Legislation Passed April 19, 2022

The Tacoma City Council, at its regular City Council meeting of April 19, 2022, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

**Resolution No. 40949**
A resolution authorizing the execution of a grant agreement with the Office of Justice Programs at the Department of Justice, in the amount of $303,790, accepting and depositing said sum into the Neighborhood and Community Services Special Revenue Fund, for external contracts that support community violence interventions and the City’s transformation efforts, retroactive to October 1, 2020, through September 30, 2024.
[Vicky McLaurin, Community Wellness Program Manager; Linda Stewart, Director, Neighborhood and Community Services]

**Resolution No. 40950**
A resolution authorizing the execution of a Quit Claim Deed to City Central to remove a property clearing on the title, located at 4041 Tacoma Mall Boulevard.
[Troy Stevens, Senior Real Estate Specialist; Jeffrey Jenkins, Interim Director, Public Works]

**Resolution No. 40951**
A resolution authorizing the execution of a Multi-Family Housing Eight-Year Limited Property Tax Exemption Agreement with Tacoma Land Investments LLC, for the development of 306 multi-family market-rate rental housing units, located at 1924 Yakima Avenue, in the Downtown Regional Growth Center.
[Debbie Bingham, Project Manager; Jeff Robinson, Director, Community and Economic Development]

**Resolution No. 40952**
A resolution authorizing the execution of a Multi-Family Housing Eight-Year Limited Property Tax Exemption Agreement with VDR Land, LLC, for the development of 132 multi-family market-rate rental housing units, located at 506 North 4th Street, in the Downtown Regional Growth Center.
[Debbie Bingham, Project Manager; Jeff Robinson, Director, Community and Economic Development]

**Ordinance No. 28809**
An ordinance amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement compensation for employees represented by Teamsters Local 313.
[Dylan Carlson, Senior Labor Relations Manager; Bill Fosbre, City Attorney]
Substitute Ordinance No. 28810
An ordinance amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement rates of pay and compensation for a new classification entitled Police Chief of Staff; and declaring an emergency, making necessary the passage of this ordinance and its becoming effective immediately. [Kari L. Louie, Assistant Director; Shelby Fritz, Director, Human Resources]

Amended Ordinance No. 28811
An amended ordinance amending Chapter 11.05 of the Municipal Code, relating to Model Traffic Ordinance, by adding a new Section 11.05.133, entitled “Unlawful exhibition of speed attendance prohibited”, relating to prohibiting attendance at unlawful exhibitions of speed. [Council Member Rumbaugh]
RESOLUTION NO. 40949

A RESOLUTION relating to justice programs; authorizing the execution of a grant agreement and any associated term extensions with the Office of Justice Programs at the Department of Justice, and accepting the amount of $303,790, for deposit into the Neighborhood and Community Services Special Revenue Fund, for the purpose of allocation for external contracts that support community violence interventions and the City’s transformation efforts, retroactive to October 1, 2020, to September 30, 2024, and authorization to sign the Chief Executive Certifications.

WHEREAS the City has applied for and been awarded $303,790 in grant funding from the Office of Justice Programs at the Department of Justice (“DOJ”) 2021 Edward Byrne Memorial Juvenile Justice Assistance Grant (“JAG”), and

WHEREAS Pierce County and the City jointly applied for these funds, and pursuant to a Memorandum of Understanding, will split the grant equally between the two jurisdictions, with the City both acting as the lead agency and having the responsibility of accepting the award and signing the necessary certifications to receive the funds, and

WHEREAS the City has accepted the grant in the DOJ’s automated system, and this action would authorize the City Manager to execute the Certifications and Assurances which allow for expenditure of the funds, and

WHEREAS the City will use its portion of the allocation for external contracts that support community violence interventions and the City’s transformation efforts, and update the youth and young adult violence assessment, and
WHEREAS the City has previously used JAG funding to support the purchase of body worn cameras, and the 2020 DOJ Coronavirus Emergency Supplement Project to prevent, prepare for, and respond to the coronavirus by purchasing personal protective equipment, and contracting with external providers to address the impacts of isolation, and

WHEREAS as a requirement of the DOJ JAG application, the City has made both the application and the City’s response available for the public to review and make comments about on the City’s website, and

WHEREAS once the award is accepted, Neighborhood and Community Services will provide quarterly updates to the DOJ and the City Council detailing the performance outcomes supported by this funding source, and

WHEREAS, under the grant process guidelines, the City Council must approve acceptance of grant funding; Now, Therefore,

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

Section 1. That the proper officers of the City are hereby authorized to accept grant funding from the Office of Justice Programs at the Department of Justice ("DOJ") 2021 Edward Byrne Memorial Juvenile Justice Assistance Grant in the amount of $303,790, for deposit into the Neighborhood and Community Services Special Revenue Fund, for the purpose of allocation for external contracts that support community violence interventions and the City’s transformation efforts, retroactive to October 1, 2020, to September 30, 2024.
Section 2. That the proper officers of the City are hereby authorized to sign the Chief Executive Certifications.

Section 3. That the proper officers of the City are hereby authorized to execute a grant agreement and any associated term extensions with the Office of Justice Programs at the DOJ for the administration of the funding accepted pursuant to Section 1, said document to be substantially in the form of the proposed grant agreement on file in the office of the City Clerk.

Adopted ______________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
Deputy City Attorney
RESOLUTION NO. 40950

A RESOLUTION relating to street vacations; authorizing the execution of a Quit Claim Deed to remove a property clearing on the title, located at 4041 Tacoma Mall Boulevard in the City of Tacoma, to convey the parcels to City Central, a Washington non-profit corporation.

WHEREAS Oakes Avenue, which became 40th Street East, was dedicated to the City in the Plat of Alameda Addition, Volume 3 of Plats, Page 59 (“Plat”), and pursuant to the Plat, the right-of-way dedication for the road was 51 feet wide, and

WHEREAS a 19-foot strip of land which abutted the northerly boundary of the road was deeded to the City through Pierce County Treasurer’s Deed 1441043, making the road 70 feet wide, and

WHEREAS, in the late 1950s, the State of Washington appropriated areas for its Primary State Highway No. 1 project, which included Parcel Nos. 032018-1031 and 032018-1049 (“Parcels”) and abutting road rights-of-way, and upon highway completion, the State deeded as surplus property the Parcels and the abutting road rights-of-way to the City via Quit Claim Deed 8301100171, and

WHEREAS the City, pursuant to Ordinance No. 23325, recorded under Pierce County recording number 8508120242, vacated the segment of the street abutting the Parcels, and

WHEREAS, since the City held title to the Parcels at the time of vacation, and because title to vacated streets “vest in the owners of said property abutting thereon” by operation of law, the City retained fee title to its portion of the
vacated street automatically upon recording of Ordinance No. 23325, without
further legal action required, and

WHEREAS thereafter, the City deeded the Parcels to the State via Quit
Claim Deed 860226038, which did not include a legal description of the vacated
street nor reference to Ordinance No. 23325, and

WHEREAS, subsequently, the State of Washington deeded the Parcels to
Bethel Christian Assembly via Quit Claim Fulfillment Deed 9812240435, and
Bethel Christian Assembly then conveyed the Parcels to City Central, a
Washington non-profit corporation, and

WHEREAS City Central is now requesting that the City grant a quit claim
deed to it in order to confirm that the City has no interest in the vacated street;

Now, Therefore,

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

That the proper officers of the City are hereby authorized to execute a
Quit Claim Deed to remove a property clearing on the title, located at
4041 Tacoma Mall Boulevard (Parcel Nos. 032018-1031 and 032018-1049) in
the City of Tacoma, as more particularly described in the attached Exhibit “A,”
to convey the parcels to City Central, a Washington non-profit corporation, all as more specifically set forth in the documents on file in the office of the City Clerk.

Adopted ____________________________

________________________________________
Mayor

Attest:

________________________________________
City Clerk

Approved as to form:

________________________________________
Deputy City Attorney
EXHIBIT “A”

LEGAL DESCRIPTION

Assessor Parcel Nos.: 032018-1049 and 032018-1031

THAT PORTION OF THE SOUTHEAST QUARTER OF THE
NORTH EAST QUARTER OF SECTION 18, TOWNSHIP 20 NORTH,
RANGE 3 EAST, WILLAMETTE MERIDIAN, DESCRIBED AS
FOLLOWS:

THE NORTH 19.00 FEET OF VACATED SOUTH 40TH STREET PER
CITY OF TACOMA ORDINANCE NO. 23325 RECORDED UNDER
RECORDING NO. 8508120242, RECORDS OF PIERCE COUNTY
AUDITOR.

SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE
OF WASHINGTON.

(CONTAINING ±3,875 SQUARE FEET OR APPROXIMATELY 0.09 AC)
RESOLUTION NO. 40951

A RESOLUTION relating to the multi-family property tax exemption program; authorizing the execution of a Multi-Family Housing Eight-Year Limited Property Tax Exemption Agreement with Tacoma Land Investments LLC, for the development of 306 multi-family market-rate rental housing units to be located at 1924 Yakima Avenue in the Downtown Regional Growth Center.

WHEREAS the City has, pursuant to chapter 84.14 of the Revised Code of Washington, designated several Residential Target Areas for the allowance of a limited property tax exemption for new multi-family residential housing, and

WHEREAS the City has, through Ordinance No. 25789, enacted a program whereby property owners in Residential Target Areas may qualify for a Final Certificate of Tax Exemption which certifies to the Pierce County Assessor-Treasurer that the owner is eligible to receive a limited property tax exemption, and

WHEREAS Tacoma Land Investments LLC, is proposing to develop 306 new market-rate rental housing units to consist of:

<table>
<thead>
<tr>
<th>Number of Units</th>
<th>Type of Unit</th>
<th>Average Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Market Rate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Studio</td>
<td>500 Square Feet</td>
</tr>
<tr>
<td>282</td>
<td>One bedroom, one bath</td>
<td>650 Square Feet</td>
</tr>
<tr>
<td>12</td>
<td>Two bedroom, one bath</td>
<td>750 Square Feet</td>
</tr>
</tbody>
</table>

as well as 274 on-site residential parking stalls, and

WHEREAS the Director of Community and Economic Development has reviewed the proposed property tax exemption and recommends that a conditional property tax exemption be awarded for the property located at 1924 Yakima Avenue in the Downtown Regional Growth Center, as more particularly described in the attached Exhibit “A”; Now, Therefore,
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That the City Council does hereby approve and authorize a conditional property tax exemption, for a period of eight years, to Tacoma Land Investments LLC, for the property located at 1924 Yakima Avenue in the Downtown Regional Growth Center, as more particularly described in the attached Exhibit “A.”

Section 2. That the proper officers of the City are authorized to execute a Multi-Family Housing Eight-Year Limited Property Tax Exemption Agreement with Tacoma Land Investments LLC, said document to be substantially in the form of the proposed agreement on file in the office of the City Clerk.

Adopted _______________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form: Legal description approved:

______________________________
Deputy City Attorney

______________________________
Chief Surveyor

Public Works Department
EXHIBIT “A”

LEGAL DESCRIPTION


Legal Description:

A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5 AND NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, ALL IN TOWNSHIP 20 NORTH, RANGE 03 EAST, W. M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 11 THROUGH 22, INCLUSIVE, BLOCK 1916, MAP OF A PART OF THE CITY OF TACOMA (BURNS AND BLINN’S ADDITION) AS PER PLAT THEREOF RECORDED IN BOOK 1 OF PLATS, PAGE 28, IN PIERCE COUNTY, WASHINGTON.

TOGETHER WITH A 10 FOOT STRIP OF ALLEY VACATED BY ORDINANCE 2050 OF THE CITY OF TACOMA, ABUTTING LOTS 11 THRU 21 OF SAID BLOCK 1916, THEREON AND ATTACHED THERETO.

AND TOGETHER WITH LOTS 1 THROUGH 3, NORTH 17.5 FEET OF LOT 4, EAST 1/2 OF SOUTH 7.5 FEET OF LOT 4, EAST 1/2 OF LOTS 5 AND 6, ALL IN BLOCK 6, COOK’S ADDITION TO TACOMA, AS PER PLAT RECORDED IN VOLUME 1 OF PLATS AT PAGE 53, RECORDS OF PIERCE COUNTY AUDITOR;

SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON.
RESOLUTION NO. 40952

A RESOLUTION relating to the multi-family property tax exemption program; authorizing the execution of a Multi-Family Housing Eight-Year Limited Property Tax Exemption Agreement with VDR Land, LLC, for the development of 132 multi-family market-rate rental housing units to be located at 506 North 4th Street in the Downtown Regional Growth Center.

WHEREAS the City has, pursuant to chapter 84.14 of the Revised Code of Washington, designated several Residential Target Areas for the allowance of a limited property tax exemption for new multi-family residential housing, and

WHEREAS the City has, through Ordinance No. 25789, enacted a program whereby property owners in Residential Target Areas may qualify for a Final Certificate of Tax Exemption which certifies to the Pierce County Assessor-Treasurer that the owner is eligible to receive a limited property tax exemption, and

WHEREAS VDR Land, LLC, is proposing to develop 132 new market-rate rental housing units to consist of:

<table>
<thead>
<tr>
<th>Number of Units</th>
<th>Type of Unit</th>
<th>Average Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Market Rate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>60</td>
<td>Studio</td>
<td>403 Square Feet</td>
</tr>
<tr>
<td>58</td>
<td>One bedroom, one bath</td>
<td>754 Square Feet</td>
</tr>
<tr>
<td>14</td>
<td>Two bedroom, two bath</td>
<td>1,085 Square Feet</td>
</tr>
</tbody>
</table>

as well as 163 on-site residential parking stalls, and

WHEREAS the Director of Community and Economic Development has reviewed the proposed property tax exemption and recommends that a conditional property tax exemption be awarded for the property located at 506 North 4th Street in the Downtown Regional Growth Center, as more particularly described in the attached Exhibit “A”; Now, Therefore,
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That the City Council does hereby approve and authorize a conditional property tax exemption, for a period of eight years, to VDR Land, LLC, for the property located at 506 North 4th Street in the Downtown Regional Growth Center, as more particularly described in the attached Exhibit “A.”

Section 2. That the proper officers of the City are authorized to execute a Multi-Family Housing Eight-Year Limited Property Tax Exemption Agreement with VDR Land, LLC, said document to be substantially in the form of the proposed agreement on file in the office of the City Clerk.

Adopted _________________

________________________
Mayor

Attest:

________________________
City Clerk

Approved as to form: Legal description approved:

________________________
Deputy City Attorney Chief Surveyor
Public Works Department
EXHIBIT “A”

LEGAL DESCRIPTION

Tax Parcel: 2033100011

Legal Description:

That portion of the Southwest Quarter of the Northeast Quarter of Section 32, Township 21 North, Range 03 East of the Willamette Meridian, more particularly described as follows:

Lots 1 thru 9, Block 3310, Map of New Tacoma, Washington Territory, according to the Plat filed for record February 3, 1875, records of Pierce County Auditor; Together with the Northerly 10 feet of alley abutting thereon vacated by Ordinance No. 1655 of the City of Tacoma.

Situate in the City of Tacoma, County of Pierce, State of Washington.
ORDINANCE NO. 28809

AN ORDINANCE relating to pay and compensation; amending Chapter 1.12 of the Tacoma Municipal Code to implement compensation for employees represented by Teamsters Local 313; and declaring the effective dates thereof.

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 1.12.640 of the Tacoma Municipal Code is hereby amended, effective as provided by law, to read as follows:

1.12.640 Application of additional rates.

** **

L313. An employee represented by Teamsters Local 313, who is formally assigned one of the following shifts by management and who meets all other criteria as outlined in the collective bargaining agreement, shall receive shift incentive pay above his or her regular rate of pay as follows: An employee assigned to work the swing shift shall receive 3 percent above his or her regular rate of pay; an employee assigned to work the graveyard shift shall receive 5 percent above his or her regular rate of pay. Employees will receive shift differential only for actual hours worked on that shift.

L313. An employee represented by Teamsters Local 313, who meets all requirements as outlined in the Letter of Agreement regarding a CDL Incentive Payment, will be eligible to receive a one-time, lump sum payment of $2,000, for a 24-month window after the effective date of the Letter of Agreement.

** **

Passed __________________

________________________________________

Mayor

Attest:

________________________________________

City Clerk

Approved as to form:

________________________________________

Deputy City Attorney

-1-
AN ORDINANCE relating to pay and compensation; amending Chapter 1.12 of the Tacoma Municipal Code to implement rates of pay and compensation for a new classification entitled Police Chief of Staff; and declaring an emergency, making necessary the passage of this ordinance and its becoming effective immediately.

WHEREAS the classification of Police Chief of Staff has been identified as a vital part of the Police executive leadership team and has a critical role in implementation of a comprehensive plan for the department, and

WHEREAS a key candidate was selected and offered employment, effective April 25, just prior to the completion of the ten-day publication period following City Council approval, in order to ensure the position was successfully secured, and

WHEREAS, due to the continuing and urgent need for quick action on the part of the City, particularly as it relates to establishment of the Police Chief of Staff classification, an emergency exists, making this ordinance effective upon passage by an affirmative vote of at least six members of the City Council; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective April 25, 2022, to read as follows:

<table>
<thead>
<tr>
<th>Code</th>
<th>A</th>
<th>Job Title</th>
<th>1A</th>
<th>1B</th>
<th>1C</th>
<th>1D</th>
<th>2A</th>
<th>2B</th>
<th>2C</th>
<th>2D</th>
<th>3A</th>
<th>3B</th>
<th>3C</th>
</tr>
</thead>
<tbody>
<tr>
<td>0785</td>
<td>A</td>
<td>Police Chief of Staff</td>
<td>72.32</td>
<td>73.22</td>
<td>74.14</td>
<td>75.07</td>
<td>76.01</td>
<td>76.96</td>
<td>77.92</td>
<td>78.89</td>
<td>79.88</td>
<td>80.88</td>
<td>81.89</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>82.91</td>
<td>83.95</td>
<td>85.00</td>
<td>86.06</td>
<td>87.14</td>
<td>88.23</td>
<td>89.33</td>
<td>90.45</td>
<td>91.58</td>
<td>92.72</td>
<td></td>
</tr>
</tbody>
</table>
Section 2. That, based upon the facts and conclusions as specified herein, an emergency exists, making this ordinance effective upon passage by an affirmative vote of at least six members of the City Council.

Passed __________________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
Deputy City Attorney
ORDINANCE NO. 28811

BY REQUEST OF DEPUTY MAYOR USHKA AND COUNCIL MEMBERS HINES, McCARTHY, AND RUMBAUGH

AN ORDINANCE relating to Model Traffic Ordinance; amending Chapter 11.05 of the Tacoma Municipal Code, the Model Traffic Ordinance, by adding thereto a new Section 11.05.133, to be known and designated as “Unlawful exhibition of speed attendance prohibited,” relating to prohibiting attendance at unlawful exhibitions of speed.

WHEREAS, in March 2021, the City Council passed Ordinance No. 28748, amending Chapter 11.05 of the Tacoma Municipal Code (“TMC”), relating to the Model Traffic Ordinance, by adding a new Section 11.05.132, entitled “Unlawful exhibition of speed prohibited,” relating to unlawful speed exhibition activities within City limits, and

WHEREAS “unlawful exhibition of speed” means the operation of a motor vehicle to present a display of speed, maneuverability, or power; and “speed exhibition” includes, but is not limited to, squealing the tires of a motor vehicle while it is stationary or in motion, rapid acceleration, rapid swerving or weaving, drifting, producing smoke from tire slippage, or leaving visible tire acceleration marks on the surface of the highway or ground, and

WHEREAS any person who operates a motor vehicle in or during an unlawful exhibition of speed is guilty of a misdemeanor, which is punishable by up to 30 days in jail, up to a $1,000 fine, or by both such imprisonment and fine, and

WHEREAS Ordinance No. 28748 did not include a prohibition of spectator attendance at unlawful exhibitions of speed, and

WHEREAS prohibiting spectator attendance is frequently seen in other municipal laws seeking to address street racing and exhibitions of speed, and
preventing spectator attendance removes the motivation of performing for
audiences and can help remove the entertainment and attention aspect of
exhibition of speed events, as such events often go viral when filmed and posted to
social media or YouTube, and

WHEREAS event attendees may also help coordinate events, playing roles
such as “flaggers,” timekeepers, lookouts with computers mounted in their cars,
cell phones, police scanners, and Web sites that announce race locations and
calculate the odds of getting caught by the police, and

WHEREAS crowd management and safety limits actions first responders
can take when responding to exhibition of speed events, and

WHEREAS, at the Study Session of March 29, 2022, Council Member
Rumbaugh presented a Council Consideration Request to amend TMC 11.05 to
add language prohibiting spectator attendance at unlawful exhibitions of speed;

Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council hereby adopts the Recitals of this
Ordinance as its formal legislative findings.

Section 2. That Chapter 11.05 of the Tacoma Municipal Code, the Model
Traffic Ordinance, is hereby amended by the addition of a new Section 11.05.133,
to be known and designated as “Unlawful exhibition of speed attendance
prohibited,” to read as set forth in the attached Exhibit “A.”

Section 3. That the City Clerk, in consultation with the City Attorney, is
authorized to make necessary corrections to this ordinance, including, but not
limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Passed ______________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
Assistant City Attorney
EXHIBIT “A”

CHAPTER 11.05
MODEL TRAFFIC ORDINANCE

Sections:
11.05.010 Model Traffic Ordinance adopted.
11.05.020 Sections not adopted.
11.05.030 Statutes not adopted.
11.05.035 Repealed.
11.05.040 Amendment of WAC 308-330-555.
11.05.050 Additional statutes adopted.
11.05.060 Scope and construction of terms.
11.05.070 Curb defined.
11.05.080 Driveway defined.
11.05.090 Driveway return defined.
11.05.100 Fire line defined.
11.05.110 Fire zone defined.
11.05.120 Leaving minors unattended.
11.05.130 Driving while eating or drinking.
11.05.131 Automotive Sound Systems – Excessive Noise Prohibition.
11.05.132 Unlawful exhibition of speed prohibited.
11.05.133 Unlawful exhibition of speed attendance prohibited.

* * *

A. Any person (1) who has actual or constructive knowledge that he or she is in attendance of an unlawful exhibition of speed; and (2) who has actual or constructive knowledge that an unlawful exhibition of speed is occurring, has occurred, or is about to occur; and (3) was there with the intent to observe or support or encourage the unlawful exhibition of speed, is guilty of a misdemeanor, which is punishable by up to 30 days in jail, up to a $1,000 fine, or by both such imprisonment and fine.

B. The circumstances which may be considered in determining whether a violation of subsection A of this section has occurred shall include, but not be limited to:

1. The person is associating with persons participating in an unlawful exhibition of speed;
2. The person, by admission, is in attendance of an unlawful exhibition of speed with the intent to observe or support or encourage the unlawful exhibition of speed;
3. Statements of other persons who are shown to be in attendance of an unlawful exhibition of speed which provide evidence that the person intends to observe or support or encourage an unlawful exhibition of speed;
4. The person either operates or is a passenger in a vehicle that shares the attributes of other vehicles that are in attendance of the unlawful exhibition of speed or which are engaging in, about to engage in, or which have engaged in an unlawful exhibition of speed;
5. The person either operates or is a passenger in a vehicle which is driven in such a manner as to show evidence of an attempt to flee or escape detection when a police officer arrives on the scene of an unlawful exhibition of speed, or
6. The person has no reasonable alternative purpose for being in the area in which the unlawful exhibition of speed is occurring, is about to occur, or which occurred and is motivating, encouraging, or inspiring said exhibition(s).

* * *