



**City Council Meeting
November 3, 2014 - 7:30 PM
Auburn City Hall
AGENDA**

[Watch the meeting LIVE!](#)

[Watch the meeting video](#)

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

I. CALL TO ORDER

A. Flag Salute

B. Roll Call

C. Announcements, Appointments, and Presentations

1. Award Presentation to Chaplain Alicia Tomlan
2. Boards and Commissions Appointments
City Council to confirm the reappointment of Mary Riel and Angelina Zalutskiy to the Auburn Junior City Council for two-year terms expiring August 31, 2015.

(RECOMMENDED ACTION: City Council confirm the reappointments to the Junior City Council.)

3. Boards and Commissions Appointments
City Council to confirm the appointment of Brandon Berend to the Auburn Junior City Council for a two-year term to expire August 31, 2015.

(RECOMMENDED ACTION: City Council confirm the appointment to the Junior City Council.)

D. Agenda Modifications

II. CITIZEN INPUT, PUBLIC HEARINGS & CORRESPONDENCE

A. Public Hearings

No public hearing is scheduled for this evening.

B. Audience Participation

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

C. Correspondence

There is no correspondence for Council review.

III. COUNCIL COMMITTEE REPORTS

A. **Municipal Services**

1. **October 27, 2014 Minutes* (Peloza)**

B. **Planning & Community Development**

1. The next regular meeting of the Planning & Community Development Committee is scheduled for November 10, 2014 (Holman)

C. **Public Works**

1. **October 20, 2014 Minutes* (Osborne)**

D. **Finance**

1. **October 20, 2014 Minutes* (Wales)**

E. **Les Gove Community Campus**

1. The next regular meeting of the Les Gove Community Campus Committee is scheduled for November 26, 2014 (Wagner)

F. **Council Operations Committee**

1. The next regular meeting of the Council Operations Committee is scheduled for November 17, 2014 (Wagner)

G. **Junior City Council**

1. The next regular meeting of the Junior City Council is scheduled for November 17, 2014 (Wagner)

IV. **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 20, 2014 Regular Meeting***

B. **Minutes of the October 13, 2014 Special City Council Meeting***

C. **Minutes of the October 20, 2014 Special City Council Meeting***

D. **Claims Vouchers (Wales/Coleman)**

Claims voucher numbers 430974 through 431137 in the amount of \$1,534,685.34 and four wire transfers in the amount of \$58,965.29 and dated November 3, 2014.

E. **Payroll Vouchers (Wales/Coleman)**

Payroll check numbers 53506 through 535090 in the amount of \$271,614.07 and electronic deposit transmissions in the amount of \$1,287,962.99 for a grand total of \$1,559,577.06 for the period covering October 16, 2014 to October 29, 2014.

F. **Public Works Project No. CP0915* (Osborne/Snyder)**

City Council grant permission to advertise for bids for Project No. CP0915 Well 1 On-site Improvements

G. **Public Works Project No. C512A* (Osborne/Snyder)**

City Council reject all bids to Contract No. 13-12 for Project No. C512A, Well 4 Emergency Power Improvements and grant permission to re-advertise for bids

H. **Public Works Project No. CP1409* (Osborne/Snyder)**

City Council award Small Works Contract No. 14-20, to Scotty's General Construction, Inc. on their low bid of \$86,590.00 for Project No. CP1409, Oravetz PI SE Flooding Mitigation

(RECOMMENDED ACTION: City Council approve the Consent Agenda.)

V. **UNFINISHED BUSINESS**

There is no unfinished business.

VI. **NEW BUSINESS**

There is no new business.

VII. **ORDINANCES**

A. **Ordinance No. 6519* (Wagner/Heid)**

An Ordinance of the City Council the City of Auburn, Washington, creating a new Chapter 2.92 of the Auburn City Code, providing for a Code of Ethics

(RECOMMENDED ACTION: City Council adopt Ordinance No. 6519.)

B. **Ordinance No. 6532* (Wagner/Heid)**

An Ordinance of the City Council of the City of Auburn, Washington, amending Sections 2.03.100, 2.07.080, 2.12.010, 3.04.270, 3.04.280, 3.10.028, 5.20.050, 5.20.070, 8.24.040, 10.41.010, 10.64.020, 10.64.090, 10.64.120, 12.04.010, 12.04.050, 12.32.020, 12.60.040, 12.60.050, 12.60.070, 14.18.030, 14.18.050, 14.18.060, 14.22.040, 14.22.080, 14.22.090, 16.08.020, 17.02.090, 18.08.090, 18.29.070, 18.68.020, 18.76.080, 20.04.030, 20.06.030, and 20.08.030 of the City Code, amending Chapter 2.06 of the City Code and repealing Section 12.20.050 of the City Code relating to the change of format of the City Council from Council Committees to Study Sessions

(RECOMMENDED ACTION: City Council adopt Ordinance No. 6532.)

C. **Ordinance No. 6536* (Wagner/Heid)**

An Ordinance of the City Council of the City of Auburn, Washington, amending Section 2.03.030 of the Auburn City Code relating to the surplusing of personal property of the City

(RECOMMENDED ACTION: City Council adopt Ordinance No. 6536.)

D. **Ordinance No. 6537* (Holman/Snyder)**

An Ordinance of the City Council of the City of Auburn, Washington, amending Section 17.09.010 of the Auburn City Code related to short plat thresholds

(RECOMMENDED ACTION: City Council adopt Ordinance No. 6537.)

VIII. RESOLUTIONS

A. **Resolution No. 5105* (Wagner/Heid)**

A Resolution of the City Council of the City of Auburn, Washington, amending the City Council Rules of Procedure as adopted by Ordinance No. 5802 and amended by Resolution Nos. 4282, 4429, 4467, 4615, 4686, 4740, 4813 and 4909

(RECOMMENDED ACTION: City Council adopt Resolution No. 5105.)

B. **Resolution No. 5109* (Osborne/Snyder)**

A Resolution of the City Council of the City of Auburn, Washington, declaring and confirming the determination of emergency for damage to 8th Street NE between Harvey Road and Henry Road caused by a vehicle-hydrant collision on October 22, 2014 and ratifying and confirming prior acts

(RECOMMENDED ACTION: City Council adopt Resolution No. 5109.)

IX. 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**

X. 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.

*Denotes attachments included in the agenda packet.



AGENDA BILL APPROVAL FORM

Agenda Subject:

October 27, 2014 Minutes

Date:

October 29, 2014

Department:

Police

Attachments:

[October 27, 2014 Minutes](#)

Budget Impact:

\$0

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

Municipal Services

Councilmember: Peloza

Staff:

Meeting Date: November 3, 2014

Item Number: MS.1



**Municipal Services Committee
October 27, 2014 - 3:30 PM
City Hall Conference Room 3
MINUTES**

I. CALL TO ORDER

Chair Peloza called the meeting to order at 3:30 p.m. in Conference Room 3 of City Hall, 25 West Main Street, Auburn, WA.

A. Roll Call

Member present: Chair Bill Peloza, Vice Chair Wayne Osborne and Member Claude DaCorsi.

Staff present were: Mayor Nancy Backus; Chief of Police Bob Lee; Assistant Chief of Police Bill Pierson; City Attorney Dan Heid; IT Director Ron Tiedeman; Assistant Director of Engineering/City Engineer Ingrid Gaub; Assistant Finance Director Paula Barry; Transportation Manager Pablo Para; and Police Secretary Sue Van Slyke.

Others present: Robert Whale of the Auburn Reporter.

B. Announcements

There were no announcements.

C. Agenda Modifications

There were no agenda modifications.

II. CONSENT AGENDA

A. October 13, 2014 Minutes

Vice Chair Osborne moved and Member DaCorsi seconded to approved the October 13, 2014 Municipal Services Committee meeting minutes as written.

Motion carried unanimously. 3-0

III. ACTION

A. Resolution No. 5106 (Tiedeman)

Chair Bill Peloza introduced IT Director Ron Tiedeman who briefed the Committee on Resolution No. 5106 which will establish a

contract with Gatso USA for photo enforcement throughout the City of Auburn. IT was directed publish an RFP for services similar to RedFlex, which is currently on contract with the City for photo enforcement. Gatso USA is the preferred provider due to their advanced technology in providing license plate data, mobility of fully enclosed portable units and willingness to accommodate the needs of the City.

Director Tiedeman stated that Resolution No. 5106 has been reviewed by the Public Works and Finance Committees. Committee discussion followed. Vice Chair Osborne requested clarity on the number of camera locations. It was explained that a committee will be established to determine the location of cameras, utilizing existing poles and adding new locations around our schools. Chair Peloza inquired if other cities and police departments had been contacted during the bid process to gain insight as to whether the Gatso system has been beneficial. Assistant Chief of Police Bill Pierson expressed that he had contacted two police departments and was told they were satisfied with the results. Director Tiedeman contacted cities in Oregon and Iowa with the same positive response. Attorney Heid said that if this contract is accepted, the City of Auburn would be the first in Washington to take advantage of this technology.

After a thorough review of the contract, the Committee suggested minor changes for clarity purposes. City Attorney Dan Heid will make corrections.

Member DaCorsi moved and Vice Chair Osborne seconded to move Resolution No. 5106 to full council for consideration. Chair Peloza concurred. Motion passed: 3-0

IV. DISCUSSION ITEMS

A. Project Matrix

There were no changes to the Project Matrix.

V. ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 4:51 p.m.

APPROVED this _____ day of _____, 2014

Bill Peloza, Chair

Sue Van Slyke, Police Secretary



AGENDA BILL APPROVAL FORM

Agenda Subject:

October 20, 2014 Minutes

Date:

October 28, 2014

Department:

Public Works

Attachments:

[Draft Minutes](#)

Budget Impact:

\$0

Administrative Recommendation:**Background Summary:**

See attached draft minutes.

Reviewed by Council Committees:

Public Works

Councilmember: Osborne

Staff:

Meeting Date: November 3, 2014

Item Number: PW.1



**Public Works Committee
October 20, 2014 - 3:30 PM
Annex Conference Room 2
MINUTES**

I. CALL TO ORDER

Chairman Wayne Osborne called the meeting to order at 3:30 p.m. in Conference Room #2, located on the second floor of Auburn City Hall, One East Main Street, Auburn, Washington.

A. Roll Call

Chairman Wayne Osborne, Vice-Chair Bill Peloza, and Member Claude DaCorsi were present. Also present during the meeting were: Mayor Nancy Backus, Community Development & Public Works Director Kevin Snyder, Assistant Director of Engineering/City Engineer Ingrid Gaub, Assistant City Engineer Jacob Sweeting, Utility Engineering Manager Lisa Tobin, Transportation Manager Pablo Para, Water Utility Engineer Susan Fenhaus, Planning & Design Services Manager Elizabeth Chamberlain, Financial Planning Manager Bob Brooks, Water Manager Allen Hunter and Public Works Secretary Molly Mendez.

B. Announcements

1. Announcements
Public comment will be accepted on Discussion Item E.

C. Agenda Modifications

There was one agenda modification, removing Action Item A, Public Works Project No. C512A, from the agenda.

II. CONSENT AGENDA

A. Approval of Minutes

Public Works Committee to approve the minutes of the October 6, 2014 Public Works Committee meeting

It was moved by Vice-Chair Peloza, seconded by Member DaCorsi, that the Committee approve the Public Works Committee Meeting minutes for date, October 6, 2014.

Motion carried 3-0.

III. ACTION

- A. Public Works Project No. C512A (Wickstrom)
Award Contract No. 13-12, to Gary Harper Construction, Inc. on their Low Bid of \$870,696.00 plus Washington State Sales Tax of \$82,716.12 for a Total Contract Price of \$953,412.12 for Project No. C512A, Well 4 Emergency Power Improvements

Action Item A was removed from the agenda.

- B. Resolution No. 5108 (Tobin)
A Resolution of the City Council of the City of Auburn, Washington, Authorizing the Public Works Committee to Appoint the City of Auburn Representatives to the King County Metropolitan Water Pollution Abatement Advisory Committee

Utility Engineering Manager Tobin provided a brief background summary of Resolution No. 5108 and reviewed the draft letter identifying the City's representative and alternates. There were no questions from the Committee.

It was moved by Vice-Chair Pelorza, seconded by Member DaCorsi, that the Committee adopt Resolution No. 5108.

Motion carried 3-0.

IV. **DISCUSSION ITEMS**

- A. Ordinance No. 6534 (Chamberlain)
An Ordinance of the City Council of the City of Auburn, Washington, amending Section 18.29.060 of the Auburn City Code related to floor area ratio in the Downtown Urban Center Zone.

For the purpose of these minutes, this item was discussed after Discussion Item C.

Planning & Design Services Manager Chamberlain provided a brief background summary of Ordinance No. 6534. Chamberlain stated Ordinance No. 6534 already went before the Planning Commission which held a public hearing on October 7, 2014. There was no public testimony. The Planning Commission recommended approval of the code change. Ordinance No. 6534 also went to the Planning and Community Development Committee on October 13, 2014 and the Committee concurred with Planning Commission's recommendation.

Planning & Design Services Manager Chamberlain responded to a question asked by Chairman Osborne regarding the building height limit of 75 feet and that this could be reviewed in the City's Comprehensive Planning effort.

In response to a question asked by Chairman Osborne, Planning & Design Services Manager Chamberlain provided definition of "life of the project" as mentioned on page 29 of the packet.

- B. Ordinance No. 6537 (Chamberlain)
An Ordinance of the City Council of the City of Auburn, Washington, amending Section 17.09.010 of the Auburn City Code related to short plat thresholds.

Planning & Design Services Manager Chamberlain provided a brief background summary of Ordinance No. 6537. There were no questions from the Committee.

- C. System Development Charges (Tobin/Fenhaus)

For the purpose of these minutes, this item was discussed before Discussion Item A.

Utility Engineering Manager Tobin invited Financial Planning Manager Brooks and Water Utility Engineer Fenhaus to join her at the table as this has been a collaborative effort.

Using a slideshow presentation, Utilities Engineering Manager Tobin briefed the Committee on the System Development Charges.

This was followed by a group discussion.

The Committee reached consensus on Option 1 – Full Water and Sewer SDC increase to be effective in January 2015, with annual updates to the Water, Sewer, and Storm SDCs in subsequent years based on the Construction Cost Index (CCI), but not to be an annual change less than zero.

Staff will provide a similar briefing for the full council before the proposed fee schedule is brought to the council for action.

- D. Cross Connection Control Program (Fenhaus)

For the purpose of these minutes, this item was discussed after Discussion Item B.

Water Utility Engineer Fenhaus provided informational materials which explained the Cross Connection Control Program. Fenhaus briefly reviewed the presentation materials with the Committee.

Water Utility Engineer Fenhaus introduced Allen Hunter, the Water Manager at Maintenance and Operations, to the Committee. Water Utility Engineer Fenhaus mentioned that Water Manager Hunter has extensive knowledge with cross connection as he used to be the Cross Connection Specialist.

Water Manager Hunter further explained that Washington Administrative Code requires Public Water Systems to address "Table 9 Facilities" which are facilities that could pose a health concern because of the risk of death, spread of disease or illness. The Department of Health has mandated water systems to concentrate on medical facilities. The City program has identified 65 facilities within that category, and to date, 55 of them have the required premise isolation with the approved backflow device. The staff continue to work with the remaining 10. The Washington Administrative Code also requires Public Water Systems to track backflow assemblies used to protect the water system. The City currently tracks 2600 assemblies, all of which require annual testing by the owner.

Following a question asked by Member DaCorsi, Water Utility Engineer Fenhaus explained the City process for existing facilities.

E. Water Use Efficiency Program (Fenhaus)

Water Utility Engineer Fenhaus indicated this is Chapter 8 of the Water System Comprehensive Plan. Fenhaus noted that a requirement for putting together a Water Use Efficiency Program is to hold a public meeting where public comments are accepted. There were no public comments received.

Water Utility Engineer Fenhaus pointed out some highlights as seen in the memorandum on page 48 of the packet.

There was a group discussion regarding Distribution System Leakage following a question asked by Chairman Osborne.

Water Utility Engineer Fenhaus will investigate the numbers in the chart on page 70 of the packet, specifically the "Schools" column as pointed out by Vice-Chair Peloza.

Water Utility Engineer Fenhaus responded to a question asked by Chairman Osborne regarding the average consumption per account (single family) on the chart on page 72 of the packet.

F. Capital Project Status Report (Sweeting)

Item 6 – CP1024 – AWS and M Street SE Intersection Improvements:

Assistant City Engineer Sweeting provided the Committee with a project status update in response to a question asked by Member DaCorsi.

Item 10 – CP1308 – BNSF Utility Crossings Project:

Chairman Osborne requested staff keep the Committee updated on this project as this contractor has not been used by the City before.

Assistant City Engineer Sweeting indicated staff will keep the Committee informed.

Item 28 – CP1406 – West Main Street Traffic Signal Upgrades:
Assistant City Engineer Sweeting replied to a question asked by Vice-Chair Pelosa regarding the completion date of this project.

G. Significant Infrastructure Projects by Others - Public Works Status Report (Gaub)

There were no questions from the Committee.

H. Action Tracking Matrix (Gaub)

Assistant Director of Engineering/City Engineer Gaub reviewed the previous discussion on the 105th Place SE at 107th with committee; staff indicated they would investigate the site to see whether additional signage could be installed in the interim until the repair work could be done next year. Staff is completing this investigation.

Assistant City Engineer Sweeting noted this section of the road is scheduled with the capital projects to go out early next year. Sweeting advised the Committee that this is Item 17 on the Capital Project Status Report.

V. **ADJOURNMENT**

There being no further business to come before the Public Works Committee, the meeting was adjourned at 5:03 p.m.

Approved this 3rd day of November, 2014.

Wayne Osborne
Chairman

Molly Mendez
Public Works Department Secretary



AGENDA BILL APPROVAL FORM

Agenda Subject:

October 20, 2014 Minutes

Date:

October 28, 2014

Department:

Finance

Attachments:

[Finance Committee Minutes](#)

Budget Impact:

\$0

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

Finance

Councilmember: Wales

Staff:

Meeting Date: November 3, 2014

Item Number: FN.1



**Finance Committee
October 20, 2014 - 5:00 PM
Annex Conference Room 1
MINUTES**

I. CALL TO ORDER

Chair Largo Wales called the meeting to order at 5:00 p.m. in Annex Conference Room 1 located on the second floor of the City Hall Annex at 1 East Main Street in Auburn.

A. Roll Call

Chair Wales, Vice Chair John Holman and Member Yolanda Trout were present.

Officials and staff members present included: Mayor Nancy Backus, Assistant Finance Director Paula Barry, Assistant Chief of Police Bill Pierson, Innovation and Technology Director Ron Tiedeman, City Attorney Dan Heid, Utilities Engineering Manager Lisa Tobin, 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

A. Minutes of the October 6, 2014 Regular Meeting

Vice Chair Holman moved and Member Trout seconded to approve the October 6, 2014 minutes.

MOTION CARRIED UNANIMOUSLY. 3-0

B. Claims Vouchers (Coleman)

Claims voucher numbers 430757 through 430973 in the amount of \$5,228,167.22 and two wire transfers in the amount of \$80,236.00 and dated October 20, 2014.

Vice Chair Holman moved and Member Trout seconded to approve the claims and payroll vouchers.

MOTION CARRIED UNANIMOUSLY. 3-0

- C. Payroll Vouchers (Coleman)
Payroll check numbers 535022 through 535055 in the amount of \$839,353.14, electronic deposit transmissions in the amount of \$1,274,085.48 for a grand total of \$2,113,438.62 for the period covering October 2, 2014 to October 15, 2014.

See claims vouchers above for approval.

III. DISCUSSION ITEMS

- A. Resolution No. 5106 (Tiedeman)
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 GATSO USA, Inc., for photo red light and speed enforcement programs

Director Tiedeman presented Resolution No. 5106. The proposed vendor will identify intersections to place the red light cameras. If the revenue from a particular location is not sufficient the vendor will move the camera to a different location. The proposed agreement is revenue neutral for the City.

Chair Wales asked if the proposed vendor could use the existing infrastructure. Director Tiedeman explained if they use the same intersections they could. The proposed vendor's equipment is not hard wired so the equipment can be moved to different locations.

Vice Chair Holman stated the purpose of red light cameras is traffic enforcement. There is no evidence of a reduction in traffic accidents.

Transportation Manager Para explained the purpose of the red light camera is to reduce the number of cars that run the red lights.

Member Trout expressed a concern regarding citizens receiving tickets in error. Assistant Chief Pierson explained a live traffic officer reviews all footage and issues all tickets.

- B. Resolution No. 5108 (Tobin)
A Resolution of the City Council of the City of Auburn, Washington, authorizing the Public Works Committee to appoint the City of Auburn representatives to the King County Metropolitan Water Pollution Abatement Advisory Committee

Utilities Engineering Manager Tobin presented Resolution No. 5108. She explained that at her previous employer she had been a designated representative of the King County Metropolitan Water Pollution Abatement Advisory Committee (MWPAAC), which allowed her to serve as the Chair of the Engineering and Planning Subcommittee of MWPAAC. She would like to continue to serve as Chair of the Subcommittee representing the City of Auburn, which requires that she be appointed as a City of Auburn representative to MWPAAC.

IV. **ADJOURNMENT**

There being no further business to come before the Committee, the meeting adjourned at 5:23 p.m.

APPROVED this 3rd day of November, 2014.

LARGO WALES, CHAIR

Shawn Campbell, Deputy City Clerk



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the October 20, 2014 Regular Meeting

Date:

October 28, 2014

Department:

Administration

Attachments:

[Minutes](#)

Budget Impact:

\$0

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

Meeting Date: November 3, 2014

Item Number: CA.A



**City Council Meeting
October 20, 2014 - 7:30 PM
Auburn City Hall
MINUTES**

I. CALL TO ORDER

A. Flag Salute

Mayor Nancy Backus called the meeting to order at 7:30 p.m. and led those in attendance in the Pledge of Allegiance.

B. Roll Call

City Councilmembers present: Bill Pelozza, Largo Wales, Wayne Osborne, John Holman, Claude DaCorsi, and Yolanda Trout.

Deputy Mayor Rich Wagner was excused.

Department Directors and staff members present included: Community Development and Public Works Director Kevin Snyder, City Attorney Daniel B. Heid, Assistant Finance Director Paula Barry, Customer Care Manager Brenda Goodson-Moore, Parks, Arts and Recreation Director Daryl Faber, Director of Administration Michael Hursh, Public Affairs and Marketing Liaison Dana Hinman, Police Commander Mark Caillier, and Deputy City Clerk Shawn Campbell.

C. Announcements, Appointments, and Presentations

1. Domestic Violence Awareness & Prevention Month

Mayor Backus to proclaim the month of October as "Domestic Violence Awareness & Prevention Month" in the City of Auburn

Mayor Backus read a proclamation declaring the month of October 2014 as Domestic Violence Awareness and Prevention Month. City of Auburn Domestic Violence Victim Advocate Shelley David, Valley Cities Counselor Kim Hicks and Janet Chance accepted the proclamation.

Ms. David thanked the Council for making it an additional crime for children to witness or hear domestic violence. Ms. Hicks informed Council she works with abusers and with treatment she has seen change. Ms. Chance invited all Councilmembers to attend a Domestic Violence impact panel.

2. 2014 Tree Steward

Mayor Backus to declare the U.S. General Services Administration, Region 10, the City's "2014 Tree Steward" for preserving and caring for the Weeping Willow Tree located at 400 -15th St SW and hereby declaring it a "Significant Tree"

Mayor Backus read a proclamation proclaiming U.S. General Services Administration, Region 10, the City's "2014 Tree Steward" for preserving and caring for the Weeping Willow Tree located at 400 -15th St SW and declaring it a "Significant Tree". Director Faber requested citizens

nominate trees in the City to the Tree Board as Significant Trees for future designation.

D. Agenda Modifications

Item G, Public Works Project No. C512A was removed from the consent agenda.

II. CITIZEN INPUT, PUBLIC HEARINGS & CORRESPONDENCE

A. Public Hearings

No public hearing was scheduled for this evening.

B. Audience Participation

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

Elam Anderson, 301 23rd Street SE, Auburn
Mr. Anderson stated the City has posted his property with a Stop Work order. He expressed his frustration with the permitting process in the City of Auburn.

C. Correspondence

There was no correspondence for City Council review.

III. COUNCIL COMMITTEE REPORTS

A. Municipal Services

Chair Peloza reported the Municipal Services Committee met on October 13, 2014. The Committee discussed the animal control program and received a briefing on the crime activity mapping program. The next regular meeting of the Municipal Services Committee is scheduled for Monday, October 27, 2014.

B. Planning & Community Development

Chair Holman reported the Planning and Community Development Committee met October 13, 2014. The Committee discussed the use of recreational vehicles as supplemental housing and an ordinance regarding floor area ratio. The Committee also reviewed the directors report. The next regular meeting of the Planning and Community Development Committee is scheduled for October 27, 2014.

C. Public Works

Chair Osborne reported the Public Works Committee met this afternoon at 3:30. The Committee forwarded to full Council for consideration Resolution No. 5108 regarding the Public Works Committee appointing an additional representative to the King County Metropolitan Water Pollution Abatement Advisory Committee. The Committee also discussed Ordinance No. 6534 regarding floor area ratio in the Downtown Urban Core and Ordinance No. 6537 regarding changes to short plat requirements. The Committee received a briefing on the Utility System Development Charges, the Cross Connection Control Program, Water Comprehensive Plan, the capital project status report, significant infrastructure projects by others, and the Committee's action tracking matrix. The next

regular meeting of the Public Works Committee is scheduled for November 3, 2014.

D. Finance

Chair Wales reported the Finance Committee met this evening at 5:00. The Committee reviewed claims vouchers in the amount of \$5.3 million and payroll vouchers in the amount of \$2.1 million. The Committee discussed Resolution No. 5106 regarding photo enforcement and Resolution No. 5108 regarding the Public Works Committee appointing an additional representative to the King County Metropolitan Water Pollution Abatement Advisory Committee. The next regular meeting of the Finance Committee is scheduled for November 3, 2014.

E. Les Gove Community Campus

The next regular meeting of the Les Gove Community Campus is scheduled for November 26, 2014.

F. Council Operations Committee

The next regular meeting of the Council Operations Committee is scheduled for October 27, 2014.

G. Junior City Council

The next regular meeting of the Junior City Council is scheduled for November 17, 2014.

IV. 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. September 10, 2014 Special City Council Meeting Minutes

B. September 18, 2014 Special City Council Meeting Minutes

C. September 29, 2014 Committee of the Whole Minutes

D. October 6, 2014 Regular Meeting Minutes

E. Claims Vouchers (Wales/Coleman)
Claims voucher numbers 430757 through 430973 in the amount of \$5,228,167.22 and two wire transfers in the amount of \$80,236.00 and dated October 20, 2014.

F. Payroll Vouchers (Wales/Coleman)
Payroll check numbers 535022 through 535055 in the amount of \$839,353.14, electronic deposit transmissions in the amount of \$1,274,085.48 for a grand total of \$2,113,438.62 for the period covering October 2, 2014 to October 15, 2014.

G. Wileman Leak Adjustment Appeal (Osborne/Coleman)
City Council to approve a water utility adjustment for a credit of 50% of the proposed leak adjustment (\$482.19) in the amount of \$241.10 to account number 051001-000.

Councilmember Pelosa moved and Councilmember Wales seconded to approve the Consent Agenda as modified.

MOTION CARRIED UNANIMOUSLY. 6-0

V. UNFINISHED BUSINESS

There was no unfinished business.

VI. NEW BUSINESS

- A. Pierce County Regional Council Zoo/Trek Authority Board (Wagner)
City Council to consider the following nominee and cast its vote for Position
One of the Zoo/Trek Authority (ZTA) Board:

Bob Walter from Town of Eatonville

Councilmember Peloza moved and Councilmember Wales seconded
to nominate and cast the City of Auburn's vote for Bob Walter from the Town of
Eatonville for Position One of the Zoo/Trek Authority (ZTA) Board.

MOTION CARRIED UNANIMOUSLY. 6-0

VII. ORDINANCES

- A. Ordinance No. 6534 (Holman/Snyder)
An Ordinance of the City Council of the City of Auburn, Washington, amending
Section 18.29.060 of the Auburn City Code related to floor area ratio in the
Downtown Urban Center Zone

Councilmember Holman moved and Councilmember Wales seconded
to introduce and adopt Ordinance No. 6534.

Councilmember Holman explained the floor area ratio is in reference to the
width and height of a building.

MOTION CARRIED UNANIMOUSLY. 6-0

VIII. RESOLUTIONS

- A. Resolution No. 5108 (Osborne/Snyder)
A Resolution of the City Council of the City of Auburn, Washington, authorizing
the Public Works Committee to appoint the City of Auburn representatives to
the King County Metropolitan Water Pollution Abatement Advisory Committee

Councilmember Osborne moved and Councilmember Peloza seconded to
adopt Resolution No. 5108.

MOTION CARRIED UNANIMOUSLY. 6-0

IX. 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**

Councilmember Osborne reported he attended the Regional Transit
Committee meeting.

Councilmember Peloza reported he attended the King County Solid Waste

Advisory Committee meeting.

Councilmember Wales reported she attended the King County Public Health meeting. The City is working with King County and surrounding jurisdictions trying to maintain the King County Public Health Clinic in Auburn.

Councilmember DaCorsi reported he attended the Association of Washington Cities Regional meeting.

B. From the Mayor

Mayor Backus reported she attended the Economic Development Council of Seattle and King County, the International Association of Fire Fighters Local 1352 (IAFF) Fill the Boot fundraiser. The City also hosted the Port of Seattle and Tacoma joint meeting.

Mayor Backus noted her office is working with the King County Public Health to try to find a funding solution to keep the King County Public Health Clinic in the City of Auburn open past the end of 2014. The City is receiving significant support from surrounding jurisdictions in trying to secure funding for the King County Public Health Clinic in Auburn. There is a \$1.5 million dollar funding gap. The City will continue to look for both short and long term solutions.

X. ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 8:17 p.m.

APPROVED this 3rd day of November, 2014.

NANCY BACKUS, MAYOR

Shawn Campbell, Deputy City Clerk



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the October 13, 2014 Special City Council Meeting

Date:

October 28, 2014

Department:

Administration

Attachments:

[10-13-2014 Special Meeting Minutes](#)

Budget Impact:

\$0

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

Meeting Date: November 3, 2014

Item Number: CA.B



**Special City Council Meeting
October 13, 2014 - 1:00 PM
Auburn City Hall
MINUTES**

I. CALL TO ORDER

Mayor Nancy Backus called the special meeting to order at 1:00 p.m.

Councilmembers in attendance included: Deputy Mayor Wagner, Bill Peloza, Largo Wales, Wayne Osborne, John Holman and Claude DaCorsi.

Councilmember Yolanda Trout was excused.

Department directors and staff members present included: Police Chief Bob Lee, City Attorney Dan Heid, Community Development and Public Works Director Kevin Snyder, Assistant Director of Engineering Services and City Engineer Ingrid Gaub, Director of Administration Michael Hursh, Innovation and Technology Director Ron Tiedeman, and Deputy City Clerk Shawn Campbell.

II. DISCUSSION ITEMS

A. Ordinance No. 6532

An Ordinance of the City Council of the City of Auburn, Washington, amending Sections 2.03.100, 2.07.080, 2.12.010, 3.04.270, 3.04.280, 3.10.028, 5.20.050, 5.20.070, 8.24.040, 10.41.010, 10.64.020, 10.64.090, 10.64.120, 12.04.010, 12.04.050, 12.32.020, 12.60.040, 12.60.050, 12.60.070, 14.18.030, 14.18.050, 14.18.060, 14.22.040, 14.22.080, 14.22.090, 16.08.020, 17.02.090, 18.08.090, 18.29.070, 18.68.020, 18.76.080, 20.04.030, 20.06.030, and 20.08.030 of the City Code, amending Chapter 2.06 of the City Code and repealing section 12.20.050 of the City Code relating to the change of format of the City Council from Council Committees to Study Sessions

City Attorney Heid presented Ordinance No. 6532. The ordinance makes changes to City Code regarding meeting format. The change will move the Council from Standing Committees to Study Sessions.

Council reviewed the ordinance and corrected clerical errors.

B. Resolution No. 5105

A Resolution of the City Council of the City of Auburn, Washington, amending the City Council Rules of Procedure as adopted by Ordinance No. 5802 and amended by Resolution Nos. 4282, 4429, 4467, 4615, 4686, 4740, 4813 and 4090

City Attorney Heid presented Resolution No. 5105. The resolution amends Council Rules and Procedures to accommodate the changes to Study Session from Council Committees.

Council reviewed the amended Rules and Procedures.

Councilmember Wales inquired about televising the Study Sessions. Mayor Backus stated the consensus from the Committee of the Whole meeting

was to televise the meetings in the future. Council discussed the eventuality of televising the Study Sessions. The consensus was to televise the Study Sessions from the beginning. City Attorney Heid noted the Council Rules do not have to state if the Study Sessions will or will not be televised.

Councilmember Osborne requested a super majority be required to suspend the rules and not have the second reading of an ordinance. Council consensus was to change to requirement to a super majority to wave the second reading of an ordinance.

Councilmember Wales stated the Council needed to review the Council reports section of the Council Rules. Councilmember Pelozo stated the rules should state the report should be on items that are significant. Councilmember DaCorsi stated the Council should only speak on items that are important to the citizens of Auburn. Deputy Mayor Wagner requested the words "minimize the events of a social nature" be added. Councilmember Osborne noted the Council will need to police itself on this issue. By consensus the Council agreed to change the time limit to three minutes per Councilmember.

Councilmember Osborne inquired regarding parliamentary procedure and why a Councilmember could not make a motion to amend an amendment. City Attorney Heid stated this has been a Council Rule and is not mandatory. Council consensus was to allow Council to amend amendments.

Councilmember Pelozo suggested language be added to the rules to reflect the Mayor must advise a Councilmember on the status of a request for action from a citizen that a councilmember forwards to the Mayor's office.

Councilmember Pelozo requested the rules require the presiding officer to recognize people in order of who requested to speak first. Councilmember Holman stated Roberts Rules of Order state no one may speak twice until everyone has spoken.

Councilmember Osborne asked when citizens can comment on a topic. Mayor Backus stated citizens will still have an opportunity to speak at Council meetings. City Attorney Heid noted the chair of a meeting needs to be in control of who is speaking at either a Study Session or a Council meeting. The Council can create a citizen comment period for both meetings if they choose. Councilmember Holman stated if a citizen comes to a meeting to speak it should not matter what type of meeting it is if the chair invites them to speak.

C. Ordinance No. 6519

An Ordinance of the City Council the City of Auburn, Washington, creating a new Chapter 2.92 of the Auburn City Code, providing for a Code of Ethics

City Attorney Heid presented Ordinance No. 6519 regarding the Code of Ethics.

Mayor Backus noted the current version of the ordinance makes it very clear on how an ethics violation will be handled.

Councilmember Osborne requested language to ensure neither the councilmember who filed the complaint or the one the complaint is against could be on the committee.

D. Ordinance No. 6536

An Ordinance of the City Council of the City of Auburn, Washington, amending Section 2.03.030 of the Auburn City Code relating to the surplusing of personal property of the City

City Attorney Heid introduced Ordinance No. 6536 regarding the Mayor having the authority to identify surplus of non real property without formal action by Council.

III. **ADJOURNMENT**

There being no further business to come before the Council, the meeting adjourned at 2:11 p.m.

APPROVED this _____ day of November, 2014.

NANCY BACKUS, MAYOR

Shawn Campbell, Deputy City Clerk



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the October 20, 2014 Special City Council Meeting

Date:

October 29, 2014

Department:

Administration

Attachments:

[10-20-2014](#)

Budget Impact:

\$0

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

Meeting Date: November 3, 2014

Item Number: CA.C



**Special City Council Meeting
October 20, 2014 - 6:30 PM
Auburn City Hall
MINUTES**

I. CALL TO ORDER

City Councilmembers present: Bill Pelozo, Largo Wales, Wayne Osborne, John Holman, Claude DaCorsi, and Yolanda Trout.

Deputy Mayor Rich Wagner was excused.

Department Directors and staff members present included: Community Development and Public Works Director Kevin Snyder, City Attorney Daniel B. Heid, Parks, Arts and Recreation Director Daryl Faber, Assistant Director of Engineering Services and City Engineer Ingrid Gaub, Storm Drainage Engineer Tim Carlaw, Environmental Services Manager Chris Andersen, Utilities Engineering Manager Lisa Tobin and Deputy City Clerk Shawn Campbell.

II. DISCUSSION ITEMS

A. Green River System-Wide Improvement Framework (SWIF) Update from King County

Storm Drainage Engineer Carlaw introduced Jennifer Knauer from the King County Flood Control District.

Ms. Knauer presented Council with the Green River System Wide Improvement Framework (SWIF) process for King County. She reviewed why the SWIF is important to the City of Auburn, who is involved in the decision making process, how it might affect the City of Auburn, when the key decisions will be made and the areas of Auburn that could be affected by flood events and the proposed protection to each area. The project area is the Green Duwamish watershed in King County, the primary focus of the project is the lower Green River.

The SWIF process will be complete in February 2015. Once the project is complete the Committee will present a list of capital projects needed to meet the goals that have been established. The committee has developed three alternatives to protect the social, ecological and community resources along the Green River based on flooding scenarios for both 100 and 500 year flood events.

Councilmember Holman asked if a flood wall is erected in study area 12 how tall it would be the above current height. Ms. Knauer explained it will vary based on the existing bank height. The homeowners will most likely lose there view of the river.

Councilmember Osborne stated the City could choose to not make the recommended changes and leave the property as is. Ms. Knauer stated there is no way to achieve the SWIF goals if the projects are not completed.

Ms. Knauer explained the advisors intend to create a map including areas like

Page 1 of 2

the City of Auburn Municipal Golf Course as potential property acquisition for salmon habitat restoration. Under the WRIA recommendation the Golf Course would be bought out and converted into habitat. Councilmember Osborn stated if the City does nothing around the Golf Course they would continue to experience the same level of flooding in the future. Mayor Backus stated the City is not interested in having the Golf Course converted into habitat.

III. **ADJOURNMENT**

There being no further business to come before the Council, the meeting adjourned at 7:15 p.m.

APPROVED this _____ day of November, 2014.

NANCY BACKUS, MAYOR

Shawn Campbell, Deputy City Clerk



AGENDA BILL APPROVAL FORM

Agenda Subject:

Claims Vouchers

Date:

October 28, 2014

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:

\$0

Administrative Recommendation:

City Council approve claims voucher numbers 430974 through 431137 in the amount of \$1,534,685.34 and four wire transfers in the amount of \$58,965.29 and dated November 3, 2014.

Background Summary:

Claims voucher numbers 430974 through 431137 in the amount of \$1,534,685.34 and four wire transfers in the amount of \$58,965.29 and dated November 3, 2014.

Reviewed by Council Committees:

Finance

Councilmember: Wales

Staff:

Coleman

Meeting Date: November 3, 2014

Item Number: CA.D



AGENDA BILL APPROVAL FORM

Agenda Subject:

Payroll Vouchers

Date:

October 28, 2014

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:

\$0

Administrative Recommendation:

City Council approve payroll vouchers.

Background Summary:

Payroll check numbers 53506 through 535090 in the amount of \$271,614.07 and electronic deposit transmissions in the amount of \$1,287,962.99 for a grand total of \$1,559,577.06 for the period covering October 16, 2014 to October 29, 2014.

Reviewed by Council Committees:

Finance

Councilmember: Wales

Staff: Coleman

Meeting Date: November 3, 2014

Item Number: CA.E



AGENDA BILL APPROVAL FORM

Agenda Subject:

Public Works Project No. CP0915

Date:

October 28, 2014

Department:

Public Works

Attachments:

[Budget Status Sheet](#)
[CP0915 Vicinity Map](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council grant permission to advertise for bids for Project No. CP0915 Well 1 On-site Improvements.

Background Summary:

The Well 1 Improvements project will design and construct improvements to the Well 1 site to bring the facility to current City standards for source reliability, water quality, and system control/monitoring. The Well 1 Improvements project was split into 2 phases:

Phase 1 (Well 1 Transmission Line), which was completed in November 2013, constructed a water transmission main from the Well 1 facility located at 1106 M Street SE to the Howard Road Corrosion Control Facility (Howard Road CCTF) and constructed a replacement storm drainage main on M Street SE.

Phase 2 (Well 1 On-site Improvements), will demolish the existing Well 1 building, construct a new well house building, and install a new variable speed pump/motor system, permanent chlorination system, on-site emergency power, and upgrade the electrical/telemetry controls. Phase 2 will also install flow meters for the Howard Road CCTF and the Coal Creek Springs Facility, and install a check valve and third variable frequency drive pump at the Howard Road CCTF. The purpose of Phase 2 is to restore lost production at the Well 1 site and integrate Well 1 flow with existing supplied water from the Coal Creek Springs at the Howard Road CCTF.

Phase 2, Well 1 On-site Improvements, is anticipated to begin construction in December 2014 and be complete by October 2015.

A project budget contingency of \$268,423.00 remains in the 430 Fund.

Reviewed by Council Committees:

Public Works

Councilmember: Osborne

Staff: Snyder

Meeting Date: November 3, 2014

Item Number: CA.F

BUDGET STATUS SHEET

Project No: CP0915	Project Title: Well 1 On-Site Improvements
Project Manager: Ryan Vondrak	

Initiation Date: 10/05/2009
 Advertisement Date: _____
 Award Date: _____

- ☐ Project Update

☒ Permission to Advertise

☐ Contract Award

☐ Change Order Approval

☐ Contract Final Acceptance

Date: October 24, 2014

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

Funds Budgeted (Funds Available)

Funding	Prior Years (Actual)	2014	2015	Future Years	Total
430 Fund - Water	260,042	1,530,513			1,790,555
430 Fund - Water (PWTFL)	1,568,047	1,756,953			3,325,000
432 Fund - Storm Utility	633,917				633,917
Total	2,462,006	3,287,466	0	0	5,749,472

Estimated Cost (Funds Needed)

Activity	Prior Years (Actual)	2014	2015	Future Years	Total
Transmission Line					
Design Engineering - City Costs	26,009				26,009
Design Engineering - Consultant Costs	202,144				202,144
Construction Contract - Water	1,068,092				1,068,092
Construction Contract - Storm	611,686				611,686
Construction Eng/Pmt/Other - Water	85,358				85,358
Construction Eng/Pmt/Other - Storm	22,231				22,231
Subtotal	2,015,520	0	0	0	2,015,520
On-Site Improvements					
Design Engineering - City Costs	72,867	50,000			122,867
Design Engineering - Consultant Costs	373,619	89,236			462,855
Construction Estimate		2,250,000			2,250,000
Project Contingency (15%)		360,000			360,000
Construction Engineering - City Costs			100,000		100,000
Construction Engineering - Consultant Costs**		169,807			169,807
Subtotal	446,486	2,919,043	100,000	0	3,465,529
Total	2,462,006	2,919,043	100,000	0	5,481,049

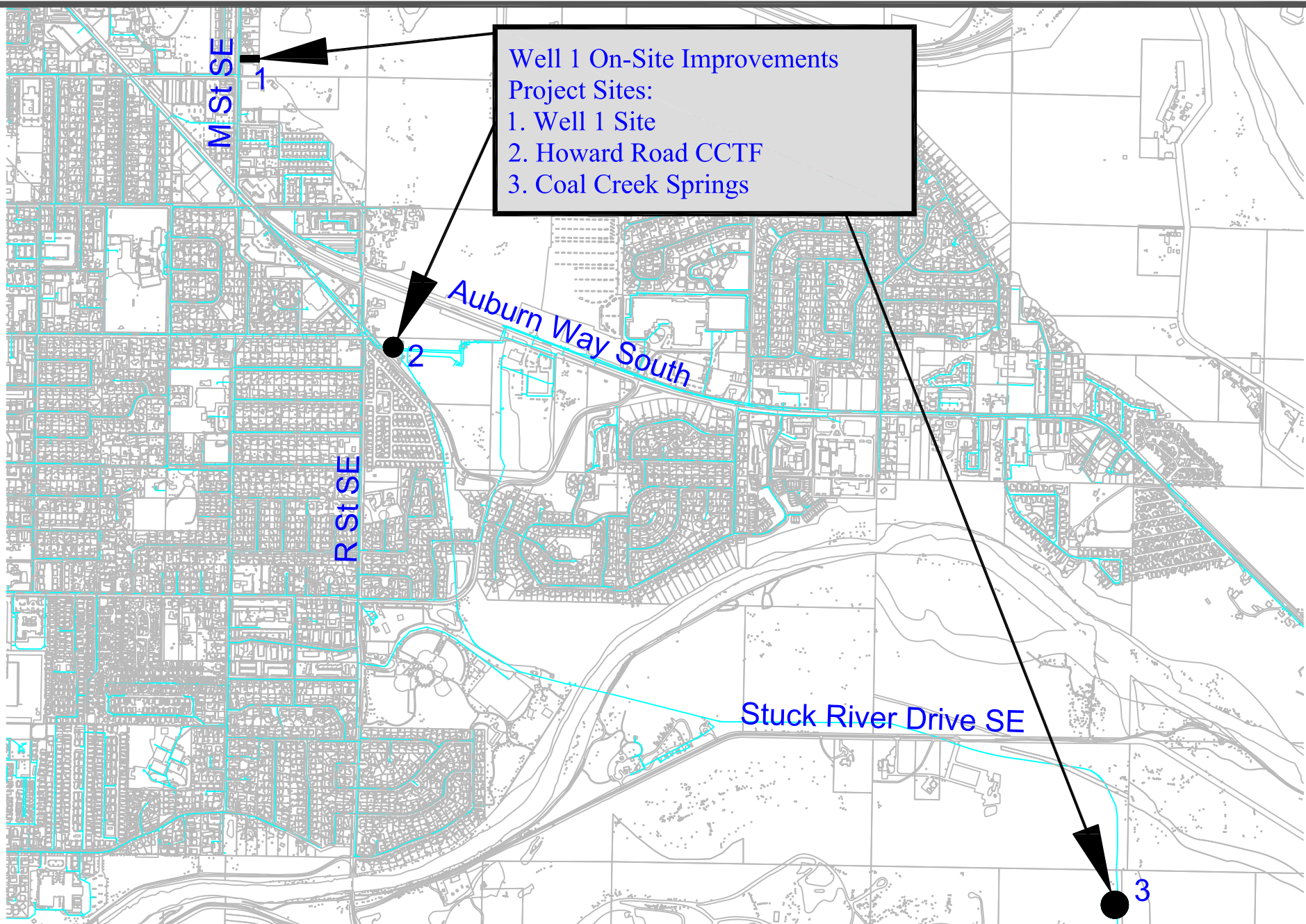
430 Water Budget Status

	Prior Years (Actual)	2014	2015	Future Years	Total
*430 Funds Budgeted ()	(1,828,089)	(3,287,466)	0	0	(5,115,555)
430 Funds Needed	1,828,089	2,919,043	100,000	0	4,847,132
*430 Fund Project Contingency ()	0	(368,423)	0	0	(268,423)
430 Funds Required	0	0	100,000	0	0

432 Storm Budget Status

	Prior Years (Actual)	2014	0	0	Total
*432 Funds Budgeted ()	(633,917)	0	0	0	(633,917)
432 Funds Needed	633,917	0	0	0	633,917
*432 Fund Project Contingency ()	0	0	0	0	0
432 Funds Required	0	0	0	0	0

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



Well 1 On-Site Improvements
Project Sites:
1. Well 1 Site
2. Howard Road CCTF
3. Coal Creek Springs





AGENDA BILL APPROVAL FORM

Agenda Subject:

Public Works Project No. C512A

Date:

October 29, 2014

Department:

Public Works

Attachments:

[Budget Status Sheet](#)

[Bid Tab Summary](#)

[Vicinity Map](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council reject all bids to Contract No. 13-12 for Project No. C512A, Well 4 Emergency Power Improvements and grant permission to re-advertise for bids.

Background Summary:

The purpose of this project is to provide emergency power, upgrade the chlorination system, and install security fencing at the City's Well 4 water facility. Providing a diesel generator for emergency power will ensure that one of the City's primary sources of water will continue to operate in the event electrical power is lost. Upgrading the chlorination system from the existing gas chlorination system to a liquid hypochlorite solution will increase operator safety and improve operations by providing a chlorination system similar to other City water sources. Both the new chlorination system and the generator will be housed in a new building that will be constructed adjacent to the existing building at the Well 4 site.

Bids were opened on October 9, 2014. As part of their bids, contractors were required to list the specific subcontractor they were proposing to use for a particular specialized area of work (instrumentation and controls) and that this subcontractor met certain requirements. After reviewing the bids, City staff has determined that none of the bidders satisfied these requirements and, therefore, all bids were considered non-responsive and void. Staff recommends the project be re-advertised in early November 2014 with revisions to the contract documents to address these issues.

The total 430 (Water) fund budget for this project is \$1,378,589.00. Based on the Engineer's estimate, a project increase of \$55,649.00 within the 430 (Water) is anticipated; however it would not require a budget adjustment since this money is available from the budget contingency of other projects. This will be confirmed at the time of contract award.

Reviewed by Council Committees:

Public Works

Councilmember: Osborne

Staff: Snyder

Meeting Date: November 3, 2014

Item Number: CA.G

BUDGET STATUS SHEET

Project No: C512A	Project Title: Well 4 Emergency Power Improvements
Project Manager: Seth Wickstrom	

Initiation Date: Nov. 5, 2012
 Advertisement Date: Oct 18, 2014
 Award Date: _____

- ☐ Initiation/Consultant Agreement

☒ **Permission to Advertise**

☐ Contract Award

☐ Change Order Approval

☐ Contract Final Acceptance

Date: October 27, 2014

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

Funds Budgeted (Funds Available)

Funding	Prior Years	2013	2014	2015	Total
430 Fund - Water	39,448	172,621	1,166,520		1,378,589
Total	39,448	172,621	1,166,520	0	1,378,589

Estimated Cost (Funds Needed)

Activity	Prior Years	2013	2014	2015	Total
Design Engineering - City Costs	6,850	18,917	26,000		51,767
Design Engineering - Consultant Costs	32,598	153,705	31,537		217,840
Construction Estimate			243,750	731,250	975,000
Project Contingency (10%)			24,375	73,125	97,500
Construction Engineering - City Costs			15,000	45,000	60,000
Construction Engineering - Consultant Costs			8,033	24,099	32,132
Total	39,448	172,622	348,695	873,474	1,434,239

430 Water Budget Status

	Prior Years	2013	2014	2015	Total
*430 Funds Budgeted (230,000)	(39,448)	(172,621)	(1,166,520)	0	(1,378,589)
430 Funds Needed	39,448	172,622	348,695	873,474	1,434,239
*430 Fund Project Contingency ()	0	0	(817,825)	0	0
430 Funds Required	0	0	0	873,474	55,649

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

**BID TABULATION
BID TOTALS SUMMARY**

Project Name: C512A, Well 4 Emergency Improvements, Contract 13-12

Prepared by: City of Auburn

Bid Date: 10/9/14

ENGINEER'S ESTIMATE: \$ 791,803.00

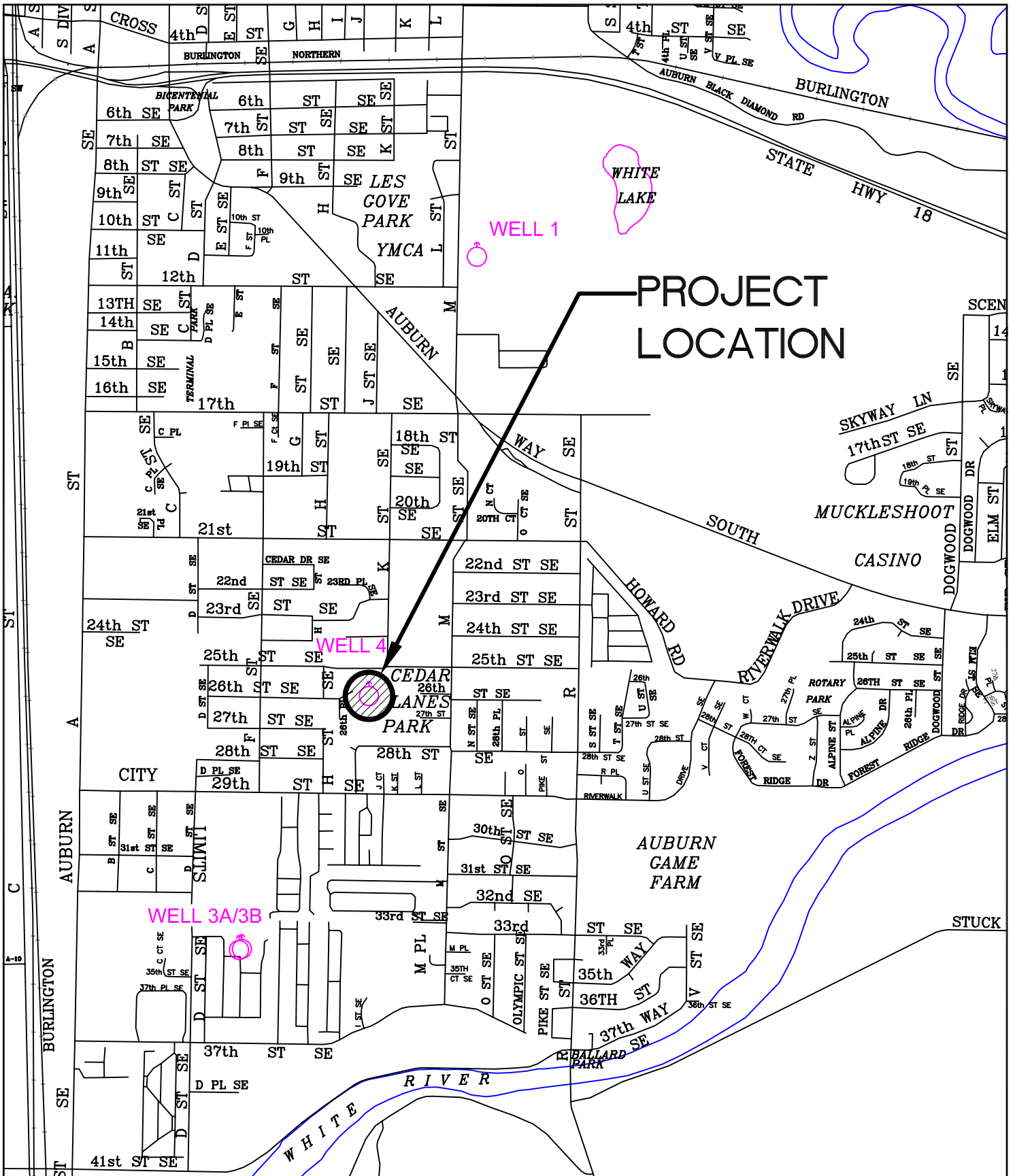
AVERAGE BASIC BID AMOUNT:

BASIC BID SPREAD AMOUNT:	\$ -	Basic BID Amount	Spread \$	Spread %
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LOW BIDDER: \$ -

Second Bidder:

	Basic BID (Tax not Included)	Total BID (Tax Included)
Award Construction, Inc.	Non-Responsive	
McClure & Sons, Inc.	Non-Responsive	
T. Miller Construction	Non-Responsive	
Prospect Construction, Inc.	Non-Responsive	
Gary Harper Construction	Non-Responsive	





AGENDA BILL APPROVAL FORM

Agenda Subject:

Public Works Project No. CP1409

Date:

October 29, 2014

Department:

Public Works

Attachments:

[Budget Status Sheet](#)

[Bid Tab Summary](#)

[Vicinity Map](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council award Small Works Contract No. 14-20, to Scottys General Construction, Inc. on their low bid of \$86,590.00 for Project No. CP1409, Oravetz PI SE Flooding Mitigation.

Background Summary:

The purpose of the project is to mitigate the flooding problems occurring on the Danner Corporation property located at 307 Oravetz PI SE. The work will consist of installing approximately 500 feet of a new storm drainage line across the Auburn Valley Humane Society property (4910 A St SE) and connecting into the existing storm drainage system on A St SE.

Construction of the project is anticipated to begin late November 2014 and be complete by December 2014.

A project budget contingency of \$11,092.00 remains in the 432 (Storm) fund.

Reviewed by Council Committees:

Public Works

Councilmember: Osborne

Staff: Snyder

Meeting Date: November 3, 2014

Item Number: CA.H

BUDGET STATUS SHEET

Project No: CP1409	Project Title: Oravetz PI SE Flooding Mitigation
Project Manager: Seth Wickstrom	

Initiation Date: Sept 15, 2014
 Advertisement Date: Oct 9, 2014
 Award Date: _____

- ☐ Project Initiation

☐ Permission to Advertise

☒ Contract Award

☐ Change Order Approval

☐ Contract Final Acceptance

Date: October 27, 2014

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

Funds Budgeted (Funds Available)

Funding	Prior Years	2014	2015	Future Years	Total
432 Fund - Storm*		137,000			137,000
Total	0	137,000	0	0	137,000

* This is a portion of the 2013 annual budget for the Storm Repair & Replacement Program.

Estimated Cost (Funds Needed)

Activity	Prior Years	2014	2015	Future Years	Total
Design Engineering - City Costs		12,000			12,000
Construction Contract Bid		86,590			86,590
Authorized Contingency (20%)		17,318			17,318
Construction Engineering - City Costs		9,000	1,000		10,000
Total	0	124,908	1,000	0	125,908

432 Storm Budget Status

	Prior Years	2014	2015	Future Years	Total
**432 Funds Budgeted ()	0	(137,000)	0	0	(137,000)
432 Funds Needed	0	124,908	1,000	0	125,908
**432 Fund Project Contingency ()	0	(12,092)	0	0	(11,092)
432 Funds Required	0	0	1,000	0	0

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

**BID TABULATION
BID TOTALS SUMMARY**

Project Name: CP1409, Oravetz Place SE Flooding Mitigation, Contract 14-20

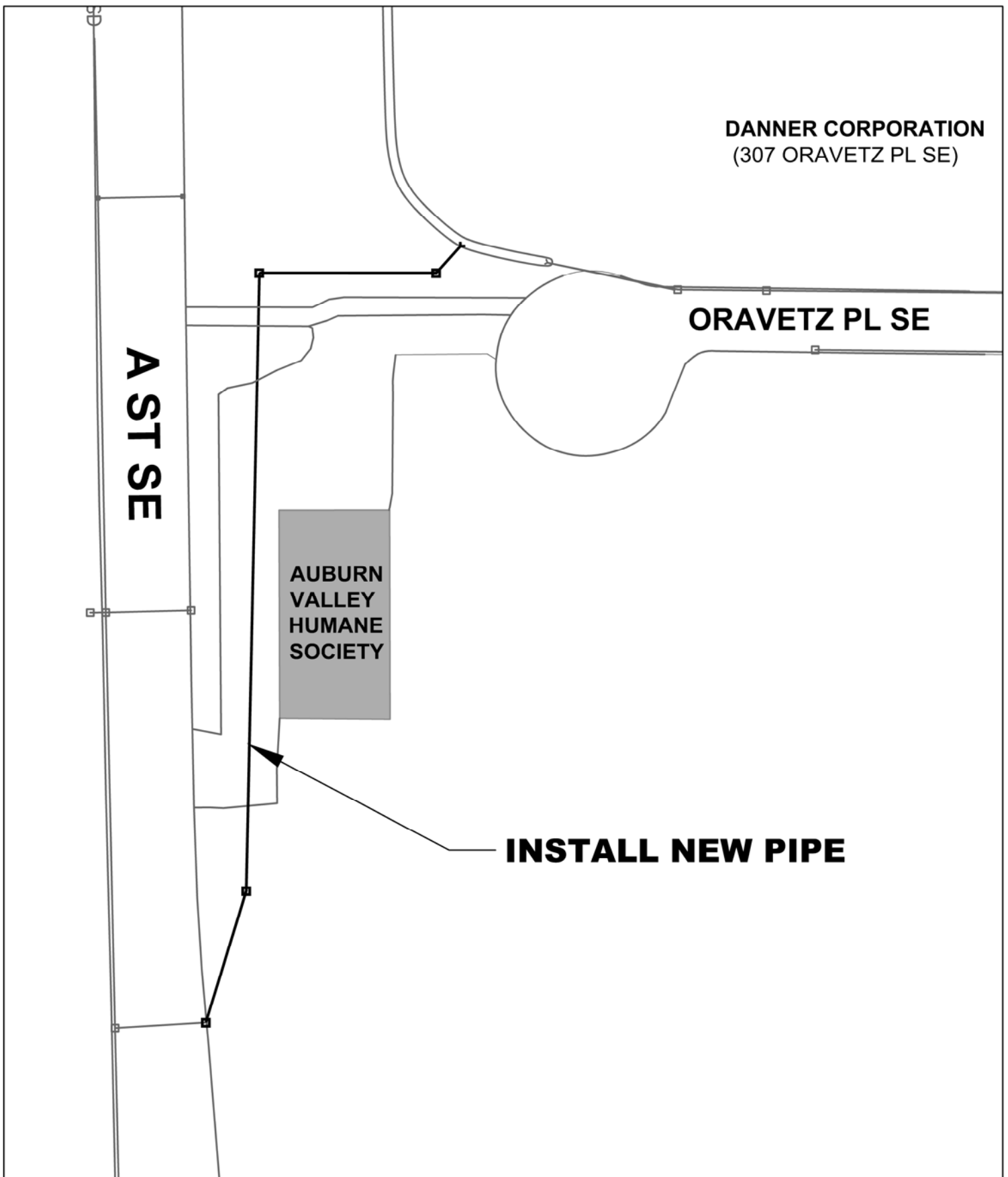
Prepared by: City of Auburn

Bid Date: 10/23/14

ENGINEER'S ESTIMATE:	\$	121,015.50		
AVERAGE BASIC BID AMOUNT:	\$	125,364.58		
BASIC BID SPREAD AMOUNT:	\$	71,850.00	Basic BID Amount	Spread \$
				Spread %
LOW BIDDER:	Scotty's General Construction	\$ 86,590.00	-\$34,425.50	-28.45%
Second Bidder:	Superior Earthworks	\$ 108,236.70	-\$12,778.80	-10.56%

Basic BID (Tax Not Applicable)

Scotty's General Construction	\$	86,590.00
Superior Earthworks	\$	108,236.70
Hoffman Construction	\$	116,453.70
OSG Dozing, LLC	\$	120,032.00
R.L. Alia Company	\$	120,201.30
Weber Construction	\$	130,594.25
Reed Trucking & Excavating	\$	130,611.00
Iron Creek Construction	\$	131,802.00
RW Scott Construction	\$	133,365.05
Nor Tec Construction	\$	142,684.37
Kelaye Concrete	\$	158,440.00



CP1409 – ORAVETZ PL SE FLOODING MITIGATION



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6519

Date:

October 28, 2014

Department:

Administration

Attachments:

[Ordinance No. 6519](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council adopt Ordinance No. 6519.

Background Summary:

This Ordinance was previously considered by the City Council in a different form, but this version came out of a discussion by Councilmembers in addressing issues related to the Study Session format related to how certain responsibilities or actions of the City Council would be handled, particularly related to potential complaints by Councilmembers about inappropriate action by another member of the Council. Previously these tasks were handled by the Council Operations Committee, but because the Council Operations Committee would not be operating in the same way, it makes sense to address that in an Ethics Code Ordinance. Along with that, the Ethics Ordinance was made simpler and more flexible than earlier versions, while not providing for either an ethics commission or an ethics officer at this time. And the Ethics Ordinance incorporates and adopts by reference portions of state ethics statutes.

Reviewed by Council Committees:

Council Operations Committee Other: City Council

Councilmember: Wagner

Staff: Heid

Meeting Date: November 3, 2014

Item Number: ORD.A

ORDINANCE NO. 6 5 1 9

AN ORDINANCE OF THE CITY COUNCIL THE CITY OF AUBURN, WASHINGTON, CREATING A NEW CHAPTER 2.92 OF THE AUBURN CITY CODE, PROVIDING FOR A CODE OF ETHICS

WHEREAS, state law, and specifically, Chapter 42.23 of the Revised Code of Washington (RCW), provides a Code of Ethics for Municipal Officers; and

WHEREAS, state law also provides a separate ethics code for state officials and employees found in Chapter 42.52 RCW; and

WHEREAS, the provisions of these two RCW Chapters set the framework for ethics and public service applicable to city officials; however, the two chapters are not completely consistent in all measures; and

WHEREAS, to address questions and issues related to these two chapters and to assist in defining provisions and, to some extent reconciling, inconsistencies between them, it is appropriate for the City of Auburn to adopt and implement its own Code of Ethics.

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

Section 1. Adoption of New Chapter to City Code. A new chapter 2.92 of the Auburn City Code, providing for a Code of Ethics, is created to read as follows:

Chapter 2.92 CODE OF ETHICS

Sections:

- 2.92.010 Policy.
- 2.92.020 Definitions.
- 2.92.030 Prohibited conduct.
- 2.92.040 Ethical standards.
- 2.92.050 No right of action created – Effective date.
- 2.92.060 Enforcement.

2.92.010 Policy.

A. Purpose. The city council has adopted herein a code of ethics for city-elected officials and city appointed officers and officials to promote public confidence in the integrity of local government and its fair operation. This code of ethics will provide

the basis for education and training for city officials to ensure that the highest ethical standards and best ethical practices will be followed.

B. Intent. The citizens and businesses of Auburn are entitled to have fair, ethical and accountable local government that has earned the public's full confidence. It is further the intent that city officials be permitted to fulfill their duties to represent the public to the greatest extent possible unless circumstances exist where such engagement is impermissible. Nothing in this chapter is intended to reduce, limit, or restrict the pool of available candidates for service on the council or service on council-appointed public bodies, all of which are either part-time or volunteer positions. It is in the public interest to ensure that the provisions of this chapter do not create barriers to citizen public service. In keeping with the city of Auburn's commitment to excellence, the effective functioning of democratic government therefore requires that:

1. Public officials, both elected and appointed, comply with the laws and policies affecting the operations of government;
2. Public officials be independent, impartial and fair in their actions;
3. Public office be used for the public good, not for personal gain;
4. Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility; and
5. There needs to be compatibility between City ethical codes and the ethic codes of state law.

2.92.020 Definitions.

A. "Official" means a city-elected official and a city-appointed official, officer or employee, and includes members of appointed city boards and commissions and other task forces, groups or committees.

B. "Quasi-judicial actions" means those actions of the city council/legislative body, planning commission, hearing examiner, or other city boards which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding.

C. "Relative" means spouse, domestic partner, child, step-child, parent, step-parent, parent-in-law and sibling.

D. Definitions Incorporated by Reference. The definitions included in and referenced by sections 42.23.020 and 42.52.010 of the Revised Code of Washington (RCW), as hereinafter amended, are incorporated herein unless the language and context hereof clearly excludes the application thereof, provided that such definitions may nevertheless guide in the application and interpretation thereof.

2.92.030 Prohibited conduct.

A. Compliance with Ethics Laws. Officials shall comply with the individual conduct requirements of federal, state and city laws in the performance of their public duties. These laws include, but are not limited to: the United States and Washington Constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures and open processes of government; and city ordinances and policies, including but not limited to the below list. Councilmembers shall also comply with the

ethical, professional and courtesy requirements of the City of Auburn Council Rules of Procedure.

- Chapter 9A.72 RCW - Perjury and interference with official proceedings
- RCW 35A.12.060 - Vacancy for nonattendance
- Chapter 35A.12 RCW - Mayor-council plan of government.
- Chapter 40.14 RCW - Preservation and destruction of public records
- RCW 42.17A.555 - Use of public office or agency facilities in campaigns – Prohibition – Exceptions
- RCW 42.17A.565 - Solicitation of contributions by public officials or employees
- Chapter 42.23 RCW - Code of ethics for municipal officers – Contract interests
- Chapter 42.36 RCW - Appearance of fairness doctrine – Limitations
- Chapter 42.56 RCW - Public Records Act
- Chapter 42.52 RCW - Ethics in Public Service

B. Gifts and Favors. Officials shall not knowingly use their public position to secure any special advantage, services or opportunities for personal or family gain, where such services, opportunities or gains are not available to the public in general. Officials may also not solicit or receive any thing of monetary value from any person or entity where the thing of monetary value has been solicited or received or given, or where it would appear to a reasonable person to have been solicited or received or given, with intent to give or obtain consideration or influence as to any action by the official in his or her official capacity; provided, that nothing shall prohibit campaign contributions which are solicited or received and reported in accordance with applicable law. They shall not accept or solicit any gifts, favors or promises of future benefits except as follows:

1. No official may accept gifts, other than those specified in subsection (B)(2) of this section, with an aggregate value in excess of Fifty Dollars (\$50.00) from a single source in a calendar year, or a single gift from multiple sources with a value in excess of Fifty Dollars (\$50.00) in accordance with RCW 42.52.150(1); provided, that if the Fifty Dollars (\$50.00) limit in RCW 42.52.150(1) is amended, this section shall be deemed to reflect the amended amount. For purposes of this section, "single source" means any person, corporation, or entity, whether acting directly or through any agent or other intermediary. "Single gift" includes any event, item, or group of items used in conjunction with each other or any trip including transportation, lodging, and attendant costs. The value of gifts given to an official's family member or guest shall be attributed to the official for the purpose of determining whether the limit has been exceeded, unless an independent business, familial, or social relationship exists between the donor and the official, family member or guest.

2. The following items are presumed not to influence the vote, action, or judgment of the official, or be considered as part of a reward for action or inaction, and may be accepted without regard to the limit established by subsection (B)(1) of this section:

- (a) Unsolicited flowers, plants and floral arrangements;

(b) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;

(c) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

(d) Unsolicited items received by an official for the purpose of evaluation or review, if the official has no personal beneficial interest in the eventual use or acquisition of the item;

(e) Informational materials, publications or subscriptions related to the recipient's performance of official duties;

(f) Food and beverages consumed at hosted receptions where attendance is related to the official's duties for the city;

(g) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a governmental entity or organization;

(h) Unsolicited gifts from dignitaries from another state or a foreign country which are intended to be personal in nature, Provided that if the value (identified or estimated) exceeds \$50, the gift shall be the property of the city's;

(i) Food and beverages on infrequent occasions in the ordinary course of meals where attendance by the official is related to the performance of official duties; and

(j) Any gift which would have been offered or given to the official if he or she were not an official.

3. The presumption in subsection (B)(2) of this section is rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the item.

C. The provisions of this section and of this chapter do not prohibit the city from funding, or contributing to the funding for, an event, activity, or function at which public officials attend and/or in which they participate, so long as, the city council finds that there is a corresponding benefit to the city to have its public officials attend or participate, and where city council expressly approves funding, or the contribution towards funding thereof. For the purposes hereof, including the funding of an event, activity, or function in the approved city budget for applicable public officials constitutes a finding by the city council that there is a corresponding benefit to the city to have its public officials attend or participate such event, activity, or function.

2.92.050 No right of action created – Effective date.

A. Nothing in this chapter shall be construed as creating or providing a basis for a private cause of action against the city or against any official by third parties.

B. No retroactive application is intended by the adoption of this chapter which shall only apply to acts that occur after the effective date thereof.

2.92.060 Enforcement.

A. The provisions of this chapter shall be enforceable in accordance with the statutory authority referenced herein.

B. Enforcement of a violation of this ethics code against a councilmember shall be reviewed by an ad-hoc committee comprised of three members of the city

Ordinance No. 6519

October 14, 2014

council, which ad-hoc committee shall make a recommendation to the city council. The ad hoc committee shall be created for this purpose when called for by the deputy mayor, and members of such ad hoc committee shall be appointed by the deputy mayor; provided that the mayor shall act to call for the ad hoc committee and appoint members to such ad hoc committee if the deputy mayor is disabled or precluded from acting in that capacity. Neither the councilmember about whom a complaint has been voiced, nor the councilmember who voiced the complaint, shall be appointed to the ad hoc committee or entitled to vote on any council action related to the complaint.

C. Enforcement of a violation of this ethics code against the public official of the city other than a councilmember shall be as directed by the mayor or the human resources director, in accordance with city policies.

Section 2. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be 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 thereof to any person or circumstance shall 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: _____

ATTEST:

NANCY BACKUS, MAYOR

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

PUBLISHED: _____

Ordinance No. 6519

October 14, 2014

Page 5
ORD.A



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6532

Date:

October 28, 2014

Department:

Administration

Attachments:

[Ordinance No. 6532](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council adopt Ordinance No. 6532.

Background Summary:

For the last number of months, the City Council and the Council Operations Committee have been reviewing options regarding switching from a City Council committee approach to a study session approach for handling City Council business. This format change was initially suggested to address concerns that result from the committee approach - such as where two councilmembers of a three member Council committee constitute a quorum and would, thus, be precluded from discussing matters that may come before their committee outside of a public meeting of the committee. Additionally, the committee structure requires some reports and presentations to be given multiple times to ensure that all councilmembers are afforded exposure to issues coming before them. Even with multiple presentations, however, there is concern that the information provided may not be as complete in all settings, such as where questions are asked in one committee but not another. Discussing matters among all councilmembers in study sessions would allow all councilmembers to participate more equally and would also provide a more transparent approach to government, particularly where study sessions would be televised, as is the Council intention.

Ordinance No. 6532 changes a number of sections of the City Code to accommodate the change from Council Committees to Study Sessions, addressing changes in the code where references to committees and committee responsibilities were made, and identifying the times and days for Regular City Council meetings, as well as Council Study Sessions. The sections which reference the committee, for instance, may now reference the study sessions or the City Council. Likewise, tasks that were previously assigned to committees, will be (per this Ordinance) transferred to the City Council or, in some cases, the Mayor or staff.

Reviewed by Council Committees:

Council Operations Committee Other: City Council

Councilmember: Wagner

Staff: Heid

Meeting Date: November 3, 2014

Item Number: ORD.B

ORDINANCE NO. 6 5 3 2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING SECTIONS 2.03.100, 2.07.080, 2.12.010, 3.04.270, 3.04.280, 3.10.028, 5.20.050, 5.20.070, 8.24.040, 10.41.010, 10.64.020, 10.64.090, 10.64.120, 12.04.010, 12.04.050, 12.32.020, 12.60.040, 12.60.050, 12.60.070, 14.18.030, 14.18.050, 14.18.060, 14.22.040, 14.22.080, 14.22.090, 16.08.020, 17.02.090, 18.08.090, 18.29.070, 18.68.020, 18.76.080, 20.04.030, 20.06.030, AND 20.08.030 OF THE CITY CODE, AMENDING CHAPTER 2.06 OF THE CITY CODE AND REPEALING SECTION 12.20.050 OF THE CITY CODE RELATING TO THE CHANGE OF FORMAT OF THE CITY COUNCIL FROM COUNCIL COMMITTEES TO STUDY SESSIONS

WHEREAS, the current provisions of the Auburn City Code and the operational practices of the Auburn City Council include use of Council Committees in advance of the full City Council's consideration of matters coming before it; and

WHEREAS, the City Council has been considering how it could best operate and feels that it would be advantageous for the City Council to utilize study sessions where all Councilmembers will be able to participate in the consideration of different City related items, rather than having some matters going to Council Committees in advance of consideration by the full City Council; and

WHEREAS, in order to accommodate a change of the format from committee structure to study sessions, it is appropriate that sections of the City Code that provide for committee structure be amended to accommodate study sessions.

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

Section 1. Amendment to City Code. That Section 2.03.100 of the Auburn City Code be, and the same hereby is, amended to read as follows:

Ordinance No. 6532
October 14, 2014
Page 1

2.03.100 Meeting coordination duties.

The mayor or the mayor's designee shall be responsible for the preparation of agendas for the meetings of the council and of the various boards, commissions and committees of the city, and for including in those agendas the items and issues forwarded by the ~~various council committees~~ city council and/or or by the ad hoc committees designated to act on behalf of the city council, and for including in those agendas the items and issues proposed by the mayor and city administration, for consideration by the council. The mayor or the mayor's designee shall also be responsible for publishing notices for meetings and for public hearings for the meetings of the council and the various boards, commissions and committees of the city, and for setting the dates and times for said public hearings, except in those instances when setting dates and times for public hearings is required by statute to be done through council resolution. (Ord. 6405 § 1, 2012; Ord. 5761 § 1, 2003.)

Section 2. Amendment to City Code. That Section 2.07.080 of the Auburn City Code be, and the same hereby is, amended to read as follows:

2.07.080 Subcommittee structure.

A. The junior city council may informally divide its members into subcommittees to consider different topics of interest, or into subcommittees that it deems helpful to its tasks. ~~To the extent that it deems appropriate and helpful, the subcommittees will parallel the city council committees of finance, public works, planning and community development, municipal services, and the Les Gove Community Campus.~~

B. The subcommittees will meet on an as-needed basis.

C. The subcommittees shall consist of at least three members of the junior city council, but shall consist of less than a quorum of the junior city council (less than five members).

D. Any discussions or recommendations of any subcommittees shall be communicated to and shared with the full junior city council.

E. The subcommittees shall not constitute legislative or agency bodies so as to trigger the requirement that the subcommittees comply with the Washington State Open Public Meetings Act (Chapter 42.30 RCW). (Ord. 6441 § 1, 2013.)

Section 3. Amendment to City Code. That Section 2.12.010 of the Auburn City Code be, and the same hereby is, amended to read as follows:

2.12.010 Duties.

The city attorney shall advise authorities and officers on all legal matters pertaining to the business of the city and shall approve all ordinances as to form. He/she shall represent the city in all actions brought by or against the city, or against city officials in their official capacity. He/she shall perform such other duties as the city

Ordinance No. 6532

October 14, 2014

Page 2

council by ordinance may direct. Included in the foregoing and in addition thereto, the city attorney shall:

A. Attend all meetings of the city council, including regular, special and interim meetings, as well as all regular meetings of the planning commission and board of adjustment of the city;

B. Attend meetings, upon request, of all other official boards and commissions of the city, as well as all standing or ad hoc committees or subcommittees of the city council;

C. Maintain an office in space furnished by the city in the city hall building during regular business hours Monday through Friday, except during those periods of time when the presence of either himself/herself or his/her assistant is required out of the office in the performance of official legal business for the city;

D. Answer inquiries from citizens for information concerning city matters;

E. Consult interested officials and officers concerning, and prepare all resolutions, ordinances, petitions, contracts, leases, easements, deeds, notices and other legal documents, and suggest legislation, where the responsibility for preparation is upon the city, or requested by city officials; examine and approve or suggest changes in all such instruments when the duty of preparation rests upon others than the city;

F. Advise the council, boards, commissions, department heads and other city officials and officers, rendering formal legal opinions when requested, or when it appears to the attorney necessary or advisable;

G. Prosecute in the court of criminal jurisdiction, and on appeal in appellate courts, all alleged violations of city ordinances, and actions to recover licenses, penalties and forfeitures. Advise the proper officials and officers on the filing of complaints therefor;

H. Prosecute and/or defend, in courts of original jurisdiction, and on appeal, all civil actions brought by or against the city, or against officials, officers and employees in their official capacity, including condemnation proceedings. Participate in consultations concerning settlement of claims against the city, or its officials, officers and employees in their official capacities; provided, that where insurance counsel also defends the city, the main burden of such actions may be left to such counsel. See to the ultimate enforcement of all judgments and decrees rendered in favor of the city in any action or suit;

I. Participate in the expedition of bond issues, providing this shall not require an opinion of the validity of the bonds in any case where special bond counsel is retained by the city or any prospective bond buyer;

J. On request, participate in and consult concerning intergovernmental relations in which the city is concerned;

K. Perform such other duties as may be required by the laws of the state.

Provided, however, the duties of the city attorney as prescribed in this section shall not prohibit the employment of special counsel to assist the city attorney in unusual cases of a specialized nature, when such employment is authorized by the city council. (1957 code § 1.05.010.)

Section 4. Amendment to City Code.

That Section 3.04.270 of the Auburn City Code be, and the same hereby is, amended to read as follows:

3.04.270 Landscaping and community beautification and gift cumulative reserve fund – Use.

The Auburn landscaping and community beautification and gift cumulative reserve fund shall be used for the purpose of receiving gifts and donations of moneys to the fund and the cumulative reserve funds shall be used for the purpose of city landscaping and community beautification projects and for such special purposes as any donors of any such money or gifts to such fund might specify, as approved by the ~~planning, beautification and building codes committee~~ mayor. (1957 code § 1.36.200.)

Section 5. Amendment to City Code.

That Section 3.04.280 of the Auburn City Code be, and the same hereby is, amended to read as follows:

3.04.280 Landscaping and community beautification and gift cumulative reserve fund – Designation of use of gifts.

Any person or party making a gift or donation to the fund referred to in ACC 3.04.270 may, in doing so, designate that the materials purchased with the gifts or donations shall be inscribed in a suitable manner with a dedication or memorial to a person, place or thing, as directed by the donor; provided, however, that the city reserves the right to reject any such gift or donation at the option of the city for whatever reason the city deems proper. The ~~planning, beautification and building codes committee~~ mayor shall recommend to the city council the acceptance or rejection of the gifts or donations. (1957 code § 1.36.210.)

Section 6. Amendment to City Code.

That Section 3.10.028 of the Auburn City Code be, and the same hereby is, amended to read as follows:

3.10.028 ~~Approval by council committee of~~ asset and/or system expansions, additions, and betterments.

Asset and/or system expansions, additions, and betterments that have been recognized as authorized capital projects exceeding \$25,000.00 in the budget shall be reviewed by the ~~appropriate council committee~~ mayor or his/her designee to formally initiate the project prior to a call for bids. (Ord. 6147 § 1, 2008; Ord. 5490 § 1, 2000.)

Section 7. Amendment to City Code.

That Section 5.20.050 of the Auburn City Code be, and the same hereby is, amended to read as follows:

5.20.050 License application – Approval or disapproval procedure.

The business license clerk shall collect all license fees and shall issue licenses in the name of the city to all persons qualified under the provisions of this chapter and shall:

A. Adopt all forms and prescribe the information required to implement this chapter;

B. Submit all applications, to department heads as listed below for their endorsements as to compliance by applicant with all city regulations which they have the duty of enforcing:

1. Ambulance services license: fire and police departments;
2. Amusement device license: police (four or under) and building, planning and police (five or more);
3. Auto races license: building, fire, planning and police departments;
4. Cabaret licenses: fire and police departments;
5. Carnivals, circuses, shows, etc., licenses: building, fire, police and planning departments;
6. Dance licenses: fire and police departments;
7. Fire extinguisher service licenses: fire department;
8. Massage business, health salon, etc., licenses: building, fire, planning, police departments and health officer;
9. Merchant patrol and private detective licenses: police department;
10. Motor vehicle wreckers licenses: building, fire, planning and police departments;
11. Outdoor musical entertainment licenses: building, fire, planning and police departments;
12. Pawnbrokers/secondhand dealers licenses: police department;
13. Solicitor license: police department;
14. Tow truck business license: fire, planning and police departments.

C. Notify any applicant of the acceptance or rejection of his/her application and shall, upon denial of any license state in writing the reasons therefor, the process for appeal and deliver them to the applicant.

D. Deny any application for license upon written findings that the granting would be detrimental to the public peace, health or welfare:

1. Whenever any such license is denied the applicant may within 15 days from date of action, file written notice of appeal to the ~~appropriate committee of the city's director of community development and public works~~. Action of the ~~appropriate committee of the city's director of community development and public works~~ may be appealed 15 days from date of action to the ~~full city council hearing examiner~~, and action of the ~~council hearing examiner~~ shall be conclusive and not subject to review.

2. When the issuance is denied and any action instituted by the applicant to compel its issuance, such applicant shall not engage in the business for which the license was refused unless a license is issued pursuant to a judgment ordering the same. (Ord. 5897 § 9, 2005; Ord. 4012 § 2, 1984.)

Ordinance No. 6532

October 14, 2014

Page 5

Section 8. Amendment to City Code.

That Section 5.20.070 of the Auburn City Code be, and the same hereby is, amended to read as follows:

5.20.070 License – Revocation.

A. Any license issued under the provisions of this chapter may be revoked by the ~~city clerk and/or police chief and/or building official and/or fire chief~~ for any reason if the further operation thereof would be detrimental to public peace, health or welfare, or the violation of any federal or state law or any ordinance or regulation of the city. The ~~city clerk~~ or the director of community development and public works shall cause to be served upon such parties as may be deemed to be interested therein such reasonable notice as may be determined to be proper of intention to revoke such license.

B. Where deemed necessary to prevent further detriment to public peace, health or welfare, or violation of any federal or state law or any city ordinance or regulation the ~~police chief, fire chief or building official~~ may immediately revoke any license issued under the provisions of this chapter.

C. Whenever any such license is revoked, the licensee may within 15 days from date of action file written notice of appeal to the ~~appropriate committee of the city's~~ director of community development and public works. Action of the ~~appropriate committee~~ director of community development and public works may be appealed within 15 days from date of action to the ~~full city council hearing examiner~~ and action of the council hearing examiner shall be conclusive and not subject to review. (Ord. 4012 § 2, 1984.)

Section 9. Amendment to City Code.

That Section 8.24.040 of the Auburn City Code be, and the same hereby is, amended to read as follows:

8.24.040 Public display of fireworks.

A. Every public display of fireworks shall be handled by a competent operator approved by the ~~fire-police~~ chief or his/her designee and shall be of such character, and so located, discharged, or fired, that, in the opinion of the ~~fire-police~~ chief or his designee, after proper investigation, it will not constitute a hazard to property or endanger any person. Should the ~~fire-police~~ chief or his/her designee deny a permit for public display of fireworks, the applicant therefor shall have the right to appeal that denial to the ~~appropriate Auburn city council committee~~, which shall consider such application, recommendation and denial, and in its discretion shall either uphold the denial or grant the permit applied for.

B. A state pyrotechnics license is required for operators of a public display of fireworks.

C. A bond or certificate of insurance must be furnished to the fire chief before a permit is issued. The bond shall be in the amount of \$1,000,000.00 and shall be conditioned upon the applicant's payment of all damages to persons and property resulting from or caused by such public display of fireworks, or by any negligence on the part of the applicant or its agents, servants, employees or subcontractors in the

Ordinance No. 6532

October 14, 2014

Page 6

presentation of the display. The certificate of insurance shall evidence a comprehensive general liability, including automobile coverage, insurance policy providing limits of \$1,000,000.00 combined single limit, per occurrence and annual aggregate, no deductible, and naming the city of Auburn as an additional insured.

D. Transportation and Storage.

1. All fireworks shall be transported within the city in accordance with 49 CFR Part 177 and 397.9(b) prior to reaching the display site.

2. As soon as the fireworks have been delivered to the display site, they shall be attended and shall remain dry.

3. All shells shall be inspected upon delivery to the display site by the display operator. Any shells having tears, leaks, broken fuses, or showing signs of having been wet shall be set aside and shall not be fired. After the display, any such shells shall be either returned to the supplier or destroyed according to the supplier's instructions.

4. All fireworks at the firing site must be stored in ready boxes (substantially constructed wood magazines). During the display, the magazines must be 25 feet upwind (relation to firing line) from the nearest mortar. Magazine lids must open in the opposite direction to the firing. All ready boxes are to be protected by a flame-proof water-repellent canvas cover until emptied.

5. The shell storage area shall be located at a minimum distance of not less than 25 feet from the discharge site.

6. During the display, shells shall be stored upwind from the discharge site. If the wind shifts during the display, the shell storage area shall be relocated to be upwind from the discharge site.

E. Preparation of Site and Crowd Control.

1. All dry grass, weeds and other combustible waste matter within 50 feet of the firing site shall be removed.

2. The site shall be located so that the trajectory of shells shall not come within 25 feet of any overhead object.

3. Discharged fireworks shall not come within 100 feet of any tent or canvas shelter.

4. The firing and storage site shall be located not less than 200 feet from any building.

5. The operator shall provide sufficient personnel to assure that no unauthorized persons are allowed within 200 feet of the firing and storage site. This requirement shall be in effect from one-half hour prior to the arrival of fireworks until all fireworks debris, equipment and fireworks have been removed from the site.

6. Spectators shall be restrained behind lines or barriers at least 200 feet from the firing and storage locations.

F. Installation of Mortars.

1. Mortars shall be inspected for dents, bent ends, and cracked or broken plugs prior to ground placement. Mortars found to be defective in any way shall not be used. Any scale on the inside surface of the mortars shall be removed.

Ordinance No. 6532

October 14, 2014

Page 7

2. Mortars shall be positioned so that the shells are carried away from spectators and buildings. When fired over water, mortars shall be installed at an angle of not less than 10 degrees, pointing toward the water.

3. Mortars shall be either buried securely into the ground to a depth of between two-thirds and three-fourths of their length or fastened securely in mortar boxes or drums. In soft ground, heavy timber or rock slabs shall be placed beneath the mortars to prevent their sinking or being driven into the ground during firing.

4. In damp ground, a weather-resistant bag shall be placed under the bottom of the mortar prior to placement in the ground to protect the mortar against moisture.

5. Weather-resistant bags shall be placed over the open end of the mortar in damp weather to keep moisture from accumulating on the inside surface of the mortar.

6. Sand bags, dirt boxes, or other suitable protection shall be placed around the mortars to protect the operator from ground bursts. This requirement shall not apply to the down-range side of the discharge site.

G. Operation of the Display.

1. The operator shall provide fire protection at the site as required by the fire chief or his/her designee.

2. Only permitted fireworks are authorized for use.

3. If, in the opinion of the fire chief or his/her authorized representative, lack of crowd control should pose a danger, the display shall be immediately discontinued until such time as the situation is corrected.

4. If at any time high winds or unusually wet weather prevail such that, in the opinion of the fire chief, his/her authorized representative or the display operator, a definite danger exists, the public display shall be postponed until weather conditions improve to permit safe discharge of fireworks.

5. Light snow or mist need not cause cancellation of the display; however, all materials used in the display shall be protected from the weather until immediately prior to use.

6. Display operators and assistants shall use only flashlights or approved electric lighting for artificial illumination.

7. No smoking or open flames shall be allowed within 50 feet of the firing or storage area as long as shells are present. Signs to this effect shall be conspicuously posted.

8. The first shell fired shall be carefully observed to determine that its trajectory will carry it into the intended firing range and that the shell functions over, and any debris falls into, the planned landing area.

9. The mortars shall be re-angled or reset if necessary at any time during the display.

10. When a shell fails to ignite in the mortar, the mortar shall not be touched for a minimum of five minutes. After five minutes it shall be carefully flooded with water. Immediately following the display, the mortar shall be emptied into a bucket of water. The supplier shall be contacted as soon as possible for proper disposal instructions.

11. Operators shall not attempt to repair a damaged shell nor shall they attempt to dismantle a dry shell. In all such cases, the supplier shall be contacted as soon as possible for proper disposal instructions.

12. Operators shall not dry a wet shell, lance, or pot for reuse.

13. The entire firing range shall be inspected immediately following the display to locate any defective shells. Any such shells found shall be immediately doused with water before handling. The shells shall be placed in a bucket of water. The supplier shall then be contacted as soon as possible for proper disposal instructions.

14. When fireworks are displayed in darkness the sponsor shall ensure that the firing range is inspected early the following morning.

15. Any fireworks remaining unfired after the display shall be immediately disposed of or removed from the city to the supplier from which they were purchased or to a location approved by the fire-police chief or his/her designee.

16. The debris from discharged fireworks shall be properly disposed of.

H. The denial by the fire-police chief of a permit for the public display of fireworks may be appealed to the appropriate Auburn city council committee. (Ord. 5679 § 1, 2002; Ord. 5385 § 6, 2000; Ord. 3976 § 8, 1984. Formerly 8.24.080.)

Section 10. Amendment to City Code.

That Section 10.41.010 of the Auburn City Code be, and the same hereby is, amended to read as follows:

10.41.010 Restricted parking zones – Establishment.

A. In conformity with the standards and policies of the city council, The-the city engineer upon approval by the municipal services committee is authorized to establish and remove restricted parking zones when, in the city engineer's professional judgment, a restricted parking zone will reduce or eliminate a parking problem and the public interest will be served. The city engineer shall report to the mayor and city council any such changes to parking zones.

B. Restricted parking zones may reserve on-street parking for the exclusive use of abutting properties and/or residents in a prescribed vicinity; vehicles used by their visitors; and service vehicles of persons having business in the street. They may also reserve on-street parking only during certain posted hours, allowing unrestricted parking at all other times.

C. Application for parking permits shall be made on a form provided by the city of Auburn. Proof of residency of the owner or lessee of a vehicle must be presented when applying for a permit within the designated residential parking zone (RPZ). The address of vehicle registration and driver's license must coincide with the residential address of the person requesting a permit.

D. The city shall issue permits or other means of identification, maintain lists of vehicles used by residents, or adopt any other reasonable means of distinguishing vehicles that may validly be parked in any restricted parking zone from other vehicles. Restricted parking zones shall be appropriately signed and/or marked. Any vandalism or destruction of parking control signs shall not affect the validity of a restriction upon

parking on any street segment designated by the city engineer if other signs or traffic control devices give notice that parking in the street segment is restricted. (Ord. 6267 § 1, 2009.)

Section 11. Amendment to City Code.

That Section 10.64.020 of the Auburn City Code be, and the same hereby is, amended to read as follows:

10.64.020 Definitions.

For the purposes of this chapter the following words shall have the meanings ascribed to them as follows:

A. "Parade" is any parade, march, ceremony, show, exhibition, pageant, or procession of any kind; or any similar display, in or upon any street, park or other public place in the city.

B. "Parade permit" is a permit as required by this chapter.

C. "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

~~D. "Public safety committee" is the public safety committee of the city council.~~
(Ord. 3311 § 2, 1978.)

Section 12. Amendment to City Code.

That Section 10.64.090 of the Auburn City Code be, and the same hereby is, amended to read as follows:

10.64.090 Appeal procedure.

Any person aggrieved shall have the right to appeal the denial of a parade permit to the ~~public safety committee~~city council. The appeal shall be taken within three days after notice of denial. The ~~public safety committee~~city council shall act upon the appeal within seven days after its receipt. (Ord. 3713 § 6, 1981; Ord. 3311 § 7, 1978.)

Section 13. Amendment to City Code.

That Section 10.64.120 of the Auburn City Code be, and the same hereby is, amended to read as follows:

10.64.120 Public conduct during parades.

A. Interference. No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

B. Driving Through Parades. No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade, unless directed to do so by an Auburn police officer.

C. Parking on Parade Route. The ~~public safety committee~~police chief and the city engineer shall have the authority, when reasonably necessary, to prohibit or restrict parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The ~~public safety committee~~police chief or the city engineer shall cause to be

posted signs to such effect, and it is unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this chapter. (Ord. 3311 § 11, 1978.)

Section 14. Amendment to City Code.

That Section 12.04.010 of the Auburn City Code be, and the same hereby is, amended to read as follows:

12.04.010 Adoption of engineering construction standards and engineering design standards.

A. Adopted – Engineering Construction Standards. The engineering construction standards include the following documents and manuals which are herein referred to as the “engineering construction standards” and are adopted by reference:

1. The Standard Plans (M21-01) for Road, Bridge, and Municipal Construction prepared by the Washington State Department of Transportation, the latest publication and amendments thereto, as determined appropriate for city infrastructure by the city engineer and for conformance with adopted city engineering design standards.

2. The Standard Specifications for Road, Bridge and Municipal Construction, the latest (English) edition publication and amendments thereto as issued by the Washington State Department of Transportation as supplemented and amended through special provisions by the city engineer for specific construction applications and for conformance with adopted city engineering design standards.

3. The City of Auburn Engineering Standard Details, a manual of specific plans or drawings developed and adopted by the city of Auburn department of public works which show frequently recurring components of work that have been standardized for repetitive use, as supplemented and amended by the city engineer for specific construction applications and for conformance with adopted city engineering design standards.

B. Adopted – Engineering Design Standards. The engineering design standards as approved by the public works committee, supplemented and amended by the city engineer for specific design applications to the extent authorized by the public works committee and in consultation with the City Council on Policy issues or broad city-wide implications shall include the following documents and manuals which are herein referred to as the “engineering design standards” and are adopted by reference:

1. A manual of specific design requirements which shows frequently recurring public transportation and utility infrastructure standards.

2. The City of Auburn Surface Water Management Manual (SWMM) which is the 2008 City of Tacoma Surface Water Management Manual as amended for use in the city of Auburn. The SWMM is a manual of specific requirements related to storm drainage management.

C. Adopted – Highway Access Management. Chapter 468-52 WAC, Highway Access Management – Access Control Classification System and Standards, and

amendments thereto, with the exception of WAC 468-52-060 and 468-52-070, is adopted by reference with the following amendments:

1. All references to the "Department" shall be changed to "city of Auburn."
2. All references to Chapter 468-51 WAC or sections thereof shall be changed to "City of Auburn Engineering Design Standards." (Ord. 6283 § 1, 2009; Ord. 6258 § 1, 2009; Ord. 6157 § 1, 2008; Ord. 5042 § 1 (Exh. B), 1998.)

Section 15. Amendment to City Code. That Section 12.04.050 of the Auburn City Code be, and the same hereby is, amended to read as follows:

12.04.050 Authorities for public infrastructure and right-of-way management.

A. Develop and Publish City Engineering Standards. The city engineer or his/her designee shall develop, implement and publish engineering design standards manuals ~~after review and approval by the public works committee in accordance with Section 12.04.010(B) of the city code.~~ The city engineer or his/her designee shall develop, implement and publish engineering construction standards manuals and establish engineering standard construction practices for regulation of all work within the public way by all persons to include, but not be limited to, franchise public/private utilities and entities possessing a right-of-way agreement and/or permit to assure the public's safety, welfare and interest is protected.

B. Survey Record Controls. The city engineer or his/her designee shall develop office procedures for establishing horizontal and vertical control registration of existing and future development within the urban growth areas of the city. Procedures will utilize both city and private development record drawings and survey efforts to continue to maintain an accurate current database for future reference. The city will provide the most current benchmark geodetic survey data to new developers and for city construction projects at the administrative cost of providing the service, and require in exchange, at no cost to the city, the developer and/or city project sponsors to provide equal quality record drawings in AutoCAD drawing file format at completion of the development and/or city project to update records reflecting survey controls of the new development and/or city infrastructure.

C. Subdivision Records. The city engineer or his/her designee shall develop office procedures for the safekeeping of record drawings of all recorded plats and short plats.

D. Management of Record Drawings. The city engineer or his/her designee shall develop office procedures for the safekeeping of record drawings of all public transportation, water, sanitary sewer, and storm drainage infrastructure as defined in ACC 13.40.010.

E. Management of Right-of-Way and Easements. The city engineer or his/her designee shall develop office procedures for the safekeeping of record drawings of all public right-of-way, public access easements, city utility easements, cross drainage easements, and public facilities developed and dedicated to the city.

The acquisition of real property and relocation of inhabitants required for the completion of city projects shall be pursuant to ACC 2.03.030 and Chapter 3.10 ACC.

The city engineer may accept easements granted to the city as part of an approved development project or capital projects of the city for city utilities, drainage, slope protection, public access, and right-of-way, and may also accept public facility extensions that are not dedicated through plats and short plats. ~~After review by the public works committee, the city engineer may execute a release or partial release of any city utility, drainage, temporary road, or slope protection easements that are not needed or are no longer needed for city purposes. All other city-held easements shall be released only by city council action, and public right-of-way easements shall be subject to the vacation provisions set forth in Chapter 12.48 ACC, and in accordance with Chapter 35.79 RCW. (Ord. 6312 § 1, 2010; Ord. 6265 § 2, 2009; Ord. 6258 § 1, 2009; Ord. 6013 § 1, 2006; Ord. 5042 § 1 (Exh. B), 1998.)~~

Section 16. Amendment to City Code.

That Section 12.32.020 of the Auburn City Code be, and the same hereby is, amended to read as follows:

12.32.020 Prohibitions.

It is unlawful for any person, firm or corporation, or for any agent, representative, servant or employee thereof, to deposit, place, erect or maintain, or cause to be deposited, placed, erected or maintained, upon any sidewalk located in any public street, alley or place of the city, or upon any portion of such sidewalk, any bench, chair, rack, stand, structure, sign, merchandise or other object, except as approved by the ~~street committee~~ city engineer, or to place, erect or maintain, or cause to be placed, erected or maintained, over such sidewalk, or over any portion of such sidewalk, any structure, sign or other object at such height or in such manner as to prevent or interfere with the free and unobstructed use of all of such sidewalk by pedestrians. (1957 code § 8.18.020.)

Section 17. Amendment to City Code.

That Section 12.60.040 of the Auburn City Code be, and the same hereby is, amended to read as follows:

12.60.040 Type B short-term permit.

- A. Type B is a short-term permit for uses of less than 30 days.
- B. Type B permit uses include, but are not limited to, right-of-way closures for sidewalk sales, rallies, block parties, or other similar events.
- C. In the event a Type B permit involves a street, sidewalk, or parking closure, additional fees are required per the city of Auburn fee schedule.
- D. Issuance of right-of-way use permits that involve downtown, community impacts, full street closures, or uses with policy implications shall require ~~public works committee approval~~ of the city engineer.
- E. Applicant shall be an individual or organization that does not discriminate in regard to race, religion, color, gender, national origin, creed, age, marital status,

Ordinance No. 6532

October 14, 2014

Page 13

veteran status, disability status, or any other basis prohibited by federal, state, or local law. (Ord. 6125 § 1, 2007; Ord. 5298 § 1, 1999; Ord. 5042 § 1 (Exh. D), 1998.)

Section 18. Amendment to City Code. That Section 12.60.050 of the Auburn City Code be, and the same hereby is, amended to read as follows:

12.60.050 Type C long-term permit.

A. Type C is a long-term permit for uses of 30 days to five years.

B. Type C permit uses include, but are not limited to, installation of groundwater monitoring wells, landscaping, fences, awnings, underground storage tanks, bus shelters, underground or overhead facilities such as fiber optic cables or utility vaults except when a franchise or public way agreement applies, use of the right-of-way to paint or repair a building or to stage for construction, sidewalk cafes, and sidewalk vending units.

C. In the event a Type C permit involves a street, sidewalk, or parking closure, additional fees are required per the city of Auburn fee schedule.

D. Issuance of right-of-way use permits that involve downtown, community impacts, full street closures, or uses with policy implications shall require public works committee approval of the city engineer.

E. Applicant shall be an individual or organization that does not discriminate in regard to race, religion, color, gender, national origin, creed, age, marital status, veteran status, disability status, or any other basis prohibited by federal, state, or local law. (Ord. 6125 § 1, 2007.)

Section 19. Amendment to City Code. That Section 12.60.070 of the Auburn City Code be, and the same hereby is, amended to read as follows:

12.60.070 Right-of-way use permit term, extension, renewal and termination.

A. No permit term shall exceed five years unless it has been approved by the full council.

B. The city has authority to grant a single 30-day extension to the applicant upon receipt of a written request, absent any known reasons for denial. Extensions of right-of-way use permits that involve downtown, community impacts, full street closures, or uses with policy or broad city-wide implications shall require public works committee approval of the city engineer.

C. Once a permit has expired or been revoked, the applicant must apply for a new permit. No permit shall be automatically renewed.

D. All right-of-way use permits are wholly of a temporary nature, and vest no permanent rights whatsoever.

E. Right-of-way use permits are approved for the location and applicant listed on the permit and cannot be transferred for another location or for another applicant unless first approved by the city.

F. The city shall have the authority to restrict, suspend, or revoke a permit upon 30 days' notice; provided, however, the city shall have the authority to immediately suspend or revoke a permit without such notice in situations that present, in the city's determination, a health or safety hazard or constitute a public nuisance. The grounds for restricting, suspending, or revoking a right-of-way use permit shall include, but not be limited to:

1. Any other license or permit that the applicant is required to have for the same use as the right-of-way use permit is not acquired or is suspended, revoked, or canceled.

2. The applicant has violated or failed to meet any of the provisions of this chapter or is in violation of any other ordinances or regulations of the city relating to the use by the applicant for which the permit is applied for or issued.

3. The applicant has failed to meet the conditions of the permit.

4. The use for which the permit was approved has changed.

5. The permit was procured by fraud or misrepresentation of fact or was issued in error or on the basis of incorrect information supplied to the city.

6. The abutting property owner or legal representative withdraws consent in writing for a sidewalk vending unit. (Ord. 6125 § 1, 2007.)

Section 20. Amendment to City Code. That Section 14.18.030 of the Auburn City Code be, and the same hereby is, amended to read as follows:

14.18.030 Public hearing.

A. Upon determination of a complete application for development, other than an individual single-family home, the director shall tentatively set a date for a public hearing to be held before the ~~planning and development committee~~ city's hearing examiner. Every hearing held for the purposes of this chapter shall be open to the public, and a record of the hearing shall be kept and made available for public inspection.

B. Any notice of public hearing required by this section shall include the hour, date and location of the hearing and a description of the property. The description may be in the form of either a vicinity location sketch or a written description other than a legal description.

C. The planning director shall cause notice of the hearing to be given in the following manner:

1. Notice shall be published not less than 10 days prior to the hearing in a newspaper of general circulation within the county where the real property is located;

2. Requiring the subject property posted in accordance with the applicable requirements of Chapter 1.27 ACC. (Ord. 6287 § 2, 2010; Ord. 5811 § 3, 2003; Ord. 5306 § 1, 1999; Ord. 4872 § 1, 1996.)

Section 21. Amendment to City Code. That Section 14.18.050 of the Auburn City Code be, and the same hereby is, amended to read as follows:

Ordinance No. 6532
October 14, 2014
Page 15

~~14.18.050 Planning and development committee~~Hearing examiner.

The ~~planning and development committee~~hearing examiner, following the closure of the public hearing, shall recommend to the city council that the city sign a development agreement with the applicant or to not sign a development agreement with the applicant. The ~~planning and development committee~~hearing examiner shall not recommend approval of the development agreement unless it finds the proposal is in conformance with the findings of fact as outlined in ACC 14.18.070(A). (Ord. 6287 § 2, 2010; Ord. 4872 § 1, 1996.)

Section 22. Amendment to City Code.

That Section 14.18.060 of the Auburn City Code be, and the same hereby is, amended to read as follows:

14.18.060 City council review.

A. Upon receipt of the ~~planning and development committee's~~hearing examiner's recommendation, the city council shall, at its next public meeting, approve, remand the recommendation to the ~~committee~~hearing examiner or schedule a closed record hearing. Any aggrieved person may request the council to conduct its own closed record hearing. The council can only amend or reject the ~~committee's~~hearing examiner's recommendation.

B. If the council holds its own closed record hearing on a proposed development agreement, the council shall consider the findings, conclusions and recommendations of the ~~planning and development committee~~hearing examiner's public hearing. After conducting its own closed record hearing the council may approve, approve with conditions, reject or return the application to the applicant for corrections or modifications.

C. When the council makes its decision on the development agreement, it shall pass a resolution prepared by the city attorney. A resolution prepared under this subsection shall include formal findings of fact and conclusions supporting the decision. If the development meets all city development standards, the findings shall affirm that the development conforms with all applicable city development standards. If the development agreement allows modifications from some city standards, the modifications shall be specified in the resolution. (Ord. 6287 § 2, 2010; Ord. 5785 § 1, 2003; Ord. 5306 § 1, 1999; Ord. 4872 § 1, 1996.)

Section 23. Amendment to City Code.

That Section 14.22.040 of the Auburn City Code be, and the same hereby is, amended to read as follows:

14.22.040 Definitions.

A. "Amendment" means any change in the wording, context or substance of the comprehensive plan or a change to the comprehensive land use map or any other map contained or referenced within any plan chapter or element.

Ordinance No. 6532

October 14, 2014

Page 16

B. "Area-wide map amendment" means an amendment to the comprehensive land use map involving four or more contiguous or adjacent parcels under different ownership that would be similarly affected by a proposed map amendment.

C. "City-initiated planning program" means a planning program begun by resolution of the city council, ~~any city council committee~~, or the planning commission, addressing a geographic sub-area of the city's urban growth area (such as a special area plan) or addressing a specific functional area (such as a utility plan).

D. "Director" means the director of the department of planning and development or his/her designee.

E. "Docket" means a list of suggested amendments to the comprehensive plan maintained by the director.

F. "Planning commission" is an appointed group serving in an advisory capacity to the city council as specified in Chapter 2.45 ACC. (Ord. 6287 § 2, 2010; Ord. 6172 § 1, 2008.)

Section 24. Amendment to City Code.

That Section 14.22.080 of the Auburn City Code be, and the same hereby is, amended to read as follows:

14.22.080 Docketing.

A. In accordance with RCW 36.70A.470, suggested changes to the comprehensive plan which are not specific to any site may be submitted by any individual, organization or general or special purpose government and shall be coordinated by the director. The director shall create appropriate forms for such submittals that require the submittal to address the criteria outlined in subsection C of this section. The list shall be known as the "docket" and is the means to suggest a change or identify a deficiency in the comprehensive plan. An item may be submitted to the docket at any time during the calendar year. There is no fee associated with submitting an item to the docket.

B. Annually, the director shall review such suggestions with the city council or ~~committee thereof~~ and determine whether to direct them to the planning commission for consideration. The city council or ~~committee thereof~~ may decline to consider any item from the docket.

C. Proposed amendments on the docket may be considered appropriate for action if the following criteria are met:

1. A proposed comprehensive plan text amendment addresses a matter appropriate for inclusion in the plan;

2. The proposal demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the plan;

3. The proposal addresses the interests and changed needs of the entire city as identified in the plan;

4. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the city council;

Ordinance No. 6532

October 14, 2014

Page 17

5. The proposal can be reasonably reviewed and evaluated, given existing staff and budget resources; and

6. The proposal has not been voted on by the city council in the last three years. This time limit may be waived by the city council if it is demonstrated that there exists either an obvious technical error or a change in circumstances that justifies the need for the amendment.

D. Any item on the docket that is not determined to be appropriate for action may be proposed under ACC 14.22.090, provided it is timely and properly filed. (Ord. 6172 § 1, 2008.)

Section 25. Amendment to City Code.

That Section 14.22.090 of the Auburn City Code be, and the same hereby is, amended to read as follows:

14.22.090 Proposals for amendments.

A. **Privately Initiated Amendments.** A proposed amendment to the comprehensive plan, other than docketing pursuant to ACC 14.22.080, may be submitted by any individual, organization, corporation or partnership; general or special purpose government other than the city; or entity of any kind; provided, that if the proposal involves specific real property, the property owner has provided written consent to the proposal.

B. **City-Initiated Amendments.** The city council ~~or committee thereof~~ or the planning commission may initiate a planning program or any type of amendment to the comprehensive plan, regardless of whether site-specific or area-wide in scope.

C. **Application.** Except for city-initiated planning programs or individual amendments, all proposed amendments shall be submitted to the director on an approved form, together with required filing fees. An environmental checklist shall also be submitted if required. A proposed amendment request shall include the following information:

1. Name, address, phone number and e-mail address of the applicant and contact person and written consent of the property owner if the proposal affects specific property;

2. If the amendment concerns specific property, both a general description and legal description of the property;

3. A description of the plan amendment being requested;

4. Written statements addressing the purpose of the amendment, why it is being requested, and how it is consistent with the criteria listed in ACC 14.22.110;

5. If the request is for an amendment to the comprehensive land use map, an indication of what concurrent change in zoning is also being requested.

D. **Department Report.** The director shall prepare an assessment and recommendation on all proposed amendment requests and include this within a report that evaluates all requests concurrently. (Ord. 6172 § 1, 2008.)

Section 26. Amendment to City Code.

That Section 16.08.020 of the Auburn City Code be, and the same hereby is, amended to read as follows:

16.08.020 Definitions.

As used in this chapter:

A. "Act" means the Shoreline Management Act of 1971 (Chapter 90.58 RCW) and state departmental regulations pursuant thereto, including any amendments thereto.

B. ~~"Committee" means the planning and development committee of the city council.~~

C. ~~"Definitions by reference" means the definitions and concepts set forth in Chapter 6 of the Auburn shoreline master program attached to the ordinance codified in this chapter, the Act (RCW 90.58.030), and state departmental definitions (WAC 173-27-030 and 173-27-250) adopted pursuant thereto which shall also apply as used in this chapter as they would pertain to shorelines within the city limits.~~

D. "Director" means the director of the ~~department of planning and community development and public works~~ of the city, or his/her duly authorized designee. (Ord. 6287 § 2, 2010; Ord. 6235 § 1, 2009; Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; Ord. 4047 § 71, 1985; 1957 code § 11.94.020.)

Section 27. Amendment to City Code.

That Section 17.02.090 of the Auburn City Code be, and the same hereby is, amended to read as follows:

17.02.090 Amendments.

A. Initiation of Amendments.

1. ~~The city council, or the planning and development committee of the city council,~~ upon its own motion may request the planning commission to conduct a public hearing to amend any portion or all of this title; provided, that no public hearing is required for a purely administrative or procedural amendment of any portion of this title;

2. The planning commission may upon its own motion call for a public hearing to amend any portion or all of this title, with the exception of purely administrative or procedural amendments;

3. Any resident or property owner of the city may petition the city to request an amendment to the text of this title.

B. Public Hearing and Notice.

1. With the exception of purely administrative or procedural amendments, the planning director shall schedule a public hearing to be held before the planning commission for any proposal to amend this title or to adopt or repeal any ordinance under the authority established by Chapter 58.17 RCW. The director shall cause notice of such hearing to be given as follows:

a. By sending to any individual or organization which has submitted a request for notification a notice indicating the time and place of public hearing,

Ordinance No. 6532

October 14, 2014

Page 19

describing the general nature of the proposal, and indicating how copies of the proposed ordinance or amendment can be obtained; and

b. By publishing in a newspaper of general circulation in the area a notice indicating the time and place of public hearing, describing the general nature of the proposal, and indicating how copies of the proposed ordinance or amendment may be obtained.

2. For all proposals to make purely administrative or procedural amendments to this title, the planning director shall cause notice of such proposed amendment to be given as follows:

a. By sending to any individual or organization which has submitted a request for notification advance notice of the proposed amendment that indicates how copies of the proposed amendment can be obtained.

b. By publishing in a newspaper of general circulation in the area advance notice of the proposed amendment that indicates how copies of the proposed amendment can be obtained.

3. For the purposes of this section, substantive amendments shall be distinguished from procedural or administrative amendments in accordance with the following: substantive matters relate to regulations that define or limit what can be done in terms of conduct, use or action (e.g., what use may be made of land, what requirements apply to development), and procedural or administrative matters are those that relate to the process of how an application to take such action must be pursued (e.g., time limits for applications and appeals, what forms must be used, and where or how applications must be submitted. Essentially, procedural or administrative matters are the mechanical rules by which substantive issues may be pursued).

C. Planning Commission Recommendation. After the public hearing has been closed, the planning commission shall recommend to the council either adoption, adoption with modifications, or rejection of the proposed ordinance or amendment. In formulating its recommendation, the commission shall consider, among other things, the relationship between the proposed ordinance or amendment and the comprehensive plan, other applicable city policies, and other existing land use controls.

D. City Council Action. The planning director shall forward the planning commission's recommendation, in writing, to the council. The council may elect to hold its own public hearing, ~~either before the full council or before a council committee~~, in which case the city clerk shall cause adequate notice to be given. The council shall consider, but shall not be bound by, the planning commission's recommendation in reaching its own decision. (Ord. 6287 § 2, 2010; Ord. 6239 § 1, 2009.)

Section 28. Amendment to City Code. That Section 18.08.090 of the Auburn City Code be, and the same hereby is, amended to read as follows:

18.08.090 Amendments.

Amendments to this chapter may be initiated by the city, the proponent, or the proponent's successor, and shall occur as follows:

Ordinance No. 6532
October 14, 2014
Page 20

A. ~~The planning director or~~ of community development and public works director, in their area of responsibility, may interpret the words and meaning of certain conditions in order to resolve conflicts in implementation. All words in the ordinance codified in this chapter shall carry their customary and ordinary meaning.

B. If changes to the language of the ordinance codified in this chapter are required, such proposed changes shall be reviewed by the ~~planning and development committee of the city council, or its successor~~ director of community development and public works. If, in the estimation of the director of community development and public works, the proposed change is minor, then the committee shall make a recommendation proposed change shall be forwarded directly to the city council for its consideration. If, in the estimation of the director of community development and public works, the change is major, the committee ~~proposed change shall be referred to the change to the hearing examiner~~ planning commission which. ~~For major changes the examiner shall conduct a public hearing and make a recommendation to the city council.~~ (Ord. 6382 § 2, 2011.)

Section 29. Amendment to City Code. That Section 18.29.070 of the Auburn City Code be, and the same hereby is, amended to read as follows:

18.29.070 Design standards.

Adopted by reference are the "Downtown Auburn Design Standards" and the "Auburn Junction Design Standards," a copy of which shall be maintained by the city clerk. These documents contain standards for development of the built environment in the DUC zone. The director shall have the authority to apply the standards to specific development proposals. These standards may be amended upon approval by the ~~planning and community development committee of the Auburn city council.~~ (Ord. 6419 § 2, 2012; Ord. 6287 § 2, 2010; Ord. 6190 § 1, 2008; Ord. 6071 § 6 (Exh. A), 2007.)

Section 30. Amendment to City Code. That Section 18.68.020 of the Auburn City Code be, and the same hereby is, amended to read as follows:

18.68.020 Initiation of amendments.

A. Zoning Map.

1. One or more property owners of the parcel may submit an application requesting a reclassification of the parcel;

2. ~~The city council, or planning and development committee of the city council, upon its own motion~~ may request the planning commission or hearing examiner to conduct a public hearing on the reclassification of a parcel or parcels of property;

3. The planning commission may upon its own motion call for a public hearing on the reclassification of a parcel or parcels of property.

B. Text.

1. ~~The city council, or planning and development committee of the city council, upon its own motion~~ may request the planning commission to conduct a public

hearing to amend any portion or all of this title; provided, that text amendments that are purely administrative or procedural do not require a public hearing, nor do they require preliminary review or recommendations of the planning commission;

2. The planning commission may upon its own motion call for a public hearing to amend any portion or all of this title, with the exception of purely administrative or procedural amendments;

3. Any resident or property owner of the city may petition the city to request an amendment to the text of this title.

C. For the purposes of this chapter, substantive amendments shall be distinguished from procedural or administrative amendments in accordance with the following: "Substantive" matters relate to regulations that define or limit what can be done in terms of conduct, use or action (e.g., what use may be made of land, what requirements apply to development, what public infrastructure may be required of certain developments), and "procedural" or "administrative" matters are those that relate to the process of how an application to take such action must be pursued (e.g., time limits for applications and appeals, what forms must be used, and where or how applications must be submitted. Essentially, "procedural" or "administrative" matters are the mechanical rules by which substantive issues may be pursued). (Ord. 6287 § 2, 2010; Ord. 6198 § 3, 2008; Ord. 4840 § 1, 1996; Ord. 4304 § 1(46), 1988; Ord. 4229 § 2, 1987.)

Section 31. Amendment to City Code.

That Section 18.76.080 of the Auburn City Code be, and the same hereby is, amended to read as follows:

18.76.080 Public infrastructure requirements.

The applicant for the PUD must provide all necessary public facilities to include, as a minimum, the following:

A. **Dedication of Public Utilities.** Public utilities being provided by the city must be dedicated to the city unless allowed to be private by the city.

B. **Water, Sewer and Drainage Facilities.** All water, sanitary sewer and drainage facilities must be constructed and installed in accordance with applicable city codes and standards, including design criteria, construction specifications, operational criteria, and approved engineering submittals.

C. **Underground Facilities.** All public utilities must be placed underground except those that by their nature must be on or above ground, such as streets, fire hydrants, power vaults, telephone pedestals and open watercourses. The applicant is responsible for making the necessary arrangements with the appropriate entities for the installation of such services.

D. **Streets.**

1. All streets must be constructed to the city's standards. Variations from minimum standards for pavement and right-of-way widths or other dimensional or construction standards may be permitted when special design features of the PUD or topographic considerations warrant the variation. The applicant must submit a written

Ordinance No. 6532

October 14, 2014

Page 22

justification for any proposed variation along with evidence that the minimal functional requirements of the proposed street improvements are being met. The city engineer shall review the proposed variation and shall determine if the minimal functional requirements are being met and shall make a recommendation to the city council ~~public works committee~~ whether the variation should be approved. The ~~public works committee~~ city council shall act upon the request and may require conditions of approval to ensure the minimal functional requirements are being met.

2. Private streets may be permitted within the PUD provided they meet the following criteria:

a. Use of the private street is limited to those accessing property within the planning area or immediately adjacent to the planning area and is not needed by non-PUD residents to travel from one public street to another. The design of the private street shall be such that it will discourage any through traffic that is not related to the planning area itself.

b. The minimum pavement width for private streets shall be 28 feet; provided, that on-street parking is allowed only on one side of the street or 20 feet for alleys. The roadway section pavement depth for asphalt, crushed rock, and gravel base and the material specifications of these materials shall be the same as Auburn standards for public streets. Additional width may be required if determined to be needed to provide adequate circulation for the residents of the PUD. Factors to be considered include but are not limited to providing emergency equipment access, preventing conflicts between pedestrians and vehicle traffic, on-street parking, number of units, the need for sidewalks and bike paths. The pavement width and construction standards, to include but not limited to illumination, signing, storm drainage, curbs, gutters, channelization, e.g., shall be determined by the city engineer at the time of preliminary plat or site plan approval. Private streets and/or access tracts and shared driveways that provide a second or additional access to lots/units shall be constructed to standards, as determined by the city engineer, considered to be appropriate for the situation. Factors to be considered include the number of units served, emergency access and traffic circulation.

c. All sites served by a private street greater than 600 feet in length shall have at least two access connections to a public street and provide for adequate emergency equipment access.

d. A legally incorporated property owners' association assumes the responsibility and cost to repair and maintain the proposed private streets. If the association fails to maintain the street, the by-laws of the association give the city the right to maintain the street and charge the cost of the maintenance, including any administrative costs, to the association members.

e. The by-laws establishing the association must state that if future owners should request that private streets be changed to public streets, then the owners fully agree that, before acceptance of such streets by the city, the owners will bear full expense of reconstruction or any other action necessary to make the streets

substantially consistent to the requirements of public streets, applicable at that time. (Ord. 5092 § 1, 1998.)

Section 32. Amendment to City Code. That Section 20.04.030 of the Auburn City Code be, and the same hereby is, amended to read as follows:

20.04.030 Notice of complete application and scheduling of ~~public hearing~~meeting.

A. Within 30 calendar days after receipt of the public way agreement application, the city will complete review of the application to determine whether the application contains sufficient information as outlined in ACC 20.04.020 to proceed with processing. If during the 30-calendar-day review period, the city engineer determines that the application is incomplete, the city engineer will issue a letter to the applicant specifying the additional information necessary to complete the application. The applicant will be given 30 calendar days to respond to the request for additional information. Once the additional information is received by the city, an additional 14 calendar days will be allowed to determine whether the application is complete. Once the application is determined complete, written notice will be provided following the procedure outlined in this subsection. If the applicant needs additional time to respond, the applicant may request up to an additional 30 calendar days. If a response is not timely received, the application will be returned to the applicant with a notice that the application is rejected due to failure to provide the required information. Any new applications will require a new application fee.

B. When satisfied that the application is complete, the city engineer will notify the applicant in writing that the application is complete and inform the applicant of the schedule for consideration by the ~~public works committee~~. If the ~~public works committee~~ determines that the application merits a separate public hearing, it shall recommend to the city council that it schedule a public hearing. The city clerk will notify the applicant in writing of the scheduled ~~hearing~~meeting. (Ord. 5271 § 1, 1999; Ord. 5034 § 1, 1998.)

Section 33. Amendment to City Code. That Section 20.06.030 of the Auburn City Code be, and the same hereby is, amended to read as follows:

20.06.030 Notice of complete application and scheduling of public hearing.

A. Notice of Complete Application. Within 30 calendar days after receipt of the franchise application, the city will complete review of the application to determine whether the application contains sufficient information as outlined in ACC 20.06.020 to proceed with processing. If during the 30-calendar-day review period, the city engineer determines that the application is incomplete, the city engineer will issue a letter to the applicant specifying the additional information necessary to complete the application. The applicant will be given 30 calendar days to respond. Once the additional information is received by the city, an additional 14 calendar days will be allowed to determine whether the application is complete. Once the application is determined complete, written notice will be provided. If the applicant needs additional time to

respond the applicant may request up to an additional 30 calendar days. If a response is not timely received, the application will be returned to the applicant with a notice that the application is rejected due to failure to provide the required information. Any new applications will require a new application fee.

B. Scheduling of Public Hearing. When satisfied that the application is complete, the city engineer will notify the applicant in writing that the application is complete and inform the applicant of the schedule for consideration by the public works committee. ~~The public works committee shall review the proposal to include the planned use of the public ways and recommend any modifications required prior to recommending setting the public hearing by the city council. Once satisfied as to the terms of the negotiated draft franchise agreement, the public works committee shall recommend that the city council set the date for the public hearing. The city council will schedule the hearing and the city clerk will notify the applicant in writing of the scheduled hearing. (Ord. 5271 § 1, 1999; Ord. 5034 § 1, 1998.)~~

Section 34. Amendment to City Code. That Section 20.08.030 of the Auburn City Code be, and the same hereby is, amended to read as follows:

20.08.030 Notice of complete application and scheduling of public hearing.

A. Within 30 calendar days the city will complete an initial review of the application to determine whether the application contains sufficient information as outlined in ACC 20.08.020 to proceed with processing. Once satisfied that the proposal is clear, the mayor will appoint a negotiation team to meet with the applicant and determine whether additional information is needed. The team shall as a minimum consist of the finance director, a legal representative, and the department director affiliated with the property being considered for lease. If during the 30-calendar-day review period, the application is deemed incomplete, the city will issue a letter to the applicant specifying the additional information necessary in order to proceed with processing. The applicant will be given 30 calendar days to respond. Once the additional information is received by the city, an additional 14 calendar days will be allowed to determine whether the application is complete. Once the application is determined complete, written notice will be provided. If a response is not timely received, the application will be returned to the applicant with a notice that the application is rejected due to failure to provide the required information. Any new applications will require a new application fee.

B. When satisfied that the application is complete, the finance director will issue a letter of completeness and notifying the applicant of the schedule the issue will be considered by the appropriate council committee. ~~The appropriate committee will give initial considerations to the negotiation team to facilitate completion of a negotiated draft lease agreement process for consideration of the matter by the city council. Once the team returns to the committee with a an acceptable draft lease agreement has been prepared, the committee will determine if the issues merit a separate public hearing, and recommend to the city council whether a public hearing should be held. The city~~

council city clerk will schedule the a hearing before the city council, and the city clerk will notify the applicant in writing of the scheduled hearing. (Ord. 5271 § 1, 1999; Ord. 5034 § 1, 1998.)

Section 35. Amendment to City Code. That Chapter 2.06 of the Auburn City Code be, and the same hereby is, amended to read as follows:

Chapter 2.06
CITY COUNCIL¹

Sections:

- 2.06.010 Meetings – Time.
- 2.06.020 Meetings – Place.
- 2.06.030 Regular meetings.
- 2.06.040 Special meetings.
- ~~2.06.045 Committee of the whole meetings.~~
- 2.06.050 Meetings – Attendance failure – Office forfeiture.
- 2.06.060 Rules of procedure of the city council.

2.06.010 Meetings – Time.

A. Regular City Council Meetings. Commencing with the first regular council meeting in January, ~~1984~~2015, the city council shall hold regular meetings on the first and third Mondays of each month, at ~~7:30~~7:00 p.m. ~~and concluding no later than 11:00 p.m.~~; provided, however, that when the day fixed for any regular meeting of the council falls upon a day designated by law as a legal or national holiday, such meetings shall be held at the same hour on the next succeeding day not a holiday.

B. Council Study Sessions. The city council shall hold, as regular meetings, study sessions on the second, fourth and fifth Mondays of each month, at 5:30 p.m.; provided, however, that when the day fixed for any regular meeting of the council falls upon a day designated by law as a legal or national holiday, such meetings shall be held at the same hour on the next succeeding day not a holiday. (Ord. 5802 § 1, 2004; Ord. 3916 § 1, 1983; 1957 code § 1.04.010.)

2.06.020 Meetings – Place.

Except as specifically set in locations in Auburn other than at city hall for particular meetings, and with appropriate public notice, All all regular meetings of the city council, including regular council meetings and study sessions, shall be held in the council chambers situated in the City Hall building, 25 West Main Street, Auburn, King

¹ For statutory provisions on council meetings in code cities, see RCW 35A.12.110 and 35A.12.120; for provisions on forfeiture of office, see RCW 35A.12.060.

County, Washington, and shall be open to the general public. (Ord. 5802 § 1, 2004; Ord. 3759 § 1, 1982; 1957 code § 1.04.020.)

2.06.030 Regular meetings.

Regular meetings of the city council shall be held on the times and dates as may be heretofore or hereafter set forth by ordinance. (Ord. 5802 § 1, 2004; 1957 code § 1.04.060.)

2.06.040 Special meetings.

Special meetings of the city council may be called by the mayor or any three members of the council by written notice delivered to each member of the council at least 24 hours before the time specified for the proposed meeting; provided, however, that no ordinance or resolution shall be passed, or contract let or entered into, or bill for the payment of money allowed, at any special meeting unless public notice of such meeting has been given by such notice to the local press, radio and television as will be reasonably calculated to inform the city's inhabitants of the meeting. Special meetings of the city council may be at city hall or locations within or outside of the city limits; provided that no final action may be taken by the city council at such meetings unless located within the city limits. (Ord. 5802 § 1, 2004; 1957 code § 1.04.070.)

~~2.06.045 Committee of the whole meetings.~~

~~Committee of the whole, consisting of the entire membership of the city council and the deputy mayor as presiding officer, shall meet at 5:005:30 p.m. on the fifth Monday of the month throughout the year, at the Council Chambers at Auburn City Hall, 25 West Main Street, Auburn, Washington, unless a different time and/or location is specially set and noticed, or unless such meeting is cancelled by the mayor or deputy mayor for lack of an agenda with proper notice. The purpose of such meetings of the committee of the whole shall be to address specific issues of city wide importance or special reports or presentations that do not lend themselves to the agendas of the standing committees study sessions, and that do not, in their present form or stage of development, lend themselves to the agendas of the or regular council meetings. The city council shall not take final action on any matters coming before it at a meeting of the committee of the whole unless the meeting is noticed as a special meeting for such purpose, pursuant to the requirements of ACC 2.06.040. (Ord. 5831 § 1, 2004.)~~

2.06.050 Meetings – Attendance failure – Office forfeiture.

A councilmember shall forfeit his/her office if he/she fails to attend three consecutive regular meetings of the council without being excused by the mayor. (Ord. 5802 § 1, 2004; Ord. 2907 § 2, 1976.)

2.06.060 Rules of procedure of the city council.

The rules of procedure of the city council of Auburn, Washington, shall be as

approved by a majority vote of the city council. (Ord. 5802 § 1, 2004.)²

Section 36. Repeal of Section of City Code. That Section 12.20.050 of the Auburn City Code be, and the same hereby is, repealed.

Section 37. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 38. 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 thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 39. 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, and on January 1, 2015.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

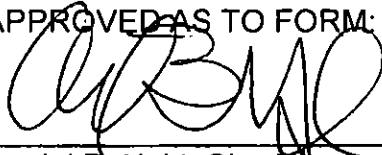
NANCY BACKUS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

² The rules of procedure of the city council are adopted by reference as Exhibit "A" to Ordinance 5802, and amended by Resolution No. 4282, Resolution No. 4429, Resolution No. 4467, Resolution No. 4615, Resolution No. 4686, Resolution No. 4740, Resolution No. 4813, Resolution No. 4909 and Resolution No. 5105, and may be found on file in the city clerk's office.

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

Published: _____

Ordinance No. 6532
October 14, 2014
Page 29

TEXT OF REPEALED CODE SECTION

Section 36 of Ordinance 6532

12.20.050 Width. [DRIVEWAYS]

Unless deviation is granted by the public works committee of the city council, the widths shall be in conformance with the city of Auburn design and construction standards and the city of Auburn construction details. (Ord. 5143 § 1, 1998; Ord. 3866 § 2, 1983; Or. 2980 § 1, 1976; 1957 code § 8.14.040.)



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6536

Date:

October 28, 2014

Department:

Administration

Attachments:

[Ordinance No. 6536](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council adopt Ordinance No. 6536.

Background Summary:

This Ordinance came out of a discussion by Councilmembers in addressing issues related to the study session format, where certain items and tasks were determined to be more logically or more conveniently handled administratively rather than requiring legislative action by the City Council. Among those tasks is making the Mayor responsible (rather than the City Council) for disposing of surplus personal property. The City Council would still retain responsibility for decisions relating to surplus real property.

Reviewed by Council Committees:

Council Operations Committee Other: City Council

Councilmember: Wagner

Staff: Heid

Meeting Date: November 3, 2014

Item Number: ORD.C

ORDINANCE NO. 6 5 3 6

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF AUBURN, WASHINGTON, AMENDING
SECTION 2.03.030 OF THE AUBURN CITY CODE
RELATING TO THE SURPLUSING OF PERSONAL
PROPERTY OF THE CITY

WHEREAS, the current provisions of the Auburn City Code do not address administrative responsibilities for surplusing property that is no longer needed by the City or has reached the end of its useful life for City purposes; and

WHEREAS, it would be appropriate in handling the administrative duties relating to surplusing property to distinguish the treatment for personal property, as opposed to real property, by allowing the Mayor to determine, declare and handling surplusing responsibilities of personal property that is no longer needed by the City or has reached the end of its useful life for the City.

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

Section 1. Amendment to City Code. That section 2.03.030 of the Auburn City Code be and the same hereby is amended to read as follows:

2.03.030 Powers and duties generally.

A. The mayor shall be the chief executive and administrative officer of the city, in charge of all departments and employees, with authority to designate assistants and department heads. The mayor may appoint and remove an executive assistant to the mayor, if so provided by ordinance or charter. The mayor may remove members of advisory boards and commissions in accordance with Chapter 2.30 ACC. He or she shall see that all laws and ordinances are faithfully enforced and that law and order is maintained in the city, and shall have general supervision of the administration of city government and all city interests.

B. The mayor shall also be authorized to negotiate the terms of and/or award contracts falling within the scope of the mayor's authority pursuant to ACC 3.10.020, as it currently exists or as it may be amended hereafter. Contracts that fall within the scope of the mayor's authority pursuant to ACC 3.10.020 may, but are not required to be, taken to the city council for approval as a part of the city

council consent agenda or may, but are not required to be, taken to the city council for information. All official bonds and bonds of contractors with the city shall be submitted to the mayor or such person as he or she may designate for approval or disapproval. He or she shall see that all contracts and agreements made with the city or for its use and benefit are faithfully kept and performed, and to this end he or she may cause any legal proceedings to be instituted and prosecuted in the name of the city, subject to approval by majority vote of the council. The mayor shall also be authorized to negotiate agreements and execute all documents necessary to complete the acquisition of real property and the relocation of inhabitants required to complete city projects falling within the scope of the mayor's authority pursuant to ACC 3.10.020.

C. The mayor shall preside over all meetings of the city council, when present, but shall have a vote only in the case of a tie in the votes of the council members. He or she shall report to the council concerning the affairs of the city and its financial and other needs, and shall make recommendations for council consideration and action.

D. The mayor shall prepare and submit to the council a proposed budget, as required by Chapter 35A.33 RCW.

E. The mayor shall have the power to veto ordinances passed by the council and submitted to him or her as provided in RCW 35A.12.130, but such veto may be overridden by the vote of a majority of all council members plus one more vote.

F. The mayor shall be the official and ceremonial head of the city and shall represent the city on ceremonial occasions, except that when illness or other duties prevent the mayor's attendance at an official function and no deputy mayor has been appointed by the council, a member of the council or some other suitable person may be designated by the mayor to represent the city on such occasion.

G. The mayor is also empowered, in extraordinary and compelling circumstances, to reduce or waive some or all of any city fee or charges when the mayor finds in his or her sole discretion that such reduction or waiver is necessary to provide support for the poor or infirm, in amounts of up to \$10,000.00 per incident or occasion; provided, that this authorization shall not apply to fees or charges for which state law prohibits reduction or waiver.

H. The mayor is also authorized to exempt the city from paying the charges or fees otherwise applicable to city projects, developments or applications where the charge or fee would be paid out of one of the city's governmental funds (including the general fund and those funds supported by the general fund) and the fund that would receive such payment, were it paid, is also one of the city's governmental funds (including the general fund and/or any of the funds supported by the general fund); and the mayor is also authorized to exempt the city from paying the charges or fees otherwise applicable to city projects, developments or applications where the charge or fee would be paid out of one of the city's enterprise funds and the fund that would receive such payment, were it paid, is the same enterprise fund.

I. The mayor is also empowered to develop and bring to the city council for approval pilot programs that promote and encourage the city council's goal of sustainability, as stated in Resolution No. 4368, seeking to balance and support the needs of the community, the environment, the economy, and the needs of future generations, which pilot programs may offset/alleviate current code requirements in exchange for strategies and methodologies that accomplish the intended purposes of the city codes and the goals of sustainability.

J. The Mayor is also empowered to identify, declare and dispose of personal property (not real property) when no longer needed by the city or when otherwise appropriate for replacement, which surplus action shall be in conformity with city policy. (Ord. 6312 § 1, 2010; Ord. 6192 § 1, 2008; Ord. 6191 § 1, 2008; Ord. 6163 § 1, 2008; Ord. 6051 § 1, 2006; Ord. 5914 § 1, 2005; Ord. 5803 § 1, 2003; Ord. 5583 § 1, 2001; Ord. 2943 § 1, 1976.)

Section 2. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be 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 thereof to any person or circumstance shall 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: _____

CITY OF AUBURN

ATTEST:

NANCY BACKUS, MAYOR

Danielle E. Daskam, City Clerk

Ordinance No. 6536

October 2, 2014

Page 3 of 4

ORD.C

Page 88 of 141

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

Published: _____



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6537

Date:

October 14, 2014

Department:

Community Development &
Public Works

Attachments:

[ORD6537](#)
[Staff Report to Planning Commission \(w/out
exhibits\)](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council adopt Ordinance No. 6537.

Background Summary:

Chapter 58.17 of the Revised Code of Washington establishes the legal foundation and framework for subdividing land in Washington State. This statute uses the terms "subdivision" and "short subdivision" to describe the two primary types of land division. A subdivision is defined as a division or redivision of land into 5 or more lots, tracts, parcels or sites. A short subdivision is defined as a division or redivision of land into 4 or fewer lots, tracts, parcels or sites.

RCW 58.17.033 requires that jurisdictions establish land division procedures within their local city code. The City of Auburn has adopted Title 17 which sets forth the City's land division procedures. Currently, Title 17 of the Auburn City Code provides a definition for subdivision and short subdivision that is consistent with that established in Chapter 58.17 RCW.

The proposed amendment will allow greater flexibility and promotion for infill development by allowing short subdivisions up to nine lots rather than the current limit of four lots. Short subdivisions are an administrative process rather than a hearing examiner decision. Public notice will still be given for short plat applications so adjacent property owners have the opportunity to comment on a proposal. While there are a number of procedural and cost differences between subdivisions and short subdivisions, there are no differences in the development standards that must be adhered to in order to obtain approval or the manner in which land may be used once the land division is complete. Both types of land divisions are required to comply with all of the same requirements for density, provision of public improvements (e.g. sidewalks, streets, utilities, etc.), land use, building, protection of environmental features, etc.

The Planning Commission held a public hearing on October 7, 2014 on the proposed code amendment that would amend the threshold for short subdivisions. There was no public testimony during the public hearing. Staff recommended approval of the proposed code amendment and the Planning Commission concurred recommending approval to the full City Council.

At the October 13, 2014 Planning and Community Development Committee meeting, the Committee reviewed the Planning Commission's recommendation and moved the code amendment forward to full City Council with a recommendation of approval.

Reviewed by Council Committees:

Planning And Community Development, Public Works Other: Legal, Planning Commission

Councilmember: Holman

Staff: Snyder

Meeting Date: November 3, 2014

Item Number: ORD.D

ORDINANCE NO. 6 5 3 7

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF AUBURN, WASHINGTON, AMENDING SECTION
17.09.010 OF THE AUBURN CITY CODE RELATED TO
SHORT PLAT THRESHOLDS**

WHEREAS, from time to time, amendments to the City of Auburn subdivision code are appropriate, in order to update and better reflect the current use regulations and development needs of the City; and

WHEREAS, at this time, amendment to the City of Auburn subdivision code is appropriate in order to accommodate changes in the policy guidance of the City's Comprehensive Plan; and

WHEREAS, the purpose of the amendment to the City Code provided herein is to better respond to the market place regarding development within the City; and

WHEREAS, Chapter 58.17 of the Revised Code of Washington (RCW) establishes the legal foundation and framework for subdividing land in Washington State; and

WHEREAS, RCW 58.17.033 requires that jurisdictions establish land division procedures within their local city code and the City of Auburn has adopted Title 17 of the City Code, which sets forth the City's land division procedures; and

WHEREAS, RCW 58.17.020 defines a short subdivision as four or fewer lots, but authorizes the legislative authority of any city or town to adopt, by local ordinance, an increase, to a maximum of nine, the number of lots, tracts, or parcels to be regulated as short subdivisions; and

WHEREAS, this code amendment was subject to environmental review process under the Washington State Environmental Policy Act (SEPA); a Determination of Non-Significance (DNS) was issued September 24, 2014, and the City observed a fourteen-day public comment period, and the City did not receive any comments in response to notice of the public comment period; and

WHEREAS, the proposed code amendment was considered by the Planning Commission at a duly noticed public hearing on October 7, 2014, and after the close of the public hearing the Planning Commission forwarded a recommendation for approval to the City Council; and

WHEREAS, the proposed code amendment was then reviewed by the Planning and Community Development Committee of the City Council on October 13, 2014, and the Committee recommended approval to the full City Council of the code change as recommended by the Planning Commission; and

WHEREAS, the City Council determined, in light of the recommendations it received, that the following code changes are in the best interest of the City.

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

Section 1. Amendment to City Code. That section 17.09.010 of the Auburn City Code entitled "Development Standards" is hereby amended as follows:

17.09.010 General provisions.

Every short subdivision shall comply with the provisions of this chapter. Land shall be divided by the short subdivision method according to the provisions of this title, if the three following criteria are met:

A. The division will not result in the creation of more than ~~four~~nine lots.

B. The original tract being divided has not been created by a short subdivision within the previous five years, except that when the short subdivision

contains fewer than ~~four~~nine parcels, a revised short subdivision may be filed within the five-year period to create up to a total of ~~four~~nine lots within the original short subdivision boundaries.

C. The entire original tract (except adjacent platted or short subdivided land) shall be included within one short subdivision application; provided, that a pre-existing, unplatted adjacent parcel may also be excluded if it is 20 acres or greater in size. (Ord. 6239 § 1, 2009; Ord. 6006 § 3, 2006; Ord. 5164 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988. Formerly 17.14.010).

Section 2. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be 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 thereof to any person or circumstance shall 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: _____

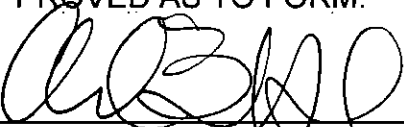
NANCY BACKUS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

Ordinance No. 6537
October 28, 2014
Page 3

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

PUBLISHED: _____

Zoning Code Amendment – Staff Report to Planning Commission Amendment to Chapter 17.09 Short Subdivisions ZOA14-0005

I. GENERAL INFORMATION:

Chapter 58.17 of the Revised Code of Washington establishes the legal foundation and framework for subdividing land in Washington State. This statute uses the terms “subdivision” and “short subdivision” to describe the two primary types of land division. A subdivision is defined as a division or redivision of land into 5 or more lots, tracts, parcels or sites. A short subdivision is defined as a division or redivision of land into 4 or fewer lots, tracts, parcels or sites.

RCW 58.17.033 requires that jurisdictions establish land division procedures within their local city code. The City of Auburn has adopted Title 17 which sets forth the City’s land division procedures. Currently, Title 17 of the Auburn City Code provides a definition for subdivision and short subdivision that is consistent with that established in Chapter 58.17 RCW.

II. SEPA STATUS:

Pursuant to WAC 197-11-800(6), non-project actions such as code amendments are not exempt from environmental review. The City issued a Determination of Non-Significance September 24, 2014. The comment period ends October 8, 2014 and the appeal period ends on October 26, 2014.

III. FINDINGS OF FACT:

1. The intent of the proposed code amendment is to raise the City’s short subdivision threshold from 4 or fewer lots to nine or fewer lots as permitted under RCW 58.17.
2. In 2002 the State Legislature modified the definition of short subdivision to allow City’s planning under the State Growth Management Act to increase the short subdivision threshold from 4 or fewer lots to 9 or fewer lots.
3. The process for zoning code text amendments is described in ACC Chapter 18.68:

18.68.020 Initiation of amendments.

B. Text.

1. The city council, or planning and development committee of the city council, upon its own motion may request the planning commission to conduct a public hearing to amend any portion or all of this title; provided, that text amendments that are purely administrative or procedural do not require a public hearing, nor do they require preliminary review or recommendations of the planning commission;
2. The planning commission may upon its own motion call for a public hearing to amend any portion or all of this title, with the exception of purely administrative or procedural amendments;

3. Any resident or property owner of the city may petition the city to request an amendment to the text of this title.

C. For the purposes of this chapter, substantive amendments shall be distinguished from procedural or administrative amendments in accordance with the following: "Substantive" matters relate to regulations that define or limit what can be done in terms of conduct, use or action (e.g., what use may be made of land, what requirements apply to development, what public infrastructure may be required of certain developments), and "procedural" or "administrative" matters are those that relate to the process of how an application to take such action must be pursued (e.g., time limits for applications and appeals, what forms must be used, and where or how applications must be submitted. Essentially, "procedural" or "administrative" matters are the mechanical rules by which substantive issues may be pursued). (Ord. 6287 § 2, 2010; Ord. 6198 § 3, 2008; Ord. 4840 § 1, 1996; Ord. 4304 § 1(46), 1988; Ord. 4229 § 2, 1987.)

18.68.030 Public hearing process.

A. Text Amendments. With the exception of purely administrative or procedural amendments, the planning commission shall conduct at least one public hearing on all amendments to this title. The planning commission shall make a recommendation to the city council who may or may not conduct a public hearing.

C. City Council Decision. The city council may affirm, modify or disaffirm any recommendation of the planning commission or hearing examiner with regard to amendments of the text or map of this title. (Ord. 6198 § 4, 2008; Ord. 4840 § 1, 1996; Ord. 4229 § 2, 1987.)

18.68.040 Public hearing notice requirements.

A. Text Amendments.

1. Planning Commission. For text amendments that require a public hearing under ACC 18.68.030(A), notice of a public hearing shall be given by publication, in a newspaper of general circulation in the area, at least 10 days prior to the public hearing and by posting the notice in three general public locations.

2. City Council. Notice of a public hearing shall be given by publication, in a newspaper of general circulation in the area, prior to the public hearing and by posting the notice in three general public locations.

4. The proposed code amendments are supported by the City of Auburn Comprehensive Plan as identified in the conclusion section of this staff report.
5. Pursuant to WAC 197-11-800(6), non-project actions such as code amendments are not exempt from environmental review. The City issued a Determination of Non-Significance September 24, 2014. The comment period ends October 8, 2014 and the appeal period ends on October 26, 2014. As of the writing of this report, no comments have been received.
6. Pursuant to RCW 36.70A.106, the proposed code amendments outlined in this staff report were sent to the Washington State Department of Commerce and other state agencies as required for the 60-day state review required for modification of development regulations. The amendments were sent on October 1, 2014 and expedited review was requested under RCW 36.70A.106(3)(b). The Department of Commerce acknowledged receipt on October 1, 2014. Expedited review has not been

granted as of the writing of this staff report. If the expedited review request is denied then the standard 60-days applies from the submittal date of October 1, 2014.

7. Planning Commission reviewed the draft code amendments at the regular September 3, 2014 meeting.
8. The public hearing notice was published on September 26, 2014 in the Seattle Times at least 10-days prior to the Planning Commission public hearing scheduled for October 7, 2014.
9. The following conclusions support the proposed amendment to Chapter 17.09, Short Subdivisions, scheduled for the Planning Commission's October 7, 2014 public hearing with a staff recommendation

IV. CONCLUSIONS:

1. Pursuant to ACC Section 18.68.020, amendments of Title 18 require a public hearing before the Planning Commission with a public hearing notice published at least 10-days prior to the public hearing date.

Staff Analysis:

The public hearing notice was published in the Seattle Times on September 26, 2014 which is at least 10-days prior to the Planning Commission public hearing scheduled for October 7, 2014.

2. These code amendments are supported by the City of Auburn's Comprehensive Plan as follows:

Objective 6.2. Maintain downtown as an area that uniquely serves both regional and community needs.

Policies:

LU-23 The development of new neighborhoods should be governed by development standards which allow some flexibility. Flexibility should be considered to encourage compact urban development, to provide protection of critical areas and resource lands (including, but not limited to, agricultural resource lands, cultural resources, forest resource lands, mineral resource areas (Map 9.4) hillsides or wetlands), and to facilitate non-motorized transportation. Increased density is achievable through flexible development standards, if certain criteria are met, as established in city code.

LU-117 Encourage well designed infill and redevelopment projects to fully utilize previous investment in existing infrastructure in the single family residential, moderate density residential, and high density residential designated areas of the City.

LU-118 Reduce the consumption of undeveloped land by facilitating the redevelopment of underutilized land and infill of vacant parcels whenever possible in the single family residential, moderate density residential, and high density residential designated areas of the City.

LU-119 Explore innovative mechanisms to encourage the more efficient use of land including density bonuses and sale of air rights.

Staff Analysis:

The proposed amendment will allow greater flexibility and promotion for infill development by allowing short subdivisions up to nine lots rather than the current limit of four lots. Short subdivisions are an administrative process rather than a hearing examiner decision. Public notice will still be given for short plat applications so adjacent property owners have the opportunity to comment on a proposal.

While there are a number of procedural and cost differences between subdivisions and short subdivisions, there are no differences in the development standards that must be adhered to in order to obtain approval or the manner in which land may be used once the land division is complete. Both types of land divisions are required to comply with all of the same requirements for density, provision of public improvements (e.g. sidewalks, streets, utilities, etc.), land use, building, protection of environmental features, etc.

The primary differences between a short subdivision and a subdivision are as follows:

- 1. Short subdivisions are administrative decisions that do not necessitate a public hearing.*
- 2. Subdivisions are quasi-judicial decisions that are made by the Hearing Examiner after a public hearing.*
- 3. Subdivisions are substantially more expensive because they incur the cost of the Hearing Examiner's services, greater permit fees, and costs of public notice. The fee for a Preliminary Subdivision application is \$3,000.00 plus \$120.00 per lot while the Preliminary Short Subdivision application fee is \$1,449.00 plus \$60.00 per lot. The fee for a Final Subdivision application is \$1,533.00 plus \$52.00 per lot while the fee for a Final Short Subdivision is \$750.00 plus \$25.00 per lot. In addition to the permit fees, the applicant is required to pay for the public notification sign and for the Hearing Examiner's costs to review the file, staff recommendation, conduct a hearing, and write a decision. The fee for a sign is \$130.00 and the Hearing Examiner's fees are approximately \$1,500.00. The following table provides a comparison of the costs of an 8 lot land division processed under the current rules as a subdivision and the costs if it were classified as a short subdivision:*

	8 Lot Land Division "Subdivision"	8 Lot Land Division "Short Subdivision"
<i>Preliminary Application Fee (Base)</i>	\$3,000.00	\$1,449.00
<i>Preliminary Application Fee (Per Lot)</i>	\$ 960.00	\$ 480.00
<i>Final Application Fee (Base)</i>	\$1,533.00	\$ 750.00
<i>Final Application Fee (Per Lot)</i>	\$ 416.00	\$ 200.00
<i>Public Notice Sign</i>	\$ 130.00	N/A
<i>Hearing Examiner Costs</i>	\$ 1,500.00	N/A
Total	\$7,539.00	\$2,879.00
Difference	+4,660.00	-4,660.00

4. *A subdivision adds significant additional time to the project review timeframe. Specific expanded timeframes are set forth in city code for public notification, public comment, public hearing, issuance of a decision and appeals. At a minimum, a subdivision will add approximately 90 days to the processing timeframes.*

V. STAFF RECOMMENDATION

Planning Commission recommend approval of the proposed code amendment to Chapter 17.09 related to Short Subdivisions.

VI. EXHIBITS

- Exhibit 1 Proposed code changes Auburn City Code Chapter 17.09
- Exhibit 2 Request to Department of Commerce for Expedited State Review
- Exhibit 3 Department of Commerce acknowledgement letter (will be provided at hearing)
- Exhibit 4 Request to publish combined SEPA Determination and Hearing Notice in newspaper
- Exhibit 5 Environmental Checklist
- Exhibit 6 Determination of Non-Significance and Public Hearing Notice

Prepared by (include name and sign): Elizabeth Chamberlain, AICP, Planning and Design Services Manager



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5105

Date:

October 28, 2014

Department:

Administration

Attachments:

[RES5105](#)

[Parliamentary Procedure](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council adopt Resolution No. 5105.

Background Summary:

For the last number of months, the City Council and the Council Operations Committee have been reviewing options regarding switching from a City Council committee approach to a study session approach for handling City Council business. This format change was initially suggested to address concerns that result from the committee approach - such as where two councilmembers of a three member Council committee constitute a quorum and would, thus, be precluded from discussing matters that may come before their committee outside of a public meeting of the committee. Additionally, the committee structure requires some reports and presentations to be given multiple times to ensure that all councilmembers are afforded exposure to issues coming before them. Even with multiple presentations, however, there is concern that the information provided may not be as complete in all settings, such as where questions are asked in one committee but not another. Discussing matters among all councilmembers in study sessions would allow all councilmembers to participate more equally and would also provide a more transparent approach to government, particularly where study sessions would be televised, as is the Council intention.

Consistent with changes to the code sections (Ordinance No. 6532), this Resolution authorizes changes to the City Council Rules of Procedure to accommodate a transfer from the City Council Committee format to a Council Study Session format. With the change from Committees to Study Sessions, a number of changes in the Rules of Procedure needed to be made, including things like providing for meeting times, deleting committee references and adding the Study Session agenda format. The rules also specify who shall chair the Study Sessions (Deputy Mayor) and describe processes such as how motions are made and how matters work their way from the study session to the regular meetings for action.

Reviewed by Council Committees:

Council Operations Committee Other: City Council

Councilmember: Wagner

Staff: Heid

Meeting Date: November 3, 2014

Item Number: RES.A

RESOLUTION NO. 5105

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, AMENDING THE CITY COUNCIL
RULES OF PROCEDURE AS ADOPTED BY ORDINANCE
NO. 5802 AND AMENDED BY RESOLUTION NOS. 4282,
4429, 4467, 4615, 4686, 4740, 4813 and 4909

WHEREAS, on February 2, 2004, the Auburn City Council adopted Ordinance No. 5802 approving the Rules of Procedure of the City Council; and

WHEREAS, Ordinance No. 5802 also provided that future amendments or modifications to the Council Rules of Procedure could be accomplished by Resolution properly introduced and passed by the City Council; and

WHEREAS, on December 12, 2007, December 15, 2008, April 6, 2009, July 6, 2010, February 22, 2011, August 15, 2011, May 21, 2012, and February 19, 2013, the City Council passed Resolution Numbers 4282, 4429, 4467, 4615, 4686, 4740, 4813 and 4909, respectively, which Resolutions adopted certain modifications to the Council Rules of Procedure; and

WHEREAS, in connection with the change of City Council Meeting formats from Council Committees to Council Study Sessions, the Council Operations Committee has recommended additional modifications to the Rules of Procedure.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, IN A REGULAR MEETING DULY ASSEMBLED, HEREWITH RESOLVES AS FOLLOWS:

Section 1. The Rules of Procedure of the City Council, as adopted by Ordinance No. 5802 on February 2, 2004, amended by Resolution No. 4282 on December 12, 2007, Resolution No. 4429 on December 15, 2008, Resolution No. 4467

on April 6, 2009, Resolution No. 4615 on July 6, 2010, Resolution No. 4686 on February 22, 2011, and Resolution No. 4740 on August 15, 2011, Resolution No. 4813 on May 21, 2012, and Resolution No. 4909 on February 19, 2013, are hereby amended as set forth in Exhibit "A", attached hereto and incorporated herein.

Section 2. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

Section 3. This Resolution shall take effect and be in full force and effect upon passage and signature hereon, and on January 1, 2015.

DATED and SIGNED this ____ day of _____, 2014.

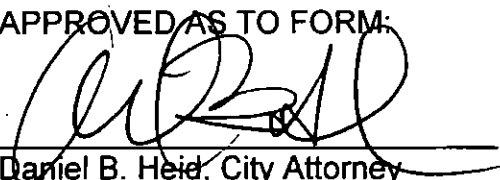
CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

**RULES OF PROCEDURE OF THE CITY COUNCIL OF
THE CITY OF AUBURN, WASHINGTON**

TABLE OF CONTENTS

SECTION 1	AUTHORITY	1
SECTION 2	COUNCIL MEETINGS	1
SECTION 3	ORDER OF BUSINESS OF REGULAR COUNCIL MEETING	
	AGENDA	<u>443</u>
SECTION 4	COUNCILMEMBER ATTENDANCE AT MEETINGS	<u>1140</u>
SECTION 5	PRESIDING OFFICER - DUTIES	<u>1244</u>
SECTION 6	COUNCILMEMBERS	<u>1342</u>
SECTION 7	DEBATES	<u>131312</u>
SECTION 8	PARLIAMENTARY PROCEDURES AND MOTIONS	<u>141413</u>
SECTION 9	VOTING	<u>161615</u>
SECTION 10	COMMENTS, CONCERNS AND TESTIMONY TO COUNCIL	<u>174716</u>
SECTION 11	PUBLIC HEARINGS AND APPEALS	<u>174716</u>
SECTION 12	DEPUTY MAYOR SELECTION PROCESS	<u>181817</u>
SECTION 13	COUNCIL POSITION VACANCY	<u>191918</u>
SECTION 14	COUNCIL MEETING STAFFING	19
SECTION 15	COUNCIL RELATIONS WITH STAFF	<u>2049</u>
SECTION 16	COUNCIL <u>STUDY SESSIONS, COMMITTEES AND CITIZEN</u> ADVISORY BOARDS	<u>2129</u>
SECTION 17	COUNCIL REPRESENTATION & INTERNAL COMMUNICATION	<u>272726</u>
SECTION 18	TRAVEL AUTHORIZATION	<u>303029</u>
SECTION 19	CONFIDENTIALITY	<u>303130</u>
SECTION 20	ENFORCEMENT OF RULES OF PROCEDURE	<u>313130</u>

**RULES OF PROCEDURE OF THE CITY COUNCIL OF
THE CITY OF AUBURN, WASHINGTON**

SECTION 1 - AUTHORITY

The Auburn City Council hereby establishes the following rules for the conduct of Council meetings, proceedings and business. These rules shall be in effect upon adoption by resolution of Council and until such time as they are amended or new rules are adopted in the manner provided by these rules.

SECTION 2 - COUNCIL MEETINGS

All meetings of the City Council shall be open to the public and all persons shall be permitted to attend any meeting of this body, except as provided in RCW Chapter 42.30.

The City Clerk shall be responsible for preparing agendas for all City Council meetings pursuant to the authority of Section 2.03.100 of the City Code¹.

The City Clerk shall cause to be prepared action minutes of all of the Council meetings, which minutes shall contain an account of all official actions of the Council. Council meetings shall be electronically recorded and retained for the period of time as provided by State law.

2.1 **Regular Meetings** - In accordance with Sections 2.06.010(A) and 2.06.020 of the City Code, the regular meetings of the City Council shall held on the first and third Mondays of every month in the City Hall Council Chambers located at 25 West Main Street, Auburn, Washington. The regular meeting location may be changed by a majority vote of the City Council.

Regular Council meetings will begin at the hour of ~~7:30~~7:00 p.m.

A quorum shall constitute four or more Councilmembers for the transaction of business.

In the event that a scheduled Regular Council meeting falls on a legal holiday, the meeting shall be held at ~~7:30~~7:00 p.m. on the first business day following the holiday.

The Presiding Officer shall be as set forth in Section 5.1 herein.

The Presiding Officer shall be seated at the center of the dais, and the Deputy Mayor shall be seated to the Presiding Officer's immediate left. When the Deputy Mayor is acting as the Presiding Officer, in the absence of the Mayor, the Deputy Mayor shall be seated in the center of the dais. The seating arrangement for the other members of the Council shall be as directed by the City Council Operations Committee pursuant to a motion duly made and seconded and approved by a majority of the City Council, following the recommendation of an ad hoc committee of three Councilmembers called for that purpose.

¹ 2.03.100 Meeting coordination duties.

The mayor or the mayor's designee shall be responsible for the preparation of agendas for the meetings of the council and of the various boards, commissions and committees of the city, and for including in those agendas the items and issues forwarded by the ~~various council committees~~city council and/or or by the ad hoc committees designated to act on behalf of the city council, and for including in those agendas the items and issues proposed by the mayor and city administration, for consideration by the council. The mayor or the mayor's designee shall also be responsible for publishing notices for meetings and for public hearings for the meetings of the council and the various boards, commissions and committees of the city, and for setting the dates and times for said public hearings, except in those instances when setting dates and times for public hearings is required by statute to be done through council resolution. (Ord. 6405 § 1, 2012; Ord. 5761 § 1, 2003.)

[See ACC 2.06.010 (Ord. 3916 § 1, 1983; 1957 code § 1.04.010); ACC 2.06.020 (Ord. 3759 § 1, 1982; 1957 code § 1.04.020); ACC 2.06.030 (1957 code § 1.04.060); ACC 2.06.080 (1957 code § 1.04.090).]

2.2 Study Sessions - In accordance with Sections 2.06.010(B) and 2.06.020 of the City Code, Study Sessions of the City Council shall held on the first, third and fifth Mondays of every month in the City Hall Council Chambers located at 25 West Main Street, Auburn, Washington. The regular meeting location may be changed by a majority vote of the City Council.

The Deputy Mayor shall preside over Study Sessions.

Study Sessions will begin at the hour of 5:30 p.m.

A quorum shall constitute four or more Councilmembers for the transaction of business.

In the event that a scheduled Study Session falls on a legal holiday, the meeting shall be held at 5:30 p.m. on the first business day following the holiday.

No particular seating arrangement shall be required for the Deputy Mayor or other members of the Council, or for the Mayor or any other persons invited to sit at the table of Study Sessions.

2.3 Regular Meeting Times:²

The regularly scheduled meetings of the City Council shall be held at the following times, unless re-scheduled and/or reset to different times:

1. First Monday of the month - Regular Council Meeting - - 7:00 PM
2. Second Monday of the month - Council Study Session - - 5:30 PM
3. Third Monday of the month - Regular Council Meeting - - 7:00 PM.
4. Fourth Monday of the month - Council Study Session - - 5:30 PM
5. Fifth Monday of the month - Council Study Session - - 5:30 PM.

2.4 Special Meetings - In accordance with Section 2.06.040 of the City Code and Section 35A.12.110 RCW, a special meeting of the City Council may be called by the Mayor or any three members of the Council by written notice delivered to each member of the Council at least 24 hours before the time specified for the proposed meeting; provided, however, that no ordinance or resolution shall be

² Any of these regularly scheduled meetings may be cancelled if not needed.

passed, or contract let or entered into, or bill for the payment of money allowed, at any special meeting unless public notice of such meeting has been given by such notice to the local press, radio and television as will be reasonably calculated to inform the city's inhabitants of the meeting.

[See ACC 2.06.040 (1957 code § 1.04.070).]

2.32.5 Emergency Meetings - Emergency meetings may be called by the Mayor, in accordance with Section 42.30.070 RCW, when by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by the City Council to meet the emergency, in which case, the meeting site notice requirements otherwise applicable shall not apply.

2.42.6 Executive Sessions - A Council meeting that is closed except to the Council, the Mayor, City Attorney and authorized staff members and/or consultants authorized by the Mayor. The public is restricted from attendance.

Executive sessions may be held during Regular and Special meetings of the City Council and during Council Committee meetings, and will be announced by the Presiding Officer. Executive session subjects are limited to considering such matters as permitted by State law.

[See former ACC 2.06.070 (1957 code § 1.04.080).]

2.52.7 Cancellation of Meetings - Meetings may be canceled by a majority vote of the Council and proper notice given by the City Clerk.

SECTION 3 - ORDER OF BUSINESS OF REGULAR COUNCIL MEETING AGENDA

All items to be included on the Council's agenda for consideration should be submitted to the City Clerk, in full by 12:00 Noon on the Tuesday preceding each regular Council meeting. The City Clerk shall then prepare a proposed agenda according to the order of business, for approval by the Mayor, or his/her designee. A final agenda will then be prepared by the City Clerk and distributed to Councilmembers as the official agenda for the meeting.

In connection with the action of the City Council at Regular Council Meetings, certain items of business shall be subject to First and Second Readings prior to final approval by the City Council.

3.1 The protocol for First and Second Readings shall be as follows:

A. First and second readings apply to Ordinances only.

- B. Resolutions/consent items/contract awards, etc. would still be acted on at only one Regular Council Meeting.
- C. Ordinance action, especially those resulting in changes to City codes – to which First and Second Readings would apply – may take more consideration and discussion than other types of action.
- D. First and Second Readings would be beneficial to a transparent public process.
- E. First Reading — discussion only at one Regular Council Meeting.
- F. Second Reading — action at the next Regular Council Meeting or could be a future subsequent Council meeting depending on Council's discussion and any needed staff follow-up.
- G. Provides Council with opportunity to ask questions and get information at First Reading.

3.2 The agenda format of the Regular City Council meeting shall be as follows:

3.1 A. Call to order.

The Presiding Officer shall call the meeting to order.

3.2 B. Roll call.

The City Clerk will call the roll. Councilmembers may request to be excused from a meeting by requesting the same of the Mayor in advance of the meeting. The reason for the request shall be given at the time of the request.

3.3 C. Flag salutePledge of Allegiance.

The Presiding Officer, Councilmembers and, at times, invited guests will lead the flag salutePledge of Allegiance.

3.4 D. Announcements, Proclamations and Presentations

A proclamation is defined as an official announcement made by the Presiding Officer or the City Council regarding a non-controversial event, activity or special interest group which has a major city-wide impact.

3.5 E. Appointments

Appointing individuals to various committees, boards and commissions. Confirmation of appointments, where confirmation is called for, may be preceded by discussion in executive session, where appropriate.

| 3.6 F. Agenda modifications

Changes to the Council's published agenda are announced at this time.

| 3.7 G. Public Hearings and Appeals

Individuals may comment on public hearing and appeal items, provided that when an appeal is a closed record appeal, the matter shall be considered based on information, evidence and documents in the record. Argument on the appeal shall refer only to matters, information, documents and evidence presented at the underlying hearing from which the appeal is taken, and no new information, evidence or documents may be added, and argument on the appeal may only deal with information, evidence and documents in the record. The Presiding Officer will state the public hearing and/or appeal procedures before each hearing.

| 3.8 H. Audience Participation

Members of the audience may comment on items relating to any matter related to City business under the Audience Participation period. Comments are limited to three (3) minutes per person, and a total of fifteen (15) minutes per topic. Groups who have a designated speaker may have a total of ten (10) minutes to speak. Public comments sign-up forms will be available at the City Clerk's desk at each meeting for use of those citizens wishing to address the Council. The City Clerk shall serve as timekeeper. The Presiding Officer may make exceptions to the audience participation time restrictions when warranted, in the discretion of the Presiding Officer.

Citizens may also speak on individual agenda items on the printed agenda at the time they are considered by the Council as requested by the Presiding Officer.

| 3.9 I. Correspondence

| 3.10 Council Ad Hoc Committee Reports

Council ad hoc Committee Chairs may report on action and activities ~~the status of their respective ad hoc Council Committees' progress on assigned tasks and may give their recommendations to the City Council, if any. In giving Committee Reports, the Chair or other committee member giving the Report is encouraged~~

~~to defer detailed reporting regarding resolutions and ordinances that are on the current Council agenda. Then, during discussion on a motion, the Chair or other committee member is encouraged to give a description of the intention, or process of consideration of the ordinance or resolution.~~

3.11 J. Consent Agenda

Approval of the Consent Agenda, including items considered to be routine and non-controversial, may be approved by one motion. Items on the Consent Agenda include but are not limited to the following. Any Councilmember may remove any item from the Consent Agenda for separate discussion and action.

- A~~1~~. Approval of minutes.
- B~~2~~. Fixing dates for public hearings and appeals.
- C~~3~~. Approval of claims and vouchers, bid awards and contracts.
- D~~4~~. Approval of surplus property.
- E~~5~~. Other items designated by the City Council.

3.12 K Unfinished Business

Unfinished business of a general nature and that it was removed from the Consent Agenda for separate discussion and action.

3.13 L New Business

Business, other than ordinances and resolutions, that has not been previously before the City Council.

3.14 M Ordinances

1. All ordinances shall be in writing, and the titles thereof shall be read aloud by the City Attorney prior to a vote being called on their adoption, provided that any councilmember may upon request, have a full reading of the text of a proposed ordinance prior to the vote on its adoption. It shall not require a second to the request for a full reading of an ordinance. It is further provided, however, that the requirement for a reading of the title of the proposed ordinance, or a full reading of the text of the proposed ordinance may be waived upon a motion duly made, seconded and approved by a majority of the councilmembers in attendance at the council meeting.

2. First & Second Reading

Prior to the vote on a motion to adopt or otherwise address an Ordinance, each Ordinance shall be submitted to the City Council for its consideration at a First and Second Reading, as follows:

a. First Reading. The First Reading of an Ordinance shall take place at a Regular City Council Meeting.

1. The Ordinance shall be included on the Meeting Agenda under Ordinances and shall include the indication of "First Reading."

2. The Ordinance shall be read by the City Attorney, in accordance with Section 3.2, Paragraph M, of these Rules.

3. The Ordinance shall be placed before the City Council by a motion to adopt or approve the Ordinance, which motion shall be seconded.

a) After the motion is seconded, Councilmembers may discuss the merits of or issues related to the Ordinance.

b) If there is no second to the motion, the motion dies.

c) Discussion on the motion shall be in accordance with Section 7 of these Rules.

d) There shall be no vote on the motion until after the Second Reading, unless the Second Reading is waived as provided for below.

b. Waiver of Second Reading. The City Council may choose to waive the Second Reading of an Ordinance if it feels the need for expedience in adopting or acting on the Ordinance.

1. Waiver of Second Reading shall be made by a motion to waive the Second Reading, duly seconded and approved by a super-majority [a majority plus one] of Councilmembers present.

2. If the Second Reading is waived, the City Council may approve or act on the Ordinance at the point in the agenda following the approval of the motion to waive Second Reading.

c. Second Reading. The Second Reading of an Ordinance shall take place at the Regular City Council Meeting next following the date of the Regular City Council Meeting of the First Reading of the Ordinance.

2. The Ordinance shall be included on the Meeting Agenda under Ordinances and shall include the indication of "Second Reading."

3. The Ordinance shall be read by the City Attorney, in accordance with Section 3.2, Paragraph M, of these Rules.

4. No new motion is necessary to place the Ordinance before the City Council if a motion to adopt or approve the Ordinance was duly made and seconded on the date of the meeting of the First Reading. Councilmembers may discuss the merits of or issues related to the Ordinance.

a) Discussion on the motion shall be in accordance with Section 7 of these Rules.

b) Following discussion on the motion, the City Council may vote on the motion or take such other action as is appropriate under these Rules of Procedure or other appropriate rules of parliamentary procedure.

After a motion to adopt an ordinance has been made and seconded, the Councilmember making the motion is encouraged to give a very brief description of the issues involved with the ordinance, without simply repeating the ordinance title as read by the City Attorney and may choose to comment on any results of ~~Committee preliminary~~ Council discussion or action regarding the issue.

Discussion and debate by the City Council on ordinances will be held prior to the vote on an ordinance. Councilmembers shall decide whether or not to amend the ordinance, or direct staff to further review the proposed ordinance.

An ordinance shall be adopted by a majority vote of a quorum of the City Council, provided that adoption of any ordinance that grants or revokes a franchise or license shall require the affirmative vote of at least a majority of the whole membership of the Council, and provided that public emergency ordinances require a vote of a majority plus one of the whole Council membership. A public emergency ordinance is one designated to protect public health and safety, public property, or public peace.

3.15 N. Resolutions

All resolutions shall be in writing, and the titles thereof shall be read aloud by the City Attorney prior to a vote being called on their passage, provided that any councilmember may upon request, have a full reading of the text of a proposed resolution prior to the vote on its passage. It shall not require a second to the request for a full reading of a resolution. It is further provided, however, that the requirement for a reading of the title of the proposed resolution, or a full reading of the text of the proposed resolution may be waived upon a motion duly made, seconded and approved by a majority of the councilmembers in attendance at the council meeting.

After a motion to pass a resolution has been made and seconded, the Councilmember making the motion is encouraged to give a very brief description of the issues involved with the resolution without simply repeating the resolution title as read by the City Attorney, and the councilmember may choose to comment on any results of ~~Committee preliminary~~ Council discussion or action regarding the issue.

Discussion and debate by the City Council on resolutions will be held prior to the vote on a resolution. Councilmembers shall decide whether or not to amend the resolution, or direct staff to further review the proposed resolution.

A resolution shall be passed by a majority vote of a quorum of the Council, Provided that passage of any resolution for the payment of money shall require the affirmative vote of at least a majority of the whole membership of the Council.

3.16 O Mayor and Councilmember Reports

The Mayor and Councilmembers may report on their significant City-related activities since the last regular meeting. The Mayor and Councilmembers shall limit their reports to not more than three (3) to five (5)-minutes, with sensitivity to avoiding duplicate reporting.

3.17 P. Adjournment

3.3. Recess - The foregoing agenda may be interrupted for a stated time as called by the Presiding Officer to recess for any reason, including executive sessions.

[See former ACC 2.06.110 (Ord. 5687 § 1, 2002; Ord. 4166 § 2, 1986); ACC 2.06.120 (1957 code § 1.04.120.); ACC 2.06.140 (1957 code § 1.04.140.); ACC 2.06.170 (1957 code § 1.04.190.); ACC 2.06.180 (Ord. 5635 § 2, 2002; 1957 code § 1.04.200).]

SECTION 4 - COUNCILMEMBER ATTENDANCE AT MEETINGS

4.1 Councilmembers shall attend Regular Council meetings and Study Sessions. Councilmembers ~~will~~ shall inform the Mayor or the City Clerk if they are unable to attend any Regular Council meeting or Study Session, or if they knowingly will be late to any such meetings. If a Councilmember has informed the Mayor or City Clerk that he or she is unable to attend such meeting, the minutes for that meeting will show the Councilmember as having an excused absence for that meeting. Provided that excessive, continued or prolonged absences ~~shall~~ may be addressed by the City Council on a case by case basis.

[See ACC 2.06.050 and RCW 35A.12.060]

4.2 Councilmembers ~~shall~~ are expected to attend the meetings of the Ad Hoc and Standing Council Committees to which they are assigned, ~~including meetings of the Council Committee of the Whole to which all Councilmembers are assigned.~~ Councilmembers ~~will~~ should inform the Chair of such Ad Hoc Council Committees or the City Clerk if they are unable to attend any meetings of such Ad Hoc Council Committees, ~~or shall so~~ and should inform the Chair or City Clerk if they ~~knowingly will expect to~~ be late to any such Ad Hoc Council Committee meeting. If a Councilmember has informed the Chair or City Clerk that he or she is unable to attend such Ad Hoc Committee meeting, the minutes for that meeting, if minutes are required and/or taken, ~~will~~ shall show the Councilmember as having an excused absence for that meeting. Provided that excessive, continued or prolonged absences ~~shall~~ may be addressed by the City Council on a case by case basis.

4.3 Councilmembers shall attend the Special Meetings of the City Council. Councilmembers, ~~will~~ shall inform the Mayor or the City Clerk if they are unable to attend any such meetings, or shall so inform the Mayor or City Clerk if they ~~knowingly will expect to~~ be late to any such Special meeting. If a Councilmember has informed the Mayor or City Clerk that he or she is unable to attend such Special meeting, the minutes for that meeting ~~will~~ shall show the Councilmember as having an excused absence for that meeting. Provided that excessive, continued or prolonged absences ~~shall~~ may be addressed by the City Council on a case by case basis.

4.4 Attendance at Ad Hoc Council Committee meetings and Special meetings will not be considered "regular meetings" for the purposes of RCW 35A.12.060, applicable to Regular City Council meetings. However, in addition to the application of RCW 35A.12.060 to Regular City Council meetings, unexcused

absences from any Regular or Special meetings, or Ad Hoc Committee meetings, shall constitute a violation of these Rules of Procedure.

SECTION 5 - PRESIDING OFFICER - DUTIES

5.1 Conduct of Meetings

The Presiding Officer at all Regular Meetings of the Council shall be the Mayor and in the absence of the Mayor, the Deputy Mayor will act in that capacity. If both the Mayor and Deputy Mayor are absent and a quorum is present, the Council shall elect one of its members to serve as Presiding Officer until the return of the Mayor or Deputy Mayor. Additionally, the Deputy Mayor shall serve as the presiding officer for Council Study SessionsCommittee of the Whole. It is further provided that, though not the Presiding Officer of Study Sessions, the Mayor is encouraged to attend Study Sessions.

[See former ACC 2.06.090 (1957 code § 1.04.100).]

5.2 The Presiding Officer:

- A. Shall preserve order and decorum at all meetings of the Council and cause the removal of any person from any meeting for disorderly conduct;
- B. Shall observe and enforce all rules adopted by the Council;
- C. Shall decide all questions on order, in accordance with these rules, subject to appeal by any Councilmember;
- D. Shall recognize Councilmembers in the order in which they request the floor, giving every councilmember who wishes an opportunity to speak, provided that the mover of a motion shall be permitted to debate it first, and provided that the Presiding Officer may also allow discussion of an issue prior to the stating of a motion when such discussion would facilitate wording of a motion;
- E. May affix approximate time limit for each agenda item;
- F. When matters on the agenda are placed, or are able to be placed under more than one classification or category, as defined by the Order of Business, and the matters involve or are closely related to other subject matter, then the Presiding Officer may, in the Presiding Officer's discretion, present such matters before the Council, for discussion, consider and vote, at a different place in the agenda without the necessity of any vote thereon, notwithstanding their initial different placement on the written agenda.

[See former ACC 2.06.100 (1957 code § 1.04.170.); ACC 2.06.190 (1957 code § 1.04.210).]

SECTION 6 - COUNCILMEMBERS

- 6.1 Remarks. - Councilmembers desiring to speak shall address the presiding officer, and when recognized, shall confine himself/herself to the question under debate.
- 6.2 Questioning. - Any member of the Council, including the Presiding Officer, shall have the right to question any individual, including members of the staff, on matters germane to the issue properly before the Council for discussion. Under no circumstances shall such questioning be conducted in a manner to the extent that such would constitute a cross-examination of or an attempt to ridicule or degrade the individual being interrogated.
- 6.3 Obligation to the Public Agency. - Notwithstanding the right of Councilmembers to express their independent opinions and exercise their freedom of speech, Councilmembers should act in a way that reflects positively on the reputation of the City and of the community. Councilmembers shall also interact with other members of the City Council and City staff in ways that promote effective local government.
- 6.4 Council Training. - Councilmembers are expected to participate in training offered by individuals, agencies, entities and organizations including but not limited to the Association of Washington Cities and the State of Washington, so as to afford the Councilmembers the opportunity to better understand their roles as City Councilmembers.
- 6.5 Participation in Committees, Agencies and Organizations. - To better represent the interests of the City of Auburn, Councilmembers are encouraged to participate in assignments to local, regional, state and national committees, agencies and organizations.

[See former ACC 2.06.130 (1957 code § 1.04.130).]

SECTION 7 - DEBATES

- 7.1 Speaking to the Motion. - No member of the Council, including the Presiding Officer, shall speak more than twice on the same motion except by consent of the Presiding Officer or a majority of the Councilmembers present at the time the motion is before the Council.

- 7.2 Interruption. - No member of the Council, including the Presiding Officer, shall interrupt or argue with any other member while such member has the floor, other than the Presiding Officer's duty to preserve order during meetings as provided in Section 5.2.A of these rules.
- 7.3 Courtesy. - All speakers, including members of the Council, which includes the Presiding Officer, in the discussion, comments, or debate of any matter or issue shall address their remarks to the Presiding Officer, be courteous in their language and deportment, and shall not engage in or discuss or comment on personalities, or indulge in derogatory remarks or insinuations in respect to any other member of the Council, or any member of the staff or the public, but shall at all times confine their remarks to those facts which are germane and relevant to the question or matter under discussion.
- 7.4 Transgression. - If a member of the Council shall transgress these rules on debates, the Presiding Officer shall call such member to order, in which case such member shall be silent except to explain or continue in order. If the Presiding Officer shall transgress these rules on debate or fail to call such member to order, any other member of the Council may, under a point of order, call the Presiding Officer or such other member to order, in which case the Presiding Officer or such member, as the case may be, shall be silent except to explain or continue in order.
- 7.5 Challenge to Ruling. - Any member of the Council, including the Presiding Officer, shall have the right to challenge any action or ruling of the Presiding Officer, or member, as the case may be, in which case the decision of the majority of the members of the Council present, including the Presiding Officer, shall govern.

[See former ACC 2.06.130 (1957 code § 1.04.130).]

SECTION 8 - PARLIAMENTARY PROCEDURES AND MOTIONS

- 8.1 All City Council meeting discussions shall be governed by *ROBERTS RULES OF ORDER, NEWLY REVISED* (latest edition).
- 8.2 If a motion does not receive a second, it dies. Matters that do not constitute a motion include nominations, withdrawal of motion by the person making the motion, request for a roll call vote, and point of order or privilege; therefore a second is not needed.
- 8.3 A motion that receives a tie vote is deemed to have failed, provided that except where prohibited by law, the Mayor, as Presiding Official, shall be allowed to vote to break a tie vote.

- 8.4 When making motions, Councilmembers shall be clear and concise and not include arguments for the motion within the motion.
- 8.5 After a motion has been made and seconded, the Councilmembers may discuss their opinions on the issue prior to the vote.
- 8.6 If any Councilmember wishes to abstain, from a vote on the motion pursuant to the provisions of Section 9 hereof, that Councilmember shall so advise the City Council, and shall remove and absent himself/herself from the deliberations and considerations of the motion, and shall have no further participation in the matter. Such advice shall be given prior to any discussion or participation on the subject matter or as soon thereafter as the Councilmember perceives a need to abstain, provided that, prior to the time that a Councilmember gives advice of an intent to abstain from an issue, the Councilmember shall confer with the City Attorney to determine if the basis for the Councilmember's intended abstention conforms to the requirements of Section 9. If the intended abstention can be anticipated in advance, the conference with the City Attorney should occur prior to the meeting at which the subject matter would be coming before the City Council. If that cannot be done, the Councilmember should advise the City Council that he/she has an "abstention question" that he/she would want to review with the City Attorney, in which case, a brief recess would be afforded the Councilmember for that purpose.
- 8.7 A motion may be withdrawn by the maker of the motion at any time without the consent of the Council.
- 8.8 A motion to table is nondebatable and shall preclude all amendments or debates of the issue under consideration. A motion to table is to be used in instances where circumstances or situations arise which necessitate the interruption of the Councilmembers' consideration of the matter then before them. A motion to table, if passed, shall cause the subject matter to be tabled until the interrupting circumstances or situations have been resolved, or until a time certain, if specified in the motion to table. To remove an item from the table in advance of the time certain requires a two-thirds' majority vote.
- 8.9 A motion to postpone to a certain time is debatable, is amendable and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting, or to a time certain at a future Regular or Special City Council meeting.
- 8.10 A motion to postpone indefinitely is debatable, is not amendable, and may be reconsidered at the same meeting only if it received an affirmative vote.

- 8.11 A motion to call for the question shall close debate on the main motion and is not debatable. This motion must receive a second and fails without a two-thirds' vote; debate is reopened if the motion fails.
- 8.12 A motion to amend is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, striking out and inserting, or substituting.
- 8.13 Motions that cannot be amended include: Motion to adjourn, lay on the table (table), roll call vote, point of order, reconsideration and take from the table. ~~A₁ and a motion to amend an amendment is not in order.~~
- 8.14 Amendments are voted on first, then the main motion as amended (if the amendment received an affirmative vote).
- 8.15 Debate of the motion only occurs after the motion has been moved and seconded.
- 8.16 The Presiding Officer, City Attorney or City Clerk should repeat the motion prior to voting.
- 8.17 The City Clerk will take a roll call vote, if requested by the Presiding Officer, a Councilmember, or as required by law.
- 8.18 When a question has been decided, any Councilmember who voted in the majority may move for reconsideration. In order to afford Councilmembers who voted in the majority the potential basis for a motion for reconsideration, Councilmembers who voted in the majority may inquire of Councilmembers who voted with the minority as to the reasons for their minority vote, if not stated during debate prior to the vote.
- 8.19 The City Attorney shall act as the Council's parliamentarian and shall decide all questions of interpretations of these rules which may arise at a Council meeting.
- 8.20 These rules may be amended, or new rules adopted, by a majority vote of the full Council.

[See former ACC 2.06.160 (1957 code § 1.04.180.); ACC 2.06.170 (1957 code § 1.04.190.); ACC 2.06.200 (1957 code § 1.04.220.); ACC 2.06.210 (1957 code § 1.04.230).]

SECTION 9 - VOTING

- 9.1 Voice vote - A generalized verbal indication by the Council as a whole of "yea or nay" vote on a matter, the outcome of which vote shall be recorded in the official

minutes of the Council. Silence of a Councilmember during a voice vote shall be recorded as a vote with the prevailing side, except where such a Councilmember abstains because of a stated conflict of interest or appearance of fairness.

- 9.2 Roll call vote - A roll call vote may be requested by the Presiding Officer or by any Councilmember.
- 9.3 Abstentions - It is the responsibility of each Councilmember to vote when requested on a matter before the full Council. However, a Councilmember may abstain from discussion and voting on a question because of a stated conflict of interest or appearance of fairness.
- 9.4 Votes by Mayor - Except where prohibited by law, the Mayor, as Presiding Official, shall be allowed to vote to break a tie vote.

[See former ACC 2.06.150 (1957 code § 1.04.150).]

SECTION 10 - COMMENTS, CONCERNS AND TESTIMONY TO COUNCIL

- 10.1 Persons addressing the Council, who are not specifically scheduled on the agenda, will be requested to step up to the podium, give their name and address for the record, and limit their remarks to three (3) minutes, in addition to filling out the speaker sign-in sheet available at the City Clerk's desk. All remarks will be addressed to the Council as a whole. The City Clerk shall serve as timekeeper. The Presiding Officer may make exceptions to the time restrictions of persons addressing the Council when warranted, in the discretion of the Presiding Officer.
- 10.2 Any person making personal, impertinent or slanderous remarks while addressing the Council shall be barred from further audience participation by the Presiding Officer, unless permission to continue is granted by a majority vote of the Council.

[See former ACC 2.06.130 (1957 code § 1.04.130).]

SECTION 11 - PUBLIC HEARINGS AND APPEALS

- 11.1 Quasi-judicial hearings require a decision be made by the Council using a certain process, which may include a record of evidence considered and specific findings made. The following procedure shall apply:
- A. The Department Director of the department (most) affected by the subject matter of the hearing, or said Director's designee, will present the City's position and findings. Staff will be available to respond to Council questions.

- B. The proponent spokesperson shall speak first and be allowed (10) minutes. Council may ask questions.
 - C. The opponent spokesperson shall be allowed ten (10) minutes for presentation and Council may ask questions.
 - D. Each side shall then be allowed five (5) minutes for rebuttal, with the proponent spokesperson speaking first, followed by the opponent spokesperson.
 - E. The City Clerk shall serve as timekeeper during these hearings.
 - F. After each proponent and opponent spokesperson have used their speaking time, Council may ask further questions of the speakers, who shall be entitled to respond but limit their response to the question asked.
- 11.2 Public hearings where a general audience is in attendance to present arguments for or against a public issue:
- A. The Department Director or designee shall present the issue to the Council and respond to questions.
 - B. A person may speak for three (3) minutes. No one may speak for a second time until everyone who wishes to speak has had an opportunity to speak. The Presiding Officer may make exceptions to the time restrictions of persons speaking at a public hearing when warranted, in the discretion of the Presiding Officer.
 - C. The City Clerk shall serve as timekeeper during these hearings.
 - D. After the speaker has used their allotted time, Council may ask questions of the speaker and the speaker may respond, but may not engage in further debate.
 - E. The hearing will then be closed to public participation and open for discussion among Councilmembers.
 - F. The Presiding Officer may exercise changes in the procedures at a particular meeting or hearing, but the decision to do so may be overruled by a majority vote of the Council.

SECTION 12 - DEPUTY MAYOR

- 12.1 Biennially-Annually at the first meeting of a new Council, or periodically or more often as deemed appropriate, the members thereof of the City Council, by

majority vote, shall designate one of their members as Deputy Mayor for such period as the Council may specify.

[See RCW 35A.12.065.]

12.2 The Deputy Mayor shall perform the following duties:

Intra-Council Relations

- Serve as the Chair of the Council Study Sessions
- Serve as an ex-officio member of all other-standing and ad hoc committees of the city-City council-Council
- Assist in new councilmember training
- Support cooperative and interactive relationships among council members
- Work with Administration to prepare agendas for Committee of the Whole meetings-Council Study Sessions

Mayor-Council Relations

- Help maintain a positive and cooperative relationship between the mayor-Mayor and the city-City council-Council
- Act as conduit between the mayor-Mayor and the city-City council-Council on issues or concerns relating to their duties

Intergovernmental and Community Relations

- Act in absence of mayor-Mayor as requested and/or as required
- Be aware of all city-City regional and intergovernmental policies and activities in order to be prepared to step into the role of Mayor if necessary
- Serve as the Chair of the City's Emergency Management Compensation Board

[See former ACC 2.06.090 (1957 code § 1.04.100).]

SECTION 13 - COUNCIL POSITION VACANCY OR ABSENCE

13.1 In the event that an unexpired Council position becomes vacant, the City Council has ninety (90) days from the occurrence of the vacancy to appoint, by majority vote of a quorum of the Council, a qualified person to fill the vacancy pursuant to State law. The Council may make such appointment at its next regular meeting, or at a special meeting called for that purpose. If the Council does not appoint a person within the ninety (90) day period, the Mayor may make the appointment from among the persons nominated by members of the Council.

13.2 In the event of extended excused absences or disability of a Councilmember, the remaining members by majority vote may appoint a Councilmember Pro Tempore to serve during the absence or disability.

SECTION 14 - COUNCIL MEETING STAFFING

- 14.1 Department Directors shall attend all meetings of the Council unless excused.
- 14.2 The City Attorney shall attend all meetings of the Council unless excused, and shall upon request, give an opinion, either written or oral, on legal questions. The City Attorney shall act as the Council's parliamentarian. The Assistant City Attorney shall attend meetings when the City Attorney has been excused.

[See former ACC 2.06.060 (1957 code § 1.04.160).]

SECTION 15 - COUNCIL RELATIONS WITH STAFF

- 15.1 There will be mutual courtesy and respect from both City staff and Councilmembers toward each other and of their respective roles and responsibilities.
- 15.2 City staff will acknowledge the Council as policy makers, and the Councilmembers will acknowledge City staff as administering the Council's policies.
- 15.3 It is the intent of Council that all pertinent information asked for by individual Council members shall be made available to the full Council.
- 15.4 Individual Councilmembers shall not attempt to coerce or influence City staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits. Councilmembers may, at the request of the Mayor, participate in discussions and decisions related to these matters. ~~Councilmembers who serve council committee overseeing the activities involved may, with the consent of the Mayor and the committee chair, participate in discussions related to these matters to give policy guidance and legislative direction.~~
- 15.5 Other than through legislative action taken by the Council as a whole, individual Councilmembers shall not interfere with the operating rules and practices of any City department.
- 15.6 No individual Councilmember shall direct the Mayor to initiate any action or prepare any report that is significant in nature, or initiate any project or study without the consent of a majority of the Council ~~or being initiated through the Council Committee process.~~ This provision, however, does not prohibit individual Councilmembers from discussing issues with the Mayor or making individual requests or suggestions to the Mayor. The Mayor shall endeavor to advise and update the Councilmember(s) on the status or follow-up of such issues.

- 15.7 All councilmember requests for information, other than requests for legal advice from the City Attorney's Office, shall be directed through the Mayor in order to assign the task to the proper staff. ~~Council committee chairs and the The Deputy Mayor may work with the Mayor's designated staff to prepare Study Session agendas and facilitate their committee Study Session work.~~
- 15.8 Any written communication with staff shall also include the Mayor as a recipient.

SECTION 16 - COUNCIL STUDY SESSIONS, COMMITTEES AND CITIZEN ADVISORY BOARDS

- 16.1 In addition to the regularly scheduled City Council meetings (Regular Council Meetings) scheduled on the first and third Mondays of the month, City Council shall regularly schedule Council Study Sessions on the second, fourth and fifth Mondays of the month for review of matters that would come back before the City Council at Regular Council Meetings. Different than the format for Regular Council Meetings (identified in Section 3 hereof), Study Sessions shall be less formal than Regular Council Meetings and shall give the City Council the opportunity to discuss and debate issues coming before it for action at Regular Council meetings. The format for these meetings shall be as follows:

A. Meeting Times:

Study Sessions shall be scheduled as set forth in Section 2.3, above.

B. Study Sessions should conform to the following:

1. Meeting facilitation - the Deputy Mayor shall preside over/conduct Study Sessions.
2. Four or more Councilmembers shall constitute a quorum for Study Sessions.
3. Two and one half hours maximum timeframe (goal).
4. Maximum of five agenda items (goal).
5. Timeframe per agenda item - up to 30 to 40 minutes.
6. Agenda items should relate to future policy-making, strategic planning or key state or federal issues affecting current or future city operations.
7. Agenda items should be substantive only (e.g., traffic impact fee increase proposals, comprehensive plan updates, rather than day-to-day operational issues. [Non-substantive items (e.g., accepting a grant,

authorizing contract bidding, etc.) should go directly to the Regular City Council meeting.

C. Study Session Meeting Format³

1. Call to Order

The Presiding Officer shall call the meeting to order.

2. Roll call

The City Clerk will call the roll. Councilmembers may request to be excused from a meeting by requesting the same of the Mayor or City Clerk in advance of the meeting. The reason for the request shall be given at the time of the request.

3. Announcements, Reports and Presentations

The Presiding Officer shall provide any announcements, reports or presentations that need to be shared with the City Council in advance of the agenda discussion items. After that these announcements, reports or presentations, City Council members may have questions or wish to discuss the issues at this time or request that they be put on a future Study Session agenda for further discussion.

4. Agenda items for Council Discussion.

The Presiding Officer shall announce each of the various items that are on the agenda for Council discussion, and, as warranted, request a preliminary report from staff or a consultant or other individual(s) involved in the issue. The Presiding Officer shall endeavor to call upon the members of the City Council in the order of their requests to discuss the Agenda Item.

After such report(s), if any, the Presiding Officer shall open the floor for Council discussion on the agenda items in their order on the agenda, unless a different order is approved by a majority of the Councilmembers present.

Council discussion shall be in conformity with the provisions of Section 7 of these rules, other than the requirement that there be a motion before Council discussion.

³ It is the intention of the City Council that Study Sessions shall be televised on the City's public access channel if reasonably possible.

At the conclusion of the discussion, or at the point the Council feels its questions have been answered and discussion vetted, the Presiding Officer shall move the attention of the Council to the next discussion item on the agenda; provided that if, after a lengthy discussion on a particular agenda item, the Presiding Officer concludes that discussion should be continued to a later date, the Presiding Officer may conclude discussion on that agenda item and schedule the matter for a later Study Session.

With the support of a consensus of Councilmembers, the Deputy Mayor shall call for Study Session agenda items requiring formal Council action to be included in agendas for upcoming Regular Council Meetings.

5. Other Discussion Items

The Presiding Officer and/or members of the City Council may bring up other discussion items to be discussed at this time or to be scheduled for discussion at a future Study Session; provided that if the Presiding Officer concludes that there is not sufficient time to discuss or continue discussing the topic, the Presiding Officer may defer discussion or continued discussion to a future Study Session.

6. Adjournment

The Presiding Officer shall adjourn the Study Session after conclusion of discussion on the agenda items.

~~The Standing Committees of the City Council of the City of Auburn are as follows:~~

~~A. PUBLIC WORKS COMMITTEE:~~

~~Makes recommendations to the City Council as a whole on policies relating to water and sanitary sewer utilities, storm drainage, streets and policy matters involving construction, engineering, right-of-way use, street vacation and equipment maintenance and operations. This Committee will coordinate equipment rental and utility matters with the Finance Committee. The Committee will serve as the Council's liaison for the Transportation, Transit and Trails Committee and special transportation advisory committees.~~

~~B. FINANCE COMMITTEE:~~

~~In addition to the normal monitoring of the financial expenditures of the approved budget, this Committee will make recommendations to the City Council as a whole on policies relating to human resources, municipal court, legal, information services, and City real property transactions including sale, lease, acquisition, and donations. This committee will coordinate property transactions with other appropriate Council Committees. The Committee will serve as Council's liaison for the Tourism Board.~~

~~C. PLANNING AND COMMUNITY DEVELOPMENT COMMITTEE:~~

~~Makes recommendations to the City Council as a whole on policies relating to land use planning and zoning, code enforcement, annexation, building permits, human services, parks (planning), cultural arts and public art, museum, Mary Olson Farm, communications, and economic development. The Committee will serve as the Council's liaison for the Arts Commission, King County Library, Urban Tree Board, Parks and Recreation Board, Planning Commission, Human Services Committee, Museum board and Multicultural Roundtable.~~

~~D. MUNICIPAL SERVICES COMMITTEE:~~

~~Makes recommendations to the City Council as a whole on policies relating to police, animal control, emergency planning, parks (operations), community services, telecommunications, solid waste, airport, senior center, Auburn International Farmers' Market, golf course and cemetery. The Committee will serve as the Council's liaison for the Airport Advisory Board, the Cemetery Board and the Auburn International Farmers' Market Advisory Board.~~

~~E. LES GOVE COMMUNITY CAMPUS COMMITTEE:~~

~~Makes recommendations to the City Council as a whole on policies relating to development and ongoing use of the Community Center and Activity Center facilities at Les Gove Community Campus. The Les Gove Community Campus Committee shall also coordinate with the Municipal Services Committee and the Planning and Community Development Committee in considering activities and issues that affect the Les Gove Community Campus as a whole.~~

~~F. COUNCIL OPERATIONS COMMITTEE:~~

~~There is created and established a Council Operations Committee for the city council, the appointment, duties and functions thereof to be as follows:~~

~~1. Appointment. Membership of the Council Operations Committee shall consist of the Deputy Mayor and the two other Councilmembers having the longest tenure on the City Council. Longest tenure is to be calculated as the total length of consecutive service as a Councilmember. The Deputy Mayor shall be the Chair of the Council Operations Committee. In the event two or more members have equal tenure, the Chair and members of the Council Operations Committee shall be selected on the basis of the largest number of votes received at the most recent general election(s) in which the Councilmembers were respectively elected. It is provided, however, that Councilmembers whose term of office will expire prior to or during the first meeting of a new City Council and who have not been re-elected or appointed to another term of office extending beyond the first meeting of a new City Council shall not be allowed to vote at Council on the approval of the membership of the new committees.~~

~~2. Powers and Functions. The function of the Council Operations Committee is to supervise the formation and membership of all standing committees of the City Council. The Council Operations Committee shall, subject to the approval of a majority of the entire City Council, designate all of the standing committees of the City Council. In addition, the Council Operations Committee shall, biennially at the first meeting of a new City Council, or periodically, submit a list of the proposed members of all standing committees of the City Council for approval by a majority vote of the entire City Council. The Council Operations Committee shall also recommend the Chair for each standing committee of the City Council, which recommendations shall also be subject to approval by a majority vote of the entire City Council. The membership of all standing committees of the City Council shall consist exclusively of Councilmembers. Each chair of any standing committee of the City Council shall, in the absence of a quorum at a meeting of his/her particular standing committee, have the authority to appoint a non-member of the standing committee, from the City Council to that standing committee for that meeting to create a quorum for that meeting, or in the chair's absence the vice chairman shall be able to appoint another Councilmember to that particular committee in the absence of a quorum. The function of the Council Operations Committee is also to propose amendments to the Rules of Procedure of the City Council to the full City Council, and to address issues relating to the whole City Council and make recommendations for action by the full City Council relative to such issues.~~

~~The Council Operations Committee shall also evaluate and recommend to the whole City Council any actions, responses or sanctions for violations by Councilmembers of these Rules of Procedure, which recommendation shall be considered, voted and/or acted upon by the City Council in the normal course.~~

~~3. In cases of alleged misconduct or violations of the City Council Rules of Procedures (ROP), the person suspected of the alleged misconduct or violation of the ROP shall be afforded the opportunity to respond, which opportunity shall be given, with advance notice, in an open meeting of the Council Operations Committee (COC) prior to the COC making any recommendations regarding censure or reprimand or other disciplinary action.~~

~~4. Meeting Dates. The Council Operations Committee shall meet biennially upon the seating of each new City Council or more often as needed.~~

~~[See former ACC 2.06.220 (Ord. 4319 §§ 2, 3, 1989; Ord. 3937 § 1, 1984; Ord. 3606 § 1, 1981; Ord. 2786 § 1, 1974; Ord. 2745 § 1, 1973; 1957 code § 1.04.240).]~~

16.2 The Mayor or a majority of the City Council may establish such ad hoc committees as may be appropriate to consider special matters that require special approach or emphasis. Such ad hoc committees may be established and matters referred to them at study sessions, without the requirement that such establishment or referral take place at a regular City Council meeting. The Mayor shall appoint Council representatives to intergovernmental councils, boards and committees, including such provided that the Deputy Mayor shall appoint Councilmembers to Council ad hoc committees. It is further provided that the Mayor shall appoint members to Council ad hoc committees if the Deputy Mayor is disabled or precluded from acting in that capacity. Councilmember appointments to intergovernmental councils, boards and committees, including ad hoc committees, shall be periodically reviewed to determine which councilmembers could best be able to represent the City on such councils, boards and committees.

16.3 Ad hoc council committees shall consider all matters referred to them. The chair of such ad hoc committee shall report to the City Council the findings of the committee. Committees may refer items to the Council with a committee recommendation or with no committee recommendation.

16.4 Advisory Boards, Committees and Commissions established by ordinance, consisting of citizens appointed pursuant to the establishing Ordinance and serving in the capacity and for the purposes indicated in the Ordinance, shall act as an advisory committee to the City Council.

16.5 Committee Chairpersons shall have broad discretion in conducting their meetings. They will generally follow Roberts Rules of Order, Newly Revised.

- 16.6 ~~Committee Chairpersons, or a majority of the members of the Committee, may~~ Unless otherwise expressly provided for an ad hoc committee of the City Council, such committees shall not receive public testimony or allow audience participation that is in connection with or related to the agenda item being discussed by the Committee, and audience participation regarding subjects falling within the areas of responsibility of the Committee may come from any non-member of the Committee, including members of the City Council who are in attendance. Unless otherwise expressly provided for such ad hoc committee, it is the intention of the City Council that such ad hoc committees function informally and not in any way that takes action in lieu of or on behalf of the full City Council. The purpose and function of such ad hoc committees shall be to review matters in advance of their consideration by the full City Council, and perhaps record and make recommendations to the full City Council. With that, it is the intention that these committees operate informally, without the need for compliance with the Open Public Meetings Act (Chapter 42.30. RCW).
- 16.7 Committee Chairpersons shall approve all agenda items and may, at their discretion, remove or add agenda items during the course of the meeting.
- 16.8 ~~Prior to publication of the agenda in which minutes are to be approved by the Committee, the Committee Chairperson, or the person who will be presiding over the meeting, shall review the draft minutes of Committee meetings.~~

SECTION 17 - COUNCIL REPRESENTATION & INTERNAL COMMUNICATION

- 17.1 If a Councilmember meets with, attends a meeting or otherwise appears ~~on~~ before individuals, another governmental agency, a community organization, or a private entity or organization, including individuals, agencies, or organizations with whom or with which the City has a business relationship, and makes statements directly or through the media, commenting on an issue that does or could affect the City, the Councilmember shall state the majority position of the City Council, if known, on such issue. Personal opinions and comments which differ from those of the Council majority may be expressed if the Councilmember clarifies that these statements do not represent the City Council's position, and the statements are those of the Councilmember as an individual. Additionally, before a Councilmember discusses anything that does or could relate to City liability, the Councilmember should talk to the City Attorney or the City's Risk Manager, so that the Councilmember would have a better understanding of what may be said or how the discussion should go to control or minimize the City's liability risk and exposure.
- 17.2 Councilmembers need to have other Councilmember's concurrence before representing another Councilmember's view or position with the media, another government agency or community organization.

17.3 Councilmembers shall not knowingly communicate with an opposing party or with an opposing attorney in connection with any pending or threatened litigation in which the City is a party or in connection with any disputed claim involving the City without the prior approval of the City Attorney, unless the Councilmember is individually a party to the litigation or is involved in the disputed claim separate from the Councilmember's role as a City official.

17.4 Communication among Councilmembers shall conform to the following parameters:

- A. Except in connection with Council members meeting, informally, in committees not subject to the Open Public Meetings Act, To to assure that communication on agenda items occurs to the greatest extent possible at the public meetings, and to avoid even the perception that email is being used in a way that could constitute a public meeting, e.g., successive communications on City Council or Council Committee topics that involve a quorum of the Councilmembers or Committee members. Councilmembers should refrain from emailing Councilmembers about such agenda items. Councilmembers should be prepared to communicate about matters that are on upcoming Committee agendas or Council agendas at the public meetings. If Councilmembers wish to share information with other councilmembers about matters that are on upcoming agendas, the councilmembers should forward that information to the Mayor for distribution in the committee or council meeting packets.
- B. Councilmembers may communicate via email to other Councilmembers, including to a quorum of a Council committee or the full City Council about matters within the scope of the Committee's City Council's authority or related to City business, but not yet scheduled on upcoming Committee or Council agendas, to indicate a desire that certain items be included on upcoming meeting agendas; provided that Councilmembers shall never ask for responses from the other Councilmembers in that communication.
- C. Email communication among Councilmembers relating to City operations should also include the Mayor as a recipient/addressee.
- D. Councilmembers may email the Mayor about City business without limitations or restrictions.

17.5 Internet & Electronic Resources/Equipment Use.

- A. Policy. It is the policy of the City Council that Internet and electronic resources equipment use shall conform to and be consistent with the requirements of City of Auburn Administrative Policy and Procedure 500-

03, "Internet & Electronic Resources/Equipment Use – Elected Officials" adopted hereby and incorporated herein by this reference.

It is important to note that all letters, memoranda, and interactive computer communication involving City Councilmembers and members of advisory boards and commissions, the subject of which relates to the conduct of government or the performance of any governmental function, with exceptions stated by the Public Records Act (RCW 42.56), are public records.

B. Electronic Communications.

- (1) Informal messages with no retention value and that do not relate to the functional responsibility of the recipient or sender as a public official, such as meeting notices, reminders, telephone messages and informal notes, do not constitute a public record. Users should delete these messages once their administrative purpose is served.
- (2) All other messages that relate to the functional responsibility of the recipient or sender as a public official constitute a public record. Such records are subject to public inspection and copying.
- (3) Electronic communications that are intended to be shared among a quorum of the City Council or of an ad hoc Council Committee, whether concurrently or serially, must be considered in light of the Open Public Meetings Act, if applicable. If the intended purpose of the electronic communication is to have a discussion that should be held at an open meeting, the electronic discussion shall not occur. Further, the use of electronic communication to form a collective decision of the Council shall not occur.
- (4) Electronic communication should be used cautiously when seeking legal advice or to discuss matters of pending litigation or other confidential City business. In general, electronic communication is discoverable in litigation, and even deleted electronic communication is not necessarily removed from the system. Confidential electronic communications should not be shared with individuals other than the intended recipients, or the attorney-client privilege protecting the document from disclosure may be waived.
- (5) Electronic communication between Councilmembers and between Councilmembers and staff shall not be transmitted to the public or news media without the filing of a public disclosure request with the City Clerk.

- (6) As a cautionary note, if an elected public official uses his or her personal home computer to send electronic communications dealing with City business, the electronic communications and electronic records may be subject to discovery demands and public disclosure requests. That possibility amplifies the need for caution in how one uses electronic communication for City business.

17.6 Different than where a City Councilmember is appointed by the City Council or the Mayor to serve as a member of a board, commission, committee, task force or any other advisory body, the City Council may appoint a Councilmember to serve as a non-member Liaison to a board, commission, committee, task force or any other advisory body. Anytime a Councilmember is appointed as such a Liaison, the position or role of Liaison is subordinate to that of Councilmember, and the Councilmember's responsibility is first and foremost to the City and to the City Council. The role and responsibility of the Councilmember-Liaison is to keep the City Council and ~~Council Committees~~ apprised of the activities, positions and actions of the entity or organization to which the Councilmember has been appointed Liaison, and not to communicate to the board, commission, committee, task force or other advisory body a statement as the position of the City Council, except as authorized or directed by the City Council.

17.7 Whenever a member of the City Council attends any meeting of any other entity or organization, he or she should endeavor to be prudent in what he or she says or does at such meeting. Further, the Councilmember should avoid attending such meeting if that attendance would impose an interference with the meeting or the operations of the other entity or organization, or of the operations of the City.

SECTION 18 - TRAVEL AUTHORIZATION

18.1 In accordance with the City of Auburn travel policy, approvals or expenditure of travel related costs and/or approval of specific travel events or activities by Councilmembers beyond the authority provided in the travel policy and budget shall be as follows: the requesting Councilmember shall submit his/her request to expend travel related costs and/or request for authorization for specific travel purposes to the Mayor to be included on an upcoming Council meeting agenda in advance of the date(s) of such expenditure or travel. The City Council may pursuant to a motion, approve the request by a majority vote of a quorum of the City Council at the meeting in which the matter is considered.

SECTION 19 - CONFIDENTIALITY

19.1 Councilmembers shall keep confidential all written materials and verbal information provided to them during Executive Sessions, to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of Executive Sessions when the information is

considered by the exempt from disclosure under exemptions set forth in the Revised Code of Washington.

SECTION 20 – ENFORCEMENT OF RULES OF PROCEDURE

20.1.1 Councilmembers shall conform their conduct to the requirements, standards and expectations set forth in these Rules of Procedure. In addition to and notwithstanding whatever other enforcement mechanisms may exist for legal, ethical or practical obligations on Councilmember performance or conduct, violations of these Rules of Procedure by Councilmembers may be enforced by action of the City Council through sanctions such as votes of censure or letters of reprimand, and such other action as may be permitted by law.

City Council Rules of Procedure:

Adopted: February 2, 2004

Ordinance No. 5802

Amended by Resolution No. 4282, December 17, 2007

Amended by Resolution No. 4429, December 15, 2008

Amended by Resolution No. 4467, April 6, 2009

Amended by Resolution No. 4615, July 6, 2010

Amended by Resolution No. 4686, February 22, 2011

Amended by Resolution No. 4740, August 15, 2011

Amended by Resolution No. 4813, May 21, 2012

Amended by Resolution No 4909, February 19, 2013

Mayor:

The question has surfaced whether it is advisable for a member of the City Council to serve as chair of Study Sessions (in a strong Mayor form of government). *Roberts Rules of Order* does not address that issue, and a review of what cities actually do shows that cities do a wide variety of different things with respect to who chairs what meetings.

Roberts Rules of Order does identify a concern when a chair who is a voting member wants to bring a motion. In such an instance, *Roberts Rules of Order* would have the chair actually step down from the role as chair, allowing another to take his or her place in presiding over the meeting - so that the (initial) chair could make a motion and discuss that motion along with other members of the body. To avoid this musical chairs scenario, some organizations consciously choose to have a non-member of the board/voting body serve as chair.

This concern may not be very salient for City of Auburn Study Sessions, since Study Sessions would not normally be where motions occur (unless the procedural rules deferring motions to Regular Meetings were suspended).

It may also be that the chair of the Study Session, if also a member of the City Council, would want to be able to discuss the merits of a proposal before the City Council (at a Study Session) and that may be more difficult if the same person is trying to fill the roles of chair and proponent or opponent of a particular proposition. The Chair is typically supposed to be impartial.

I would also point out that in government, it is not unusual to see a legislative body presided over by a chair from the executive branch, such as in the U.S. Senate which has as its presiding officer the Vice President. Similarly, the Washington State Senate has the Lieutenant Governor preside over its meetings.

To answer the question, there is nothing in the rules of parliamentary procedure that precludes a member of the City Council from serving as chair (a number of cities do that). But, there are some things that would need to be handled more cautiously with that arrangement. Again, I think that these issues are why some cities and other governmental bodies have chosen to have the executive preside over all meetings of the City Council.

Please let me know if you have any questions.

Dan
10-6-14



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5109

Date:

October 28, 2014

Department:

Public Works

Attachments:

[RES 5109](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council adopt Resolution No. 5109.

Background Summary:

On October 22, 2014, a vehicle struck a fire hydrant on 8th Street NE between Harvey Road/M Street NE and R Street NE. The collision caused a fire hydrant and water line break that resulted in damage to the roadway, landscaping, and sidewalk.

Resolution No. 5109 declares and confirms a determination of emergency that allows the Mayor to negotiate and enter into contracts with qualified contractors to repair the damage because there is not sufficient time to enable the City to go through the normal purchasing and contracting process.

Reviewed by Council Committees:

Public Works

Councilmember: Osborne

Staff: Snyder

Meeting Date: November 3, 2014

Item Number: RES.B

RESOLUTION NO. 5109

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DECLARING AND CONFIRMING THE DETERMINATION OF EMERGENCY FOR DAMAGE TO 8TH STREET NE BETWEEN HARVEY ROAD AND HENRY ROAD CAUSED BY A VEHICLE-HYDRANT COLLISION ON OCTOBER 22, 2014 AND RATIFYING AND CONFIRMING PRIOR ACTS

WHEREAS, on October 22nd, 2014, a vehicle struck a fire hydrant on 8th Street NE between Harvey Road and Henry Road and caused significant damage to the hydrant, a water line, and the roadway that required portions of the roadway to be closed and disruption of water service to the adjacent commercial properties; and

WHEREAS, the City of Auburn has determined that in order to prevent further damage to the roadway and to maintain water service to the adjacent commercial properties, it is crucial that the City begin repair work as soon as feasibly possible; and

WHEREAS, in order to make the repairs in a timely manner as warranted, the City does not have time to follow normal purchasing and contracting procedures.

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

Section 1. The City Council finds and declares that an emergency exists in connection with the need to repair the roadway and water line on 8th

Resolution No. 5109
October 27, 2014
Page 1

Street NE between Harvey Road and Howard Road, and there is not sufficient time to enable the City to go through the normal purchasing and contracting process.

Section 2. The City Council authorizes corrective action and ratifies action already takes in response to such emergency.

Section 3. That the Mayor is authorized to negotiate and enter into contracts with qualified contractors and construction service providers to effect the repair of the roadway and waterline on 8th Street NE between Harvey and Henry Road.

Section 4. That this Resolution, passed by a vote of a majority of the City Council plus one, shall take effect and be in full force upon passage and signatures hereon.

Dated and Signed this _____ day of _____, 2014.

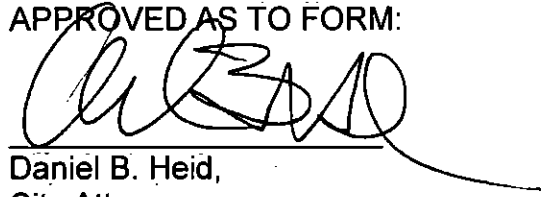
CITY OF AUBURN

ATTEST:

NANCY BACKUS
MAYOR

Danielle E. Daskam,
City Clerk

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read 'Daniel B. Heid', is written over a horizontal line. The signature is stylized with large, flowing loops.

Daniel B. Heid,
City Attorney