

	City Council Meeting November 18, 2019 - 7:00 PM City Hall Council Chambers AGENDA Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. CALL TO ORDER

- A. **Pledge of Allegiance**
- B. **Roll Call**

II. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

III. APPOINTMENTS

- A. **Boards & Commission Appointments**

City Council to confirm the appointments to the following boards and commissions for new three-year terms to expire December 31, 2022.

Auburn Municipal Airport Advisory Board

- Dennis Decoteau

Human Services Committee

- Kelly Lindberg

Tourism Board

- Diane Witt
- Tawyna Hudspeth

Transportation Advisory Board

- Riley Patterson: Muckleshoot Indian Tribal Position

IV. AGENDA MODIFICATIONS

V. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

- A. **Public Hearings**

- 1. Ordinance No. 6739 (Gaub)

City Council to hold a public hearing regarding assuming the rights, powers, functions, and obligations of the Auburn Transportation Benefit District (TBD)

- 2. 2020 Property Tax Levy Public Hearing (Thomas)

City Council to hold a public hearing to receive public comments and suggestions with regard to possible increases in property taxes

B. Audience Participation

This is the place on the agenda where the public is invited to speak to the City Council on any issue. Those wishing to speak are reminded to sign in on the form provided.

C. Correspondence - (There is no correspondence for Council review.)

VI. COUNCIL AD HOC COMMITTEE REPORTS

Council Ad Hoc Committee Chairs may report on the status of their ad hoc Council Committees' progress on assigned tasks and may give their recommendation to the City Council, if any.

1. Finance Ad Hoc Committee (Chair Wales)

VII. CONSENT AGENDA

All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.

- A. Minutes of the October 14, 2019, October 28, 2019 and November 12, 2019 Study Session
- B. Minutes of the November 4, 2019 Regular Council Meeting
- C. Claim Vouchers (Thomas)
Claim vouchers list dated November 18, 2019 which includes voucher numbers 456273 through 456434 in the amount of \$4,810,508.31 and three wire transfers in the amount of \$545,558.06.
- D. Payroll Vouchers (Thomas)
Payroll check numbers 538675 through 538688 in the amount of \$243,089.61, electronic deposit transmissions in the amount of \$2, 085,277.26 for a grand total of \$2,328,366.87 for the period covering October 31, 2019 to November 13, 2019.
- E. Setting the Public Hearing date for Astound Broadband, LLC Franchise Renewal (Gaub)
- F. Setting the Public Hearing date for the Mid-Biennial Review & Modification of 2019-2020 Biennial Budget (Thomas)
- G. Public Works Project No. CP1819 (Gaub)
City Council to approve Change Order No. 2 in the amount of \$90,727.00 to Contract No. 19-02 for work on Project No. CP1819, A ST SE Preservation

(RECOMMENDED ACTION: Move to approve the Consent Agenda.)

VIII. UNFINISHED BUSINESS

IX. NEW BUSINESS

X. ORDINANCES

- A. Ordinance No. 6739 (Gaub)

Assuming the rights, powers, functions, immunities, and obligations of the Auburn Transportation Benefit District

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6739.)

- B. Ordinance No. 6742 (Gaub)

Related to infrastructure payback agreements, amending Chapter 3.25 of the Auburn City Code

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6742.)

- C. Ordinance No. 6750 (Thomas)

Establishing the Levy for Regular Property Taxes for 2020 for general City operational purposes in the amount of \$22,368,188

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6750.)

XI. RESOLUTIONS

- A. Resolution No. 5466 (Faber)

Authorizing an agreement with the Auburn Symphony Orchestra for tourism promotion services

(RECOMMENDED ACTION: Move to adopt Resolution No. 5466.)

- B. Resolution No. 5471 (Tate)

Authorizing an agreement with the Washington State Department of Commerce to accept and expend grant funds for a housing action plan

(RECOMMENDED ACTION: Move to adopt Resolution No. 5471.)

XII. MAYOR AND COUNCILMEMBER REPORTS

At this time the Mayor and City Council may report on significant items associated with their appointed positions on federal, state, regional and local organizations.

- A. **From the Council**

- B. **From the Mayor**

XIII. ADJOURNMENT

Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.aubumwa.gov>), and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6739 (Gaub)

Date:

November 4, 2019

Department:

Public Works

Attachments:

No Attachments Available

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to hold a public hearing in consideration of Ordinance No. 6739 See Ordinance No. 6739 for further action on this item.

Background Summary:

Ordinance No. 6739 authorizes the City to assume the rights, powers, functions, and obligations of the Auburn Transportation Benefit District (TBD).

The City created the Auburn TBD on September 12, 2011. Since the creation of the Auburn TBD, the legislature has made changes that allow a City with a contiguous boarder to a TBD to assume the powers and obligations of a TBD. In order to consider this assumption, the City Council must conduct a public hearing.

The date of the public hearing was set by Resolution No. 5462 on November 4, 2019.

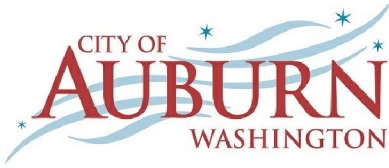
Reviewed by Council Committees:**Councilmember:****Staff:**

Gaub

Meeting Date: November 18, 2019

Item Number:

PH.1



AGENDA BILL APPROVAL FORM

Agenda Subject:

2020 Property Tax Levy Public Hearing (Thomas)

Date:

November 4, 2019

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:**Administrative Recommendation:**

City Council to conduct a public hearing to receive public comments and suggestions with regard to possible increases in property taxes.

Background Summary:

This public hearing provides an opportunity for any citizens to make comments or suggestions regarding revenue estimates and possible increases in property taxes.

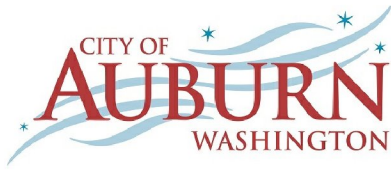
Reviewed by Council Committees:**Councilmember:****Staff:**

Thomas

Meeting Date: November 18, 2019

Item Number:

PH.2



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the October 14, 2019, October 28, 2019 and
November 12, 2019 Study Session

Department:

City Council

Attachments:

[10-14-2019 Minutes](#)

[10-28-2019 Minutes](#)

[11-12-2019 Minutes](#)

Date:

November 6, 2019

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

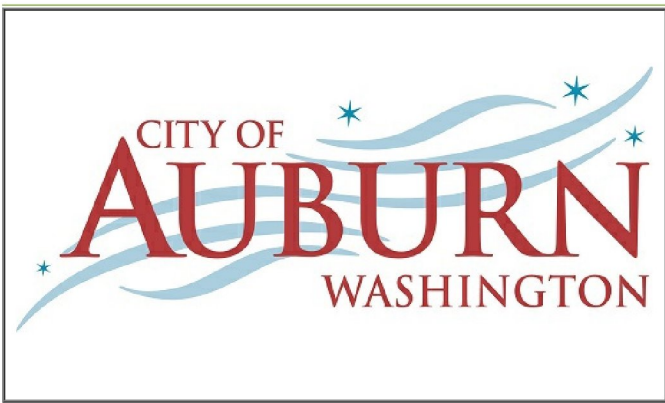
Revised Budget: \$0

Administrative Recommendation:**Background Summary:****Reviewed by Council Committees:****Councilmember:**

Meeting Date: November 18, 2019

Staff:

Item Number: CA.A

	City Council Study Session Community Wellness Special Focus Area October 14, 2019 - 5:30 PM City Hall Council Chambers MINUTES Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. CALL TO ORDER

Deputy Mayor Pelosa called the meeting to order at 5:30 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street in Auburn.

A. Roll Call

Councilmembers present: Deputy Mayor Bill Pelosa, Bob Baggett, Larry Brown, Claude DaCorsi, John Holman and Yolanda Trout-Manuel.
Councilmember Largo Wales was excused.

The following department directors and staff members were present:
Assistant City Attorney Doug Ruth, Director of Administration Dana Hinman, Director of Public Works Ingrid Gaub, Director of Community Development Jeff Tate, Planning Services Manager Jeff Dixon, Director of Parks, Arts, and Recreation Daryl Faber, Special Events and Farmers Market Specialist Amanda Valdez, Community Healthcare Consultant Pat Bailey, Real Property Analyst Josh Arndt, Airport Manager Tim Mensonides, Chief of Police Bill Pierson, and City Clerk Shawn Campbell.
Mayor Nancy Backus was absent.

II. ANNOUNCEMENTS REPORTS AND PRESENTATIONS

There were no announcements, reports or presentations.

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

- A. No Smoking or Vaping in City Parks (Faber) (20 Minutes)
No Smoking or Vaping in Parks Discussion

Item 4.D. was discussed first on the agenda.

Director Faber and Consultant Bailey presented Council with a proposal for no smoking or vaping in City Parks. Director Faber discussed the Park's Board and Blue Ribbon Committee's recommendation to establish tobacco smoke free parks. Consultant Bailey reviewed the risks of smoking, the current laws and City policies, support for smoking/tobacco free parks, opposition of smoking/tobacco restrictions, communication and enforcement for new regulations, neighboring communities, determining

type of ban, sample code language, and the need to determine the type of code and penalty.

Council discussed students vaping in schools, penalties from other jurisdictions and if children would be subject to penalties.

B. Modification to the 2020-2025 Transportation Improvement Program (Gaub) (10 Minutes)

Engineer Webb presented Council with the proposed 2020-2025 Transportation Improvement Plan modification. He reviewed the Auburn Way North Preservation Phase 2 project, the 49th Street NE improvements, the regional growth center access improvements, 15th Street NW and SR 167 improvements and the 2nd ST SE preservation project.

Council discussed the projects and the best projects for funding.

C. Resolution No. 5458 (Hinman) (10 Minutes)

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to negotiate and execute an Airport Office and Apron Lease with Normandy Aircraft

Property Analyst Arndt and Airport Manager Mensonides discussed a proposed new tenant at the Auburn Municipal Airport and the terms of the lease.

D. Ordinance No. 6728 (Tate) (15 Minutes)

An Ordinance of the City Council of the City of Auburn, Washington, relating to land use development regulations related to mixed-use development; amending chapters 18.08, 18.23, and 18.57 of the Auburn City Code and Exhibit 1 to Ordinance No. 6382

Manager Dixon reviewed the proposed zoning code text changes and the changes to Auburn City Code.

Council discussed future policy changes.

Deputy Mayor Peloza called for a 5 minute recess at 6:44 pm. He reconvened the meeting at 6:49 pm.

IV. COMMUNITY WELLNESS DISCUSSION ITEMS

A. Community Needs Assessment Presentation (Tate) (20 Minutes)

A presentation from Cloudburst Consulting Group on the findings and recommendations from the Auburn Community Needs Assessment.

Councilmember Trout-Manuel chaired this portion of the meeting.

Director Tate introduced Joel Warren and Julie McFarland from Cloudburst Consulting. They reviewed how the Community Profile for the Community Needs Assessment was compiled, the trends, community needs by topic and housing needs, income, homelessness in the

region and the Community Needs Survey results.

Ms. McFarland shared the community engagement portion for the survey and recommendations from Cloudburst including: increase funding, prioritize and expand shelter and housing options, ensuring strong housing location services, additional affordable housing, expanding access for basic needs, access to resource information and navigation for community support, safe parking options for people living in their cars, adopt clear outcome-focused list for Human Services Funding Priorities, additional messaging and strategic communications.

Ms. McFarland reviewed the budget recommendations, prioritizing existing staff time, focus efforts to increase service provided participation in the housing management information system and create a clear and concise communication with residents around Human Services priorities.

B. Joint Meeting with the Human Services Committee (Tate) (30 Minutes)

Roundtable discussion between the Human Services Committee & the City Council.

Councilmember Trout-Manuel called the Joint Meeting with the Human Service Committee to order at 7:28 pm.

Councilmembers present: Deputy Mayor Bill Pelosa, Bob Baggett, Larry Brown, Claude DaCorsi, John Holman and Yolanda Trout-Manuel. Councilmember Largo Wales was excused.

Boardmembers present: Shanece Dedeaux, Barbara Derda, Tammy Gourdin, Sue Miller, Shawn Parkhurst Paton and JoAnne Walters. Boardmembers Jason Berry and Lela Brugger were excused.

Director Tate explained the goal of this joint meeting is to allow the Council and the Human Services Committee an opportunity to discuss shared goals.

Councilmembers and Boardmembers discussed the need for additional funding, needs besides housing, setting Human Services Funding to a per-capita amount rather than a percentage amount.

There being no further discussion, the joint meeting was adjourned at 7:59p.m.

Councilmember Trout-Manuel called for a 5 minute recess at 7:59 pm. She reconvened the meeting at 8:04 pm.

C. CDBG Consolidated Plan and 2020 Annual Action Plan (Tate) (20 Minutes)

An overview of the 2020-2024 City of Auburn CDBG Consolidated Plan, including the 2020 Annual Action Plan and the King County Consortium Analysis of Impediments to Fair Housing Choice

Community Services Manager Scott presented Council with the Consolidated Plan for the CDBG Funds. She reviewed the process and

the requirements to receive CDBG funds, the timeline, what shaped the Consolidated Planning and process input, the overarching goals for the consolidated plan, impediments to fair housing choice and the 2020 Annual Action Plan.

D. Auburn Farmers Market Season (Faber) (10 Minutes)

Director Faber and Specialist Valdez provided Council an update on the 2019 Auburn International Farmers Market. They reviewed the Auburn Farmers Market Mission, customer counts, season totals, vendor sales, the 2019 expansion, food options at the market and plans for next year.

Council thanked Specialist Valdez for her work on this project.

V. OTHER DISCUSSION ITEMS

There was no other discussion items.

VI. NEW BUSINESS

There was no new business.

VII. MATRIX

A. Matrix

Councilmember Trout-Manuel reported on a conversation she had with the Washington State DOT regarding loitering in the state right of way.

Council discussed the Matrix, they removed the Auburn Ave Theater and the domestic violence updates and added a WRIA 9 presentation for 2020.

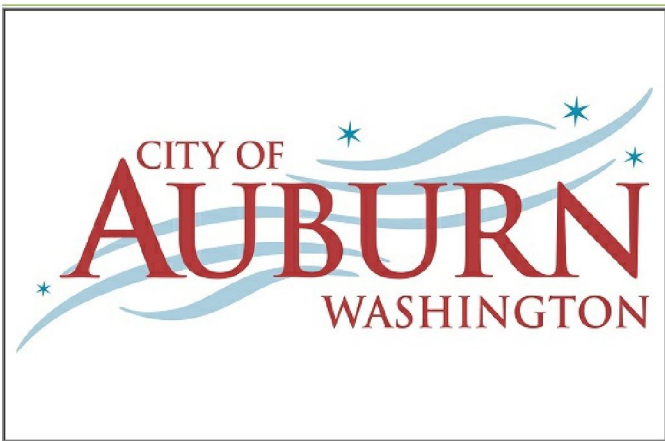
VIII. ADJOURNMENT

There being no further discussion, the meeting was adjourned at 8:40 p.m.

APPROVED this 18th day of November, 2019.

BILL PELOZA, DEPUTY MAYOR Shawn Campbell, City Clerk

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	City Council Study Session Finance, Technology and Economic Development Special Focus Area October 28, 2019 - 5:30 PM City Hall Council Chambers MINUTES Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. CALL TO ORDER

Deputy Mayor Pelozo called the meeting to order at 5:30 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street in Auburn.

A. Roll Call

Councilmembers present: Deputy Mayor Bill Pelozo, Bob Baggett, Larry Brown, Claude DaCorsi, John Holman, and Yolanda Trout-Manuel.
Councilmember Largo Wales was excused.

Mayor Nancy Backus and the following department directors and staff members were present: City Attorney Steve Gross, Director of Finance Jamie Thomas, Director of Administration Dana Hinman, Director of Public Works Ingrid Gaub, Director of Community Development Jeff Tate, Economic Development Manager Doug Lien, Real Property Analyst Josh Arndt, Economic Development Coordinator Tanya Carter, Planning Services Manager Jeff Dixon, Development Services Manager Jason Krum, Senior Planner Thaniel Gouk, Customer Care Manager Brenda Goodson-Moore, Solid Waste and Recycling Supervisor Joan Nelson, Police Commander Mike Hirman, and Deputy City Clerk Teresa Mattingly.

II. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

There were no announcements, reports or presentations.

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. YMCA Healthy Kids Campus Update (Hinman) (20 Minutes) YMCA Healthy Kids Campus Update

Jason Berry, Executive Director of the Auburn Valley YMCA, provided Council with an update on the YMCA Healthy Kids Campus expansion project and requested the City of Auburn invest \$150,000 over the next two years.

Council discussed services provided by the YMCA and confirmed there are services available to domestic violence victims and their families.

- B. Council Rules - 2019 Amendment (Gross) (20 Minutes)
Proposed Revisions to Council Rules

Item IV.C was discussed second on the agenda.

City Attorney Gross reviewed proposed revisions to the Council Rules of Procedure.

Council discussed the proposed revisions; election of a new Deputy Mayor before the end of year, titles of ordinances or resolutions, public comment and a silent vote does not count as a yes vote.

- C. Potential Assumption of Auburn Transportation Benefit District (Gaub) (10 Minutes)

Director Gaub and Director Thomas provided Council with an update on the Assumption of Auburn Transportation Benefit District into the City and discussed the benefits of assuming the Transportation Benefit District and how the City will proceed.

- D. Ordinance No. 6733 Shoreline Master Program (SMP) Periodic Update and Associated Updates to the Critical Areas Ordinance (CAO) (Tate) (15 Minutes)

Planner Gouk and Manager Dixon reviewed Ordinance No. 6733 Shoreline Master Program (SMP) Periodic Update and the Associated Updates to the Critical Areas Ordinance. Planner Gouk discussed the proposed updates, modest home provision, wetland buffer widths, stream buffer widths, critical aquifer recharge areas and the Planning Commission's recommendation.

Council thanked the Planning Commission for all their work.

IV. FINANCE, TECHNOLOGY AND ECONOMIC DEVELOPMENT DISCUSSION ITEMS

- A. Solid Waste Contract Procurement (Thomas) (15 Minutes)

Deputy Mayor Pelosa called for a 5 minute recess at 7:13pm, the meeting reconvened at 7:18 p.m.

Councilmember Holman presided over this portion of the meeting.

Manager Goodson-Moore and Supervisor Nelson provided Council with an update on the Solid Waste Contract Procurement and discussed the request for proposal schedule.

- B. 2019 Auburn Tourism Update (Hinman) (15 Minutes)

Manager Lien and Coordinator Carter provided Council with a 2019 Auburn Tourism update. They explained the Board decides what projects to fund each year, how to fund these activities, current board members, 2019 tourism strategies, tourism demand generators, improving visitor

experience and next steps for 2020.

Council discussed the option of promoting the World Cup in 2026 and the City of Auburn's relationship with "dogpatch Labs" from Ireland.

C. 2019 Business Improvement Area Update (Hinman) (15 Minutes)

Analyst Arndt and Business Improvement Area (BIA) Chairperson Giovanni DiQuattro provided Council with a 2019 Business Improvement Area and Auburn Downtown Association (ADA) update. They discussed the purpose of the BIA and BIA funds, yearly assessments and exemptions, current committee members, 2019 BIA funded projects and partnerships, the purpose of the ADA, the ADA events and upcoming projects.

Council discussed new LED lighting, bike storage and requested a breakdown of how much each funded project received in 2019 from the BIA.

V. OTHER DISCUSSION ITEMS

There was no other discussion items.

VI. NEW BUSINESS

There was no new business.

VII. MATRIX

A. Matrix

Council discussed the Matrix, no changes were made.

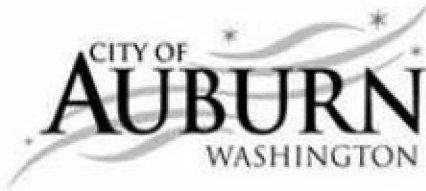
VIII. ADJOURNMENT

There being no further discussion, the meeting was adjourned at 7:45 p.m.

APPROVED this 18th day of November, 2019.

BILL PELOZA, DEPUTY MAYOR Teresa Mattingly, Deputy City Clerk

Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.auburnwa.gov>), and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.



**City Council Study Session PWCD SFA
November 12, 2019 - 5:30 PM
City Hall Council Chambers
MINUTES**

📺 Watch the meeting LIVE!

📺 Watch the meeting video

Meeting videos are not available until 72 hours after the meeting has concluded.

I. CALL TO ORDER

Deputy Mayor Pelozza called the meeting to order at 5:30 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street in Auburn.

A. Roll Call

Councilmembers present: Deputy Mayor Bill Pelozza, Bob Baggett, Larry Brown, Claude DaCorsi, John Holman and Yolanda Trout-Manuel. Councilmember Largo Wales was excused.

The following department directors and staff members were present: Assistant City Attorney Kendra Comeau, Director of Community Development Jeff Tate, Director of Public Works Ingrid Gaub, Director of Parks Arts and Recreation Daryl Faber, Director of Finance Jamie Thomas, Police Commander Jamie O'Neil, Assistant Director of Public Works Jacob Sweeting, Utilities Engineering Manager Lisa Tobin, Senior Traffic Engineer James Webb and City Clerk Shawn Campbell. Mayor Nancy Backus arrived at 6:00 pm.

II. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

There were no announcements, reports or presentations.

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Ordinance No. 6750 (Thomas)(10 Minutes)

Establishing the 2020 regular property tax levy in the amount of \$22,368,188

Director Thomas provided Council with a presentation on the 2020 Revenue Sources and Mid-Biennial Budget. She explained there will be three Council actions one for the property tax levy, and two budget adjustments. She reviewed the 2020 property tax levy, Mid-Biennial Budget adjustment, and the year end budget adjustment.

B. Ordinance No. 6751 (Thomas)(5 Minutes)

Amending the 2019-2020 Biennial Budget Ordinance

See ordinance No. 6750.

IV. PUBLIC WORKS AND COMMUNITY DEVELOPMENT DISCUSSION ITEMS

A. Resolution No. 5466 (Faber)(15 Minutes)

A presentation from the Auburn Symphony Orchestra regarding their recent performing art season and discussion of the draft contract with the Orchestra for 2020

Councilmember DaCorsi chaired this section of the meeting.

Director Faber, Auburn Symphony Board President, Cindy Lein and Auburn Symphony Orchestra Executive Director, Rachel Perry presented Council with a review of the 2019 season and a working plan for the 2020 season.

B. Ordinance No. 6742 (Gaub)(5 Minutes)

Amending Code provisions related to infrastructure payback agreements

Manager Tobin presented Council with proposed changes to the Auburn City Code regarding payback agreements.

C. Transportation Impact Fee Update (Gaub)(15 Minutes)

Engineer Webb presented Council with the Transportation Impact Fee update. He explained the funding need has increased and the Transportation Impact Fees would need to be increased to meet the additional need.

D. Facility Extension Permit Fees (Gaub)(15 Minutes)

Director Tate and Assistant Director Sweating presented Council with the Facility Extension Fee update. They reviewed what a Facility (FAC) encompasses and the proposed changes to the fee structure. With the proposed fee increases the City would have 100% cost recovery plan review.

V. OTHER DISCUSSION ITEMS

There was no other discussion items.

VI. NEW BUSINESS

There was no new business.

VII. MATRIX

A. Matrix

Council discussed the matrix, no changes were made.

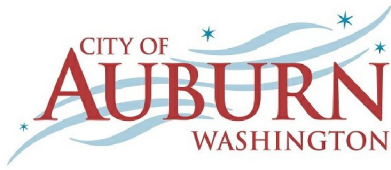
VIII. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 7:13 p.m.

APPROVED this 18th day of November, 2019.

BILL PELOZA, DEPUTY MAYOR Shawn Campbell, City Clerk

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AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the November 4, 2019 Regular Council Meeting

Department:

City Council

Attachments:

[11-04-2019 Minutes](#)

Date:

November 12, 2019

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

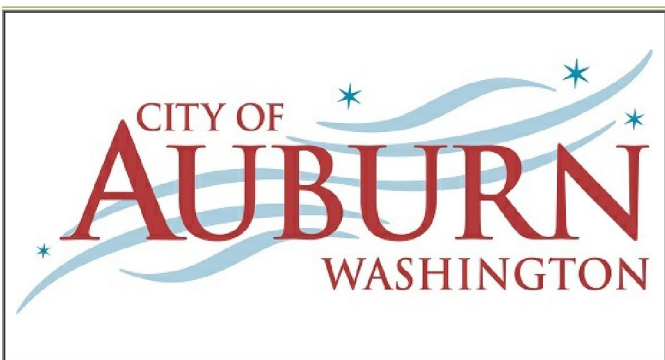
Revised Budget: \$0

Administrative Recommendation:**Background Summary:****Reviewed by Council Committees:****Councilmember:**

Meeting Date: November 18, 2019

Staff:

Item Number: CA.B

	City Council Meeting November 4, 2019 - 7:00 PM City Hall Council Chambers MINUTES Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. CALL TO ORDER

A. Pledge of Allegiance

Mayor Nancy Backus called the meeting to order at 7:00 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street, and led those in attendance in the Pledge of Allegiance.

B. Roll Call

Councilmembers present: Deputy Mayor Bill Peloza, Bob Baggett, Larry Brown, Claude DaCorsi, John Holman and Yolanda Trout-Manuel. Councilmember Largo Wales was excused.

Mayor Nancy Backus and the following department directors and staff members were present: City Attorney Steve Gross, Director of Finance Jamie Thomas, Director of Human Resources & Risk Management Candis Martinson, Director of Public Works Ingrid Gaub, Director of Community Development Jeff Tate, Director of Parks, Arts, and Recreation Daryl Faber, Director of Innovation & Technology David Travis, Community Healthcare Consultant Pat Bailey, Chief of Police Bill Pierson, and City Clerk Shawn Campbell.

II. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

There were no announcements, reports or presentations.

III. APPOINTMENTS

There were no appointments.

IV. AGENDA MODIFICATIONS

There were no modifications to the agenda.

V. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

A. Public Hearings - (No public hearing is scheduled for this evening.)

B. Audience Participation

This is the place on the agenda where the public is invited to speak to the City Council on any issue. Those wishing to speak are reminded to sign in on the form provided.

Bruce Wandler, 34017 133rd Ave SE, Auburn

Mr. Wandler spoke about prohibiting smoking and vaping in City Parks.

Elias Barrera, 1001 37th ST SE, Auburn

Mr. Barrera spoke about prohibiting smoking and vaping in City Parks.

Elaine Kitamura, 701 2nd Ave, Seattle

Ms. Kitamura spoke about prohibiting smoking and vaping in City Parks.

Novilyn delaPena, 401 5th Ave Ste. #3 Seattle

Ms. delaPena spoke about prohibiting smoking and vaping in City Parks.

Van Nguyen, 2 East Main Street

Ms. Nguyen spoke about prohibiting smoking and vaping in City Parks.

Bob Zimmerman, 33029 46th Place S, Auburn

Mr. Zimmerman spoke about safety concerns.

Jonna Chissum, 1102 Auburn Way S, Auburn

Ms. Chissum spoke about services offered at the King County Library and prohibiting smoking and vaping in City Parks.

Tamara Garcia, 401 37th St SE, Auburn

Ms. Garcia spoke about prohibiting smoking and vaping in City Parks.

Leticia Mendez, 1901 37th Way SE, Auburn

Ms. Mendez spoke about prohibiting smoking and vaping in City Parks.

Maricela Tafollu, 401 37th Way SE, Auburn

Ms. Tafollu spoke about prohibiting smoking and vaping in City Parks.

Marie Ponce, 223 D St SE, Auburn

Ms. Ponce spoke about prohibiting smoking and vaping in City Parks.

Virginia Haugen, 2503 R ST SE, Auburn

Ms. Haugen spoke about the lease on the Auburn Ave Theater.

C. Correspondence

Letters regarding smoking and vaping from the Puget Sound Clean Air Agency and the American Heart Association were provided to Council.

VI. COUNCIL AD HOC COMMITTEE REPORTS

Council Ad Hoc Committee Chairs may report on the status of their ad hoc Council Committees' progress on assigned tasks and may give their recommendation to the City Council, if any.

1. Finance Ad Hoc Committee (Chair Wales)

Councilmember DaCorsi, Vice Chair of the Finance ad hoc committee, reported he and Councilmember Wales have reviewed the claims and payroll vouchers described on the Consent Agenda this evening and recommended their approval.

VII. CONSENT AGENDA

All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.

A. Minutes of the October 21, 2019 Regular Council Meeting

B. Claim Vouchers (Thomas)

Claim vouchers list dated November 4, 2019 which includes voucher numbers 456099 through 456272, in the amount of \$868,491.95 and six wire transfers in the amount of \$849,404.37

C. Payroll Vouchers (Thomas)

Payroll check numbers 538659 through 538674 in the amount of \$572,220.50, electronic deposit transmissions in the amount of \$2,015,857.72 for a grand total of \$2,588,078.22 for the period covering October 17, 2019 to October 30, 2019

D. 2020 Property Tax Levy Public Hearing (Thomas)

City Council to call for a public hearing to receive public comments and suggestions with regard to possible increases in property taxes

Deputy Mayor Peloza moved and Councilmember Baggett seconded to approve the consent agenda.

MOTION CARRIED UNANIMOUSLY. 6-0

VIII. UNFINISHED BUSINESS

There was no unfinished business.

IX. NEW BUSINESS

There was no new business.

X. ORDINANCES

A. Ordinance No. 6733 (Tate)

An Ordinance of the City Council of the City of Auburn, Washington, related to the Shoreline Master Program; and amending Chapter 16.10 of the Auburn City Code, and repealing and reenacting Chapter 16.08 of the Auburn City Code

Councilmember DaCorsi moved and Councilmember Holman seconded to adopt Ordinance No. 6733.

MOTION CARRIED UNANIMOUSLY. 6-0

B. Ordinance No. 6747 (Faber)

An Ordinance of the City Council of the City of Auburn, Washington, relating to tobacco use in public parks, and amending chapter 2.22 of the Auburn City Code

Councilmember Trout-Manuel moved and Councilmember Baggett seconded to adopt Ordinance No. 6747.

Councilmember Brown moved to amend the Class 3 Civil Infraction to a Class 4 Civil Infraction. Councilmember Trout-Manuel seconded.

Councilmember Brown stated he does not want to have a legal financial obligation connected with the prohibition.

City Attorney Gross explained the difference between a Class 3 and a Class 4 Civil Infraction.

Councilmember Trout-Manuel asked about the ability to do community services in lieu of a fine.

Councilmember Holman spoke about the need for penalties associated with a violation.

AMENDED MOTION FAILED. 3-3

Councilmembers DaCorsi, Trout-Manuel and Brown voted no.

Deputy Mayor Pelozo and Councilmembers Holman and Baggett voted yes.

MAIN MOTION CARRIED UNANIMOUSLY. 6-0

XI. RESOLUTIONS

A. Resolution No. 5462 (Gaub/Thomas)

A Resolution of the City Council of the City of Auburn, Washington, establishing a hearing date to consider an Ordinance authorizing the City to assume the rights, powers, functions, and obligations of the Auburn Transportation Benefit District

Deputy Mayor Pelozo moved and Councilmember DaCorsi seconded to adopt Resolution No. 5462.

MOTION CARRIED UNANIMOUSLY. 6-0

B. Resolution No. 5467 (Faber)

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to execute an agreement between the City of Auburn and the Washington Department of Commerce to accept and expend grant funds for interior restoration of the Auburn Arts and Culture Center

Councilmember Brown moved and Councilmember Trout-Manuel seconded to adopt Resolution No. 5467.

MOTION CARRIED UNANIMOUSLY. 6-0

C. Resolution No. 5468 (Faber)

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to negotiate and execute an agreement between the City of Auburn and King County to accept and expend grant funds for the coordination and provision of services for seniors

Councilmember Brown moved and Councilmember Baggett seconded to adopt Resolution No. 5468.

MOTION CARRIED UNANIMOUSLY. 6-0

D. Resolution No. 5469 (Gross)

A Resolution of the City Council of the City of Auburn, Washington, amending the City Council rules of procedure

Deputy Mayor Peloza moved and Councilmember DaCorsi seconded to adopt Resolution No. 5469.

MOTION CARRIED UNANIMOUSLY. 6-0

XII. MAYOR AND COUNCILMEMBER REPORTS

At this time the Mayor and City Council may report on significant items associated with their appointed positions on federal, state, regional and local organizations.

A. From the Council

Deputy Mayor Peloza reported he attended the opening of NOVUS Autoglass Company.

Councilmember Brown reminded everyone to vote Tuesday, November 5th.

B. From the Mayor

Mayor Backus shared information about a Homelessness Governance Model and reported that she attended the Auburn Food Bank's 26th Annual Harvest Breakfast and the second session of the Inclusive Auburn

Executive Professional Development program with Equity and Implicit Bias Consultant Bernardo Ruiz. Mayor Backus also reminded everyone this Saturday is the Veterans Day Parade.

XIII. ADJOURNMENT

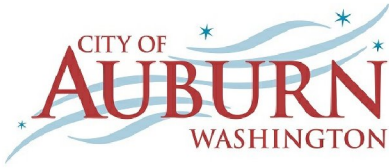
There being no further business to come before the Council, the meeting was adjourned at 8:01 p.m.

APPROVED this 18th day of November, 2019.

NANCY BACKUS, MAYOR

Shawn Campbell, City Clerk

Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.auburnwa.gov>), and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Claim Vouchers (Thomas)

Date:

November 13, 2019

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Approve Claim Vouchers

Background Summary:

Claim vouchers list dated November 18, 2019 which includes voucher numbers 456273 through 456434 in the amount of \$4,810,508.31 and three wire transfers in the amount of \$545,558.06

.

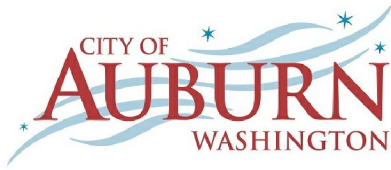
Reviewed by Council Committees:**Councilmember:****Staff:**

Thomas

Meeting Date: November 18, 2019

Item Number:

CA.C



AGENDA BILL APPROVAL FORM

Agenda Subject:

Payroll Vouchers (Thomas)

Date:

November 13, 2019

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Approve Payroll Vouchers

Background Summary:

Payroll check numbers 538675 through 538688 in the amount of \$243,089.61, electronic deposit transmissions in the amount of \$2, 085,277.26 for a grand total of \$2,328,366.87 for the period covering October 31, 2019 to November 13, 2019.

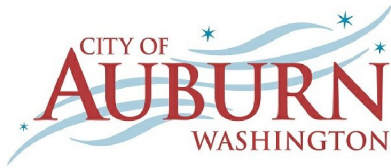
Reviewed by Council Committees:**Councilmember:****Staff:**

Thomas

Meeting Date: November 18, 2019

Item Number:

CA.D



AGENDA BILL APPROVAL FORM

Agenda Subject:

Setting the Public Hearing date for Astound Broadband, LLC
Franchise Renewal (Gaub)

Date:

November 4, 2019

Department:

Public Works

Attachments:

No Attachments Available

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council set the date of the Public Hearing for renewal of Franchise Agreement No. FRN19-0015 for Astound Broadband, LLC.

Background Summary:

City Council will set the date of the public hearing for renewal of Franchise Agreement No. FRN19-0015 for Astound Broadband, LLC for December 2, 2019 at 7:00 pm in Council Chambers.

Astound Broadband, LLC has applied for renewal to their existing Franchise Agreement to continue to operate within the City's rights of way a telecommunications system throughout the City. Per Auburn City Code 20.06.140 a public hearing shall be held prior to granting or denying renewal of a Franchise Agreement.

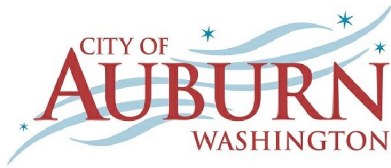
Reviewed by Council Committees:**Councilmember:****Staff:**

Gaub

Meeting Date: November 18, 2019

Item Number:

CA.E



AGENDA BILL APPROVAL FORM

Agenda Subject:

Setting the Public Hearing date for the Mid-Biennial Review & Modification of 2019-2020 Biennial Budget (Thomas)

Date:

November 4, 2019

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:**Administrative Recommendation:**

City Council to call for a public hearing to be held December 2, 2019 to receive public comments and suggestions with regard to the proposed modifications to the 2019-2020 Biennial Budget, including revenue estimates and possible increases in property taxes.

Background Summary:

This is the public hearing to provide any citizens an opportunity to make comments or suggestions regarding the mid-biennial correction prior to its adoption.

Reviewed by Council Committees:**Councilmember:****Staff:**

Thomas

Meeting Date: November 18, 2019

Item Number:

CA.F



AGENDA BILL APPROVAL FORM

Agenda Subject:

Public Works Project No. CP1819 (Gaub)

Date:

November 7, 2019

Department:

Public Works

Attachments:

[Budget Status Sheet](#)

[Vicinity Map](#)

Budget Impact:

\$60,600.00

Administrative Recommendation:

City Council approve Change Order No. 2 in the amount of \$90,727.00 to Contract No. 19-02 for work on Project No. CP1819, A ST SE Preservation.

Background Summary:

This project is restoring 4.77 lane miles (0.95 CL Miles) of roadway, upgrading approximately 40 curb ramps, and replacing approximately 1,000 feet of water main on A Street SE from East Main Street to 17th Street SE. Pavement replacement between 6th Street SE and 17th Street SE is complete with minor items remaining. Water main replacements are expected to be complete by the end of this year. The remaining pavement restoration work between E Main Street and 6th Street SE is anticipated to be completed in the Spring of 2020.

This Change Order No. 2 requires Council approval because it would exceed the maximum contract amount set forth in ACC 3.10.026. This change order is needed due to the following:

- Quantity overruns due to large areas of pavement that were not originally anticipated to require repair, but failed during construction and required replacement.
- Unforeseen underground utility conflicts during the water main installation along A Street SE. Additional efforts including traffic control were needed to deal with the conflicts and removal of obstructions.

Budget Considerations:

Additional 105 Arterial Street funds in the amount of \$60,600 is needed to fund this change order and is included in upcoming Budget Amendment No. 4.

Reviewed by Council Committees:**Councilmember:****Staff:**

Gaub

Meeting Date: November 18, 2019

Item Number:

CA.G

BUDGET STATUS SHEET

Project No: CP1819	Project Title: A Street SE Preservation
Project Manager: Kim Truong	

Project Initiation (PMP) Date: June 29, 2018

Advertisement Date: May 1, 2019

Award Date: June 3, 2019

- ☐ Budget Update
☐ Advertise
☐ Contract Award
☒ Change Order Approval
☐ Contract Final Acceptance

Updated: November 7, 2019

Funds Budgeted (Funds Available)

Funding	2018 (actual)	2019	2020	Total
105 Fund - Arterial Preservation	10,858	1,020,942	0	1,031,800
105 Fund - Federal Grant	69,570	812,231	0	881,800
460 Fund - Water	12,517	642,483	0	655,000
461 Fund - Sewer		20,000	0	20,000
462 Fund - Storm		160,000	0	160,000
Total	92,944	2,655,656	0	2,748,600

Estimated Cost (Funds Needed)

Activity	2018 (actual)	2019	2020	Total
Design Engineering - City Costs	92,944	54,497	0	147,440
Construction Contract	0	2,289,695	0	2,289,695
Authorized Construction Contingency Remaining	0	104,124	0	104,124
Change Order #1		20,495		20,495
Change Order #2		90,727		90,727
Materials Testing	0	14,010	0	14,010
Other - Services and Permits	0	15,178	0	15,178
Construction Engineering - City Costs	0	127,530	0	127,530
Total	92,944	2,716,256	0	2,809,200

105 Arterial Preservation/Federal Grant Budget Status

	2018 (actual)	2019	2020	Total
*105 Funds Budgeted ()	(80,427)	(1,833,172)	0	(1,913,599)
105 Funds Needed	80,427	1,893,772	0	1,974,199
*105 Fund Project Contingency ()	(0)	0	0	0
105 Funds Required	0	60,600	0	60,600

460 Water Budget Status

	2018 (actual)	2019	2020	Total
*460 Funds Budgeted ()	(12,517)	(642,483)	0	(655,000)
460 Funds Needed	12,517	642,483	0	655,000
*460 Fund Project Contingency ()	0	0	0	0
460 Funds Required	0	0	0	0

461 Sewer Budget Status

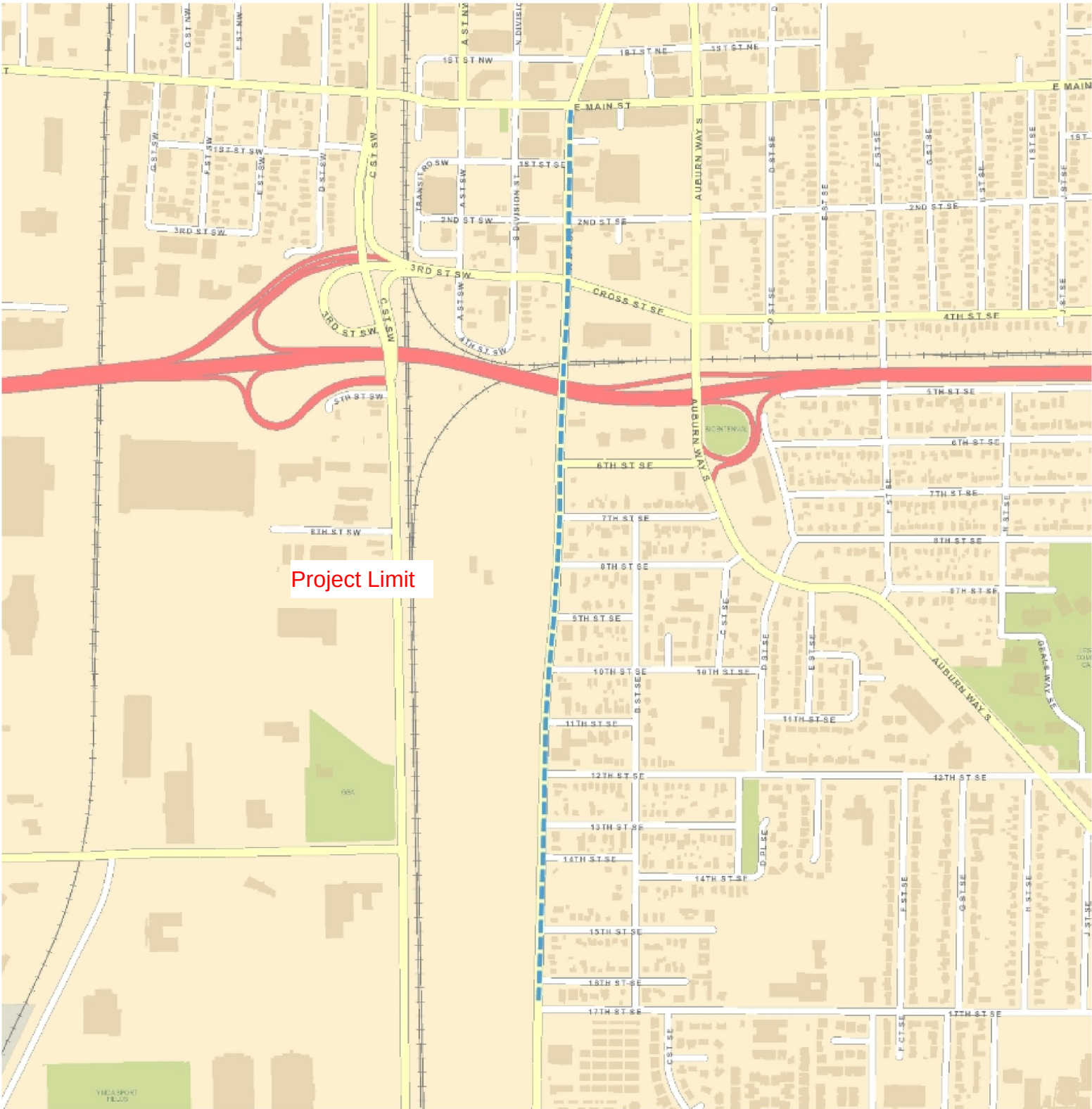
	2018 (actual)	2019	2020	Total
*461 Funds Budgeted ()	0	(20,000)	0	(20,000)
461 Funds Needed	0	20,000	0	20,000
*461 Fund Project Contingency ()	0	0	0	0
461 Funds Required	0	0	0	0

462 Storm Budget Status

	2018 (actual)	2019	2020	Total
*462 Funds Budgeted ()	0	(160,000)	0	(160,000)
462 Funds Needed	0	160,000	0	160,000
*462 Fund Project Contingency ()	0	0	0	0
462 Funds Required	0	0	0	0

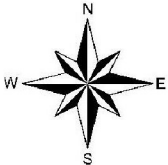
* (#) in the Budget Status Sections indicates Money the City has available.

A Street SE Preservation Project - Phase 3 (East Main St to 17th St SE)



Printed Date: 5/4/2016
Map Created by City of Auburn eGIS

Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.





AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6739 (Gaub)

Department:

Public Works

Attachments:

[Ordinance No. 6739](#)

[Exhibit A](#)

Date:

November 4, 2019

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council introduce and adopt Ordinance No. 6739.

Background Summary:

Ordinance No. 6739 authorizes the City to assume the rights, powers, functions, and obligations of the Auburn Transportation Benefit District (TBD).

The City created the Auburn TBD on September 12, 2011. In 2015, the legislature changed the law to allow that a City with the same boundaries as the TBD may assume the rights, powers, functions, and obligations of that TBD.

At this time, the Auburn TBD has enacted no funding revenue options and has not collected or spent any funds, it does not have any contracts, it has not committed to any projects, and does not have any assets.

By taking advantage of the 2015 legislative change, the City's financial reporting obligations would be streamlined. Total debt capacity for the TBD would be limited to the City's debt capacity, but neither the City nor the TBD has the funding capacity to leverage the full debt capacity allowed by law.

Reviewed by Council Committees:**Councilmember:**

Meeting Date: November 18, 2019

Staff:

Item Number:

Gaub

ORD.A

ORDINANCE NO. 6739

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, ASSUMING THE RIGHTS, POWERS, FUNCTIONS, IMMUNITIES, AND OBLIGATIONS OF THE AUBURN TRANSPORTATION BENEFIT DISTRICT

WHEREAS, on September 19, 2011, the City Council adopted Ordinance No. 6377 creating the Auburn Transportation Benefit District ("Auburn TBD") with geographical boundaries comprised of the corporate limits of the City, all in accordance with chapter 36.73 RCW; and

WHEREAS, on July 1, 2015, the Washington State Legislature enacted Second Engrossed Substitute Senate Bill 5987 (SESSB 5987) codified in Chapter 36.74 RCW, which, in Section 36.74.030, authorizes the City to assume the rights, powers, functions, and obligations of the existing Auburn TBD; and

WHEREAS, the Auburn Transportation District does has not collected or spent any funds, does not have any contracts, has not committed to any projects, and does not have any assets; and

WHEREAS, on November 4, 2019, the City Council adopted Resolution No. 5462, the City declared its intent to conduct a public hearing to consider the proposed assumption of the rights, powers, functions, and obligations of the existing Auburn TBD; and

WHEREAS, on November 18, 2019, the City Council conducted the public hearing allowing all persons interested in the proposed assumption the opportunity to be heard; and

WHEREAS, the City Council has determined that the public interest and welfare will be satisfied by the City assuming the rights, powers, immunities, functions, and obligations of the existing Auburn TBD;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Assumption of Auburn Transportation Benefit District. Pursuant to RCW 36.74.020, the City of Auburn hereby assumes all of the rights, powers, immunities, functions, and obligations of the Auburn TBD. The City is hereby vested with each and every right, power, immunity, function, and obligation currently granted to or possessed by the Auburn TBD as of the effective date of this Ordinance. The rights, powers, functions, and obligations previously exercised and/or performed by the governing body of the Auburn TBD are hereby assumed by and transferred to the Auburn City Council.

Section 2. Amendment to Auburn City Code. Chapter 3.23 of the Auburn City Code is amended to read as set forth in Exhibit A.

Section 3. Rules, Regulations, Pending Business, and Contracts. Pursuant to RCW 36.74.050, all rules and regulations and all pending business before the board of the Auburn TBD shall be continued and acted upon by the City Council. In addition, pursuant to Section 305(2), all existing contracts and obligations of the Auburn TBD remain in full force and effect and must be performed by the City. The assumption does not affect the validity of any official act performed by any official or employee prior to the assumption authorized under the law.

Section 4. Records of the Auburn TBD. Pursuant to RCW 36.74.060, all reports, documents, surveys, books, records, files, papers, or other writings relating to the administration of the powers, duties, and functions available to the Auburn TBD must be made available to the City.

Section 5. Implementation. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 6. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application of it to any person or circumstance, will not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 7. Effective date. This Ordinance will take effect and be in force five days from and after its passage, approval, and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Steven L. Gross, City Attorney

Published: _____

Chapter 3.23

TRANSPORTATION BENEFIT DISTRICT

Sections:

- 3.23.010 Assumption of powers and functions of Transportation Benefit District established.
- 3.23.020 Governing board.
- 3.23.030 Authority of the district.
- 3.23.040 Use of funds.
- 3.23.050 Dissolution of district.
- 3.23.060 Liberal construction.

3.23.010 Assumption of powers and functions of Transportation benefit district established.

As authorized by Chapter 36.74.030 of the Revised Code of Washington, the City of Auburn assumes all rights, powers, immunities, functions, and obligations that were possessed and exercised by the There is created a transportation benefit district to be known as the Auburn tTransportation bBenefit dDistrict, or “district” with geographical boundaries comprised of the corporate limits of the city as they currently exist or as they may exist following future annexations. All actions of the city taken under the authority conferred on a transportation benefit district will be specifically identified. (Ord. 6377 § 3, 2011.)

3.23.020 Governing board.

A.—The governing board of the transportation benefit district shall be the Auburn city council acting in an ex-officio and independent capacity, which shall have the authority to exercise the statutory powers set forth in Chapter 36.73 RCW.

B.—Meetings of the TBD board shall be governed by the procedural rules applicable to meetings of the city council, as these rules may be amended by the city council from time to time. TBD board actions shall be taken in the same manner and follow the same procedure as for the adoption of city council resolutions. Meetings of the TBD board shall, whenever possible, take place on the same dates scheduled for city council meetings.

~~C.—The mayor shall serve as the chair of the TBD board and shall preside over all meetings of the TBD board.~~

~~D.—Auburn city attorney will serve as legal advisor to the TBD board, except where separate counsel is engaged by the TBD or the city attorney has a conflict of interest.~~

~~E.—The treasurer of the transportation benefit district shall be the city finance director.~~

~~F.—The board shall develop a material change policy to address major plan changes that affect project delivery or the ability to finance the plan, pursuant to the requirements set forth in RCW 36.73.160(1).~~

~~G.—The board shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).~~

~~H.—The board may authorize an advisory committee, consisting of up to seven city residents who are stakeholders in the city's arterial system, to advise the board as requested on matters relating to project priorities and material changes. Advisory member candidates shall be nominated by the mayor and confirmed by the board.~~ (Ord. 6377 § 3, 2011.)

3.23.030 Authority ~~of the district.~~

The ~~board-city~~ shall have and may exercise any powers provided by law to fulfill the purpose of the district. (Ord. 6377 § 3, 2011.)

3.23.040 Use of funds.

The funds generated ~~under the authority granted to a by the~~ transportation benefit district may be used for any purpose allowed by law including ~~to operate the district and to making~~ e-transportation improvements that are consistent with existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels pursuant to Chapter 36.73 RCW. The transportation improvements funded ~~by under~~ the authority of a district shall be made in an effort to protect the city's long-term investments in its infrastructure, to reduce the risk of transportation facility failure, to improve safety, to continue optimal performance of the infrastructure over time, to avoid more expensive infrastructure replacements in the future and to improve modal connectivity within the city of Auburn. Additional transportation improvement projects ~~of the district~~ may be funded only after compliance with the provisions of RCW 36.73.050(2). (Ord. 6377 § 3, 2011.)

~~3.23.050 — Dissolution of district.~~

~~The transportation benefit district shall be automatically dissolved, pursuant to the procedures set forth in Chapter [36.73](#) RCW, when all indebtedness of the district has been retired and when all of the district's anticipated responsibilities have been satisfied. (Ord. 6377 § 3, 2011.)~~

3.23.0650 Liberal construction.

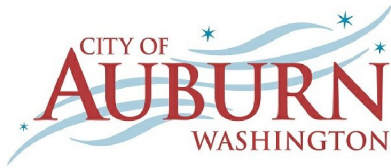
As authorized pursuant to Chapter [36.73](#) RCW, this chapter shall be liberally construed to permit the accomplishment of its purposes. (Ord. 6377 § 3, 2011.)

~~The Auburn City Code is current through Ordinance 6719, and legislation passed through June 17, 2019.~~

~~Disclaimer: The city clerk's office has the official version of the Auburn City Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.~~

~~City Website: www.auburnwa.gov~~

~~Code Publishing Company~~



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6742 (Gaub)

Date:

November 7, 2019

Department:

Public Works

Attachments:

[Ordinance No. 6742](#)

[Exhibit A](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council introduce and adopt Ordinance No. 6742.

Background Summary:

Under Washington state law, a developer or property owner ("applicant") has the right to seek reimbursement from other property owners ("benefited properties") who later connect to the public streets or utilities that the applicant constructed as part of the applicant's property development. The payback agreement between the City and the applicant provides the mechanism for the City to collect the reimbursement from the benefited properties as a condition of service, and to provide the reimbursement to the applicant.

Ordinance No. 6742 authorizes modifications to ACC 3.25 to provide more efficient administration of the payback agreement process for the city and the developer by linking portions of the payback process to key milestones in the applicant's property development process.

Reviewed by Council Committees:**Councilmember:****Staff:**

Gaub

Meeting Date: November 18, 2019

Item Number:

ORD.B

ORDINANCE NO. 6742

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON RELATED TO
INFRASTRUCTURE PAYBACK AGREEMENTS,
AMENDING CHAPTER 3.25 OF THE AUBURN CITY CODE

WHEREAS, Chapter 3.25 of the Auburn City Code authorizes developers, property owners, and the City who build improvements to the City's infrastructure to recover a portion of their costs from other property owners that benefit from those improvements through a Payback Agreement with the City; and,

WHEREAS, after reviewing the current process, staff recommends adding clarifying language to Chapter 3.25 of the Auburn City Code that will assist the City's administration of the Payback Agreement and Facility Extension Agreement processes.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Amendment to City Code. Chapter 3.25 of the Auburn City Code is amended to read as shown in Exhibit A.

Section 2. Implementation. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 3. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application of it to any person or circumstance, will not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 4. **Effective date.** This Ordinance will take effect and be in force five days from and after its passage, approval, and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Steven L. Gross, City Attorney

Published: _____

ORD 6742

EXHIBIT A

Chapter 3.25 PAYBACK AGREEMENTS

Sections:

3.25.010	Purpose.
3.25.020	Definitions.
3.25.030	City funding.
3.25.040	Agreement– When mandatory.
3.25.050	City engineer’s authority.
3.25.060	Application– Process.
3.25.070	Costs eligible for reimbursement.
3.25.080	Formation of reimbursement area.
3.25.090	Contract execution and recording.
3.25.100	Implementation of agreement.
3.25.010	Purpose.

The purpose of this chapter is to provide a mechanism to reimburse an eligible applicant and/or the city for costs associated with the construction of public street or public utility system improvements. This chapter is intended to implement the provisions of Chapters 35.72 and 35.91RCW as presently adopted or as may be subsequently amended. (Ord. 6696 § 1 (Exh. A), 2018; Ord. 6512 § 1, 2014.)

3.25.020 Definitions.

A. Use of Words and Phrases. As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section have the indicated meanings.

B. “Applicant” means the owner, developer, or building permit applicant who is required by any ordinance of the city to construct improvements as a prerequisite of property development. Street or utility improvements constructed in order to comply with the city’s subdivision code, zoning code, comprehensive plan, and ACC Title 12 or 13 are declared to be prerequisites to further property development for the purposes of RCW 35.72.010 and 35.91.020(1)(a).

C. “Assessment reimbursement area” means all real properties that will benefit from a street or utility system improvement.

D. “Connection” for utility services means the initial provision of water, sewer or storm drainage service for an individual property after the issuance of an appropriate permit under Chapter 13.06 or 13.20 ACC, where the property benefits from utility services as described in ACC 3.25.100, and which results in the creation of a utility payment

account with the city, and service fees being assessed under that account. Connection does not include the physical tie-in or attachment of mainline water, sewer, or storm drainage infrastructure to the city's system or to infrastructure being dedicated or conveyed to the city after construction of that infrastructure that is required under Chapter 13.40 ACC.

E. "Facility (FAC) extension agreement" means an agreement between the city and the developer, as defined in Chapter 13.40 ACC, for the city to accept the public portions of facilities constructed by the developer.

EF. "Payback agreement" means contracts authorized by Chapters 35.72 and 35.91 RCW and this chapter, as presently adopted or as may be subsequently amended, for transportation or utility system improvements.

FG. "Transportation system improvements" means those improvements to the public street transportation facilities including, but not limited to, paving, installation of curbs, gutters, storm drainage, sidewalks, street lights, right-of-way landscaping, traffic signals, and traffic control signs and markings.

GH. "Utility system improvements" means those improvements to the public water, sewer, or storm drainage systems including, but not limited to, pumping stations, conveyance, distribution and service lines, structures, storm drainage storage and treatment ponds/vaults, and disposal plants, water mains, hydrants, reservoirs, wells, or appurtenances to those systems. (Ord. 6696 § 1 (Exh. A), 2018; Ord. 6512 § 1, 2014.)

I. "Completion" means city acceptance of all improvements constructed as part of the FAC extension agreement.

...

3.25.060 Application – Process.

A. For each public street or utility system improvement the applicant is required to construct that is determined by the city engineer to be eligible for a payback agreement, the applicant may apply to the city to establish a payback agreement. The For eligible projects, a complete payback agreement application must be received not later than 10 business days after the date that the city's letter of eligibility is postmarked before execution of the FAC extension agreement, or the applicant will be deemed to have waived the right to request a payback agreement.

B. The application to enter into a payback agreement must include all the following items:

A1. A nonrefundable application fee in the amount specified in the city's fee schedule.

~~B~~2. An estimate of all costs of the project including, but not limited to, design engineering, permitting, property acquisition, construction engineering, contract administration, surveying, and construction costs associated with the system improvements.

~~C~~3. A map and legal description identifying the proposed boundaries of the assessment reimbursement area and each separately owned parcel within that area and including the applicable amount of area and/or front footage of the property. The map will identify the location of the project in relation to the parcels of property in the area.

~~D~~4. A preliminary assessment reimbursement roll stating the proposed assessment for each separate parcel of property within the proposed assessment reimbursement area as determined by apportioning the total project cost on the basis of the benefit of the project to each parcel of property within the area. The payback reimbursement charge to other properties will be based on the total project cost, figured on a front foot or area assessment basis, or other equitable method, as determined by the city, or any combination of these methods at the reasonable discretion of the city engineer.

~~E~~5. A complete list of record owners of property within the proposed assessment reimbursement area certified as complete and accurate by the applicant and which states names and mailing addresses for each owner.

~~F~~6. The applicant's acknowledgement that a street payback agreement may extend for a period of up to 15 years (unless extended as provided for by statute), and a utility payback agreement may extend for a period of not less than 20 years (unless extended as provided for by statute), from the date of final acceptance by the city and the recovery shall be assigned to run with the land.

~~G~~7. The applicant's acknowledgement that approval of the payback agreement will be conditioned on the applicant agreeing to waive any claims for liability of the city in establishment and enforcement of payback agreements, including an acknowledgement that the city is not responsible for locating a beneficiary or survivor.

~~H~~8. The applicant's acknowledgement that it must provide sufficient security to ensure to complete the improvements. (Ord. 6696 § 1 (Exh. A), 2018; Ord. 6512 § 1, 2014.)

3.25.070 Costs eligible for reimbursement.

A. The city council may provide for the reimbursement of all or part of the costs advanced by the city funds and/or applicant for the street or utility system improvements, including:

~~A1~~. The design engineering, permitting, property acquisition, construction engineering, contract administration, surveying, and construction costs associated with the street or utility system improvements.

~~B2~~. The cost of all advertising, mailing and publishing of notices.

~~C3~~. The cost of legal services and any other expenses incurred by the city in connection with the construction or financing of the improvement, including the issuance of any bonds.

~~D4~~. City costs of administering the agreement.

~~E5~~. Outside professional services as applicable.

B. Costs eligible for reimbursement to the applicant will not include frontage street or utility improvements that would have been normally required of the applicant per Chapter 12.64A, 13.08, or 13.40 ACC. (Ord. 6696 § 1 (Exh. A), 2018; Ord. 6512 § 1, 2014.)

C. Applicant waives the right to a payback agreement for any improvements for which final costs are not submitted to the City within 120 days after completion.

...

3.25.090 Contract execution and recording.

A. Following completion of the facility extension and receipt of final costs to be included in the payback agreement, the city will provide the applicant with the payback agreement for execution.

AB. The applicant will provide an executed copy of the payback agreement to the city. The applicant will not be allowed to make any further changes to the executed payback agreement unless the changes are mutually agreed to by the City.

C. Within 90 days of receipt of the executed payback agreement, the city engineer will request that the city council schedule a public hearing.

D. Following the public hearing, the city council will consider the payback agreement.

BE. The payback agreement will be recorded in the King or Pierce County department of records, as appropriate. Once recorded, the payback agreement is binding on property owners of record within the assessment area who are not party to the agreement. (Ord. 6696 § 1 (Exh. A), 2018; Ord. 6512 § 1, 2014.)

...



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6750 (Thomas)

Date:

November 14, 2019

Department:

Finance

Attachments:

[Ordinance No. 6750](#)

[Memo](#)

Budget Impact:**Administrative Recommendation:**

City Council to adopt Ordinance No. 6750, establishing the Property Tax levy for calendar year 2020

Background Summary:

Proposed Ordinance No. 6750 establishes the 2020 Property Tax Levy based upon preliminary information from King County. It represents an increase over the 2019 levy of \$218,909 plus the increase due to new construction and refund levy. King County will not finalize the City's assessed valuation (AV), new construction, and refund levies until December. Therefore the levy is based upon preliminary information as it is scheduled for Council adoption on November 18, 2019. The following table summarizes the 2020 Property Tax levy:

Table 1. 2020 Property Tax Levy Calculations	
2019 property tax levy	\$ 21,890,932
1.000% increase	218,909
Estimated new construction	243,119
Estimated refund levy	15,228
Total Estimated property tax levy	\$ 22,368,188

As of this date the County has preliminarily established the 2020 assessed valuation (including estimated new construction) for the City of Auburn at \$12.334 billion which is a 8.1% increase over the 2019 level of \$11.414 billion. The total 2020 Property Tax Levy will be distributed to the General Fund to support general governmental operations.

Reviewed by Council Committees:**Councilmember:****Staff:**

Meeting Date: November 18, 2019

Item Number: ORD.C

ORDINANCE NO. 6750

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, ESTABLISHING THE LEVY FOR REGULAR PROPERTY TAXES BY THE CITY OF AUBURN FOR COLLECTION IN 2020 FOR GENERAL CITY OPERATIONAL PURPOSES IN THE AMOUNT OF \$22,368,188

WHEREAS, the City Council of the City of Auburn has met and considered its budget for the calendar year 2020; and

WHEREAS, pursuant to RCW 84.55.120 the City Council held public hearings on November 18, 2019 and December 2, 2019, after proper notice was given, to consider the City of Auburn's 2020 budget and the regular property tax levy to support it; and

WHEREAS, the City Council of the City of Auburn, after public hearing, and after duly considering all relevant evidence and testimony presented, has determined that the City of Auburn requires property tax revenue and any increase of new construction and improvements to property, any increase in the value of state-assessed property, annexations, and any refund levies in order to discharge the expected expenses and obligations of the City and in its best interest; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Regular property taxes for collection in the City of Auburn for the year 2020 are authorized in the amount of \$22,368,188. Not including the

addition of new construction and improvements to property, any increases related to the value of state assessed property, and any refund levies available, the regular property tax levy for 2020 collection represents an increase from regular property taxes levied for collection in 2019 of \$218,909 which is a 1.0% increase in revenue from the previous year.

Section 2. Implementation. The Mayor is hereby authorized to implement those administrative procedures necessary to carry out the directions of this legislation.

Section 3. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application of it to any person or circumstance will not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 4. Effective date. This Ordinance will take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: _____
PASSED: _____
APPROVED: _____

NANCY BACKUS
MAYOR

ATTEST:

Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

Steven L. Gross, City Attorney

Published: _____



Interoffice Memorandum

To: City Council
From: Jamie Thomas, Finance Director
CC: Nancy Backus, Mayor
Date: November 5, 2020
Re: 2020 Property Tax Ordinance No. 6750

Attached is proposed Ordinance No. 6750, establishing the 2020 Property Tax Levy. The 2020 Property Tax Levy is based upon preliminary information from King County as of November 5, 2019, and represents an increase over the 2019 levy of \$218,909, not including new construction and the refund levy.

The estimated increase on new construction is \$243,119 and the refund levy is \$15,228. King County will not finalize the City's assessed valuation (AV) and new construction until December therefore the levy will be based upon preliminary information as it is scheduled for Council adoption on November 18, 2019. The following table summarizes the 2020 Property Tax levy:

Table 1. 2020 Property Tax Levy Calculations

2019 property tax levy	\$ 21,890,932
1.000% increase	218,909
Estimated new construction	243,119
Estimated refund levy	15,228
Estimated Property Tax Levy	\$ 22,368,188

As of this date the County has preliminarily established the 2020 assessed valuation (including estimated new construction) for the City of Auburn at \$12.334 billion which is an 8.1% increase over the 2019 level of \$11.414 billion.

The total 2020 Property Tax Levy will be distributed to the General Fund to support general governmental operations.

Attachments:

- ❖ 1. Ordinance No. 6750



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5466 (Faber)

Date:

November 13, 2019

Department:

Parks/Art and Recreation

Attachments:

[Resolution No. 5466](#)

[2020 Auburn Symphony Orchestra Contract](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council approve Resolution 5466.

Background Summary:

The City of Auburn has supported the Auburn Symphony Orchestra for the past several years to assist in promoting and marketing Auburn as a destination for arts and events that in turn contribute to the economy. Performing art programs serve as an economic driver and the activities of the Auburn Symphony Orchestra assists in attracting visitors to Auburn. For 2020, it is proposed that the City enters into a contract with the Auburn Symphony Orchestra with a specific scope of services for marketing, outreach and audience building, and organization efforts that assist in showcasing Auburn as a destination for arts and events.

Reviewed by Council Committees:

Municipal Services

Councilmember: DaCorsi

Staff: Faber

Meeting Date: November 18, 2019

Item Number: RES.A

RESOLUTION NO. 5466

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO
EXECUTE AN AGREEMENT BETWEEN THE CITY OF
AUBURN AND AUBURN SYMPHONY ORCHESTRA FOR
TOURISM PROMOTION SERVICES

WHEREAS, the City is interested in promoting and marketing Auburn as a tourist
Destination; and

WHEREAS, there are activities located and occurring within the corporate
boundaries of the City the promotion of which would be beneficial to the City and to the
residents and businesses of the City; and

WHEREAS one source of such activities is the Auburn Symphony Orchestra, the
Service Provider, herein; and

WHEREAS, a program of advertising for such events would help to insure the
success of such activities by informing people about them encouraging people to attend
and attracting tourists to the City; and

WHEREAS, in order to advertise the City, attract visitors, and encourage tourism
it would be advantageous for the City to contract with the Service Provider for promotional
services in connection therewith.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN,
WASHINGTON, RESOLVES as follows:

Section 1. The Mayor is authorized to execute an Agreement between the City
and the Auburn Symphony Orchestra, which agreement will be in substantial conformity
with the agreement attached as Exhibit A.

Section 2. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 3. This Resolution will take effect and be in full force on passage and signatures.

Dated and Signed: _____

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Steven L. Gross, City Attorney



**CITY OF AUBURN and AUBURN SYMPHONY ORCHESTRA
CONTRACT FOR SERVICES**

THIS CONTRACT is made and entered into on the _____ day of _____, 2019, by and between the CITY OF AUBURN, a municipal corporation of the State of Washington (the “City”), and the AUBURN SYMPHONY ORCHESTRA, a not-for-profit corporation organized pursuant to 26 U.S.C. 501 (C)(3)(the “Service Provider” or “ASO” and collectively, the “Parties”).

1. **SCOPE OF SERVICES BY SERVICE PROVIDER** The Service Provider will engage, enrich and inspire our community through artistically vibrant performances; will uphold the highest artistic and professional standards; will present a broad range of repertoire; will serve a wide and diverse audience; and will provide quality educational experiences for all ages. Service Provider will provide classical music opportunities to area youth through reduced ticket prices to concerts as well as outreach to Auburn area schools. Service Provider will actively participate in community events and include City of Auburn logo in all applicable promotional materials. Service Provider will comply with requirements listed in Attachment “A.”
2. **TERM OF CONTRACT:** The Term of this Contract will be from January 1, 2020, through December 31, 2020.
3. **COMPENSATION TO SERVICE PROVIDER:**
 - a. The Parties understand that the Service Provider operates on a fiscal year that runs from July 1 through the following June 30, and that its concert season is consistent with its fiscal year. The City’s fiscal year is from January 1 through the following December 31. The Parties agree that the marketing services provided throughout the year are adequate consideration for the City to pay the Service Provider its full consideration due for the calendar year by the end of June each year in order to support the Service Provider’s budget cycle.
 - b. The total contract is for \$75,000 per calendar year, which will be paid as set forth in Attachment “B.”
 - c. **Invoicing and Reports.** The Service Provider will submit invoices and reports not later than 30 calendar days before payment is due. For each reporting period, the Service Provider will provide report outlining how the Service Provider met the performance measures set forth in this Agreement.
4. **NON-APPROPRIATION OF FUNDS:** If sufficient funds are not appropriated or allocated for payment under this Agreement for any future fiscal period, the City will not be obligated to make payments for Services or amounts incurred after the end of the current fiscal period, and this Agreement will terminate upon the completion of all

remaining Services for which funds are allocated. No penalty or expense shall accrue to the City in the event this provision applies.

5. **RECORDS INSPECTION AND AUDIT:** All compensation payments will be subject to the adjustments for any amounts found upon audit or otherwise improperly invoiced and all records and books of accounts pertaining to any work performed under this Contract will be subject to inspection and audit by the City for a period of up to three (3) years from the final payment for work performed under this Contract.
6. **CONTINUATION OF PERFORMANCE.** In the event that any dispute or conflict arises between the parties while this Contract is in effect, the Service Provider agrees that, notwithstanding such dispute or conflict, the Service Provider shall continue to make a good faith effort to cooperate and continue work toward successful completion of assigned duties and responsibilities. Nothing in this section is intended to restrict or otherwise limit the Parties rights of termination set forth elsewhere in this Contract.
7. **CONTRACT ADMINISTRATION:** This Contract will be administered by Auburn Symphony Orchestra Manager on behalf of the Service Provider and by Mayor or the Mayor's designee on behalf of the City. Any written notices required by terms of this Contract will be served or mailed to the following addressees unless changed by written notice to the other Party:

If to the City: City of Auburn, 25 West Main Street, Auburn WA 98001

If to the Service Provider: Auburn Symphony Orchestra, P.O. Box 2186, Auburn WA 98071

8. **NOTICES:** All notices or communications permitted or required to be given under this Contract will be in writing and will be deemed to have been duly given if delivered in person or deposited in the United States mail postage prepaid for mailing by certified mail return receipt requested.
9. **INSURANCE:** The Service provider shall procure and maintain insurance, as required in this Section, without interruption from commencement of the Service provider's work through the term of the contract and for thirty (30) days after the Physical Completion date, unless otherwise indicated.
 - A. **No Limitation.** The Service provider's maintenance of insurance, its scope of coverage and limits as required herein shall not be construed to limit the liability of the Service provider to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.
 - B. **Minimum Scope of Insurance.** The Service provider's required insurance shall be of the types and coverage as stated below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be at least as broad as Insurance Services Office (ISO) form CA 00 01.
2. Commercial General Liability insurance shall be as least at broad as ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent service providers, products-completed operations, stop gap liability, personal injury and advertising injury, and liability assumed under an insured contract. The Commercial General Liability insurance shall be endorsed to provide a per project general aggregate limit using ISO form CG 25 03 05 09 or an equivalent endorsement. There shall be no exclusion for liability arising from explosion, collapse or underground property damage. The City shall be named as an additional insured under the Service provider's Commercial General Liability insurance policy with respect to the work performed for the City using ISO Additional Insured endorsement CG 20 10 10 01 and Additional Insured-Completed Operations endorsement CG 20 37 10 01 or substitute endorsements providing at least as broad coverage.
3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

C. Minimum Amounts of Insurance. The Service provider shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate and \$2,000,000 products-completed operations aggregate limit.

D. City Full Availability of Service provider Limits. If the Service provider maintains higher insurance limits than the minimums shown above, the City shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Service provider, irrespective of whether such limits maintained by the Service provider are greater than those required by this contract or whether any certificate of insurance furnished to the City evidences limits of liability lower than those maintained by the Service provider.

E. Other Insurance Provision. The Service provider's Automobile Liability and Commercial General Liability insurance policies are to contain, or be endorsed to contain that they shall be primary insurance as respect the City. Any insurance, self-insurance, or self-insured pool coverage maintained by the City shall be excess of the Service provider's insurance and shall not contribute with it.

F. Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A: VII.

G. Verification of Coverage. The Service provider shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsements, evidencing the insurance requirements of the Service provider before commencement of the work. Upon request by the City, the Service provider shall furnish certified copies of all required insurance policies, including endorsements, required in this contract and evidence of all subservice providers' coverage.

H. Subservice providers' Insurance. The Service provider shall cause each and every Subservice provider to provide insurance coverage that complies with all applicable requirements of the Service provider-provided insurance as set forth herein, except the Service provider shall have sole responsibility for determining the limits of coverage required to be obtained by Subservice providers. The Service provider shall ensure that the City is an additional insured on each and every Subservice provider's Commercial General liability insurance policy using an endorsement as least as broad as ISO CG 20 10 10 01 for ongoing operations and CG 20 37 10 01 for completed operations.

I. Notice of Cancellation. The Service provider shall provide the City and all Additional Insureds for this work with written notice of any policy cancellation within two business days of their receipt of such notice.

J. Failure to Maintain Insurance. Failure on the part of the Service provider to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five business days' notice to the Service provider to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Service provider from the City.

10. INDEMNIFICATION: Service Provider will defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorneys' fees, arising out of or in connection with the performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

If a court of competent jurisdiction determines that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the

Service Provider and the city, its officers, officials, employees, and volunteers, the Service Provider's liability, including the duty and cost to defend, will be only to the extent of the Service Provider's negligence. It is further specifically and expressly understood that the indemnification provided constitutes the Service Provider's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

11. **RESTRICTION AGAINST ASSIGNMENT:** Service Provider will not assign this Contract or any interest nor any money due or to become due without first obtaining the written consent of the City. Service Provider will not subcontract any part of the services to be performed without first obtaining the written consent of the City.
12. **AMENDMENT MODIFICATION OR WAIVER:** No amendment modification or waiver of any condition provision or term of this Contract will be valid or of any effect unless made in writing signed by the Party or Parties to be bound and specifying with particularity the nature and extent of such amendment modification or waiver. Any waiver by any Party of any default of the other Party will not affect or impair any right arising from any subsequent default.
13. **TERMINATION AND SUSPENSION:** Either Party may terminate this Contract upon ninety (90) days written notice to the other Party. If the Service Provider has performed services pursuant to the Contract, the Service Provider will be compensated for such services in accordance with the rate of compensation provided in Attachment "B."
13. **PARTIES IN INTEREST:** This Contract will be binding upon and the benefits and obligations provided for inure to and bind the Parties and their respective successors and assigns provided that this section will not be deemed to permit any transfer or assignment otherwise prohibited by this Contract. This Contract is for the exclusive benefit of the Parties and it does not create a contractual relationship with or for the benefit of any third party.
14. **COSTS TO PREVAILING PARTY:** In the event of litigation or other legal action to enforce any rights responsibilities or obligations under this Contract, the prevailing Party will be entitled to receive its reasonable costs and attorney's fees.
15. **APPLICABLE LAW:** This Contract and the rights of the Parties will be governed by and interpreted in accordance with the laws of the State of Washington and venue for any action will be King County, Washington. The Parties agree and understand that any applicable statute of limitation will commence no later than the substantial completion by the Service Provider of the services.
16. **CAPTIONS HEADINGS AND TITLES:** All captions headings or titles in the paragraphs or sections of this Contract are inserted for convenience of reference only and shall not constitute a part of this Contract or act as a limitation of the scope of the particular

paragraph or sections to which they apply As used herein where appropriate the singular shall include the plural and vice versa and masculine feminine and neuter expressions shall be interchangeable Interpretation or construction of this Contract shall not be affected by any determination as to who is the drafter of this Contract this Contract having been drafted by mutual agreement of the Parties.

17. SEVERABLE PROVISIONS: Each provision of this Contract is intended to be severable. If any provision is found by a court of competent jurisdiction to be illegal or invalid or not applicable to any person or circumstance for any reason whatsoever such illegality invalidity or non-applicability will not affect the legality or validity of the remainder of this Contract or its applicability to other persons or circumstances.
18. ENTIRE AGREEMENT: This Contract contains the entire understanding of the Parties and supersedes all prior agreements contracts and understandings between the Parties with respect to such subject matter.
19. COUNTERPARTS: This Contract may be executed in multiple counterparts and will become effective when one or more counterparts have been signed by each of the Parties and delivered to the other Party.

IN WITNESS WHEREOF the Parties hereto have caused this Contract to be executed effective the day and year first set forth above:

AUBURN SYMPHONY ORCHESTRA

CITY OF AUBURN

Title: _____

Date: _____

Nancy Backus, Mayor

Date: _____

APPROVED AS TO FORM:

Steven Gross, City Attorney

ATTACHMENT A
Scope of Services

Scope of Work:

1. Auburn Symphony Orchestra (ASO) will engage, enrich and inspire our community through artistically vibrant performances; will uphold the highest artistic and professional standards; will present a broad range of repertoire; will serve a wide and diverse audience; and will provide quality educational experiences for all ages.
2. ASO will produce, at the minimum, three full symphony programs, four chamber concerts, three summer concerts each performing arts season.
3. ASO will conduct outreach into Auburn public schools and offer reduced price student tickets.
4. Conduct outreach to new audiences through programming and marketing efforts.
5. Participate in community events and/or festivals through hosting a booth and/or partnering to present programming as part of the event program.

Service Provider Agrees to:

1. Credit the City of Auburn in all appropriate public announcements, programs, advertising, and other forms of notice relating to the activity and service covered under this agreement and produced by, for, and under the direction of the organization. Where possible, the City of Auburn logo should be used. If logo is not appropriate, ASO may list the funder as : City of Auburn.
2. Provide access to members of the City Council and Auburn Arts Commission for purposes of evaluation to at least three performances each year.
3. Meet with the City Council, Arts Commission, or the Arts Coordinator once during the contract period, to provide information regarding programming and administration of the programs.
4. Provide the City of Auburn reports and data as outlined as part of the payment schedule.
5. Make available to the City of Auburn the service providers financial and other records, upon request, to determine compliance with this agreement.
6. Include City Council members and Arts Commissioners in their mailing list.

ATTACHMENT B

Compensation

Payment Schedule

Phase I: To be completed by January 31, 2020. Not to Exceed \$25,000.00 upon receipt or completion of the following:

- Full execution of this contract
- Receipt of completed invoice
- Receipt of schedule of activities and programming for 2019-20 performing arts season
- Submission of all printed material and copies of paid advertisements completed between June 2019 and January 2020¹
- Attendance reports for concerts (from September 2019 through January 31, 2020; including zip code demographic summary of patrons and student discount tickets claimed, and tracking of new versus returning attendees.
- Outline summary of outreach activities and community participation efforts
- Receipt of annual report from prior ASO fiscal year and
- Submission of marketing plan and budget for ASO 2019-2020 performing arts season.

Phase II: To be completed by March 31, 2020. Not to exceed \$25,000.00 upon receipt or completion of the following:

- Receipt of completed invoice
- Submission of all printed material and copies or documentation of paid advertisements completed between January 2020 and March 2020
- Attendance reports for ASO concerts (from February 1-March 31, 2020); including zip code demographic summary of patrons and student discount tickets claimed, and tracking of new versus returning attendees and
- Outline summary of outreach activities and community participation efforts.

Phase III: To be completed by June 5, 2020. Not to exceed \$25,000.00 upon receipt or completion of the following:

- Receipt of completed invoice
- Submission of all printed material and copies of paid advertisements completed between March 2020 and June 5, 2020
- Attendance reports for ASO concerts (from March 31-June 4, 2020); including zip code demographic summary of patrons and student discount tickets claimed, and tracking of new versus returning attendees
- Outline summary of outreach activities and community participation efforts and
- Summary of annual fundraiser.

¹ NOTE: While this Contract covers performances in 2019 and 2020, references are made to the ASO's 2019-2020 season, which includes periods covered in this Contract.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5471 (Tate)

Date:

November 12, 2019

Department:

Community Development

Attachments:

[Resolution No. 5471](#)

[Grant Award Letter from WA Dept of Commerce](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council vote to approve Resolution No. 5471.

Background Summary:

The Washington State Legislature authorized up to \$5 million for the development of housing action plans intended to increase urban residential capacity, with a maximum award amount per jurisdiction of \$100,000. The City of Auburn intends to utilize this funding for the development of a Housing Action Plan to accomplish short term goals identified in the Housing Element of the city's comprehensive plan including evaluating city zoning regulations are allowed at an appropriate density in an appropriate zone, inventory housing opportunities for disadvantaged populations, and coordinating with transit agencies to align transportation and housing resources to be most effective.

Signed into law by Governor Inslee on May 9, 2019, E2SHB 1923 authorized the Department of Commerce to issue up to \$5 million in grant funding for the purpose of increasing residential housing capacity in urban areas. The City of Auburn submitted a grant application on September 30, 2019, requesting the maximum award of \$100,000 in collaboration with neighboring jurisdictions Burien, Federal Way, Kent, Renton, and Tukwila. As a part of the collaborative effort, up to \$20,000 per jurisdiction has been allocated for the purpose of collecting sub-regional data necessary for the development of a Housing Action Plan. On November 5, 2019, Auburn was officially awarded the grant in the amount of \$100,000. All city legislative action associated with E2SHB 1923 must be taken by April 1, 2021, and all grant deliverables are due to be submitted to the Washington State Department of Commerce by June 15, 2021.

Reviewed by Council Committees:**Councilmember:****Staff:**

Tate

Meeting Date: November 18, 2019

Item Number:

RES.B

RESOLUTION NO. 5471

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF AUBURN AND THE WASHINGTON STATE DEPARTMENT OF COMMERCE TO ACCEPT AND EXPEND GRANT FUNDS FOR A HOUSING ACTION PLAN

WHEREAS, On May 9, 2019, the Governor of Washington signed into law Engrossed Second Substitute House Bill (E2SHB) 1923; and

WHEREAS, E2SHB 1923 authorized the Washington Department of Commerce to issue Five Million Dollars in grant assistance to local cities for planning efforts related to housing; and

WHEREAS, the City of Auburn submitted a grant application requesting the maximum grant amount of One Hundred Thousand Dollars on September 30, 2019; and

WHEREAS, the City of Auburn, as a part of the grant application, is to partner with the cities of Burien, Federal Way, Kent, Renton, and Tukwila, including up to Twenty Thousand Dollars of grant funding diverted to conduct sub-regional data collection; and

WHEREAS, sub-regional funding and data collection efforts are to be administered by representatives from the City of Kent, and financially through the South King Housing and Homelessness Partners (SKHHP); and

WHEREAS, the City of Auburn commits to conducting a Housing Action Plan utilizing the sub-regional data collection, and remaining grant funding; and

WHEREAS, the final scope of work to be determined in coordination with the Department of Commerce is substantially unchanged from the original application for grant funding; and

WHEREAS, all city legislative action associated with E2SHB funding must be taken by April 1, 2021, and;

WHEREAS, grant deliverables must be submitted to the Washington State Department of Commerce by June 15, 2021.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RESOLVES as follows:

Section 1. The Mayor is authorized to negotiate and execute an agreement between the City of Auburn and the Washington State Department of Commerce to accept grant funds for a Housing Action Plan, and to expend such funds.

Section 2. The Mayor is authorized to enter into additional agreements and to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 3. This Resolution will take effect and be in full force on passage and signatures.

Dated and Signed: _____

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Steven L. Gross, City Attorney



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

November 5, 2019

The Honorable Nancy Backus
Mayor of Auburn
25 West Main Street
Auburn, Washington 98001

RE: E2SHB 1923 Grant – Increasing Residential Building Capacity

Dear Mayor Backus:

I am pleased to inform you that the city of Auburn has been awarded \$100,000.00 in grant funds for the 2019-21 Biennium to assist with increasing urban residential building capacity and streamlining regulations. The Washington State Legislature created this new grant program under Engrossed Second Substitute House Bill (E2SHB) 1923 (Chapter 348, Laws of 2019), which provides a number of eligible land use planning activities for cities to consider implementing to increase housing capacity.

Your jurisdiction recently submitted a grant application, identifying actions it intends to develop and adopt, as well as its grant funding need to assist with this work. Your scope of work and budget must be consistent with the scope of work and budget included in your grant application.

This grant will be administered by the Washington Department of Commerce, Growth Management Services unit. Before we disburse the funds, a contract with an agreed upon scope of work and budget will need to be executed between your organization and the Department of Commerce. Funds may be retroactively applied to project costs related to your grant scope of work, beginning July 28, 2019, the effective date of E2SHB 1923.

Eric Guida, Senior Planner is available to help you if you have any questions. Please call (360) 725-3044 or eric.guida@commerce.wa.gov for assistance with this contract going forward.

Sincerely,

Dave Andersen, AICP
Managing Director
Growth Management Services

cc: Anthony Avery, Senior Planner
Eric Guida