



AGENDA – Monday, July 3, 2017

7:00 p.m. City Council Meeting

Long Beach City Hall

115 Bolstad Avenue West

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

Call to order	Mayor Phillips, Council Member Linhart, Council Member McGuire,
And roll call	Council Member Murry, Council Member Hanson & 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.

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, June 19, 2017 City Council Meeting
- Payment Approval List for Warrant Registers 57157-57185 & 81789-81862 for \$203,091.05

BUSINESS

- AB 17-44 – Transportation Benefit District Assumption ORD 939 – **PUBLIC HEARING** - TAB B
- AB 17-45 – Transportation Benefit District Ballot Measure – TAB C
- AB 17-46 – Professional Services Contract for City Attorney – TAB D
- AB 17-47 -- JPCHA Board Member Appointment – TAB E

DEPARTMENT HEAD ORAL REPORTS

CORRESPONDENCE AND WRITTEN REPORTS – TAB F

- Building Permit Directory
- SMP Conditional Approval from DOE

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.
July 17, 2017, August 7, 2017 and August 21, 2017

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.

TAB - A

LONG BEACH CITY COUNCIL MEETING

June 19, 2017

6:30 WORKSHOP

WS 17-14- Zoning Amendments

7:00 CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL

Mayor Phillips called the meeting to order and asked for the Pledge of Allegiance and roll call.

ROLL CALL

David Glasson, City Administrator, called roll with C. Linhart, C. Murry, and C. McGuire present. C. Hanson and C. Kemmer were absent.

PUBLIC COMMENT

Robert Obermeyer made a public comment in regards to our water billing.

CONSENT AGENDA

Minutes, June 5, 2017 City Council Meeting

Payment Approval List for Warrant Registers 57100-57156 & 81677-81788 & 959747 for \$293,690.65

C. Linhart made the motion to approve the Consent Agenda. C. Murry seconded the motion. 3

Ayes, motion passed.

BUSINESS

AB 17-42- SUP 2017-07 Long Beach Amusements Revision

Ariel Smith, Community Development Director, presented the Agenda Bill. During the June 5th meeting the Council approved SUP 2017-07. Since that time the city has sought the advice of our attorney to research whether or not this action is considered a gift of public funds. It was recommended that the city require Long Beach Amusements to pay a monthly fee for the use. This has been illustrated in the amended special use permit approval letter.

C. Linhart made the motion to approve SUP 2017-07 allowing temporary use of City property with an extended square footage of 147 sq. ft. In addition, they will be required to pay the city a monthly fee of \$100.00 and sign a Hold Harmless Agreement. C. Murry seconded the motion, 3 Ayes, motion passed.

AB 17-43- SUP 2017-08 Long Beach Amusements – Food Truck

Ariel Smith, Community Development Director, presented the Agenda Bill. Long Beach Amusements is interested in purchasing two food trucks to add behind the Carnival Gifts shop. These trucks would be carnival inspired foods, one would be a “candy trailer” and the other would be a “pizza trailer.” They would be placed on property owned by Long Beach Amusements and would operate in conjunction with the rides. Whether or not the trucks would require water service has not been determined as the trucks haven’t been purchased yet and therefore have not been through any kind of health inspection.

C. Linhart made the motion to approve SUP 2017-08 allowing the placement of two food trucks on or near 106 4th St SE, subject to conditions. C. Murry seconded the motion, 1 Abstain, motion passed.

DEPARTMENT HEAD ORAL REPORTS

CORRESPONDENCE AND WRITTEN REPORTS

- Water Department Monthly Report
- Wastewater Department Monthly Report
- Parks, Streets and Stormwater Monthly Report
- Evergreen Rural Water of Washington Newsletter
- LBPVB Monthly Report
- Thank You Letter to the Long Beach Fire Department

ADJOURNMENT

The Mayor adjourned the meeting at 7:17 p.m.

Mayor

ATTEST:

City Clerk



Warrant Register

Check Periods: 2017 - June - 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.

Council Member	Council Member	Council Member	Clerk/Treasurer
Number	Name	Print Date	Clearing Date
57157	Bell, Alec D	6/20/2017	Amount
57158	Bell, Helen S	6/20/2017	\$366.72
57159	Binion, Jacob	6/20/2017	\$295.90
57160	Payroll Vendor	6/20/2017	\$1,677.73
57161	Cox, Mallory E	6/20/2017	Void
57162	Gilbertson, Bradley K	6/20/2017	\$595.57
57163	Goulter, John R.	6/20/2017	\$1,464.02
57164	Huff, Timothy M.	6/20/2017	\$1,705.63
57165	Kemmer, Larry L	6/20/2017	\$1,535.07
57166	Payroll Vendor	6/20/2017	\$1,230.96
57167	Miller, Matt W	6/20/2017	Void
57168	Mortenson, Tim	6/20/2017	\$1,292.82
57169	Padgett, Timothy J	6/20/2017	\$1,811.88
57170	Williams, David L	6/20/2017	\$1,464.23
57171	Wood, Matthew T	6/20/2017	\$940.18
57172	Wright, Flint R	6/20/2017	\$2,538.23
57173	Zuern, Donald D.	6/20/2017	\$2,108.15
57174	Luehe, Paul J	6/20/2017	\$1,676.68
57175	Booi, Kristopher A	6/20/2017	\$1,410.06
57176	Association of WA Cities	6/20/2017	\$30,565.03
57177	AFLAC	6/20/2017	\$426.65
57178	City of Long Beach - Fica	6/20/2017	\$11,684.48
57179	City of Long Beach - FVH	6/20/2017	\$9,068.32
57180	Dept of Labor & Industries	6/20/2017	\$2,174.01
57181	Dept of Retirement Systems	6/20/2017	\$12,194.05
57182	Dept of Retirement Systems Def Comp	6/20/2017	\$1,340.00
57183	Massmutual Retirement Services	6/20/2017	\$475.00
57184	Teamsters Local #58	6/20/2017	\$292.34
57185	Association of WA Cities	6/20/2017	\$28,229.49

Execution Time: 11 second(s)

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Register

Number	Name	Print Date	Clearing Date	Amount
81789	Glasson, David	6/19/2017		\$192.56
81790	McGuire, Tina	6/19/2017		\$192.56
81791	Phillips, Jerry	6/19/2017		\$237.56
81792	Usa Blue Book	6/20/2017		\$583.71
81793	Wood, Dixie	6/21/2017		\$2,500.00
81794	Cox, Mallory	6/21/2017		\$100.76
81795	Department of Licensing	6/22/2017		\$42.75
81796	Department of Licensing	6/22/2017		\$5.00
81797	Kyle, Kathie	6/23/2017		\$300.00
81798	Prestegard, Ray	6/23/2017		\$100.00
81799	Traveling Lantern	6/23/2017		\$1,200.00
81800	Haskin, Katie	6/26/2017		\$62.64
81801	Nagy, Brandon	6/28/2017		\$270.00
81802	Bank of The Pacific	6/26/2017		\$8,594.45
81803	KEYBANK	6/26/2017		\$10,254.25
81804	Visa	6/26/2017		\$3,086.14
81805	Pacific County Auditor	6/28/2017		\$33.00
81806	Woods, Pam	6/29/2017		\$80.00
81807	Timmons, Edward	6/29/2017		\$661.97
81808	Postmaster	6/30/2017		\$341.32
81809	Coleman, George	6/30/2017		\$100.00
81810	Kyle, Kathie	6/30/2017		\$300.00
81811	Cavett, Orchid	6/30/2017		\$300.00
81812	Zerbe, Alex	6/30/2017		\$1,800.00
81813	Nagy, Brandon	6/30/2017		\$26.25
81814	Active Enterprises, Inc.	6/30/2017		\$401.31
81815	All Safe Mini Storage	6/30/2017		\$190.00
81816	AlSCO-American Linen Div.	6/30/2017		\$136.56
81817	Arbor Day Foundation	6/30/2017		\$25.00
81818	Astoria Janitor & Paper Supply	6/30/2017		\$150.85
81819	At&t Mobility	6/30/2017		\$83.87
81820	Backflow Management Inc	6/30/2017		\$1,503.75
81821	Box-K Auto Repair Inc	6/30/2017		\$182.33
81822	Chinook Observer	6/30/2017		\$365.30
81823	Columbia Ford, Inc.	6/30/2017		\$341.16
81824	Day Wireless Systems	6/30/2017		\$8,955.35
81825	Dennis Company	6/30/2017		\$636.77
81826	Department of Licensing - Firearms Section	6/30/2017		\$36.00
81827	Emergency Medical Products, Inc	6/30/2017		\$459.27
81828	Environmental Resource Associates	6/30/2017		\$119.46
81829	Erik J Fagerland & Assoc, Inc.	6/30/2017		\$1,137.50
81830	EverBank	6/30/2017		\$227.38
81831	Evergreen Septic Inc	6/30/2017		\$345.00
81832	Ferguson Enterprises, Inc #3007	6/30/2017		\$177.70
81833	Ford Electric	6/30/2017		\$527.99
81834	Fosse Farms	6/30/2017		\$899.50

Execution Time: 11 second(s)

Number	Name	Print Date	Clearing Date	Amount
81835	Grays Harbor Guns	6/30/2017		\$707.87
81836	H. D. FOWLER	6/30/2017		\$2,214.00
81837	Jewell, Kyle	6/30/2017		\$90.75
81838	Linda Brand Crab & Seafoods	6/30/2017		\$274.15
81839	Long Beach Commercial Security	6/30/2017		\$184.14
81840	Long Beach Merchants	6/30/2017		\$10,000.00
81841	MANSFIELD ALARM CO, INC	6/30/2017		\$105.00
81842	Ocean Beach Hospital	6/30/2017		\$869.27
81843	Oman & Son Builders	6/30/2017		\$104.15
81844	Pacific Art & Office Supply	6/30/2017		\$31.31
81845	Pacific Office Automation	6/30/2017		\$213.25
81846	Peninsula Pharmacies	6/30/2017		\$72.46
81847	Public Utility District 2	6/30/2017		\$7,871.34
81848	Quill Corporation	6/30/2017		\$15.10
81849	Schott, Andy	6/30/2017		\$89.85
81850	Serendipity Media	6/30/2017		\$816.00
81851	STAPLES ADVANTAGE	6/30/2017		\$140.48
81852	Starvation Alley Farms	6/30/2017		\$168.00
81853	SUNSET AUTO PARTS, INC	6/30/2017		\$1,941.88
81854	Traffic Safety Supply Co.	6/30/2017		\$900.83
81855	Unum Life Insurance	6/30/2017		\$71.70
81856	Verizon Wireless	6/30/2017		\$594.17
81857	Wadsworth Electric	6/30/2017		\$3,922.37
81858	WASHINGTON FIRE CHIEFS	6/30/2017		\$450.00
81859	Wilcox & Fiegel Oil Co.	6/30/2017		\$1,752.08
81860	WILLABAY	6/30/2017		\$287.52
81861	WILLAPA PAPER SERVICE	6/30/2017		\$770.00
81862	Zee Medical Service Co.	6/30/2017		\$83.38
	Total			\$203,091.05
	Grand Total			\$203,091.05

TAB - B



**CITY COUNCIL
AGENDA BILL
AB 17-44**

Meeting Date: July 3, 2017

AGENDA ITEM INFORMATION

SUBJECT: Ordinance 939 authorizes the Long Beach City Council to assume the powers of the Long Beach Transportation Benefit District

Originator:

Mayor

City Council

City Administrator

City Attorney

City Clerk/Treasurer

City Engineer

Community Development Director

Fire Chief

Police Chief

Streets/Parks/Drainage Supervisor

Water/Wastewater Supervisor

DG

COST: N/A

Other:

SUMMARY STATEMENT: This ordinance authorizes the Long Beach City Council to assume to the rights, powers, functions and obligations of the Long Beach Transportation Benefit District. This function was established by SSB 5987. Again, this jurisdiction encompasses only the Long Beach city limits as defined in Ordinance 936 which originated the LBTBD.

RECOMMENDED ACTION: *Approve Ordinance 939 authorizing the assumption of the Long Beach Transportation Benefit District.*

CITY OF LONG BEACH ORDINANCE No. 939

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH, WASHINGTON, ASSUMING THE RIGHTS, POWERS, FUNCTIONS AND OBLIGATIONS OF THE LONG BEACH TRANSPORTATION BENEFIT DISTRICT, AS ALLOWED BY SSB 5987.

WHEREAS, the City Council of the City of Long Beach has adopted Ordinance No. 936 creating the Long Beach Transportation Benefit District with the same boundaries as the City limits;

WHEREAS, Second Engrossed Substitute Senate Bill 5987, in Section 302, which took effect on July 15, 2015, provides that "the assumption of the rights, powers, functions and obligations of a transportation benefit district may be initiated by the adoption of an ordinance or resolution by the city or county legislative authority indicating its intention to conduct a hearing concerning the assumption of such rights, powers, functions and obligations"; and

WHEREAS, the City of Long Beach held a public hearing on the proposed assumption of the rights, powers, functions and obligations of the Long Beach Transportation Benefit District on July 3rd, 2017 at the Council Chambers 115 Bolstad West; and

WHEREAS, after the public hearing, the City Council voted to assume the rights, powers, functions and obligations of the Long Beach Transportation Benefit District; Now, Therefore,

NOW THEREFORE, THE CITY OF LONG BEACH DOES ORDAIN:

Section 1. Findings. The City Council makes the following findings to support the actions described herein:

A. BACKGROUND

1. The 2015 legislature included in its transportation funding bill 2nd Engrossed Substitute Senate Bill 5987 the authority to take over and assume the rights, powers, functions and obligations of the Long Beach Transportation Benefit District
2. This action will significantly simplify the administration of the funds collected for streets for greater efficiency of government.
3. The Long Beach Transportation Benefit District has not yet collected any funds, does not have any contracts, has not committed to any projects and has not spent any funds, which simplifies the transfer of authority.

4. The Long Beach Transportation Benefit District as yet does not have any assets, simplifying the transfer of authority.

Section 2. Assumption of the Long Beach Transportation Benefit District

The City hereby assumes all the rights, powers, functions and obligations of the Long Beach Transportation Benefit District and by this action the Long Beach Transportation Benefit District will cease to exist as a separate entity.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section sentence, clause or phrase of this Ordinance.

Section 4. Publication and Effective Date. This Ordinance shall be published by an approved summary consisting of the title. This ordinance shall be effective five days after publication, as provided by law.

PASSED this 3rd day of July, 2017

AYES _____

NAYS _____

ABSENT _____

ATTEST:

Mayor

Clerk

TAB - C



**CITY COUNCIL
AGENDA BILL
AB 17-45**

Meeting Date: July 3, 2017

AGENDA ITEM INFORMATION

SUBJECT: Resolution 2017-04 authorizes the two-tenths of one percent sales and use tax measure to be added to the general election ballot in November

Originator:

Mayor

City Council

City Administrator

City Attorney

City Clerk/Treasurer

City Engineer

Community Development Director

Fire Chief

Police Chief

Streets/Parks/Drainage Supervisor

Water/Wastewater Supervisor

DG

COST: N/A

Other:

SUMMARY STATEMENT: This resolution authorizes the City of Long Beach's Transportation Benefit District to submit a ballot proposition for the general election to the qualified voters of the District on November 7, 2017. This measure if voted upon by the people would authorize a sales and use tax to be imposed within the boundaries of the District upon all taxable retail sales and uses in the amount of two-tenths of one percent (0.2%). All revenue generated from this tax would be for the purpose of financing all or a portion of the costs associated with transportation improvements in the District.

RECOMMENDED ACTION: *Approve Resolution 2017-04 authorizing the submittal of TBD ballot measure for (0.2%) sales and use tax increase.*

RESOLUTION NO. 2017-04

A RESOLUTION of the City Council of the City of Long Beach, acting as and on behalf of the City of Long Beach's Transportation Benefit District, providing for a ballot proposition to be submitted for the general election to the qualified electors of the District on November 7, 2017 to authorize a sales and use tax to be imposed within the boundaries of the District upon all taxable retail sales and uses in the amount of two-tenths of one percent (0.2%) for the purpose of financing all or a portion of the costs associated with transportation improvements in the District identified herein.

WHEREAS section 35.21.225 of the Revised Code of Washington (RCW) authorizes cities to establish transportation benefit districts subject to the provisions of RCW 36.73; and

WHEREAS the City of Long Beach duly established the City of Long Beach Transportation Benefit District by City of Long Beach Ordinance No. 936, passed on May 1, 2017; and

WHEREAS the City of Long Beach Ordinance No. 936 passed on May 1, 2017 establishes boundaries for the City of Long Beach Transportation Benefit District which are coterminous with the boundaries of the City of Long Beach City Limits; and

WHEREAS the City of Long Beach Ordinance No. 939 passed on July 3, 2017 the Long Beach City Council assumes all the rights, powers, functions and obligations of the Long Beach Transportation Benefit District and by this action the Long Beach Transportation Benefit District will cease to exist as a separate entity; and

WHEREAS the necessary transportation improvement projects are identified in the City of Long Beach's Comprehensive Transportation Program, also known as the City's Six-Year Transportation Improvement Plan; and

WHEREAS additional necessary transportation improvement projects are identified in the Southwest Washington RTPO; and

WHEREAS City of Long Beach Ordinance No. 936 passed on May 1, 2017 provides that funds generated by the City of Long Beach Transportation Benefit District shall be used for transportation improvements that preserve, maintain and operate the planned and/or existing transportation infrastructure of the City/District, consistent with the requirements of RCW 36.73; and

WHEREAS RCW 36.73.040(3)(a) authorizes transportation benefit districts to impose a sales and use tax in accordance with RCW 82.14.0455 in an amount not exceeding two-tenths of one percent (0.2%) for a period of 10 years upon a favorable vote of the qualified electors within the district for the purpose of financing certain transportation improvements; and

WHEREAS the City of Long Beach identified a sales and use tax imposed in accordance with RCW 82.14.0455, as well as any other lawful funding sources available to the District pursuant to RCW 36.73.040, as funding sources available to the City of Long Beach Transportation Benefit District; and

WHEREAS if approved by the voters, a sales and use tax will be used for the purpose of acquiring, investing in, constructing, improving, providing, operating, preserving, maintaining and/or funding transportation improvements within the City of Long Beach Transportation

Benefit District, a.k.a. the City of Long Beach City Limits, which are identified in the City of Long Beach's Comprehensive Transportation Program, the Southwest Washington RTPO, the Washington Transportation Plan adopted by the Washington Transportation Commission; and

WHEREAS if approved by the voters, a sales and use tax will apply to persons who shop and thereby use streets and roadways in the City of Long Beach and not just to City/District residents; and

WHEREAS if approved by the voters, revenues from a sales and use tax will be used entirely for transportation improvements in the City of Long Beach Transportation Benefit District; and

WHEREAS the governing board of the City of Long Beach Transportation Benefit District has considered this matter duly and has given this matter careful review and consideration, and finds that good government and the best interests of the City of Long Beach Transportation Benefit District will be served by passage of this resolution,

NOW, THEREFORE, the governing board of the City of Long Beach Transportation Benefit District does resolve as follows:

Section 1: Purpose. The governing board of the City of Long Beach Transportation Benefit District finds that it is in the best interests of the district to submit to the qualified voters of the district, at the general election to be held on November 7, 2017, a proposition authorizing the City of Long Beach Transportation Benefit District to impose a sales and use tax of two-tenths of one percent (0.002) pursuant to sections 36.73.040(3)(a), 36.73.065(1) and 82.14.0455 of the Revised Code of Washington for the purpose of raising revenue to acquire, invest in, construct, improve, provide, operate, preserve, maintain and/or fund transportation improvements in the district, and to impose such sales and use tax if approved by an affirmative vote of a majority of the district voters voting at the election.

Section 2: Description of transportation improvements. The revenues from a sales and use tax may be used to acquire, invest in, construct, improve, provide, operate, preserve, maintain and/or fund the following described transportation improvements:

- A. Projects in the district identified in the City of Long Beach's Comprehensive Transportation Program, also known as the City of Long Beach's Six-Year Transportation Improvement Plan;
- B. Projects in the district identified in the Southwest Washington RTPO;
- C. Projects in the district identified in the Washington Transportation Plan adopted by the Washington Transportation Commission;
- D. Expanded projects identified in accordance with section 36.73.050(2)(b) of the Revised Code of Washington, as amended; and/or
- E. Projects changed in accordance with the material change policy of the City of Long Beach Transportation Benefit District adopted in accordance with section 36.73.160 of the Revised Code of Washington, as amended.

The cost of all construction, maintenance, preservation, operation, design, engineering, construction management, financial, legal, and other consulting services, inspection and testing,

administrative and relocation expenses, and other costs incurred in connection with the foregoing described transportation benefit district projects shall be deemed to be a part of the transportation improvements.

The governing board of the City of Long Beach Transportation Benefit District shall determine the application of moneys available for the transportation benefit district projects so as to accomplish, as nearly as may be practical, all of the projects. In the event that the proceeds of sales and use taxes authorized herein, plus any other money of the district legally available therefore, are insufficient to accomplish all of the projects, the governing board of the City of Long Beach Transportation Benefit District shall use the available funds for paying the cost of those portions of the projects deemed by the board most necessary and in the best interests of the district.

The governing board of the City of Long Beach Transportation Benefit District shall determine the exact locations and specifications for the elements of the transportation benefit district as well as the timing, order, and manner of implementing or completing the projects. The governing board of the City of Long Beach Transportation Benefit District may alter, make substitutions to, and amend the project descriptions as it determines is in the best interests of the District consistent with the general descriptions provided above and in accordance with the material change policy adopted by the board and the notice, hearing, and other procedures described in chapter 36.73 of the Revised Code of Washington, including without limitation RCW 36.73.050(2)(b), as amended.

If the governing board of the City of Long Beach Transportation Benefit District determines that it has become impractical or undesirable to acquire, construct, or implement all or any portion of the transportation benefit district projects by reason of changed conditions, incompatible development, costs substantially in excess of the amount of sales and use tax proceeds estimated to be available, or acquisition by a superior governmental authority, the board shall not be required to acquire, construct, or implement such portions. If the projects have been acquired, constructed, implemented or duly provided for, or found to be impractical or undesirable, the board may apply the sales and use tax proceeds (including earnings thereon) or any portion thereof to other transportation improvements in the district identified in the then-current Six-Year Transportation Program of the City of Long Beach, the then-current Southwest Washington RTPO, and/or the then-current Washington Transportation Plan adopted by the Washington Transportation Commission in accordance with the material change policy adopted by the Board, and the notice, hearing, and other procedures described in chapter 36.73 of the Revised Code of Washington, including without limitation RCW 36.73.050(2)(b), as amended.

Section 3: Considerations regarding transportation improvements. The governing board of the City of Long Beach Transportation Benefit District finds that all of the foregoing projects identified in section 2 herein are transportation improvements which will reduce risk of transportation facility failure and improve safety, improve travel time, improve air quality, increase daily and peak-period trip capacity, improve modal connectivity, improve freight mobility, provide cost-effective investment, provide for optimal performance of the transportation system through time, and improve accessibility for, or other benefits to, persons with special transportation needs. The foregoing transportation improvements described in section 2 herein shall be owned by the City of Long Beach, by the state in cases where the

transportation improvement is or becomes a state highway, or by a participating port or transit district if deemed appropriate by the governing board of the City of Long Beach Transportation Benefit District, unless otherwise prohibited by law. The foregoing transportation improvements described in section 2 herein shall be administered and maintained as other public streets, roads, highways, and transportation improvements.

Section 4: Sales and use tax. If approved by a majority of voters voting at the election, the governing board of the City of Long Beach Transportation Benefit District shall fix and impose a sales and use tax as authorized by sections 36.73.040(3)(a), 36.73.065(1) and 82.14.0455 of the Revised Code of Washington upon taxable events at the rate of two-tenths of one percent (0.002) of the selling price (in the case of sales tax) and the value of the article used (in the case of use tax) for purpose of acquiring, investing in, constructing, improving, providing, operating, preserving, maintaining and/or funding the foregoing transportation improvements described in section 2 herein. The sales and use tax may be used to pay indebtedness incurred by the City of Long Beach Transportation Benefit District in accordance with the requirements of chapter 36.73 of the Revised Code of Washington to acquire, invest in, construct, improve, provide, operate, preserve, maintain and/or fund the foregoing transportation improvements described in section 2 herein. The sales and use tax shall be imposed for a period not exceeding ten (10) years. The tax shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 of the Revised Code of Washington, as amended, upon the occurrence of any taxable event within the boundaries of the City of Long Beach Transportation Benefit District. The governing board of the City of Long Beach Transportation Benefit District may reduce the amount of the sales and use tax in the manner provided by law.

Section 5: Ballot Measure. The Auditor of Pacific County, as ex-officio supervisor of elections, is hereby requested to add the following measure to the ballot during the general election on behalf of the City of Long Beach Transportation Benefit District, in the manner provided by law, to be held on November 7, 2017 for the purpose of submitting to the qualified voters of the Transportation Benefit District, a proposition in accordance with section 29A.36.071 of the Revised Code of Washington and in substantially the following form:

CITY OF LONG BEACH TRANSPORTATION BENEFIT
DISTRICT LONG BEACH, WASHINGTON
SALES AND USE TAX FOR
TRANSPORTATION IMPROVEMENTS

The City of Long Beach Transportation Benefit District Board adopted Resolution 2017-04 concerning a sales and use tax to fund transportation improvements. This proposition would

authorize a sales and use tax of two-tenths of one percent (0.002) to be collected from all taxable retail sales and uses within the district in accordance with RCW 82.14.0455 for a term of ten (10) years for the purpose of paying the costs of transportation improvements identified in section 2 of the resolution. Should this proposition be approved?

Yes..... ☐

No..... ☐

Section 7: Authorizations. After Ordinance 939 becomes effective, the clerk of the City of Long Beach Transportation Benefit District is authorized and directed to present this resolution to the Auditor of Pacific County in accordance with section 29A.04.321 of the Revised Code of Washington and as provided by law.

Section 8: Corrections. The clerk of the City of Long Beach Transportation Benefit District is authorized to make necessary clerical corrections to this resolution, including, but not limited to, the correction of scrivener's and clerical errors, references, numbering, section and subsection numbers and any references thereto, and to make corrections and revisions consistent with the requirements of the offices of the Pacific County Prosecuting Attorney or County Auditor which do not change the substantive meaning of this resolution.

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

PASSED, ADOPTED AND APPROVED this 3rd day of July 2017.

APPROVED:

ATTEST:

Jerry Phillips, Mayor

Helen Bell, City Clerk

APPROVED AS TO FORM:

Joel Penoyar - City Attorney

TAB - D



**CITY COUNCIL
AGENDA BILL
AB 17-46**

Meeting Date: July 3, 2017

AGENDA ITEM INFORMATION

SUBJECT: Agreement for Legal Services	<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	
COST: \$1,000 monthly retainer – other fees apply when engaged in a lawsuit	Water/Wastewater Supervisor	
	Other:	

SUMMARY STATEMENT: The former city attorney had to step down due to a change in employment. Therefore, city staff and the Mayor held interviews and is now recommending Joel Penoyar from Penoyar Law Offices for the position of city attorney. Joel has worked with the city in the past on multiple occasions and has a fundamental understanding of the area and the city code, not to mention he is a former Washington State Court of Appeals Judge.

RECOMMENDED ACTION: *Authorize the Mayor to enter into this agreement for legal services.*

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made on
BETWEEN

July 3, 2017

1. **City of Long Beach** (the "City") and
2. **Joel Penoyar, Attorney** (the "Service Provider"),

collectively referred to as the "Parties".

RECITALS

The City wishes to be provided with the Services (defined below) by Joel Penoyar, Attorney and Joel Penoyar, Attorney agrees to provide the Services to the City on the terms and conditions of this Agreement.

1. Key Terms

1.1 Services

Joel Penoyar, Attorney shall provide the following services ("Services") to the City in accordance with the terms and conditions of this Agreement:

Legal services and advice

1.2 Delivery of the Services

- a. **Start date:** Joel Penoyar, Attorney shall commence the provision of the Services on June 15, 2017.
- b. **Completion date:** Joel Penoyar, Attorney shall cease to provide the Services immediately on request.
- c. **Services:** Joel Penoyar, Attorney agrees to provide the following parts of the Services as set out below:

1.3 Site

Joel Penoyar, Attorney shall provide the Services from his office in South Bend or at the City office as requested.

1.4 Price

- a. As consideration for the provision of the Services by Joel Penoyar, Attorney, the price for the provision of the Services is a set fee of \$1000 per month plus mileage for any City meeting attended. For any services involving a lawsuit or the direct threat of a lawsuit, a fee of \$200 per hour will be charged.

- b. The City shall also pay for Joel Penoyar, Attorney's out-of-pocket expenses, if any, such as filing fees.

2. General terms

2.1 Intellectual Property Rights

In respect of the Material specifically created for the City as part of the Services, Joel Penoyar, Attorney assigns the full title guarantee to the City and any and all of the copyright, other intellectual property rights and any other data or material used or subsisting in the Material whether finished or unfinished. If any third party intellectual property rights are used in the Material Joel Penoyar, Attorney shall ensure that it has secured all necessary consents and approvals to use such third party intellectual property rights for Joel Penoyar, Attorney and the City. For the purposes of this Clause 2.1, "Material" shall mean the materials, in whatever form, used by Joel Penoyar, Attorney to provide the Services and the products, systems, programs or processes, in whatever form, produced by Joel Penoyar, Attorney pursuant to this Agreement.

2.2 Warranty

- a. Joel Penoyar, Attorney represents and warrants that:
 - i. it will perform the Services with reasonable care and skill; and
 - ii. the Services and the Materials provided by Joel Penoyar, Attorney to the City under this Agreement will not infringe or violate any intellectual property rights or other right of any third party.

2.4 Term and Termination

This Agreement shall be effective on the date executed but shall provide for legal services from June 15, 2017 forward. The agreement shall continue unless terminated by either party.

2.5 Relationship of the Parties

The Parties acknowledge and agree that the Services performed by Joel Penoyar, Attorney, its employees, agents or sub-contractors shall be as an independent contractor and that nothing in this Agreement shall be deemed to constitute an employment, partnership, joint venture, agency relationship or otherwise between the parties.

2.6 Confidentiality

Neither Party will use, copy, adapt, alter or part with possession of any information of the other which is disclosed or otherwise comes into its possession under or in relation to this Agreement and which is of a confidential nature. This obligation will not apply to information which the recipient can prove was in its possession at the date it was received or obtained or which the recipient obtains from some other person with good legal title to it or which is in or comes into the public domain otherwise than through the default or negligence of the recipient or which is independently developed by or for the recipient.

2.8 Miscellaneous

- a. The failure of either party to enforce its rights under this Agreement at any time for any period shall not be construed as a waiver of such rights.
- b. If any part, term or provision of this Agreement is held to be illegal or unenforceable neither the validity or enforceability of the remainder of this Agreement shall be affected.
- c. Neither Party shall assign or transfer all or any part of its rights under this Agreement without the consent of the other Party.
- d. This Agreement may not be amended for any other reason without the prior written agreement of both Parties.
- e. This Agreement constitutes the entire understanding between the Parties relating to the subject matter hereof unless any representation or warranty made about this Agreement was made fraudulently and, save as may be expressly referred to or referenced herein, supersedes all prior representations, writings, negotiations or understandings with respect hereto.
- f. Neither Party shall be liable for failure to perform or delay in performing any obligation under this Agreement if the failure or delay is caused by any circumstances beyond its reasonable control, including but not limited to acts of god, war, civil commotion or industrial dispute. If such delay or failure continues for at least 7 days, the Party not affected by such delay or failure shall be entitled to terminate this Agreement by notice in writing to the other.
- g. This Agreement shall be governed by the laws of the State of Washington. AS WITNESS the hands of the Parties hereto or their duly authorized representatives the day and year first above written.

CITY OF LONG BEACH:

PENOYAR JUDICIAL SERVICES

By _____

Date
Its _____
(Title/Position)

By _____
Joel Penoyar, Attorney
Date

TAB - E



**CITY COUNCIL
AGENDA BILL**

AB 17-47

Meeting Date: July 3, 2017

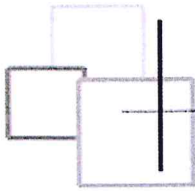
AGENDA ITEM INFORMATION

SUBJECT: <i>Appointing a Representative to the Joint Pacific County Housing Authority</i>	Originator:	
	Mayor	
	City Council	
	City Administrator	DG
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
	Water/Wastewater Supervisor	
COST: N/A	Other:	

SUMMARY STATEMENT: *The Joint Pacific County Housing Authority is seeking a City of Long Beach board representative. This can be either a Council member, staff member or the Mayor. The meetings only occur quarterly and are held at Long Beach City Hall. This board meets to discuss housing issues within the County and create action plans to address and potentially solve some of the local housing challenges.*

RECOMMENDED ACTION: *Select a representative for appointment to the JPCHA board.*

TAB — F



Permit Directory

Permit List: All Permits
Permit Year: 2017

Permit Number	Applicant	Applicant Type	Property	Permit Status	
<u>Accessory Structure - Ilwaco</u>					
IL-170221	Knutzen, Doug	Owner	805 North Head Rd	Issued	
IL-170502	Streeter, Sean	Owner	1017 S Washington Ave	Issued	
IL-170519	Cuttings Coastal Designs	Contractor	509 Lake St	Issued	
			Type Total		3
<u>Accessory Structure - Long Beach</u>					
LB-170202	England, Steve	Owner	307 17th St NE	Issued	
			Type Total		1
<u>Cell Tower - IL</u>					
IL-170216	McDaniel Telephone Corp	Unknown	802 North Head Rd	Issued	
			Type Total		1
<u>Change of Occupancy Calss - LB</u>					
LB-170127	Miller, Isaac & Taylar	Owner	1212 Idaho Ave S	Issued	
			Type Total		1
<u>Deck - IL</u>					
IL-170606	Poellnitz, Charles	Owner	115 Brumbach Ave	Pending	
			Type Total		1
<u>Demo - LB</u>					
LB-170131	His Supper Table	Owner	901 Pacific Ave N	Closed	
LB-170420	Terra Hydr, Inc	Contractor	1400 Pacific Ave S	Issued	
			Type Total		2
<u>Fire Alarm - IL</u>					
IL-170322	Sonitrol of SW Wa	Contractor	314 Brumbach Street	Issued	
IL-170322B	Sonitrol of SW Wa	Contractor	404 School Rd	Issued	
			Type Total		2
<u>Fire Alarm - LB</u>					
LB-170322	Sonitrol of SW Wa	Contractor	400 Washington Ave S	Issued	
			Type Total		1
<u>Mechanical - IL</u>					
IL-170109	P & L Johnson Mechanical Inc	Contractor	110 Advent St	Closed	
IL-170117	Blehm, Charles	Owner	508 Cedar St	Closed	
IL-170215	Thomason, Scott	Owner	1147 Cooks Rd NE	Issued	
IL-170301	Diamond Heating	Contractor	145 Robert Gray Dr	Issued	
IL-170301-B	Quillin, Marlene	Owner	7002 Delta Way	Issued	
IL-170609	Stowe Mechanical	Contractor	314 Brumbach Street	Issued	
IL-170610	Stowe Mechanical	Contractor	314 Brumbach Street	Pending	
			Type Total		7
<u>Mechanical -LB</u>					
LB-170125	P & L Johnson Mechanical Inc	Contractor	301 7th St NE	Issued	
LB-170131-B	Avelar, Adalberto	Owner	1900 N Pacific Ave	Issued	
LB-170215	Stotts, Kaarina M	Owner	2006 Pacific Ave N	Issued	
LB-170222	Sanderson Fire Pro	Contractor	2006 Pacific Ave N	Closed	
LB-170324	Heat Pump Store	Contractor	400 SW 17th St Unit A	Issued	
LB-170404	Stowe Mechanical	Contractor	102 Pioneer Rd E	Issued	
LB-170421	Sunset Air, INC.	Contractor	106 24th St NE	Issued	
LB-170510	P & L Johnson Mechanical Inc	Contractor	1416 California Ave	Closed	
LB-170516	P & L Johnson Mechanical Inc	Contractor	2601 N Pacific Ave	Issued	
LB-170516-B	Soelter, Clint & Sydney	Owner	104 14th st SW	Issued	

Permit Number	Applicant	Applicant Type	Property	Permit Status	
LB-170525	Stowe Mechanical	Contractor	111 Bolstad Ave E	Issued	
LB-170531	P & L Johnson Mechanical Inc	Contractor	301 5th st NE	Issued	
LB-170531B	Crowson, Charles		1004 Washington Ave S	Issued	
LB-170601	Stowe Mechanical	Contractor	1308 Washington Ave N	Issued	
LB-170615-B	Tom and Larry Candies	Unknown	408 S Pacific Ave	Closed	
LB-170616	Heat Pump Store	Contractor	402 SW 17th ST	Issued	
LB-170620	Stowe Mechanical	Contractor	386 28th St NW	Pending	
Type Total					17
<u>New Commercial Structure - LB</u>					
LB-170307	Adrift Hotel	Owner	409 Sid Snyder Dr W	Issued	
LB-170512	Gardner, Tracy K	Owner	308 Sid Snyder Dr W	Issued	
Type Total					2
<u>New SFR - IL</u>					
IL-170113	Haffie, Nick	Owner	314 Second St	Issued	
IL-170321	Snyder, Jim	Owner	3005 Lighthouse Keepers Rd	Issued	
IL-170328	Whitman, Mark E & Victoria E	Owner	230 Lakeview Dr	Issued	
IL-170412	Method Homes	Contractor	16 Lighthouse Keeper's Rd	Pending	
IL-170428	Robinson, Bob & Barb	Owner	6908 Rochelle Way	Issued	
Type Total					5
<u>New SFR - LB</u>					
LB-170511	Kurtz, Jim & Del	Owner	1521 Washington Ave N	Issued	
LB-170602	Knysh, Vasiliy "William"	Contractor	214 Pioneer Rd W	Pending	
LB-170603	Knysh, Vasiliy "William"	Unknown	212 Pioneer Rd W	Pending	
LB-170605	DelaBarre, Del & Sharon	Owner	218 SW 18th ST	Pending	
LB-170615	Scott, Jimmy & Linda	Owner	2018 Washington Ave N	Pending	
Type Total					5
<u>Plumbing Only - LB</u>					
LB-170201	Belks Plumbing	Contractor	408 S Pacific Ave	Issued	
Type Total					1
<u>Renovation/Addition - Ilwaco</u>					
IL-170105	EFA	Contractor	227 Brumbach St	Issued	
IL-170411	Minerd, Rocky	Owner	214 First Ave S	Issued	
IL-170616	Wise, Dana F.	Owner	1132 Cooks Rd NE	Pending	
IL-170626	Perkins, Valerie	Unknown	235 Howerton Way	Pending	
Type Total					4
<u>Renovation/Addition - LB</u>					
LB-170104	Potter, Ross & Bette	Owner	226 25th St NW	Issued	
LB-170513	CUE Enterprises	Contractor	405 N Ocean Beach Blvd	Pending	
LB-170517	Frederick, Kelly		910 N Pacific Ave	Issued	
LB-170608	Svendsen, William & Susan	Owner	1101 Ocean Beach Blvd N	Pending	
LB-170609	EFA	Contractor	2611 Pacific Ave N	Issued	
Type Total					5
<u>Right-of-Way Work Permit</u>					
RW-170217	Aspect Consulting, LLC	Contractor		Issued	
RW-170307	XL Cable	Contractor		Issued	
RW-170308	Pacific Co PUD #2	Unknown		Issued	
RW-170424	Pacific Co PUD #2	Contractor	210 W Pioneer Rd	Issued	
RW-170510	CenturyLink			Issued	
Type Total					5
<u>Structural Repair/Misc - Ilwaco</u>					
IL-170217	Bergeman Const.	Contractor	603 First Ave N	Issued	
IL-170222	Vestal, Victoria	Owner	316 First Ave N	Issued	
IL-170515	Freese, Jeff & Kelly	Owner	101 First Ave S	Issued	
IL-170516	ATI Restorations	Contractor	174 First Ave N	Issued	

Permit Number	Applicant	Applicant Type	Property	Permit Status	
IL-170526	SFA Design Group	Designer	2150 Klahanee Dr	Issued	
Type Total					5
<u>Structural Repair/Misc - LB</u>					
LB-170112	Keller, Heidi	Owner	106 Sid Snyder Dr E	Issued	
LB-170223	Carolina Company	Contractor	207 16th St NW	Issued	
LB-170301	His Supper Table	Owner	911 Pacific Ave N	Issued	
LB-170314	Smith Fire Systems	Contractor	800 Washington Ave N	Closed	
LB-170317	Olsen, Steve & Danna	Owner	1703 S Ocean Beach Blvd	Issued	
LB-170428	Cuttings Coastal Designs	Contractor	315 Brumbach St	Issued	
LB-170619	Coastline Roofing and Construction Inc.	Contractor	1900 N Pacific Ave	Pending	
LB-170620-B	Summerer, Chris	Owner	308 Pacific Ave S	Pending	
LB-170620-C	Long Beach Amusements	Owner	402 S Pacific Ave	Pending	
LB-170620-D	C&N Gutzman	Contractor	201 N Ocean Beach Blvd	Pending	
LB-170623	Sampair, Stan & Karen	Owner	401 Oregon Ave N	Issued	
Type Total					11
Grand Total					79



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

June 15, 2017

The Honorable Jerry Phillips
City of Long Beach
PO Box 310
Long Beach, WA 98631

**RE: City of Long Beach Comprehensive Shoreline Master Program Update –
Conditional Approval**

Dear Mayor Phillips:

I would like to take this opportunity to commend the City of Long Beach (City) for its efforts in developing the proposed comprehensive Shoreline Master Program (SMP) update. It is obvious that a significant effort was invested in this update and the SMP will provide a framework to guide development and environmental protection along the City's shorelines into the future.

As we have already discussed with your staff, the Washington State Department of Ecology (Ecology) has identified specific changes necessary to make the proposal approvable. These changes are detailed in Attachment B. Recommended changes are proposed in Attachment C. The findings and conclusions that support Ecology's decision are contained in Attachment A.

Pursuant to RCW 90.58.090(2)(e), at this point, the City may:

- Agree to the proposed changes, or
- Submit an alternative proposal. Ecology will then review the alternative(s) submitted for consistency with the purpose and intent of the changes originally developed by Ecology and with the Shoreline Management Act.

Final Ecology approval will occur when the City and Ecology agree on language that meets statutory and Guidelines requirements.



The Honorable Jerry Phillips
June 15, 2017
Page 2

Please provide your written response within 30 days to the Director's Office at the following address:

WA State Department of Ecology
Attention: Director's Office
PO Box 47600
Olympia, WA 98504-6700

Ecology appreciates the dedicated work that the City Council, city staff, particularly Gayle Borchard and Ariel Smith, the Planning Commission and the community have put into the Shoreline Master Program Update. Thank you again for your efforts.

We look forward to concluding the SMP update process in the near future. If you have any questions or would like to discuss the changes identified by Ecology, please contact our Regional Planner, Kim Van Zwahlenburg at Kim.Vanzwalenburg@ecy.wa.gov (360) 407-6520.

Sincerely,



Maia D. Bellon
Director

Enclosures

By Certified Mail [91 7199 9991 7031 7906 1086]

cc: Ariel Smith, City of Long Beach
Paula Ehlers, Ecology
Kim Van Zwahlenburg, Ecology