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3 **AGENDA**
4 **City of Lynnwood**
5 **Transportation Benefit District (TBD) Board**
6 **Council Chambers, City Hall**
7 **19100 44th Avenue W, Lynnwood, WA, 98036**
8

9 **Special Meeting**
10 **March 21, 2018**
11 **6:00 P.M.**

12 **10 Call to Order**

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14 **20 Roll Call**

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16 **30 Approval of Minutes – December 4, 2017 Special Meeting**

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18 **40 Voucher Approval**

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20 **50 Citizen Comments and Communications**

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22 **60 Presentation and Discussion – Staff Update**

23
24 **70 Presentation and Discussion – ADA Transition Plan**

25
26 **80 Presentation and Discussion – Sidewalk Maintenance**

27
28 **90 Ordinances #14 and #15 - Decreasing or Eliminating the Vehicle Licensing Fee**
29 **(continuation from October 18, 2017 meeting – pending motion)**

30 **A Low Income Rebates**

31 **B Consideration, discussion and possible action or other disposition on said**
32 **ordinance(s)**

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34 **100 Election of Board Officers**

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36 **110 Adjournment**
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**Special Meeting
March 21, 2018
6:00 P.M.**

1) December 4, 2017 special meeting minutes

CITY OF LYNNWOOD
TRANSPORTATION BENEFIT DISTRICT BOARD SPECIAL MEETING MINUTES
December 4, 2017

10. CALL TO ORDER – The December 4, 2017 Special Meeting of the City of Lynnwood Transportation Benefit District (TBD) Board, held in the Council Chambers of Lynnwood City Hall, was called to order by Board President Cotton at 7:01 p.m.

20.

ROLL CALL

Board President Ian Cotton
Board VP Benjamin Goodwin
Board Member M. Christopher Boyer
Board Member Ruth Ross
Board Member Shannon Sessions
Board Member Shirley Sutton
Board Member George Hurst

OTHERS ATTENDING

Public Works Director Bill Franz
Interim Engineer Manager Mach
Executive Asst. Beth Morris

30 APPROVAL OF MINUTES – October 18, 2017 Regular Meeting

Motion made by Board Member Boyer, seconded by Board Member Sessions, to approve the minutes of the October 18, 2017 Regular Meeting. Motion passed unanimously to approve the minutes as presented.

40. CITIZEN COMMENTS AND COMMUNICATIONS

None.

50. PRESENTATION, DISCUSSION AND APPROVAL OF THE 2016 TBD ANNUAL REPORT

Staff Presentation:

Interim Engineer Manager Mach presented the 2016 TBD Annual Report which fulfilled a requirement in state law and also in the TBD charter. The report covered a summary of the 2016 TBD meetings and the status of transportation improvement costs, expenditures, revenues, and construction schedules.

TBD Board Discussion: None

Motion made by Board Member Boyer, seconded by Board Member Ross, to accept the report. Motion passed unanimously (7-0).

60. CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ORDINANCE No. 16
– 2017 BUDGET AMENDMENT

Staff Presentation:

Interim Engineer Manager Mach made the staff presentation on the budget amendment. He explained that a significant change occurred in 2017 with the revenues from the sales tax. In November of 2016 voters passed a .1% increase in sales tax which resulted in an additional \$1.6 million. Staff also made some minor adjustments to expenditures based on actual expenses. The ending fund balance of almost \$2 million will roll into the 2018 Budget.

TBD Board Discussion: None

Motion made by Board Member Goodwin, seconded by Board Member Ross, to adopt TBD Ordinance No. 16, "AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, TRANSPORTATION BENEFIT DISTRICT AMENDING THE 2017 BUDGET FOR THE CITY OF LYNNWOOD, WASHINGTON, TRANSPORTATION BENEFIT DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY, AND SUMMARY PUBLICATION."

Board Member Goodwin explained that the amendment addressed revenue received that had not been planned or which was otherwise different than planned.

Upon a roll call vote, the motion passed unanimously (7-0).

70. ORDINANCE #17 – 2018 BUDGET

A. Public Hearing

The public hearing was opened at 7:09 p.m. Board President Cotton stated the purpose of the hearing, hearing procedures, the order of the hearing.

Staff Presentation:

Interim Engineer Manager Mach presented a summary of estimated revenue of \$3,603,600 and expenditures of \$4,637,000 with an ending fund balance of \$914,450. This is due to matching the City's budget cycle and allows a cushion for some large expenditures in 2018 in case they end up with a higher cost than expected. Any remaining funds could be rolled over to the next year.

Written Materials: None

Public Testimony:

Ted Hikel, 3820 – 191st Place SW, Lynnwood, WA 98036, suggested that 196th Street should be taken care of during 2018 because it is only getting worse. He also encouraged the TBD Board to study the incorporation of the TBD into the City Council

as allowed by the Revised Code of Washington as it would save money and resources and would be easier for the public to find information.

Director Franz referred to the topic of paving 196th Street and commented that the Washington State Department of Transportation (WSDOT) is required to do the paving of that since it is a state road. Interim Engineering Manager Mach added that staff met with WSDOT a few days ago and it may be possible that they may provide another \$1 million to go toward the paving portion of the 196th Street which would reduce the burden of the City's portion.

Seeing no further comments the public testimony portion of the hearing was closed at 7:17 p.m.

B. Consideration, discussion, and possible action or other disposition on said ordinances.

TBD Board Questions:

Board Member Boyer thanked staff for the presentation.

Board Member Goodwin asked if the 44th portion of 196th would be done at the same time as 196th. Interim Engineering Manager Mach indicated that the rutted portion of 44th would also be replaced by WSDOT.

Board Deliberation:

Motion made by Board Member Boyer, seconded by Board Member Goodwin, to adopt Ordinance No. 17, "AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, TRANSPORTATION BENEFIT DISTRICT ADOPTING A ONE-YEAR BUDGET FOR THE CITY OF LYNNWOOD, WASHINGTON TRANSPORTATION BENEFIT DISTRICT FOR THE YEAR ENDING DECEMBER 31, 2018; AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY, AND SUMMARY PUBLICATION."

Board Member Boyer commented that he is glad to hear that the TBD Budget has been synchronized with the City's existing budget and that the estimated ending fund balance is part of the five-year plan of major road projects.

Upon a roll call vote, the motion passed unanimously (7-0).

70. ADJOURNMENT

Motion made by Board Member Boyer, seconded by Board Member Ross, to adjourn the meeting. Motion passed unanimously.

The meeting was adjourned at 7:21 p.m.

Ian Cotton, TBD Board President

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Sonja Springer
Finance Director, Acting as Board Treasurer

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**City of Lynnwood
Transportation Benefit District Board**

Item 40

**Special Meeting
March 21, 2018
6:00 P.M.**

TITLE: Voucher Approval

DEPARTMENT: Finance/Public Works

DEPARTMENT CONTACT: Sonja Springer/David Mach

BACKGROUND: The TBD has incurred various expenses since the last voucher approval at the October 18, 2017 regular meeting. Staff is asking for voucher approval at this time.

ACTION: Approve claims in the amount of \$10,686.61.

ATTACHMENTS: None

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City of Lynnwood
Transportation Benefit District Board

Item 60

Special Meeting
March 21, 2018
6:00 P.M.

TITLE: Presentation and Discussion – Staff Update

DEPARTMENT: Public Works

DEPARTMENT CONTACT: Bill Franz/David Mach

BACKGROUND: Staff will make a presentation to the Board regarding the status of transportation funding needs and revenues. This will be an update on the materials shared with the Board at their October 18, 2017 regular meeting. A new exhibit “Transportation Funding Road Map” has been included and attempts to show graphically all transportation expenditures and where their funding comes from. This is important because when we concentrate only on TBD funding, and areas of expenditure most commonly associated with TBD funds, it is easy to forget the full needs of the system and how other funding streams relate. Transportation has consistently ranked as one of our citizen’s greatest concerns, yet the amount of General Funds that go towards transportation has remained at about \$1 million per year and not increased for decades. The relatively recent addition of TBD funds has allowed for not only the ability to fund critical infrastructure replacement programs, but has also allowed the City to keep the General Fund contributions to the Street Fund (day-to-day maintenance) at this relatively low level.

Staff will also provide an update on recent bid openings, for the 36th Avenue West Project and Chip Seal Paving Project. These bids contain good news as well as demonstrate the volatility of this kind of work and the need for flexibility in funding streams.

Under consideration by the Board is whether all existing TBD funding is needed and whether tax relief for Lynnwood citizens should be considered. Staff has also included information related to license tab fees for Lynnwood residents and what portions of the fees go where. Staff will share information with the Board that demonstrates that all areas of expenditure in Transportation are either marginally funded or underfunded. Staff’s recommendation to the Board to maintain current funding levels has not changed. Staff encourages the Board to use the upcoming 2019-20 Biennial Budget Budgeting for Outcomes process to consider overall taxation issues and prioritization of revenues and expenditures across all services that the City provides.

ACTION: Discussion

ATTACHMENTS:

- 1) Transportation Funding Road Map
- 2) Pavement Condition Chart
- 3) Street Fund 111, History
- 4) Transportation Funding/Spending Plan
- 5) Transportation Funding/Spending Plan w/ deletion of \$20 tab fee
- 6) Transportation Funding/Spending Plan w/ deletion of \$40 tab fee
- 7) Washington State Department of Licensing Renewal Fees for Vehicle

TRANSPORTATION FUNDING ROAD MAP

2017-2018 Amended Budget

REVENUES

Other Licenses, Permits, Investments	\$250,000
General Fund	\$2,000,000
Motor Vehicle Fuel Tax	\$1,603,370

Transportation Benefit District	\$5,833,201
	\$600,000
	\$4,108,201
	\$1,125,000

Transportation Impact Fees	\$936,000
Economic Development Fund	\$710,000
REET Funds	\$3,700,000
Capital Development Fund	\$339,079

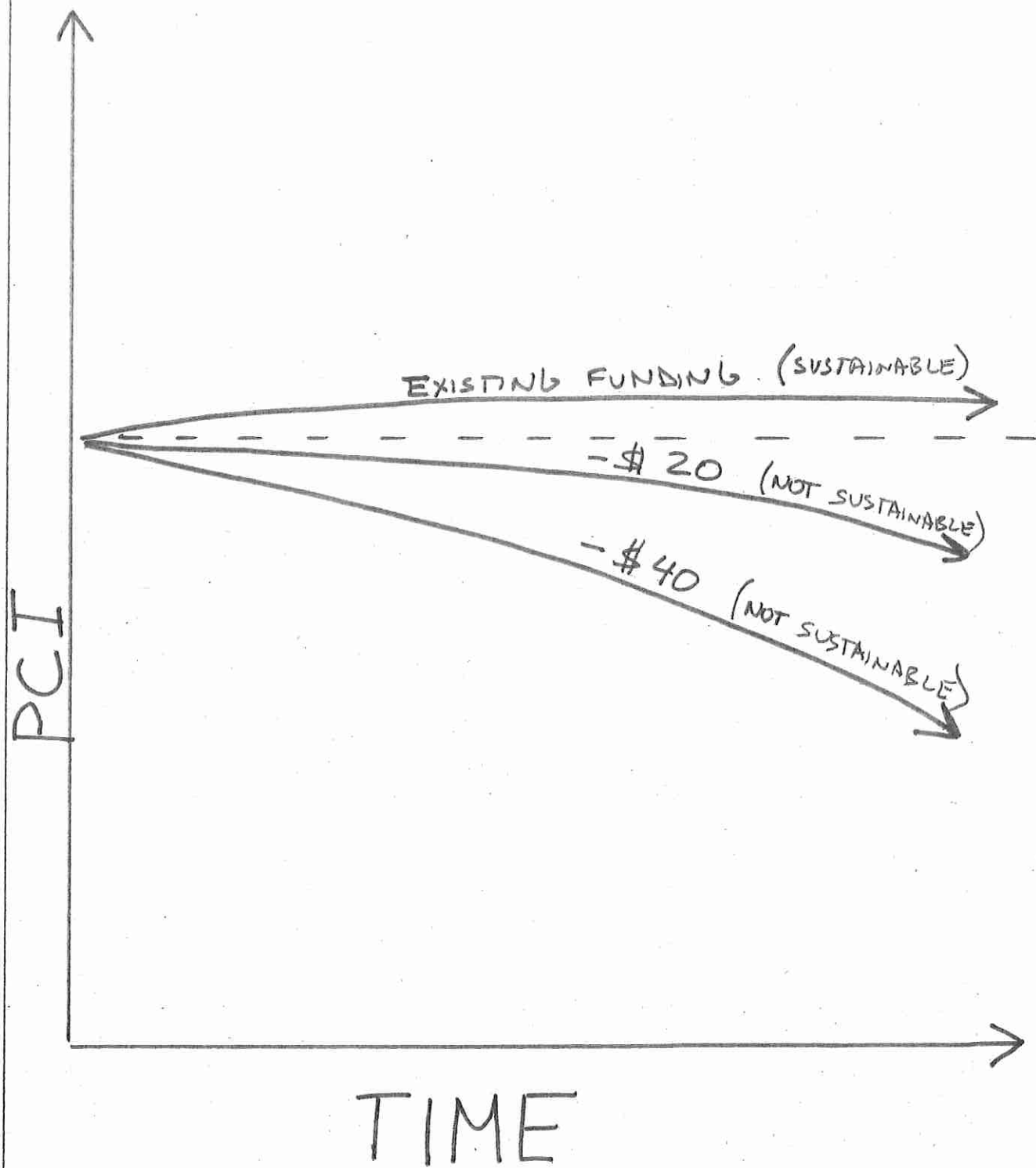
Lynnwood Utilities	\$560,000
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Operations & Maintenance	Street Fund 111
	\$4,453,370
FTEs:	4 Traffic
	4.75 Streets
	Potholes, Buttons, Mowing, Sweeping, Signs, Signals

Capital Replacement:	Capital Fund 360
Overlays	\$3,885,000
Sidewalks	\$100,000
Traffic Signal Rebuild	\$150,000
ADA	\$0

Capital Projects:	Capital Fund 360
	\$\$\$\$
	36th Ave W
	196th St SW
	Poplar Overpass
	Beech Road
	Sound Transit 2
	44th Underpass

EXPENDITURES



A B C D E F G H I

Street Fund 111, History
Budgets and General Fund Tax Contributions

Revenues:

	2001-2002	2003-2004	2005-2006	2007-2008	2009-2010	2011-2012	2013-2014	2015-2016	2017-2018
Sales Tax	\$ 1,074,186	\$ 1,117,018	\$ 1,158,072	\$ 1,200,000	\$ 1,004,710	\$ 1,058,339	\$ 618,582	\$ 1,073,980	\$ 1,100,000
Property Tax	\$ 810,000	\$ 810,000	\$ 806,506	\$ 945,750	\$ 866,018	\$ 892,101	\$ 521,418	\$ 900,000	\$ 900,000
Total GF Tax	\$ 1,884,186	\$ 1,927,018	\$ 1,964,578	\$ 2,145,750	\$ 1,870,728	\$ 1,950,440	\$ 1,140,000	\$ 1,973,980	\$ 2,000,000

Expenditures:

	2001-2002	2003-2004	2005-2006	2007-2008	2009-2010	2011-2012	2013-2014	2015-2016	2015-2016
Street Fund Budget	\$ 3,994,090	\$ 4,345,813	\$ 3,714,185	\$ 3,903,624	\$ 3,771,562	\$ 4,325,191	\$ 3,636,172	\$ 4,209,280	\$ 4,453,370

Transportation Funding/Spending Plan: Capital Infrastructure Replacement

REVENUES

Revenue sources		2017	2018	2019	2020	2021	2022
	\$20 Tabs TBD (1)	\$ 540,000	\$ 540,000	\$ 540,000	\$ 540,000	\$ 540,000	\$ 540,000
	\$20 Tabs TBD (2)	\$ 540,000	\$ 540,000	\$ 540,000	\$ 540,000	\$ 540,000	\$ 540,000
	Sales Tax 0.1% TBD	\$ 1,493,201	\$ 2,180,000	\$ 2,180,000	\$ 2,180,000	\$ 2,180,000	\$ 2,180,000
	Utility (F411)	\$ 280,000	\$ 280,000	\$ 280,000	\$ 280,000	\$ 280,000	\$ 280,000
	TOTAL	\$ 2,853,201	\$ 3,540,000	\$ 3,540,000	\$ 3,540,000	\$ 3,540,000	\$ 3,540,000

EXPENDITURES

Type	Program/Project	Yearly Need	2017	2018	2019	2020	2021	2022
Annual Program	Paving Program	\$ 2,600,000 - 3,000,000	\$ 1,285,000	\$ 2,600,000	\$ 2,600,000	\$ 2,600,000	\$ 2,600,000	\$ 2,600,000
Annual Program	TBD Admin	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000
Annual Program	Streets (O&M F111)	\$ 250,000 - 420,000	\$ 250,000	\$ 250,000	\$ 330,000	\$ 330,000	\$ 420,000	\$ 420,000
Annual Program	Sidewalks (ADA) (O&M F111)	\$ 50,000 - \$2.3M	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000
Annual Program	Sidewalks (New/Gap)	\$ 250,000 - 500,000						
Annual Program	ADA Curb Ramps(Paving)	\$ 200,000 - 500,000						
Annual Program	ADA Curb Ramps(Gen'l)	\$ 100,000 - 250,000						
Annual Program	Signal Rebuild	\$ 250,000 - 300,000	\$ 50,000	\$ 100,000	\$ 300,000	\$ 300,000	\$ 100,000	\$ 100,000
Project	36th Avenue W Improvements		\$ 800,000					
Project	196th Street SW Improvements		\$ 225,000					
Project	Poplar Way Bridge Extension		\$ 100,000					
	TOTAL \$3.72M - \$7.29M		\$ 2,780,000	\$ 3,020,000	\$ 3,700,000	\$ 3,700,000	\$ 3,590,000	\$ 3,590,000

Biennium	Biennium	Biennium
\$ 593,201	\$ (320,000)	\$ (100,000)

Transportation Funding/Spending Plan: Capital Infrastructure Replacement

With Deletion of \$20 Tab Fee

Minus \$20

REVENUES

Revenue sources	2017	2018	2019	2020	2021	2022
\$20 Tabs TBD (1)	\$ 550,000	\$ 405,000	\$ -	\$ -	\$ -	\$ -
\$20 Tabs TBD (2)	\$ 540,000	\$ 540,000	\$ 540,000	\$ 540,000	\$ 540,000	\$ 540,000
Sales Tax 0.1% TBD	\$ 1,493,201	\$ 2,180,000	\$ 2,180,000	\$ 2,180,000	\$ 2,180,000	\$ 2,180,000
Utility (F411)	\$ 280,000	\$ 280,000	\$ 280,000	\$ 280,000	\$ 280,000	\$ 280,000
TOTAL	\$ 2,863,201	\$ 3,405,000	\$ 3,000,000	\$ 3,000,000	\$ 3,000,000	\$ 3,000,000

EXPENDITURES

Type	Program/Project	Yearly Need	2017	2018	2019	2020	2021	2022
Annual Program	Paving Program	\$ 2,600,000 - 3,000,000	\$ 1,285,000	\$ 2,600,000	\$ 2,200,000	\$ 2,200,000	\$ 2,200,000	\$ 2,200,000
Annual Program	TBD Admin	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000
Annual Program	Streets (O&M F111)	\$ 250,000 - 420,000	\$ 250,000	\$ 250,000	\$ 330,000	\$ 330,000	\$ 420,000	\$ 420,000
Annual Program	Sidewalks (O&M F111)	\$ 50,000 - \$2.3M	\$ -	\$ -	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000
Annual Program	Sidewalks (New/Gap)	\$ 250,000 - 500,000	\$ -	\$ -	\$ 340,000	\$ 340,000	\$ 340,000	\$ 340,000
Annual Program	ADA Curb Ramps(Paving)	\$ 200,000 - 500,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Annual Program	ADA Curb Ramps(Gen'l)	\$ 100,000 - 250,000	\$ 50,000	\$ 100,000	\$ 300,000	\$ 300,000	\$ 75,000	\$ 75,000
Annual Program	Signal Rebuild	\$ 250,000 - 300,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Project	36th Avenue W Improvements		\$ 800,000					
Project	196th Street SW Improvements		\$ 225,000					
Project	Poplar Way Bridge Extension		\$ 100,000					
TOTAL \$3.72M - \$7.29M			\$ 2,730,000	\$ 2,970,000	\$ 3,215,000	\$ 3,215,000	\$ 3,080,000	\$ 3,080,000

Underfunded
Funded
Funded??
More underfund
Not Funded
Funded
Not Funded
More underfund

Biennium	Biennium	Biennium
\$ 568,201	\$ (430,000)	\$ (160,000)

Transportation Funding/Spending Plan: Capital Infrastructure Replacement

With Deletion of \$40 Tab Fee

Minus \$40

REVENUES

Revenue sources	2017	2018	2019	2020	2021	2022
\$20 Tabs TBD (1)	\$ 550,000	\$ 405,000	\$ -	\$ -	\$ -	\$ -
\$20 Tabs TBD (2)	\$ 550,000	\$ 405,000	\$ -	\$ -	\$ -	\$ -
Sales Tax 0.1% TBD	\$ 1,493,201	\$ 2,180,000	\$ 2,180,000	\$ 2,180,000	\$ 2,180,000	\$ 2,180,000
Utility (F411)	\$ 280,000	\$ 280,000	\$ 280,000	\$ 280,000	\$ 280,000	\$ 280,000
TOTAL	\$ 2,873,201	\$ 3,270,000	\$ 2,460,000	\$ 2,460,000	\$ 2,460,000	\$ 2,460,000

EXPENDITURES

Type	Program/Project	Yearly Need	2017	2018	2019	2020	2021	2022	
Annual Program	Paving Program	\$ 2,600,000 - 3,000,000	\$ 1,285,000	\$ 2,600,000	\$ 1,725,000	\$ 1,725,000	\$ 1,725,000	\$ 1,725,000	Underfunded
Annual Program	TBD Admin	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	Funded
Annual Program	Streets (O&M F111)	\$ 250,000 - 420,000	\$ 250,000	\$ 250,000	\$ 330,000	\$ 330,000	\$ 420,000	\$ 420,000	Funded??
Annual Program	Sidewalks (O&M F111)	\$ 50,000 - \$2.3M	\$ 50,000	\$ -	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	More underfund
Annual Program	Sidewalks (New/Gap)	\$ 250,000 - 500,000	\$ -	\$ -	\$ 240,000	\$ 240,000	\$ 240,000	\$ 240,000	Not Funded
Annual Program	ADA Curb Ramps(Paving)	\$ 200,000 - 500,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Funded
Annual Program	ADA Curb Ramps(Gen'l)	\$ 100,000 - 250,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Not Funded
Annual Program	Signal Rebuild	\$ 250,000 - 300,000	\$ 50,000	\$ 100,000	\$ 300,000	\$ 300,000	\$ 75,000	\$ 75,000	More underfund
Project	36th Avenue W Improvements		\$ 800,000						
Project	196th Street SW Improvements		\$ 225,000						
Project	Poplar Way Bridge Extension		\$ 100,000						
TOTAL \$3.72M - \$7.29M			\$ 2,780,000	\$ 2,970,000	\$ 2,640,000	\$ 2,640,000	\$ 2,505,000	\$ 2,505,000	

\$ 393,201	Biennium	Biennium	Biennium
	\$ (360,000)	\$ (90,000)	

Washington State Department of Licensing

Renewal Fees for Basic Passenger Vehicles

1) Base Fee

\$	30.00	Basic renewal
\$	3.00	County Filing Fee
\$	0.75	License Service Fee
\$	5.00	Service Fee
\$	45.00	Vehicle Weight Fee (ranges from \$25 to \$65)
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\$	83.75	

2) Transportation Benefit District

\$ 40.00

3) Regional Transit Authority (RTA)

RTA Tax	Tax Rate	Vehicle Value
\$ 330.00	1.1%	\$ 30,000.00
\$ 165.00	1.1%	\$ 15,000.00
\$ 55.00	1.1%	\$ 5,000.00

4) Electric Vehicle Fee

\$ 150.00

Scenarios:

1) \$5,000 Car: $\$84 + \$40 + \$55 = \179

1) \$30,000 Car: $\$84 + \$40 + \$330 = \454

Upcoming Capital Projects

#	Project	Limits	Funds Needed (+/-)	Description	Construction Year
1	36th Ave W	179th to 164th	\$2-3M	Will likely need more funding following 2nd bid	2018-19
2	Beech Road	AMP/ToysRus	\$0.5M	Grants are being pursued but aren't guaranteed	2019
3	196th St SW	48th to 37th	\$5-7M	Grants are being pursued but aren't guaranteed	2019-21
4	Poplar Bridge	Over I-5	\$36M	Grants are being pursued but aren't guaranteed	2020-22
5	Scriber Creek Trail	Interurban to Wilcox	\$5M	Grants are being pursued but aren't guaranteed	2022
6	44th/I-5 Undercross	Under I-5	\$5M	Grants are being pursued but aren't guaranteed	2023
7	200th St SW	44th to 48th	\$1-5M	Potential partnership with Sound Transit to add lanes	2022-23
8	42nd Ave W	200th to 194th	\$36M	New city center grid street	2023
9	52nd Ave W	176th to 168th	\$2-3M	Potential sidewalk improvement	2024

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**City of Lynnwood
Transportation Benefit District Board**

Item 70

**Special Meeting
March 21, 2018
6:00 P.M.**

TITLE: Presentation and Discussion – ADA Transition Plan

DEPARTMENT: Public Works

DEPARTMENT CONTACT: Bill Franz/David Mach

BACKGROUND: Federal Title II requires all cities to develop an ADA (Americans with Disabilities Act) Transition Plan in order to remove barriers to those with disabilities that may exist across all City services. This is an unfunded mandate that impacts not only transportation facilities (sidewalks and curb ramps) but also many other City services such as parks, facilities, communication systems, etc. Compliance with this mandate, in short, means developing a plan to address these barriers by identifying them, receiving public input, prioritizing needed improvements, budgeting real dollars, and having an ongoing implementation plan. The administration will brief the City Council on the overall ADA Transition Plan later this Spring. At this time staff will be focusing on the transportation impacts as they relate to the funding issues currently on the Board's agenda.

Lynnwood's street system includes 140 miles of sidewalks and 2,900 curb ramps that allow citizens in wheel chairs to cross streets at intersections and driveways. The standards for these ramps have changed many times over the decades since ramps were first constructed. Ramps that do not meet the latest standards expose the city to risk and over time need to be updated. When streets are rebuilt or their pavement overlaid, the City is required to update all adjacent ramps and construct sidewalks to meet current ADA standards. When new development occurs, the City must require the developer to build and/or replace adjacent ramps and sidewalks to current standards. The City must also budget regularly funds to replace ramps and other barriers in the system. There have been cities that have been sued by members of the public for not providing accessible facilities. What has occurred in those cities is that then the Federal Department of Justice reviews the city's ADA Transition Plan, their funding history, and their capital delivery of improvements. If the city does not have a reasonable plan and/or has not implemented it they then dictate to that City a set timeline and an amount of money that must be spent to come into compliance. The amounts dictated by the feds has been very large. A few examples are as follows:

- 1) Yakima County, WA (July 20, 2015): Required to construct approximately \$750,000 in ADA upgrades within three years.

- 1 2) Milton, WA (July 14, 2010): Complaint was filed to the DOJ regarding non-
2 compliance at a city park. City was required to develop a plan and bring park into
3 compliance within nine months
4 3) Bend, OR (September 15, 2004): Four Complaints were filed to the DOJ regarding
5 non-compliance. The city spent more than \$7.7M over 10 years to comply with ADA.
6

7 Staff and consultant are currently developing our ADA Transition Plan and developing our
8 recommendation for the 2019-20 Biennial Budget for this funding across all services. The
9 amounts that we have included in the attached tables represents our best estimation of the
10 amounts that should be budgeted in order to have a meaningful program that does the most
11 good, while being affordable, and minimizes the City's legal risk.
12

13 **ACTION:** Discussion
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15 **ATTACHMENTS:** None
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**City of Lynnwood
Transportation Benefit District Board**

Item 80

**Special Meeting
March 21, 2018
6:00 P.M.**

TITLE: Presentation and Discussion – Sidewalk Maintenance

DEPARTMENT: Public Works

DEPARTMENT CONTACT: Bill Franz/David Mach

BACKGROUND: The administration has recognized for years the tough choices facing the City concerning how our sidewalks are maintained. The City has 140 miles of sidewalk, much of which is now over 50 years old. As sidewalks deteriorate they often develop cracks and heaves that become trip hazards. The City is ultimately liable for personal injuries or property damage that occurs because of deteriorated sidewalks. Recent court cases have supported this.

Lynnwood code (LMC 12.12.060) as well as State Law (RCW 35) contain language that allow the City to require adjacent property owners to maintain their sidewalks. The cost of sidewalk upkeep is often very expensive for a homeowner. The following is a summary of estimated costs to repair and replace damaged sidewalks:

Type of Damage	Repair
1-inch to 1 ½-inch sidewalk heave/uplift	The City owns two concrete grinding machines which staff uses to grind minor sidewalk deflections
1-inch to 3-inch sidewalk heave/uplift	City uses a contractor with a horizontal sawcut machine and bundles 8 to 10 locations for a day's work. Cost is approximately \$100 per location
Concrete panel beyond repair	Full replacement of a 5-foot by 5-foot panel is approximately \$500
Tree removal	Many times, sidewalk damage is caused by tree roots. A mature tree can cost \$1,500 to remove.

The above-mentioned codes and laws also do not prohibit the City from assuming such responsibility, however, a dedicated funding source is needed to fund such a program. The administration in the past has advised the Council that a decision on this issue will be needed at some point. We feel that time has come as we are becoming aware more and more of sections that need repair. We wish to start the conversation by making a presentation and

1 giving the TBD Board information about the following two choices related to sidewalk
2 maintenance.

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4 Choice 1: Require adjacent property owners to maintain their sidewalks: The administrative
5 process to require homeowners to maintain their sidewalks is governed by state law and
6 would be quite legalistic and laborious. Steps include the City developing cost estimates,
7 holding a public hearing, and passing a resolution stating how much of the cost will be borne
8 by the property owner, whether the property owner will be required to construct the
9 improvements, and a specified timeline for when the improvements would need to be
10 completed by. This must be done for each site and or area that needs improvement. We
11 anticipate that the process would result in very high costs to homeowners and result in much
12 public discord and protest. Homeowners that refused to cooperate would put the City in a
13 position of enforcement that could include imposing a lien on their properties.

14
15 Choice 2: City assume maintenance responsibility of sidewalks. This choice removes the
16 logistical and legal processes required to pass the costs to homeowners. It does mean,
17 however, that the City must develop a realistic and funded plan to make repairs. Similar to the
18 ADA plan, such action would greatly reduce the City's liability.

19
20 Staff recommendation: Sidewalks now are viewed as being integral to the City's
21 transportation system and not as much as an amenity of the adjacent property, as they were in
22 the past. The amount of time and resources that would have to go into the process required to
23 charge property owners for upkeep could be better spent on the ultimate product, better
24 sidewalks. Funding is the main concern if the City is to assume the responsibility. The
25 attached funding analysis tables reflect staff's best estimates on the amounts needed yearly in
26 order to begin addressing the issues. Several years of implementation would allow better
27 estimates of costs going forward. We recommend that the TBD Board continue this
28 discussion at its next meeting. Staff can hear questions and concerns and bring back a more
29 in-depth presentation.

30
31 **ACTION:** Discussion

32
33 **ATTACHMENTS:**

- 34 1) Damaged Sidewalk Pictures
35 2) See Transportation Funding/Spending Plan from Item 60
36
37

1



Severely heaved sidewalk panels due to tree root damage (Location: Looking east along the south side of Veterans Park along Veterans Way, just west of 44th Ave W)



Severely heaved sidewalk panels due to tree root damage (Location: Looking west along the south side of Veterans Park along Veterans Way, just west of 44th Ave W)

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**City of Lynnwood
Transportation Benefit District Board**

Item 90A&B

**Special Meeting
March 21, 2018
6:00 P.M.**

TITLE: Ordinances #14 and #15 - Decreasing or Eliminating the Vehicle Licensing Fee
(continuation from October 18, 2017 meeting – pending motion)

A Low Income Rebates

B Consideration, discussion and possible action or other disposition on said ordinance(s)

DEPARTMENT: Public Works

DEPARTMENT CONTACT: Bill Franz/David Mach

BACKGROUND: During the November 2016 election, the Lynnwood citizens approved a 0.1% sales tax increase to fund transportation improvements in Lynnwood. The additional revenue generates around \$2M to \$2.3M annually. In consideration of this additional revenue, there has been some interest with Board members to reduce or eliminate the existing \$40 vehicle license fee.

Staff has prepared two ordinances to be considered by the Board. If approved, Ordinance #14 would reduce the existing vehicle license fee from \$40 to \$20 and Ordinance #15 would reduce/eliminate the existing vehicle license fee from \$40 to \$0.

The \$40 vehicle license fee is currently estimated to generate \$1,100,000 annually. If reduced to \$20, it is estimated that the vehicle license fee would generate \$550,000 annually. If eliminated, \$0 revenue would be generated from the vehicle license fee.

ACTION: Consideration, discussion and possible action or other disposition

ATTACHMENTS:

- 1) October 18, 2017 Regular TBD Meeting Minutes
- 2) Ordinance #14 (\$40 to \$20 decrease)
- 3) Ordinance #15 (\$40 to \$0 decrease)

CITY OF LYNNWOOD
TRANSPORTATION BENEFIT DISTRICT BOARD REGULAR MEETING MINUTES
October 18, 2017

10. CALL TO ORDER – The October 18, 2017 Regular Meeting of the City of Lynnwood Transportation Benefit District (TBD) Board, held in the Council Chambers of Lynnwood City Hall, was called to order by Board President Cotton at 7:01 p.m.

20.

ROLL CALL

Board President Ian Cotton
Board Vice President Benjamin Goodwin
Board Member M. Christopher Boyer
Board Member Ruth Ross
Board Member Shannon Sessions
Board Member Shirley Sutton
Board Member George Hurst

OTHERS ATTENDING

Public Works Director Bill Franz
Interim Engineering Manager Mach
Executive Asst. Beth Morris
Finance Director Springer
City Attorney Larson
Economic Devt. Director Kleitsch

30 APPROVAL OF MINUTES – March 15, 2017 Regular Meeting

Motion made by Board Member Sutton, seconded by Board Member Ross, to approve the minutes of the March 15, 2017 Regular Meeting.

Board Member Hurst moved to make a correction to page 4 of the minutes, page 30.5 of the packet, line 3, to state: *Board Member Boyer stated his opinion that Robert's Rules forbid the Chair/President from seconding a motion.*

Motion passed unanimously to approve the minutes as amended.

40. VOUCHER APPROVAL

Motion made by Board Member Boyer, seconded by Board Member Hurst, to approve claims in the amount of \$379.20. Motion passed unanimously.

50. CITIZEN COMMENTS AND COMMUNICATIONS

Ted Hikel, 3820 – 191st Place SW, Lynnwood, WA 98036, spoke in support of melding the Transportation Benefit District Board into the City Council agenda for the sake of efficiency.

60. ORDINANCES No. 14 and No. 15 – Decreasing or Eliminating the Vehicle Licensing Fee

A. Public Hearing

1 The public hearing was opened at 7:06 p.m. Board President Cotton stated the purpose
2 of the hearing, hearing procedures, the order of the hearing.

3
4 Staff Presentation:

5
6 Director Franz and Interim Engineering Manager David Mach made the staff
7 presentation. Director Franz and Interim Engineering Manager Mach reviewed
8 documents in the packet and items distributed at the meeting related to this item
9 including a Funding/Spending Plan based on the current revenue that the TBD is
10 generating; Ordinance No. 14 which would decrease the current vehicle tab from \$40 to
11 \$20 and would go into effect the first day of month six months from the day it was
12 enacted (May 1, 2018 if enacted today); Ordinance No. 15 which would reduce the
13 vehicle tab from \$40 to \$0 which would go into effect May 1, 2018 if enacted today; a
14 Funding/Spending Plan with deletion of the \$20 tab fee; a Funding/Spending Plan with
15 deletion of the \$40 tab fee; a chart showing how the current tabs are allocated to
16 different agencies; and a table of upcoming capital projects.

17
18 Director Franz commented that citizens have consistently spoken to the importance of
19 transportation in Lynnwood. This means, in part, having dedicated funds for capital
20 replacement and being able to adequately fund the Operations and Maintenance Street
21 Fund. He stressed that if they don't keep up the infrastructure, over time it will degrade
22 and result in an enormous price tag. He explained that the TBD Board has taken steps to
23 meet the challenge with the \$20 tab fee in 2010, the 2015 ballot measure for the .2%
24 sales tax increase which was not successful, and the second \$20 tab fee in 2016
25 bringing the total tab fees to \$40. Finally, the Board ran a 0.1% sales tax measure that
26 passed successfully in November of 2016. He commended the Board for taking these
27 tough steps towards funding and keeping up the transportation system. With the current
28 funding staff has developed a multi-year spending plan that meets many, but not all of
29 the important infrastructure needs. He reviewed questions and concerns raised about the
30 current level of funding and stated that consideration of changing the funding level has
31 come up. The administration's recommendation is to hold steady with the current
32 funding level as they fully analyze the many transportation needs and work towards a
33 future recommendation of how much *more* rather than less funding they will need. He
34 discussed how the budget process relates to this. He spoke against making funding
35 decisions that would result in level of service decreases without a full Budgeting for
36 Outcomes analysis and discussion. Director Franz then commented regarding the
37 proposed ordinances, the status of the current funding level and the impacts that the
38 proposed ordinances would have on the City's ability to maintain the transportation
39 infrastructure. He stressed that with a \$20 reduction in license tab fees they would not
40 have a sustainable paving program. With a \$40 reduction in license tab fees, this would
41 result in a four-point drop in the PCI and they would not be anywhere close to a
42 sustainable paving program. It would also impact other areas.

43
44 Interim Engineering Manager David Mach reviewed the breakdown of the vehicle
45 license tab fee. He explained that the bulk of the larger vehicle tab fees is due to the
46 RTA (Regional Transit Authority) which is based on a percentage of the car's value as
47 opposed to the TBD fee which is a fixed number. He then reviewed nine significant

1 capital projects that need to be constructed over the next 5-10 years to maintain the
2 amount of growth they are seeing around the city.

3
4 Written Materials:

5
6 Board President Cotton read the following written materials into the record:

- 7
8 1. An email from Paul and Bonita Hickock dated October 18, 2017 against the TBD
9 car tab fees and in favor of repealing the \$40 fee.
10 2. An email from Michael and Traci Wojack dated October 18, 2017 in favor of
11 reducing or repealing the license tab fees.
12 3. A letter from Dennis Larson dated September 29, 2017 expressing concern about
13 the condition of city streets and dissatisfaction that more improvements have
14 not been made with the money collected.
15

16 Public Testimony:

17
18 Paula Lapham, 5220 176th Street SW, #68, Lynnwood, WA 98037, spoke on behalf of
19 senior citizens at a mobile home park in Lynnwood. She stated that they all live on
20 social security and money is tight. She urged the Board to consider the seniors and other
21 low income people in the City for whom \$40 is a lot of money.
22

23 Julie Anderson, 5722 HillPointe Circle, Lynnwood, WA, expressed concern about the
24 \$40 tabs and spoke in support of reducing them to zero. She runs a daycare center with
25 most of her clients being low income families for whom \$40 makes a big difference.
26

27 Ted Hikel, 3820 – 191st Place SW, Lynnwood, WA 98036, requested that in the future
28 items distributed to the Board be shown to the audience as well. He distributed a list of
29 TBD revenue sources from MRSC (Municipal Research and Services Center). He noted
30 that Seattle has the highest TBD fee because they have an \$80 tab fee and a 0.1% sales
31 tax, but Lynnwood is second in the state. Lynnwood also has the highest sales tax in the
32 State of Washington. He reviewed other cities' TBD revenue sources and expressed
33 concern about the excessive taxes and fees. He commented that if property taxes get
34 raised as a result of the RFA he thinks the extra \$2.2 million should go to roads along
35 with the \$2 million from sales tax.
36

37 Beverly Hikel, 3820 – 191st Place SW, Lynnwood, WA 98036, spoke in support of
38 funding the roads through the budget as this is one of the city's primary needs. She does
39 not think the \$40 license tab fee is necessary. She urged the City to live within its
40 budget as many seniors in the community have to do.
41

42 Cena Conteh, PO Box 5474, Lynnwood, WA, spoke on behalf of people who live and
43 work in Lynnwood on a non-livable wage. She stated that the fee is too much. She
44 thinks that the 0.1% is already in place and should be enough. She spoke in support of
45 using the budget they already have.
46

1 Reuben Rodriguez, 55220 176th Street SW, Unit 4, Lynnwood, WA commented on how
2 his retirement income barely covers the rent and other expenses keep going up. He
3 spoke against the \$40 license tab fees because of the impact they have on people who
4 are on fixed incomes.
5

6 Ted Hikel, 3820 – 191st Place SW, Lynnwood, WA 98036, (again) referred to the
7 online budget and noted that the budget for Streets contains no transfers from the
8 General Fund for 2014, 2015, and 2016. He feels like this underfunding for years is
9 what is causing a lot of the problems. If this is really a need of the city then in the
10 budget process they need to look at redirecting money that is going elsewhere to go to
11 roads and to the police department. If not, he questioned whether or not they are
12 fulfilling the needs of the citizens of the City of Lynnwood. People are frustrated
13 because they are seeing the increased taxes and fees, but they are not seeing
14 improvements in streets. He urged the Board to look seriously at eliminating the \$40
15 fee.
16

17 Seeing no further comments the public testimony portion of the hearing was closed at
18 7:53 p.m.
19

20 B. Consideration, discussion, and possible action or other disposition on said ordinances.
21

22 TBD Board Questions:
23

24 Board Member Boyer asked staff about possibly providing discounts or rebates to
25 people who might need it. Interim Engineering Manager David Mach said he thought
26 there was a mechanism to do that. He indicated that staff could look into it if desired by
27 the Board. There was consensus to have staff look into that.
28

29 Board Member Hurst asked how long the tab fees have been in place. Director Franz
30 replied that the first \$20 fee went into effect in 2010. The second fee went into effect in
31 February of 2017. Board Member Hurst asked how Public Works funded Streets
32 without those funding mechanisms. Director Franz replied that they basically haven't
33 had a funded overlay program for years, and the roads are degrading. He spoke in
34 support of funding roads without having to be dependent on tabs, especially now that
35 they have the sales tax.
36

37 Board Member Boyer referred to the recommendation that the City should be spending
38 between \$2.6 and \$3 million per year to keep up with paving. He noted that at no point
39 during upcoming years is staff requesting anything greater than \$2.6 million per year.
40 Director Franz acknowledged that this would be weakly funded. Board Member Boyer
41 recalled a comment by Director Franz during the budget process where he indicated that
42 Streets didn't need more money and noted he had been surprised by that.
43

44 Board Member Boyer referred to the annual program for Streets where staff is
45 estimating a yearly need of between \$250,000 and \$420,000. The projected numbers all
46 fall in that range, but only in the last two years does it reach \$420,000. He asked about
47 the sufficiency of this. Director Franz commented that they are just keeping the Street

1 fund at the bare minimum which it is at now. Board Member Boyer referred to the
2 annual program for sidewalks which is \$50,000 each year for sidewalks with zero for
3 new sidewalks.
4

5 Board Member Boyer commented that ADA curb ramps are an unfunded mandate from
6 the federal government. He asked about what might happen if the City ignores this
7 unfunded mandate. Director Franz explained that the Department of Justice has gone
8 after a couple cities that did not have an appropriate ADA transition plan which the City
9 of Lynnwood is developing right now. Those cities were given an edict that they had to
10 spend a certain amount of money per year from now on to do ramps.
11

12 Board Member Boyer summarized he is very cognizant of residents trying to live on
13 low or fixed incomes which is why he wants staff to investigate the possibility of some
14 kind of waiver system. However, even with the \$40 fee and the 0.1% sales tax, the City
15 is barely scraping by at funding Streets. He referred to requests tonight to take money
16 from the General Fund to fund Streets and asked what money they would take. The
17 TBD process was used because the City needed to get an appropriate amount of money
18 into the street system. He spoke against any measure to lower the tab fees at this time.
19

20 Board Member Sessions said she had different recollections about the comments made
21 by Director Franz during the budget discussion. She recalled that the comments were
22 made in the context of the old technology versus the new technology which gives actual
23 results about the condition of roads. She asked Director Franz to explain his comments.
24 Director Franz explained that during the budget process last November, after the 0.1%
25 had passed and after the Board had put into effect the second \$20 tab fee, the question
26 was asked of him if the City should look for more money from the General Fund and
27 his answer was, "No." This was because they needed time to analyze the new funds and
28 because the Pavement Management System results were coming soon and indications
29 were that the costs would be lower. When it was discovered that the costs would indeed
30 be lower he made a similar recommendation that they continue to analyze the situation
31 before they decided to go higher or lower with fees.
32

33 Board Member Ross spoke strongly against taking any action tonight without taking it
34 in light of the entire budget. She stated that if they are going to do Budgeting for
35 Outcomes they need to do it completely. She urged the Board not to be reckless and to
36 address this in the budget process. She thinks it would be very irresponsible to not look
37 at the concept that Board Member Boyer brought up about making provisions for
38 people on fixed or low incomes. She spoke in support of having a diversification of
39 revenue sources so that everything is not dependent on sales tax.
40

41 Board Member Sutton concurred with Board Member Ross. She asked about the reason
42 for Streets money being cut from the budget several years ago. Director Franz explained
43 that costs went up due to inflation, but revenues didn't go up so year after year the
44 budget became less and less especially for the Street fund. As an example of this
45 increased pressure, he noted that they have had four people on the Street crew for
46 decades even though the number of streets has gone up by 50%.
47

1 Board President Cotton referred to page 60.2 of the Funding/Spending plan in the
2 packet and asked when the TBD began collecting the sales tax portion. Interim
3 Engineering Manager David Mach thought it was in April or May. Board President
4 Cotton noted that the numbers for 2018-2022 are flat. He asked why the 4% estimated
5 increase in sales tax wasn't included. Director Franz thought it just hadn't been
6 updated, but suggested they would probably estimate it at 2% in order to be
7 optimistically conservative. Board President Cotton asked if the contribution from the
8 Utility Fund of \$280,000 just covers emergency repairs as opposed to larger overlays.
9 Director Franz noted that this is just Utilities' yearly contribution towards overlaying
10 the streets. Board President Cotton suggested treating it like a cost center so that
11 anytime Utilities cuts a street, the Street crew would charge them for the actual amount
12 that it costs to repair that street. Director Franz indicated they could look into that.

13
14 Board Member Hurst asked about looking at Streets as a utility as had been suggested
15 by the consultant. Director Franz didn't think that state law permits it at this point. City
16 Attorney Larson concurred.

17
18 Board Deliberation:

19
20 Board Member Sessions thanked members of the public who came to the hearing. She
21 was optimistic about the potential discounts for this as they have done for utilities. She
22 urged the Council not to overreact. She noted that the City hasn't even collected what
23 they wanted to to help with bottom line. She commented it is also the City's
24 responsibility to keep the seniors safe, and this includes maintaining the roads for the
25 public to drive on and also for public safety vehicles. She thanked staff for providing
26 the breakdown of the tab fees and noted that the majority of it is going to RTA. She
27 commented that the \$40 per year is going directly to city roads. She noted that this
28 meeting was supposed to happen in November, but had been pushed forward. She
29 suggested that the timing of this meeting could have something to do with the campaign
30 and election in November. She urged the Board to continue to collect the tab fee and be
31 courageous for the sake of the City. She discussed the fact that the roads are being
32 pounded by Sound Transit, but the City receives nothing for that. Also the population of
33 Lynnwood more than doubles during the day and is different than the other cities that
34 were mentioned in public comments. Roads have been the priority since she has been
35 on the Council, and they need to stick to it. She recommended at least giving this a year
36 and talking about it again in March. She commended the Board for working creatively
37 to not put everything on a sales tax. She commended staff for their hard work in getting
38 the 196th Street grant.

39
40 Board President Cotton clarified that there are two regularly scheduled meetings per
41 year – in March and October.

42
43 Board Member Ross read from the minutes of the March meeting when the consultant
44 spoke about the condition of the City's roads. "He estimated that if Lynnwood wanted
45 to fix all its roads today it would cost \$37.5 million. The typical life cycle estimates
46 show that Lynnwood would need approximately \$2.5 annually to maintain the current
47 PCI (Pavement Condition Index). This does not include routine maintenance activities,

1 ADA compliance, culverts or ditch repair, striping, bike lanes, or additional width." She
2 stressed that \$2.5 million would just maintain the *current* condition of the roads and
3 does not cover all of those other things. She stated that they do not have a choice; they
4 have to make the roads better.

5
6 Board Member Hurst emphasized that this meeting was not a conspiracy. The date has
7 been set for months. He stated he voted for both of the tabs, but when they started
8 considering the sales tax he had suggested adding a *quid pro quo* on the ballot that if the
9 sales tax passed they would eliminate the tab fees. He still is in support of that. He
10 agreed that a waiver or discount would help the seniors, but would not help the
11 moderate or low income residents. He stressed that the median income in Lynnwood is
12 not high. Additionally, small businesses in the city pay this tab fee on every vehicle. He
13 noted that they would have to make some tough decisions. They made a commitment
14 with the resolution in support of the RFA that they would reduce taxes and fees within
15 Lynnwood. This is a step in that direction. He commented that the City has more
16 revenue coming into it than it ever has. They just have to make the tough decisions
17 about where they are going to spend it. He spoke in support of taking the \$40 tab fee off
18 completely.

19
20 *Motion made by Board Member Hurst, seconded by Board President Cotton, to adopt*
21 *Ordinance No. 15, "AN ORDINANCE OF THE LYNNWOOD TRANSPORTATION*
22 *BENEFIT DISTRICT, ELIMINATING THE VEHICLE LICENSE FEE IMPOSED BY*
23 *THE DISTRICT IN ORDINANCE NO. 10; AND PROVIDING FOR SEVERABILITY,*
24 *AN EFFECTIVE DATE, AND SUMMARY PUBLICATION."*
25

26 Board Member Boyer solicited the City Attorney's opinion on the question of whether
27 or not the chair can second the motion. City Attorney Larson stated that according to
28 Robert's Rules a second is not even required for small boards. The rules also say that
29 the chair can make a motion in a small board situation. It was her opinion that if the
30 chair could make a motion, the chair should be able to second a motion.

31
32 Board Member Hurst stated that this ordinance would take away the \$40 fee entirely.
33 He reiterated that this is part of the movement the City needs to make toward
34 decreasing taxes and fees. He is in support of this because of the impact it is having on
35 seniors, moderate to low income residents, and businesses.

36
37 *Board Member Ross moved to amend the motion to postpone any action on it until the*
38 *March meeting of the TBD. The amendment was seconded by Board Member Boyer.*
39

40 Board Member Ross stated she wanted time for staff to look at the possibility of having
41 discounts for people on low income as well as fixed income.

42
43 Board President Cotton solicited legal opinion about the motion. City Attorney Larson
44 stated that it is a motion to postpone to a date certain, and she believed it was proper.

45
46 Board Member Boyer stated he is interested in finding out what can be done to level the
47 playing field for folks who are paying into this program. He also noted that they haven't

1 even had a full year under this program yet, and they need to give it a little time.
2 Additionally, there will be a fairly radical change to property tax rates in the next couple
3 of months. He cautioned against changing too many variables at one time. He
4 recommended taking all of this on as a whole in the Budgeting for Outcomes exercises
5 for the next biennium.
6

7 Board Vice President Goodwin stated he is still interested in looking at the \$20 fee, but
8 not taking the whole fee off. He expressed concern that he had not been informed about
9 the agenda of this particular board meeting in a timely manner and had been unable to
10 reschedule two presenters who were present for the work session tonight. He expressed
11 concern that there was only two weeks' notice instead of the usual three weeks' notice
12 for this meeting. Because of that issue of notice, he felt it was appropriate to take action
13 tonight.
14

15 Board Member Hurst objected to postponement.
16

17 Board Member Sutton spoke in support of postponing this because she didn't feel she
18 had enough information to make a decision. She noted that they were all elected by the
19 residents who expect them to have their genuine benefit in mind.
20

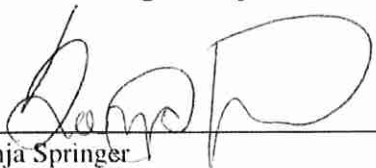
21 Board President Cotton spoke against postponement. It was his sense that there had
22 been consensus with the Board that if the 0.1% sales tax passed the Board would return
23 the tax money. He feels this is about being a representative of the people and noted that
24 they heard tonight almost unanimously that people want to see a reduction in their fees.
25 The voters approved the 0.1% sales tax increase which will provide \$2.1 million
26 revenue for Streets. He reminded everyone that the role on the TBD Board is meant
27 specifically to govern over and administer tab fees and sales tax, if allowed, specifically
28 for the purpose of transportation improvements. It is the role of the City Council to set
29 the budget priorities. He cautioned against mixing up their roles as Board members and
30 Councilmembers, but acknowledged that it is easy to do.
31

32 *Upon a requested roll call vote, the motion to postpone to the March 21, 2018 meeting*
33 *passed 5-2 with Board Members Goodwin, Boyer, Ross, Sutton, and Sessions voting in*
34 *favor of the motion and Board Members Hurst and Cotton voting against the motion.*
35

36 70. ADJOURNMENT
37

38 *Motion made by Board Member Boyer, seconded by Board Member Ross, to adjourn the*
39 *meeting. Motion passed unanimously.*
40

41 The meeting was adjourned at 8:48 p.m.
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44
45 Sonja Springer
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47 Finance Director, Acting as Board Treasurer


Ian Cotton, TBD Board President

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CITY OF LYNNWOOD
TRANSPORTATION BENEFIT DISTRICT

ORDINANCE NO. 14

AN ORDINANCE OF THE LYNNWOOD
TRANSPORTATION BENEFIT DISTRICT, DECREASING
THE VEHICLE LICENSE FEE IMPOSED BY THE
DISTRICT AS ESTABLISHED IN ORDINANCE NO. 10;
CONFIRMING THE PROJECTS TO BE FUNDED; AND
PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE,
AND SUMMARY PUBLICATION.

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WHEREAS, Chapter 36.73 RCW and RCW 35.21.225 authorize the City of
Lynnwood City Council to establish a Transportation Benefit District within the City's
jurisdiction for the purpose of acquiring, constructing, improving, providing, and funding
transportation improvements within the district that are consistent with existing state,
regional, and local transportation plans and necessitated by existing or reasonably foreseeable
congestion levels; and

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WHEREAS, the Lynnwood City Council determined that it was in the best interests of
the City to establish a City-wide Transportation Benefit District consistent with Chapter 36.73
RCW, to protect the City's long term investment in that infrastructure, reduce the risk of
transportation facility failures, improve safety, continue optimal performance of the
infrastructure over time, and avoid more expensive infrastructure replacements in the future;
and

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WHEREAS, in Ordinance No. 2837, the City Council of the City of Lynnwood
established a Transportation Benefit District as authorized by RCW 35.21.225 and subject to
the provisions of RCW 36.73; and

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WHEREAS, the Transportation Benefit District includes the entire City of Lynnwood
as the boundaries currently exist or as they are expanded upon annexation; and

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WHEREAS, RCW 36.73.065 authorizes a Transportation Benefit District to impose,
by majority vote of the district's governing board, up to forty dollars (\$40) of the vehicle
license fee authorized in RCW 82.80.140, provided an annual vehicle license fee of twenty
dollars (\$20.00) has been imposed for at least twenty-four months; and

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WHEREAS, in Ordinance No. 2 passed on November 30, 2010, the Lynnwood
Transportation Benefit District Board established an annual vehicle license fee in the amount
of twenty dollars (\$20.00); and

1 WHEREAS, in Ordinance No. 10 passed on July 27, 2016, the Lynnwood
2 Transportation Benefit District Board increased the annual vehicle license fee to forty dollars
3 (\$40.00), consistent with RCW 36.73.065; and
4

5 WHEREAS, at the election held on November 8, 2016, the Lynnwood Transportation
6 Benefit District Board submitted a ballot proposition to the voters of the District, on the
7 question of whether the Transportation Benefit District should be authorized to impose an
8 additional sales and use tax in the amount of one-tenth of one percent (0.1%) to be collected
9 within the District for a term of ten years; and
10

11 WHEREAS, the voters of the District approved the ballot proposition, authorizing the
12 District to impose an additional sales and use tax in the amount of one-tenth of one percent
13 (0.1%) for ten years; and
14

15 WHEREAS, the District's Board recognizes that the approval of the ballot proposition
16 results in a voluntary increase in taxation on the residents of the District and the City; and
17

18 WHEREAS, the Lynnwood Transportation Benefit District Board believes that the
19 District is a partner with Lynnwood residents in developing and implementing solutions for
20 funding transportation improvements to serve Lynnwood residents, and the Board desires to
21 accomplish said funding in a manner that minimizes financial impacts on Lynnwood
22 residents; and
23

24 WHEREAS, on October 18, 2017, the Lynnwood Transportation Benefit District
25 Board held a public hearing to solicit public comment regarding a proposal to decrease the
26 annual vehicle license fee imposed by the District, including but not limited to decreasing the
27 annual vehicle license fee to twenty dollars (\$20.00); and
28

29 WHEREAS, the Lynnwood Transportation Benefit District Board finds it in the best
30 interests of the District to decrease the annual vehicle fee from forty dollars (\$40.00) to
31 twenty dollars (\$20.00), for the purpose of making transportation improvements that preserve,
32 maintain, and improve the transportation infrastructure of the City of Lynnwood, consistent
33 with Chapter 36.73 RCW; and
34

35 WHEREAS, the Lynnwood Transportation Benefit District Board has determined that
36 fee decrease shall begin as of October 1, 2018, which is the earliest date that the Washington
37 Department of Licensing can implement the fee decrease; and
38

39 WHEREAS, the Lynnwood Transportation Benefit District Board finds it in the best
40 interest of the District to continue to use the revenues generated by the District's vehicle
41 license fee for the same transportation improvements authorized in Ordinance No. 10
42 (preventative and routine pavement maintenance and reconstruction, street and traffic
43 maintenance and operations, and other capital projects as identified in the City's
44 Transportation Improvement Plan);
45

1 NOW, THEREFORE, THE BOARD OF THE CITY OF LYNNWOOD,
2 WASHINGTON, TRANSPORTATION BENEFIT DISTRICT, DO ORDAIN AS
3 FOLLOWS:
4

5 Decrease in the Annual Vehicle Fee. The annual vehicle license fee established in
6 Ordinance No. 10 in the amount of forty dollars (\$40.00) is decreased to twenty dollars
7 (\$20.00), consistent with RCW 36.73.065, to be collected by the Washington Department of
8 Licensing on qualifying vehicles as set forth in RCW 82.80.140 and Chapters 36.73 and 46.16
9 RCW.

10
11 Effective Date of Fee Collection. The decreased vehicle license fee shall take effect for
12 vehicle license renewals due on or after October 1, 2018, or as soon thereafter as the
13 Washington Department of Licensing is reasonably able to incorporate collection of the \$20
14 fee. The decreased vehicle license fees will not be collected sooner than six months after
15 approval as provided in RCW 82.80.140. The existing annual vehicle license fee established
16 by Ordinance No. 10 in the amount of forty dollars (\$40.00) shall remain in effect and be
17 collected by the Department of Licensing until the effective date of the decreased vehicle
18 license fee established in this Ordinance.

19
20 Projects. As stated in Section 3 of Ordinance No. 10, the vehicle license fees authorized in
21 this Ordinance shall be used for the following transportation improvements: preventative and
22 routine pavement maintenance and reconstruction, street and traffic maintenance and
23 operations, and other capital projects as identified in the City's Transportation Improvement
24 Plan.

25
26 Severability. If any section, sentence, clause or phrase of this Ordinance should be held to
27 be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or
28 unconstitutionality shall not affect the validity or constitutionality of any other section,
29 sentence, clause or phrase or word of this Ordinance.

30
31 Effective Date. This Ordinance shall take effect five (5) days after passage and publication
32 of an approved summary thereof consisting of the title.
33
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1 PASSED this _____ day of _____, 2018 and signed in authentication of its
2 passage this _____ day of _____, 2018.
3

4 _____
5 Ian Cotton, TBD President
6
7

8 ATTEST:

APPROVED AS TO FORM:

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11 _____
12 Sonja Springer,
13 Finance Director, acting as TBD Treasurer
14

Rosemary Larson,
TBD Attorney

15
16 PASSED BY THE TRANSPORTATION BENEFIT DISTRICT BOARD: _____

17 PUBLISHED: _____

18 EFFECTIVE DATE: _____

19 ORDINANCE NUMBER: _____
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**CITY OF LYNNWOOD
TRANSPORTATION BENEFIT DISTRICT**

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ORDINANCE NO. 15

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AN ORDINANCE OF THE LYNNWOOD
TRANSPORTATION BENEFIT DISTRICT, ELIMINATING
THE VEHICLE LICENSE FEE IMPOSED BY THE
DISTRICT IN ORDINANCE NO. 10; AND PROVIDING FOR
SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY
PUBLICATION.

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WHEREAS, Chapter 36.73 RCW and RCW 35.21.225 authorize the City of
Lynnwood City Council to establish a Transportation Benefit District within the City's
jurisdiction for the purpose of acquiring, constructing, improving, providing, and funding
transportation improvements within the district that are consistent with existing state,
regional, and local transportation plans and necessitated by existing or reasonably foreseeable
congestion levels; and

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WHEREAS, the Lynnwood City Council determined that it was in the best interests of
the City to establish a City-wide Transportation Benefit District consistent with Chapter 36.73
RCW, to protect the City's long term investment in that infrastructure, reduce the risk of
transportation facility failures, improve safety, continue optimal performance of the
infrastructure over time, and avoid more expensive infrastructure replacements in the future;
and

WHEREAS, in Ordinance No. 2837, the City Council of the City of Lynnwood
established a Transportation Benefit District as authorized by RCW 35.21.225 and subject to
the provisions of RCW 36.73; and

WHEREAS, the Transportation Benefit District includes the entire City of Lynnwood
as the boundaries currently exist or as they are expanded upon annexation; and

WHEREAS, RCW 36.73.065 authorizes a Transportation Benefit District to impose,
by majority vote of the district's governing board, up to forty dollars (\$40) of the vehicle
license fee authorized in RCW 82.80.140, provided an annual vehicle license fee of twenty
dollars (\$20.00) has been imposed for at least twenty-four months; and

WHEREAS, in Ordinance No. 2 passed on November 30, 2010, the Lynnwood
Transportation Benefit District Board established an annual vehicle license fee in the amount
of twenty dollars (\$20.00); and

1 WHEREAS, in Ordinance No. 10 passed on July 27, 2016, the Lynnwood
2 Transportation Benefit District Board increased the annual vehicle license fee to forty dollars
3 (\$40.00), consistent with RCW 36.73.065; and
4

5 WHEREAS, at the election held on November 8, 2016, the Lynnwood Transportation
6 Benefit District Board submitted a ballot proposition to the voters of the District, on the
7 question of whether the Transportation Benefit District should be authorized to impose an
8 additional sales and use tax in the amount of one-tenth of one percent (0.1%) to be collected
9 within the District for a term of ten years; and
10

11 WHEREAS, the voters of the District approved the ballot proposition, authorizing the
12 District to impose an additional sales and use tax in the amount of one-tenth of one percent
13 (0.1%) for ten years; and
14

15 WHEREAS, the District's Board recognizes that the approval of the ballot proposition
16 results in a voluntary increase in taxation on the residents of the District and the City; and
17

18 WHEREAS, the Lynnwood Transportation Benefit District Board believes that the
19 District is a partner with Lynnwood residents in developing and implementing solutions for
20 funding transportation improvements to serve Lynnwood residents, and the Board desires to
21 accomplish said funding in a manner that minimizes financial impacts on Lynnwood
22 residents; and
23

24 WHEREAS, on October 18, 2017, the Lynnwood Transportation Benefit District
25 Board held a public hearing to solicit public comment regarding a proposal to decrease the
26 annual vehicle license fee imposed by the District, including but not limited to a fee reduction
27 to zero dollars (\$0.00) thereby eliminating the District's vehicle license fee; and
28

29 WHEREAS, the Lynnwood Transportation Benefit District Board finds it in the best
30 interests of the District to decrease the annual vehicle fee from forty dollars (\$40.00) to zero
31 dollars (\$0.00), thereby eliminating the District's vehicle license fee for the purpose of
32 making transportation improvements that preserve, maintain, and improve the transportation
33 infrastructure of the City of Lynnwood, consistent with Chapter 36.73 RCW; and
34

35 WHEREAS, the Lynnwood Transportation Benefit District Board has determined that
36 the fee elimination shall take effect on October 1, 2018, which is the earliest date that the
37 Washington Department of Licensing can implement the fee elimination; and
38

39 WHEREAS, the Lynnwood Transportation Benefit District Board finds it in the best
40 interest of the District to continue to use the revenues generated by the District's revenues for
41 the same transportation improvements authorized in Ordinance No. 10 (preventative and
42 routine pavement maintenance and reconstruction, street and traffic maintenance and
43 operations, and other capital projects as identified in the City's Transportation Improvement
44 Plan);
45

1 NOW, THEREFORE, THE BOARD OF THE CITY OF LYNNWOOD,
2 WASHINGTON, TRANSPORTATION BENEFIT DISTRICT, DO ORDAIN AS
3 FOLLOWS:
4

5 Elimination of the Annual Vehicle Fee. The annual vehicle license fee established in
6 Ordinance No. 10 in the amount of forty dollars (\$40.00) is decreased to zero dollars (\$0.00).
7

8 Effective Date of Fee Elimination. The decreased (eliminated) vehicle license fee shall take
9 effect for vehicle license renewals due on or after October 1, 2018, or as soon thereafter as the
10 Washington Department of Licensing is reasonably able to incorporate the elimination of the
11 fee. To the extent RCW 82.80.140(3) applies, the vehicle license fee elimination will not take
12 effect sooner than six months after approval of the fee elimination. The existing annual
13 vehicle license fee established by Ordinance No. 10 in the amount of forty dollars (\$40.00)
14 shall remain in effect and be collected by the Department of Licensing until the effective date
15 of the vehicle license fee elimination under this Ordinance.
16

17 Projects. Revenues received by the District shall continue to be used for the following
18 transportation improvements: preventative and routine pavement maintenance and
19 reconstruction, street and traffic maintenance and operations, and other capital projects as
20 identified in the City's Transportation Improvement Plan.
21

22 Severability. If any section, sentence, clause or phrase of this Ordinance should be held to
23 be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or
24 unconstitutionality shall not affect the validity or constitutionality of any other section,
25 sentence, clause or phrase or word of this Ordinance.
26

27 Effective Date. This Ordinance shall take effect five (5) days after passage and publication
28 of an approved summary thereof consisting of the title.
29

30 PASSED this _____ day of _____, 2018 and signed in authentication of its
31 passage this _____ day of _____, 2018.
32

33 _____
34 Ian Cotton, TBD President
35
36

37 ATTEST:

APPROVED AS TO FORM:

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39 _____
40 Sonja Springer,
41 Finance Director, acting as TBD Treasurer
42

Rosemary Larson,
TBD Attorney

43 PASSED BY THE TRANSPORTATION BENEFIT DISTRICT BOARD: _____

44 PUBLISHED: _____

45 EFFECTIVE DATE: _____

46 ORDINANCE NUMBER: _____
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**City of Lynnwood
Transportation Benefit District Board**

Item 100

**Special Meeting
March 21, 2018
6:00 P.M.**

TITLE: Election of Board Officers

DEPARTMENT: Public Works

DEPARTMENT CONTACT: Bill Franz/David Mach

BACKGROUND: Section 5.03 of the Charter states that “The Board shall include two or more officers...The initial officers of the Board shall be the President and Vice President. Additional officers may be provided for as approved by the Board.....”

The roles and responsibilities of the TBD President are outlined in Section 5.04 of the Charter: “The President shall serve as the ceremonial head of the District and shall preside over all Board meetings. The President shall, subject to the control of the Board, exercise general supervision, direction, and control of the business and affairs of the District. On matters decided by the District, unless otherwise required under Interlocal Agreement or by this Charter, the signature of the President alone is sufficient to bind the District.”

The roles and responsibilities of the TBD Vice President are outlined in Section 5.05 of the Charter: “The Vice President shall serve in the absence of the President as the ceremonial head of the District and shall preside over Board meetings in the President’s absence and shall otherwise execute the President’s powers and duties.”

Other TBD Board Officers include Treasurer, which shall be the City’s Finance Director (Section 5.06 of the Charter) and Attorney, which shall be the City Attorney (Section 5.07 of the Charter).

ACTION: Nominate and elect TBD Board President and Vice President.

ATTACHMENTS: None

1 City of Lynnwood
2 Transportation Benefit District Board

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4 **Item 110**

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6 Special Meeting
7 March 21, 2018
8 6:00 P.M.

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12 **TITLE:** Adjournment
