BEFORE THE BOARD OF ETHICS
FOR THE CITY OF TACOMA

In re: the Matter of the Complaints Against
Tacoma Public Utility Board Member
Karen Larkin

FINDINGS, CONCLUSIONS AND
ORDER OF DISMISSAL OF
BOARD OF ETHICS

Board of Ethics Complaint No. 2019-002

I. JURISDICTION AND PROCEDURAL HISTORY

1.1. This Board of Ethics (Board) has jurisdiction over this matter for purposes
of making findings of fact, conclusions of law, and recommending
disposition pursuant to Tacoma Municipal Code (TMC) 1.46.045.F.

1.2. On September 12, 2019, the City Clerk's Office received what is being
processed as Complaint No. 2019-002 from "Debbie Vande." The
complaint was sent on September 7, 2019 thru the TacomaFIRST 311
Customer Support Center (Exhibit A) regarding a potential traffic project.
The complaint states that, "Karen Larkin, whose position is respected and
well known" had sent emails to the City (Exhibit B) that showed "Larkin's
influence in this decision was unparalleled." The complaint also stated, "I
don't mean to suggest any ill intent in any way." On September 12, 2019,
the City Attorney's Office also received some email communications dated
September 11th and 12th (Exhibit C) between the City and a second
identified citizen "Kieran Craft" which also mentioned Ms. Larkin which did
not make any specific allegations of misconduct but did also refer to Ms.
Larkin's support of the traffic project.
II. FINDINGS OF FACT

2.1. For the purposes of this adjudication only, the Board accepts the facts presented in Complaint No. 2019-002, specifically that:

2.1.1. Karen Larkin is the Tacoma Public Utility Board Chair and is also a former employee of the City of Tacoma.
2.1.2. Karen Larkin does not currently work for the City of Tacoma as an employee or contractor.
2.1.3. Karen Larkin, Debbie Vande, and Kieran Croft are citizens of the City of Tacoma.
2.1.4. Kurtis Kingsolver, Joshua Diekmann, and Jennifer Kammerzell are staff employees of the City of Tacoma.
2.1.5. Exhibits A, B, and C are all of the documents known to the Board of Ethics relevant to this Complaint.

2.2. Based on the foregoing Finding of Fact, the Board makes the following:

III. CONCLUSIONS OF LAW

3.1. Complaint No. 2019-002 did not identify any specific section of TMC 1.46 that Tacoma Public Utility Board Chair Karen Larkin violated.

3.2. However, based on Exhibits A, B, and C, this matter is appropriately analyzed under TMC 1.46.030.H, which states as follows:

Improper Use of Position Prohibited. No City officer or employee shall knowingly use his or her office or position to secure personal benefit, gain or profit, or use his or her position to secure special privileges or exceptions for himself, herself, or for the benefit, gain, or profits of any other persons.
3.3 Complaint No. 2019-002 does not contain sufficient facts, which, if proven true, would constitute a violation of TMC 1.46.030.H. Specifically, there were insufficient facts to show that Ms. Larkin "knowingly" used her office or position to secure a benefit, gain, profit, special privilege or special exception. The communications provided in the complaint:

3.3.1. Did show Ms. Larkin making arguments for the project based on merit dating back to 2015.
3.3.2. Did also show Ms. Vande and Mr. Croft making arguments against the project.
3.3.3. Did show City staff was making efforts to hear from all members of the affected community over a 3+ year time period (2015-2019).

3.4 Therefore, Complaint No. 2019-002 is dismissed pursuant to TMC 1.46.045.F.2.a.i.

IV. ORDER

Based on the foregoing, Complaint No. 2019-002 is hereby DISMISSED.

DATED this 10th day of October, 2019

City of Tacoma Board of Ethics

By: Katie Baird/Chair

cc: Tacoma Public Utility Board Chair Karen Larkin
    Debbie Vande
Thank you for your response. I am still concerned about this traffic calming device and, more specifically, the reason it is there.

As for my concerns about the device, I have people who cut through my neighborhood too as they leave Annie Wright. Can I also ask to prevent cars from driving on my public street too? Also, in the public records I received I note that there have been no accidents at the Tacoma Avenue and McCarver Street corner since 2010. So is it a few people on North 10th, who bought their houses next to that corner of course clearly knowing that it was there, that are entitled to less traffic on their street? Are they, and the City, okay with pushing whatever traffic there is onto other nearby cobblestone streets? Some of the public records suggest the big Ruston development have encouraged trucks to drive in the north end and up North 10th on their way to I Street. If that’s the case, then why not prevent only trucks from driving on that street. And I also read that the neighbors on North 10th are very supportive of this change. I frankly hope that has no sway for the City—what homeowner in their right mind wouldn’t want less traffic in front of their house?

If the City really believes this traffic device is truly necessary at this intersection, based on objective studies and concerns, then so be it. I don’t understand it and I don’t like it, but I am not the expert. Frankly, my main concern is the fact that Karen Larkin, whose position is respected and well known, seemed to push for this and the City responded. Of course, she has every right to push for it. But would the City have done this, if not for her? One email from Jennifer Kammerzell to Rae Bailey and Kurtis Kingsolver dated January 15, 2019 states that she left a message for Karen Larkin to see if she supports the delineators, and if she did the City would “defer back to community support for white and yellow posts.” (At first, the City did not want delineators there. See emails from Jennifer Kammerzell dated January 14, 2019 and January 16, 2019.) That suggests to me that Karen Larkin’s influence in this decision was unparalleled. I don’t mean to suggest any ill intent in any way. But I dare to suggest that I wouldn’t have this same kind of response from the City for cars driving on my public street.

I appreciate your hard work. I really do. And I also must say, from what I’ve read, I am really disappointed in the City.
Thank you for your comments.

The City has been working with the neighbors along McCarver between Tacoma Ave and North G Street since 2015 regarding speed and cut-through concerns. The City posted an arterial turn signs to encourage drivers to follow the arterial, but it did not provide the desired impact. In early 2018, the City and neighbors developed a solution to restrict access on McCarver and discourage the cut-through from the north. In an effort to keep costs low and pilot a project that is new to Tacoma, the City determined to use paint, signs, and delineators. The feedback and effectiveness of this pilot project will help in determining if a more permanent installation is appropriate. This type of restriction is being considered for other parts of the City to reduce cut-through, shorten pedestrian crossing distances, and slow traffic. If effective, the use of signs and pavement markings will help to quickly address neighborhood concerns and garner neighborhood feedback to determine if a permanent solution is necessary. This pilot project is part of the City’s Neighborhood Traffic Calming Program.

The restricted access may provide some benefit to the schools, specifically at the intersections where children are crossing. St Patrick’s School was made aware of the pilot project.

With regards to next steps, the City conducted speed and volume counts this past summer. Once analyzed, the City will request feedback from the neighborhood and propose a recommendation. Due to workload, this is proposed to occur in the Fall. I'd be happy to answer any additional questions you may have (jkammerzell@cityoftacoma.org).

Jennifer Kammerzell
Public Works Department

Reference Number: W133201-060619
Brennan—see below FYI since you also recently addressed inquiries at this location.

Josh

Josh Diekmann, P.E. PTOE  
Assistant Division Manager/City Traffic Engineer  
City of Tacoma, Public Works Department  
253-591-5756 (desk)  
253-377-2800 (mobile)

Hi Karen,
It was nice to see you in the elevator the other day. I apologize that this wasn’t sent out after the speed and volume counts were conducted. I’ve attached a drawing of the intersection that shows the previous traffic counts (fairly old) and the newer counts from 2015, along with speed. The counts have doubled since the last volume study, but around 637 for the south leg of the intersection. The 85th percentile of speeds are between 21-23 MPH. The City will fund and install a speed hump when the 85th percentile of speeds is 33 MPH or more.

Kurtis and I were chatting about potential options to address possible cut-through. One tool we are evaluating for another location where the arterial turns is a curb extension that restricts traffic to exit only at the intersection. It would mean that folks would have to use Starr Street if traveling from the north. A temporary/pilot project could include delineators, striping, and signage to restrict the movement. Before moving forward with a temporary project, we would want to ensure that the neighborhood would be supportive and fully understands the restriction. We can help to generate a petition or attend a neighborhood meeting. Unfortunately, I won’t be available on the 12th, but could likely do another date, or we can provide you additional materials for discussion.
Jennifer Kammerzell  
Senior Engineer  
City of Tacoma Public Works Engineering  

From: Kingsolver, Kurtis  
Sent: Monday, July 9, 2018 5:13 PM  
To: Kammerzell, Jennifer <jkammerzell@ci.tacoma.wa.us>  
Subject: Fwd: Mccarver Street  

Kurtis Kingsolver, PE  
Public Works Director / City Engineer  
Office: 253-591-5269  
Cell: 253-606-0402  

Begin forwarded message:  
From: "Larkin, Karen" <mailto:karen.larkin@ci.taconia.wa.us>  
Date: July 8, 2018 at 5:43:51 PM PDT  
To: "Kingsolver, Kurtis" <mailto:Kingsol@ci.tacoma.wa.us>  
Subject: McCarver Street  

Hi Kurtis, just following up on my conversation with you about neighborhood traffic control options for McCarver Street form Tacoma Ave. to G Street. Did you check counts? Options? Our neighborhood block party is August 12. I am attaching an invitation and you are welcome to come if you like or just send me info. Thanks call if you would like to talk 253-219-4117.
Hi Jennifer and thanks so much for getting back to me so quickly. I am not surprised by your initial analysis. Although we see people blow through the 4-way stop without even slowing down at times, we don't see a lot of accidents. So there is the perception that it is dangerous. I have noted recently that the STOP sign on Tacoma Ave westbound is a bit obscured by the street trees. Probably an easy fix. I think the main probably is McCarver Street between Tacoma Ave and G Street. 837 is fairly high for a residential street and many times cars are traveling at what seems faster than 25 mph. Maybe you could do a count and speed study on this block. It would be best done when school resumes. If that study shows issues then we can discuss possible solutions, like a couple of speed humps. I am happy to discuss or have you out for a neighborhood meeting. Thanks again.

Karen Larkin
cell 253-219-4117

Good Afternoon Karen,
It's good to hear that you are enjoying retirement, you deserve it. I've done a quick look at the possibility of a roundabout (larger than a neighborhood traffic circle) for N Tacoma Avenue and McCarver Street. This intersection doesn't appear to meet many of the triggers for a roundabout based on some of our older volume data (north leg 3,652 veh/day and east leg 3,849 veh/day, the other legs are 837 and 299). There have also not been any reported intersection accidents, since 2010. Another issue is that the intersection is askew and would significantly impact the adjacent properties. Overall, this would be a fairly costly project that I'm not sure would address a specific concern. We are updating our traffic model this year as part of a grant, which would likely include updated traffic volume. I will request that data for this area and conduct another assessment.

I'd be happy to work with the neighborhood on any traffic issues they might have specific to this intersection. Do the concerns focus on a specific issue, e.g. pedestrian traffic, speeding, etc.? There might be a more viable or better solution to help address their concern.

Jennifer Kammerzell
Senior Engineer
City of Tacoma Public Works Engineering
Karen,
I saw your email weeks ago then managed to not forward it onto Jennifer and/or Josh. I did so moments ago and asked that she get back with you ASAP knowing you have a block party coming up soon. As you noted the location is an arterial so placing a round-a-bout will be complicated depending on how much room we have and the existing traffic volumes so it will take some time to collect the necessary data but we will take a look and get back with you on what we feel we can provide and when. Take care.

Kurtis D. Kingsolver, P.E.
Public Works Director/City Engineer
Office: 253-591-5269
Cell: 253-606-0402

Hi Kurtis, good to run into you a few weeks ago at the Farmers Market. This is a follow-up to my inquiry about getting a traffic circle placed at the intersection of Tacoma Ave and McCarver Street. I know you told me since this is an arterial intersection it will take a traffic study, can you just let me know the timing of that. We have a block party scheduled for the first week in August. I know - I could have sent this weeks ago but retired life is soo.... busy. Thanks and if is you have questions feel free to call, txt or email.

~ Karen
Karen.Larkin@hotmail.com
cell 253-219-4117
* No counts were taken for the west leg.
From: Kingsolver, Kurtis  
Sent: Thursday, September 12, 2019 10:01 AM  
To: ‘Kieran Craft’ <kierancraft@hotmail.com>; Kammerzell, Jennifer <jkammerzell@ci.tacoma.wa.us>; Thoms, Robert <robert.thoms@cityoftacoma.org>; Woodards, Victoria <victoria.woodards@cityoftacoma.org>  
Cc: Pauli, Elizabeth <elizabeth.pauli@cityoftacoma.org>; Wille, Tadd <tadd.wille@cityoftacoma.org>; Diekmann, Joshua <jdiekmann@ci.tacoma.wa.us>; Larson, Chris <CLARSON@ci.tacoma.wa.us>  
Subject: RE: Petition to REMOVE Restricted Access - McCarver Between N Tacoma Ave and N G Street

Mr. Craft,

We have indeed collected some data but have not had an opportunity to review the information. Unfortunately we had several our key staff leave our Engineering Division over the past year and have been trying to replace them ever since with limited success so some of the items on their plate had to be put off for a bit. Nonetheless, we are hoping to get to it as soon as we can. With regards to your email below, although I respect your opinions I disagree with many of the statements you list as “FACTS” but we already had that conversation when we met. I will however reiterate one point. I certainly understand why it’s important for you to believe Ms. Larkin was treated different because she is an ex-city employee, as noted in your email below her original request was for a traffic circle. Denied. Her other request was for speed humps. Denied. As mentioned in our meeting we have been attempting to install a traffic diverter similar to what we did at this location for several years to get a better idea of how they function. For that reason we agreed to install it as a pilot. That is why it was installed using cones not curb, gutter and hard-scape. That way it could easily be removed if necessary. Please also note that the requirement for a traffic circle and for speed humps is a petition circulated within one block of the device, no different than what was done at this location for the diverter. If the majority of residents are in favor and it meets our criteria, the device is installed assuming there is funding.

Thank you,

Kurtis D. Kingsolver, P.E.
Public Works Director/City Engineer
Office: 253-591-5269
Cell: 253-606-0402
Hi Kurtis, I am following up with you in regards to the street revision "Pilot Program" located at N Tacoma Ave and McCarver in the Old Town neighborhood. I originally contacted you via email shortly after the installation on or about 01/17/19 to inquire as to the impetus of the change. You shared that neighbors on that street had been complaining about "cut thru" and "speeding" on their street. It was deemed as a "Pilot Project".

I subsequently requested thru a PRR additional information regarding this project. I then met with you and Jennifer Kammerzell on 04/17/19 to further discuss the matter.

FACTS

1) A single street petition spearheaded by Karen Larkin (620 McCarver - Retired Tacoma Assistant Public Works Director and current Tacoma Public Utility Board Member) was circulated on her street and a portion of N G to 12th for approval signatures. Approximately 16 residents agreed to traffic revision. 3 residents did not agree. Karen failed to sign petition?

2) Karen Larkin had proposed in the past a round-a-bout as well as speed bumps but it was determined by 2015 traffic study none of her complaints met the threshold for traffic control. There was not significant traffic volumes nor speeding on her street. In fact her street had the lowest traffic counts.

3) None of the neighboring residents were notified prior of the pending traffic installation nor that it is deemed a "Pilot Program" (ie N 11th, Starr, Carr, Tacoma Ave)

4) No traffic data was collected in the months prior to installation of traffic diverter

5) There was no plan to collect traffic data after traffic diverter was installed

6) There was no plan to gather feedback from the neighboring residents impacted by the traffic diverter to determine if pilot would become permanent

7) City of Tacoma Traffic Engineer Josh Diekmann stated 05/22/18 "it may be helpful to point out converting roadways to one-way can create impacts in other locations, such as increasing traffic on another residential street"

7) Tacoma faces a severe budget deficit for street maintenance
In the meeting, I expressed to you the neighboring residents were not happy with the installation. We all have endured increased traffic on our neighborhood streets whether it be during the school year (Lowell, St. Pat's, Annie Wright) or during the multiple construction projects underway, special events etc. We are all in favor of safety for our residents and pedestrians. We all agree this money could have and should have been spent somewhere else on a need with merit. In the April meeting Jennifer committed to me you would conduct a traffic study sometime in May. That traffic study actually occurred in Mid-June (duration 2 days) after school ended for summer break failing to capture much of the change in traffic pattern since the diverter was installed.

In closing, I would ask that the city review the attached 36 resident petition in opposition of the Pilot Program. These residents are concentrated on the affected adjacent cut-thru streets of N 11th, Starr, Carr, and Tacoma Ave. We are all vehemently opposed to this traffic pattern change in our neighborhood. It is important to note 3 of the four residents anchoring the intersection are opposed to the install. To appease 16 residents who believe their public street concerns are more important than their collective neighborhood is a genuine dis-service to our Old Town Community. There is no place for one-way streets in Old Town to satisfy the special interest of a privileged few..... The time has come to END the "Pilot Program". We look forward to a timeline of removal and restoration of our 4-way stop which has historically served us well for many years!

Respectfully,

Kieran Craft