



**PACIFIC CITY COUNCIL AGENDA**  
**Council Chambers - City Hall. 100 3<sup>rd</sup> Ave. SE**

February 17, 2015  
Tuesday

**Workshop**  
**6:30 p.m.**

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE**
2. **ROLL CALL OF COUNCIL MEMBERS**
3. **ADDITIONS TO/APPROVAL OF AGENDA**
4. **PRESENTATIONS:**
  - **VALENTINE PROJECT UPDATE**
  - **SOLID WASTE PRESENTATION**
5. **DISCUSSION ITEMS**
  - (2) **A. AB 15-020: Waste Management Contract** (30 min.)  
(Richard Gould)
  - (3) **B. AB 15-021: Resolution No. 2015-232: Soliciting quotes for title reports for parcels on West Valley and Milwaukee Boulevard.** (5 min.)  
(Lance Newkirk)
  - (10) **C. AB 15-022: Resolution No. 2015-233: Setting a public hearing for March 9, 2015, at 6:30 pm regarding a sewer rate increase.** (10 min.)  
(Lance Newkirk)
  - (12) **D. AB 15-023: Ordinance No. 2015-1893: Setting rates for sewer service in the City of Pacific.** (5 min.)  
(Lance Newkirk)
  - (15) **E. AB 15-027: Resolution No. 2015-235: Amending the City of Pacific Purchasing Policy.** (10 min.)  
(Lance Newkirk)
  - (37) **F. AB 15-024: Ordinance No. 2015-1894: Amending the Pacific Municipal Code regarding accessory dwelling units.** (10 min.)  
(Jack Dodge)
  - (46) **G. AB 15.025: Resolution No. 2015-234: 2015 Planning Commission Work Plan** (10 min.)  
(Jack Dodge)
  - (55) **H. AB-15-026: Resolution No. 2015-228: Park Board participation in Earth Day** (10 min.)  
(Jack Dodge)
6. **ADJOURN**



**TO:** Mayor Guier and City Council Members  
**FROM:** Richard Gould, City Administrator  
**MEETING DATE:** February 17, 2015  
**SUBJECT:** Waste Management Contract

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**ATTACHMENTS:**

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**Previous Council Review Date:** N/A

**Summary:** The Waste Management contract and information will be presented at the meeting on February 17, 2015.

**Recommended Action:**

**Motion for Consideration:** "I move to"

**Budget Impact:** None

**Alternatives:**



Agenda Bill No. 15-021

**TO:** Mayor Guier and City Council Members  
**FROM:** Public Works  
**MEETING DATE:** February 23, 2015  
**SUBJECT:** Solicit Quotes for Title Report for Parcels on West Valley and Milwaukee Boulevard and Award Contract

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**ATTACHMENTS:** Resolution 2015-232  
Quote Request Scope of Work  
Standard Personal Services Contract – *City Attorney to Provide*

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**Previous Council Review Date:** N/A

**Summary:** The City of Pacific has two on-going projects that require title reports: West Valley Highway – for purposes of determining existing easements and Milwaukee Boulevard – for acquisition of rights-of-way. Purchasing the title reports in one package should result in receiving the benefit of “economies of scale”.

The West Valley project will require easements to convey stormwater from the roadway to the natural drainage course along SR 167. It is believed that there are easements present for City utilities. It is imperative that we know the location of these easements.

The Milwaukee Boulevard Project must acquire right-of-way at five locations for sidewalk curb ramps. The first step in the process is to research the title of the properties to be acquired.

After review of the quotes, City staff will finalize the contract with the City attorney for the title reports from the lowest responsive bidder.

**Recommendation/Action:** Staff recommends Council approve Resolution No. 2015-232.

**Motion for Consideration:** Move to approve Resolution No. 2015-232, A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON, AUTHORIZING SOLICITATION OF QUOTES FROM QUALIFIED TITLE INSURANCE FIRMS TO PROVIDE TITLE REPORT POLICIES.

**Budget Impact:** The total cost for the title reports is estimated to be \$8,500. The title reports for the West Valley project (\$6,500) will be offset the required local match for the project. The Title reports for the Milwaukee Boulevard (\$2,000) will be charged against the project.

**Alternatives:** None.

**CITY OF PACIFIC  
WASHINGTON**

**RESOLUTION NO. 2015 - 232**

**A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON, AUTHORIZING THE EXPENDITURE OF FUNDS FOR TITLE REPORTS FOR PARCELS OF PROEPRTY ADJACENT TO WEST VALLEY HIGHWAY AND MILWAUKEE BOULEVARD**

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**WHEREAS**, the City of Pacific is has contracted with AHBL to design roadway improvements to West Valley Highway which will require drainage improvements; and

**WHEREAS**, the City of Pacific believes that there are existing utility easements crossing properties adjacent to West Valley Highway which can be used to convey storm drainage from the roadway improvements to the natural drainage course adjacent to SR 167; and

**WHEREAS**, the locations and conditions of the easements will be required to complete the design of the roadway improvements; and

**WHEREAS**, the parcels of interest for the West Valley Project are:

West Valley – King County:

3353404200	3353404150	3521049073	3353401860
3521049083	3521049026	3521049060	3521049021
3521049022	3521049013	3521049076	3521049080

West Valley – Pierce County:

4495700012	4495700020	4495700053	0420021042
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;and

**WHEREAS**, the City of Pacific is has contracted with AHBL to design roadway improvements to Milwaukee Boulevard, which will require right of way acquisition; and

**WHEREAS**, prior to purchasing land for rights-of-ways a title report will be required; and

**WHEREAS**, the parcels of interest for the Milwaukee Boulevard Project are:

Milwaukee – King County:

335590-0780	335340-0865	335340-0648	335590-0590
359960-0200			

;and

**WHEREAS**, a price advantage may be attained by purchasing all of the title insurance policies under a single contract.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, DOES RESOLVE AS FOLLOWS:**

Section 1. The City Council of Pacific does authorize the Public works department to solicit quotes from Title Insurance companies for the preparation of Title reports. The City staff will prepare the final contract form based on the quote from the lowest responsive bidder, in a form approved by the City attorney for the title reports for a price not to exceed \$8,500.

Section 2. This Resolution shall take effect and be in full force upon passage and signatures hereon.

ADOPTED BY THE CITY COUNCIL this 23rd day of February, 2015.

CITY OF PACIFIC

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LEANNE GUIER, MAYOR

ATTEST/AUTHENTICATED:

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AMY STEVENSON-NESS, CITY CLERK

APPROVED AS TO FORM:

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KEN LUCE, CITY ATTORNEY

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
RESOLUTION NO:

## Request for Quote

The City of Pacific Public Works Department is requesting interested Title Companies to submit proposals for providing Title Reports for sixteen parcels on the easterly side of West Valley Highway (There are 12 parcels in King County and 4 in Pierce County) and 5 parcels on Milwaukee Boulevard (King County).

### Services will include:

Title Reports for each of the following parcel:

#### West Valley – King County:

3353404200	3353404150	3521049073	3353401860
3521049083	3521049026	3521049060	3521049021
3521049022	3521049013	3521049076	3521049080

#### West Valley – Pierce County:

4495700012	4495700020	4495700053	0420021042
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The primary purpose of the title reports will be to verify the presence of easements dedicated to the City.

#### Milwaukee – King County:

335590-0780	335340-0865	335340-0648
335590-0590	359960-0200	

The primary purpose of the title reports will be to develop appraisals for right of way acquisition.

### Terms and Conditions

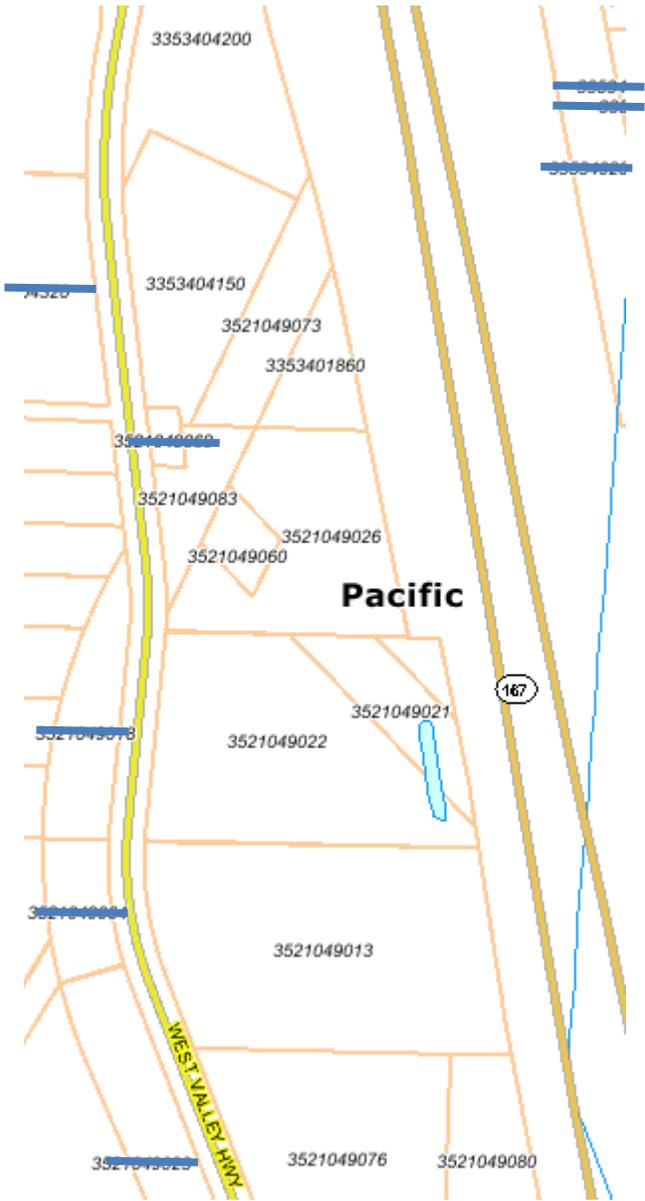
- A. The City reserves the right to reject any and all quotes, as well as to waive minor irregularities in any submittal.
- B. The City reserves the right to request clarification of information submitted and request additional information from the service provider.
- C. The contract resulting from acceptance of a proposal by the City shall be in a form supplied by the City. Copies of this form contract are available at 100 3<sup>rd</sup> Avenue SE Pacific, WA 98047. Modifications may be made by the City to this form contract in order to address the scope of work.
- D. The selected service provider will be required to provide a certificate of insurance conforming to requirements of the City's form contract prior to beginning any work under the contract.
- E. The City is not responsible for any costs incurred by the service provider in preparing, submitting, or presenting its submittal to the City.

Questions may be directed to:

Jim Morgan, City Engineer Pacific Public Works Department 100 3rd Avenue SE Pacific , WA 98047 (253)-929-1115 [jmorgan@ci.pacific.wa.us](mailto:jmorgan@ci.pacific.wa.us).

Please email a quote to Jim Morgan, City Engineer, at [jmorgan@ci.pacific.wa.us](mailto:jmorgan@ci.pacific.wa.us) by Friday **March \_\_, 2015**.

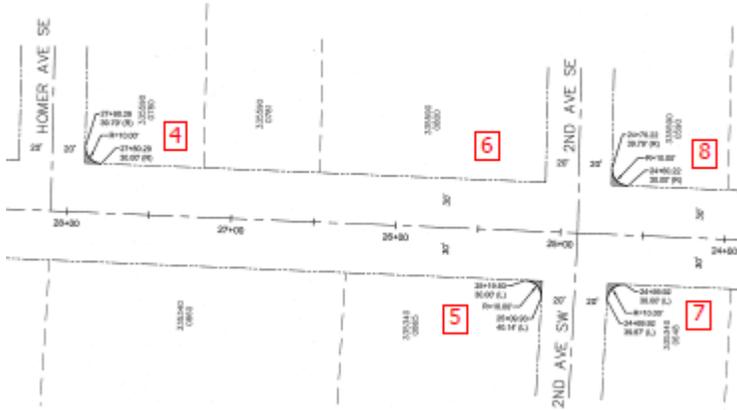
West Valley Highway - King County



West Valley Highway - Pierce County



Milwaukee Boulevard - King County



R/W SUMMARY TABLE

PARCEL NUMBER	OWNER	TYPE	TOTAL AREA *	AREA REQUIRED	PROPERTY REMAINING
000240-0048	JAMES & KATHERINE YOUNG	RIGHT OF WAY ACQUISITION	8,153 SF	24 SF	8,129 SF
000240-0056	DANIEL & CORA THOMP	RIGHT OF WAY ACQUISITION	18,580 SF	72 SF	18,508 SF
000240-0090	ROBERT & PHYLLIS SANDER	RIGHT OF WAY ACQUISITION	15,088 SF	28 SF	15,060 SF
000240-0283	EMMY SCHWARTZ	RIGHT OF WAY ACQUISITION	11,308 SF	30 SF	11,278 SF

\*ALL AREAS ARE FROM KING COUNTY  
ASSESSOR-TREASURER PARCEL SEARCH



R/W SUMMARY TABLE

PARCEL NUMBER	OWNER	TYPE	TOTAL AREA *	AREA REQUIRED	PROPERTY REMAINING
000660-0008	SCOTT ANDERSON	RIGHT OF WAY ACQUISITION	7,302 SF	5 SF	7,297 SF

\*ALL AREAS ARE FROM KING COUNTY  
ASSESSOR-TREASURER PARCEL SEARCH



Agenda Bill No. 15-022

**TO:** Mayor Guier and City Council Members  
**FROM:** Public Works  
**MEETING DATE:** February 17, 2015  
**SUBJECT:** Public Hearing for revisions to the City of Pacific Sewer Billings Code

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**ATTACHMENTS:** Resolution 2015-233

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**Previous Council Review Date:** N/A

**Summary:** The current City Code has deleted the section regarding sewer rates. The code needs to be revised to reinstate the sewer rate as an element of the code. The King County wastewater division has informed the City of an increase in the rate to the cost of wastewater treatment. Therefore, the City needs to increase the sewer rates to cover the increased charges from King County. Revisions to code changing utility rates requires a Public Hearing.

**Recommendation/Action:** Staff recommends Council approve Resolution No. 2015-233.

**Motion for Consideration:** Move to approve Resolution No. 2014-233, A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON, SETTING THE TIME AND PLACE FOR A PUBLIC HEARING ON MARCH 9, 2015 AT 6:30 PM IN THE CITY OF PACIFIC COUNCIL CHAMBERS TO HEAR FROM THE PUBLIC ON THE REVISIONS TO PACIFIC MUNICIPAL CODE 14.48.015.

**Budget Impact:** The cost to have the public hearing is the cost of public notification, approximately \$300.

**Alternatives:** The Public Hearing is required to revise code pertaining to utility rates.

**CITY OF PACIFIC  
WASHINGTON**

**RESOLUTION NO. 2015 - 233**

**A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON, SETTING THE TIME AND PLACE FOR A PUBLIC HEARING ON MARCH 9, 2015 AT 6:30 PM IN THE CITY OF PACIFIC COUNCIL CHAMBERS TO HEAR FROM THE PUBLIC ON THE REVISIONS TO PACIFIC MUNICIPAL CODE 14.48.015.**

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**WHEREAS**, the City of Pacific Municipal Code 14.48.015 designates rates for sewer billings; and

**WHEREAS**, the City of Pacific has received notification that the King County wastewater division intends to raise the rate charged to the City of Pacific for wastewater treatment; and

**WHEREAS**, a public hearing must be held prior to the revision of PMC impacting utility rates.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, DOES RESOLVE AS FOLLOWS:**

Section 1. That said revisions to Pacific Municipal Code shall be presented for hearing and determination on Monday, March 9, 2015, at the hour of 6:30 p.m. in the Council Chambers of the City of Pacific, at Pacific City Hall, Pacific, Washington, or as soon thereafter as the same may be heard, and that

Section 2. Notice of such hearing be given as approved by law.

ADOPTED BY THE CITY COUNCIL this 23rd day of February, 2015.

CITY OF PACIFIC

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LEANNE GUIER, MAYOR

ATTEST/AUTHENTICATED:

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AMY STEVENSON-NESS, CITY CLERK

APPROVED AS TO FORM:

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CAROL MORRIS, CITY ATTORNEY

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
RESOLUTION NO:



Agenda Bill No. 15-023

**TO:** Mayor Guier and City Council Members  
**FROM:** Public Works  
**MEETING DATE:** March 9, 2015  
**SUBJECT:** **Increase in Sewer Rates, revising** the City of Pacific Sewer Billings Code

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**ATTACHMENTS:** Sewer Rate Changes  
Ordinance 2015-1893

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**Previous Council Review Date:** N/A

**Summary:** The City adopted Ordinance 1873, which reinstated the sewer rates in the City's Code, although the City's codifier has not yet incorporated Ordinance 1873 into the City's Code, as it appears on-line.

The King County wastewater division has informed the City of an increase in the rate to the cost of wastewater treatment. Because the King County performs this service for the City, the City passes through the rate increase to the users of the sewer system. Therefore, the City needs to increase the sewer rates to cover the increased charges from King County. Revisions to code changing utility rates requires a Public Hearing.

The County will begin charging the City the increased sewer rate on May 1, 2015.

**Recommendation/Action:** Staff recommends Council approve Ordinance No. 2015-1893.

**Motion for Consideration:** Move to approve Ordinance No. 2015-1893, AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON ESTABLISHING NEW SEWER UTILITY RATES.

**Budget Impact:** Not passing this rate increase will create a shortfall in the sewer fund of approximately \$40,000.

**Alternatives:** The Public Hearing is required to revise code pertaining to utility rates.

**CITY OF PACIFIC  
WASHINGTON**

**ORDINANCE NO. 2015-1893**

**AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON  
INCREASING THE SEWER UTILITY RATES, EFFECTIVE MAY 1,  
2015 AND AMENDING PACIFIC MUNICIPAL CODE SECTION  
14.24.001**

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**WHEREAS**, The City of Pacific operates and maintains a wastewater collection system which is conveyed to King County for treatment; and

**WHEREAS**, King County has increased the rate it charges the City of Pacific for wastewater treatment; and

**WHEREAS**, it is necessary for the City to increase its sewer charges to cover King County's treatment charges; and

**WHEREAS**, a public hearing on the proposed rate increase in this Ordinance was held before City Council on March 9, 2015; and

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

Section 1. Pacific Municipal Code Section 14.48.001, as last adopted in Section 2 of Ordinance No. 2014-1873 is hereby amended to read as follows:

**14.48.001 Rates Designated**

A. Single Family Residential: Single-Family Residences, Manufactured Homes, Mobile Homes:

\$62.03 ~~\$59.79~~ for each residential unit (\$42.03 ~~\$39.79~~ Metro Charge and \$20.00 City of Pacific charge)

B. Non-Residential and Multiple Residential Uses:

Charges will be based on water usage as determined by water meter readings with a basic unit price of \$62.03 ~~\$59.79~~ charged for the first 700 cubic feet of water consumption. Fractions of cubic feet over 700 cubic feet will be charged at \$8.86 ~~\$8.54~~ per 100 cubic feet. A minimum \$62.03 ~~\$59.79~~ will be charged for non-residential and multi-family residential use (duplexes, apartments, mobile home parks, etc.).

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

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, shall take effect five days after publication, and the rates established by this Ordinance shall be in full force May 1, 2015.

PASSED BY THE CITY COUNCIL OF THE CITY OF PACIFIC AT A REGULAR MEETING  
THEREOF ON THE 9th DAY OF MARCH, 2015.

APPROVED:

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LEANNE GUIER, MAYOR

ATTEST/AUTHENTICATED:

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AMY STEVENSON-NESS, CITY CLERK

APPROVED AS TO FORM:

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CAROL MORRIS, CITY ATTORNEY



Agenda Bill No. 15-027

**TO:** Mayor Guier and City Council Members

**FROM:** Public Works

**MEETING DATE:** February 17, 2015

**SUBJECT:** Revised Purchasing Policy

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**ATTACHMENTS:** Resolution No. 2015-235  
Purchasing Policy

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**Previous Council Review Date:** N/A

**Summary:** Washington State laws regarding general purchases and public works projects have changed since the adoption of Resolution No. 1096 – Procurement Policy. Therefore, this resolution brings Pacific’s procurement policies in compliance with State law.

In addition, the proposed procurement policy grants specific purchasing and contract management authority to City staff. Less authority is granted to general staff and more is authorized for Department Heads, City Administrator and Mayor. Department Heads, City Administrator and Mayor may also sign contracts, contract amendments and change orders up to a set dollar value administratively without City Council approval; provided that such item has been approved in the Council adopted budget. The benefit of these changes is more cost effective and efficient business practices.

**Recommendation/Action:** Staff recommends Council approve Resolution No. 2015-235.

**Motion for Consideration:** Move to approve Resolution No. 2015-235, modifying the Purchasing and Public Works policy to comply with State law and setting new purchasing and signing authority limits for general staff, Department Heads, City Administrator and Mayor.

**Budget Impact:** None

**Alternatives:** 1) Do not approve non-State mandated changes.  
2) Establish different purchasing and signing authority limits.

CITY OF PACIFIC  
WASHINGTON

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, MODIFYING THE PURCHASING AND PUBLIC WORKS CONTRACTING POLICY TO COMPLY WITH CHANGES IN RCW 35A.40.210, RCW 35.23.352, RCW 35.27.362, RCW 39.04.155 AND OTHER RELATED STATUTES REGARDING ALTERNATIVE BID PROCESSES FOR GENERAL PURCHASES AND PUBLIC WORKS PROJECTS; DESCRIBING THE PROCESS IN GRAPH FORMAT; PROVIDING FOR USE OF MUNICIPAL RESEARCH AND SERVICES CENTER TO MORE EFFICIENTLY FACILITATE ADVERTISEMENT AND BID REQUIREMENTS, REPEALING RESOLUTION NO. 1096.**

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**WHEREAS**, state laws regarding estimated contract cost thresholds for general purchases and public works projects have changed since the City of Pacific adopted Resolution 1096 establishing its Procurement Policy; and

**WHEREAS**, the City Council of the City of Pacific desires to modify its Procurement Policy to comply with state law; and

**WHEREAS**, it is in the interest of the City to adhere to policies and procedures that will ensure public purchase and contracts are open, fair and the best value to the public; and

**WHEREAS**, the City Council recognizes the need to reduce processing time, delay to service providers and suppliers, and overhead costs for processing such public purchases and contracts, contract amendments and change orders; and

**WHEREAS**, the City Council acknowledges that placing the approval of routine purchases, contracts, contract amendments and change orders on a City Council agenda for approval that are already provided for in the adopted City Budget is a costly and an inefficient use of Council and staff time; and

**WHEREAS**, the City Council desires to provide expenditure and signing authority to Department Heads, City Administrator and Mayor in order to effectuate efficient purchasing and contract management business practices; and

**WHEREAS**, the City Council believes the modified Procurement Policy will benefit the City and the public at large; **NOW THEREFORE**,

**THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON DOES RESOLVE AS FOLLOWS:**

**Section 1.** The City Council of the City of Pacific, Washington hereby repeals Resolution No. 1096 and any other purchasing or procurement policy previously adopted by the City Council prior to the effective date of this resolution.

**Section 2.** The City Council adopts the Procurement Policy described in Attachment A and incorporated herein to provide rules and regulations, in regard to procurement policies and procedures.

**Section 3.** This resolution shall take effect and be in full force upon passage and signature hereon.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON  
THE \_\_\_\_ DAY OF \_\_\_\_, 2015.

\_\_\_\_\_  
Leanne Guier, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Amy Stevenson-Ness, City Clerk

Approved as to Form

\_\_\_\_\_  
Carol Morris, City Attorney

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
EFFECTIVE DATE:  
RESOLUTION NO:



<b>Administrative Policy and Procedure</b>			
Index: 100-025	Title: Procurement Policy	Effective Date:	
<b><u>Procurement Policies &amp; Procedures</u></b>			

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## Policy

**Purpose:** This policy is established in order to reduce costs, increase efficiencies, ensure compliance with policies, laws and regulations and establish/improve internal controls.

**Scope:** This policy applies to all contracting, purchases and services provided to the City including but not limited to materials, equipment, professional services, maintenance work and public works.

**General Responsibilities:** All employees and officials must follow established policies and procedures for procurement of equipment, materials, and services. Adherence to policies and procedures will ensure that public purchases and contracts are open, fair, and at the best value to the public.

### 1.0 Procurement of Goods and Services

All City purchases above \$1,000 require either a signed Purchase Order or a Contract to be approved prior to actual purchase. Purchases made without a purchase order or contract may be determined as unauthorized and become the responsibility of the employee initiating the purchase. No purchase order or contract may be awarded if the budget authority is exceeded. For purposes of this policy, budget authority includes the Council adopted budget authority and the Mayor's departmental/activity/line item allotment, or both.

### 1.1 Summary of Quote and Bid Requirements

City purchases are subject to authorization & quote/bid requirements as shown on the following chart. Purchases may not be broken into multiple projects or purchases to avoid compliance with state statutes and City policies.

#### General Purchases (no public work involved)

Estimated Cost	Type	Procedure	Section
\$7,500 or less	Materials, supplies, equipment	No competitive bids; Department selection	1.2.1
\$7,501 to \$14,999 <sup>1</sup>	Materials, supplies, equipment	3 verbal quotes; Department selection	1.2.2
\$15,000 or more <sup>2</sup>	Materials, supplies, equipment	Competitive bids and contract	2.0
Any	Telecommunication Systems/Services, Water Conservation, Solid Waste Reduction and Energy Equipment	Competitive negotiation, Advertise Request for Proposal, Council votes to authorize, Mayor signs contract	1.2.3

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<sup>1</sup> RCW 35.23.352(6).

<sup>2</sup> RCW 35.23.352(8).

**Professional and Personal Services (no public work involved)**

<b>Estimated Cost</b>	<b>Type</b>	<b>Procedure</b>	<b>Section</b>
\$10,000 or less	Any Professional/Personal (excluding architect, engineering, land surveying, landscape architect)	No competitive bids, Department - selection, and approval	1.3.1
\$10,001 or more	Any Professional/Personal (excluding architect, engineering, land surveying, landscape architect)	No competitive bids, City Administrator / Mayor or Council approval as determined by contract amount	1.3.1
\$10,000 or less	Architect, Engineering, Land Surveying, Landscape Architect <sup>3</sup>	Advertise, Request for Qualifications required, or alternatively use of MRSC consultant roster process Department selection and approval	1.3.2
\$10,001 or more	Architect, Engineering, Land Surveying, Landscape Architect	Advertise, Request for Qualifications required, or alternatively use of MRSC consultant roster process City Administrator / Mayor or Council approval as determined by contract amount	1.3.2

**Public Works Projects<sup>4</sup>**

<b>Estimated Cost<sup>5</sup></b>	<b># Craft/Trade or Type</b>	<b>Procedure</b>	<b>Section</b>
\$34,999 or less	3+	By contract using limited public works process <sup>6</sup> , No advertisement	1.4.1
\$40,000 or less	1	By contract or day labor without competitive bids	1.4.2
\$40,000 or less	Street signalization or street lighting	By contract or day labor without competitive bids	1.4.2
\$65,000 or less	2+	By contract or day labor without competitive bids	1.4.3
\$300,000 or less	3+	By contract using small works roster process <sup>7</sup> , No advertisement	1.4.4
\$300,001 or more	3+	By contract using competitive bids	2.0

<sup>3</sup> Chapter 39.80 RCW.

<sup>4</sup> RCW 35.23.352(1).

<sup>5</sup> This is the estimated cost of the improvement or work, including the cost of materials, supplies and equipment.

<sup>6</sup> RCW 39.04.155(3).

<sup>7</sup> RCW 39.04.155(1), (2).

## **1.2 General Purchases (no public works involved)**

The following are requirements for the purchase of supplies, materials or equipment not connected to a public works project. The breaking of any project into units or accomplishing any project by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let.

### **1.2.1 Supplies, Materials or Equipment Less Than \$7,500.**

The use of informal or formal sealed bidding procedures for the purchase of any materials, supplies of equipment, not connected to a public works project, is not required where the cost will not exceed seven thousand five hundred dollars (\$7,500). The City will attempt to obtain the lowest practical price for such goods and services.

### **1.2.2 Supplies, Materials or Equipment Greater Than \$7,500 and Less Than \$15,000.**

The Purchasing Contract Process<sup>8</sup> may be used for purchasing supplies, materials or equipment, without following the formal competitive bidding process, when the cost thereof is \$15,000 or less. The Purchasing Roster maintained by the [Municipal Research and Services Center](http://www.mrscrosters.org) (www.mrscrosters.org) allows the City to evaluate the supplies, materials and equipment and prices on file when the need for same arises. Use of this process allows the City to avoid the advertisement requirements of the formal competitive bid process. All other bidding requirements are the same.

For each purchase, the City will secure telephone or written quotations from (whenever possible), at least three appropriate vendors on the Roster to ensure that a competitive price is obtained and to ensure that the contract is awarded to the lowest responsible bidder. The City may invite proposals from more than three or all appropriate vendors on the Roster.

In determining whether the bidder is a responsible bidder, the City must consider the following elements:

- a) The ability, capacity, and skill of the bidder to perform the contract or provide the service required;
- b) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- c) Whether the bidder can perform the contract within the time specified;
- d) The quality of performance of previous contracts or services;
- e) The previous and existing compliance by the bidder with laws relating to the contract or services; and
- f) Such other information as may be secured having a bearing on the decision to award the contract.

The City may, at its option when awarding a purchase contract, take into consideration tax revenue it would receive from purchasing the supplies, materials, or equipment from a supplier located within its boundaries. The City must award the purchase contract to the lowest responsible bidder after such tax revenue has been considered. However, the City may allow for preferential purchase of products made from recycled materials or products that may be recycled or reused.

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<sup>8</sup> RCW 39.04.190.

The City shall post a list of the contracts awarded under this process at least once every two months. The list shall contain the name of the vendor awarded the contract, the amount of the contract, a brief description of the items purchased under the contract, and the date it was awarded. The list shall also state the location where the bid quotations for these contracts are available for public inspection.

### **1.2.3 Electronic Data processing and Telecommunication Systems/Services<sup>9</sup>**

The City may acquire electronic data processing or telecommunications equipment, software or services through competitive negotiation rather than through competitive bidding.

“Competitive negotiations” shall include, as a minimum, the following requirements:

(a) A request for proposal shall be prepared and submitted to an adequate number of qualified sources, as determined by the City, in its discretion, to permit reasonable competition consistent with the requirements of the procurement. The request for proposal shall identify significant evaluation factors, including price and their relative importance;

(b) Notice of the request for the proposal must be published in a newspaper of general circulation in the municipality at least thirteen days before the last date on which proposals will be received;

(c) The City shall provide reasonable procedures for technical evaluation of the proposals received, identification of qualified sources and selection for awarding the contract;

(d) The award is made to the qualified bidder whose proposal is most advantageous to the municipality with price and other factors considered. The City may reject any and all proposals for good cause and request new proposals.

### **1.2.4 Water Conservation, Solid Waste Reduction and Energy Equipment**

Contracts for water conservation, solid waste reduction and energy equipment<sup>10</sup> may be procured through performance-based contracts.<sup>11</sup> The City shall: (1) establish criteria for equipment and services required; (2) publish in advance the scope and nature of the equipment and services; (3)

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<sup>9</sup> RCW 39.04.270

<sup>10</sup> "Energy equipment and services" means energy management systems and any equipment, materials, or supplies that are expected, upon installation, to reduce the energy use or energy cost of an existing building or facility, and the services associated with the equipment, materials, or supplies, including but not limited to design, engineering, financing, installation, project management, guarantees, operations, and maintenance. Reduction in energy use or energy cost may also include reductions in the use or cost of water, wastewater, or solid waste. RCW 39.35A.020(1).

<sup>11</sup> "Performance-based contract" means one or more contracts for water conservation services, solid waste reduction services, or energy equipment and services between a municipality and any other persons or entities, if the payment obligation for each year under the contract, including the year of installation, is either: (a) Set as a percentage of the annual energy cost savings, water cost savings, or solid waste cost savings attributable under the contract; or (b) guaranteed by the other persons or entities to be less than the annual energy cost savings, water cost savings, or solid waste cost savings attributable under the contract. Such guarantee shall be, at the option of the municipality, a bond or insurance policy, or some other guarantee determined sufficient by the municipality to provide a level of assurance similar to the level provided by a bond or insurance policy. RCW 39.5A.020(4).

encourage firms to submit proposals to meet these requirements and (4) negotiate a fair and reasonable performance-based contract with the firm that submits the best proposal. If the City is unable to negotiate a satisfactory contract with the firm that submits the best proposal, negotiations with that firm shall be formally terminated and the City may select another firm and continue negotiation until a performance-based contract is reached or the selection process is terminated.

### **1.2.5 Sole Source Purchases (See, Section 3.1 for procedure for waiving competitive bidding requirements for sole source purchases.<sup>12</sup>)**

A "sole source" is characterized as meeting one or more of the following standards:

- a) The City department has conducted a screening process whereby it can justify purchase of a specific product;
- b) The City requires legitimate specifications to which only one vendor can successfully respond;
- c) The product is available only through one manufacturer (or distributor) and the manufacturer so certifies.

### **1.2.6 Conflicts of Interest**

The City will not accept donations of materials or services in return for a commitment, agreement, or implied understanding to in any way influence initiation, continuation, alteration, or cessation of a purchasing agreement. No employees will participate in procurement when they are aware of a conflict of interest, or accept gifts or gratuities from existing or potential vendors in return for a commitment to continue or initiate a purchasing relationship.

### **1.3 Professional and Personal Services**

A competitive process is not required for professional or personal services, other than professional engineering or architectural services as specified in chapter 39.80 RCW. Purchase of professional services requires completion of a City professional services contract that describes services to be performed and negotiated price. Prior experience with the City, time-frame for completing projects, and the value of a negotiated agreement will be considered when choosing a consultant/firm to perform professional services, as defined in this section.

#### **1.3.1 Non-Architectural and Engineering Services**

Professional and technical services include disciplines such as attorneys, computer programmers, financial analysts, bond counsels, artists, planners, and real estate appraisers.

Purchase of professional services requires completion of a City professional services contract that describes services to be performed and negotiated price. Prior experience with the City, time-frame for completing projects, and the value of a negotiated agreement will be considered when choosing a consultant/firm to perform professional services, as defined in this section. Any contract for professional or personal services other than architect, engineering, land surveying and landscape architect services may be awarded, within purchasing authority, by Department Head (excluding legal services), with the written approval of the City Administrator/Mayor or authorization by vote

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<sup>12</sup> RCW 39.04.280.

of the City Council. All contracts awarded under this section by a Department Head shall be reported to the City Council on a monthly basis. Report shall include the name of the firm awarded a contract, a description of the services to be provided, and contract award date and amount.

### **1.3.2 Architectural, Engineering and Design Services**

Architect, engineering, land surveying and landscape architect services, regardless of estimated cost, shall be procured by publishing the requirement for professional services either before each occasion when services are required or through a general announcement of projected requirements; or alternatively procured through the consultant roster maintained by the [Municipal Research and Services Center](http://www.mrsrosters.org) (www.mrsrosters.org). For either procurement process, the City shall follow the procedure established in chapter 39.80 RCW, and provide a general scope and nature of the project or work and the address of a representative of the City who can provide further details.

The City shall conduct discussions with one or more firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select the most highly qualified firm based upon criteria established by the agency. Minority and women-owned firms and veteran-owned firms shall be afforded the maximum practicable opportunity to compete for and obtain service contracts.

The City shall negotiate a contract with the most qualified firm at a price which the City determines is fair and reasonable. In making its determination, the City shall take into account the estimated value of the services to be rendered as well as the scope, complexity, and professional nature. If the City is unable to negotiate a satisfactory contract with the firm selected, negotiations with that firm shall be formally terminated and the City shall select other firms in accordance with this procedure or until the process is terminated.

This process does not apply when the contracting authority makes a finding that an emergency requires the immediate execution of the work. However, the City must comply with applicable law limiting emergency expenditures.<sup>13</sup>

## **1.4 Public Works**

The following are requirements for the procurement of public works<sup>14</sup> projects. Any public works project with an estimated cost of greater than \$300,000 must follow the competitive bid process described in Section 2.0.

### **1.4.1 Limited Public Works Process**

The City may award a contract for work, construction, alteration, repair or improvement projects estimated to cost **less than \$35,000**<sup>15</sup> using the Limited Public Works Process.<sup>16</sup> Limited public works projects awarded under this section are exempt from the other requirements of the Small Works Roster process and are exempt from the requirement that contracts be awarded after advertisement.

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<sup>13</sup> RCW 39.80.060.

<sup>14</sup> "Public work" means all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the City, or which is by law a lien or charge on any property therein.

<sup>15</sup> For estimating, see RCW 39.04.020.

<sup>16</sup> RCW 39.04.155(3).

For limited public works projects, the City shall solicit electronic or written quotations from a minimum of three contractors from the appropriate small works roster maintained by the [Municipal Research and Services Center](http://www.mrscrosters.org) (www.mrscrosters.org) and shall award the contract to the lowest responsible bidder.

After an award is made, the quotations shall be open to public inspection and available by electronic request. The City shall attempt to distribute opportunities for limited public works projects equitably among contractors willing to perform in the geographical area of the work. The City shall maintain a list of the contractors contacted and the contracts awarded under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded. The City may waive the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, material persons, suppliers and taxes imposed under Title 82 RCW that may be due from the contractor for the limited public works project, however, the City shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

The City shall make available a list of the contractors contacted and the contracts awarded under this Limited Public Works Process at least once every year. The list shall contain the name of the contractor or vendor awarded the contract, the amount of the contract, a brief description of the type of work performed and the date it was awarded. It shall also list the location where the bid quotations for these contracts are available for public inspection.<sup>17</sup>

The breaking of any project into units or accomplishing any project by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the Small Works Roster or the Limited Public Works Process.

#### **1.4.2 Public Works Project Requiring One Craft or Trade or Street Signalization or Street Lighting with an Estimated Cost of \$40,000 or Less**

Public works projects requiring a single craft or trade involvement with the public works where the estimated cost of the work or improvement, including cost of materials, supplies and equipment will not exceed \$40,000 or a public works project involving street signalization or street lighting may be procured by contract or day labor without calling for bids.<sup>18</sup>

#### **1.4.3 Public Works Project Requiring Two Craft or Trade with an Estimated Cost of \$65,000 or Less**

Public works projects requiring a more than one craft or trade involvement with the public works where the estimated cost of the work or improvement, including cost of materials, supplies and equipment will not exceed \$65,000 may be procured by contract or day labor without calling for

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<sup>17</sup> RCW 39.04.200.

<sup>18</sup> RCW 35.23.352(1).

bids.<sup>19</sup>

#### **1.4.4 Small Works Roster Process**

The Small Works Roster may be used for public works projects with an estimated cost of **\$300,000.00 or less.**<sup>20</sup> The Small Works Roster maintained by the [Municipal Research and Services Center](http://www.mrscrosters.org) ([www.mrscrosters.org](http://www.mrscrosters.org)) allows the City to evaluate the professional qualifications on file when a proposed project is scheduled. Use of the Small Works Roster allows the City to preclude the advertisement requirements of the formal competitive bid process. Other public works contracting procedures apply such as the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW.

Invitations for quotation shall include an estimate of the scope and nature of the work to be performed as well as the materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation. This does not eliminate the other requirements for architectural or engineering approvals as to quality and compliance with building codes.

Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be invited from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. Whenever possible, the City will invite at least one proposal from a qualified minority or woman contractor.

However, if the estimated cost of the work is from \$150,000 to \$300,000<sup>21</sup>, and if the City chooses to solicit bids from less than all the appropriate contractors on the appropriate small works roster, the City must also notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The City has the sole option of determining whether this notice to the remaining contractors is made by: (i) publishing notice in a legal newspaper in general circulation in the area where the work is to be done; (ii) mailing a notice to these contractors; or (iii) sending a notice to these contractors by fax or other electronic means. For purposes of this section “equitably distribute” means that the City may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services.

Once a contractor has been invited to submit a proposal, that contractor will not be offered another opportunity until all other appropriate contractors on the Roster have been given the opportunity to submit a proposal on a project.

Contractors selected from the Small Works Roster are not relieved from observing applicable legal requirements such as a performance bond, prevailing wage, material bonding, etc.

The contract must be awarded to the contractor submitting the lowest responsible bid. A contract awarded from the Small Works Roster need not be advertised.

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<sup>19</sup> RCW 35.23.352(1).

<sup>20</sup> RCW 39.04.155. For estimating the cost of the work, see RCW 39.04.020.

<sup>21</sup> For estimating the cost of the work, see, RCW 39.04.020

Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection and available by telephone inquiry.

The list of contracts awarded under this process must be made available at least once every year.<sup>22</sup> The list shall contain the name of the contractor awarded the contract, the amount of the contract, a brief description of the type of work performed and the date it was awarded. The list shall also state the location where the bid quotations for the contracts are available for public inspection.

The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process.<sup>23</sup>

## **1.5 Purchasing Authority**

To facilitate cost effective and efficient procurement of goods and services, professional and personal services, and public works projects City representatives are granted purchasing authority within the following cost limitations.

### **1.5.2 Employees**

No purchase order is required for employee purchases up to \$1,000 that are made in the normal course of business with approval of Department Head. A signed purchase order by Department Head is required for all employee purchases over \$1,000; subject to Department Head purchasing authority. Purchaser shall submit a sales receipt or invoice to the Department Head for proper accounting for all employee purchases.

### **1.5.2 Department Heads**

Department heads may approve purchases of goods and services, professional and personal services (excluding legal services), and public works projects not exceeding \$10,000 provided that such procurement is authorized by the City budget agreement has been reviewed and approved to form by City Attorney beforehand. Procurement of goods and services, professional and personal services or public works projects by Department Heads greater than \$10,000 up to \$25,000 shall be approved by City Administrator or Mayor provided that such procurement is authorized by the City budget and agreement has been reviewed and approved to form by City Attorney beforehand.

#### **1.5.2.1 Reporting**

Contracts entered into by Department Heads under 1.5.2 shall be tracked and reported to City Council on a monthly basis. Report shall include the name of the firm awarded a contract, a description of the goods, services or work provided, and contract award date and amount.

#### **1.5.2.2 Amendments**

Amendments to any contracts entered into under this section are subject to the limitations specified within section 1.5.2 and 1.5.2.1.

## **1.5.3 City Administrator/Mayor**

The City Administrator or Mayor may approve all purchases of goods and services, professional

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<sup>22</sup> RCW 39.04.200.

<sup>23</sup> RCW 39.04.155(4).

and personal services, and public works projects not exceeding \$25,000 provided that such procurement is authorized by the City budget and agreement has been reviewed and approved to form by City Attorney beforehand. Procurement of goods and services, professional and personal services or public works projects by City Administrator/Mayor greater than \$25,000 shall be reviewed and approved to form by City Attorney prior to submittal to City Council for approval.

#### **1.5.3.1 Reporting**

Contracts entered into by City Administrator or Mayor under 1.5.3 shall be tracked and reported to City Council on a monthly basis. Report shall include the name of the firm awarded a contract, a description of the goods, services or work provided, and contract award date and amount.

#### **1.5.3.2 Amendments**

Amendments to any contracts entered into under this section are subject to the limitations specified within section 1.5.3.

#### **1.5.4 City Council**

The City Council shall have the authority to approve all purchases of goods and services, professional and personal services, and public works projects greater than \$25,000.

### **2.0 Competitive Bid Procedures**

Any purchase of materials, supplies, equipment, professional services or public works projects, regardless of estimated cost, *may* be contracted through a competitive bid process. Materials, supplies and equipment with an estimated cost of \$15,000 or more and public works projects with an estimated cost of \$300,000 or more *must* be contracted through a competitive bid process.

#### **2.1 Authorization Request**

Request from Mayor for authorization to call for bids. In special circumstances, the Mayor may waive portions of the bid procedures. The "special circumstances" are limited to items where publication of bids may impinge on the safety of staff or City assets.

#### **2.2 Publication of Notice**

After authorization, the requesting department director (or designee) will publish the Call for Bids in the official newspaper or a newspaper of general circulation most likely to bring responsive bids and ensure notice is posted on the City web page, at least 13 days prior to bid submittal deadline.

#### **2.3 Notice Contents**

Notice (or advertisement) for bids should contain definite specifications and procedures for bidders to use to estimate their bids. At a minimum, a bid notice for public works must include:

- Project title
- Nature and scope of work
- Where contract documents (plans and specifications) can be reviewed or obtained
- Cost to obtain a set of contract documents
- Place, date, and time that bids are due
- Statement that a bid bond must accompany the bid
- Statement that the City retains the right to reject any and all bids and to waive minor

- irregularities in the bidding process
- Statement that the contract involves “public work” and that workers shall receive the prevailing rate of wage pursuant to the Prevailing Wages on Public Works Act (chapter 39.12 RCW);
- List of applicable prevailing wage rates; and
- Statement that the City is an equal opportunity employer and invites responsible bids from all qualified responsible bidders

In addition, provide evaluation criteria, warranty, minimum qualifications, date, time and location of pre-bid conference (if applicable), name, address and telephone number of the project contact; and number of required copies will help bidders prepare responsive submittals. Electronic submittals, including electronic signatures, may be authorized in the Call for Bids.<sup>24</sup>

When practical, the City will conduct a pre-bid conference to allow a thorough discussion of the City's intent, scope, specifications, and terms and shall encourage potential vendors to attend.

#### **2.4 Bid Opening**

Bids are submitted to the City Clerk, where they are time and date stamped and processed. Bid opening will be announced to the Mayor and department heads.

#### **2.5 Report on Bids**

The responsible department head will prepare a report and recommendation on all bids received.

#### **2.6 Award to Lowest Responsible Bid**

The City may select the lowest responsible bid<sup>25</sup> whose proposal is most advantageous to the City, with price and other factors considered. Quality and expertise, however, must also be a consideration. Before awarding a public works contract, the bidder must meet the following criteria:

- a) At the time of bid submittal, have a certificate of registration in compliance with chapter 18.27 RCW;
- b) Have a current state unified business identifier number;
- c) If applicable, have industrial insurance coverage for the bidder's employees working in Washington as required in Title 51 RCW; an employment security department number as required in Title 50 RCW; and a state excise registration number as required in Title 82 RCW;
- d) Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065(3); and
- e) If bidding on a public works project subject to the apprenticeship utilization requirements in RCW 39.04.320, not have been found out of compliance by the Washington state apprenticeship and training council for working apprentices out of ratio, without appropriate supervision, or outside their approved work processes as outlined in their standards of apprenticeship under Chapter 49.04 RCW for the one-year period immediately preceding the date of the bid solicitation.

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<sup>24</sup> RCW 39.04.390.

<sup>25</sup> RCW 39.04.350.

## **2.7 Supplemental Bidder Responsibility Criteria**

In addition to the bidder responsibility criteria in Section 2.6, the City may adopt relevant supplemental criteria for determining bidder responsibility applicable to a particular project which the bidder must meet.

Supplemental criteria for determining bidder responsibility, including the basis for evaluation and the deadline for appealing a determination that a bidder is not responsible, must be provided in the invitation to bid or bidding documents.

In a timely manner before the bid submittal deadline, a potential bidder may request the City to modify the supplemental criteria. The City must evaluate the information submitted by the potential bidder and respond before the bid submittal deadline. If the evaluation results in a change of the criteria, the City must issue an addendum to the bidding documents identifying the new criteria.

The City may consult the capital projects advisory review board guidelines in developing supplemental bidder responsibility criteria available on the Capital Project Advisory Review Board website ([www.des.wa.gov/about/Committees/CPARB/Pages/default.aspx](http://www.des.wa.gov/about/Committees/CPARB/Pages/default.aspx)).

If the bidder fails to provide the information requested concerning responsibility within the time and manner specified in the bid documents, then the City may base its determination of responsibility upon any available information related to the supplemental criteria or may find the bidder not responsible.

If the City determines the lowest bidder not responsible, the City must provide the reasons for the determination in writing. The bidder may appeal the determination within the time period specified in the bidding documents by presenting additional information to the City. Then, the City must consider the additional information before issuing its final determination. If the final determination affirms that the bidder is not responsible, the City may not execute a contract with any other bidder until two business days after the bidder determined to be not responsible has received the final determination.

## **2.8 Rejection of Bids**

The City reserves the right to reject any bid not in substantial compliance with the bid documents, or all prescribed public bidding procedures and requirements, and may reject all bids.

## **3.0 Other Exemptions to Competitive Bidding Requirements**

In addition to small public work projects under \$300,000, purchases of goods and services under \$15,000 and professional and personal services, competitive bidding requirements may be waived for the following:

### **3.1 Sole Source Vendor**

Purchases that are clearly and legitimately limited to a single source of supply. If, after conducting a good faith review of available resources, the requesting department director determines that there is only one source of the required materials, supplies, or equipment, a purchase contract may be awarded without complying with established bid requirements. The requesting department director will submit a written request for sole source procurement for approval, and

conduct price, terms, and delivery negotiations, as appropriate. The vendor must certify in writing that the City is getting the lowest offered price. Immediately after the award of the contract, the contract and the factual basis for the determination of “sole source” must be recorded and open to public inspection.<sup>26</sup>

### **3.2 Purchases involving special facilities or market conditions:**

The Mayor may waive established bidding requirements if an opportunity arises to purchase favorably-priced equipment at an auction, or supplies or used goods that will be sold before the City can conduct the bid process. Immediately after the award of the contract, the contract and the factual basis for the determination of “special facilities or market conditions” must be recorded and open to public inspection.<sup>27</sup>

### **3.3 Surplus Property**

The City may acquire surplus property from another government without the use of bids.<sup>28</sup>

### **3.4 Emergency Purchases, Contracts, Contract Amendments and Change Orders**

"Emergency" is defined as "...unforeseen circumstances beyond the control of the municipality that either: (a) present a real, immediate threat to the proper performance of essential functions; or (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken." If an emergency situation has been declared, the Mayor may waive competitive bidding requirements and the City may award all necessary contracts to purchase goods, materials, or services to address the emergency situation. Purchase order(s), contracts, contract amendments and change orders must be properly documented as pertaining to an emergency as soon as possible following the event. If a contract is awarded without competitive bidding due to a declared emergency, the City Council must adopt a resolution certifying the emergency situation existed no later than two weeks following the award of the contract.<sup>29</sup>

### **3.5 Interlocal Agreements**

The City of Pacific may use shared purchasing agreements. All such shared purchasing agreements shall have prior approval of the City Council.

When practical, the City should include language in its solicitations that allows other public agencies to purchase from the City of Pacific's bids or quotations, provided that the other agencies allow similar rights and reciprocal privileges to the City of Pacific.

#### **3.5.1 Interlocal Cooperative Purchasing Agreements**

Pursuant to RCW 39.34, bidding is not required when purchases of materials, supplies, or equipment are made under State standard contracts or similar contracts executed by and through other local governments which have complied with state bidding requirements. The other government's bid process must have been conducted within the previous 12 month period to be valid for use by the City of Pacific. In addition, the City of Pacific must conduct a screening process whereby it can justify the purchase through an Interlocal Agreement. The screening process

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<sup>26</sup> RCW 39.04.280(2).

<sup>27</sup> RCW 39.04.280(2).

<sup>28</sup> RCW 39.33.010.

<sup>29</sup> RCW 39.04.280(2)(b).

and results must be clearly documented in writing. All other procurement approval requirements must be met.

### **3.5.2 Joint Purchases**

The City may make a bid call with another government entity as a joint purchase complying with the bid requirements of the participating jurisdictions. Purchases made pursuant to any such agreement shall be separately invoiced to the respective purchasers in accordance with the purchases made by each; and each such purchaser shall be responsible for payment for its own purchases only. Purchases made for the City under a purchasing contract executed by a state, or agency or subdivision thereof, or by another governmental unit or public benefit nonprofit corporation shall be exempt from competitive bidding and related requirements.

### **3.5.3 Purchasing Cooperatives That Meet State and City Bidding Requirements**

Pursuant to chapter 39.34 RCW, bidding is not required when purchases of materials, supplies, or equipment are made under State standard contracts or similar contracts executed by and through purchasing cooperatives which have complied with state bidding requirements. The purchasing cooperative's bid process must have been conducted within the previous 12 month period to be valid for use by the City of Pacific. In addition, the City of Pacific must conduct a screening process whereby it can justify the purchase through a purchasing cooperative. The screening process and results must be clearly documented in writing. All other procurement approval requirements must be met.

## **4.0 Contract Amendments for General Purchases, Professional and Personal Services**

City of Pacific establishes the Contract Amendment Authorization Policy as follows:

### **4.1 Contract Amendments Within City Council Authorized Budget**

Upon recommendation of the project/contract manager, and demonstration that a Contract Amendment is necessary and reasonable, the Department Head, City Administrator or Mayor is authorized to approve Contract Amendments that do not exceed the legally authorized budget limit established for the applicable contract and that has been reviewed and approved to form by City Attorney beforehand.

#### **4.1.1 Department Head**

May execute a contract amendment provided that cumulative amendments do not exceed \$10,000 or 10% of total contract value up to \$100,000, whichever is greater. Contract amendments entered into by Department Heads shall be tracked and reported to City Council on a monthly basis. Report shall include the name of the firm, a description of the goods, services or work provided, and contract amendment date and amount.

#### **4.1.2 City Administrator/Mayor**

May execute contract amendment provided that cumulative amendments may not exceed \$25,000 or 10% of total contract value up to \$250,000, whichever is greater. Contract amendments entered into by City Administrator/Mayor shall be tracked and reported to City Council on a monthly basis. Report shall include the name of the firm, a description of the goods, services or work provided, and contract amendment date and amount.

#### **4.2 Contract Amendment in Excess of City Council Authorized Budget Appropriations**

Upon recommendation of the project/contract manager, and demonstration that a Contract Amendment is necessary the Mayor shall submit to the City Council, a Contract Amendment Request, after review and approval to form by City Attorney, that includes the amount of requested funds and a written justification describing why the additional funds are necessary and the benefits to be derived.

If the City Council approves the Contract Amendment Request, the Mayor shall take the necessary actions to enact the Contract Amendment and complete the work in an expeditious manner in accordance with the City Council's direction.

If the City Council denies the Contract Amendment Request, the project/contract manager shall report back to the Mayor and City Council with options as to how to accomplish the project/contract within the funds allocated.

#### **4.3 Change Orders for Public Works Contracts**

City of Pacific establishes the Change Order Authorization Policy as follows:

##### **4.3.1 Change Orders Within City Council Authorized Budget**

Authorized project budget limits are established by the City Council through the adoption of annual operating and capital budget appropriations. Upon recommendation of the project/contract manager, and demonstration that a Change Order is necessary and reasonable, the Department Head, City Administrator or Mayor is authorized to approve any and all Change Orders that do not exceed authorized budget limit and the monetary limits set forth in Sections 4.4.2. and 4.4.3 below,; subject to review and approval to form by City Attorney beforehand.

##### **4.3.2 Department Head**

May execute change orders provided that cumulative change orders do not exceed \$25,000 or 10% of total contract value up to \$250,000 whichever is greater; subject to review and approval to form by City Attorney beforehand. Changes orders entered into by Department Heads shall be tracked and reported to City Council on a monthly basis. Report shall include the name of the firm, a description of the goods, services or work provided, and contract change order date and amount.

##### **4.3.3 City Administrator/Mayor**

May execute change orders provided that cumulative change orders do not exceed \$50,000 or 10% of total contract value up to \$500,000 whichever is greater; subject to review and approval to form by City Attorney beforehand. Changes orders entered into by City Administrator/Mayor shall be tracked and reported to City Council on a monthly basis. Report shall include the name of the firm, a description of the goods, services or work provided, and contract change order date and amount.

#### **4.4 Change Orders in Excess of City Council Authorized Budget Appropriations**

Upon recommendation of the project/contract manager, and demonstration that a Change Order in excess of City Council authorized budget appropriation is necessary the Mayor, after review and approval to form by City Attorney, shall submit to the City Council, a Change Order Request that includes the amount of requested funds and a written justification describing why the additional funds are necessary and the benefits to be derived.

If the City Council approves the Change Order Request, the Mayor shall take the necessary actions to enact the Change Order and complete the work in an expeditious manner in accordance with the City Council's direction.

If the City Council denies the Change Order Request, the project/contract manager shall report back to the Mayor and City Council with options as to how to accomplish the project/contract within the funds allocated.

### **5.0 Travel Expenses**

All expense payments or reimbursements for travel and/or subsistence expenses must meet the requirements set forth in the City of Pacific Travel Policy, which establishes policy and procedure related to obtaining travel authorization, advance travel funds, and expenditure or reimbursement for travel and subsistence expenses incurred in conduct of business of the City. Refer to the City of Pacific Travel Policy and Procedures for details.

### **6.0 Payment Processing**

There are two accounts payable check cycles scheduled each month, generally on the second and fourth Mondays of each month, unless the date falls on a weekend or holiday.

#### **6.1 Approvals**

All invoices shall be receipted and date stamped when received by the City. All invoices shall be signed for approval by the department head. Reimbursements payable to City employees shall be signed for approval as follows:

- Council -- Approved by the Mayor, or designee
- Mayor -- Approved by the Council President or Mayor Pro Tem
- Department Director -- Approved by the Mayor
- Other Employees -- Approved by the Department Director

Employees may not approve their own reimbursement.

#### **6.2 Accounts Payable**

Invoices that are received by accounts payable via the US Postal Service will be date stamped and routed to department heads the day that they are received. Other invoices may be received directly by the department head or other staff, such as when items are picked up at will-call or services are performed on-site. For all invoices, department heads or designees will verify that the invoiced items have been received and that the invoiced amount is correct. The accounts payable coding stamp will be stamped on the invoice in a conspicuous place, the account coding and approval signature entered, and the approved invoice will be routed to accounts payable for payment.

#### **6.3 Hand-Issued Checks**

The City of Pacific does not generally prepare hand-issued checks. If exceptional and extenuating circumstances exist, a check may be hand-issued with Mayor approval. Hand- issued checks requested by the Mayor shall be pre-approved by the City Council President or the Mayor Pro-Tempore.

#### **6.4 Store-Issued Charge Cards**

Store-issued charge cards may only be issued with the specific pre-approval of the City Council. They are to be used solely for City-authorized business purposes. Please see Credit Card Policy for additional details.

#### **6.5 Credit Cards**

Credit cards may be issued with the specific pre-approval of the City Council. They are to be used solely for City-authorized business purposes. Please see Credit Card Policy for additional details.

#### **6.6 Petty Cash**

Petty cash funds cover minor disbursements when it is infeasible or impractical to use normal purchasing means. Employees may be reimbursed from petty cash funds for authorized purchases that do not exceed the established petty-cash limit of \$25.00. Example expenses include parking, tolls, postage, stamps, and other minor incidental business expenses. Employee shall include receipt of expenditure when seeking reimbursement. The Finance Director shall maintain petty cash procedures in compliance with all applicable state law and generally accepted accounting procedures.

#### **7.0 Budget Adjustments**

Each department's authorizing staff must ensure that purchases are initiated only when departmental appropriations are sufficient to cover the anticipated cost. Expenditures that exceed departmental appropriations require the Mayor's approval of the Budget Adjustment Request Form.



Agenda Bill No. 15-024

**TO:** Mayor Guier and City Council Members  
**FROM:** Jack Dodge, Community Development Manager  
**MEETING DATE:** February 17, 2015  
**SUBJECT:** Accessory Dwelling Unit Regulations – Proposed Revisions

**ATTACHMENTS:** 1. Draft Ord. 2015-1894  
 2. Matrix – Comparison of ADU Standards With Other Cities

**Previous Council Review Date/s:** None  
**PC Review Dates:** 10/28/14, 11/25/14, 1/27/15 (Public Hearing)  
**Governance Committee:** 12/9/14

**Summary:** The current Accessory Dwelling Unit (ADU) regulations contain some inconsistencies. These are summarized below:

- Section 20.92.050 states that ADU's are permitted outright in the RS zone. Section 20.92.070 indicates that a conditional use permit (CUP) is needed for an ADU, which requires approval by the Hearing Examiner. This inconsistency in one case increased the cost and time to review an ADU permit due to confusion by staff in how to process the permit. This inconsistency is removed. The code revision allows ADU's as a permitted use in the RS zones unless the City staff's decision on an ADU is appealed to the Hearing Examiner.
- An ADU is defined by code as a Type I Permit (PMC 16.06.050). Type I Permit decisions are appealable to the Hearing Examiner. Section 20.92.056 allows an ADU to be denied if the City receives negative responses to the ADU from adjacent neighbors. This is inconsistent with PMC 16.06.050 and abrogates the Council legislative authority (the current code allows adjacent property owners to determine if an ADU should be allowed without any criteria and with no right to appeal). This clause has been removed. If a neighboring property owner objects to an ADU, they may appeal the decision of approval to the Hearing Examiner. A property owner requesting an ADU may also appeal the staffs decision to the Hearing Examiner should staff deny the ADU.

Other revisions include:

1. The reduction of detached ADU's from 1,200 sq. ft. to 800 sq. ft. in the RS-6 zone and to 1,000 sq. ft. in the RS-11 zone.

The purpose for the proposed change is to provide a dwelling unit that is subordinate and accessory to a larger residential unit. The general purpose of an ADU is to provide accessory but separate living quarters for elderly parents or other family members (under the current code and proposed code, an ADU can be rented to persons other than family

members). An ADU is not intended to be another dwelling unit that can serve a family. The current size allowance could allow up to a three bedroom ADU which is larger than many single-family homes in Pacific. The proposed size restriction (800 or 1,000 sq. ft.) typically limit an ADU to two bedrooms. The 800 sq. ft. limitation is the typical size limitation adopted by other Puget Sound cities. Attachment 2 provides a matrix of the standards for 24 cities and counties in the Puget Sound region.

2. Limits the height of an ADU to 25 feet.

The maximum height limit in the RS zones is 30 feet. The proposed 25 foot height limitation is proposed to ensure that the ADU does not overshadow the primary residence on the property.

3. Limits the area of an ADU constructed within a residence to 45% of the floor area (the current limitation is 60%).

The Planning Commission has reviewed the proposed amendments over the course of three (3) meetings. A public hearing was held on January 27, 2015 with the Planning Commission voting unanimously to forward the revisions to Council. The Planning Commission recommends approval of the proposed changes within the attached ordinance.

The Governance Committee reviewed the proposed revisions at their December 9, 2014 meeting. The Committee suggested one change (only one off-street parking space for a studio or one bedroom ADU) that was incorporated into the Planning Commission's recommendation of approval.

**Recommended Actions:**

Open discussion of the proposed revisions to the Accessory Dwelling Unit (ADU) regulations.

**Motion for Consideration:**

I move that the Council place the revisions to the accessory dwelling unit regulations on the February 23, 2015 agenda for adoption.

**Budget Impact:** N/A

**Alternatives:**

1. Do not forward to the February 23<sup>rd</sup> meeting and set a Council Public Hearing date for the proposed changes to the accessory dwelling unit regulations.



Figure 1 700 sq. ft. ADU in SeaTac, WA

CITY OF PACIFIC, WASHINGTON  
ORDINANCE NO. 2015-1894

AN ORDINANCE OF PACIFIC, WASHINGTON, RELATING TO LAND USE AND ZONING, ELIMINATING THE PROCEDURE ALLOWING NEIGHBORS TO OBJECT TO AN APPLICATION FOR AN ACCESSORY DWELLING UNIT (ADU) AND FOR THE CITY TO DENY THE SAME, INSTEAD ALLOWING FOR NOTIFICATION OF NEIGHBORING PROPERTY OWNERS OF THE CITY'S RECEIPT OF AN APPLICATION FOR AN ADU, LISTING THE ELEMENTS OF A COMPLETE APPLICATION FOR AN ADU, CHANGING THE DESIGN STANDARDS FOR ADU'S, AND ADDRESSING DEED RESTRICTIONS RELATING TO ADU'S, AMENDING SECTIONS 20.92.010, 20.92.050, 20.92.054, 20.92.060 and 20.92.070, REPEALING SECTIONS 20.92.058 AND 20.92.056 AND ADDING A NEW SECTION 20.92.057 TO THE PACIFIC MUNICIPAL CODE AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the City's development standards relating to Accessory Dwelling Units needed to be updated to be consistent with law;

WHEREAS, the City SEPA Responsible Official issued a SEPA threshold determination of nonsignificance on this Ordinance, which was not appealed; and

WHEREAS, the City sent a copy of this Ordinance to the Washington Department of Commerce on December 12, 2014; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on January 27, 2015, and provided a recommendation to the City Council; and

WHEREAS, the City Council considered this Ordinance during a regular City Council meeting on \_\_\_\_\_; Now, Therefore,

IT IS HEREBY ORDAINED BY THE PACIFIC CITY COUNCIL AS FOLLOWS:

Section 1. Section 20.92.010 of the Pacific Municipal Code is hereby amended to read as follows:

**20.92.010 Purpose.** The purpose of this chapter is to:

- A. Create affordable housing units;
- B. Allow related people to live in close proximity while maintaining separate dwelling units;

C. Provide homeowners with a means of companionship and security;

D. Provide increased choice of housing for a variety of lifestyles, including young families and retirees;

E. Increase density in order to better utilize existing streets, utilities, transit, and other public infrastructure; and

F. Ensure that Accessory Dwelling Units (ADUs) are designed so as not to destabilize neighborhoods or lower property values.

Section 2. Section 20.92.050 of the Pacific Municipal Code is hereby amended to read as follows:

**20.92.050 Where permitted.** ADUs shall be permitted in the RS residential zones when all the ADR U requirements are met.

Section 3. Section 20.92.054 of the Pacific Municipal Code is hereby amended to read as follows:

**20.92.054 Neighborhood notification.**

Prior to issuance of the final decision on the submittal approval an ADU application, the applicant City shall contact ~~notify~~ the neighbors within 300 feet (plus any right-of-way widths, with the exception of SR 167) of the proposed ADU site. ~~to communicate the need and/or desire for an ADU. (Ord. 1558 § 1, 2003).~~ The applicant shall supply the names and addresses of all legal property owners as listed in either the King County or Pierce County Assessor's Offices. The applicant shall supply the necessary envelopes and stamps for the notification of adjacent property owners.

Section 4. Section 20.92.056 of the Pacific Municipal Code is hereby repealed.

Section 5. A new Section 20.92.057 is hereby added to the Pacific Municipal Code, which shall read as follows:

**20.92.057 Application Requirements** A complete application for an Accessory Dwelling Unit permit shall consist of:

- A. The name, address, phone number and e-mail address of the applicant;
- B. The address and legal description of the subject property;
- C. Title Report or other proof of ownership of the property;
- D. Plans at a scale of 1" = 10', 1" = 20' or 1" = 30';
- E. Dimension and shape of lot with adjacent street names;

- F. Adjacent street improvements, ingress and egress;
- G. Existing water courses, wetlands, utility lines, structures, rockeries, or other relevant manmade or natural features;
- H. The location of required parking spaces;
- I. Elevation Plans of the existing primary dwelling unit and of the proposed new dwelling unit;
- J. The permit fee.

Section 6. Section 20.92.058 of the Pacific Municipal Code is hereby repealed.

Section 7. Section 20.92.060 of the Pacific Municipal Code is hereby amended to read as follows:

**20.92.060 Design standards.**

Accessory dwelling units shall meet the following standards for approval.

- A. Be on the same lot as a larger, principal dwelling unit, whether attached to it or detached;
- B. The size of an attached or detached ADU shall meet all of the following requirements;

1. Contain no more than ~~60~~ 45 percent of the floor area of the principal dwelling if located in the principal residence. Garage and staircase areas shall not be included in the calculations,
2. Shall be no more than ~~1,200~~ 800 square feet if detached from the principal dwelling and located within the RS – 6 (Single-family residential, 6,000 square feet) zoning district. ~~excluding any related garage and stair areas;~~
3. Shall be no more than 1,000 square feet if detached from the principal dwelling and located within the RS – 11 (Single-family residential, 11,000 square feet) zoning district.
4. If attached to the principal dwelling, the ADU shall be no greater than 45% of the principal dwelling or have a floor area of 800 sq. ft. whichever is the smaller area.

~~DC.~~ Be equipped with two (2) off-street parking spaces if the ADU has two bedrooms and one (1) off-street parking space if the ADU has one bedroom or it is a studio ADU. These spaces shall be in addition to the spaces required for the principal dwelling unit;

~~ED.~~ Be allowed only so long as the owner or contract purchaser of the lot resides in the accessory or principal dwelling unit;

~~FE.~~ Meet all building, electrical, fire, plumbing and other applicable code requirements;

~~GF.~~ Be designed to maintain the appearance of the existing single-family residence;

G. Be consistent with the color, roof pitch, siding and windows of the principal residence, whether the accessory dwelling unit is attached or detached;

~~IH.~~ ~~Have their~~ The ADU entrances shall be on the side or rear of the building, not visible from the street;

~~KI.~~ The maximum height of an ADU shall be 25 feet.

Section 8. Section 20.92.070 of the Pacific Municipal Code is hereby amended to read as follows:

**20.92.070 Deed restriction.**

~~Upon issuance of a conditional use permit for an ADU,~~ The property owner shall record with the appropriate county recording office a notarized deed restriction. Such deed restriction shall be in a form specified by the director, and shall include the restrictions and limitations contained in this chapter and any further conditions attached to the ~~conditional use~~ Accessory Dwelling Unit permit. ~~An Accessory Dwelling Unit Permit shall be a "Type 1" permit.~~ The property owner shall submit proof that the deed restriction has been recorded prior to issuance of a certificate of occupancy.

Section 9. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 10. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 11. Effective Date. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of Pacific this \_\_\_<sup>nd</sup> day of \_\_\_\_, 2015.

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Mayor

AUTHENTICATED:

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City Clerk.

APPROVED AS TO FORM:  
Office of the City Attorney

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Carol Morris, City Attorney

PUBLISHED:  
EFFECTIVE DATE:

DRAFT

## Comparison of ADU Standards

City	Maximum Size - Detached	Maximum Size – Attached	Minimum Size – Attached/Detached
<i>Pacific – Current Code</i>	1,200 sq. ft.	60% of floor area of principal dwelling or 1,200 sq. ft. whichever is less	None
<b>Pacific - Proposed</b>	800 sq. ft. <i>1,000 sq. ft. (in RS 11 District)</i>	45% of the primary residence	None
Algona	The lesser of 1,000 sq. ft. or 40% of the combined total area of the dwelling unit and ADU	The lesser of 1,000 sq. ft. or 40% of the combined total area of the dwelling unit and ADU	300 sq. ft.
Auburn	950 sq. ft.	50% of the floor area or 950 sq. ft., whichever is the lesser	None
Covington	1,000 sq. ft.	1,000 sq. ft.	None
Sumner	800 sq. ft. or 40% of the primary structure (excluding garage area) whichever is the lesser	800 sq. ft. or 40% of the primary structure (excluding garage area) whichever is the lesser (May be increased to 50%)	300 sq. ft.
Kent	Existing house or new const. – 33% of principal unit or 800 sq. ft., whichever is less	New SF Residence – 40% of principal unit.	None
Federal Way	800 sq. ft. or 40% of the primary residence whichever is the lesser (excluding garage, workshop, & similar areas)	800 sq. ft. or 40% of the primary residence whichever is the lesser (excluding garage, workshop, & similar areas)	300 sq. ft.
Milton (Accessory Apartment)	Not Allowed	Not more than 60% of the floor area of the principal dwelling (Minimum lot size – 9,600 sq. ft. or 8,000 sq. ft.)	None
SeaTac	800 sq. ft. (not including garage)	45% of the primary residence	220 sq. ft.
Sequim	700 sq. ft. or 50% of primary unit, whichever is less.	700 sq. ft. or 50% of primary unit, whichever is less.	None
Puyallup	650 sq. ft. if new structure 900 sq. ft. or 40% of an existing structure (such as a detached garage), whichever is less	900 sq. ft. or 40% of floor area, whichever is less of primary structure	None

## Comparison of ADU Standards

City	Maximum Size - Detached	Maximum Size – Attached	Minimum Size – Attached/Detached
Des Moines (Accessory Living Quarters)	800 sq. ft.	<ul style="list-style-type: none"> <li>• 800 sq. ft., if addition to existing house or designed into new house</li> <li>• Existing house. 35% of the total sq. footage of residence</li> </ul>	350 sq. ft.
Black Diamond	800 sq. ft. or 50% of the primary dwelling unit, whichever is less	800 sq. ft. or 50% of the primary dwelling unit, whichever is less	None
Bonney Lake	1,200 sq. ft. or 45% of the sq. ft. of the primary and accessory residence, whichever is less (excluding garage and stair areas)	1,200 sq. ft. or 45% of the sq. ft. of the primary and accessory residence, whichever is less (excluding garage and stair areas)	300 sq. ft. primary residence 450 sq. ft. detached unit
Maple Valley	Only on lots greater than 10,000 sq. ft. – 50% of primary residence	50% of primary residence (living area)	None
North Bend	800 sq. ft. or 10% of lot area, whichever is smaller	800 sq. ft. or 10% of lot area, whichever is smaller	None
Mercer Island	900 sq. ft. or 80% of the primary residence whichever is less (excluding garage area)	900 sq. ft. or 80% of the primary residence whichever is less (excluding garage area)	220 sq. ft.
Bellevue	Not Allowed	800 sq. ft. or 40% of the primary or accessory unit combined, whichever is less	300 sq. ft.
Fife	Not Allowed	800 sq. ft. or 30% of the residence, whichever is the lesser (excluding garage)	300 sq. ft.
University Place	600 sq. ft. (not including garage)	800 sq. ft.	None
Renton	800 sq. ft. or 75% of primary residence, whichever is smaller	800 sq. ft. or 75% of primary residence, whichever is smaller	None
Burien	800 sq. ft.	1,000 sq. ft. or 50% of the residence, whichever is smaller	None
Kirkland	800 sq. ft. or 40% of the primary residence and ADU combined, whichever is less	40% of the primary residence and ADU combined	None
Pierce County	1,000 sq. ft. Urban Growth Area	1,000 sq. ft. Urban Growth Area	None
King County	1,000 sq. ft. Urban Growth Area	1,000 sq. ft. Urban Growth Area	None



Agenda Bill No. 15-025

**TO:** Mayor Guier and City Council Members  
**FROM:** Paula Wiech, Planner  
**MEETING DATE:** February 17, 2015  
**SUBJECT:** 2015 Planning Commission Work Plan

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**ATTACHMENTS:**

- Resolution No. 2015-234, approving the 2015 Planning Commission Work Plan;
- January 30, 2014 Draft Planning Commission Minutes;
- Adopted Resolution No. 2014-112, approving the 2014 Planning Commission Work Plan

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**Previous Council Review Date:**

**Summary:** Per RCW 35A.63 and PMC 2.36, the Planning Commission serves an advisory body to the City Council, and has the following duties and responsibilities:

- A. Preparation and review of the Comprehensive Plan of the City;
- B. Review of, and preparation of recommendations on amendments to the Comprehensive Plan, official Zoning Map, and zoning and other regulations of the City; and
- C. Such other advisory duties as may be assigned by the City Council.

To fulfill the above duties and responsibilities within budget and staff limitations, the Planning Commission has worked with staff to create a 2015 Work Plan for approval by City Council. The Plan is summarized below, with at least one work plan element completed (Accessory Dwelling Unit code revisions).

- 1) The City of Pacific received a grant from the Department of Commerce to help achieve required updates to the Comprehensive Plan. The Planning Commission held a public hearing on February 25, 2014 on proposed updates. Staff has been working on these updates. In 2015, the Commission will review proposed amendments, hold another hearing, and forward their recommendations to Council for adoption by the end of June 2015.
- 2) Accessory Dwelling Units: The Planning Commission held a Public Hearing on January 27, 2015, and has forwarded their recommended code amendments to the City Council.
- 3) Review of Nonconforming Use Regulations: The Planning Commission will hold a Public Hearing on February 24<sup>th</sup>, then forward their recommended code amendments to the City Council.

- 4) Pacific Municipal Code (PMC) regulates the total impervious surface allowed in RML and RMH (multi-family) districts, but only regulates the percentage covered by buildings in the RS (single-family) districts. The Commission will review these regulations.
- 5) Several years ago, the Commission considered special signage regulations for businesses along SR 167. They wish to return to this subject and make a recommendation to Council.
- 6) The Commission proposes to also review the PMC regarding Political Signage to be sure it meets current federal regulations.
- 7) The Sumner/Pacific Manufacturing and Industrial Center has achieved recognition by Pierce County Regional Council (PCRC). In order to achieve status with Puget Sound Regional Council (PSRC), more stringent requirements must be met. The Cities of Pacific and Sumner need to update data, and potentially invite Auburn to join the Center. The Planning Commission will review any progress made by these efforts.
- 8) The 2014 – 2019 Capital Facilities Plan (CFP) was developed by Staff in conjunction with AHBL. A public hearing was held by City Council, but the Plan was not adopted by Ordinance. Staff will be reviewing, and potentially revising this Plan.

**Recommendation/Action:** Approval of the 2015 Planning Commission Work Plan.

**Motion for Consideration:** Approve Resolution No. 2015-234 approving the 2015 Planning Commission Work Plan.

**Budget Impact:**

**Alternatives:**

**CITY OF PACIFIC  
WASHINGTON  
RESOLUTION NO. 2014-112**

**RESOLUTION OF THE CITY COUNCIL APPROVING THE 2014 PLANNING  
COMMISSION WORK PLAN**

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**WHEREAS**, the Planning Commission is established pursuant to Chapter 35A.63 RCW and serves as an advisory body to the City Council; and

**WHEREAS**, the Planning Commission prepares and reviews the comprehensive plan of the city, reviews and makes recommendations on amendments to the comprehensive plan, official zoning map, and zoning and other development regulations of the City; and

**WHEREAS**, the City Council receives monthly minutes of the Planning Commission meetings; and

**WHEREAS**, the Planning Commission met on January 30, 2014, developed their slate of activities, and is recommending approval by the City Council of the 2014 Planning Commission Work Plan, which includes the following items:

- 1) 2015 Comprehensive Plan Update (CP-13-001). This Update will consider the entire Comprehensive Plan, to include proposal CP-11-003, carried over from 2013 (Redefining “Open Space” District(s) and creating a “Public Lands” District), followed by revising and creating Pacific Municipal Code (PMC). The Comprehensive Plan Update process will begin with scheduling and holding a Public Hearing to present a list of proposed Comprehensive Plan and Development Regulations changes based on Washington Department of Commerce’s review, and to take citizen’s testimony on revising current Comprehensive Plan goals, policies and development activities.
- 2) Review and recommend Pacific Municipal Code regulations for Medical and Recreational Marijuana production, processing and distribution.
- 3) Review of the City of Pacific 2014-2019 Capital Facilities Plan prior to forwarding to the City Council for a Public Hearing and adoption.
- 4) Review of updated Pacific Municipal Code regulations, including Appendices, for Fire and Park Impact Fees (Title 22), prior to a Public Hearing and Council adoption.
- 5) Review and recommend regulations for membrane and other portable structures.
- 6) Update and consider expanding the Sumner/Pacific Manufacturing and Industrial Center to achieve regional status with PSRC;
- 7) Review the Planning and Permit Fee Schedule; and

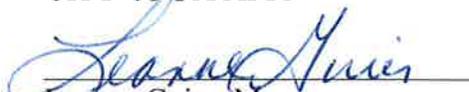
**WHEREAS**, there are other topics and issues that the City Council may refer to the Planning Commission for consideration,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON,  
DOES RESOLVE AS FOLLOWS:

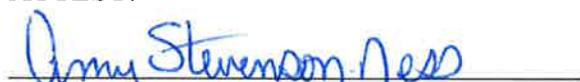
**Section 1.** The Pacific City Council hereby approves the 2014 Planning Commission Work Plan as stated above.

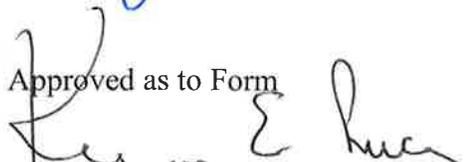
**Section 2.** This Resolution shall take effect and be in full force upon passage and signatures hereon.

CITY OF PACIFIC

  
Leanne Guier, Mayor

ATTEST:

  
Amy Stevenson-Ness, City Clerk

Approved as to Form  
  
Kenyon Luce, City Attorney

# **PACIFIC PLANNING COMMISSION**

**DRAFT**

## **Meeting of January 27, 2015 Minutes**

### **Call to Order**

Chairman Boyd called the Regular Meeting to order at 6:10 PM and led the flag salute.

### **Attendance**

Commissioners Present: John Boyd, Don Blackwell, Howard Gustafson, Wayne Strong and Scott Newbold

City Staff Present: Planner Paula Wiech, Community Development Manager Jack Dodge, and Secretary Gail Bennett

### **Approval of Agenda**

Commissioner Newbold moved to approve the agenda as presented, seconded by Commissioner Gustafson. MOTION CARRIED UNANIMOUSLY.

### **Approval of Minutes**

Commissioner Strong moved to approve the November 25, 2014 meeting minutes as presented, seconded by Commissioner Newbold. MOTION CARRIED UNANIMOUSLY.

### **Audience Participation**

Gerald Eck, 411 West Valley Hwy S, requested the Commission address the topic of the tabled Freeway Highway Signage corridor regulations that have been in the planning stage for almost five years. He showed the Commissioners a draft letter he is intending to distribute to the affected property owners. John Boyd requested staff to look into the freeway signage topic and to bring it back to the Commission for further review.

### **PUBLIC HEARING Accessory Dwelling Units (ADU) – Revisions to Chapter 20.92**

Chairman Boyd opened the Public Hearing at 6:15 PM and asked for public comment. There being no public testimony, Chairman Boyd closed the hearing at 6:16 PM.

Commissioner Newbold moved that the Planning Commission recommend approval of the proposed revisions to the Accessory Dwelling Unit (ADU) regulations as provided for in the Draft Ordinance dated January 27, 2015, seconded by Commissioner Gustafson.

Discussion: The Commissioners reviewed a chart comparing the ADU standards from other neighboring cities' along with the City of Pacific standards.

Jack Dodge joined the meeting at 6:25 PM. He explained that the proposed ADU revisions were reviewed by the Council Governance Committee on 12/14/14. The Governance Committee requested one change to the proposed revisions dealing with off-street parking. The Committee requested that only one off-street parking space be required for studio or one bedroom ADU's. This is reflected in the draft ordinance. The Commissioners also discussed changes that were made to the design standards regarding the allowable square footage of the ADU's in the RS-6 (single-family residential, 6,000 square foot lot minimum) zoning district and in the RS-11 (Single-family residential, 11,000 square foot lot minimum) zoning district. Jack also mentioned that there is still a requirement that the owner of the property must live in one of the units.

Chairman Boyd called for a vote. The motion carried unanimously and will be moved forward to the City Council.

### **New Business**

**Nonconforming Uses:** Repeal PMC Chapter 16.12 Legal Nonconforming Uses. Create new Chapter 20.12 Nonconforming Uses and Structures

The Commissioners received a staff report from Jack Dodge and a Draft Nonconforming Use Ordinance dated 1/27/15. Jack reported that the nonconforming use regulations were last updated in 2005 and need to be updated to provide clarity and meet current legal requirements. He noted that the revised code provides a definition for a "legal nonconforming use" of property and for a "legal nonconforming structure". Current code provisions do not provide definitions.

Commissioner Strong moved that the Planning Commission set a public hearing date for February 24, 2015 to receive public testimony on the proposed revisions to the legal nonconforming use regulations contained in the draft ordinance, seconded by Commissioner Blackwell. MOTION CARRIED UNANIMOUSLY.

Staff encouraged the Commissioners to study the draft ordinance at home.

### **Planning Commission 2015 Work Plan**

The Commissioners received a copy of the 2015 Work Plan Draft Resolution. After review and discussion it was decided to include "Freeway Signage" and "Political Signage" as additional items to be added to the work plan and to address them as separate topics.

Commissioner Blackwell moved to approve the Draft Planning Commission 2015 Work Plan with the addition of items "Freeway Signage" and "Political Signage", seconded by Commissioner Newbold. MOTION CARRIED UNANIMOUSLY.

### **Unfinished Business**

## **Comprehensive Plan Update**

Jack reported that the City is requesting modifications to the scope of work required by the state for the Growth Management Act (GMA) grant money. He stated that the Comprehensive Plan Update considers the entire Plan, with emphasis on the Natural Environment including wetlands, Transportation, and Capital Facilities elements. He noted that because of the timeline, the City will not be able to create a Citizen's Advisory Committee. The Comprehensive Plan Update is due by the end of June.

## **Other Items of Interest to Planning Commissioners**

Jack Dodge reported that the City Council voted to prohibit all marijuana producers, processors, and medical and recreational sales within the City.

## **Tabled until further notice**

Detached Accessory Parking Structures, Total Impervious Surface in Single-Family Zoning, Political and Highway Special District Signage, and Green Acres Place Annexation.

## **Adjournment**

There being no further business, the meeting was adjourned at 7:30 pm.

Prepared by  
Gail Bennett, Secretary

Approved \_\_\_\_\_ 2015 by \_\_\_\_\_  
Date Planning Commission Chairperson  
John Boyd

**CITY OF PACIFIC  
WASHINGTON  
RESOLUTION NO. 2015-234  
RESOLUTION OF THE CITY COUNCIL APPROVING THE 2015 PLANNING  
COMMISSION WORK PLAN**

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**WHEREAS**, the Planning Commission is established pursuant to Chapter 35A.63 RCW and serves as an advisory body to the City Council; and

**WHEREAS**, the Planning Commission prepares and reviews the comprehensive plan of the City, reviews and makes recommendations on amendments to the comprehensive plan, official zoning map, and zoning and other development regulations of the City; and

**WHEREAS**, the City Council receives monthly minutes of the Planning Commission meetings; and

**WHEREAS**, the Planning Commission met on January 27, 2015, developed their slate of activities, and is recommending approval by the City Council of the 2015 Planning Commission Work Plan, which includes the following items:

- 1) 2015 Comprehensive Plan Update (CP-13-001). This Update considers the entire Plan, with emphasis on the Natural Environment, Transportation, and Capital Facilities elements. In February 2014, the Planning Commission held a Public Hearing to receive comment on proposed Comprehensive Plan and Development Regulation updates based on City Staff and Washington Department of Commerce review;
- 2) Accessory Dwelling Unit Regulations;
- 3) Non-conforming Uses Regulations;
- 4) Impervious Surface Regulations in the Residential Single-Family (RS) zones;
- 5) Highway Special Signage;
- 6) Political Signage;
- 7) Work with the City of Sumner to update and expand the Sumner/Pacific Manufacturing and Industrial Center (MIC) to achieve regional status with Puget Sound Regional Council (PSRC);
- 8) Review the 2016-2021 Capital Facilities Plan prior to forwarding to the City Council for a Public Hearing and adoption; and

**WHEREAS**, there are other topics and issues that the City Council or Staff may refer to the Planning Commission for consideration,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC,  
WASHINGTON, DOES RESOLVE AS FOLLOWS:**

**Section 1.** The Pacific City Council hereby approves the 2015 Planning Commission Work Plan as stated above.

**Section 2.** This Resolution shall take effect and be in full force upon passage and signatures hereon.

CITY OF PACIFIC

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Leanne Guier, Mayor

ATTEST:

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Amy Stevenson-Ness, City Clerk

Approved as to Form

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Carol Morris, City Attorney



Agenda Bill No. 15-026

**TO:** Mayor Guier and City Council Members  
**FROM:** Paula Wiech, Planner  
**MEETING DATE:** February 17, 2015  
**SUBJECT:** Park Board Earth Day Event

**ATTACHMENTS:**

- Amended Draft Resolution No. 2015-228, approving the Park Board's 2015 Earth Day event.

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**Previous Council Review Date:** February 2, 2015

**Summary:** Park Board duties are established by Pacific Municipal Code Chapter 2.38.050 Powers and Duties; and 2.38.050 (D) provides that the Board shall perform such other services and studies as may be requested by the City Council.

Earth Day Event, Resolution No. 15-228: To engage the community with their parks, open space and trails, the Park Board has, with other organizations such as Friends of the Lower White River and Pacific Partnerships, sponsored an annual Earth Day (April 22<sup>nd</sup>) event for many years. This year's Earth Day Network theme is "It's Our Turn to Lead." Pacific's event is still being planned. Suggestions include parks clean up, recycling/trash drop off, a lunch, and other activities to involve all members of the community. It is scheduled for April 25, 2015.

Paula Wiech attended Pacific Partnerships' January 13, 2015 Meeting, and asked that Partnerships participate with the Pacific Park Board in creating and executing the City's 2015 Earth Day event. Partnerships voted to participate, not to co-sponsor the event, as the original Draft Resolution indicated. Paula attended Pacific Partnerships' February 10th Meeting, where they approved the proposed amendments indicated on the attached Resolution No. 15-228.

**Recommendation/Action:**

Approve Resolution No. 15-228, as amended.

**Motion for Consideration:** Approve Resolution No 15-228: Pacific Park Board sponsorship of the April 25, 2015 Earth Day event.

**Budget Impact:****Alternatives:**

**CITY OF PACIFIC  
WASHINGTON**

**RESOLUTION NO. 2015-228**

**A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON, APPROVING THE PARK BOARD'S PARTICIPATION IN THE 2015 EARTH DAY EVENT**

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**WHEREAS**, the Park Board duties are established by Pacific Municipal Code Chapter 2.38.050 Powers and duties; and

**WHEREAS**, 2.38.050 (D) provides that the Board shall perform such other services and studies as may be requested by the City Council; and

**WHEREAS**, as a mechanism to engage the community of Pacific to take pride in their city, the Park Board would like to co-sponsor ~~(with other organizations such as Friends of the Lower White River and Pacific Partnerships)~~ the **City's** annual "Earth Day" event. The event, which will include a lunch and other activities to educate and involve all members of the community, is slated to be held on April 25, 2015; and

**WHEREAS**, as a result of this "sponsorship" and the benefit to City facilities, fees associated with the use of the City Hall Campus facilities, will be gratis in accordance with the terms of the most recently adopted City Fee Schedule; and

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON:**

**Section 1.** The Pacific City Council hereby requests the Park Board to co-sponsor, assist in the planning and to participate in the annual Earth Day event, to be held on April 25, 2015.

**Section 2.** This Resolution shall take effect and be in force immediately upon its passage.

**PASSED BY THE CITY COUNCIL AT ITS REGULAR MEETING THEREOF ON THE 23rd DAY OF FEBRUARY 2015.**

CITY OF PACIFIC

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Leanne Guier, Mayor

ATTEST:

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Amy Stevenson-Ness, City Clerk

Approved as to Form

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Carol Morris, City Attorney

PASSED BY THE CITY COUNCIL: 02/23/15  
EFFECTIVE DATE:02/23/15  
RESOLUTION NO. 2015-228