) in a calendar year.

**5.3.3.** The value of gifts given to an official’s family member or guest shall be attributed to the official or employee for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member or guest.

**5.3.4.** If the fifty dollar (\$50.00) limit in RCW 42.52.150(1) is amended, this section shall be deemed to reflect the amended amount.

**5.4. Exemptions.** The following items are presumed not to influence the vote, action, or judgment of the official, or be considered as part of a reward for action or inaction, and may be accepted without regard to the limitations established by subsection 4.3 of this section:

**5.4.1.** Unsolicited flowers, plants, and floral arrangements;

- 5.4.2. Unsolicited advertising or promotional items of nominal value, such as pens and note pads;
- 5.4.3. Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
- 5.4.4. Unsolicited items received by an official for the purpose of evaluation or review, if the official has no personal beneficial interest in the eventual use or acquisition of the item;
- 5.4.5. Informational material, publications, or subscriptions related to the recipient's performance of official duties;
- 5.4.6. Food and beverages consumed at hosted receptions where attendance is related to the official's official duties;
- 5.4.7. Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization;
- 5.4.8. Unsolicited gifts from dignitaries from another state or a foreign country which are intended to be personal in nature; and
- 5.4.9. Food and beverages on infrequent occasions in the ordinary course of meals where attendance by the official is related to the performance of official duties.
- 5.4.10. The presumptions of this subsection 5.4 are rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the item.

## 6. SECTION 6: CAMPAIGNING

**6.1. Generally.** Officials may participate in the political process only on their own time, and only outside of city facilities by working on campaigns for the elections of any person to any office, or for the promotion of or the opposition to any ballot proposition, and shall not use or authorize the use of the facilities of the city for such purposes except as may be authorized by law under the provisions of Chapter 42.17.130 RCW.

### 6.2. Elected Officials' Campaigns.

**6.2.1.** As required by RCW 42.17A.565, no official shall knowingly solicit or encourage, directly or indirectly, any political contribution from any city employee.

**6.2.2.** Except under limited circumstances described in RCW 42.17A.555, no official may use or authorize the use of the facilities of the city for the purpose of assisting a campaign for the election of any person to any office, or for the promotion of or opposition to any ballot proposition in a manner not available to the general public on the same terms.

## 7. SECTION 7: PROHIBITED CONDUCT—MISCELLANEOUS

**7.1. Violation of Other Laws.** Officials shall comply with federal, state, and local laws in the performance of their public duties. These laws include, but are not limited to: the United States and Washington Constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures, and open processes of government; and city ordinances and policies.

### 7.2. Quasi-Judicial Proceedings.

**7.2.1.** No city official while holding such office or position shall participate in or influence any pending quasi-judicial proceeding if the city official has a financial or personal interest in the matter.

**7.2.2.** Ex Parte Communications. In quasi-judicial matters, officials shall publicly disclose substantive information that is relevant to a matter under consideration by the council or boards and commissions, which they may have received from sources outside of the public decision-making process.

**7.3. Misuse of Public Position or Resources.** Except for infrequent use at little or no cost to the city, officials shall not use public resources that are not available to the public in general, such as city staff time, equipment, supplies or facilities, for other than a city purpose.

**7.4. Representation of Third Parties.** Except in the course of official duties, officials shall not appear on behalf of the financial interests of third parties before the bodies on which the officials serve or in interaction with assigned staff. However, the members of the city council shall not appear on behalf of the financial interest of third parties before the council or any commission, board, or proceeding of the city, or in interaction with staff.

- 7.5. Incompatible Service.** No elected official shall engage in or accept private employment or render services for any person or engage in any business or professional activity when such employment, service, or activity is incompatible with the proper and faithful discharge of his or her official duties as such elected official, or when it would require or induce him or her to disclose confidential information acquired by him or her by reason of his or her official position.
- 7.6. Solicitations of Charitable Contributions.** No official may make direct personal solicitations for charitable contributions from city employees.
- 7.7. Confidential Information.** Officials shall not disclose or use any confidential information gained by reason of their official position for other than a city purpose. “Confidential information” means specific information, rather than generalized knowledge, that is not available to a person who files a public records request, and/or information made confidential by law.
- 7.8. False Statements** No official shall make, or induce or direct any city official or city employee to make, any false statement or representation of any public record or document in a willful disregard of the truth of such statement or representation.
- 7.9. Nepotism.** The city council will not appoint relatives of city council members to boards or commissions or other appointed positions.

**8. SECTION 8: ETHICAL STANDARDS**

Officials are encouraged to comply with the following standards:

- 8.1. Policy Role of Officials.** Officials shall respect and adhere to the council-manager structure of Covington city government as outlined by Chapter 35A.13 RCW. In this structure, the city council determines the policies of the city with the advice, information, and analysis provided by the public, boards and commissions, and city staff. Except as provided by state law, officials shall not interfere with the administrative functions of the city or the professional duties of city staff; nor shall they impair the ability of staff to implement council policy decisions.
- 8.2. Personal Integrity.**
  - 8.2.1.** The professional and personal conduct of officials must be above reproach and avoid even the appearance of impropriety. Officials shall refrain from abusive conduct; threats of official action; and personal accusations or verbal attacks upon the character or motives of other members of council, boards and commissions, the staff, or public.
  - 8.2.2.** Officials shall maintain truthfulness and honesty and not compromise themselves for advancement, honor, or personal gain.

- 8.2.3.** Officials shall not directly or indirectly induce, encourage, or aid anyone to violate this code of ethics and it is incumbent upon officials to make a good faith effort to address apparent violations of this code of ethics.
- 8.3. Working for the Common Good.** Recognizing that stewardship of the public interest must be their primary concern, officials will work for the common good of the people of Covington and not for any private or personal interest, and they will ensure fair and equal treatment of all persons, claims, and transactions coming before the city council, boards, and commissions. Officials need to be mindful that making special requests of staff—even when the response does not benefit the official personally—puts staff in an awkward position.
- 8.4. Respect for Process.** Officials shall perform their duties in accordance with the processes and rules of order established by the city council and board and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the city council by city staff.
- 8.5. Commitment to Transparency.** Transparency, openness, and accountability are fundamental values of the city—and are also required by the laws of the state of Washington. The public has a right to inspect and copy public records unless exempt by law from disclosure. All materials relating to the conduct of city government that are prepared, possessed, used, or retained by any official, including email and other electronic records, are subject to requirements for retention, protection, and disclosure. Officials may assume that all copies of materials received from city staff have already been archived and do not need to be retained. Officials shall not discard, damage, or destroy the original copy of any public record unless directed by the city public records officer (the city clerk), who has responsibility to ensure that the city complies with the record retention schedules established under Chapter 40.14 RCW. Officials shall promptly provide any records requested by the public records officer in response to a disclosure request under the Public Records Act, Chapter 42.56 RCW. It is the responsibility of the public records officer, together with the city attorney, to decide which records meet the definition of “public record” and whether or not they are exempt from disclosure; officials must not take it upon themselves to decide whether a record meets the definition of a public record, that a record is exempt from disclosure, or to otherwise conceal a record.
- 8.6. Conduct of Public Meetings.** Officials shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.
- 8.7. Decisions Based on Merit.** Officials shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.
- 8.8. Advocacy.**

- 8.8.1.** When acting in an official capacity as a city official representing the city, officials shall represent the official policies or positions of the city council, board, or commission to the best of their ability when the city council, board, or commission has taken a position or given an instruction.
- 8.8.2.** When presenting their individual opinions and positions, officials shall explicitly state they do not represent their body or the city of Covington, nor will they allow the inference that they do.
- 8.8.3.** Officials have the right to endorse candidates for all council seats or other elected offices. It is inappropriate to make or display endorsements during council meetings, board/commission meetings, or other official city meetings. However, this does not preclude officials from participating in ceremonial occasions, community events, or other events sponsored by civic groups.

## **9. SECTION 9: ETHICS OFFICER**

**9.1. Ethics Officer.** The city council creates the position of ethics officer. The city attorney shall serve as the ethics officer, unless the city council chooses to appoint an independent third party, in addition to any additional duties as assigned by the city council, shall provide for the following:

- 9.1.1.** annual review of the code of ethics, including recommend changes or additions to this code of ethics to the city council, if deemed necessary;
- 9.1.2.** input into and review the training materials and program developed for this code of ethics;
- 9.1.3.** advisory opinions concerning this code of ethics; and
- 9.1.4.** the prompt and fair enforcement of the provisions of this code of ethics when necessary.

### **9.2. Advisory Opinions.**

- 9.2.1.** Upon request of any official, the ethics officer shall render written advisory opinions concerning the applicability of this code to hypothetical circumstances and/or situations solely related to the persons making the request. The ethics officer will not render opinions on matters that are the purview of other government agencies or officials, e.g., the public disclosure commission, the city public records officer, etc.
- 9.2.2.** Upon request of any official, the ethics officer may also render written advisory opinions concerning the applicability of the code of ethics to hypothetical circumstances and/or situations related to a matter of city-wide interest or policy.

- 9.2.3. The ethics officer will endeavor to respond to requests for advisory opinions within thirty (30) days of submission of the request, or more rapidly if the requester expresses urgency in the request.
- 9.2.4. A person's conduct based in reasonable reliance on an advisory opinion rendered by the ethics officer shall not be found to violate this code of ethics, as long as all material facts have been fully, completely, and accurately presented in a written request for an advisory opinion, the ethics officer issues an advisory opinion that the described conduct would not violate the code of ethics, and the person's conduct is consistent with the advisory opinion.
- 9.2.5. The ethics officer reserves the right to reconsider the questions and issues raised in an advisory opinion and, where the public interest requires, rescind, modify, or terminate the opinion, but a modified or terminated advisory opinion will not form the basis of a retroactive enforcement action against the original requestor. Advisory opinions will contain severability clauses indicating that should portions of the opinion be found to be unenforceable or not within the ethics officer's authority, the remainder of the opinion shall remain intact.

## **10. SECTION 10: COMPLAINTS, INVESTIGATIONS, HEARINGS, AND ENFORCEMENT.**

The ethics officer shall resolve inadvertent and minor violations of this code of ethics informally and may resolve inadvertent or minor violations informally, unless the ethics officer determines that doing so would not serve the public interest. When a violation is neither inadvertent nor minor, the ethics officer may initiate an action in accordance with this section.

**10.1. Time Limitation.** Any complaint or action taken under this code of ethics must be commenced within three (3) years from the date of the alleged violation.

### **10.2. Complaint Process.**

**10.2.1. Complaint Requirements—Service.** Any person may submit a written complaint to the ethics officer, through the city clerk's office, alleging one or more violations of this code of ethics by an official. The complaint must set forth specific facts with enough precision and detail for the ethics officer to make a determination of sufficiency. In addition, the complaint must set forth the specific sections and subsections of this code that the facts violate, and the reasons why. The complaint must be signed under penalty of perjury by the person(s) submitting it in a manner consistent with Chapter 9A.72 RCW. The fact that a complaint has been received, the contents of the complaint, and the identity of the person making the complaint shall remain confidential to the extent available under the law until such time as the ethics officer has made a determination of sufficiency.

**10.2.2. Finding of Sufficiency.** The ethics officer shall make a determination of sufficiency within thirty (30) days of receipt of the written complaint. A complaint shall be sufficient if the allegations, if established, would violate this code. The ethics officer's determination is not reviewable. If the finding is one of sufficiency of the complaint, then the ethics officer may investigate the complaint as set forth below.

A finding by the ethics officer determining that a complaint is sufficient shall contain at the beginning the following specific language:

NOTICE: ANY PORTION OF THIS FINDING DETERMINING SUFFICIENCY OF ANY PORTION OF A COMPLAINT DOES NOT DETERMINE THE TRUTH OR FALSITY OF THE ALLEGATIONS CONTAINED IN THE COMPLAINT FILED WITH THE ETHICS OFFICER. THE ETHICS OFFICER HAS ONLY DETERMINED THAT IF CERTAIN FACTS CONTAINED IN THE COMPLAINT ARE FOUND TO BE TRUE DURING A LATER HEARING TO BE CONDUCTED BY THE HEARING EXAMINER, THEN VIOLATION(S) OF THE CODE OF ETHICS MAY BE FOUND TO HAVE OCCURRED.

**10.2.3. Dismissal.** The ethics officer shall dismiss the complaint if the ethics officer determines that the violation was inadvertent and minor; or a violation occurred, but appropriate actions have been taken to fully address the allegedly unethical conduct.

**10.2.4. Protection Against Retaliation.** Neither the city nor any official may take or threaten to take, directly or indirectly, official or personal action, including but not limited to discharge, discipline, personal attack, harassment, intimidation, or change in job, salary, or responsibilities, against any person because that person files a complaint with the ethics officer.

**10.2.5. False Complaint.** Any person who shall file a complaint for violation of this code knowing such charge to be false or to have been recklessly made without any reasonable attempt to determine relevant facts and circumstances shall be guilty of a misdemeanor and shall be punished as provided in Chapter 1.30 CMC.

**10.3. Immediate Removal—Member of Board or Commission or Other Appointed Task Group or Committee.** In the event the individual against whom the complaint was made is currently a member of a city board or commission or other task group or committee appointed by the city council, at any time after the complaint is filed pursuant to this section, the city council may, in addition to or in lieu of the public hearing process and other possible penalties as provided for in this section, and notwithstanding any other provision of the Covington Municipal Code, by a majority vote remove the individual from such board or commission effective immediately.

**10.4. Notice.** Notice of action by the ethics officer shall be provided as follows:

**10.4.1.** Notice of a finding of insufficiency or dismissal of a complaint by the ethics officer shall be sent to the person who made the complaint and the person complained against within seven (7) days of the decision by the ethics officer. A finding of insufficiency or dismissal of a complaint by the ethics officer is final and binding, and no administrative or other legal appeal is available through the ethics officer.

10.4.2. Within seven (7) days of the ethics officer rendering a finding of sufficiency, the city clerk shall send notice to the person who made the complaint and the person complained against, of the ethics officer's determination. If, after investigation, the ethics officer has reason to believe that a material violation of this code has occurred, the city clerk shall give notice of the public hearing which will be held to determine if a violation has occurred. Notice shall be provided at least thirty (30) days prior to the date set for the hearing. The person complained against shall have the right to file a written answer to the charge and to appear at the hearing with or without legal counsel, submit testimony, be fully heard, and to examine and cross examine witnesses.

**10.5. Stipulations.** At any time after a complaint has been filed with the ethics officer, the ethics officer may seek and make recommendations that the city council enter into a stipulation with the person complained against. The recommended stipulation will include the nature of the complaint, relevant facts, the reasons the ethics officer thinks a stipulation is appropriate, an admission of the violation by the person complained against, a promise by the person complained against not to repeat the violation, and if appropriate, a recommended remedy or penalty. The recommended stipulation shall be sent to the person who made the complaint and the person complained against and forwarded to the city council for action.

**10.6. Conduct of Hearings.**

**10.6.1.** All hearings on complaints found to be sufficient by the ethics officer shall be conducted by the city's hearing examiner. The hearing shall be informal, meaning that the hearing examiner shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The hearing examiner may call witnesses on his or her own motion and compel the production of books, records, papers, or other evidence as needed. To that end, the hearing examiner shall issue subpoenas and subpoenas duces tecum. All testimony shall be under oath administered by the hearing examiner. The hearing examiner may adjourn the hearing from time to time to allow for the orderly presentation of evidence. The hearing examiner shall prepare an official record of the hearing, including all testimony, which shall be recorded by mechanical device, and exhibits; provided, that the hearing examiner shall not be required to transcribe such records unless presented with a request accompanied by payment of the cost of transcription.

**10.6.2.** Within thirty (30) days after the conclusion of the hearing, the hearing examiner shall, based upon a preponderance of the evidence, make and fully record in his or her permanent records, findings of fact, conclusions of law, and his or her recommended disposition. A copy of the findings, conclusions, and recommended disposition shall be sent to the person who made the complaint and to the person complained against. Additional copies of the findings, conclusions, and recommendations shall be forwarded to the ethics officer and city council.

**10.7. City Council Action.** Final city council action to decide upon stipulations and recommendations from the ethics officer and findings, conclusions, and recommendations from the hearing examiner shall be by majority vote in a public meeting. If the proceeding involves a member of the city council, deliberations by the council may be in executive session. The member of the council against whom the complaint was made will not participate in any executive session and shall not vote on any matter involving him or herself. However, upon request of the member of the council against whom the complaint was made, a public hearing or public meeting before the council will be held on the issue of penalties.

**10.8. Disposition.** In the event the hearing examiner finds that the person against whom the complaint was made has violated the code of ethics, then the city council may take any of the following actions by a majority vote of the council. The action of the city council shall be final and not subject to further review or appeal except as may be otherwise provided by law or as provided in this section.

**10.8.1. Dismissal.** Dismissal of the complaint without penalties.

**10.8.2. Referral.** A complaint may be referred to another agency with jurisdiction over the violation, such as the public disclosure commission. Final action on the complaint may be stayed pending resolution of the matter by the agency to which it was referred.

**10.8.3. Admonition.** An admonition shall be an oral non-public statement made by the mayor, or his/her designee, or if the complaint is against the mayor, the mayor pro tem or his/her designee, to the official.

**10.8.4. Reprimand.** A reprimand shall be administered to the official by a resolution of reprimand by the city council. The resolution shall be prepared by the city council and shall be signed by the mayor or, if the complaint is against the mayor, the mayor pro tem.

**10.8.5. Censure.** A resolution of censure shall be a resolution read personally to the person in public. The resolution shall be prepared by the city council and shall be signed by the mayor, or if the complaint is against the mayor, the mayor pro tem. The person shall appear at a city council meeting at a time and place directed by the city council to receive the resolution of censure. Notice shall be given at least twenty (20) calendar days before the scheduled appearance at which time a copy of the proposed resolution of censure shall be provided to the person. The resolution of censure shall be read publicly, and the person shall not make any statement in support of, or in opposition thereto, or in mitigation thereof. The resolution of censure shall be read at the time it is scheduled whether or not the official appears as required.

**10.8.6. Civil Penalties.** The city council may assess a civil penalty of up to one thousand dollars (\$1,000.00) or three times (3x) the economic value of anything received in violation of this code of ethics or three times (3x) the economic value of any loss to the city, whichever is greater. Any monetary penalty assessed civilly shall be placed in the city's general fund.

**10.8.7. Contract Void.** As provided by RCW 42.23.050, any contract made in violation of Chapter 42.23 RCW, "Code of ethics for municipal officers— contract interests," is void.

**10.8.8. Other Penalties.** The city council may impose a restriction, loss of a committee assignment, or loss of appointment as a representative of the city for any regional or multijurisdictional body or membership on any board or commission which requires an appointment or confirmation of an appointment by the city council.

**10.8.9. Review of Civil Penalties.** If the city council orders an official to pay a civil penalty, the official may seek a writ of review from the superior court pursuant to Chapter 7.16 RCW, within thirty (30) days of the city council's order.

**10.9. Public Records.** Records filed with the ethics officer and/ or hearing examiner become public records that may be subject to inspection and copying by members of the public, unless an exemption in law exists. The city shall release copies of any written reports resulting from an investigation of a sustained complaint, any hearing examiner orders, and any written censures or reprimands issued by the city council, in response to public records requests consistent with Chapter 42.56 RCW and any other applicable public disclosure laws. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW 42.56.230(2), identity information may be redacted when an unsubstantiated complaint is made available in response to a public records request; however, in each case, the justification for the redaction shall be explained fully in writing.

# Agenda Item 1

Covington City Council Meeting

Date: June 28, 2016

SUBJECT: CONSIDER RESOLUTION TO ADOPT THE PROPOSED SIX-YEAR 2017 – 2022 TRANSPORTATION IMPROVEMENT PROGRAM (TIP).

RECOMMENDED BY: Don Vondran, Public Works Director

ATTACHMENT(S):

1. Proposed Resolution

PREPARED BY: Robert Lindskov, City Engineer

EXPLANATION:

The city is required by RCW 35.77.010 to annually prepare and adopt a comprehensive transportation program by July 1<sup>st</sup> for the ensuing six calendar years and to forward a copy of that Six-Year Transportation Improvement Program (TIP) to the Washington State Secretary of Transportation by July 31<sup>st</sup>. The TIP represents the first six years of the 20-year transportation (street) capital improvement program. The projects contained in the proposed City of Covington Six-Year TIP 2017 – 2022 are consistent with the transportation projects identified in the Capital Facilities Element of the City's Comprehensive Plan adopted January 12, 2016.

A Public Hearing for the proposed 2017 – 2022 Six-Year TIP was held before the City Council on May 24, 2016. No comments were received during the Public Hearing.

During the hearing the council did allude to making changes in the project priority list, which can be explored, discussed, and modified at this time.

ALTERNATIVES:

Direct Staff to modify the proposed 2017 – 2022 Six-Year TIP.

FISCAL IMPACT:

The fiscal impact of each proposed project is indicated in the draft Six-Year TIP 2017 – 2022. The specific revenue source(s) for the city portion of the funds for each project is determined each year during the budget process. Additional revenues are needed to fund these projects. Possible sources are grants, appropriations and traffic impact fees.

CITY COUNCIL ACTION: \_\_\_ Ordinance  X  Resolution \_\_\_ Motion \_\_\_ Other

**Councilmember \_\_\_\_\_ moves, Councilmember \_\_\_\_\_ seconds, to pass a Resolution adopting the City of Covington Six-Year (2017 - 2022) Transportation Improvement Program (TIP).**

REVIEWED BY: City Manager, City Attorney, Finance Director

**RESOLUTION NO. 2016-12**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF COVINGTON, KING COUNTY,  
WASHINGTON, ADOPTING THE 2017-2022 SIX-  
YEAR TRANSPORTATION IMPROVEMENT  
PROGRAM**

WHEREAS, pursuant to RCW 35.77.010, the City of Covington (the “City”) is required to prepare and adopt a comprehensive transportation improvement program that addresses transportation improvements and needs for the ensuing six calendar years, which is commonly known as the Six-Year Transportation Improvement Program (“TIP”); and

WHEREAS, pursuant to RCW 35.77.010, the City is also required to revise and extend its Six-Year TIP annually to ensure that the City has a guide in carrying out a coordinated transportation program; and

WHEREAS, Chapter 35.77 RCW requires that the Six-Year TIP must be consistent with the City’s adopted Comprehensive Plan; and

WHEREAS, the City is further required to conduct a public hearing prior to adopting any revisions or extensions of its Six-Year TIP; and

WHEREAS, on May 24, 2016, the Covington City Council held a public hearing on the revised Six-Year TIP for the years 2017-2022, inclusive; and

WHEREAS, the city council, being satisfied that the revised and extended Six-Year TIP for the years 2017-2022, inclusive, addresses the City’s needs for the ensuing six years and is consistent with the City’s Comprehensive Plan.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON, hereby resolves as follows:

1. The Six-Year Transportation Improvement Program (2017-2022) for the City of Covington, as revised and extended for the ensuing calendar year, incorporated herein by its entirety and on file in the Covington City Clerk’s Office, is hereby adopted in its entirety, shall take effect on June 28, 2016, and previous plans shall be amended accordingly.
2. A copy of the adopted Six-Year TIP for the years 2017-2022, together with a copy of this resolution, shall be filed with the Washington State Secretary of Transportation and the Washington State Transportation Improvement Board within thirty (30) days after the adoption of this resolution.

**PASSED** by the City Council of the City of Covington, Washington, in open and regular session this 28<sup>th</sup> day of June, 2016.

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JEFF WAGNER, MAYOR

ATTESTED:

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Sharon Scott, City Clerk

APPROVED AS TO FORM:

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Sara Springer, City Attorney

**DETERMINATION OF NON-SIGNIFICANCE (DNS)  
TRANSPORTATION IMPROVEMENTS PROJECTS (TIP) 2017-2022**

**Project Name:** City of Covington Six Year Transportation Improvement Program (TIP) 2017-2022

**File Number:** SEPA16-03

**Applicant/Contact:** Bob Lindskov, City Engineer  
City of Covington, Public Works Department  
16720 SE 271<sup>st</sup> Street, Suite 100  
Covington, Washington 98042  
253-480-2467

**Date of Issuance:** May 27, 2016

**Project Description:** The proposal is a non-project action to adopt the City of Covington’s Six Year TIP 2017-2022 by the Covington City Council. This proposal is for the overall Capital Improvement and Transportation Improvement (CIP/TIP) programs within the city in accordance with the requirements of State law as defined in RCW 35.77.010 and 35.36.70A. The proposed 2016-2021 TIP projects are as follows and further described in Attachments 1, 2 & 3:

1. **CIP 1127** SE 272nd Street between Jenkins Creek and 185th Place SE
2. **CIP 1201** 204<sup>th</sup> Avenue SE between SE 272<sup>nd</sup> Street SE and SE 259<sup>th</sup> Street
3. **CIP 1086** 164<sup>th</sup> Avenue SE between SE 264<sup>th</sup> Street and vicinity SE 269<sup>th</sup> Street
4. **CIP 1128** SE 272<sup>nd</sup> Street between 185<sup>th</sup> Place SE and 192<sup>nd</sup> Avenue SE
5. **CIP 1063** SE 272<sup>nd</sup> Street between 160<sup>th</sup> Avenue SE and 164<sup>th</sup> Avenue SE
6. **CIP 1145** SE 256<sup>th</sup> Street between 168<sup>th</sup> Avenue SE and 173<sup>rd</sup> Avenue SE
7. **CIP 1056 & CIP 1149** SE 256th Street between 172nd Avenue SE and 180th Avenue SE & 180th Avenue SE between SE 256th Street and SE Wax Road (N)
8. **Town Center 1** SE 276<sup>th</sup> Street between 168<sup>th</sup> Place SE and SE Wax Road
9. **Town Center 2** 171<sup>st</sup> Avenue SE (Main Street between SE 275<sup>th</sup> Street and SE 276<sup>th</sup> Street
10. **CIP 1124** 185th Place SE Extension - Wax Road/180th Ave SE to SE 272nd Street

**Documents Reviewed:** City’s Comprehensive Plan, Adopted January 2016, and as amended, 6-Year TIP 2017-2022 and description of TIP/CIP (Attachments 1, 2 & 3), and other information on file with the lead agency.

**Responsible Official/Lead Agency:** Richard Hart, Community Development Director  
City of Covington SEPA Official  
16720 SE 271<sup>st</sup> Street, Suite 100  
Covington, Washington 98042  
253-480-2441

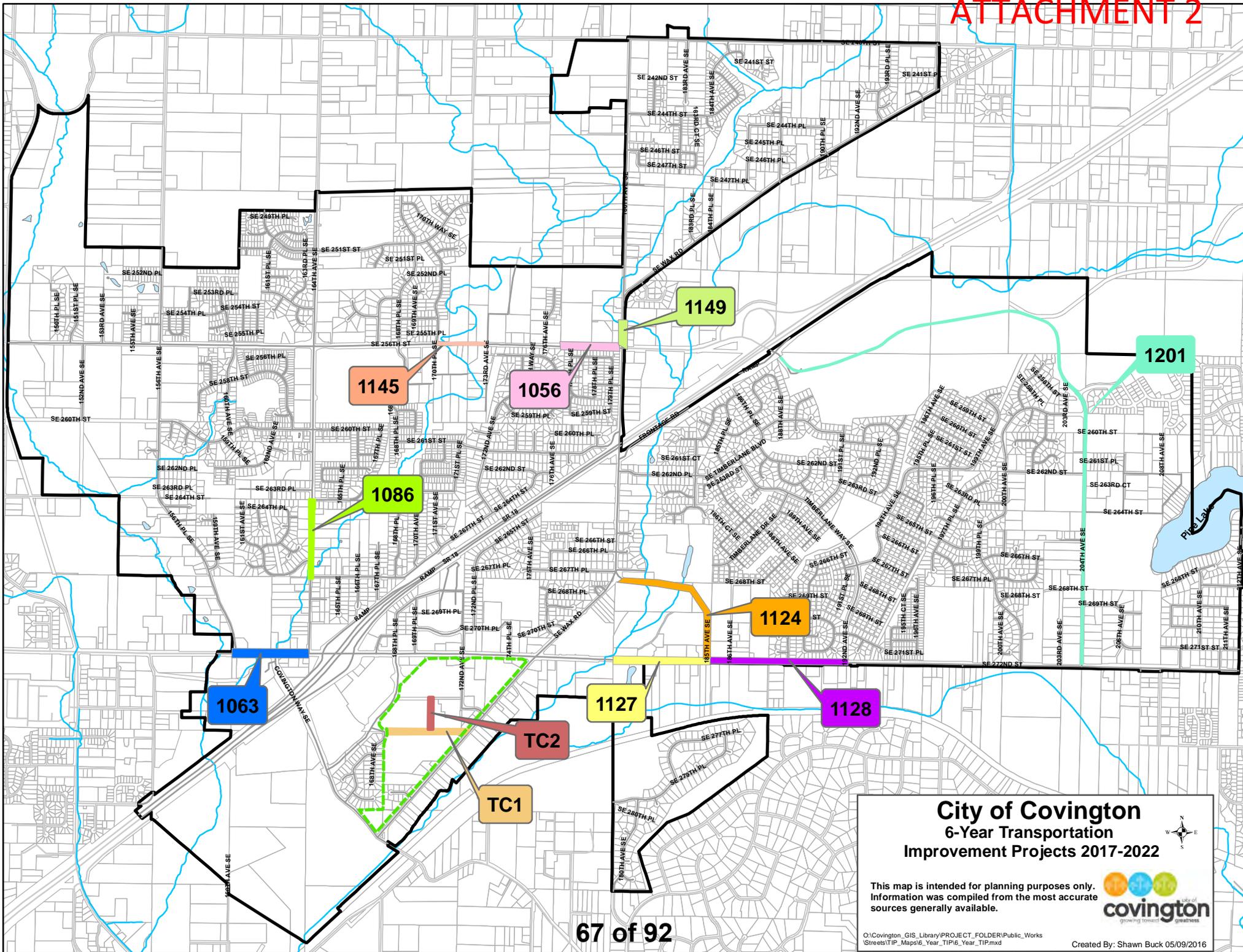
This DNS is issued under WAC 197-11-350. The comment period is 14 calendar days and ends **June 10, 2016 at 5 PM.**

**Comments and Appeals Notice:** *Comments and appeals on this DNS may be submitted by first class mail or delivered to the responsible official at the above lead agency address. Any notice of appeals must be filed in writing, with the required filing fee paid in cash or check and received within 14 calendar days of the end of the comment period at Covington City Hall Offices, i.e. by June 24, 2016 at 5 PM. You must make specific factual objections, identify error, harm suffered, or identify anticipated relief sought and raise specific issues in the statement of appeal. Contact the Community Development Department at Covington City Hall to read or to ask about the procedures for SEPA appeals.*

Signature of Responsible Official: Richard Hart Date: 5-19-16

# ATTACHMENT 1

| CITY OF COVINGTON<br>2017 to 2022 Transportation Improvement Program<br>Summary |  |            |        |        |  | Expenditure Schedule in Thousands |        |        |        |        |        |
|---|--|------------|--------|--------|--|-----------------------------------|--------|--------|--------|--------|--------|
| Priority  | City CIP #, Project Name, Termini, Major Class of Work   | Phase      | Funded | Funds  | 1  | 2                                 | 3      | 4      | 5      | 6      |        |
|   |  |            |        |        | Total  | 2017                              | 2018   | 2019   | 2020   | 2021   | 2022   |
| 1   | 1127,<br>SE 272nd Street (SR 516)<br>Jenkins Creek to 185th Place SE<br>Widen to 5 lanes & reconstruct, Sidewalks, New stream crossing           | Dgn        | XX     | 0      |  |                                   |        |        |        |        |        |
|   |  | R-o-W      | XX     | 923    | 923  |                                   |        |        |        |        |        |
|   |  | Const      |        | 11,691 | 5,000  | 6,691                             |        |        |        |        |        |
|   |  | Total Cost |        | 12,614 | 5,923  | 6,691                             | 0      | 0      | 0      | 0      |        |
| 2   | 1201,<br>204th Avenue SE<br>SE 272nd Street to SE 256th Street<br>Widen to full City Standard, Sidewalks, Bicycle Lanes, Planted Medians         | Dgn        |        | 3,590  |  |                                   |        |        |        |        |        |
|   |  | R-o-W      |        | 686    | Schedule driven by development<br>(May be built in portions) |                                   |        |        |        |        |        |
|   |  | Const      |        | 22,861 |  |                                   |        |        |        |        |        |
|   |  | Total Cost |        | 27,136 |  |                                   |        |        |        |        |        |
| 3   | 1086,<br>164th Avenue SE<br>SE 264th Street to SE 269th Street<br>Pedestrian Improvements, 5' asphalt walkway, drainage swale                    | Dgn        |        | 0      |  |                                   |        |        |        |        |        |
|   |  | R-o-W      |        | 88     | 88   |                                   |        |        |        |        |        |
|   |  | Const      |        | 799    | 799  |                                   |        |        |        |        |        |
|   |  | Total Cost |        | 888    | 888  | 0                                 | 0      | 0      | 0      | 0      |        |
| 4   | 1128,<br>SE 272nd Street (SR 516)<br>185th Place SE to 192nd Avenue SE<br>Widen to 5 lanes & reconstruct, Sidewalks, New signal.                 | Dgn        |        | 1,299  |  | 1,299                             |        |        |        |        |        |
|   |  | R-o-W      |        | 1,708  |  | 1,708                             |        |        |        |        |        |
|   |  | Const      |        | 7,920  |  |                                   | 7,920  |        |        |        |        |
|   |  | Total Cost |        | 10,927 | 0  | 1,299                             | 1,708  | 7,920  | 0      | 0      |        |
| 5   | 1063,<br>SE 272nd Street (State Route 516)<br>160th Avenue SE to 164th Avenue SE<br>Signal modifications, add turn lanes, stream crossing.       | Dgn        |        | 1,008  |  | 1,008                             |        |        |        |        |        |
|   |  | R-o-W      |        | 1,440  |  | 1,440                             |        |        |        |        |        |
|   |  | Const      |        | 10,650 |  |                                   | 10,650 |        |        |        |        |
|   |  | Total Cost |        | 13,098 | 0  | 1,008                             | 1,440  | 10,650 | 0      | 0      |        |
| 6   | 1145,<br>SE 256th Street<br>168th Avenue SE to 173rd Avenue SE<br>Widen & reconstruct, Sidewalks, New stream crossing                            | Dgn        |        | 494    | 494  |                                   |        |        |        |        |        |
|   |  | R-o-W      |        | 350    |  | 350                               |        |        |        |        |        |
|   |  | Const      |        | 4,950  |  | 4,950                             |        |        |        |        |        |
|   |  | Total Cost |        | 5,795  | 494  | 350                               | 4,950  | 0      | 0      | 0      |        |
| 7   | Portions of 1056 and 1149<br>SE 256th Street and 180th Avenue SE<br>Safety improvements, Sidewalks<br>Signal modifications, add right turn lane. | Dgn        |        | 498    |  |                                   | 498    |        |        |        |        |
|   |  | R-o-W      |        | 242    |  |                                   | 242    |        |        |        |        |
|   |  | Const      |        | 5,316  |  |                                   |        | 5,316  |        |        |        |
|   |  | Total Cost |        | 6,056  | 0  | 0                                 | 498    | 242    | 5,316  | 0      |        |
| 8   | Town Center 1<br>SE 276th Street<br>168th Place SE to SE Wax Road<br>New Route, New Alignment, Type II Roadway                                   | Dgn        |        | 1,550  |  |                                   |        |        |        |        |        |
|   |  | R-o-W      |        | 6,981  | Schedule driven by development<br>(May be built in portions) |                                   |        |        |        |        |        |
|   |  | Const      |        | 4,650  |  |                                   |        |        |        |        |        |
|   |  | Total Cost |        | 13,180 |  |                                   |        |        |        |        |        |
| 9   | Town Center 2<br>172nd Avenue SE<br>SE 275th Street to SE 276th Street<br>New Route, New Alignment, Type I Roadway                               | Dgn        |        | 579    |  |                                   |        |        |        |        |        |
|   |  | R-o-W      |        | 989    | Schedule driven by development<br>(May be built in portions) |                                   |        |        |        |        |        |
|   |  | Const      |        | 1,737  |  |                                   |        |        |        |        |        |
|   |  | Total Cost |        | 3,304  |  |                                   |        |        |        |        |        |
| 10  | 1124,<br>185th Place SE Extension<br>Wax Road/180th Avenue SE Roundabout to SE 272nd Street<br>New Route, New Alignment, Access management.      | Dgn        |        | 1,131  |  |                                   |        | 1,131  |        |        |        |
|   |  | R-o-W      |        | 5,339  |  |                                   |        | 5,339  |        |        |        |
|   |  | Const      |        | 11,617 |  |                                   |        |        |        | 11,617 |        |
|   |  | Total Cost |        | 18,087 |  | 0                                 | 0      | 1,131  | 5,339  | 11,617 |        |
| 3.0% Annual Construction Cost Increase  |  |            |        | TOTAL  | 111,085  | 7,305                             | 9,348  | 8,596  | 19,943 | 10,655 | 11,617 |



**City of Covington**  
**6-Year Transportation**  
**Improvement Projects 2017-2022**

This map is intended for planning purposes only. Information was compiled from the most accurate sources generally available.



City of Covington  
2017-2022 6 Year TIP  
Project Descriptions

**Capital Improvement Project Priorities**

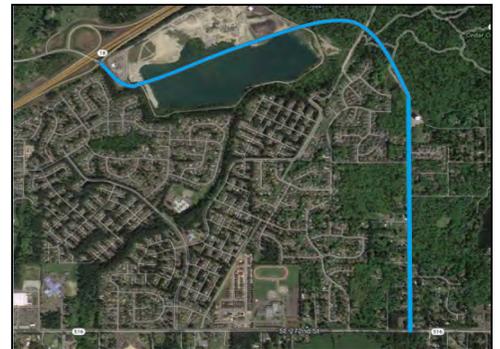
1. **CIP 1127 SE 272<sup>nd</sup> Street between Jenkins Creek and 185<sup>th</sup> Place SE**

This project is to widen and reconstruct a portion of SE 272<sup>nd</sup> Street between Jenkins Creek and 185<sup>th</sup> Place SE. This project will include the crossing of Jenkins Creek with a new structure for the stream, widening the street from 2-lanes to 5-lanes including curb and gutter, 8' sidewalks, access control features, landscaping and provisions for u-turns.



2. **CIP 1201 204<sup>th</sup> Avenue SE between SE 272<sup>nd</sup> Street SE and SE 259<sup>th</sup> Street**

The new roadway connection will provide overall benefits to the citywide street system by providing more options for vehicles traveling between SE 272<sup>nd</sup> Street and SR 18. This collector arterial will be widened to two 12-foot lanes, one 14-foot turn lane/median, and two 5-foot wide bike lanes. Each side of the roadway will also include a curb, a gutter, a 5-foot landscape buffer, and a 5-foot sidewalk.



3. **CIP 1086 164<sup>th</sup> Avenue SE between SE 264<sup>th</sup> Street and vicinity SE 269<sup>th</sup> Street**

This project will install a 5' separated walkway on the east side of 164<sup>th</sup> Avenue SE between SE 264<sup>th</sup> Street and just south of SE 269<sup>th</sup> Street. This project will also install a drainage swale with underdrainage to convey and treat surface water. Once completed, this will provide a continuous separated walkway/sidewalk from Kentwood High School to the Covington Library.



City of Covington  
2017-2022 6 Year TIP  
Project Descriptions

4. **CIP 1128 SE 272<sup>nd</sup> Street between 185<sup>th</sup> Place SE and 192<sup>nd</sup> Avenue SE**

This project is to widen and reconstruct a portion of SE 272<sup>nd</sup> Street between 185<sup>th</sup> Place SE and 192<sup>nd</sup> Avenue SE. This project will widen the street from 2-lanes to 5-lanes including curb and gutter, 8' sidewalks, access control features, landscaping and provisions for u-turns.



5. **CIP 1063 SE 272<sup>nd</sup> Street between 160<sup>th</sup> Avenue SE and 164<sup>th</sup> Avenue SE**

This project provides for design and future construction of additional turn lanes, channelization, and signal modifications. Widening SE 272<sup>nd</sup> Street will require modifications to the existing stream crossing at the intersection. Project length is 800 feet. Construct street section consistent with the existing SR 516 section including illumination, landscaping, 10' wide sidewalks with street trees in planting wells.



6. **CIP 1145 SE 256<sup>th</sup> Street between 168<sup>th</sup> Avenue SE and 173<sup>rd</sup> Avenue SE**

This project replaces the culvert crossing over Little Soos Creek and widens SE 256<sup>th</sup> to 5 lanes. The project includes curb, gutter, 8' sidewalk, landscaping, bike lanes, illumination and undergrounding of utilities. Project length is about 1500 feet. This project will complete a gap in our pedestrian/non-motorized transportation system.



City of Covington  
2017-2022 6 Year TIP  
Project Descriptions

7. **CIP 1056 SE 256<sup>th</sup> Street between 172<sup>nd</sup> Avenue SE and 180<sup>th</sup> Avenue SE**  
**CIP 1149 180<sup>th</sup> Avenue SE between SE 256<sup>th</sup> Street and SE Wax Road (N)**

Portions of these two larger CIP projects (see map) are being combined to provide improvements adjacent to the new fire station at SE 256<sup>th</sup> Street and 180<sup>th</sup> Avenue SE. The improvements will include widening the north side of SE 256<sup>th</sup> Street from 180<sup>th</sup> Avenue SE to 176<sup>th</sup> Avenue SE to match the section at 168<sup>th</sup> Avenue SE. The frontage along 180<sup>th</sup> Avenue SE will be widened from the intersection to Crestwood Elementary School.



8. **Town Center 1 SE 276<sup>th</sup> Street between 168<sup>th</sup> Place SE and SE Wax Road**

This is a new route; new alignment roadway that will support the Town Center vision and meet the Town Center Design Guidelines. The schedule of these projects will be primarily driven by development and may be constructed in portions.



9. **Town Center 2 171<sup>st</sup> Avenue SE (Main Street) between SE 275<sup>th</sup> Street and SE 276<sup>th</sup> Street**

This is a new route; new alignment roadway that will support the Town Center vision and meet the Town Center Design Guidelines. The schedule of these projects will be primarily driven by development and may be constructed in portions.



City of Covington  
2017-2022 6 Year TIP  
Project Descriptions

10. **CIP 1124 185<sup>th</sup> Place SE Extension - Wax Road/180<sup>th</sup> Ave SE to SE 272<sup>nd</sup> Street**

This project connects SE Wax Road/180<sup>th</sup> Avenue SE to SE 272<sup>nd</sup> Street via a new route and alignment designated as 185<sup>th</sup> Place SE. The street section will consist of a 3-lane urban arterial standard with curb, gutter and 8' sidewalks, landscaping strips, illumination and stormwater infrastructure. The project will also include crossing Jenkins Creek. The actual route and alignment will be determined during design.



**COMPLETED 2016**

1. **CIP 1029 Citywide Intersection Safety Project – 10 Locations**

This project is part of the WSDOT City Safety Program that is focused on intersection safety. The project will do safety improvements to 10 locations throughout the city. These improvements vary at each location but may include rechannelization, adding warning beacons and pavement markings; improving sight distance, and crosswalks; upgrading signs, sidewalks and ADA access points. The intersections are SE 272<sup>nd</sup> Street / 168<sup>th</sup> Place SE, SE 272<sup>nd</sup> Street / 172<sup>nd</sup> Place SE, 168<sup>th</sup> Place SE / 169<sup>th</sup> Place SE, SE 270<sup>th</sup> Place / 174<sup>th</sup> Avenue SE, SE 256<sup>th</sup> Street / 180<sup>th</sup> Avenue SE, SE 267<sup>th</sup> Street / 192<sup>nd</sup> Avenue SE, SE 261<sup>st</sup> Street / 180<sup>th</sup> Avenue SE, SE 268<sup>th</sup> Street / 164<sup>th</sup> Avenue SE, SE Wax Road / 180<sup>th</sup> Ave SE and SE 256<sup>th</sup> / 170<sup>th</sup> Ave. SE. This project is fully funded and scheduled to be completed in 2014.



**Agenda Item 2**  
Covington City Council Meeting  
Date: June 28, 2016

SUBJECT: CONSIDER APPOINTMENT OF NEW COUNCIL MEMBER TO POSITION  
NO. 6

RECOMMENDED BY: Regan Bolli, City Manager

ATTACHMENT(S):

1. Blue Sheet from June 14, 2016 City Council Meeting.

PREPARED BY: Sharon Scott, City Clerk

EXPLANATION:

This item was tabled at the June 14, 2016 City Council meeting and is now being brought back for consideration per Council direction.

ALTERNATIVES:

1. Continue the deliberation and selection process to a future council meeting.
2. Not appoint a council member at this time and direct staff to continue to advertise for additional candidates.

CITY COUNCIL ACTION: \_\_\_\_\_ Ordinance \_\_\_\_\_ Resolution  X  Motions \_\_\_\_\_ Other

**Councilmember \_\_\_\_\_ moves, and councilmember \_\_\_\_\_  
seconds, to appoint \_\_\_\_\_ to City Council Position 6.**

REVIEWED BY: Acting City Manager, City Clerk

**ATTACHMENT 1**  
**Agenda Item 4**  
Covington City Council Meeting  
Date: June 14, 2016

SUBJECT: CONSIDER APPOINTMENT OF NEW COUNCIL MEMBER TO POSITION  
NO. 6

RECOMMENDED BY: Regan Bolli, City Manager  
Sara Springer, City Attorney

ATTACHMENT(S): None.

PREPARED BY: Sara Springer, City Attorney

EXPLANATION:

Councilmember Jim Scott stepped down from the city council effective May 31, 2016. Council directed staff to advertise the vacant council position and to accept applications (in the form of letters of interest) through June 10, 2016. At tonight's council meeting, the council will have the opportunity to interview the applicants for Covington City Council Position No. 6, discuss the qualifications of the applicants (in executive session), and then make an appointment to the council, if so desired.

State law gives wide latitude to the council regarding the process for appointing a council member. The only state statute the council must comply with is the Open Public Meeting's Act requirement that any interviews of candidates must be performed in an open public meeting, and the appointment of a candidate must take place in an open public meeting. The council may discuss the qualifications of the candidates in executive session.

The current City Council Rules of Procedure do not specify a specific process to follow for interviews and appointments of vacant council positions. However, the proposed new Council Policies and Procedures, on this meeting's agenda for adoption, does address the process to be used for appointments to vacant council positions; therefore, staff recommends for the council to follow the process in the proposed new Council Policies and Procedures. Accordingly:

**Interview Process:**

- The order of the interviews will be determined by drawing the names.
- All applicants will be interviewed together by the council in a panel format, wherein each applicant, in turn, will be asked to answer questions posed by each councilmember. The interview process will be designed to be fair and consistent.
- Each candidate will then be allowed two (2) minutes for closing comments. Since this is not a campaign, comments and responses about other applicants will not be allowed.

**Deliberation and Selection:**

- The council may recess into executive session to discuss the qualifications of all candidates.
- Nominations, voting, and selection of a person to fill the vacancy will be conducted during an open session.
- The nomination process will follow the regular nomination process wherein the chair opens nominations, each council member is allowed to nominate one individual, and no second is required.
- Voting shall commence in the order nominations were made. Council members will be asked for a voice vote and a raise of hands. As soon as one of the nominees receives a majority vote of the whole city council (four votes), then the chair will declare him/her appointed. No votes will be taken on the remaining nominees.
- A tie vote results in a failed nomination and the chair will call for nominations again and repeat the process until a single nominee receives a majority vote of the whole city council.
- If none of the nominees receives a majority vote, the chair will call for nominations again and repeat the process until a single nominee receives a majority vote of the whole city council.

ALTERNATIVES:

1. Continue the deliberation and selection process to a future council meeting.
2. Not appoint a council member at this time and direct staff to continue to advertise for additional candidates.

CITY COUNCIL ACTION: \_\_\_\_\_ Ordinance \_\_\_\_ Resolution \_\_\_\_ Motions  X  Other

**Interview candidates for Covington City Council Position No. 6  
and move to appoint a candidate, if so desired.**

REVIEWED BY: City Manager, City Attorney, City Clerk

**SUBJECT:** CONSIDER ORDINANCE TO ESTABLISH A BIENNIAL BUDGET  
BEGINNING JANUARY 1, 2019

**RECOMMENDED BY:** Regan Bolli, City Manager

**PREPARED BY:** Rob Hendrickson, Finance Director

**ATTACHMENT(S):**

1. Proposed ordinance establishing a biennial budget beginning January 1, 2019 and repealing Ordinance 07-10 which reverted back to the calendar year budget.

**EXPLANATION:**

At the January 2016 Council Summit, the city council agreed to initiate a biennial budget process beginning on January 1, 2017.

While staff had researched both the pros and cons of a biennial budget, and council agreed to start with the next biennium cycle in 2017, staff encountered the following obstacles that delayed putting this plan into action for this biennium:

- 1) The bond refunding process, which began shortly after the Summit, took up a lot of staff time and was deadline driven.
- 2) Budget forms, processes, and instructions needed to be created and implemented by staff before the budget call in June. Dealing with the refunding, CAFR, and audit during the same timeframe, prevented staff from completing the needed forms and procedures.
- 3) Finance staff resources were further taxed by needing to hire and train a new office assistant.

Staff is asking council that the biennial budget process be delayed for one cycle, to begin January 1, 2019, as staff creates the correct forms, processes, and instructions to carry out a smooth budget process for all departments.

**ALTERNATIVES:**

1. Pass Ordinance 15-2016 as presented.
2. Do not pass the ordinance and continue to budget on a calendar year basis.

**FISCAL IMPACT:**

Staff training for software implementation will be required to create and implement a 2-year budget in the accounting system. This will cost approximately \$400.00, or \$100/hr if more than 4 hours of training is needed. Additional staff time will be required to initially set up the 2-year budget. That amount is unknown at this time since staff has not done this before. Staff will save about \$400.00 per biennium in document costs not having to produce a budget every other year.

CITY COUNCIL ACTION:     X   Ordinance          Resolution          Motion          Other

**Council member \_\_\_\_\_ moves, Council member \_\_\_\_\_  
seconds, to pass an ordinance establishing a biennial budget beginning  
January 1, 2019 and repealing Ordinance 07-10 which reverted back to a  
calendar year budget.**

REVIEWED BY: City Manager; City Attorney

**ORDINANCE NO. 15-2016**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON, REPEALING ORDINANCE 07-10 RE-ESTABLISHING A CALENDAR YEAR BUDGET; AND ESTABLISHING A BIENNIAL BUDGET PROCESS EFFECTIVE JANUARY 1, 2019.**

**WHEREAS**, by Chapter 35A.34, RCW, the state legislature has provided that the legislative body of any code city may by ordinance elect to have a two-year fiscal biennium budget in lieu of the annual budget which is otherwise provided for; and

**WHEREAS**, Chapter 35A.34.040, RCW provides that such ordinance must be enacted at least six-months prior to commencement of the fiscal biennium; and

**WHEREAS**, the City of Covington previously repealed adoption of the biennial budget process through Ordinance No. 07-10 and has produced an annual budget since 2010; and

**WHEREAS**, the City of Covington finds it in the best interest of the city to re-establish a fiscal biennial budget process to be effective January 1, 2019;

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

**Section 1. Ordinance 07-10 Repealed.** Ordinance 07-10, which re-established a calendar year budget, is hereby repealed in its entirety.

**Section 2. Establishment of a Biennium Budget.** Pursuant to Chapter 35A.34.040, RCW, the City Council hereby establishes a biennium budget for the City of Covington, beginning with the biennium, which begins January 1, 2019. The 2019-2020 Biennial Budget and all subsequent budgets shall be prepared, considered and adopted under the provisions of this ordinance and Chapter 35A.34, RCW that is hereby adopted by reference.

**Section 3. Mid-Biennial Review and Modification.** Pursuant to Chapter 35A.34.130, RCW, the City Council hereby provides for a mid-biennial review and modification of the biennial budget. No sooner than eight (8) months after the start of the first year of the fiscal biennium, nor later than the first regularly scheduled City Council meeting in November of the first year of each biennial budget, the City Manager shall prepare proposed budget modifications to be effective as of January 1 of the following year. Such proposed modifications shall be sent to City Council members and shall be a public record and available to the public. A public hearing shall be advertised at least once, shall be held at a City Council meeting no later than the second Tuesday in December, and may be continued from time to time. At such hearing or thereafter, Council may consider a proposed ordinance to carry out such modifications, which such ordinance shall be subject to other provisions of Chapter 35A.34, RCW.

**Section 4. Implementation.** The City Manager is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this ordinance.

**Section 5. Severability.** The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

**Section 6. Ratification.** Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

**Section 7. Corrections.** Upon the approval of the city attorney, the city clerk is authorized to make any necessary technical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

**Section 8. Effective Date.** This ordinance shall take effect and be in force five (5) days from and after its passage, approval, and publication, as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON,** at a regular meeting thereof on the 28<sup>th</sup> day of June 2016, and signed in authentication of its passage.

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Mayor Jeff Wagner

ATTESTED:

Published: July 1, 2016

Effective: July 6, 2016

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Sharon Scott  
City Clerk

APPROVED AS TO FORM ONLY:

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Sara Springer  
City Attorney

**SUBJECT: CONSIDER RESOLUTION NAMING THE JENKINS CREEK PARK  
PEDESTRIAN BRIDGES IN HONOR OF GEORGE AND SUSAN PEARSON**

**RECOMMENDED BY: Ethan Newton, Parks & Recreation Director**

**ATTACHMENT(S):**

1. Resolution 07-34
2. Proposed Resolution

**PREPARED BY: Ethan Newton, Parks and Recreation Director**

**EXPLANATION:**

In recognition of George and Susan Pearson's dedication and volunteer service to make the Covington community a better place, it is proposed to name the pedestrian bridges in Jenkins Creek Park in their honor. George and Susan have been instrumental in breathing new life into the Jenkins Creek Park through their volunteer service. George and Susan began their clean-up efforts during an Earth Day event in 2010 and have not stopped making improvements to the park since. They have spent countless hours cleaning up the park, including removing invasive species, mowing of the lower meadow, collecting litter, removing graffiti, making repairs, assisting with annual Arbor Day events in the park, planting numerous trees in the park and strategic removal of undergrowth to reduce fire hazards. Their contributions to the community are not just limited to Jenkins Creek Park, but also include volunteering with community events such as Covington Days and Kidsfest, and they continue to be active members in the Timberlane Homeowners Association. George also participates in the Covington's Volunteers in Police Services (VIPS) program and serves on the city's Park and Recreation Priorities Advisory Committee.

In accordance with the city's naming policy (see attached Res. No. 07-34) the following steps have been completed:

- This matter was initially considered by the Park and Recreation Commission at the commission's December 16, 2015 meeting, at which time the commission unanimously passed a motion to recommend to council that the bridges in Jenkins Creek Park be named after George and Susan Pearson.
- The commission's recommendation was reported to council at the January 26, 2016 council meeting during commission reports.
- This matter has been re-considered by the commission following the policy's required 90 day time lapse and the commission confirmed the recommendation to name the bridges after George and Susan Pearson as initially proposed in December 2015.

In recognition for their service to the Covington community, as exemplified with their care for Jenkins Creek Park, this proposal to name the larger pedestrian bridge in Jenkins Creek Park after George Pearson and the small pedestrian bridge in Jenkins Creek Park after Susan Pearson is being brought forward to the council for final consideration with the attached resolution.

**FISCAL IMPACT:**

For the purchase and installation of two small bronze plaques (one for each bridge) and dedication event, the approximate financial impact is expected to be between \$1,000 and \$2,000. These expenses are not specifically included in the 2016 budget, but it is anticipated that budget savings in the general fund throughout 2016 will be able to offset this amount.

**CITY COUNCIL ACTION:**    \_\_\_ Ordinance     X  Resolution    \_\_\_ Motion    \_\_\_ Other

**Council member \_\_\_\_\_ moves, Council member \_\_\_\_\_ seconds, to pass a resolution, in substantial form as presented, to name the two pedestrian bridges in Jenkins Creek Park after George and Susan Pearson.**

**REVIEWED BY:** Finance Director, City Attorney, City Manager

**ATTACHMENT 1**

RESOLUTION NO. 07-34

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON ADOPTING POLICIES FOR NAMING CITY PARKS AND OTHER CITY FACILITIES**

Whereas, the City Council wishes to have an established policy on the naming of City parks and other public facilities so that appropriate names are chosen with the proper amount of public input and time; now, therefore

BE IT RESOLVED by the City Council of the City of Covington, King County, Washington, as follows:

Section 1. The policy regarding the naming of public parks, recreational areas and other public facilities is hereby adopted in the form as attached hereto as Exhibit "A".

PASSED in open and regular session on this 10<sup>th</sup> day of July, 2007.

Margaret Harto  
MAYOR MARGARET HARTO

Attested:  
Jackie R. Cronk for  
Jackie R. Cronk, City Clerk

APPROVED AS TO FORM:  
Bruce Disend FOR  
Bruce Disend, City Attorney

# **CITY OF COVINGTON**

## **WASHINGTON**

### **Parks, Recreation and Public Facilities Naming Policy**

#### **1.0 Purpose**

- 1.1 The purpose of this policy is to outline the procedures and criteria for the official naming of parks, recreation and public facilities.

#### **2.0 General Considerations**

- 2.1 The naming of parks and recreation facilities should be approached with caution, patience and deliberation.
- 2.1 A name, once adopted, will be bestowed with the intention that it will be permanent.
- 2.2 In the event a name change for a facility is sought, the City Council will delay a final decision for ninety days (90) after its initial consideration of the change. Such a change will follow the process of Sections 3.0 and 4.0.

#### **3.0 Procedures**

- 3.1 Suggestions for names for any park, recreation and public facility will be solicited from neighborhood residents, citizens, employees, and/or organizations. All suggestions, solicited or not, will be recorded and forwarded to the Parks Commission for review and consideration.
- 3.2 The Parks Commission, following such review and consideration of a Public Hearing, will recommend a name.
- 3.3 Selected name will be forwarded to the Covington City Council for final action.

- 3.4** Following adoption of the park, recreation, or facility name, the Parks Commission will request action for the City to identify the facility with appropriate signage, specifying the name.

**4.0** **Criteria**

- 4.1** Existing facility names in the park system will be reviewed to avoid duplication, confusion, similarity, and/or inappropriateness.
- 4.2** In naming a facility or park the following criteria will be used:
- 4.2.1** Neighborhood or geographical identification (e.g. Covington Firs, Timberlane).
  - 4.2.2** A natural or geological feature (e.g., Jenkins Creek).
  - 4.2.3** Historical or Cultural Significance
  - 4.2.4** Names of persons
- 4.3** Facilities named for living persons will generally be avoided, except under consideration when an individual was instrumental in the acquisition of park acreage or public property, whose name is of historical significance to the area, or has otherwise provided substantial public service to the citizens of Covington.
- 4.4** In circumstances where the selection of a name for a park, recreation or public facility considers a person's name, there shall be a time lapse of at least ninety days (90) between receipt of a name proposal and the final recommendation on its adoption.

## ATTACHMENT 2

### RESOLUTION NO. 2016-13

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, NAMING THE CITY OF COVINGTON JENKINS CREEK PARK BRIDGES IN HONOR OF GEORGE AND SUSAN PEARSON.**

**WHEREAS**, George and Susan Pearson have devoted countless amounts of time and resources into the care and improvement of the City of Covington Jenkins Creek Park; and

**WHEREAS**, George and Susan Pearson have devoted countless amount of time and resources into making the Covington community a better place; and

**WHEREAS**, the volunteer efforts of George and Susan Pearson have improved the quality of life of Covington residents,

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Covington, King County, Washington, that the large pedestrian bridge in the City of Covington Jenkins Creek Park shall be named the “George Pearson Bridge” and the small pedestrian bridge in the City of Covington Jenkins Creek Park shall be named the “Susan Pearson Bridge” in their honor for the great service they have provided to the Covington community.

**ADOPTED** in open and regular session on this 28<sup>th</sup> day of June, 2016, and signed in authentication thereof.

\_\_\_\_\_  
Mayor Jeff Wagner

ATTESTED:

\_\_\_\_\_  
Sharon Scott, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Sara Springer, City Attorney

**Agenda Item 5**  
Covington City Council Meeting  
Date: June 28, 2016

SUBJECT: DISCUSS SELECTION OF CITIZEN AND HONORARY CITIZEN OF THE YEAR.

RECOMMENDED BY: Karla Slate, Communications and Marketing Manager

ATTACHMENT(S):

1. Nominations for Citizen of the Year and Honorary Citizen of the Year

PREPARED BY: Karla Slate, Communications and Marketing Manager

EXPLANATION:

In years past, the City has recognized Citizens of the Year for their contributions to the community of Covington. The person(s) selected will be honored by the City at the July 12 Council Meeting and at the Covington Days Festival on July 16. Previous Citizens of the Year include:

1998 Dianne Heide  
1999 Eric Doan, Larry Harto, Margaret Harto, and Dr. William H. Modglin, Jr.  
2000 Larry Clements and Sharon Clements  
2001 Gerry Crick and Don Henning  
2002 Mary Pritchard  
2003 Steve Delvo  
2004 Pat Sullivan  
2005 Rob MacDonald  
2006 Lloyd Evens  
2007 Kevin Holland and Meg Holland  
2008 Dave Lucavish  
2009 Barbara Grohe  
2010 Jim Schneider  
2011 George and Susan Pearson  
2012 Jeff Wagner  
2013 Bryan Higgins  
2014 Steven Pand  
2015 Laura Morrissey

The City has also recognized non-residents of Covington as Honorary Citizens of the Year for their contributions to the community. Previous Honorary Citizens of the Year Include:

2001 Jim Ramseth and Pat Ramseth  
2002 Katie Pagenkopf  
2003 Bob Nelson  
2004 Shar Wagers and Greg Wingard  
2006 Sue Smith

- 2007 Hugh Kodama
- 2008 Sonia Foss
- 2009 Daniel Key
- 2010 Jean Young
- 2011 Richard and Ina Balash
- 2012 Leslie Hamada
- 2013 Julie Stein
- 2014 Krista Bates
- 2015 Kevin Klason

In 2016, as in years past, promotional materials were prepared and distributed to announce that the City was accepting nominations and nomination forms were available online and at City Hall. Nominations were accepted from May 23 through June 15.

ALTERNATIVES:

- A. Re-open nomination period.
- B. Do not select a Citizen or Honorary Citizen of the Year.

FISCAL IMPACT:

None.

CITY COUNCIL ACTION:     Ordinance     Resolution     Motion     Other

**Councilmember \_\_\_\_\_ moves, Councilmember \_\_\_\_\_ seconds, to name \_\_\_\_\_ as Covington’s Honorary Citizen of the Year for 2016.**

**Councilmember \_\_\_\_\_ moves, Councilmember \_\_\_\_\_ seconds, to name \_\_\_\_\_ as Covington’s Citizen of the Year for 2016.**

# ATTACHMENT 1

## Citizen and Honorary Citizen of the Year Slate of Nominations 2016

### NOMINEES:

#### Citizen of the Year Nominees:

Jim Scott  
Chele Dimmet  
Greg Whitcomb  
Dusan Cekarmis

#### Honorary Citizen of the Year Nominees:

Mel and Rosie Knott  
Colleen McMeen

### CITIZEN OF THE YEAR – NOMINATION LETTERS

Nominee: Jim Scott

Former Councilmember Jim Scott is a true volunteer. He began volunteering for the City of Covington in 2002 as a Planning Commissioner. He became a City Councilmember in 2006 and served in that capacity until May of 2016. Jim has been more than a Commissioner and Councilmember. He began serving the city because he believes in being invested in the community in which you live. Jim has never viewed himself as a politician. He is simply a volunteer giving back to his community. In addition to his service as a Commissioner and Councilmember Jim has consistently volunteered at Covington Days by working the city booth, cutting watermelon, judging the watermelon eating contest, participating in the dunk booth, handing out council ice cream and just about anything else that is needed. He willingly helps behind the scenes with set up and any other unsavory tasks that are needed. Every year Jim has helped with the Mayor's Day of Concern for the Hungry by taking a shift at Safeway or Fred Meyer, accepting donations of food or money to help the hungry. Jim loves Covington and has been a staunch supporter and advocate for almost 20 years. When he recently moved to unincorporated King County he insisted on continuing to use Covington as his mailing address. I think Jim Scott would be a great Citizen of the Year. *Nominated by: Sharon Scott*

Nominee: Chele Dimmet

I first met Chele when she was appointed to the Human Services Commission in 2005. Since then she has served on the Budget Priorities Advisory Committee and currently serving as Secretary of the Timberlane HOA Board.

Throughout the years I have found that Chele has been a very valuable spokesperson for whatever committee or commission she served on. She is not shy about voicing her opinions or supporting the efforts of the city to provide services to the residents as well as allow citizens to be part of the municipal process. She takes her role very seriously.

Serving on the Timberlane Board for many years she continues to show support not only for her neighbors but for the good of the whole community and city. She was instrumental in coordinating the massive clean-up project held at Timberlane which proved to be very successful and well appreciated by the Public Works Dept.

She has also been a volunteer for King County Sexual Assault Resource Center & Chicken Soup Brigade.  
*Nominated by: Victoria Thom*

Nominee: Greg Whitcomb

Greg Whitcomb is currently the President of Kent Little League, and has been active in the league for the last 9 years, President for the last 3 years. He has guided the League out of its darkest days, during the uncovering of a \$200,000 embezzlement and almost total rebuilding of the League's financial stability. Today, the League is prospering and offering T-Ball, Baseball, and Softball for almost 300 families in the Covington area.

Greg's emphasis and ambassadorship is focused on presenting the best community program that we can offer to the families in our city, and rising above all hardships so that the youth have the best possible team experience. He has guided our Board in many community projects, including field improvements and an opening day celebration that is more of a street fair with baseball games. He is a model of fairness, and doing what's right for the players, families, and all of the community.

We are definitely a better City with people like Greg involved. *Nominated by: Conni Elliott*

Nominee: Dusan Cekarmis

Dusan is very deserving of the Covington Citizen of the Year Award. Dusan has been with the Athletics Division since fall 2014. He first volunteered to be a soccer coach. After he heard that we are in need of soccer referees, he was quick to join our team. Dusan has been a constant at our youth soccer games, as a referee and coach. He takes pride in his work and is tireless in his plan to teach this youth in this community the game of soccer. He has quickly become known to all our participants, kids and parents alike, because he is always willing to talk and teach kids on game days. He is very polite and handles parents' questions admirably. He has gone above and beyond as a volunteer coach and has exceeded my expectations as a referee. Dusan truly cares about this community and wants to play a part in this city's growth. Dusan is also instrumental in helping with training our new referees. *Nominated by: Sean Conway*

## **HONORARY CITIZEN OF THE YEAR – NOMINATION LETTERS**

Nominees: Mel and Rosie Knott

Rosie and Mel are very involved in the Covington community and surrounding communities. They have participated in several non-profit organizations and community programs including the Kiwanis Club of Covington, East Hill Grange and United Service Organization (USO), just to name a few. They participate in many local fundraisers and programs including donating dictionaries to students at local elementary schools and they are instrumental in the Covington Hollydaze pancake breakfast and craft bazaar among many other things. These two would be very deserving of the Honorary Citizen Award for the City of Covington! *Nominated by: Krista Bates*

Nominee: Colleen McMeen

Colleen has been an integral member of our community's health-oriented programs and initiatives for years. She has been highly involved in the Covington Coalition for a Healthy Community, an active participant in various community wellness activities, an advocate of Parks & Recreation projects, and a partner in Recreation Programs. She volunteers her time for Recreation programs, like the Power Cooking class, and is involved with our local schools to help increase physical activity and improve eating habits for our entire community through our youth.

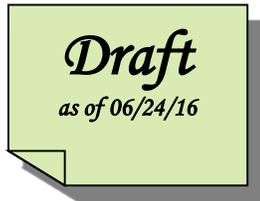
Colleen has been a regular participant in many Covington community events, including the Covington Days Festival and KidsFest through her work with Multi-Care and her volunteerism with a variety of groups and projects. She takes a positive approach to improving community health, and is open-minded and considerate of other perspectives on committees, such as PRePAC. She is an asset to Covington and an invaluable member of our community. *Nominated by: Rachel Bahl*

## **DISCUSSION OF FUTURE AGENDA TOPICS:**

**6:00 p.m. (approximately), Tuesday, July 12, 2016 Special Meeting  
for Arts Commission, CEDC, & Planning Commission Interviews**

**7:00 p.m. Tuesday, July 12, 2016 Regular Meeting**

**(Draft Agenda Attached)**



**CITY OF COVINGTON**  
**CITY COUNCIL SPECIAL & REGULAR MEETING AGENDA**  
[www.covingtonwa.gov](http://www.covingtonwa.gov)

**Tuesday, July 12, 2016**  
**7:00 p.m.**

**City Council Chambers**  
**16720 SE 271<sup>st</sup> Street, Suite 100, Covington**

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***Council will interview Arts Commission, Economic Development Council,  
and Planning Commission applicants beginning at 6:00 p.m.***

**CALL CITY COUNCIL REGULAR MEETING TO ORDER**

**ROLL CALL/PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**PUBLIC COMMUNICATION**

- 2016 Citizen of the Year Proclamation
- 2016 Honorary Citizen of the Year Proclamation

**RECEPTION FOR CITIZEN AND HONORARY CITIZEN OF THE YEAR**

**PUBLIC COMMENT** Speakers will state their name, address, and organization. Comments are directed to the City Council, not the audience or staff. Comments are not intended for conversation or debate and are limited to no more than four minutes per speaker. Speakers may request additional time on a future agenda as time allows. \*

**APPROVE CONSENT AGENDA**

- C-1. Minutes: June 14, 2016 Special Meeting; June 14, 2016 Regular Meeting; and June 28, 2016 Regular Meeting (Scott)
- C-2. Vouchers (Hendrickson)

**NEW BUSINESS**

1. Consider Appointments to Arts Commission (Council)
2. Consider Appointments to Planning Commission (Council)
3. Consider Appointment to Economic Development Council (Council)
4. Discuss and Provide Direction for King County Community Van Program (Hart)
5. Approve Gerry Crick Skate Park Public Art Project Design and Artist Agreement (Feser)
6. Adopt Resolution for Purchase of 3.41 Acres of Property for SoCo Park (Newton)
7. Award Bid for Covington Aquatic Center Room Addition Project (Newton)

**FUTURE AGENDA ITEMS**

**COUNCIL/STAFF COMMENTS**

**PUBLIC COMMENT** \*See Guidelines on Public Comments above in First Public Comment Section

**EXECUTIVE SESSION – if needed**

**ADJOURN**

**Americans with Disabilities Act – reasonable accommodations provided upon request a minimum of 24 hours in advance (253-480-2400).**