



LAKWOOD CITY COUNCIL STUDY SESSION AGENDA

Monday, April 28, 2014

7:00 P.M.

City of Lakewood
City Council Chambers
6000 Main Street SW
Lakewood, WA 98499

Page No.

CALL TO ORDER

ITEMS FOR DISCUSSION:

- (4) 1. Joint Parks and Recreation Advisory Board meeting.
- (6) 2. Review of a proposed information technology plan. - (Memorandum)
- (25) 3. Review of proposed amendments to Chapter 3.40 of the Lakewood Municipal Code relative to imprest funds. - (Memorandum)
- (31) 4. Review of proposed amendments to Title 12A of the Lakewood Municipal Code relative to Public Works. – (Memorandum)
- (47) 5. Review of Tillicum/Woodbrook sewer connection availability. – (Memorandum)

BRIEFING BY THE CITY MANAGER

- (58) Recommendation to Review Code Revision Options. – (Memorandum)

ITEMS TENTATIVELY SCHEDULED FOR THE MAY 5, 2014 REGULAR CITY COUNCIL MEETING:

- 1. Item Nos. 3, 4 and 5 above.
- 2. Proclamation recognizing Claudia Thomas and Andie Gernon for extraordinary service in Lakewood's human services program, the Community Collaboration, Lakewood's Promise and Youth Council. – *Ms. Claudia Thomas and Ms. Andie Gernon*
- 3. Proclamation declaring May 18 – 24, 2014 as National Public Works Week. – *Mr. Don Wickstrom, Public Works Director*

The City Council Chambers is accessible to persons with disabilities. Equipment is available for the hearing impaired. Persons requesting special accommodations or language interpreters should contact the City Clerk's Office, 589-2489, as soon as possible in advance of the Council meeting so that an attempt to provide the special accommodations can be made.

<http://www.cityoflakewood.us>

The Council Chambers will be closed 15 minutes after adjournment of the meeting.

4. Appointing members to the Redevelopment Advisory Board. – (Motion – Regular Agenda)
5. Appointing members to the Landmarks and Heritage Advisory Board. – (Motion – Regular Agenda)
6. Appointing a member to the Citizens' Transportation Advisory Board. – (Motion – Regular Agenda)
7. Adopting the 2013-2014 biennial budget amendments. – (Ordinance – Regular Agenda)
8. Approving the Fiscal Year 2014 Consolidated Annual Action Plan and amendments to the Fiscal Years 2009, 2012 and 2013 Annual Action Plans and proposed use of funds for the Community Development Block Grant and HOME Investment Partnership Act. – (Resolution – Regular Agenda)
9. Approving a three-year HOME Consortium agreement with the City of Tacoma relative to the Home Investment Partnership Act (HOME) program. – (Resolution – Regular Agenda)

CITY COUNCIL COMMENTS

ADJOURNMENT

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LAKWOOD CITY HALL
6000 Main Street SW, Lakewood, WA 98499-5027
(253) 589-2489

MEETING SCHEDULE
April 28, 2014 – May 3, 2014

Date	Time	Meeting	Location
April 28	5:30 P.M.	Parks and Recreation Advisory Board	Lakewood City Hall 1st Floor, Conference Room 1D
	6:00 P.M.	City Council and State Legislators	Lakewood City Hall Council Chambers
	7:00 P.M.	City Council Study Session	Lakewood City Hall Council Chambers
April 29	5:30 P.M.	Citizens Transportation Advisory Committee	Lakewood City Hall 1 st Floor, Conference Room 1E1
	6:00 P.M.	Pacific Neighborhood Association	Children of the Light Ministries 5105 Solberg Drive SW
April 30	No Meetings Scheduled		
May 1	8:00 A.M.	Human Services Funding Advisory Board	Lakewood City Hall 1 st Floor, Conference Room 1D
	9:30 A.M.	Civil Service Commission	Lakewood City Hall 1st Floor, Conference Room 1E
	6:30 P.M.	Tillicum/Woodbrook Neighborhood Association	Tillicum Community Center 14916 Washington Avenue SW
May 2	No Meetings Scheduled		
May 3	9:30 A.M.	City Council Tour of Camp Murray	Emergency Operations Center Building 20 Camp Murray, Washington

TENTATIVE MEETING SCHEDULE
May 5, 2014 – May 9, 2014

Date	Time	Meeting	Location
May 5	4:30 P.M.	Arts Commission	Lakewood City Hall 3 rd Floor, Conference Room 3A
	6:00 P.M.	Youth Council	Lakewood City Hall 3 rd Floor, Conference Room 3A
	7:00 P.M.	City Council	Lakewood City Hall Council Chambers
May 6	No Meetings Scheduled		
May 7	5:15 P.M.	Public Safety Advisory Committee	Lakewood Police Station Multi-Purpose Room 9401 Lakewood Drive SW
	6:30 P.M.	Planning Advisory Board	Lakewood City Hall Council Chambers
May 8	7:30 A.M.	Lakewood's Promise Advisory Board	Lakewood City Hall 3 rd Floor, Conference Room 3A
	6:00 P.M.	Lakewood Sister Cities Association	Lakewood City Hall 1 st Floor, Conference Room 1E
	7:00 P.M.	Lake City Neighborhood Association	Lake City Fire Station 8517 Washington Blvd. SW
May 9	No Meetings Scheduled		

NOTE: The City Clerk's Office has made every effort to ensure the accuracy of this information. Please confirm any meeting with the sponsoring City department or entity.

2014 Parks and Recreation Advisory Board (PRAB)

Members:

Sylvia Allen
Alan Billingsley
Jason Gerwen, Chairman
Vito Iacobazzi, Vice Chairman
Jim Montgomerie
Tanja Scott

Council Liaison:

Council Member Don Anderson

Meeting Schedule:

Fourth Tuesday of each month at 5:30-7:00 p.m. in Room 1D

PRAB Significant Accomplishments To-Date: (Last Joint Meeting April, 2013 – Update to April, 2014)

- Co-hosted an open house for Chambers Creek Trail project.
- Developed and approved the Park portion of the Street/Park Survey.
- Developed, approved and forwarded to Council the Lakewood Legacy Plan.
- Supported the parade and Welcome Home event for JBLM 4-2 Stryker Brigade.
- Reviewed the operation of a successful 2nd Farmers Market season.
- Revised Park Code 8.76 and updated or proposed new policies, including smoke free parks and procedures to allow alcohol as a part of a special use permit.
- Recommended moving forward with the Fort Steilacoom Park lease transfer.
- Toured the house and property purchased adjacent to Springbrook Park and supported the master plan expansion project.
- Supported the purchase of additional property adjacent to Wards Lake Park for park expansion.
- Received an update on the Waughop Lake Management Plan and DOE grant.
- Reviewed and approved the USGA proposal to use Fort Steilacoom Park for over-flow parking during the 2015 US Open Golf Tournament.
- Named a representative to the City of Lakewood Gateway Committee.
- Provided PRAB representative to Pierce County Conservation Futures Board to review projects for 2014 funding.
- Reviewed and approved Eagle Scout and Gold Award proposals.
- Supported pilot project and merging of Parks and Streets Landscape Maintenance teams.

Continued to support Park and Recreation programming and events such as:

- SummerFEST and Triathlon Events
- After school Healthy Start programs at Tye Park, Tillicum and Oakwood Elementary Schools
- The Friday Late Nite activities at Woodbrook Middle School
- Creating a small enclosure at the FSP Dog Park (Eagle Scout project)
- The City's Community Garden
- The 12th annual Father/Daughter Dance
- Truck and Tractor Day
- Christmas Tree Lighting
- Jingle Bell Rock 5-K Race

2014 PRAB Current Work Plan

- Support/Monitor the Waughop Lake Management Plan and provide a representative on the stakeholder team
- Review/Support RCO Grant Opportunities
- Develop a Sponsorship and Advertising Policy for Lakewood PRCS
- Support Parks Appreciation Day and host various sites (April 26, 2014)
- Provide representation on the City's Gateway planning team.
- Monitor the US Open parking and transportation plan
- Advocate for updated lease or property transfer of Fort Steilacoom Park land
- Review Parks, Recreation and Community Services budget and work program. Advocate for long term funding strategies to sustain Park and Recreation opportunities.
- Support department involvement in the City's emergency management plan (sheltering component and development of IAP for events / special use permits)
- Review a maintenance and replacement plan for PRCS equipment and properties purchased or developed since the City's incorporation.
- Support development and expansion of Springbrook Park and Wards Lake Park properties.
- Gather public information and advocacy for Fort Steilacoom Park projects
- Continue to support various partnerships to enhance current and new opportunities



To: Mayor and City Councilmembers
From: Tho Kraus, Assistant City Manager/Administrative Services
Through: John J. Caulfield, City Manager *John J. Caulfield*
Date: April 28, 2014
Subject: Information Technology Assessment and Computer Replacement Program

BACKGROUND:

The City Manager retained George McBride, Principal of GM2 Systems to perform an assessment of the information technology function in the City and facilitate the development of a six-year information technology strategic plan. GM2 Systems is a technology consultancy focused on small businesses and local governmental entities in the Puget Sound region. George has over 30 years of successful information technology management in both local government and private business environments.

SCOPE:

The study is comprised of two parts:

- Phase I Assessment of Information Technology Function (Presented to Council on February 28, 2014); and
- Phase II Strategic Technology Plan.

The attached report provides Council with an update on Phase II Strategic Technology Plan.

NEXT STEP:

The strategic plan will be prioritized and a recommendation of the specific implementation items and related budgetary impact will be presented to Council as part of the next budget adjustment process and/or 2015/2016 biennial budget process.

INFORMATION TECHNOLOGY STRATEGIC PLAN



April
2014

City of Lakewood, Washington

GM2 Systems was engaged by the city to work with city staff to develop a six year Strategic Technology Plan. This report is the product of staff interviews, stakeholder input, the City's current technology inventory and long term business needs.



Information Technology Strategic Plan

CITY OF LAKEWOOD, WASHINGTON

Lakewood is the second largest city in Pierce County and the seventeenth largest in the state of Washington. It is strategically located between Sea-Tac International Airport and Olympia, the state's capital.

Lakewood is home to approximately 60,000 residents, over 3,200 businesses, and three retail trade areas including Towne Center Mall; 2.5 miles of Interstate 5 freeway frontage along Pacific Highway; and our own thriving International District. Lakewood also is the host community to Joint Base Lewis-McChord and Camp Murray, two major military installations. In 2011, Lakewood was named one of the nation's One Hundred Best Communities for Young People by America's Promise Alliance for the fifth year in a row.

In addition to vibrant residential and business communities, the city offers a myriad of recreational opportunities for residents and tourists. These include:

- five lakes offering water skiing, rowing, and fishing
- four golf courses
- Fort Steilacoom Park
- Historic Lakewood Gardens
- Thornewood Castle
- Grand Prix Raceway

The city also is the gateway to: Chambers Bay Golf Course, selected as home to the 2015 U.S. Open; Mt. Rainier National Park; and Puget Sound waterways and islands.

In December 2013 the City engaged GM2 Systems to conduct an IT Staff Assessment and assist the City in the development of an IT Strategic Plan. The IT Staff Assessment, Phase I, was completed in February, 2014. This report, Phase II of the project, completes this project.

Executive Summary

As detailed in the IT Program Assessment report, IT has lacked leadership for some time. As a result, there are no previous technology plans or annual IT work plans. This plan covers a six year period from 2014 through 2019. However, as with any technology plan, a bi-annual program review and update conducted as part of the City's budgeting process is recommended. Technology will change, business needs will change and keeping the plan fresh will keep the plan relevant and

a valuable business tool for the City. In addition, it will provide the City a window into future spending for equipment replacements that do not show in years 2020 and 2021.

Where are we?

Given the results of the Assessment report and the lack of previous technology plans, some ground work must be accomplished before moving forward. This work consists of policy development and annual replacement plans to keep the City's technical infrastructure current. A financially realistic, reliable source of funding must be put in-place. By establishing a fair, simple formula to create an internal service fund, each business unit realizes technology costs as a part of their cost to conduct business. This approach also eliminates the haves and the have nots wherein those with special funds get the technology and those without fall behind. To assess the current environment, all members of the Information Technology Division were interviewed as was the City's Executive Leadership Team, along with selected staff. Software application and technology inventories included in the Assessment Report and will not be duplicated in this report. This assessment discovered both challenges and opportunities, as follows:

Security – The City's data and network systems appear to be well protected from external threats. The City has firewalls, gateways, virus protection and spam filtering in-place helping to ensure that the City's technology assets continue functioning, keeping important data isolated from external threats. The City regularly conducts penetration tests, using outside consultants, monitors its data center environmental controls, server loads, etc.

City Leadership is committed – Recent changes in city leadership suggest a new, open, and transparent approach to providing technology to help make staff more efficient, lower the staff frustration level leading to improved productivity and service improvement to constituents over the long term. City leaders are committed to making investments in innovative technologies that will improve the lives of constituents and staff.

Reactive vs. Proactive – Lacking a clearly articulated citywide direction for technology, IT is largely reactive in supporting business units rather than working with business units to deliver technology solutions when needed. Delivery of strategies and priorities are not well defined and as a result work priorities often shift and change creating a work environment in IT that can resemble a fire drill. This plan should result in a more predictable, cost effective work plan for staff.

Recommendations

#1. Establish an IT Governance Group – As recommended in the Assessment report, implementation of this group to represent the business units in establishing project priorities and capital project funding strategies will be critical to the success of this plan. In addition, this group works with IT to periodically review IT project status and progress. This group will also work with IT in the development of the division's bi-annual budget recommendations.

Technology related capital projects should continue to be referred to Information Technology and presented jointly to the governance group by IT and the project sponsor. Those initiatives that are not aligned with this plan should receive a hearing but should only be funded after planned initiatives in

this plan are fully funded and implemented. Technology capital funding should be charged to the business unit deriving the most business benefit. The exception being projects that benefit the entire organization such as the computer replacement program, core technologies, and system maintenance costs.

#2. IT Policy Development – While it is not within the scope of this project to provide detailed IT policies, we will provide high level policy recommendations. An example is the Annual Computer Replacement program. How will the project be administered? How will fairness be assured within the context of all of the City’s business units? What should the expectations of the user community be with respect to keeping the working tools current?

#3. Staffing – The City’s IT staff must have technical leadership to successfully complete this plan, on schedule and within budget. IT staffing is outside of the scope of work for this project phase; it is nevertheless a critically important factor in the plan’s success.

#4. Technology Capital Projects – Capital projects, for the purposes of this report, are of two types. One time projects that can be application software, technology hardware or a combination of both and annual equipment replacement costs. One time projects may be phased over several years, dependent upon the projects anticipated costs, staffing and project complexity.

#5. IT Annual Maintenance Costs – Annual technology support costs are listed in Appendix A as they are a fixed cost that will be a component of the cost charge allocated to the business units.

Additional recommendations are detailed later in this report.

Mission Statement

Before articulating a Technology Plan for the City, it is important to review the City’s mission statement and create a mission statement for the IT Division. The City’s mission statement is:

The City of Lakewood enhances the quality of life of our residents by providing essential services in a fiscally responsible manner, ensuring public safety, promoting economic development and preserving our natural environment.

Working with the IT staff, IT Governance Group and the City Manager Department, the following IT Mission Statement is put forward for approval:

The City of Lakewood’s Information Technology vision is to provide centralized, comprehensive, cost effective business solutions that improve business process/work flow, reduce costs, improve service delivery to constituents, and support the goals of the City’s mission statement by, whenever possible, leveraging existing city technologies and assets.

This vision statement should be the basis for each project and major technology decision made in this report and in the future.

The Plan

This plan is authored at a single point in time. Since beginning this project, the IT Division has undertaken a number of important projects. For example, the computer inventory included in the Appendix of the Assessment report lists 160 computers needing replacement. The City Council approved the upgrade of all outdated computers in the city in March 2014 and that work has already begun.

Policy Initiatives

The following high level policy recommendations should be incorporated into formal city policies to help clarify process, procedures and inform staff as to the IT Division responsibilities.

Computer Replacement Project

This is an annual project wherein 100% of the city's computers are replaced on a 5 year rotating schedule. Given that all of the city's computers, after the 2014 update project is complete, will be two years or newer, the plan does not begin until 2016. No later than October of each year, beginning in 2015, each department should be provided with an inventory of computers scheduled for replacement. Computers to be replaced should be the decision of the business unit. One roll down should be allowed. For example, public works may elect to have CAD computers replaced each year so that maximum performance is maintained for that application. The replaced computer(s) should be reformatted and put back in service for public works staff.

IT staff, in collaboration with the business units, should endeavor to provide the business units with the appropriate technology. As an example, staff working more that 50% of their time out of the office may benefit more from a city laptop and docking station rather than a traditional desktop computer. It may also be the case that more mobile staff may benefit from a tablet form factor and may not need a desktop computer. Understanding the business unit's needs and flexibility on the part of IT will be important factors in providing relevant technology.

Workgroup Printing

The divergence of printers and copiers into multifunction machines has resulted in very fast, cost effective printing using shared, workgroup centric printers (Printers refers to copiers/printers.). It should be the city's goal to reduce cost wherever possible without adversely impacting productivity. With the exception of limited Leadership Team members creating confidential documents, shared printers should be the rule for all staff rather than an exception. While inkjet printers maybe attractive from an initial cost standpoint, the long term cost of cartridges is not cost effective. In addition, the potential health benefits from getting up and moving around throughout the day¹ to pick-up print jobs may outweigh any perceived inconvenience. Print queues can be establish for users such that print jobs can be spooled for later printing, saving more time, and provide some confidentiality.

Additional policy recommendations were noted in February's IT Assessment Report.

¹ Dr. Antronette Yancy, MD, MPH, on Instant Recess® "Sparking a Movement to Energize America."

IT Governance Model

Technology decisions within the City have been largely left to the IT Division. The success of this plan depends upon a number of factors, most importantly, alignment of technology plans with the needs of the City's business units. Ownership of these plans by the business units themselves in partnership with IT will help ensure projects stay on schedule, within budget and meet the City's business objectives. It is important that all of the City's business units be represented. Below is a suggested charter for the group:

The City's IT Governance Group is responsible for developing, in conjunction with the City's IT Manager, technology plans, expenditures and monitoring the progress of all technology projects. The group shall meet quarterly and work closely with the City's Finance Director during the budgeting process.

IT Governance following this model will present an opportunity for departments to work together on technology initiatives that impact multiple business units. By meeting quarterly, this group will have the opportunity to discuss strategic needs as well as monitor progress on the IT work plan and make adjustments to plan where appropriate.

This group should be made up of the City's Manager, ACMs, Directors, and the IT Manager in a team of seven (7) to nine (9) maximum.

Does the City have to own it or go to the Cloud?

Cloud computing² is all the rage within the IT community, but it should be approached with caution. Cloud computing provides advantages and disadvantages. It can allow technology to be rolled out to the customer quickly and it can be done with reduced up-front investment. The downside maybe a loss of control, concern with security practices that may or may not be within the City's control, ownership of data, and the development of an exit strategy that protects the City's data, should one be needed. We recommend the city investigate cloud based solutions, which can be both infrastructure and/or application based as well as independent vendor solutions to all capital projects. These investigations should, at a minimum, compare the total cost of ownership over the program's reasonable life (Generally, no longer than 10 years), an evaluation of the systems security practices and procedures, dispersed data center footprint, system performance, company's financial strength and strategic plan or direction³. In other words, will the vendor be there for the City five years from now and continue to improve their offerings.

Programs/Projects

Appendix A lists IT projects and programs to be undertaken during the next six years. This table also lists all known annual IT costs with the exception of supplies, labor and consumables. While it is the

² http://en.wikipedia.org/wiki/Cloud_computing for a more in depth discussion on the history of cloud computing.

³ http://www.tclouds-project.eu/downloads/deliverables/TC-D1.3.1_Cloud-Computing_Business_Requirements_Analysis_M12.pdf in downloadable format is a 2 year business analytics study of cloud computing and the factors for a successful project.

goal of this effort to provide a window into proposed IT spending over the next six years the recommended project list only goes out through 2017. In other chapters of this report we have recommended bi-annual updating of this report. This updating will provide a sliding window of capital projects. For example, the City's core network switch has a life of eight to ten years. The switches end-of-life will occur in 2021. By continuously updating this table, the city will have visibility of this \$65,000 to \$80,000 expense at the first update. This project list forms the foundation for future technology growth within the City.

Messaging System Update

The City's email system uses Microsoft Exchange 2007 and runs on a server utilizing Microsoft Windows Server 2003. This operating system goes end-of-life in May of 2015. The Exchange software is now two versions behind. Due to the potential integration of the email system and phone system as described below, we recommend this update project take place during the third quarter of 2014. This will provide sufficient time to have a current, stable email system prior to upgrading and integrating the City's replacement phone system.

Fiber Optic Cabling

Two city facilities, the Senior Center and Parks, are both located relatively close to existing city fiber optic cabling runs. Both of these facilities suffer from poor internet performance and are not on the city's phone system. We recommend a partnership with public works to install micro-fiber cabling using trenchless technology during 2014 so that both facilities can enjoy the benefits of the new city phone system as well as reducing staff frustration with performance of the recreation reservation system, ActiveNet, due to slow internet performance. This change may result in less than a two year return on investment based on the cost of phone service and Internet Service Provider cost.

Phone System Replacement

The City's NEC phone system was purchased at the time City Hall was constructed. It is at capacity which has resulted in some remote City sites using direct CenturyLink lines rather than the City's system. More importantly, the current system is no longer manufactured and the availability of spare replacement parts is questionable. System failure could leave the City without phone service. This is a high priority project that should be completed no later than the first quarter of 2015. Further, work should begin now completing a needs analysis, potential feature set review (voice mail features, email compatibility, presence, etc.), and crafting of project specifications and bid documents. Putting the project out for bid during 2014 for installation during the first quarter of 2015 will have the City prepared should a failure occur. A component of this upgrade should also be the reservation of additional block of phone numbers for future city use.

Council Chambers Technology Update

The technology used in the chambers is over 13 years old and was purchased when city hall was built. This technology is past end-of-life and does not meet contemporary standards for broadcast or streaming of council meetings. This project has three main elements. Broadcast or streaming of meetings, updating of electronics and implementation of automated council packet/records

management system. Funds noted in 2014 provide for basic streaming of council meetings using existing cameras. This will help staff know when they are required during a council meeting without having to sit through items not relevant to their business and provide citizens with live viewing of the meetings over the internet.

Phase II takes place in 2015 and replaces all of the existing technology in the chambers, excluding the newly installed council work session screen and projector. Cameras will be updated to digital technology and the projector will be replaced with a high resolution digital unit. Dais monitors will be updated as well.

Phase III implements an automated agenda bill tracking system and an integrated records management application. Both of these applications will positively impact staff productivity and allow the city to move to electronic records management. The move to electronic records management will ease access to city records, improve compliance with the city's records retention policies, and free the city from increasing paper storage requirements.

City Hall Paging System

A paging system in public corridors was installed during city hall construction. The system is not tied to the phone system and has never been placed into service. Paging is currently accomplished through the phone system using the systems handsets. As part of the phone system upgrade, we recommend integrating the system such that phone system handsets can be utilized to activate the system.

Two Factor Authentication

This project is in response to security requirements imposed by CJIS⁴ requiring increased security for computers access the criminal justice system in unsecured areas. This means having something you know, a password, and something you have, a token, as an example. This system is to be installed on the appropriate police computers and supported by Southsound 911. The implementation date requirement is September of 2014 to maintain CJIS compliance.

Disaster Recovery Plan

Disaster planning should be undertaken as a city-wide initiative. Assembling this plan will involve all of the City's business units in determining what systems, programs and data have the highest priority for recovery, secondary sighting of mission critical technology at a stand-by site and the level of investment that is appropriate to support the plan. There is no funding currently identified. However, completion of the plan should allow this line item to be updated during the next plan review.

Enterprise Contact Management

Contact management was requested by one group but can apply to the enterprise. Managing constituent requests and follow-up in the City Manager Department, retaining the marketing history for a contact in Economic Development, email marketing programs for recreation, and providing a centralized repository shared contact information within the city. This project is another example of a

⁴ Criminal Justice Information Services standards required by the FBI and audited by the Washington State Patrol.

program that could be in the Cloud, with little upfront investment. A number of vendors also have mobile apps that tightly integrate with their programs for instant data access from the field.

Wireless Access Points (Wi-Fi) and Cameras

Wi-Fi access in parks can provide parks maintenance staff with the infrastructure to remotely connect to the City's future Work Order system. It also provides occasional use benefits for visitors and constituents to the City's parks. Using an access point at the boat launch at American Lake a camera could broadcast streaming video from the City's web site showing the amount of activity. In other words, is there a long line or can I get in? Other parks could likewise benefit from cameras. Images would then be streamed from the City's website.

Upgrade Data Storage Capacity

The City currently employees two Network Attached Storage (NAS) systems. Projected use of data will reach capacity during 2015. Part of this project should be an analysis of removing the EMC NAS and moving the data to the NetApp NAS while increasing its capacity. This will reduce the City's annual maintenance cost by \$14,585. This project may also be an opportunity to move some data storage to the Cloud.

Redesign the City's Permit Process/Eden Web Extensions

Work on this project has already begun. A partnership between IT, Economic Development and the City Manager Department is underway to update and modernize the City's web site. This effort should involve city staff, constituents, and local business seeking out ways to get information from and give information to the City. As an example, is it really necessary to submit launch permits in-person, at city hall or could a web form and credit card accomplish the same task with more convenience to the customer, fewer day trips to city hall, thinking green, and a higher level of customer service? Is it really necessary to make an in-person visit to city hall to apply for a business license or could this task also be accomplished over the web, reducing staff involvement/time, day trips to city hall and lower the cost of doing business with the City. These are just a few of the improvements that should be considered as part of this project.

Business Continuity Planning

This project is Phase II of the Disaster Recovery Project. Business continuity planning follows the mitigation of the disaster. Stated differently, now that the disaster has passed, how do we get back to business? What are the elements that need to be stood up and what are the priorities? Do we need special vendor relationships to supply critical materials or equipment? This should be combined with an enterprise effort in planning. Since many City business processes have become automated, this may mean documenting manual processes until systems can be restored. There may also be several periods of recovery, each with their own elements.

Enterprise Task Management

This project is in response to a public works request for remote asset access to completed programmed maintenance tasks. Before putting wireless access in-place the backend systems need to be built. Other city departments such as Parks and IT could also benefit from maintaining programmed and ad hoc maintenance records. Equipment histories, maintenance budgets, equipment replacement predictability can all benefit from a well managed work order system.

Email Archiving

The City currently has an email archiving system. However, there is a question as to whether or not the system is responsive to user needs in terms of easily retrieving aged or previously deleted emails. This will be explored and if necessary, a replacement project developed.

Establish a Regional Fiber Optic Working Group

Fiber optic cabling can enable high speed, reliable, robust, low cost communications between city building, offices, and parks. There is shared interest between the city, the school district and local utilities to install fiber optic strands within the city. We recommend Public Works utilize their utility coordinating committee to invite IT to the table for these discussions. Sharing costs and/or assets can lead to significant costs savings in deploying fiber.

Establish PEG⁵ Fees

The City should approach cable providers within its corporate boundary and negotiate cable franchise agreements. An element of those negotiations should be the availability of a PEG channel for broadcast of city events, council and other public meetings. PEG fees can be used by the City to fund technology improvements related to the channel broadcast.

Wireless Remote Work Order System Access

This project is Phase II of the Enterprise Task Management project and provides for wireless access from the field to open/close work orders, update maintenance inventories. This can have an efficiency impact on maintenance staff in that data is entered throughout the day rather than devoting time at end of day entering maintenance data.

Annual Replacement/Update Projects

Section two of Appendix A lists the City's annual equipment replacement and update programs. Below is a description of each:

Annual Computer Replacement Program

There has been no organized, enterprise computer replacement program in the city since 2007. Some computers have been updated in departments that had special funds, enterprise or seizure funds as

⁵ Since an FCC rulings in 1969 and 1971, Public, Educational and Governmental channels maybe established by the local jurisdiction have franchise control over local cable providers. Fees are generally passed by the cable franchise to the end customer and often

examples. This resulted in a situation where technology performance for staff suffered and the city was hit with a larger than necessary replacement cost for 2014. By having a formal annual replacement program and supporting policy, replacements will be dealt with fairly, across the enterprise, improving staff moral and efficiency. Within the last two years all of the City's computers have been upgraded with the exception of the training room in city hall and the senior program. Both of these implementations are under review at this time.

Annual Network Replacement Program

This funding provides for updates to network edge equipment such as routers, switches, firewalls, etc. This equipment is generally supported under vendor contract and have a supported life of five to eight years.

Annual Server Replacement Program

The City's servers, like desktop computers, have generally accepted life cycles of between four to six years. Some of the City's servers have been in service for over six years. Servers deliver services 24 hours a day, 7 days a week and are seldom turned off. They often deliver critical services, store critical data and are inherently a necessary part of the City's technology infrastructure. Servers, like desktop computers, should be on a replacement schedule, before failure.

Annual Maintenance Costs

The four line items in this section of the plan are self-explanatory. These numbers include all known maintenance costs as detailed in Appendix B. These costs will change over time, but are included in an attempt to present current technology costs.

Project Approval

The above project summaries are provided with the understanding that a Project Charter (See Appendix D) will be fully developed for each project through a partnership with the sponsoring business unit and Information T. Each project requires an executive sponsor who should assume responsibility for presenting the project to the IT Governance Group for approval before project funding is approved.

Conclusion

This report attempts to provide a baseline from which the city can begin planning capital technology projects with some predictability. Given this is the City's first effort at this type of planning, there should be some degree of flexibility should the IT Governance Group bring a project forward for consideration that is not articulated in the plan. Certainly, business needs and requirements change, as does technology. Aligning technology projects with changing business needs will be critical to the plans successful implementation.

Finally, a word about project prioritization and scoring. Some have suggested use of a formula or scoring methodology to determine project priority. Given the limited number of projects noted in this

report, we have resisted establishing a scoring system leaving the prioritization to the IT Governance Group itself. Certainly there will be some give and take and competition for City funds during the budget process. This does not mean there should not be city criteria developed against which projects may be measured. Over time the city processes will mature and evolve.

Once again, a special thank you to those acknowledged in Appendix C for their time and assistance in compiling this report. Also, to the Executive Leadership Team for their time and feedback and to Adam Lincoln as well. A special thanks goes to Tes Ongoco for helping with all the mundane tasks necessary to complete an effort like this and to Tho Kraus for keeping me on schedule and taking on a technology leadership role in the absence of an IT Manager.

Note: The courts are not specifically noted below as they were interviewed directly by the Assistant City Manager – Administrative Services.

Appendix A

Program/Project*	Department Sponsor	Estimated Project Cost					
		2014	2015	2016	2017	2018	2019
<u>Projects</u>							
Messaging (E-mail) system refresh	Administrative Services	\$35,000					
Fiber Optic Connection to the Senior Center	Community & Economic Development	\$15,000					
Fiber Optic Connection to the Parks	Community & Economic Development	\$15,000					
Phone System Replacement	Administrative Services		\$240,000				
Council Chambers Technology Update/Records Management	Legal	\$10,000	\$106,000	\$100,000			
City Hall Paging System	Administrative Services	\$15,000					
Web Site Update/Redesign	Community & Economic Development	\$10,000	\$15,000				
Implement Two Factor Authentication for Police system access	Police Department	\$20,000					
Disaster Recovery Plan Development (IT)	Administrative Services	\$10,000					
Enterprise Contact Management Application	Community & Economic Development		\$25,000				
Install Wireless Wi-Fi Access Points/Cameras in city parks	Community & Economic Development		\$10,000				
Upgrade Data Storage Capacity	Administrative Services		\$110,000				
Redesign the City's Permit Process/Eden Web Extensions	Community & Economic Development		\$50,000	\$50,000			
Business Continuity Plan Development (IT)	Administrative Services		\$10,000				
Enterprise Maintenance Task Management (Work Order System)	City Manager			\$100,000			
Email Archiving	Administrative Services						
Establish a regional fiber optic working group	Community & Economic Development						
Work with local cable providers to establish P.E.G. fees	Legal						
Remote Wireless Access to the WO System	City Manager				\$25,000		
	<u>Project Totals</u>	<u>\$130,000</u>	<u>\$566,000</u>	<u>\$250,000</u>	<u>\$25,000</u>	<u>\$0</u>	<u>\$0</u>
<u>Annual Replacement/Update Projects</u>							
Annual Computer Replacement Program**	Administrative Services	\$364,000		\$76,000	\$135,000	\$135,000	\$135,000
Annual Network Update/Replacement Program	Administrative Services	\$7,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000
Annual Server Replacement Program	Administrative Services	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000
	<u>Annual Totals</u>	<u>\$383,000</u>	<u>\$24,000</u>	<u>\$100,000</u>	<u>\$159,000</u>	<u>\$159,000</u>	<u>\$159,000</u>
<u>Annual Maintenance Costs***</u>							
Security Software/Hardware	Administrative Services	\$41,317	\$41,317	\$41,317	\$41,317	\$41,317	\$41,317
Printer/Copier Lease/Rental Costs	Administrative Services	\$63,900	\$63,900	\$63,900	\$63,900	\$63,900	\$63,900
Annual Software Maintenance Agreements	Administrative Services	\$91,830	\$91,830	\$91,830	\$91,830	\$91,830	\$91,830
Annual hardware Maintenance Agreements	Administrative Services	\$48,747	\$48,747	\$48,747	\$48,747	\$48,747	\$48,747
	<u>Annual Totals</u>	<u>\$245,794</u>	<u>\$245,794</u>	<u>\$245,794</u>	<u>\$245,794</u>	<u>\$245,794</u>	<u>\$245,794</u>
	Plan Totals	\$758,794	\$835,794	\$595,794	\$429,794	\$404,794	\$404,794
*Projects are listed in order of priority							
**Average 72 computers p/year beginning in 2017							
***Currently included in the City's IT budget							

Appendix B

IT ANNUAL MAINTENANCE COSTS				
Description	Justification	Consequences	Total	Category
FTR Minutes Annual Maintenance	Hardware/software annual maintenance for FTR Minu	None	\$404.41	Software (Maintenance)
Juniper SSG-5 Firewall Maintenance			\$210.00	Hardware (Maintenance)
APC Symmetra PX UPS 20kva UPS	1-yr Advantage Ultra Services maintenance plan for our APC 20kva UPS		\$3,440.00	Hardware (Maintenance)
Autocad/Civil 3D	Autodesk license maintenance renewal	Public Works	\$7,400.00	Software (Maintenance)
Cisco SmartNET renewal	Software and Hardware maintenance	No technical support, hardware replacement, or software updates for network devices.	\$28,500.00	Hardware (Maintenance)
CrimeReports.org annual maintenance			\$4,099.00	Software (Maintenance)
Four-Year Advantage SSL Certificate Renewal	Maintenance for our three SSL certificates for four years: (1) apps.cityoflakewood.us; (2) www.cityoflakewood.us; (3) webmail.cityoflakewood.us	Certificates will become invalid and users will be prompted to accept certificate for www and webmail, but apps (Citrix) will no longer be accessible at all.	\$2,607.00	
VMware Support/Subscription	Production Maintenance Support Coverage for VMware vCenter and vSphere 4	No technical support or upgrades/patches for our VMware environment.	\$4,081.82	Software (Maintenance)
Microsoft Payment 3-yr LIC/SA	Cost of 2 proc WinSvr Data Ctr + 1 proc upg from SvrEnt purchased 6/11 to cover VMWare hosts. Allowed unlimited number of Windows Svr VMs. Office and other products. SA due 6/2014		\$2,702.00	Software (Maintenance)
Checkpoint Premium Support	Premium Software Subscription for Checkpoint Firewall	Firewall/IPS will have no software support	\$11,000.00	Software (Maintenance)
F-Prot Antivirus	Annual maintenance for antivirus software for the mail proxy.	One more line of defense	\$1,099.00	Software (Maintenance)
Metroscan maintenance	Corelogic. Used by CSRT team. See D. Bugher		\$2,500.00	Software (Maintenance)
NetMotion maintenance	Police vpn software		\$6,305.00	Software (Maintenance)
Overland Storage Tape Drive	Repair costs and time may exceed acceptable rate.		\$2,738.13	Hardware (Maintenance)
IA Pro/Blue Team Software maintenance	CI Technologies. PSS software.		\$1,969.20	Software (Maintenance)
Tyler Technologies	Eden Financial Accounting Suite		\$50,410.00	Software (Maintenance)
Skills Manager maintenance	LPD. Crown Pointe Technologies maintenance due 12/1/xx		\$750.00	Software (Maintenance)

Enterprise Vault Maintenance	Maintenance		\$4,500.00	Software (Maintenance)
Forensic Tool Kit Standalone Software Support	FTK Software Maintenance and Support for Darin Sale		\$840.00	Software (Maintenance)
CaseWare Working Papers	maintenance	Finance	\$2,500.00	Software (Maintenance)
Annual Vimeo Subscription	Host for City's video streaming	No City streaming videos	\$59.95	Software (Maintenance)
KIP Maintenance Agreement	Public Works KIP printer and toner service agreement	The Wide Format Company	\$1,224.00	Hardware (Maintenance)
Symantec Backup Exec	maintenance		\$1,582.09	Software (Maintenance)
Telephone accounting software	annual maintenance agreement		\$998.00	Software (Maintenance)
Websense Web Filtering	36-month renewal for Web Security (350 Users); 36-month renewal for Remote Filtering (50 Users)	No Web Filtering	\$15,000.00	Software (Maintenance)
ESRI Annual Maintenance	GIS Software	Product updates.	\$7,550.00	Software (Maintenance)
ManagerPlus Software Maintenance	maintenance - Jeff Alwine/Fleet software + 1 license 5/15/12		\$859.20	Software (Maintenance)
CBT Nuggets Streaming Subscription	Annual maintenance for our CBT Nuggets online training subscription		\$1,200.00	Software (Maintenance)
Symantec Backup Exec	Backup application maintenance		\$2,200.00	Software (Maintenance)
Citrix XenApp Subscription Advantage and Software Maintenance	Maintenance for our Citrix environment.	No upgrades or technical support.	\$2,885.00	Software (Maintenance)
Safari Books Online	IT reference		\$517.34	Software (Maintenance)
EMC	SAN disk storage support.		\$14,585.00	Hardware (Maintenance)
Livescan	Fingerprint software		\$1,278.00	Software (Maintenance)
Symantec Endpoint Protection	Maintenance on anti-virus		\$6,000.00	Software (Maintenance)
Domain Names	Website URL's		\$100.00	Software (Maintenance)
MailChimp	Unlimited Bulk E-mail		\$656.00	Software (Maintenance)
Symantec Ghost Solution Suite	maintenance agreement	Renewal ID: RNW940621480	\$682.50	Software (Maintenance)

Appendix C

Plan Interview List

NAME	POSITION	DAY	TIME
Tyler Wells	Network Administrator	12.23.13	09:00
David Tilman	IT Engineer	12.23.13	10:00
Tyler Miller	IT Engineer – Web	12.23.13	11:00
Jaime Everitt	IT Specialist 1	12.23.13	12:30
Troy Schlepp	G.I.S. Specialist	12.23.13	01:30
Julie Skaw	NIS Senior Engineer	01.03.14	08:00
John Caulfield	City Manager	01.07.14	09:00
Ellie Chambers-Grady Becky Newton	Economic Development Manager Economic Development Specialist	01.13.14	09:00
Scott Williams Amanda Richardson	Parks Manager Parks Coordinator	01.13.14	10:00
Assistant Chief Mike Zaro Lt. Chris Lawler Joanna Nichols	Assistant Police Chief Criminal Investigations/PIO Administrative Assistant	01.13.14	11:00
Tim Nash	Engineering Technician	01.14.14	01:00
Heidi Wachter Briana Schumacher	City Attorney Administrative Assistant	01.14.14	02:00
Alice Bush	City Clerk	01.14.14	03:00
Brent Champaco	Communications Manager	01.16.14	10:00
David Bugher	Assistant City Manager – Development Services	01.16.14	11:00

Appendix D

CITY OF LAKEWOOD

TECHNOLOGY PROJECT CHARTER

Project Title:

The project name should explain what the project is expected to achieve.

Prepared by:

Date:

Version:

Background to the Project:

Set out where you are now (as is), where the project will be taking you (to be) and what the benefits of the project will be. Make sure there is a clear understanding of what the project is about and that all interested parties share the same aims and objectives. All too often people either do not know why the project is being initiated or have a conflicting idea as to what the required outcome is.

Identify Key Project Personnel and Responsibilities:

Identify the key people involved and their roles in your project. List the project proposer, sponsor(s) and team members. Is the Division/Department(s) supportive of this project? You must have an executive sponsor for the project to move forward. Determine members of your team and clearly defined areas of responsibility. The team should include outside vendors when appropriate. The project manager should be the project sponsor. Spell out how the project will be controlled Identify reporting procedures and the frequency of updates. If people involved in your project are aware that regular updates are required they will hopefully be aware of the need to avoid disappointing the Project Manager.

Holding regular meetings to review progress with a consistent agenda should also promote adherence to the targets in the plan.

Brainstorm/Broad-Brush your Project:

Don't feel you have to create the perfect plan from the outset, start by thinking about what is involved in your project as it occurs to you. This process will help define the broad shape and boundaries of your project, what is and importantly is not included in your project. Involve all team members in this process. A good method is to use post-it notes on butcher paper. This method allows team members to easily post and move the various elements of the project.

Aims & Objectives:

Set out exactly what it is that the project is aiming to achieve. The more precise and specific you are the more likely you are to achieve the end result. Having measurable results is also important; there is a truism that if something cannot be measured it cannot be controlled.

Budget:

Identify costs associated with internal resources (City Staff), new equipment, consulting, vendor support etc. Determine the ongoing (yearly) costs. Are implementation and ongoing costs acceptable to management? When creating a budget: consider which items are "nice to have" rather than "must have's" and edit the schedule accordingly.

Criteria of Success:

How exactly will you know that your project has been a success, spell it out. Like a journey you will know when you have arrived.

Consequences of Failure:

Focusing people on what the downside is may reinforce the need to achieve the objectives of the project. We live and work in a fast paced and ever changing world, just standing still is not good enough. If you don't respond quickly to change it is likely your competitors will, consigning you and your business to second place or even worse.

Assumptions:

Just because things are obvious or apparent to you does not mean others think in the same way or perceive the situation from the same viewpoint as you. If there are any assumptions in your plan clearly define them, that way there can be no confusion or breakdown in communication. If things go unsaid they can go unnoticed.

Constraints:

What factors limit or impact upon your project and your planning. Clearly identify all factors impacting on your plans and the steps you have taken to accommodate them.

Risk Analysis:

What risks are there to your project? List them out and consider their probability and potential impact upon your plans. How would you know when a risk had arisen, back track to try and identify the warning signs and then monitor them closely.

Contingency plans:

Your plan should go according to schedule but if it does not what are you going to do?

Project Documentation:

Identify the documents relating to your project and where they are kept. Typical documents would include:

- Project Charter
- Project Plan – GANTT Chart
- Method Statement
- Risk Analysis
- Contingency Plans
- Budget
- Meeting Minutes
- Quality Plan
- Specification
- Project Contact Directory - a list of participants complete with contact details

Some project practitioners advocate there being a central location for the storage of documents relating to the project so that all relevant information is grouped together and accessible to those with an interest in the project.

Identify Key Dates and Tasks in the Project:

- Identify Milestone events and dates
- Clearly assign tasks to team members
- Detail any key decision points and their deadlines

Project Control:

Spell out how you intend to monitor and control your project. Identify reporting procedures and the frequency of updates. If people involved in your project are aware that regular updates are required they will hopefully be aware of the need to avoid disappointing the Project Manager.

Holding regular meetings to review progress with a consistent agenda should also promote adherence to the targets in the plan.



To: Mayor and City Councilmembers

From: Tho Kraus, Assistant City Manager/Finance & Administrative Services

Through: John J. Caulfield, City Manager *John J. Caulfield*

Date: April 28, 2014

Subject: Ordinance Update – Imprest funds

The City utilizes several imprest funds during its day-to-day activities. Some of the money makes up the petty cash accounts, part of it is the starting funds for cash register tills, and some is used in police special investigations. While portions of the various funds have been established in the Lakewood Municipal Code (including the petty cash funds recently adopted via Ordinance No. 576 on December 16, 2013) the Code needs to be updated to reflect current operational needs.

The proposed ordinance is essentially housekeeping in nature, updating the LMC to reflect the various imprest funds currently utilized, and consolidating the petty cash section (3.16) and change accounts section (3.40) into one section entitled *Imprest Funds*. It also establishes the main guidelines for operating and maintaining the various funds.

Below is a chart outlining the various imprest accounts and their purposes:

Description	Purpose	Amount	Note
Petty Cash - Police	Expenditure Refunds	\$ 1,000	
Petty Cash - Finance	Expenditure Refunds	\$ 1,000	
Cash - Jury Payment	Payments to Jurors & Witnesses	\$ 1,300	
Change Fund - Finance	Cash Register	\$ 800	Split between 2 tills.
Change Fund - Municipal Court	Cash Register	\$ 600	
Change Fund - Community & Economic Development	Cash Register	\$ 500	Split between 3 tills.
Change Fund - City Manager	Cash Register	\$ 500	Split between 2 tills.
Change Fund - Parks Senior Center	Cash Register	\$ 50	
Change Fund - Police	Cash Register	\$ 400	Split between 2 tills.
Subtotal - General Fund		\$ 6,150	
Cash - Police General Investigation Funds	Drug Buy Funds	\$ 12,000	
Cash - Police Special Investigation Funds	Drug Buy Funds	\$ 5,000	
Subtotal - Special Revenue Funds		\$ 17,000	
Total - All Funds		\$ 23,150	

ORDINANCE NO. ____

AN ORDINANCE of the City Council of the City of Lakewood, Washington, creating Sections 3.40.003, 3.40.005, 3.40.007, 3.40.050, 3.40.060, 3.40.070, 3.40.080, 3.40.090, 3.40.100 Lakewood Municipal Code (LMC); amending Sections 3.40.010, 3.40.020, 3.40.030 and 3.40.040 LMC; recodifying LMC 3.16.010 as LMC , 3.40.110; and repealing Chapter 3.16 LMC; relative to imprest funds and petty cash.

WHEREAS, the City of Lakewood has established several petty cash and change (collectively, “imprest”) funds, and some of those funds are currently codified in Chapter 3.16 and Chapter 3.40 of the Lakewood Municipal Code; and

WHEREAS, increases or decreases to the imprest fund must be adopted by the City Council; and

WHEREAS, the City Council desires to increase the permissible amount of some of those funds, to memorialize some of those funds which have been used, and to internally segregate their contents to include separate cash accounts for both petty cash and other payments; and

WHEREAS, the initiation of additional cashiering locations requires that additional amounts of cash be made available for making change; and

WHEREAS, authorizing the City Manager to promulgate administrative rules regarding imprest funds will facilitate the orderly and efficient administration thereof; and

WHEREAS, organizing those funds within one chapter of the Lakewood Municipal Code promotes orderly organization.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON DO ORDAIN as follows:

Section 1. Chapter 3.40 of the Lakewood Municipal Code is renamed from “Change Accounts” to “Imprest Funds” and amended to read as follows:

Chapter 3.40
~~Change Accounts~~
Imprest Funds

Sections:

- 3.40.003 Imprest Funds – In General
- 3.40.005 Fund Amounts
- 3.40.007 Administration
- 3.40.010 City of Lakewood General Change Account

- 3.40.020 Lakewood Municipal Court Change Account
- 3.40.030 City of Lakewood Community Development Change Account
- 3.40.040 City of Lakewood Parks Change Account
- 3.40.050 City Manager Change Account
- 3.40.060 Police Department – Police Change Account
- 3.40.070 Police Department – Petty Police General Investigations
- 3.40.080 Police Department – Police Special Investigations
- 3.40.090 Municipal Court Jury and Witness Fee Account
- 3.40.110 General Fund Petty Cash Established

Section 2. A new Section 3.40.003 Lakewood Municipal Code entitled “Imprest Funds – In General,” is created to read as follows:

Employees designated in accordance with rules and regulations established by the City Manager may have access to petty cash, working, or revolving funds for such purposes as making change, paying postage and small purchases only to the extent that specific imprest funds are established by ordinance.

Section 3. A new Section 3.40.005 Lakewood Municipal Code, entitled “Fund Amounts” is created to read as follows:

A. The amount of any imprest fund shall not exceed the amount fixed by the City Council.

B. The City Manager may increase, subject to subsection (A) of this section, or decrease the amount in an imprest fund from time to time.

C. All funds under this chapter shall be established by issuance of a check drawn upon the funds of the City and cash in the accounts shall be maintained by the City Manager or designee. The Accounts shall be replenished upon approval of vouchers by the City Council in accordance with usual policy and procedure.

Section 4. A new Section 3.40.007 Lakewood Municipal Code, entitled “Administration,” is created to read as follows:

The Assistant City Manager for Finance & Administrative Services or designee may establish in writing rules and regulations regarding disbursement, replenishment, accounting and use of imprest funds.

Section 5. Section 3.40.010 of the Lakewood Municipal Code entitled “City of Lakewood Finance Department Change Account,” is retitled as “Finance & Administrative Services Department Change Account,” and amended to read as follows:

There is ~~hereby~~ established an account to be known as the City of Lakewood General Finance & Administrative Services Department Change Account in an amount not to exceed ~~four eight~~ hundred dollars (\$~~4800.00~~). ~~The Account shall be established by issuance of a check drawn upon the general fund and cash in the account shall be maintained by the City Manager or designee. The Account shall be replenished upon approval of vouchers by the City Council in accordance with usual policy and procedure.~~

Section 6. Section 3.40.020 of the Lakewood Municipal Code entitled “Lakewood Municipal Court Change Account,” is amended to read as follows:

There is ~~hereby~~ established an account to be known as the Municipal Court Change Account in an amount not to exceed ~~four six~~ hundred dollars (\$~~4600.00~~). ~~The Account shall be established by issuance of a warrant or check drawn upon the general fund and cash in the account shall be maintained by the City Manager or designee. The Account shall be replenished upon approval of vouchers by the City Council in accordance with usual policy and procedure.~~

Section 7. Section 3.40.030 of the Lakewood Municipal Code entitled “City of Lakewood Community Development Change Account,” is retitled as “Community & Economic Development Change Account,” and amended to read as follows:

There is ~~hereby~~ established ~~two an~~ accounts to be known as the City of Lakewood Community & Economic Development Change Accounts, ~~each~~ in an amount not to exceed ~~Four Five~~ Hundred Dollars (\$~~4500.00~~). ~~The accounts shall be established by issuance of a check drawn upon the General Fund, and cash in the account shall be maintained by the City Manager or designee.~~

Section 8. Section 3.40.040 of the Lakewood Municipal Code entitled “City of Lakewood Parks Change Account,” is retitled, “Parks, recreation & Community Services Change Account,” and amended to read as follows:

There is ~~hereby~~ established an account to be known as the City of Lakewood Parks, Recreation & Community Services Change Account in an amount not to exceed ~~one hundred seventy five~~ fifty dollars (\$~~17550.00~~). ~~The Account shall be established by issuance of a check drawn upon the general fund and cash in the account shall be maintained by the City Manager or designee. The Account shall be replenished upon approval of vouchers by the City Council in accordance with usual policy and procedure.~~

Section 9. A new Section 3.40.050 Lakewood Municipal Code entitled, “City Manager Change Account” is created to read as follows:

There is established an account to be known as the City of Lakewood City Manager Change Account in an amount not to exceed five hundred dollars (\$500.00).

Section 10. A new Section 3.40.060 Lakewood Municipal Code entitled, “Police Department Change Account” is created to read as follows:

There is established an account to be known as the City of Lakewood Police Department Change Account in an amount not to exceed four hundred dollars (\$400.00).

Section 11. A new Section 3.40.070 Lakewood Municipal Code entitled, “Police Department – Police General Investigations” is created to read as follows:

There is established a police department special investigative imprest fund to be known as the City of Lakewood Police Department – Police General Investigations Account, in an amount not to exceed twelve thousand dollars (\$12,000.00).

Section 12. A new Section 3.40.080 Lakewood Municipal Code entitled, “Police Department – Police Special Investigations” is created to read as follows:

There is established a police department special investigative imprest fund to be known as the City of Lakewood Police Department – Police Special Investigations Account in an amount not to exceed five thousand dollars (\$5,000.00).

Section 13. A new Section 3.40.090 Lakewood Municipal Code entitled “Municipal Court Jury and Witness Fee Account” is created to read as follows:

There is established a Municipal Court imprest fund to be known as the City of Lakewood Municipal Court Jury and Witness Fee Account in an amount not to exceed one thousand three hundred dollars (\$1,300.00).

Section 14. Section 3.16.010 Lakewood Municipal Code is re-codified and added as a new Section 3.40.110 LMC entitled, “General Fund Petty Cash Established” to read as follows:

The City Manager or designee is hereby authorized to establish a General Fund Petty Cash Account in such amount as the City Manager may from time to time, in writing, determine necessary for the efficient handling of the purposes for which the fund is established but not to exceed \$3,000.00, provided that a maximum of \$1,000.00 shall be available at any physical location. This fund is established for the purpose of making minor authorized disbursements and the making of change. The fund shall be administered by the Assistant City Manger for Finance and Adminstrative Services or designee, in accordance with regulations providing for such lawful administration.

Section 15. Chapter 3.16 of the Lakewood Municipal Code is repealed in its entirety.

Section 16. 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 of any other section, sentence, clause, or phrase of this ordinance.

Section 17. Effective Date. This ordinance shall take place thirty (30) days after its publication or publication of a summary of its intent and contents.

ADOPTED by the City Council this ____ day of _____, 2014.

CITY OF LAKEWOOD

Don Anderson, Mayor

Attest:

Alice M. Bush, MMC, City Clerk

Approved as to Form:

Heidi A. Wachter City Attorney

DRAFT



To: Mayor and City Councilmembers
From: Don Wickstrom, Public Works Director
Through: John J. Caulfield, City Manager *John J. Caulfield*
Date: April 22, 2014
Subject: Title 12A Public Works Code Amendments

Background

Title 12A Public Works was adopted by the City Council in 2009. It combined two previous code sections – Title 12 Streets, Sidewalks and Public Thoroughfares, and Chapter 17.46 Site Development Regulations – with the intention of clearing up a number of deficiencies in those codes. The previous codes had changed little since City incorporation in 1996. Much of the old code was pulled together from neighboring jurisdictions.

With regular use of the new code since 2009 it is apparent there are a number of changes needed to Title 12A to improve it further. This ordinance is intended to correct errors and add limited new language to do just that.

Sample of Proposed Changes

Many of the proposed changes correct code section references or typographical errors.

Others changes are somewhat more substantial. Section 12A.4.070 addresses Oversize Load Permits. The RCW listed only covered maximum weight. The corrected RCW reference covers vehicle size, weight, and load, which is consistent with our permit requirements.

Section 12A.9.031, which addresses street frontage improvements related to development projects, proposes to add the language “unless otherwise required by the City Engineer” to two sub-sections. There have been circumstances with development where having the added leeway of this language gives the City the ability to require or not require street frontage improvements. The code was revised in 2009 so frontage improvements are not normally

required for two lot subdivisions. This was because short sections of sidewalks were being proposed or constructed in areas where other sidewalks did not exist and may never be built. However, from time to time we may want sidewalks built because the subdivided property is along a road that has sidewalks planned for the future; or there may be existing sidewalks adjacent to the property to tie into.

The first paragraph of Section 12A.11.060 C. Permissible Discharges is proposed to be rewritten. The current language is written in a way that makes it seem that the permissible discharges listed in the second paragraph are in fact prohibited and illegal. The new paragraph makes it clear that the noted discharges are permissible unless they cause water pollution.

The draft ordinance is attached.

ORDINANCE NO. _____

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending sections 12A.1.020, 12A.4.030, 12A.4.040, 12A.4.070, 12A.9.026, 12A.9.031, 12A.10.080, 12A.11.060, 12A.12.040, 12A.12.080, 12A.12.140, 12A.12.150, 12A.12.170 12A.12.180, and 12A.13.080.

WHEREAS, in 2009 the City of Lakewood adopted Ordinance No. 501 which enacted Title 12A of the Lakewood Municipal Code, the City's Public Works Code, which repealed and reenacted a number of provisions which were previously codified in former Title 12 LMC; and,

WHEREAS in the course of the recodification process, a number of cross-references to the new Title 12A were omitted; and

WHEREAS, several other changes should have been made which reflects current processes;

WHEREAS it is desirable that Title 12A LMC maintain internal consistency;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON DO ORDAIN as follows:

Section 1. Section 12A.1.020 of the Lakewood Municipal Code currently titled "Purpose" is amended to read as follows:

These regulations establish criteria for review and analysis by the City Engineer, and/or the designee thereof, of all development proposals including, but not limited to the following: grading, formal subdivision, short subdivision, ~~large lot division~~, commercial building, binding site plans, mobile home parks, utility or other work within City right of way, or other projects. All development proposals, whether public or private, which are submitted to the City for review, shall conform to these regulations, which are to be used as the basis for review, design, and construction.

These regulations cannot address all situations. They are intended to assist, but not to substitute for professional engineers to submit competent work. It is expected that the applicant's professional engineer will bring to each project the best of his/her skills and abilities to ensure that each project is thoroughly analyzed and designed correctly, accurately, and in compliance with generally accepted engineering practices. These regulations are not intended to unreasonably limit any innovative or creative effort in design and construction which could result in better quality, cost savings, or improved performance of a development project.

The purpose of these regulations is to ensure that minimum public safety requirements are met and to provide the most effective and appropriate design elements for the

function each project serves. The appropriate design elements should address safety, welfare, appearance, and economics of a facility design and be consistent with City Comprehensive Plan policies.

These regulations are based on the premise that development should not impact adjacent and/or downstream property owners compared to the predevelopment condition. The project engineer shall show by calculations, plans, and engineering data that the proposed project meets the requirements of these regulations.

It is not the intent of these regulations to make the City of Lakewood a guarantor or protector of public or private property in regard to land development activity.

Section 2. Section 12A.4.030 of the Lakewood Municipal Code currently titled “Major Variance Procedures” is amended to read as follows:

Proposed variances that do not meet the deviation criteria shall be subject to the Major Variance process as described in LMC 18A.~~2~~10.

Section 3. Section 12A.4.040 of the Lakewood Municipal Code currently titled as “Site Development Permit” is amended to read as follows:

No person, party, firm, corporation, or entity shall do any grading, filling, cutting and clearing, excavating, or ditching, or create an impervious surface, unless the work is in accordance with a valid permit from the City issued pursuant to the provisions of these regulations. Each site shall require a separate permit. Applications for site development permits shall be made on forms that the City provides and will be considered incomplete unless submitted with all fees indicated in the City’s fee schedule.

All forested land within the City of Lakewood is designated “likely to be converted”, or is to be preserved in its natural state as greenbelts, parks, or open space. Therefore, only Class IV Department of Natural Resources permits shall be issued within the city limits. All DNR permits will require an additional City permit. The City Engineer may require the posting of security to assure compliance with requirements of this permit, which may include but are not limited to provisions for minimizing off-site soil erosion, noise disturbance, and fire danger. The City permit will not be issued until a development plan has been approved, and the applicant has demonstrated that he/she has the financial resources to proceed with the development project. Any cutting or removal of timber without a permit will be subject to the penalties outlined in this code.

Short plats, ~~large lots~~, formal plats, mobile home parks, and other development projects that indicate new roads to be developed are required to obtain a permit. The permit issuance, payment of fees, and plan review shall be completed prior to plat approval or issuance of building permits.

Section 4. Section 12A.4.070 of the Lakewood Municipal Code currently titled as “Oversize Load Permits” is amended to read as follows:

All vehicles in excess of the legal size, weight or size, or load limitations according to RCW 46.44.041 (~~Washington State Vehicle Table~~) shall obtain an oversize load permit prior to operating on Lakewood streets.

For applicants transporting the same oversize / overweight load on both a state highway and city streets, the applicant shall:

- 1) Obtain and fill out City of Lakewood oversize load permit application available from the Public Works Department. Note route through City streets, date, and approximate time of travel.
- 2) Attach WSDOT Special Motor Vehicle Oversize / Overweight Permit.
- 3) Pay permit fee.

For applicants transporting an oversized / overweight load on only eCity streets, the applicant shall:

- 1) Obtain and fill out City of Lakewood oversize load permit application available from the Public Works Department. Note route through City streets, date, and approximate time of travel.
- 2) Pay permit fee.

Allow for two (2) business days to process the permit.

Section 5. Section 12A.9.026 of the Lakewood Municipal Code currently titled as “Minimum Street Standards” is amended to read as follows:

See the Engineering Standards Manual, current edition, for street details.
space

Pavement for all city streets shall meet the requirements outlined in the Engineering Standards Manual and shall be designed by a professional engineer registered in the State of Washington. In some cases the City Engineer may elect to waive the requirements for a design report provided the roadway is designed to a minimum pavement section as outlined in the ESM.

Section 6. Section 12A.9.031 of the Lakewood Municipal Code currently titled as “Street Frontage Improvements” is amended to read as follows:

- A) When Required. Street frontage improvements are required for the following development projects:
1. New Construction. The installation of street frontage improvements is required prior to issuance of a certificate of occupancy for all new construction

projects except two or fewer single family houses (when constructed concurrently on adjacent existing lots) or one duplex, unless otherwise required by the City Engineer.

2. New Subdivisions and Short Plats. The installation of street frontage improvements is required prior to final plat approval for subdivisions and short plats which create two (2) or more additional/new lots, unless otherwise required by the City Engineer.

3. Additions, Alterations, or Tenant Improvements - Special Provisions Apply. Street frontage improvements shall be constructed as part of all additions, alterations or tenant improvements if one (1) of the following conditions ~~are~~is met:

a. The proposed addition, alteration or tenant improvement will generate an increase in traffic exceeding 12 additional/new vehicular trips per day as determined by the latest edition of the Institute of Transportation Engineers (ITE) manual.

b. The proposed addition, alteration or tenant improvement is considered a change of use which intensifies the use of the site or significantly alters the traffic circulation within the site.

c. The proposed addition, alteration or tenant improvement will create a traffic safety concern or exacerbate a known traffic safety concern in surrounding project vicinity.

d. The proposed addition, alteration or tenant improvement will redevelop the property (remove/demolish existing buildings, parking areas and improvements on-site and construct new buildings, parking areas and improvements within the property).

B) Scope of Improvements. Street frontage improvements shall be installed along the entire frontage of the property, to the centerline of the street, or if a multi-lane street, the affected lane, at the sole cost of the applicant as directed by the City Engineer. The City Engineer may permit modification of street improvement standards where the required street improvements are not, in the opinion of the City Engineer, roughly proportionate to the impact, type, scale and cost of the proposed development action.

1. Street frontage improvements may include the following: curb, gutter, sidewalk, storm drainage, street lighting, traffic signal equipment, utility installation or relocation, landscaping strip, street trees and landscaping, irrigation, street widening, pavement overlay or reconstruction, and channelization.

2. In addition to required frontage improvements, the applicant shall provide ramps from the new sidewalk or walkway to the existing shoulder, across streets

and pavement and channelization tapering back to the existing pavement and channelization as required to address safety concerns.

3. Frontage Improvement Pavement Requirements

a. Half-street pavement reconstruction shall be required when: the existing pavement rating is at or below 40, based on the City of Lakewood Pavement Management System; crown slope is greater than 3 percent; is light bituminous pavement; and/or was built with no base structure. Pavement coring and/or subsurface investigation shall be required to determine base condition.

b. Half-street asphalt overlay (2-inch minimum) shall be required when the existing pavement rating is at or below 60 based on the City of Lakewood Pavement Management System. Pre-leveling and/or grinding may be required to create a uniform 2 percent crown slope.

c. Minimum frontage improvement pavement requirements shall be a patch per City Standard Plans AND one lane grind / inlay (2-inch minimum).

d. See the Engineering Standards Manual for additional requirements.

C) Deferral of Improvements. When the City has plans for an improvement project, or an area is deemed not essential to the city sidewalk system, or for other similar reasons, the City Engineer may determine that street frontage improvements cannot or should not be constructed at the time of building construction or subdivision, and may allow improvements to be deferred. In these instances, the property owner shall, prior to issuance of the building permit or site development permit, at the direction of the City Engineer:

1. Pay to the City an amount equal to the property owner's cost of installing the required improvements prior to issuance of a building permit. The property owner shall provide documentation satisfactory to the City Engineer that establishes the cost of the materials, labor, quantities; or
2. Record an agreement which provides for these improvements to be installed by the property owner by a date acceptable to the City Engineer; or
3. Record an agreement to not protest a local improvement district to improve the street frontage.

Note: In the case of Item a1 above, the City shall be required to use the money collected in accordance with RCW 82.02.020 and identify to the owner which streets the money collected will be used to improve.

D) Corner Lots. In the case of corner lots or other development sites fronting more than one right-of-way, should the impact of the development be such that street system improvements would not be required on all rights-of-way fronting the development site, street system improvements shall be constructed on the right-of-way or rights-of-way selected by the City Engineer.

E) The City Engineer may require the applicant to deed to the City, in accordance with Section 12A.05.060, additional right-of-way as necessary from the property under consideration to create a right-of-way width which complies with state statutes, City ordinances, and/or any other statutes, ordinances, or regulations as a means of mitigating any impact the project may have on the City street system.

Section 7. Section 12A.10.080 of the Lakewood Municipal Code currently titled as “Exemptions From Site Development Permits” is amended to read as follows:

Subject to the requirements of International Building Code appendix “J,” the following work is exempt from the requirements of these regulations.

A) Construction or maintenance of public roads or flood control projects when done by a public agency sponsoring the project has completed a SEPA Checklist, if required, has been approved by the City, and the work is in existing public right-of-way or easement dedicated to or owned by the City of Lakewood.

B) The import or disturbance of not more than a total of 25 cubic yards of material, throughout the life of a development from its existing condition, except in sensitive areas; import or disturbance placed within 25 feet of a drainage course, pothole, or floodplain; and for road construction.

C) Cutting and Clearing and/or grubbing of a parcel of land or portion thereof less than 5,000 square feet except in sensitive areas.

D) The stockpiling or broadcasting of less than 500 cubic yards of topsoil, peat, sawdust, mulch, bark, chips or solid nutrients on a lot, tract, or parcel of land, per year except in floodplains and except in sensitive areas.

E) The installation of utilities in accordance with a valid City permit, well drilling activities, installation of sanitary drain fields, or excavation for soil logs.

F) Emergency sandbagging, diking, ditching, filling or similar work during or after periods of extreme weather conditions when done to protect life or property.

G) The excavation or filling required to accommodate only the footprint of a proposed single family residential structure in preparation for the proposed structure.

Section 7. Section 12A.11.030 of the Lakewood Municipal Code currently titled as “Development Proposal Requirements” is amended to read as follows:

A drainage review and approval is required when any development proposal is subject to a City permit. All proposals for development or redevelopment, whether public or private, which are submitted to the City for review and approval, shall conform to these Requirements which are to be used as the basis for review and approval of design and construction.

Development projects that capture and infiltrate all stormwater on site are also subject to these regulations, since these projects contribute to groundwater and have a probability of contributing stormwater to the City stormwater system in the event the design capacity is exceeded; or the system is compromised or fails.

Not all of the minimum requirements apply to every development or redevelopment project. The applicability varies depending on the type and size of the project. The flow charts in Figures 11.1 and 11.2 shall be used to determine which of the Minimum Requirements apply.

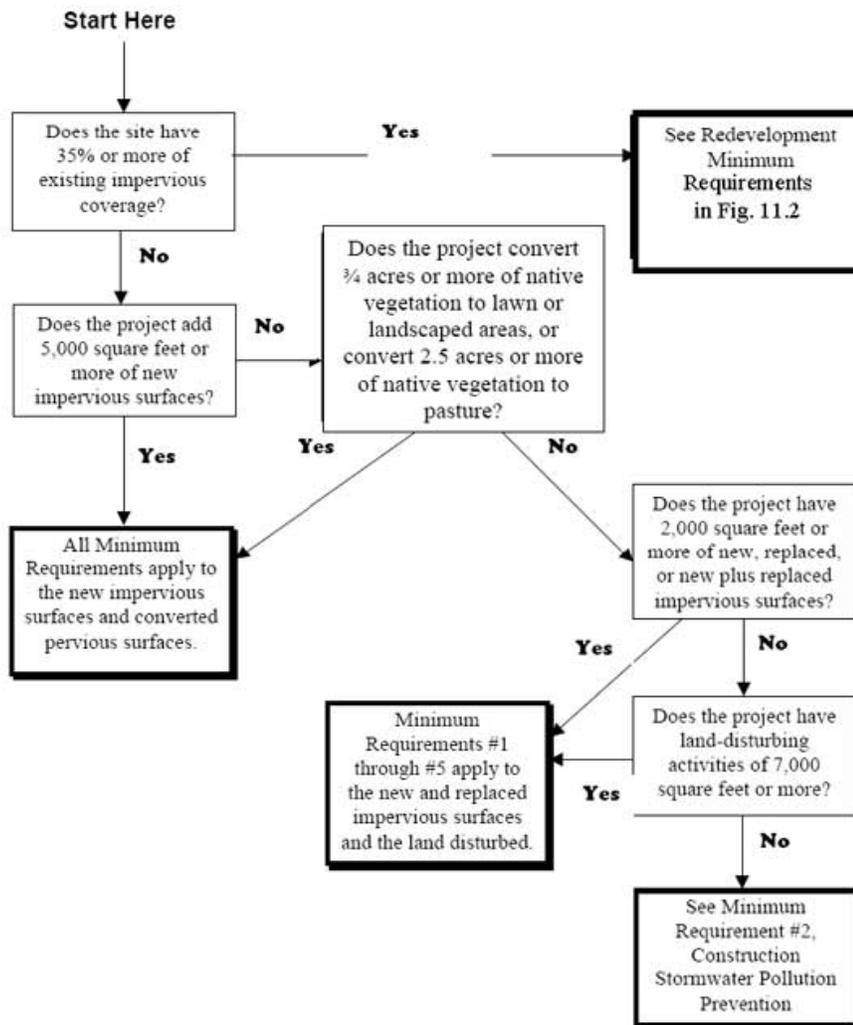


Figure 11.1: Flow Chart for Determining Requirements for New Development

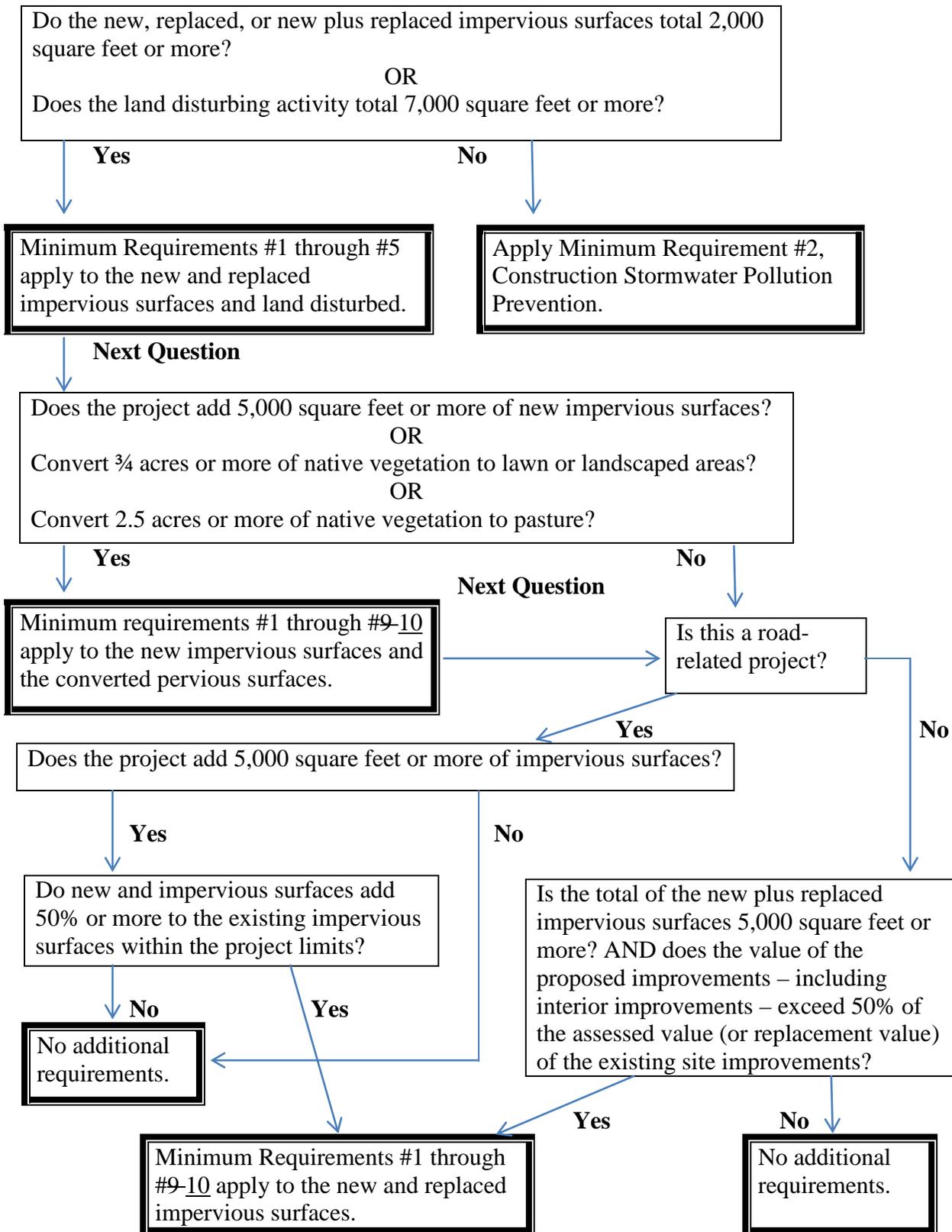


Figure 11.2: Flow Chart for Determining Requirements for Redevelopment

Section 8. Section 12A.11.060 of the Lakewood Municipal Code currently titled as “Illicit Discharge” is amended to read as follows:

A. Prohibited Discharges. It is unlawful for any individual, person, firm or corporation to discharge into the public storm drainage system directly or indirectly any liquid or solid foreign substances of biodegradable or other nature which may cause or tend to cause water pollution, including but not limited to the following items:

1. Petroleum and automotive products including but not limited to oil, gasoline, diesel fuel, grease, fuel oil and heating oil, antifreeze or other automotive products;
2. Trash, waste and debris including but not limited to food waste, garbage, pet wastes, sanitary sewage, bark and other fibrous material, lawn clippings, leaves or branches, animal carcasses, silt, sand, dirt or rock;
3. Chemicals, paints, paint chips, steam cleaning wastes, laundry wastes, soaps, pesticides, herbicides or fertilizers, degreasers and/or solvents, acids or alkalis, or dyes;
4. Heated water, chlorinated water or chlorine;
5. Construction materials including waste from washing of fresh concrete for cleaning and/or finishing purposes or to expose aggregates, mortar, gypsum, paint, or any other building materials.

B. Discharging of the following non-stormwater into the public storm drainage system directly or indirectly is illegal unless the stated conditions are met:

1. Discharges from potable water sources that have not been dechlorinated, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity controlled to prevent re-suspension of sediments in the City drainage system;
2. Dechlorinated swimming pool discharges. The discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenized if necessary, volumetrically and velocity controlled to prevent re-suspension of sediments in the City drainage system. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the City drainage system;

3. Street and sidewalk wash water, water used to control dust, and routine external building wash down water at active construction sites. Street sweeping must be performed prior to washing the street;

4. Discharges shall be in compliance with the requirements of the stormwater pollution prevention plan reviewed by the City, which addresses control of construction site de-watering discharges.

C. Permissible Discharges. ~~The City Engineer, or the designee thereof, may determine that the following types of discharges, whether singly or in combination with others, is a significant source of water pollution and therefore prohibited and illegal:~~ Discharges from the sources listed below shall only be considered illicit discharges if the City Engineer, or designee thereof, determines that the type of discharge, whether singly or in combination with others, is a significant source of water pollution:

Natural uncontaminated groundwater; uncontaminated air conditioning condensation; natural springs; uncontaminated water from crawl space pumps; irrigation runoff from agricultural sources that is comingled with urban stormwater; discharges in compliance with an NPDES permit; and discharges from approved footing drains and foundation drains.

D. Exemption. Discharges resulting directly from public firefighting activities, but not from such as the maintenance or cleaning of firefighting equipment, are exempt from regulation under this section.

E. Enforcement. The City Engineer, or the designee thereof or enforcement inspector or official, is authorized to enforce the regulations of this section through the following process or procedure:

1. Notice to Correct Violation. Whenever the code enforcement official or other authorized enforcement official, or his/her designee, determines that a violation of this section is occurring or has occurred, a written notice may be issued to correct the violation, with such notice being posted upon the property or delivered to the to the property owner(s) and/or tenant(s) and/or to any person(s) causing or allowing or participating in the violation.

2. Service of Notice. Such notice shall be served by posting the property, personally serving a copy of the notice upon a party responsible for the property, or by certified mail to the property owner or taxpayer of record for the property.

3. Notices pursuant to this section shall be in writing, shall state the specific violation to be remedied, the location of the violation, and the property owner and/or persons responsible for the property.

4. The code enforcement officer or inspecting official shall require the violation to be corrected within one to fifteen (15) working days from the issuance of the notice to correct. The length of time to correct shall be determined, in the sole discretion of the code enforcement official or other authorized enforcement official, or his/her designee, by the scope of violation, the history of prior violations by the same persons and/or at the same location and method needed to correct violation. All violations, in any event, shall be corrected expeditiously.

5. Failure to remedy a violation of this section after proper service of a Notice to Correct is a misdemeanor crime, punishable by up to ninety (90) days in jail, a \$1,000 fine or any combination thereof.

6. Public Nuisance. Violations of this section are public nuisances and may be abated by the City. LMC 12A.02.050 Public Nuisance.

Section 9. Section 12A.12.040 of the Lakewood Municipal Code currently titled as “Petition For Vacation” is amended to read as follows:

The petition shall be in a form prescribed by the City Manager or designee and shall contain a name, address and telephone number of a representative for the petitioners. The petition shall also discuss the criteria set forth in Section ~~12A.12.20.120~~120 of this Chapter. The sufficiency of the petition shall be governed by RCW 35A.01.040.

Section 10. Section 12A.12.080 of the Lakewood Municipal Code currently titled as “Staff Report” is amended to read as follows:

The City Manager or designee shall prepare a report concerning the proposed vacation, which report shall address the criteria (see Section ~~12A.12.20.120~~120) to be considered by the City Council in determining whether to vacate the street or alley, and such other information as deemed appropriate by the City Manager or designee. In preparing the report, the City Manager or designee shall solicit comments from Law Enforcement, Public Works and other departments of the City, and may solicit comments from other governmental agencies and utility service providers operating within the boundaries of the City, including Fire Districts. The report shall be submitted to the City Council, or the City Council committee hearing the matter, and to the representative of the petitioners, not less than five days before the hearing.

Section 11. Section 12A.12.140 of the Lakewood Municipal Code currently titled as “Requirements Prior To Resolution Regarding Vacation Of Streets Abutting Bodies Of Water” is amended to read as follows:

Before adopting a Resolution vacating a street or alley under subsection ~~12A.12.20.130~~130(B) above, the City shall complete the following:

A. Compile an inventory of all rights of way within the city that abut the same body of water that is abutted by the street or alley sought to be vacated;

B. Conduct a study to determine if the street or alley to be vacated is suitable for use by the City for any of the following purposes: Port, boat moorage, launching sites, beach or water access, park, public view, recreation, or education.

C. Hold a public hearing on the proposed vacation in the manner required by this ordinance, where in addition to the normal requirements for publishing notice, notice of the public hearing is posted conspicuously on the street or alley sought to be vacated, which posted notice indicates that the area is public access, is proposed to be vacated, and that anyone objecting to the proposed vacation should attend the public hearing or send a letter to a particular designated official indicating his or her objection; and

D. Make a finding that the street or alley sought to be vacated is not suitable for any of the purposes listed under B. of LMC section 12A.12~~20~~.140, and that the vacation is in the public interest.

E. No vacation shall be effective until the fair market value has been paid for the street or alley that is vacated. Moneys received from the vacation may be used by the City only for acquiring additional beach or water access, acquiring additional public view sites to a body of water, or acquiring additional moorage or launching sites.

Section 12. Section 12A.12.150 of the Lakewood Municipal Code currently titled as “Vacation By Ordinance” is amended to read as follows:

If the City Council determines to grant the vacation, the action shall be made by Ordinance in conformance with 12A.12~~20~~.120 and with such conditions or limitations as the City Council deems necessary and proper to preserve any desired public use or benefit. The ordinance may contain a provision retaining or requiring conveyance of easements for construction, repair and maintenance of existing and future utilities and services.

Section 13. Section 12A.12.170 of the Lakewood Municipal Code currently titled as “Appraisals” is amended to read as follows:

A. The City Manager or designee shall determine the appraised value of the area vacated based on an appraisal from a state-certified real estate appraiser who has an MAI or SRA designation from the Appraisal Institute. To obtain such appraisal, the City Manager or designee shall present to the representatives of the petitioners a list of three such certified and designated appraisers from which the representatives of the petitioners shall select one appraiser. The petitioner shall pay for the appraisal if the City Manager or designee is not satisfied with the appraisal, the City Manager or designee may order a second appraisal from a state-certified real estate appraiser who has an MAI or SRA designation from the Appraisal Institute. The City shall pay for the second appraisal.

B. The City Manager or designee shall use the appraisal having the highest value for the area vacated. The City Manager or designee shall determine the fair market value or full appraisal value of the real property proposed to be granted or dedicated to the City in lieu of cash payment under 12A.1220.120 of this Chapter in accordance with the appraisal procedure of this Section. A of this ~~12.20.170~~ Section.

Section 14. Section 12A.12.180 of the Lakewood Municipal Code currently titled as “Payment Of Compensation Of Conveyance” is amended to read as follows:

After determining the appraisal of the value of the street or alley to be vacated, pursuant to 12A.1220.030 of this Chapter, the City Manager or designee shall notify the representatives of the petitioners of the amount of compensation. The payment shall be delivered to the City Manager or designee who, upon receipt of the payment, shall transmit it to the City Finance Department for deposit in the street fund and shall make a written report of the payment to the City Council. If the petitioner has been authorized to deliver an instrument granting or dedicating to the City a parcel or parcels of land in lieu of cash payment, as contemplated in 12A.1220.160~~150~~ of this Chapter, the City Manager or designee, at the petitioner's expense, may obtain either a policy of title insurance insuring title of the property in the City, or a certificate of title as to the title insurance insuring title of the property in the City, or a certificate of title as to the title thereof, and upon receipt of such policy or certificate, shall transmit it to the City Council.

Section 15. 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 of any other section, sentence, clause, or phrase of this ordinance.

Section 16. Effective Date. This ordinance shall take place thirty (30) days after its publication or publication of a summary of its intent and contents.

ADOPTED by the City Council this ____ day of May, 2014.

CITY OF LAKEWOOD

Don Anderson, Mayor

Attest:

Alice M. Bush, MMC, City Clerk

Approved as to Form:

Heidi A. Wachter City Attorney



TO: MAYOR AND CITY COUNCIL MEMBERS
FROM: DON E. WICKSTROM, PUBLIC WORKS DIRECTOR
THRU: JOHN J. CAULFIELD, CITY MANAGER *John J. Caulfield*
DATE: APRIL 22, 2014
SUBJECT: TILLICUM / WOODBROOK SEWER CONNECTIONS
AVAILABILITY FEE DELINQUENCIES AND
ORDERS TO CONNECT – UPDATE

Chapter 12A.15 of the Lakewood Municipal Code (LMC) establishes “a system of regulations intended to cause property owners within the City of Lakewood to connect to public sanitary sewers as currently constructed or as may be constructed in the future.” LMC 12A.15.010.

In this memorandum, a discussion of the tools available to the City to address sewer connectivity. One of the more controversial tools, the sewer lien is addressed. Then, future anticipated challenges, together with a discussion of needed changes to the Code are discussed.

The Chapter 12A.15 LMC Framework.

Chapter 12A.15 LMC contains a multi-step process for addressing sewer connectivity:

1. Filing and Recording of Notice of Availability. A Notice of Availability (NOA) shall be provided to a property owner when it is determined that sewer is available to a property. LMC 12A.15.030. The NOA must be served as designated by ordinance and recorded with the Pierce County Auditor.

2. Mandatory Sewer Hookup. No later than ninety (90) days after service and recording of a Notice of Availability, the owner of each lot or parcel of real property with

sanitary sewer service available shall connect all appropriate structures to the sanitary sewer system. LMC 12A.15.040(B). Failure to comply with this requirement within this time shall subject the property owner to payment of an Availability Charge and the possibility of future orders directing mandatory connection.

3. Requests for Deferral of Connection. A property owner has the right to request a deferral of mandatory connection for up to eight years after the date a NOA was recorded against the property. LMC 12A.15.090-.100. The request is made to the City Manager (or designee) and is required to consider a number of economic factors which are set forth in the Code.

4. Requests for Reduction. In 2012, the Code was amended to allow for multi-family properties with more than ten (10) units or mobile home parks to seek a one-time deferral of the Availability Charge.

As an aside, under state law, the City cannot force a mobile home park to either connect to the City sewer nor may it force the park to pay the availability charge or other similar types of charges associated with available but unused sewer service, until the mobile home park connects to the sewer service. *See*, RCW 35.67.370. Only if the health department determines that the on-site septic system is failing, may the City require the mobile home park to connect to the sewer.

5. Appeals. A property owner may seek reconsideration of a determination that a public sewer system is available to their property by making a written request to the City Manager. The City Manager, or the designee thereof, shall respond to such a written request for reconsideration in a timely manner after such a request is received.

Any decision thereafter is subject by review to the City’s Hearing Examiner under the development code.

6. Violations. The Code also proscribes that the failure to connect may be punishable as an infraction, carrying a \$500.00 per day fine. In addition, certain violations may also constitute public nuisances which may be abated and the carrying on of a nuisance is also a criminal offense.

7. Orders to Connect. Immediate connection to the sewer is required upon property sale, property development / redevelopment, or septic system failure. At present time, the city has issued “orders to connect” strictly for property sales. Current redevelopment activity has voluntarily connected to the available sewer.

Table 1: Order to Connect Statistics (as of April 15, 2014)

Description	#
Orders to Connect Issued	13
Ordered properties - connected	11
Ordered properties in process of connecting	0
Order to connect given less than 90 days ago	0

Order to connect given over 90 days ago	2
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There are two properties that currently have not complied with the order to connect. One of these properties obtained a Site Specific Sewer Information Letter from Pierce County Sewer in January but has yet to apply for connection permits. A new mailing address was obtained through Pierce County Assessor’s records for the other property, and additional correspondence was recently mailed to that address. Current code provides some options to compel connections. None have been applied to date.

Availability Charges

Pursuant to RCW 35.67.190, the City has the right to compel all property owners within the area covered by the sewer system to connect to the City system. This statute allows the City to enact a penalty for the failure to do so. The penalty may be an amount equal to the charge that would be made for sewer service if the property was connected to such system. All penalties collected shall be considered revenue of the system. This amount is referred to as the “Availability Charge,” and is enforceable by a statutory lien, and upon the failure to timely pay, resort to a civil lawsuit to foreclose the property to satisfy the lien.

Within the Woodbrook/Tillicum area there are 352 parcels that are subject to the City’s sewer availability charge. Those parcels represent in total 882 Residential Equivalents (REs) which is the unit of measure associated with the City’s monthly sewer availability fee.

Last August there were 96 properties connected totaling 229 REs. To date, as noted in Table 2 below, there are 112 properties totaling 331 REs of which 56 REs are currently pending. Once these pending 56 REs are connected (41.24 REs thereof are presently under construction) the city will have met its low flow obligation (320 REs) under the 2011 County/City Low Flow Sewer System Operation and Maintenance agreement and thus the County will then be solely responsible for the Woodbrook/Tillicum sanitary sewer system.

With regard to the connections most of them that have been made have been paid for by the property owners. Approximately 20 connections have been funded via city loans financed either from cash on hand within the original sewer project fund or via a Community Development Block Grant. As a result \$500,000 in Public Works Trust Fund loan funding is still available for side sewer connection loans.

Table 2: Connections Made or In Progress as of April 15, 2014

Location	# of Subject Properties Connected or in Progress	# of Residential Equivalents (REs)
Tillicum (Portland, Union, Spruce, Berkeley, Grant (portion))	100	192.80
Woodbrook Ph. 1 (146 th (portion), Spring, 150 th (portion))	2	43.04

Woodbrook Ph. 2 (146 th (portion))	7	83.68
Washington Ave (portion) (extension by Habitat for Humanity)	3	11.96
TOTALS	112	331.48

For those individuals who do not hook up to the City sewer, the following legal framework governs:

1. Liens Upon Failure to Pay. All unpaid charges, including interest and penalties shall serve as a lien upon the property. By statute, the City can exercise a lien for delinquent and unpaid rates and charges for sewer service and connection charges, including interest. The lien is “superior to all other liens and encumbrances except general taxes and local and special assessments.” RCW 36.67.200. The lien “shall be effective for a total of not to exceed six months' delinquent charges without the necessity of any writing or recording. In order to make such lien effective for more than six months,” the City is required to record a lien in conformity with statute. RCW 36.67.210.

2. Foreclosure of Lien. An action to foreclose a recorded sewer lien shall be commenced two years from the date of filing of the lien. RCW 35.67.230. An action to foreclose a six months' lien may be commenced at any time after six months subsequent to the furnishing of the sewerage service for which payment has not been made. The lien is foreclosed via a lawsuit filed in superior court. RCW 35.67.220. Interest is capped at 8%. RCW 35.67.250. Reasonable attorney fees are available to the prevailing party. Upon entry of judgment, the property may be sold. Post-sale, the property owner has one year to redeem the property. RCW 35.67.260.

3. The City’s Collection Process. To-date, the City has filed one lawsuit to foreclose a sewer lien of approximately \$12,000.00. This suit resulted in the City’s full lien amount being satisfied. Most cases have not reached this level. On a periodic basis, letters are sent to both the property owners and the mortgage holders (recall, the lien is on par with general taxes and thus, prevails over the interests of mortgage holder). These efforts have been generally fruitful.

Current steps in the fee collection process are as follows:

- 1) Accounts aged 60 days: Letter is mailed to the property owner informing him/her that in 30 days, a lien will be filed against the property for the outstanding availability fees.
- 2) Accounts aged 90 days: Lien is filed against the property for outstanding availability fees. Letter is mailed to mortgage holder informing of lien.
- 3) Payment of outstanding fees: Upon payment of outstanding sewer availability fees, the City removes the property lien. The code was modified to pass on the costs for the lien removal, however, additional modifications would be required in order to collect the initial lien filing fee.
- 4) Non-payment of outstanding fees: The lien is “open ended” and allows the fees to continue to be added to the lien total. The City has 2 years from the initial lien filing to take additional action such as foreclosure.

Table 3: Sewer Availability Fees (as of April 15, 2014)

Total # Accounts 3/31/14	Total sewer fees invoiced per month 3/31/14	Total Sewer Fees Collected To date
165	\$24,545.40	\$597,694.72

Table 4: Sewer Availability Fees – Delinquent Accounts (as of April 15, 2014)**

Total # Delinquent Accounts	Total # Delinquent Owners*	Total Delinquent Fees
42	40	\$41,383.48

*multiple accounts on same property with same owner.

**delinquent is an account receivable over 30 days old.

Table 5: Sewer Availability Fees – Aging Report & Liens (as of April 15, 2014)

AR Current days	AR 30-60 days	AR 61-90 days	AR 91 days and over	Current # of Liens
\$22,747.01	\$1,730.75	\$1,616.79	\$35,615.51	28

Summary

Last August total delinquencies amounted to \$84,638.30 with \$48,940.85 over 90 days. Presently total delinquencies amount to \$41,383.48 with \$35,615.51 over 90 days. The majority of this reduction in delinquency is from a legal dispute resulting in removal of charges against an apartment complex in the Woodbrook neighborhood. Today, 6 properties represent 60.78% or \$25,152.31 of the total delinquent amount. One of these, a 132 unit multi-family complex, accounts for 35.3% or \$14,610.84 of the total and is a carryover from August. The owner of this property had then arranged to pay down past due charges on a monthly basis but was irregular with payments. They have since resumed payments.

With regard to the lien balance, the end of the 2 year lien period is approaching. Liens can be refiled for another 2 year period on top of the original 2 year term if filed before the original expires. The original lien will be set back to 6 months if it expires before the 2 year renewal is filed. The net result would be that the city loses 1 ½ years' worth of charges accumulated under the original lien.

We will continue to pursue connection of both properties that have been ordered to connect and have not. We expect to see application for sewer connection permits in the near future for the one property that has obtained the Site Specific Sewer Information Letter. With regard to the other property an updated mailing address was obtained for same and correspondence has been sent.

Recommended Code Changes

Based on the City's experience in administering the sewer program, a series of changes to chapter 12A.15 LMC are appropriate. Two proposed changes to City Code are as follows:

1. Provide for an up-front process to challenge whether sewer is “available.” Under the current Code, a property owner may seek reconsideration after the notice of availability is filed. But, there is no time limit on when this challenge may be made. Thus, the request may come a significant period of time after the property has been liened. Therefore, a change is recommended to provide a process for affected property owners to appeal within a set time after the recording of the NOA (between 30-60 days) to the City’s Hearing Examiner.

The benefits of implementing this process are as follows. First, the failure to timely appeal this determination should bar relitigation of the “availability” issue should the City take action to foreclose the liens or direct a property owner to hook up to the sewer. Second, by structuring the process in this manner, liability for attorney fees can be avoided. As noted above, the prevailing party in a lien foreclosure action is entitled to an award of reasonable attorney fees. If the issue is administratively resolved without litigation and if the City is incorrect, the City faces no fee exposure. Third, employee time and costs are conserved. Because the lien must be recorded to preserve the availability charges for more than a six-month period, if it is administratively determined that sewer is not “available,” there will be no need to expect employee time or recording costs.

2. Redefine When Sewer is “Available.” One complex has identified a possible loophole in the Code, whereby one “project,” would be subdivided into multiple legal parcels. The current Code contemplates that each residential or commercial operation takes place on one parcel of land. A recommended Code amendment would provide that, in the instance of contiguous properties, it should be clarified that if multiple contiguous properties share a common ownership or operate a common business, if any one property meets the definition of “available,” then sewer is available to all such properties.

Ordinance No. _____

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Section 12A.15.020 Lakewood Municipal Code (LMC), amending and retitling Section 12A.15.140 LMC, creating a new sections 12A.15.025 and 12A.15.170 LMC, relative to sanitary sewer connections.

WHEREAS, on or about March 21, 2011, the City Council adopted Ordinance 530 establishing a new Chapter of the Lakewood Municipal Code related to public sanitary sewer systems; and,

WHEREAS, under Section 12A.15.020 LMC, the City assesses a sewer “availability charge” for the privilege of being able to connect to the sewer system in order to offset the costs of operating a low-flow sewerage system, providing for the flushing, treatment, maintenance, operation, potential expansion and other costs related to the provision of sanitary sewer systems within the City of Lakewood; and,

WHEREAS the current Code provides for challenges to these “availability charges,” such appeals may be filed a considerable time after liens have been recorded; and

WHEREAS, a revised definition of determining when sewer is “available,” to a property is desirable,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON DO ORDAIN as follows:

Section 1: Section 12A.15.020 LMC entitled “Definitions,” is amended to read as follows:

"Available" means a property which meets the requirements of LMC 12A.15.025~~the existence of a gravity flow sanitary sewer main in part or whole within city right of way that immediately abuts any portion of a property or a private or public utility easement. A private utility easement will be considered for purposes of availability only if it allows for construction and connection to sanitary sewers.~~

"Availability Charge" means a sum of money charged or assessed against a property or property owner when such property has sanitary sewers available to it but the property is

not connected to a sanitary sewer. The availability charge shall be in an amount equal to the base monthly sewer rate and applicable surcharges and fees that would be charged against the property, or a similar property or land use, if the property were connected to an available sanitary sewer system.

"Building Sewer" means a sewer line extending from the structure's plumbing facilities to the sewer main.

"City Manager" means the City of Lakewood City Manager or such other duly authorized representative or designee as the City Manager may so authorize to act or ensure the enforcement of this Chapter. The City Manager may designate a City official or an official from the public sanitary sewer purveyor to act upon, implement or enforce any portion of this Chapter.

"Interim On-site Septic System" means an existing on-site septic tank system of sewerage in use upon a property when the public sanitary sewer system is available to the property or property owner.

"Sewage" means waste discharged from the plumbing facilities of structures.

"Sewer Main" means a public sewer system pipe designed for and used to transport sewage and to which a building sewer can connect. The term "sewer main" excludes building sewers.

"Structure" means any building, manufactured home, or enclosure that contains or should contain plumbing facilities for the disposal of sewage.

Section 2: A new section 12A.15.025 entitled, "Determination of Availability," is created to read as follows:

A. Sewer service shall be deemed available to a property if a gravity flow sanitary sewer immediately abuts any portion of a property or a private or public utility easement. A private utility easement will be considered for purposes of availability only if it allows for construction and connection to sanitary sewers;

B. When contiguous properties are either (i) owned in whole or part by the same owner or (ii) are governed by the same business license, sewer service shall be deemed available to all properties if any one property satisfies any condition in subpart A.

Section 3: Section 12A.15.140 LMC entitled "Reconsideration and Appeals," is retitled to "Appeals," and amended to read as follows:

A. A property owner may ~~seek reconsideration of appeal~~ a determination that a public sewer system is available to their property or any other decision or order issued pursuant to the authority provided by this chapter, as set forth in this section. by making a written request to the City Manager. The City Manager, or the designee thereof, shall

~~respond to such a written request for reconsideration in a timely manner after such a request is received. Determinations of the City Manager, or designee, as to whether the public sanitary sewer system is available to a property shall be made in writing and shall constitute an order, which order may be appealed subject to the provisions set forth herein.~~

B. The following timeframes shall control the filing of the notice of appeal:

1. For a determination that sewer service is available, the notice of appeal shall be filed within the latter of forty-five (45) days after service of a notice of availability or service of a notice of lien.

2. For all other matters, the notice of appeal shall be filed within fourteen (14) days of service of the determination.

C. The notice of appeal shall be filed with the City Clerk and contain the following: (1) be conspicuously identified as a notice of appeal; (2) set forth a brief statement setting forth the legal interest of the appellants; (3) the specific order or action protested, together with any material facts claimed to support the contentions of the appellants; (4) the relief sought, and reasons why it is claimed, and why the protested action or notice and order should be reversed, modified or otherwise set aside; (5) the signatures of all persons named as appellants, and their official mailing addresses; (6) The verification (by declaration under penalty of perjury) of each appellant as to the truth of the matters stated in the appeal. No fee shall be required for the filing of the notice of appeal.

D. As soon as practicable after receiving the written appeal, the City Clerk shall fix a date, time, and place for the hearing of the appeal by the Hearing Examiner. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing by the City Clerk, by mailing a copy addressed to each appellant at his or her address shown on the notice of appeal.

E. At the hearing, the appellant or appellants shall be entitled to appear in person, and to be represented by counsel and to offer such evidence as may be pertinent and material to the denial or to the notice and order. The technical rules of evidence need not apply.

F. Only those matters or issues specifically raised by the appellant or appellants in the written notice of appeal shall be considered in the hearing of the appeal.

G. Within ten (10) business days following conclusion of the hearing, the Hearing Examiner shall make written findings of fact and conclusions of law, supported by the record, and a decision which may affirm, modify, or overrule the denial or order of the City, and may further impose terms and conditions regarding hook-up to the City sewer.

H. Excepting those instances where, by law, a different time period applies, a decision by the Hearing Examiner under this Chapter shall be final and conclusive unless within

twenty-one (21) days from the date of the decision, a party makes application to a court of competent jurisdiction for appropriate relief.

I. If the matter on appeal is a determination that a public sewer system is available to a property, upon the timely filing of a notice of appeal and pending adjudication by the Hearing Examiner, the City shall not undertake efforts to enforce or collect availability charges imposed under this chapter.

J. This section shall not apply to actions governed by LMC 12A.15.130.

~~B. Any person or entity aggrieved by any decision or order of the City Manager, or the designee thereof, under this Chapter, except a decision to seek redress in the courts through either civil or criminal remedies, may appeal to the City of Lakewood Hearing Examiner pursuant to the provisions of LMC 18A.02.740. Such an appeal will be considered an appeal of a process administrative action as defined in LMC 18A.02.540. Such appeal must be made in writing, served upon the City Clerk of the City and must be accompanied by the Hearing Examiner Fee in the amount specified in the City's Fee Schedule.~~

Section 4. A new Section 12A.15.170 entitled “Chapter to be Liberally Construed,” is created to read as follows:

The provisions of this chapter are to be liberally construed in favor of connection to public sanitary sewers as currently constructed or as may be constructed in the future.

Section 5. 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 of any other section, sentence, clause, or phrase of this ordinance.

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Section 6. Effective Date. This ordinance shall take place thirty (30) days after its publication or publication of a summary of its intent and contents.

ADOPTED by the City Council this ____ day of _____, 2014.

CITY OF LAKEWOOD

Don Anderson, Mayor

Attest:

Alice M. Bush, MMC, City Clerk

Approved as to Form:

Heidi A. Wachter City Attorney



To: Mayor and City Council

From: Dave Bugher, ACM/Community Development
Heidi Ann Wachter, City Attorney

Via: John J. Caulfield, City Manager 

Date: April 24, 2014

Subject: Recommendation to Review Code Revision Options

The Community and Economic Development Department, which is responsible for licensing and enforcement, asked the Legal Department to review City Code related to business activity within the City which does not constitute a General Business.

Current Code addresses such businesses under a wide variety of headings – private sales, garage sales, second hand sales, junk sales and others. This is the result of successive licensing and enforcement challenges which were addressed in an isolated fashion as perceived needs arose. After several years of addressing these challenges in isolation, the Code is a patchwork subject to misinterpretation.

In terms of impact to the City, in 2012 and 2013, the City, through our Community & Economic Development Department, processed 1,814 and 1,496 temporary business licenses, respectively. There is an ebb and flow to the demand for temporary business licenses which climbs as high as 239 monthly for swap meets in peak season, many of which come through City Hall on Friday afternoons.

Applicants for general business licenses tend to be versed in traditional general business practices including some familiarity with typical municipal expectations such as inspection and licensing fees. By contrast, those seeking temporary business licenses tend to be less experienced with normal business practice and present an extra demand on City resources, including language translation, marshalling issues ranging from managing small children through to domestic violence occurring at the permit counter, and attempts to sell wares to City employees at the permit counter. The process cannot run as smoothly with applicants having so little experience with professional business processes.

We are starting with a proposal to consolidate all forms of business which do not arise to a General Business under the heading of Temporary Business and license accordingly. Current Code does not sufficiently distinguish between private sales and secondhand or junk sales, each of which are subject to a different license rate. Using instead the overall category of Temporary Business and assigning an appropriate license fee reduces the likelihood that

businesses are treated inequitably (for example the second hand dealer who pays \$150 versus the second hand dealer who presents as a private sale and pays nothing).

This proposal generated a conversation regarding what the City is trying to accomplish. Essentially, temporary businesses burden City resources in any number of ways. For example, each time a new Temporary Business sets up shop, city staff must confirm that the shop is in compliance with all relevant building and safety codes. Because there is such a wide variety of type of business which would use this license, a revised code would implement one category (hence no “cracks” to fall between) supplemented by a strong purpose statement to reference in the course of Code interpretation.

In the interest of clarity, the existing Code Chapter 5.12 would be amended to address only Pawnshops and a new Chapter created to specifically address Temporary businesses.

Under the new Chapter, all Temporary businesses would be required to obtain license and registration, would be required to take place on private property and any structure used would be subject to approval by the building official and fire inspector. Instead of regulating garage sales as the current Code does, exempt such sales from the license requirement within certain limits.

Once licensed, vendors would be required to make the temporary business premises available for inspection for compliance with both the City Code and the license granted, including confirmation that sales occurring comply with the sales described in the application for license. This would allow the City to more proactively enforce legal sales within the City.

There are some areas we continue to study, such as proper licensing for the actual “flea market” as opposed to the vendors who conduct temporary business there, proper attention to issues of public safety and conditions which amount to public nuisance. These issues may result in additional proposed changes to the Code. We are also considering related revisions caused by Code changes in this chapter, the fee schedule being one example.