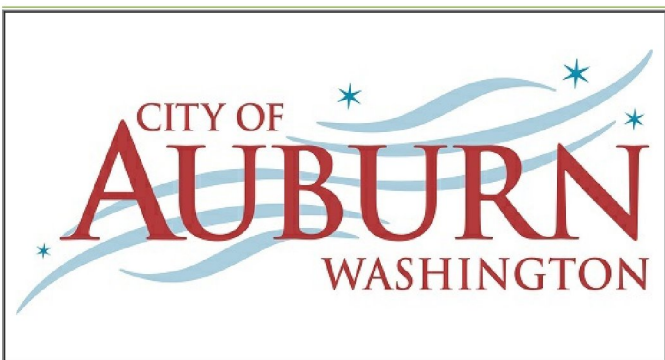


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|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p style="text-align: center;"><b>City Council Meeting</b><br/> <b>November 5, 2018 - 7:00 PM</b><br/> <b>City Hall Council Chambers</b><br/> <b>AGENDA</b><br/> <b>Watch the meeting LIVE!</b></p> <p style="text-align: center;"><b>Watch the meeting video</b><br/> Meeting videos are not available until 72<br/> hours after the meeting has concluded.</p> |
|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**I. CALL TO ORDER**

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

**II. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS**

- A. Presentation - Yes Vets
- B. Proclamation - 2018 Tree Steward  
Mayor Backus to proclaim the Auburn Parks Department as our "2018 Tree Steward" in the city of Auburn.
- C. Proclamation - GIS Day  
Mayor Backus to proclaim November 14, 2018 as "GIS Day" in the city of Auburn.
- D. Proclamation - Filipino and American World War II Veterans Recognition Day  
Mayor Backus to proclaim November 11, 2018 as "United States Congressional Gold Medal for Filipino and American World War II Veterans Recognition Day" in the city of Auburn.

**III. APPOINTMENTS**

**IV. AGENDA MODIFICATIONS**

**V. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE**

- A. **Public Hearings**
  - 1. Public Hearing on 2019-2020 Preliminary Biennial Budget  
City Council to conduct a public hearing to receive public comments, proposals and suggestions on the 2019-2020 Preliminary Biennial Budget.  
  
**(RECOMMENDED ACTION: City Council conduct the public hearing.)**
  - 2. Public Hearing for 2019-2024 Transportation Improvement Plan Modification  
City Council to conduct a public hearing to receive public comments and suggestions regarding the 2019-2024 Six-Year Transportation Improvement

Program, Resolution No. 5386.

**(RECOMMENDED ACTION: City Council conduct the public hearing.)**

3. Public Hearing for the 2019 Community Development Block Grant (CDBG) Annual Action Plan

City Council to conduct a public hearing to receive public comments and suggestions with regards to the 2019 Annual Action Plan as required by the U.S. Department of Housing and Urban Development (HUD)

**(RECOMMENDED ACTION: City Council conduct the public hearing.)**

**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.**

**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 24, 2016, November 28, 2016, January 23, 2017, January 30, 2017 and October 8, 2018 Study Session
- B. Minutes of the October 15, 2018 Regular Council Meeting
- C. Claim Vouchers (Coleman)  
Claims vouchers 451160 through 451441 in the amount of \$2,765,879.55 and seven wire transfers in the amount of \$245,684.34 and dated November 5, 2018.
- D. Payroll Vouchers (Coleman)  
Payroll check numbers 538143 through 538162 in the amount of \$515,906.61, electronic deposit transmissions in the amount of \$1,895,495.12 for a grand total of \$2,411,401.73 for the period covering October 11, 2018 to October 31, 2018.
- E. Parks Project No. CP1820 (Faber)  
City Council to award small works contract to Waters and Woods for Project No. CP1820 Replacing a Picnic Shelter at Isaac Evans Park



F. Public Works Project No. CP1709 (Gaub)

City Council to award Contract No. 18-07, to R.L. Alia Company on their low bid of \$370,722.00 plus Washington State sales tax of \$37,072.20 for a total contract price of \$407,794.20 for Project No. CP1709, Reservoir No. 1 Seismic Control Valve

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

**VIII. UNFINISHED BUSINESS**

**IX. NEW BUSINESS**

**X. ORDINANCES**

A. Ordinance No. 6692 (Tate)

An Ordinance of the City Council Of the City of Auburn, Washington related to Business Licenses, amending definitions, and amending Chapter 5.10 of the Auburn City Code

**(RECOMMENDED ACTION: Move to adopt Ordinance No. 6692.)**

B. Ordinance No. 6696 (Gaub)

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

**(RECOMMENDED ACTION: Move to adopt Ordinance No. 6696.)**

C. Ordinance No. 6697 (Gross)

An Ordinance of the City Council of the City of Auburn, Washington relating to criminal offenses, amending Section 9.22.010 of the Auburn City Code

**(RECOMMENDED ACTION: Move to adopt Ordinance No. 6697.)**

**XI. RESOLUTIONS**

A. Resolution No. 5386 (Gaub)

A Resolution of the City Council of the City of Auburn, Washington, amending the 2019-2024 Six-Year Transportation Improvement Program of the City of Auburn pursuant to Chapter 35.77 of the revised Code of Washington

**(RECOMMENDED ACTION: Move to adopt Resolution No. 5386.)**

B. Resolution No. 5387 (Hinman)

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to execute a real estate easement agreement between the City of Auburn and Puget Sound Energy for conveyance of a utility easement

**(RECOMMENDED ACTION: Move to adopt Resolution No. 5387.)**

**XII. MAYOR AND COUNCILMEMBER REPORTS**

*At this time the Mayor and City Council may report on significant items associated with*

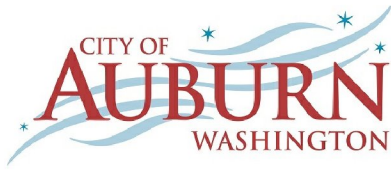
*their appointed positions on federal, state, regional and local organizations.*

**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.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:**

Presentation - Yes Vets

**Date:**

October 31, 2018

**Department:**

Human Resources

**Attachments:**

**No Attachments Available**

**Budget Impact:**

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

**Administrative Recommendation:**

Presentation to Council

**Background Summary:**

The Employment Security Department, in partnership with Washington Department of Veterans Affairs, Department of Commerce, Washington State Military Transition Council, Washington State SHRM, and local chambers of commerce across the state, have partnered to create a statewide campaign to hire veterans, supporting House Bill 2040. This Bill, introduced by Representative Gina Mosbrucker, recognizes employers who show their commitment to veteran employment by hiring veterans into their workforce.

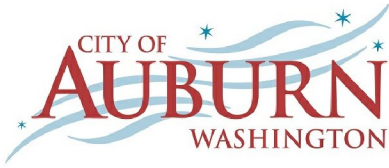
**Reviewed by Council Committees:****Councilmember:****Staff:**

Martinson

**Meeting Date:** November 5, 2018

Item Number:

AN.1



## AGENDA BILL APPROVAL FORM

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**Agenda Subject:**

Public Hearing on 2019-2020 Preliminary Biennial Budget

**Date:**

October 29, 2018

**Department:**

Finance

**Attachments:**

**No Attachments Available**

**Budget Impact:****Administrative Recommendation:**

City Council to conduct a public hearing to receive public comments, proposals and suggestions on the 2019-2020 Preliminary Biennial Budget.

**Background Summary:**

All persons interested are encouraged to participate in this public hearing by making comments, proposals, and suggestions to the City Council and Mayor to consider prior to adoption of the City of Auburn's 2019-2020 Biennial Budget.

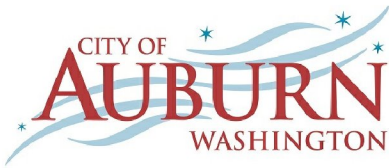
**Reviewed by Council Committees:****Councilmember:****Staff:**

Coleman

**Meeting Date:** November 5, 2018

Item Number:

PH.1



## AGENDA BILL APPROVAL FORM

**Agenda Subject:**

Public Hearing for 2019-2024 Transportation Improvement Plan Modification

**Date:**

October 30, 2018

**Department:**

Public Works

**Attachments:**

No Attachments Available

**Budget Impact:****Administrative Recommendation:**

City Council to hold a public hearing for Resolution No. 5386. See Resolution No. 5386 for further action on this item.

**Background Summary:**

Pursuant to RCW 35.77.010 the City is required to prepare and adopt a Transportation Improvement Program (TIP) for the ensuing six years. The program may be revised at any time by a majority of the City Council, but only after conducting a public hearing.

The date of public hearing was set by Resolution No. 5385 on October 15, 2018.

The proposed TIP modification would add a new project to the current TIP. The proposed project (I-15), would design and construct a new traffic signal at the 10th Street NW intersection with B Street NW.

The 10th Street NW intersection with A Street NW is currently stop-controlled on the 10th Street NW approach. The left-turn movement on this approach has been identified as operating at LOS E, which falls below the LOS D standard adopted by the City for this intersection. The signalization of the intersection is identified as the appropriate improvement to address this LOS deficiency.

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

Gaub

**Meeting Date:** November 5, 2018

Item Number:

PH.2





## AGENDA BILL APPROVAL FORM

Agenda Subject:

Public Hearing for the 2019 Community Development Block Grant  
(CDBG) Annual Action Plan

Date:

October 30, 2018

Department:

Administration

**Attachments:**

No Attachments Available

Budget Impact:

Administrative Recommendation:

City Council to conduct the Public Hearing

Background Summary:

The 2019 Annual Action Plan outlines proposed expenditures to implement the City's efforts related to its CDBG projects. It identifies federal and local funds expected to be available, indicates the activities on which they will be spent, and sets goals for the number and type of services expected to be provided. The proposed 2019 Annual Action Plan is a requirement for the Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) Program. The Action Plan describes housing and community development needs as well as activities to address those needs. The Action Plan brings together, in one submission, the planning and funding recommendations for human services, neighborhood revitalization and capital improvements funded by the Community Development Block Grant program. The Plan includes project descriptions, recommended funding and proposed accomplishments for the 2019 program year.

Reviewed by Council Committees:

Councilmember:

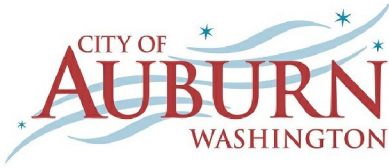
Staff:

Hinman

Meeting Date: November 5, 2018

Item Number:

PH.3



## AGENDA BILL APPROVAL FORM

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**Agenda Subject:**

Minutes of the October 24, 2016, November 28, 2016, January 23, 2017, January 30, 2017 and October 8, 2018 Study Session

**Date:**

October 18, 2018

**Department:**

Administration

**Attachments:**

[10-24-2016 Study Session Minutes](#)

[11-28-2016 Study Session Minutes](#)

[01-23-2017 Study Session Minutes](#)

[01-30-2017 Study Session Minutes](#)

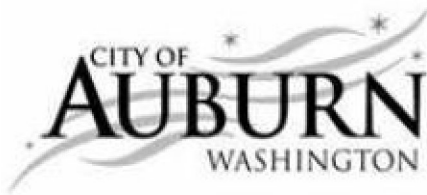
[10-08-2018 Study Session Minutes](#)

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

**Meeting Date:** November 5, 2018

**Staff:**

**Item Number:** CA.A



**City Council Study Session**  
October 24, 2016 - 5:30 PM  
City Hall Annex - 1 East Main Street  
MINUTES

**I. CALL TO ORDER**

Deputy Mayor Wales called the meeting to order at 5:30 p.m. in Room 2 of the City Hall Annex located at 1 East Main Street in Auburn.

**A. Roll Call**

Councilmembers present: Deputy Mayor Largo Wales, Bob Baggett, Claude DaCorsi, John Holman, Bill Peloza, and Yolanda Trout-Manuel. Councilmember Rich Wagner arrived at 5:33 p.m.

Mayor Nancy Backus and the following department directors and staff members were present: City Attorney Daniel B. Heid, Chief of Police Bob Lee, Community Development and Public Works Director Kevin Snyder, Environmental Services Manager Chris Andersen, Environmental Planner Jenna Leonard, Assistant Director of Engineering Services/City Engineer Ingrid Gaub, Assistant City Attorney Jessica Leiser, Economic Development Manager Doug Lein, Property Analyst Josh Arndt, Director of Administration Dana Hinman, Human Services Coordinator Emily Pearson, Innovation and Technology Director Paul Haugan, Assistant Director of Community Development Services Jeff Tate, Finance Director Shelley Coleman, Human Resources and Risk Management Director Rob Roscoe, Transportation Manager Pablo Para, and Deputy City Clerk Shawn Campbell.

**B. Announcements**

There was no announcement.

**C. Agenda Modifications**

There was no change to the agenda.

**II. CONSENT AGENDA**

Consent agenda items are not considered at study sessions.

**III. DISCUSSION ITEMS**

**A. Boeing Auburn Facility Groundwater Contamination Update (20 Minute Presentation/10 Minute Q&A) (Snyder)**

Representatives from the Washington Department of Ecology will provide an update briefing regarding the progress and status of the Boeing Auburn Fabrication Site groundwater contamination remedial investigation.

Neil Hines, P.E., Site Manager, for the Washington State Department of Ecology provided the City Council with a brief update on the Boeing Auburn Fabrication Site Investigation. Mr. Hines reported the Boeing Auburn investigation has reached a milestone this year. The Remedial Investigation is nearing completion, and the Department of Ecology has made significant progress in understanding where groundwater contamination is located and if there are concerns for the environment or human health.

Mr. Hines provided a brief review of the project background and what is known about drinking water, surface water, groundwater as well as indoor air quality. In parts of Auburn and Algonia,

groundwater is contaminated with a degreaser called trichloroethene (TCE) and its breakdown products. It is believed that the contaminants originated from the Boeing Auburn plant. The contaminated groundwater (plume) flows north and northwest away from the Boeing property into portions of southwest Auburn and northeast Algona. The chemicals found are at low levels that are not expected to pose a risk to human health and the environment.

The Remedial Investigation and Draft Report has been completed. The Remedial Investigation Report contains the boundaries of the contaminated groundwater; the locations, concentrations, and depths of chemicals and breakdown products in soil, groundwater, surface water and air; an evaluation of the potential pathways for human exposure to the chemicals; and a detailed description of the areas of potential impacts.

In 2017, the Feasibility Study will identify solutions for cleanup of the affected areas, the cost, the likelihood of success and permanent remedy, timeline for implementation, and cleanup levels for any areas where concentrations are elevated.

Mr. Hines reported the surface water has not been a health concern. The City's drinking water wells are not at risk, and the chemicals are not detected in the wells.

Mr. Hines advised that Department of Ecology has reviewed Boeing's draft Remedial Investigation Report, and Boeing is currently responding to Department of Ecology's comments. The Remediation Investigation Report will be released to the public and a public comment period will occur in early 2017.

B. 10 Year Economic Development Strategic Plan (30 Minute Presentation/30 Minute Q&A)

Economic Development Manager Doug Lein introduced the following consultants who provided the analysis to develop the ten-year economic development strategic plan: Jeff Marcell, Senior Partner with TIP Strategies, Caroline Alexander, Project Manager with TIP Strategies, Matt Hoffman, Senior Project Manager with Heartland, and Kimberly Allred, Project Manager-Retail Strategies with Retail Coach. Together the team of consultants provided economic and demographic analysis, analysis of retail data, and real estate analysis as well as public engagement.

Mr. Marcell provided a brief overview of the components of the plan: kick-off meeting; existing conditions analysis; market capacity study; analysis of strengths, weaknesses, opportunities and threats; reverse site selection; perception survey; best practices case studies and performance metrics; target industry validation and selection; public engagement; ten-year Comprehensive Economic Development Strategic Plan; Economic Development Strategic Plan review; refinement and adoption; and project management.

Mr. Marcel reviewed the outcomes thus far: assessment of existing conditions, including demographic, retail and market data; documentation of Auburn's competitive position both within and outside the region; stakeholder engagement in the planning process with goal of creating "buy-in" for the resulting plan; identification of relevant best practices; and preparation of city-specific plan, including detailed strategies, actions, and implementation matrix.

Ms. Alexander reviewed the key findings: strong population growth, large labor pool, strong education and training assets, authentic downtown, diverse economic base, and geographic location. Some of the weaknesses include: weak external perception, educational attainment, labor costs, availability of buildings, and energy costs.

Mr. Hoffman reviewed commercial, office, and industrial land uses within the city and the surrounding competing cities. He also reviewed the regulatory findings and the commercial impact

fee comparison. He noted permitted uses are generally flexible, height is prescriptive and massing is flexible for most zoning categories, parking requirements are comparable to peers, development process is relatively predictable and responsive, and the fee structure makes Auburn "average" in terms of cost of doing business.

Mr. Hoffman reviewed the market capacity analysis, the supply and demand report, and opportunity areas.

Ms. Allred reviewed the retail trade area, the demographic profiles, and a retail opportunity analysis.

Mr. Marcell noted the retail data that has been compiled for the strategic plan has already been used to educate retailers about what is happening in Auburn.

Mr. Marcell directed the Council to the strategic plan where the economic development vision includes: a vibrant, connected, healthy community for residents to live, visitors to enjoy, and businesses to thrive; a robust, diverse employment base that provides good economic opportunities for residents and supports high-quality city services; and a strong educational system that prepares residents with skills that Auburn-based employers seek.

Areas of opportunity include delivery of economic development services, an inventory of sites, a business climate, and a physical environment that fosters business growth and ensures a resilient employment base, attractive gateways, impression corridors, and destinations that define the character of Auburn, and a coordinated marketing and branding campaign that elevates Auburn's reputation among internal and external customers.

Mr. Marcell stated it is important to formalize the program to sustain economic development in the City. He also spoke about the importance of performance measurement.

Mr. Marcell stated the finalized strategic plan will be presented in November.

C. Community Sustainability Briefing #2 ( 20 Minute Presentation/10 Minute Q&A) (Snyder)  
The Current State of Climate Science; Technological Advances for Municipal Use

Jenna Leonard, Environmental Planner, provided a briefing about community sustainability in Auburn.

Planner Leonard provided a brief overview of the current state of climate science. She reviewed the findings that the earth's climate is warming. The leading cause of the earth's temperature increase is due to increased carbon dioxide levels. Carbon dioxide from fossil fuels comprises 65 percent of global greenhouse emissions. Other global emissions include: carbon dioxide from forestry and land uses, methane, nitrous oxide, and other F-gasses. On a local level, greenhouse emissions by municipal sector include: water and wastewater pump stations, buildings, vehicle fleet, street lights and employee commute.

Planner Leonard reviewed the effects of climate changes in the Puget Sound region, including impacts to snowpack and streamflow, landslides and sediment transport, flooding, impacts to salmon, altered timing of biological events, changes in species distributions, impacts to forests, and impacts on agriculture.

The Intergovernmental Panel on Climate Change Fourth Assessment Report models project increases in annual temperature of 2.0 degrees by the 2020's, 3.2 degrees by the 2040's and 5.3 degrees by the 2080's.

The April 1 snowpack is projected to decrease by 28 percent across the state by the 2020's, 40 percent by the 2040's and 59 percent by the 2080's, compared with the 1916 to 2006 historical average.

The Yakima basin reservoir system will likely be less able to supply water to all users, especially those with junior water rights.

Rising stream temperatures will likely reduce the quality and extent of freshwater salmon habitat.

Due to increased summer temperatures and decreased summer precipitation, the area burned by fire regionally is projected to double by the 2040's and triple by the 2080's.

There are projected increases in extreme high precipitation over the next 50 years, particularly in the Puget Sound region.

An increase in deaths related to heat and air pollution will continue throughout the century.

The primary impact of climate change on Puget Sound natural water supply will be a shift in the timing of peak river flow from late spring to winter.

Changes in seasonal temperatures and water availability are projected to lead to declining crop yields for crops of regional importance, such as cherries, apples and potatoes.

Annual hydropower production is projected to decline by a few percent due to small changes in annual stream flow, but seasonal changes will be substantial.

Due to climate stress on host trees, mountain pine beetle outbreaks are projected to increase in frequency and cause increased tree mortality.

Forest species composition is expected to change in response to water availability, disease outbreaks, and forest fires.

Rising stream temperature will reduce the quality and quantity of freshwater salmon habitat substantially.

Increased flood risk will in turn increase the risk of streambed scouring of spawning habitat.

Sea level rise will shift coastal beaches inland and increase erosion of unstable bluffs.

Increased ocean temperatures and acidity will negatively impact shellfish, as well as potentially lead to increased harmful algae blooms.

Sea level rise will impact the Ports of Tacoma and Seattle, which are both situated only slightly above existing sea level.

Planner Leonard reported work has begun on updating the City's 2010 greenhouse gas inventory. Also, a Climate Action Plan will be developed for the City.

Some technological approaches for municipalities to take advantage of to reduce emissions is to introduce alternative fuel fleet, conversion to LED lighting, Leadership in Energy and Environmental Design (LEED) certified construction, green rooftops, and increased digital access.

One of the leading regional efforts in climate change is the King County Cities for Climate, also known as K4C.

Councilmember Peloza spoke regarding the potential use of solar power.

Councilmember Wagner suggested using the connection between air quality and climate change.

Councilmember Baggett suggested a pamphlet on sustainable Auburn for distribution to the public as a tool to communicate to the residents on how they can reduce their carbon footprint.

D. Ordinance No. 6619 (5 Minute Presentation/5 Minute Q&A) (Snyder)  
Northwest Pipeline Franchise Agreement

Transportation Manager Para presented Ordinance No. 6619, granting Northwest Pipeline (NWP) a franchise for a ten year term to continue to operate within the City's rights-of-way a natural gas transmission and distribution pipeline. NWP's existing facilities currently only serve Enumclaw Natural Gas located in south Auburn off of Auburn Way South in the Academy Drive neighborhood. NWP currently has no plans to expand services.

A public hearing on the franchise agreement is scheduled for November 7, 2016.

Assistant Director of Engineering Services Gaub explained the state and federal governments regulate pipeline safety. NWP is required to perform periodic testing for pipeline safety purposes.

E. Pedestrian Crosswalks (20 Minute Presentation/10 Minute Q&A) (Snyder/Roscoe)

Transportation Manager Para and Human Resources and Risk Management Director Roscoe presented information on pedestrian crosswalks.

Manager Para explained the definition of a crosswalk: the portion of a roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten feet therefrom, except as modified by a marked crosswalk. A marked crosswalk is any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface of the roadway.

The City uses the Federal Highway Administration's report, the manual on Uniform Traffic Control Devices, and engineering judgment on whether to mark a crosswalk at uncontrolled locations.

There are three types of crosswalks: traffic signal controlled crossings, stop sign controlled crossings, and designated school zone crossings. Typically, all legs at a traffic signal controlled crossing are marked as a crosswalk unless a traffic study determines otherwise. At stop sign controlled crossings, the crosswalk area is not marked unless a traffic study determines a safety benefit to directing pedestrians to a preferred crossing location. In designated school zone, crosswalks are determined in coordination with each schools Safe Walking Committee.

The City relies on a report from the Federal Highway Administration for "uncontrolled" locations. The FHWA report provides crosswalk markings at uncontrolled locations should not be used indiscriminately and should be justified by an engineering study. Marking crosswalks alone is not associated with improved safety. Marking crosswalks on multi-lane roads is associated with increased pedestrian crash rates.

Deputy Mayor Wales asked whether the City uses a consistent design for crosswalks. Transportation Manager Para stated the City uses the piano keys style. Councilmember Wagner asked about roundabouts. Transportation Manager Para advised crosswalk markings would be used with roundabouts.

Councilmember DaCorsi asked about the intersection on 8th Street NE at Pike Street NE west of



R Street NE. Transportation Manager Para explained that staff have looked at the intersection. The crossing was moved from the west side of the intersection to the east side of the intersection to decrease pedestrian exposure.

Director Roscoe stated crosswalks can give pedestrians a false sense of security. He also stated that crosswalks should only be installed after an engineering study and with ample warrants and justification for its installation and design.

Director Roscoe spoke about the liability and risk with traffic accidents and crosswalks. He directed the Council's attention to RCW 4.22.070 which provides that in most cases in Washington, the trier of fact is responsible for apportioning fault between the parties, including the plaintiff, the defendants and any third parties. Each party is responsible for its proportional share of the damages, but there are several exceptions. If two or more parties are found to be at fault and the victim is determined to be fault free, the victim can collect the entire judgment awarded from any of the at fault parties regardless of their apportioned liability.

Joint and several liability leads to lawyers searching for "deep pockets" to sue even though those defendants may only be remotely related to an accident.

The City's duty is to design and maintain roadways in a "reasonably safe" condition for ordinary travel. The City is not required to update to present day standards, and the City is not required to anticipate and protect against all imaginable acts of negligent drivers. It is important that the City conduct traffic studies and always follow normally accepted engineering practices.

- F. 2017-2018 Human Services Funding (10 Minute Presentation/20Minute Q&A) (Hinman)  
Council to further discuss 2017-2018 Human Services Funding recommendations as presented by the Human Services Committee Chair on September 26, 2016.

Director of Administration Hinman and Human Services Coordinator Pearson presented additional data for the 47 agencies selected for human services funding by the Human Services Committee.

The focus areas for funding are: poverty reduction, child abuse and neglect, domestic violence and sexual assault, and health care services.

Director Hinman noted additional columns were added to the matrix to indicate total agency budget, percent of human services program funding, and number of Auburn residents served.

Councilmember Pelozo requested an additional column to identify the percent of human services funding to the overall agency budget.

Deputy Mayor Wales spoke favorably for funding for employment assistance, but she questioned the funding recommended for King County Public Health.

Councilmember DaCorsi noted the funding requested from the multi-service center for shelter and transitional housing but questioned whether they could expand their program to serve more Auburn residents.

Councilmembers asked several other questions about the various programs recommended for funding.

Councilmember Wagner stated the City Council should re-evaluate its funding criteria for future

human services funding.

IV. EXECUTIVE SESSION

At 8:30 p.m., Deputy Mayor Wales recessed the meeting to executive session for approximately 30 minutes in order to discuss three issues of pending/potential litigation pursuant to RCW 42.30.110(1)(i). At 9:01 the executive session was extended an additional 10 minutes.

The meeting was reconvened at 9:11 p.m.

V. ADJOURNMENT

There being no further discussion, the meeting adjourned at 9:11 p.m.

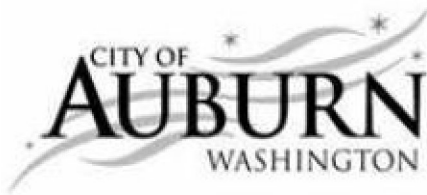
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

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BOB BAGGETT, DEPUTY MAYOR

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Shawn Campbell, City Clerk



**City Council Study Session**  
November 28, 2016 - 5:30 PM  
City Hall Annex - 1 East Main Street  
MINUTES

**I. CALL TO ORDER**

Deputy Mayor Wales called the meeting to order at 5:32 p.m. in Conference Room 2 at the City Hall Annex located at 1 East Main Street in Auburn.

**A. Roll Call**

Councilmembers present: Deputy Mayor Largo Wales, Bob Baggett, Claude DaCorsi, John Holman, Bill Peloza, Yolanda Trout-Manuel, and Rich Wagner.

Mayor Nancy Backus and the following department directors and staff members were present: Finance Director Shelley Coleman, Economic Development Manager Doug Lein, City Attorney Daniel B. Heid, Police Commander Mark Caillier, Parks, Arts and Recreation Director Daryl Faber, Innovation and Technology Director Paul Haugan, Community Development and Public Works Director Kevin Snyder, Assistant Director of Engineering Services/City Engineer Ingrid Gaub, Project Engineer Jai Carter, Project Engineer Seth Wickstrom, Transportation Manager Pablo Para, Communications Coordinator Kalyn Brady, Planning Services Manager Jeff Dixon, Assistant Director of Community Development Services Jeff Tate, Emergency Manager Jerry Thorson, and Deputy City Clerk Shawn Campbell.

**B. Announcements**

There was no announcement.

**C. Agenda Modifications**

For clarification of these minutes, Item L, Homelessness Task Force Update was discussed immediately following Item A, Tourism Lodging Taxing Committee and Tourism Board. Also, Item K, Emergency Management Winter Weather Preparation was discussed after Item L. The remaining items were discussed in order.

**II. CONSENT AGENDA**

There was no Consent Agenda item.

**III. DISCUSSION ITEMS**

**A. Tourism Lodging Tax Committee and Tourism Board Update (10 Minute Presentation) (Hinman)**

Economic Development Manager Lein provided the Council with an overview of the Tourism Board and the Lodging Tax Advisory Board (LTAC) authority and activities.

The Tourism Board serves as an advisory board to the Mayor and City Council to assist the City Council formulate strategies for tourism related activities, projects and programs geared to promote the City of Auburn as a tourist destination, and enhance the ability of local businesses to serve the needs of tourists and the tourist industry in Auburn.

The Lodging Tax Advisory Committee vision statement includes: ability to capitalize on partnerships that showcase the City's location, businesses, entertainment, festivals, shopping and gaming assets to increase tourism activity.

The LTAC objectives include: increase hotel occupancies and generate greater revenues for tourism marketing activities, encourage sustained year round visitors by promoting shoulder and off-season periods, increase lengths of stay by converting corporate business travelers and other visitors into tourists, and promote retail options as part of tourism.

Manager Lein reviewed the accomplishments in 2016: approved \$52,000 in tourism grants, released a request for proposals for a tourism marketing consultant, and assigned Tourism to the Economic Development Division of Administration. Additionally, the Tourism Board and LTAC conducted a joint work session where a business plan was approved, a 2016 budget amendment was approved, and 2017 and 2018 budgets were developed and approved.

Manager Lein briefly discussed the tourism media buy for fourth quarter 2016.

Manager Lein stated the marketing consultant will be developing the 2017 and 2018 marketing and branding plans. The consultant will be developing a new website and promotional video as well.

**B. City Council Organization Committee/Study Session Hybrid**

Councilmember Wagner presented draft information on a hybrid system of City Council committees and study sessions.

The proposal consists of five committees with assigned scope and committee names. Study sessions would be retained and held prior to the Council meeting. Retreats will be retained.

The committee structure would consist of: Economic Development (meets once per month); Municipal Services (meets once per month), Community Development and Public Works (meets twice per month, Finance (meets once per month while the ad hoc committee would meet twice per month), Health and Human Services (meets once per month) and Council Operations (meets as needed).

Councilmember DaCorsi stated he is not a proponent of changing the study session format. He shared a revised proposal to keep some committees and utilize ad hoc committees. Municipal Services would become an ad hoc committee. Community Development and Public Works would be combined with Economic Development and would be a committee of the full Council. Finance would be an ad hoc committee. A separate Health and Human Services committee would be comprised of the full Council. The Council Operations Committee would be replaced with Council of the Whole. Study Sessions would continue on the second and fourth Mondays. Councilmembers DaCorsi discussed potential meeting schedules and chair and vice chair selection processes.

Councilmembers discussed the merits of replacing the Council Operations Committee with meetings of the Council of the Whole meetings. Several Councilmembers were in favor of Council of the Whole meetings.

Councilmember Holman spoke in favor of using ad hoc committees.

Councilmembers also spoke about who controlled setting the agendas.

Mayor Backus stated there are some staff driven items that cannot wait a month to go forward.

Councilmember Trout-Manuel stated she preferred the old committee structure.

Councilmember Pelosa expressed support for the previous Council Committee structure. He believes the Council needs to meet in committee more often. He stated he understood that it may require more staff time to support the committees.

Deputy Mayor Wales agreed that Council Operations Committee could be omitted and replaced with the Committee of the Whole meetings.

Deputy Mayor Wales questioned whether economic development should be included as part of the Community Development and Public Works Committee or included in another committee.

Councilmember DaCorsi stated that he learned nothing more in the committee structure than in Council study sessions. He also spoke about the potential for violating the Open Public Meetings Act if the committee structure was in place. Councilmember DaCorsi spoke in favor of more meetings of the full Council rather than a committee of three.

Councilmember Trout-Manuel stated she is more comfortable asking questions in a committee of three.

Councilmember Holman stated he believes that in the committee structure, Councilmembers were not necessarily receiving the same information.

Councilmember DaCorsi proposed the Community Development/Public Works/Economic Development Committee meet once a month on a trial basis.

Mayor Backus stated staff should be given an opportunity to prepare information on staff costs and impact on efficiencies of a new committee structure format.

At 7:20 p.m. Deputy Mayor Wales recessed the meeting for a five minute intermission. The meeting was reconvened at 7:25 p.m.

C. Police Department Range History & Usage (10 Minute Presentation) (Lee)  
A brief overview of the Auburn Police Department's range history and usage.

Police Commander Caillier presented an overview of the Auburn Police firing range using a PowerPoint presentation.

The range is located at the base of Terrace Drive and 15th Street NW. The entrance was originally on 15th Street NW, but is now from Terrace Drive. The range is on a parcel consisting of 39 acres, and the range sits on the southeast corner of the parcel.

The range is limited to law enforcement. It was created in 1962. The range originally faced west and was reconfigured in the 1990's and faces north/northwest.

The range building was constructed in 2013. It has no running water. A port a potty is serviced weekly. Power is available but not in use. Benches and weapons stands were created by Boy Scouts as a service project. Gravel and foliage maintenance is performed by Public Works. The range is surrounded by barbed wire fencing and is posted as no trespassing. The gravel backdrop is refilled as needed.

The site also has a gravel base with earth berms surrounding the firing lanes. The backdrop is sand/gravel with earth behind it. The trees and hills surrounding the site help minimize the noise from the range.

Currently the range is used by Auburn Police, Valley SWAT and SCORE. Range hours are from 8:00 am. to 4:00 p.m., Monday through Friday. Any night or weekend shooting must be approved by the Chief of Police. Weapons used include handguns and rifles with a maximum distance of 100 yards.

Deputy Mayor Wales asked about the lead in the berm. Commander Caillier stated there is limited lead in the ammunition used at the range. According to EPA standards, the department is not allowed to sift the gravel or walk on the berm due to possible lead contamination. The department is allowed to add sand to the berm.

Assistant Director Gaub stated there is no threat to the West Hill Springs watershed.

D. 3rd Quarter 2016 Financial Report (10 Minute Presentation) (Coleman)

Finance Director Coleman presented the third quarter 2016 Financial Report, which provides an overview of the City's overall financial position for the fiscal period ending September 30, 2016.

The General Fund revenues totaled \$45.0 million through September 2016 compared to budget of \$41.7 million and were \$2.5 million more than the same time last year.

General Fund expenditures through the third quarter 2016 totaled \$46.8 million compared to budget of \$50.0 million. All departments operated within their allocated budget with the exception of Public Works. The department is running over budget in salaries and benefits as project engineers are charging more of their time to General Fund projects versus transportation and utility projects.

Finance Director Coleman noted revenues for building permits and development service fees are greater than anticipated. Property taxes and sales and use taxes are on budget. The real estate excise taxes are also doing well.

Council briefly discussed opportunities to improve pet licensing.

Finance Director Coleman reviewed Fund 124, Mitigation Fees.

Director Coleman reported all utility funds are strong.

E. Ordinance No. 6632 (10 Minute Presentation) (Snyder)

An Ordinance of the City Council of the City of Auburn, Washington, relating to Planning; adopting the 2016 Annual Comprehensive Plan Map and Text Amendments pursuant to the provisions of RCW Chapter 36.70A

Planning Services Manager Dixon presented Ordinance No. 6632 amending the Comprehensive Plan to include 2016 Annual Comprehensive Plan map and policy/text amendments.

Each year the City amends its Comprehensive Plan to keep up with housekeeping changes and to act on privately initiated Comprehensive Plan amendments.

This year the City is considering eight amendments: five policy/text amendments initiated by the City and three map amendments--one amendment initiated by the City and two privately initiated map amendments.

Manager Dixon reviewed the process for considering privately initiated Comprehensive Plan amendments.

Comprehensive Plan Map Amendment 2 is a request from Romart Investments, LLC to revise official map to change the designation of an approximately 2.27-acre vacant parcel from Single Family Residential to Light Commercial. The parcel is located at the northwest corner of 182nd Avenue East and Lake Tapps Parkway East. (Parcel #0520051045). The Planning Commission recommended approval of the amendment.

Comprehensive Plan Map Amendment 1 is a request from Kana B LLC, to change map designation of two of four parcels under the same ownership from the Light Commercial to Light Industrial to allow a change in the zoning designation. Parcel #3121059033 – 1.32 acres and Parcel #3121059036

- 2.33 acres. The Planning Commission recommended approval of the amendment. Councilmembers discussed the types of uses allowed in a Light Industrial zone.

The third map amendment was initiated by the City to change designation of three developed parcels totaling approximately 144.7 acres from Light Industrial and Institutional to Heavy Commercial. The property is located at the southwest corner of C Street SW and 15th Street SW (Parcel # 2421049004, 2521049114 & 25212049115). The properties are owned by GSA and the City. This change is in anticipation of redevelopment of the GSA property. The Planning Commission recommended approval of the change.

The five policy/text amendments consist of the Capital Facilities Plans for four school districts and the City's Capital Facilities Plan. The Planning Commission recommended approval of the policy/text amendments.

F. Ordinance No. 6627 (5 Minute Presentation) (Snyder)

An Ordinance of the City Council of the City of Auburn, Washington amending sections 19.02.115, 19.02.120, 19.02.130 and 19.02.140 of the Auburn City Code relating to School Impact Fees

Planning Services Manager Dixon presented Ordinance No. 6627, amending Auburn City Code relating to school impact fees.

The Auburn School District, Dieringer School District, Federal Way School District and the Kent School District provided the City with updated capital facilities plans to be considered during the City's annual Comprehensive Plan amendment process. The City Council may also determine if an adjustment to the amount of the school impact fee is needed. The City Council is not obligated to accept the fees proposed by the school districts and may establish fees that the Council determines are more appropriate and consistent with the public's interest.

Manager Dixon referred to City Code Chapter 19.02 which contains the calculation for the impact fees.

The Dieringer School District presented a Capital Facilities Plan which justifies a higher school impact fee; but the Dieringer School District did not propose an increase in the impact fee. However, Pierce County adopted a higher school impact fee schedule of \$3,400 for single family and \$1,759 for multi-family residential. City staff recommends a rate consistent with Pierce County rates.

The Federal Way School District Capital Facilities Plan proposes a substantial increase for multi family residential from \$506.00 to \$8,386. The rate was attributed to their reliance on King County student average for the past several years. When some new large multi-family developments came on line, the District used the actual student generation rates, which caused the fluctuation in the rates. Manager Dixon noted King County has adopted the impact fee rate of \$8,386 and staff recommends adopting the same rate.

The ordinance will appear before the Council on December 5.

G. Ordinance No. 6630 (5 Minute Presentation) (Coleman)

An Ordinance of the City Council of the City of Auburn, Washington, amending Section 13.06.360 of the Auburn City Code relating to utility rates.

Finance Director Coleman presented Ordinance No. 6630, which is essentially a housekeeping measure. The ordinance relates to a wholesale water rate for Water District No. 111.

The current wholesale rate for Water District No. 111 is based on a 2010 Interim Water Sales Agreement. Ordinance No. 6630 will establish a new rate with Water District No. 111 to reflect the actual cost of providing wholesale water service and is consistent with the current wholesale water



rate charged to the other wholesale water customer, the City of Algona. If adopted, the rate would be effective January 2, 2017.

H. Ordinance No. 6633 (10 Minute Presentation) (Snyder)

An Ordinance of the City Council of the City of Auburn, Washington, creating a permit for truck parking on city streets and restricting the movement of large vehicles in the downtown urban center

Transportation Manager Pablo Para presented Ordinance No. 6633, which will create changes in truck parking and restrict truck movements in a downtown traffic control zone. He noted the City has experienced an increase in problems associated with truck parking and truck traffic. Out of town businesses have been parking trucks on city streets, some businesses have been parking multiple trucks at a time on our public streets and trash, used vehicle parts, fluids and waste from parked trucks have fouled the right-of-way and sensitive areas.

The City has also experienced an increase in large trucks not involved in local deliveries using downtown streets for through trips and at times causing damage to infrastructure.

The proposed ordinance would require that street parking for trucks 16,000 pounds or over will be allowed only for trucks registered to an Auburn resident with an Auburn business license within the allowed truck parking areas of the City. In order to park a truck on the public streets where truck parking is allowed, a new parking permit will be required to be displayed on the vehicle and only one parking permit will be issued to each eligible business.

The ordinance would also create a traffic control zone in the downtown area. Trucks 16,000 pounds or more will be prohibited from operating within the zone except to originate from local businesses or to make local deliveries.

I. Capital Project Status Update and Feature Capital Project (20 Minute Presentation) (Snyder)

Project Engineer Wickstrom presented the Capital Projects Status Update using a PowerPoint presentation.

Engineer Wickstrom noted 16 projects were completed this year, including the Auburn Way South Corridor Improvement Project, 12 projects in construction phase (6 nearly complete), 22 projects are in design phase, and one project is out to bid.

Eight major projects are scheduled to be advertised in the first quarter of 2017:

- Auburn Way South, MIT Plaza to Dogwood
- Auburn Way North Overlay, 22nd to 45th
- B Street NW Reconstruction, 37th to 277th
- H Street SE Extension (9th to Auburn Way South)
- Fulmer Wellfield Improvements
- Main Street/C Street SW Signal Replacement
- 37th and A Street SE New Traffic Signal
- M Street SE Storm Improvements, 3rd to Main

Engineer Wickstrom reviewed the featured capital project, the 22nd Street NE and I Street NE Intersection Improvements. The project will improve safety for drivers, pedestrians, and bicyclists crossing the intersection of 22nd Street NE and I Street NE by constructing a single lane roundabout in place of the existing all-way stop control. The roundabout will reduce driver confusion and traffic delays compared with the current multi-lane all-way stop. Pedestrians and cyclists will also be less exposed to traffic since crossing distances will be greatly reduced and median islands will allow them to cross the road one lane at a time with vehicles coming from one direction.

Work to build this roundabout will involve: replacing the sidewalk and pavement, install new median

islands with landscaping, and reconfiguring the street lights.

J. 2015 State of Our Streets Report (10 Minute Presentation) (Snyder)

Project Engineer Carter presented the 2015 State of Our Streets Report.

Engineer Carter explained that in previous years staff had reported on only the Local Street Program; however, staff felt this provided an incomplete picture of the condition of the city's streets. Therefore, the annual report has been revised to include both arterial preservation and local street preservation programs.

Using a PowerPoint presentation, Engineer Carter reviewed the history of both street preservation programs; the pavement conditions of arterial, collector and local streets; street maintenance and how streets are selected for the preservation program; successful grant funding; and an overview of the projects that were completed in 2015, projects underway in 2016 and projects selected so far for future years.

K. Homelessness Taskforce Update (10 Minute Presentation) (Hinman)

Director of Administration Hinman updated the Council on the progress of the Mayor's Homelessness Task Force action plan recommendations and feedback from the task force since it reconvened for a six-month check in.

Director Hinman pointed out actions that would require Council policy and priority considerations. Councilmember Pelozo commented on the number of homeless that gather at the King County Public Library in Auburn. Director Hinman reported the King County Library system sets its own policies regarding homeless at their facility in Auburn. She reported King County Library has a full-time social worker on staff to assist homeless at the Auburn site.

Chief of Police Lee stated the Police Department is in contact with the library staff, and the library allows people to be at the library as long as they are not committing a crime. Mayor Backus added that the City cannot force the King County Library to remove the homeless.

Director Hinman stated the short term plan is to expand the nights of the emergency shelter. The long term plan is to look at partnering with the faith based community for services.

Councilmember Wagner requested a gross cost estimate and expanded detail of each task force recommendation.

Mayor Backus stated the City will need to make sure what the impact would be if a shelter is located in any particular area.

Councilmember DaCorsi spoke briefly about Section 8 voucher holders and discrimination the holders may suffer from landlords. He recommended a landlord education session to learn the benefits of accepting Section 8 voucher holders as tenants.

L. Emergency Management Winter Weather Preparation Update (10 Minute Presentation) (Hinman)

Emergency Manager Thorson and Communications Coordinator Brady provided the Council with an update on the White River and potential flooding.

Manager Thorson explained that over the years, a tremendous amount of silt has accumulated in the riverbed of the White River creating less capacity. The National Weather Services predicts a

weak La Nina period and wetter and colder weather pattern this winter. If heavy rains and several storms occur necessitating a high flow release from Mud Mountain Dam, some flooding could occur at A Street SE, near the White River Estates Mobile Home Park. Manager Thorson depicted potential flooding areas on a map using United States Army Corps of Engineers software.

Manager Thorson advised City staff have been working with staff from cities of Pacific, Algona, and Sumner and other community partners to develop plans if flooding occurs.

Coordinator Bradey shared a brochure, which is part of a three-prong public outreach to alert citizens of potential flooding this winter. The brochure was provided to residents of the White River Mobile Home Park. The brochure provides information on how to sign up for flood alerts and gives information on what steps the City has already taken to prepare for flooding. The City continues to provide information via the City's web page, press releases, and social media.

Councilmember Baggett inquired whether there are plans to dredge the river. Manager Thorson stated there are no plans to dredge due to regulations. The focus is to keep the river within the levy with addition of barriers.

Councilmember Trout-Manuel suggested spreading the information via Latino media outlets.

#### IV. ADJOURNMENT

There being no further discussion, the meeting adjourned at 9:15 p.m.

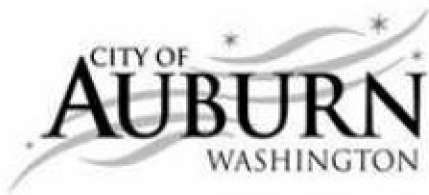
APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2018.

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BOB BAGGETT, DEPUTY MAYOR

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Shawn Campbell, City Clerk



**City Council Study Session**  
January 23, 2017 - 5:30 PM  
Auburn City Hall  
MINUTES

**I. CALL TO ORDER**

Deputy Mayor Wales 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 Wales, Bob Baggett, Claude DaCorsi, John Holman, Bill Peloza, and Yolanda Trout-Manuel. Councilmember Wagner arrived at 5:40 p.m. during discussion of the Auburn Station Access Improvement Project.

Mayor Nancy Backus and the following department directors and staff were present: City Attorney Daniel B. Heid, Chief of Police Bob Lee, Community Development and Public Works Director Kevin Snyder, Parks, Arts and Recreation Director Daryl Faber, Assistant Director of Community Development Services Jeff Tate, Code Enforcement Officer Jason Arbogast, Finance Director Shelley Coleman, Assistant Director of Engineering Services/City Engineer Ingrid Gaub, Director of Administration Dana Hinman, Solid Waste and Recycling Supervisor Joan Nelson, Innovation and Technology Director Paul Haugan, and Deputy City Clerk Shawn Campbell.

**B. Announcements**

There was no announcement.

**C. Agenda Modifications**

An ordinance amending Section 1.02.030 of the City Code relating to powers and duties of city officers and employees, including affirmation of the value of all Auburn residents was added to the agenda under Item I of these minutes.

**II. CONSENT AGENDA**

There was no Consent Agenda item.

**III. DISCUSSION ITEMS**

**A. Auburn Station Access Improvement Project (20 Minute Presentation)**

Sound Transit to provide a project overview, review of key tasks and deliverables and key milestone dates.

Chelsea Levy, Sound Transit Government and Community Relations Officer, and Sandra Fann, Project Engineer for Sound Transit, using a PowerPoint presentation, introduced Sound Transit's Auburn Station Access Improvement Project.

Ms. Fann reviewed the project background. The project is part of ST2 approved by voters in 2008. However, due to funding shortfalls, the Auburn and Kent station projects were suspended until 2016 when funding for the projects was restored. Sounder staff were also asked to perform an access study to study how people access all eight Sounder stations.

In the ST2 Plan there is a representative scope of the parking garage, which is a 600 stall parking

structure on the existing surface parking lot for a net increase of 500 stalls at an estimated cost of \$34.8 million in 2016 dollars.

Sound Transit staff were urged to look at flexible access to Sound Transit facilities, including examining alternatives to expanded parking that would meet demand and riders' needs. Potential strategies include: pedestrian/bicycle improvements, additional bus/transfer facilities, transit speed and reliability improvements, expanded or new kiss-and-ride areas, and off-site parking along an existing bus route with frequent connections. The study could result in a mix of improvements along with or instead of parking.

Councilmember Trout-Manuel inquired about potential sites for the Sound Transit parking garage. Ms. Fann stated Sound Transit has not narrowed down the sites at this time.

Ms. Fann also reviewed the projected project timeline. The projected timeline is seven years, which is typical for a Sound Transit project of this size. Early 2017 the project goals and evaluation criteria will be determined. Access improvement alternatives will be determined and evaluated in early 2017 as well. Sound Transit will likely identify the preferred improvement package in late 2017. Environmental review and preliminary engineering will take place in 2018. It is anticipated Sound Transit will select the project in 2019 and construction should begin in 2021-2023.

Ms. Fann also reviewed strategies for expediting the project, which Sound Transit has directed. Some of the potential strategies for a shortened timeline include: gain political/stakeholder buy-in on alternatives, narrow in on preferred improvements and site, and streamlined environmental and permitting processes.

Stakeholder engagement will be on four different levels: local government and Sound Transit Board, stakeholder group, public and transit riders, and a technical advisory committee.

The expedited process will ensure a preferred alternative recommendation in eight months. Project completion is anticipated by 2021 or 2022.

Briefings/workshops at key milestones in 2017 are as follows:

Jan-Feb: Project Introduction

Mar-Apr: Alternatives Screening

May-Aug: Preferred Alternative Recommendation

Two workshops will be held with the stakeholder group and two public open houses will be held in February and April.

B. Code Enforcement Presentation (10 Minute Presentation) (Snyder)  
Overview of completed abatement action at 46th Place South

Assistant Director of Community Development Services Tate and Code Enforcement Officer Arbogast briefed the Council on an abatement action on 46th Place South in Auburn.

Code Enforcement Officer Arbogast reviewed the amount of junk, vehicles, trash and stolen items recovered from the site. Items removed included: 13 dump truck loads, five pickup truck loads, three large trailer loads, 500 square feet of unpermitted structure taken down, 13 inoperable, junk or stolen vehicles removed, two recreation vehicles being used as dwelling units were removed,

and stolen items to include vehicle, utility trailers, several compressed gas cylinders, portable toilet, portable hand washing station, and a Genie scissor lift.

The case was opened on January 5, 2016. An infraction was issued on February 5, 2016 and a penalty was issued on February 10, 2016. A contested court hearing was held April 29, 2016 where the judge found the defendant guilty. Eventually the abatement order/warrant was filed in superior court on June 6, 2016. The abatement was executed on November 5, 2016. The total abatement cost was \$12,570.71.

Several neighbors were impacted by the site. Mill Creek was also impacted by the illegal encampment.

In response to questions from Councilmembers, Code Enforcement Officer Arbogast reported two people were regularly residing at the site, but up to fifteen people frequented the site. Power was stolen from a neighboring property. Sewer was directed to a hole in the ground. Services were offered to the residents but were declined.

Code Enforcement Officer Arbogast the site is being monitored. New complaints have been received about junk, litter, debris and an occupant living at the site. An infraction has been issued and a court date is pending. Two more stolen vehicles were recovered from the property and Auburn Police are reviewing charges.

Assistant Director Tate recognized Auburn Police and Auburn Valley Towing for their assistance.

The owner is listed as residing in Sacramento, California. However, the brother of the listed property owner states he is the owner. The listed owner has not been cooperative.

C. Resolution No. 5273 (10 Minute Presentation) (Coleman)

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 Seattle-King County Department of Public Health regarding the 2017-2018 Local Hazardous Waste Management Program

Finance Director Coleman and Solid Waste and Recycling Supervisor Nelson presented Resolution No. 5273, authorizing an agreement with Seattle-King County Department of Public Health for the 2017-2019 Local Hazardous Waste Management Program. The agreement relates to a biennial grant the City has received in the past. The grant is in the amount of \$49,019.76 for the City to promote the Neighborhood Natural Yard Care Program and provide hazardous waste education to residents in 2017 and 2018.

The resolution will be appear before the Council at their next regular meeting for approval.

D. Resolution No. 5274 (10 Minute Presentation) (Coleman)

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 King County to implement the 2017-2018 Waste Reduction and Recycling Grant Program and accepting program grant funds

Finance Director Coleman and Solid Waste and Recycling Supervisor Nelson presented Resolution No. 5274, authorizing an agreement with King County to accept grant funds for the 2017-2018 Waste Reduction and Recycling Grant Program. The grant, in the amount of \$75,698.00, will allow the City to promote waste reduction and recycling to businesses, residents and schools. The grant funding will be used to support the following programs: community yard sale, bulky item collection, classroom presentations, school waste audits, outreach at City-sponsored events and business food waste reduction outreach.

The resolution will be appear before the Council at their next regular meeting for approval.

E. Resolution No. 5275 (10 Minute Presentation) (Coleman)

A Resolution of the City Council of the City of Auburn, Washington, authorizing the transfer of funds for the purpose of making loans from the general fund and/or the cumulative reserve fund to funds sustained by grants, fees, or tax credits sustained or project focused special revenue fund for up to a three-year period of time

Finance Director Coleman presented Resolution No. 5275 authorizing interfund loans from February 2017 to February 2020, if and when needed, from the General Fund and/or the Cumulative Reserve Fund to a fund or funds supported by grants, fees, or tax credits in the event the City is awaiting reimbursement of federal, state or local grant funds, collection of user fees, or receipt of tax credits. The authority is limited to \$2.5 million.

Interfund loans provide operational flexibility to cover authorized expenditures, for short-term funding needs in the street programs, Community Development and Block Grant Fund, and Local Revitalization Area Debt Service Fund.

Resolution No. 5275 will appear before the Council at their next regular meeting for approval.

F. Honorary Naming for Former Mayor Pete Lewis (20 Minute Presentation)

Councilmembers discussed the opportunity for an honorary naming for former Mayor Pete Lewis.

Deputy Mayor Wales referred the Council to the Parks Manual of Policies and Procedures for naming parks. Deputy Mayor Wales noted in the past, Councils have waited until Mayors have left office to provide an honorary naming of a City facility. She requested Councilmembers suggest possibilities for honorary naming.

Councilmember Peloza stated Mayor Lewis was involved with the M Street Underpass project and suggested the underpass be named after him.

Councilmember Wagner suggested the Council look at a way to connect Mayor Lewis to Veterans Memorial Park or the Vietnamese War Memorial in Les Gove Park.

Deputy Mayor Wales suggested naming a future park along the river at 104th in honor of the former Mayor.

Councilmember Baggett suggested renaming the Environmental Park to honor the former Mayor.

Councilmember Holman suggested the West Hill lake property acquired by the City during Mayor Lewis's term be named in his honor.

Councilmember Wagner also suggested changing the name of Division Street to Peter B. Lewis Way.

Upon further discussion, Deputy Mayor Wales recommended an ad hoc committee to develop a final recommendation. The ad hoc committee would be comprised of Councilmember Trout-Manuel, as chair, and Councilmember Baggett. An ad hoc committee recommendation would be anticipated in 30 days.

G. Council Hybrid Study Session (30 Minute Presentation)



Councilmember Wagner reviewed the proposal for a hybrid study session format.

Councilmember Wagner reviewed the proposed special focus area and an example calendar of the meetings. He then reviewed examples of agendas for study sessions with special focus areas. He noted no voting would occur at the study sessions. Study sessions will be held in Council Chambers and should be televised.

Councilmember Holman pointed out that the proposal eliminates Council of the Whole meetings and adds an extra and optional study session on the fifth Monday of the month. The primary focus area of the fifth Monday of the month study session would be Council Rules of Procedure and operating arrangements; however, any item could be on the agenda.

Councilmember Wagner recommended a single matrix for all special focus areas. A sample was reviewed.

Councilmember Wagner explained how the control of the meeting would move from the Deputy Mayor to the chair of the special focus area.

Agenda topics for future study sessions can be proposed by any Councilmember under New Business. If there is sufficient interest by the Council and/or Mayor, the Deputy Mayor and Mayor will meet to place the topic on the matrix for a future study session. At Council discretion, production and delivery of a "white paper" in lieu of a future agenda items may be considered.

Selection of the Deputy Mayor is determined by the full City Council in a regular meeting.

Each focus area would have a chair and vice chair. Chair and vice chair would be determined by the Council in a study session. If more than one individual seeks the same position, consensus of the body will be gauged by the Deputy Mayor. The terms shall run for one year.

Ad hoc committees would continue when needed.

Councilmember Wagner reviewed the possible implementation dates.

The following Councilmembers volunteered as chair and vice chair of the Special Focus Areas:

Public Works and Community Development Special Focus Area:

Councilmember Rich Wagner, Chair

Councilmember Claude DaCorsi, Vice Chair

Municipal Services Special Focus Area:

Councilmember Bill Peloza, Chair

Councilmember Bob Baggett, Vice Chair

Health and Human Services Special Focus Area

Councilmember Yolanda Trout-Manuel, Chair

Deputy Mayor Largo Wales, Vice Chair

Finance and Economic Development Special Focus Area:

Councilmember Bob Baggett, Chair

Councilmember Rich Wagner, Vice Chair

Deputy Mayor Wales requested the City Attorney prepare the necessary resolution to adopt the hybrid study session format.

## H. Council Corner

Deputy Mayor Wales initiated discussion regarding setting standards for the Council Corner articles in the Mayor's Weekly Update.

Councilmember DaCorsi suggested the maximum length should be 2-3 substantial paragraphs.

Mayor Backus stated she tried to limit the length to one or two paragraphs, and to date the information submitted has fit within the allotted area.

Councilmember Baggett suggested edits should be allowed so that the article fits within the allotted area.

Councilmember Holman encouraged that all Councilmembers adhere to the timeline.

Mayor Backus said that some Councilmembers have requested no edits and others allow edits.

Councilmember DaCorsi supports a Wednesday deadline for submittals.

Councilmember Trout-Manuel said she had issues with editing of her articles. She stated a full paragraph was cut out of one of her articles and another of her articles was published with errors even though it was submitted in time for editing.

Deputy Mayor Wales stated the deadline for articles will be Wednesday and each Councilmember can request feedback on edits. The length of the article should be reasonable.

## I. Ordinance Affirming the Value of All Auburn Residents

Mayor Backus reported there was a rally at City Hall on Friday. The rally was comprised mostly of students demanding that Auburn become a sanctuary city. Mayor Backus stated she offered alternative language of a welcoming city, similar to that adopted by City of Burien. Mayor Backus stated adoption or designation as a sanctuary city may put the City's federal funds in jeopardy. Mayor Backus asked Council if they would want to consider the issue further.

Deputy Mayor Wales asked if any mid to large cities in the United States have an ordinance or other designation that use the term "sanctuary city." City Attorney Heid stated City of Seattle describes itself as a sanctuary city. He offered to provide the Council with a report of the cities that use the specific term.

Councilmember Wagner stated he is not in favor of the use of the word sanctuary. He suggested working towards the goals mentioned in the Burien and Seattle examples. Councilmember Wagner recommended City of Seattle's Ordinance 121063, Section 1(A) be inserted in the City's proposed ordinance.

Chief of Police Lee explained the Auburn Police do not ask immigration status when they make contact. If a person is arrested and taken to SCORE jail, ICE uses their own portal in the SCORE facility to check inmate status.

Councilmember Baggett stated the City is an inclusive city and does not see a need to label the City as a sanctuary city. Councilmember DaCorsi agreed.

Councilmember Peloza referred to the National League of Cities program for inclusive city, which the City is designated. He recommended staying with the inclusive city status.

Deputy Mayor Wales stated she believes the system is broken and believes the Council needs to

spend more time reviewing the issue. She stated she has met with many documented and undocumented residents who are fearful for themselves and family.

Councilmember Baggett stated he does not believe Auburn is broken. He believes most of the people who are fearful need to be educated on the City's policy.

Councilmember Trout-Manual stated she has met with a group of people who have concerns for their safety and immigration status. She spoke in favor of a safer city for a diverse community.

Councilmember DaCorsi stated the potential sanctions the federal government may impose are still in discussion. He stated the City does not need an ordinance or resolution to make people feel comfortable and less fearful to live in the city. He stated it is the responsibility of the Council to educate and share the City's policy to the community.

Councilmember Baggett agreed with Councilmember DaCorsi's comments.

Councilmember Holman stated that during his 31 years in law enforcement, he did not arrest anyone for being undocumented. Councilmember Holman spoke in favor of a resolution recognizing human rights and respect.

City Attorney Heid referred to the proposed ordinance and stated the ordinance makes the distinction between local and federal government.

Councilmember Pelozo read from a Seattle Times article that states one of President Trump's priorities is to cancel federal money going to so-called sanctuary cities. Councilmember Pelozo spoke in favor of reviewing the City's inclusivity resolution.

Deputy Mayor Wales stated the inclusive city resolution and the new proposed ordinance will be reviewed at the next Council study session.

#### IV. ADJOURNMENT

There being no further discussion, the meeting adjourned at 7:38 p.m.

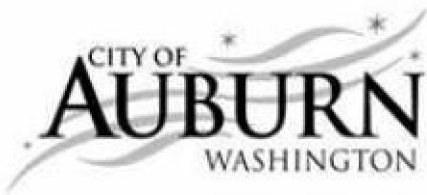
APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2018.

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BOB BAGGETT, DEPUTY MAYOR

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Shawn Campbell, City Clerk



**City Council Study Session**  
January 30, 2017 - 5:30 PM  
Auburn City Hall  
MINUTES

**I. CALL TO ORDER**

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

**A. Roll Call**

Councilmembers present: Deputy Mayor Largo Wales, Bob Baggett, Claude DaCorsi, John Holman, Bill Peloza, Yolanda Trout-Manuel, and Rich Wagner.

Mayor Nancy Backus and the following department directors and staff members were present: City Attorney Daniel B. Heid, Assistant Chief of Police Bill Pierson, Human Resources and Risk Management Director Rob Roscoe, Human Services Coordinator Erica Aczqueta, Human Services Program Assistant Emily Pearson, Director of Administration Dana Hinman, Economic Development Manager Doug Lein, Assistant Director of Community Development Services Jeff Tate, Innovation and Technology Director Paul Haugan, and Deputy City Clerk Shawn Campbell.

**B. Announcements**

Deputy Mayor Wales acknowledged members of the audience and clarified that the meeting this evening is a study session where no public testimony is taken. She encouraged those in the audience who wished to address the Council, to attend the next regular meeting of the Council and address the Council during the audience participation portion of the agenda.

**C. Agenda Modifications**

The agenda was modified as follows: Resolution No. 5279 was removed from the agenda, the Council Travel Policy was added to the agenda, Ordinance No. 6637 regarding impact fees and the fee schedule was added to the agenda, and the Council ad hoc committee report on the honoring naming for former Mayor Pete Lewis.

**II. CONSENT AGENDA**

Consent Agenda items are not considered at study sessions. There was no Consent Agenda item.

**III. DISCUSSION ITEMS**

**A. Human Services Workshop (Hinman)**

An overview of the City's Human Services activities.

Director of Administration Hinman, Human Services Program Coordinator Azqueta, and Human Services Assistant Pearson presented an overview of the City's human services activities, including General Fund human services priorities and funding, community services, the Human Services Committee, source of income discrimination endeavors throughout the region and collaboration with regional housing partners.

Director Hinman reported human services funds equal one percent of the City's General Fund. The funds are allocated through a biennial competitive application process. The funding priorities were set over ten years ago and include poverty reduction, child abuse and neglect prevention,

domestic violence and sexual assault prevention and services, and health care services. Director Hinman reviewed the funding breakdown for the 2017-2018 funds for each priority.

Councilmembers requested additional information regarding the non-competitive portion of human services funding provided by the City.

Director Hinman explained the application process where organizations submit applications through the Human Service Funders Collaborative, a joint application process with 18 other King County cities (began in 2013). Applications are submitted to the City's Human Services Committee and evaluated. In 2016, 70 programs applied and 46 were selected for funding.

The City of Auburn Human Services Committee is comprised of seven (7) members (per ACC 2.36). Applications are submitted to the City's Human Services Committee and evaluated. In 2016, the Committee instituted new strategies to streamline their work. The committee will add more site visits in the 17-18 funding cycle.

Councilmembers asked if the city can find a way to measure the outcomes related to the funds spent in order to determine the effectiveness of the programs.

**B. Income and Voucher Discrimination and Safety for Diverse Communities**

Councilmember DaCorsi recalled the Council previously received a presentation from King County Housing Authority on Section 8 housing and income and voucher discrimination from landlords. Source of income discrimination can also occur for those who are on pensions, social security and other government programs.

Joy Scott, Seattle-King County Planner for the Housing Development Consortium of Seattle- King County, described occurrences of rent discrimination in South King County. She noted cities of Renton and Kent have passed ordinances prohibiting source of income discrimination. Also, King County has some source of income discrimination prevention policies.

Councilmember DaCorsi explained the Section 8 tenant-based voucher application process and periodic opening of the waiting list.

In response to questions from Deputy Mayor Wales, Ms. Scott stated it is too early to gauge the success of City of Renton ordinance prohibiting source of income discrimination.

Councilmember Wagner questioned why the Rental Housing Association is against the proposed source of income discrimination. Mayor Backus stated she believes the Rental Housing Association is not opposed to source of income regulations applied to Section 8 vouchers but not all income sources or rent control.

Councilmember Wagner requested an opportunity to hear from the Rental Housing Association again before making a decision on source of income discrimination regulations.

Councilmember Holman requested feedback from the cities of Renton, Redmond and Kent on the effectiveness of their source of income discrimination regulations related to rental housing.

Deputy Mayor Wales explained the second part of the agenda item relates to safety for diverse communities and review of the city's inclusive city resolution. She asked for comments from Council.

Councilmember Wagner recalled in 2008 the City Council passed Resolution No. 4345 committing to an inclusive city. He stated it should be featured in the next newsletter or Mayor's Update.

Councilmember Holman stated the inclusive city resolution has been in place for nine years and should be modernized and updated to reflect Auburn's circumstances. Councilmembers DaCorsi and Peloza agreed.

Deputy Mayor Wales objected to the word "citizen" in the resolution and thinks it should read "resident" instead. She stated it should also reflect personal safety and affirm human rights.

City Attorney Heid stated the information he collected regarding sanctuary cities revealed that each city was different in their message and there was no consistency in their statements. He cautioned against language that could be construed by the federal government as a sanctuary city.

Deputy Mayor Wales suggested an ad hoc committee to review the City's inclusive city resolution. Deputy Mayor Wales appointed Councilmembers Trout-Manuel, DaCorsi and Baggett to the ad hoc committee.

At 7:01 p.m., Deputy Mayor Wales recessed for ten minutes for a brief intermission. The meeting was reconvened at 7:11 p.m.

#### C. Council Travel Budget

The ad hoc committee to study Council travel policies, comprised of Councilmember Peloza (chair), Councilmember Trout-Manuel and Councilmember Baggett reported on their recommendations.

Councilmember Peloza provided a brief summary of the ad hoc committee's meetings and work on the travel policy and referred to the policy as contained in the agenda packet. The policy will ultimately be incorporated as part of the Council Rules and Procedures.

Councilmember Holman suggested the policy should contain a statement on the purpose of Council travel.

Councilmember DaCorsi suggested a stronger statement to take advantage of early registration discounts. He also suggested allowance for Sister Cities travel.

#### D. Ordinance No. 6637

Economic Development Manager Lein, Assistant Director of Community Development Services Tate, and City Attorney Heid presented Ordinance No. 6637 relating to impact fee exemptions. Manager Lein stated the reason the ordinance is being brought forward is to incentivize development in the downtown area.

Assistant Director Tate explained the ordinance covers several actions that allow developers to receive fee reductions on their development in the downtown catalyst area so that the City can realize future property and sales tax benefits from currently undeveloped and underdeveloped properties in the downtown core. Under current state law and local regulations, the City is able to make adjustments to certain fees charged to private sector development and to fees charged for building review, planning and engineering review, including the facility extension agreement process and for park and transportation impact fees.

Traffic and park impact fees cannot be waived, so any impact fees not paid by the developer must be paid by the City. Traffic impact fees can range from \$100,000 to \$500,000.

Ordinance No. 6637 would amend City Code to exempt 75 percent of the park impact fee charged by the City applicable to those parcels located in the downtown catalyst area. Additionally, the City's Master Fee Schedule would be modified to authorize a 75 percent reduction in fees for building review, planning review and engineering review inclusive of the facilities extension agreement process applicable to only those parcels located in the downtown catalyst area. Traffic impact fees would also be exempted for those parcels in the downtown catalyst area. Similar exemptions have sunset.

Finance Director Coleman explained that sales tax from construction is dedicated to streets. The exempted impact fees must be paid by the City and will need to be budgeted.

E. Honorary Naming for Pete Lewis

Councilmember Trout-Manuel, on behalf of the ad hoc committee studying honorary naming for former Mayor Peter B. Lewis, reported on the committee's activities to date. She stated she and Councilmember Baggett reduced the number of locations/sites from the initial seven to four primary locations:

Auburn Lake on West Hill  
Auburn Environmental Park  
Auburn M Street SE Underpass  
Auburn 20-acre parking along Green River on 104th Street SE

Former Mayor Lewis suggested the lake on West Hill as the site for an honorary naming.

Councilmembers agreed with the wishes of the former Mayor and were agreeable with either the lake on West Hill or the Environmental Park.

Councilmember Holman pointed out the Park Board duties include naming city parks and he questioned whether the honorary naming should be initiated through the Park Board. City Attorney Heid stated he would clarify the process at the next regular meeting.

IV. ADJOURNMENT

There being no further discussion, the meeting adjourned at 7:52 p.m.

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

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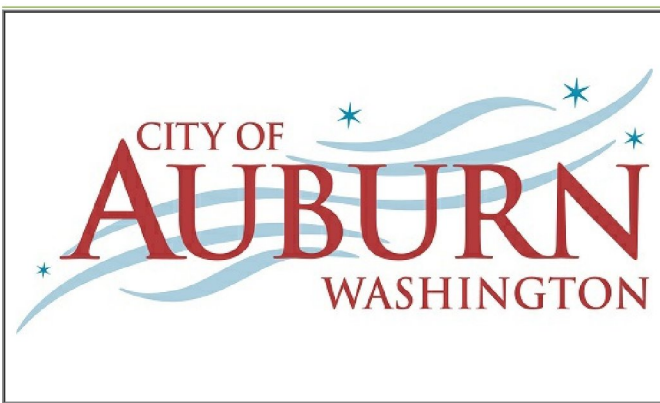
BOB BAGGETT, DEPUTY MAYOR

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Shawn Campbell, City Clerk





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|-----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p><b>City Council Study Session Finance -<br/>Econ Dev SFA<br/>October 8, 2018 - 5:30 PM<br/>Council Chambers - City Hall<br/>MINUTES</b></p> <p><b>Watch the meeting LIVE!</b></p> <p><b>Watch the meeting video</b><br/>Meeting videos are not available until 72<br/>hours after the meeting has concluded.</p> |
|-----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## I. CALL TO ORDER

Deputy Mayor Bob Baggett 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 Bob Baggett, Larry Brown, Claude DaCorsi, John Holman, Bill Peloza, 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 Administration Dana Hinman, Director of Human Resources & Risk Management Candis Martinson, Director of Finance Shelley Coleman, Director of Public Works Ingrid Gaub, Director of Community Development Jeff Tate, Assistant Director of Engineering Jacob Sweeting, Senior Planner Thaniel Gouk, Senior Traffic Engineer James Webb, Real Property Analyst Josh Arndt, Customer Care Manager Brenda Goodson-Moore, Customer Care Supervisor Shannon Bennett, Economic Development Manager Doug Lien, Tourism Coordinator Lorraine Chachere, Police Commander Daniel O'Neil, and Deputy City Clerk Teresa Mattingly.

## II. Executive Session

### A. Executive Session

At 5:32 p.m. Deputy Mayor Baggett recessed the meeting for approximately 15 minutes to hold an executive session in order to discuss pending and potential litigation pursuant to RCW 42.30.110(1)(iii). City Attorney Steve Gross, Director of Administration Dana Hinman and Director of Finance Shelley Coleman attended the executive session.

Deputy Mayor Baggett reconvened the meeting at 5:47 p.m.

## III. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

#### IV. AGENDA ITEMS FOR COUNCIL DISCUSSION

##### A. Resolution No. 5384 (Hinman) (10 Minutes)

Real Property Analyst Arndt presented information on declaring 302 Lund Road as surplus property, the potential sale to Pape Group, the sale price, future development plans and the economic impact to the City, which would include 35-45 new jobs.

Council discussed the adjoining properties, other Pape Group locations, how they would have direct access to Hwy 167, the potential tax revenue and other benefits of approving this resolution.

##### B. Ordinance No. XXXX De-Gendering Auburn City Code (Gross) (10 Minutes)

City Attorney Gross presented de-gendering the Auburn City Code changing gendered pronouns to non-gendered terms, the cost related to updating the code and updating the website to match neighboring jurisdictions.

Council discussed converting to the new platform and agreed that it is time to de-gender the Auburn City Code.

##### C. 2019-2024 Transportation Improvement Program - Modification (Gaub) (10 Minutes)

Senior Traffic Engineer Webb presented the 2019-2024 Transportation Improvement Program to add a new project to address a recently identified level of service deficiency at the intersection of 10th Street NW and A Street NW.

Council discussed and agreed the change was needed due to the amount of traffic at this intersection.

##### D. Ordinance No. 6688 – New Zoning Code Definition for “Community Support Facilities” (Tate) (10 Minutes)

Establish a new definition within the zoning code for Community Support Facilities and amend the land use table making Community Support Facilities a permitted use in the C-1, Light Commercial zone

Senior Planner Gouk presented the new Zoning Code Definition for "Community Support Facilities" to encompass current and future planned land uses.

Council discussed and requested a modification to the proposed Ordinance removing the age restrictions so services are provided to the general public. Planner Gouk will bring back additional information to the October 15, 2018 City Council Study Session.

#### V. FINANCE AND ECONOMIC DEVELOPMENT DISCUSSION ITEMS

##### A. Monthly Water Usage Billing (Coleman) (15 Minutes)

## Monthly Water Consumption Billing Change and New Utility Billing Statements

Director of Finance Coleman, Customer Care Manager Goodson-Moore and Customer Care Supervisor Bennett presented information on implementing monthly water consumption billing, which would start January 16, 2019, changing to monthly billing, new billing statements and how customers will be notified of these changes.

Council discussed having the FAQ's regarding the new billing posted online, wanted reassurance for the low income seniors that their rates won't be impacted and that no changes will be made to the online payment system.

### B. Developer Fee Cost of Service Study (Coleman) (30 Minutes)

Director of Finance Coleman, Director of Community Development Tate and Assistant Director of Engineering Sweeting presented the results of the Developer Fee Cost of Service Study, cost of recovery policies for future developer fees and the proposed recommendations for adjustments to selected fees.

Council discussed the fees collected in 2017, the benefits of lower recovery rates, requested information on the implementation for a Fast Track program for the processing of permits and how Auburn compares with other cities and their recovering rates and fees.

### C. 2nd Quarter 2018 Financial Report (Coleman) (15 Minutes)

Councilmember Holman recessed the meeting for a 5 minute break at 7:06 p.m. and reconvened at 7:14 p.m.

Director of Finance Coleman presented a summary of the General Fund Revenue and Expenditures for the fiscal period ending June 30, 2018.

Council discussed the extra duty overtime reimbursements for police officers, gambling excise tax, when the excise tax was decreased to a permanent fee of 4% and the option of reviewing and increasing the fees, the City of Federal Way leaving SCORE, the different services that provide tax revenue and the City pet licenses. Council would like finance to provide a summary of gambling resources and bring this back for further discussion.

### D. Economic Development Update (Hinman) (15 Minutes)

Economic Development Manager Lien introduced Real Property Analyst Arndt, Giovanni DiQattro, and the secretary for the Auburn Downtown Association Brittany Carlson, who presented the purpose of the (BIA) Business Improvement Area, BIA accomplishments and current projects, establishment and circulation of electronic BIA newsletter, the purpose of the Committee of Rate Payers, the (ADA) Auburn Downtown

Association and upcoming events.

Tourism Coordinator Chachere and Tourism Boardmember Rachel McAlister discussed Lodging Tax Fund, tourism goals, the benefits of tourism, how to increase Auburn exposure, 2018 lodging tax grant recipients and the Tourism open house scheduled for November 7, 2018.

Council discussed the new ice skating rink and asked about putting up lights and speakers for the holidays. Mayor Backus and the Council thanked everyone personally and professionally for all their work with the BIA and Councilmember Trout-Manuel gave Tourism Coordinator Chachere kudos for all the work she does.

#### VI. OTHER DISCUSSION ITEMS

There was no other discussion.

#### VII. NEW BUSINESS

There was no new business.

#### VIII. MATRIX

##### A. Matrix

Councilmembers discussed the matrix and added Gambling/Card Room Revenue to the December 10, 2018 agenda.

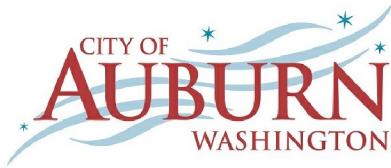
#### IX. ADJOURNMENT

There being no further discussion, the meeting adjourned at 8:46 pm.

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BOB BAGGETT, 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.*



## AGENDA BILL APPROVAL FORM

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**Agenda Subject:**

Minutes of the October 15, 2018 Regular Council Meeting

**Date:**

October 30, 2018

**Department:**

Administration

**Attachments:**

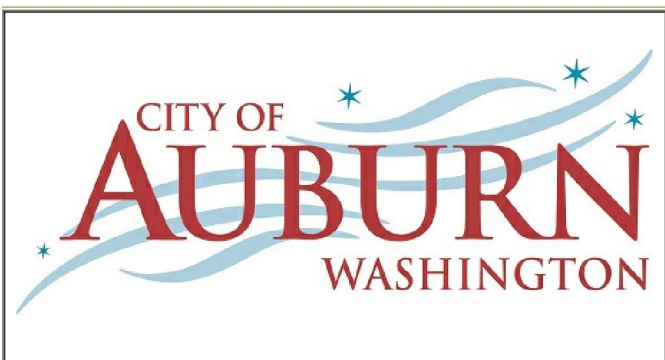
[10-15-2108 City Council Minutes](#)

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

**Meeting Date:** November 5, 2018

**Staff:**

Item Number: CA.B

|                                                                                   |                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p style="text-align: center;"><b>City Council Meeting</b><br/> <b>October 15, 2018 - 7:00 PM</b><br/> <b>City Hall Council Chambers</b><br/> <b>MINUTES</b><br/> <b>Watch the meeting LIVE!</b></p> <p style="text-align: center;"><b>Watch the meeting video</b><br/> Meeting videos are not available until 72<br/> hours after the meeting has concluded.</p> |
|-----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## **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 in Auburn.

### **B. Roll Call**

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

Department directors and staff members present included: City Attorney Steven Gross, Finance Director Shelley Coleman, Police Commander Dan O'Neil, Director of Public Works Ingrid Gaub, Parks, Arts and Recreation Director Daryl Faber, Assistant Innovation and Technology Director Ashley Riggs, Director of Administration Dana Hinman, Economic Development Manager Doug Lein and Deputy City Clerk Shawn Campbell.

## **II. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS**

### **A. Proclamation - Financial Literacy Week**

Mayor Backus to proclaim October 14 - 20, 2018 as "Financial Literacy Week" in the city of Auburn.

Mayor Backus read and proclaimed October 14-20, 2018 as Financial Literacy week. Auburn Mountainview High School DECA students Elizabeth Enz, Ariana Martinez and Carson Klemetsen thanked the Mayor and Council for their support.

## **III. APPOINTMENTS**

There were no appointments.

## **IV. AGENDA MODIFICATIONS**

There was no modification to the Agenda.

## **V. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE**



## A. Public Hearings

### 1. 2019-2020 Preliminary Biennial Budget

City Council to conduct a public hearing to receive public comments and suggestions with regard 2019-2020 Preliminary Biennial Budget

Director Coleman presented Council with the 2019-2020 budget review process, the City Mission Statement, the Vision Statement, the City Core values, and City Wide Budget Goals. She reviewed the key issues affecting the 2019-2020 Budget, the City-Wide revenue sources, the property tax levy, City expenditures and the Capital Budget.

Councilmember Peloza asked about the levy rate levy rate being lower. Director Coleman explained as the assessed value increases the levy rate goes down.

Councilmember Peloza asked what percentage of general fund expenditures covers employee salaries and benefits. Director Coleman stated it is approximately 60%.

Councilmember Peloza questioned the LED retrofit program. Director Gaub explained the retrofit is for street lights the previous retrofit was for traffic signals.

Councilmember Wales asked about the transition of the Community Services division from the Administration Department to the Community Development Department. Mayor Backus stated the change will take place in January of 2019 and the Community Services budget will move to Community Development at that time.

Mayor Backus Opened the public hearing at 7:26 p.m.

Bob Zimmerman, 33029 46th Place S, Auburn  
Mr. Zimmerman requested the sound system in Council Chambers be upgraded and the Council consider designating funds for future negligent claims against the City.

Pauline Caldwell, 1120 8th Street NE, Auburn  
Ms. Caldwell talked about funds from the lottery ticket sales and casino sales going to the City.

Mayor Backus closed the public hearing at 7:20 p.m.

## 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.*

Pauline Caldwell, 1120 8th Street NE, Auburn

Ms. Caldwell spoke about concerns with the proposed tax on senior citizens medical deduction.

Bob Zimmerman

Mr. Zimmerman spoke about a comment in the Mayor's weekly update regarding emergency management.

**C. Correspondence**

There was no correspondence for Council to 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.**

Councilmember Brown, chair of the Finance ad hoc committee, reported he and Councilmember Holman have reviewed the claims and payroll vouchers described on the Consent Agenda this evening and recommended their approval.

Councilmember DaCorsi, chair of the Road Projects ad hoc committee reported the committee met earlier in the evening, the ad hoc committee will provide the full Council their final recommendation on October 29, 2018.

**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 September 24, 2018 City Council Study Session
- B. Minutes of the October 1, 2018 Regular Council Meeting
- C. Claims Vouchers (Coleman)  
Claim vouchers 450928 through 451159 in the amount of \$5,493,350.04 and two wire transfers in the amount of \$531,861.22 and dated October 15th, 2018.
- D. Payroll Vouchers (Coleman)  
Payroll check numbers 538124 through 538140 in the amount of \$230,816.38, electronic deposit transmissions in the amount of \$1,918,105.67 for a grand total of \$2,148,922.05 for the period covering September 27, 2018 to October 10, 2018.
- E. Call for Public Hearing on Preliminary 2019-2020 Biennial Budget (Coleman)

- F. Call for Public Hearing on 2019 CDBG Annual Action Plan (Hinman)

Deputy Mayor Baggett moved and Councilmember Brown seconded to approve the Consent Agenda.

Councilmember Pelozo asked about timeframe for completion of outstanding minutes. The City Clerk explained the Clerk's Office anticipates having the minutes completed in the next 4 months.

MOTION CARRIED UNANIMOUSLY. 7-0

## VIII. UNFINISHED BUSINESS

There was no unfinished business.

## IX. NEW BUSINESS

There was no new business.

## X. ORDINANCES

- A. Ordinance No. 6695 (Gross)

An Ordinance of the City Council of the City of Auburn, Washington, directing the revision of City ordinances and regulations to use non-gendered pronouns and amending Section 1.04.020 of the Auburn City Code

Councilmember Holman moved and Councilmember Trout-Manuel seconded to adopt Ordinance No. 6695.

MOTION CARRIED UNANIMOUSLY. 7-0

## XI. RESOLUTIONS

- A. Resolution No. 5384 (Hinman)

A Resolution of the City Council of the City of Auburn, Washington, declaring certain real property as surplus; and authorizing the Mayor to negotiate and execute a purchase and sale agreement between the City of Auburn and Pape Properties, Inc.

Councilmember Holman moved and Deputy Mayor Baggett seconded to adopt Resolution No. 5384.

MOTION CARRIED UNANIMOUSLY. 7-0

- B. Resolution No. 5385 (Gaub)

A Resolution of the City Council of the City of Auburn, Washington, setting a hearing date in relation to amending the 2019-2024 Transportation Improvement Program of the City of Auburn pursuant to chapter 35.77 of the revised Code of Washington

Councilmember DaCorsi moved and Councilmember Trout-Manuel seconded to adopt Resolution No. 5385.

MOTION CARRIED UNANIMOUSLY. 7-0

## **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 Baggett reported he attended the King County Emergency Management Advisory Committee Meeting.

Councilmember Pelosa reported he attended the Metropolitan Solid Waste Advisory Committee Meeting and the Metropolitan Water Quality Advisory Committee meeting.

Councilmember Trout-Manuel reported she attended the Junior Achievement Walmart ribbon cutting.

Councilmember Wales reported Paul Allen passed away today.

Councilmember Brown reported he attended the LEOFF Board meeting. He also recognized Councilmember DaCorsi for recently attaining the Association of Washington Cities Certificate of Advanced Municipal Leadership.

Councilmember DaCorsi reported he attended the Affordable Housing Advisory Board meeting, and the State Legislative Round Table.

### **B. From the Mayor**

Mayor Backus reported she attended the Coffee with a Cop event, Executive Council for the Greater Seattle Partners meeting, the Auburn High School homecoming game, the Park's Department S'more Than You Imagined event, the Pierce County Affordable Housing meeting, a meeting with Los Angeles Mayor Garcetti regarding homelessness in Los Angeles County, the Valley Regional Fire Authority Board of Governance meeting, the ceremony awarding the King County Executive John D Spellman Award for Achievement in Historic Preservation, and a meeting with Seattle Councilmember Gonzalez, Kirkland Mayor Walen and Kenmore Mayor Baker on affordable housing.

## **XIII. ADJOURNMENT**

There being no further business to come before the Council, the meeting adjourned at 8:19 p.m.

Approved this 5th day of November, 2018.

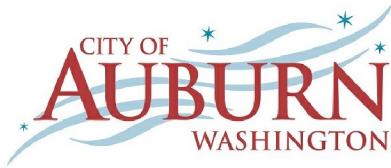
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NANCY BACKUS, MAYOR

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Shawn Campbell, City Clerk

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## AGENDA BILL APPROVAL FORM

Agenda Subject:  
Claim Vouchers (Coleman)

Date:  
October 31, 2018

Department:  
Finance

**Attachments:**  
No Attachments Available

Budget Impact:

Administrative Recommendation:

Approve payroll vouchers

Background Summary:

Claims vouchers 451160 through 451441 in the amount of \$2,765,879.55 and seven wire transfers in the amount of \$245,684.34 and dated November 5, 2018.

Reviewed by Council Committees:

Councilmember:

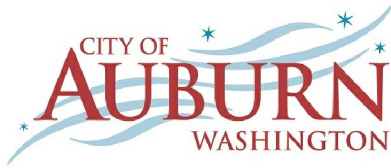
Staff:

Coleman

Meeting Date: November 5, 2018

Item Number:

CA.C



## AGENDA BILL APPROVAL FORM

Agenda Subject:  
Payroll Vouchers (Coleman)

Date:  
October 31, 2018

Department:  
Finance

**Attachments:**  
No Attachments Available

Budget Impact:

Administrative Recommendation:

Approve Payroll Vouchers.

Background Summary:

Payroll check numbers 538143 through 538162 in the amount of \$515,906.61, electronic deposit transmissions in the amount of \$1,895,495.12 for a grand total of \$2,411,401.73 for the period covering October 11, 2018 to October 31, 2018.

Reviewed by Council Committees:

Councilmember:

Staff:

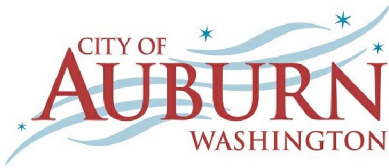
Coleman

Meeting Date: November 5, 2018

Item Number:

CA.D





## AGENDA BILL APPROVAL FORM

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**Agenda Subject:**

Parks Project No. CP1820 (Faber)

**Date:**

October 24, 2018

**Department:**

Parks/Art and Recreation

**Attachments:**

[Shelter Map](#)

**Budget Impact:**

None-Insurance Claim

**Administrative Recommendation:**

Approve Contract with Waters and Woods for construction of a replacement picnic shelter at Isaac Evans Park.

**Background Summary:**

The Picnic Shelter at Isaac Evans Park was destroyed by a falling tree in a windstorm. Design drawings for the replacement have been approved. Four companies responded to the call to bid with Waters and Woods being the low bid amount of \$133,004.80, tax included. This project is funded by an insurance claim

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

Faber

**Meeting Date:** November 5, 2018

**Item Number:**

CA.E

ISAAC EVANS PICNIC SHELTER

Printed Date: 10/31/2018  
Map Created by City of Auburn eGIS  
Imagery Date: May 2015



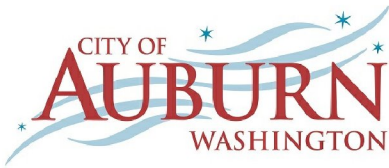
666.7 0 333.33 666.7 Feet

NAD\_1983\_StatePlane\_Washington\_North\_FIPS\_4601\_Feet



1 in = 333.33 ft 1:4,000

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

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**Agenda Subject:**

Public Works Project No. CP1709 (Gaub)

**Date:**

October 30, 2018

**Department:**

Public Works

**Attachments:**

[Budget Status Sheet](#)

[Bid Tab Summary](#)

[Vicinity Map](#)

**Budget Impact:****Administrative Recommendation:**

City Council award Contract No. 18-07, to R.L. Alia Company on their low bid of \$370,722.00 plus Washington State sales tax of \$37,072.20 for a total contract price of \$407,794.20 for Project No. CP1709, Reservoir No. 1 Seismic Control Valve.

**Background Summary:**

The City received 4 responsive bids and the low bid was approximately 17% above the engineer's estimate. Staff has performed reference checks and other verifications to determine that R.L. Alia Company meets the responsible bidding criteria and recommends award.

The main reasons bids came in higher than anticipated can be attributed to the overall cost of construction. Recent increases in operator wages and availability of contractors continue to increase overall construction costs as contractors have not been able to keep up with the demand of projects. The 2<sup>nd</sup> lowest bid was within close range of the low bid; therefore re-advertising wouldn't likely result in lower bids and will delay the project. This project is funded through federal FEMA and state military grants which have firm funding deadlines. Therefore, it is in the public's best interest to award the contract to R. L. Alia Company.

Reservoir 1 is the City's largest water storage reservoir with a capacity of 5 million gallons. Large diameter pipes convey water from the reservoir to the distribution system. If a pipe breaks during an earthquake, the large volume of water in the reservoir will quickly flow out of the reservoir, potentially causing local flooding and loss of pressure, drinking water, and fire flow capability within the water distribution system. With the proposed project, the installed and functional seismic control valve will automatically close, keeping water in the reservoir and maintaining water supplies and pressures for both firefighting and consumption needs. It will also prevent water from escaping the reservoir preventing a secondary flooding emergency.

Construction of this project is anticipated to start in November 2018 and be complete in late spring 2019.

A project budget contingency of \$9,711.00 remains in the 460 Water Fund.

**Reviewed by Council Committees:**

**Councilmember:**

**Staff:**

Gaub

**Meeting Date:** November 5, 2018

Item Number:

CA.F



## BUDGET STATUS SHEET

|                                        |                                                         |
|----------------------------------------|---------------------------------------------------------|
| <b>Project No:</b> CP1709              | <b>Project Title:</b> Reservoir 1 Seismic Control Valve |
| <b>Project Manager:</b> Kevin Thompson |                                                         |

Initiation Date: 6/23/17  
 Advertisement Date: 10/2/18  
 Award Date: 11/5/2018

- ☐ Amend Parametrix Task

☐ Permission to Advertise

☒ Contract Award

☐ Change Order Approval

☐ Contract Final Acceptance

Date: October 30, 2018

The "Future Years" column indicates the projected amount to be requested in future budgets.

### Funds Budgeted (Funds Available)

| Funding                 | Prior Years | 2017 (actual) | 2018    | 2019 | Total   |
|-------------------------|-------------|---------------|---------|------|---------|
| Hazard Mitigation Grant |             | 22,368        | 486,649 |      | 509,017 |
| 460 Fund - Water        |             | 3,195         | 96,751  |      | 99,946  |
| Total                   |             | 25,563        | 583,400 |      | 608,963 |

### Estimated Cost (Funds Needed)

| Activity                                    | Prior Years | 2017 (actual) | 2018    | 2019    | Total   |
|---------------------------------------------|-------------|---------------|---------|---------|---------|
| Design Engineering - City Costs             |             | 9,163         | 25,000  |         | 34,163  |
| Design Engineering - Consultant Costs       |             | 16,400        | 44,936  |         | 61,336  |
| Construction Contract Bid                   |             | 0             | 148,480 | 259,314 | 407,794 |
| Construction Contingency (15%)              |             | 0             | 0       | 61,169  | 61,169  |
| Construction Engineering - City Costs       |             | 0             | 5,000   | 15,000  | 20,000  |
| Construction Engineering - Consultant Costs |             | 0             | 5,000   | 9,790   | 14,790  |
| Total                                       |             | 25,563        | 228,416 | 345,273 | 599,252 |

### Fund Budget Status

|                                   | Prior Years | 2017 (actual) | 2018      | 2019    | Total     |
|-----------------------------------|-------------|---------------|-----------|---------|-----------|
| *460 Funds Budgeted ( )           |             | (25,563)      | (583,400) | 0       | (608,963) |
| 460 Funds Needed ( )              |             | 25,563        | 228,416   | 345,273 | 599,252   |
| *460 Fund Project Contingency ( ) |             | 0             | (354,984) | 0       | (9,711)   |
| 460 Funds Required                |             | 0             | 0         | 345,273 | 0         |

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

# Bid Tabulation - Bid Totals Summary

Project: CP1709, Reservoir No. 1 Seismic Control Valve , 18-07  
 Prepared By: City of Auburn  
 Bid Date: Oct. 16, 2018

|                             | W/O Tax             | Inc. Tax            |                     |
|-----------------------------|---------------------|---------------------|---------------------|
| <b>ENGINEER'S ESTIMATE:</b> | <b>\$316,800.00</b> | <b>\$348,480.00</b> | (not including tax) |
| AVERAGE BID AMOUNT:         | \$454,876.75        | \$500,364.42        |                     |

|                    |                        | Basic BID Amount    | Total BID Amount    | Total BID Spread \$ | Total BID Spread % |
|--------------------|------------------------|---------------------|---------------------|---------------------|--------------------|
| <b>LOW BIDDER:</b> | <b>R.L. Alia</b>       | <b>\$370,722.00</b> | <b>\$407,794.20</b> | <b>\$59,314.20</b>  | <b>17.02%</b>      |
| Second Bidder:     | Northwest Cascade Inc. | \$376,635.00        | \$414,298.50        | \$65,818.50         | 18.89%             |

|                                  | Basic BID<br>(Tax not included) | Total BID<br>(Including tax) |
|----------------------------------|---------------------------------|------------------------------|
| 1. R.L. Alia                     | \$370,722.00                    | \$407,794.20                 |
| 2. Northwest Cascade Inc.        | \$376,635.00                    | \$414,298.50                 |
| 3. Rodarte Construction Inc.     | \$502,950.00                    | \$553,245.00                 |
| 4. Nova Contracting, Inc.        | \$569,200.00                    | \$626,120.00                 |
| 5. Gary Harper Construction Inc. | Non-Responsive                  |                              |

**NOTE:** An evaluation of whether a bidder is responsible or non-responsible was only made for the low bidder. This does not indicate, one way or the other, how other bidders would be considered if they were the low bidder.

# CP1709 Reservoir No. 1 Seismic Control Valve

Printed Date: 10/30/2018  
Map Created by City of Auburn eGIS  
Imagery Date: May 2015

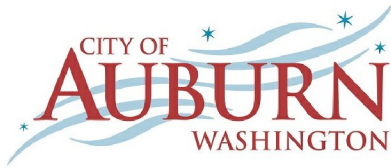


3,009.3 0 1,504.7 3,009.3 Feet

NAD\_1983\_StatePlane\_Washington\_North\_FIPS\_4601\_Feet

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. 6692 (Tate)

Date:  
October 29, 2018

Department:  
Community Development

**Attachments:**

[Ordinance No. 6692](#)  
[Ordinance No. 6692 - Exhibit A](#)  
[Ordinance No. 6692 - Exhibit B](#)

Budget Impact:

**Administrative Recommendation:**

City Council adopt Ordinance No. 6692.

**Background Summary:**

The Washington State Legislature enacted Engrossed House Bill (EHB) 2005 during the 2017 legislative session, which then went into effect on July 23, 2017. The purpose of EHB 2005 was to help simplify the administration of municipal general business licenses, which is intended to enhance the business climate in Washington State. EHB 2005 applies to all cities that administer a business license program.

EHB 2005 assigns responsibility to the Association of Washington Cities to develop a model ordinance that defines what it means to “engage in business” and further states that cities are required to adopt this language by January 1, 2019. The intent of this portion of EHB 2005 is to establish a consistent definition and process for businesses to operate under which is designed to streamline business licensing throughout the State.

On August 13, 2018, during a City Council Study Session, staff provided an overview of EHB 2005, which requires that the City of Auburn modify its business license regulations for the purpose of creating a uniform definition of what it means to engage in business in Washington State. Staff presented Ordinance No. 6692 at the October 22, 2018 Study Session. Ordinance No. 6692 is attached for City Council approval.

Reviewed by Council Committees:

Councilmember:

Staff:

Tate

Meeting Date: November 5, 2018

Item Number:

ORD.A



**ORDINANCE NO. 6692**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON RELATED TO BUSINESS LICENSES, AMENDING DEFINITIONS, AND AMENDING CHAPTER 5.10 OF THE AUBURN CITY CODE

WHEREAS, the Washington State Legislature adopted Engrossed House Bill 2005 during the 2017 legislative session; and,

WHEREAS, the Bill requires, among other things, that cities who license businesses use the same definition for “engaging in business” as provided for in the bill.

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

**Section 1. Amendment to City Code.** Section 5.10.020A of the Auburn City Code is amended as shown in Exhibit A.

**Section 2. Amendment to City Code.** Section 5.10.040 of the Auburn City Code is amended as shown in Exhibit B.

**Section 3. Implementation.** The Mayor is 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 this ordinance 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 shall 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: \_\_\_\_\_

**5.10.020 Definitions.**

For the purpose of this chapter and Chapter 5.15 ACC, the following terms, phrases, words and their derivations ~~shall will~~ have the meaning given in this section.

- A. “Business” means all activities, occupations, trades, pursuits, professions, and matters located within the city or within the city’s jurisdiction, with a physical presence in the city and operated on a permanent or ongoing basis whether operated with the object of gain, benefit, advantage or profit, or operated not for profit, to the business enterprise or to another person, directly or indirectly; provided that “business” ~~shall will~~ not mean governmental agencies.
- B. “Business enterprise” means any entity, person, partnership, association, corporation, trust, society, or club engaged in a business within the city of Auburn.
- C. “Director” means the ~~d~~Director of ~~planning and~~Community ~~d~~Development or the ~~city’s~~Director’s designee.
- D. “Department” means the city of Auburn ~~d~~Department of ~~planning and development~~Community Development.
- E. “Employee” means any person employed at any business enterprise who performs any part of their duties within the city. All officers, agents, dealers, franchisees, etc., of a corporation or business trust, and partners of a partnership, except limited partners, are employees within this definition.
- F. “Engage in business” means ~~to commence, conduct or continue in any business~~ commencing, conducting, or continuing in business, and also the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.
- G. “Licensee” means any business granted a business license.
- H. “Nonprofit” means any business enterprises registered as nonprofit corporations within the state of Washington or granted nonprofit status through the code of the Internal Revenue Service of the United States.
- I. “Physical presence” means an address where the business is located. A post office box with an Auburn address for a business is considered a physical presence.
- J. “Place of business” means the physical location of the business.
- K. “Business license year” means that period of time between July 1st of one year and June 30th of the following year.
- L. “Life and safety codes” mean building codes, fire codes, electrical codes and other codes of the city relating to health, safety and related requirements for use and occupancy of buildings.

**5.10.040 General business license required.**

A. Any person desiring to establish or conduct any business enterprise or undertaking as defined in ACC 5.10.020 within the corporate limits of the city shall first apply to the business license clerk, as designated by the mayor, for a license to conduct such business and obtain such license as approved by the city. The application shall be upon a form furnished by the business license clerk on which the applicant shall state the business name, address, and telephone number; the owner's date of birth and government-issued identification number (e.g., driver's license number); the nature of the business activity or activities in which the applicant desires to engage; the place where the business will be conducted; the number of employees, and the name of the contact person along with an address, date of birth, government-issued identification number, and telephone number, and the business identification number issued by the state of Washington; and the IRS letter testifying to nonprofit status or the copy of the application to the IRS.

B. This section sets forth examples of activities that constitute engaging in business in the City, and establishes safe harbors for certain of those activities so that a person who meets the criteria may engage in de minimus business activities in the City without having to pay a business license fee. The activities listed in this section are illustrative only and are not intended to narrow the definition of "engaging in business" in ACC 5.10.020.F. If an activity is not listed, whether it constitutes engaging in business in the City shall be determined by considering all the facts and circumstances and applicable law.

C. Without being all inclusive, any one of the following activities conducted within the City by a person, or its employee, agent, representative, independent contractor, broker or another acting on its behalf constitutes engaging in business and requires a person to register and obtain a business license.

1. Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal property, intangible personal property, or real property permanently or temporarily located in the City.

2. Owning, renting, leasing, using, or maintaining, an office, place of business, or other establishment in the City.

3. Soliciting sales.

4. Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.

5. Providing technical assistance or service, including quality control, product inspections, warranty work, or similar services on or in connection with tangible personal property sold by the person or on its behalf.

6. Installing, constructing, or supervising installation or construction of, real or tangible personal property.

7. Soliciting, negotiating, or approving franchise, license, or other similar agreements.

8. Collecting current or delinquent accounts.

9. Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.

10. Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system services, surveying, and real estate services including the listing of homes and managing real property.

11. Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, consultants, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, veterinarians.

12. Meeting with customers or potential customers, even when no sales or orders are solicited at the



meetings.

13. Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the City, acting on its behalf, or for customers or potential customers.

14. Investigating, resolving, or otherwise assisting in resolving customer complaints.

15. In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless of where sale and delivery of the goods took place.

16. Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.

D. If a person, or its employee, agent, representative, independent contractor, broker or another acting on the person's behalf, engages in no other activities in or with the City but the following, it need not register and obtain a business license.

1. Meeting with suppliers of goods and services as a customer.

2. Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions.

3. Attending meetings, such as board meetings, retreats, seminars, and conferences, or other meetings wherein the person does not provide training in connection with tangible personal property sold by the person or on its behalf. This provision does not apply to any board of director member or attendee engaging in business such as a member of a board of directors who attends a board meeting.

4. Renting tangible or intangible property as a customer when the property is not used in the City.

5. Attending, but not participating in a "trade show" or "multiple vendor events". Persons participating at a trade show shall review the City's trade show or multiple vendor event ordinances.

6. Conducting advertising through the mail.

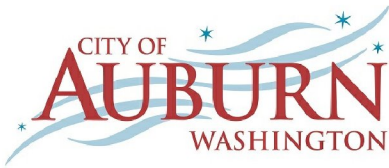
7. Soliciting sales by phone from a location outside the City.

E. A seller located outside the City merely delivering goods into the City by means of common carrier is not required to register and obtain a business license, provided that it engages in no other business activities in the City. Such activities do not include those in subsection (C). The City expressly intends that engaging in business include any activity sufficient to establish nexus for purposes of applying the license fee under the law and the constitutions of the United States and the State of Washington. Nexus is presumed to continue as long as the taxpayer benefits from the activity that constituted the original nexus generating contact or subsequent contacts.

F. Threshold Exemption. For purposes of the license by this chapter, any person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the city is equal to or less than \$2,000 and who does not maintain a place of business within the city, shall submit a business license registration to the Director or designee. The threshold does not apply to regulatory license requirements or activities that require a specialized permit.

G. It is unlawful for any person to operate or physically conduct any business within the city without having first obtained a general business license for the current business year or portion thereof. The applicant for a business license required under this title shall be over the age of 18 years. If any person required to pay a license fee, by the terms and provisions of this chapter, for any period fails or refuses to do so, they shall not be granted a license for the current period until such delinquent license fee, together with penalties, has been paid in full.

- | H. Specific businesses identified in Chapters 3.80, 3.84, 3.88, 5.20, 5.30 and 5.84 ACC or elsewhere in this title or other titles of the Auburn City Code will be required to obtain an individual business license as otherwise indicated.
- | I. Any business within the city jurisdiction on any project requiring a permit must have a business license.



## AGENDA BILL APPROVAL FORM

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**Agenda Subject:**

Ordinance No. 6696 (Gaub)

**Date:**

October 29, 2018

**Department:**

Public Works

**Attachments:**

[Ordinance No. 6696](#)

[Exhibit A](#)

**Budget Impact:****Administrative Recommendation:**

City Council introduce and adopt Ordinance No. 6696

**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 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. Auburn City Code regulation (ACC 3.25) contains the City's regulations and requirements regarding public street and utility payback agreements.

Ordinance No. 6696 authorizes modifications to ACC 3.25 to provide better notification to the benefited property owners by initiating the payback agreement process before construction begins, to modernize the language in ACC 3.25, and to authorize the City to deduct a payment processing fee from each reimbursement amount that the City collects during its administration of each payback agreement.

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

Gaub

**Meeting Date:** November 5, 2018

Item Number:

ORD.B



## **ORDINANCE NO. 6696**

### **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; and,

WHEREAS, after reviewing the current process, staff recommends adding clarifying language that will make the City's administration of the process more efficient, and that will provide better notification to the benefited property owners.

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 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 this ordinance 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 shall 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: \_\_\_\_\_

**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 ~~and thereby make available to the public~~ the provisions of Chapters 35.72 and 35.91 RCW as presently adopted or as may be subsequently amended. (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 ~~shall~~ 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 ~~hereby~~ 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 Chapters 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 ~~thereof of that infrastructure that is~~ required under Chapter 13.40 ACC.

E. “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.

F. “Transportation system improvements” means ~~such 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.

G. “Utility system improvements” means ~~such 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 ~~thereto those systems~~. (Ord. 6512 § 1, 2014.)

**3.25.030 City funding.**

The city may participate in funding of an applicant's required street or utility system improvements or may enact a street or utility payback agreement for a city-funded street or utility improvement project following a public hearing and council approval as specified in this chapter. (Ord. 6512 § 1, 2014.)

**3.25.040 Agreement – When mandatory.**

A. The city council reserves the right to refuse to enter into any street payback ~~agreement as allowed by law-~~  
~~agreement or to reject an application therefor.~~

B. As provided for in RCW 35.91.020(1)(a), the city ~~shall~~will enter into a utility payback agreement at the owner's request if the owner meets all conditions set forth in the statute and code. (Ord. 6512 § 1, 2014.)

**3.25.050 City engineer's authority.**

The city engineer ~~shall~~will establish administrative rules, regulations, policies, and procedures necessary to implement the provisions of this chapter and is authorized and directed to execute payback agreements for public street and utility system improvements ~~upon~~after council approval. ~~The city engineer will determine eligibility consistent with Chapters 35.72 and 35.91 RCW.~~ (Ord. 6512 § 1, 2014.)

**3.25.060 Application – Process.**

~~For eachAn applicant required to construct- public street or utility system improvements on public rights-of-waythe 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 for recovery of a pro-rata share of the costs of constructing the improvements, from the property owners of record who will subsequently derive a benefit from the improvements. The application must be received not later than 10 business days after the date that the City's letter of eligibility is postmarked, or the applicant will be deemed to have waived the right to request a payback agreement.~~

~~The application to enter into a payback agreementApplications for a payback agreement shall be made to the city no later than 30 calendar days before the system improvements have been completed and accepted by the city, and shall must include all the following items:~~

A. A nonrefundable application fee in ~~an-the~~ amount ~~as indicated-specified~~ in the city's fee schedule.

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

D. 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 ~~such~~-parcel of property within ~~said-the~~ area. The payback reimbursement charge to other properties ~~shall~~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. 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 ~~such~~-owner.

F. 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.



## EXHIBIT A

Auburn Municipal Code

Page 3/4

### Chapter 3.25 PAYBACK AGREEMENTS

G. 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. The applicant's acknowledgement that it must provide sufficient security to ensure to complete the improvements.

~~I. The applicant's acknowledgement that it must submit the total cost of the improvements to the city within 120 days of completion of the improvements. The applicant shall, if necessary, provide a proposed final roll if directed to do so by the city.~~ (Ord. 6512 § 1, 2014.)

#### **3.25.070 Costs eligible for reimbursement.**

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

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

B. The cost of all advertising, mailing and publishing of notices.

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

D. City costs of administering the agreement.

E. Outside professional services as applicable.

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

#### **3.25.080 Formation of reimbursement area.**

A. If the city engineer finds that the request complies with the requirements of this chapter, ~~a public hearing of the city council will conduct a public hearing shall to~~ ~~be set for~~ consider ~~ation of~~ an ordinance approving the payback agreement. The draft ordinance ~~shall will~~ constitute the preliminary determination on the assessment reimbursement area and method of assessment as recommended by the city engineer.

B. A notice of hearing on the proposed ordinance ~~shall will~~ be published no less than 20 days before the date of the hearing in a newspaper of general circulation in the area of the assessment reimbursement area.

C. A notice of hearing ~~shall will~~ be given to each owner of record of each lot, tract or parcel of land or other property within the proposed reimbursement assessment area by mailing by certified mail ~~to the address as~~ shown on the tax rolls of the county treasurer. The notice of hearing ~~shall will~~ be mailed not less than 20 ~~calendar~~ days before the date of the hearing.

D. The notice ~~shall will~~ refer to the proposed ordinance and designate the proposed assessment reimbursement area by number and include the information specified in ACC 3.25.060 ~~and the amount of the proposed payback amounts for each property.~~

E. On the date and at the time specified in the notice, the city council will conduct a hearing and listen to testimony as it relates to the desirability and the sufficiency of the proposed assessment reimbursement area and methods of calculating reimbursement assessments and the amounts ~~thereof apportioned to each property.~~ The city council may continue the hearing to allow for further information to be provided.

F. Following the hearing, the city council may adopt an ordinance which establishes the assessment reimbursement area, determines the amount of the reimbursement assessment to be charged to each lot, tract or parcel, and provides for the payment and collection of such assessments. (Ord. 6512 § 1, 2014.)

**3.25.090 Contract execution and recording.**

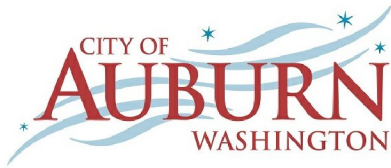
A. ~~Within 30 days of final city council approval of a street and utility payback agreement, t~~The applicant ~~shall~~will ~~provide a signed copy of the execute and present such payback agreement to the City no later than 20 business days before it is scheduled for final Council approval for the signature of the appropriate city official.~~

B. The payback agreement ~~shall~~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. 6512 § 1, 2014.)

**3.25.100 Implementation of agreement.**

A. All owners of properties for which a payback agreement is in force and who have not previously paid their ~~fair-share~~assessment will be assessed the charge as provided in the agreement at the time they receive benefit from the street or utility system improvements. A property benefits from a street improvement when it receives the beneficial use of the street as provided for in the payback agreement. A property benefits from a water, sewer, or storm improvement when any of the following occur: (1) the applicant applies for a water connection permit under ACC 13.06.050; (2) the applicant applies for a sewer connection permit under ACC 13.20.060; or (3) the applicant applies for a storm drainage permit under ACC 13.48.240. The payback assessments ~~shall~~will be based on the costs and methodology identified in the approved payback agreement. Assessments due under a payback agreement ~~shall~~will be paid in full before the city issuance of any ~~such applicable~~ permits.

B. Monies collected by the city (~~less the payment processing fee established in the City's fee schedule~~) will ~~then~~ be reimbursed to the applicant within 60 days after the ~~City's receipt thereof, for the duration of the agreement~~. The applicant is required to provide changes of address or ownership every two years from the date of the signing of the agreement. If the applicant fails to provide the notification within 60 days of this date, the city may collect any reimbursement funds owed to the applicant under the contract ~~and shall not reimburse those funds to the applicant~~. ~~Any money~~The funds collected by the ~~e~~City ~~and not refunded to the applicant shall~~will be deposited in the ~~City's capital fund of the city~~. (Ord. 6512 § 1, 2014.)



## AGENDA BILL APPROVAL FORM

**Agenda Subject:**

Ordinance No. 6697 (Gross)

**Date:**

October 26, 2018

**Department:**

City Attorney

**Attachments:**

[Ordinance No. 6697](#)

[Exhibit A](#)

**Budget Impact:****Administrative Recommendation:**

City Council adopt Ordinance No. 6697

**Background Summary:**

This item was discussed at the October 22, 2018 Study Session.

On August 20, 2018, Council adopted Ordinance No. 6689. This ordinance amended (in part) Section 9.22.010 of the Auburn City Code related to controlled substances. However, those amendments did not include language that reflected the permissible possession of marijuana under Chapters 69.50 and 69.41A of the Revised Code of Washington. In order to have a complete reference to state law, staff recommends adoption of these technical corrections.

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

Gross

**Meeting Date:** November 5, 2018

Item Number:

ORD.C



**ORDINANCE NO. 6697**

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF AUBURN, WASHINGTON RELATING TO  
CRIMINAL OFFENSES, AMENDING SECTION  
9.22.010 OF THE AUBURN CITY CODE**

WHEREAS, the City Council adopted Ordinance No. 6689 on August 20, 2018, which amended (in part) Section 9.22.010 of the Auburn City Code related to controlled substances; and,

WHEREAS, those amendments did not include language related to the permissible possession of marijuana under Chapters 69.50 and 69.41A of the Revised Code of Washington; and,

WHEREAS, staff recommends adoption of these technical corrections to make the City's ordinance consistent with state law.

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

**Section 1. Amendment to City Code.** Section 9.22.010 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 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 this ordinance 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 shall 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: \_\_\_\_\_

**9.22.010 Controlled substances prohibited.**

A. Restrictions on marijuana.

1. Except as otherwise authorized by ~~United States Code (USC) Title 21, and/or by~~ RCW 69.50, ~~4013(4), or~~ RCW 69.51A, it is unlawful for any person to knowingly grow, manufacture, process, deliver, or sell marijuana.
2. Except as otherwise authorized by RCW 69.50 or RCW 69.51A, iIt is unlawful for any person aged 21 or older to knowingly possess marijuana in an amount that violates RCW 69.50.4013(3)(a).
3. Except as otherwise authorized by RCW 69.50 or RCW 69.51A, iIt is unlawful for any person under age 21 to knowingly possess marijuana in any amount.
4. ~~“~~“Marijuana,” also known as “marihuana,” means all parts of the plant genus Cannabis and all of its species, subspecies, taxa and hybridizations, whether growing or not; the seeds thereof; the resins extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin, and includes all marijuana concentrates, useable marijuana, and marijuana-infused products. Such term does not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

B. It is unlawful for any person to knowingly possess a controlled substance other than marijuana as defined by RCW 69.50.101(f) unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice.

C. It is unlawful for any person to knowingly possess a legend drug in violation of RCW 69.41.

D. Penalties.

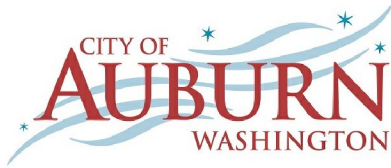
1. Violation of subsection A of this section is a misdemeanor. For a first offense, the maximum penalty shall be 90 days in jail and/or a \$1,000 fine. For a second or subsequent offense, the maximum penalty shall be 180 days in jail and/or a \$2,000 fine. For a first offense, there shall be

a mandatory minimum penalty of 1 day in jail and a \$250 fine. For a second or subsequent offense, there shall be a mandatory minimum penalty of 1 day in jail and a \$500 fine.

24. Violation of subsection B of this section is a gross misdemeanor punishable by up to 364 days in jail and/or a \$5,000 fine.

32. Violation of subsection C ~~any other subsection~~ of this section is a misdemeanor punishable by up to 90 days in jail and/or a \$1,000 fine.

(Ord. 6595 § 4, 2016; Ord. 6525 § 4, 2014; Ord. 6300 § 1, 2010; Ord. 5682 § 1, 2002.)



## AGENDA BILL APPROVAL FORM

Agenda Subject:  
Resolution No. 5386 (Gaub)

Date:  
October 30, 2018

Department:  
Public Works

**Attachments:**  
[Resolution No. 5386](#)  
[New TIP #I-15](#)

Budget Impact:  
Current Budget: \$0  
Proposed Revision: \$0  
Revised Budget: \$0

### Administrative Recommendation:

City Council to introduce and adopt Resolution No. 5386.

### Background Summary:

The purpose of this Resolution is for the City Council to adopt the proposed modification to the 2019-2024 Transportation Improvement Program.

The proposed TIP modification would add a new project to the current TIP. The proposed project (I-15), would design and construct a new traffic signal at the 10th Street NW intersection with B Street NW.

The 10th Street NW intersection with A Street NW is currently stop-controlled on the 10th Street NW approach. The left-turn movement on this approach has been identified as operating at LOS E, which falls below the LOS D standard adopted by the City for this intersection. The signalization of the intersection is identified as the appropriate improvement to address this LOS deficiency.

Reviewed by Council Committees:

Councilmember:  
Meeting Date: November 5, 2018

Staff: Gaub  
Item Number: RES.A

## RESOLUTION NO. 5386

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, ADOPTING THE 2019-2024 SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM OF THE CITY OF AUBURN PURSUANT TO CHAPTER 35.77 OF THE REVISED CODE OF WASHINGTON.

WHEREAS, the City is required to include projects on the Transportation Improvement Program (TIP) to be eligible to collect traffic impact fees to fund the portion of the project cost associated with future growth; and

WHEREAS, as required by RCW 35.77.010, the City held a public hearing to consider amending the City's 2019-2024 Transportation Improvement Program on November 5, 2018 at the 7:00 p.m. in the Council Chambers of the Auburn City Hall. Notice of the meeting was published in the City's legal newspaper on October 18, 2018; and

WHEREAS, after consideration of the staff recommendation and public testimony, the City Council believes it is in the best interest of the City to adopt the updated TIP.

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

**Section 1.** The City Council adopts the 2019-2024 Transportation Improvement Program in substantially the same form as shown in Exhibit "A."



**Section 2.** The City Engineer is directed to forward a certified copy of this Resolution to the Washington State Department of Transportation for filing not more than thirty (30) days after the adoption of this Resolution.

**Section 3.** The Mayor is authorized to implement those administrative procedures necessary to carry out the directions of this legislation.

**Section 4.** This Resolution will take effect and be in full force upon passage and signatures.

DATED this \_\_\_\_ day of November, 2018

CITY OF AUBURN

\_\_\_\_\_  
NANCY BACKUS  
MAYOR

ATTEST:

\_\_\_\_\_  
Shawn Campbell, MMC  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Steven L. Gross,  
City Attorney

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Resolution No. 5368  
September 14, 2018  
Page 2

## Six Year Transportation Improvement Plan

ARTERIAL STREET FUND (102)

TIP# I-15

Project Title: 10th Street NW/A Street NW Intersection Improvements  
 Project No: TBD  
 Project Type: Capacity, Safety  
 Project Manager: TBD

STIP# AUB-N/A

LOS Corridor ID# N/A

### Description:

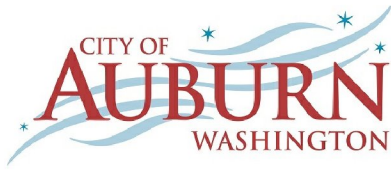
This project will complete the design and construction of a new traffic signal in place of the existing stop-control on the 10th Street NW approach.

### Progress Summary:

### Future Impact on Operating Budget:

The annual maintenance cost for this project is estimated to be \$500.

| Activity:                     | 2018 YE       |          | Budget |      |         | Forecast Project Cost |      |      |             | Total Project Cost |
|-------------------------------|---------------|----------|--------|------|---------|-----------------------|------|------|-------------|--------------------|
|                               | Prior to 2018 | Estimate | 2019   | 2020 | 2021    | 2022                  | 2023 | 2024 | Beyond 2024 |                    |
| <b>Funding Sources:</b>       |               |          |        |      |         |                       |      |      |             |                    |
| Unrestricted Street Revenue   | -             | -        | -      | -    | -       | -                     | -    | -    | -           | -                  |
| Unsecured Grant               | -             | -        | -      | -    | -       | -                     | -    | -    | -           | -                  |
| Traffic Impact Fees           | -             | -        | -      | -    | 175,000 | 475,000               | -    | -    | -           | 650,000            |
| Other                         | -             | -        | -      | -    | -       | -                     | -    | -    | -           | -                  |
| <b>Total Funding Sources:</b> | -             | -        | -      | -    | 175,000 | 475,000               | -    | -    | -           | 650,000            |
| <b>Capital Expenditures:</b>  |               |          |        |      |         |                       |      |      |             |                    |
| Design                        | -             | -        | -      | -    | 175,000 | -                     | -    | -    | -           | 175,000            |
| Right of Way                  | -             | -        | -      | -    | -       | 475,000               | -    | -    | -           | 475,000            |
| Construction                  | -             | -        | -      | -    | -       | -                     | -    | -    | -           | -                  |
| <b>Total Expenditures:</b>    | -             | -        | -      | -    | 175,000 | 475,000               | -    | -    | -           | 650,000            |



## AGENDA BILL APPROVAL FORM

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**Agenda Subject:**

Resolution No. 5387 (Hinman)

**Date:**

October 31, 2018

**Department:**

Administration

**Attachments:**

[Resolution 5387](#)

[FINAL Easement Agreement](#)

[Auburn Gas Easement](#)

**Budget Impact:**

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

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

Hinman

**Meeting Date:** November 5, 2018

**Item Number:**

RES.B

**RESOLUTION NO. 5 3 8 7**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE A REAL ESTATE EASEMENT AGREEMENT BETWEEN THE CITY OF AUBURN AND PUGET SOUND ENERGY FOR CONVEYANCE OF A UTILITY EASEMENT

WHEREAS, Puget Sound Energy (PSE) owns and operates an existing gas utility facility located under a portion of City-owned property (King County Parcel No. 733140-0135); and

WHEREAS, PSE wishes to replace existing facilities located on the City's property that provide gas service to an adjacent property owned by Safeway Inc.; and

WHEREAS, PSE does not have an easement for the current facilities providing services to the Safeway building; and

WHEREAS, PSE will be deactivating the facility currently not located within a PSE area of the City property; and

WHEREAS, The City and PSE have identified an alternate pathway acceptable to both PSE and the City for the new PSE facility.

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

Section 1. The Mayor is authorized to execute a Real Estate Easement Agreement between the City of Auburn and Puget Sound Energy for real property rights, which

agreement will be in substantial conformity with the Agreement attached as Exhibit A, "Easement Agreement."

Section 2. The Mayor is authorized to take any administrative or procedural action necessary or appropriate to carry out the directives of this legislation and to accommodate the decision to convey a Utility easement to PSE

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

Dated and Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

CITY OF AUBURN

\_\_\_\_\_  
NANCY BACKUS, MAYOR

ATTEST:

\_\_\_\_\_  
Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Steven L. Gross, City Attorney

## **EASMENT AGREEMENT CITY OF AUBURN**

This Agreement is made and entered into by **PUGET SOUND ENERGY, INC.**, (herein referenced as “PSE” or “GRANTEE”), a Washington state energy utility and the **CITY OF AUBURN** (herein referenced as “CITY” or “GRANTOR”), a municipal corporation of King and Pierce Counties, Washington, herein collectively referred to as “PARTIES”

W I T N E S S E T H :

Whereas, The CITY owns parcel 733140-0135 legally described in Exhibit C; and

Whereas, PSE wants to replace existing facilities located on the CITY’S property that provides gas service to an adjacent property owned by Safeway Inc.; and

Whereas, PSE does not have an easement for the current facilities providing service to the Safeway building; and

Whereas, PSE will be deactivating the facility currently not located within a PSE easement area on the CITY property; and

Whereas, PSE is requesting an easement over an area of the CITY property not encumbered by a PSE easement and consistent with the City’s use of the property; and

Whereas, The CITY and PSE have determined a facility path across the CITY property acceptable to both PARTIES; and

NOW, THEREFORE, in consideration of the terms, rights and restrictions set forth, IT IS AGREED by the PARTIES as follows:

1. **GRANT AND CONVEYING OF EASEMENTS.** The CITY agrees to grant and convey a perpetual Non-Exclusive Utility Easements to PSE legally described and attached hereto as **Exhibit A** and depicted in **Exhibit B** for the purposes of constructing, operating, maintaining, repairing, replacing, improving, removing, upgrading or extending one or more utility systems for the purposes of transmission, distribution and sale of gas. The Easement shall encumber real property located in King County, Washington legally described and attached hereto as **Exhibit C** (“Encumbered Property”). Included in this conveyance shall be the right of access to the Easement Area as defined in Exhibit A over and across the Property as shall be required for the construction, reconstruction, maintenance and operation of GRANTEE’S utility, the use of such additional area shall be held to a reasonable minimum.

2. **ACCESS.** PSE shall have the absolute right at all times as necessary for immediate access (ingress and egress), to enter the Encumbered Property for the purpose of inspecting and maintaining the easement area as well as constructing, operating, maintaining, repairing, replacing, improving, removing, upgrading or extending GRANTEE’S facilities.



3. **CONSIDERATION**. In consideration of the public's health, safety and well-being, the CITY agrees to convey to PSE the easements legally described in Exhibit A with no further monetary or other consideration due to the City from PSE.

4. **RECORDING & RECORDING FEES**. PSE shall be responsible for recording the easements, which shall be recorded in substantial conformity to that hereby referenced and attached as **Exhibit D** as well as any and all recording fees charged by the County. PSE shall furnish to the CITY a copy of the recorded easements showing the recording numbers. The document is to be sent to **City of Auburn, attn.: Josh Arndt – 25 W Main, Auburn, WA 98001**

5. **CONDITION OF EASEMENT**. Unless otherwise described in this paragraph the PSE agrees to purchase the Easement in an "as is" condition. PSE further acknowledges that other public and private utilities may already exist and intersect this Easement and that it is PSE's sole responsibility to inspect, locate and verify any and all existing utilities intersecting the subject Easement. In those locations where existing utilities already exist and intersect the subject Easement, PSE agrees to provide a minimum of 12 inches clearance either above or below the existing utility and at least 5 feet horizontal clearance when installing PSE's Utility. PSE further agrees to return the property included within the Easement as well as any additional area that may be used to a condition reasonably comparable to its condition as it existed immediately before entry and/or work was performed by PSE or its agents. The City retains discretion over compliance with this provision and may require such additional work as to achieve a condition reasonably comparable to the condition of the property prior to PSE entry.

OTHER CONDITIONS OF PURCHASE: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. **ENTIRE AGREEMENT/MODIFICATION**. This written Agreement constitutes the entire and complete Agreement between the PARTIES hereto and supersedes any prior oral or written agreements between the PARTIES with respect to the Easements and or Encumbered Property. It is expressly agreed that there are no verbal understandings or agreements, which in any way change the terms, covenants, and conditions herein set forth. No modifications of this agreement and waiver of any of its terms and conditions shall be effective unless in writing and duly executed by the PARTIES hereto.

7. **SUCCESSORS & ASSIGNS**. PSE shall have the right to assign, apportion or otherwise transfer any or all of its rights, benefits, privileges and interests arising in and under this easement. Without limiting the generality of the foregoing, the rights and obligations of the parties shall be binding upon their respective successors and assigns. Further, the Parties agree that the burdens of the obligations contained in this agreement touch and concern GRANTOR's title in that property and the benefits of the obligations inure to the City.

8. **INDEMNITY**. PSE agrees to indemnify GRANTOR from and against liability incurred by GRANTOR as a result of the negligence of PSE or its contractors in the exercise of the rights granted to PSE through the Easement and Easement Agreement, but nothing herein shall require

PSE to indemnify GRANTOR for that portion of any such liability attributable to the sole negligence of the GRANTOR or the negligence of others.

9. **BINDING EFFECT**. All covenants, agreements, warranties and provisions of this Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective heirs, executors, administrators, personal representatives, successors and assigns.

Dated and Signed this      day of                     , 20  

**GRANTEE: PUGET SOUND ENERGY, INC.,**

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Title:

Dated and Signed this      day of                     , 20  

**SELLER: CITY OF AUBURN**

\_\_\_\_\_  
Nancy Backus, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Steven L. Gross, City Attorney

## **EXHIBIT A**

### Legal Description of Utility Easements

**THE WEST EIGHT (8) FEET OF THE SOUTH THIRTY-FIVE (35) FEET, ADJOINING THE SOUTH EIGHT (8) FEET OF THE EAST FORTY-TWO (42) FEET OF THE WEST FIFTY (50) FEET**

LYING WITHIN PARCEL A, CITY OF AUBURN LOT LINE ADJUSTMENT NO. BLA 13-0007, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDING NO. 20131108900002, RECORDS OF KING COUNTY, STATE OF WASHINGTON; (ABOVE DESCRIPTION AS ESTABLISHED OF RECORD UPON AFOREMENTIONED LOT LINE ADJUSTMENT SURVEYED BY DAVID A. IRONMONGER, DATED OCTOBER 22, 2013.)

TOGETHER WITH VACATED ALLEY ADJOINING, ACCORDING TO CITY OF AUBURN ORDINANCE NO. 3200, RECORDED UNDER RECORDING NO. 7710130225 AND RECORDING NO. 7711100780, RECORDS OF KING COUNTY, STATE OF WASHINGTON; (ABOVE DESCRIPTION AS ESTABLISHED OF RECORD BY AFOREMENTIONED ORDINANCE NO. 3200, BY SAID INSTRUMENTS RECORDED AT RECORDING NUMBERS 7710130225 AND 7711100780 RECORDED BY THE CITY OF AUBURN.) AND

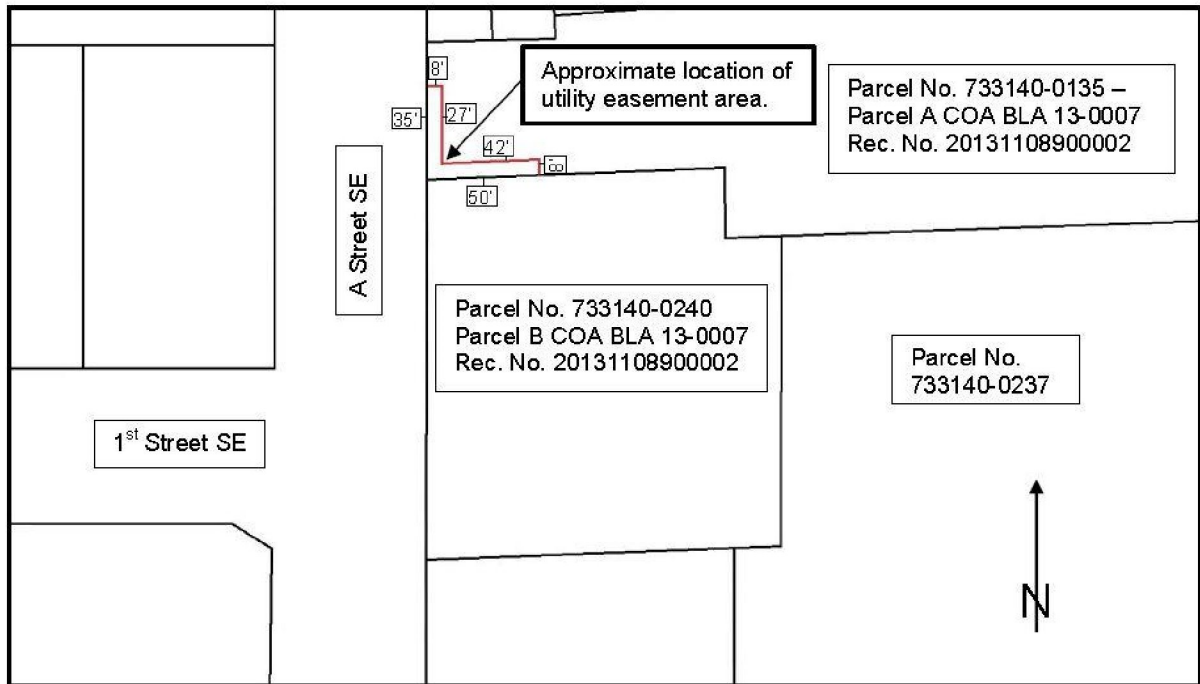
TOGETHER WITH VACATED ROAD AND ALLEY ADJOINING, ACCORDING TO CITY OF AUBURN ORDINANCE NO. 6614, RECORDED UNDER RECORDING NO. 20161010000262, RECORDS OF KING COUNTY, STATE OF WASHINGTON. (ABOVE DESCRIPTION AS ESTABLISHED OF RECORD BY AFOREMENTIONED ORDINANCE NO. 6614, BY SAID INSTRUMENTS RECORDED AT RECORDING NUMBER 20161010000262 RECORDED BY THE CITY OF AUBURN.)

Assessor's Tax Parcel ID# 733140-0135

## **EXHIBIT B**

### Depiction of Utility Easements

DRAWING IS NOT TO SCALE



**EXHIBIT C**

Encumbered Property

PARCEL A, CITY OF AUBURN LOT LINE ADJUSTMENT NO. BLA 13-0007, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDING NO. 20131108900002, RECORDS OF KING COUNTY, STATE OF WASHINGTON;

(ABOVE DESCRIPTION AS ESTABLISHED OF RECORD UPON AFOREMENTIONED LOT LINE ADJUSTMENT SURVEYED BY DAVID A. IRONMONGER, DATED OCTOBER 22, 2013.)

TOGETHER WITH VACATED ALLEY ADJOINING, ACCORDING TO CITY OF AUBURN ORDINANCE NO. 3200, RECORDED UNDER RECORDING NO. 7710130225 AND RECORDING NO. 7711100780, RECORDS OF KING COUNTY, STATE OF WASHINGTON;

(ABOVE DESCRIPTION AS ESTABLISHED OF RECORD BY AFOREMENTIONED ORDINANCE NO. 3200, BY SAID INSTRUMENTS RECORDED AT RECORDING NUMBERS 7710130225 AND 7711100780 RECORDED BY THE CITY OF AUBURN.)

AND

TOGETHER WITH VACATED ROAD AND ALLEY ADJOINING, ACCORDING TO CITY OF AUBURN ORDINANCE NO. 6614, RECORDED UNDER RECORDING NO. 20161010000262, RECORDS OF KING COUNTY, STATE OF WASHINGTON.

(ABOVE DESCRIPTION AS ESTABLISHED OF RECORD BY AFOREMENTIONED ORDINANCE NO. 6614, BY SAID INSTRUMENTS RECORDED AT RECORDING NUMBER 20161010000262 RECORDED BY THE CITY OF AUBURN.)

Assessor's Tax Parcel ID# 733140-0135

**RETURN ADDRESS:**

**Puget Sound Energy, Inc.  
Attn: ROW Department (SAM)  
PO Box 97034 / EST-06W  
Bellevue, WA 98009-9734**



**EASEMENT**

**REFERENCE #:**

**GRANTOR (Owner): CITY OF AUBURN, a municipal corporation**

**GRANTEE (PSE): PUGET SOUND ENERGY, INC.**

**SHORT LEGAL: Portion of NW ¼ of the SW ¼ of Section 18, T21N, R5E, W.M., King County**

**ASSESSOR'S PROPERTY TAX PARCEL: 733140-0135**

For and in consideration of good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **CITY OF AUBURN**, a municipal corporation of the State of Washington ("Owner" herein), hereby grants and conveys to **PUGET SOUND ENERGY, INC.**, a Washington corporation ("PSE" herein), for the purposes described below, a nonexclusive perpetual easement over, under, along across and through the following described real property (the "Property" herein) in King County, Washington:

**SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.**

Except as may be otherwise set forth herein PSE's rights shall be exercised upon that portion of the Property ("Easement Area" herein) described as follows:

**THE WEST EIGHT (8) FEET OF THE SOUTH THIRTY-FIVE (35) FEET, ADJOINING THE SOUTH EIGHT (8) FEET OF THE EAST FORTY-TWO (42) FEET OF THE WEST FIFTY (50) FEET LYING WITHIN THE ABOVE DESCRIBED PROPERTY.**

A DIAGRAM ILLUSTRATED IN EXHIBIT "B" DEPICTING THE APPROXIMATE LOCATION OF SAID EASEMENT IS ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF, AS A VISUAL AID ONLY.

**1. Purpose.** PSE shall have the right to use the Easement Area to construct, operate, maintain, repair, replace, improve, remove, upgrade and extend one or more utility systems for purposes of transmission, distribution and sale of gas. Such systems may include, but are not limited to:

**Underground Facilities.** Pipes, pipelines, mains, laterals, conduits, regulators, gauges and rectifiers for gas; fiber optic cable and other lines, cables and facilities for communications; semi-buried or ground-mounted facilities and pads, manholes, meters, fixtures, attachments and any and all other facilities or appurtenances necessary or convenient to any or all of the foregoing.

Following the initial construction of all or a portion of its systems, PSE may, from time to time, construct such additional facilities as it may require for such systems. PSE shall have the right of access to the Easement Area over and across the Property to enable PSE to exercise its rights granted in this easement.

**2. Easement Area Clearing and Maintenance.** PSE shall have the right, but not the obligation to cut, remove and dispose of any and all brush, trees or other vegetation in the Easement Area. PSE shall also have the right, but not the obligation, to control, on a continuing basis and by any prudent and reasonable means, the establishment and growth of brush, trees or other vegetation in the Easement Area.

**3. Trees Outside Easement Area.** PSE shall have the right to cut, trim remove and dispose of any trees located on the Property outside the Easement Area that could, in PSE's sole judgment, interfere with or create a hazard to PSE's systems. PSE shall, except in the event of an emergency, prior to the exercise of such right, identify such trees and make a reasonable effort to give Owner prior notice that such trees will be cut, trimmed, removed or disposed. Owner shall be entitled to compensation for the actual market value of merchantable timber (if any) cut and removed from the Property by PSE.

**4. Restoration.** Following initial installation, repair or extension of its facilities, PSE shall, to the extent reasonably practicable, restore landscaping and surfaces and portions of the Property affected by PSE's work to the condition existing immediately prior to such work, unless said work was done at the request of Owner, in which case Owner shall be responsible for such restoration. All restoration which is the responsibility of PSE shall be performed as soon as reasonably possible after the completion of PSE's work and shall be coordinated with Owner so as to cause the minimum amount of disruption to Owner's use of the Property.

**5. Owner's Use of Easement Area.** Owner reserves the right to use the Easement Area for any purpose not inconsistent with the rights herein granted, provided, however, Owner shall not excavate within or otherwise change the grade of the Easement Area or construct or maintain any buildings or structures on the Easement Area and Owner shall do no blasting within 300 feet of PSE's facilities without PSE's prior written consent.

**6. Indemnity.** PSE agrees to indemnify Owner from and against liability incurred by Owner as a result of the negligence of PSE or its contractors in the exercise of the rights herein granted to PSE, but nothing herein shall require PSE to indemnify Owner for that portion of any such liability attributable to the negligence of Owner or the negligence of others.

**7. Termination.** The rights herein granted shall continue until such time as PSE terminates such right by written instrument. If terminated, any improvements remaining in the Easement Area shall become the property of Owner. No termination shall be deemed to have occurred by PSE's failure to install its systems on the Easement Area.

**8. Successors and Assigns.** PSE shall have the right to assign, apportion or otherwise transfer any or all of its rights, benefits, privileges and interests arising in and under this easement. Without limiting the generality of the foregoing, the rights and obligations of the parties shall be binding upon their respective successors and assigns.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

GRANTOR:

**The City of Auburn, a municipal corporation of the State of Washington,**

By: \_\_\_\_\_

Printed  
Name: \_\_\_\_\_

Its (Title): \_\_\_\_\_

Gas Easement  
City of Auburn (101 Auburn Way South in Auburn)  
WO 109099599 / RW-098213  
Page 2 of 5



STATE OF WASHINGTON )  
 ) SS  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared \_\_\_\_\_, to me known to be the person(s) who signed as \_\_\_\_\_, of **The City of Auburn, a municipal corporation of the State of Washington** that executed the within and foregoing instrument, and acknowledged said instrument to be his/her free and voluntary act and deed and the free and voluntary act and deed of said municipal corporation for the uses and purposes therein mentioned; and on oath stated that he/she was authorized to execute the said instrument on behalf of said municipal corporation.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.

\_\_\_\_\_  
(Signature of Notary)

\_\_\_\_\_  
(Print or stamp name of Notary)

**NOTARY PUBLIC** in and for the State of Washington, residing

at \_\_\_\_\_  
My Appointment Expires: \_\_\_\_\_

Notary seal, text and all notations must be inside 1" margins

**EXHIBIT "A"**  
**LEGAL DESCRIPTION OF SERVIENT TENEMENT**

**PARCEL A, CITY OF AUBURN LOT LINE ADJUSTMENT No. BLA 13-0007, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDING No. 20131108900002, RECORDS OF KING COUNTY, STATE OF WASHINGTON;**

**(ABOVE DESCRIPTION AS ESTABLISHED OF RECORD UPON  
AFOREMENTIONED LOT LINE ADJUSTMENT SURVEYED BY DAVID A.  
IRONMONGER, DATED OCTOBER 22, 2013.)**

**TOGETHER WITH VACATED ALLEY ADJOINING, ACCORDING TO CITY OF AUBURN  
ORDINANCE No. 3200, RECORDED UNDER RECORDING No. 7710130225 AND  
RECORDING No. 7711100780, RECORDS OF KING COUNTY, STATE OF WASHINGTON;**

**(ABOVE DESCRIPTION AS ESTABLISHED OF RECORD BY  
AFOREMENTIONED ORDINANCE No. 3200, BY SAID INSTRUMENTS  
RECORDED AT RECORDING NUMBERS 7710130225 AND 7711100780  
RECORDED BY THE CITY OF AUBURN.)**

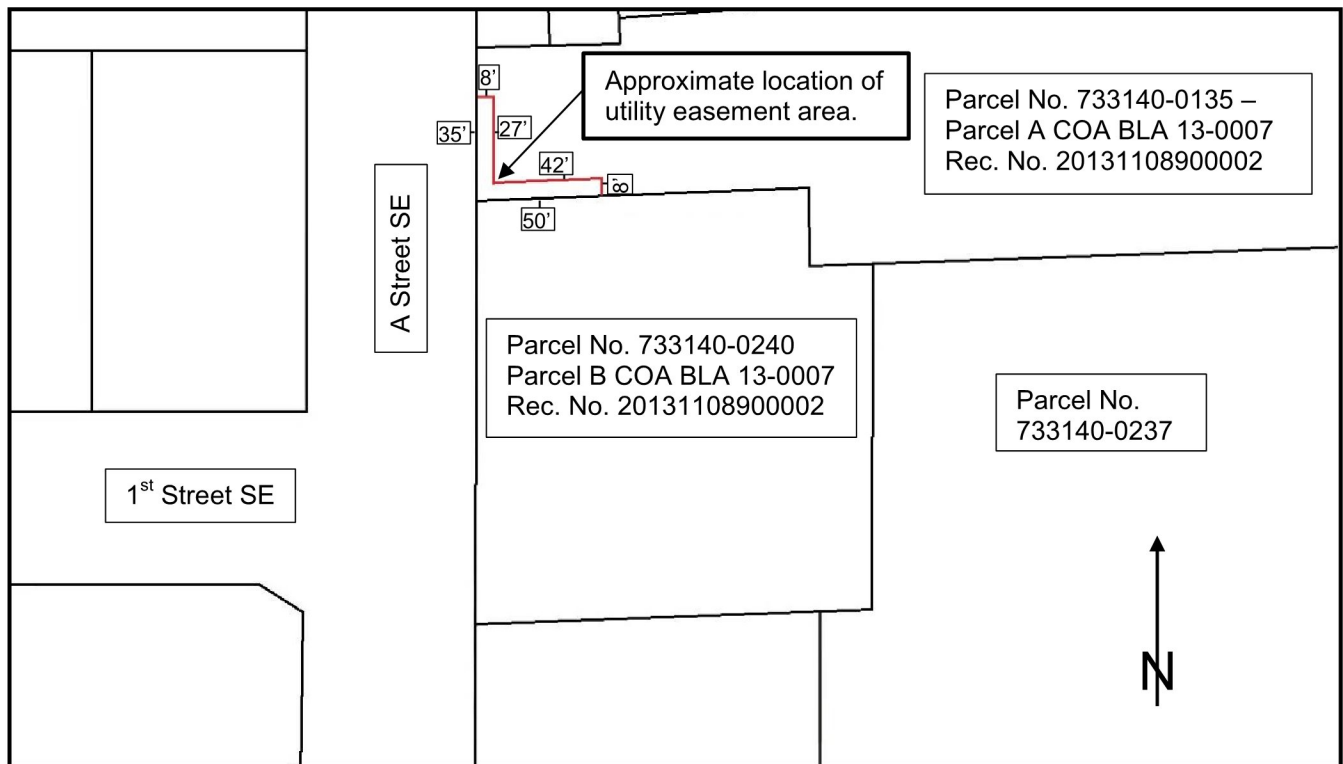
**AND**

**TOGETHER WITH VACATED ROAD AND ALLEY ADJOINING, ACCORDING TO CITY OF  
AUBURN ORDINANCE No. 6614, RECORDED UNDER RECORDING No.  
20161010000262, RECORDS OF KING COUNTY, STATE OF WASHINGTON.**

**(ABOVE DESCRIPTION AS ESTABLISHED OF RECORD BY  
AFOREMENTIONED ORDINANCE No. 6614, BY SAID INSTRUMENTS  
RECORDED AT RECORDING NUMBER 20161010000262 RECORDED BY  
THE CITY OF AUBURN.)**

## EXHIBIT "B" EASEMENT DEPICTION

DRAWING IS NOT TO SCALE



THIS MAP IS NOT INTENDED TO REPRESENT THE PRECISE LOCATION OR THE EXTENT OF THE PUGET SOUND ENERGY'S PRESENT OR FUTURE FACILITIES.