YAKIMA CITY COUNCIL
May 17, 2016
City Hall – Council Chambers
6 p.m. Business Meeting

BUSINESS MEETING

1. Roll Call

2. Pledge of Allegiance

3. Open Discussions for the Good of the Order
   A. Interpretation Services
   B. Proclamations
      i. Older American Citizen’s Month Proclamation
   C. Presentations / Recognitions / Introductions
      i. Recognition of Angie and Angel Contreras for a good deed in returning Council Member D. Gutierrez’s wallet

4. Council Reports
   A. Neighborhood & Community Building Committee Minutes of April 28, 2016

5. Consent Agenda
   Items listed are considered routine by the City Council and will be enacted by one motion without discussion. A citizen or Council member may request to remove an item from the Consent Agenda and, if approved, it will be placed on the regular agenda for discussion and consideration.
   A. Approval of the minutes from the March 15 and April 5, 2016, City Council Business meetings; and March 8, 18, 29 and April 25, 2016, Special Council meetings and April 12, 2016, Study Session
   B. Approve payment of disbursements for the period April 1 - 30, 2016
   C. 1st Quarter 2016 Accounts Receivable Status Report
   D. 1st Quarter 2016 Treasury Report
   E. Set June 7, 2016 as the date for a Closed Record Public Hearing to consider the Hearing Examiner’s recommendation on a proposal submitted by Brian Griff and Larry Loveless to rezone nine parcels in the vicinity of South 80th Ave & Tieton Drive from Single-Family residential (R-1) zone to Two-Family Residential (R-2) zone
   F. Resolution setting the time and place of hearings on June 7, 2016 and June 21, 2016, to review and adopt the Six-year Transportation Improvement Program and
amend the Capital Facilities Element of the Yakima Urban Area Comprehensive Plan for the period of 2017 to 2022

G. Resolution authorizing approval of Yakima Transit’s Equal Employment Opportunity Program update 2016 and direct staff to implement the program

H. Resolution authorizing a grant agreement with Washington State Department of Transportation to assist in funding the replacement of three vanpool vehicles

6. Audience Participation

Community members are invited to address items that are not listed on the regular business meeting agenda. A guideline of three (3) minutes per speaker is in place in order to allow as much opportunity as possible for audience participation. A speaker’s time may be extended at the discretion of the Mayor and/or the consensus or vote of the Council. Written communication and e-mail messages are strongly encouraged.

CITY MANAGER REPORTS

7. Resolution declaring intent to lift ban on recreational and medical marijuana production, processing and retailing, and directing Planning Commission to develop land use regulations pertaining to locations and regulation of such uses

8. Report on General Government Revenue Enhancement Options

9. Other Business

10. Adjournment

The next meeting will be a City Council Executive Session on May 18, 2016, at 8:15 a.m., followed by a Council Retreat at 9 a.m. at the Yakima Training Annex, 421 E. Chestnut Avenue

11. Council General Information

A. Council General Information

12. Confidential

A. Confidential

Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the religious beliefs or views of this, or any other speaker.

A Council packet is available for review at the City Clerk’s Office and the Library. A packet is also available on-line at www.yakimawa.gov.

The City provides special accommodations, such as hearing devices, wheelchair space or language interpreters, for City meetings. Anyone needing special assistance please contact the City Clerk’s office at (509) 575-6037 at least two business days prior to the meeting.
ITEM TITLE: Older American Citizen’s Month Proclamation

SUBMITTED BY: Doris Thomas to accept.

SUMMARY EXPLANATION: Doris Thomas to accept.

ITEM BUDGETED:

STRATEGIC PRIORITY:

APPROVED FOR SUBMITTAL: Jeff Carter

Interim City Manager

STAFF RECOMMENDATION:

BOARD/COMMITTEE RECOMMENDATION:

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CITY OF YAKIMA
PROCAMATION

Whereas, the City of Yakima includes a community of older Americans who deserve recognition for their contributions to our community; and

Whereas, the City of Yakima recognizes that older adults are trailblazers — advocating for themselves, their peers, and their communities — paving the way for future generations; and

Whereas, the City of Yakima is committed to raising awareness about issues facing older Americans and helping all individuals to thrive in communities of their choice for as long as possible; and

Whereas, we appreciate the value of inclusion and support in helping older adults successfully contribute to and benefit from their communities; and

Whereas, our community can provide opportunities to enrich the lives of individuals of all ages by:

• Promoting and engaging in activity, wellness, and social involvement
• Emphasizing home and community based services that support independent living
• Ensuring community members can benefit from the contributions and experience of older adults.

Now therefore, I, Avina Gutiérrez, Mayor of the City of Yakima and on behalf of the City Council hereby proclaim May 2016 to be

Older Americans Month

in the City of Yakima and urges every resident to take time this month to acknowledge older adults and the people who serve them as powerful and vital individuals who greatly contribute to our community.

Dated this 17th day of May 2016

Avina Gutiérrez, Mayor
ITEM TITLE: Neighborhood & Community Building Committee Minutes of April 28, 2016

SUBMITTED BY: Joan Davenport, AICP, Community Development Director (509) 576-6417

SUMMARY EXPLANATION:
See attached Neighborhood & Community Development Committee minutes from the April 28, 2016 meeting.

ITEM BUDGETED: NA

STRATEGIC PRIORITY: Neighborhood and Community Building

APPROVED FOR SUBMITTAL: Interim City Manager

STAFF RECOMMENDATION:
Approve minutes

BOARD/COMMITTEE RECOMMENDATION:

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Yakima City Council Committee Minutes  
Neighborhood & Community Building Committee (NCBC)  
2nd Floor Conference Room, City Hall  
April 28, 2016

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<tr>
<td>Councilmember Dulce Gutiérrez (Chair)</td>
<td>Mark Kunkler, Acting City Manager</td>
<td>Lynn Buchanan</td>
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<td>Councilmember Avina Gutiérrez</td>
<td>Joan Davenport, Community Dev Director</td>
<td>Luz Gutiérrez</td>
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<tr>
<td>Councilmember Carmen Méndez</td>
<td>Rosalinda Ibarra, Administrative Assistant</td>
<td>Mike Falk</td>
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<td>Scott Schafer, Public Works Director</td>
<td>Phill Mattoon</td>
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<td></td>
<td>Ken Wilkinson, Parks &amp; Recreation Manager</td>
<td>Robert Strader</td>
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<td></td>
<td>Jenise Sanders, Parks Admin Asst</td>
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<td></td>
<td>Valerie Smith, Senior Planner</td>
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<td>Cally Price, Executive Secretary CMO</td>
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Chair D. Gutiérrez called the meeting to order at 10:03 a.m.

**Introductions** – Everyone in attendance provided a brief introduction.

**Update on Parks Commission** – Ken Wilkinson reported on past park improvements and summarized the report distributed to the committee members. The updated report includes past park improvements and future projects for park facilities by districts since the year 2000. He noted that the report information will serve as a tool in updating their parks plan (2017 – 2022) which is due to be completed in June 2017. Part of the update process includes sending out a community wide survey in English and Spanish. Wilkinson requested suggestions from committee members for questions to include in this year’s survey. He plans to send out the survey at the end of May and appreciated a response from the council members at their earliest convenience. After discussion concerning the report data, the committee members requested additional follow-up information to include total funds expended and the year in which an investment was last done for each park, an update regarding the lease and maintenance agreement for the YPAL Center, and a list of the fees associated with using the City park facilities. Chair Gutiérrez also requested a report showing staff resources vs. additional tasks assigned to the Parks Department for the May 19th NCBC meeting. In response to the William O. Douglas trail, Chair Gutiérrez noted that this topic will be further discussed at the next meeting.

**Status of Bike Plan – Structure/Organization of Bike/Pedestrian Committee** – Joan Davenport provided a brief summary on the history of the previous Bike/Pedestrian Committee. Part of the dissolution of that committee was due to limited staff resources. It was noted that Carmen Méndez will be the council liaison assigned to the new Bike/Ped Committee. Chair Gutiérrez requested the language on the member requirements be changed from “citizen” to “resident” and extended an invitation to any member of the public interested in serving on this committee. Phil Mattoon, representing the Yakima Bikes and Walks group, offered any assistance necessary to maintain the revamped Bike/Ped Committee operational. Bob Strader pointed out that he would like to see the transit element addressed as well. As a point of clarification, it was stated that the Bike/Ped Committee will be separate from this Committee but updates will be provided monthly at the NCBC meetings.
Exploratory Committees – Ethics and Community Integration – In addition to the reestablishment of the Bike/Ped Committee, Council adopted two exploratory committees which are Ethics, and Community Integration. A. Gutiérrez will lead the Ethics and Chair Gutiérrez will take on the Community Integration. Each committee will consist of five residents. The committee members shared their ideas for these two exploratory committees: to provide checks and balances to the community and provide resources for legal permanent residents to become naturalized were among the examples noted. Legal staff previously provided a memo to the members with information about other communities in the State which currently have similar committees. Luz Gutiérrez commended the committee members for their efforts to increase participation among the entire community and expressed interest in serving on one of the exploratory committees. Mark Kunkler commented that the other cities reported their focus on internal personnel issues for their ethics committees and cautioned the City to broaden their scope on the factors that will be addressed through the Ethics committee. Davenport suggested supplemental questions be drafted and provided to Cally so they can be included in the Boards and Commissions application. Luz Gutiérrez also recommended that the application be updated to include the district of residence of the applicant applying.

Davenport provided an update on the Transportation Plan and Bike Plan. She stated that the Council adopted a final draft of the Bike Plan last November and staff was holding off until the adoption of the Transportation Plan to maintain consistency. Valerie Smith will keep the Committee informed on the process of the Comprehensive Plan Update, as required by the Growth Management Act.

Board Appointed Reports – Standing Item
Homeless Network – Méndez hasn’t attended a meeting of the Homeless Network but has been involved in the Justice Housing Project group also related to homeless issues in the City.

Parks & Recreation Commission – D. Gutiérrez reported that a new youth member has been appointed and Paul Williams was appointed as vice-chair. Among topics covered were: Kissel park summer program fees, SOZO project, and Parks budget. Wilkinson added that the old bathhouses at MLK and Miller Park were demolished and removed, new bathroom at Milroy Park, and a vacancy still existed.

South East Community Center (SECC) – currently there isn’t a council liaison appointed to this Commission. Council will discuss further the appointment of a council member and whether the SECC falls under the NCBC’s agenda. Wilkinson provided a brief update on their latest meeting. The SECC meetings are held quarterly, next one is in July.

Historic Preservation – A. Gutiérrez did not attend the last meeting. Minutes of that meeting will be provided. Davenport recapped the meeting.

Adjourn – A. Gutiérrez motioned/Méndez seconded to adjourn at 11:00 a.m. The next Neighborhood and Community Building Committee meeting will be at 2:00 p.m. on May 19, 2016.
Item No. 5.A.
For Meeting of: May 17, 2016

ITEM TITLE: Approval of the minutes from the March 15 and April 5, 2016, City Council Business meetings; and March 8, 18, 29 and April 25, 2016, Special Council meetings and April 12, 2016, Study Session

SUBMITTED BY: Sonya Claar Tee, City Clerk

SUMMARY EXPLANATION:
See attached.

ITEM BUDGETED:

STRATEGIC PRIORITY:

APPROVED FOR SUBMITTAL: Jeff Catter Interim City Manager

STAFF RECOMMENDATION:

BOARD/COMMITTEE RECOMMENDATION:

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1. Roll Call

Council: Mayor Avina Gutierrez, presiding, Assistant Mayor Holly Cousens, Council Members Maureen Adkison, Kathy Coffey, Dulce Gutierrez, Bill Lover, and Carmen Mendez

Staff: Interim City Manager Cutter, Acting City Attorney Kunkler and City Clerk Claar Tee

2. Discussion and possible action regarding Yakima Central Plaza

Mayor Gutierrez thanked everyone for attending the meeting. Sean Hawkins, Economic Development Manager, reviewed a PowerPoint presentation and briefed Council on the Plaza’s role and how it was identified as a source of Economic Development.

Kathryn Gustafson with Gustafson, Guthrie and Nichol, reviewed a PowerPoint on the Downtown Retail Plan, Downtown Master Plan, Downtown Parking Study and Yakima Central Plaza Final Design. Mayor Gutierrez stated it is her understanding with $8.5 million in private donations being raised, $1.1 million already spent, that leaves a balance of $4.4 million the City is responsible for. Mr. Hawkins confirmed that is correct. Mayor Gutierrez commented on the strengths of our community coming together with a vision of opportunities for our valley.

Council Member Coffey asked about the $750,000 budget shortfall. Interim City Manager Cutter stated he will be presenting Council with a revised budget that will not have a shortfall. Assistant Mayor Cousens thanked everyone for coming and mentioned the parking issues everyone brings up.

MOTION: Cousens moved and Lover seconded to block off the parking lot for two weeks, from Sunday, March 13, 2016 to Saturday, March 26 to test whether there is a parking problem. The motion failed 4-3, with Adkison, Coffey, A. Gutierrez and Mendez voting no.

Finance and Budget Director Epperson discussed the debt service if the City borrowed $4.4 million, with interest in the low $300,000’s and could be higher depending on interest rates. Council Member D. Gutierrez asked if there are ways to slim down the plaza budget. Economic Development Director Hawkins noted there could be depending on the bidding process and materials used.

Mr. Hawkins responded to questions from audience members with the following answers: he is proposing a contract with Block by Block to maintain the plaza with assistance from Parks and Recreation for a total annual budget, including equipment, of $65,000; revenue from events should cover the daily cost of maintenance; the design includes two bathrooms.

Mayor Gutierrez stated there is a lot of information to consider. Council Member Coffey appreciated
3. Audience participation

The following individuals spoke in support of the Central Plaza: Dennis Dean, City resident; Grant Dahl, City resident; Kathleen Goyette, City resident; Carter Fjeld, City resident; Nick Hughes, City resident; Jessica Hawkins, non-resident; Laura Schlect, City resident; Bridget Russel, City resident; Tony Sandoval, City resident; John Baule, City resident; Mary Lopez, non-resident; Yami Lancaster, City resident; Ana Guzman, City resident; Carole Folsom-Hill, City resident; Shirley Strader, City resident; David Rogers, City resident; Patrick Smith, non-resident; Robert Gerst, non-resident; Robert Strader, City resident; Phil Hoge, City resident; Aileen Kane, City resident; Casey Corr, non-resident; Karl Vanevnhoven, City resident; Paul Nagle-McNaughton, City resident; Jose Ramos, City resident; Andy Jones, City resident; Mike McKinney, City resident; Jay Carskadden, City resident; Steve Weise, City resident; Kara Lolley, City resident; Sylvia Whitmer, City resident; Cragg Gilbert, non-resident; Monte Christophe, non-resident; and Terry Mullin, City resident.

The following individuals spoke against the Central Plaza: Sandy Belzer, City resident; Tim Hill, City resident; Jerry Maggard, City resident; Mark Peterson, non-resident; Lynn Buchanan, City resident; Vema Panian, non-resident; Paul Tabayoyon, City resident; Rob Leaming, non-resident; Rogelio Montes, City resident; Kathi Mercy, non-resident; Ken Jones, City resident; Pres Tuesley, City resident; Tom Bracewell, City resident; Audel Ramirez, non-resident; John Crawford, non-resident; Scott Willson, City resident; and Kristen Fork, City resident.

The following individuals spoke neutrally about the plaza: Ron King, City resident; Michael McSharry, non-resident; Tony Sloan, City resident; Brandy Schwartz, City resident; Mike Snyder, non-resident; and Lorena Hernandez, City resident.

4. Adjournment

Motion: Adkison moved and Coffey seconded to adjourn to the next Council Business Meeting on March 15, 2016, at 6 p.m. in the Council Chambers at City Hall. The motion carried by unanimous vote. The meeting adjourned at 9:58 p.m.

CERTIFICATION
READ AND CERTIFIED ACCURATE BY

COUNCIL MEMBER DATE

COUNCIL MEMBER DATE

ATTEST:

CITY CLERK

MAYOR
BUSINESS MEETING

1. Roll Call

Council:  Mayor Avina Gutierrez, presiding, Assistant Mayor Holly Cousens, Council Members Maureen Adkison, Kathy Coffey, Dulce Gutierrez, and Carmen Mendez

Staff: Interim City Manager Cutter, Acting City Attorney Kunkler and City Clerk Claar Tee

Absent:  Council Member Bill Lover (excused)

2. Pledge of Allegiance

Mayor Gutierrez led the Pledge of Allegiance.

3. Open Discussions for the Good of the Order

4. Council Reports

None.

5. Consent Agenda

Mayor Gutierrez referred to the items placed on the Consent Agenda, questioning whether there were any additions or deletions from Council members or citizens present. Item 9 (now 5I) was added to the consent agenda. The City Clerk read the Consent Agenda items, including resolutions and ordinances, by title. (Items on the Consent Agenda are handled under one motion without further discussion—see motion directly below.)

MOTION: Coffey moved and Mendez seconded to approve the consent agenda.

The motion carried by a unanimous vote, Lover absent.

A. Approval of the minutes from the February 2, 16 and March 1, 2016, City Council Business meetings; February 8, 2016, City Council Retreat; and February 17 and 23, 2016, City Council Study Sessions

B. Approve payment of disbursements for the period February 1 - 29, 2016

C. Resolution authorizing the Fire Chief, who serves as the City’s Emergency Manager, to enter into a grant agreement with Washington State Military Department and the U.S. Department of Homeland Security to provide funds to enhance the City of Yakima Emergency Management Program
RESOLUTION NO. R-2016-035, A RESOLUTION authorizing the Fire Chief, who serves as the City’s Emergency Manager, to enter into a grant agreement with Washington State Military Department and the U.S. Department of Homeland Security to provide funds to enhance the City of Yakima Emergency Management Program.

D. Resolution authorizing the amendment to an existing grant agreement with Washington State Department of Transportation to fund fixed-route buses.

RESOLUTION NO. R-2016-036, A RESOLUTION authorizing the City Manager to modify an existing grant agreement with Washington State Department of Transportation to fund fixed-route buses.

E. Resolution authorizing a Municipal Stormwater Capacity Grant agreement with the Department of Ecology for $50,000.

RESOLUTION NO. R-2016-037, A RESOLUTION authorizing the City Manager to execute a Municipal Stormwater Capacity Grant agreement with the Department of Ecology for $50,000.

F. Resolution authorizing a Professional Services Agreement with Huibregtse Louman Associates, Inc. (HLA), in an amount not to exceed $67,000, to prepare design engineering plans for the Randall Park Improvements.

RESOLUTION NO. R-2016-038, A RESOLUTION authorizing the City Manager to execute a Professional Services Agreement with Huibregtse Louman Associates (HLA), not to exceed $67,000, to prepare design engineering plans for the Randall Park Improvements.

G. Resolution authorizing fourth amendment to Block by Block agreement for Professional and Ambassador Services in the Downtown Yakima Business Improvement District (DYBID).

RESOLUTION NO. R-2016-039, A RESOLUTION amending the Block by Block contract, adopted in July of 2012, regarding pricing of services to the City of Yakima.

H. Ordinance updating Classification and Compensation Plan for City Employees Section 2.20.100.

ORDINANCE NO. 2016-002, AN ORDINANCE relating to City personnel; adopting a classification and compensation plan for City employees to be effective April 17, 2016; and repealing all preceding pay ordinances in the City of Yakima Municipal Code.

I. Resolution authorizing open cruising events to be held on June 11, June 18, July 9, August 13, September 10 and September 17 sponsored by Apple Valley Kiwanis Club (June 18), Yakima Volkswagen Club (September 17) and the Downtown Association of Yakima (remaining dates).

RESOLUTION NO. R-2016-040, A RESOLUTION authorizing open cruising events to be held on June 11, June 18, July 9, August 13, September 10 and September 17 sponsored by Apple Valley Kiwanis Club (June 18), Yakima Volkswagen Club (September 17) and the Downtown Association of Yakima (remaining dates).

6. Audience Participation

Rob Leaming, non-resident, made a suggestion to reduce the cost of the plaza by using...
decorative bricks in place of the current material suggested, which could be paid for by legalizing cannabis sales in the City.

Sandy Belzer, City resident, spoke in opposition of the plaza, and brought up concerns about a tally taken that misrepresented the citizens in opposition of the plaza. She also discussed the concerns with parking.

Paul Tabayoyon, City resident, asked how the Stormwater Capacity Grant would be used. Interim City Manager Cutter answered the question. Mr. Tabayoyon suggested forming a committee to analyze the abandoned DID system. He shared his current situation at his rental house regarding stormwater coming up through the drains following a rainstorm. He is asking the City to be preemptive for other community members on this issue.

Kris Fork, City resident, spoke against the plaza and in support of Block by Block.

PUBLIC HEARINGS


Archie Matthews, ONDS Manager, briefed Council on the report and stated no action is necessary.

Mayor Gutierrez opened the public hearing and, with no one coming forward to speak, closed the hearing.

Council Members Mendez and Adkison thanked Mr. Matthews for his hard work.

CITY MANAGER REPORTS

8. Status of Complete Streets Ordinance and Sidewalk Grants

Community Development Director Davenport reported on the status of complete streets and sidewalk grants. She noted the State established a grant program for complete streets, which is largely unfunded. The Safe Routes to School and Pedestrian Safety Grant Program has been in place for many years and the City has built many projects from this program. Ms. Davenport suggested the City Council may want to consider reestablishing the bicycle and pedestrian advisory committee. She noted Yakima Bikes and Walks, a community committee, is willing to take responsibility to keep this moving forward.

**MOTION:** D. Gutierrez moved and Cousens seconded **to reinstate the bicycle and pedestrian committee.** The motion carried by unanimous vote, Lover absent.

Council Member D. Gutierrez stated she would be happy to be the Council liaison on this Committee.

Phil Hoge, City resident, reported the bicycle and pedestrian committee tried to be active; however, it became very difficult without staff support. He agreed the committee should take a more active role rather than relying on City staff.
ORDINANCES

9. Ordinance Amending the 2016 Budget for 2015 Year-End Encumbrances (First Reading)

Cindy Epperson, Director of Finance and Budget, briefed Council on the ordinance.

The City Clerk read the ordinance by title only.

AN ORDINANCE amending the 2016 budget for the City of Yakima; and making appropriations for 2015 Year-End Encumbrances from Unappropriated Fund Balances within various Funds for expenditure during 2016.

Ms. Epperson noted this is a first reading only, and the ordinance will be brought back for a second reading and action at the next Council Business meeting.

10. Other Business

Council Member Mendez directed Council’s attention to an information item regarding the pit bull ban and stated she will be bringing this to Council for action at a later date.

Interim City Manager Cutter mentioned the Association of Washington Cities is recruiting for a vacancy for their Board of Directors. Recruitment applications are open and due March 25, 2016, by 5 p.m.

MOTION: D. Gutierrez moved and Cousens seconded that the City of Yakima’s appeal to the United States Court of Appeals for the Ninth Circuit be set for a vote on the April 5, 2016, City Council agenda. The motion carried by a 5-1 vote, Coffey voting no, Lover absent.

Council Member Adkison noted she will not be here at the April 5, 2016, meeting. Council Member Coffey asked if this would repeal the amicus brief at the Supreme Court. Interim City Manager Cutter replied that it would not.

MOTION: Coffey moved and Adkison seconded to adjourn to Executive Session for clarification on the ACLU/pending litigation issue for up to 30 minutes. The motion carried by a 5-1 vote, A. Gutierrez voting no, Lover absent. The meeting adjourned for Executive Session at 7:05 p.m.

Executive Session was held and adjourned at 7:20 p.m. Council Member Coffey stated she appreciates the time to clarify this matter and she is now in agreement with the motion.

MOTION: A. Gutierrez moved and Mendez seconded the issue of proceeding with the Downtown Plaza be presented and set for a vote on the May 3, 2016, Council agenda. The motion carried by a 5-1 vote, Cousens voting no, Lover absent.

Mayor A. Gutierrez reported the City’s Sister City has invited her to travel with a delegation to Morelia, Mexico on April 15, 2016, and asked permission of the City Council to approve payment of the airfare in the amount of $760.

MOTION: Coffey moved and D. Gutierrez seconded to approve the trip to Morelia for Mayor Gutierrez. The motion carried by unanimous vote, Lover absent.
11. Adjournment

MOTION: Coffey moved and Mendez seconded to adjourn to the next Council Business Meeting on April 5, 2016, at 6 p.m. in the Council Chambers at City Hall. The motion carried by unanimous vote, Lover absent. The meeting adjourned at 7:30 p.m.

CERTIFICATION
READ AND CERTIFIED ACCURATE BY

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COUNCIL MEMBER DATE

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COUNCIL MEMBER DATE

ATTEST:

______________________________________  __________________________________
CITY CLERK MAYOR

DRAFT
1. Roll Call

Council: Mayor Avina Gutierrez, presiding, Assistant Mayor Holly Cousens, Council Members Maureen Adkison, Kathy Coffey, Dulce Gutierrez, Bill Lover, and Carmen Mendez

Staff: Interim City Manager Cutter and Acting City Clerk Stephens

2. Discuss Sister City delegation to Morelia in April 2016

Mayor Gutierrez announced the Morelia Sister City is asking if additional Council members would like to travel to Morelia, Mexico, as they have had some cancellations. She noted Council Members D. Gutierrez and Mendez are interested in attending.

MOTION: A. Gutierrez moved and Cousens seconded to authorize travel and pay for D. Gutierrez and Mendez to travel to our Sister City with the Mayor.

Council discussed the pros and cons of attending both the Sister City, as well as legislative meetings in Washington D.C. Council Member Adkison opposed sending any additional Council members to Morelia.

MOTION: Coffey moved and Cousens seconded to amend the motion to increase the cost for travel up to $1,000 per person for the Morelia trip. The motion carried by a 6-1 vote, Adkison voting no. Council Member Coffey stated she would not support the additional cost for City staff to travel to Morelia.

MOTION: Coffey moved and A. Gutierrez seconded at 9:20 a.m. to adjourn to Executive Session to discuss issues associated with a public employee for up to 30 minutes. The motion carried by Council consensus.

Mayor A. Gutierrez announced at 9:45 a.m. the Council will meet for an additional 15 minutes in Executive Session. Executive session was held and adjourned at 10 a.m. Council reconvened with Mayor Gutierrez noting Council Member D. Gutierrez had to leave the meeting early.

Audience participation: Luz Gutierrez, City resident, shared history about Morelia and believes it is important to establish relationships and would like to meet with those going on the trip.

MOTION: Coffey moved and A. Gutierrez seconded to have an Executive Session meeting at 5 p.m. on March 29, 2016, in the Council Chambers. The motion carried by unanimous vote, D. Gutierrez absent.
3. Adjournment

MOTION: Cousens moved to adjourn to the Executive Session on March 29, 2016, at 5:00 p.m. in the Council Chambers at City Hall and a 6 p.m. Joint Special Meeting with the Yakima School District. The motion carried by unanimous vote, D. Gutierrez absent. The meeting adjourned at 10:06 a.m.

CERTIFICATION
READ AND CERTIFIED ACCURATE BY

________________________________________
COUNCIL MEMBER DATE

________________________________________
COUNCIL MEMBER DATE

ATTEST:

_______________________________________
CITY CLERK

_______________________________________
MAYOR

DRAFT
1. Roll Call

Council: Mayor Avina Gutierrez, presiding, Assistant Mayor Holly Cousens (arrived 5:10 p.m.), Council Members Maureen Adkison, Kathy Coffey, Dulce Gutierrez, Bill Lover, and Carmen Mendez were present.

MOTION: Adkison moved and Lover seconded to adjourn to Executive Session to discuss pending litigation and issues associated with a public employee for up to 45 minutes. The motion carried by unanimous vote.

2. Executive Session to discuss pending litigation and issues associated with a public employee

Executive Session was held and adjourned at 5:44 p.m.

MOTION: Lover moved and D. Gutierrez seconded to adjourn to a 6 p.m. Special Joint Meeting with the Yakima School District at 104 N. 4th Avenue, Yakima, Washington. The motion carried by unanimous vote.

3. Discuss homeless issues in schools and the community

Yakima School District (YSD) Board of Directors President Rice called the Special Joint Meeting to order at 6:04 p.m. and led the Pledge of Allegiance at the YSD Board Room, 104 N. 4th Avenue, Yakima, Washington.

Council: Mayor Avina Gutierrez, presiding, Assistant Mayor Holly Cousens, Council Members Maureen Adkison, Kathy Coffey, Dulce Gutierrez, Bill Lover, and Carmen Mendez were present. Staff: Interim City Manager Cutter, Acting City Attorney Kunkler and City Clerk Claar Tee were present.

School Board Members Martha Rice, John Vornbrock, Don Davis Jr., Graciela Villanueva, and Raymond Navarro Jr., were present.

President Rice presented regarding the YSD homeless student population, including the definition of the federal McKinney-Vento Act and definition of a homeless student, for U.S. education purposes. The question of "How can the YSD and the City of Yakima work together to address some of the issues of homeless students and families?" was posed for the council and board to consider.

Pastor Dave Hansen spoke to the boys and girls residential homes that he is involved with that assist homeless youth who have experienced major trauma, including sex trafficking. He noted there is a 4-child capacity in each home, with costs approximating $7,000 per child, per month. Questions about the local YSD intake forms, how YSD assists homeless students, BECCA law/truancy, demographics,
homeless populations by school, City-School District relationships state-wide/nation-wide, the Homeless Network, Triumph Treatment, Neighborhood Health, and faith community support were discussed.

Public Comment:

Larry Mattson, Yakima Valley Conference of Governments (COG), spoke to their homeless program, which will be fully transferred to their agency from Yakima County by year-end.

Tim Sullivan, Homeless Programs Manager with COG, spoke regarding the “point in time count” they use for their annual census of the homeless population. They count primarily unsheltered and living in shelters, whereas YSD counts homelessness differently, as their counts are ongoing.

Andy Ferguson, Transform Yakima Together, stated they are in the process of creating a school adoption handbook to distribute to all churches in the valley and discussed the success they have had with this program.

Rhonda Hauff, Yakima Neighborhood Health Services, reported they work with the Yakima Housing Authority, Triumph Treatment Services, and the YWCA to have unification to assist homeless families in finding housing. They have also been in collaboration with Rod's house, OIC, ESD105 and DSHS to target young people aging out of foster care.

Bunker Frank, former YSD Board Member and former State Board of Education Member, spoke about having schools be a safe and nurturing place for children. She believes the summer break for schools is a huge risk for students to fall into homelessness.

Council Member Mendez suggested having President Rice and Mayor Gutierrez work on a joint agenda and create more unification for a potential quarterly collaborative meeting.

4. Adjournment

MOTION: D. Gutierrez moved and Lover seconded to adjourn to the next Council Business Meeting on April 5, 2016, at 6 p.m. in the Council Chambers at City Hall. The motion carried by unanimous vote. The meeting adjourned at 7:40 p.m.

CERTIFICATION
READ AND CERTIFIED ACCURATE BY

COUNCIL MEMBER DATE

COUNCIL MEMBER DATE

ATTEST:

CITY CLERK MAYOR
BUSINESS MEETING

1. Roll Call

Council: Mayor Avina Gutierrez, presiding, Assistant Mayor Holly Cousens, Council Members Kathy Coffey, Dulce Gutierrez, Bill Lover, and Carmen Mendez

Staff: Interim City Manager Cutter, Acting City Attorney Kunkler and City Clerk Claar Tee

Absent: Council Member Maureen Adkison (excused)

2. Pledge of Allegiance

Mayor Gutierrez led the Pledge of Allegiance.

3. Open Discussions for the Good of the Order

Mayor Gutierrez announced that translation services are available.

A. Proclamations

i. National Tele Communicators Week

Mayor Gutierrez proclaimed April 10-16, 2016, as National Tele Communicators week and Stacey Garcia, Public Safety Communications Supervisor, accepted it and thanked Council for their support.

ii. School foundation proclamation

Mayor Gutierrez proclaimed April 5, 2016, as Yakima Schools Foundation day and Corey Hodge, Debra Yergen and Patricia Byers accepted it.

B. Presentations / Recognitions / Introductions

i. Yakima Arboretum presentation (10 minutes)

Jheri Ketchum and Colleen Adams-Schuppe, Co-executive Directors of the Yakima Area Arboretum, presented a PowerPoint video on the Yakima Area Arboretum, noting it is owned by the City with an agreement set to expire in 2021. The arboretum has over 32 acres with 1,000 trees and another 14 acres in a natural state.

C. Appointments to Boards, Commissions and Council Committees
Council Member Lover recommended appointment of those recommended by the Council Nominating Committee. This was approved by Council consensus.

4. Council Reports

None.

5. Consent Agenda

Mayor Gutierrez referred to the items placed on the Consent Agenda, questioning whether there were any additions or deletions from Council members or citizens present. There were no changes. The City Clerk read the Consent Agenda items, including resolutions and ordinances, by title. (Items on the Consent Agenda are handled under one motion without further discussion—see motion directly below.)

MOTION: Mendez moved and Lover seconded to approve the consent agenda. The motion carried by a unanimous vote, Adkison absent.

A. Set May 3, 2016 as the date for an open record public hearing on the proposed development agreement for Powerhouse Villas, submitted by DMF Investments

B. Resolution setting the date for a public hearing to be held at 6:30 pm on April 19, 2016 in the City of Yakima Council Chambers to amend the six-year Transportation Improvement Program

RESOLUTION NO. R-2016-041, A RESOLUTION fixing the time and place of a hearing for April 19, 2016 at 6:30 pm in the Council Chambers at City Hall to amend the 2016 through 2021 Six-Year Transportation Improvement Program.

C. Resolution authorizing Right-of-Way Use Permit for Weise Holding LLC to install an electric vehicle charging station in the sidewalk at 17 North 3rd Street

RESOLUTION NO. R-2016-042, A RESOLUTION authorizing issuance of a right-of-way use permit to allow the installation of an electric vehicle charging station in the right-of-way/sidewalk at 17 N. 3rd St.

D. Resolution authorizing a lease agreement with the City of Tieton and Yakima Tieton Irrigation District to lease 30 shares of City entitled Yakima Tieton Irrigation District water to the City of Tieton for the water year 2016

RESOLUTION NO. R-2016-043, A RESOLUTION authorizing the City Manager to execute the attached and incorporated lease agreement with the City of Tieton and Yakima Tieton Irrigation District to lease 30 shares of Yakima Tieton Irrigation District water to the Town of Tieton for the water year 2016.

E. Resolution authorizing the purchase of a used water tender, and waiver of the competitive bidding process

RESOLUTION NO. R-2016-044, A RESOLUTION authorizing the purchase of a used 2001 Kovatch Mobile Engine (Water Tender), from the Town of Little Elm Fire Department, Texas, and reciting special market conditions.

F. Resolution declaring the property located at 5511 Summitview Avenue, Yakima,
Washington, to be surplus to the uses and needs of the City and authorizing disposition of such parcel

RESOLUTION NO. R-2016-045, A RESOLUTION declaring the property located at 5511 Summitview Avenue, Yakima, Washington, 98908 to be surplus to the uses and needs of the City of Yakima, and authorizing disposition of such parcel.

G. Resolution approving the Purchase and Sale Agreement with Vegabond Properties, LLC for the property at 5511 Summitview Avenue

RESOLUTION NO. R-2016-046, A RESOLUTION approving the Purchase and Sale Agreement between the City of Yakima and Vegabond Properties, LLC for the property at 5511 Summitview Avenue, Yakima, Washington, 98908, and approving the City Manager to sign the same.

H. Resolution authorizing a Professional Services Contract with Dennis Miner for Firearms Services

RESOLUTION NO. R-2016-047, A RESOLUTION authorizing the City Manager of the City of Yakima to execute Professional Services Contract for firearms training and other armory services between the Yakima Police Department and Dennis Miner

I. Resolution authorizing an Intergovernmental Cooperative/Mutual Aid Agreement between the Yakima Police Department and the City of Cleveland, Ohio, for operational assistance in providing security for the 2016 Republican National Convention in Cleveland, Ohio.

RESOLUTION NO. R-2016-048, A RESOLUTION approving an Intergovernmental Cooperative/Mutual Aid Agreement between the Yakima Police Department and the City of Cleveland, Ohio, for operational assistance in providing security for the 2016 Republican National Convention in Cleveland, Ohio.

J. Resolution authorizing an agreement with the Downtown Association of Yakima for beautification, improvement and promotion of downtown Yakima

RESOLUTION NO. R-2016-049, A RESOLUTION authorizing an agreement with the Downtown Association of Yakima for beautification, improvement and promotion of downtown Yakima

K. Resolution authorizing agreement with Huibregtse, Louman Associates for engineering services to design and provide construction administration for acquiring Snow Removal Equipment at the Yakima Air Terminal

RESOLUTION NO. R-2016-050, A RESOLUTION authorizing the City Manager to execute an Engineering Services Agreement with Huibregtse, Louman Associates, Inc. (HLA), in the amount not to exceed $44,713.00 to provide Engineering Services for design and construction administration for Snow Removal Equipment.

L. Ordinance Amending the 2016 Budget for 2015 Year-End Encumbrances (Second Reading)

ORDINANCE NO. 2016-003, AN ORDINANCE amending the 2016 budget for the City of Yakima; and making appropriations for 2015 Year-End Encumbrances from Unappropriated Fund Balances within various Funds for expenditure during 2016.
6. **Audience Participation**

Ed Campbell, Director of Yakima County Corrections, spoke about the West side jail contracts that Yakima County manages. Mr. Campbell reported that Yakima County is not releasing inmates on the streets of the City of Yakima if they do not live in the area. They are transported back to the area where they came from. He confirmed the State of Washington Department of Corrections is bringing released inmates to the Yakima Valley; however, he could not speak to their practices. He suggested the City contact Mr. Peterson, head of Washington State DOC. Council Member Coffey suggested when Yakima County renews their contracts, they clarify or eliminate the language indicating inmates would be released here.

Sara Watkins, President of the Junior League of Yakima, stated they have over 300 members ages 25-95 volunteering in the Yakima valley and highlighted several of their activities. She invited Council and members of the community to attend their "volunteerathon" on April 16.

Laura Armstrong, La Casa Hogar, gave an update on the services they provide and spoke specifically on their citizenship and education classes. She encouraged volunteers to help assist in this area as classes have grown dramatically. She invited Council and the community to their fundraising event on May 22.

Lynette Whitney, City resident, discussed her concern regarding the possible repeal of the ban on marijuana and the location of pot shops near schools.

Marco and Cristal Campos, City residents, spoke in opposition of repealing the marijuana ban. He stated he is aware that two councilmembers received campaign funding from marijuana shops and believes they should recuse themselves from any vote regarding marijuana as it would appear to be a conflict of interest. Mayor Gutierrez stated she received campaign funding from a marijuana shop and disagreed that it would be a conflict of interest.

**CITY MANAGER REPORTS**

7. **Status Report on Dangerous and Vacant Buildings Project**

Joe Caruso, Codes Manager, reported on the dangerous and vacant building project.

8. **2015 Year-End Budget Revenue & Expenditure Report**

Finance and Budget Director Epperson briefed Council on the 2015 year-end budget report.

9. **2016 Budget Reduction Options**

Interim City Manager Cutter briefed Council on the budget reduction options.

Council Members D. Gutierrez, Mendez and Cousens noted their concern about increasing the cost for the children’s program at Kissel Park. Council Member Coffey stated this program is only available for 100 children. She noted there are children on the East side and all over Yakima that would benefit from this program. She suggested this program rotate to different parks where under-privileged children need attention. She supports this budget increase unless there is another more equitable effort.
MOTION: Lover moved and Mendez seconded remove this from the current agenda for future consideration. The motion failed by a 4-2 vote with A. Gutierrez, Coffey, D. Gutierrez and Mendez voting no, Adkison absent.

MOTION: D. Gutierrez moved and Mendez seconded to not increase the one time admission fee for children to the Kissel Park program beyond a 100% increase totaling an amount of $40 dollars per child. The motion carried by a 5-1 vote, Coffey voting no, Adkison absent.

MOTION: Mendez moved and Coffey seconded to accept the budget reduction options as presented with the exception of the Parks and Recreation item. The motion carried by an unanimous vote, Adkison absent.

Vote regarding the City’s appeals in the case of Montes, et al. v. City of Yakima, et al., pending in the U.S. Court of Appeals for the Ninth Circuit Nos. 15-35309 and 15-35593, consolidated by the Court in No. 15-35309.

Senior Assistant City Attorney Harvey briefed Council and distributed a settlement agreement and resolution to Council on this issue.

City residents David Morales and Luz Bazan Gutierrez spoke in favor of the resolution. The City Clerk read the resolution by title only.

RESOLUTION NO. R-2016-051, A RESOLUTION stating that the City of Yakima and the City Council will withdraw the appeals in the case of Montes and Arteaga v. City of Yakima, et al., pending in the U.S. Court of Appeals in the Ninth Circuit, and that the City will pay the award of attorneys’ fees and costs ordered by Judge Rice on June 19, 2015, subject to an agreement by the plaintiffs to waive interest and some attorney fees, and to donate $100,000 to the City of Yakima for certain purposes.

MOTION: D. Gutierrez moved and Cousens seconded to adopt the resolution. The motion carried by an unanimous vote, Adkison absent.

11. Other Business

None.

12. Adjournment

MOTION: D. Gutierrez moved and Cousens seconded to adjourn to a City Council Study Session on April 12, 2016, at 10 a.m. in the Council Chambers at City Hall. The motion carried by unanimous vote, Adkison absent. The meeting adjourned at 7:36 p.m.

CERTIFICATION
READ AND CERTIFIED ACCURATE BY

COUNCIL MEMBER ___________________________ DATE ___________________________
1. Roll Call

Council: Mayor Avina Gutierrez, presiding, Assistant Mayor Holly Cousens, Council Members Maureen Adkison, Kathy Coffey, Dulce Gutierrez, Bill Lover (arrived at 10:55 a.m.) and Carmen Mendez

Staff: Interim City Manager Cutter, Acting City Attorney Kunkler and City Clerk Claar Tee

Mayor Gutierrez led the Pledge of Allegiance.

2. Emergency Management Program Overview

Chief Stewart and Charles Enrie, Emergency Management Analyst, reviewed a PowerPoint presentation on the history and challenges associated with Emergency Management. Chief Stewart described the new mass notification technology.

3. Status of Yakima Valley Trolley System

Economic Development Manager Hawkins briefed Council on the state of the Trolley system. Ken Johnson, President of the Yakima Valley Trolleys Association gave a PowerPoint presentation on the history and current status of the Trolleys.

4. Audience Comments (allow 15 minutes)

Karl Pasten, Executive Director of the Yakima Valley Trolleys, reported on their fundraising efforts and Stewart Wadsworth spoke in support of the Trolleys.

Carole Folsom-Hill, City resident, spoke about the recent shootings in the community and suggested the City consider a long-term view as opposed to just arresting people. She stated this requires an effort on the entire community’s part to work together, as this is a broader issue than just law enforcement.

Council Member Mendez stated Safe Yakima Valley is putting together a community gathering at the Seasons on Thursday at 5:30 p.m., which is open to the public. Council Member D. Gutierrez reported there will also be a community event entitled Stop the Violence on Saturday, April 30, at 1 p.m. at Miller Park, which is being coordinated by various community members and invited the community to attend.

5. Adjournment
MOTION: Cousens moved and Mendez seconded to adjourn to the next Council Business Meeting on April 19, 2016, at 6 p.m. at City Hall. The motion carried by unanimous vote. The meeting adjourned at 11:42 a.m.

CERTIFICATION
READ AND CERTIFIED ACCURATE BY

________________________________________
COUNCIL MEMBER DATE

________________________________________
COUNCIL MEMBER DATE

ATTEST:

________________________________________
CITY CLERK

________________________________________
MAYOR

DRAFT
YAKIMA CITY COUNCIL
SPECIAL MEETING
April 25, 2016
City Hall -- Council Chambers
Noon -- MINUTES

1. Roll Call
   Council: Mayor Avina Gutierrez, presiding, Assistant Mayor Holly Cousens, Council Members Maureen Adkison, Kathy Coffey, Dulce Gutierrez and Bill Lover.
   Staff: Interim City Manager Cutter and City Clerk Claar Tee
   Absent: Council Member Carmen Mendez (excused)

2. Executive Session to evaluate the qualifications of an applicant for public employment

   MOTION: A. Gutierrez moved and D. Gutierrez seconded to adjourn to Executive Session for up to two hours to evaluate the qualifications of an applicant for public employment. The motion carried by unanimous vote, Mendez absent. Executive Session was held and adjourned at 1:25 p.m.

3. Adjournment

   MOTION: Adkison moved and Cousens seconded to adjourn to the next Council Business Meeting on May 3, 2016, at 6 p.m. in the Council Chambers at City Hall. The motion carried by unanimous vote, Mendez absent. The meeting adjourned at 1:26 p.m.

CERTIFICATION
READ AND CERTIFIED ACCURATE BY

__________________________  _________________________
COUNCIL MEMBER                        DATE

__________________________  _________________________
COUNCIL MEMBER                        DATE

ATTEST:

__________________________  _________________________
CITY CLERK                        MAYOR
ITEM TITLE: Approve payment of disbursements for the period April 1 - 30, 2016

SUBMITTED BY: Cindy Epperson, Director of Finance & Budget
Tara Lewis, Financial Services Manager

SUMMARY EXPLANATION:
RCW 42.24 governs the process for audit and review of payroll and claims payments for the City. RCW 42.24.180 requires the review and approval of all payments at a regularly scheduled public meeting on a monthly basis. The State Budgeting, Accounting and Reporting Systems (BARS) Manual outlines the following format for City Council approval.

REPORT OF DISBURSEMENTS:
The following amounts were budgeted and sufficient funds were available to cover these payments:

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<td>Electronic payments – Key Bank:</td>
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Background and description of this process is attached.

ITEM BUDGETED: NA
STRATEGIC PRIORITY: Public Trust and Accountability
STAFF RECOMMENDATION:
Approve the payments

BOARD/COMMITTEE RECOMMENDATION:

ATTACHMENTS:

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</table>
Disbursement Approval Process

Background and Description

RCW 42.24 governs the process for audit and review of payroll and claims payments for the City. RCW 42.24.180 requires the review and approval of all payments at a regularly scheduled public meeting on a monthly basis.

RCW 42.24.080 requires that all claims presented against the City by persons furnishing materials, rendering services, or performing labor must be certified by the appropriate official to ensure that the materials have been furnished, the services rendered, or the labor performed as described, and that the claims are just, due and unpaid obligations against the City.

RCW 42.24.180 allows expedited processing of the payment of claims when certain conditions have been met. The statute allows the issuance of warrants or checks in payment of claims before the legislative body has acted to approve the claims when: (1) the appropriate officers have furnished official bonds; (2) the legislative body has adopted policies that implement effective internal control; (3) the legislative body has provided for review of the documentation supporting the claims within a month of issuance; and (4) that if claims are disapproved, they shall be recognized as receivables and diligently pursued.

The City meets all these conditions.

To comply with the requirements, Finance staff schedule payment of claims and payroll for monthly Council approval on the Consent Agenda. The payments listed in the schedule cover all claims and payroll payments during the month prior to the date of the Council meeting.

All payments made during this period were found to be valid claims against the City. Details are available from the Finance Division.

The City’s internal controls include certification of the validity of all payments by the appropriate department prior to submission for payment. The Director of Finance and Budget has delegated authority for the examination of vouchers and authorization of payments to the Finance, Accounts Payable, and Payroll staff. All payments are reviewed and validated. The Finance Division regularly reviews its processes to ensure appropriate internal controls are in place.
ITEM TITLE: 1st Quarter 2016 Accounts Receivable Status Report

SUMMARY EXPLANATION:
This report lists all accounts receivable balances handled through Central Billing, including Recurring Receivable and Installment Accounts.
The report has the following components:
· Staff Report
· Exhibit I -- Accounts Receivable Summary
  (Includes total amounts billed and collected during the quarter.)
· Exhibit II -- Gambling Delinquency Detail
· Exhibit III -- Local Improvement District (LID) Receivables

The outstanding balance of recurring receivables billed through Central Billing as of March 31, 2016 is $1,325,947 which includes $1,301,909 for General Receivables and $24,038 for Gambling Taxes. The outstanding balance for Installment Accounts that have been billed as of March 31, 2016 is $78,907 for LID Assessments.

ITEM BUDGETED: NA
STRATEGIC PRIORITY: Public Trust and Accountability

APPROVED FOR SUBMITTAL: Interim City Manager

STAFF RECOMMENDATION: Accept Report

BOARD/COMMITTEE RECOMMENDATION:
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SUBJECT: Accounts Receivable Status Report  
1st Quarter 2016

SUBMITTED BY: Finance Department

CONTACT PERSON: Cindy Epperson, Director of Finance and Budget


CENTRAL BILLING ACCOUNTS RECEIVABLE

Exhibit I is a summary by category (type) of the accounts billed through Central Receivables as of March 31, 2016. For each category the report displays the frequency of billing, the number of customers, the balance at the beginning of the reporting period, the quarterly billings and payments, the ending balance, and the aged receivable balance.

Each category billed has different collection requirements. For example, unpaid Sewer contracts become a lien against the real property. For categories such as traffic, miscellaneous, and parks the City uses a collection agency.

This report provides information on accounts that have a large balance due; are past due by at least 120 days; have been placed with the collection agency; are being pursued through legal proceedings; or have been determined to be uncollectable. The City’s collection agency classifies an account as uncollectable when the account is beyond the statute of limitations for collection; the agency cannot locate the party; or the customer has been declared bankrupt. At year end, uncollectable accounts are recommended to the City Council for write-off. Once an item has been billed it takes Council action to remove it from the City’s records. (Exception: write-offs of Municipal Court delinquencies are authorized by the Municipal Court Judges.) The write-offs approved by Council in December 2015 have been removed from the balances in these reports.
RECURRING RECEIVABLES

**Downtown Yakima Business Improvement District-Annually/Quarterly (DYBID)** – This assessment began in December 2008 and was renewed in 2012. It replaced the Parking & Business Improvement Area (PBIA). There are two types of billings, quarterly to all property/business owners and annual billings to all individual businesses located in this area.

*Annual Charges* – The $13,621 in the collection column is for 79 accounts.
*Quarterly Charges* – The $9,366 in the collection column is for 23 accounts.

**Fire Alarm Monitor (FAM)** – There is one account in collection totaling $30.

**Front Street Business Improvement Assessment (FSBI)** – A total of six accounts are in collection, totaling $1,200.

**Fruitvale Canal Billing** – There is a separate irrigation fee for customers connected directly to the Fruitvale Canal. 50 accounts are billed annually. The $225 in the collection column is for six accounts.

**Miscellaneous Billing** – Recurring billings in this category include transit bus passes, refuse charges and retiree premiums for health benefits, along with other truly miscellaneous one-time charges. The $10,168 in the collection column is for 30 accounts primarily for refuse bin charges.

**Intergovernmental** – This category includes billings to other governmental agencies, including state agencies, counties, cities, school districts, and local police and fire departments. The current balance is $517,897 and consists primarily of the Union Gap fire billing ($303,248 paid on April 15, 2016). It should be noted that entities participating in YAKCORPS are given the option to pay the entire annual invoice when received, or split it in half.

**Traffic Engineering / Engineering Billing** – This account is generally for sidewalk safety repairs, and currently has nothing in collection.

**Parks and Recreation Billing** – This account includes billings for pool and field rentals, along with other program charges. The $6,252 in the collection column is for three accounts.

**Airport**
The past due accounts are being reviewed for appropriate action. The $358 in the collection column is for a vendor at the Airport. The Legal department is following up on one account in the amount of $2,615 which is a delinquent lease.

**The Water/Wastewater Invoices and Connections** – The $6,938 in collection is for 10 Water/Sewer invoices/contracts and fire hydrant meter charges, damages to Water/Sewer equipment, and utility back billings.
Gambling Tax
This quarter the City received $249,231 in gambling tax revenue. This total is 27.2% of the 2016 budget of $917,000.

Gambling Tax Delinquencies – Exhibit II details the status of delinquent gambling tax accounts. One delinquent account, totaling $23,802, has been sent to collection. One account with payment arrangements has a total of $236 remaining due.

We have informed the Gambling Commission of the status of these accounts and keep them informed of any changes in their status. When a judgment is granted the Gambling Commission can revoke the company’s license.

INSTALLMENT ACCOUNTS

Local Improvement District (LID) – Exhibit III summarizes the status of outstanding LID receivables. The delinquent amounts are unpaid installments for prior years plus interest. As of the end of the quarter, the delinquent principal balance is $55,406. When interest of $23,501 is added, the total amount past due is $78,907.
## ACCOUNTS RECEIVABLE
*(as of March 31, 2016)*

### CENTRAL BILLING ACCOUNTS RECEIVABLE

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<td>Terrace Heights/Union Gap</td>
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<td>366</td>
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### INSTALLMENT ACCOUNTS

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<th>Original Principal Balance</th>
<th>Beginning Principal Balance</th>
<th>Quarterly Activity</th>
<th>Ending Principal Balance</th>
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<td>175</td>
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Legend: M = Monthly  Q = Quarterly  A = Annually
EXHIBIT II

City of Yakima

SUMMARY OF GAMBLING TAX DELINQUENCY
(as of March 31, 2016)

Account(s) Sent to Collection:
Michael’s Tavern (2nd, 3rd & 4th Qtr 08) $ 8,082
Michael’s Tavern (1st - 4th Qtr 13) 11,938
Michael’s Tavern (1st - 2nd Qtr 14) 3,781

Total 23,802

Account With Payment Arrangements:
Brews & Cues (1st - 4th Qtr 10) 236

Total $ 24,038

EXHIBIT III

LID ASSESSMENT RECEIVABLES
(as of March 31, 2016)

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<tr>
<th>LID # - Description</th>
<th># of Accts</th>
<th>Quarterly Principal Activity</th>
<th>Delinquent</th>
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<td>Payments</td>
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<td>1052 - Willow Area Watermain</td>
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<td>$</td>
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<td>1057 - N. 84th Avenue &amp; Hawthorne Drive Sewer</td>
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<td>22,972</td>
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<td>1058 - N. 95th Avenue, 94th Place, W. Yakima Avenue Sewer</td>
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<td>13,054</td>
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<td>1060 - N. 85th Avenue &amp; Kail Drive Sewer</td>
<td>10</td>
<td>66,780</td>
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<td>1061 - Simpson Lane Sewer</td>
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<td>Total</td>
<td>93</td>
<td>$283,840</td>
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ITEM TITLE: 1st Quarter 2016 Treasury Report

SUBMITTED BY: Cindy Epperson, Director of Finance and Budget
Tara Lewis, Financial Services Manager

SUMMARY EXPLANATION:
The Treasury Report for the first quarter of 2016 is attached and consists of the following:
1. Memo: Summary and Narrative
2. Reports
   · Cash and Investment Summary
   · Investment Portfolio – Inventory by Agency
   · Investment Portfolio – Detail of Activity
   · Bonded Debt Schedule
   · Interfund Borrowings and Investments

ITEM BUDGETED: NA

STRATEGIC PRIORITY: Public Trust and Accountability

APPROVED FOR SUBMITTAL: Jeff Cutler
Interim City Manager

STAFF RECOMMENDATION:
Accept report.

BOARD/COMMITTEE RECOMMENDATION:

ATTACHMENTS:

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<td>5/4/2016</td>
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<td>1st Quarter Treasury Charts</td>
<td>5/4/2016</td>
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Memorandum

To: The Honorable Mayor and Members of City Council

From: Cindy Epperson, Director of Finance and Budget
       Tara Lewis, Financial Services Manager

Date: May 17, 2016

Re: 2016 – 1st Quarter Treasury Report: Summary and Narrative

The City's Investment Portfolio

The City’s investment activities are governed by State regulations and the City of Yakima’s Investment Policy, as revised September 6, 2011.

The City’s Investment Portfolio can be divided into two general categories:

1) A Liquidity Portfolio of overnight investments. This category generally consists of funds invested in the Local Government Investment Pool (LGIP or "Pool") managed by the State Treasurer, and currently, a savings account held by a local financial institution.

2) An Investment Portfolio of time deposits and various securities with maturities normally not to exceed five years except when conditions warrant, and then up to eight years.

The City’s Investment Portfolio saw very little activity during the first quarter of 2016. It is the City’s practice to hold investments to maturity if they are not called (refinanced) by the issuer. Interest rates have been extremely low over the past several years beginning when the Federal Reserve drastically lowered the federal funds rate over the course of 2008 from 4.25% to almost zero. An historic first for the Fed, the rate was held at nearly zero until December 16, 2015 when they raised it one quarter of one percent to 0.25%. Despite the Fed’s action, the economy has gained only tentative traction and the Recovery continues to flag, stall and then move cautiously forward again.

During the quarter one investment was called by the Federal National Mortgage Association (FNMA or Fannie Mae). The security, issued originally in 2013 at 1.20% and purchased by the City for a discount in March of 2014, was called in February. The remaining life of the bond was approximately two years and corresponding Treasury rates for a two year bond were only about 0.8% so it made sense for them to refinance at a lower rate. As yet, those funds have not been reinvested.

The LGIP (Local Government Investment Pool) earnings rate has improved significantly due to the Fed’s rate hike in December. After closing 2014 at 0.10%, 2015 LGIP rates hovered around 0.13% - 0.14% all year until December which closed 2015 at 0.25%. The yield averaged 0.42% during the first quarter 2016. Rates in the LGIP tend to be lower due to the short term nature of the investments. The City can access these funds overnight without penalty. This feature means that the State Treasurer must keep a significant amount of the LGIP portfolio in lower paying, short term investments.

Longer term rates are generally higher than short term rates due to increased risk. Long term rates have risen more than short term, but the City does not generally purchase investments with maturities of more than 5 years due to risk and liquidity concerns. Even so, long term rates are still far below pre-recession levels. While this is good news for home buyers and agencies issuing new debt, the volatility adds extra risk to the debt marketplace. An issuer can get lucky on a downturn or find themselves with a higher rate than anticipated due to an upswing.
The City’s Bonded Debt Schedule

The City’s debt is typically structured with debt principal payments in the second and fourth quarter. Thus, the only activity was the monthly payment on the private placement street debt issued in 2013.

Interfund Borrowings and Investments

Ordinance 2013-011 authorizes the Director of Finance and Budget to execute Interfund loans when appropriate. Interfund borrowing is financially advantageous in some situations where cash is needed but a formal financing is cost prohibitive due to a relatively short term need. Funds having excess cash balances in reserve (such as the Equipment Replacement and Reserve Fund or a Utility fund that has reserves for future plant improvements) can earn a higher rate of interest than with an investment made under the City’s investment policy, yet the borrowing fund has a lower interest and debt cost than would be required by an external financing.

The biggest obstacle to Interfund loans is the impact on a fund balance. External financing allows the borrowing fund to record revenue for the amount of the loan to offset the cost of whatever project is being financed. This practice keeps the borrowing fund’s Fund Balance whole. Internal borrowing does not allow this recording of revenue and therefore the fund balance is depleted by the project cost even though the fund has sufficient working capital due to the borrowed cash. This rule does not properly reflect the financial solvency of the borrowing fund in financial reports. Unfortunately, this idiosyncrasy in the accounting rules prevents the City from taking better advantage of interfund cash capacity.

At the end of 2015 the Interfund Loan established in 2012 to pay for improvements at Kiwanis Park was paid off. This loan had been established between the REET and ER&R funds. REET paid approximately $21,000 in interest costs. It is estimated that using external financing would have cost $32,000 in interest through the City’s former Line of Credit with a local bank. A private placement bond or bank loan would have required attorney fees of approximately $7,000 to 9,000 in addition to the higher interest costs.

Public Safety Communications, Fund 151 was in a negative cash position at quarter end as a result of their move to the new Communications Center. An interfund loan of up to $720,000 was budgeted in 2015. That loan was drawn upon in the amount of $300,000 in March. Ordinance 2013-011 allows for an interest rate of the 30 day LIBOR plus 1.0% at the date of the loan advance. This translates to 1.43% for the Public Safety loan. ER&R, Fund 552 holds the receivable from Public Safety. Since the average portfolio rate on Investments is just 1.16%, this will allow ER&R to earn more on its Reserves while giving Public Safety a reduced payment amount as compared to other types of financing.
## Cash and Investment Summary

City of Yakima
March 31, 2016

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<th>Description</th>
<th>Qty</th>
<th>Par</th>
<th>Book</th>
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<td>$8,098,751</td>
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<td>1.31%</td>
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<td><strong>Total Invested</strong></td>
<td>22</td>
<td>$53,793,051</td>
<td>$52,627,950</td>
<td>100%</td>
<td>1.12%</td>
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### Summary of Investment Activity

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<td>14,000,000</td>
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<tr>
<td>Financing Corporation</td>
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<tr>
<td>FICO</td>
<td>1454</td>
<td>722,000</td>
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<td>1455</td>
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<td>1482</td>
<td>2,100,000</td>
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<td>1486</td>
<td>3,192,000</td>
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<tr>
<td>FICO Totals</td>
<td></td>
<td>21,791,000</td>
<td>-</td>
<td>-</td>
<td>21,791,000</td>
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<td>Other Investments</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LGIP (State Pool)</td>
<td>LGIP</td>
<td>8,376,102</td>
<td>8,548</td>
<td>(285,899)</td>
<td>8,098,751</td>
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<td>Yakima Federal Savings</td>
<td>1473</td>
<td>175,746</td>
<td>175</td>
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<td>175,921</td>
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<td>Cowlitz County Bonds</td>
<td>1471</td>
<td>2,295,000</td>
<td></td>
<td></td>
<td>2,295,000</td>
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<tr>
<td>Yakima Federal CD</td>
<td>1447</td>
<td>272,379</td>
<td></td>
<td></td>
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<tr>
<td>Other Investment Totals</td>
<td></td>
<td>11,119,227</td>
<td>8,723</td>
<td>(285,899)</td>
<td>10,842,051</td>
</tr>
<tr>
<td>Grand Totals</td>
<td></td>
<td>$ 53,970,227</td>
<td>$ 8,723</td>
<td>$(2,685,899)</td>
<td>$ 53,793,051</td>
</tr>
<tr>
<td>Date Issued</td>
<td>Maturity</td>
<td>Description</td>
<td>Note</td>
<td>Amount of Issue</td>
<td>Current Balance</td>
</tr>
<tr>
<td>-------------</td>
<td>--------------</td>
<td>---------------------------</td>
<td>--------------------------------------------</td>
<td>-----------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>9/7/2004</td>
<td>11/1/2019</td>
<td>PFD Convention Center II</td>
<td>Refunded 1996 issue</td>
<td>$4,175,000</td>
<td>$1,475,000</td>
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<tr>
<td>5/8/2007</td>
<td>5/1/2026</td>
<td>PFD Convention Center III</td>
<td>Partial refunding of 2002 issue</td>
<td>$4,910,000</td>
<td>$4,045,000</td>
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<tr>
<td>8/28/2009</td>
<td>12/1/2018</td>
<td>PFD Capitol Theatre</td>
<td>Tax exempt portion</td>
<td>$2,055,000</td>
<td>$710,000</td>
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<tr>
<td>8/28/2009</td>
<td>12/1/2024</td>
<td>PFD Capitol Theatre</td>
<td>Build America Bonds (Taxable)</td>
<td>$1,755,000</td>
<td>$1,755,000</td>
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<tr>
<td>8/28/2009</td>
<td>12/1/2032</td>
<td>PFD Capitol Theatre</td>
<td>Build America Bonds (Taxable)</td>
<td>$3,225,000</td>
<td>$3,225,000</td>
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<tr>
<td>6/17/2003</td>
<td>12/1/2023</td>
<td>Sundome Expansion</td>
<td>Deferred Interest-Maturity $2.5M</td>
<td>$1,430,528</td>
<td>$555,288</td>
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<tr>
<td>8/28/2008</td>
<td>12/1/2021</td>
<td>Fire Apparatus</td>
<td>Ladder Truck</td>
<td>$760,000</td>
<td>$390,000</td>
</tr>
<tr>
<td>5/8/2007</td>
<td>5/1/2022</td>
<td>Fire Station</td>
<td>Remodel Facility</td>
<td>$815,000</td>
<td>$445,000</td>
</tr>
<tr>
<td>8/28/2008</td>
<td>12/1/2019</td>
<td>Infrastructure Projects</td>
<td>Ped crossing, street, infrastructure</td>
<td>$2,190,000</td>
<td>$875,000</td>
</tr>
<tr>
<td>5/8/2007</td>
<td>5/1/2022</td>
<td>Downtown Futures</td>
<td>Renovate downtown improvements</td>
<td>$1,490,000</td>
<td>$810,000</td>
</tr>
<tr>
<td>5/8/2007</td>
<td>5/1/2017</td>
<td>River Road</td>
<td>River Road improvements</td>
<td>$1,765,000</td>
<td>$420,000</td>
</tr>
<tr>
<td>6/20/2013</td>
<td>6/20/2028</td>
<td>Street Project Demonstration</td>
<td>Various City street improvements</td>
<td>$5,000,000</td>
<td>$4,176,420</td>
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<tr>
<td>6/9/2014</td>
<td>6/1/2024</td>
<td>Street Resurfacing Project</td>
<td>Streets improvements</td>
<td>$13,140,000</td>
<td>$12,255,000</td>
</tr>
<tr>
<td>6/17/2014</td>
<td>12/1/2034</td>
<td>Comm Center Move</td>
<td>City portion of County GO Bonds</td>
<td>$1,716,500</td>
<td>$1,665,000</td>
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<tr>
<td>12/22/2015</td>
<td>12/1/2035</td>
<td>Soccer Complex</td>
<td>City portion of SOZO Sports Complex</td>
<td>$5,000,000</td>
<td>$5,000,000</td>
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<td></td>
<td></td>
<td></td>
<td>Subtotal General Obligation Bonds</td>
<td>$49,427,028</td>
<td>$37,801,708</td>
</tr>
<tr>
<td>8/22/2013</td>
<td>6/1/2019</td>
<td>Police Vehicles</td>
<td>74 Take-home vehicles</td>
<td>$4,173,190</td>
<td>$2,877,771</td>
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<tr>
<td>8/22/2013</td>
<td>6/1/2019</td>
<td>Fire Air Packs</td>
<td>70 Air Packs</td>
<td>$459,602</td>
<td>$316,935</td>
</tr>
<tr>
<td>6/1/2011</td>
<td>12/1/2020</td>
<td>Fire Apparatus</td>
<td>Two trucks purchased</td>
<td>$576,847</td>
<td>$311,443</td>
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<tr>
<td>3/19/2013</td>
<td>7/1/2023</td>
<td>Fire Apparatus</td>
<td>One truck</td>
<td>$310,414</td>
<td>$258,748</td>
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<td></td>
<td>Subtotal Certificates of Participation</td>
<td>$5,520,054</td>
<td>$3,764,897</td>
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<tr>
<td>5/31/2012</td>
<td>11/1/2023</td>
<td>Wastewater</td>
<td>Refunded 2003 $10,155,000 issue</td>
<td>$9,400,000</td>
<td>$7,900,000</td>
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<tr>
<td>6/5/2008</td>
<td>11/1/2027</td>
<td>Wastewater</td>
<td></td>
<td>$5,440,000</td>
<td>$3,855,000</td>
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<tr>
<td>6/5/2008</td>
<td>11/1/2018</td>
<td>Water</td>
<td>Refunded 1998 issue</td>
<td>$1,883,951</td>
<td>$635,000</td>
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<tr>
<td>9/4/2004</td>
<td>9/1/2034</td>
<td>Irrigation</td>
<td></td>
<td>$5,215,000</td>
<td>$3,960,000</td>
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<td></td>
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<td>Subtotal Revenue Bonds</td>
<td>$21,938,951</td>
<td>$16,350,000</td>
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<td>Grand Total</td>
<td>$76,886,033</td>
<td>$57,916,605</td>
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### City of Yakima  
#### Interfund Borrowing  
Quarter Ending March 31, 2016

<table>
<thead>
<tr>
<th>Description</th>
<th>Original Balance</th>
<th>Beginning Balance</th>
<th>Issued</th>
<th>Retired</th>
<th>Ending Balance</th>
<th>Investment Held by:</th>
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</thead>
<tbody>
<tr>
<td>Local Improvement District Bonds/Notes</td>
<td>$1,432,509</td>
<td>$268,209</td>
<td>$</td>
<td>-</td>
<td>$268,209</td>
<td>Equipment Rental</td>
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<tr>
<td>Public Safety Communications</td>
<td>300,000</td>
<td>-</td>
<td>300,000</td>
<td>-</td>
<td>$300,000</td>
<td>Equipment Rental</td>
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**Funds in Negative Cash Position at Quarter End**

<table>
<thead>
<tr>
<th></th>
<th>Ending Cash</th>
<th>Cash Extended by:</th>
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</thead>
<tbody>
<tr>
<td>Fund 151 - Public Safety Communications (after interfund loan extended)</td>
<td>141,007</td>
<td></td>
</tr>
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</table>

The Public Safety Communications Fund was in a negative cash position of ($158,993) at the end of the first quarter due to their move to the new Communications Center. It was budgeted in 2015 to use an interfund loan up to $720,000 to cover excess costs for new equipment and furniture and to have sufficient cash on hand for operations. The Fund borrowed $300,000 this quarter under the Interfund Loan policy to achieve that end.
ITEM TITLE:
Set June 7, 2016 as the date for a Closed Record Public Hearing to consider the Hearing Examiner's recommendation on a proposal submitted by Brian Griff and Larry Loveless to rezone nine parcels in the vicinity of South 80th Ave & Tieton Drive from Single-Family residential (R-1) zone to Two-Family Residential (R-2) zone.

SUBMITTED BY:
Joan Davenport, AICP, Community Development Director
Trevor Martin, Associate Planner (509) 575-6162

SUMMARY EXPLANATION:
On April 7, 2016, the City of Yakima Hearing Examiner rendered his recommendation on RZ#001-16 (SEPA#001-16). The application was submitted by Brian Griff and Larry Loveless to rezone nine parcels in the vicinity of South 80th Ave & Tieton Drive from Single-Family residential (R-1) zone to Two-Family Residential (R-2) zone. The application was reviewed at an open record public hearing on March 24, 2016.

ITEM BUDGETED: NA
STRATEGIC PRIORITY: Neighborhood and Community Building

STAFF RECOMMENDATION:
Set June 7, 2016 as the date for a Closed Record Public Hearing for the proposed rezone.

BOARD/COMMITTEE RECOMMENDATION:

ATTACHMENTS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Upload Date</th>
<th>Type</th>
</tr>
</thead>
</table>
ITEM TITLE: Resolution setting the time and place of hearings on June 7, 2016 and June 21, 2016, to review and adopt the Six-year Transportation Improvement Program and amend the Capital Facilities Element of the Yakima Urban Area Comprehensive Plan for the period of 2017 to 2022

SUBMITTED BY: Brett Sheffield, Chief Engineer, 576-6797

SUMMARY EXPLANATION:

Each year the City is required by state statute to update its six-year Transportation Improvement Program (TIP) for submittal to the Washington State Department of Transportation. This plan must include all transportation projects for which state gas tax revenue or federal revenue will be used.

The current plan for 2016 – 2021 contains thirteen funded projects that have yet to be constructed. The thirteen projects include:

1. North 1st Street Revitalization, Phase 1
2. East Nob Hill Boulevard and Fair Avenue Intersection Improvements
3. Powerhouse Road Sidewalk
4. Yakima Valley Transportation Company Preservation
5. Adams Elementary/Washington Middle School Sidewalk Improvements
6. Garfield Elementary Safety Improvements
7. Northside Alley Paver
8. South 80th Avenue Bridge
9. Wide Hollow Road Bridge
10. Cowiche Canyon Trail
11. Spring Creek Road Reconstruction
12. South 36th Avenue Reconstruction
13. Sorenson Road Reconstruction

Funding for the remainder of the projects will continue to be sought. A Public Hearing will be held to consider adoption of a Resolution approving the six-year TIP and amending the regional Metropolitan Transportation Plan and Comprehensive Plan Capital Facilities Element.
Projects must be listed in the Statewide Transportation Improvement Program (STIP) in order to be approved by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) to utilize State of Washington federal funds. The STIP is a prioritized program of transportation projects, compiled from local and regional plans, along with the Washington Transportation System Plan (WTP), which provides a backbone for developing projects for the intermodal transportation network in the State of Washington.

The STIP contains federally funded projects plus state and local projects that are regionally significant. These projects have been identified through the planning process as the highest priority for the available funding to the state’s transportation program.

Planning activities of state and local governments are essential parts of integrated regional planning processes. Long range transportation planning is a part of the comprehensive land use planning carried out by local governments. Citizen participation is an integral part of the planning process at all levels. Local Agencies are required to develop and adopt a six-year transportation program and are required to hold at least one public hearing during the development of the program.

Project ranking has been performed utilizing data supplied by the Street and Traffic Division. The ranking will be integrated with other project needs and the total list will be reviewed and adjusted to the particular need of the City of Yakima.

The City needs to amend the Yakima Urban Area Comprehensive Plan Capital Facilities Element to incorporate the adopted six-year TIP for 2017 to 2022. This will ensure that we are in compliance with the Growth Management Act and that we are consistent with the Comprehensive Plan as required. The amendment is limited to incorporate only those projects adopted in the STIP and are not subject to the “once a year” change required under the laws of the Growth Management Act.

ITEM BUDGETED:
STRATEGIC PRIORITY:

APPROVED FOR SUBMITTAL:  
Interim City Manager

STAFF RECOMMENDATION:
Adopt the resolution to set June 7, 2016 and June 21, 2016 as the hearing dates to review and adopt the updated six-year TIP and amend the Yakima Urban Area Comprehensive Plan Capital Facilities Element.

BOARD/COMMITTEE RECOMMENDATION:

ATTACHMENTS:
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<tr>
<th>Description</th>
<th>Upload Date</th>
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<tbody>
<tr>
<td>Resolution</td>
<td>5/9/2016</td>
<td>Cover Memo</td>
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RESOLUTION NO. R-2016-_______

A RESOLUTION setting the times and place for hearings on June 7, 2016 and June 21, 2016 in the City of Yakima Council Chambers to review and adopt the Six-year Transportation Improvement Program and amend the Capital Facilities Element of the Yakima Urban Area Comprehensive Plan for the period of 2017 to 2022.

WHEREAS, the City of Yakima annually prepares, reviews and adopts a six-year program for the construction of streets and arterial streets in the City of Yakima for the ensuing six-year period, all as contemplated and required by State RCW 35.77.010 and applicable federal law; and

WHEREAS, the City of Yakima desires to amend the Yakima Urban Area Comprehensive Plan Capital Facilities Element to reflect the adoption of the Six-year TIP, as contemplated and required by RCW 36.70A.070(6) to ensure compliance with the Growth Management Act and consistency of the Comprehensive Plan and the Six-year TIP; and,

WHEREAS, a public hearing must be held on said programs before final approval, now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YAKIMA:
That said program shall be presented for hearing and determination on Tuesday, June 7, 2016 and Tuesday, June 21, 2016, at the hour of 6:30 p.m. in the Council Chambers of the City of Yakima, at Yakima City Hall, Yakima, Washington, or as soon thereafter as the same may be heard, and that notice of such hearing be given as approved by law.

ADOPTED BY THE CITY COUNCIL this ___17th___ day of May, 2016.

________________________________________
Avina Gutiérrez, Mayor

ATTEST:

________________________________________
City Clerk
ITEM TITLE: Resolution authorizing approval of Yakima Transit's Equal Employment Opportunity Program update 2016 and direct staff to implement the program

SUBMITTED BY: Scott Schafer, Public Works Director
               Alvie Maxey, Yakima Transit Manager, 576-6415

SUMMARY EXPLANATION:
Yakima Transit is required under Section 19 of the 1964 Urban Mass Transportation Act (UMTA) to establish an Equal Employment Opportunity (EEO) Program because Yakima Transit receives more than $1,000,000 in financial assistance and employs more than fifty individuals.

The Federal Transit Administration requires Yakima Transit to update the EEO program every three years and set goals to correct underutilization, following an analysis of past employment practices. The program establishes goals required in order for Yakima Transit to receive federal funding from the Federal Transit Administration.

The EEO program is intended to prevent discrimination related to, among other things, race, color, creed, national origin, sex, disability, and age. The plan is focused and designed to achieve full utilization of minorities and women in all aspects of the workforce including, but not limited to: hiring, promotion, upgrade, demotion, transfer, recruitment, advertising, layoff, termination, disciplinary actions, rates of pay, or other forms of compensation, and selection for training (including apprenticeships).

ITEM BUDGETED: NA

STRATEGIC PRIORITY: Public Trust and Accountability

APPROVED FOR SUBMITTAL: Jeff Catter Interim City Manager
STAFF RECOMMENDATION:
Approve the Resolution and direct staff to implement the program

BOARD/COMMITTEE RECOMMENDATION:

ATTACHMENTS:

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<thead>
<tr>
<th>Description</th>
<th>Upload Date</th>
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<tr>
<td>EEO Program Resolution</td>
<td>4/13/2016</td>
<td>Resolution</td>
</tr>
<tr>
<td>Yakima Transit EEO Program 2016</td>
<td>4/20/2016</td>
<td>Backup Material</td>
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Resolution No. R-2016-______

A RESOLUTION authorizing the City Manager to approve Yakima Transit’s Equal Employment Opportunity Program 2016 update and direct staff to implement the program.

WHEREAS, in 1964, Congress enacted the Uniform Mass Transportation Act (UMTA), which sets out requirements in Section 19 for an Equal Employment Opportunity program intended to ensure that no person in the United States shall on the grounds of race, color, creed, national origin, sex or age be excluded from participation or denied benefits of, or be subject to discrimination in employment under any project, program, or activity funded in whole or in part through financial assistance.

WHEREAS, the Uniform Mass Transportation Act is enforced through the U.S. Department of Transportation; and,

WHEREAS, the City of Yakima is subject to the requirements because it operates a public transit system, employs more than 50 employees, and receives more than $1,000,000 of financial assistance annually; and,

WHEREAS, in order to be eligible for federal financial assistance, Yakima Transit must comply the FTA in relation to civil rights and equal employment opportunity regulations; and,

WHEREAS, Yakima Transit and the City of Yakima’s Human Resource Department have drafted an EEO Program conforming to FTA requirements.

NOW, THEREFORE, BE IT RESOLVE BY THE YAKIMA CITY COUNCIL:

The City of Yakima EEO program for Yakima Transit, attached and incorporated hereto, is hereby approved and adopted for implementation by the City of Yakima and staff is directed to implement the program and to develop goals associated with the program, as of the date of this resolution’s enactment by the City of Yakima City Council.

ADOPTED BY THE CITY COUNCIL at a regular meeting this 17th day of May, 2016.

__________________________
Avina Gutiérrez, Mayor

ATTEST:

__________________________
Sonya Claar-Tee, Clerk
Yakima Transit

EEO Program

Policy Statement

1. Yakima Transit is an Equal Employment Opportunity employer. Yakima Transit affirms its commitment to treat all applicants for employment and employees equally without regard to race, religion, creed, color, national origin, sex, age, disability, veteran status, marital status or other class protected by local, state, or federal law. Yakima Transit and its employees are prohibited from discriminating against an applicant for employment or employee on the basis of race, color, religion, creed, sex, age, national origin, or any other basis protected by local, state, or Federal law, or to be excluded from participation in, or denied the benefits of, or be subject to discrimination under any project, program, or activity funded in whole or in part through Federal financial assistance.

2. Yakima Transit supports the concept of an active affirmative action program consistent with Federal laws, court decisions, Executive Orders, and regulations, including goals and timetables, when used to overcome the effects of past discrimination on minorities and women.

3. The responsibility for the implementation of the EEO Program is assigned to the City Manager, as EEO Director. The management of the EEO Program & day-to-day responsibilities shall be the responsibility of the EEO Officer & the EEO Liaisons. All Yakima Transit managers and supervisors share in the responsibility of ensuring compliance is achieved through understanding, communicating, and active involvement in the support of this policy. Performance evaluations of managers and supervisors shall include evaluating the success of the EEO program in the same manner as performance on other goals.

4. Applicants and employees have the right to file complaints alleging discrimination with the Executive Director or the EEO Officer, an EEO Liaison, Transit Manager, and Federal or State Civil Rights Commissions, and the EEOC.

5. This policy extends to all areas of employment including recruitment, selection and placement, compensation, promotion, transfer, discipline, demotion, lay-off, termination, training, daily working conditions, benefits and all other terms and conditions of employment.

6. Achievement of EEO goals will benefit recipient/subrecipient/contractors through fuller utilization and development of previously underutilized human resources.

This policy will be updated a minimum of every three years, as employment conditions change, or if requested by the Federal Transit Administration.

Approved by: __________________________
Jeff Cutter, Acting City Manager (Executive Director)

Approval Date: May 17, 2016
Chapter I – Background

Section I – Purpose

General – No person in the United States shall, on the grounds of race, color, creed, national origin, sex, disability, or age, be excluded from participation in, or denied the benefits of, or be subject to discrimination under any project, program, or activity funded in whole or in part through Federal assistance under Section 19 of the 1964 Urban Mass Transportation Act (UMTA).

Yakima Transit has not now or in the past been found to have discriminated against a protected class. As a result, this program does not contain affirmative action measures to address past discrimination.

Section II - Designated Officials

Compliance: The Executive Director shall ensure compliance with the General purpose of this policy.

EEO Officer: Connie Mendoza, Human Resources Director

Executive Director: City Manager

EEO Liaisons: Transit Project Planner & Senior Human Resource Specialist

Transit Manager: Transit Manager

Section III – Objectives

This policy's objectives are to ensure that Yakima Transit:

1. Will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, disability, or age.

2. Will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to race, color, creed, national origin, sex, disability, or age. Such action shall include, but not be limited to: hiring, promotion or upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, disciplinary actions, rates of pay or other forms of compensation, and selection for training, including apprenticeship. Yakima Transit shall also include a written, affirmative action plan designed to achieve full utilization of minorities and women in all aspects of the workforce.

3. Makes available to employees and applicants for employment, notices setting forth the Yakima Transit’s EEO policy. In addition applicants/employees will be notified of the Yakima Transit’s procedures for filing complaints of discrimination internally, as well as externally with the EEOC, a local Human Rights Commission, and/or the U.S. Dept. of Transportation (DOT).

Section IV – Definitions

For purposes of this policy, the following definitions will be used:

1. Affirmative Action Plan – means a written, detailed, results oriented set of procedures designed to achieve prompt and full utilization of minorities and women at all levels and in all parts of the recipient’s workforce.
2. **Compliance** – refers to a condition in which the FTA will find Yakima Transit has met the requirements in circular UMTA C 4704.1, and there is no indication or evidence of discrimination on the basis of race, color, creed, national origin, sex, disability, or age.

3. **Concentration** – means a higher representation of a particular group (e.g., Blacks, Hispanics, women, etc.) in a job category or department as compared to their representation in the relevant labor market.

4. **Contractor** – means any entity or organization that has entered into a federally funded contract with Yakima Transit.

5. **Discrimination** – refers to any act, or any failure to act, that has the purpose or effect of limiting, excluding, or denying a person employment opportunity because of race, color, creed, national origin, sex, disability, or age.

6. **FTA - Federal Transit Administration**

7. **Good Faith Efforts** – refers to those actions taken to achieve the objectives of the EEO Program. These actions may include, but are not limited to, the establishment and conduct of processes to implement specific provisions of this policy.

8. **Minority or Minority Group Persons** includes the following:
   a. **Black** (not of Hispanic origin): All persons having origins in any Black racial groups of Africa;
   b. **Hispanic**: All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
   c. **Asian or Pacific Islander**: All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa; and,
   d. **American Indian or Alaskan Native**: All persons having origins in any of the original people of North America, and who maintain cultural identification through tribal affiliation or community recognition.

9. **National Origin** – means the particular Nation where a person was born or where the person’s parents or ancestors were born.

10. **Noncompliance** – means a failure to meet the requirements of FTA Circular UMTA C 4704.1 and guidance issued pursuant to the circular or failure to implement an approved EEO Program.

11. **Probable Noncompliance** – refers to a condition in which the FTA has found that Yakima Transit does not fully satisfy these requirements and has requested Yakima Transit to take remedial or corrective actions to achieve compliance or has initiated an enforcement action against Yakima Transit.

12. **Subcontractor** – means any entity or organization that has entered into a subcontract relating to a federally funded contract with a contractor to provide a service in connection with a program or activity initiated by Yakima Transit.

13. **Transit-related employee** – is an employee of Yakima Transit who is involved in any aspect of an agency’s mass transit operation funded by the FTA.

15. **Underutilization** – refers to a condition where there are fewer minorities and/or women in a particular job category or department than would reasonably be expected based on their presence in the relevant labor force.

**Section V – Coverage**

1. **General** – All programs administered by the FTA are subject to Section 19 of the UMTA. These include the assistance programs authorized by the UMTA, 23 U.S.C. 142(a)(2), and 23 U.S.C. 103(e)(4). These programs are also covered by the implementing regulations 28 CFR Part 42, Subpart F and 49 CFR Part 21. In addition, all recipients are required to comply with Part II, Section 110(a) of the FTA Standard Grant Contract. These obligations are to be re-delegated to any contractor/subcontractor in a federally funded contract.

2. **Threshold Requirements**. Yakima Transit is required to comply with program requirements as outlined in this policy if it meets the following thresholds:
   
a. Employs 50 or more transit-related employees; and,

b. Requests and receives capital or operating assistance under Sections 2, 4(i), or 9 of the UMT Act; assistance under 23 U.S.C. 142(a)(2) or 23 U.S.C. 103(e)(4), or any combination thereof, in excess of $1 million in the previous Federal fiscal year; or requests or receives planning assistance under Sections 8 and/or 9 in excess of $250,000 in the previous Federal fiscal year.

Yakima Transit exceeds both thresholds, (a) and the first part of (b).

3. **State-Administered Programs**.

a. The FTA EEO objectives apply to those programs that are administered by designated State agencies. Generally, these programs include the FTA elderly and handicapped and rural assistance programs funded under Sections 16(b)(2) and 18 of the UMT Act, respectively. In addition, some States administer the FTA planning and formula capital/operating assistance programs funded under Sections 8 and/or 9 of the UMT Act for urbanized areas under 200,000 population.

b. Pursuant to a memorandum of understanding, the Federal Highway Administration (FHWA) has been delegated the lead responsibility to review and approve EEO programs submitted by State DOT’s. In coordination with FHWA, FTA reviews these programs and those of other State agencies to assure that EEO is provided to the workforce related to mass transportation. In the memorandum of understanding, FTA has the lead responsibility for reviewing EEO programs submitted by transit agencies that meet the thresholds as listed above (V(2)).

c. State agencies must administer their EEO programs in the following manner:
   
i. All designated State agencies will have the responsibility for assuring that their subrecipients are in compliance with the FTA EEO objectives.

ii. All designated State Agencies will maintain and provide data and report to the FTA as required or at the discretion of the FTA Area Civil Rights Officer. Data may be requested, especially in those cases where the designated State agency or subrecipient in the subject of an “onsite” compliance review by the FTA.
iii. Yakima Transit will be responsible for complying with the EEO objectives contained in this policy. FTA recommends that designated State agencies request EEO programs from their subrecipients. This will enable designated State Agencies to determine if subrecipients are in compliance with FTA EEO objectives.

iv. During the triennial review or at the discretion of the FTA Area Civil Rights Officer, FTA may request from designated State agencies the procedures and criteria used to determine the EEO compliance of subrecipients. FTA may conduct independent onsite EEO compliance reviews of subrecipients to examine their records and to determine compliance with FTA EEO objectives and requirements.

4. **Contracting Out & Privatization/Competitiveness Programs** - In the planning and development of Yakima Transit’s contracting out and privatization/competitiveness programs, full consideration must be given to the EEO ramifications of such program planning and development. Such decisions must be justified on the basis of sound business planning. Disparate impact on minority and female employees must be considered and appropriate steps taken to mitigate any hardships which might result from such decisions.

5. **Frequency of Update** - Yakima Transit shall submit to the FTA an updated EEO submission on a triennial basis or as major changes occur in the workforce or employment conditions. At the discretion of the FTA Office of Civil Rights, less information may be requested where Yakima Transit’s previously submitted EEO program has not changed significantly.

6. **Other Information** - The FTA Area Civil Rights Officer may request information, in addition to that required by this policy, from Yakima Transit or its subrecipients to resolve questions concerning EEO compliance. In certain instances, less information will suffice. In cases in which additional information is needed, this request will be made in writing to Yakima Transit. Failure to submit information requested by the FTA may delay completion of a compliance review or delay the further consideration of a pending grant application(s). Failure by Yakima Transit to comply with the terms of this policy may result in the finding by the FTA of noncompliance with Section 19 and Section 110(a) of the FTA Standard Grant Contract and the imposition of appropriate sanctions.
Chapter II – EEO Program Components

Overview - While Section 19 prohibits discrimination on the basis of “race, color, creed, national origin, sex, or age,” this program primarily addresses and prescribes specific programmatic components to assure nondiscrimination by Yakima Transit and its qualifying contractors on the basis of race, national origin, and sex. Circular UMTA C 4704.1 requires recipients and contractors to comply with prohibitions against discrimination on the basis of age established in the Age Discrimination in Employment Act of 1967, as amended, and prohibitions against discrimination on the basis of creed, as set out in EEOC guidelines interpreting Title VI of the Civil Rights Act of 1964. It also incorporates by reference requirements for compliance with prohibitions against discrimination on the basis of disability established in DOT regulations implementing the Rehabilitation Act of 1973, as amended, 49 CFR 27.

Program Requirements

Section I - Policy Statement

1. Yakima Transit is an Equal Employment Opportunity employer. Yakima Transit affirms its commitment to treat all applicants for employment and employees equally without regard to race, religion, creed, color, national origin, sex, age, disability, veteran status, marital status or other class protected by local, state, or federal law. Yakima Transit and its employees are prohibited from discriminating against an applicant for employment or employee on the basis of race, color, religion, creed, sex, age, national origin, or any other basis protected by local, state, or Federal law, or to be excluded from participation in, or denied the benefits of, or be subject to discrimination under any project, program, or activity funded in whole or in part through Federal financial assistance.

2. Yakima Transit supports the concept of an active affirmative action program consistent with Federal laws, court decisions, Executive Orders, and regulations, including goals and timetables, when used to overcome the effects of past discrimination against minorities and women.

3. The responsibility for the implementation of the EEO Program is assigned to the City Manager, as Executive Director. The management & day-to-day responsibilities of the EEO Program shall be the responsibility of the EEO Officer & EEO Liaisons. All Yakima Transit managers and supervisors share in the responsibility of ensuring compliance is achieved through understanding, communicating, and active involvement in the support of this policy. Performance evaluations of managers and supervisors shall include evaluating the success of the EEO program in the same manner as performance on other goals.

4. Applicants and employees have the right to file complaints alleging discrimination with the Executive Director or the EEO Officer, an EEO Liaison, Transit Manager, and Federal or State Civil Rights Commissions, and the EEOC.

5. This policy extends to all areas of employment including recruitment, selection and placement, compensation, promotion, transfer, discipline, demotion, lay-off, termination, training, daily working conditions, benefits and all other terms and conditions of employment.

6. Achievement of EEO goals will benefit recipient/subrecipient/contractor through fuller utilization and development of previously underutilized human resources.
Section II – Dissemination

Dissemination of the EEO program can mean different things at different levels. For recruitment purposes, dissemination in advertisements includes notification that “Yakima Transit is an EEO Employer” or similar language. Dissemination at the employment level includes incorporating the EEO program and policy in pre-employment training and ongoing training for existing employees.

The EEO policy will be available in the Human Resource office and located on Yakima Transit’s website.

1. Managers and supervisors will be fully informed of the agency’s policy through:
   a. Written communication from the City Manager;
   b. Including the EEO program and policy in Yakima Transit’s personnel and operations manual; and
   c. Meetings yearly to discuss the EEO program and its implementation.

2. Non-supervisory staff will be informed of the agency’s EEO policy and program through:
   a. EEO posters and the policy statement posted on Transit’s bulletin boards and in the Human Resource office;
   b. Inclusion of the EEO policy in the employee handbook & manual;
   c. Employee meetings; and,
   d. Presentation of the EEO program in new hire orientation and training programs.

3. At a minimum during recruitment periods, the EEO Program and Policies will be promoted through City of Yakima, Human Resource Office, on Yakima Transit’s website, Work Source Yakima, and the local newspapers Yakima Herald & El Sol De Yakima (Spanish newspaper).
   a. If available, might also include dissemination at/in one or more of the following:
      i. Employment agencies, educational institutions, minority groups, persons with disabilities groups, women’s organizations, civil rights organizations, veteran centers, city/county/state job placement centers, community action groups, transit-related organizations, and other applicant referrers;
      ii. Public media sources (oriented to persons with disabilities, veterans, and minority populations).
   b. All employment announcements will state that “Yakima Transit is an Equal Employment Opportunity Employer” or “the City of Yakima is an Equal Employment Opportunity Employer.”

Section III – Administration

1. The EEO Director has the ultimate authority and responsibility for the implementation of the EEO Program. The EEO Director shall delegate duties to achieve the policy goals as necessary and have the following duties:
   a. The EEO Director shall have the final authority and responsibility for compliance with the EEO Program.
   b. The EEO Director shall delegate to the EEO Officer the responsibility for coordinating the overall administration of the EEO Program.

2. The EEO Officer shall have the following duties:
a. Shall develop and recommend an EEO policy and program, including internal and external communication procedures, setting goals and timetables.

b. Shall be responsible for checking and signing all related reports.

c. Ensure that the Transit Manager and all supervisors are aware of the details of the EEO Program.

d. Shall concur in all hires and promotions for compliance with policy.

e. Report to the EEO Director on a minimum of once every three years, on the progress of the program.


g. Report, to the EEO Director, accomplishments and goals every three years.

h. Establish procedures for promptly resolving a deficiency status and reducing to writing the remedial action agreed to help resolve the situation, all within a period not to exceed 90 days.

i. Serves as liaison between Yakima Transit, Federal State, and local governments, regulatory agencies, minority and women’s organizations, and other community groups as required.

ej. Assists in recruiting minority and women applicants and establishing outreach sources for use during the hiring process.

k. Monitor changes in EEO law and rules and assure that current legal information affecting affirmative action is disseminated to responsible officials and suggest changes to Yakima Transit’s EEO policy as necessary to maintain compliance.

l. Conduct and support career counseling for all transit employees.

m. Review the qualifications of all employees to assure that minorities and women are given full employment opportunities for transfers, promotions, training, salary increases, and other forms of compensation.

3. The EEO Liaisons shall have the following duties:

a. Implement, monitor, and ensure Yakima Transit’s compliance with EEO regulations in the day-to-day administration and reporting requirements of Yakima Transit’s EEO Program.

b. Ensure that the Transit Manager and all supervisors are aware of the details of the EEO Program.

c. Report to the EEO Officer yearly, on the progress of the program.

d. Collect and analyze employment data, identify problem areas, set goals and timetables, and develop programs to achieve goals.

e. Measure program effectiveness and to determine where progress has been made and where further action is needed.

f. Conduct an annual utilization analysis to identify job categories where there is an underutilization and/or concentration of minorities and women in relation to their availability in the relevant labor market.

g. Process, record, and disseminate EEO complaints received.

h. Monitor and ensure public information is available for Yakima Transit’s EEO Program.

i. Develop and disseminate public information posters and other items when necessary.
j. Identify and propose ways to eliminate discrimination when found to exist.

k. Serves as liaison between Yakima Transit, Federal State, and local governments, regulatory agencies, minority and women’s organizations, and other community groups as required.

l. Assists in recruiting minority and women applicants and establishes outreach sources for use during the hiring process.

m. Monitor changes in EEO law and rules and assure that current legal information affecting affirmative action is disseminated to responsible officials and suggest changes to Yakima Transit’s EEO policy as necessary to maintain compliance.

n. Ensure that Yakima Transit’s long-range plans are consistent with EEO requirements.

o. Incorporate into the Transportation Improvement Plan (TIP) (aka Transit Development Plan) any corrective actions taken in response to TIP-related deficiencies found by an FTA audit.

4. The Transit Manager and Transit Supervisors are responsible for managing and implementing all aspects of the EEO Program and shall be delegated to perform the administrative, day-to-day, functions of the EEO Program and have the following duties:

   a. Shall have the responsibility of ensuring that Yakima Transit’s EEO policies and program, as outlined in this EEO Program Policy are carried out.

   b. Ensure that EEO information is developed for dissemination to the general public and, where appropriate, in languages other than English.

   c. Assist in identifying problem areas and establishing Yakima Transit goals and objectives.

   d. Advise the EEO Officer & EEO Liaisons on EEO compliance issues.

   e. Participate actively in periodic audits of all aspects of employment in order to identify and to remove barriers obstructing the achievement of specified goals and objectives & ensure that transit is in compliance (e.g., EEO posters are properly displayed on employee bulletin boards).

   f. Hold regular discussions with the manager, supervisors, and employees to assure Yakima Transit’s policies and procedures are being followed.

   g. Review the qualifications of all employees to assure that minorities and women are given full employment opportunities for transfers, promotions, training, salary increases, and other forms of compensation.

   h. Conduct and support career counseling.

   i. Participate in the review and/or investigation of complaints alleging discrimination.

   j. Ensure equal participation on Yakima Transit’s Citizen Advisory Committee (CAC). This will involve evaluating the CAC membership selection criteria and make-up of the committee in regards to race, gender, and position within the committee.

   k. Create training programs on the EEO program and related statutes for Yakima Transit employees.

   l. Supervisors & management will meet yearly to discuss program compliance & implementation. They will also meet with a few minority and female employees to obtain program suggestions.

   m. All new hires will receive training on EEOC during their new hire orientation.
Yakima Transit
A Division of the City of Yakima
Organizational Chart

City Council
  ├── DBELO Officer
  │    ├── EEO Officer
  │        └── Safety Officer
  │             └── Fleet & Facility Mgr
  │                 └── Citizen's Advisory Committee
  │                     └── Transit Manager
  │                         └── Fixed Route Supervisors (3)
  │                             ├── Dispatchers (3)
  │                                             └── Operators (42)
  │                                               └── DA II (3)
  │                                                   └── Maintenance Crew Leader (1)
  │                                                       └── Service Workers (2)
  │                                                           └── Vehicle Cleaners (2)
  │                                                               └── Program Administrator (1)
  │                                                                       └── Transit Planner (1)
  │                                                                                            └── Transit Specialist (1)

Accounting, Purchasing, Police, HR, Legal, IT, Etc

Revised May 2016
Section V – Utilization Analysis

The purpose of the utilization analysis is to identify those job categories where there is an underutilization and/or concentration of minorities and women in relation to their availability in the relevant labor market. It is also to establish the framework for goals and timetables and other affirmative actions to correct employment practices that contributed to any identified absence, underutilization, or concentration.

1. A utilization analysis consists of a workforce analysis and an availability analysis. The workforce analysis requires a statistical breakdown of Yakima Transit’s workforce by each department, job category (maintenance, supervisors, etc), and job title (e.g. Operations Supervisor, Transit Operator, etc.). Each of the above should be cross-referenced by race, national origin, and sex. This analysis should be structured in lines of progression by departmental units to ensure that promotional opportunities will be considered. A table or chart is recommended for formulating this analysis. Also, principal duties and rates of pay must be indicated for each job category, grade/rank of employee, and job title for each employee. Where auxiliary duties are assigned, or where more than one rate of pay applies because of length of time in the job or other factors, a special notation should be made. Where Yakima Transit or its contractors operate more than one shift or assigns employees within each shift to varying locations, indicate the number by race, national origin, and sex on each shift and in each location.

2. An availability analysis is a comparison of the participation rates of minorities and women at various levels in the workforce with their availability in relevant labor markets. A labor market has both geographic and occupational components. Different geographic areas and labor force data should be used for different job categories. As an example, professional positions would likely have a regional or national recruiting area as opposed to a local recruiting area as would be the case for less skilled jobs. Moreover, recruiting areas should reflect nearby concentrations of minority-group persons who may have been historically excluded from consideration.

3. Occupational data (in addition to general population and unemployment information), along with training and promotional opportunities, should be considered in determining the availability of persons for those employment opportunities from which minorities and women have traditionally been excluded. In determining availability for job categories not requiring special skills or abilities, general population or workforce age data may be suitable. Community and area labor statistics by race, national origin, and sex can be obtained from the U.S. Department of Commerce, Bureau of the Census, and its publications; U.S. Department of Labor, Bureau of Labor Statistics, and the Women’s Bureau; State and local governments, especially State employment services and MPO’s. Detailed occupational data by race, national origin and sex in categories required for EEO reports (E.g., Professionals, Officials, Managers, Operators, etc.) is available in special affirmative action data packages from many State employment services. Similar data is available from the Research and Analytical Services staff of the EEOC.

4. Yakima Transit and its contractors should present this data in a table or chart form for the job categories and job titles being analyzed. Data used should be the most recent, accurate, and relevant. Also, in assessing availability and projecting goals from such availability, the program should also indicate the data given the greatest weight and reasons underlying the decision.

5. In performing the workforce and availability analyses, Yakima Transit or contractors should have racial data cross-classified by sex to ascertain the extent to which minority-group women/men may
be underutilized. Likewise, minority-group data should be broken down by specific racial groups (i.e., Black, Hispanics, Asian, Pacific Islander, and American Indian/Alaskan Native.)

Section VI – Goals & Timetables

1. Specific and detailed percentage and numerical goals with timetables must be set to correct any underutilization of specific affected classes of persons identified in the utilization analysis. Usually, long-range goals will be designed to eliminate underutilization in job categories where it has been identified. Based on the utilization analysis, Yakima Transit and its contractors will establish goals and timetables designed to correct any identified deficiencies. The goals and timetables should be attainable, in terms of the analysis and the entire program of affirmative action, to remedy existing employment practices that may unjustifiably be contributing to underutilization. In establishing the size of goals and the length of the timetables, Yakima Transit should consider results, which can reasonably be expected from putting forth every good faith effort to make the overall affirmative action program work. If goals and timetables are not met, there is an obligation to justify this failure following Yakima Transit’s triennial evaluation of the EEO Program. The justification for failing to meet a goal(s) should address such factors as: whether the anticipated job openings materialized, the availability of persons whose employment could have resulted in the goal(s) being achieved, and the adequacy of recruitment and other affirmative actions to change existing employment practices so that the goal(s) could be achieved.

2. Long-range goals are usually stated as percentages, although numerical projections are recommended where feasible. Such goals should consider the fact that availability of traditionally underutilized or underemployed groups is not constant. Future projections should be taken into consideration. Generally, an EEO Program will be formulated with long-range goals to be attained within a period of 4-5 years.

3. Short-term or intermediate numerical goals should be set and pursued in order to assure accomplishment of long-range goals. Short-term goals represent the net increase in minority and/or women’s employment in a particular job category within the next 12 months. Short-term goals should be stated, both as actual numbers and percentages, and should be based on anticipated job openings, job group availability, and long-range goals set for minorities/women in a particular job category. Projections of vacancies should also be established in terms of a job progression chart in order to determine which vacancies can be filled immediately by underutilized persons and the possibilities of them being promoted into upper-level positions in terms of long-range goals.

4. Short-term or intermediate goals should be weighted and established so that they are likely to produce the greatest results. As an example, if Yakima Transit has no members of a specific affected group in a particular job classification, initial short-term goals should be set higher to maximize the expectation of recruitment and selection from the affected group. On the other hand, if Yakima Transit has a good representation of traditionally underutilized groups in the lower steps of the job progressions, and members of each affected group are moving into higher steps of the job progressions with regularity, a lower allocation of openings at the upper level may be adequate. Achievement of EEO goals will benefit Yakima Transit, through fuller utilization and development of previously underutilized human resources.

5. In developing goals and timetables to correct underutilization, Yakima Transit should use the following guidelines for goal-setting:
   a. Involve personnel staff and department managers in the process.
   b. Set goals that are significant, measurable, and attainable.
c. Make goals with timetables specific for planned results.

d. Consider anticipated attrition, expansion, contraction (especially the impact on employment of projected contracting out and privatization/competitiveness activities), turnover in the workforce, and availability of persons with required skills.

e. Consider how changes affect existing employment practices that may contribute to underutilization in increasing availability of minorities and women.

f. Goals should not be rigid and inflexible, but must be targets reasonably attainable by applying every good faith effort to make all aspects of the affirmative action program work.

g. Yakima Transit will analyze in detail all employment practices relating to recruitment, selection, salaries, promotions, terminations, standards of discipline, seniority, maternity/paternity leave, height and weight requirements, etc. All problems will be noted and a proposed course of remedial action will be enumerated in Yakima Transit’s EEO program.

Section VII – Assessment of Employment Practices to Identify Causes of Underutilization: Affirmative Action to remedy problem areas

The detailed assessment of present employment practices to identify those practices that operate as employment barriers and unjustifiably contribute to underutilization are covered in Yakima Transit’s Affirmative Action Plan.

Section VIII – Non-Compliance & Remedial Action Procedures

In the event that Yakima Transit is found to be in non-compliance or probable non-compliance with Section 19 of the Urban Mass Transportation Act of 1964 (UMT Act) or where the FTA has found evidence of discrimination prohibited under Section 19 and remedial action is required, the following procedures will be followed:

1. Upon receipt of a non-compliance, probable non-compliance, or discrimination finding, Yakima Transit will formulate and submit a Remedial Action Plan for correcting the deficiencies cited in the Letter of Finding.

2. Within 30 days of the receipt of the FTA Letter of Finding, Yakima Transit will submit a Remedial Action plan, and if necessary, sufficient reasons and justification for the FTA to reconsider any of its findings or recommendations. The Remedial Action Plan shall:

   a. List all corrective actions accepted by Yakima Transit or its contractors;

   b. Describe how the corrective actions will be implemented;

   c. Include a written assurance that Yakima Transit will implement the accepted corrective action(s) and has the capability to implement the accepted corrective actions(s) in the manner discussed in the plan; and,

   d. All requests for reconsideration shall:

      i. State findings or recommendations Yakima Transit requests the FTA to reconsider;

      ii. Provide a justification for the request to reconsider, including any evidence or information supporting such a request; and,

      iii. Include a written assurance that on the basis of the requested reconsideration, Yakima Transit will be in compliance.
3. Within an additional 30 days, the FTA will review and submit the Final Remedial Action Plan to Yakima Transit.
   a. Yakima Transit will review and consent or respond to this plan within 15 days of receipt.
   b. If Yakima Transit does not agree with the Final Remedial Action Plan, it will submit a written statement of its reasons for not agreeing to the remedial action contained in the plan.

Section IX - Monitoring and Reporting System

Yakima Transit will adhere to the following to establish an effective and workable internal monitoring and reporting system. This system will serve the following basic purposes:

1. Assessing EEO accomplishments;
2. Enabling Yakima Transit to evaluate the EEO program during the year and to take any necessary corrective action regarding the development and execution of programs or goals and timetables;
3. Identifying those units which have failed to achieve a goal or to implement affirmative action; and,
4. Providing a precise and factual database for future projections.

The reporting system will provide documentation to support actions that affect minority and women job applicants or employees. Management will be kept informed of program effectiveness.

Yakima Transit will analyze in detail all employment practices relating to recruitment, selection, salaries, promotions, terminations, standards of discipline, seniority. All problems will be noted and a proposed course of remedial action must be enumerated in Yakima Transit’s EEO program.

Section X – Discrimination Complaints

Any person who believes that he or she, individually, or as a member of any specific class of persons, has been subjected to discrimination on the basis of race, color, creed, national origin, sex, disability, or age may file a written complaint with the FTA or the Secretary of Transportation. A complaint must be filed within 180 days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary. FTA recommends that EEO complaints be initially filed with the Yakima Transit for resolution. In those cases where the complainant is dissatisfied with the resolution by the Yakima Transit, or the case is not being resolved in a timely manner, the same complaint may be submitted to the FTA, the Secretary, EEOC, or a State agency for investigation.

Unless otherwise permitted, the final determination of all EEO complaints affecting programs administered by the FTA will be made by the Office of the Secretary, DOT.

SUBMISSION OF COMPLAINTS

1. Filing Complaints of Discrimination
   a. Complainants may submit written complaints to Yakima Transit, Washington State Department of Transportation, the local EEOC office, FTA Director, Office of Civil Rights, the FTA Area Civil Rights Officers, and/or the Departmental Director of Civil Rights.
   b. In cases where the complainant is unable or incapable of providing a written statement, but wished Yakima Transit to investigate alleged discrimination, a verbal complaint of discrimination may be made to the Yakima City Manager. The complainant will be interviewed by a civil rights
official authorized to receive complaints. If necessary, the civil rights official may assist the person in converting verbal complaints to writing.

2. Complaint Format
   a. All complaints must be in writing and signed by the complainant or his/her representative before action can be taken. Complaints shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination. Yakima Transit has developed a Discrimination Complaint Form for this purpose to assist in the process. It can be obtained at the Public Works Facility or from the Human Resources Department located at City Hall.
   b. The EEO Officer will provide the complainant or his/her representative with a written acknowledgement that the complaint was received, within ten (10) working days from the date it was received. Concurrently, Yakima Transit will transmit the complaint to FTA and the Departmental Office of Civil Rights.

3. Request for Additional Information from Complainant and/or Respondent
   a. In the event that the complainant or respondent has not submitted sufficient information to make a determination of jurisdiction or investigative merit, Yakima Transit may request additional information from either party.
   b. This request shall be made by registered mail within 15-working days of the receipt of the complaint by Yakima Transit and will require that the party submit the information within 60-working days from the date of the original request.
   c. Failure of the complainant to submit additional information within the designated timeframe may be considered good cause for a determination of no investigative merit.

4. Notification of Disposition
   The EEO Officer shall notify the party charged and primary recipient (if not the respondent) of the disposition within five (5) days by registered letter, the decision to investigate or not investigate the complaint:
   a. If the decision is to investigate, the notification shall state the jurisdiction, inform the parties that an investigation will take place, and request any additional information needed to assist the investigator in preparing for the investigation.
   b. If the decision is to not investigate, the notice shall specifically state the reason for the decision.

5. Referral to Other Agencies
   In the event that Yakima Transit lacks the jurisdiction, the complaint will be referred to other State or Federal agencies, informing the parties of the action.

6. Complaint Investigation
   a. Yakima Transit Investigation. Yakima Transit may elect to conduct its own investigation of the complaint. The investigation may be conducted by “desk audit” or an “onsite” investigation.
   b. Referral of Complaint to the FTA. Cases determined by Yakima Transit to have investigative merit may be sent back to the FTA to conduct an “onsite” investigation or may be recommended for a comprehensive EEO review of the recipient.
   c. Priority Complaints. All incoming complaints shall be examined to determine if the discrimination alleged would be irremediable if not dealt with promptly. If such a determination
is made, the complaint shall be given priority status. The processing, investigation, and determination of such complaints shall be accelerated to advance significantly the normal completion date of the process.

d. Investigator’s Preparation. Before beginning the investigation, the investigator shall send a letter of introduction, establishing the times and dates for the investigation and interviews. This preparation shall be completed within 30 working days after the assignment has been given to the investigator, contingent upon the investigator’s workload and resources.

7. Investigative Report

A written report will be prepared by the responsible investigator at the conclusion of the investigation. This report will be reviewed by the Executive Director for thoroughness. The investigative report will include the following:

a. Summary of the complaint, including a statement of the issues raised by the complainant and Yakima Transit’s reply to each of the allegations;

b. Citations of relevant Federal, State, and local laws, rules, regulations, and guidelines, etc,

c. Description of the investigation, including a list of the persons contacted by the investigator and a summary of the interviews conducted; and,

d. A statement of the investigator’s findings and recommendations.

8. Disposition of Complaints

a. Approval and Notice of Disposition - Yakima Transit will approve or disapprove the findings and recommendations made by the investigator in the investigative report. The consequent disposition of the complaint will be communicated to the complainant and recipient by letter. In addition, a rationale supporting the disposition made and any recommendations to any party will be included in the letter.

b. Informal Resolution - If the Notice of Disposition is issued and finds Yakima Transit in noncompliance, Yakima Transit is required to initiate voluntary remedial actions agreeable to the Office of Civil Rights.

c. Enforcement Procedure - In cases in which all required means of remedial action have failed to bring the recipient into compliance, enforcement procedures will be initiated by the Departmental Office of Civil Rights in conjunction with the FTA.

d. Request for Reconsideration - Yakima Transit may request reconsideration findings within 30 days of the Notice of Disposition. This request should include any additional information or analysis Yakima Transit considers relevant. The Office of Civil Rights will inform the recipient of its decision to accept or reject the request within 30 days after its receipt.

In cases in which a request for reconsideration is approved, the responsible investigator will reopen the investigation and proceed to process the complaint in the same manner described above.

Any violations of this policy may result in disciplinary action, up to and including termination.

All applicants and employees should follow the above procedures in dealing with possible discrimination. Applicants and employees also have other legal rights, established by law, for investigation of any discriminatory allegations through the Washington Human Rights Commission,

9. Laws Enforced by the EEOC

- Titles I and V of the Americans with Disabilities Act of 1990 (ADA)
- Age Discrimination in Employment Act of 1967 (ADEA)
- Rehabilitation Act of 1973, Sections 501 and 505
- Title VII of the Civil Rights Act
- Equal Pay Act of 1963
- Civil Rights Act of 1991

10. Filing an Appeal with the EEOC

A dissatisfied complainant may appeal to EEOC Yakima Transit’s final action within 30 days of receipt. Yakima Transit may appeal a decision by an EEOC administrative judge within 40 days of receiving the administrative judge’s decision.

On class complaints, a class agent may appeal Yakima Transit’s final decision on the merits of the class complaint within 30 days from receipt, or a class member may appeal the final decision on his or her claim for individual relief within 30 days from receipt of the final decision.

If the complaint is a “mixed case,” the complainant may appeal Yakima Transit’s final decision to City Council or request a Council hearing. Once the Council issues its decision, the complainant may petition EEOC for review of the Council decision concerning the claim(s) of discrimination.

11. Policy Format

Alternative accessible formats of this policy will be provided to applicants or employees upon request.

12. Directory of Contacts for filing complaints:

Connie Mendoza, HR Director (EEO Officer)
129 N. 2nd Street, Yakima, WA 98901
509-576-6619 (office) 509-576-6358 (fax)

City Manager (Executive Director)
129 N. 2nd Street, Yakima, WA 98901
509-575-6040 (office) 509-576-6335 (fax)

Human Resource Specialist (EEO Liaison)
129 N. 2nd Street, Yakima, WA 98901
509-576-6618 (office) 509-576-6358 (fax)

Transit Project Planner (EEO Liaison)
2301 Fruitvale Blvd., Yakima WA 98902
509-576-6422 (office) 509-576-6414 (fax)

Transit Manager
2301 Fruitvale Blvd., Yakima WA 98902
509-575-6175 (office) 509-576-6414 (fax)

Seattle District Office
Federal Office Building
909 First Ave, Ste 400
Seattle, WA 98104-1061
206-220-6883 206-220-6882 (TTY)
Toll-free lines:
800-669-4000 800-669-6820 (TDD)

Federal Transit Administration,
Region 10 Office of Civil Rights
Jackson Federal Building
915 Second Avenue, Suite 3142
Seattle, WA 98174-1002
(206) 220-7954 (Office)
(206) 220-7959 (fax)
ITEM TITLE: Resolution authorizing a grant agreement with Washington State Department of Transportation to assist in funding the replacement of three vanpool vehicles

SUBMITTED BY: Scott Schafer, Public Works Director
Alvie Maxey, Transit Manager, 576-6415

SUMMARY EXPLANATION:
The Washington State Department of Transportation has awarded a grant in the amount of $53,625 to assist the City of Yakima in funding the replacement of three (3) Vanpool vans as part of the 2015-2017 grant cycle. The City of Yakima’s matching funds required for the grant is $72,375 and was included as part of Yakima Transit’s 2016 Budget.

Yakima Transit currently operates sixteen vanpool vans, many of which are past their useful life. The vans frequently transport passengers to the Hanford site; however, they are often used to car pool individuals to other places usually within an hour’s drive of the City of Yakima.

Attached for City Council review is Grant Agreement GCB2329 for the amount of $53,625.

ITEM BUDGETED: Yes
STRATEGIC PRIORITY: Economic Development

APPROVED FOR SUBMITTAL: Jeff Carter
Interim City Manager

STAFF RECOMMENDATION:
Approve the resolution

BOARD/COMMITTEE RECOMMENDATION:
<table>
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<td>Resolution - Three Vanpool Vans GCB2329</td>
<td>4/22/2016</td>
<td>Resolution</td>
</tr>
<tr>
<td>Vanpool Grant Agreement GCB2329</td>
<td>5/2/2016</td>
<td>Contract</td>
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A RESOLUTION authorizing the City Manager to enter into a grant agreement with Washington State Department of Transportation to replace three vanpool vehicles.

WHEREAS, the City of Yakima operates a vanpool program; and,

WHEREAS, the City of Yakima applied for grant funding under the Washington State Department of Transportation's Vanpool Investment Program; and,

WHEREAS, the Washington State Department of Transportation awarded funding to replace three vanpool vans for the 2015-2017 biennium; and,

WHEREAS, it is necessary for the City and the Washington State Department of Transportation to enter into an agreement setting forth the terms, conditions, and requirements for allocating this funding.

NOW, THEREFORE, be it resolved by the City Council of the City of Yakima, the City Manager is hereby authorized to enter into Agreement No. GCB2329 with the Washington State Department of Transportation for grant funding to replace three vanpool vans.

ADOPTED BY THE CITY COUNCIL at a regular meeting this 17th day of May, 2016.

Avina Gutiérrez, Mayor

ATTEST:

Sonya Claar Tee, City Clerk
State Vanpool Investment Program Grant Agreement

<table>
<thead>
<tr>
<th>Agreement Number</th>
<th>Project Start Date</th>
<th>Project Completion Date</th>
<th>Project Equipment Reimbursement</th>
<th>Project Title</th>
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<td>GCB2329</td>
<td>July 1, 2015</td>
<td>End of the Useful Life of the Project Equipment as identified in Exhibit I, 1.1</td>
<td>$53,625</td>
<td>Vanpool Investment Program</td>
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THIS AGREEMENT, entered into by the Washington State Department of Transportation (hereinafter referred to as "WSDOT") and the agency written above under the header, Contractor, (hereinafter referred to as the "TRANSIT AGENCY"), and/or individually referred to as the “PARTY” and collectively as the “PARTIES”, WITNESSES THAT:

WHEREAS, the State of Washington in its Sessions Laws of 2015, Chapter 10, Section 220 (3) provides vanpool funding through the multimodal transportation account, as identified in the state budget through its 2015-2017 biennial appropriations to WSDOT

WHEREAS, the state budget under authority of RCW 47.66.070 provides funding for WSDOT to coordinate the development and implementation of the Statewide Vanpool Investment Program (VIP);

WHEREAS, WSDOT coordinated with transit agencies statewide to develop the implementation of the Statewide VIP; and

WHEREAS, the TRANSIT AGENCY has determined a need for one or more VIP vehicles to enhance its vanpool program.

NOW, THEREFORE, in consideration of the terms, conditions, performances, mutual covenants herein set forth and the attached exhibits, WSDOT and the TRANSIT AGENCY agree to the following terms and conditions:

Section 1
Purpose of Agreement

The purpose of this AGREEMENT is for WSDOT to reimburse the TRANSIT AGENCY for capital costs incurred for the purchase of replacement vanpool vehicles and for the purchase of vanpool vehicles to expand vanpooling (hereinafter referred to as "Project Equipment") in accordance with the provisions of this AGREEMENT and Exhibit I - Scope of Work, Exhibit II - RVCT and WSRO VP Performance Indicator Report (hereinafter referred to as the VIP Report), and Exhibit III - VIP WSDOT Funded Vanpool Van Quarterly Fleet Update, and Exhibit IV – Reimbursement Request Form, which are attached hereto and by this reference incorporated herein.
Section 2
Scope of Project
WSDOT hereby agrees to provide capital financing to the TRANSIT AGENCY to purchase Project Equipment, for the purpose of investing in vanpooling during the Project Period. The minimum number of vanpool vehicles to be purchased is identified as set forth in Exhibit I, Scope of Work, Section 2.1.

Section 3
Time of Performance
The Project Period of this AGREEMENT shall commence and end on the dates indicated on page 1 of this AGREEMENT under the caption headings “Project Start Date” and “Project Completion Date” and subject to its other provisions regardless of the date of signature and execution of this AGREEMENT unless terminated by one of the PARTIES as provided herein. The caption headings “Project Start Date” and “Project Completion Date”, including the information therein and all caption space headings above including the information therein are by this reference incorporated into this Agreement as if fully set forth herein.

Section 4
Inspection of Project Equipment upon Delivery
The TRANSIT AGENCY shall inspect Project Equipment within fifteen calendar days of delivery to the TRANSIT AGENCY. The TRANSIT AGENCY shall certify that it has fully inspected and acknowledged that such Project Equipment is in good condition and repair, and that the TRANSIT AGENCY has accepted such Project Equipment. When the TRANSIT AGENCY accepts the Project Equipment from the vendor, it shall provide WSDOT with a written copy of the Project Equipment Acceptance letter (as required under Section 7C.d) that is sent to and informs the vendor that the TRANSIT AGENCY has accepted the Project Equipment.

Section 5
Miscellaneous Charges and Conditions
The funds provided by WSDOT pursuant to this Agreement shall not be used by the TRANSIT AGENCY to pay any storage charges, parking charges, and fines, as well as any fees (including vehicle registration, license and inspection fees), and any taxes, all of which shall be at the cost and expense of the TRANSIT AGENCY, except that subject to submission of appropriate invoices and required supporting documents, WSDOT shall reimburse the TRANSIT AGENCY for applicable state sales or use tax, which may be imposed with respect to the Project Equipment by a duly constituted governmental authority. All replacements, repairs, or substitutions of parts or equipment shall be at the cost and expense of the TRANSIT AGENCY.

Section 6
Purchasing and Reimbursement
A. The TRANSIT AGENCY will purchase Project Equipment through State of Washington Department of General Administration’s Passenger Van/Vehicle Procurement contract or other competitive procurement process that meets the TRANSIT AGENCY’s procurement policies.

B. The TRANSIT AGENCY is required, in order to ensure delivery and acceptance of Project Equipment by June 30, 2017, to place an order for all Project Equipment authorized under this contract no later than February 1, 2017.

C. Payment will be made by WSDOT on a reimbursable basis for the actual costs of the Project Equipment less any pre-payment discounts, rebates, and/or refunds. Payment is subject to the submission to and approval by WSDOT of appropriate invoices and required supporting documents as set forth in
this Section 6. In no event shall the total amount reimbursed by WSDOT exceed the state funds identified in the caption space titled “Project Equipment Reimbursement” unless amended thereto.

D. The TRANSIT AGENCY shall request payment from WSDOT within thirty (30) days of receipt and acceptance of the Project Equipment. The TRANSIT AGENCY shall submit an invoice by July 15, 2017, for any unreimbursed eligible expenditures incurred between July 1, 2015, and June 30, 2017. If the TRANSIT AGENCY is unable to provide an invoice by this date, the TRANSIT AGENCY shall provide an estimate of the charges to be billed so WSDOT may accrue the expenditures in the proper fiscal period. Any subsequent reimbursement request submitted will be limited to the amount accrued as set forth in this section. The TRANSIT AGENCY’s final payment request must be received by WSDOT by July 15, 2017, within thirty (30) days of the completion of the Project, or within thirty (30) days of the termination of this AGREEMENT, whichever is sooner. Any request for state funds received after July 15, 2017 will not be eligible for reimbursement. WSDOT shall reimburse the TRANSIT AGENCY within thirty (30) days from the receipt of the request for payment that includes the aforementioned appropriate invoices and required supporting documents.

Section 7

Reimbursement Request Invoices and Supporting Documents

A. WSDOT will provide the TRANSIT AGENCY, following execution of this AGREEMENT, with a Reimbursement Request Form, a copy of which is attached hereto as Exhibit IV to this Agreement, and by this reference incorporated into the Agreement. The TRANSIT AGENCY is required to use this form when requesting reimbursement for Project Equipment purchased under this agreement. A completed Reimbursement Request Form must contain an original signature from the TRANSIT AGENCY’s authorized signatory or his/her designee, and it must be submitted within thirty (30) days of Project Equipment acceptance. Reimbursement Request Forms shall identify and include any and all manufacturer discounts and rebates received for each unit purchased. A completed form shall include, but not be limited to, the following information:

- Year and Make and Model.
- Vehicle Identification Number (VIN).
- Grantee Vehicle Number and Vehicle License Number.
- Seating Capacity and ADA Accessibility.
- Date Vehicle is Accepted.
- Vehicle Per Unit Cost.
- Equipment Description (if applicable)
- Equipment Cost

B. A Reimbursement Request Form shall be supported with a copy of the vendor invoice(s) documenting the Project Equipment and associated Project Equipment expenditures. Eligible expenditures include, but are not limited to, cost of the vehicle, vehicle signage/logos, vehicle bicycle racks, emergency roadside safety equipment, telematics equipment, and first aid kits.

C. Additional supporting documentation required to be submitted to WSDOT by the TRANSIT AGENCY with a Reimbursement Request Form(s) includes the following:

- Copy of vehicle registration listing WSDOT as Legal Owner and TRANSIT AGENCY as Registered Owner.
- Copy of insurance certificate showing WSDOT as additional insured and the loss payee.
- A declaration of self-insurance (if a TRANSIT AGENCY self-insures) including a description of how the self-insurance pool is funded. Insurance must meet the requirements as outlined in Section 27 – Insurance.
d. Copy of the Project Equipment acceptance letter to the vendor certifying that the Project Equipment has been inspected and is in good condition and repair as outlined in Section 4 – Inspection of Project Equipment upon Delivery.

e.- Copies of invoices/receipts for associated Project Equipment (e.g. logos/signage, bicycle racks, telematics equipment, safety and first aid-kits, etc.) expenditures.

Section 8
Local Cash Match

TRANSIT AGENCY is required to provide a minimum local cash match requirement (5% for expansion and 35% for replacement vanpool vehicles purchased under this agreement.

Section 9
Vehicle Title

The Project Equipment titles shall designate WSDOT as the legal owner and the TRANSIT AGENCY as the registered owner through the useful life of the Project Equipment, which is identified in Exhibit I, Scope of Work, 1.1. WSDOT will release the interest of legal ownership of the Project Equipment to the TRANSIT AGENCY within thirty (30) days after the quarter in which the useful life of the Project Equipment, which is identified in Exhibit 1, Scope of Work, 1.1 has been met.

Section 10
Contracts Under this Agreement

Unless otherwise authorized in advance in writing by WSDOT, the TRANSIT AGENCY shall not assign any portion of the work to be performed under this AGREEMENT, or execute any contract amendment or change order thereto, or obligate itself in any manner with any third party with respect to its rights and responsibilities under this AGREEMENT. The TRANSIT AGENCY may not in any way encumber the Project Equipment.

Section 11
Performance and Reporting

The TRANSIT AGENCY shall submit to WSDOT, or WSDOT’s designated agent, a monthly VIP performance report for each AGREEMENT in a format as set forth in Exhibit II, RVCT and WSRO VP Performance Indicator Report. TRANSIT AGENCY is required to submit the VIP Report on a monthly basis to WSDOT, or WSDOT’s designated agent, no later than the end of the month following the previous month of operation. The report will enable WSDOT to accurately record the performance of the VIP. The TRANSIT AGENCY shall also submit to WSDOT a quarterly fleet update in a format as set forth in Exhibit III, VIP WSDOT-Funded Vanpool Van Quarterly Fleet Update, which shall include specific information related to WSDOT funded Project Equipment vans used in the TRANSIT AGENCY’s vanpool program. Such quarterly fleet report will enable WSDOT to track when WSDOT funded Project Equipment is placed into service as well as when the TRANSIT AGENCY surpluses or disposes of vehicles that were replaced by WSDOT funded Project Equipment. The TRANSIT AGENCY shall submit, the quarterly fleet report to WSDOT until such time as all Project Equipment acquired under this agreement has been placed in service and all TRANSIT AGENCY vanpool vehicles, that have been replaced by WSDOT funded Project Equipment, have been disposed of. The quarterly fleet report is due to WSDOT by the last day of October, January, April, and July for each calendar quarter during the biennium. The TRANSIT AGENCY’s failure to meet any of the above identified report submittal timelines can result in the TRANSIT AGENCY being considered to be in breach of contract and not In Good Standing which may prevent the TRANSIT AGENCY from receiving future VIP grant funds in the next biennium.
Section 12
Project Equipment in Service Requirements

A. Expansion Vehicles

1. The TRANSIT AGENCY is required to place expansion vehicles received pursuant to this Agreement into service within nine (9) months of vehicle acceptance date. Failure by the TRANSIT AGENCY to meet this requirement may result in WSDOT:
   a. transferring any vehicles not placed in service to an alternative transit agency in need of a vehicle for its vanpool program; or
   b. allowing the vehicle to remain with the TRANSIT AGENCY to replace one of its existing service vanpool vehicles and requiring the TRANSIT AGENCY to reimburse WSDOT within 45 days of WSDOT’s written notification to the TRANSIT AGENCY, 30% of the original VIP grant funds reimbursed by WSDOT for the vehicle.

2. The TRANSIT AGENCY shall forfeit its local cash match for any vehicles transferred to another transit agency.

B. Replacement Vehicles

1. The TRANSIT AGENCY is required to place replacement vehicles in service within three (3) months of vehicle acceptance date. This will allow the TRANSIT AGENCY sufficient time to have the vehicles inspected, accepted and pre-serviced. Failure by the TRANSIT AGENCY to meet these requirements may result in WSDOT:
   a. transferring any vehicle not placed in service to an alternative transit agency in need of vehicles for its vanpool program; or,
   b. allowing the vehicle to remain with the TRANSIT AGENCY to replace one of its existing service vanpool vehicles and requiring the TRANSIT AGENCY to reimburse WSDOT within 45 days of WSDOT’s written notification to the TRANSIT AGENCY, 25% of the original VIP grant funds reimbursed by WSDOT for the vehicle.

2. The TRANSIT AGENCY shall forfeit its local cash match for any vehicles transferred to another transit agency.

C. Vanpool Service Expansion

1. The TRANSIT AGENCY if awarded expansion vehicle grant funding under this AGREEMENT, is required to expand its in service revenue vanpool fleet by the number of expansion vehicles awarded and purchased (including a 20% spare ratio) by either of the following:
   a. at any time within an eighteen (18) month period from the acceptance date of the last expansion vehicle received; or,
   b. at any time during the 2015-2017 biennium

2. The TRANSIT AGENCY’s in-service vanpool and spare fleet data as reported on the RVCT and WSRO VP Performance Indicator Report for the month of August, 2015 will be used as the base from which vanpool program growth will be determined.

3. Failure by the TRANSIT AGENCY to meet at least one of the requirements identified above may result in WSDOT:
   a. transferring any WSDOT funded expansion vehicles to an alternative transit agency in need of one or more vehicles for its vanpool program; or,
   b. allowing the vehicle(s) to remain with the TRANSIT AGENCY to replace one of its existing in service vanpool vehicles and requiring the TRANSIT AGENCY reimburse WSDOT
within 45 days of WSDOT’s written notification to the TRANSIT AGENCY, 30% of the original VIP grant funds reimbursed by WSDOT for the vehicle.

4. The TRANSIT AGENCY shall forfeit its local cash match for any vehicles transferred to another alternative transit agency.

Section 13
Use of Project Equipment

A. The TRANSIT AGENCY agrees that the Project Equipment shall be used for commuter ridesharing as defined in RCW 46.74.010(1). Personal use of the van by the driver will be permitted if the TRANSIT AGENCY’s vanpool program policies allow this usage.

B. The TRANSIT AGENCY will operate the Project Equipment as part of the TRANSIT AGENCY’s vanpool program placing the Expansion Project Equipment into service within nine (9) months and placing the Replacement Project Equipment into service within three (3) months, respectively, from acceptance date. The TRANSIT AGENCY may have up to a twenty percent (20%) spare ratio. For every five (5), vanpool vehicles purchased, one (1) may be operated as a spare vehicle. If the Project Equipment, excluding a twenty percent (20%) spare ratio, is not placed in use within the time frame identified above from delivery and acceptance date, or if the Project Equipment is being used for purposes other than vanpool activities, the actions and remedies regarding the Project Equipment as described in Section 12 will apply.

C. The TRANSIT AGENCY further agrees that it will not (1) use or permit the use of the Project Equipment in a manner inconsistent with the TRANSIT AGENCY’s policies, so as to void any insurance covering the Project Equipment; or (2) knowingly use the Project Equipment in a negligent manner; or (3) permit the Project Equipment to become subject to any liens, charges, or encumbrances. The TRANSIT AGENCY shall keep records with regard to the use of the Project Equipment, consistent with the TRANSIT AGENCY’s records keeping and retention policies, and shall submit to WSDOT upon request such information as is required in order to assure compliance with this section. The TRANSIT AGENCY shall immediately notify WSDOT in writing during the Project Period if any Project Equipment funded by the WSDOT is used in a manner substantially different from that described in this AGREEMENT.

Section 14
Remedies for Misuse or Noncompliance

The TRANSIT AGENCY shall not use any Project Equipment in a manner that varies from the use described in Section 2, Scope of Project and Section 13, Use of Project Equipment of this AGREEMENT. If the WSDOT determines that the Project Equipment has been used in a manner different from that described in Section 2 and Section 13 of this AGREEMENT, the WSDOT will terminate this AGREEMENT and the TRANSIT AGENCY shall be liable for damages for the breach of this AGREEMENT, and any other remedies included in this AGREEMENT. If any participation and funding is either reduced or cancelled as a result of a breach by the TRANSIT AGENCY, the TRANSIT AGENCY is then liable for all damages from the breach, even though those damages may exceed the price payable under this AGREEMENT.

Section 15
Maintenance of Project Equipment

The TRANSIT AGENCY shall maintain the Project Equipment in good repair at all times. All services, materials, and repairs in connection with the use and operation of the Project Equipment are at the TRANSIT AGENCY’s expense. The TRANSIT AGENCY agrees to service the Project Equipment and replace parts at intervals recommended in the manual provided by the manufacturer of such equipment, or sooner if consistent with the TRANSIT AGENCY’s maintenance plans. The TRANSIT AGENCY must have a Transit Asset Management Plan certified by WSDOT. WSDOT shall not be liable for repairs, nor shall any such repairs be charged to WSDOT. The TRANSIT AGENCY shall retain records of all
maintenance and parts replacement performed on the Project Equipment. The TRANSIT AGENCY shall keep maintenance and service records of Project Equipment on file for each vehicle in the Project Equipment inventory and be made available to WSDOT upon request. WSDOT personnel may periodically inspect the Project Equipment. Failure to follow correct maintenance procedures during the Project Period may be grounds for termination of this AGREEMENT. WSDOT must approve modifications to the Project Equipment or the installation of additional equipment in advance and in writing.

Section 16
Retired TRANSIT AGENCY Vanpool Vehicle Disposal Timeframe
A. The TRANSIT AGENCY is required to dispose of a retired TRANSIT AGENCY vanpool vehicle by selling, donating, or surpling such vehicle within three (3) months of the TRANSIT AGENCY’s written acceptance of the replacement vanpool vehicle funded by WSDOT under this Agreement to replace the TRANSIT AGENCY retired vanpool vehicle. Written acceptance of such replacement vehicle is defined in Section 4 and Section 7.C.d.

B. The TRANSIT AGENCY is required to complete and submit a WSDOT VIP Funded Vanpool Van Quarterly Fleet Update Report as set forth in Section 11 and Exhibit III. This report which identifies when a retired TRANSIT AGENCY vanpool vehicle that has been replaced by a vanpool vehicle funded by WSDOT under this Agreement is disposed of by sale, donation or surpling is due to WSDOT by the last day of October, January, April, and July following each calendar quarter.

Section 17
Ethics
A. Relationships with Employees and Officers of WSDOT. The TRANSIT AGENCY shall not extend any loan, gratuity or gift of money in any form whatsoever to any employee or officer of WSDOT, nor shall the TRANSIT AGENCY rent or purchase any equipment and materials from any employee or officer of WSDOT.

B. Employment of Former WSDOT Employees. The TRANSIT AGENCY hereby warrants that it shall not engage on a full-time, part-time, or other basis during the period of this AGREEMENT, any professional or technical personnel who are, or have been, at any time during the period of this AGREEMENT, in the employ of WSDOT without written consent of WSDOT.

Section 18
Compliance with Laws and Regulations
The TRANSIT AGENCY agrees to abide by all applicable State and Federal laws and regulations including but not limited to, those concerning employment, equal opportunity employment, nondiscrimination assurances, Project record keeping necessary to evidence compliance with such Federal and State laws and regulations, and retention of all such records. The TRANSIT AGENCY will adhere to all of the nondiscrimination provisions in chapter 49.60 RCW.

Section 19
Environmental Protection
The CONTRACTOR agrees to comply with all applicable requirements of chapter 43.21C RCW “State Environmental Policy Act” (SEPA).

Section 20
Accounting Records
A. Project Accounts. The TRANSIT AGENCY agrees to establish and maintain for the Project either a separate set of accounts or separate accounts within the framework of an established accounting system that can be identified with the Project. The TRANSIT AGENCY agrees that all checks, payrolls, invoices, contracts, vouchers, orders, or other accounting documents pertaining in whole or in part to the
Project shall be clearly identified, readily accessible and available to WSDOT upon request, and, to the extent feasible, kept separate from documents not pertaining to the Project.

B. **Documentation of Project Costs and Program Income.** The TRANSIT AGENCY agrees to support all costs charged to the Project, including any approved services contributed by the TRANSIT AGENCY or others, with properly executed payrolls, time records, invoices, contracts, or vouchers describing in detail the nature and propriety of the charges. The TRANSIT AGENCY also agrees to maintain accurate records of all program income derived from implementing the Project.

C. **Checks, Orders, and Vouchers.** The TRANSIT AGENCY agrees to refrain from drawing checks, drafts, or orders for goods or services to be charged against the Project Account until it has received and filed a properly signed voucher from WSDOT describing in proper detail the purpose for the expenditure.

### Section 21
**Audits, Inspection, and Retention of Records**

A. **Submission of Proceedings, Agreements, and Other Documents.** During the course of the Project and for six (6) years thereafter, the TRANSIT AGENCY agrees to retain intact any data, documents, reports, records, contracts, and supporting materials relating to the Project (Records), and to provide to WSDOT such Records as WSDOT may require. Should an audit, enforcement, or litigation process be commenced, but not completed, during the aforementioned six-year period then the TRANSIT AGENCY’s obligations hereunder shall be extended until the conclusion of that pending audit, enforcement, or litigation process.

B. **General Audit Requirements.** The TRANSIT AGENCY agrees to obtain any audits required by WSDOT at TRANSIT AGENCY’s expense. Project closeout will not alter the TRANSIT AGENCY’s audit responsibilities.

C. **Inspection.** The TRANSIT AGENCY agrees to permit WSDOT, the State Auditor, or their authorized representatives, to inspect all Project work materials, payrolls, maintenance records, and other data, and to audit the books, records, and accounts of the TRANSIT AGENCY and its contractors pertaining to the Project. The TRANSIT AGENCY agrees to require each third party contractor to permit WSDOT, the State Auditor, or their duly authorized representatives, to inspect all work, materials, payrolls, and other data and records involving that third party contract, and to audit the books, records, and accounts involving that third party contract as it affects the Project.

### Section 22
**Labor Provisions**

**Overtime Requirements.** No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty (40) hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty (40) hours in such workweek. The TRANSIT AGENCY will comply with Title 49 RCW, Labor Regulations.

### Section 23
**Liens on Equipment**

WSDOT shall hold legal title to all vehicles the TRANSIT AGENCY acquires and have legal ownership to any non-vehicle Project Equipment the TRANSIT AGENCY acquires or modifies using the funds identified in the caption space of this AGREEMENT titled “Project Equipment Reimbursement”. The TRANSIT AGENCY accepts WSDOT’s legal ownership of the Project Equipment during its useful life and agrees that it shall not use the Project Equipment as collateral, nor shall the TRANSIT AGENCY encumber the Project Equipment in any way. The TRANSIT AGENCY shall follow the terms stated in Section 13 regarding the use of all Project Equipment. For non-vehicle Project Equipment, WSDOT’s lien shall equal the proportional funded share, as identified in this AGREEMENT, of the disposable value.
of the Project Equipment. Satisfaction of WSDOT’s lien may be satisfied only by proper disposal of the Project Equipment in a manner determined by WSDOT.

Section 24
Loss or Damage to Project Equipment and Procedures

A. Until such time that WSDOT releases legal ownership in said Project Equipment to the TRANSIT AGENCY, the TRANSIT AGENCY, at its own expense, shall cover any loss, theft, damage, or destruction of the Project Equipment using either of the following methods:

1. The TRANSIT AGENCY shall maintain Comprehensive and Collision insurance adequate to cover the value of the Project Equipment; the TRANSIT AGENCY shall supply a copy of the Certificate of Insurance specifying such coverage to WSDOT before operating or moving any Project Equipment; or

2. The TRANSIT AGENCY shall provide a written certificate of self-insurance to WSDOT before operating or moving any Project Equipment. The TRANSIT AGENCY will cover from its own resources the costs of repairing or replacing any Project Equipment, if it is stolen, damaged, or destroyed in any manner.

B. If the damage to the Project Equipment does not result in a total loss, payments for damage shall be paid directly to the TRANSIT AGENCY. The TRANSIT AGENCY shall, within thirty (30) days, either:

1. Devote all of the insurance proceeds received to repair the Project Equipment and place it back in service, and the TRANSIT AGENCY shall, at its own expense, pay any portion of the cost of repair which is not covered by insurance; or

2. In the event the TRANSIT AGENCY certified to self-insurance, devote all funds necessary to repair the Project Equipment and place it back into service.

C. The TRANSIT AGENCY will notify WSDOT within five (5) working days of an accident or incident when Project Equipment is damaged and sustains disabling damage which requires said Project Equipment to be:

1. Removed from service beyond ten (10) working days for repairs; or,

2. Permanently removed (due to being declared a total loss) from service.

Failure by the TRANSIT AGENCY to notify WSDOT within the prescribed timeframe identified above will result in the TRANSIT AGENCY being deemed to be in breach of contract which may result in the TRANSIT AGENCY being ineligible to receive future VIP funds.

D. If the Project Equipment is a total loss, either by theft or damage, the insurance proceeds or equivalent shall be paid directly to WSDOT. The TRANSIT AGENCY shall within sixty (60) days of loss, theft, or damage, notify WSDOT that it either:

1. Intends to replace the lost Project Equipment; or,

2. Does not intend to replace the lost Project Equipment.

Failure by the TRANSIT AGENCY to notify WSDOT within the prescribed timeframe identified above will result in the TRANSIT AGENCY being deemed to be in breach of contract which may result in the TRANSIT AGENCY being ineligible to receive future VIP funds.

E. The TRANSIT AGENCY shall maintain a file on site that includes copies of all accident records, including but not limited to copies of completed local law official accident/incident records, involving Project Equipment accidents. In addition, if the Project Equipment has been declared a total loss by the insurance company, the TRANSIT AGENCY will maintain a total loss vehicle file which includes copies of all accident and loss related documentation including but not limited to the following:

- A copy of all completed local law official accident reports;
- Passenger statements;
• Vanpool vehicle odometer reading at the time of the accident; and,
• Copies of any written communication(s) and correspondence the TRANSIT AGENCY received from or sent to; WSDOT, Washington State Transit Insurance Pool (WSTIP), insurance companies, loss/subrogation companies, attorneys, injured parties, law enforcement agencies, etc.

Failure by the TRANSIT AGENCY to notify WSDOT within the prescribed timeframe identified above will result in the TRANSIT AGENCY being deemed to be in breach of contract which may result in the TRANSIT AGENCY being ineligible to receive future VIP funds.

F. Should the TRANSIT AGENCY decide to replace the damaged Project Equipment declared a total loss during the project period and upon completion of the Project Equipment total loss settlement, the TRANSIT AGENCY shall either:

1. Purchase a new or used replacement vehicle for the Project Equipment loss within five (5) months from receipt of the total loss settlement proceeds. Said new or used purchased replacement vehicle must be:
   a. Similar to the type of Project Equipment being replaced, including but not limited to mini or maxi van, model type, model year, features and equipment, mileage; and,
   b. Be equal to or more than the National Automobile Dealers Association Northwest-determined value of the Project equipment at the time of the accident.

2. Replace the Project Equipment with one of its own purchased vehicles.

G. Prior approval from WSDOT is required if the TRANSIT AGENCY plans to replace the Project Equipment with one of its own purchased vehicles. Said replacement vehicles must be:

1. Similar to the type of Project Equipment being replaced, including but not limited to mini or maxi van, model type, model year, features and equipment, mileage; and,
2. Be equal to or more than the National Automobile Dealers Association Northwest-determined value of the Project equipment at the time of the accident.

Once the TRANSIT AGENCY receives the purchased replacement vehicle, the TRANSIT AGENCY must submit to WSDOT within 30 days of vehicle acceptance a copy of the vendor invoice and the registration showing WSDOT as the legal owner.

Failure by the TRANSIT AGENCY to submit the documentation as set forth above to WSDOT within the prescribed timeframe identified above will result in the TRANSIT AGENCY being deemed to be in breach of contract which may result in the TRANSIT AGENCY being ineligible to receive future VIP funds.

H. If WSDOT determines that the total loss occurred under circumstances in which the TRANSIT AGENCY fulfilled its obligations under this AGREEMENT, WSDOT would either pay or rebate to the TRANSIT AGENCY’s proportionate share of such proceeds received.

WSDOT will not reimburse the TRANSIT AGENCY for any Project Equipment replacement cost or any miscellaneous cost as identified in Section 5, Miscellaneous Charges and Conditions.

Section 25
International Travel

International travel, including but not limited to travel to and from Canada, will not be allowed.

Section 26
Limitation of Liability

WSDOT shall not be liable to the TRANSIT AGENCY or to anyone else, including vanpool van drivers and riders for any liability, loss, or damage of any kind and however caused or alleged to be caused directly or indirectly by the Project Equipment; or the repair, maintenance, or equipment thereof, by any
inadequacy thereof, or defect therein or by any incident in connection therewith, or interruption of service or use of any Project Equipment provided pursuant to this AGREEMENT, or from any liability of any nature growing out of performance of this AGREEMENT or Project Equipment on the part of the TRANSIT AGENCY, its officers, employees, agents or subcontractors. To the maximum extent permitted by law, the TRANSIT AGENCY shall indemnify, hold harmless and defend WSDOT and all its authorized agents, and employees from all claims, actions, costs, damages, both to persons and property, or expenses of any nature whatsoever by reason of the acts or omissions of the TRANSIT AGENCY, its assignees, agents contractors, licensees, invitees, employees or any person whomsoever, arising out of or in connection with any acts or activities under this AGREEMENT. The TRANSIT AGENCY further agrees to defend WSDOT, its agents or employees in any litigation, including payment of any costs or attorney's fees, for any claim or action commenced, arising out of or in connection with any acts or activities authorized by this AGREEMENT. This obligation shall not include such claims, costs, or damages or expenses, to the extent caused by the sole or concurrent negligence of WSDOT or its authorized agents or employees. In the event that any lien is placed upon property of WSDOT or any of its officers, principals, agents, or employees as a result of the acts, errors, or omissions of the TRANSIT AGENCY, its officers, employees, agents, subcontractors, vanpool drivers and/or riders, the TRANSIT AGENCY shall at once cause the same to be dissolved and discharged by giving bond or otherwise. The TRANSIT AGENCY waives its immunity under Title 51 RCW to the extent it is required to indemnify, defend and hold harmless WSDOT and its officers, principals, agents or employees.

Section 27
Insurance

The TRANSIT AGENCY shall obtain and keep in force throughout the Project Period, public liability and property damage insurance in amounts and with companies acceptable to WSDOT. The TRANSIT AGENCY shall provide WSDOT a Certificate of Insurance or a declaration of self-insurance as identified in Section 7 C. b and c, as applicable, with the TRANSIT AGENCY’s Reimbursement Request Form as set forth in Exhibit IV and Supporting Documents. Any declaration of self-insurance must include a description of how the self-insurance pool is funded. WSDOT shall be specifically named as an additional insured in the insurance policy, which insures the TRANSIT AGENCY. The coverage shall be not less than $5,000,000 single limit bodily injury and property damage per occurrence. As required by Section 13, Loss or Damage to Project Equipment and Procedures, the TRANSIT AGENCY shall maintain Collision and Comprehensive insurance and WSDOT shall be named as loss payee on any insurance purchased covering collision and comprehensive over the life of the Project Equipment. The TRANSIT AGENCY agrees to give WSDOT thirty (30) days advance written notice of cancellation or substantial change in its insurance coverage. Coverage in the minimum amount set forth herein shall not be construed to relieve the TRANSIT AGENCY from liability in excess of such coverage. Further, WSDOT reserves all claims or rights of action against the TRANSIT AGENCY as if WSDOT were not named in the subject policy.

Section 28
Agreement Modifications

Either PARTY may request changes in these provisions. Such changes, which are mutually agreed upon shall be incorporated as written amendments to this AGREEMENT. No variation or alteration of the terms of this AGREEMENT shall be valid unless and until such variation or alteration is made in writing and signed by authorized representatives of the PARTIES hereto.

Section 29
Termination

A. Termination for Convenience. WSDOT and/or the TRANSIT AGENCY may suspend or terminate this AGREEMENT, in whole or in part, by written notice to the other PARTY. WSDOT and the TRANSIT AGENCY shall agree upon the AGREEMENT termination provisions including but not limited to the terms and conditions applicable to the termination, and in the case of partial termination the
portion to be terminated, and Project Equipment disposal. Written notification must set forth the reasons for such termination, the effective date, and in case of a partial termination, the portion to be terminated. However, if in the case of partial termination, WSDOT determines that the remaining portion of the award will not accomplish the purposes for which the award was made WSDOT may terminate the award in its entirety. WSDOT may suspend all or any part of the financial assistance provided herein, at any time by written notice to the TRANSIT AGENCY and the PARTIES may terminate this AGREEMENT for convenience for reasons including, but not limited to, the following:

1. WSDOT determines, in its sole discretion, that the continuation of the Project would not produce beneficial results commensurate with the further expenditure of funds;

2. The TRANSIT AGENCY is prevented from proceeding with the Project as a direct result of an Executive Order of the President with respect to the prosecution of war or in the interest of national defense; or an Executive Order of the President or Governor of the State with respect to the preservation of energy resources;

3. The TRANSIT AGENCY is prevented from proceeding with the Project by reason of a temporary preliminary, special, or permanent restraining order or injunction of a court of competent jurisdiction where the issuance of such order or injunction is primarily caused by the acts or omissions of persons or agencies other than the TRANSIT AGENCY;

4. The State Government determines that the purposes of the statute authorizing the Project would not be adequately served by the continuation of financial assistance for the Project; or

5. In the case of termination for convenience under subsections A.1-4 above, WSDOT shall reimburse the TRANSIT AGENCY for all costs payable under this AGREEMENT which the TRANSIT AGENCY properly incurred prior to termination. The TRANSIT AGENCY shall promptly submit its claim for reimbursement to WSDOT. If the TRANSIT AGENCY has any property in its possession belonging to WSDOT, the TRANSIT AGENCY will account for the same, and dispose of it in the manner that WSDOT directs.

B. Termination for Default. WSDOT may suspend or terminate this AGREEMENT for default, in whole or in part, and all or any part of the financial assistance provided herein, at any time by written notice to the TRANSIT AGENCY, if the TRANSIT AGENCY materially breaches or fails to perform any of the requirements of this AGREEMENT, including:

1. Takes any action pertaining to this AGREEMENT without the approval of WSDOT, which under the procedures of this AGREEMENT would have required the approval of WSDOT;

2. Jeopardizes its ability to perform pursuant to this AGREEMENT, United States of America laws, Washington State Laws, or local governmental laws under which the TRANSIT AGENCY operates;

3. Abuses or misuses the Project Equipment, including, but not limited to:
   a. Failure to maintain a vehicle according to the manufacturer’s standards;
   b. Failure to repair damages or replace defective or broken parts in a timely manner;
   c. Failure to take any action which could affect the ability of the Project Equipment to perform its designated function or takes any action which could shorten its useful life for Project use or otherwise; or
   d. Failure to make reasonable and appropriate use of the Project Equipment, real property, or facilities.

4. Fails to make reasonable progress on the Project or other violation of this AGREEMENT that endangers substantial performance of the Project; or

5. Fails to perform in the manner called for in this AGREEMENT, or fails, to comply with, or is in violation of any provision of this AGREEMENT including but not limited to:
a. The TRANSIT AGENCY discontinues the use of the Project Equipment for the purpose of vanpooling;

b. The TRANSIT AGENCY does not use the Project Equipment within the first nine (9) months from receipt, and written acceptance as defined in Section 4 and Section 7.C.d, or uses the Project Equipment for a non-authorized use at any time.

WSDOT shall serve a notice of termination on the TRANSIT AGENCY setting forth the manner in which the TRANSIT AGENCY is in default hereunder. If it is later determined by WSDOT that the TRANSIT AGENCY had an excusable reason for not performing, such as events which are not the fault of or are beyond the control of the TRANSIT AGENCY, such as a strike, fire or flood, WSDOT may:

a. Allow the TRANSIT AGENCY to continue work after setting up a new delivery of performance schedule, or

b. Treat the termination as a termination for convenience.

C. WSDOT, in its sole discretion may, in the case of a termination for breach or default, allow the TRANSIT AGENCY ten (10) business days, or such longer period as determined by WSDOT, in which to cure the defect. In such case, the notice of termination will state the time period in which cure is permitted and other appropriate conditions. If the TRANSIT AGENCY fails to remedy to WSDOT’s satisfaction the breach or default within the timeframe and under the conditions set forth in the notice of termination, WSDOT shall have the right to terminate this AGREEMENT without any further obligation to the TRANSIT AGENCY. Any such termination for default shall not in any way operate to preclude WSDOT from also pursuing all available remedies against the TRANSIT AGENCY and its sureties for said breach or default including, but not limited to, demanding the return of some or all of the funds paid under this AGREEMENT.

D. In the event that WSDOT elects to waive its remedies for any breach by the TRANSIT AGENCY of any covenant, term or condition of this AGREEMENT, such waiver by WSDOT shall not preclude WSDOT’s remedies for that breach, or limit WSDOT’s remedies for any succeeding breach of that or of any other term, covenant, or condition of this AGREEMENT.

Section 30
Safety

A. The TRANSIT AGENCY shall ensure, to the best of its ability, that all Project Equipment is maintained and operated in a safe, prudent manner and that all drivers and riders comply with existing state laws regarding the operation of motor vehicles on the streets, roads, and highways of the state.

Section 31
Personal Liability of Public Officers

No officer or employee of WSDOT shall be personally liable for any act or failure to act in connection with this AGREEMENT, it being understood that in such matters they are acting solely as agents of WSDOT.

Section 32
No Government Obligations to Third Parties

No contract between the TRANSIT AGENCY and its contractors and/or material-men and/or laborers and/or their subcontractors shall create any obligations or liability of WSDOT with regard to this AGREEMENT without WSDOT’s specific written consent of such obligation or liability, notwithstanding WSDOT’s concurrence in, or approval of, the award of any contract or subcontract or the solicitation thereof. The TRANSIT AGENCY hereby agrees to include this provision in all contracts it enters into for the employment of any individuals, procurement of any materials, or the performance of any work to be accomplished under this AGREEMENT.
Section 33
Independent Contractors

The TRANSIT AGENCY shall be deemed an independent contractor for all purposes, and the employees of the TRANSIT AGENCY or any of its subcontractors, and the employees thereof shall not in any manner be deemed to be an employee of WSDOT. Nothing in this AGREEMENT shall be taken as creating or increasing any right of any third party to recovery by way of damages or otherwise against either the TRANSIT AGENCY or WSDOT.

Section 34
Forbearance by WSDOT Not a Waiver

Any forbearance by WSDOT in exercising any right or remedy hereunder, or otherwise afforded by applicable law, shall not be a waiver of, or preclude the exercise of, any such right or remedy.

Section 35
Changed Conditions Affecting Performance

The TRANSIT AGENCY hereby agrees to immediately notify WSDOT in writing of any change in conditions or law, or of any other event, which may significantly affect its ability to perform the Project in accordance with the provisions of this AGREEMENT.

Section 36
WSDOT Advice

The TRANSIT AGENCY bears complete responsibility for the administration and success of the Project as it is defined by this AGREEMENT and any amendments thereto. If the TRANSIT AGENCY seeks the advice of WSDOT on problems that may arise, the offering of WSDOT advice shall not shift the responsibility of the TRANSIT AGENCY for the correct administration and success of the Project, and WSDOT shall not be held liable for offering advice to the TRANSIT AGENCY.

Section 37
Severability

If any covenant or provision or part of this AGREEMENT is judged void, or held to be invalid, such adjudication or holding shall not affect the validity or obligation of performance of any other covenant or provision, or part thereof, which in itself is valid, if such remainder conforms to the terms and requirements of applicable law and with the intent of this AGREEMENT. No controversy concerning any covenant or provision shall delay the performance of any other covenant or provision except as herein allowed.

Section 38
Notices

Any notice, request, consent, demand, report, statement, or submission which is required or permitted to be given pursuant to this AGREEMENT shall be in writing and shall be delivered personally to the respective PARTIES set forth below or mailed by first class United States mail, postage prepaid, to the respective PARTIES at the addresses set forth in the caption area of this AGREEMENT unless a different address has been designated in writing and delivered to the other PARTY. The date of receipt of any such notice, demand, request, or submission shall be presumed to be the date of delivery if served personally, or if mailed as aforesaid, on the fifth business day following the date of such mailing.
Section 39
Disputes

A. Disputes. Disputes arising in the performance of this AGREEMENT, which are not resolved by agreement of the PARTIES, shall be decided in writing by WSDOT’s authorized representative. If the PARTIES cannot resolve a dispute by agreement of the PARTIES, the TRANSIT AGENCY may submit in writing a detailed description of the dispute to the WSDOT Public Transportation Division, Urban Programs Manager or his/her designee, who will issue a written decision within ten (10) business days of WSDOT’s receipt of the TRANSIT AGENCY’s written description of the dispute. This decision shall be final and conclusive unless within ten (10) business days from the date of the TRANSIT AGENCY’s receipt of WSDOT’s written decision, the TRANSIT AGENCY mails or otherwise furnishes a written appeal to the WSDOT Public Transportation Division Director or his/her designee. In connection with any such appeal, the TRANSIT AGENCY shall be afforded an opportunity to submit additional documents in support of its position. The decision of the WSDOT Public Transportation Division Director or designee shall be binding upon the TRANSIT AGENCY and the TRANSIT AGENCY shall abide by the decision.

B. Performance During Dispute. Unless otherwise directed by WSDOT, the TRANSIT AGENCY shall continue performance under this AGREEMENT while matters in dispute are being resolved.

C. Claims for Damages. Should either PARTY to the AGREEMENT suffer injury or damage to person, property, or right because of any act or omission of the other PARTY or any of that PARTY’s employees, agents or others for whose acts it is legally liable, a claim for damages therefore shall be made in writing to such other PARTY within a reasonable time after the first observance of such injury for damage.

D. Rights and Remedies. All remedies provided in the AGREEMENT are distinct and cumulative to any other right or remedy under this document or afforded by law or equity, and may be exercised independently, concurrently, or successively and shall not be construed to be a limitation of any duties, obligations, rights and remedies of the PARTIES hereto. No action or failure to act by WSDOT or the TRANSIT AGENCY shall constitute a waiver of any right or duty afforded any of them under the AGREEMENT, nor shall any such action or failure to act constitute an approval of or acquiescence in any breach thereunder, except as may be specifically agreed in writing.

Section 40
Venue

In the event that either PARTY deems it necessary to institute legal action or proceedings to enforce any right or obligation under this AGREEMENT, the PARTIES hereto agree that such action shall be initiated in the Superior Court of the State of Washington situated in Thurston County and that Washington State law shall apply.

Section 41
Section Headings

All section headings are inserted for convenience only and shall not affect any construction or interpretation of this AGREEMENT.

Section 42
Binding Agreement

The undersigned acknowledge that they are authorized to execute this AGREEMENT and bind their respective agencies to the obligations set forth herein.
IN WITNESS WHEREOF, the PARTIES hereto have executed this AGREEMENT on the day and year last written below.

WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION

By: ______________________________
   Brian Lagerberg, Director
   Public Transportation Division

Date: _____________________________

APPROVED AS TO FORM

By: Susan Cruise
   Assistant Attorney General

Date: July 14, 2015

TRANSIT AGENCY

By: ______________________________
   Authorized Representative

Title: ______________________________

Print Name: __________________________

Date: _______________________________
Exhibit I
Scope of Work

This Scope of Work governs the purchase of Project Equipment, under this Agreement, which will be used by the TRANSIT AGENCY for its vanpool program. The following information and rules pertain to both expansion and replacement vehicles purchased with WSDOT VIP grant funds.

1. Determination of Project Completion Date and Useful Life:

1.1 The “Project Completion Date” is determined by applying the useful life of the Project Equipment to the date of written acceptance of Project Equipment. The useful life of the Project Equipment is determined to be four (4) years from that date for this AGREEMENT.

2. Project Equipment:

2.1 The TRANSIT AGENCY shall purchase, during the project period, a minimum of:

0 Expansion vanpool vehicles; and
3 Replacement vanpool vehicles

2.11 For each expansion vanpool vehicle purchased under this AGREEMENT, the amount that WSDOT shall reimburse the TRANSIT AGENCY shall not exceed $26,125 (95% of the maximum allowable per vehicle unit cost cap of $27,500) for sole petroleum fuel powered vehicles or $30,875 (95% of the maximum allowable per vehicle unit cost cap of $32,500) for non-sole petroleum fuel powered vehicles, defined as hybrid, electric, compressed natural gas [CNG], or propane.

2.12 For each replacement vanpool vehicle purchased under this AGREEMENT, the amount that WSDOT shall reimburse the TRANSIT AGENCY shall not exceed $17,875 (65% of the maximum allowable per vehicle unit cost cap of $27,500) for sole petroleum fuel powered vehicles or $21,125 (65% of the maximum allowable per vehicle unit cost cap of $32,500) for non-sole petroleum powered vehicles, defined as hybrid, electric, compressed natural gas [CNG], or propane.

2.2 The TRANSIT AGENCY, during the term of this contract, is allowed to purchase one or more additional vanpool vehicles beyond the minimum number of expansion and/or replacement vanpool vehicles identified above. Since the priority for VIP grant funds is to expand vanpooling, the TRANSIT AGENCY shall first consider purchasing additional expansion over replacement vanpool vehicles. If the TRANSIT AGENCY determines that there is no need for additional expansion vanpool vehicles, the TRANSIT AGENCY is allowed to use remaining VIP funds to purchase replacement...
vanpool vehicles. WSDOT will provide reimbursement to the TRANSIT AGENCY toward the purchase of additional vanpool vehicles with any VIP grant funds that remain after the initial minimum vanpool vehicles awarded have been reimbursed. The total amount that WSDOT shall reimburse the TRANSIT AGENCY is subject to the TRANSIT AGENCY’s compliance with the terms of this AGREEMENT and is set forth on page 1 of this AGREEMENT under the caption heading “Project Equipment Reimbursement.”

3. Vans purchased for Joint Base Lewis-McChord (JBLM) through the 2015-2017 VIP

Transit agencies that receive 2015-2017 VIP funds to purchase vans to serve military or civilian personnel at JBLM will be required to comply with the following (as long as WSDOT holds title to the van):

a. Use these vans only to implement new vanpools at JBLM;

b. Assign a JBLM terminated vanpool van only to a new vanpool group at JBLM;

c. Not use a JBLM terminated vanpool van to replace an existing JBLM vanpool van; and

d. Separately report each month to King County Metro (KCM), in the same format as the RVCT/WSRO Vanpool Report, JBLM monthly vanpool operational statistical information.
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Exhibit II
RVC1 and VRSKO VP Performance Indicator Report

Page 19 of 22
EXHIBIT III
VIP WSDOT-FUNDED VANPOOL VAN QUARTERLY FLEET UPDATE

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Quarter Reported (based on fiscal year July-June)

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TRANSIT AGENCY - WSDOT FUNDED VANPOOL VAN QUARTERLY FLEET UPDATE INFO

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<tr>
<td>WSDOT Funded Expansion or Replacement Vans *</td>
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<td>Agency Vans Replaced by WSDOT Vans**</td>
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* Identify WSDOT-funded expansion or replacement vans that were placed into service during the quarter.
** Identify any agency van that was surplused or disposed of during the quarter and has been replaced by a WSDOT-funded van.

Van Types: Minivan - Mini; Maxivan - Maxi; Accessible Van - AV

This fleet update report is due to WSDOT no later than 30 days from the close of the quarter reported.
Exhibit IV

Instructions for Vanpool Investment Program - Reimbursement Requests

Reimbursement Requests forms are to be submitted electronically via email to:

- PTIDInvoices@wsdot.wa.gov
- CC to the assigned Community Liaison
- Subject Line on email: as shown on the Reimbursement Requests form

1) Reimbursement Request form for operating grants may be submitted monthly or quarterly.

2) Follow the steps below. Please advise if changes are needed:
   a. Organization Name and Address: agency’s name and address where you want the payment to be sent
   b. Vendor ID Number: Statewide Vendor Number or your Federal Tax ID Number. If you do not have a statewide vendor number, please contact us and a form will be sent to you.
   c. Contract Award Date: Enter the date the contract was executed with the vendor for this project.
   d. Contract Completion Date: Enter the date the contract with the vendor was completed this project.
   e. Invoice Date: Fill in the date the Reimbursement Request form was completed.
   f. Agreement Number: WSDOT will fill in the agreement number. That number should match the number on your grant agreement from WSDOT.
   g. Billing Period: From the drop-down list, select the time period covered by your reimbursement request.
   h. Invoice #: This field auto-populates based on the information provided above. This is the number we will use to track your reimbursement request in our system.
   i. Final Request: From the drop-down list, select Yes or No to indicate whether or not your reimbursement request is final.

3) Vehicles & Equipment: the information in this section will vary based on the type of equipment purchased. When purchasing vehicles, it is important that all the information requested on the form is filled out.
   a. Vehicle/Equipment Description:
      - For Vehicles: enter the year, make, and model of each vehicle purchased
      - For Other Equipment: enter the equipment description
   b. VIN/Serial Number:
      - For Vehicles: enter the vehicle identification number
      - For Other Equipment: enter the serial number from each piece of equipment
   c. Grantee Vehicle Number: enter the number assigned to the vehicle by your agency.
   d. Vehicle License Number: enter the license tab number provided by Department of Licensing.
   e. Vehicle Seating Capacity: enter the number of passengers the vehicle will accommodate plus the number of wheelchair accommodations.
   f. ADA Accessible: from the drop-down list, select either Yes or No to indicate whether the vehicle is accessible to persons with disabilities.
   g. Vehicle Acceptance Date: enter the date in which your agency notified the vendor that the vehicle had been accepted.
   h. Cost: enter the amount shown on the vehicle vendor invoice less any prepayment discounts, rebates or refunds given. Additionally, public transit agencies need to deduct the transit portion of the sales tax paid on the vehicles since the tax is not eligible for reimbursement by WSDOT.

4) Total Vehicle Related Cost: enter the total amount from the equipment purchases and add the Factory Visit Trip expenses. A formula has been inserted to calculate these expenses automatically.

5) Less Required Local Share: calculate your agency’s local share using, at a minimum, the percentage provided in your contract with WSDOT. You may provide a higher match percent if necessary or desired.

6) Reimbursement Requested: subtract the Local Share from the Total Costs. A formula has been inserted to calculate these expenses automatically.

7) Signature Block: Your Reimbursement Request must be signed by your Chief Executive Officer or Finance Manager. Payment will not be issued if the form is not signed.

8) Your project may be funded using a variety of sources. The information under the heading “for WSDOT Use Only” contains calculations identifying the amount and sources(s) to be used for each project.

9) Scan the completed and signed reimbursement request including all supporting documents and email it to:
   PTIDInvoices@wsdot.wa.gov and CC to your Community Liaison.

10) In the subject line of the email, use the “Subject” text as it appears on your reimbursement request (Row 28, Columns B-H).
ITEM TITLE: Resolution declaring intent to lift ban on recreational and medical marijuana production, processing and retailing, and directing Planning Commission to develop land use regulations pertaining to locations and regulation of such uses

SUBMITTED BY: Mark Kunkler, Acting City Attorney

SUMMARY EXPLANATION:

On February 2, 2016, the City Council approved a motion directing staff to prepare a resolution regarding lifting the current ban on recreational and medical marijuana facilities within the City of Yakima. At the Council meeting on February 16, 2016, the City Council deferred consideration of the resolution until its regular meeting of May 17, 2016. Attached is a Resolution that (a) states the intention of the City Council to initiate elimination of the ban as set forth in YMC 15.01.035, and (b) directs the Planning Commission to develop land use regulations pertaining to the location and appropriate zoning district(s) for such facilities, and in accordance with specific direction for the City Council.

In this regard, there are certain elements for which staff and the Planning Commission will benefit from such guidance:

Cooperatives. Medical marijuana cooperatives will be allowable uses effective July 1, 2016. A cooperative consists of a group of up to four qualified patients and/or designated providers that have joined together to grow and process marijuana (up to 60 plants), to be used for the medical needs of the participants. A cooperative would be certified by the state, and cannot be located closer than one mile to a marijuana retailer, and must be located “in the domicile” of one of the members. The law allows a city to prohibit such uses within the city. Does the City Council want to allow cooperatives? If so, should such be limited to any particular zoning district or districts (i.e., M-1, M-2 Industrial Zones)? Ask the Planning Commission for a recommendation on such uses and locations?

Buffers. State law provides that no licensed marijuana facility shall be located within 1,000 feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older. A city may
“reduce” the buffer to 100 feet for locations near a recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older. (The 1,000 foot buffer must be maintained for elementary and secondary schools and playgrounds.)

**Residential Zone Buffering.** Would the City Council like to see a “buffer” or proximity limitation imposed for locating a marijuana establishment near residentially zoned districts?

**Establish a Zoning Overlay?** It is possible to identify a defined area or corridor where a marijuana facility can be permitted. For other uses, the City has designated a corridor along 1st Street for location of such uses. (For adult entertainment uses, we established this corridor coupled with specified proximity limitations to buffer protected areas.)

The Liquor and Cannabis Board has allocated up to five marijuana retail licenses for the City of Yakima. There are no limitations as to the number of marijuana producers or processors that can be located in the city. Likewise, there is no limit on the number of cooperatives that can be located in a city – other than limitations that require that no cooperative can be sited within one mile of a licensed marijuana retailer.

**ITEM BUDGETED:**
**STRATEGIC PRIORITY:** Neighborhood and Community Building

**APPROVED FOR SUBMITTAL:** [Signature] Interim City Manager

**STAFF RECOMMENDATION:**
For Council review.

**BOARD/COMMITTEE RECOMMENDATION:**

**ATTACHMENTS:**

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<tr>
<th>Description</th>
<th>Upload Date</th>
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<tbody>
<tr>
<td>Resolution-Lifting Marijuana Ban</td>
<td>5/9/2016</td>
<td>Resolution</td>
</tr>
</tbody>
</table>
RESOLUTION NO. R-2016-_____  

A RESOLUTION declaring intent to lift ban on recreational and medical marijuana facilities and uses within the City of Yakima; directing the Yakima Planning Commission to prepare recommended land use and zoning regulations governing such uses, and to present a recommendation therefor to the City Council.

WHEREAS, the City Council has previously adopted Ordinance No. 2012-03 banning marijuana dispensaries and collective gardens within the City of Yakima, and has previously adopted Ordinance No. 2014-001 banning recreational marijuana production, processing and retailing within the City of Yakima, both ordinances being codified at YMC 15.01.035 as follows:

15.01.035 Illegal uses prohibited.
A. General. No use that is illegal under local, state or federal law shall be allowed in any zone within the city.

B. Specific Application—Medical Marijuana Dispensaries and Collective Gardens. Until such time that this code is amended to provide specific provisions and land use controls allowing and regulating dispensaries of cannabis and/or collective gardens for the production, distribution and dispensing of cannabis for medical uses, all as further defined and set forth in Chapter 69.51A RCW and E2SSB 5073, Laws of 2011 of the State of Washington, such uses are not allowed in any zone within the city. For purposes of this section, “dispensary” means any person, entity, site, location, facility, business, cooperative or collective, whether for profit or not for profit, that distributes, sells, dispenses, transmits, packages, measures, labels, selects, processes, delivers, exchanges or gives away cannabis for medicinal or other purposes.

C. Production, Processing and Retailing of Marijuana Prohibited. Until such time that this code is amended to provide specific provisions and land use controls allowing and regulating production, processing, retail sale and retail outlets for the sale of marijuana and marijuana-infused products, all as defined in Initiative Measure No. 502, as codified in the Revised Code of Washington, and implementing regulations in Chapter 314-55 WAC, as now existing or hereafter amended, such uses are each prohibited and not allowed in any zone within the city.

(Ord. 2014-001 § 2, 2014: Ord. 2012-03 § 2, 2012);

and

WHEREAS, the City Council, having considered files and records herein and the findings of fact, conclusions of law and recommendations presented by the Yakima Planning Commission and the City Council in support of the ordinances codified at YMC 15.01.035; and the City Council having considered recent legislation enacted by the state legislature and Governor in SB 5052 and 2E2SHB 2136 (“HB 2136”) pertaining to the recreational and medical use of marijuana; and

WHEREAS, the City Council finds and concludes that the state legislative enactments described above have addressed regulatory concerns regarding the administration of licensing for recreational and medical marijuana uses, and that such enactments have created changed
circumstances justifying a reversal of the ban on recreational and medical marijuana facilities within the City of Yakima; and

WHEREAS, the City Council further finds and determines that existing land use and zoning codes of the City of Yakima do not adequately address or regulate the production, processing and retailing of recreational and medical marijuana, and do not adequately provide for appropriate designation of zoning districts within the City that may accommodate such uses; and

WHEREAS, the City Council finds and determines that it is necessary and appropriate to state its intention to lift the ban on recreational and medical marijuana facilities within the City of Yakima, and to further direct appropriate City staff and the Yakima Planning Commission to develop a recommended land use and zoning regulation for the location and conduct of recreational and medical marijuana facilities, to conduct appropriate and necessary studies and hearings on such proposed regulations, all in accordance with any specific direction provided by the City Council, and to present a recommendation thereof to the City Council for its deliberation and consideration; and

WHEREAS, the City Council finds and determines that such action is in the best interests of residents of the City of Yakima and will promote the general health, safety and welfare; now, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YAKIMA:

Section 1. The City Council hereby states its intention and direction to eliminate the ban on the production, processing and retailing of recreational and medical marijuana, which ban is currently set forth in YMC 15.01.035, and reserving final action thereon until after completion of the procedures set forth in Section 2 below.

Section 2. The City Manager and appropriate staff designated by the City Manager, and the Yakima Planning Commission are hereby directed to develop comprehensive zoning and land use regulations regulating the location of recreational and medical marijuana uses and facilities, including but not limited to, whether such uses should be limited to specific zoning districts, whether additional or reduced distance limitations should be imposed as part of such regulation, and whether medical marijuana cooperatives should be allowed in any zoning district; to hold and conduct meetings, study sessions and public hearing(s) to receive evidence and testimony from the public and interested parties regarding such proposed regulation; and to make recommendations regarding such proposed regulations to the City Council.

Section 3. It is the intention of the City Council that the provisions set forth in YMC 15.01.035 shall remain in effect unless and until modified, amended or repealed by Ordinance adopted by the City Council; now, therefore

ADOPTED BY THE CITY COUNCIL this 17th day of May, 2016.

ATTEST: Avina Gutiérrez, Mayor
Sonya Claar Tee, City Clerk
ITEM TITLE: Report on General Government Revenue Enhancement Options
SUBMITTED BY: Jeff Cutter, Interim City Manager
               Cindy Epperson, Director of Finance & Budget
SUMMARY EXPLANATION:
In response to the City’s recent General Government (i.e. tax-supported funds) financial position, members of City Council have requested a report on potential new or enhanced revenue sources currently authorized by Washington State law.

Attached is a comprehensive list of tax revenues that can be imposed or increased. Each revenue option includes the statutory authority; any limitations in the purpose; how to establish or change the basis for the revenue; and an estimate of what the revenue would generate annually. Please note there is no recommendation or prioritization suggested by inclusion of or sequence of items included in the chart. It is not intended to be a complete list of all possible options–although we believe it includes the most viable.

Staff is in the process of summarizing other revenues, including fines and fees for services provided, with the intent of bringing a report to City Council on June 7, 2016.

This is a report on the generally available options. Should Council desire to further research any of these revenue sources, staff would need to be directed to bring back applicable information.

ITEM BUDGETED: NA
STRATEGIC PRIORITY: Public Trust and Accountability

APPROVED FOR SUBMITTAL: Jeff Cutter
                          Interim City Manager

STAFF RECOMMENDATION:
Accept report. Direct staff to bring back appropriate reports and legislation if desired.

**BOARD/COMMITTEE RECOMMENDATION:**

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<tr>
<td>□ Revenue Option Transmittal Memo</td>
<td>5/10/2016</td>
<td>Cover Memo</td>
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<td>□ Revenue Chart</td>
<td>5/10/2016</td>
<td>Exhibit</td>
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MEMORANDUM

Date: May 12, 2016
To: The Honorable Mayor and Members of Yakima City Council
From: Jeff Cutter, Interim City Manager
Cindy Epperson, Director of Finance & Budget

Subject: Revenue Enhancement Options Transmittal

The City’s recent General Government (i.e. tax-supported funds) financial picture has had some challenges which were reported in the Five-Year Financial Plan that went to City Council on February 23, 2016, and the 2015 Year-end Budget Report that went to City Council on April 5, 2016. In response to these reports, City Management identified budget reductions in the amount of about $750,000 to help us balance the 2016 budget – this report also went to City Council on April 5, 2016. Since the updated Five-Year Financial Plan did not have “room” in the future annual budgets for debt service or operating expenses for new projects, in order to accomplish these initiatives there are basically two options – reduce existing expenditures or add revenues. (Discussions on current revenue streams are found in the Five-Year Financial Plan and Section II in the 2016 Preliminary Budget Summary. The 2016 Adopted Budget also details every General Fund revenue account at the end of the Citywide Summaries section.)

Members of the City Council have requested a report on potential new or enhanced revenue sources currently authorized by Washington State Law. Enclosed you’ll find a comprehensive list of revenue sources available to the City. The list includes a short name/description of the revenue option; a reference to the legal authority for the revenue option (RCW stands for the Revised Code of Washington – if the City already has the revenue in place at a rate that is less than the statutory maximum, a reference to the Yakima Municipal Code or YMC is also included); a summary of the authorized purposes and limitations; a summary of how the revenue could be established (i.e. vote, Council action, etc.); and an estimate of potential yield that the revenue may generate based on 2016 conditions.

In addition to the tax options, City Management is also reviewing fee structures to see if there are some updates needed. The City’s adopted Financial Management Policy indicates that all fees should be reviewed at least every two years. We are still compiling the information on General Government fees, and hope to bring a follow-up report at the June 7, 2016 City Council meeting.

The attached report shows resource options that the City could implement to generate additional funds to maintain core, essential services for our citizens, if it is determined that expenditure reductions (i.e. service/program reductions) may be less acceptable than revenue enhancements.

Enclosure – “Major Sources of Revenue Authorized for Municipal General Government Operations”
**Major Sources of Revenue Authorized for Municipal General Government Operations**

[This chart presents some options provided by existing state law. No recommendation pro or con or prioritization is intended to be suggested by inclusion of or sequence of items in this chart.]

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<th>REVENUE OPTION</th>
<th>AUTHORITY</th>
<th>PURPOSES AUTHORIZED</th>
<th>LIMITATIONS</th>
<th>HOW ESTABLISHED</th>
<th>POTENTIAL YIELD [2016 estimate]</th>
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<tr>
<td>Property Tax—Levy Lid Lift</td>
<td>RCW 84.55.050</td>
<td>General Government</td>
<td>To bring the levy to the statutory max.-2 options, both can be multi-year</td>
<td>By Voter Approval Simple Majority Election</td>
<td>Only $219,000 available. $0.0375/thousand raises $219,000 annually $3.75/yr on $100,000 AV</td>
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<td>Property Tax—Voted Bond Issue</td>
<td>WA Const., Art 8 Sec 6</td>
<td>General Government-Capital</td>
<td>Debt Service supported by excess property tax levy Available Debt Capacity ($55m)</td>
<td>By Voter Approval 40% Voter Turnout-60% super-majority</td>
<td>$0.20/thousand raises $1,166,000 annually $20/yr on $100,000 AV Pays for $16m project over 20 years</td>
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<td>Tax &gt; 6.0% on Private Utilities, i.e. Electricity, Telephone Natural Gas</td>
<td>RCW 35.21.870 5.50.050-060 YMC</td>
<td>General Government</td>
<td></td>
<td>By Voter Approval Simple Majority Election to exceed 6%</td>
<td>$1,220,000 annually per each 1%</td>
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<td>Tax &gt; 6.0% on Cable TV (rate currently at 6%—the same as other private utilities)</td>
<td>Cable Communications Policy Act of 1984 5.50.065 YMC</td>
<td>Rate is not restricted, but must not be “unduly discriminatory against cable operators and subscribers.”</td>
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<td>Ordinance passed by City Council (may require voter approval if deemed “discriminatory”)</td>
<td>$110,000 annually per each 1%</td>
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<td>Local Business and Occupation Tax</td>
<td>RCW 35.21.710</td>
<td>General Government</td>
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<td>Ordinance passed by City Council Subject to Referendum</td>
<td>$4,600,000 annually [$2,300,000 per each .1%] (less $500,000-loss of Business License Fees) (needs $250,000 in new admin cost for collection)</td>
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<td>REVENUE OPTION</td>
<td>AUTHORITY</td>
<td>PURPOSES AUTHORIZED LIMITATIONS</td>
<td>HOW ESTABLISHED</td>
<td>POTENTIAL YIELD [2016 estimate]</td>
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<td>Business License Fee increase</td>
<td>5.52 YMC RCW 35.22.280 (32) (no cap in RCW)</td>
<td>Fees increased in 1988 for Sundoine Debt Service. (about 20% currently obligated for this purpose)</td>
<td>Ordinance Passed by City Council (can only be imposed and increased as long as no B&amp;O tax is enacted — see above)</td>
<td>Currently sliding scale based on employee count-- 10% = $55,000</td>
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<td>In Lieu Tax on Public Utilities, i.e. Refuse, Water, Wastewater, Stormwater</td>
<td>Ch. 7.64 YMC (No cap in RCW)</td>
<td>General Government</td>
<td>Ordinances Passed by City Council</td>
<td>$440,000 annually per each 1%</td>
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<td>Tax ≤ 6.0% on Private Utilities, i.e. Electricity, Telephone Natural Gas</td>
<td>RCW 35.21.870 5.50.050–060 YMC</td>
<td>General Government</td>
<td>Ordinance by City Council to Remove $4,000/customer/mo. lid Note: $4,000 lid unchanged since 1994</td>
<td>$820,000 annually if removed totally (affects primarily larger mfg. businesses)</td>
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<td>Imose Brokered Natural Gas Utility Tax – up to 6%</td>
<td>RCW 35.21.870 WAC 458-20-17902</td>
<td>General Government</td>
<td>Ordinance Passed by City Council</td>
<td>$113,000 annually if imposed with no lid -- $54,000 w/$4k lid (affects primarily larger mfg. businesses)</td>
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<td>Admissions Tax Max 5%</td>
<td>RCW 35.21.280</td>
<td>General Government</td>
<td>Ordinance Passed by City Council</td>
<td>$450,000 annually (estimate based on similar cities)</td>
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<td>Gambling Taxes-Social Card Games (from 10% to 20%)</td>
<td>RCW 9.46.110 5.49.020 YMC</td>
<td>Primarily for law enforcement Maximum 20% of gross receipts</td>
<td>Ordinance Passed by City Council</td>
<td>$760,000 annually ($76,000 each 1%)</td>
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<td>Transportation Benefit District–Vehicle License Fee (up to $100 per qualified vehicle)</td>
<td>RCW 36.73 &amp; 82.80.140</td>
<td>Transportation Purposes including streets</td>
<td>Ordinance Passed by City Council (up to $50 per vehicle-only after $20 fee in effect for 24 mos. &amp; $40 for 24 mos. Over $40 subject to referendum Simple Majority Election-$50-$100)</td>
<td>$1,100,000 annually ($20/Vehicle)</td>
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<td>REVENUE OPTION</td>
<td>AUTHORITY</td>
<td>PURPOSES AUTHORIZED LIMITATIONS</td>
<td>HOW ESTABLISHED</td>
<td>POTENTIAL YIELD [2016 estimate]</td>
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<tr>
<td>Transportation Benefit District—Sales &amp; Use Tax (up to 0.2%)</td>
<td>RCW 36.73.040 &amp; 82.14.0455</td>
<td>Transportation Purposes including streets</td>
<td>By Voter Approval Simple Majority Election 10 year limit, except to repay debt</td>
<td>$1,900,000 annually Per 0.1%</td>
<td></td>
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<tr>
<td>Commercial Parking Tax—Various methodologies</td>
<td>RCW 82.80.030</td>
<td>Transportation Purposes including streets</td>
<td>Ordinance Passed by City Council</td>
<td>Unknown</td>
<td></td>
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<tr>
<td>Reimbursement Contracts for Street, Road, and Highway Projects</td>
<td>RCW 35.72</td>
<td>Street projects which the owners elect to install as a result of ordinances that require the projects as a prerequisite to further property development</td>
<td>Ordinance Passed by City Council that requires certain projects as a prerequisite to further property development</td>
<td>Can only be determined in relation to specific projects</td>
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<tr>
<td>Local Improvement Districts (LiDs)</td>
<td>RCW 35.43</td>
<td>Local Improvements, including streets, alleys, streetlights, sidewalks, etc. “…levy and collect special assessments on property specially benefited thereby to pay the whole or any part of the expense “ RCW 35.43.040</td>
<td>Petition by effected Landowners, Then Enacted by City Council by Ordinance</td>
<td>Can only be determined in relation to specific projects</td>
<td></td>
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<tr>
<td>Impact Fees to pay for Improvements Necessitated by New Development</td>
<td>RCW 82.02.050-.090</td>
<td>Fire, Parks, Schools, Street Capital Projects “…cities…that plan under RCW 36.70A.040 (i.e. Growth Mgmt Act) are authorized to impose impact fees on development activity as part of financing for public facilities”</td>
<td>Ordinance Passed by City Council</td>
<td>Can only be determined in relation to specific projects</td>
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Item No. 11.A.
For Meeting of: May 17, 2016

ITEM TITLE: Council General Information
SUBMITTED BY: Sonya Claar Tee, City Clerk

SUMMARY EXPLANATION:
1. Memo re Chip Sealing Repairs on City Streets
3. Thank You Letter
4. Preliminary Council Agenda
5. City Meeting Schedule
6. Preliminary Future Activities Calendar

ITEM BUDGETED:

STRATEGIC PRIORITY:

APPROVED FOR SUBMITTAL: Jeff Catlett Interim City Manager

STAFF RECOMMENDATION:

BOARD/COMMITTEE RECOMMENDATION:

ATTACHMENTS:

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<th>Upload Date</th>
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</thead>
<tbody>
<tr>
<td>info</td>
<td>5/12/2016</td>
<td>Cover Memo</td>
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</table>
Informational Memorandum

Date: May 11, 2016

To: Honorable Mayor, Members of City Council, and Interim City Manager

From: Scott Schafer, Public Works Director  
Joe Rosenlund, Streets & Traffic Operations Manager

Subject: Chip Sealing Repairs on City Streets

The three components of street maintenance are repair, preventive maintenance and reconstruction/resurfacing. Repairs occur when a portion of the roadway has failed and requires spot patching to make the road safe and prevent the failure from spreading. Preventive maintenance is the application of treatments to maintain the pavement surface, minimizing failures and extending the life of the roadway. Reconstruction/resurfacing is required when it is no longer practical to apply preventive maintenance and the road is not comfortable or safe at the posted speeds. The attached "Pavement Life Curve" shows the relative value of applying routine preventive maintenance instead of waiting until there is a need to repave or reconstruct a roadway.

"Chip seal" is a relatively inexpensive way to protect pavement from the deteriorating effects of sun, water, and traffic. It seals the cracks in the roadway and increases traction in poor weather conditions. Chip seal does have its drawbacks. It can create dusty conditions and create loose rock chips during the application process. Cyclists complain about the rough texture. The dust problem is short lived and the rock chips can be minimized by applying a fog seal that better retains the chips and adds an additional sealant to the roadway. The City utilizes a smaller sized rock than Yakima County in an effort to minimize the roughness while maintaining the traction benefit.

The 2025 Transportation Plan had included chip seal as a major component of the City’s street maintenance program. Industry standards recommend applying a preventative surface treatment such as chip sealing every eleven years. To extend the pavement life of its streets, City crews were to accomplish this by conducting pothole repairs, crack-filling and seal coating each year; addressing 250-miles of unclassified roadway over a period of eleven (11) years. Beginning in 2005, funding was budgeted to chip seal approximately 20 lane-miles of road each year. Streets Maintenance funding was cut in 2009 thereby eliminating the "Chip Seal program." However, when pavement maintenance funding was partially restored in 2013, the Streets Division was not allowed to resume chip sealing per directives of the City Manager at the time.

Arterial streets have been maintained through contracted repaving projects (Grind & Overlay) paid with bonds covered by the annual $2,000,000 designated for street maintenance in accordance with the City Charter. Both residential and collector streets ("unclassified") have
been maintained by City crews by a combination of patching and asphalt repaving using the existing budget.

Costs

When conducted by City crews, a single layer chip seal that would be used for preventive maintenance costs approximately $1.40 per square yard (sy). A double layer chip seal which can be used in lieu of an asphalt repave on a residential street costs $3.15/sy; while asphalt repaving costs $9.00/sy.

Cost comparison of Double Chip Seal vs. Grind & Overlay for 20 miles of roadway:

- Double Chip = $520,000 (If a road needs to be repaved, Double Chip Seal is the most cost efficient method)
- Grind & Overlay = $1.5 million

The price difference between single and double chip sealing is dependent on the amount of oil used (single chip seal utilizes less oil). The rock utilized in both single and double chip seals costs approximately $9 per ton and is not dependent upon size.

The Streets Division operating budget consists of $580,000 funded from both the General Fund and REET II for all street, sidewalk and other miscellaneous street maintenance repair activities. Approximately, $200,000 is expected to go towards sidewalk repairs, the salt shed construction project, transfer to signal operations for equipment upgrades, and miscellaneous projects. In addition, approximately three lane-miles of paving/patching projects mostly on collector and arterial streets this season has been budgeted at a cost of $250,000. The remaining $130,000 would be dedicated to begin chip sealing in 2016. Between single and double chip seals, this will cover less than ten lane-miles of residential roadway. Our goal is to budget for twenty lane-miles beginning in 2017.

Life-Expectancy

- Grind & Overlay – 15 to 20 years
- Double Chip – 10 years on a residential road (used in lieu of Grind & Overlay) before needing a single chip seal
- Single Chip – on a fair conditioned road, may extend the pavement life up to 9 years

Typically, a newly paved road will have two single chip seals applied during its lifetime prior to it being repaved. Doing so, can extend the life of the road to over 30 years.

Characteristics

- Smaller Rocks – $\frac{3}{8}$" to $\frac{1}{2}$" - used more because it provides a smoother ride for motorist; but wears down at a faster rate and does not provide as much traction.
- Larger Rocks – $\frac{5}{8}$" to $\frac{3}{4}$" - lasts longer and provides good traction, but produces a rougher ride for motorists.
• Combination Small/Large Rocks – allows for the larger rocks to provide durability and the smaller rocks to fill gaps and interlock the rock, producing a smoother, longer lasting roadway with good traction.

Double chip seal utilizes the combination small/large rocks

Conclusion

Due to budget shortfalls over the years and a recent City Manager that did not want to conduct activities associated with chip sealing, the City finds itself essentially seven (7) years behind schedule in preserving the impervious surface of its unclassified roads. As such, the Streets and Traffic Operations Division will be resuming chip sealing as an integral part of its street maintenance program to extend the pavement life of roadways in 2016. The alternative would be to wait until the expiration of the Street Bond in eight (8) years. We do not feel that is a viable plan for our community to endure nor one that the City can afford. Chip seal would be used on unclassified streets where appropriate to minimize dust and rock kick-up from higher speed traffic. The cost savings and reduced time to apply the treatments will enable crews to work on more streets each year that need immediate attention.

Since chip sealing was last conducted in 2009 with only approximately one-half of the roads completed that were scheduled, the roads we have identified to chip seal this year are in “maintenance zones” that have yet to receive their first round of chip seals. In particular, we are focusing on roadways within zones 1, 4, 6, 11, 16, 17, 22 and 26 (see attached map) that are rated as having a poor Pavement Condition Index (PCI) and are appropriate for chip sealing treatment; extending the pavement life of approximately ten lane-miles in 2016. This chart shows the streets already identified for chip seal and represents about six miles of roadway.

<table>
<thead>
<tr>
<th>Street Names</th>
<th>Zone</th>
<th>Length (ft)</th>
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</thead>
<tbody>
<tr>
<td>North 3rd Street</td>
<td>1</td>
<td>1700</td>
</tr>
<tr>
<td>O Street, 2nd street to 4th Street</td>
<td>1</td>
<td>650</td>
</tr>
<tr>
<td>P Street, 2nd street to 4th Street</td>
<td>1</td>
<td>650</td>
</tr>
<tr>
<td>Q Street, 2nd street to 4th Street</td>
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<tr>
<td>12th Street Maple Street to Adams Street</td>
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<td>1800</td>
</tr>
<tr>
<td>13th Street Beech Street to Adams Street</td>
<td>4</td>
<td>880</td>
</tr>
<tr>
<td>13th Street Adams Street to Pacific Ave</td>
<td>6</td>
<td>450</td>
</tr>
<tr>
<td>14th Street Adams Street to Pacific Ave</td>
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<td>450</td>
</tr>
<tr>
<td>15th Street Adams Street to Pacific Ave</td>
<td>6</td>
<td>450</td>
</tr>
<tr>
<td>Pleasant Ave, Mead Ave to Pierce Street</td>
<td>11</td>
<td>1300</td>
</tr>
<tr>
<td>Spokane Street, Pleasant Ave to Cornell Ave</td>
<td>11</td>
<td>2000</td>
</tr>
<tr>
<td>Fremont St, 10th Ave to Cornell Ave</td>
<td>11</td>
<td>1300</td>
</tr>
<tr>
<td>28th Ave, Fruitvale Blvd to Castlevale Road</td>
<td>17</td>
<td>920</td>
</tr>
<tr>
<td>29th Ave, Fruitvale Blvd to Castlevale Road</td>
<td>17</td>
<td>1100</td>
</tr>
<tr>
<td>Castlevale Road, 24th Ave to Powerhouse Road</td>
<td>17</td>
<td>4500</td>
</tr>
<tr>
<td>Powerhouse Road, 40th Ave to 34th Ave</td>
<td>17</td>
<td>2275</td>
</tr>
<tr>
<td>Street Names</td>
<td>Zone</td>
<td>Length (ft)</td>
</tr>
<tr>
<td>-------------------------------------------------------</td>
<td>------</td>
<td>-------------</td>
</tr>
<tr>
<td>Powerhouse Road, 34th Ave to 24th Ave</td>
<td>16,17</td>
<td>4300</td>
</tr>
<tr>
<td>Arlington Ave, 56th Ave to 60th Ave</td>
<td>22</td>
<td>1650</td>
</tr>
<tr>
<td>Hawthorn Drive, 84th Ave to Kail Drive</td>
<td>26</td>
<td>1370</td>
</tr>
<tr>
<td>N 84th Ave, Summitview Ave to Hawthorne Dr.</td>
<td>26</td>
<td>790</td>
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<tr>
<td>Poplarview Way, W Lincoln Ave to 80th Ave</td>
<td>26</td>
<td>1950</td>
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<tr>
<td>80th Ave, Poplarview Way to Summitview Ave</td>
<td>26</td>
<td>775</td>
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</tbody>
</table>

Chip sealing will allow us to re-establish our commitment to our community in counteracting the environmental forces, along with the wear and tear of vehicle traffic, by preserving the integrity of the impervious surface of our streets in accordance with the City's Yakima Urban Area Transportation Plan Update 2025.
PAVEMENT LIFE CURVE

TIME (in years)

40% DROP IN QUALITY

75% of Pavement Life

$1-$2 to crack seal here (Preventive Maintenance)

$5-$8 to microseal here (Preventive Maintenance)

$10-$14 to overlay here (Rehab Maintenance)

$800+ to reconstruct here

12% of Pavement Life

EXCELLENT

GOOD

FAIR

POOR

VERY POOR

FAILED

CONDITION
Memorandum
May 17, 2016

To: City Council Members

From: Brett Sheffield, PE, Chief Engineer

Subject: Washington State 2017 – 2019 Heritage Capital Projects Fund Grant

Each biennium, the Washington State Historical Society (WSHS) awards grants to “support capital needs and facilities of heritage organizations, tribal governments, public development authorities, and local agencies that interpret and preserve Washington’s history and heritage.” The application deadline for the 2017 – 2019 Heritage Capital Projects Fund Grant is May 19, 2016.

Recently, the City was made aware that it could receive this grant for improvements to the Yakima Trolley. The minimum grant amount request is $7,500 and the maximum grant amount request is $750,000. The grant requires a match of 200% ($15,000 of match would be required to receive a grant of $7,500), of which 50% can consist of in-kind contributions. The in-kind contributions can consist of donated labor for work to the facility, as well as, work done by city forces. City staff have been working with the Yakima Valley Trolley Company (YVT) to determine the amount of donated labor/city forces work that could be used as in-kind contributions. It is estimated that $50,000 - $60,000 could be used as in-kind contributions.

City staff and YVT agree that the project in most need for the trolley is to remove and replace the rail line on 6th Avenue. We have spoken with the grant manager for WSHS and she has stated that this project would be eligible for the grant funds. The estimated total cost to restore this section of rail is about $3,000,000 ($275 per linear foot).

If Council wants the City to apply for any of this grant funding during this cycle, they will need to verify the amount of cash match during the May 17, 2016 Council Meeting, because 75% of the cash match must be in-hand, or at least pledged by the time of grant application, which is May 19, 2016.
Dear Members of the City Council,

I am writing to tell you how much I appreciate all of the help and repairs that the Neighborhood Development Services did on my home! Thank you so very much, and I believe your program has helped many other senior citizens in fixed incomes.

Thank you.

Sincerely,

Jane's life
1. Roll Call

2. Executive Session to review the performance of public employees
3. Strategic planning
4. The next meeting will be a Council Business Meeting on June 7, 2016, at 6 p.m. at City Hall
5. Adjournment

Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the religious beliefs or views of this, or any other speaker.

A Council packet is available for review at the City Clerk's Office and the Library. A packet is also available on-line at www.yakimawa.gov.

The City provides special accommodations, such as hearing devices, wheelchair space or language interpreters, for City meetings. Anyone needing special assistance please contact the City Clerk's office at (509) 575-6037 at least two business days prior to the meeting.
CITY MEETING SCHEDULE

For May 16, 2016 – May 23, 2016

Please note: Meetings are subject to change

Monday, May 16
1:30 p.m. YVCOG Executive Committee meeting – YVCOG

Tuesday, May 17
10:00 a.m. County Commissioners meeting – Council Chambers
5:00 p.m. City Council Executive Session – Council Chambers
6:00 p.m. City Council meeting – Council Chambers

Wednesday, May 18
8:15 a.m. Council Executive Session – City Training room
9:00 a.m. Council Strategic Planning workshop – City Training room
5:30 p.m. Community Review Board – Council Chambers

Thursday, May 19
2:00 p.m. Council Neighborhood Community Building committee meeting – 2nd Floor Conference Room
6:30 p.m. Valley Mayor’s meeting – Wolf Den
<table>
<thead>
<tr>
<th>Meeting Date/Time</th>
<th>Organization</th>
<th>Meeting Purpose</th>
<th>Participants</th>
<th>Meeting Location</th>
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</thead>
<tbody>
<tr>
<td><strong>Mon. May 16</strong></td>
<td>YVCOG Executive Committee meeting</td>
<td>Scheduled Meeting</td>
<td>Adkison</td>
<td>YVCOG</td>
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<tr>
<td>1:30 p.m.</td>
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<tr>
<td><strong>Tue. May 17</strong></td>
<td>Council Executive session</td>
<td>Scheduled Meeting</td>
<td>Council</td>
<td>Council Chambers</td>
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<tr>
<td>5:00 p.m.</td>
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<tr>
<td>6:00 p.m.</td>
<td>City Council meeting</td>
<td>Scheduled Meeting</td>
<td>Council</td>
<td>Council Chambers</td>
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<td><strong>Wed. May 18</strong></td>
<td>Council Executive session</td>
<td>Scheduled Meeting</td>
<td>Council</td>
<td>City Training Room</td>
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<tr>
<td>8:15 a.m.</td>
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<tr>
<td>9:00 a.m.</td>
<td>Council strategic planning workshop</td>
<td>Scheduled Meeting</td>
<td>Council</td>
<td>City Training Room</td>
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<td><strong>Thur. May 19</strong></td>
<td>Council Neighborhood Community Building Committee</td>
<td>Scheduled Meeting</td>
<td>A. Gutiérrez, D. Gutiérrez, Méndez</td>
<td>2nd Floor Conference Room</td>
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<tr>
<td>2:00 p.m.</td>
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<td>6:30 p.m.</td>
<td>Valley Mayors meeting</td>
<td>Scheduled Meeting</td>
<td>A. Gutiérrez</td>
<td>Wolf Den - Wapato</td>
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<td><strong>Wed. May 25</strong></td>
<td>Board of Health meeting</td>
<td>Board Meeting</td>
<td>Adkison</td>
<td>Health District</td>
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<td>8:30 a.m.</td>
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<td>11:30 a.m.</td>
<td>Yakima Valley Tourism annual meeting</td>
<td>Scheduled Event</td>
<td>Open</td>
<td>Convention Center</td>
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<tr>
<td>1:30 p.m.</td>
<td>Yakima Solid Waste Advisory meeting</td>
<td>Board Meeting</td>
<td>Lover</td>
<td>Landfill Admin. Building</td>
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<tr>
<td>5:30 p.m.</td>
<td>Historic Preservation Commission</td>
<td>Scheduled Meeting</td>
<td>A. Gutiérrez</td>
<td>Council Chambers</td>
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<tr>
<td><strong>Thur. May 26</strong></td>
<td>911 Admin Board</td>
<td>Board Meeting</td>
<td>Méndez</td>
<td>WSDOT</td>
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<td>9:00 a.m.</td>
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<tr>
<td>9:00 a.m.</td>
<td>Yakima Basin Joint Board meeting</td>
<td>Board Meeting</td>
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<td>2nd Floor Conference Room</td>
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<tr>
<td>1:30 p.m.</td>
<td>Council Economic Development Committee meeting</td>
<td>Scheduled Meeting</td>
<td>A. Gutiérrez, Cousens, Coffey</td>
<td>2nd Floor Conference Room</td>
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<tr>
<td>3:00 p.m.</td>
<td>Council Public Safety Committee meeting</td>
<td>Scheduled Meeting</td>
<td>Coffey, D. Gutiérrez, Méndez</td>
<td>2nd Floor Conference Room</td>
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</table>
**ITEM TITLE:** Confidential

**SUBMITTED BY:**

**SUMMARY EXPLANATION:**

**ITEM BUDGETED:**

**STRATEGIC PRIORITY:**

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