



# City of Port Orchard Council Meeting Agenda

## August 20, 2019

### 6:30 p.m.

#### Mayor:

Rob Putaansuu  
Administrative Official

#### Councilmembers:

Bek Ashby (Mayor Pro-Tem)  
**Chair:** ED/Tourism/LT Committee  
**Staff:** Development Director  
Finance Committee  
KRCC / PSRC TransPol / KRCC TransPol  
KRCC PlanPo-alt / PRTPO

Shawn Cucciardi  
Finance Committee  
Land Use Committee  
PSRC EDD-alt

Fred Chang  
Utilities Committee  
Sewer Advisory Committee (SAC)  
**Staff:** Public Works Director

Jay Rosapepe  
ED/Tourism/LT Committee  
Utilities Committee  
**Chair:** Lodging Tax Committee  
Sewer Advisory Committee (SAC)  
KRCC-alt / KRCC TransPol-alt  
Kitsap Transit-alt

John Clauson  
**Chair:** Finance Committee  
**Staff:** Finance Director  
Kitsap Public Health District-alt  
KEDA/KADA-alt

Cindy Lucarelli  
**Chair:** Utilities and SAC Committee  
**Staff:** Public Works Director  
**Chair:** Chimes and Lights Committee  
**Staff:** City Clerk  
KEDA/KADA

Scott Diener  
**Chair:** Land Use Committee  
**Staff:** Development Director  
ED/Tourism/LT Committee

**Department Directors:**  
Nicholas Bond, AICP  
Development Director

Mark Dorsey, P.E.  
Director of Public Works/City Engineer

Tim Drury  
Municipal Court Judge

Noah Crocker, M.B.A.  
Finance Director

Matt Brown  
Police Chief

Brandy Rinearson, MMC, CPRO  
City Clerk

#### Contact us:

216 Prospect Street  
Port Orchard, WA 98366  
(360) 876-4407

## 1. CALL TO ORDER

### A. Pledge of Allegiance

## 2. APPROVAL OF AGENDA

## 3. CITIZENS COMMENTS

*(Please limit your comments to 3 minutes for items listed on the Agenda and that are not for a Public Hearing. When recognized by the Mayor, please state your name for the official record)*

## 4. CONSENT AGENDA

*(Approval of Consent Agenda passes all routine items listed below, which have been distributed to each Councilmember for reading and study. Consent Agenda items are not considered separately unless a Councilmember so requests. In the event of such a request, the item is returned to Business Items.)*

### A. Approval of Vouchers and Electronic Payments

### B. Approval of Payroll and Direct Deposits

## 5. PRESENTATION

## 6. PUBLIC HEARING

### A. New Port Orchard Municipal Code Chapter 6.20 Plastic Bag Reduction (Bond) Page 3

## 7. BUSINESS ITEMS

### A. Adoption of an Ordinance Adopting a New Port Orchard Municipal Code Chapter 6.20 Plastic Bag Reduction (Bond) Page 11

### B. Adoption of an Ordinance Providing Life and Accidental Death and Dismemberment Insurance for Councilmembers and Non-Union Employees (Lund) Page 19

### C. Adoption of a Resolution Approving Mayoral Appointments to the Lodging Tax Advisory Committee (Rinearson) Page 25

### D. Approval of Change Order No. 2 to Contract No. 077-18 with Schneider Equipment, Inc. for the Well No. 13 Drilling Project (Dorsey) Page 29

### E. Approval of Change Order No. 4 to Contract No. 023-18 with Neptune Marine LLC for the Bay Street Pedestrian Pathway Segment 3 Construction (Dorsey) Page 33

## 8. DISCUSSION ITEMS (No Action to be Taken)

### A. Vision 2050 Draft Plan (Bond) Page 39

## 9. REPORTS OF COUNCIL COMMITTEES

## 10. REPORT OF MAYOR

## 11. REPORT OF DEPARTMENT HEADS

## 12. CITIZEN COMMENTS

*(Please limit your comments to **3 minutes** for any items not up for Public Hearing. When recognized by the Mayor, please state your name for the official record)*

- 13. EXECUTIVE SESSION:** Pursuant to RCW 42.30.110, the City Council may hold an executive session. The topic(s) and the session duration will be announced prior to the executive session.

## 14. ADJOURNMENT

### COMMITTEE MEETINGS

	Date & Time	Location
Finance	TBD	City Hall
Economic Development and Tourism	September 9, 2019; 9:30am	City Hall
Utilities	September 16, 2019; 9:30am	City Hall
Sewer Advisory	November 6, 2019; 6:30pm	City Hall
Land Use	August 26, 2019; 9:30am	City Hall
Lodging Tax Advisory	TBD	City Hall
Festival of Chimes & Lights	August 19, 2019; 3:30pm	City Hall
Outside Agency Committees	Varies	Varies

### CITY COUNCIL GOOD OF THE ORDER

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Please turn off cell phones during meeting and hold your questions for staff until the meeting has been adjourned.

The Council may consider other ordinances and matters not listed on the Agenda, unless specific notification period is required.

Meeting materials are available on the City's website at: [www.cityofportorcharld.us](http://www.cityofportorcharld.us) or by contacting the City Clerk's office at (360) 876-4407.



## City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366  
(360) 876-4407 • FAX (360) 895-9029

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### Agenda Staff Report

Agenda Item No.: Public Hearing 6A  
Subject: New Port Orchard Municipal Code Chapter  
6.20 Plastic Bag Reduction

Meeting Date: August 20, 2019  
Prepared by: Nick Bond  
Development Director  
Atty Routing No.: 054-19  
Atty Review Date: August 5, 2019

**Summary:** The City of Port Orchard has been working in close cooperation with Kitsap County to develop an ordinance for single-use plastic bag reduction, with the goals of reducing solid waste and litter, encouraging the use of recyclable bags, and protecting the public health and welfare. Kitsap County and the cities of Bremerton and Bainbridge Island have already adopted similar ordinances.

In summary, the City's ordinance requires that retail establishments shall not provide single-use plastic carryout bags, with limited exemptions for bags used for bulk produce, meat, bakery goods, etc. If recycled plastic bags are provided, a pass-through charge of \$0.08 shall be collected. Exemptions for the pass-through charge are provided for food banks and food assistance programs, and users of vouchers or electronic benefits cards for state and federal food assistance programs.

The City Council held a public hearing on the City's draft ordinance on August 13. The Council decided to reopen the hearing on August 20 to allow additional testimony, with potential action on the 20<sup>th</sup> as well.

**Relationship to Comprehensive Plan:** N/A

**Recommendation:** Staff recommends that the Mayor opens the public hearing.

**Fiscal Impact:** None.

**Attachments:** Ordinance

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ADOPTING A NEW CHAPTER 6.20 (“PLASTIC BAG REDUCTION”) TO THE PORT ORCHARD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND PUBLICATION; AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the Washington State Legislature in Chapters 70.93 and 70.95 RCW has established that waste reduction is a priority in the collection, handling, and managing of solid waste for the benefit of public health and for a healthful, clean and beautiful environment; and

**WHEREAS**, the Kitsap County Solid and Hazardous Waste Management Plan recommends that the County implement material bans or take-back ordinances to reduce the prevalence of commonly dumped, littered, or problematic items; and

**WHEREAS**, the Washington State Department of Ecology’s litter survey states that plastic bags and film are one of the ten most littered items in Washington State, by weight; and

**WHEREAS**, the United States Environmental Protection Agency estimates that 380 billion plastic bags and wraps are consumed in the United States annually; and

**WHEREAS**, Kitsap County plastic bag consumption is estimated to be approximately 87 million annually; and

**WHEREAS**, only approximately 0.5% of plastic bags and wraps are recycled; and

**WHEREAS**, decreased reliance on single-use carryout bags contributes toward the goals of conserving energy and natural resources while reducing greenhouse gases and litter; and

**WHEREAS**, Kitsap County has adopted an ordinance to limit the distribution of single-use plastic carryout bags in a new Chapter 9.50 of the Kitsap County Code; and

**WHEREAS**, the Kitsap County ordinance states that the County “encourages all cities within the county to implement a policy or ordinance consistent herewith”; and

**WHEREAS**, it is the City Council’s desire to follow Kitsap County’s example to conserve resources, reduce greenhouse gas emissions, waste, litter, and marine pollution, and to protect the public health and welfare, including wildlife, all of which increase the quality of life for the residents of the City of Port Orchard; now, therefore,

**THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**SECTION 1.** The recitals above shall be considered findings of fact and are incorporated herein by this reference.

**SECTION 2.** The city will coordinate with the Kitsap County Department of Public Works to provide public outreach and to implement education relating to the provisions of this ordinance.

**SECTION 3.** A new Chapter 6.20 (“Plastic Bag Reduction”) to Title 6 of the Port Orchard Municipal Code (“Health and Sanitation”) is hereby adopted as follows:

**Chapter 6.20 – PLASTIC BAG REDUCTION**

Sections:

6.20.010 Definitions.

6.20.020 Regulations.

6.20.030 Exemptions.

6.20.040 Violations.

6.20.050 Implementation.

**6.20.010 Definitions.** The following definitions shall apply in the interpretation and enforcement of the ordinance codified in this chapter:

- (1) "Compostable" means that the product will break down into, or otherwise become part of, usable compost in a safe and timely manner in an appropriate composting facility, or in a home compost pile or device, and has been certified as compostable by the Biodegradable Products Institute or similar national or international certification authority.
- (2) “Carryout bag” means any bag that is provided by a retail establishment at the check stand, cash register, point of sale, home delivery, or other point of departure to a customer for use to transport or carry away purchases such as merchandise, goods or food from the retail establishment. Carryout bags do not include:
  - (a) Bags used by consumers inside stores to package bulk items, such as fruit, vegetables, nuts, grains, candy, greeting cards or small hardware items such as nails, bolts or screws; to contain or wrap frozen foods, meat or fish regardless of whether they are prepackaged; to contain or wrap flowers, potted plants or other items where dampness may be a problem; to contain unwrapped prepared foods or bakery goods; or to contain prescription drugs; or
  - (b) A bag used to protect a purchased item from damaging or contaminating other purchased items when placed in a recyclable paper bag or reusable bag, such as

prepared take-out foods or prepared liquids intended for consumption away from the retail establishment; or

- (c) Newspaper bags, door-hanger bags, tire bags, laundry-dry cleaning bags or bags sold in packages containing multiple bags for uses such as food storage, garbage, pet waste or yardwaste.
  - (d) Paper bags with a capacity of eight pounds or less, that contain at least 20% postconsumer recycled material.
- (3) “Recycled paper carryout bag” means a paper carryout bag provided by a store to a customer at the point-of-sale that meets all of the following requirements:
- (a) has a material weight of larger than eight-pounds and contains an average of 40% postconsumer recycled materials;
  - (b) is accepted for recycling in curbside programs in a majority of households that have access to curbside recycling programs in Kitsap County;
  - (c) is capable of composting in a commercial composting facility; and
  - (d) is clearly labeled with the minimum percentage of postconsumer content.
- (4) “Retail establishment” means any person, corporation, partnership, business, facility, vendor, organization, or individual that sells or provides food, merchandise, goods, or materials directly to a customer including home delivery, temporary stores, or vendors at farmers markets, street fairs, and festivals.
- (5) “Reusable carryout bag” means a bag made of cloth or other material with handles that is specifically designed and manufactured for long term multiple reuse and meets all of the following requirements:
- (a) has a minimum lifetime of 125 uses, which for purposes of this subsection, means the capacity of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet,
  - (b) is machine washable or made from a material that can be cleaned or disinfected, and
  - (c) if made of film plastic, is a minimum of at least 2.25 mils thick.
- (6) “Single-use plastic carryout bag” means any bag that is less than 2.25 mils thick and is made from plastic or any nonrenewable resource.
- (7) “Pass-through charge” means a charge collected by retailers from their customers when providing plastic or recycled paper carryout bags and retained by

retailers to offset the cost of bags and other costs related to the pass-through charge.

#### **6.20.020 Regulations.**

Except as provided by Section 6.20.030, all retail establishments within the City of Port Orchard must comply with the following regulations:

- (1) Retail establishments shall not provide a single use plastic carryout bag to any customer.
- (2) Retail establishments shall not provide to any customer at the point-of-sale a paper bag or reusable carryout bag made of film plastic that does not meet recycled content requirements. For each recycled paper carryout bag or reusable carryout bag made of film plastic provided by the retail establishment, it shall collect a pass-through charge of not less than \$0.08 and such shall be clearly indicated on the customer transaction receipt.
- (3) Retail establishments may make reusable carryout bags available to customers through sale.
- (4) Any film bags meeting the definition of compostable that retail establishments provide to customers for food or other products, such as vegetables bagged in stores prior to checkout, must be tinted green or brown and shall be clearly labeled "COMPOSTABLE," including language following the Federal Trade Commission's "Green Guides."

#### **6.20.030 Exemptions.**

- (1) No retail establishment may collect a pass-through charge from anyone with a voucher or electronic benefits card issued under programs including, but not limited to, Women Infants and Children (WIC); Temporary Assistance to Needy Families (TANF); Federal Supplemental Nutrition Assistance Program (SNAP), also known as Basic Food; and the Washington State Food Assistance Program (FAP).
- (2) Food banks and other food assistance programs are exempt from the requirements of this chapter.

#### **6.20.040 Violations.**

In addition to or as an alternative to any other penalty provided in this chapter



or by law, the violation of any provision of this chapter shall constitute a Class I civil infraction. Each violation shall constitute a separate infraction for each and every day or portion thereof during which the violation is committed, continued, or permitted. Infractions shall be processed in accordance with the provisions of Chapter 2.64, as not or hereafter amended. Authority to enforce provisions of this chapter is granted to the public works director or designee, in addition to those authorized under POMC 2.64.010.

**6.20.050 Implementation.**

All retail establishments shall comply with the requirements of this section by January 1, 2020.

**SECTION 4. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**SECTION 5. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

**SECTION 6. Effective Date.** This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this \_\_\_\_\_ day of August 2019.

\_\_\_\_\_  
Robert Putansuu, Mayor

ATTEST:

SPONSOR:

\_\_\_\_\_  
Brandy Rinearson, MMC, City Clerk

\_\_\_\_\_  
Jay Rosapepe, Councilmember

APPROVED AS TO FORM:

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Sharon Cates, City Attorney

PUBLISHED:

EFFECTIVE DATE:



## City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366  
(360) 876-4407 • FAX (360) 895-9029

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### Agenda Staff Report

Agenda Item No.: Business Item 7A  
Subject: Adoption of an Ordinance Adopting a New  
Port Orchard Municipal Code Chapter 6.20  
Plastic Bag Reduction

Meeting Date: August 20, 2019  
Prepared by: Nick Bond  
Development Director  
Atty Routing No.: 054-19  
Atty Review Date: August 5, 2019

**Summary:** The City of Port Orchard has been working in close cooperation with Kitsap County to develop an ordinance for single-use plastic bag reduction, with the goals of reducing solid waste and litter, encouraging the use of recyclable bags, and protecting the public health and welfare. Kitsap County and the cities of Bremerton and Bainbridge Island have already adopted similar ordinances.

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The City Council held a public hearing on the City's draft ordinance on August 13. The hearing will be reopened on August 20 for additional testimony, with potential action on the 20<sup>th</sup> as well.

**Relationship to Comprehensive Plan:** N/A

**Recommendation:** Staff recommends that City Council adopts the ordinance to adopt POMC Chapter 6.20 as presented.

**Motion for Consideration:** "I move to adopt the ordinance adopting POMC Chapter 6.20, as presented."

**Fiscal Impact:** None.

**Alternatives:** Revise the ordinance; do not adopt the ordinance.

**Attachments:** Ordinance.

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- (2) Food banks and other food assistance programs are exempt from the requirements of this chapter.

#### **6.20.040 Violations.**

In addition to or as an alternative to any other penalty provided in this chapter



or by law, the violation of any provision of this chapter shall constitute a Class I civil infraction. Each violation shall constitute a separate infraction for each and every day or portion thereof during which the violation is committed, continued, or permitted. Infractions shall be processed in accordance with the provisions of Chapter 2.64, as not or hereafter amended. Authority to enforce provisions of this chapter is granted to the public works director or designee, in addition to those authorized under POMC 2.64.010.

**6.20.050 Implementation.**

All retail establishments shall comply with the requirements of this section by January 1, 2020.

**SECTION 4. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**SECTION 5. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

**SECTION 6. Effective Date.** This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this 20<sup>th</sup> day of August 2019.

\_\_\_\_\_  
Robert Putansuu, Mayor

ATTEST:

SPONSOR:

\_\_\_\_\_  
Brandy Rinearson, MMC, City Clerk

\_\_\_\_\_  
Jay Rosapepe, Councilmember

APPROVED AS TO FORM:

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Sharon Cates, City Attorney

PUBLISHED:

EFFECTIVE DATE:



**City of Port Orchard**  
 216 Prospect Street, Port Orchard, WA 98366  
 (360) 876-4407 • FAX (360) 895-9029

**Agenda Staff Report**

Agenda Item No.:	<u>Business Item 7B</u>	Meeting Date:	<u>August 20, 2019</u>
Subject:	<u>Adoption of an Ordinance Providing</u>	Prepared by:	<u>Debbie Lund</u>
	<u>Life and Accidental Death and</u>		<u>HR Coordinator</u>
	<u>Dismemberment Insurance For</u>	Atty Routing No.:	<u>N/A</u>
	<u>Councilmembers and Non-Union</u>	Atty Review Date:	<u>N/A</u>
	<u>Employees</u>		

**Summary:** The City has received notice that the current \$5,000 life and accidental death and dismemberment (AD&D) insurance policy provided for council members and police reserve officers is being cancelled effective September 1, 2019. In researching options, it was learned that the Association of Washington Cities (AWC) allows council members to be insured through the AWC. Unfortunately, no options have been found for insuring our two current police reserves.

The City currently pays \$10.10 per person, or \$90.90 per month to provide \$5,000 of life and AD&D insurance to each of the 7 council members and 2 police reserves. The rates under the AWC are significantly less. \$5,000 of life and AD&D insurance will cost the City \$0.95 per month per council member or \$6.65 per month for the group.

No pre-qualification is necessary. Each council member will need to complete an enrollment form and name a beneficiary.

The City also has the option to provide additional insurance to council members but since council cannot increase benefits in their current terms, staff is proposing to phase in a life and AD&D policy in the amount of \$50,000 effective with the new terms for each council position. The cost for \$50,000 life and AD&D insurance is \$7.50 per month per insured person. Still less than what the City had been paying for the existing, significantly less coverage level. \$50,000 is the amount of insurance provided to non-represented staff and members of the Teamster’s Union employed for more than 30 hours a week.

The soon-to-expire council life insurance policy also had a provision for AD&D insurance. AD&D insurance is inexpensive and staff is recommending that the council authorize the addition of this benefit to all non-represented employees effective September 1. The cost to add \$50,000 AD&D insurance is \$2.00 per employee.

**Recommendation:** Staff recommends adopting the Ordinance as presented.

**Relationship to Comprehensive Plan:** N/A

**Motion for consideration:** “I move to adopt an Ordinance which provides for life and accidental death and dismemberment insurance benefits for city council members and non-represented City employees.”

**Fiscal Impact:** Immediate savings of \$9.15 per month for each council member and \$10.10 per month for each reserve officer. When fully implemented for councilmembers, the savings will be \$0.60 per month for each council member. The addition of \$2 per month for each of the eligible 37 non-represented employees and full implementation of the proposed ordinance results in a net cost to the City of just under \$50 per month.

**Alternatives:** Do not adopt Ordinance and provide alternative guidance.

**Attachments:** Ordinance.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON,  
TO CHANGE CERTAIN INSURANCE BENEFITS PROVIDED TO CITY  
COUNCIL MEMBERS AND ELIGIBLE NON-REPRESENTED  
EMPLOYEES; PROVIDING FOR SEVERABILITY AND PUBLICATION;  
AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the City has provided a \$5,000 life insurance and accidental death and dismemberment (AD&D) insurance policy to members of the Port Orchard City Council and to Port Orchard Police Department reserve officers for many years under a stand-alone insurance contract with Standard Insurance Company; and

**WHEREAS**, Standard Insurance Company has notified the City that the contract will terminate as of September 1, 2019; and

**WHEREAS**, the City desires to continue to provide life and AD&D insurance to City Council members and employees when possible; and

**WHEREAS**, the City has been unable to locate a vendor to provide life and AD&D insurance to the small number of police reserve officers and so will be unable to continue to provide this coverage to the City's reserve officers; and

**WHEREAS**, the City is able to provide life and AD&D insurance to City Council members through Standard Insurance Company under the group policy administered by the Association of Washington Cities (AWC); and

**WHEREAS**, the City already has a contract in place with Standard Insurance Company through AWC; and

**WHEREAS**, the City's contract with Standard Insurance through AWC is more cost effective, allowing the City to purchase the same amount of life and AD&D insurance benefits for City Council members as it does for other non-represented employees while still saving monthly premiums; and

**WHEREAS**, the City is interested in continuing to provide life and AD&D insurance to City Council members and in extending the same benefit to all non-represented employees; and

**WHEREAS**, the Washington State Constitution prevents the City Council from increasing their compensation during the Council members' current terms in office; now, therefore,

**THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN  
AS FOLLOWS:**

**SECTION 1.** Effective September 1, 2019, the City shall provide life and AD&D insurance in the amount of \$5,000 to each City Council member under an insurance contract administered through the Association of Washington Cities. This is not an increase in City Council member compensation over the life and AD&D insurance coverage provided to date.

**SECTION 2.** Effective September 1, 2019, the City shall provide life and AD&D insurance in the amount of \$50,000 to each non-represented employee who is employed an average of thirty (30) hours or more per week.

**SECTION 3.** Effective January 1, 2020, the City shall provide life and AD&D insurance in the amount of \$50,000 to City Council members holding positions 1, 4, 5 and At Large. This increase in City Council member compensation takes effect at the beginning of the next term in office for the Council members holding these positions.

**SECTION 4.** Effective January 1, 2022, the City shall provide life and AD&D insurance in the amount of \$50,000 to City Council members holding positions 2, 3, and 6. This increase in City Council member compensation takes effect at the beginning of the next term in office for the Council members holding these positions.

**SECTION 5.** The City may change providers or insure this coverage in any manner that it determines to be most economical and responsive to the needs of the City.

**SECTION 6. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**SECTION 7. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

**SECTION 8. Effective Date.** This ordinance shall be published in the official newspaper of the City and shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this 20<sup>th</sup> day of August 2019.

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Robert Putaansuu, Mayor

ATTEST:

SPONSOR:

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Brandy Rinearson, MMC, City Clerk

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John Clauson, Councilmember

APPROVED AS TO FORM:

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Sharon Cates, City Attorney

PUBLISHED:

EFFECTIVE DATE:

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**City of Port Orchard**

216 Prospect Street, Port Orchard, WA 98366  
(360) 876-4407 • FAX (360) 895-9029

**Agenda Staff Report**

Agenda Item No.:	<u>Business Item 7C</u>	Meeting Date:	<u>August 20, 2019</u>
Subject:	<u>Adoption of a Resolution Approving</u>	Prepared by:	<u>Brandy Rinearson, MMC</u>
	<u>Mayoral Appointments to the Lodging</u>		<u>City Clerk</u>
	<u>Tax Advisory Committee</u>	Atty Routing No.:	<u>N/A</u>
		Atty Review Date:	<u>N/A</u>

**Summary:** Pursuant to Port Orchard Municipal Code 2.22 and State law, the City Council shall review the membership of the Lodging Tax Advisory Committee (LTAC) annually and make appropriate changes by recommendation of the Mayor. The Mayor is recommending a representative from the following organizations/businesses to serve on the LTAC, upon Council’s acceptance:

A business required to collect the tax:

- Days Inn; and
- Comfort Inn.

An organization involved in activities:

- Port Orchard Chamber of Commerce; and
- Port Orchard Bay Street Association.

In addition, at the July 9, 2018, Economic Development and Tourism committee, Councilmember Rosapepe agreed to serve as the Chair of the committee.

**Recommendation:** The Mayor recommends approving the appointment of members and Chair confirmation as presented.

**Motion for consideration:** I move to adopt a resolution approving the Mayor’s appointment of a representative from the Days Inn and Comfort Inn as businesses required to collect the tax; and the Port Orchard Chamber of Commerce and Port Orchard Bay Street Association as organizations involved in activities; to serve on the Lodging Tax Advisory Committee, and to confirm the appointment of Councilmember Rosapepe as Chair of the committee.

**Fiscal Impact:** None.

**Alternatives:** Deny the Mayor’s recommendation.

**Attachments:** Resolution.

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RESOLUTION NO. \_\_\_\_

**A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON CONFIRMING  
MAYORAL APPOINTMENTS AND CHAIR TO THE LODGING TAX ADVISORY  
COMMITTEE.**

**WHEREAS**, the Mayor is authorized by RCW 67.28.1817 to review the membership of the Lodging Tax Advisory Committee annually and to make changes as appropriate; and

**WHEREAS**, the Mayor has reviewed the committee membership and recommends representatives from the Days Inn and Comfort Inn as businesses required to collect the tax; and the Port Orchard Chamber of Commerce and Port Orchard Bay Street Association as organizations involved in activities, and

**WHEREAS**, pursuant to Resolution No. 005-18, the Economic Development Committee recommended Councilmember Rosapepe to be the chair of the Lodging Tax Committee; now therefore,

**THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, HEREBY RESOLVES  
AS FOLLOWS:**

**THAT:** The City Council of the City of Port Orchard approves of the Mayor's recommendations for representatives from the Days Inn and Comfort Inn as businesses required to collect the tax; and the Port Orchard Chamber of Commerce and Port Orchard Bay Street Association as organizations involved in activities; to serve on the Lodging Tax Advisory Committee.

**THAT:** Councilmember Rosapepe is confirmed as the Chair of the committee.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the City Clerk in authentication of such passage this 20<sup>th</sup> day of August 2019.

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Rob Putaansuu, Mayor

ATTEST:

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Brandy Rinearson, MMC, City Clerk

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**City of Port Orchard**

216 Prospect Street, Port Orchard, WA 98366  
(360) 876-4407 • FAX (360) 895-9029

**Agenda Staff Report**

Agenda Item No.:	<u>Business Item 7D</u>	Meeting Date:	<u>August 20, 2019</u>
Subject:	<u>Approval of Change Order No. 2 to Contract</u>	Prepared by:	<u>Mark Dorsey, P.E.</u>
	<u>No. C077-18 with Schneider Equipment,</u>		<u>Public Works Director</u>
	<u>Inc. for the Well No. 13 Drilling Project</u>	Atty Routing No.:	<u>N/A</u>
		Atty Review Date:	<u>N/A</u>

**Summary:** On December 11, 2019, the Port Orchard City Council Authorized Contract No. C077-18 with Schneider Equipment, Inc., for the Well 13 Drilling Project. During the first phase of construction activities, the pilot drilling did not encounter sufficiently promising water bearing material to warrant completion without first seeing if better materials existed below the initial 1,500 feet drilling depth. As a result, Minor Change No. 1 and Change Order No. 1 were executed to extend the pilot drilling to 2,010 feet. Sufficient water production potential was found between 1,500 feet and 2,010 feet. Execution of Schedule B Work under the contract is warranted. The deeper completion and the greater length of the recommended screen assembly than originally considered under Schedule B (final well drilling and well screen/casing placement) require a change in scope and costs to reflect the current project. Tonight’s action is for the approval of Change Order No. 2 (Extension of Casing Depth and Screening Adjustments) at \$512,399.19. Approval of this change order brings the current value of all change orders to date to a total \$561,263.89 or 40.2% of the Contract Value.

**Relationship to Comprehensive Plan:** Project 7.2.12 – Chapter 7: Utilities.

**Recommendation:** Staff recommends that the City Council authorize the Mayor to execute Change Order No. 2, with Schneider Equipment, Inc. in an amount not to exceed \$512,399.19.

**Motion for Consideration:** I move to authorize the Mayor to execute Change Orders No. 2 with Schneider Equipment, Inc. in an amount not to exceed \$512,399.19.

**Fiscal Impact:** Funding is provided by the \$6,060,00 SRF Loan which is part of the 2019-2020 budget. This is one portion of an ongoing project. Long term estimates still show the entire project falling within the budget. A budget amendment is not currently required.

**Alternatives:** None.

**Attachments:** Schneider Change Order No. 2.

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# CITY OF PORT ORCHARD

## Authorization for Change Order No. 2

<b>Date:</b> <u>August 20, 2019</u>	<b>Contractor:</b> <u>Schneider Equipment, Inc.</u>
<b>Project:</b> <u>Well 13 Drilling Project</u>	<u>21881 River Road NE</u>
<b>Contract / Job #</b> <u>C077-18</u>	<u>St. Paul, OR 97137</u>

**THIS CHANGE ORDER AUTHORIZES THE ADDITIONAL WORK: FOR THE EXTENSION OF THE CASING APPROXIMATELY 500 FEET DEEPER THAN ESTIMATED DURING DESIGN AND ADJUSTMENTS TO THE SCREEN GIVEN THE CHANGE IN DEPTH. THIS CHANGE ALSO EXTENDS THE CONTRACT BY 120 CALENDAR DAYS.**

Contract History					
	Amount	Sales Tax	Total	Date	Appvd by
<b>Original Contract</b>	\$1,279,900.00	\$115,191.00	<b>\$1,395,091.00</b>	11-Dec-18	Council
<b>Change Order 1</b>	\$44,830.00	\$4,034.70	<b>\$48,864.70</b>	15-Jul-19	PWD
<b>Change Order 2</b>	\$470,091.00	\$42,308.19	<b>\$512,399.19</b>	20-Aug-19	Council
<b>Total Contract</b>			<b>\$1,956,354.89</b>		

I have reviewed the Change Order information above and certify that to the best of my knowledge descriptions and costs are true and accurate.

Contractor Approval Signature	Public Works Director/City Engineer
Printed Name & Title	MARK R. DORSEY, P.E. Printed Name

Change Orders that do not exceed 10%, with a maximum of \$50,000, of either legally authorized budget limit or contract amount established by City Council can be approved by the Public Works Director.

**Approved:** \_\_\_\_\_  
Mayor

Change Orders that do not exceed 10%, with a maximum of \$100,000, of either legally authorized budget limit or contract amount established by City Council are to be approved by the Mayor.

**Attest:** \_\_\_\_\_  
City Clerk

Change Orders over \$100,000 or exceed a total of 10% require Council Action.

\_\_\_\_\_  
Council Approval Date

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## City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366  
(360) 876-4407 • FAX (360) 895-9029

### Agenda Staff Report

Agenda Item No.:	<u>Business Item 7E</u>	Meeting Date:	<u>August 20, 2019</u>
Subject:	<u>Approval of Change Order No. 4 to</u>	Prepared by:	<u>Mark Dorsey, P.E.</u>
	<u>Contract No. C023-18 with Neptune</u>		<u>Public Works Director</u>
	<u>Marine LLC for the Bay Street Pedestrian</u>	Atty Routing No.:	<u>N/A</u>
	<u>Pathway Segment 3 Construction</u>	Atty Review Date:	<u>N/A</u>

**Summary:** On April 24, 2018, the Port Orchard City Council approved Contract No. C023-18 with Neptune Marine LLC in an amount not to exceed \$375,947.51 for the 2018 Bay Street Pedestrian Pathway – Segment #3 Construction Project. On June 29, 2018, the City’s Public Works Director approved Change Order No. 1 in the amount of \$7,184.36 in association with the revised measurement and payment methodology for the placement of concrete retaining walls. On July 11, 2018, the City’s Public Works Director approved Change Order No. 2 in the amount of \$13,414.80 in association with the revised measurement and payment methodology for the excavation, removal, haul and disposal of the excessive concrete rubble/shoreline riprap encountered. Both change orders were executed within established administrative limitations. On September 11, 2018, the City Council approved of Change Order No. 3 in the amount of \$98,593.74 for an agreed upon recapitulation of the Project Schedule of Values (overages & underages for the completed work), as well as providing: 1) the cost differential associated with the cable fence vs. chain link fence, 2) the electrical conduit, handholds and cables omitted from the plans/specifications, and 3) the substantial cost overrun associated with the previously approved Change Order No. 2. Change Order No. 4 provides for the final recapitulation of the Project Schedule of Values for work completed since Change Order No. 3 and provides the final cost of concrete rubble removal (including the contractor discount) which was not fully captured in Change Order No. 2 & 3.

**Relationship to Comprehensive Plan:** N/A

**Recommendation:** Staff recommends that the City Council authorize the Mayor to execute Change Order No. 4 with Neptune Marine LLC in an amount not to exceed \$24,561.47 (Total Project Change Order Amount of \$143,754.37) for the 2018 Bay Street Pedestrian Pathway – Segment #3 Construction.

**Motion for Consideration:** I move to authorize the Mayor to execute Change Order No. 4 with Neptune Marine LLC in an amount not to exceed \$24,561.47 for the 2018 Bay Street Pedestrian Pathway – Segment #3 Construction.

**Fiscal Impact:** A Budget Amendment will be required with additional funding to be identified by the Finance Director.

**Alternatives:** Do not approve

**Attachments:** Change Order No. 4 (dated 8/13/2019).

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# CITY OF PORT ORCHARD


## Authorization for Change Order No. 4

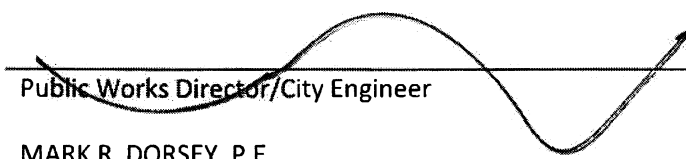
Date: <u>AUGUST 13, 2019</u> Project: <u>BAY STREET PEDESTRIAN</u> Contract / Job #: <u>PATHWAY – SEGMENT #3</u> <u>C023-18</u>	Contractor: <u>NEPTUNE MARINE, LLC</u> <u>1004 COMMERCIAL AVE. #250</u> <u>ANACORTES, WA 98221</u>
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**THIS CHANGE ORDER AUTHORIZES THE ADDITIONAL WORK: THE OVERAGES AND UNDERAGES IN QUANTITIES OF MATERIALS FOR WORK DONE AFTER CHANGE ORDER 3 AND TO ADDRESS THE TOTAL COST OF THE CONCRETE RUBBLE REMOVAL (CO 2 & 3), WITH THE PROVIDED CONTRACTOR DISCOUNT, NOT PREVIOUSLY ACCOUNTED FOR IN THE PREVIOUS CONTRACT TOTAL.**

Contract History					
	Amount	Sales Tax	Total	Date	Appvd by
Original Contract	\$375,947.51	Included	\$375,947.51	24-Apr-18	COUNCIL
Change Order 1	\$7,184.36	Included	\$7,184.36	29-Jun-18	PWD
Change Order 2	\$13,414.80	Included	\$13,414.80	11-Jul-18	PWD
Change Order 3	\$98,593.74	Included	\$98,593.74	11-Sep-18	COUNCIL
Change Order 4	\$24,524.50	Included	\$24,561.47	13-Aug-19	COUNCIL
<b>Total Contract</b>			<b>\$519,701.88</b>		

I have reviewed the Change Order information above and certify that to the best of my knowledge descriptions and costs are true and accurate.

  
 \_\_\_\_\_  
 Contractor Approval Signature  
  
Travis Crabb, President  
 Printed Name & Title

  
 \_\_\_\_\_  
 Public Works Director/City Engineer  
  
 MARK R. DORSEY, P.E.  
 Printed Name

Change Orders that do not exceed 10%, with a maximum of \$50,000, of either legally authorized budget limit or contract amount established by City Council can be approved by the Public Works Director.

Change Orders that do not exceed 10%, with a maximum of \$100,000, of either legally authorized budget limit or contract amount established by City Council are to be approved by the Mayor.

Change Orders over \$100,000 or exceed a total of 10% require Council Action.

Approved: \_\_\_\_\_  
 Mayor  
  
 Attest: \_\_\_\_\_  
 City Clerk  
  
 \_\_\_\_\_  
 Council Approval Date



## CONTRACT CHANGE ORDER (CCO) NO. 4

**Project Name:** Bay Street Pedestrian Path Segment #3

**Date:** 08/13/19

To: Neptune Marine LLC  
1004 Commercial Ave. 250  
Anacortes, WA 98221  
Attention: Travis Crabb

Ordered by Engineer under terms of Section  
1-04.4 of the Standard Specifications

Change proposed by Contractor

### JUSTIFICATION

The contract bid schedule was prepared with estimates of the work to be required. Bid item quantities changed due to adjustments made and true conditions discovered in the field – a few of the bid item quantities were reduced and others were increased.

The quantity increases associated with concrete rubble removal and wall footing excavation were discussed during Change Order No. 3. This Change Order provides the final cost associated with these items which were not fully captured in the previous change order.

### DESCRIPTION OF WORK

This change order updates bid item quantities to match the work performed.

The updated bid items include increases in the following items: Item 7A – Concrete Rubble Excavation, Item 8 – Structure Excavation Class A for Walls (Incl Haul), Item 12 – Crushed Surfacing Top Course, Item 17A – Quarry Spalls for Type I Wall Bulkhead, Item 34 – Pavement Marking, 4-In. Broken Yellow Lines.

The update bid items include decreases in the following items: Item 13 – HMA CL 1/2" PG 58-22, Item 18 – Foundation Material Class B for Type I Wall Base.

### MEASUREMENT AND PAYMENT

Bid item quantities are adjusted as provided in attached cost summary. The additions and subtractions result in a contract increase of \$24,561.47.

Bid Item 7A: 1171.95 TON @ \$91.60 unit price MINUS 128.08 TON @ \$91.60 unit price (discount)  
New \$95,618.49 - Current \$75,936.40 → **Increase \$19,682.09**

Bid Item 8: 468.00 CY @ \$51.00 unit price  
New \$23,868.00 - Current \$18,360.00 → **Increase \$5,508.00**

Change Order #4  
1 of 2



- Bid Item 12: 425.82 TON @ \$48.75 unit price  
 New \$20,758.73 - Current \$19,500.00 → **Increase \$1,258.73**
  
- Bid Item 13: 311.49 TON @ \$125.25 unit price  
 Total \$39,014.12 - Current \$40,080.00 → **Decrease \$1,065.88**
  
- Bid Item 17A: 190.20 TON @ \$46.07 unit price  
 Total \$8,672.52 - Current \$8,753.30 → **Increase \$9.21**
  
- Bid Item 18: 65.68 CY @ \$92.00 unit price  
 Total \$6,042.56 - Current \$6,900.00 → **Decrease \$857.44**
  
- Bid Item 34: 892.00 LF @ \$2.48 unit price  
 Total \$2,212.16 - Current \$2,185.40 → **Increase \$26.76**

**TIME**

No additional days are associated with this change order.

ORIGINAL CONTRACT	CURRENT CONTRACT	EST. NET CHANGE THIS CHANGE ORDER	TOTAL CHANGE ORDERS, INCLUDING THIS ONE	EST. CONTRACT AFTER THIS CHANGE ORDER
\$375,947.51	\$495,140.41	\$24,561.47	\$143,754.37	\$519,701.88
DAYS	80	DAYS: 0	DAYS: 0	DAYS: 80

All work, materials and measurements to be in accordance with the provisions of the original contract and/or the standard specifications and special provisions for the type of construction involved. The payments and/or additional time specified and agreed to in this order include every claim by the Contractor for any extra payment or extension of time with respect to the work described herein, including delays to the overall project.

APPROVED BY:	SIGNATURE:	DATE:
PROJECT MANAGER		8/13/19
CONTRACTOR		8/14/2019
PUBLIC WORKS DIRECTOR		8/13/19

Attachment: Updated Project Schedule of Values

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MPP-RC-9 Identify and develop changes to regulatory, pricing, taxing, and expenditure practices, and other fiscal tools within the region to implement the vision.

MPP-RC-10 Explore new and existing sources of funding for services and infrastructure, recognizing that such funding is vital if local governments are to achieve the regional vision.

MPP-EN-19 Reduce the use of toxic pesticides, fertilizers, and other products to the extent feasible and identify alternatives that minimize risks to human health and the environment.

MPP-CC-1 Advance state, regional, and local actions that substantially reduce greenhouse gas emissions in support of state, regional, and local emissions reduction goals, including targets adopted by the Puget Sound Clean Air Agency.

MPP-DP-50 Develop concurrency programs and methods that fully consider growth targets, service needs, and level-of-service standards. Focus level-of-service standards for transportation on the movement of people and goods instead of only on the movement of vehicles.

MPP-T-32 Reduce stormwater pollution from transportation facilities and improve fish passage, through retrofits and updated design standards. Where feasible, integrate with other improvements to achieve multiple benefits and cost efficiencies.

The Community Development Director has requested that the City Council review the draft VISION 2050 plan and provide any questions or concerns for staff response. An overview of VISION 2050, as well as the full plan, is available at: <https://www.psrc.org/draft-vision-2050-2>

**Relationship to Comprehensive Plan:** As the City of Port Orchard is a local jurisdiction participating in the PSRC, the City's Comprehensive Plan is required to be consistent with and implement VISION 2050.

**Recommendation:** Review and Discuss the Draft Vision 2050 Regional Plan.

**Fiscal Impact:** Vision 2050 includes regional policies that require the prioritization of funding.

**Alternatives:** Comment on draft plan, do not comment on draft plan.

**Attachments:** To review the VISION 2050 overview or full plan, please use the link in the staff report above.