



AGENDA – Monday, August 3, 2020

7:00 p.m. City Council Meeting

Zoom Meeting ONLY

Meeting ID: 859 290 1543

Password: 12345678

7:00 p.m. CALL TO ORDER; PLEDGE OF ALLEGIANCE; AND ROLL CALL

Call to order	Mayor Phillips, Council Member Svendsen, Council Member McGuire,
And roll call	Council Member Murry, Council Member Cline & Council Member Kemmer.

PUBLIC COMMENT

At this time, the Mayor will call for any comments from the public on any subject whether or not it is on the agenda for any item(s) the public may wish to bring forward and discuss. Preference will be given to those who must travel. **Please limit your comments to three minutes. The City Council does not take any action or make any decisions during public comment.** To request Council action during the Business portion of a Council meeting, contact the City Administrator at least one week in advance of a meeting.

PROCLAMATION – CHILDHOOD CANCER AWARENESS MONTH

CONSENT AGENDA – TAB A

All matters, which are listed within the consent section of the agenda, have been distributed to each member of the Long Beach City Council for reading and study. Items listed are considered routine by the Council and will be enacted with one motion unless a Council Member specifically requests it to be removed from the Consent Agenda to be considered separately. Staff recommends approval of the following items:

- Minutes, July 20, 2020 City Council Meeting
- Payment Approval List for Warrant Resisters 59577-59602 & 87031-87048 for \$259,208.49

- AB 20-56– RZ 2020-01 Oman Rezone Application **PUBLIC HEARING (withdrawn)**– TAB B
- AB 20-57 – RCO Resolution 20-08 Approving Boardwalk Reconstruction Application – TAB C

DEPARTMENT HEAD ORAL REPORTS CORRESPONDENCE AND WRITTEN REPORTS – TAB D

- Sales, Lodging and Transportation Tax reports

FUTURE CITY COUNCIL MEETING SCHEDULE

The Regular City Council meetings are held the 1st and 3rd Monday of each month at 7:00 PM and may be preceded by a workshop.
August 17, 2020, September 8, 2020 & September 21, 2020

ADJOURNMENT

American with Disabilities Act Notice: The City Council Meeting room is accessible to persons with disabilities. If you need assistance, contact the City Clerk at (360) 642-4421 or advise City Administrator at the meeting.

City of Long Beach, WA

Proclamation

Whereas, pediatric cancer is the leading cause of death by disease in children; and

Whereas, 1-in-285 children in the United States will be diagnosed by their 20th birthday; and

Whereas, 80 percent of childhood cancer cases are diagnosed only after the disease has metastasized and spread to other parts of the body; and

Whereas, two-thirds of childhood cancer patients will have long-lasting chronic conditions as a result of the treatment they go through; and

Whereas, there has been a twenty-four percent increase in pediatric cancer cases over the last forty years, equal to forty-three children per day or 15,780 children a year diagnosed with cancer in the United States; and

Whereas, the National Cancer Institute recognized the unique research needs of childhood cancer and increased funding to conduct this research; and

Whereas, researchers and healthcare professionals work diligently to dedicate their expertise to treat and cure children with cancer; and

Whereas, too many children are affected by this deadly disease and more must be done to raise awareness and find a cure for all childhood cancers;

Now, therefore, I, Jerry Phillips, Mayor, do hereby declare September 2020 to be

Childhood Cancer Awareness Month

In Long Beach, and I encourage all people in our city to join me in this special observance.

Signed this 3rd day of August, 2020

Jerry Phillips

Mayor, Long Beach, Washington

LONG BEACH CITY COUNCIL MEETING

(Zoom Meeting)

July 20, 2020

7:00 CALL TO ORDER, ROLL CALL

Mayor Phillips called the meeting to order.

ROLL CALL

David Glasson, City Administrator, called roll with Mayor Phillips, C. Svendsen, C. McGuire, C. Cline, and C. Kemmer all present. C. Murry was absent

PUBLIC COMMENT

No comments

CONSENT AGENDA

Minutes, June 6, 2020 City Council Meeting

Payment Approval List for Warrant Registers 59542-59576 & 86968-87030 for \$399,973.54

C. McGuire made the motion to approve the Consent Agenda. C. Svendsen seconded the motion; 4 Ayes, 1 absent, motion passed.

BUSINESS

AB 20-54– Change Order No. 6 Biosolids Treatment Facility

David Glasson, City Administrator, presented the Agenda Bill. The additional work and material required are the result of the sludge unloading station, \$18,047.44. Five working days are added to the Substantial and Physical Completion Contract Times. The second portion of this change order is changing from paint to sealer in the Solids Handling Building, this is at a cost savings (\$6,722.50). – total increased contract amount \$11,277.94

C. McGuire made the motion to authorize staff to sign the change order. C. Svendsen seconded the motion; 4 Ayes, 1 absent, motion passed.

AB 20-55– Temporary Food Vendors

David Glasson, City Administrator, presented the Agenda Bill. The City has been approached by local restaurateurs and the Long Beach Merchants Association to entertain the idea of temporary food vendors. Due to COVID-19 and the reduction in restaurant capacity merchants have requested that the Council grant a waiver throughout the summer to allow for temporary food vendors, if they meet the County's health criteria. City staff would approve the individual locations and vendors. They would

have to obtain an itinerant business license and meet certain specifications. Vendors would have to meet design review criteria in the zone where they are set-up.

C. Cline moved to Approve the agenda bill, but the motion died for lack of a second. C. Svendsen moved to do further examination for a food cart event. C. Cline seconded the motion; 3 Ayes, 2 absent C. Murry & C. Kemmer, motion passed.

DEPARTMENT HEAD ORAL REPORTS

CORRESPONDENCE AND WRITTEN REPORTS

- Water Report for June 2020
- Wastewater Report for June 2020
- Parks, Streets and Stormwater Report for May 2020
- COVID-19 B&O Tax fee and interest waiver
- Letter of Support for Seaview to Ilwaco Connector Trail Design Grant
- Staff Memo for RZ 2020-01

ADJOURNMENT

The Mayor adjourned the meeting at 7:29 p.m.

Mayor

City Clerk



Warrant Register

Check Periods: 2020 - July - Second

I, THE UNDERSIGNED DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE CLAIM IS A JUST, DUE AND UNPAID OBLIGATION AGAINST THE CITY OF LONG BEACH, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIM.

Number	Name	Print Date	Clearing Date	Amount
59577	Bell, Helen S	7/20/2020		\$307.30
59578	Binion, Jacob M	7/20/2020		\$1,930.42
59579	Booi, Kristopher A	7/20/2020		\$2,741.85
59580	Cox, Mallory E	7/20/2020		\$535.23
59581	Goulter, John R	7/20/2020		\$2,004.09
59582	Huff, Timothy M	7/20/2020		\$1,676.16
59583	Jewell, Kyle E	7/20/2020		\$1,375.69
59584	Kemmer, Larry L	7/20/2020		\$1,821.74
59585	Luethe, Paul J	7/20/2020		\$2,473.52
59586	Miller, Matt W	7/20/2020		\$1,764.85
59587	Mortenson, Tim L	7/20/2020		\$2,552.18
59588	Padgett, Timothy J	7/20/2020		\$1,438.79
59589	Wood, Matthew T	7/20/2020		\$1,664.70
59590	Wright, Flint R	7/20/2020		\$2,878.97
59591	Zuern, Donald D	7/20/2020		\$2,388.05
59592	AFLAC	7/20/2020		\$491.97
59593	City of LB Retirement Payback	7/20/2020		\$50.77
59594	City of Long Beach - Fica	7/20/2020		\$13,678.76
59595	City of Long Beach - FWH	7/20/2020		\$9,703.47
59596	Dept of Labor & Industries	7/20/2020		\$1,797.14
59597	Dept of Retirement Systems	7/20/2020		\$16,802.09
59598	Dept of Retirement Systems Def Comp	7/20/2020		\$3,330.00
59599	Discovery Benefits Inc.	7/20/2020		\$150.00
59600	Employment Security Dept	7/20/2020		\$235.68
59601	Massmutual Retirement Services	7/20/2020		\$775.00
	Total			\$32,730.02

Number	Name	Print Date	Clearing Date	Amount
59602	Teamsters Local #58	7/20/2020		\$215.50
87031	Cascade Columbia Distribution CO	7/22/2020		\$5,177.28
87032	Interstate Battery	7/22/2020		\$219.74
87033	SUNSET AUTO PARTS, INC	7/22/2020		\$122.70
87034	Mortenson, Tim	7/30/2020		\$208.00
87035	A-1 Redi Mix	7/30/2020		\$59.46
87036	Astoria Janitor & Paper Supply	7/30/2020		\$1,477.74
87037	Charter Spectrum	7/30/2020		\$334.93
87038	Chinook Observer	7/30/2020		\$225.11
87039	Evergreen Septic Inc	7/30/2020		\$200.00
87040	H. D. FOWLER	7/30/2020		\$8,414.76
87041	Naselle Rock & Asphalt	7/30/2020		\$26,859.16
87042	Oman & Son Builders	7/30/2020		\$874.45
87043	Penoyar, Joel	7/30/2020		\$7,280.00
87044	Public Utility District 2	7/30/2020		\$10,367.50
87045	SAW Construction, Inc.	7/30/2020		\$85,052.61
87046	Verizon Wireless	7/30/2020		\$797.93
87047	Willapa Firearms Training	7/30/2020		\$495.00
87048	Wirrkala Construction	7/30/2020		\$3,528.18
	Total			\$226,478.47
	Grand Total			\$259,208.49



**CITY COUNCIL
AGENDA BILL
AB 20-56**

Meeting Date: August 3, 2020

AGENDA ITEM INFORMATION

SUBJECT: Rezone Application for RZ 2020-01 Oman PUBLIC HEARING – application withdrawn	<i>Originator:</i>	
	Mayor	
	City Council	
	City Administrator	
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	AS
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
	Water/Wastewater Supervisor	
	Other:	
COST: NA		

SUMMARY STATEMENT: Steve Oman applied for a rezone of block 86 of Tinker’s 2nd South Addition to Long Beach to reclassified from R3 – Multi-Family Residential to R2R – Two-Family Residential Restricted. The Planning Commission heard this application and recommended that it not be approved by City Council. Since that time the applicant has withdrawn the application but code section 12-3-3(F) states that: F. Withdrawal And Renewal: The planning commission or city council, as appropriate, may permit the withdrawal of any application filed under the provisions of this title; provided, that any hearing must be held for which notice has been given. An application that has been previously withdrawn shall not be scheduled for reconsideration unless a new application has been submitted and a fee paid as required by subsection B of this section.

Therefore, the City Council must hold a public hearing as advertised.

RECOMMENDED ACTION: Not motion needed, the application has been withdrawn.

City of Long Beach
Department of Community Development

STAFF REPORT

TO: Long Beach Planning Commission
SUBJECT: Application to Reclassify Block 86 of Tinker’s 2nd South Addition to Long Beach be considered for a reclassification from its current zoning designation of R3 – Multi-Family Residential to R2R – Two-Family Residential Restricted and Revise the City’s Zoning Map
Case No. RZ 2020-01
APPLICANT: Gayle Borchard on behalf of Steve Oman
SITE ADDRESS: See attached location map
DATE: July 14, 2020

BACKGROUND

The applicant has identified eleven lots in this application for a rezone. The applicant completed a long plat and constructed nine townhomes, knowingly in the R3 zone. The intent of this rezone request is to allow buyers to purchase the units and give them the option to apply for Conditional Use Permit to allow for short-term vacation rentals. This would require revisions to the Zoning Code text, the City’s zoning map, and the Comprehensive Plan.

PROPERTY DETAILS

Property Address and Location: This application applies to the properties in Block 86 of Tinker’s 2nd South Addition to Long Beach (see attached location map).

Comprehensive Plan Future Land Use Map Designation: Multi-Family Residential

Shoreline Master Program: Not applicable

Zoning: R3– Multi-Family Residential, applicant seeking to reclassify that to R2R – Two-Family Residential Restricted.

Site Description: The site consists of eleven lots, all of which are currently owned by the applicant (Steve Oman). There are nine townhomes that consume the block along with two lots that are considered common area.

Vicinity Characteristics:

AREA	LAND USE PLAN	ZONING	EXISTING CONDITIONS
NORTH	Single- Family Residential	R1	Residential
SOUTH	Multi-Family Residential	R3	Residential
EAST	Multi- Family Residential	R3	Residential
WEST	Commercial	OT	Undeveloped/Commercial

Utilities and Services:

- Water: City of Long Beach
- Sewer: City of Long Beach
- Transportation: Oregon Ave S, Washington Ave S, 9th St SE and Sid Snyder Drive
- Public Education: Ocean Beach School District
- Electricity: At site, Pacific County PUD No. 2
- Stormwater and Drainage: City of Long Beach, storm line runs down 5th St NW
- Cable: Available from Charter Communications and several satellite providers
- Solid Waste: Available from Peninsula Sanitation
- Police and Fire: City of Long Beach Police and City of Long Beach Fire Departments
- Medical and Emergency Facilities: Long Beach EMS, Medix Ambulance Service, and Ocean Beach Hospital District No. 3
- Library: Timberland Regional Library in Ilwaco and Ocean Park
- Public Parks and Recreation Area(s): Numerous park and recreation areas within the City of Long Beach and within Pacific County, including this site
- Public Transit: Pacific Transit System available, including Dial-A-Ride

PROCEDURAL INFORMATION

Authorizing Ordinances

City Code **Section 12-2-3** vests the City Council with the authority to approve or deny applications for reclassification of property zoning, upon public hearings being conducted by both the Planning Commission and the Council. Both the Commission and Council must evaluate such a request against seven (7) criteria (see analysis, below), both must make findings, and the Commission must make a recommendation to the Council.

Procedural Requirements, Preliminary Plat: Requirements for acting on rezones (reclassifications) of the type sought under this case are set forth in City Code **Section 12-3-3 (A) through (G)**.

Process Schedule

- June 18, 2020: Notice of Application and of Hearings distributed to all property owners located within 300 feet of the subject property
- June 18-July 10: Public comment period
- July 1 & 8: Public Notice published in the Chinook Observer
- July 14: Hearing at Planning Commission Meeting
- August 3: Hearing at City Council Meeting

PUBLIC COMMENTS

As of the date of the printing of this staff report (July 9, 2020), there has been two public comments, one of which includes two maps, city zoning map and the city “vacation rental” map, and the Vacation Rental Fact Sheet. The other is a letter of support, in favor of the rezone.

ANALYSIS

Pursuant to City Code **Section 12-3-3(D)**, the Commission and Council must consider seven (7) criteria when evaluating a requested property-specific zoning reclassification.

The analysis below is intended as input to the Planning Commission’s independent analysis and decision. The following analysis includes evaluation of the proposed property reclassification (rezone) relative to the seven required criteria.

1. The reclassification is substantially related to public health, safety, or welfare.

This reclassification specifically reflects the opportunity for homeowners to apply for a conditional use permit and possibly rent their second home as a vacation rental. This allows the homeowners to invest in properties where they could possibly recoup some costs. At the same time, this reclassification could endanger the welfare of the permanent residents in the area. The amount of traffic, noise and general disruption could increase if vacation rentals were permitted. The proposed reclassification neither meets nor doesn't meet this criterion.

2. The reclassification is warranted due to changed circumstances, or due to the need for additional land supply in the proposed land use zone classification, or the proposed zoning classification is appropriate for reasonable development of the subject property.

There are already many rentals throughout the city, and there is a lack of affordable long-term housing. This property has already been developed to standards outlined in the R3 zone. If this reclassification were passed, the current structures would be deemed legal non-conforming. The proposed reclassification does not meet this criterion.

3. The affected property is suitable for development in general conformance with zoning standards under the proposed land use zone classification.

*Pursuant to City Code **Section 12-5E-2**: permitted uses in the R3 –Multi-Family Residential zone include single-family dwellings, two-family dwellings, multi-family dwellings, adult family homes, and daycare centers. Pursuant to City Code **Section 12-5D-3**, conditional uses in the R2R zone include vacation rentals, bed and breakfasts, nursing homes and government buildings. The intent of the applicant is to allow the property owners the option to apply for a Conditional Use Permit for a vacation rental. The affected property is already completely developed. The rezone would make the existing building a nonconforming use.*

4. The reclassification will not be materially detrimental to uses or properties in the immediate vicinity of the subject property or incompatible with such uses.

This is something that can be argued either way. The intent of this application and

rezone is to allow an opportunity for homeowners to apply for a Conditional Use Permit and possibly allow vacation rentals. The neighbors in the single-family residential zoning might argue that could potentially decrease their home value and disturb their neighborhood.

5. The reclassification has merit and value for the community as a whole.

This zone was created for the opportunity for dense, permanent, long-term housing not for the purpose of short-term rentals. The shortage in housing resides in long-term housing. The largest benefit to the community is providing for that need. The proposed reclassification does not meet this criterion.

6. The text amendment or reclassification is in accord with the comprehensive plan.

Comprehensive Goal 3-1 states: Facilitate residential development that addresses the needs of Long Beach residents. One of the strategies for implementing that goal is Strategy 3-1-C: Establish zoning districts that allow for a variety of densities and residential building types. The proposed rezone does not support this goal or strategy. The R3 zone is scarce throughout Long Beach and allows for dense multi-family housing. Goal 3-5 states: Establish a high-density residential district that provides a variety of housing opportunities for people of all income needs. Strategy 3-5-A: Provide for residential neighborhoods that will allow all residential types, including high-density housing opportunities with up to four dwelling units within a variety of settings. These districts include R3 and R3R. The proposed rezone would remove the R3 zoning designation from this block and rezone it R2R. Therefore, the units would be a nonconforming use. The proposed reclassification does not meet this criterion.

7. The text amendment or reclassification complies with all other applicable criteria and standards of the Long Beach City Code.

Staff has determined that the Critical Areas Ordinance, Shoreline Master Program and SEPA do not apply to this reclassification. Staff has reviewed the Long Beach City Code relative to this proposed reclassification and finds the proposal fundamentally conflicts with the Comprehensive Plan. The Comprehensive Plan – Future Land Use Map would have to be amended if this reclassification were to be approved. The proposed reclassification does not meet this criterion.

8. Legal Opinion: The City has reached out to the City Attorney on this matter and whether or not this rezone would be considered “spot zoning”. The attorney’s response is as follows:

Spot zoning was first clearly defined in Washington in *Anderson v. Island County*, a 1972 State Supreme Court case.

“Although spot zoning is not per se illegal, it is almost universally condemned. *State ex rel. Miller v. Cain*, supra; see also *Morris, Toward Effective Municipal Zoning*, 35 Wash. L. Rev. 534 (1960). “‘Spot zoning’ merely for the benefit of one or a few or for the disadvantage of some, still remains censurable because it is not for the general welfare ...” 2 J. Metzenbaum, *Law of Zoning* 1519 (2d ed. 1955), quoted approvingly in *Pierce v. King County*, 62 Wn.2d 324, 339, 382 P.2d 628 (1963). In the case before us, it is readily apparent that *Island Sand and Gravel, Inc.*, is the primary beneficiary of the change in zoning classification. The sole benefit to the public found by the board of commissioners was that expansion of the cement batching operation would assist in the development of Whidbey Island a finding lacking evidentiary support. Additionally, testimony at the public hearings on the issue indicated that approximately 150 neighboring property owners contend that the facility in question is not only unneeded, it is unwanted. Since the rezoning here has resulted in a smaller area being singled out of a larger area for a use classification totally different from and inconsistent with that of the surrounding district, we conclude upon these facts that the board's action constituted spot zoning. Because the action was not for the "general welfare", it was in turn arbitrary and capricious.”

Later cases clarified that the pivotal ‘general welfare’ issue should be decided by reference to the Comprehensive Plan. If a smaller area is singled out of a larger area for a use inconsistent with the Comprehensive Plan the action would be contrary to the general welfare and thus arbitrary and capricious. The action would also probably be a spot zone. But as the *Anderson* case points out, it is the arbitrary and capricious nature of the action that makes it illegal, not the fact that it likely also meets the definition of a spot zone.

In conclusion, the critical issue is consistency with the Comprehensive Plan. As the staff report points out directly in Section 6 and indirectly in other Sections, the proposed rezone fails to meet this test.

SUGGESTED FINDINGS

Staff provides the Planning Commission of the City of Long Beach, Washington, the following suggested findings of fact as input to the Commission's own evaluation of Case No. RZ 2020-01. Staff recommends the Commission make the following affirmative findings:

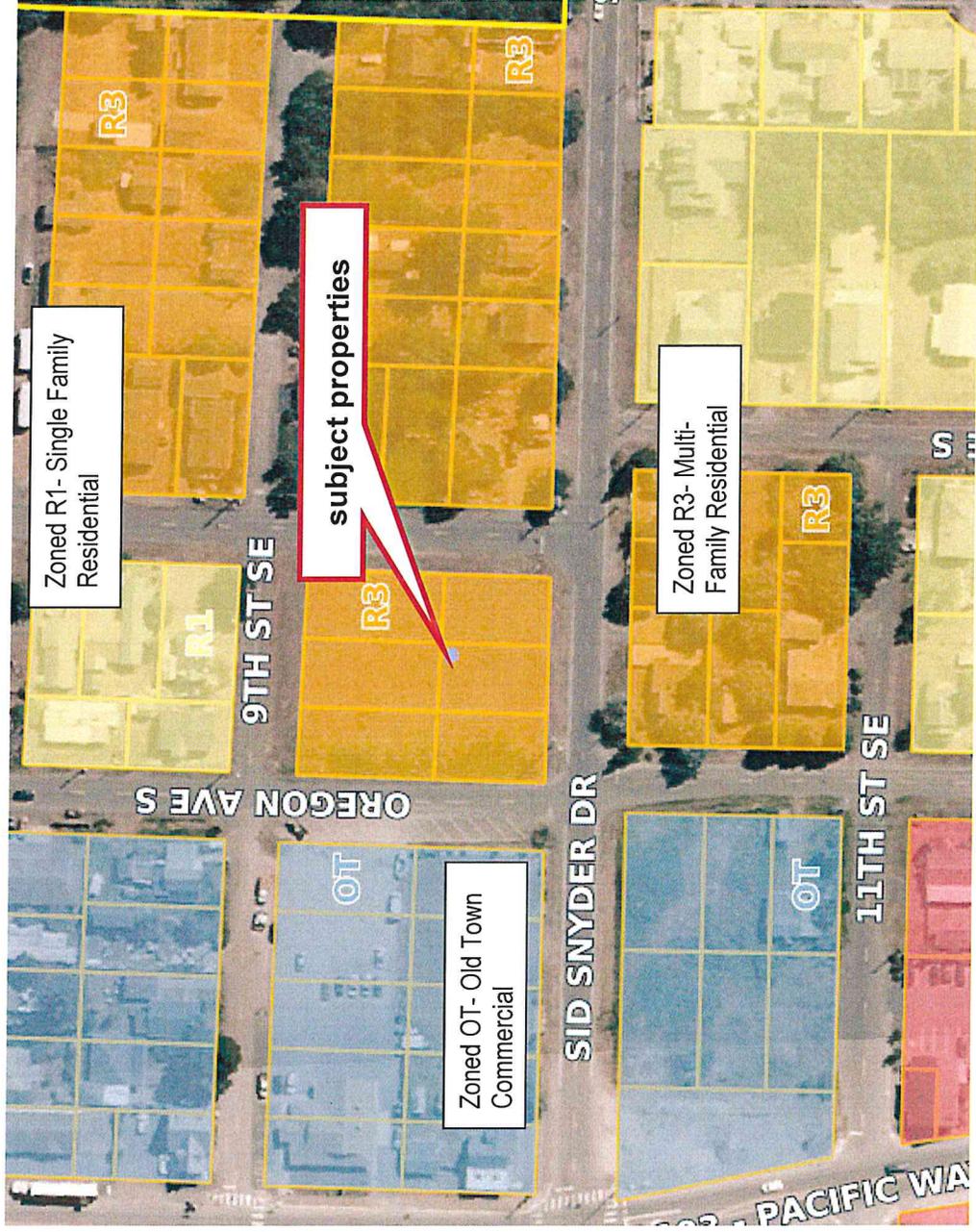
1. Case No. RZ 2020-01 does not comply with relevant portions of the City's Comprehensive Plan, adopted via Ordinance 981, as may be amended.
2. Case No. RZ 2020-01 does not comply with relevant portions of the City's Zoning Regulations, adopted via Ordinance 959, as may be amended.

SUGGESTED ACTION

Based on the analysis and suggested findings of fact above, staff recommends the Planning Commission make a recommendation to the Long Beach City Council to NOT APPROVE case No. RZ 2020-01.

ATTACHMENTS

1. Location map
2. Application
3. Public comments
4. R3 zoning information and R2R zoning information



Case No. RZ 2020-01
Gayle Borchard for Steve Oman
Block 86 of Tinker's 2nd South Addition to Long Beach
Reclassify from R3 – Multi-Family Residential to R2R – Two-Family Residential

Memo

To: Parties of Record
From: Ariel Smith, Community Development Director
CC: Planning Commission and City Council
Date: July 16, 2020
Re: Rezone Application Withdrawal

This memo serves as notification that the applicant has withdrawn the permit application for Rezone 2020-01. If you have any questions or concerns regarding this permit, please contact me at 360-642-4421 or asmith@longbeachwa.gov.

**City of Long Beach
Planning Commission**

MEMORANDUM

TO: Long Beach City Council

SUBJECT: Recommendation Regarding Case No. RZ 2020-01
Reclassify Zoning of Block 86 of Tinker's 2nd South Addition to Long Beach from
R3 – Multi-Family Residential to R2R – Two-Family Residential Restricted

FROM: Long Beach Planning Commission

Curtis Epping, Chair	Thomas Werner
Kathleen Graham	John Nechvatal
William Stidham	

DATE: July 14, 2020

HONORABLE MAYOR AND MEMBERS OF THE COUNCIL:

On behalf of the Planning Commission, we are forwarding our disapproval regarding reclassification (rezoning) of the area known as Block 86 of Tinker's 2nd South Addition to Long Beach from the R3 – Multi-Family Residential zone to the R2R – Two-Family Residential Restricted. Pursuant to **section 11-2A-1(A)** of the Long Beach City code, the Planning Commission has conducted a public hearing on the matter, considered the matter, made findings, and offers the Council our formal disapproval. Pursuant **section 12-3-3(D)**, the findings made by the Commission are as follows:

1. The reclassification is not specifically related to the public health, safety, and welfare; and
2. The reclassification is not warranted, specifically, this rezone does not support the opportunity for long-term housing but encourages the possibility of short-term rentals; and
3. The property is already developed in conformance with R3 standards, multi-family housing and would not conform to R2R standards; and
4. The reclassification could be materially detrimental to uses or properties in the immediate vicinity as the intent of this application is to rezone for the possibility of obtaining a conditional use permit for a short-term rental. If owners were to use the residences as vacation rentals traffic, noise and other environmental factors could negatively impact neighboring properties; and
5. The reclassification does not have merit or value for the community as a whole, the need in the community is long-term housing, not necessarily more short-term rentals; and
6. The reclassification is not in accord with the comprehensive plan; and
7. The reclassification does not comply with all other applicable criteria and standards of the Long Beach City Code.

It is the Commission's understanding the City will conduct a second public hearing, consider the matter including this Commission's recommendation, and make the final determination regarding this proposed zoning reclassification.

The Commission recommends the Council DISAPPROVE RECLASSIFICATION of Block 86 of Tinker's 2nd South Addition to Long Beach.

Sincerely,
Curtis Epping, Chair



**CITY COUNCIL
AGENDA BILL
AB 20-57**

Meeting Date: August 3, 2020

AGENDA ITEM INFORMATION

SUBJECT: Resolution 2020-08 Authorizing Receipt of RCO Grant Funds	<i>Originator:</i>	
	Mayor	
	City Council	
	City Administrator	DG
	City Attorney	
	City Clerk/Treasurer	
	City Engineer	
	Community Development Director	
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
	Water/Wastewater Supervisor	
COST: Up to \$175,000	Other:	
SUMMARY STATEMENT: This resolution is required as part of the application for the Recreation and Conservation Office. The City has applied to reconstruct the Boardwalk.		
RECOMMENDED ACTION: <i>Approve Resolution 2020-08 authorizing the receipt of RCO grant funds for the purpose of reconstructing the Boardwalk.</i>		

RESOLUTION NO. 2020-08

A RESOLUTION OF THE CITY OF LONG BEACH, WASHINGTON, BINDING THE CITY OF LONG BEACH AND THE WASHINGTON STATE RECREATION AND CONSERVATION OFFICE WITH RESPECT TO THE BOARDWALK RECONSTRUCTION PROJECT (20-1240 D) AND AUTHORIZING ACCPETANCE OF GRANT FUNDS

WHEREAS, state grant assistance is requested by the City to aid in financing the cost of the Boardwalk Reconstruction Project;

WHEREAS, a requirement to participate requires a resolution of the governing body authorizing the City of Long Beach to receive RCO grant funds.

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

Section 1. Our organization has applied for funding assistance managed by the Office for the above “Project(s).”

Section 2. Jerry Phillips, Mayor and Ariel Smith, Assistant Administrator are authorized to act as a representative/agent for our organization with full authority to bind the organization regarding all matters related to the Project(s), including but not limited to, full authority to: (1) approve submittal of a grant application to the Office, (2) enter into a project agreement(s) on behalf of our organization, (3) sign any amendments thereto on behalf of our organization, (4) make any decisions and submissions required with respect to the Project(s), and (5) designate a project contact(s) to implement the day-to-day management of the grant(s).

Section 3. Our organization has reviewed the sample project agreement on the Recreation and Conservation Office’s WEBSITE at:

<https://rco.wa.gov/documents/manuals&forms/SampleProjAgreement.pdf>. We understand and acknowledge that if offered a project agreement to sign in the future, it will contain an indemnification and legal venue stipulation (applicable to any sponsor) and a waiver of sovereign immunity (applicable to Tribes) and other terms and conditions substantially in the form contained in the sample project agreement and that such terms and conditions of any signed project agreement shall be legally binding on the sponsor if our representative/agent enters into a project agreement on our behalf. The Office reserves the right to revise the project agreement prior to execution and shall communicate any such revisions with the above authorized representative/agent before execution.

Section 4. Our organization acknowledges and warrants, after conferring with its legal counsel, that its authorized representative/agent has full legal authority to enter into a project agreement(s) on its behalf, that includes indemnification, waiver of sovereign immunity (as may apply to Tribes), and stipulated legal venue for lawsuits and other terms substantially in the form contained in the sample project agreement or as may be revised prior to execution.

Section 5. Grant assistance is contingent on a signed project agreement. Entering into any project agreement with the Office is purely voluntary on our part.

Section 6. Our organization understands that grant policies and requirements vary depending on the grant program applied to, the grant program and source of funding in the project agreement, the characteristics of the project, and the characteristics of our organization.

Section 7. Our organization further understands that *prior to* our authorized representative/agent executing the project agreement(s), the RCO may make revisions to its sample project agreement and that such revisions could include the indemnification, the waiver of sovereign immunity, and the legal venue stipulation. Our organization accepts the legal obligation that we shall, prior to execution of the project agreement(s), confer with our authorized representative/agent as to any revisions to the project agreement from that of the sample project agreement. We also acknowledge and accept that if our authorized representative/agent executes the project agreement(s) with any such revisions, all terms and conditions of the executed project agreement (including but not limited to the indemnification, the waiver of sovereign immunity, and the legal venue stipulation) shall be conclusively deemed to be executed with our authorization.

Section 8. Any grant assistance received will be used for only direct eligible and allowable costs that are reasonable and necessary to implement the project(s) referenced above.

Section 9. Our organization acknowledges and warrants, after conferring with its legal counsel, that no additional legal authorization beyond this authorization is required to make the indemnification, the waiver of sovereign immunity (as may apply to Tribes), and the legal venue stipulation substantially in form shown on the sample project agreement or as may be revised prior to execution legally binding on our organization upon execution by our representative/agent.

Section 10. If match is required for the grant, we understand our organization must certify the availability of match at least one month before funding approval. In addition, our organization understands it is responsible for supporting all non-cash matching share commitments to this project should they not materialize.

Section 11. Our organization acknowledges that if it receives grant funds managed by the Office, the Office will pay us on only a reimbursement basis. We understand reimbursement basis means that we will only request payment from the Office after we incur grant eligible and allowable costs and pay them. The Office may also determine an amount of retainage and hold that amount until the Project is complete.

Section 12. This resolution/authorization is deemed to be part of the formal grant application to the Office.

Section 13. Our organization warrants and certifies, after conferring with its legal counsel, that this resolution/authorization was properly and lawfully adopted following the requirements of our organization and applicable laws and policies and that our organization has full legal authority to commit our organization to the warranties, certifications, promises and obligations set forth herein.

**PASSED BY THE CITY COUNCIL OF THE CITY OF LONG BEACH, AND SIGNED
IN AUTHENTICATION OF ITS PASSAGE THIS 3RD DAY OF AUGUST, 2020.**

AYES NAYS ABSENT

Jerry Phillips, Mayor

ATTEST:

Sue Ellyson, City Clerk



Applicant Resolution/Authorization

Organization Name (sponsor) City of Long Beach

Resolution No. or Document Name Resolution 20-08

Project(s) Number(s), and Name(s) 20-1240D Boardwalk Reconstruction

This resolution/authorization authorizes the person(s) identified below (in Section 2) to act as the authorized representative/agent on behalf of our organization and to legally bind our organization with respect to the above Project(s) for which we seek grant funding assistance managed through the Recreation and Conservation Office (Office).

WHEREAS, grant assistance is requested by our organization to aid in financing the cost of the Project(s) referenced above;

NOW, THEREFORE, BE IT RESOLVED that:

1. Our organization has applied for or intends to apply for funding assistance managed by the Office for the above "Project(s)."
2. Our organization authorizes the following persons or persons holding specified titles/positions (and subsequent holders of those titles/positions) to execute the following documents binding our organization on the above projects:

Grant Document	Name of Signatory or Title of Person Authorized to Sign
Grant application (submission thereof)	Jerry Phillips, Mayor
Project contact (day-to-day administering of the grant and communicating with the RCO)	Ariel Smith
RCO Grant Agreement (Agreement)	Jerry Phillips, Mayor
Agreement amendments	Jerry Phillips, Mayor
Authorizing property and real estate documents (Notice of Grant, Deed of Right or Assignment of Rights if applicable). These are items that are typical recorded on the property with the county.	Jerry Phillips, Mayor

The above persons are considered an "authorized representative(s)/agent(s)" for purposes of the documents indicated. Our organization shall comply with a request from the RCO to provide documentation of persons who may be authorized to execute documents related to the grant.

3. Our organization has reviewed the sample RCO Grant Agreement on the Recreation and Conservation Office's WEB SITE at: <https://rco.wa.gov/wp-content/uploads/2019/06/SampleProjAgreement.pdf>. We understand and acknowledge that if offered an agreement to sign in the future, it will contain an indemnification and legal venue stipulation and other terms and conditions substantially in the form contained in the sample Agreement and that such terms and conditions of any signed Agreement shall be legally binding on the sponsor if our representative/agent enters into an Agreement on our behalf. The Office reserves the right to revise the Agreement prior to execution.
4. Our organization acknowledges and warrants, after conferring with its legal counsel, that its authorized representative(s)/agent(s) have full legal authority to act and sign on behalf of the organization for their assigned role/document.
5. Grant assistance is contingent on a signed Agreement. Entering into any Agreement with the Office is purely voluntary on our part.
6. Our organization understands that grant policies and requirements vary depending on the grant program applied to, the grant program and source of funding in the Agreement, the characteristics of the project, and the characteristics of our organization.
7. Our organization further understands that prior to our authorized representative(s)/agent(s) executing any of the documents listed above, the RCO may make revisions to its sample Agreement and that such revisions could include the indemnification and the legal venue stipulation. Our organization accepts the legal obligation that we shall, prior to execution of the Agreement(s), confer with our authorized representative(s)/agent(s) as to any revisions to the project Agreement from that of the sample Agreement. We also acknowledge and accept that if our authorized representative(s)/agent(s) executes the Agreement(s) with any such revisions, all terms and conditions of the executed Agreement shall be conclusively deemed to be executed with our authorization.
8. Any grant assistance received will be used for only direct eligible and allowable costs that are reasonable and necessary to implement the project(s) referenced above.
9. [for Recreation and Conservation Funding Board Grant Programs Only] If match is required for the grant, we understand our organization must certify the availability of match at least one month before funding approval. In addition, our organization understands it is responsible for supporting all non-cash matching share commitments to this project should they not materialize.
10. Our organization acknowledges that if it receives grant funds managed by the Office, the Office will pay us on only a reimbursement basis. We understand reimbursement basis means that we will only request payment from the Office after we incur grant eligible and allowable costs and pay them. The Office may also determine an amount of retainage and hold that amount until all project deliverables, grant reports, or other responsibilities are complete.
11. [for Acquisition Projects Only] Our organization acknowledges that any property acquired with grant assistance must be dedicated for the purposes of the grant in perpetuity unless otherwise agreed to in writing by our organization and the Office. We agree to dedicate the property in a signed "Deed of Right" for fee acquisitions, or an "Assignment of Rights" for other than fee acquisitions (which documents will be based upon the Office's standard versions of those documents), to be recorded on the title of the property with the county auditor. Our organization acknowledges that any property

acquired in fee title must be immediately made available to the public unless otherwise provided for in policy, the Agreement, or authorized in writing by the Office Director.

12. [for Development, Renovation, Enhancement, and Restoration Projects Only–If our organization owns the project property] Our organization acknowledges that any property owned by our organization that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant in perpetuity unless otherwise allowed by grant program policy, or Office in writing and per the Agreement or an amendment thereto.
13. [for Development, Renovation, Enhancement, and Restoration Projects Only–If your organization DOES NOT own the property] Our organization acknowledges that any property not owned by our organization that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant as required by grant program policies unless otherwise provided for per the Agreement or an amendment thereto.
14. [Only for Projects located in Water Resources Inventory Areas 1-19 that are applying for funds from the Critical Habitat, Natural Areas, State Lands Restoration and Enhancement, Riparian Protection, or Urban Wildlife Habitat grant categories; Aquatic Lands Enhancement Account; or the Puget Sound Acquisition and Restoration program, or a Salmon Recovery Funding Board approved grant] Our organization certifies the following: the Project does not conflict with the Puget Sound Action Agenda developed by the Puget Sound Partnership under RCW 90.71.310.
15. This resolution/authorization is deemed to be part of the formal grant application to the Office.
16. Our organization warrants and certifies that this resolution/authorization was properly and lawfully adopted following the requirements of our organization and applicable laws and policies and that our organization has full legal authority to commit our organization to the warranties, certifications, promises and obligations set forth herein.

This resolution/authorization is signed and approved on behalf of the resolving body of our organization by the following authorized member(s):

Signed _____

Title Mayor Date 8/3/20

On File at: Long Beach City Hall

This Applicant Resolution/Authorization was adopted by our organization during the meeting held:
(Local Governments and Nonprofit Organizations Only):

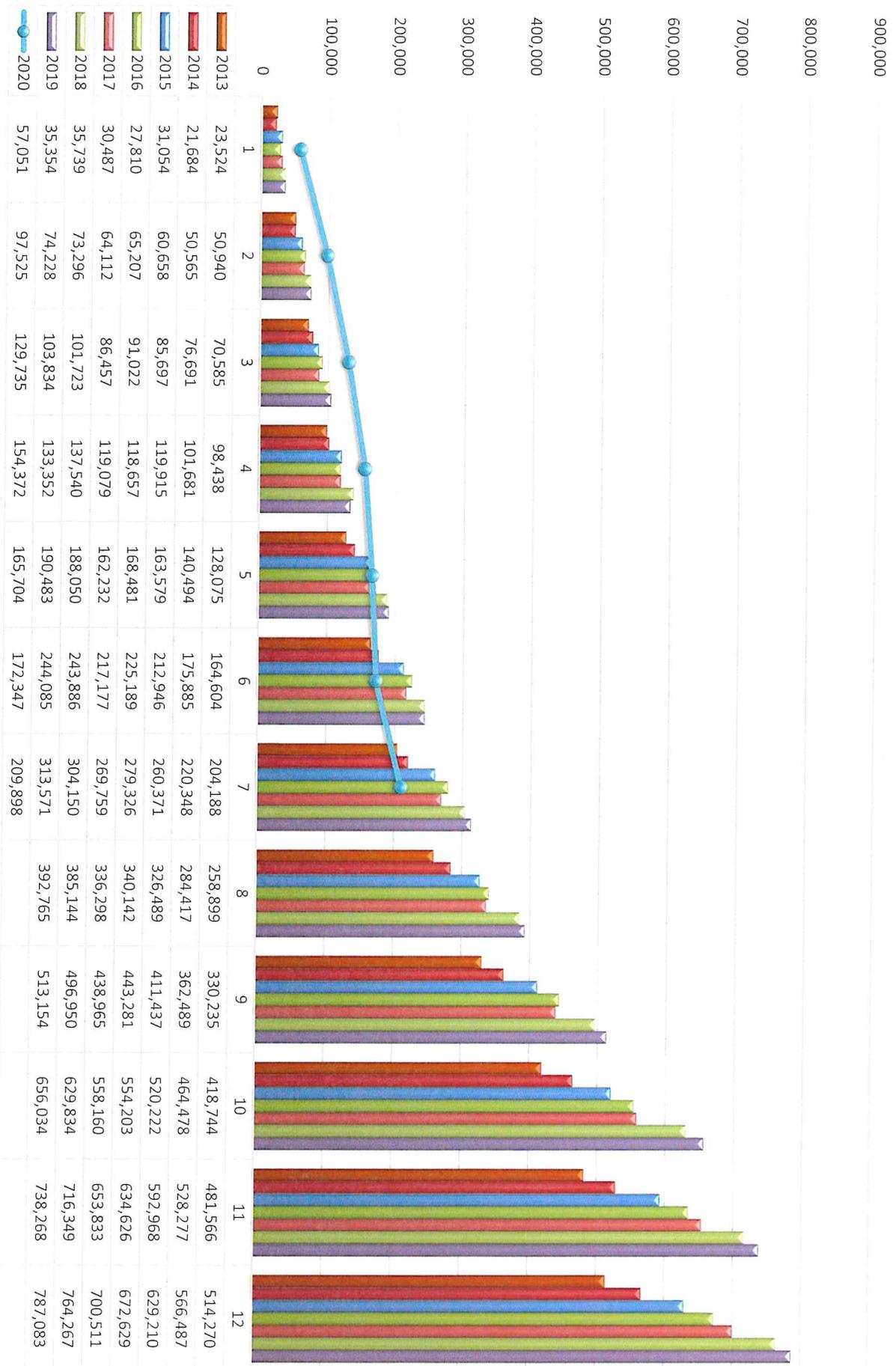
Location: Long Beach City Hall Date: 8/3/2020

Washington State Attorney General's Office

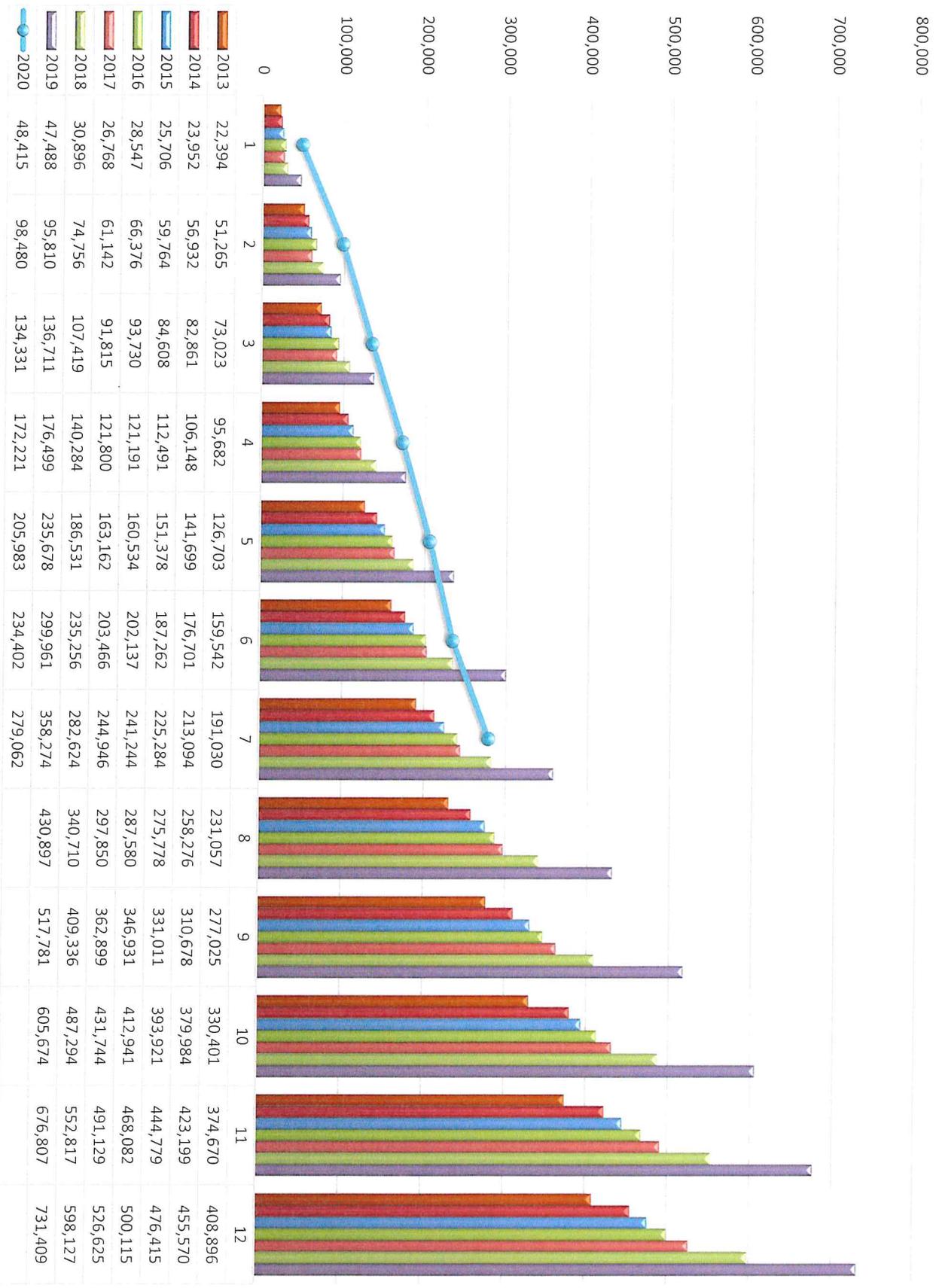
Approved as to form *Bruce Tallen* 2/13/2020
Assistant Attorney General *Date*

You may reproduce the above language in your own format; however, text may not change.

Lodging Tax Collections



Sales Tax Collections



Transportation Benefit District

