



WENATCHEE CITY COUNCIL
Thursday, June 22, 2023
Wenatchee City Hall Council Chambers
301 Yakima Street
Wenatchee, WA 98801
AGENDA

"To create community through responsive leadership and services for the citizens and visitors of the Apple Capital of the World."

5:15 p.m. Regular Meeting

1. Call to Order, Pledge of Allegiance, and Roll Call

2. Citizen Requests/Comments

The "Citizen Comments" period is to provide the opportunity for members of the public to address the Council on any matter, including items on the agenda. Comments on public hearing items will be taken during the public hearing. The Mayor will ask if there are any citizens wishing to address the Council. When recognized, please step up to the microphone, give your name and mailing address, and state the matter of your interest. Citizen comments will be limited to three minutes.

3. Consent Items:

- *Motion to approve agenda, vouchers, and minutes from previous meetings.*
Vouchers:
Wires #1594 and #1595 in the amount of \$54,962.31 for May 26, 2023
Claim check #207826 in the amount of \$2,390.00 for May 30, 2023
Claim checks #207839 through #207850 in the amount of \$20,950.17 for May 31, 2023
Claim checks #207851 through #207946 in the amount of \$974,344.74 for June 1, 2023
Claim checks #207947 through #207950 in the amount of \$65,420.90 for June 1, 2023
Payroll distribution in the amount of \$18,033.31 for June 5, 2023
Claim checks #208021, #208022, #207951, #207952 in the amount of \$17,721.25 for June 8, 2023
Claim checks #207953 through #208020 in the amount of \$1,106,576.45 for June 8, 2023
Claim checks #208024 through #208027 in the amount of \$10,188.85 for June 15, 2023
Payroll distribution in the amount of \$456,425.00 for June 20, 2023
- *Motion to accept the work performed by the contractor, Hurst Construction, LLC, on the Saddle Rock Natural Area Phase 2 Interim Remedial Action Project, and to authorize the Mayor to sign the Final Contract Voucher.*
- *Motion to approve Resolution No. 2023-15, revising the regular meeting schedule for November and December 2023.*

4. Presentations

- Code Enforcement Recognition

5. Action Items

- A.** Arts, Recreation and Parks Commission Student Member Re-Appointment (Megan Kassebaum)
Presented by Parks, Recreation & Cultural Services Director David Erickson
Action Requested: *Motion for City Council to approve Resolution No. 2023-14 re-appointing Megan Kassebaum to the Arts, Recreation & Parks Commission.*
- B.** Contract Award for City Project No. SW23-08 – Public Works Shop Building No. 4 – Partial 2nd Floor Addition
Presented by Facilities Manager Elisa Schafer
Action Requested: *Motion for City Council to authorize the Mayor to award Project No. SW23-08 and authorize the Mayor to sign the construction contract with Halme Builders, Inc. for \$100,000, plus WSST.*
- C.** Ordinance No. 2023-07, amending Ordinance No. 2012-30, Section III, codified as Wenatchee City Code 6B.06.024, as it relates to parking in the downtown core area
Presented by Executive Services Director Laura Gloria and Public Works Director Rob Jammerman
Action Requested: *Motion for City Council to adopt Ordinance No. 2023-37, amending Ordinance No. 2012-30, Section III, codified as Wenatchee City Code 6B.06.024, as it relates to parking in the downtown core area.*
- D.** City Project 2201.1/2201.2 – Apple Capital Loop (Component 3 – Segment 1B and 2A, Component 4 – Segment 2C) FY2021 INFRA Program Term Sheet
Presented by Executive Services Director Laura Gloria
Action Requested: *Motion for City Council to authorize the Mayor to execute the Term Sheet between the City of Wenatchee and USDOT, providing for the reimbursement of costs incurred with the design and construction of Projects 2201.1 Confluence Parkway South and 2201.2 South End Ped/Bike Access Bridges.*

6. Reports

- a. Mayor's Report
- b. Reports/New Business of Council Committees

7. Announcements

8. Close of Meeting

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Mayor's office at (509) 888-6204 (TTY 711). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1).



DRAFT

WENATCHEE CITY COUNCIL
Thursday, June 8, 2023
Wenatchee City Hall Council Chambers
301 Yakima Street
Wenatchee, WA 98801
MINUTES

"To create community through responsive leadership and services for the citizens and visitors of the Apple Capital of the World."

Present: Mayor Frank Kuntz; Councilmember Position 1 Jose Cuevas; Councilmember Position 2 Mike Poirier; Councilmember Position 3 Top Rojanasthien; Councilmember Position 4 Travis Hornby; Councilmember Position 5 Mark Kulaas; Councilmember At-Large "B" Keith Huffaker

Staff Present: Executive Services Director Laura Gloria; City Attorney Danielle Marchant; City Clerk Tammy McCord, IS Support Zach Steele; Public Works Director Rob Jammerman; Community Development Director Glen DeVries; Operations Manager Aaron Kelly; Finance Director Brad Posenjak

4:35 p.m. Executive Session. Mayor Frank J. Kuntz called the meeting to order at 4:35 p.m. for the purpose of meeting in executive session.

Motion by Councilmember Keith Huffaker to convene in executive session for a time period not to exceed 5:10 p.m. with the city attorney present, to: (1) consider the acquisition of real estate by purchase when public knowledge regarding such consideration would cause a likelihood of increased price (RCW 42.30.110(1)(b)); and (2) to consider the minimum price at which real estate will be offered for sale when public knowledge regarding such consideration would cause a likelihood of decreased price (RCW 42.30.110(1)(c)). Councilmember Mike Poirier seconded the motion. Motion carried (6-0).

Council adjourned from executive session at 5:10 p.m.

5:15 p.m. Regular Meeting

1. Call to Order, Pledge of Allegiance, and Roll Call. Mayor Frank J. Kuntz called the regular meeting to order at 5:15 p.m. Councilmember Keith Huffaker led the Pledge of Allegiance. The excused absence of Councilmember Linda Herald was noted.

2. Citizen Requests/Comments. None.

3. Consent Items:

- *Motion to approve agenda, vouchers, and minutes from previous meetings.*
Vouchers:
Claim checks #207736 through #207825 in the amount of \$1,296,160.10 for May 25, 2023
Wires #1592 and #1593 in the amount of \$58,831.04 for May 25, 2023
Payroll distribution (retirees) in the amount of \$10,690.54 for May 31, 2023
Benefits/deductions in the amount of \$1,059,235.14 for May 31, 2023
Payroll distribution in the amount of \$631,466.20 for June 5, 2023
- *Motion to approve Resolution No. 2023-13, declaring certain property surplus to the needs of the City of Wenatchee and authorizing the Public Works Department to dispose of the personal property identified herein.*

Motion by Councilmember Mark Kulaas to amend the agenda to add Item E regarding Interlocal Agreement between Chelan County, Douglas County, Grant County, Okanogan County, City of Wenatchee, City of East Wenatchee, and City of Moses Lake, to approve the vouchers, and minutes from previous meetings, and to approve Resolution No. 2023-13, declaring certain property surplus to the needs of the City of Wenatchee and authorizing the Public Works Department to dispose of the personal property identified herein. Councilmember Travis Hornby seconded the motion. Motion carried (6-0).

4. Action Items

A. City Project 2301 – 2024 Pavement Preservation - Authorization to Negotiate

Public Works Director Rob Jammerman presented the staff report. Council asked questions.

Motion by Councilmember Top Rojanasthien for City Council to authorize the Mayor to negotiate with KPG Psomas, Inc. for design services for the 2024 Pavement Preservation (Project No. 2301) and further authorize the Mayor to sign a contract on behalf of the City. Councilmember Travis Hornby seconded the motion. Motion carried (6-0).

B. Columbia River Local Homeless Housing Task Force Grant Agreements

Community Development Director Glen DeVries presented the staff report and presented a spreadsheet showing sufficient capacity with the proposal.

Motion by Councilmember Mark Kulaas for City Council to authorize the Mayor to enter into the grant agreements recommended by the Columbia River Local Homeless Housing Task Force as outlined in the agenda report. Councilmember Jose Cuevas seconded the motion. Motion carried (6-0).

C. City Project 2206 – Parkside Renovation Project, Change Order No. 1

Operations Manager Aaron Kelly presented the staff report. Council asked questions.

Motion by Councilmember Mike Poirier for City Council to approve the contract Change Order No. 1 with Rudnick and Sons, LLC, in the amount of \$340,309 and authorize the Mayor's signature. Councilmember Travis Hornby seconded the motion. Motion carried (6-0).

D. Contract Amendment No. 4 to the Professional Service Agreement with DOH Associates, Inc. for Architectural & Engineering Services for Tenant Improvement Developments

Operations Manager Aaron Kelly presented the staff report.

Motion by Councilmember Keith Huffaker for City Council to authorize the Mayor to sign Contract Amendment No. 4 to the Professional Services Agreement on behalf of the City with DOH Associates, Inc. for Architectural & Engineering Services for Tenant Improvement Developments. Councilmember Travis Hornby seconded the motion. Motion carried (6-0).

E. Interlocal Agreement between Chelan County, Douglas County, Grant County, Okanogan County, City of Wenatchee, City of East Wenatchee, and City of Moses Lake

Executive Services Director Laura Gloria presented the staff report. Council asked questions.

Motion by Councilmember Travis Hornby for City Council to authorize the Mayor to sign the Interlocal Agreement in substantially similar form between Chelan County, Douglas County, Grant County, Okanogan County, City of Wenatchee, City of East Wenatchee, and City of Moses Lake for the purpose of establishing the Opioid Abatement Council for the North Central Region. Councilmember Top Rojanasthien seconded the motion. Motion carried (6-0).

5. Reports

- a. Mayor's Report. The Mayor reported on the following:
 1. He attended the Memorial Day ceremonies at both cemeteries and the bridge and they were nice.
 2. He spent time interviewing with students who were working on their end of year school projects.

3. He participated in ongoing discussions regarding the multi-family tax exemption with a local developer who is asking for the 12-year agreement they entered into to change to an 8-year agreement.
4. He met with the new Chelan-Douglas Land Trust Executive Director regarding the foothills that are being well used and are falling behind on maintenance. The CDLT may need some financial assistance to help maintain, and could possibly request LTAC funding.
5. He attended a meeting regarding the parking enforcement position. The position is out for advertisement again and a change was made with a lighter view with more focus on customer service.
6. The Mayor would like to have the local Bird Scooters reps come and provide an update with the Council.

b. Reports/New Business of Council Committees

Councilmember Keith Huffaker spoke about the discussion at the Public Services Committee meeting for a Customer Resource Officer. Chief Crown will bring forward a proposal as to what that would look like.

Councilmember Mark Kulaas attended the Museum Board retreat which focused on the capital campaign for renovations. There may be some additional asks to the city.

Councilmember Mike Poirier attended the Chelan-Douglas Transportation Council meeting recently where they went over the 2050 Transportation Plan and a recent survey showed that many people may be interested in a tax for roads. He will forward the survey to the Council.

Councilmember Jose Cuevas mentioned that the mosquitos are out again and the PUD needs to spray. Staff will reach out to see if there's a plan for spraying mosquitos again this year.

6. Announcements. Councilmembers Kulaas and Herald will be attending the AWC Annual Conference on June 22 and unsure if they can attend the next Council meeting virtually. Councilmember Keith Huffaker will be traveling and unsure if he can attend.

7. Close of Meeting. With no further business, the meeting closed at 5:50 p.m.

Frank J. Kuntz, Mayor

Attest:

Tammy L. McCord, City Clerk



CITY COUNCIL AGENDA REPORT

TO: Frank Kuntz, Mayor
City Council

FROM: David Erickson, Parks, Recreation and Cultural Services Director

MEETING DATE: June 22, 2023

I. SUBJECT

Final acceptance of the Saddle Rock Natural Area Phase 2 Interim Remedial Action Project.

II. ACTION REQUESTED

Motion to accept the work performed by the contractor, Hurst Construction LLC, on the Saddle Rock Natural Area Phase 2 Interim Remedial Action Project and to authorize the Mayor to sign the Final Contract Voucher.

III. OVERVIEW

This project was the final phase of a ten-year effort to remove mining waste rock from the Saddle Rock Natural Area. In this phase, waste rock was removed, and trail drainage and surfacing added to improve the long-term sustainability of the trail.



The project was awarded to Hurst Construction LLC on May 20, 2022 for a contract total of \$695,231.85. The project was substantially completed and Saddle Rock reopened to use on October 27, 2022. The project was physically completed on November 8, 2022, and the final amount paid to Hurst Construction LLC was \$697,796.25.



IV. FISCAL IMPACT

This project was on budget.

VI. REFERENCE(S)

1. Final Contract Voucher

VII. ADMINISTRATIVE ROUTING

Tammy McCord, City Clerk
Laura Gloria, Executive Services Director
Brad Posenjak, Finance Director



**City of Wenatchee
Department of Public Works**

**Final Contract
Voucher Certificate**

Hurst Construction LLC			
Street Address PO Box 990			
City Wenatchee	State WA	Zip 98807	Date 2/21/2023
City Project Number PK200201	Federal-Aid Project Number N/A	Highway Number N/A	
Job Title Phase 2 Interim Remedial Action, Saddle Rock Natural Area			
Date Work Physically Completed 11/08/2022		Final Amount \$697,796.25	

Contractor's Certification

I, The undersigned, having first been duly sworn, certify that I am authorized to sign for the claimant; that in connection with the work performed and to the best of my knowledge no loan, gratuity or gift in any form whatsoever has been extended to any employee of the City of Wenatchee nor have I rented or purchased any equipment or materials from any employee of the City of Wenatchee; I further certify that the attached final estimate is a true and correct statement showing all the monies due me from the City of Wenatchee for work performed and materials furnished under this contract; that I have carefully examined said final estimate and understand the same and hereby release the City of Wenatchee from any and all claims of whatsoever nature which I may have, arising out of the performance of said contract, which are not set forth in said estimate.



[Handwritten Signature]

Contractor Authorized Signature Required

[Handwritten Name]

Type Signature Name

Subscribed and sworn to before me this June day of 1st 2023

X *[Handwritten Signature]* _____ Notary Public in and for the State of Washington,

residing at 316 Urban Industrial Way East Wenatchee, WA 98802

City of Wenatchee

City of Wenatchee hereby accepts the completed contract pursuant to Section 1-05.12 of the contract provisions.

X _____
Mayor/or Designee

Date of Acceptance

Apple Capital of the World

RESOLUTION NO. 2023-15

A RESOLUTION, of the City of Wenatchee, Washington, revising the regular meeting schedule for November and December, 2023.

WHEREAS, RCW 35A.12.110 provides that City Council shall meet regularly, at least once per month; and

WHEREAS, WCC 1.07.080 provides that regular meetings of the Council shall be held on the second and fourth Thursdays of the month, and that special meetings may be called by the Mayor or any three Council members; and

WHEREAS, the regular meeting date of November 23, 2023 is the national Thanksgiving holiday; and

WHEREAS, the Council desires to cancel the regular meetings of November 23, 2023 and December 21, 2023, to avoid conflicts with the Thanksgiving holiday and Christmas holiday; and

WHEREAS, the Council desires to schedule special meetings on November 16, 2023 and December 7, 2023 for purposes of public hearings on the 2024 budget and such other business as it may need to transact.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WENATCHEE HEREBY RESOLVES AS FOLLOWS:

Section 1. Meeting Dates. The meeting dates of the City Council for November and December 2023 shall be and hereby are revised as follows:

November 9 - Regular Meeting

November 16 - Special Meeting (final 2024 budget adoption)

November 23 - No Meeting/Holiday

December 7 - Special Meeting

December 14 - No Meeting

December 21 - No Meeting

December 28 - Special Meeting, Swearing-In Ceremony @ noon

Section 2. Notice to Public. Notice of the revised meeting schedule shall be provided to each local newspaper of general circulation and to each local radio or television station which has on file with the Council a written request to be notified of such special meeting or of all special meetings. Such notice shall be delivered personally or by mail at least 24 hours before the time of such meeting as specified in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted.

Section 3. Effective Date. This Resolution shall take effect upon adoption.

ADOPTED by the City Council of the City of Wenatchee, Washington, this 13th day of July, 2023.

CITY OF WENATCHEE, a Municipal
Corporation

By: _____
FRANK KUNTZ, Mayor

ATTEST:

By: _____
TAMMY L. MCCORD, City Clerk

APPROVED AS TO FORM:

By: _____
DANIELLE R. MARCHANT, City Attorney



CITY COUNCIL AGENDA REPORT

TO: Frank Kuntz, Mayor
City Council

FROM: David Erickson, Parks, Recreation and Cultural Services Director

MEETING DATE: June 22, 2023

I. SUBJECT

Arts, Recreation and Parks Commission Student Member Re-Appointment

II. ACTION REQUESTED

Move approval of Resolution 2023-14 re-appointing Megan Kassebaum to the Arts, Recreation and Parks Commission.

III. OVERVIEW

The Arts, Recreation and Parks Commission is a seven-member citizen volunteer commission that serves in an advisory capacity to the Wenatchee City Council. The primary functions of the Commission are to:

- Review and make recommendations concerning recreation program offerings of the City.
- Oversee the City's art collection and comprehensive arts program.
- Provide recommendations regarding the acquisition, development and maintenance of park areas.
- Serve as the City Forestry Board and oversee the Urban Forestry Program.
- Review and make recommendations regarding the implementation of the City Parks, Recreation and Open Space Plan.
- Provide advice and make recommendations concerning the Wenatchee Community Center and Cemetery.
- Review art, recreation and park related proposals.
- Complete regular reviews of fees and charges for services.

One of the positions is reserved for a student member. Student members provide valuable insight and perspective to the Commission and serving on the Commission also benefits the student. A copy of Megan's application is attached. Megan is finishing her first term on the Commission and is seeking re-appointment for her second term.

The student position has a term expiration of June 30, 2024.

Staff recommends her re-appointment to the Commission.

IV. FISCAL IMPACT

None.

V. PROPOSED PROJECT SCHEDULE

If City Council approves the agenda item, Megan would begin serving on the Commission next week.

I. REFERENCE(S)

VII. ADMINISTRATIVE ROUTING

Tammy McCord, City Clerk
Laura Gloria, Executive Services Director
Brad Posenjak, Finance Director

RESOLUTION NO. 2023-14

A RESOLUTION, of the City of Wenatchee, Washington, reappointing a member to the Wenatchee Arts, Recreation and Parks Commission.

WHEREAS, the Wenatchee Arts, Recreation and Parks Commission has a position dedicated specifically to allow a student member to serve; and

WHEREAS, Megan Kassebaum is currently serving on the Commission as the student member; and

WHEREAS, Megan Kassebaum has applied for reappointment to the Commission as the student member; and

WHEREAS, Megan Kassebaum qualifies for reappointment to the Commission as the student member; and

WHEREAS, the Commission is recommending to the City Council that Megan Kassebaum be reappointed as the student member; and

WHEREAS, Megan Kassebaum brings unique insight to the Commission.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WENATCHEE HEREBY RESOLVES AS FOLLOWS:

Section 1. Reappointment. The City Council makes the following reappointment to the Wenatchee Arts, Recreation and Parks Commission Student Position with a term as stated below:

NAME & ADDRESS

Megan Kassebaum
1914 Lion Place
Wenatchee, WA 98801

TERM BEGINS

Immediately upon
the expiration of the
current term.

TERM EXPIRES

June 30, 2024

Section 2. Effective Date. This Resolution shall take effect upon adoption.

PASSED BY THE CITY COUNCIL OF THE CITY OF WENATCHEE at a regular meeting thereof this 22nd day of June, 2023.

CITY OF WENATCHEE,
a Municipal Corporation

By: _____
FRANK KUNTZ, Mayor

ATTEST:

By: _____
TAMMY McCORD, City Clerk

APPROVED AS TO FORM:

By: _____
DANIELLE R. MARCHANT, City Attorney



CITY COUNCIL AGENDA REPORT

TO: Frank Kuntz, Mayor
City Council

FROM: Elisa Schafer, Facilities Manager
Public Works Department

MEETING DATE: June 22, 2023

I. SUBJECT

Contract award for City Project No. SW23-08 – Public Works Shop Building No. 4 – Partial 2nd Floor Addition

II. ACTION REQUESTED

Staff recommends the City Council authorize the Mayor to award Project No. SW23-08 and authorize the Mayor to sign the construction contract with Halme Builders, Inc. for \$100,000, plus WSST.

III. OVERVIEW

The City of Wenatchee desires to place property for sale at 135 S. Chelan Ave. The property currently provides an operational function for the city. Prior to the sale, the Facility Maintenance department must relocate from the building, which houses the shop/warehouse for city maintenance. The renovation of the Public Works Shop Building No. 4 allows for this relocation.

IV. FISCAL IMPACT

A one-time request, approved in the 2023 budget, will fund the construction.

V. PROPOSED PROJECT SCHEDULE

Construction is scheduled to be complete by the fall of 2023.

VI. REFERENCE(S)

- a. Bid Tabulation

VII. ADMINISTRATIVE ROUTING

Tammy McCord, City Clerk
Laura Gloria, Executive Services Director
Brad Posenjak, Finance Director
Rob Jammerman, Public Works Director
Aaron Kelly, Public Works Operations Manager



**City of Wenatchee
Bid Tabulation
June 8, 2023**

1

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SW23-08 Public Works Shop Building No. 4- Partial 2nd Floor Addition				Halme		Veksel	
Item #	DESCRIPTION	Unit	Quantity	Unit Price	Total	Unit Price	Total
1	Partial 2nd Floor Addition and other Renovations per the Plans	LS	1	\$ 100,000.00	\$ 100,000.00	\$111,628.720	\$111,628.72
WSST 8.7%					\$ 8,700.00		\$9,711.70
TOTALS					\$ 108,700.00		\$121,340.42



CITY COUNCIL AGENDA REPORT

TO: Frank Kuntz, Mayor
City Council

FROM: Laura Gloria, Executive Services Director
Mayor's Office

Rob Jammerman, Public Works Director
Public Works Department

MEETING DATE: June 22, 2023

I. SUBJECT

Ordinance 2023-07 of the City of Wenatchee, Washington, amending Ordinance No. 2012-30, Section III, codified as Wenatchee City Code 6B.06.024, as it relates to parking in the downtown core area.

II. ACTION REQUESTED

Motion requested for the City Council to adopt Ordinance No. 2023-07 of the City of Wenatchee, Washington, amending Ordinance No. 2012-30, Section III, codified as Wenatchee City Code 6B.06.024, as it relates to parking in the downtown core area.

III. OVERVIEW

In January of 2023, the Wenatchee Downtown Association (WDA) requested to reduce the parking time limit in the downtown core from 3 hours to 2 hours. The letter detailed the WDA's role in leading the outreach to the business community. Over the past months, the City and WDA have been actively discussing collaborative efforts to change the parking hour limit and corresponding outreach. As a result, the proposed Ordinance No. 2023-07 will implement a 2-hour parking limit within the downtown core defined as both sides of Chelan, Mission and Wenatchee from and including the cross streets of Second to Kittitas; and Worthen Street from and including the cross streets of Thurston Street to Riverside Drive.

The Ordinance will also give the Public Works Director in consultation with the Chief of Police and approval by the Mayor to make future changes to parking limits and establish areas for angle parking. The WDA will support this effort by reaching out to the business community and championing a "Guest First" effort wherein businesses will be asked to manage their employee parking so that guests have first access to on street parking.

Lastly, the ordinance implements the ability to cite vehicles that park in bike lanes. If approved, Ordinance 2023-07 will be effective in 30 days.

IV. FISCAL IMPACT

No fiscal impact.

Agenda Report to Mayor and City Council
June 22, 2023
Page #2

VI. REFERENCE(S)

1. Ordinance No. 2023-07
2. Request Letter from Wenatchee Downtown Association

VII. ADMINISTRATIVE ROUTING

Rob Jammerman, Public Works Director
Steve Crown, Chief of Police
Tammy McCord, City Clerk
Brad Posenjak, Finance Director

ORDINANCE NO. 2023-07

AN ORDINANCE, of the City of Wenatchee, Washington, amending chapters 6B.02 and 6B.06 of the Wenatchee City Code as it related to the regulation of parking by adding section 6B.02.040, which authorizes the director of public works to erect or install official signs for parking, adding section 6B.02.050 for a presumption of the identity of the violator, and amending sections 6B.06.024 and 6B.06.155, regarding downtown core parking and parking within the lines.

WHEREAS, it is in the best interests of the city to authorize the director of public works to make decisions in order to efficiently regulate parking; and

WHEREAS, the businesses located in the downtown core have requested the City to allow for two-hour parking in the downtown core area; and

WHEREAS, based upon current mapping and growth of the city, the definition of the downtown core area needs to be updated; and

WHEREAS, other titles within the city code provide for a presumption that the registered owner of a vehicle shall be issued the parking violation and a like provision is needed for Title 6B to be consistent.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WENATCHEE DO HEREBY ORDAIN as follows:

SECTION I

A new section shall be added to Chapter 6B.02 of the Wenatchee City Code, which shall state in its entirety as follows:

6B.02.040 Authority to erect and install official signs.

The director of public works for the city, in consultation with the chief of police and as approved by the mayor, shall have the duty of and is hereby authorized to erect or install

upon, over, along or beside any street, alley or other public right of way official signs, signals and markings to designate no-parking zones, restricted parking zones, and is further authorized to erect or install any official sign to regulate parking.

SECTION II

A new section shall be added to Chapter 6B.02 of the Wenatchee City Code, which shall state in its entirety as follows:

6B.02.050 Presumption.

There is a prima facie presumption that the registered owner of the vehicle was the person in control of the vehicle at the point where, and for the time during which, the violation under this title occurred. This presumption may be overcome only if the registered owner states, under oath, in oral testimony before the court that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner.

SECTION III

Ordinance No. 2012-30, Section III, codified as Wenatchee City Code 6B.06.024, is hereby amended to read in its entirety as follows:

6B.06.024 Downtown Core Parking.

- (1) No person shall re-park a vehicle between the hours of 9:00 a.m. and 6:00 p.m. within a two-block radius of the downtown core where parking spaces have time limits imposed without leaving said parking area for a minimum of a three-hour time period. Enforcement may be predicated on witness statements.
- (2) For purposes of this section the “downtown core” is defined as being bounded and described as:
 - (a) Both sides of the streets of Chelan Avenue, Mission Street, Wenatchee Avenue and Columbia Street from and including the cross streets of Kittitas Street to 2nd Street; and
 - (b) Both sides of Worthen Street from and including the cross streets of Thurston Street to Riverside Drive.
- (3) For the purposes of this section, “block” is defined as that portion of a street including both sides thereof, lying between two intersections.

SECTION IV

Ordinance No. 2023-03, Section I, codified as Wenatchee City Code

6B.06.155, is hereby amended to read in its entirety as follows:

6B.06.155 Parking Within Lines.

Whenever any parking space is marked with parking space lines, it is unlawful for any person to park any vehicle on or across any of the parking space lines.

SECTION V

If any section, subsection, sentence, clause or phrase of this Ordinance is declared or judged by a court of competent jurisdiction to be invalid or unconstitutional, such adjudication shall in no manner affect the remaining portions of this Ordinance which shall be in full force and effect as if said section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof.

SECTION VI

Upon approval of the City Attorney, the City Clerk and the Code Reviser are authorized to make necessary corrections to this Ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules or regulations; or ordinance numbering and section/subsection numbering.

SECTION VII

This Ordinance shall take effect thirty (30) days from and after its approval and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF

WENATCHEE, at a regular meeting thereof, this _____ day of June, 2023.

CITY OF WENATCHEE, a Municipal
Corporation

By: _____
FRANK KUNTZ, Mayor

ATTEST:

By: _____
TAMMY McCORD, City Clerk

APPROVED AS TO FORM:

By: _____
DANIELLE R. MARCHANT, City Attorney



City of Wenatchee Mayor Frank Kuntz
City Council

January 12, 2023

Dear Mayor and Council,

Back in 2012 we asked to change the parking limit in downtown from 2 hour to 3 hour parking. What started as a trial turned into a permanent parking limit. In 2016 we were involved with the City on a parking study. At that time they revealed based on numbers and heat maps that the 3 hour parking was not being utilized as we expected. The suggestion was to consider reducing back to 2 hour parking in the core of downtown to accommodate usage. That was a consideration but never acted upon. Then COVID hit and life for all of us not only in the downtown, changed and that was not the time to discuss a change.

We are hearing from many business owners the need to reduce the parking back to 2 hour again. Our board met yesterday and had a good discussion on this topic and with a unanimous decision voted to petition the city for this change. Based on what happened in 2012, there are ways to do this without great expense to the city. Back then the city purchased a sticker to put over the signs to make the change.

Our organization will lead the charge in messaging this change to our downtown and community. It is our hope that when a traffic enforcement officer is in place, this change will also be in place.

We request the following changes from the current 3 hour to 2 hour parking:

Wenatchee Ave. between 2nd Street and Kittitas St.

East/West 2nd Street, 1st Street, Palouse, Orondo, and Yakima. From Columbia Street to Mission Street, including Mission.

Thank you very much for this consideration.

Sincerely,



Linda Haglund
Executive Director

Our mission is to strengthen and enrich the downtown experience for all.

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CITY COUNCIL AGENDA REPORT

TO: Frank Kuntz, Mayor
City Council

FROM: Jake Lewing, City Engineer
Public Works

MEETING DATE: June 22, 2023

I. SUBJECT

City Project 2201.1/2201.2 – Apple Capital Loop (Component 3 – Segment 1B and 2A, Component 4 – Segment 2C) FY2021 INFRA Program Term Sheet

II. ACTION REQUESTED

Motion for the City Council to authorize the Mayor to execute the Term Sheet between the City of Wenatchee and USDOT, providing for the reimbursement of costs incurred with the design and construction of Projects 2201.1 Confluence Parkway South and 2201.2 South End Ped/Bike Access Bridges

III. OVERVIEW

The City of Wenatchee and its partners submitted an Infrastructure for Rebuilding America (“INFRA”) grant application for the completion of the Apple Capital Loop. The Apple Capital Loop is a network of projects completing an 11-mile loop that serves as the backbone for highway, transit, and active modes of transportation in the Wenatchee Valley. In 2021, the City’s Funding Option A was awarded approximately \$92.4M in INFRA funds which included the following options: North Wenatchee Ave (Segment 1A), McKittrick Underpass (Segment 1B), US 2/Easy Street Roundabout (Segment 1C), Confluence Parkway South (Segment 2A), South End/Bike Ped Access (Segment 2C), and SR 28 Widening (Segment 4).

The City of Wenatchee is developing Segments 1B, 2A and 2C of the INFRA funded components, and the other remaining components are Washington State funded components being developed and delivered by WSDOT. Confluence Parkway North (Segment 2B) was not included in the awarded funding option but was awarded an additional \$85M by the Move Ahead Washington legislation. Confluence Parkway North is funded under a separate agreement with WSDOT, but it will be delivered with Confluence Parkway South under the same design-build contract.

Staff, in coordination with WSDOT for the State funded and delivered components, negotiated this draft Term Sheet for the scope, budget, and schedule milestones of the INFRA funded components, and the Term Sheet is now expected to be approved and executed by the USDOT.

IV. FISCAL IMPACT

The project budget was approved by the Finance Committee and City Council on November 17, 2022 (see attached). The local agency agreement for advance construction was authorized December 8, 2022, which made project related costs be eligible for reimbursement. Execution of this term sheet will permit the City to begin requesting reimbursement of costs incurred following the advance construction.

V. PROPOSED PROJECT SCHEDULE

The Confluence Parkway component of the Apple Capital Loop was approved for the use of Progressive Design Build by the State of Washington in March 2023. A Request for Qualifications was advertised for interested Design Build teams on May 16, 2023. Staff anticipates the selection of Design Build team later this summer, and to begin design by October 2023. Construction is anticipated to begin May 2025.

The South End Ped/Bike Access Bridge will be delivered as a traditional bid-build project. A contract with Exeltech Consulting was executed on May 25th, 2023, and design began in June 2023. Construction is expected to begin April 2025 and be substantially completed by November 2026.

VI. REFERENCE(S)

1. FY2021 INFRA Term Sheet
2. FY2021 INFRA Project Selection

VII. ADMINISTRATIVE ROUTING

Tammy McCord, City Clerk
Laura Gloria, Executive Services Director
Brad Posenjak, Finance Director
Rob Jammerman, Public Works Director

U.S. DEPARTMENT OF TRANSPORTATION

TERM SHEET UNDER THE FISCAL YEAR 2021 INFRA PROGRAM

This term sheet is between the United States Department of Transportation (the “USDOT”) and the City of Wenatchee, Washington (the “Project Sponsor”).

This term sheet reflects the conditional selection of the Project Sponsor to receive an INFRA Grant for The Apple Capital Loop (Segments 1, 2A, 2C, and 4).

The purpose of this term sheet is to set out the parties’ mutual understanding regarding material terms and conditions to be included in subsequent agreements that the parties intend to execute to implement an INFRA Grant.

The parties therefore agree to the following:

1. The INFRA Application and Project.

- (a) The Project Sponsor’s application for funding was dated March 19, 2021 and titled “Completing the Apple Capital Loop” It contained Standard Form 424 and all information and attachments submitted with that form through Grants.gov.
- (b) In this term sheet, the “Project” means the project proposed in the application, as modified by the negotiated provisions of this term sheet, including schedules A, B, and C.

2. General Terms and Conditions.

- (a) In this term sheet, “General Terms and Conditions” means the content of the document titled “General Terms and Conditions Under The Fiscal Year 2021 INFRA Program: FHWA Projects,” dated June 23, 2022, which is available at <http://go.usa.gov/xJ7Gf>. The General Terms and Conditions are part of this term sheet.
- (b) The Project Sponsor states that it has knowledge of the General Terms and Conditions.
- (c) The Project Sponsor acknowledges that the General Terms and Conditions impose obligations on the Project Sponsor and that the Project Sponsor’s non-compliance with the General Terms and Conditions may result in remedial action, terminating of the INFRA Grant, disallowing costs incurred for the Project, requiring the Project Sponsor to refund to the USDOT the INFRA Grant, and reporting the non-compliance in the Federal-government-wide integrity and performance system.

**SCHEDULE A
PROJECT TERMS**

Scope of Work.

(a) General Project Description.

The City of Wenatchee will be awarded \$92,412,004 to construct a network of projects on an 11-mile loop, including intersection improvements to SR 285/North Wenatchee Avenue, construction of railroad underpasses on McKittrick Street and Miller Street, construction of two non-motorized overpasses, and replacement of a signalized intersection with a roundabout at US 2/Easy Street. It will also widen a segment of SR 28. Project partners include the City of East Wenatchee, Chelan County, Douglas County, Washington Department of Transportation, Chelan-Douglas Regional Port Authority, LINK Transit, and Chelan-Douglas Transportation Council.

OVERALL PROJECT BUDGET

1. Project Budget.

Future Eligible Project Costs	
INFRA Grant Amount:	\$92,412,004
Other Federal Funds:	\$0
State Funds:	\$79,100,874
Local Funds:	\$10,374,952
Other Funds:	\$5,174,902
Total Future Eligible Project Cost:	\$187,062,732
Previously Incurred Project Costs	\$ 4,677,011
Total Project Cost:	\$ 191,739,743
INFRA Grant Amount Subject to 23 U.S.C. 117(d)(2):	\$ 0

COMPONENT [1]: [SEGMENT 1C, US2/97 EASY STREET ROUNDABOUT]

1. Component Scope of Work.

(a) General Component Description.

Replaces an existing traffic signal with a multilane roundabout to improve traffic flow, safety and mobility for drivers, cyclists, and pedestrians.

(b) Component Activities.

This component will consist of the following activities:

Engineering, public engagement, permitting, utility relocation, and construction.

2. Component Budget.

Future Eligible Components Costs	
INFRA Grant Amount for Component:	\$0
Other Federal Funds:	\$0
State Funds:	\$5,447,941
Local Funds:	\$0
Other Funds:	\$0
Total Future Eligible Component Cost:	\$5,447,941

Previously Incurred Component Costs : \$ 322,059

Total Component Cost: \$ 5,770,000

INFRA Grant Amount Subject to 23 U.S.C. 117(d)(2) for Component: \$ 0

3. Component Schedule.

Milestone	Schedule Date
Actual Plan, Specification, & Estimate (PS&E) Approval Date:	12/31/2022
Actual Fund-Obligating Agreement Execution Date:	12/31/2022
Actual Construction Start Date:	04/3/2023
Planned Construction Substantial Completion and Open to Traffic Date:	10/31/2023

COMPONENT [2]: [SEGMENT 1A, SR 285 NORTH WENATCHEE AVENUE]

1. Component Scope of Work.

(a) General Component Description.

This project is identified as segment 1A in the Apple Capital Loop 2021 INFRA application. The project will modify two signalized intersections to enhance mobility and safety by adding raised medians, U-turns, transit, and pedestrian enhancements. It will

also implement ITS signal enhancements to the signals in the corridor between the Wenatchee River and Miller Street.

(b) Component Activities.

This component will consist of the following activities:

Engineering, public engagement, permitting, right of way, utility relocation and construction.

2. Component Budget.

Future Eligible Components Costs	
INFRA Grant Amount for Component:	\$0
Other Federal Funds:	\$0
State Funds:	\$16,661,572
Local Funds:	\$0
Other Funds:	\$0
Total Future Eligible Component Cost:	\$16,661,572

Previously Incurred Component Costs : \$573,428

Total Component Cost: \$17,235,000

INFRA Grant Amount Subject to 23 U.S.C. 117(d)(2) for Component: \$0

3. Component Schedule.

Milestone	Schedule Date
Planned Plan, Specification, & Estimate (PS&E) Approval Date:	12/31/2026
Planned Fund-Obligating Agreement Execution Date:	11/30/2026
Planned Construction Start Date:	05/31/2027
Planned Construction Substantial Completion and Open to Traffic Date:	11/30/2028

COMPONENT [3]: [SEGMENTS 1B & 2A, MCKITTRICK RR UNDERPASS AND CONFLUENCE PARKWAY PHASE 1 (HAWLEY ST – S.)]

1. Component Scope of Work.

(a) General Component Description.

These two projects are identified as segment 1B and 2A in the Apple Capital Loop 2021 INFRA application. The combined projects will eliminate two at-grade railroad crossings, construct two railroad underpasses, construct approximately 900 feet of new minor arterial, reconstruct approximately 5,700 feet of existing minor arterial streets, construct three new traffic signals, and reconfigure two existing signalized intersections.

(b) Component Activities.

This component will consist of the following activities:

Engineering, public engagement, permitting, right of way, utility relocation and construction.

2. Component Budget.

Future Eligible Components Costs	
INFRA Grant Amount for Component:	\$83,087,004
Other Federal Funds:	\$0
State Funds:	\$0
Local Funds:	\$9,699,952
Other Funds:	\$5,174,902
Total Future Eligible Component Cost:	\$97,961,858

Previously Incurred Component Costs \$2,278,156

Total Component Cost: \$100,240,014

INFRA Grant Amount Subject to 23 U.S.C. 117(d)(2) for Component: \$0

3. Component Schedule. Milestone	Schedule Date
RFQ//RFP Package Approvals (Progressive D-B)	04/14/2023 // 07/12/2023
NEPA Completion Date	04/01/2023
Progressive Design-Build Contract Award (Ph 1 Design // GMP Final Design and Construction)	12/14/2023 // 09/15/2024
Planned Construction Start Date:	05/31/2025

3. Component Schedule. Milestone	Schedule Date
Planned Construction Substantial Completion and Open to Traffic Date:	11/30/2027

COMPONENT [4]: [SEGMENT 2C, SOUTH END BIKE/PED ACCESS BRIDGES]

1. Component Scope of Work.

(a) General Component Description.

This project is identified as segment 2C in the Apple Capital Loop 2021 INFRA application. The project makes significant access improvements to the non-motorized Apple Capital Loop trail both on Wenatchee’s south end and near downtown East Wenatchee. The Wenatchee work will construct an extension to the current bridge over the Columbia River that will carry non-motorized traffic over the Railroad and into the south business district and residential neighborhoods. The East Wenatchee work will eliminate an existing at grade pedestrian/State Highway crossing between the downtown core and the Apple Capital Loop trail and construct a non-motorized overpass of SR 28.

(b) Component Activities.

This component will consist of the following activities:

Engineering, public engagement, permitting, right of way, utility relocation and construction.

2. Component Budget.

Future Eligible Components Costs	
INFRA Grant Amount for Component:	\$9,325,000
Other Federal Funds:	\$0
State Funds:	\$0
Local Funds:	\$675,000
Other Funds:	\$0
Total Future Eligible Component Cost:	\$10,000,000

Previously Incurred Component Costs: \$0

Total Component Cost: \$10,000,000

INFRA Grant Amount Subject to 23 U.S.C. 117(d)(2) for Component: \$0

3. Component Schedule.

Milestone	Schedule Date
Planned Plan, Specification, & Estimate (PS&E) Approval Date:	08/31/2024
Planned NEPA Completion Date:	12/29/2023
Planned Fund-Obligating Agreement Execution Date:	09/15/2024
Planned Construction Start Date:	04/30/2025
Planned Construction Substantial Completion and Open to Traffic Date:	11/30/2026

COMPONENT [5]: [SEGMENT 4, SUNSET HIGHWAY/SR28 WIDENING]

1. Component Scope of Work.

(a) General Component Description.

This project is identified as segment 4 in the Apple Capital Loop 2021 INFRA application. The project will enhance safety and mobility on the Sunset Highway corridor (SR28), in the East Wenatchee urban area from 9th Street to Hadley Street with intersection improvements and widening the existing roadway to accommodate five lanes including median turn lanes in places.

(b) Component Activities.

This component will consist of the following activities:

Engineering, public engagement, permitting, right of way, utility relocation and construction.

2. Component Budget.

Future Eligible Components Costs	
INFRA Grant Amount for Component:	\$0
Other Federal Funds:	\$0
State Funds:	\$56,991,361
Local Funds:	\$0
Other Funds:	\$0
Total Future Eligible Component Cost:	\$56,991,361

Previously Incurred Component Costs \$1,503,368

Total Component Cost: \$58,494,729

INFRA Grant Amount Subject to 23 U.S.C. 117(d)(2) for Component: \$0

3. Component Schedule.

Milestone	Schedule Date
Planned Plan, Specification, & Estimate (PS&E) Approval Date:	01/31/2028
Planned Construction Start Date:	04/30/2028
Planned Construction Substantial Completion and Open to Traffic Date:	11/30/2029

SCHEDULE B
PROJECT-SPECIFIC ACCOUNTABILITY TERMS

1. Purpose of this Schedule.

This schedule B documents Project-specific information used to implement the accountability provisions in section 6 of the General Terms and Conditions.

2. Project Delivery Milestones.

None. For the purpose of section 6 of the General Terms and Conditions, this schedule B does not enumerate any specific Project delivery milestones.

3. Project Success Indicators.

None. For the purpose of section 6 of the General Terms and Conditions, this schedule B does not enumerate any specific indicators of Project success.

**SCHEDULE C
CLIMATE CHANGE AND ENVIRONMENTAL JUSTICE
PLANNING AND POLICIES**

1. Purpose of this Schedule.

This schedule C documents planning, and policy documents identified in Project Sponsor’s application to address the planning portion of Criterion #2 (Climate Change and Environmental Justice Impacts). These documents are referenced in section 8(a) of the General Terms and Conditions.

2. Climate Change and Environmental Justice Planning or Policy Documents.

Document Title	Date
Governor Inslee's Climate Commitment	5/17/2021
DNR's Plan for Climate Resilience	2/20/2020

<i>Governor Inslee’s Climate Comment</i>	<u>Web link</u>
<i>DNR’s Plan for Climate Resilience</i>	<u>Web link</u>

SCHEDULE D MATERIAL CHANGES FROM APPLICATION

Scope:

This award received \$92,412,004 from the requested \$140,414,116 INFRA funding. The award is based on the selection of funding option A in the application materials which included a reduced INFRA request of \$102,111,956 and six sub-projects reduced from the eight sub-projects included in the full request. Although the award is less than the INFRA request of \$102,111,956 for funding option A, the Project Sponsor will complete the full project scope identified in funding option A including segments 1A, 1B, 1C, 2A, 2C, and 4. Although the award decision memo described segment 3 (“replace an at-grade intersection with a half-diamond grade-separated interchange”), DOT and the City agreed that segment was omitted from the project scope at the time of selection and, therefore, it is omitted from the scope of work described in Schedule A. Each segment is identified as a single component in this term sheet except that segments 1B and 2A are combined as component 3.

There is no material change to the scope of the project identified as funding option A in the application documents except that segment 1B (part of component 3 in this term sheet) had two small federally funded projects removed from the project match.

Schedule: Schedules of each component have changed from the application and are included in this term sheet. Components 1, 2, and 5 are Washington State Funded Components being develop by the Washington State Department of Transportation (WSDOT). The schedules for these projects have changed as seen in project schedule comparison table below. A good portion of the schedule delays are associated with lasting engineering staffing challenges WSDOT encountered during the COVID-19 pandemic including hiring freezes for permanent/non-permanent employees, suspension of consultant usage, employee furloughs, and COVID-19 employment policy changes. Additionally, recent state transportation and budget policies added/changed priorities on programs that WSDOT is tasked to deliver. However, following City of Wenatchee’s receipt of INFRA notice of award, WSDOT began mitigating schedule delays and prioritizing delivering these match project for our partner. North Central Region continues to fill engineering vacancies and integrate the use of consultant into its engineering staff to deliver transportation projects.

Following a late revision to complete the newly required NEPA documentation, construction of Component 1 (Segment 1C) - US 2/97 Easy Street Roundabout (STIP ID: 200208U) began on April 3, 2023. Work is expected to be operationally complete in July.

Component 2 (Segment 1A) - SR 285/ North Wenatchee Area Improvements and Component 5 (Segment 4) - SR 28/East Wenatchee Corridor Improvements are a priority to WSDOT and align with legislative direction provided in the 2023 Transportation Budget signed by the Governor’s May 16, 2023. Both projects have active delivery preliminary engineering phases and are programmed in the 2023-2026 STIP under STIP ID 228531B and 202804G, respectively. The SR 28/ East Wenatchee Corridor Improvements project design team recently hosted an open house in March of 2023 to communicate property impacts and the ROW process to affected

residents. They also sat down with individual property owners to talk through their concerns and answer any questions. Design continues on the project with 30% design and R/W Plan approval milestones scheduled to be completed this winter. The R/W plan approval will allow the property procurement process to begin in the winter/spring of 2023-2024.

A consultant hired by a partnership with City of Wenatchee and WSDOT is currently providing alternatives on the Component 2 (Segment 1A) - SR 285 North Wenatchee Area Improvements scope to better serve local transit and provide improved mobility at the Maiden Lane intersection than identified in the original scope of work. The consultant plans to present the alternatives early this summer. WSDOT will finalize the scope utilizing this information and input from the City of Wenatchee, Chelan Douglas Transportation Council and Link Transit. The additional design and preliminary R/W activities are scheduled to start fall/winter 2023- 2024.

The City Wenatchee is developing Components 3 and 4 of the INFRA funded components. The planned schedules for these two components have been affected by the limited funding available to advance various project development activities. Despite previous delays to the starts of Components 3 and 4, the projects are still on schedule to meet the obligation deadlines defined in this Term Sheet. In order to reduce the likelihood of further delays to the schedule, the City has initiated multiple recovery strategies, project delivery methods, and other actions to achieve the Construction and Substantial Completion dates listed in this Term Sheet. Such strategies, methods, and actions are summarized below.

Components 3 (Segments 1B and 2A):

- *Agency Coordination:* The City recognizes this is a very fast-track schedule to comply with the Term Sheet requirements. To help in our efforts, the City is coordinating at least weekly with WSDOT Local Programs and FHWA as needed in developing the various steps, processes, and milestones to comply with all Federal and State requirements associated with the INFRA funding. Based on the input received to date, the City plans to submit its engineer's cost estimate, sufficient to obligate the INFRA Grant funds for construction no later than July 2024.
- *City Advisory Services:* The City has retained legal and program management consultants experienced in project of similar complexity and size to support the City in developing and delivering all aspects of the project moving forward. These firms provide committed resources to prepare and facilitate the various steps in advancing the project, such as developing the project schedules, validation of the project's basis of cost estimate, performing a cost/schedule/risks assessments, preparing the design-build procurement, engineering subject matter experts, administration of the design-build project, construction management, legal advisory, and other typical services.
- *Delivery Method:* The City has elected to deliver the projects utilizing alternative delivery methods. A Progressive Design-Build (PDB) contracting method will be administered. The City is utilizing the PDB alternative public works project delivery method authorized under Revised Code of Washington (Laws of the State) ("RCW") Chapter 39.10,

Alternative Public Works Contracting Procedures. The Project meets the following criteria presented in RCW Chapter 39.10.300, Design-Build Procedure:

- The construction activities are highly specialized, and the design-build approach is critical in developing the construction methodology.
- The Project provides more opportunity for greater innovation or efficiencies between the designer and the builder.
- Significant savings in Project delivery time will be realized.

This method allows the project to advance engineering design, right-of-way, utilities, and cost estimating concurrently. It is expected that this approach will save over a year in obligating the construction funds.

- *Progressive Design-Build (PDB)*: This method advances the project in two phases using the progressive design-build delivery method. Phase 1 (Validation and Development) includes services comprised of validation, preliminary design, and establishment of the Guaranteed Maximum Price (GMP). Phase 2 (Final Design and Construction) includes completion of the design through 100%, permitting, Construction work, and other activities to achieve final completion and other obligations.
- *INFRA Grant Obligation*: The PDB method allows the City to accelerate various development activities during the PDB Phase 1 period. By using this method, the City plans to submit an engineer's cost estimate, sufficient to obligate the INFRA Grant funds for construction no later than July 2024. This will allow time for review and processing of the grant obligation to meet the date defined in this Term Sheet.
- *Environmental Clearance*: The City is proactively advancing the final steps in completing the environmental clearance for the project. The environmental documents are anticipated to be submitted for legal sufficiency reviews no later than June 2023. The environmental clearance is planned to be completed in the Summer 2023.
- *Right-of-Way Clearance*: The City will utilize design-build approach to achieve the necessary right-of-way clearance for the project in accordance with the requirements of 23 CFR 635.309 for design-build projects. The City submitted its request to utilize this approach to WSDOT Local Programs on May 17, 2023. The right-of-way activities will be part of the design-builder's Phase 1 (Validation and Development) and Phase 2 (Final Design and Construction). Effectively setting the needed right-of-way limits for the project will be done as part of the design-builder's preliminary design, along with right-of-way plans. Following the right-of-way plan approval, the design-builder will begin the real estate acquisition services working with the City in acquiring the necessary right-of-way and easements for the Project. The City may elect to advance right-of-way activities ahead of the design-builder's work if it benefits the project's schedule.
- *Early Work Opportunities*: The City is considering or has begun early work activities to help minimize potential schedule delay impacts. For example, the City is conducting early

coordination efforts with utility owners whose facilities may be impacted by the project. The City is also advancing preliminary concepts and designs for the two railroad grade separations, ahead of executing a contract with a design-builder. These efforts are in place to help reduce the risk of schedule impacts due to possible relocation of utilities.

The City is also continuing to explore and evaluate various opportunities in practical design and value engineering possibilities to help optimize the projects scope, minimize right-of-way impacts, and other factors to help in achieving the project budget and schedule. Such ideas will be provided to the design-builder to validate and if acceptable develop into a preliminary design.

- *Schedule Key Milestones:* The City’s key milestones for achieving its recovery strategies and other actions to achieve the Component Schedule milestones are listed below. These planned milestones allow for approximately 2.8 years to advance the construction work for the project to achieve the Substantial Completion date defined in this Term Sheet of November 30, 2027, which the City considers adequate to complete a project of this size and complexity.
 - Retain Owner Advisor Support: December 19, 2022 (Complete)
 - Project Delivery Method Selection and Concurrence: February 2, 2023 (Complete).
 - Washington State CPARB – Alternative Design Approval: March 23, 2023 (Complete)
 - Cost/Schedule/Risk Assessment Workshop: April 17-18, 2023 (Complete)
 - Issue Request for Qualifications (RFQ) for PDB: May 23, 2023 (Complete)
 - Issue Request for Proposal for PDB: July 14, 2023 (Planned).
 - Select PDB Design-Builder: September 2023 (Planned).
 - Execute PDB Contract with Design-Builder: October 2023 (Planned).
 - Begin PDB Phase 1 (Validation and Development): October 2023 (Planned).
 - Engineer Cost Estimate (INFRA Grant Process) July 2024 (Planned).
 - PDB Phase 2 (Final Design and Construction) Contract Amendment: September 2024 (Planned).
 - PDB Begin Construction: No later than May 2025 (Planned).

Components 4 (Segment 2C):

- *Retain A/E Consultant:* The City selected an engineering consultant experienced in projects of similar complexity and size to support the City in developing and delivering all aspects of this component moving forward and anticipates executing a contract in May 2023. The firm was selected as the most qualified due to their experience, approach to meet the obligation deadline, and communication plan. This firm provides committed resources to prepare and facilitate the engineering design, coordination, and other activities to advance the development of the project.

- *Early Work Opportunities:* The City has begun early work activities to help minimize potential schedule delay impacts. For example, the City is conducting early coordination efforts with the railroad and utility owners for facilities anticipated to be impacted by the project. These efforts are in place to help reduce the risk of schedule impacts due to possible relocation of utilities.
- *Schedule Key Milestones:* The City’s key schedule milestones to achieve the obligation deadline for this component are as follows:
 - Notice to Proceed: May 2023 (Planned)
 - Request CN Phase Authorization (INFRA Grant Process): August 1, 2024 (Planned)
 - Construction Advertisement: November 2024 (Planned).
 - Construction Start: No later than April 2025

The table below provides a summary comparison of the project schedule.

Milestone	Grant Application	Term Sheet	Change (months)
Segment 1A			
Construction Start	6/30/2023	5/31/2027	+47
Substantial Completion	12/31/2027	11/30/2028	+11
Segment 1B			
Construction Start	3/31/2024	5/31/2025	+14
Substantial Completion	12/31/2026	11/30/2027	+11
Segment 1C			
Construction Start	12/31/2021	4/3/2023	+15
Substantial Completion	10/31/2023	10/31/2023	0
Segment 2A			
Construction Start	9/30/2023	5/31/2025	+20
Substantial Completion	12/31/2025	11/30/2027	+23
Segment 2C			
Construction Start	1/31/2024	4/30/2025	+15
Substantial Completion	1/31/2025	11/30/2026	+22
Segment 4			
Construction Start	3/31/2024	4/30/2028	+49
Substantial Completion	12/31/2027	11/30/2029	+23

Budget: The budget in the term sheet has been changed to reflect a reduced amount of INFRA funding and an increased amount of Local Funds for funding option A. The total future eligible project cost of funding option A has increased due to some work in the various segments being moved from previously incurred costs to future eligible. These changes were made to reflect the removal of two federally funded projects in segment 1B and less than expected design

expenditures prior to September 1, 2021, on segments 1A and 4. Total project costs decreased because of the two removed projects. Local future eligible funds are increased significantly to backfill the reduced INFRA award amount for option A.

The table below provides a summary comparison of the project budget.

Fund Source	Grant Application (Option A)		Term Sheet	
	\$	%	\$	%
Previously Incurred Costs				
Other Federal Funds	\$3,225,387	1.6%	\$0	0%
State Funds	\$11,224,158	5.6%	\$2,798,855	1.5%
Local Funds	\$4,134,981	2.1%	\$0	0%
Other Funds	\$1,559,000	0.8%	\$1,878,156	1.0%
Total Previously Incurred Cost	\$20,143,526	10.1%	\$4,677,011	2.5%
Future Eligible Project Costs				
INFRA Funds	\$102,111,956	51.1%	\$92,412,004	48.2%
Other Federal Funds	\$0.00	0%	\$0	0%
State Funds	\$76,997,782	38.6%	\$79,100,874	41.3%
Local Funds	\$0.00	0%	\$10,374,952	5.4%
Other Funds	\$500,000	0%	\$5,174,902	2.7%
Total Future Eligible Project Cost	\$179,609,738	89.9%	\$187,062,732	97.6%
Total Project Costs	\$199,753,264	-	\$191,739,743	-

PROJECT SPONSOR SIGNATURE PAGE

The Project Sponsor, intending to be legally bound, is signing this agreement on the date stated opposite that party's signature.

_____	By: _____
Date	Signature of Project Sponsor's Authorized Representative
	Frank Kuntz
	_____ Name
	City of Wenatchee Mayor
	_____ Title

EXECUTION BY THE STATE DEPARTMENT OF TRANSPORTATION

By signature below, the State Department of Transportation (the “SDOT”) acknowledges that it accepts and agrees to be bound by this term sheet, agrees to act as the Recipient to assist in the receipt and disbursement of the FY2021 INFRA Grant awarded for the Project, and agrees to perform such other administrative and oversight duties with respect to the award and the project as the Project Sponsor and the SDOT shall agree upon between themselves. Further, the SDOT shall comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the duties it assumes under this term sheet in compliance with the term sheet’s terms and conditions.

Executed this _____ day of _____, 2023.

Signature of State Department of Transportation
Designated Official Representative

Name of State Department of Transportation
Designated Official Representative

Title

USDOT SIGNATURE PAGE

The USDOT, intending to be legally bound, is signing this agreement on the date stated opposite that party's signature.

UNITED STATES DEPARTMENT OF
TRANSPORTATION

_____	By: _____
Date	Signature of USDOT's Authorized Representative
	Ralph Rizzo

	Name
	FHWA Washington Division Administrator

	Title