

Kelso City Council Agenda

Regular Meeting, 6:00 pm
July 15, 2014
City Hall, Council Chambers
203 South Pacific
Kelso, WA 98626



Special accommodations for the handicapped and hearing impaired are available by special arrangement through the City Clerk's Office at 360-423-0900

Invocation:

Pastor Marvin Kasemeier, New Song Worship Center

Roll Call to Council Members:

1. Approve Minutes:

1.1. July 1, 2014 – Regular Meeting

2. Presentation:

2.1. FCS Group – Utility Rate Study

3. Consent Items:

- 3.1. Contract Award – 2014 CHAP Street Overlay and Water Main Replacement, North Kelso Avenue
- 3.2. Auditing of Accounts

4. Citizen Business:

5. Council Business:

- 5.1. Aldercrest Property Status Update
- 5.2. Longview Public Development Authority – Hotel/Sports Complex Feasibility Studies
- 5.3. Lobbying Professional Services Agreement – Gordon Thomas Honeywell Governmental Affairs

6. Action/Motion Items:

- 6.1. Ordinance, 2nd Reading
 - 6.1.1. Emergency Shelter, Low Barrier, and Transitional Housing Zoning Code Amendment (KMC 17.08, 17.15, 17.30)

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6.2. Resolution

6.2.1. Council Rules Amendment

Other Items:

- City Manager Report
- Staff/Dept Head Reports
- Council Reports
- Other Business
- Executive Session

Pastor Mark Schmutz, Northlake Baptist Church, gave the invocation. Deputy Mayor Dan Myers led the flag salute. The Regular Meeting of the Kelso City Council was called to order by Deputy Mayor Myers. Councilmembers in attendance were: Myers, Archer, Schimmel, Franklin, Roberson, and McDaniel. Councilmember Futcher was absent.

Minutes: Upon motion by Councilmember Schimmel, seconded by Councilmember Archer, 'Approve the Minutes of the 06/17/14 Regular Meeting,' motion carried, all voting yes.

CONSENT AGENDA:

1. **Appointment:** Firemen Pension Board – Sid Cole (Alternate)

Upon motion by Councilmember Roberson, seconded by Councilmember Franklin, 'Approve the Consent Agenda,' motion carried, all voting yes.

COUNCIL BUSINESS:

Emergency Shelter, Low Barrier, and Transitional Housing Zoning Code

Amendment (KMC 17.08, 17.15, 17.30) Discussion: City Manager Steve Taylor provided an update of the three proposed zoning amendments as recommended by the Planning Commission and as recommended by the Staff. Planning Commission Chairman Rick Von Rock commented on the Planning Commission's recommendations. Lengthy discussion followed. Citizens who spoke from the audience were as follows:

- Caleb Luther, 567 24th Avenue, Longview
- Vanessa Plink, 1015 South 6th Avenue, Kelso
- Adena Grigsby, 1109 South 3rd Avenue, Kelso (provided a signed petition)
- Paul Lopez, 1014 South 4th Avenue, Kelso
- Kim Lopez, 1014 South 4th Avenue, Kelso
- Wallace Hall, 1101 South 3rd Avenue
- Marilee Hertig, 1048 Carroll Road, Kelso
- Ryan Rasmussen, 1105 North 7th Avenue, Kelso
- Katie Le Blanc, 1518 Commerce Avenue, Longview
- Amanda Rasmussen, 1105 North 7th Avenue, Kelso

Mr. Taylor facilitated the discussion to obtain the Council's consensus for modification recommendations to the proposed amendments. The discussion proceeded as follows:

- **Industrial Zone**
Upon motion by Councilmember Schimmel, seconded by Councilmember McDaniel, 'Remove all of the uses out of the Industrial Zone.' Motion passed, all voting yes.

- **Transitional Housing**

Upon motion by Councilmember Schimmel, seconded by Councilmember McDaniel, 'Keep Administrative Use for the Transitional Housing serving less than 10 clients in the Residential Single-family, Residential Multifamily, and Commercial Town Center Zones.' Councilmembers Myers, Archer, Schimmel, Roberson, and McDaniel voted yes. Councilmember Franklin voted no. Motion passed, 5 to 1.

Upon motion by Councilmember Franklin, seconded by Councilmember McDaniel, 'Keep the remaining staff recommendations relating to the Transitional Housing serving 10 or more clients in the Residential Multifamily, Commercial Town Center, Commercial West Kelso, and Commercial Specialty Retail Zones.' Councilmembers Myers, Franklin, McDaniel, and Roberson voted yes. Councilmembers Archer and Schimmel voted no. Motion passed, 4 to 2.

Upon motion by Councilmember Schimmel, seconded by Councilmember McDaniel, 'Classify Transitional Housing serving 10 or more clients under Conditional Use.' Councilmembers McDaniel, Myers, Schimmel, and Roberson voted yes. Councilmembers Archer and Franklin voted no. Motion passed, 4 to 2.

- **Emergency Shelters**

Upon motion by Councilmember Franklin, seconded by Councilmember Schimmel, 'Allow Emergency Shelters in the Commercial Town Center, Commercial West Kelso, and Commercial Specialty Retail Zones.' Councilmembers Franklin, Myers, and Schimmel voted yes. Councilmembers McDaniel, Archer, and Roberson voted no. Motion failed.

Upon motion by Councilmember Schimmel, seconded by Councilmember Roberson, 'Allow Emergency Shelters in the Commercial Town Center and Commercial West Kelso Zones.' Councilmembers McDaniel, Myers, Franklin, Roberson, and Schimmel voted yes. Councilmember Archer voted no. Motion passed, 5 to 1.

Upon motion by Councilmember McDaniel, seconded by Councilmember Schimmel, 'Classify Emergency Shelters under Conditional Use.' Councilmembers Myers, Schimmel, Franklin, McDaniel, and Roberson voted yes. Councilmember Archer voted no. Motion passed, 5 to 1.

- **Urban Rest Stops**

Upon motion by Councilmember Schimmel, seconded by Councilmember McDaniel, 'Allow Urban Rest Stops in the Commercial Town Center and the Commercial West Kelso Zones.' Discussion followed. Councilmembers Myers, McDaniel, Schimmel, and Roberson voted yes. Councilmembers Franklin and Archer voted no. Motion passed, 4 to 2.

Upon motion by Councilmember Schimmel, seconded by Councilmember Roberson, 'Classify Urban Rest Stops under Conditional Use.' Councilmembers Roberson, Schimmel, Franklin, Myers, and McDaniel voted yes. Councilmember Archer voted no. Motion passed, 5 to 1.

▪ **Definitions**

Upon motion by Councilmember Franklin, seconded by Councilmember McDaniel, 'Use the language as recommended by the Staff relating to Alcohol and Drug Use on the premises,' Councilmembers McDaniel, Roberson, Myers, and Franklin voted yes. Councilmembers Schimmel and Archer voted no. Motion passed, 4 to 2.

MOTION ITEMS:

Ordinance No. 14-3827 – Columbia and Cowlitz Railway Franchise Agreement:

The Deputy Clerk read the proposed ordinance by title only. Upon motion by Councilmember McDaniel, seconded by Councilmember Schimmel, 'Adopt Ordinance No. 14-3827, 'AN ORDINANCE GRANTING TO COLUMBIA & COWLITZ RAILWAY, LLC, ITS SUCCESSORS AND ASSIGNS, FOR A PERIOD OF TWENTY (20) YEARS, THE RIGHT AND FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE A RAILWAY WITHIN CERTAIN DESCRIBED LIMITS OF THE CITY OF KELSO.' Motion passed, all voting yes.

MANAGER'S REPORT:

Steve Taylor: Announced that the City of Kelso was a recipient of the 2014 AWC Well City Award. He commented that this is the 4th year in a row that the City has received this award.

STAFF REPORTS:

Finance Director Brian Butterfield: Provided a report on the exit conference with the State Auditors. He commented that the City received a clean audit opinion.

Community Development Director/City Engineer Mike Kardas: Provided an update on the West Main Realignment Project.

Library Manager Cindy Donaldson: Provided a report on the Summer Reading Program.

Chief of Police Andrew Hamilton: Commented that there have been some complaints related to fireworks recently. He commented that the police are always busier when the weather is warm.

COUNCIL REPORTS:

Rick Roberson: Reported on the AWC Conference.

Gary Schimmel: No report.

Todd McDaniel: No report.

Gary Archer: Reported on the AWC Conference.

Jared Franklin: He commented that he toured the water treatment plant.

Dan Myers: Provided an update on the Cowlitz Wahkiakum Council of Governments.

There being no further business, Deputy Mayor Myers adjourned the meeting at 8:11p.m.

DEPUTY MAYOR

CITY CLERK

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE: Utility Rate Study
Presentation – FCS Group

Agenda Item: _____

Dept. of Origin: _____ City Council _____

For Agenda of: _____ July 15, 2014 _____

Originator: _____ Steve Taylor _____

PRESENTED BY:

Gordon Wilson, FCS Group

City Attorney: Janean Parker

City Manager: Steve Taylor

Agenda Item Attachments:

SUMMARY STATEMENT:

The City engaged FCS Group in 2013 to conduct a cost of service-based rate study for Kelso's Water, Sewer, and Drainage (Stormwater) utilities. Gordon Wilson, representing the consulting firm, will provide an indepth presentation on the recommended rate structure and adjustments for the utilities.

The areas covered by the study included:

- Evaluating financial policies
- Developing a capital financing strategy for all three utilities
- Assessing revenue needs and forecasting needed rate adjustments
- Preparing a five-year rate schedule with across-the-board rate adjustments for water and stormwater
- Performing a cost-of-service analysis for the sewer utility
- Providing alternative rate structures for the sewer utility, including consideration of a tier-based flat rate for single-family sewer customers
- Showing the customer bill impact for each utility and for all three combined
- Providing a multi-jurisdictional rate comparison survey
- Updating the Capital Recovery Fees for all three utilities

RECOMMENDED ACTION:

No action required at this time. Staff will formally recommend rate adjustments in the fall as part of the biennial budget approval process.

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE:

Award Contract for:
2014 CHAP St. Overlay
Project #581401
N. Kelso Ave. Waterline Replacement
Project #591402

Agenda Item: _____

Dept. of Origin: Community Development/Eng

For Agenda of: July 15, 2014

Cost of Item: \$ _____

PRESENTED BY:

Michael Kardas, P.E.
Community Development Director / City Engineer

City Manager: Steve Taylor

AGENDA ITEM ATTACHMENTS:

The completed Agenda Summary with contractor name and amount, along with the bid tabulation will be walked on to the July 15th meeting as the bids won't be opened until the 11th.

SUMMARY STATEMENT:

Schedule A: The 2014 CHAP St. Overlay provides for the roadway improvement and repair of North Kelso Avenue from North Pacific Avenue to a point approximately 500 feet north of the Redpath Street intersection. The major work elements being 8,500 yd² of Pavement Planning and 1,700 Tons of hot mix asphalt (HMA).

Schedule B: N. Kelso Ave. Waterline Replacement provides for the construction of approximately 725 linear feet of 6" Ductile Iron water distribution piping and associated valves, service meters, and appurtenances. The project will include the removal and construction of approximately 490' of concrete sidewalk.

_____ bids were received for this project ranging from a high bid of \$_____ to the low bid of \$_____. The bid award is based on the combined price of Schedules A and B. After reference checks, _____ submitted the qualified low combined bid of \$_____.

FINANCIAL SUMMARY:

Schedule A of this project is funded by grant funds awarded to the City by the Transportation Improvement Board (TIB) under the City Hardship Assistance Program (CHAP).

Schedule B of this project is funded through the Water Capital Reserve Fund.

The qualified low bid for both Schedules of this project is \$_____ above/below the Engineer's Estimate of \$331,845.00

RECOMMENDED ACTION:

Staff recommends that the City Council award Schedules A and B for the above-referenced project to the lowest qualified bidder, _____ in the amount of \$_____.

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

**SUBJECT TITLE: Aldercrest Property
Status Update**

Agenda Item: _____

Dept. of Origin: _____ City Manager _____

For Agenda of: July 15, 2014

PRESENTED BY:

Originator: _____

Steve Taylor

City Attorney: **Janean Parker**

City Manager: **Steve Taylor**

Agenda Item Attachments:

SUMMARY STATEMENT:

The City Manager will present materials and lead a discussion regarding restrictions on the use of Aldercrest property for recreational purposes.

RECOMMENDED ACTION:

Staff seeks Council consensus on future disposition of the Aldercrest property.

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

**SUBJECT TITLE: Longview Public
Development Authority – Hotel/Sports
Complex Feasibility Studies**

Agenda Item: _____

Dept. of Origin: _____ City Manager _____

For Agenda of: July 15, 2014

Originator: _____

PRESENTED BY:

Steve Taylor

City Attorney: Janean Parker

City Manager: Steve Taylor

Agenda Item Attachments:

Letter from City of Longview - Project Proposal

SUMMARY STATEMENT:

The City Manager lead a discussion to gain consensus regarding Kelso's financial contribution and participation in this project.

RECOMMENDED ACTION:

Staff seeks Council consensus on whether or not to participate in the Hotel/Sports Complex Feasibility Study.



P.O. Box 128
Longview, WA 98632-7080
www.mylongview.com



June 9, 2014

Steve Taylor
City of Kelso
PO Box 819
Kelso, WA 98626

Re: Longview Public Development Authority-Hotel/Sports Complex Feasibility Studies

Dear Steve:

As you are aware, the City of Longview has created the Longview Public Development Authority for the purpose of economic development and focus on implementation of the Cowlitz County Event Center Master Plan.

Over the last two months, we have been reviewing the master plan recommendations. The Board feels that a hotel, indoor sports complex, and improved equestrian facility are vital steps for the redevelopment of the fairgrounds property. The viability of the equestrian interest in the area has an established history that will be further enhanced by the structural improvements to the existing horse areas and barns. The Board does see a need to further examine the hotel/motel and indoor sports facility feasibility. We believe the next step in these enterprises is to perform market and feasibility studies to determine if market conditions would support either the hotel or the sports complex or both.

The Board has researched the scope and budget, and has talked to professionals with expertise for these types of market studies. A summary of the scope and budget for each feasibility study follows:

Sports Complex

Market Study-We would propose the market study include research into the following sports (at a minimum): soccer, lacrosse, futbol, flag football, field hockey, basketball, and volleyball (among other local sports) as envisioned in the event center master plan. The study would include the growth and popularity of each sport within the United States and specifically for the target market. Demographic research relating to sports and entertainment offerings; participation; attendance; spending patterns; gender; age; education; income; familial status; and purchasing power would also be documented.

A market study would also identify opportunities for non-traditional sport activities such as: summer camps; individual youth programming; party and rental packages; corporate

usage for training and events; partnerships with other area recreational organizations; and revenue from corporate marketing partnerships (traditionally called sponsorships) with local and regional businesses. Area competition (both for-profit and non-profit) is also reviewed as it relates to sports, other recreational activities, entertainment offerings and price comparison and would include interviewing the various stakeholders: private sports associations; municipal organizations; non-profit associations; educational institutions; and potential area competitors.

Estimated budget: \$15,000

Pro Forma-If the sports complex analysis is deemed feasible, we would suggest a pro forma revenue and expense projection analysis be completed. The pro forma would assist to predict operating and cash flow estimates to better understand the significant fixed costs and controlling the usage-based variable costs are vital components to achieving desired profitability. Examples of revenue/expenditure projections include:

Revenue:

- League by Sport
- Number of Games/Season
- Pricing by Individual/Team
- Hourly rates for leagues, rentals, and other programming
- Food and Beverage
- Corporate Marketing Partnerships
- Non-traditional facility usage (rentals, parties, camps, clinics, tournaments, events and festivals)

Expenses:

- Construction Costs Impact
- Start Up Costs (staffing, legal, insurance, equipment, marketing, etc.)
- Utilities
- On-Going Staffing (employees and contractual)
- Management operation systems (computers, software, licensing)
- Communications (telephone, internet)
- Maintenance and Janitorial
- Marketing
- Administrative overhead
- Insurance & Taxes
- Food and Beverage Cost of Goods Sold
- Dues, fees, subscriptions

Estimated Budget-\$5,000

(economic impact analysis an additional \$5,000)

Recommended Indoor Sports Complex Budget - \$20,000**Hotel**

The PDA would propose a comprehensive hotel market study that can be completed in phases, a community overview phase and a comprehensive phase. The intent of the research study is to determine the preliminary viability of the market to sustain a successful hotel development.

Comprehensive Hotel/Resort Market Overview

The comprehensive hotel market study presents detailed research data to support potential hotel development. This comprehensive macro and micro market report provides all of the statistics and research data used to formulate the presented conclusions and recommendations. Multi-year projections to operational stabilization of the hotel including occupancy, average daily room rates and sales revenue will be presented. We would look for the study to provide specific recommendations for optimal lodging product development, franchise affiliation, product features/guest amenities, rate structure, and maximum allowable development costs. Conclusions relating to the hotel project's market feasibility are addressed.

A Comprehensive Hotel/Resort Market Study report is customarily required by hotel developers when pursuing the financial components of the hotel development. This includes equity and lending structures for the investment. This type of report provides insightful information from which developers can base future market analysis and development plans.

Following the initial research stage, if it would appear that the data shows that there is not market support level for a hotel, the study may be concluded and we would not proceed with the balance of the feasibility study.

Estimated Budget - \$10,450**Operational Proforma & Investment Analysis**

This phase incorporates the operational revenue projections established in the Comprehensive Hotel/Resort Market Study and further expands them with departmental expense projections into a complete Operational Proforma & Investment Analysis. The operational performance models are based on industry averages established for operations

and on the subject property's unique operational characteristics determined by market study research.

This phase would more than likely be performed by a potential developer and not something undertaken by the PDA.

Estimated Budget – hourly, not to exceed \$2,000

Recommended Hotel Market Study Budget - \$10,450

The Longview Public Development Authority Board has asked that I seek financial participation to have these studies undertaken. The City of Kelso has collaborated with the City in the development of the Cowlitz County Event Center Master Plan and as the authority now designated by the City to move the implementation of the master plan forward, the PDA is asking for the City of Kelso to consider financial support for each of these studies.

We would propose that the total budget for both studies be established at \$30,450 and the PDA would request that the cost of the studies be shared equally by the PDA, Cowlitz County, City of Kelso, and the PFD in the amount not to exceed \$7,615 per entity. The PDA would be responsible for procurement of the consultant services and would provide the necessary interlocal agreement for the cost share agreement. The PDA would also invite representation by each entity on an oversight group during the course of the studies.

On behalf of the Board of the Longview PDA, I am presenting this request for the City of Kelso participation in the indoor sports complex and hotel feasibility studies. I am available to meet with you or your board and would be happy to answer any questions or provide additional information as necessary.

Thank you for your consideration.

Sincerely,


Bob Gregory
City Manager

Cc: PDA Board
Mayor and City Council
Assistant City Manager Dave Campbell
City Attorney Jim McNamara

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE: Professional Services Agreement with Gordon, Thomas, Honeywell Government Affairs for Lobbying Services

Agenda Item: _____

Dept. of Origin: _____ City Council _____

For Agenda of: _____ July 15, 2014 _____

Originator: _____ Steve Taylor _____

PRESENTED BY:

Steve Taylor

City Attorney: Janean Parker

City Manager: Steve Taylor

Agenda Item Attachments:

- Professional Services Agreement with Gordon, Thomas, Honeywell Government Affairs
- City of Kelso Request for Proposals for Lobbying Services
- GTH-GA Lobbying Services Proposal for the City of Kelso

SUMMARY STATEMENT:

The City issued a request for proposals soliciting lobbying services from consultants specializing in municipal advocacy within Washington State. Six proposals were received (one proposal was submitted after the June 20th closing date). Three responding firms were interviewed by a panel of staff and two councilmembers.

The firm recommended as the most experienced and best-suited to deliver the lobbying services specified within the RFP is Gordon, Thomas, Honeywell Government Affairs (GTH-GA). Briahna Taylor and Alex Soldano would be the primary lobbying consultants working with the City.

The attached professional services agreement outlines the terms of service, cost, and scope of work. The 12-month agreement will cost the City \$2,000 per month with additional expenses prorated among the lobbyists' broader municipal client base and not to exceed \$2,000 throughout the year. The total cost of the agreement would not exceed \$26,000 during the 12-month period. The agreement may be canceled by either party with 30 days notice. If approved, work would begin August 1st.

The City's RFP and the consultant's response (both attached) describe the expectations of service, experience, and advocacy program structure. The primary purpose for engaging lobbying services is to elevate awareness of several specific City infrastructure priorities to the Legislature and relevant state agencies, and to advocate for funding and regulatory relief.

OPTIONS:

- 1.) Move to approve the Professional Services Agreement with Gordon, Thomas, Honeywell Government Affairs for lobbying services.
- 2.) Do not approve the professional services agreement.
- 3.) Provide direction to staff for alternatives to the proposed agreement.

RECOMMENDED ACTION:

Move to approve the Professional Services Agreement with Gordon, Thomas, Honeywell Government Affairs for lobbying services.

**CITY OF KELSO
PROFESSIONAL SERVICES AGREEMENT**

This Agreement is entered into by and between City of Kelso and Gordon Thomas Honeywell Governmental Affairs (hereinafter referred to as “Consultant”), upon the following terms and conditions:

A. Scope of Work. Consultant will advise and assist the City of Kelso in accordance with Consultant’s Scope of Work, described in Attachment “A” hereto and incorporated herein, and Consultant will do and produce such other things as are set forth in the Scope of Work (the “Services”). Consultant’s Services will be in compliance with applicable laws, regulations, rules, orders, licenses and permits, now or hereinafter in effect, and Consultant shall furnish such documents as may be required to effect or evidence such compliance.

B. Compensation; Expenses. The City of Kelso will pay Consultant for satisfactorily rendered Services in accordance with the specific terms set forth in Attachment “A.”

C. Invoices; Payment. Consultant will furnish the City of Kelso invoices at regular intervals, as set forth in Attachment “A.”

D. Term. Consultant shall promptly begin the Services hereunder on the date set forth in Attachment “A” and shall terminate same on the date set forth in Attachment “A,” unless earlier terminated by mutual agreement. The City of Kelso or consultant may terminate consultant services for convenience at any time prior to the termination date set forth in Attachment “A,” provided that either party provides 30-days notice.

E. Ownership of Work Product. The product of all work performed under this agreement, including reports, and other related materials shall be the property of the City of Kelso or its nominees, and the City of Kelso or its nominees shall have the sole right to use, sell, license, publish or otherwise disseminate or transfer rights in such work product.

F. Independent Contractor. Consultant is an independent contractor and nothing contained herein shall be deemed to make Consultant an employee of the City of Kelso, or to empower consultant to bind or obligate the City of Kelso in any way. Consultant is solely responsible for paying all of Consultant’s own tax obligations, as well as those due for any employee/subcontractor permitted to work for Consultant hereunder.

G. Release of Claims; Indemnity. Consultant hereby releases, and shall defend, indemnify and hold harmless the City of Kelso from and against all claims, liabilities, damages and costs arising directly or indirectly out of, or related to, Consultant’s fault, negligence, strict liability or product liability of Consultant, and/or that of any permitted employee or subcontract or Consultant, pertaining to the Services hereunder.

H. Insurance. The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, their agents, representatives, employees or subcontractors.

1. Minimum Scope of Insurance. Consultant shall obtain insurance of the types described below:

A. Commercial General Liability insurance with written limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

B. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

C. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident covering all owned, non-owned, hired and leased vehicles.

2. The Consultant's insurance shall be endorsed to state as follows:

A. The coverage shall not be cancelled by either party, except after thirty (30) days prior written notice to the City.

B. The coverage shall be primary insurance as respect the City. Any Insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.

I. Assignment. Consultant's rights and obligations hereunder shall not be assigned or transferred without the City of Kelso's prior written consent; subject thereto, this Agreement shall be binding upon and inure to the benefit of the parties' heirs, and successors.

J. Governing Law; Severability. This Agreement shall be governed by the laws of the State of Washington, U.S.A. (excluding conflict of laws provisions). If any term or provision of this Agreement is determined to be legally invalid or unenforceable by a court with lawful jurisdiction hereover (excluding arbitrators), such term or provision shall not affect the validity or enforceability of any remaining terms or provisions of this Agreement, and the court shall, so far as possible, construe the invalid portion to implement the original intent thereof.

K. Arbitration. Should any dispute arise concerning the enforcement, breach or interpretation of this Agreement, the parties shall first meet in a good faith attempt to resolve the dispute. In the event such dispute cannot be resolved by agreement of the parties, such dispute shall be resolved by binding arbitration pursuant to RCW 7.04A, as amended, and the Mandatory Rules of Arbitration (MAR); venue shall be placed in Kelso, Cowlitz County, Washington, the laws of the State of Washington shall apply, and the prevailing party shall be entitled to its reasonable attorney fees and costs.

L. Entire Agreement; Etc. This Agreement, and its incorporated attachments hereto, state the entire agreement between the parties regarding the subject matter hereof and supersede any prior agreements or understandings pertaining thereto. Any modification to this Agreement must be made in writing and signed by authorized representatives of both parties. Any provision hereof which may be reasonably deemed to survive the expiration or termination of this Agreement shall so survive, and remain in continuing effect. No delay or failure in exercising any right hereunder shall be deemed to constitute a waiver of any right granted hereunder or at law by either party.

Consultant:
Gordon Thomas Honeywell
Governmental Affairs

City of Kelso:

Briahna Taylor, Vice President

Steve Taylor, City Manager

Date: _____

Date: _____

**ATTACHMENT “A” TO
CITY OF KELSO CONSULTING AGREEMENT**

- A. Scope of Work:** Consultant shall provide the City of Kelso with the following governmental affairs services:

General Washington State Legislative Services

- Identify and track all relevant legislation.
- During the legislative session, provide the City with weekly reports and tracking lists.
- Attend all relevant legislative hearings.
- Attend all relevant legislative meetings.
- Coordinate City officials to testify at relevant legislative hearings.
- Lobby to amend, defeat or pass legislation or budgets that directly affect the City’s interests.
- Strengthen relevant legislative relationships between the City, state legislators, and executive offices.
- Work with the City to develop a legislative agenda that includes state budget requests and lobby the Legislature according to the legislative agenda.
- Engage in coalition building as needed to implement legislative agenda items.

Specific Legislative Issues:

- Obtain specific allocations to replace city water facilities within the capital budget and assist in related grant/loan applications.
- Pursue funding allocations or inclusion within a transportation revenue package for the completion of the final phase of the West Main Street Realignment Project.

- B. Compensation/Expenses:** The City of Kelso shall pay Consultant a monthly fee of \$2,000 for the services listed above. Consultant shall only bill communication and travel expenses, such as mileage, cell phone use, conference call service use, etc. Expenses shall not exceed \$2,000 for the term of the contract.
- C. Invoices/Payments:** (a) Consultant shall furnish the City of Kelso with invoices for services performed on a monthly basis, and (b) the City of Kelso shall pay each of Consultant’s invoices within thirty (30) days after City’s receipt and verification of invoices.
- D. Term of Agreement:** Consultant’s services shall commence on August 1, 2014 and shall terminate on July 31, 2015.



REQUEST FOR PROPOSALS

State Legislative Lobbying Services

Introduction

The City of Kelso ("City") is seeking proposals from qualified consultants/firms/individuals ("consultant") to represent the City on legislative issues during the 2015 State Legislative Session in Olympia.

The consultant must have demonstrated experience in lobbying the Washington State Legislature, with extensive experience on behalf of similar public sector clients preferred. At least five (5) years' experience in providing legislative and intergovernmental services before the legislative and executive branches is required. The consultant should have demonstrated experience in bipartisan relationships with a network of access to legislators, administrative executives, and staff. The City seeks a strong lobbyist with sound knowledge of public policy, clear understanding of the legislative process and effective communication skills.

Background

The City of Kelso (pop. 11,940), incorporated in 1889, is located in southwestern Washington on the Interstate 5 corridor in Cowlitz County along the Cowlitz, Columbia, and Coweeman Rivers. Kelso shares its western border with the City of Longview. The City is the state's only "chartered" code city and is governed by a city charter as well as RCW Title 35A, a.k.a. the Optional Municipal Code. The City operates under the Council-Manager form of government where legislative authority is concentrated in the elected City Council, which hires a professional administrator to implement its policies.

The City directly provides the following municipal services: law enforcement, water treatment & distribution, wastewater collection, parks, stormwater and street maintenance, engineering & public works, general administration, planning and community development, and library. The City contracts for solid waste collection, animal control, and court services. Wastewater treatment is provided by an outside agency.

The City is seeking professional services in the development and execution of a legislative advocacy program with capital funding solutions for both aging and substandard critical and transportation infrastructure within the City's boundaries. Additionally, the program will complement the efforts of

other municipal advocacy programs that identify and take action on legislation and regulations that positively and negatively impact the City's interests.

Scope of Work

The consultant will be responsible for monitoring, identifying and prioritizing challenges and opportunities for the City with respect to issues under consideration by the State Legislature and state and regional agencies.

It is anticipated that the duration of this scope of work will be in advance of and throughout the 2015 legislative session and the period during which the Governor may take action on bills passed during the session.

The following is to be used as a general guide, and is not intended to be a complete list of all work necessary to complete any efforts:

1. Identify state legislation and legislative proposals that may impact the City;
2. Identify proposed state regulatory changes that may impact the City;
3. Work with the City Council and City Manager's Office to develop positions on relevant legislation, as appropriate;
4. Provide assistance to the City Council and City Manager's Office in arranging lobbying visits to Olympia to help ensure productive meetings;
5. Draft legislation and amendments, as necessary;
6. Lobby for the City's position on legislation and regulatory matters of interest, including:
 - a. Direct contact and communication with state legislators and staff on behalf of the City;
 - b. Direct contact and communication with state agencies on behalf of the City;
 - c. Direct contact and communication with other cities, counties and special districts on behalf of the City;
 - d. Direct contact and communication with associations and other special interest groups, including but not limited to the Association of Washington Cities and other associations that may have similar interests or interests that conflict with those of the City;
 - e. Drafting letters and talking points on legislation as necessary;
 - f. Testifying on behalf of the City at hearings before legislative and interim legislative committees;
 - g. Maintain close working relationships with the City Manager and designated members of City staff;
 - h. Provide weekly written briefing reports for the City Council and City Manager on key issues and legislative committee activity during the legislative session;
 - i. Provide briefings in person and periodically as requested, to the City Council and City Manager on key issues, legislative committee or legislative session status.

Required Respondent Information

1. Letter of interest.
2. Proposed plan including plan for briefing the City Manager and Councilmembers on the issues prior to and during the legislative session, maintaining continuous communications during the session and implementing a decision-making process on issues that demand a quick turnaround time.
3. A summary of relevant experience in the last five (5) years; specifically, please describe the outcome of lobbying efforts you conducted.
4. A complete list of current clients and those served during the twelve (12) months preceding the submission date and a declaration of any potential incompatibility or conflicts of interest between those clients and the City of Kelso.
5. A list of five (5) references.
6. Each question should be repeated with the response following:
 - a. The legal name of consultant/firm/individual, address, telephone number, number of years in business, and current number of full-time professional and technical personnel with the consultant/firm;
 - b. Name and telephone number of the consultant who will be in charge of the actual work performed for the City;
 - c. The address and telephone number of the office(s) where the work is to be undertaken;
 - d. Outline approach with a proposed project schedule to conducting the work detailed under "Scope of Work;"
 - e. Itemized cost of services and any customary charges for services to be rendered. Include staff hourly rates, alternative retainer proposals, a description of the process used to fairly allocate costs among consultant's/firm's/individual's multiple clients to avoid double-billing for time spent in legislative activities; and
 - f. Estimate of expenses incurred that will be billed to the City.

Selection Criteria

Proposals will be evaluated based on the following criteria:

1. Thoroughness and understanding of work to be completed;
2. Overall experience of staff assigned to the work;
3. Recent public sector experience conducting similar lobbying efforts;
4. Interpersonal compatibility with City officials; and
5. Cost.

Selection Process

The City Manager's Office will review the submitted proposals for completeness and qualifications to determine those consultant(s) to be invited to an interview and oral presentation.

Upon completion of all interviews, the City will advise the respondents of its selection.

Professional Services Agreement for the work will be prepared and executed.

Discretion and Liability Waiver

1. Company personnel signing the cover letter of the proposal must be an authorized signer with the authority to represent the firm and to enter into a binding contract with the City.
2. Proposed services and related pricing contained in the proposal must be valid for a period of one (1) year after the deadline for submission of the proposal, June 20, 2014.
3. The City will make every effort to administer the proposal in accordance with the terms and dates outlined in the RFP; however, the City reserves the right to modify the activities, timeline, or any other aspect of the process at any time as deemed necessary by City staff.
4. By requesting proposals, the City is in no way obligated to award a contract or pay the expenses of consultant(s) in connection with the preparation or submission of a proposal.
5. The awarding of a contract shall be contingent on the availability of funds and the necessary staff and City Council approvals.
6. The City reserves the right to request and obtain from one or more of the consulting firms submitting proposals, supplementary information as may be necessary for City staff to analyze the proposals pursuant to the consultant selection criteria contained herein.
7. The City may require consultant(s) to participate in additional rounds of more refined submittals before the ultimate selection of a consulting team is made. These rounds could encompass revisions of the submittal criteria in response to the nature and scope of the initial proposal.
8. The City reserves the right to reject any and all proposals, to waive any non-material irregularities or informalities in any proposal, and to accept or reject any item or combination of items.
9. Additionally, factors such as, but not limited to, the following may disqualify a proposal without further consideration:
 - a. Evidence of collusion among respondents.
 - b. Any attempt to improperly influence any member of City staff or any elected official of the City of Kelso.
 - c. A respondent's default under any type of agreement, which resulted in the termination of that agreement.
 - d. Existence of any unresolved litigation between the respondent and the City.

Proposal Format and Submittal Instructions

Please submit one (1) original proposal and three (3) copies of all materials submitted. The proposal should include the following information:

1. Letter of interest.
2. "Required Respondent Information" as listed above.
3. Attachments: Resumes

Deliver proposals to:

Brian Butterfield, City Clerk
City of Kelso
P.O. Box 819
203 S. Pacific #217
Kelso, WA 98626

Proposals are due no later than 4:00pm on June 20, 2014. Any proposal received after the deadline will not be considered. Faxed or electronic (e-mail) submittals will not be accepted.

Should you have any questions about this request for proposal or for questions concerning the scope of work, please contact Amy Mullerleile at (360) 577-3301 or e-mail amullerleile@kelso.gov.

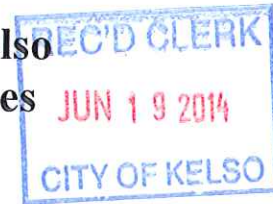


**Proposal to Provide the City of Kelso
State Legislative Lobbying Services**

June 20, 2014

Submitted by:

Gordon Thomas Honeywell Governmental Affairs



From:

Gordon Thomas Honeywell Governmental Affairs
1201 Pacific Ave, Suite 2100
Tacoma, WA 98401
Phone: (253) 310-5477
Fax: (253) 620-6565

To:

City of Kelso
Attn: Brian Butterfield, City Clerk
P.O. Box 819
Kelso, WA 98626

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June 18, 2014

Brian Butterfield, City Clerk
City of Kelso
P.O. Box 819
Kelso, WA 98626

Dear Mr. Butterfield & Selection Committee,

Gordon Thomas Honeywell Governmental Affairs would be honored to have the opportunity to represent the City of Kelso to the Washington State Legislature. Our firm has a passion for representing communities to the Washington State government. We look forward to the opportunity to learn more about the Kelso community, and become your partner in implementing the City's vision of the community's future.

One of our most experienced consultants, Briahna Taylor, is uniquely positioned to meet and exceed the City of Kelso's governmental affairs needs. With over seven years of lobbying experience focused on representing Washington cities, Ms. Taylor has developed a wealth of knowledge on public policy issues impacting cities, and on securing funding that takes community projects from the drawing board to construction. This track record of success is outlined in the attached proposal.

In addition to Ms. Taylor's track record of success and expertise on City issues, she is supported by a firm of governmental affairs consultants with a network of relationships that extends far beyond what any other individual lobbyist could access. In serving the City, Ms. Taylor would be able to reach out to any of our other state and federal consultants. She is also assisted by one of our associate governmental affairs consultants, Alex Soldano, who recently spent three years working as legislative staff in Olympia before joining our firm. This team approach allows us to accomplish more on your behalf.

Attached is a proposal that provides specific details on our municipal expertise and examples of our success. Please contact us if you have any questions and/or concerns. We look forward to meeting the City of Kelso!

Sincerely,

Gordon Thomas Honeywell Governmental Affairs

About Gordon Thomas Honeywell Governmental Affairs

Gordon Thomas Honeywell Government Affairs (GTH-GA) is a dynamic group of individuals offering comprehensive governmental affairs services to a diverse client base. Headquartered in Tacoma, with additional offices located in Seattle, Olympia, and Washington, D.C., GTH-GA's global team of experienced professionals is prepared for any challenge.

The Washington State Governmental Affairs Group is a group of professional Olympia-based lobbyists serving nearly 30 different clients, many of which are local governments. While each consultant is responsible for a specific client base, the Washington State Governmental Affairs Group is a collaborative team, working together to meet the needs of each client. This allows each of our clients to get both the benefits of individualized representation and a firm-wide network of relationships.

Our firm is information-driven and non-partisan. We focus on the quick delivery of accurate information to decision makers. Through this approach, our firm has developed an expansive network with both chambers and both parties.

GTH-GA has a long history of successfully representing local governments to the state and federal government. This local government experience has not only built an expertise toward the issues that local governments face, but also strong relationships among policy makers and stakeholders throughout the local government arena in Olympia.

For additional information on Gordon Thomas Honeywell Governmental Affairs' other business groups, please visit www.gth-gov.com.

Our Team of Professionals

GTH-GA's Washington State Governmental Affairs Group is a collaborative team of Olympia-based lobbyists. If selected to represent the City of Kelso, Briahna Taylor and Alex Soldano would be the city's primary point of contact. However, Ms. Taylor and Mr. Soldano also have the ability to consult any of the firm's principles and utilize their experience, and build on their relationships.

Other firm principles include Tim Schellberg, President of GTH-GA; Cindy Zehnder, former Chief of Staff for Governor Gregoire; Ret. Gen. Tim Lowenberg, former Adjutant General; Al Ralston, former Boeing lobbyist; Don Brunell, former Executive Director of the Association of Washington Business; and Diana Carlen, formerly counsel for the Majority Coalition Caucus. Additionally, our state office coordinates frequently with our Washington, DC office, run by Dale Learn and Travis Lumpkin. As Kelso's legislative representation, our entire firm would stand ready to serve the City.

Briahna Taylor, Esq. – Vice President



Briahna Taylor specializes in advocating for cities, counties, and other local governments to the Washington State Legislature and Executive Branch.

Ms. Taylor's clients have formally recognized her exceptional service, responsiveness, and advocacy. She has a strong knowledge base in municipal finance, growth management, transportation, criminal justice, human services, and more. Ms. Taylor is also an attorney and active participant in the Washington State Association of Municipal Attorneys, where she is able to enhance her wealth of knowledge on issues cities and counties face daily.

Ms. Taylor's knowledge of local government issues and her ability to strategically navigate Washington State government is an invaluable combination. As a result of her advocacy, her clients have received multiple state funding appropriations, and have successfully passed or defeated legislation. Ms. Taylor takes great pride in representing communities throughout Washington State in Olympia, and looks forward to learning about the City of Kelso.

Prior to joining Gordon Thomas Honeywell Governmental Affairs in 2006, Ms. Taylor served as legislative staff in the Washington State Senate and in 2005 was commissioned by the State Auditor to research and author a monograph titled *A Citizen's Advocate: History of the Washington State Auditor's Office*. Briahna graduated cum laude from Seattle University School of Law's evening program, where she also served as a member of Seattle University Law Review. Briahna graduated summa cum laude from Pacific Lutheran University with a Bachelor of Arts in Political Science and English-Writing. She now lives in Tacoma, Washington.

Alex Soldano, Governmental Affairs Consultant



Alex Soldano recently joined the firm as a Governmental Affairs Consultant in the Washington State Governmental Affairs Group. He comes to the firm with a thorough understanding of the legislative process, experience in public policy research, and a strong network of legislative connections. Mr. Soldano predominantly assists Ms. Taylor in representing the firm's local government clients.

Prior to joining the firm, he worked in the Washington State House of Representatives as a Legislative Assistant and previously worked for a public affairs firm that advocated for issues in front of local governments in King County. Alex graduated from the University of Washington with a Bachelor of Arts in Political Science and currently resides in Tacoma, Washington.

Scope of Work/Communications

At Gordon Thomas Honeywell Governmental Affairs, we take pride in making our clients' issues our issues. Our main goal in serving the City of Kelso would be to place the City's legislative requests in the best position for success. We look forward to discussing with the City what legislative objectives the City may have, and working with the City to develop legislative strategies to move it forward. Below outlines the steps we would take in helping the City of Kelso develop a successful legislative program.

Developing a Successful Legislative Agenda

- A key to succeeding in Olympia is developing a targeted legislative agenda that takes advantage of the current political climate and also meets the community's needs and desires. To accomplish this, our work will begin far before the legislative session commences. In late summer/early fall, we will begin advising the City on ongoing politics and potential areas for success. During this time, we will also invest in learning more about the Kelso community and its vision for the future. By developing a strong working knowledge of the City, we can work cooperatively with the City to craft a targeted legislative agenda that includes politically viable requests. This approach ensures that the City's investment in legislative representation is more likely to result in legislative deliverables.

Developing Action Plans for Each Legislative Priority

- For each legislative priority, GTH-GA will develop an action plan that outlines the specific activities we will undertake to advance that particular legislative priority. Depending on the objective, these action plans may include developing messaging, talking points, stakeholder outreach, organizing community events, interim meetings with the legislators or legislative staff, and more. This comprehensive action plan compiles and outlines the advocacy and prep work we plan to complete throughout an entire year, and allows city staff and councilmembers to know what the next step is to advance the City's legislative priority and the timing of that next step. We have found this to be an effective tool in ensuring consistent communication with our clients on our lobbying approach.

Lobbying the Legislature

- A key part of advancing the city's legislative priorities is proactive lobbying. This includes frequent meetings with legislators during the legislative interim, and a constant on-the-ground presence in Olympia during session. Below are examples of specific lobbying activities that we would undertake on behalf of Kelso:
 - Meet with the City's legislative delegation on a regular basis before, during, and after the legislative session. GTH-GA has already worked with members of the City's

delegation on other issues and has a great rapport with the legislators. We look forward to the opportunity to discuss Kelso issues with them.

- Lobby and develop relationships with committee chairs on key issues that are important to accomplishing the City of Kelso's legislative agenda. For example, if Kelso has a strong interest in rail issues, we would meet with the transportation chairs, and also the leader of the caucus on rail issues.
- Participate in stakeholder group discussions on issues impacting the City, including coordination with the Association of Washington Cities. This includes issues that are not priorities for the City, but may have a substantial impact on the City. For example, during the last legislative session there was an ongoing stakeholder group working on public records act reform legislation. On behalf of the City, GTH-GA would participate in these meetings and report back on progress being made.
- Reach out to stakeholder groups on specific policy objectives. For example, on economic development issues, GTH-GA will reach out to the Washington Economic Development Association. On rail issues, GTH-GA will reach out to the Freight Mobility Strategic Investment Board, the Ad Hoc Rail Caucus, and others.
- Recommend what action the City should take regarding relevant legislation, including whether it is necessary/advantageous to testify and/or sign-in as supporting or opposing.
- Schedule meetings for the City staff, the mayor, and councilmembers to meet with the City's legislative delegation during the legislation session, in addition to other requested meetings with the City.
- Testify and/or sign-in on behalf of the City on legislation of interest. Additionally, coordinate opportunities for councilmembers and staff to testify at hearings and coordinate their talking points and strategies.

Reporting

- Gordon Thomas Honeywell Governmental Affairs has a long standing tradition of providing regular reports to clients. We are willing to customize our reporting to each client to meet their unique communication styles/needs (longer, shorter, monthly, weekly, in-person, in writing, etc.). Below is an example of the reporting we provide to other clients:

- Brief city officials on legislative activity and attend city council and city staff meetings as requested by the city manager or his designee.
- Provide the city of Kelso with weekly written and oral reports during the Legislative Session and regular communication via phone and email.
- Present an end-of-session report that recaps the legislative session in full.
- Monitor legislation and provide the city with comprehensive bill tracking, which identifies issues likely to impact the city and in what manner they will impact the city.
- Comply with the Public Disclosure Commission requirements for lobbying.

Successes/Relevant Experience

We have developed a strong track record of success by using proven strategies and hard work. Below is a list that highlights some of the budget and policy successes our local government clients have experienced with GTH-GA representation. This list reflects only those successes where Briahna Taylor, the firm's main consultant on local government issues, was the lead lobbyist. This list also reflects only those items that the client listed as a top legislative priority.

Successful Budget Requests

2014 Legislative Session (Non-Budget year & No Supplemental Capital Budget)

- Included language in the Supplemental Transportation Budget amending the vanpool program for the Joint Base Lewis McChord corridor (Pierce Transit)
- Secured funding in the Supplemental Operating Budget for Department of Corrections to house female inmates in a county jail facility (Yakima County)
- Included language in the Supplemental Transportation Budget directing WSDOT to enter into an agreement with Granite Falls and Snohomish County regarding ownership of a road (Snohomish County)

2013 Legislative Session

- \$3 million in the Capital Budget for a regional storm water facility in Tacoma.
- \$2.1 million in the Capital Budget for the Covington Community Park (Covington)
- \$2 million in the Capital Budget for the revitalization and improvement to Mountlake Terrace's downtown Main Street Project (Mountlake Terrace)
- \$1 million in the Capital Budget for Sheriff's Office South Precinct (Snohomish County)
- \$500,000 in the Capital Budget for People's Pool (Tacoma)
- \$300,000 in the Capital Budget for Town Green (Kenmore)
- \$50,000 in the Operating Budget for studying the Town Center (Covington)
- \$255,000 in the Capital Budget for Dekalb Pier (Port Orchard)
- \$336,000 in the Capital Budget for Bay Street Pedestrian Path, Phase 2 (Port Orchard)
- Included language in the Capital Budget mandating that the Department of Natural Resources sell Lot 16 (Pasco)

2012 Legislative Session (Non-Budget year, w/ additional Jobs Package)

- \$3 million in the Capital Budget for the Pacific Avenue Streetscape in Tacoma.
- \$2 million in the Capital Budget to replace asbestos water mains in the City of Gig Harbor.
- \$1.2 million in the Capital Budget for Cushman Trail in City of Gig Harbor.
- \$1.1 million in the Transportation Budget for SR 522 in the City of Kenmore.
- \$500,000 in the Capital Budget for Bay Street Pedestrian Path in the City of Port Orchard.
- \$450,000 in the Capital Budget for a Ground Water Management Area in Yakima County.

- \$330,000 in the Capital Budget for a storm water project in the City of Lakewood.
- Defended against cuts to the Western State Hospital Community Policing program and Western State Hospital ward closures in Lakewood.

2011 Legislative Session

- \$700,000 in the Capital Budget for Dekalb Pier in the City of Port Orchard
- \$650,000 in the Transportation Budget for SR 522 in the City of Kenmore
- \$500,000 in the Transportation Budget for Wapato/McDonald Rd. Intersection in Yakima County
- \$390,000 in the Capital Budget for Maritime Pier in the City of Gig Harbor
- \$540,000 grant for water improvements in the City of Connell, combined with a \$1.357 million PWTF loan, appropriated in the Capital Budget.
- \$500,000 PWTF loan in the Capital Budget for sewer connections in the City of Lakewood.
- \$500,000 in the Operating Budget for the Western State Hospital Community Policing program in Lakewood.
- \$100,000 for improvements to the Spokane Valley Partners food bank in the City of Spokane Valley.

2010 Legislative Session (Non-Budget Year)

- \$500,000 for intersection at 150th & Murray Road in Lakewood.
- \$235,000 for Frontage Road in Gig Harbor.
- \$200,000 for Arch Bishop Murphy intersection in Snohomish County.
- Language to provide funding to SR 522 in Kenmore in the 2011-13 Transportation Budget.

2009 Legislative Session

- \$3 million in the Transportation Budget for the design of Lewis Street Overpass in Pasco.
- \$2.5 million in the Capital Budget for a wastewater treatment plant expansion in Gig Harbor.
- \$1 million in the Capital Budget to construct an emergency operations center in Snohomish County.
- \$500,000 in the Operating Budget for the Western State Hospital Community Policing program in Lakewood.
- \$400,000 in the Transportation Budget to fund a route development plan for US 2 in Snohomish County.
- \$200,000 in the Capital Budget to fund Greenacres Park in Spokane Valley.

Policy Successes

2014 Legislative Session (short session)

- Passed legislation allowing local waste oil recycling programs to file a petition of relief for EPA fines (Tacoma)

- Passed legislation allowing law enforcement officers to take individuals exhibiting signs of substance abuse to an alternative facility rather than jail (Snohomish County)
- Defeated legislation that would preempt Pasco's ordinance related to dangerous dogs (Pasco)
- Defeated legislation that would have increased the threshold for annexations (Pasco)

2013 Legislative Session

- Passed legislation clarifying a complex property tax levy for veteran's assistance and developmentally disabled (Snohomish County)
- Passed legislation allowing jurisdictions to purchase technology off of the federally negotiated GSA list (Snohomish County)

2012 Legislative Session (short session)

- Passed legislation changing the supplant language for the mental health sales tax (Tacoma).
- Passed legislation establishing a statutory framework for a juvenile gang court (Yakima County).
- Passed legislation increasing accountability and transparency in photo enforcement programs (Tacoma and Lakewood).
- Passed legislation allowing an impact fee waiver for affordable housing (Gig Harbor).
- Passed legislation exempting transit agencies using compressed natural gas from biofuel and electric vehicle requirements (Pierce Transit).
- Defeated legislation that prohibits sewer franchise fees (Lakewood).

2011 Legislative Session

- Passed legislation making technical changes to the hospital benefit zone statute (Gig Harbor).
- Passed legislation authorizing counties to establish triage facilities (Snohomish County)
- Passed legislation removing a requirement that cities contribute general fund revenue to ambulance utilities (Pasco).
- Passed legislation requiring cattle trucks entering the state in Spokane County to go through the port of entry (Spokane Valley).
- Passed legislation authorizing cities to use hearing examiners for street vacations (Tacoma).
- Passed legislation reimbursing counties for costs incurred processing individuals under the Involuntary Treatment Act (Yakima County).
- Defeated legislation that preempted Snohomish County's zoning authority (Snohomish County).
- Passed legislation changing the term of planning commissioners (Port Orchard)

2010 Legislative Session (short session)

- Passed legislation making technical changes to the Tri-Cities public facility district (Pasco).

- Developed a work group to address local government regulation of house-banked social card rooms (Lakewood).

2009 Legislative Session

- Passed legislation allowing local governments to create revolving loan accounts for public works projects (Snohomish County).
- Passed legislation allowing Snohomish and Pierce counties to lease buildings with an option to purchase them (Snohomish County).
- Passed legislation allowing local governments limited moratoria authority along their shorelines (Gig Harbor).
- Passed legislation allowing the creation of a regional public facility district in the Tri-Cities (Pasco).
- Defeated legislation regarding municipal wards (Spokane Valley).
- Defeated legislation pre-empting local authority to establish rental inspection programs (Pasco).
- Defeated legislation that created an impact fee exemption that would have cost local governments millions of dollars (Snohomish County & others).
- Successfully amended a bill regulating RVs in mobile home parks (Pasco & Lakewood).

Current Clients

Gordon Thomas Honeywell Governmental Affairs has over thirty clients in the Washington State Legislature. However, Ms. Taylor and Mr. Soldano represent those clients listed immediately below. We do not anticipate any conflicts with any of our existing clients. However, if a conflict with one of our existing clients were to emerge, our firm has a conflict policy to ensure that all of our client's needs are met in an equitable manner.

City of Covington
City of Gig Harbor
City of Kenmore
City of Lakewood
City of Lake Forest Park
City of Mountlake Terrace
City of Pasco
City of Port Orchard
City of Seatac
City of Spokane Valley
City of Tacoma
Snohomish County
Yakima County

Below is a list of all of our clients from all business groups.

Accreditation Association for Ambulatory Health Care, Inc.	FedEx
Appriss	Highline Community College
Avalara	International Boxing Federation
Ben Franklin Transit	Intercity Transit
Carahsoft	Kidde
Carmax	Law Enforcement Administrators of WA
Cascade Water Alliance	Lewis County Public Utilities
City of Covington	Life Technologies
City of Gig Harbor	MorphoTrak
City of Kenmore	Motorola
City of Lakewood	Mylan Specialty L.P.
City of Mountlake Terrace	NMS Labs
City of Pasco	National Campaign to Reform State and Juvenile Justice Systems
City of Port Orchard	NoaNet
City of Seatac	Northwest Energy Efficiency Council
City of Spokane Valley	Pierce County
City of Tacoma	Pierce Transit
Complete Coach	Port of Moses Lake
Clear Channel	Port of Vancouver
Emdeon	Prepared Response
F5 Networks	Redflex Traffic Systems

Reed Elsevier
SAP
SICPA
Snohomish County
SSA Marine
Tacoma Public Utilities
Total Wine & More

WA Beer & Wine Wholesalers Association
WA Economic Development Association
WA Highway Users Federation
WA Water Utility Council
Xsight Systems, Inc.
Yakima County

References

The following client references have worked with Ms. Taylor on advancing legislative issues on behalf of their respective communities. Additional references, or references from legislators, can be provided upon request.

John Caulfield
City of Lakewood, City Manager
jcaulfield@cityoflakewood.us
(253) 983-7703

Marcia Isenberg
Snohomish County, Chief of Staff
Marcia.Isenberg@co.snohomish.wa.us
(425) 388-3471

Rob Karlinsey
City of Kenmore, City Manager
rKarlinsey@kenmorewa.gov
(253) 377-1135

Derek Matheson
City of Covington, City Manager
dmatheson@covingtonwa.gov
(253) 480-2405

Kevin Bouchey
Yakima County Commissioner
Kevin.bouchey@co.yakima.wa.us
(509) 728-0594

Contact Information

Legal name of firm: Gordon Thomas Honeywell Governmental Affairs

Address: 1201 Pacific Ave., Suite 2100
Tacoma, WA 98401

Telephone number: (253) 620-6500

Number of years in business: GTH-GA has been in business since 2008
1985-2008 – our firm operated under the name Smith Alling Lane

Current number of full-time professional and technical personnel with the firm: 19

Name and telephone number of the consultant who will be in charge of the actual work performed for the City: Briahna Taylor
Office: (253) 620-6640
Cell: (263) 310-5477

Address and telephone number of the office where the work is to be undertaken: 1201 Pacific Ave., Suite 2100
Tacoma, WA 98401
(253) 620-6500

Cost of Services

Our firm takes great pride in offering legislative services at a competitive market rate. Most of GTH-GA's contracts are annual contracts, invoiced and paid out on a monthly basis.

We propose providing the services outlined in the scope of work for \$24,000/year (\$2,000/month), excluding communication and travel expenses. We propose a contract duration of August 1, 2014 –July 31, 2015. If GTH-GA incurs expenses while carrying out a task on behalf of multiple clients, that expense is evenly divided amongst those clients. We would be happy to discuss and negotiate the cost of our services further.

Briahna Taylor

Gordon Thomas Honeywell Governmental Affairs, Vice President

Phone: (253) 310-5477, Email: btaylor@gth-gov.com

WORK EXPERIENCE

Gordon Thomas Honeywell Governmental Affairs – Vice President, May 2006 – Present

- Since 2009, provide comprehensive governmental affairs services to public agency clients, including passing legislation, securing funding, and increasing collaboration with state agencies.
- **Transportation Funding Successes:** Secure transportation funding through multiple sources, including the current transportation revenue package, the supplemental transportation budget, and WSDOT's administrative budget. Recent examples include:
 - \$26 million allocated to Lewis Street Overpass in Pasco in the proposed Majority Coalition Caucus Transportation Revenue Package.
 - \$3 million in all transportation revenue package proposals for Frontage Road in Gig Harbor.
 - \$13 million allocated to SR 516 in Covington in the proposed Majority Coalition Caucus Transportation Revenue Package.
 - \$1.1 million in the 2012 Supplemental Transportation Budget and \$8.5 million allocated in House and Senate Transportation Revenue Package proposals for SR 522 in Kenmore.
- **Capital Funding Successes** - Develop successful strategies to secure capital funding. Recent highlighted 2013 successes (over \$1 million) include:
 - \$3 million in the Capital Budget for a regional storm water facility in Tacoma.
 - \$2.1 million in the Capital Budget for the Covington Community Park
 - \$2 million in the Capital Budget for the revitalization and improvement to the Mountlake Terrace's downtown Main Street Project
 - \$1 million in the Capital Budget for Snohomish County Sheriff's Office South Precinct
- **Legislative Successes:** Navigate the legislative process to pass policy legislation and secure policy-oriented budget provisos. Examples from the 2013 legislative session include:
 - Included language in the Capital Budget mandating that the Department of Natural Resources sell Lot 16 (Pasco)
 - Passed legislation clarifying a complex property tax levy for veteran's assistance and developmentally disabled (Snohomish County)
 - Passed legislation allowing jurisdictions to purchase technology off of the federally negotiated GSA list (Snohomish County)

Washington State Senate, Intern and Session Aide, 2006

- Worked in a Senate legislative office, completing administrative and legislative tasks.

Washington State Auditor's Office, Research and Writing Intern, 2005

- Authored a 70-page monograph on the history of the Washington State Auditor's Office.

EDUCATION

Seattle University School of Law (2009-2011), Juris Doctorate, admitted to the Washington State Bar

Pacific Lutheran University (2003-2007), BA in Political Science and English Writing, *summa cum laude*

Alex Soldano

(206) 920-7967 ~ Email: alexdsoldano@gmail.com

Summary

An experienced communication specialist possessing strong analytical skills.

- Proficient in technology-based applications, including Microsoft Office & Outlook as well as social media; strong Internet research skills
- Highly detail-oriented and analytical, experienced in creative problem solving
- Educational background in political science, with an emphasis on developing political communications
- Additional academic coursework and experience in economics as well as international affairs and constitutional law.
- Professionally trained in writing in plain talk.

Education

University of Washington, Seattle, WA

B.A., Political Science, emphasis on political communication and international affairs

Western Washington University, Bellingham, WA

Major, Political Science and minor, economics

Experience Highlights

Volunteer Campaign Spokesman

No on Initiative-1240

- Develop communication materials targeted to specific demographics
- Provide strategic insight and guidance as part of the statewide steering committee
- Acted as spokesman in public debates and forums as a representative of initiative campaign
- Conduct public forum, debate preparation for campaign volunteers

Legislative Assistant

State Representative Marcie Maxwell

- Develop communication materials and provide public relations support for Representative Maxwell regarding key legislative issues
- Provide full-time policy research and issue monitoring for complex education and community development issues as well as advanced bill tracking and coordination
- Provide case-work support; acted as primary liaison between Representative and constituents to resolve social work and navigate state agencies
- Act as proxy at important community functions; provide outreach support to constituents
- Coordinate communications and logistics between multiple legislative offices for two town hall events within the 41st district

Independent Political Consultant

Bannecker & Associates Public Affairs

- Tracked municipal level legislative affairs for several cities across King County and advised on best practices in major planning processes
- Developed communication materials advocating for client interests in jurisdictional planning and regulatory issues
- Consulted in the creation of strategic approaches to multiple political and marketing outreach projects
- Developed communication strategy and materials on behalf of multiple interest groups covering compliance and regulatory issues

U-PASS Liaison

University of Washington Transportation Services

- Monitored advocacy and planning positions with mandates from City of Seattle and UW
- Assisted in advocacy efforts between the University of Washington and the City of Seattle and Washington State through both direct advocacy and creation of communication materials
- Developed communications and outreach through multiple forms of media, including "new media" as well as traditional communications
- Provided communication and logistical support between University of Washington Students and department directors with University of Washington Transportation Services

Alex Soldano

(206) 920-7967 ~ Email: alexdsoldano@gmail.com

Legislative Programming Coordinator

Office of Government Relations, Associated Students of the University of Washington

- Developed communication materials on behalf of the Associated Students of the University of Washington, including student legislative agenda and talking points to prepare students for legislative stakeholder meetings.
- Planned and Managed Higher Education Advocacy Day, including promoting the event to organize several hundred students into individual meetings with legislators
- Chaired the Legislative Planning Committee; oversaw projects that dealt with legislative event promotion and the Washington Student Association
- Worked with Office of Government Relations in forming advocacy positions

Legislative Policy Intern

Washington State Senate

- Conducted in-depth policy research and prepared a full-length report on the recessionary budget impacts on higher education in Washington State
- Provided full-time administrative, communication, research and public relations support for State Senator Cheryl Pflug
- Effectively communicated Senator's positions on various issues to constituents
- Tracked and prioritized multiple bills and analyzed underlying policy issues

High School Debate Coach

Tahoma Senior High School Debate

- Authored, proofread, and edited issue briefs, debate cases, and position papers pertaining to various policy and philosophical arenas
- Conducted primary legal, policy, and philosophical research to assist students in case preparation
- Developed unique rhetorical and argumentation strategies to prepare dissimilarly experienced high school debaters for competition
- Supervised and instructed novice and elite high school debaters within a state and nationally recognized debate program

Honors/ Activities

Boeing Community Scholarship Selection Committee (2012)

University of Washington

- Student Regent Selection Committee (2011)
- Student Transportation Taskforce (2011)
- Advisory Council on Intercollegiate Athletics (2010-2011)
- Student Senate (2010-2011)
- Transportation Committee (2010-2011)

Associated Students of the University of Washington

- Employee of the month (March 2010)
- Chair: Legislative Planning Committee (2009-2010)
- Legislative Steering Committee (2009-2010)

University of Washington Dean's List (Autumn, Winter 2010, Spring 2011)

2nd in championship division at Whitman National Debate Tournament (2007)

Champion: Tahoma Golden Bear Classic Debate Tournament (2007)

Honorary member: National Society of Collegiate Scholars

Captain: Tahoma Senior High School Debate Team (2005-2007)

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE: AN ORDINANCE OF THE CITY OF KELSO, WASHINGTON AMENDING VARIOUS SECTIONS OF THE KELSO MUNICIPAL CODE RELATING TO EMERGENCY HOUSING, LOW BARRIER EMERGENCY HOUSING, AND URBAN REST STOPS AND IDENTIFYING THE PERMITTED ZONES FOR SUCH USES, ESTABLISHING REGULATIONS FOR SUCH USES, AND REPEALING THE MORATORIUM IN EFFECT ON SUCH USES

Agenda Item: _____

Dept. of Origin: _____ City Manager _____

For Agenda of: July 15, 2014 _____

Originator: _____

City Attorney: **Janean Parker**

City Manager: **Steve Taylor**

PRESENTED BY:

Steve Taylor

Agenda Item Attachments:

Proposed Ordinance

Planning Commission Meeting Minutes w/ Public Hearing – May 13, 2013

Planning Commission Meeting Minutes – June 10, 2014

SUMMARY STATEMENT:

In December 2013, the City Council was approached by a group of citizens who were concerned that a certain type of development may be moving forward within the City known as low barrier housing, which was not adequately regulated and would allow negative secondary effects in their residential neighborhood. In order to allow time to review the matter and evaluate what regulations should be in place, the City Council adopted a moratorium on January 21, 2014 that temporarily prohibited low barrier shelters and urban rest stops. This moratorium is in effect until July 21, 2014.

Since the moratorium was adopted extensive research and discussion surrounding this issue has occurred at the staff, Planning Commission, and Council level. Throughout the process, staff and the Planning Commission have differed on the appropriate way to allow the siting of these facilities. At the May 13, 2014 Planning Commission a public hearing was held and two draft zoning ordinances were brought forward for consideration; further direction was provided to staff from the Commission. At the June 10, 2014 Planning Commission meeting, after lengthy deliberation, a single revised ordinance was recommended for consideration by the City Council.

At the June 17 and July 1 City Council meetings, Council continued to discuss the issue. The current iteration of the proposed ordinance is reflective of the direction staff received at the July 1 Council meeting.

OPTIONS:

1. Approve the revised recommendation
2. Remand the issue back to the Planning Commission for additional consideration and extend the moratorium
3. Do nothing and extend moratorium

RECOMMENDED ACTION:

Move to adopt the ordinance amending the Kelso municipal code relating to emergency housing, low barrier housing and urban rest stops on second reading.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KELSO, WASHINGTON
AMENDING VARIOUS SECTIONS OF THE KELSO MUNICIPAL CODE
RELATING TO EMERGENCY HOUSING, LOW BARRIER
EMERGENCY HOUSING, AND URBAN REST STOPS AND
IDENTIFYING THE PERMITTED ZONES FOR SUCH USES,
ESTABLISHING REGULATIONS FOR SUCH USES, AND REPEALING
THE MORATORIUM IN EFFECT ON SUCH USES.**

WHEREAS, the City Council adopted Ordinance 14-3819 imposing a six-month moratorium on applications for transitional housing land uses within the City; and

WHEREAS, low barrier emergency housing facilities are a developing trend in the provision of social services to better meet the needs of the homeless population; these facilities have minimum admission requirements and do not prohibit illegal or addictive behaviors as a condition of admission and their primary purpose appears to be harm reduction instead of transition to permanent housing; and

WHEREAS, urban rest stops are also a developing trend in the provision of social services; these uses provide general day use of facilities to assist those who may not have permanent housing such as laundry and cooking facilities, bathrooms, and showers; and

WHEREAS, the City Council finds that potential secondary impacts from the establishment of low barrier and emergency shelter facilities and urban rest stops are not appropriate for any zoning designation within the City, and

WHEREAS, the Council has studied the land uses and other secondary impacts of these uses and has now drafted a zoning ordinance to address these impacts; and

WHEREAS the City Council finds that the health safety and welfare of the community is best served by these amendments to the Kelso Zoning Code regulating these uses; and

WHEREAS, the SEPA Responsible Official issued a threshold decision for this draft ordinance on June 16, 2014, which was not appealed; and

WHEREAS, the Planning Commission has held several meetings and workshops to review and deliberate the issues surrounding these uses and on May 13, 2014, the Planning Commission held a public hearing on the draft zoning ordinance; and

WHEREAS, the Planning Commission recommended approval of the draft zoning ordinance to the Council; and

WHEREAS, on June 17, 2014, the City Council considered the draft zoning ordinance during its regular meeting; and

WHEREAS, the Council has decided to adopt zoning regulations related to emergency and low barrier shelters and urban rest stops and to formally repeal the interim zoning ordinance related these uses;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN AS FOLLOWS:

SECTION 1. Repeal of Moratorium. The moratorium imposed under Ordinance No. _____ is hereby repealed in its entirety.

SECTION 2. Findings Adopted. The City Council adopts all of the ‘whereas’ sections of this Ordinance as findings in support of this ordinance.

SECTION 3. KMC Section 17.08 Amended. Kelso Municipal Code Section 17.08.020 is hereby amended to add and revise the definitions as set forth in Exhibit A, attached hereto and incorporated fully by this reference.

SECTION 4. KMC Section 17.15.020 Amended. Kelso Municipal Code Section 17.15.020 is hereby amended as set forth in Exhibit B, attached hereto and incorporated fully by this reference.

SECTION 5. KMC Section 17.30.040 Amended. Kelso Municipal Code Section 17.15.040 is hereby amended as set forth in Exhibit C, attached hereto and incorporated fully by this reference.

SECTION 6. Corrections. Upon approval of the City Attorney, the City Clerk and code reviser are authorized to make necessary corrections to this ordinance, including without limitation the correction of clerical errors, references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

SECTION 7. Severability. The provisions of this Ordinance are declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 9. Effective Date. This Ordinance shall be in full force and effect 5 days after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this ____ day of _____,
2014.

ATTEST/AUTHENTICATION:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED: _____

Exhibit A

Chapter 17.08.020—Definitions

...

“Emergency shelter” means a congregate facility providing housing to shelter families and individuals offered on an emergency basis for a period not to exceed ninety days continuously. Shelters may offer meals, lodging and associated services on site, aimed at helping people move towards self-sufficiency.

...

“Transitional housing facility” means a ~~project~~ congregate facility that has as its purpose facilitating the movement of homeless individuals and families to permanent housing within a reasonable amount of time (usually twenty-four months). Transitional housing includes housing primarily designed to serve deinstitutionalized homeless individuals and other homeless individuals with mental or physical disabilities and homeless families with children.

NEW—

“Urban Rest Stop” means a facility that provides day use services rather than overnight stays and provides different kinds of facilities and services to assist those who may not have permanent housing, such as laundry facilities, cooking facilities, bathrooms, and showers.

Table 17.15

Table 17.15 Allowable Land Uses	Residential Single-Family	Residential Multifamily	Open Space	Commercial—Town Center	Commercial—West Kelso	Commercial Neighborhood Service Center	Commercial Specialty Retail and Services	Commercial—Major Retail	Industrial Light Manufacturing	Industrial General Manufacturing
	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
Expansion and/or reconstruction of a residence	I	I	III							
Mobile home parks and subdivisions (B)		II								
Livestock* (R)	I ₁₆									
Accessory apartment* (T)	II									
Temporary manufactured home for aged relative (U)	II									
AMUSEMENT AND RECREATION										
Recreation facilities, active*	II	II	III ₁₈	I ₅	I	I	I	I	II	II
Recreation facilities, passive*	I	I	I							
Participant sports and recreation—indoor				III ₅	I	I/II ₇	I	I	II	
Participant sports and			III ₁₈		II		II	I		

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
recreation—outdoor										
Trails			I							
Wildlife and nature preserves			I							
COMMUNITY SERVICES										
Art galleries, noncommercial	II	II								
Auditoriums, clubhouses, meeting halls				II ₅	I		I	I		
Community centers	II	II		II ₅	I	I	I	I	I	I
Educational, cultural, or governmental	II	II		II	I	III	I	I	II	I
Health care facilities*	III	III		II	I	I ₇	I	I		
Clinics—walk in*				II	II	I	I	I		
Hospital	III	III				III				
Marinas, boardwalks, public piers				I	I		I	I		

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
Museums	III	III		II	II					
Assisted living home*	II	II				II				
Post office				I						
Religious facilities	II	II		II ₅	II	II ₇	II	II	II	II
Social and fraternal clubs and lodges		II ₆		II	II					
Group home*	II	II								
Halfway house*	II	II		II ₅						
Day care center*	II	II		I ₅	II	II	II	II	II	
Transitional housing* -- <u>Facilities serving less than 10 clients</u>	<u>II</u>	<u>II</u>		<u>II₅</u>						
<u>Transitional housing * -- Facilities serving 10 or more clients</u>		<u>III</u>		<u>III</u>	<u>III</u>		<u>III</u>			
<u>Emergency Shelter*</u>				<u>III</u>	<u>III</u>					
<u>Urban rest stop*</u>				<u>III</u>	<u>III</u>					

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
contractors' or builders' equipment and supplies										
Marine-oriented commercial and industrial activities									II ₁₀	II ₁₀
Microbrewery*				II _{5,7}			II	II	II	II
Printing and publishing									I	I
Recycling centers						II	II		I	I
Sales of items manufactured on site									II	II
Skating rink—indoor								II	III	III
Vehicle towing and storage services									II	II
Vocational schools									I	I
Winery/brewery									I	I
Wood products									I	I
RETAIL TRADE AND SERVICE										

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
Automobile sales—new or used					I		I	I	II	
Bed and breakfast*	II	II		II ₁	I	I	I	I		
Brewpub				I	I	I	I	I		
Cart vendors				I	II	II	II	I	I	II
Cemeteries, mausoleums and columbaria	III	III								
Convenience stores including gasoline sales and/or a car wash facility					II	II	I			
Crematorium	III	III								
Entertainment (e.g., theaters, video game arcades, etc., except adult motion picture theaters and other uses as described in Section 17.30.040 , Adult oriented				I ₇	I	II	I	I		

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
business (AOB) overlay zone)										
Farmer’s market				I ₁₇	I ₁₇	I ₁₇	I ₁₇	I ₁₇		
Fitness center/sports club				II	II	II	I	I	II	
Formula take-out food restaurant with drive-through					I		I	I		
Formula take-out food restaurant without drive-through				I ₇	I		I	I		
Hotels, motels, inns*				I ₇	I		I	I		
Home occupation, major* (G, H)	II	II								
Home occupation, minor* (F, H)	I	I								
Kennels* (V)					II		II	II	II	
Minor vessel repair shop						I	I		I	I
Mixed		III		I _{4,7}	I ₄	I ₄	I ₄	I ₄		

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
commercial/residential										
Mortuaries, funeral homes and funeral chapels	III	III		II _{5,7}	II		II			
Personal services*				I _{5,7}	I	I	I	I		
Pet shop*				I	I	I	I	I		
Professional offices		III		I ₇	I	I	I	I	II ₈	I ₈
Restaurants				I ₇	I		I	I	II ₁₁	II ₁₁
Retail sales marijuana									I ₂₀	I ₂₀
Retail sales and services with drive-through businesses* (I)					I		I	I	II	
Retail sales and services without drive-through businesses				I _{7,12}	I	I ₇	I	I		
Retail sales and services with screened outdoor storage				II _{5,7}	II		II	II	I	I

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
Roadside stands				I ₁₇	I ₁₇	I ₁₇	I ₁₇	I ₁₇		
RV sales, storage and repair									I	I
Secondhand/consignment stores				I _{7,12}	I	I ₇	I	I		
Sexually oriented business* (E)										
Small engine repair						I	I		I	
Taverns				I ₇	I		I	I		
Uses which service the automobile (e.g., gasoline service station, car wash, minor/major vehicle repair shops)					II	I ₁₃	I	I	I	
Veterinarian clinics* (V)						I ₇	II	II		
Caretaker residence (K)									I	I
Temporary uses (S)	I ₁₇	I ₁₇	I ₁₇	I ₁₇	I ₁₇	I ₁₇	I ₁₇	I ₁₇	I ₁₇	I ₁₇
Wholesale sales with							II	II	II	

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
limited retail sales										
TRANSPORTATION										
Park and ride lots*					II	II	I	II		
Park and ride lots, shared use*	II	II							II	I
Parking as principal use				II	I		I	I	II	I
Transit facilities				I ₁₄						
UTILITIES										
Public and private utility buildings and structures (L)	II	II	II	II	II	II	II	II	II	II
Communication antennas, category 1 (N)	I	I	I	I	I	I	I	I	I	I
Communication antennas, category 2 (O)	II		II	I	I	I	I	I	I	I
Communication antennas, category 3 (P)			II		II		II	II	I	I

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
Communication towers and monopoles (Q)			II ₁₉		II ₁₉		II ₁₉	II ₁₉	II ₁₉	II ₁₉
WHOLESALE TRADE—STORAGE										
Self-service storage facilities; provided, that no outside storage is visible from adjoining properties and public rights-of-way						III			I	
Warehousing (wholesale, bulk retail and trade)								III		

I = Type I Permitted Use

II = Type II Administrative Use

III = Type III Conditional Use

* = Defined Term

Letters and numbers refer to footnotes and regulatory notes within Sections [17.15.030](#) and [17.15.040](#).

Exhibit C

KMC 17.15.040(C)

C. Halfway houses, group homes, ~~and~~ transitional housing, emergency shelters, and urban rest stops are subject to the following standards:

1. One off-street parking space is required for each on-shift, nonresidential employee in addition to the residential parking requirements. Residential driveways are acceptable access ways.
2. Access streets, parking and/or loading areas shall be sufficient to safely accommodate the number of estimated vehicle trips generated by the use.
3. No structured area for active play or play structures may be located in the front yard. In the event of double frontage or similar situations, the director or designee shall determine which yard would have the least visual impact to the neighborhood.
4. The site shall conform to the lot size, building size, setback and lot coverage requirements of the zoning district.
5. Provide an off-street drop-off/pick-up area.
6. Comply with all business licensing requirements.
7. No structural or decorative alteration is permitted in a residential zone if that alteration changes the residential character of an existing residential structure or is incompatible with surrounding residences.
8. An on-site vehicle turnaround, or separate entrance and exit points, and passenger loading area must be developed for review and approval by the city engineer.
9. The site must be landscaped in a manner compatible with adjacent residences in residential zones according to a plan approved by the community development department.
10. The following additional criteria shall govern the review and approval of a conditional use permit for transitional housing, emergency shelters and urban rest stops:

A. Site Plan. A detailed site plan shall be submitted with the application. The Examiner may increase the Development Standards of the Kelso Municipal Code as necessary to ensure compatibility of the use with surrounding uses. The Examiner shall take into consideration the neighborhood character and any adopted neighborhood plans.

B. Compliance with Building Code. Facilities must comply with all applicable standards, including International Building Code (IBC) standards for the number of residents or clients served. Adequate kitchens, bathrooms, lighting, safety features, and site access for emergency vehicles are required.

C. Separation. Facilities must be at least 1/2 mile from the same uses.

D. Drugs and Alcohol. Use of alcohol and controlled substances, except by prescription, is strictly prohibited at the premises.

E. Operations. Applicant must provide staffing and operating procedures adequate to the type of facility and adequate to address the secondary impacts of the facility.



Kelso Planning Commission Meeting Minutes
Tuesday, May 13, 2014
6:00pm – 7:55pm

Commissioners Present: James Hill, Dan Jones, Toby Tabor, Rick VonRock, Jared Wade, James Webb.

Commissioners Absent: Clark Hislop.

Staff Present: Steve Taylor, City Manager; Michael Kardas, Community Development Director; Janean Parker, City Attorney; Stephanie Helem, Recording Secretary.

Call to Order:

Chair Rick VonRock called the meeting to order at 6:00pm.

Minutes:

Commissioner VonRock made the motion, seconded by Commissioner Hill to approve the minutes of April 8, 2014. Motion carried, all in favor.

Commission Business:

1. Introduction of new Commissioner James Hill.
2. Amendments to the Kelso Municipal Code on the receipt and processing of applications for permits for the establishment, operation, and maintenance of certain transition housing and land uses.

Public Hearing Introduction. Ms. Parker. The public hearing is for the Planning Commission's consideration of language to recommend to the City Council on the idea of low barrier housing and shelters, and urban rest stop. There have been several meetings and have taken some public comment to date. At the last meeting the Commission directed staff to bring back prepared language. There is a staff recommendation that is different than the language the Commission wanted to see. There are similar ordinance amendments to the definition of the zoning code, amendments to the land use table, and language for conditions for the hearings examiner to consider when looking at a conditional use permit.

Option 1 Planning Commission Preferred. This would be to amend the definitions to prohibit the use of drug and alcohol in the existing definition of shelters. Add definition of urban rest stop. Would allow uses only in industrial zones of the city and would require a conditional use permit for those uses. Added language to definitions. Added specific criteria for conditional use permits. Discussion followed.

Option 2 Staff Recommended. In preparing the Planning Commission ordinance there were a few concerns, staff met and drafted recommendation. The language in definitional requirements would be hard to apply as a land use definition. It governs behavior after the fact and not a type of facility. The other issue was that restricting to the industrial zone it is more akin to a residential type use than an industrial type use. There may be issues with the comprehensive plan. In making it a condition in the conditional use permit that the hearing examiner would impose for not allowing drugs or controlled substances there could be tailored conditions for the hearing examiner that could be specific to a particular type of application. An emergency shelter is not allowed in any zone currently however, there is a definition. Perhaps the land use table did not get appropriately updated. Emergency housing is added and would be conditional use permit and allowed in the Commercial Town Center (CTC), Commercial West Kelso (CWK), and Commercial Specialty Retail (CSR) zones. 'Emergency Housing' should read 'Emergency Shelter' as defined. Urban rest stop, same permit and same zones. Transitional housing for more than 10 residents allowed in CTC, CWK, CSR, and Residential Multi-Family (RMF). Transitional housing less than 10 residents no change, currently allowed in RSF, RMF and CTC zones. Discussion followed.

Clarification. The currently operating Emergency Shelter will not be affected by the code unless they closed and tried to reopen or moved.

Ms. Parker. This public hearing is a legislative matter. The general rules speak for an allotted time, 3 minutes, can allow a longer time. It needs to be on the topic of the proposed ordinance. Planning Commission's decision will be a recommendation to the City Council, who will then take further action, final decision.

Public Hearing:

Commissioner VonRock called the Public Hearing open at 6:21pm.

Please state name and address for public record.

Nicole Mackey, 1106 S 3rd Ave., Kelso, WA. Why is the residential multi-family zone noted as an administrative permit not a conditional use? In any of the shelters you are not allowed to do drugs or alcohol or be intoxicated or under the influence. Are they going to be allowed to come in under the influence of being intoxicated and under the influence of illegal drugs? In the zoning, is it required for there to be qualified staff that could handle volatile situations? Discussion followed.

Ms. Parker response. Transitional housing is a Type II use under Residential Multi-Family. Type II use does involve public notice and some review. Decision is made by planning director. This is in Option 2, not in Option 1. Language includes not using drugs while in the facility because of enforcement issues. Discussion followed.

Ms. Mackey. Shelter is open and what if there is needles and paraphernalia? Would this be part of it? What happens if it goes in and there is problems? Crime increase? What happens then?

Ms Parker. If there is a violation the permit can be revoked. There is some enforcement on land use context. Would be related to conditions placed.

Adena Grigsby, 1109 S. 3rd Ave., Kelso, WA. Brought letters from neighbors opposed to low barrier shelter in town. Does not like Option 2 definitely. Does not like Option 1 either. Option 2 leaves drug use open in the facility. Does not see why it has to be allowed or wait for a conditional use permit to decide to allow drugs in our community. Other places have added in their code that everyone coming into shelter has to be screened at intake to insure they are not under the influence of drugs and alcohol. Provided Commission, City of Bonita Springs Ordinance No. 13.04. They have added good neighbor policies. What is the reason why we can't put that people have to be screened for drugs and alcohol at intake? Have the service providers have some responsibility. Does not like staff recommendation. Worried about sex offenders being allowed at these facilities.

Chuck Hendrickson, 121 Olive St., Kelso, WA. Likes Option 2. That would be his recommendation. All though it is not fully what he would like to see have happen due to the services he does provide. He does believe it is a compromise. Recommendation Commission would support Option 2.

Public Hearing Closed 6:38pm.

Options Discussion. Commissioner VonRock asked for a rough opinion of commission thoughts on options.

Commissioner Wade. Commissioner Option 2 is closer to what is 'apropos' to city. The city has areas approved for temporary housing, motels/hotels. Similar type services.

Commissioner Webb. Looking at industrial, commercial town center and residential. Why was the Commercial Neighborhood Service Center (CNH) zone not considered? This is near hospitals, doctor offices, where these services may be needed.

Mr. Taylor. For the CNH zone there are only a few of these zoned areas. Current existing uses. Discussion followed.

Commissioner Webb. Based on information, option 1 Planning Commission option.

Commissioner Hill. Difficult issue. Commission recommended proposal seems closer to his views, all though there are misgivings. Are there general liability insurance requirements as part of granting a permit?

Ms. Parker. As a general matter, the city does not require insurance as part of a land use permitting process. Discussion followed.

Commissioner Jones. Opposed to both options. The only way to be in favor if in the standards criteria for conditional use it prohibited people under the influence of drug or alcohol identified for the hearings examiner. Any transitional housing should be a conditional use.

Commissioner Tabor. Has lots of questions. There is more that needs to go into this. Leaning towards Planning Commission recommendation.

Commissioner VonRock. Leaning towards Planning Commission recommendation.

Ms. Parker. Staff is looking for recommendation to the City Council. It can be either option or modification. Moratorium is in effect until July 21st. The City Council would need opportunity for two full readings.

Mr. Taylor. Based on level of public comment leading up to moratorium, if staff doesn't get recommendation tonight, he asked there be another meeting scheduled to provide recommendation before next regularly scheduled meeting. He does not want to put the council in position of two readings and it gets knocked out of cycle by significant public comment, and then forced to extend moratorium.

Commissioner VonRock asked how many are in favor of Commission's recommendation? How many in favor of staff recommendation?

No consensus. Discussion followed.

Zoning. Commission VonRock - Which zoning is preferred out of both options? Consensus is staff recommended proposal as long as traditional housing goes to conditional use over 10. Over ten should not be in residential zone.

Ms. Parker. Clarification. Consensus for the commercial zones. Either not in RMF zone at all or if it is in RMF a conditional use permit. Discussion followed.

Commission consensus for transitional housing, keep separate for over and under 10.

Under 10, smaller facility. In staff recommendation it is allowed in RSF, RMF, CTC zones. Commission consensus agree.

Larger transitional housing facility. Where are they appropriate? Discussion followed. Commission consensus is to allow in residential multi-family zone with conditional use permit, commercial specialty retail zone, and both light and general industrial. Discussion followed.

Emergency Shelter. Discussion followed. Commission consensus not recommended for residential multi-family. Recommended for commercial west Kelso and light and general industrial.

Urban Rest stop. Discussion followed. Commission consensus recommended for industrial. No residential or commercial.

Conditional use permit language. At the end of the land use table there is a section that calls out other requirements for different types of uses. There are already requirements for group home type uses. Number 10 (A, B, C, D) was added to set forth the criteria the hearings examiner would look at in reviewing a conditional use permit. Discussion followed.

Number C. change language to "...from the same use." Discussion followed.

Added additional language. E. "Staffing and rules of procedure adequate for the type of facility and to address the secondary impacts of the facility." Discussion followed.

Ms. Parker. Commission consensus. It's a conditional use permit with these conditions as amended.

Definitions section. Consensus is Planning Commission preferred option for emergency shelter, transitional housing facility and urban rest stop definitions.

Mr. Taylor. The next scheduled meeting for the Planning Commission is June 10th, which gives the council their second meeting of June and two meetings in July. There is a one meeting cushion before the July 21st moratorium deadline.

There would be time to bring this back in final form to the Planning Commission for recommendation.

No citizen's business.

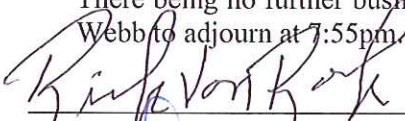
Staff has been directed to prepare an ordinance along the lines discussed tonight for the next meeting.

Other Business:

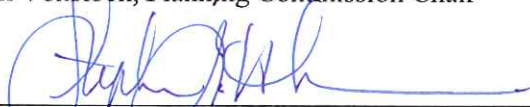
1. **Medical Marijuana.** Ms. Parker. In medical collective garden, there are not spacing requirements, signage and nuisance. There is nothing that would limit the land use. The question was, can't we leave it to the state and follow their rules? The legislature was supposed to act and they didn't. There is a disconnect between recreational and medical. The City of Kent took statute in place and banned medical marijuana outright and they were challenged. The court in making its decision, said yes Kent can ban it, has the authority to regulate, can't ban it because they have this authority, it can be banned because it is already illegal. There is a lot of questions about medical marijuana. Ms. Parker is recommending not taking any action until next term. A collective garden is currently not allowed under Kelso code. Discussion followed.
2. **Training.** Mr. Taylor asked how many Commissioners had training on open public meetings act, public records act, and appearance of fairness when you came onto Commission. WCIA does training Public Official liability training. There might be some refresher points and perhaps Janean can come in at a future meeting and go over main points to help the Commission and prevent adverse actions against the city by the decisions and actions you take.

Adjournment:

There being no further business, Commissioner VonRock made the motion, seconded by Commissioner Webb to adjourn at 7:55pm.



Rick VonRock, Planning Commission Chair



Respectfully submitted: Stephanie L. Helem, Recording Secretary



Kelso Planning Commission Meeting Minutes Tuesday, June 10, 2014 6:00pm – 7:30pm

Commissioners Present: James Hill, Clark Hislop, Dan Jones, Rick VonRock, Jared Wade, James Webb.

Commissioners Absent: Toby Tabor.

Staff Present: Steve Taylor, City Manager; Michael Kardas, Community Development Director; Janean Parker, City Attorney; Stephanie Helem, Recording Secretary.

Call to Order:

Chair Rick VonRock called the meeting to order at 6:00pm.

Minutes:

Commissioner VonRock made the motion, seconded by Commissioner Webb to approve the minutes of May 13, 2014. Motion carried, all in favor.

Commission Business:

- 1. Public Official Training.** A Power Point presentation was provided by Janean Parker, City Attorney. There was a recent statute passed called Open Government Trainings Act. This requires certain levels of training for different governing officials and policy making officials at all levels of government. For boards and commissions, and non-elected appointed officials, it requires training of the open public meetings act. This training will also be presented along with additional training of public records at the next City Council meeting on Tuesday. Ms. Parker asked all attendees on city boards or commissions to sign in. The statute requires training every four years.
- 2. Preliminary Draft Comprehensive Plan Goals, Policies, and Objectives for future meeting.** Mr. Kardas. The Commission has been provided draft goals and policies for the current update of the city's comprehensive plan. Purpose is to introduce with encouragement to review and make notes. City staff is open to any suggestions for additions or edits. This will be the primary issue on next month's agenda. There have been two to three meetings with Council and department heads to discuss city visions and city needs, and with the help of the consultant, developed this list of goals and policies. Discussion followed.
- 3. Recommendation to Council. An ordinance amending various sections of the Kelso Municipal Code relating to Emergency Housing, Low Barrier Emergency Housing, and Urban Rest Stops and identifying the permitted zones for such uses, establishing regulations for such uses, and repealing the moratorium in effect on such uses.** Mr. Taylor. There were changes from the original Planning Commission draft that came forward at the last meeting. There was a consensus reached at the last meeting and it was suggested staff go over changes incorporated in the recent draft to help with comments received from the public. Ms. Parker. There were three sections of the code that were discussed. Section 17.08.020 had changes to the definitions that added the prohibition of the use of drugs and alcohol for the emergency shelter, transitional housing facility and new definition of urban rest stop. For the land use table, the Commission consensus was a conditional use permit is required for the three types of uses. The proposed type of uses and zoning designations on the land use table were listed. In Section 17.15, notes under the land use table, set out some additional conditions for when the conditional use permit will be approved. The separation of facilities has

to be ½ mile from the same use. Added a condition addressing the operating procedure. These were the changes for the Planning Commission recommendation.

The staff recommendation was presented for comparison for where the zoning is appropriate. The staff recommendation also understood that some of the changes to the conditional use permit and definitions were not inconsistent.

Citizen Comment:

Susan Marios, 1109 S. 3rd Ave., Kelso, WA. On the 26th of February, she called to the Community Development Department and asked if there was a Planning Commission workshop the next day and she was told it was not open to the public. A poster was provided to the Commission from the Facebook page of Love Overwhelming. This is not a good thing for our community, whether it is Love Overwhelming or any other organization that would want to open up. She doesn't want to invite crime into our community. Please exclude people who are under the influence of drugs and alcohol. Discussion followed.

Savanna Killsree, 1109 S. 3rd Ave., Kelso, WA. She is in the 8th grade. This is a terrible example of what this low barrier shelter stuff is called. What if it sets an example for her? What if she starts using drugs? It will attack students in her grade? It is not helping the situation, it is making it worse. It can hurt a lot of people. Aren't we supposed to be preventing it? It is not okay. Her future is bright. She doesn't want any drugs in her life.

Adena Grigsby, 1109 S. 3rd Ave., Kelso, WA. She was first under the impression the workshop held on February 27th was open to the public and a city employee said that it wasn't. Who was at this meeting? Was it just the Planning Commission? Per staff records there was a study session held on February 27th in Conference Room 203. Commissioner Hislop, VonRock, Wade, Webb, and Jones were present. Nancy Malone was also present. Commissioner Hislop stated there was a presenter that represented the nine health facilities that are available in the community and what the resources were. It was concluded that Melissa Taylor with the Council of Governments was the presenter. It was assumed Nancy Malone (city staff) set it up.

Ms. Grigsby. Melissa is paid to manage the Housing First Coalition. Basically a lobbyist was invited. A copy of Ms. Taylor's contract of what she does for the Housing First Coalition (she is paid by the county) was provided to the Commission.

Commissioner Hislop. He recollects there was an open meeting in this hall and the Commission wanted more information of what was available. He believed Nancy arranged for Melissa Taylor and she talked about the nine basic functions of what's out there today and gave a broad overview.

Ms. Grigsby provided Commission copies of various information that was previously handed out to the City Council. She is concerned about low barrier shelters. They are inviting crime to our community. What is the safety of the people inside the facility as well? What is the safety of everyone else? What is the training for someone when dealing with someone on meth? Referenced Chelan's municipal code. Discussion followed.

Wallace Hall, 1101 S. 3rd Ave, Kelso, WA. He commended the Planning Commission and City Council on their obvious concern and for listening to the concerns of citizens about these facilities coming in. There were a lot of questions not answered directly. If this was to come to the industrial zone part of our city, his concern, is a portion of the zoning is close to residential areas. Has the city zeroed in on where this would be in the industrial area?

Ms. Parker. It is allowed anywhere in the both the light and heavy industrial zones. Discussion followed. Is there going to be supervision in these facilities? Required at all times?

Ms. Parker. There is a hearings process. The code is broad enough to address whatever the use is. The conditional use permit conditions address this.

Mr. Wallace. Thank you for your careful consideration of this. He hopes the city does as much as they legally can to control and maintain these facilities.

Mr. Kardas. Gave an outline of some of the differences between the staff version and the Planning Commission version. Staff recommendation is focusing on like uses. The small shelter transitional housing being allowed in more residential zones. Staff has shied away from the industrial choice. There is limited industrial land in Kelso. Not sure if a shelter is the highest and best use of industrial land. Staff is not as strongly vested in the conditional use permit process for the smaller facilities. An administrative process will still be used. There is general agreement for rules for the hearings examiner. Staff also shied away from the alcohol in the definitions in the attempt to not regulate that portion. Focus was a land use decision. Discussion followed.

After research of this issue and bringing information before the Planning Commission and receiving information, staff recommendation was developed by the Community Development staff and city attorney.

Commissioner VonRock asked Commissioners on their opinion.

Commissioner VonRock. Recommendation to present what is currently before the Commission, recommended from the last meeting.

Commissioner Hislop. Thanked the public for showing up today. This is a controversial issue. We are here to set the zoning where these can occur. Supports the Commission's decision on where and what has been done so far.

Commissioner Wade. Likes that the Commission has taken things out of administrative control and more for an independent review. This brings in the community a little more on the decision. Where we have come as a Commission to recommend what we have put together, this is an acceptable agreement between our various stances.

Commissioner Webb. There is merit to the concerns that have been voiced and shares these concerns. There is a problem in the community. He does standby the recommendation made. Weapons are not mentioned, this was brought up. This would be a valid insertion in the definition. You should not be allowed to show up under the influence. Does not agree with the best use of industrial land by leaving these out.

Commissioner Hill. Trying to remove these facilities from their immediate impact on families, kids, children, neighborhoods. He is opposed to the establishment of them. This does not seem to give them a mechanism to address the final determining body about the location and operation of these facilities. He has concerns the public opinion with not be taken into consideration when the final decision is made. He was not part of the initial discussions and he commended the Commission for weaving all these issues together.

Commissioner Jones. He is opposed to anything that doesn't prohibit people from being under the influence of drug or alcohol.

MOTION: Commissioner VonRock asked for a motion be made to refer to the City Council. Commissioner Wade made the first motion, seconded by Commissioner Hislop.

Ms. Parker asked for clarification. The motion is for the Planning Commission draft that was presented in the packet. Motion carried, 4 to 2.

Ms. Parker thanked the Planning Commission for all the hard work that was put into this project.

Other Business:

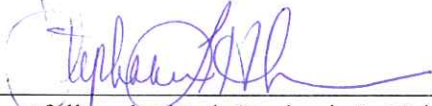
1. The poles are in the contractor yard for the West Main Project; however, they have not been passed by WSDOT.
2. Good permit activity for the month of May.
3. No new home construction permits.

Adjournment:

There being no further business, Commissioner VonRock made the motion, seconded by Commissioner Webb to adjourn at 7:30pm.



Rick VonRock, Planning Commission Chair



Respectfully submitted: Stephanie L. Helem, Recording Secretary

AGENDA SUMMARY SHEET
Business of the City Council
City of Kelso, Washington

SUBJECT TITLE:

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF KELSO ADOPTING RULES OF
PROCEDURE OF THE KELSO CITY COUNCIL.

Agenda Item: _____

Dept. of Origin: _____ City Manager _____

For Agenda of: July 15, 2014

Originator: _____

PRESENTED BY:

Steve Taylor

City Attorney: **Janean Parker**

City Manager: **Steve Taylor**

Agenda Item Attachments:

Proposed Resolution
Exhibit A – Draft Council Rules of Procedure

SUMMARY STATEMENT:

At the May 6, 2014 Council meeting it was suggested that a review of the Council Rules and Procedures was needed. At the May 20, 2014 Council meeting, three council members agreed to meet with staff to review the Rules and propose amendments for consideration by the full Council. That meeting occurred on May 27, 2014 and the attached draft reflects the proposed changes.

Most of the changes are minor housekeeping items. The most substantial changes are:

- In Section 6. Council Committees/Appointments the wording was altered to provide more flexibility for appointing Council members to committees.
- The flag salute was removed from Section 8. Order of Business to reflect that the flag salute will continue to occur before the meeting has been officially called to order.
- Section 12. Public Hearings was changed to make the time allotted for citizen comments consistent with the time allowed during public testimony in Section 10.

RECOMMENDED ACTION:

Move to adopt the Resolution amending the City Council's Rules and Procedures.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KELSO ADOPTING RULES AND PROCEDURES OF THE KELSO CITY COUNCIL.

WHEREAS, On February 5, 2013 the Kelso City Council adopted the ‘Council Rules’ to govern both its internal management and the procedures available to the public, in conformance with the customary practice of legislative bodies; and

WHEREAS, the Council Rules should guide and facilitate Councilmember duties and meeting deliberations as well as provide the public with an understanding of council functions; and

WHEREAS, periodic alterations to the Council’s internal procedures are appropriate to better serve the Council’s needs.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KELSO DO HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The ‘Council Rules’ of the Kelso City Council, dated May 28, 2014, attached to this resolution, are adopted as the official rules and procedures of the Kelso City Council.

SECTION 2: This resolution shall be effective immediately upon its adoption.

ADOPTED by the City Council and **SIGNED** by the Mayor this _____ day of _____, 2014.

MAYOR

ATTEST/AUTHENTICATION:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

KELSO CITY COUNCIL

Council Rules and Procedures

SECTION 1. GENERAL.

These rules constitute the official rules and procedures for the Kelso City Council. In all decisions arising from points of order which are not covered by these rules, the Council shall be governed by Robert's Rules of Order (newly revised), a copy of which is maintained in the office of the Kelso City Clerk. The City Attorney shall decide all questions of interpretations of these rules and other questions of a parliamentary nature which may arise at the Council meeting.

SECTION 2. ORGANIZATION.

- A. Swearing in of New Councilmembers. New Councilmembers shall be sworn in by the City Clerk or delegate. The swearing in will occur at the first meeting of the City Council held in January following certification of the election.
- B. Election of Mayor and Deputy Mayor. The motion to elect the Mayor and the Deputy Mayor will be placed on the Agenda of the first regular City Council meeting in January following certification of the election and the Mayor and Deputy Mayor will serve in office for a term as specified by city charter. During the election of Mayor and Deputy Mayor, the city clerk shall serve as Chair.

In the event the Mayor is unable to serve the remainder of the term, due to his or her removal from office, or his or her resignation as Mayor or from the City Council, or upon his or her death, the Deputy Mayor shall serve as Mayor for the remainder of that term and a new Deputy Mayor shall be elected.

In the event the Deputy Mayor is unable to serve the remainder of the term, a new Mayor shall be elected at the next regular meeting.

- 1. Nomination Procedure. No one Councilmember may nominate more than one person for a given office until every member wishing to nominate a candidate has an opportunity to do so. Nominations do **not** require a second ~~vote~~. The Chair will repeat each nomination until all nominations have been made. When it appears that no one else wishes to make any further nominations, the chair will ask again for further nominations and if there are none the Chair will declare the nominations closed. A motion to close the nominations is **not** necessary.
 - 2. Voting Procedure. After nominations have been closed, voting for Mayor takes place in the order nominations were made. Councilmembers will be asked for a raise of hands. As soon as one of the nominees receives a majority vote (four votes), then the Chair will declare the nominee elected. No votes will be taken on the remaining nominees. A tie vote results in a failed nomination. If none of the nominees receive a majority vote, the Chair will call for nominations again and repeat the process until a single candidate receives a majority vote before the Office of Deputy Mayor is opened for nominations.
- C. General Decorum.
 - 1. While the Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or

the peace of the Council, nor disrupt any member while speaking, nor refuse to obey the orders of the Council or the Mayor, except as otherwise provided in these Rules.

2. Any person making personal or slanderous remarks or who becomes disorderly while addressing the Council or while in the Council Chamber while the Council is in session, shall be asked to leave by the Presiding Officer.

D. Confidentiality.

1. Councilmembers shall keep confidential all written materials and verbal information provided to them during Executive Sessions, to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of Executive Sessions when the information is considered to be exempt from disclosure under the Revised Code of Washington or under Public Disclosure Ordinance adopted by the Council.
2. If the Council, after Executive Session, has provided direction or consensus to City staff on proposed terms and conditions for any confidential or privileged issue, all contact with any other party shall be made by the designated City staff representative handling the issue. Councilmembers should consult with the City Manager and/or City Attorney prior to discussing such information with anyone other than other Councilmembers, the City Attorney or City staff designated by the City Manager. Any Councilmember having any contact or discussion with any person other than those listed above on any such confidential or privileged issue shall make full disclosure to the City Manager and Council in a timely manner.

E. Council Conduct – “No Surprise” Doctrine. Councilmembers should adhere to the “Doctrine of No Surprises” in an attempt to conduct Council business with the most thorough information available during Council meetings. The doctrine is meant as a general guideline to be followed and not a mandate.

1. Councilmembers should take adequate time for preparation prior to each Council meeting to review agenda materials, take notes, and visit sites as necessary.
2. The City Manager or staff should be contacted prior to each meeting for questions that arise or require additional research.
3. Inform the City Manager prior to each meeting if questions or requests for research have been asked of staff.
4. Notify the City Manager, the Mayor and fellow Councilmembers prior to a meeting if a member plans to bring forward an item that is not currently on the agenda.

F. City Clerk. The Clerk or an authorized Deputy Clerk shall attend all Council Meetings. If the Clerk and the Deputy Clerk are absent from any Council Meeting, the City Manager shall appoint a Clerk Pro Tempore for that meeting only.

SECTION 3. OFFICERS.

A. Presiding Officers. The Mayor, or in his or her absence, the Deputy Mayor, shall be the Presiding Officer of the Council. In the absence of both the Mayor and the Deputy Mayor, the Council shall appoint one of the members of the Council to act as a temporary Presiding Officer.

B. Presiding Officer's Duties. It shall be the duty of the Presiding Officer to:

1. Call the meeting to order

2. Keep the meeting to its order of business
 3. Control discussion in an orderly manner
 - a. Every Councilmember who wishes an opportunity to speak must be recognized by the chair.
 - b. Permit audience participation at the appropriate times.
 - c. Require all speakers to speak to the question and to observe the rules of order.
 4. State each motion before it is discussed and before it is voted upon.
 5. Put motions to a vote and announce the outcome.
- C. Presiding Officer, Question or Order. The Presiding Officer shall decide all questions of order, subject to the right of appeal to the Council by any member.
- D. Request for Written Motions. Motions shall be reduced to writing when required by the Presiding Officer of the Council or any member of the Council. All resolutions and ordinances shall be in writing.

SECTION 4. DUTIES AND PRIVILEGES OF COUNCILMEMBERS.

- A. Forms of Address. The Mayor shall be addressed as “Mayor (surname).” “Your Honor,” or Mr./Madam Mayor. Members of the Council shall be addressed according to their preference as “Councilmember (surname),” “Councilor (surname),” or Mr./Mrs./Miss/Ms. (surname).
- B. Seating Arrangement at Regular Meetings. The Mayor shall sit at the center of the Council, and the Deputy Mayor shall sit at the right hand of the Mayor. Other Councilmembers are to be assigned seating at random and rotated quarterly~~ed in accordance with KMC 2.04.070~~. If there is a dispute, seating shall be in position order.

SECTION 5. CITY ADVISORY COMMITTEES

The City of Kelso’s Commissions, Committees, and Task Forces provide an invaluable service to the City. Their advice on a wide variety of subjects aids the Council in the decision-making process. Effective citizen participation is an invaluable tool for local government. All City Advisory Committees are advisory to the City Council and are not authorized to take independent action representing the City with other agencies or bodies.

- A. Establishment of Advisory Bodies. These advisory bodies will be established by City Resolution or Ordinance, if required by state statute. The enacting resolution will set forth the size of each advisory group, which will be related to its duties and responsibilities; the term of office of its members; a statement of its purpose and function; and time lines, if relevant to the scope of work. The Council may dissolve any advisory body that, in their opinion, has completed its working function or for any other reason.
- B. Appointments to Advisory Bodies. Vacancies may be advertised so that any interested citizen may submit an application. Applicants are urged to be citizens of the City of Kelso, but applications from residents living outside of the corporate boundaries may be considered if authorized by the resolution or ordinance establishing the advisory body.

Appointments to advisory bodies will be made by the City Council during a regularly scheduled meeting. Newly appointed members will receive a briefing by the Commission, Committee, or Task Force Chairperson and/or City staff regarding duties and responsibilities of the members of the advisory body. Appointees to advisory bodies may be removed prior to the expiration of their term of office by a majority vote of the City Council.

- C. Conduct of Business. The advisory body will normally adopt rules for transaction of business, and will determine the number of meetings necessary for the business needs of the advisory group, unless otherwise established in the enacting resolution or ordinance. All meetings are subject to the public meetings laws of the State of Washington and City Ordinance.

SECTION 6. COUNCIL COMMITTEES/APPOINTMENTS

Council committees are policy review and discussion arms of the City Council. Committees may study issues and develop recommendations for consideration by the City Council. Committees may not take binding action on behalf of the City.

The City Council may meet for study or special project purposes as a Committee of the Whole or may establish Council subcommittees with three or fewer members.

~~Council Committee structure shall be as determined by the City Council in January of each year and may include: Councilmembers may be assigned to serve on committees and as liaisons to outside agencies as described below. Assignments shall be as determined by the City Council in January of each year, or as the Council deems necessary:~~

- A. Council Committee of the Whole - (Seven Councilmembers)
- B. Subcommittees of the City Council - Ad hoc and informal working or study group (three or fewer Councilmembers)
- C. Councilmember appointments - to task teams or City advisory boards, commissions and committees (three or fewer Councilmembers)
- D. Liaison/Representative Appointments - to other advisory bodies or groups.

SECTION 7. MEETINGS.

All Council Meetings shall comply with the requirements of the Open Meetings Act (Chapter 42.30 RCW). All Regular Meetings and Special Meetings of the Council shall be open to the public.

The City Manager, or his or her designee, shall attend all meetings of the City Council including Regular meetings, special meetings, and executive session, except if Council meets in Executive Session with the City Attorney on matters of potential conflict for the City Manager.

- A. Regular Meetings. The Council shall hold Regular Meetings on the first and third Tuesday of each month. The Regular Meeting will begin at 6:00 p.m., unless an Executive Session is scheduled at the beginning of the agenda.
- B. Special Meetings. Special Meetings may be held by the Council subject to notice requirements prescribed by State law. Special Meetings may be called by the Mayor, Deputy Mayor, or any three members of the City Council by notice delivered by regular or electronic mail to each member of the Council and to each local media outlet which has requested notice at least twenty-four hours before the time specified for the proposed meeting. The notice of such Special Meetings shall state the subjects to be considered, and no subject other than those specified in the notice shall be considered.
- C. Executive Sessions. The Council may hold Executive Sessions from which the public may be excluded, for those purposes set forth in RCW 42.30.110. Before convening an Executive Session, the Presiding Officer shall announce the purpose of the Session and the anticipated time when the Session will be concluded. Should the Session require more time, a public announcement shall be made that the Session is being extended. No formal action or decision of the Council may be taken in Executive Session.

- D. Emergency Meetings. If at any time there is a need for expedited action by the City Council to meet an emergency situation, the Mayor, or in the absence of the Mayor, the Deputy Mayor or any three members of Council, may call an emergency meeting at a place and time as necessary, and the noticing requirements of Title 42 RCW, or City ordinance or rule, may be waived.
- E. Adjournment. Regular and Special Council Meetings shall adjourn no later than 9:00 p.m. The adjournment times established hereunder may be extended to a later time certain upon approval of a motion by a majority of the Council. During regular and special meetings, any Councilmember may call for a "Point of Order" at 8:30 p.m. to review agenda priorities.
- F. Meeting Place. Council Meetings will be a time and place as Council directs. Regular and/or Special meetings shall generally be held within the boundaries of the City. The Council will not take final action on items during meetings held outside the boundaries of the City.
- G. Public Notice. The City shall comply with the provisions of RCW 35A.12.160.

SECTION 8. COUNCIL ORDER OF BUSINESS.

- A. Order of Business for Regular Meetings. The order of business for each Regular Meeting shall be as follows:
 1. Call to Order
 2. Roll Call, ~~Flag Salute~~
 3. Approval of Minutes of Previous Meeting
 4. Commendations/Presentations
 5. Citizens' business
 6. Public Hearing
 7. Consent agenda and Auditing of Accounts
 8. Ordinances, Resolutions and Motions
 9. Report of City Manager
 10. Council Comments/Council Committee Reports
 11. Executive Session (as necessary)
 12. Adjournment
- B. Council Agenda. When necessary, the Mayor or other Councilmember, with the consent of the Council, may change the order of business. All ordinances or resolutions must be on the agenda to be voted upon; a motion to suspend the rules would be necessary in order to vote on an ordinance or resolution not on the agenda.

SECTION 9. CONDUCT OF BUSINESS

- A. Motions. Business is brought before the council by motions, which constitute a formal procedure for taking actions. To make a motion, a member must first be recognized by the presiding officer. After the member has made a motion (and after the motion is seconded if required) the chair must then restate it or rule it out of order, then call for discussion.
- B. Debate. As required by Robert's Rules of Order, a member may speak twice on each motion. Each time a Councilmember is recognized, the Councilmember may speak to the motion for no longer than five minutes. No Councilmember may speak a third time to a motion without the consent of the Council.
- C. Staff Input. During regular or special meetings of the Council, the presiding officer will call for a staff report on business items as the agenda is considered and before a motion is entertained by

the presiding officer. Once a motion is pending, debate is limited to Councilmembers; additional staff input will be limited to providing clarification on issues if requested by a Councilmember.

- D. Reconsideration. A motion to reconsider is in order during the meeting after a motion has been acted upon either at the same meeting or at the next regular or special meeting of the Council. It must be made by a member who voted on the prevailing side, i.e., if a motion fails to pass, reconsideration must be moved by one who voted against the motion. It is debatable and requires a majority vote.

SECTION 10. PUBLIC TESTIMONY.

A. Public Comment

During Regular or Special Meetings of the Council, public comments will be invited during the Public Comment portion of the agenda. The public is also invited to provide written comment on any non-quasi-judicial or legislative matter. It is encouraged that such written comments be filed with the clerk by 1:00 p.m. of the Wednesday preceding the Regular Meeting. If written comments are given at the meeting, the presenter should provide eleven copies for the Council and staff.

In addition, public oral testimony may be taken on other non-quasi-judicial or legislative matters as they arise during the course of the meeting agenda. However, once a motion is pending, debate is limited to Councilmembers and no further public comment will be taken, unless a Councilmember requests further testimony.

Public comments should be limited to no more than three minutes per person. The Presiding Officer may, with consent of the Council, further limit individual comment length and total comment time allocated to a topic.

- B. Identification of Speakers. Persons testifying shall identify themselves for the record as to name, address and organization.
- C. Instructions for Speakers. An instruction notice and signup sheet will be provided at the entrance to the Council chambers. Persons testifying should address their comments to the City Council, not the audience.
- D. Addressing Council Outside of a Public Hearing or Public Comments. No person shall be allowed to address the Council while it is in session without the recognition of the Presiding Officer.

SECTION 11. CONSENT AGENDA.

- A. The City Manager, in consultation with the Presiding Officer, shall place matters on the Consent agenda which: (a) have been previously discussed or policies set by the Council, or (b) based on the information delivered to members of the Council, by the administration, can be reviewed by a Councilmember without further explanation, or (c) are so routine or technical in nature that passage is likely.
- B. The motion to adopt the Consent agenda shall be non-debatable and have the effect of moving to adopt all items on the Consent agenda. Since adoption of any item on the Consent agenda implies unanimous consent, any member of the Council shall have the right to remove any item from the Consent agenda. If any matter is withdrawn, the Presiding Officer shall place the item at an appropriate place on the agenda for deliberation at the current or future Council Meeting.

SECTION 12. PUBLIC HEARINGS.

The Public Hearing is a formal opportunity for citizens to give their views for consideration in the legislative or policy-decision-making process. In addition, public hearings are required on quasi-judicial actions which determine the legal rights, duties, or privileges of specific parties. The following rules shall be observed during public hearings:

A. Legislative/Information Gathering Public Hearing;

1. Open Public Hearing - The Mayor will open the public hearing.
2. Staff Presentation - For an initial presentation of background information from a City Department, a City Board, Commission, or Committee, or an organization such as the Fire District, the Library District, or the School District, no more than twenty (20) minutes will be allowed, unless otherwise authorized by the Presiding Officer.
3. Citizen Comments - Comments will be limited to threefour minutes from individuals or from persons speaking as a representative of an organization, club, or group. The Presiding Officer may allow additional time for receipt of written testimony, when needed.
4. Staff Comments - Additional staff comments may be requested by Council following citizen comments.
5. Close Public Hearing - At the conclusion of Citizen or Staff Comments, the Presiding Officer will close the public hearing.
6. Council Deliberation.
7. Council Action.
8. Timekeeper. The City Clerk shall be the timekeeper.

B. Quasi-Judicial Public Hearings:

Public oral testimony shall not be given on quasi-judicial matters outside of a public hearing except on matters of procedure. If a quasi-judicial hearing is on the agenda, the public will be informed by the City Attorney as to what state law permits as to public comments. In addition, quasi-judicial hearings will be conducted in conformance to procedures outlined in other City ordinances.

SECTION 13. AGENDA PREPARATION.

- A. The Clerk will prepare a preliminary agenda for each Council Meeting specifying the time and place of the meeting and setting forth a brief general description of each item to be considered by the Council.
- B. An item for a Regular Council meeting may be placed on the preliminary agenda by any of the following methods:
 1. A majority vote of the Council;
 2. Council consensus;
 3. By any two Councilmembers, in writing or with phone confirmation, with signatures by fax or electronic mail allowed for confirmation of support, no later than 12:00 (noon) four business days prior to the meeting. The names of the requesting Councilmembers shall be set forth on the agenda;

4. By the City Manager;
 5. By a Council Committee;
- C. Agenda items that are continued from one meeting to another will have preference on the agenda to the extent possible.

SECTION 14. EFFECT/WAIVER OF RULES.

It is the intent of the City Council that council procedures be periodically reviewed as needed, but no less than every two years. Accordingly, Council procedures shall be considered in the month of January of every even-numbered year, and may be considered at any other time that Council shall choose to review them.

These rules of procedure are adopted for the sole benefit of the members of the City Council to assist in the orderly conduct of Council business. These rules of procedure do not grant rights or privileges to members of the public or third parties. Failure of the City Council to adhere to these rules shall not result in any liability to the City, its officers, agents, and employees, nor shall failure to adhere to these rules result in invalidation of any Council act. The City Council may, by a two-thirds vote of those members present and voting, determine to temporarily waive any of the provisions herein. A two-thirds vote is five of seven votes, four of six votes, four of five votes, and three of four votes.