

	City Council Meeting October 19, 2020 - 7:00 PM Virtual AGENDA Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. CALL TO ORDER

II. VIRTUAL PARTICIPATION LINK

1. Virtual Participation Link

The Auburn City Council Meeting scheduled for Monday, October 19, 2020 at 7:00 p.m. will be held virtually and telephonically. To attend the meeting virtually please click the link or enter the meeting ID into the Zoom app or call into the meeting at the phone number listed below.

Per the Governor's Emergency Proclamation 20-28, the City of Auburn is prohibited from holding an in-person meeting at this time.

City of Auburn Resolution No. 5533, designates City of Auburn meeting locations for all Council, Board and Commission meetings as virtual. All meetings will be held virtually and telephonically until King County enters into Phase 3 of Governor Inslee's Safe Start — Washington's Phased Reopening plan.

The link to the Virtual Meeting or phone number to listen to the Council Meeting is:

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://zoom.us/j/98392633286>

Or join by phone:

253 215 8782

877 853 5257 (Toll Free)

Webinar ID: 983 9263 3286

A. Pledge of Allegiance

B. Roll Call

III. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

IV. AGENDA MODIFICATIONS

V. NEW BUSINESS

VI. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

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

B. Audience Participation

This is the place on the agenda where the public is invited to speak to the City Council on any issue.

1. Virtual Participation

Participants can submit written comments via mail, fax or email. All written comments must be received prior to 5:00 p.m. on the day of the scheduled meeting and must be 350 words or less.

Please mail comments to:

City of Auburn

Attn: Shawn Campbell, City Clerk

25 W Main St

Auburn, WA 98001

Please fax comments to:

Attn: Shawn Campbell, City Clerk

Fax number: 253-804-3116

Email comments to:

publiccomment@auburnwa.gov

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

VII. COUNCIL AD HOC COMMITTEE REPORTS

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

1. Finance Ad Hoc Committee (Chair Baggett)

VIII. CONSENT AGENDA

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

A. Minutes of the September 10, 2020, September 15, 2020, September 16, 2020, September 26, 2020, October 5, 2020, October 8, 2020 and October 12, 2020 Special City Council Meetings

B. Minutes of the September 14, 2020 and September 28, 2020 Study Session

C. Minutes of the September 21, 2020 Regular Council Meeting

D. Claim Vouchers (Thomas)

Claim voucher list dated October 5, 2020 which includes voucher numbers 460811 through 460982 in the amount of \$2,665,937.64 and seven wire transfers in the amount of \$915,663.78

Claim voucher list dated October 19, 2020 which includes voucher numbers 460983 through 461187 in the amount of \$4,774,879.86 and three wire transfers in the amount of \$864,693.69

E. Payroll Vouchers (Thomas)

Payroll check numbers 538978 through 538984 in the amount of \$581,343.66, and an electronic deposit transmissions in the amount of \$1,978,453.87, for a grand total of \$2,559,797.53 for the period covering September 17, 2020 to September 30, 2020

Payroll check numbers 538985 through 538991 in the amount of \$75,828.98, and electronic deposit transmissions in the amount of \$2,103,459.96, for a grand total of \$2,179,288.94 for the period covering October 1, 2020 to October 14, 2020

F. Call for Public Hearings (Thomas)

These public hearings are held to provide citizens an opportunity to make comments on 2021-2022 biennial budget and potential increases in the City's 2021 property tax levy

Public Hearing #1 – November 2, 2020 – 2021-2022 Biennial Budget

Public Hearing #2 – November 2, 2020 – 2021 Property Tax Levy

Public Hearing #3 – November 16, 2020 – Final 2021-2022 Biennial Budget

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

IX. UNFINISHED BUSINESS

X. ORDINANCES

A. Ordinance No. 6766 (Comeau)

An Ordinance amending Section 9.22.010 of the Auburn City Code related to controlled substances

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6766.)

B. Ordinance No. 6792 (Gaub)

An Ordinance amending Chapter 19.04 of the Auburn City Code related to Traffic Impact Fees

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6792.)

C. Ordinance No. 6795 (Gaub)

An Ordinance amending Chapter 12.60 of the Auburn City Code related to Right-of-Way Permits

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6795.)

XI. RESOLUTIONS

A. Resolution No. 5554 (Gaub)

A Resolution authorizing the Mayor to execute a Memorandum of Understanding between the City of Auburn and the Muckleshoot Indian Tribe to establish a partnership for implementing non-motorized improvements on and adjacent to State Route 164

(RECOMMENDED ACTION: Move to adopt Resolution No. 5554.)

B. Resolution No. 5558 (Hinman)

A Resolution of the City Council of the City of Auburn, Washington expressing support for King County Proposition No. 1, Harborview Medical Center Health and Safety Improvement bonds

(RECOMMENDED ACTION: Move to adopt Resolution No. 5558.)

XII. MAYOR AND COUNCILMEMBER REPORTS

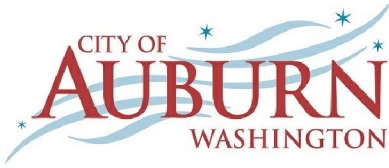
At this time the Mayor and City Council may report on significant items associated with their appointed positions on federal, state, regional and local organizations.

A. From the Council

B. From the Mayor

XIII. ADJOURNMENT

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



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the September 10, 2020, September 15, 2020, September 16, 2020, September 26, 2020, October 5, 2020, October 8, 2020 and October 12, 2020 Special City Council Meetings

Date:

September 30, 2020

Department:

City Council

Attachments:

[09-10-2020 Minutes](#)

[09-15-2020 Minutes](#)

[09-16-2020 Minutes](#)

[09-26-2020 Minutes](#)

[10-05-2020 Minutes](#)

[10-08-2020 Minutes](#)

[10-12-2020 Minutes](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

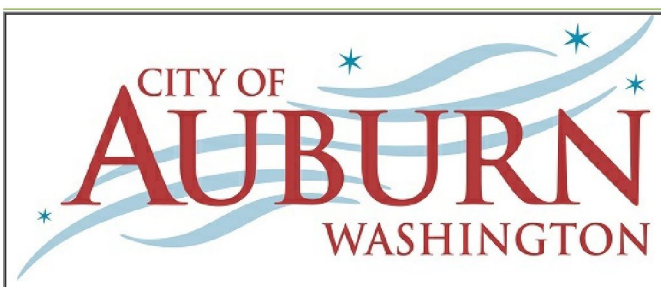
Revised Budget: \$0

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

Meeting Date: October 19, 2020

Staff:

Item Number: CA.A



**Special City Council Meeting
September 10, 2020 - 4:00 PM
Virtual
MINUTES**

I. CALL TO ORDER

Mayor Nancy Backus called the meeting to order at 4:00 p.m.

A. Virtual Participation Link

1. Virtual Participation Link

The City Council Meeting was held virtually.

B. Roll Call

Councilmembers virtually present: Deputy Mayor Claude DaCorsi, Bob Baggett, Larry Brown, James Jeyaraj, Robyn Mulenga and Yolanda Trout-Manuel. Councilmember Chris Stearns arrived at 4:04 p.m.

Mayor Nancy Backus and the following department directors and staff members were present: Innovation and Technical Support Specialist Danika Olson and City Clerk Shawn Campbell.

The following department directors and staff members attended the meeting virtually: City Attorney Kendra Comeau, Director of Public Works Ingrid Gaub, Director of Community Development Jeff Tate, Director of Finance Jamie Thomas, Director of Parks, Arts, and Recreation Daryl Faber, Director of Innovation and Technology David Travis, Director of Administration Dana Hinman, Director of Human Resources and Risk Management Candis Martinson, Assistant Finance Director Kevin Fuhrer, Financial Planning Manager Bob Brooks, Chief of Police Dan O'Neil and Assistant Director of Innovation and Technology Ashley Riggs.

II. DISCUSSION ITEMS

A. 2021-2022 Biennial Budget Discussion

Director Thomas provided Council with a plan for the three budget special meetings, a 2020 General fund update, the revenue shortfall, the general fund revenue reduction, reallocation and reduction of expenditures, the actuals for both revenue and expenditures as of July 31, 2020. She reviewed the 2021-2022 budget goals including restoring employee salary and benefits, restoring staffing, restoring service levels, conservative financial planning and end 2022 with minimum reserve balances. She also reviewed the 2021-2022 budget considerations, the expenditure drivers

including payroll costs and benefit costs, the revenue projections, recurring revenues, new revenue, revenue reallocation, how the new program requests will be presented and the 2021-2022 Preliminary Budget Summary.

Director Hinman provided Council with the 2019-2020 Council and Mayor departmental accomplishments, 2021-2022 goals, the Junior City Council and the changes to the budget attributed to the Mayor and Council's budget. She also reviewed the Administration Departments divisions and provided an overview of the Emergency Management and Economic Development divisions, discussed the 2019-2020 departmental accomplishments, the 2021- 2022 goals, the proposed changes for the 2021-2022 budget, staffing and new program requests.

Mayor Backus called for a 5 minute recess at 6:07 p.m. The meeting reconvened at 6:14 p.m.

Director Martinson reported on the Human Resources Department and reviewed departmental duties, the 2019-2020 accomplishments, 2021-2022 goals, the proposed budget highlights, including, maintaining service levels and programs and adding an Equity Program Manager.

Council discussed golf course revenue, employee staff levels, when to implement new revenues, the goals for Council, salaries and benefits, adding an Equity Program Manager, Business and Occupation Tax, market studies, equity programs and the Association of Washington Cities (AWC) Wellness Award.

III. ADJOURNMENT

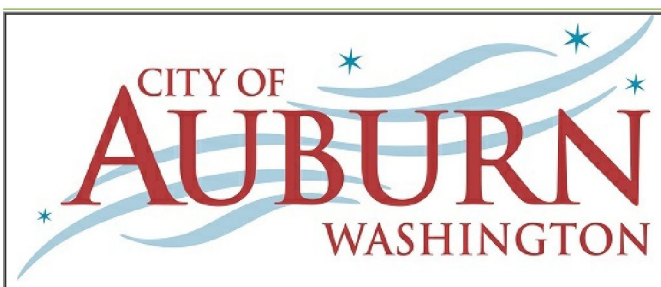
There being no further business to come before the Council, the meeting was adjourned at 6:47 p.m.

APPROVED this 19th day of October, 2020.

NANCY BACKUS, MAYOR

Shawn Campbell, City Clerk

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



**Special City Council Meeting
September 15, 2020 - 4:00 PM
Virtual
MINUTES**

I. CALL TO ORDER

Mayor Nancy Backus called the meeting to order at 4:00 p.m.

A. Virtual Participation Link

1. Virtual Participation Link

The City Council Meeting was held virtually.

B. Roll Call

Councilmembers virtually present: Deputy Mayor Claude DaCorsi, Bob Baggett, Larry Brown, James Jeyaraj, Robyn Mulenga, Chris Stearns and Yolanda Trout-Manuel. Councilmember Stearns left the meeting at 5:00 p.m. and returned at 6:00 p.m.

Mayor Nancy Backus and the following department directors and staff members were present: Innovation and Technical Support Specialist Danika Olson and City Clerk Shawn Campbell.

The following department directors and staff members attended the meeting virtually: City Attorney Kendra Comeau, Director of Finance Jamie Thomas, Director of Administration Dana Hinman, Director of Parks, Arts, and Recreation Daryl Faber, Director of Public Works Ingrid Gaub, Director of Human Resources and Risk Management Candis Martinson and Chief of Police Dan O'Neil.

II. DISCUSSION ITEMS

A. 2021-2022 Biennial Budget Discussion

Director Thomas provided Council with the agenda for the budget workshop. She explained the changes for benefits and salary rounding adjustments in the budget book and increases to the internal service fund allocations.

Director Thomas presented Council with the Finance Department's proposed budget and a departmental overview. She also discussed the 2019-2020 accomplishments, 2021-2022 goals, the proposed changes for the 2021-2022 Budgets and the proposed Business and Occupation Tax

(B&O Tax).

Council discussed how the budget module works, complete totals for salary and benefits, the proposed B&O Tax and adding a square footage fee.

City Attorney Comeau presented Council with the Legal Department's budget. She reviewed the Legal Department's divisions, the 2019-2020 accomplishments, the 2021-2022 goals and the proposed 2021-2022 budget changes.

Director Tate presented Council with the Community Development's budget and provided a departmental overview. He also discussed the 2019-2020 accomplishments, the 2021-2022 goals and proposed budget changes.

Chief O'Neil presented Council with the Police Department's budget and provided a departmental overview. He also discussed the 2019-2020 accomplishments, the 2021-2022 goals and proposed budget changes..

Council discussed the take home police vehicles for the SWAT team, Police Departmental Leadership training, number of full time employees in relation to the number of calls, online reporting, community policing, cost of living increases for employees, Facility Master Plan and Police Department training.

Director Gaub presented Council with the Public Works General Fund budget. She reviewed the divisions that are funded out of the General Fund, the 2019-2020 accomplishments, the 2021-2022 goals and the proposed changes to the 2021-2022 Budget.

Council discussed Street Preservation Funds and photo enforcement.

Director Faber presented Council with the Parks, Art and Recreation budget and provided a departmental overview. He also discussed the 2019-2020 accomplishments, the 2020-2021 goals and the proposed changes to the 2021-2022 Budget.

Council discussed the green fees at the Golf Course, community events, maintenance of the parks, virtual classes and professional services for the Park's Department.

Director Thomas provided Council with an overview of the six Internal Service Funds.

Director Travis presented Council with the Innovation and Technology proposed budget and provided an IT departmental overview. He also discussed the 2019-2020 accomplishments, the 2021-2022 goals and the proposed changes for the 2021-2022 Budget. Assistant Director Riggs explained the interfund allocations.

Council discussed software costs, security, data storage and ransom ware.

III. **ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 6:33p.m.

APPROVED this 19th day of October, 2020.

NANCY BACKUS, MAYOR

Shawn Campbell, City Clerk

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I. CALL TO ORDER

Mayor Nancy Backus called the meeting to order at 4:31 p.m.

A. Virtual Participation Link

1. Virtual Participation Link

The City Council Meeting was held virtually.

B. Roll Call

Councilmembers virtually present: Deputy Mayor Claude DaCorsi, Larry Brown, James Jeyaraj, Chris Stearns and Yolanda Trout-Manuel. Councilmembers Bob Baggett and Robyn Mulenga were excused.

Mayor Nancy Backus and the following department directors and staff members were present: Innovation and Technical Support Specialist Danika Olson and Deputy City Clerk Teresa Mattingly.

The following department directors and staff members attended the meeting virtually: City Attorney Kendra Comeau, Director of Finance Jamie Thomas, Director of Administration Dana Hinman, Director of Parks, Arts, and Recreation Daryl Faber, Director of Public Works Ingrid Gaub, Director of Human Resources and Risk Management Candis Martinson, Financial Planning Manager Bob Brooks, Assistant Finance Director Kevin Fuhrer, Chief of Police Dan O'Neil, Maintenance and Operation Services General Manager Erik Cottle, Fleet/ General Services Manager Tyler Thompson and Airport Manager Tim Mensonides.

II. DISCUSSION ITEMS

A. 2021-2022 Biennial Budget Discussion

Director Thomas provided Council with the agenda for the budget workshop.

Director Gaub reviewed Internal Service funds and discussed equipment rental and replacement, 2019-2020 accomplishments, 2021-2022 goals, budget changes and new programs.

Director Hinman reviewed the Facilities budget and provided a department overview and discussed, multimedia services, operating cost, building projects and budget changes.

Director Thomas reviewed the Workers Compensation budget and discussed how costs are allocated, budget changes and budget highlights. She also discussed Capital Projects, the 6 Year Capital Improvement Plan, 2021-2022 funding sources and the 2021-2026 Capital Improvement Plan.

Director Faber reviewed the Cemetery budget and discussed cemetery revenues, 2019-2020 accomplishments, 2021-2022 goals and budget changes.

Director Gaub reviewed the Water, Sewer and Storm budgets and the Auburn Municipal Airport budget. She also discussed the 2019-2020 accomplishments, 2021-2022 goals and budget changes.

Director Thomas reviewed the Solid Waste budget and provided a department overview and discussed the 2019-2020 accomplishments, 2021-2022 goals and budget changes. She also discussed the three types of Fiduciary Funds; South King Housing and Homeless Partners (SKHHP), Fire Pension and Cemetery Endowment Fund and reviewed next steps in the budget process.

Council discussed fuel systems, vehicle replacements, SWAT vehicles, investment income, storage facilities, annual maintenance on hard wood flooring, City Hall roof replacement, how much employees pay into workers compensation, unemployment benefits, local revitalization, lead service line replacement, water treatment facilities, inflow and infiltration testing, airspace obstructions at the airport, runway extensions, the demand for airport hangers and expected revenues for 2021-2022.

III. ADJOURNMENT

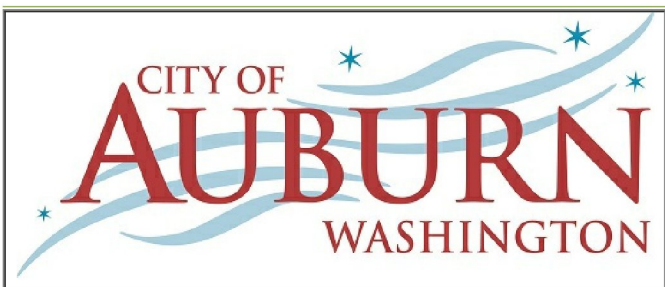
There being no further business to come before the Council, the meeting was adjourned at 6:44 p.m.

APPROVED this 19th day of October, 2020.

NANCY BACKUS, MAYOR

Teresa Mattingly, Deputy City Clerk

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

	Special City Council Meeting September 26, 2020 - 9:00 AM Virtual MINUTES
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I. CALL TO ORDER

Mayor Nancy Backus called the meeting to order at 9:02 a.m.

A. Virtual Participation Link

1. Virtual Participation Link
The City Council Meeting was held virtually.

B. Roll Call

Councilmembers virtually present: Deputy Mayor Claude DaCorsi, Bob Baggett, Larry Brown, James Jeyaraj, Robyn Mulenga and Chris Stearns. Councilmember Yolanda Trout-Manuel was excused.

Mayor Nancy Backus and the following staff member were virtually present: Equity Program Manager Brenda Goodson-Moore.

II. DISCUSSION ITEMS

A. Inclusive Auburn Initiative Training for City Council

Inclusive Auburn Initiative Training
Bernardo Ruiz, Racing to Equity Consulting Group

Mayor Backus introduced and welcomed Bernardo Ruiz and Caitlin Hoover with Racing to Equity Consulting Group. Mr Ruiz and Ms. Hoover facilitated session two of the Inclusive Auburn training with the City of Auburn City Council.

Council discussed racial equity, implicit bias, institutional and structural racism and community engagement.

III. ADJOURNMENT

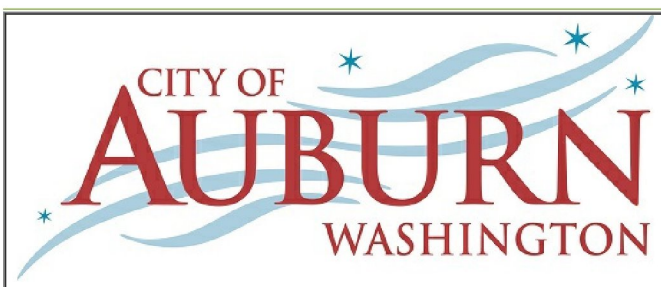
There being no further business to come before the Council, the meeting was adjourned at 1:08 p.m.

APPROVED this 19th day of October, 2020.

NANCY BACKUS, MAYOR

Shawn Campbell, City Clerk

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



**Special City Council Meeting
October 5, 2020 - 3:00 PM
Virtual
MINUTES**

I. CALL TO ORDER

Mayor Nancy Backus called the meeting to order at 3:00 p.m.

A. Virtual Participation Link

1. Virtual Participation Link

The City Council Meeting was held virtually.

B. Roll Call

Councilmembers virtually present: Deputy Mayor Claude DaCorsi, Larry Brown, James Jeyaraj, Chris Stearns and Yolanda Trout-Manuel. Councilmembers Bob Baggett and Robyn Mulenga were excused.

Mayor Nancy Backus and the following department directors and staff members were present: Innovation and Technical Support Specialist Danika Olson and City Clerk Shawn Campbell.

The following department directors and staff members attended the meeting virtually: City Attorney Kendra Comeau, Director of Innovation and Technology David Travis, Assistant Finance Director Kevin Fuhrer and Accounting Manager Janice Davies.

II. DISCUSSION ITEMS

A. State Auditor's Exit Interview

Evans Anglin, Alex Behrndt, Sandeep Kaur from the Washington State Auditor's Office provided Council with results for the audit. They reviewed the Accountability Audit, Federal Financial Statement Audit, Federal Grant Compliance Audit and the Comprehensive Annual Financial report opinion letter. They also discussed the timing of the reporting for the audit reports, the costs of the Audit and future audits.

Council discussed the different types of audit needs and the costs of the audit. Council also thanked the Mayor, staff and the Auditors for their hard work.

III. ADJOURNMENT

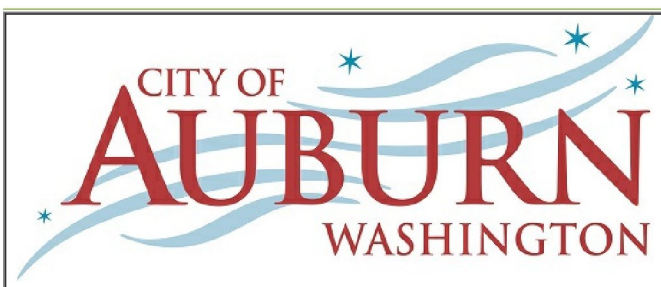
There being no further business to come before the Council, the meeting was adjourned at 3:56 p.m.

APPROVED this 19th day of October, 2020.

NANCY BACKUS, MAYOR

Shawn Campbell, City Clerk

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



**Special City Council Meeting
October 8, 2020 - 5:00 PM
Virtual
MINUTES**

I. CALL TO ORDER

Mayor Nancy Backus called the meeting to order at 5:03 p.m.

A. Virtual Participation Link

1. Virtual Participation Link

The City Council Meeting was held virtually.

B. Roll Call

Councilmembers virtually present: Deputy Mayor Claude DaCorsi, Bob Baggett, Larry Brown, James Jeyaraj, Robyn Mulenga and Chris Stearns. Councilmember Yolanda Trout-Manuel was excused.

Mayor Nancy Backus and the following staff member were virtually present: Diversity, Equity & Inclusion Program Manager Brenda Goodson-Moore.

II. DISCUSSION ITEMS

A. Inclusive Auburn Initiative Training for City Council

Inclusive Auburn Initiative Training

Bernardo Ruiz, Racing to Equity Consulting Group

Mayor Backus introduced and welcomed Bernardo Ruiz and Caitlin Hoover from Racing to Equity Consulting Group, who facilitated session two, part two of the Inclusive Auburn training.

Council discussed racial equity, implicit bias, institutional and structural racism.

III. ADJOURNMENT

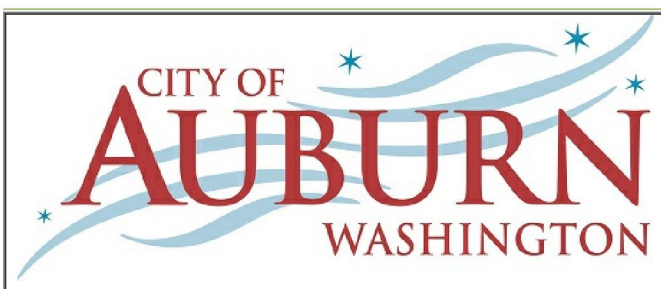
There being no further business to come before the Council, the meeting was adjourned at 9:11 p.m.

APPROVED this 19th day of October, 2020.

NANCY BACKUS, MAYOR

Shawn Campbell, City Clerk

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



**Special City Council Meeting
October 12, 2020 - 5:30 PM
Virtual
MINUTES**

I. CALL TO ORDER

Mayor Nancy Backus called the meeting to order at 5:30 p.m.

II. VIRTUAL PARTICIPATION

A. Virtual Participation Link

The City Council Meeting was held virtually.

A. Roll Call

Councilmembers virtually present: Deputy Mayor Claude DaCorsi, Bob Baggett, Larry Brown, James Jeyaraj, Robyn Mulenga, Chris Stearns and Yolanda Trout-Manuel.

Mayor Nancy Backus and the following department directors and staff members were present: Innovation and Technical Support Specialist Danika Olson, Director of Innovation and Technology David Travis, Chief of Police Dan O'Neil and City Clerk Shawn Campbell.

The following department directors and staff members attended the meeting virtually: City Attorney Kendra Comeau, Director of Public Works Ingrid Gaub, Director of Community Development Jeff Tate, Assistant Director of Engineering Services Jacob Sweeting, Senior Traffic Engineer James Webb, Development Services Manager Jason Krum, Planning Services Manager Jeff Dixon, Senior Transportation Planner Cecile Malik, Capital and Construction Engineering Manager Ryan Vondrak, Senior Project Engineer Matt Larson and Assistant Director of Innovation and Technology Ashley Riggs.

III. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

A. Proclamation for Indigenous Peoples Day

Mayor Backus to proclaim October 12, 2020 as Indigenous Peoples' Day in the City of Auburn.

Mayor Backus read and proclaimed October 12, 2020 as Indigenous Peoples' Day in the City of Auburn.

Muckleshoot Indian Tribe Cultural Liaison Walter Pacheco thanked the Mayor and Council for the proclamation. He spoke about the significance of time and relationships.

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. Council Rules of Procedure

City Council to amend Council Rules of Procedure 3.1(H), 4.1, 10.1, 11.2(B) and 16.1 that were amended on August 3, 2020 during the City Council Study Session through when King County enters Phase three of Governor Inslee's Safe Start — Washington's Phased Reopening plan and virtual and telephonic participation in Council meetings.

Deputy Mayor DaCorsi moved and Councilmember Trout-Manual seconded to amend Council Rules of Procedure as follows:

- To suspend Council Rule 3.1(H), Regular Council Meetings Audience Participation, to allow audience participation via written public comments through when King County enters Phase three of Governor Inslee's Safe Start — Washington's Phased Reopening plan. Council will encourage audience participation through submitting written statements to: publiccomment@auburnwa.gov. All written statements must be submitted by 5 PM on the day of the regular set City Council Meeting and will be limited to 350 words.
- To suspend Rule 4.1, Councilmember attendance at meetings, to allow Councilmembers to attend all public meetings virtually or telephonically through when King County enters Phase three of Governor Inslee's Safe Start — Washington's Phased Reopening plan.
- To suspend Rule 10.1, Comments, Concerns, and Testimony to Council, to allow persons addressing the Council to do so in writing by submitting written statement to publiccomment@auburnwa.gov by 5 PM on the day of the regular set City Council meeting through when King County enters Phase three of Governor Inslee's Safe Start — Washington's Phased Reopening plan.
- To suspend Rule 11.2(B), Public Hearings, to allow virtual or telephonic audience attendance and to allow written comments for a public hearing through when King County enters Phase three of Governor Inslee's Safe Start — Washington's Phased Reopening plan. Council will also encourage audience participation through submitting written statements to: publiccomment@auburnwa.gov. All written statements must be submitted by 5 PM on the day of the regular set City Council Meeting and will be limited to 350 words.

- To suspend Council Rule 16.1, Council Study Sessions, Committees, and Citizen Advisory Boards, to allow Councilmembers to attend study sessions virtually or telephonically through when King County enters Phase three of Governor Inslee's Safe Start — Washington's Phased Reopening plan.

MOTION CARRIED UNANIMOUSLY. 7-0

V. ADJOURNMENT

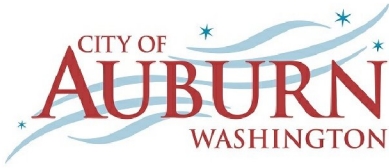
There being no further business to come before the Council, the meeting was adjourned at 5:39 p.m.

APPROVED this 19th day of October, 2020.

NANCY BACKUS, MAYOR

Shawn Campbell, City Clerk

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



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the September 14, 2020 and September 28, 2020
Study Session

Date:

September 30, 2020

Department:

City Council

Attachments:

[09-14-2020 Minutes](#)

[09-28-2020 Minutes](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

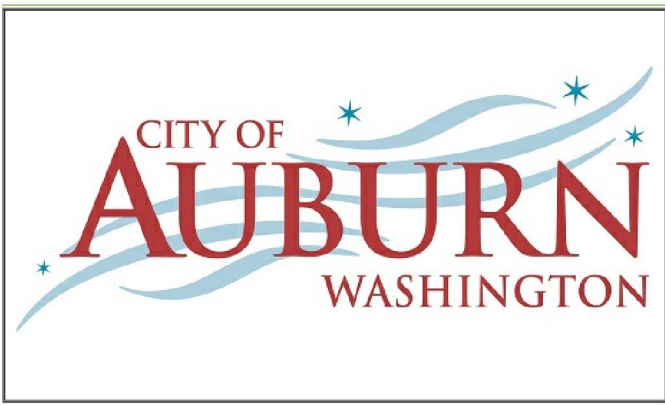
Revised Budget: \$0

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

Meeting Date: October 19, 2020

Staff:

Item Number: CA.B

	City Council Study Session Community Wellness Special Focus Area September 14, 2020 - 5:30 PM Virtual MINUTES Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. CALL TO ORDER

Deputy Mayor DaCorsi called the meeting to order at 5:35 p.m.

II. Virtual Participation Link

A. Virtual Participation Link

The City Council Meeting was held virtually.

B. Roll Call

Councilmembers virtually present: Deputy Mayor Claude DaCorsi, Bob Baggett, Larry Brown, James Jeyaraj, Robyn Mulenga, Chris Stearns and Yolanda Trout-Manuel.

Mayor Nancy Backus and the following department directors and staff members were present: Innovation and Technical Support Specialist Danika Olson, Director of Innovation and Technology David Travis, Chief of Police Dan O'Neil and City Clerk Shawn Campbell.

The following department directors and staff members attended the meeting virtually: City Attorney Kendra Comeau, Director of Public Works Ingrid Gaub, Director of Community Development Jeff Tate, Director of Finance Jamie Thomas, Director of Parks, Arts, and Recreation Daryl Faber, Right-of-Way Specialist Amber Price, Arts Coordinator Allison Hyde, SKHHP Executive Manager Angela San Filippo and Assistant Director of Innovation and Technology Ashley Riggs.

III. ANNOUNCEMENTS REPORTS AND PRESENTATIONS

There were no announcements, reports or presentations.

IV. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Ordinance No. 6782 (Gaub)(5 Minutes)

An Ordinance vacating Right-of-Way of G Street NE, South of South 277th Street

Specialist Price provided Council with the proposed right-of-way vacation

of G Street NE for Ordinance No. 6782.

B. Ordinance No. 6789 (Thomas)(20 Minutes)

An Ordinance authorizing the issuance of one or more series of Limited Tax General Obligation Refunding Bonds for the purpose of refunding certain outstanding limited tax general obligation bonds of the City; approving the sale of the bonds; and delegating the authority to approve the final terms of the bonds

Director Thomas presented Council with information on refunding the Limited Tax General Obligation (LTGO) Bonds and explained the savings the City would receive from the proposed bond refunding.

Council discussed the interest rates and the Bond Counsel.

C. Auburn Arts and Culture Center Update (Faber)(30 Minutes)

Director Faber and Johnston Architects will lead a discussion of the Auburn Arts and Culture Center (Historic Auburn Post Office) preliminary design drawings and timeline

Director Faber presented Council with an update on the Auburn Arts and Culture Center. He gave a brief history of the building, reviewed the phase one project timeline renovations and grants received.

Coordinator Hyde provided Council with a programing plan for the space and shared the City's outreach to assess the community need for the space.

Ray Johnson and Leash Wiest from Johnson Architects provided Council with a virtual walkthrough of the proposed space. They reviewed their work in the building, the original materials that were able to be saved and items that were updated and modernized.

Council discussed the maximum occupancy, potential construction, the energy rating for the building, the timeline for the project anticipated competition date and the project bid proposal process.

D. Livable Cities Alleyway Project Update (Faber)(10 Minutes)

In 2017 the City of Auburn and the UW Livable Cities program teamed up to create a design concept to activate the alleyway located between the Auburn Ave Theater and the Auburn. Director Faber and staff will present on the current construction timeline and design

Director Faber and Coordinator Hyde presented Council with an update on the Livable Cites Alleyway Project. Director Faber gave a brief history of the project and discussed where the alleyway is. Coordinator Hyde reviewed grants received, the progress made and the community collaboration. They also discussed the mural on the Auburn Avenue Theater, upcoming projects, the final steps of the project and future activation of the space.

Council discussed how food trucks would be allowed at events, seating for

the stage area, parking spaces, collaboration with the Muckleshoot Tribe, timeframe for project completion and security of the new area.

V. COMMUNITY WELLNESS DISCUSSION ITEMS

- A. Smoke Free Parks Update (Faber)(15 Minutes)
Presentation of Smoke, Vape and Tobacco Free Parks

Councilmember Trout-Manuel presided over this section of the meeting.

Councilmember Trout-Manuel called for a recess at 6:52 p.m. The meeting reconvened at 7:00 p.m.

Director Faber presented Council with an update on the smoke free park timeline and implementation. He reviewed the ordinance, new signage and placement, communication efforts and updated materials including, forms and permits.

Council discussed community smoking and smoking at the Auburn Municipal Golf Course.

- B. Resolution No. 5547 (Tate)(20 Minutes)
A Resolution approving the South King Housing and Homelessness Partners (SKHHP) 2020-2021 Work Plan

SKHHP Manager Filippo presented Council with an update on Resolution No. 5547 related to the South King Housing and Homelessness Partners 2020-2021 Work Plan. She explained the approval process and activities and reviewed the areas of work for the plan, Governance and Administration, Policy and Planning and Outreach and Education.

Council discussed the staffing of an advisory board and the impact COVID-19 has had on affordable housing.

- C. Resolution No. 5548 (Tate)(5 Minutes)
A Resolution approving the South King Housing and Homelessness Partners' (SKHHP) 2021 Budget

SKHHP Manager Filippo presented Council with the proposed 2021 South King Housing and Homelessness Partners budget. She reviewed the budget contributions by partnering jurisdictions.

Mayor Backus explained the work Angela San Filippo has accomplished.

VI. OTHER DISCUSSION ITEMS

There were no other discussion items.

VII. NEW BUSINESS

There was no new business.

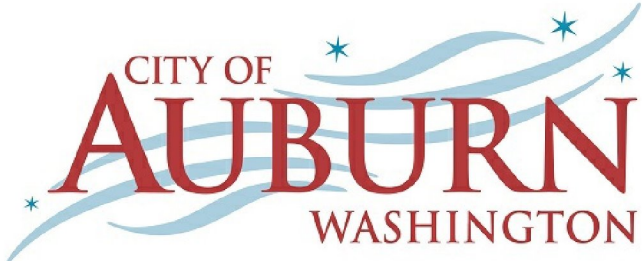
VIII. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 7:26 pm.

APPROVED this 19th day of October, 2020.

CLAUDE DACORSI, DEPUTY MAYOR Shawn Campbell, City Clerk

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

	City Council Study Session Finance, Technology and Economic Development Special Focus Area September 28, 2020 - 5:30 PM Virtual MINUTES Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. CALL TO ORDER

Deputy Mayor DaCorsi called the meeting to order at 5:30 p.m.

II. VIRTUAL PARTICIPATION LINK

A. Virtual Participation Link

The City Council Meeting was held virtually.

B. Roll Call

Councilmembers virtually present: Deputy Mayor Claude DaCorsi, Bob Baggett, Larry Brown, James Jeyaraj, Robyn Mulenga and Chris Stearns. Councilmember Yolanda Trout-Manuel was excused.

Mayor Nancy Backus and the following department directors and staff members were present: Innovation and Technical Support Specialist Danika Olson, Chief of Police Dan O'Neil and Deputy City Clerk Teresa Mattingly.

The following department directors and staff members attended the meeting virtually: City Attorney Kendra Comeau, Director of Community Development Jeff Tate, Director of Public Works Ingrid Gaub, Director of Finance Jamie Thomas, Director of Parks, Arts, and Recreation Daryl Faber, Assistant Finance Director Kevin Fuhrer, Assistant Director of Engineering Services Jacob Sweeting and Assistant Director of Innovation and Technology Ashley Riggs.

III. AGENDA MODIFICATION

There were no modifications to the agenda.

IV. FINANCE, TECHNOLOGY AND ECONOMIC DEVELOPMENT DISCUSSION ITEMS

A. Cost Recovery Policy for Development Fees (Tate, Gaub, Thomas)

An overview of a Cost Recovery Policy related to development fees that guides the permit and application fees associated with land use, building and civil fees

Councilmember Baggett presided over this section of the meeting.

Director Tate presented Council with an overview of the Cost Recovery Policy and discussed the purpose of the policy, cost recovery targets, funding, the principles and considerations that guide the cost recovery policy and next steps.

Council discussed residential rates, discounts for low income residents, investing in technology to improve the efficiency of the permit process and the option of basing permit fees for adult family homes on square footage.

V. OTHER DISCUSSION ITEMS

There were no other discussion items.

VI. NEW BUSINESS

There was no new business.

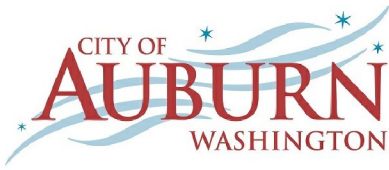
VII. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 6:00 p.m.

APPROVED this 19th day of October, 2020.

CLAUDE DACORSI, DEPUTY MAYOR Teresa Mattingly, Deputy City Clerk

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AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the September 21, 2020 Regular Council Meeting

Department:

City Council

Attachments:

[09-21-2020 Minutes](#)

Date:

September 30, 2020

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

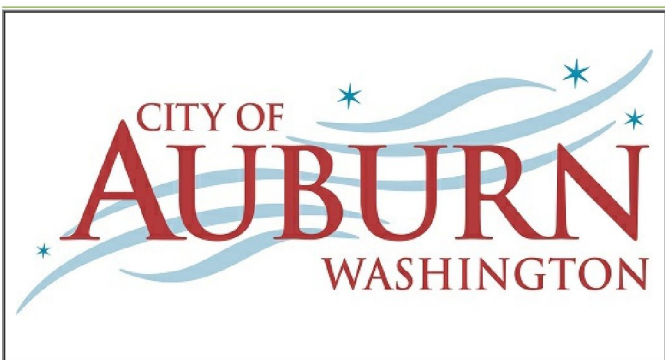
Revised Budget: \$0

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

Meeting Date: October 19, 2020

Staff:

Item Number: CA.C

	City Council Meeting September 21, 2020 - 7:00 PM Virtual MINUTES Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. CALL TO ORDER

II. VIRTUAL PARTICIPATION LINK

1. Virtual Participation Link

The City Council Meeting was held virtually.

A. Pledge of Allegiance

Mayor Nancy Backus called the meeting to order at 7:00 p.m. and led those in attendance in the Pledge of Allegiance.

B. Roll Call

Councilmembers virtually present: Deputy Mayor Claude DaCorsi, Larry Brown, James Jeyaraj, Robyn Mulenga, Chris Stearns and Yolanda Trout-Manuel. Councilmember Bob Baggett was excused.

Mayor Nancy Backus and the following department directors and staff members were present: Innovation and Technical Support Specialist Eric Dusoleil, Director of Innovation & Technology David Travis, Chief of Police Dan O'Neil Deputy and City Clerk Teresa Mattingly.

The following department directors and staff members attended the meeting virtually: City Attorney Kendra Comeau, Director of Administration Dana Hinman, Director of Finance Jamie Thomas, Director of Human Resources and Risk Management Candis Martinson, Director of Public Works Ingrid Gaub, Director of Parks, Arts, and Recreation Daryl Faber, Director of Community Development Jeff Tate, Assistant Finance Director Kevin Fuhrer, SKHHP Executive Manager Angela San Filippo and Assistant Director of Innovation and Technology Ashley Riggs.

III. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

There were no announcements, reports or presentations.

IV. AGENDA MODIFICATIONS

There were no modifications to the agenda.

V. NEW BUSINESS

There was no new business.

VI. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

A. Public Hearings

1. Public Hearing for Right-of-Way Vacation No. V1-20 (Gaub)

Mayor Backus opened the public hearing at 7:04 p.m. There were no comments submitted, she closed the hearing.

B. Audience Participation

This is the place on the agenda where the public is invited to speak to the City Council on any issue.

1. Virtual Participation

Bob Zimmerman expressed his concerns about wildfires.

Victoria Mena expressed her concerns regarding the Police Advisory Committee.

Demi Troncoso expressed her concerns about the selection process for the members of the Police Advisory Committee.

C. Correspondence

There was no correspondence for Council to review.

VII. COUNCIL AD HOC COMMITTEE REPORTS

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

1. Finance Ad Hoc Committee (Chair Baggett)

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

VIII. CONSENT AGENDA

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

- A. Minutes of the September 8, 2020 Regular Council Meeting

B. Minutes of the September 12, 2020 and September 14, 2020
Special City Council Meeting

C. Claim Vouchers (Thomas)

Claim voucher list dated September 21, 2020 which includes voucher numbers 460449 through 460810 in the amount of \$4,010,114.31 and one wire transfer in the amount of \$381,046.25

D. Payroll Vouchers (Thomas)

Payroll check numbers 538971 through 538977 in the amount of \$77,777.91, and an electronic deposit transmissions in the amount of \$2,100,559.77, for a grand total of \$2,178,377.68 for the period covering September 1, 2020 to September 16, 2020

Deputy Mayor DaCorsi moved and Councilmember Brown seconded to approve the consent agenda.

MOTION CARRIED UNANIMOUSLY. 6-0

IX. UNFINISHED BUSINESS

There was no unfinished business.

X. ORDINANCES

A. Ordinance No. 6782 (Gaub)

An Ordinance vacating Right-of-Way of G Street NE, south of South 277th Street

Deputy Mayor DaCorsi moved and Councilmember Trout-Manuel seconded to adopt Ordinance No. 6782.

MOTION CARRIED UNANIMOUSLY. 6-0

B. Ordinance No. 6789 (Thomas)

An Ordinance authorizing the issuance of one or more series of Limited Tax General Obligation Refunding Bonds for the purpose of refunding certain outstanding limited tax general obligation bonds of the City; approving the sale of the bonds; and delegating the authority to approve the final terms of the bonds

Deputy Mayor DaCorsi moved and Councilmember Trout-Manuel seconded to adopt Ordinance No. 6789.

MOTION CARRIED UNANIMOUSLY. 6-0

XI. RESOLUTIONS

A. Resolution No. 5547 (Tate)

A Resolution approving the South King Housing and Homelessness Partners (SKHHP) 2020-2021 Work Plan

Councilmember Trout-Manuel moved and Councilmember Brown seconded to adopt Resolution No. 5547.

MOTION CARRIED UNANIMOUSLY. 6-0

B. Resolution No. 5548 (Tate)

A Resolution approving the South King Housing and Homelessness Partners' (SKHHP) 2021 Budget

Councilmember Trout-Manuel moved and Councilmember Brown seconded to adopt Resolution No. 5548.

MOTION CARRIED UNANIMOUSLY. 6-0

C. Resolution No. 5550 (Hinman)

A Resolution finding that the Coronavirus Pandemic Emergency continues and necessitates the Mayor to waive competitive bidding for a contract for the installation of Needlepoint Bipolar Ionization equipment in the HVAC systems of City buildings

Councilmember Trout-Manuel moved and Councilmember Brown seconded to adopt Resolution No. 5550.

MOTION CARRIED UNANIMOUSLY. 6-0

D. Resolution No. 5551 (Travis)

A Resolution authorizing the Mayor to execute an agreement between the City of Auburn and Ednetics Network for Managed Network Services

Councilmember Mulenga moved and Councilmember Jeyaraj seconded to adopt Resolution No. 5551.

MOTION CARRIED UNANIMOUSLY. 6-0

E. Resolution No. 5552 (Faber)

A Resolution authorizing application submission for grant funding assistance for the White River Trail Pedestrian Bridge Trail Connection Project to the Recreation and Conservation Funding Board as provided in 79A.25 RCW, WAC 286, and other applicable authorities

Councilmember Mulenga moved and Councilmember Stearns seconded to adopt Resolution No. 5552.

MOTION CARRIED UNANIMOUSLY. 6-0

F. Resolution No. 5553 (Faber)

A Resolution authorizing application submission for grant funding assistance for the Jacobsen Tree Farm Park Development Project to the Recreation and Conservation Funding Board as provided in 79A.25 RCW, WAC 286, and other applicable authorities

Councilmember Stearns moved and Councilmember Jeyaraj seconded to adopt Resolution No. 5553.

MOTION CARRIED UNANIMOUSLY. 6-0

XII. MAYOR AND COUNCILMEMBER REPORTS

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

A. From the Council

Deputy Mayor DaCorsi reported he attended two King County Affordable Housing Committee meetings and an Equity Strategy Relationship meeting.

Councilmember Stearns reported that he attended a Sound Cities Association Racial Equity and Justice Series program and a meeting with the Association of Washington Cities. He also thanked the Mayor for lowering the flag for Supreme Court Justice Ruth Bader Ginsburg and encouraged everyone to register to vote.

Councilmember Jeyaraj reminded everyone to wash their hands and mask up.

B. From the Mayor

Mayor Backus reported she attended the swearing in ceremony for Patrol Officer Nick Cook, and that her and Chief O'Neil participated in a conference call with Congresswoman Kim Schrier to discuss police reform. She also encouraged everyone to complete their census.

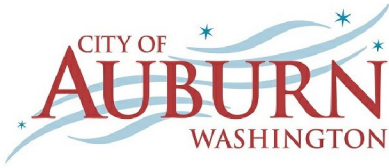
XIII. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 7:35 p.m.

APPROVED this 19th day of October, 2020.

NANCY BACKUS, MAYOR Teresa Mattingly, Deputy City Clerk

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AGENDA BILL APPROVAL FORM

Agenda Subject:

Claim Vouchers (Thomas)

Department:

Finance

Attachments:

No Attachments Available

Date:

September 30, 2020

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Approve Claim Vouchers.

Background Summary:

Claim voucher list dated October 5, 2020 which includes voucher numbers 460811 through 460982 in the amount of \$2,665,937.64 and seven wire transfers in the amount of \$915,663.78.

Claim voucher list dated October 19, 2020 which includes voucher numbers 460983 through 461187 in the amount of \$4,774,879.86 and three wire transfers in the amount of \$864,693.69.

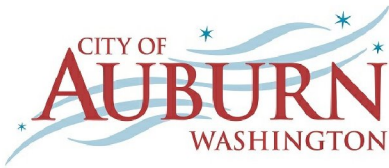
Reviewed by Council Committees:**Councilmember:****Staff:**

Thomas

Meeting Date: October 19, 2020

Item Number:

CA.D



AGENDA BILL APPROVAL FORM

Agenda Subject:

Payroll Vouchers (Thomas)

Date:

September 30, 2020

Department:

City Council

Attachments:

No Attachments Available

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Approve Payroll Vouchers.

Background Summary:

Payroll check numbers 538978 through 538984 in the amount of \$581,343.66, and an electronic deposit transmissions in the amount of \$1,978,453.87, for a grand total of \$2,559,797.53 for the period covering September 17, 2020 to September 30, 2020.

Payroll check numbers 538985 through 538991 in the amount of \$75,828.98, and electronic deposit transmissions in the amount of \$2,103,459.96, for a grand total of \$2,179,288.94 for the period covering October 1, 2020 to October 14, 2020.

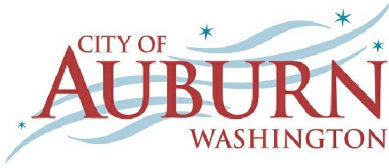
Reviewed by Council Committees:**Councilmember:****Staff:**

Thomas

Meeting Date: October 19, 2020

Item Number:

CA.E



AGENDA BILL APPROVAL FORM

Agenda Subject:

Call for Public Hearings (Thomas)

Date:

October 13, 2020

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:**Administrative Recommendation:**

City Council to approve public hearings to be held November 2, 2020 and November 16, 2020.

Background Summary:

These are the initial public hearings held concerning the preliminary 2021-2022 Biennial Budget. These hearings provide an opportunity for any citizens to make comments or suggestions prior to the adoption of the biennial budget.

Public Hearing #1 – November 2, 2020 – 2021-2022 Biennial Budget

Public Hearing #2 – November 2, 2020 – 2021 Property Tax Levy

Public Hearing #3 – November 16, 2020 – Final 2021-2022 Biennial Budget

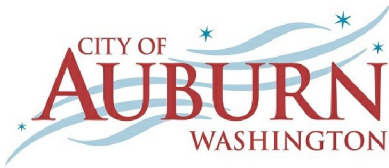
Reviewed by Council Committees:**Councilmember:****Staff:**

Thomas

Meeting Date: October 19, 2020

Item Number:

CA.F



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6766 (Comeau)

Date:

October 14, 2020

Department:

City Attorney

Attachments:

[Ordinance No. 6766](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to adopt Ordinance No. 6766.

Background Summary:

The City adopted its controlled substance possession ordinance (AMC 9.22.010.B) in 2018 to enable more effective misdemeanor prosecution of County declined felony drug possession cases. The ordinance legally defines "controlled substance" by adopting the State law controlled substance definition in RCW 69.50.101. When the ordinance was adopted, the definition was in paragraph (f) of that RCW.

In 2019, the State Code Reviser amended RCW 69.50.101 to move the controlled substance definition from paragraph (f) of the RCW to paragraph (g).

To make sure that our ordinance accurately adopts the RCW controlled substance definition, it needs to be amended to reflect the RCW paragraph change. The proposed ordinance revision eliminates the RCW paragraph from the ordinance, so that the ordinance refers to RCW 69.50.101 as a whole, rather than to a specific paragraph. Adopting this proposal will minimize the need for additional ordinance revisions if the RCW paragraphs change this way again in the future.

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

Comeau

Meeting Date: October 19, 2020

Item Number:

ORD.A

ORDINANCE NO. 6766

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, AMENDING SECTION 9.22.010
OF THE AUBURN CITY CODE RELATED TO
CONTROLLED SUBSTANCES

WHEREAS, Auburn City Code (ACC) 9.22.010.B prohibits controlled substance possession and defines controlled substances by incorporating the state law definition in RCW 69.50.101;

WHEREAS, this RCW section formerly defined controlled substances in its subsection (f), but the State Legislature and/or State Code Reviser recently amended the section to move the definition to subsection (g);

WHEREAS, to avoid the need for further ordinance revisions should the legislature similarly revise this statute again in the future, the reference to the specific subsection should be eliminated.

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

Section 1. Amendment to City Code. Section 9.22.010 of the Auburn City Code is amended to read as follows:

A. *Restrictions on Marijuana.*

1. Except as otherwise authorized by United States Code (USC) Title 21, Chapter 69.50 or 69.51A RCW, it is unlawful for any person to knowingly grow, manufacture, process, deliver, or sell marijuana.
2. Except as otherwise authorized by Chapter 69.50 or 69.51A RCW, it is unlawful for any person aged 21 or older to knowingly possess marijuana in an amount that violates RCW 69.50.4013(3).

3. Except as otherwise authorized by Chapter 69.50 or 69.51A RCW, it is unlawful for any person under age 21 to knowingly possess marijuana in any amount.

4. "Marijuana," also known as "marihuana," means all parts of the plant genus Cannabis and all of its species, subspecies, taxa and hybridizations, whether growing or not; the seeds thereof; the resins extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin, and includes all marijuana concentrates, usable marijuana, and marijuana-infused products. Such term does not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

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

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

D. Penalties.

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

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

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

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

Section 3. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision,

section, or portion of this ordinance, or the invalidity of the application of it to any person or circumstance, will not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

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

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

Published: _____



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6792 (Gaub)

Date:

October 13, 2020

Department:

Public Works

Attachments:

[Ordinance No. 6792](#)

[Exhibit A](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to adopt Ordinance No. 6792.

Background Summary:

Ordinance No. 6792 authorizes a modification of the definitions for building permits, the assessment of impact fees, and the eligibility for an independent fee calculation. In addition, the modification will remove code provisions which have expired or which require updating based on staff recommendations.

Staff previously introduced and discussed Ordinance No. 6792 amending Chapter 19.04, Traffic Impact Fees, of the Auburn City Code at the Council Study Session on October 12, 2020.

Reviewed by Council Committees:

Councilmember: Brown

Staff:

Gaub

Meeting Date: October 19, 2020

Item Number:

ORD.B

ORDINANCE NO. 6792

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON AMENDING CHAPTER 19.04
TRANSPORTATION IMPACT FEES OF THE AUBURN CITY
CODE.

WHEREAS, the City of Auburn authorizes transportation impact fees under Chapter 19.04 of the Auburn City Code (“ACC”) for changes in land use that cause impacts to the City’s transportation network; and,

WHEREAS, City staff recommends the following changes: a) change to the definitions to include vacant parcels, which can be used as parking lots and therefore, have an impact on the transportation system, and further recommends modification to the definitions in ACC 19.04.020; b) update the definitions for gross floor area and gross leasable area to be identical as the one in the ITE Trip Generation Handbook; c) allowing the assessment of impact fees where a change in use increases the impact to the transportation system; d) clarifying that applicants shall conduct an independent study, if required by the director, and pay for the study in advance of City review; e) adopting the ITE Trip Generation Handbook; f) further defining applicable exemptions; g) clarifying processes and making other necessary updates to code language; h) update the section addressing when impact fees are assessed; and i) remove sections that have expired.

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

Section 1. Amendment to City Code. Chapter 19.04 of the Auburn City Code is amended to read as shown in Exhibit A.

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

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

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

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

Published: _____

**ORD 6792
EXHIBIT A**

**CHAPTER 19.04
TRANSPORTATION IMPACT FEES¹**

Sections:

19.04.010	Findings and authority.
19.04.020	Definitions.
19.04.030	<i>Reserved.</i>
19.04.040	Assessment of impact fees.
19.04.050	Independent fee calculations.
19.04.060	Credits and adjustments.
19.04.070	Exemptions.
19.04.080	Appeals.
19.04.090	Establishment of an impact fee account for transportation.
19.04.100	Refunds.
19.04.110	Use of funds.
19.04.120	Review and update of impact fees.
19.04.130	Miscellaneous provisions.

¹ Code reviser's note: The fee schedule of the city of Auburn, mentioned throughout this chapter, is available in the city clerk's office for public review and examination.

19.04.010 Findings and authority.

The council of the city of Auburn (the "council") hereby finds and determines that new growth and development, including but not limited to new residential, commercial, retail, office, and industrial development, in the city of Auburn will create additional demand and need for transportation facilities in the city of Auburn, and the council finds that new growth and development should pay a proportionate share of the cost of transportation facilities needed to serve the new growth and development. The city of Auburn has conducted extensive studies documenting the procedures for measuring the impact of new developments on transportation facilities. These studies have contributed to the rates as established in the fee schedule of the city of Auburn. Therefore, pursuant to Chapter 82.02 RCW, the council adopts this chapter to assess impact fees for transportation facilities. The provisions of this chapter shall be liberally construed in order to carry out the purposes of the council in establishing the transportation impact fee program. (Ord. 6341 § 3, 2011; Ord. 5763 § 1, 2003; Ord. 5506 § 1, 2001.)

19.04.020 Definitions.

The following words and terms shall have the following meanings for the purposes of this chapter, unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined pursuant to RCW 82.02.090, or given their usual and customary meaning.

A. "Act" means the Growth Management Act, Chapter 36.70A RCW, as now in existence or as hereafter amended.

B. "Building permit," for the purposes of this chapter only, ~~means-is defined as:~~ 1) an official document or certification which-is issued by the city that and which-authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving-relocation, or repair of a building or structure; or-2) a business license issued by the cCity associated with a change in building occupancy of an existing building or structure;; or (3) a change in land use where no building permit is required.
~~.In the case of increased impacts on transportation facilities caused by a change in use or occupancy of an existing building or structure, and where no building permit is required, the term "building permit" shall specifically include business registrations.~~

C. "Capital facilities plan" means the capital facilities plan element of the city's comprehensive plan adopted pursuant to Chapter 36.70A RCW, and such plan as amended.

D. "City" means the city of Auburn.

E. "Council" means the city council of the city of Auburn.

F. "Department" means the department of public works.

G. "Development activity" means 1) any construction or expansion of a building -or, structure;; 2) or-use, any change in use-occupancy of a building or structure;; or 3) any change in the-use-of landland use. that creates additional demand and need for transportation facilities.

H. "Director" means the director of the department of public works or the director's designee.

I. "Downtown plan area" means the study area as identified and adopted in the City of Auburn Downtown Plan dated May 2001 that is defined by the boundary of the Union Pacific Railroad on the west and State Route 18 on the south. The eastern boundary is defined as "F" Street SE from State Route 18 to East Main Street, East Main Street from "F" Street SE to "E" Street SE, and "E" Street NE from East Main Street to 4th Street NE. The northern boundary is defined as 2nd Street NW from the Interurban Trail to "D" Street NW, 3rd Street NW/NE from "D" Street NW to Auburn Avenue, and 4th Street NE from Auburn Avenue to "E" Street NE. For the purposes of this chapter, the downtown plan area boundary has been slightly modified to avoid bisecting properties.

J. "Dwelling unit" means a building, or portion thereof, designed for residential occupancy, consisting of one or more rooms which are arranged, designed or used as living quarters for one family only.

K. “Encumber” means to reserve, set aside or otherwise earmark the impact fees in order to pay for commitments, contractual obligations or other liabilities incurred for public facilities.

L. “Feepayer” is a person, corporation, partnership, an incorporated association, or any other similar entity, or department or bureau of any governmental entity, commencing a land development activity or land use change which creates the demand for additional transportation facilities, and which requires the issuance of a building permit. “Feepayer” includes an applicant for an impact fee credit.

M. “Gross floor area (GFA)” ~~means the total square footage of any building, structure, or use, including accessory uses~~means the sum of the area of each floor level of a building (expressed in square feet), including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores, and offices, that are within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all areas that have floor surfaces with clear standing head room (6ft 6in min.) regardless of use. With the exception of buildings containing enclosed malls or atriums, GFA is equal to the gross leasable area (GLA) and gross rentable area.

N. “Gross leasable area (GLA)” means the total floor area designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, expressed in square feet. For the purposes of the trip generation calculation, the floor area of any parking garages within the building shall not be included within the GLA of the entire building. GLA is the area for which tenants pay rent; it is the area that produces income for the property owner.

O. “Hearing examiner” means the examiner who acts on behalf of the council in considering and applying land use regulatory codes as provided under Chapter 2.46 ACC. Where appropriate, “hearing examiner” also refers to the office of the hearing examiner.

P. “Impact fee” means ~~a a required~~ payment of money imposed by the city of Auburn on development activity pursuant to this chapter as a condition of issuing a building permit~~granting development approval in order~~ to pay for the transportation facilities needed to serve new growth and development.

Q. “Impact fee account” or “account” means the account established for the transportation impact fees collected. The account shall be established pursuant to ACC 19.04.090, and comply with the requirements of RCW 82.02.070.

R. “Independent fee calculation” means the transportation impact calculation prepared by a feepayer to support the assessment of an impact fee other than by the use of the current ITE Trip Generation Manual~~attached schedules~~.

S. “Interest” means the interest rate earned by local jurisdictions in the State of Washington Local Government Investment Pool, if not otherwise defined.

T. "Multiple-family dwelling" means a building designed exclusively for occupancy by three or more families living independently of each other, and containing three or more dwelling units.

U. "Owner" means the owner of record of real property; provided, that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.

V. "PM peak hour" means the hour of the highest transportation demand for the entire Auburn transportation system which, between noon and midnight, typically occurs between the hours of 4:00 p.m. and 6:00 p.m.

W. "Single-family dwelling" means a detached building designed exclusively for occupancy by one family and containing one dwelling unit. A manufactured home may be considered a one-family dwelling, if sited per Chapter 18.31 ACC.

X. "Square footage" means the square footage of the gross floor area or gross floor leasable area of the development.

Y. "State" means the state of Washington.

Z. "Transportation project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development or users of the project, and are not transportation system improvements. No transportation improvement or facility included in a capital facilities plan approved by the council shall be considered a transportation project improvement.

AA. "Transportation system improvements" means transportation facilities that are included in the city of Auburn's capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to transportation project improvements.

BB. "Grandfathering" means that existing land uses of a property in effect on July 1, 2001, the initial effective date of the impact fees ordinance, are entitled to system capacity credits determined by the adopted impact fees rate schedule.

CC. "Surplus credits" means credits over and above those calculated as an impact fee. For example:

1. In grandfathering calculations, if the difference between a proposed use fee minus existing use credit results in a positive number, the result is the impact fee due.
2. In grandfathering calculations, if the difference between a proposed use fee minus existing use credit results in a negative number, the result is the surplus

credit and no impact fee would be due. Current practice is to not pay out in real dollars the calculated surplus credit.

In off-site system capacity improvements or ROW dedication it is also possible to create sufficient value that results in a surplus credit.

DD. “Change in use” for the purposes of this chapter means a different use as set forth in the identification of uses for the various fees for uses in the ITE Trip Generation Manual or by an independent fee calculation.

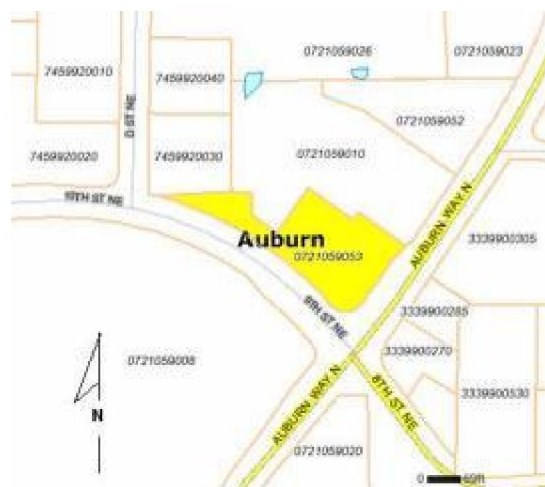
EE. “ITE Trip Generation Manual” means the most-current edition of the manual promulgated and published by the Institute of Transportation Engineers.

~~FF. “Downtown catalyst area” means the areas defined by (1) the boundary of West Main Street/East Main Street to the north, “A” Street SE to the east, 2nd Street SE/2nd Street SW to the south, and “A” Street SW to the west; and (2) the boundary of East Main Street to the south, Auburn Avenue to the east, 1st Street NE to the north, and North Division Street to the west.~~

~~GG. “Downtown catalyst accessory area” means the area defined by the boundary of 1st Street NW to the south, “A” Street NW to the west, 2nd Street NW to the north, and North Division Street to the east.~~

~~HFFH.~~ “Emergency public interest area” means the area defined as King County Tax Parcel No. 0721059053, located at 901 Auburn Way N., Auburn, WA 98002, described more particularly as follows:

Lots 1, 2 and 3 of City of Auburn Short Plat No. SPL0009-98, according to short plat recorded April 20, 1999, under recording No. 9904202125, in King County, Washington, and as shown below:



(Ord. 6341 § 3, 2011; Ord. 6199 § 1, 2008; Ord. 6197 § 1, 2008; Ord. 6089 § 1, 2007; Ord. 5763 § 1, 2003; Ord. 5604 § 1, 2001; Ord. 5506 § 1, 2001.)

19.04.030 Reserved.

(Ord. 6341 § 3, 2011; Ord. 5763 § 1, 2003; Ord. 5506 § 1, 2001.)

19.04.040 Assessment of impact fees.

A. ~~Effective July 1, 2001, the city shall collect impact fees, based on its fee schedule of the city of Auburn, as a condition of issuing a building permit from the city for any development activity within the city.~~

B. ~~Effective May 19, 2003, where a change in use increases the trip generation by more than one whole PM peak hour trip, the director shall calculate a transportation impact fee based on the increases in the trip generation rate.~~

BC. The director shall apply a heavy truck adjustment factor to the transportation impact fees for industrial land uses categorized as industrial in the ITE Trip Generation Manual, addressing the percentage of vehicle trips for such uses made by trucks of three or more axles and the street capacity used by such trucks in comparison to other vehicles.

CD. ~~Except when fees are deferred, the amount of impact fees shall be based on the lowest rate in effect between assessed at the time an applicant submits a complete application for a building permit and the time of building permit issuance, or pursuant to an independent fee calculation accepted by the director pursuant to ACC 19.04.050, and adjusted for any credits pursuant to ACC 19.04.060. Should the scope of the development change after permit application and prior to fee payment, the amount of the impact fees will be adjusted to the fees in effect at the time of payment. When fees are deferred pursuant to ACC 19.04.040(H, I, or J), the assessment will be based on the fees in effect at the time payment.~~

DE. Payment of impact fees shall be made by the feepayer at the time the building permit is issued, ~~unless fees are deferred pursuant to this chapter. - The amount to be paid shall not be increased for any applicant that submitted a complete application for the building permit before the city established the impact fee rates.~~

EF. Applicants that have been awarded credits prior to the submittal of the complete building permit application pursuant to ACC 19.04.060 shall submit, along with the complete building permit application, a copy of the letter or certificate prepared by the director pursuant to ACC 19.04.060 setting forth the dollar amount of the credit awarded. Impact fees, as determined after the application of appropriate credits, shall be collected from the feepayer at the time the building permit is issued.

G. ~~The department shall not issue a building permit unless and until the impact fees have been paid or credit(s) awarded.~~

FH. For complete single-family building permit applications for new development, redevelopment or a change in use, and at or before prior to or at the time of issuance of any single-family residential building permit for a dwelling unit that is being constructed,

the applicant may elect to record a covenant against title to the property on forms prepared and provided by the city. The forms shall ~~that requires~~ payment of transportation impact fees due and owing by ~~providing for~~ automatic payment through escrow ~~of these transportation impact fees due and owing to be paid~~ no later than: a) at time of closing of the sale of the unit; b) or at final inspection or issuance of certificate of occupancy; or c) or 18 months from the date of issuance of the original building permit was issued, whichever comes first. Failure to pay shall result in the following:

1. If the full amount of any fees required by this chapter remains unpaid 30 days after the city has sent written notification of the payment obligation to the responsible party, ~~then written notification of its obligation to pay the charges established in this chapter the full amount remains unpaid,~~ the responsible party shall be subject to the enforcement provisions of ACC 1.25.030 and 1.25.065. Written notification shall be by regular and certified mail ~~and to the~~ responsible party's most current mailing address available contact information on file with the city. For the purposes of applying ACC 1.25.030 and 1.25.065, the responsible party shall constitute a property owner, the property(ies) for which a permit(s) has been issued shall constitute the property(ies) on which the violation is occurring, and the impact fee amount remaining unpaid shall constitute a violation occurring on the permitted property(ies) under these sections.
2. Any unpaid charges under adopted by this chapter that are outstanding 30 days ~~after their due from the date the charges are due~~ shall constitute a lien against the property(ies) for which a permit(s) has been issued in the amount of the unpaid charges. In addition to the actions authorized in subsection (H)(1) of this section, the city may record a lien against the permitted property(ies) in the amount of the unpaid charges and may immediately suspend any permits previously issued for the lot or unit associated with the current development activity and shall limit the granting of any future permits for the lot or unit until such time that all outstanding water, sanitary sewer and storm drainage development charges are paid in full.
3. The appeals process authorized in ACC 19.04.080 shall not apply to determinations made pursuant to this section.

Gf. For complete multifamily building permit applications for new development, redevelopment or a change in use, and at or before prior to or at the time of issuance of any multifamily residential building permit that is being constructed, the applicant may elect to record a covenant against title to the property on forms prepared and provided by the city. The forms shall require ~~that requires~~ payment of transportation impact fees due and owing by ~~providing for~~ automatic payment through escrow ~~of these transportation impact fees due and owing to be paid~~ no later than: a) closing of the sale of the unit; b) at final inspection or issuance of certificate of occupancy; or c) 18 months from the date the original building permit was issued, whichever comes first. at time of closing of the sale of the unit or at final inspection or issuance of certificate of occupancy or 18 months from the date of issuance of the original building permit, whichever comes first. Failure to pay shall result in the following:

1. If ~~the full amount of any fees required by this chapter remainss unpaid~~ 30 days after the city has sent ~~written notification of the payment obligation to~~ the responsible party, ~~then -written notification of its obligation to pay the charges established in this chapter the full amount remains unpaid,~~ the responsible party shall be subject to the enforcement provisions of ACC 1.25.030 and 1.25.065. Written notification shall be by regular and certified mail ~~and to the~~ responsible party's most current mailing address available contact information on file with the city. For the purposes of applying ACC 1.25.030 and 1.25.065, the responsible party shall constitute a property owner, the property(ies) for which a permit(s) has been issued shall constitute the property(ies) on which the violation is occurring, and the impact fee amount remaining unpaid shall constitute a violation occurring on the permitted property(ies) under these sections.

2. Any unpaid charges ~~under adopted by~~ this chapter that are outstanding 30 days ~~after from their due date the charges are due~~ shall constitute a lien against the property(ies) for which a permit(s) has been issued in the amount of the unpaid charges. In addition to the actions authorized in subsection (l)(1) of this section, the city may record a lien against the permitted property(ies) in the amount of the unpaid charges and may immediately suspend any permits previously issued for the lot or unit associated with the current development activity and shall limit the granting of any future permits for the lot or unit until such time that all outstanding water, sanitary sewer and storm drainage development charges are paid in full.

3. The appeals process authorized in ACC 19.04.080 shall not apply to determinations made pursuant to this section.

HJ. For nonresidential development composed of:

a) new development, or

b) redevelopment or a change in use that includes

(1) and inclusive of commercial office and retail uses, and,

(2) light and heavy manufacturing uses, but excludesing

(i) warehousing and distribution uses, and

(ii) institutional development (including, but not limited to public and private schools and colleges and hospitals),

and ~~before prior to the~~ issuance of any permit application and following the execution of a payment agreement on forms prepared and provided by the city, the applicant may elect to pay transportation impact fees due and owing, less any credits awarded, no later than ~~before prior to~~ issuance of certificate of occupancy or 18 months from the date of issuance of the original building permit, whichever comes first. Failure to pay shall result in the following:

1. If ~~the full amount of any fees required by this chapter remains unpaid~~ 30 days after the city has sent written notification of the payment obligation to the responsible party, ~~then written notification of its obligation to pay the charges established in this chapter the full amount remains unpaid~~, the responsible party shall be subject to the enforcement provisions of ACC 1.25.030 and 1.25.065. Written notification shall be by regular and certified mail ~~and to the~~ responsible party's most current ~~mailing address available contact information~~ on file with the city. For the purposes of applying ACC 1.25.030 and 1.25.065, the responsible party shall constitute a property owner, the property(ies) for which a permit(s) has been issued shall constitute the property(ies) on which the violation is occurring, and the impact fee amount remaining unpaid shall constitute a violation occurring on the permitted property(ies) under these sections.

2. Any unpaid charges under adopted by this chapter that are outstanding 30 days ~~after their due date from the date the charges are due~~ shall constitute a lien against the property(ies) for which a permit(s) has been issued in the amount of the unpaid charges. In addition to the actions authorized in subsection (J)(1) of this section, the city may record a lien against the permitted property(ies) in the amount of the unpaid charges and may immediately suspend any permits previously issued for the lot or unit associated with the current development activity and shall limit the granting of any future permits for the lot or unit until such time that all outstanding water, sanitary sewer and storm drainage development charges are paid in full.

3. The appeals process authorized in ACC 19.04.080 shall not apply to determinations made pursuant to this section. (Ord. 6583 § 1, 2016; Ord. 6455 § 3, 2013; Ord. 6341 § 3, 2011; Ord. 6005 § 1, 2006; Ord. 5763 § 1, 2003; Ord. 5506 § 1, 2001.)

19.04.050 Independent fee calculations.

A. If in the judgment of the director, none of the fee categories set forth in the fee attached schedule accurately describes or captures the impacts of the new development, the applicant shall conduct an independent fee calculation and the director may impose alternative fees on a specific development based on those calculations, once accepted by the city.

~~B. Feepayers may opt not to have the impact fees determined according to the attached schedule. Such feepayers shall prepare and submit to the director an independent fee calculation for the development activity for which a building permit is sought.~~

BC. The documentation submitted and supporting an independent fee calculation shall clearly show PM peak hour trip generation characteristics of the proposed development activity based on industry-accepted standards as articulated in the ITE trip generation manual. The modified fee shall be based on the average cost per trip established in the fee schedule of the city of Auburn, and shall consider the alternative trip generation data.

~~CD.~~ A non-reimbursable administrative fee shall be charged for each independent fee calculation. ~~Payment of the~~The fee is required prior ~~shall be deposited with the city to pay for~~ city review of the independent fee- ~~study~~calculation ~~upon submittal of the documented independent fee study.~~

~~DE.~~ ~~After the city completes its review, the actual fees and expenses will be determined and the cash deposit shall be adjusted to provide for a refund by the city or additional payment by the feepayer.~~

~~EF.~~ While there is a presumption that the calculations set forth in the city's fee attached-schedule are valid, the director shall consider the documentation submitted by the feepayer, but is not required to accept such documentation which the director reasonably deems to be inaccurate or not reliable, and may, in the alternative, require the feepayer to submit additional or different documentation for consideration. The director is authorized to adjust the impact fees on a case-by-case basis based on the independent fee calculation, the specific characteristics of the development, and/or principles of fairness.

~~FG.~~ Determinations made by the director pursuant to this section may be appealed to the office of the hearing examiner subject to the procedures set forth in ACC 19.04.080. (Ord. 6341 § 3, 2011; Ord. 5763 § 1, 2003; Ord. 5506 § 1, 2001.)

19.04.060 Credits and adjustments.

A. A feepayer can request that a credit or credits for transportation impact fees be awarded to him/her for transportation project improvements provided by the feepayer in excess of the standard requirements for the feepayer's development if the land, improvements, and/or the facility constructed are identified as transportation system improvements that provide capacity to serve new growth in the capital facilities plan, or the director, at his/her discretion, makes the finding that such land, improvements, and/or facilities would serve the transportation goals and objectives of the capital facilities plan.

B. For each request for a credit or credits, the director shall determine the value of dedicated land by using available documentation or selecting an appraiser from a list of independent appraisers maintained by the department to determine the value of the land being dedicated. The value of the improvements will be determined through documentation submitted by the feepayer.

C. The feepayer shall pay the cost of the appraisal and shall deposit on account the estimated cost of the appraisal as determined by the city at the time the feepayer requests consideration for a credit.

D. After receiving the appraisal, the director shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, where applicable, the legal description of the site donated, and the legal description or other

adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate, and return such signed document to the director before the impact fee credit will be awarded. The failure of the applicant to sign, date, and return such document within 60 days shall nullify the credit.

E. Any ~~request-claim~~ for credit must be made ~~by no later than~~ the time of application for a building permit, or it. ~~Any claim not so made~~ shall be deemed waived.

F. No credit shall be given for transportation project improvements or right-of-way dedications for direct access improvements to and/or within the development in question.

G. Determinations made by the director pursuant to this section shall be subject to the appeals procedures set forth in ACC 19.04.080.

H. Pursuant to and consistent with ~~the requirements of~~ RCW 82.02.060, the fee rate in the city's fee schedule ~~for the city of Auburn~~ has been reasonably adjusted for other revenue sources which are earmarked for, or proratable to, funding transportation facilities.

I. In order to grandfather the capacity rights of existing land uses, the director will utilize the adopted rates to calculate any impact fee credits and to determine any surplus credits for off-site system improvements made by the property owner. Only in a situation when a property owner makes off-site system capacity improvements that qualify in accordance with subsection A of this section will any surplus credits (value computed during the permit year and not adjusted for inflation) remain with the property or any subdivision of that property to benefit future development where a traffic impact fee is determined to be due. (Ord. 6341 § 3, 2011; Ord. 5763 § 1, 2003; Ord. 5506 § 1, 2001.)

19.04.070 Exemptions.

A. The following shall be exempt~~ed~~ from the payment of transportation impact fees:

1. Replacement of a structure with a new structure of the same PM peak hour trip generation and use at the same site or lot when such replacement occurs within 12 months of the demolition or destruction of the prior structure.

2. Alterations, expansion, enlargement, remodeling, or rehabilitation, ~~or conversion~~ of an existing dwelling unit where no additional dwelling units are created and the land use category in the ITE Trip Generation Handbook is not changed.

3. Alterations of an existing non-residential structure that does not increase the GFA or GLA. ~~expand the usable space.~~

4. Miscellaneous improvements, including but not limited to fences, walls, swimming pools, and signs.

~~5. A change in use where the increase in PM peak hour trip generation is less than the threshold stated in ACC 19.04.040(B).~~

~~56. Demolition, or moving relocation of a structure out of the cityCity.~~

~~7. Any building permit application that has been submitted to the department before 5:00 p.m. the business day before the first effective date of the transportation impact fee rate schedule and subsequently determined to be a complete application by the city.~~

~~8. All development activity within the “downtown plan area” as defined in ACC 19.04.020(I); provided, that this exemption shall sunset on June 30, 2007, unless otherwise extended by the city council.~~

~~9. All development activity within the “downtown catalyst area” as defined in ACC 19.04.020(FF); provided, that this exemption shall sunset on December 31, 2017, unless otherwise extended by the city council.~~

~~10. Fifty percent of all development activity within the “downtown catalyst accessory area” as defined in ACC 19.04.020(GG), to the effect that the exemption provided hereby shall be for 50 percent of the applicable transportation impact fees; provided, that this exemption shall sunset on December 31, 2008, unless otherwise extended by the city council.~~

~~11. All development activity within the “emergency public interest area” as defined in ACC 19.04.020(HH); provided, that this exemption shall sunset on December 31, 2008, unless otherwise extended by the city council.~~

B. The director shall be authorized to determine whether a particular development activity falls within an exemption identified in this section. Determinations of the director shall be subject to the appeals procedures set forth in ACC 19.04.080. (Ord. 6637 § 1, 2017; Ord. 6526 § 1, 2014; Ord. 6412 § 1, 2012; Ord. 6341 § 3, 2011; Ord. 6308 § 1, 2010; Ord. 6199 § 2, 2008; Ord. 6197 § 2, 2008; Ord. 6178 § 1, 2008; Ord. 6089 § 2, 2007; Ord. 6068 § 1, 2006; Ord. 5763 § 1, 2003; Ord. 5604 § 1, 2001; Ord. 5506 § 1, 2001.)

19.04.080 Appeals.

A. Any feepayer may pay the impact fees imposed by this chapter under protest in order to obtain a building permit. Appeals regarding the impact fees imposed on any development activity may only be made by the feepayer of the property where such development activity will occur. No appeal submitted under protest shall be permitted unless and until the impact fees at issue have been paid. Alternatively, any feepayer may appeal the impact fees determined by the director without first paying the fees,

providing the applicant is willing to provide a satisfactory security of the appealed fee amount in accordance with the requirements of ACC 17.14.010(A) prior to issuance of the building permit. Alternatively, any feepayer may appeal the impact fees determined by the ~~public works~~ director without first paying the fees, providing the applicant is willing to postpone issuance of the building permit until after the appeal process when the revised final fee is known.

B. 1) Appeals of ~~the public works~~ director's decisions determinations under made pursuant to this chapter shall be filed with the city's public works department and ~~shall be heard by the city's hearing examiner pursuant to Chapter 2.46 ACC. Determinations on Appeals to the hearing examiner~~ shall be based on whether the decision being appealed was consistent with applicable state law and city codes. 2) The hearing examiner's determination shall be final unless appealed to the superior court ~~for of~~ the county in which the property subject ~~to of~~ the transportation impact fees is located. Appeals to superior court shall comply with within the city of Auburn in accordance with the procedures in RCW 34.05.510 through 34.05.598, and ~~shall be with the appeal being~~ filed with the city clerk within 30 days after issuance of the hearing examiner's determination decision of the hearing examiner. (Ord. 6341 § 3, 2011; Ord. 6182 § 5, 2008; Ord. 5763 § 1, 2003; Ord. 5506 § 1, 2001.)

19.04.090 Establishment of an impact fee account for transportation.

~~A. Impact fee receipts shall be earmarked specifically and deposited in special interest-bearing accounts. The fees received shall be prudently invested in a manner consistent with the investment policies of the city.~~

AB. There is hereby established a separate transportation impact account impact fee account for the fees collected pursuant to this chapter. ~~the transportation impact account.~~ Impact fee receipts shall be earmarked specifically and deposited in this account. The fees received shall be prudently invested in a manner consistent with the investment policies of the city. Funds withdrawn from this account must be used in accordance with ~~the provisions of~~ ACC 19.04.110. Interest earned on the fees shall be retained in the account and expended for the purposes for which the impact fees were collected.

~~BC. On an annual basis, t~~The financial director shall provide an annual report to the council on the transportation impact account showing the source and amount of all moneys collected, earned, or received, and the transportation improvements that were financed in whole or in part by impact fees.

D. Impact fees shall be expended or encumbered within ten (10) six years of receipt, unless the council identifies in written findings extraordinary and compelling reason or reasons for the delay.

~~E. In order to comply with RCW 82.02.060(2), impact fees for development activity in the downtown plan area shall be paid for with public funds other than from impact fee~~

~~accounts during the exemption period set forth in ACC 19.04.070 (A)(8).~~ (Ord. 6341 § 3, 2011; Ord. 5763 § 1, 2003; Ord. 5604 § 1, 2001; Ord. 5506 § 1, 2001.)

19.04.100 Refunds.

A. If the city fails to expend or encumber ~~the~~ impact fees paid by a property owner under this chapter within ~~six~~ ten (10) years of ~~payment when the fees were paid~~, or within such other time periods pursuant to ACC 19.04.090 where extraordinary or compelling reasons exist, ~~such other time periods as established pursuant to ACC 19.04.090~~, the current owner of the property for on which the impact fees were have been paid may receive a refund of ~~such~~ the fees. ~~In determining whether impact fees have been expended or encumbered,~~ impact fees shall be considered expended or encumbered on a first-in, first-out basis, unless; ~~provided, that~~ any party ~~that~~ voluntarily elects to use the alternative fee payment method ~~specified~~ in ACC 19.04.040. If electing the alternative fee payment method, the party shall waive any right to recover transportation fees not expended or encumbered within the above time frames. sign as a condition of use of the alternative fee payment method a waiver of right on a form prepared and provided by the city to recovery of transportation impact fees not spent within the statutory six-year timeframe.

B. The city shall notify potential refund claimants by first class mail deposited with the United States Postal Service at the last known address of such claimants. A potential claimant or claimant must be the owner of the property.

C. Owners seeking a refund of impact fees must submit a written request for a refund of the fees to the director within one year of the date the right to claim the refund arises or the date that notice is given, whichever is later.

D. Any impact fees for which no application for a refund has been made within this one-year period shall be retained by the city and expended on appropriate transportation system improvements.

E. Refunds of impact fees under this section shall include any interest earned on the impact fees by the city.

F. If and when the city seeks to terminate any or all components of the transportation impact fee program, all unexpended or unencumbered funds from any terminated component or components, including interest earned, shall be refunded pursuant to this section. If Upon the finding that any or all fee requirements are to be terminated, the city shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail to their last known address ~~of the claimants~~. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the city, but must be expended for appropriate transportation system improvements. This notice requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated.

G. The city shall also refund to the developer of property for which impact fees have been paid all impact fees paid, including interest earned on the impact fees, if the development activity for which the impact fees were imposed did not occur. (Ord. 6341 § 3, 2011; Ord. 5763 § 1, 2003; Ord. 5506 § 1, 2001.)

19.04.110 Use of funds.

A. Pursuant to this chapter, transportation impact fees:

1. Shall be used for transportation improvements that will reasonably benefit the new development; and
2. Shall not be imposed to make up for deficiencies in transportation facilities serving existing developments; and
3. Shall not be used for maintenance or operations.

B. As a general guideline, transportation impact fees may be used for any transportation improvements which could otherwise be funded by a bond issue of the city.

C. Transportation impact fees may be spent for transportation improvements, including but not limited to planning, land acquisition, right-of-way acquisition, site improvements, necessary off-site improvements including mitigation, construction, engineering, architectural, permitting, financing, and administrative expenses, applicable impact fees or mitigation costs, and any other expenses which can be capitalized.

D. Impact fees may be used to recoup transportation improvement costs previously incurred by the city to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.

E. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of transportation improvements for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the new development. (Ord. 6341 § 3, 2011; Ord. 5763 § 1, 2003; Ord. 5506 § 1, 2001.)

19.04.120 Review and update of impact fees.

A. The fee rate schedules set forth in the fee schedule of the city of Auburn shall be reviewed periodically by the council.

B. The fee schedules set forth in the fee schedule of the city of Auburn shall be reviewed by the council as it may deem necessary and appropriate in conjunction with the annual update of the capital facilities plan element of the city's comprehensive plan. (Ord. 6341 § 3, 2011; Ord. 6050 § 1, 2006; Ord. 5763 § 1, 2003; Ord. 5506 § 1, 2001.)

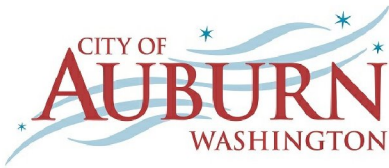
19.04.130 Miscellaneous provisions.

A. *Existing Authority Unimpaired.* Nothing in this chapter shall preclude the city from requiring the feepayer or the proponent of a development activity to mitigate adverse environmental impacts of a specific development pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, based on the environmental documents accompanying the underlying development approval process, and/or Chapter 58.17 RCW, governing plats and subdivisions; provided, that the exercise of this authority is consistent with the provisions of RCW 82.02.050(1)(c).

B. *Captions.* The chapter and section captions used in this chapter are for convenience only and shall not control or affect the meaning or construction of any of the provisions of this chapter.

C. *Severability.* If any portion of this chapter is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other section of this chapter.

D. *Short Title.* This chapter shall be known and may be cited as the “The City of Auburn Transportation Impact Fee Ordinance.” (Ord. 6341 § 3, 2011; Ord. 5763 § 1, 2003; Ord. 5506 § 1, 2001.)



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6795 (Gaub)

Date:

October 13, 2020

Department:

Public Works

Attachments:

[Ordinance No. 6795](#)

[Exhibit A](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to adopt Ordinance No. 6795.

Background Summary:

Ordinance No. 6795 revises portions of Auburn City Code (ACC) Chapter 12.60 to support proposed changes to the 2021 fee schedule and permit structure for right-of-way permits and makes additional revisions to address current permitting practices and to modernize portions of the code.

ACC Chapter 12.60 establishes the rules and regulations for controlling and enforcing right-of-way uses of the City Right-of-Way to assure that proposed uses are consistent with public health, safety, and welfare of the community, and that any harm or nuisance which may result from a proposed use is prevented. Changes are being proposed to the City fee schedule and permit structure that promote equity and economic prosperity while also supporting City cost recovery goals.

The code changes include identifying long term Type C permits as either being a surface encroachment or non-surface encroachment. As a follow up to the discussion at the October 12th, Council Study Session, a single Type C permit may be issued that includes both surface and non-surface encroachments and would be categorized, for fee purposes, as a surface encroachment.

Reviewed by Council Committees:

Councilmember: Brown

Staff:

Gaub

Meeting Date: October 19, 2020

Item Number:

ORD.C

ORDINANCE NO. 6795

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING CHAPTER 12.60 OF THE AUBURN CITY CODE RELATING TO RIGHT-OF-WAY PERMITS

WHEREAS, Chapter 12.60 of the Auburn City Code (Chapter 12.60 ACC) establishes the rules and regulations for controlling and enforcing uses of the City Right-of-Way to assure that proposed uses are consistent with public health, safety, and welfare of the community, and that any harm or nuisance which may result from a proposed use is prevented; and

WHEREAS, changes are being proposed to the City fee schedule and permit structure that promote equity and economic prosperity while also supporting City cost recovery goals; and

WHEREAS, revisions are needed to Chapter 12.60 ACC to support the proposed changes to the fee schedule for 2021 and permit structure for Right-of-Way permits; and

WHEREAS, additional revisions are needed to Chapter 12.60 ACC to address current permitting practices and to modernize portions of the code.

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

Section 1. Amendment to City Code. Chapter 12.60 of the Auburn City Code is amended to read as shown on Exhibit A.

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

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

Section 4. Effective date. This Ordinance will take effect and be in force on January 1st, 2021.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

Published: _____

Chapter 12.60

RIGHT-OF-WAY PERMITS

12.60.010 Purpose – Permit required.

The purpose of this chapter is to establish minimum rules and regulations for controlling and enforcing right-of-way uses to assure that proposed uses are consistent with public health, safety, and welfare of the community, and that any harm or nuisance which may result from a proposed use is prevented.

It shall be unlawful for anyone to make private use of any public right-of-way without a right-of-way use permit issued by the city, or to use any public right-of-way without complying with all provisions of a permit issued by the city, unless such private use falls within the designated exceptions set forth in this chapter. (Ord. 6125 § 1, 2007; Ord. 5784 § 1, 2003; Ord. 5298 § 1, 1999; Ord. 5042 § 1 (Exh. D), 1998; Ord. 4767 § 1, 1995; Ord. 3351 § 2, 1978.)

12.60.015 Definitions.

The following words and phrases, wherever used in this chapter, shall have the meanings ascribed to them in this section except where otherwise defined or unless the context shall clearly indicate to the contrary.

- A. “Abutting property” means and includes property bordering upon and contiguous to a right-of-way.
- B. “Applicant” means any person, company, corporation, enterprise, or entity applying for the issuance or renewal of a right-of-way use permit or any person, company, corporation, enterprise, or entity that has been issued a right-of-way use permit.
- C. “Application” means, for the purposes of this chapter, the collection of papers necessary to initiate a right-of-way use permit request, and shall include an application in the form approved by the city, and other submittals consistent with the purposes of this chapter.
- D. “Banner” means any pliable canvas, cloth, or synthetic sign material or holiday or festival decor such as garland or similar decor stretched over or across any right-of-way.
- E. “Community event or special event” means an event of a public nature sponsored or co-sponsored by the city of Auburn for the purpose of celebrating a particular holiday, festival, or other traditional commemoration, and may include carnivals, fairs, festivals, parades, or other similar short-term uses of rights-of-way.

F. “Co-sponsored by the city of Auburn” means the city is joining – is willing to join – as an applicant; provided, however, the primary sponsor is still responsible for all right-of-way use permit paperwork, liability, and fees.

G. “Private use” means use of the public right-of-way for the benefit of a person, partnership, group, organization, company, or corporation, other than as a thoroughfare for any type of vehicles, pedestrians or equestrians.

H. “Right-of-way” means and includes streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, landscape (parking) strips, squares, triangles, and other rights-of-way open to the use of the public, and the space above or beneath the surface of same. This definition specifically does not include streets, alleys, ways, landscape strips, and sidewalks which have not been deeded, dedicated, or otherwise permanently appropriated to the city for public use.

I. “Sidewalk cafe” means a portion of a public ~~right-of-way sidewalk~~ on which tables and chairs are placed for the use of patrons while consuming food and/or beverages served by a cafe or restaurant on abutting property.

J. “Sidewalk display” means a display of goods and wares on a public ~~right-of-way~~ sidewalk for retail sale to the public by the owner or manager of a business upon abutting property, which products are being offered for sale inside the business.

K. “Sidewalk vending unit or vending unit” means a movable cart or similar device that is operated from a fixed location on a public ~~right-of-~~way from which food, beverages (excluding alcohol), flowers, plants, and/or merchandise are provided to the public with or without charge. The provisions of this chapter shall not apply to mobile caterers, generally defined as person(s) engaged in the business of transporting food and beverages in motor vehicles to residential, business, and industrial establishments pursuant to prearranged schedules, and dispensing items from the vehicles for retail sale to the personnel of such establishments.

L. “Vending” means the commercial sale of food, beverages (excluding alcohol), flowers, plants, and/or merchandise only from a sidewalk vending unit upon public ~~right-of-~~ways of the city of Auburn. “Vending” does not include alcohol as defined in RCW [66.04.010](#), tobacco, firearms, munitions, or any article which a minor is prohibited by law from purchasing, or any materials restricted by the fire code from direct access or handling by the public. (Ord. 6125 § 1, 2007.)

12.60.020 Right-of-way use permit application process and fee.

A. The city engineer or designee, herein referred to as “the city,” shall establish policies and procedures to administer the permit program.

B. Applicants shall submit a complete application form to the city requesting the use of a specific location of right-of-way for a specific period of time. In addition to the information required in the application, the applicant may be required to submit, ~~in addition to the application form,~~ any documents the city deems necessary to perform an accurate evaluation of the right-of-way use permit application.

C. Decisions regarding issuance, renewal, denial, or termination of any such permits shall be subject to insurance requirements, bond requirements, indemnification and hold harmless agreements, the capacity of the rights-of-way to accommodate the applicant's proposed facilities or use, evaluation of competing public interest, and other administrative details determined and administered by the city.

D. As part of a complete right-of-way use permit application, the applicant shall submit to the city ~~right-of-way use permit fees, including~~ a non-refundable application fee, as set forth in the city of Auburn fee schedule, at the time of application. ~~;~~ ~~provided, however, bona fide governmental agencies of the federal government or the state of Washington or subdivisions thereof shall be exempt from payment of said fee. Type D hauling~~ ~~Permits may will~~ require additional fees, depending on the proposed use, to be paid, per the city of Auburn fee schedule, before the permit can be issued. All fees are non-refundable.

E. If insurance is required as a condition of approval, the insurance guidelines in 12.66 ACCcity policy shall apply unless otherwise established by the city.

F. Applications that include parking, road, or sidewalk impacts, that, as determined by the City Engineer, require a parking plan, traffic control plan, or pedestrian detour plan, require an additional application fee per the city of Auburn fee schedule.

G. If the applicant does not take action in good faith, the application will be considered abandoned after 180 days of non-action.

HF. Conditions of approval will be identified during the city's review of the application and may include a certificate of insurance, indemnification and hold harmless agreement, traffic control plan, performance bond, time and use restrictions, video data, status reports, restoration of disturbed right-of-way features, contract for a uniformed police officer to provide required traffic control, other city permits such as building permits, or any other requirements the city deems necessary to protect the right-of-way and public health, safety, and welfare. (Ord. 6125 § 1, 2007; Ord. 5298 § 1, 1999; Ord. 5042 § 1 (Exh. D), 1998; Ord. 5005 § 2, 1997; Ord. 4767 § 1, 1995; Ord. 4239 § 1, 1987; Ord. 3351 § 3, 1978.)

12.60.025 Right-of-way use permit types.

There are four types of right-of-way use permits.

A. Type A is a short-term permit for 14 days or less, which allows the applicant to display a banner at a specific location as described in ACC 12.60.030.

- B. Type B is a short-term permit for uses of less than 30 days as described in ACC [12.60.040](#).
- C. Type C is a long-term permit for uses of 30 days to five years as described in ACC [12.60.050](#).
- D. Type D is used for hauling or moving loads on city rights-of-way, as described in ACC [12.60.060](#), and can be short-term, less than 30 days, or long-term, 30 days to five years. (Ord. 6125 § 1, 2007.)

12.60.030 Type A street banner permit.

A. Other than where the city itself places a banner across a right-of-way, only organizations co-sponsoring community events or special events with the city may be entitled to apply for a right-of-way use permit for a banner; provided, that the co-sponsor shall meet all of the following criteria:

1. An Auburn-based organization;
2. Nonpolitical in nature;
3. A nonprofit organization (having obtained IRS certification as tax exempt under [26 U.S.C. 501\(CC\)\(3\)](#)) or government entity;
4. An organization that does not discriminate in regard to race, [ethnicity](#), religion, color, gender, [sexual orientation](#), national origin, creed, age, marital status, veteran status, disability status, or any other basis prohibited by federal, state, or local law.

B. Qualified applicants may display temporary banner signs. These signs shall not advertise or promote the sale of any product, commodity, or service for which a person pays a fee except a nonprofit community event.

C. In the event that there is a competing interest of qualified applicants for such a right-of-way use permit for a banner, the city shall give priority to community events. For organizations not advertising a community event, each qualified applicant may display banners for a maximum of two seven-day periods within any calendar year. In the event of a schedule conflict between a community event and another application, the community event shall take precedence.

D. Banners shall conform to the city's standard detail for banners and shall be erected by the city on city-approved support standards at a city-designated location. (Ord. 6125 § 1, 2007; Ord. 5784 § 2, 2003; Ord. 5298 § 1, 1999; Ord. 5042 § 1 (Exh. D), 1998; Ord. 4767 § 1, 1995; Ord. 4106 § 1, 1986.)

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 and placement of storage containers or dumpsters in the right-of-way when not otherwise authorized as part of a permitted construction activity.

~~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.~~

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

~~D.E.~~ Applicant shall be an individual or organization that does not discriminate in regard to race, ethnicity, religion, color, gender, sexual orientation, national origin, creed, age, marital status, veteran status, disability status, or any other basis prohibited by federal, state, or local law. (Ord. 6532 § 17, 2014; Ord. 6125 § 1, 2007; Ord. 5298 § 1, 1999; Ord. 5042 § 1 (Exh. D), 1998.)

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, canopies, balconies, 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 unless provided for in a construction or development permit, sidewalk cafes and other outdoor seating, 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.~~

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

~~D. For the purpose of determining permit fees, Type C permits are categorized as either surface encroachments or non-surface encroachments. Surface encroachments are uses occupying any portion of the right-of-way from ground level to 7-feet 5-inches above ground level, regardless if a portion of the utilized right-of-way is above or below this range. Non-surface encroachments are uses that do not occupy any portion of the area defined as a surface encroachment.~~

E. Applicant shall be an individual or organization that does not discriminate in regard to race, ethnicity, religion, color, gender, sexual orientation, national origin, creed, age, marital status, veteran status, disability status, or any other basis prohibited by federal, state, or local law. (Ord. 6532 § 18, 2014; Ord. 6125 § 1, 2007.)

12.60.060 Type D hauling permit.

A. The city requires any person, company, corporation, enterprise or entity operating a vehicle over the state's legal load or size limit on the public rights-of-way to obtain a permit for overweight or oversize hauling. The permit shall mitigate impacts to said rights-of-way by addressing public safety, environmental, traffic, noise, unusual wear and tear, or other impacts to the rights-of-way.

B. The city, with respect to rights-of-way within the city's jurisdiction, may restrict or prohibit the operation thereon of trucks or any other vehicles, except school buses, public transit and emergency vehicles, or may impose weight limits, determine haul routes for local trips, or place any other restrictions as may be deemed necessary, including when the city determines that any right-of-way would be seriously damaged or destroyed by climatic conditions, deficient structural integrity, or any other conditions if unrestricted use is continued.

In the event the city determines the project, program, or activity for which the person, company, corporation, enterprise or entity is using said rights-of-way will create unusual wear and tear on the right-of-way, or significant impacts to public safety, the environment, traffic, and noise, and for all projects that require mitigation of hauling and related impacts within the city, the person, company, corporation, enterprise or entity using the right-of-way may request a right-of-way use permit, which identifies the specific restrictions, prohibitions, and conditions of use. In addition to the potential conditions listed in ACC [12.60.020\(F\)](#), said permit may include conditions for mitigation necessitated by the impacts of the project, program, or activity, which shall include, but not be limited to, any mitigation set out in the contract or bid documents, or other review documents, or as may be otherwise required for said project, program, or activity.

C. The city shall not, however, prohibit the use of any city street designated a part of the route of any primary state highway through any such incorporated city or town by vehicles or any class of vehicles or impose any restrictions or reductions in permissible weights unless such restriction, limitation, or prohibition, or reduction in permissible weights be first approved in writing by the department of transportation (RCW [46.44.080](#)). (Ord. 6125 § 1, 2007.)

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 citywide implications shall require approval of the city engineer and may require additional fees.

C. Once a permit has expired or been revoked, the permit is not eligible for renewal and the applicant must apply for a new permit if continued use of the right-of-way is desired. Only Type C permits may be renewed. Permit renewal requires a new, complete application as determined by the city to be submitted; however, if the

complete application is submitted to the city prior to the permit expiration, the application fee will be waived.

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. 6532 § 19, 2014; Ord. 6125 § 1, 2007.)

12.60.080 Correction and discontinuance of unsafe, nonconforming, noncompliant or unauthorized conditions.

A. Whenever the city determines that any condition on any right-of-way is in violation of, or any right-of-way is being used contrary to, any provision of this code or procedures adopted hereunder or other applicable codes or standards, or without a right-of-way use permit, the city may order the correction or discontinuance of such condition or any activity causing such condition.

B. The city is authorized to order correction or discontinuance of any such condition or activities following the methods specified in procedures adopted pursuant to this code.

C. The city shall also have all powers and remedies which may be available under state law, this code, and procedures adopted hereunder for securing the correction or discontinuance of any condition specified in this section.

D. The city is authorized to use any or all of the following methods in ordering correction or discontinuance of any such conditions or activities as the city determines appropriate:

1. Serving of oral or written directives to the permittee or other responsible person requesting immediate correction or discontinuance of the specified condition;
2. Serving of a written notice of violation, ordering correction or discontinuance of a specific condition or activity within 10 days of notice, or such other reasonable period as the city may determine;
3. In the event the permittee fails to correct or discontinue the condition or activity within the specified period of time after receiving notice, the city shall have the authority to remove the structure and the cost of removal shall become a lien against the private property adjoining the right-of-way where the structure was removed; provided, that private property is owned by the permittee. The lien so created shall be subject to foreclosure pursuant to the foreclosure laws of the state;
4. Revocation of previously granted permits where the permittee or other responsible person has failed or refused to comply with requirements imposed by the city related to such permits;
5. Issuance of an order to immediately stop work until authorization is received from the city to proceed with such work;
6. Any object or thing which shall occupy any right-of-way without a permit is declared a nuisance. The city may attach a notice to any such object stating that if it is not removed from the right-of-way within 24 hours of the date and time stated on the notice, the object or thing may be taken into custody and stored at the owner's expense. The notice shall provide an address and phone number where additional information may be obtained. If the object is a hazard to public safety, it may be removed summarily by the city. Notice of such removal shall be thereafter given to the owner, if known. This section does not apply to motor vehicles;
7. All expenses incurred by the city in abating the condition or any portion thereof shall constitute a civil debt owing to the city jointly and severally by such persons who have been given notice or who own the object or placed it in the right-of-way, which debt shall be collectible in the same manner as any other civil debt;
8. The city shall also have all powers and remedies which may be available under law, this code and procedures adopted hereunder for securing the correction or discontinuance of any conditions specified by the city. (Ord. 6125 § 1, 2007.)



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5554 (Gaub)

Date:

October 13, 2020

Department:

Public Works

Attachments:

[Resolution No. 5554 with Exhibit A](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to adopt Resolution No. 5554.

Background Summary:

Resolution No. 5554 authorizes the Mayor to enter into a partnership with the Muckleshoot Indian Tribe (MIT) for the purposes of implementing non-motorized improvements on, and along, SR 164. The resolution authorizes execution of a memorandum of understanding (MOU) with MIT and subsequent funding agreements with MIT in accordance with the MOU and as authorized by ACC 3.10.010.

The MOU provides the framework for MIT to provide funding and support for City projects on, and adjacent to, Auburn Way South. The first project anticipated to be pursued under the MOU is the Riverwalk Drive Sidewalk Project which is Project N-9 in the City's adopted transportation improvement plan (TIP). This project would construct sidewalks on the east side of Riverwalk Drive from Howard Road to Auburn Way South and also install an enhanced pedestrian crossing at Howard Road. Other City projects that could receive funding and support include filling the gap in sidewalks on the south side of Auburn Way South from the R Street Bridge to the Muckleshoot Plaza (TIP Project N-7) and the Auburn Way South widening project from Hemlock Drive to Poplar Street SE (TIP Project R-6). The MOU also provides the framework for the City to provide support for projects pursued by MIT, including a trail project that would construct non-motorized connections on, and along, SR 164 from the MIT center at SE 392nd to Poplar Street SE. The MIT trail project would likely be implemented in several phases starting from the Tribal center and then expanding west.

The MIT Tribal Council has also approved execution of the MOU.

Reviewed by Council Committees:

Councilmember: Brown

Staff:

Gaub

Meeting Date: October 19, 2020

Item Number:

RES.A

RESOLUTION NO. 5554

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO
EXECUTE A MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF AUBURN AND THE
MUCKLESHOOT INDIAN TRIBE TO ESTABLISH A
PARTNERSHIP FOR IMPLEMENTING NON-MOTORIZED
IMPROVEMENTS ON AND ADJACENT TO STATE ROUTE-
164

WHEREAS, the City's 2015 Comprehensive Plan has adopted a policy to improve the overall quality of life for Auburn residents through the design and construction of non-motorized facilities; and

WHEREAS, the Muckleshoot Indian Tribe ("MIT") also values contributing to the quality of life of its members, neighbors, and partners in the City; and

WHEREAS, a trails and sidewalk system will provide safe and effective non-motorized transportation facilities on, along, and adjacent to SR-164, improving the quality of life and public safety for both MIT and the residents of the City; and

WHEREAS, cooperation and partnership between the MIT and the City on projects that provide safe and effective non-motorized facilities on, along, and adjacent to SR-164 (Projects) is needed to provide funding for the Projects; and

WHEREAS, cooperation and partnership between the MIT and the City on Projects will help provide a sidewalk and trail system that meets the needs of MIT and the City; and

WHEREAS, the MIT and City are willing to commit funding and staff resources to the Projects as approved through the inclusion of the Projects in the respective MIT and City budgets; and

WHEREAS, the MIT and the City are authorized to enter into this MOU and subsequent agreements under RCW 39.34.030.

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

Section 1. The Mayor is authorized to execute a Memorandum of Understanding (MOU) with the Muckleshoot Indian Tribe related to forming a partnership for implementing projects the improve non-motorized transportation on, and adjacent to, SR-164, which MOU will be in substantial conformity with the MOU attached as Exhibit A.

Section 2. The Mayor is authorized to execute funding agreements with the Muckleshoot Indian Tribe in the general form of the agreement included as Exhibit A in the MOU for projects that support the intent of the MOU and for which the Mayor has the authority to enter into agreements per ACC 3.10.010.

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

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

Signed _____.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

MEMORANDUM OF UNDERSTANDING BETWEEN THE MUCKLESHOOT
INDIAN TRIBE AND THE
CITY OF AUBURN ESTABLISHING A PARTNERSHIP FOR MAKING NON-
MOTORIZED IMPROVEMENTS ON AND ALONG SR-164

1. Parties

This memorandum of understanding (“MOU”) is made and entered between the CITY OF AUBURN, (the "City") and the MUCKLESHOOT INDIAN TRIBE OF WASHINGTON (“MIT”) (collectively, the "Parties" and individually, "Party").

2. Background

On Thursday, December 5th 2019, City and MIT elected officials and staff met to discuss various topics including the need for non-motorized improvements on, and along SR-164. The City presented a brief history and summary of accidents along SR-164 involving pedestrians and bicyclists. The Parties expressed a shared interest in working together to develop, fund, and construct improvements that would help make the areas on, and along SR-164 more safe for non-motorized travel. On December 16th, 2019, City and MIT staff met to discuss needs for projects to improve non-motorized travel and how these projects could be developed, prioritized, and funded. The Parties agreed that a Memorandum of Understanding could be developed to serve as a guideline for how the Parties would work together to make non-motorized improvements on, and along, SR-164.

3. Purpose

The goal of the MOU is to establish a working partnership that fosters collaboration between the Parties to achieve the Parties’ common aim to make improvements that support non-motorized travel on, and along SR-164 between M Street SE in Auburn and SE 400th Street in Unincorporated King County.

4. Project Workgroup

This MOU establishes a working group consisting of City and MIT staff that will meet on at least a quarterly basis to discuss non-motorized needs on , and along SR-164, potential projects to meet those needs, prioritization of those projects, potential funding mechanisms and opportunities for the projects, and a plan for implementing the projects. The workgroup will summarize its discussions to the City and Tribal Councils at least once per year. The workgroup will prepare project specific agreements between the Parties as needed to establish project funding terms and present the agreements to the City and Tribal Councils for review, discussion, and approval. The Parties anticipate that some projects will be funded by both Parties and some projects will be funded by only the City or only MIT. The workgroup will facilitate the preparation and submittal of joint grant applications on behalf of the Parties for projects. The workgroup will facilitate the

preparation of support letters from the Parties as needed to support grant applications for projects.

5. Funding Agreements

Agreements to provide funding for projects will be in the general form of the attached Exhibit A.

6. Support Letters

Support letters for project grant applications will be in the general form of the attached Exhibit B.

IN WITNESS TO THE TERMS OF THIS MOU, the parties have agreed to this MOU:

MUCKLESHOOT INDIAN TRIBE

CITY OF AUBURN

Chairperson
Muckleshoot Tribal Council

Nancy Backus, Mayor

Date: _____

Date: _____

APPROVED AS TO FORM:

Kendra Comeau, City Attorney

Date: _____

EXHIBIT A

INTERLOCAL AGREEMENT BETWEEN THE MUCKLESHOOT INDIAN TRIBE AND THE CITY OF AUBURN FOR SIDEWALKS AND TRAILS ON AND ALONG SR-164

This Interlocal Agreement ("Agreement") is made and entered between the CITY OF AUBURN, (the "City") and the MUCKLESHOOT INDIAN TRIBE OF WASHINGTON ("MIT") (collectively, the "Parties" and individually, "Party").

RECITALS

1. The City's 2015 Comprehensive Plan has adopted a policy to improve the overall quality of life for Auburn residents through the design and construction of non-motorized facilities.
2. The MIT values contributing to the quality of life of its citizens and neighbors.
3. A trails and sidewalk system that would provide safe and effective non-motorized transportation facilities on, along, and adjacent to SR-164, improves the quality of life and public safety for both MIT and the residents of the City.
4. Cooperation and partnership between the MIT and the City on projects that provide safe and effective non-motorized facilities on, along, and adjacent to SR-164 (Projects) is needed to provide funding for the Projects.
5. Cooperation and partnership between the MIT and the City on Projects will help provide a sidewalk and trail system that meets the needs of MIT and the City.
6. The MIT and City are willing to commit funding and staff resources to the Projects.
7. The MIT and the City are authorized to enter into this Agreement under RCW 39.34.030.

AGREEMENT

In consideration of the mutual covenants, conditions, and promises, contained in this Agreement, the parties agree as follows:

1. SCOPE OF SERVICES.

The MIT and the City agree to jointly plan, design, and construct of the projects listed on attached Attachment A to provide non-motorized facilities on, along, and adjacent to SR-164. Changes or additions to the Projects require amendment to this agreement.

2. ROLES AND RESPONSIBILITIES

Roles and responsibilities for each project are as listed on Attachment A and as defined below:

2.1 Lead: The lead agency shall be responsible for obtaining all necessary permits and/or agreements and for accomplishing all aspects of the Scope of Work set out in paragraph 1 above. The lead agency be the contracting agent responsible for managing contracts with design and construction professionals. The lead agency shall remain responsible for the proper design of the project. The lead agency shall be responsible for the actual construction of the project, and assuring that construction of the project is complete pursuant to the contract terms and consistent with the terms of this Agreement. The lead agency will provide the support agency with the opportunity to review project plans and to provide comment on the project design.

2.2 Support: The support agency will attend project meetings to provide input to the lead agency regarding project design. The support agency shall have the opportunity, but not the duty, to review project plans prior to the time that such documents are considered final by the lead agency. The support agency shall provide its comments, within thirty (30) calendar days of the date that the documents are submitted to the support agency for review. The support agency will provide support letter(s) to the lead agency to support the lead agency's efforts to secure grants and partnerships.

3 COST REIMBURSEMENT AND FUNDING

3.1. Project Costs and Responsibilities: The responsibility for paying all costs associated with each Project shall be with the lead agency. Projects Costs include, but are not limited to, the following: design engineering, right-of-way acquisition, construction, permitting, inspection, contract administration services, and other cost items agreed to by the parties. The support agency agrees to provide funding or other support as specified on attached Attachment A, provided that, such funding obligation shall be conditioned on the support agency's issuance of a final funding commitment letter approving the Project design, and completion of the Project in substantial conformance with the approved design.

3.2. Invoicing and Fund Distribution: Upon completion of the Work, the lead agency shall submit one inclusive first and final itemized invoice to the support agency, for the lead agency's actual direct and related indirect costs incurred associated with performance of the Project, up to the amount specified on Attachment A. The support agency shall provide payment in full within sixty (60) calendar days upon receipt of the itemized invoice.

4 INDEMNIFICATION

The Party acting as lead agency (“Lead Agency”) shall indemnify and hold the Party acting as supporting agency (“Supporting Agency”) and its agents, employees, and/or officers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the Supporting Agency arising out of, in connection with, or incident to the Lead Agency’s actions as the Lead Agency for its Project; provided, however, that if such claims are caused by or result from the concurrent negligence of the Supporting Agency, its agents, employees, and/or officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Lead Agency; and provided further, that nothing shall require the Lead Agency to hold harmless or defend the Supporting Agency, its agents, employees and/or officers from any claims arising from the sole negligence of the Supporting Agency, its agents, employees, and/or officers. No liability shall attach to the Parties by reason of entering into this Agreement except as expressly provided.

Should a court of competent jurisdiction determine that RCW 4.24.115 applies to this Agreement, then the Parties agree to defend, indemnify and hold each other their officers, officials, employees and volunteers harmless to the maximum extent permitted thereunder. It is further specifically and expressly understood that the indemnification provided herein constitutes the Parties’ waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

5 COMPLIANCE WITH REGULATIONS AND LAWS

The parties shall comply with all applicable rules and regulations pertaining to them in connection with the matters covered in this Agreement.

6 ASSIGNMENT

The parties shall not assign this Agreement or any interest, obligation or duty therein without the express written consent of the other party.

7 WAIVER OF SOVEREIGN IMMUNITY

MIT expressly, unequivocally, and irrevocably agrees to a limited waiver of sovereign immunity. The waiver is limited: (1) to actions brought by the Parties to this Agreement (City and MIT); (2) for breach, termination, enforcement of contract provisions, interpretation, validity thereof, including the determination of the scope or applicability of this Agreement and the performance of any duties or responsibilities performed under this Agreement; (3) to the extent allowed by law, for actual damages, that is, each Party waives the right to consequential or punitive damages; (4) to determine applicable laws; and, (5) to all actions necessary to enforce judgments entered with respect to the enforcement of this Agreement if not otherwise prohibited by law. This limited waiver is available solely to claims by City, its employees, and agents, and not by any other entity, entities, or any individual or third party, not a Party to this Agreement. Notwithstanding any other provision in this Agreement, this limited waiver of sovereign immunity is limited to the extent of MIT's contributions, roles, responsibilities under this Agreement, performance of duties including the plan, design, and construction of projects listed on Attachment A whether by MIT, its employees, agents, to the extent of any applicable insurance coverage.

MIT consents to the jurisdiction of the Washington State Superior Court in the event that either Party deems it necessary to institute legal action or proceedings to enforce any right or obligation under this Agreement; the Parties further agree that any such action or proceedings shall be brought in the superior court situated in King County, Washington. MIT agrees that it will not raise sovereign immunity as a defense in any judicial action brought by the City to enforce this provision or any term under this contract with respect to claims within the scope of the limited waiver of sovereign immunity provided herein..

8 ATTORNEY'S FEES

If either party shall be required to bring any action to enforce any provision of this Agreement, or shall be required to defend any action brought by the other party with respect to this Agreement, and in the further event that one party shall substantially prevail in such action, the losing party shall, in addition to all other payments required therein, pay all of the prevailing party's reasonable costs in connection with such action, including such sums as the court or courts may adjudge reasonable as attorney's fees in trial court and in appellate courts.

9 OWNERSHIP AND USE OF DOCUMENTS.

All documents, reports, memoranda, diagrams, sketches, plans, surveys, design calculations, working drawings and any other materials created or otherwise prepared by either party as part of its performance of this Agreement shall be owned by and become the property of that party, and may be used by that party for any purpose.

10 RECORDS INSPECTION AND AUDIT.

The MIT shall maintain books, records, documents, correspondence and other evidence pertaining to the costs and expenses of the City Project (hereinafter referred to collectively as “the records”), to the extent and in such detail as will properly reflect all costs, direct and operating, of acquisition of real estate and of labor, materials, equipment, supplies and services and other costs and expenses of whatever nature for which reimbursement shall be provided by the City. The books and records required under this Section shall be maintained in accordance with generally accepted accounting standards. The MIT shall retain the records and make them available for audit for a period of six (6) years after final payment is made by the City pertaining to the MIT Project.

11 NOTICES

All notices and payments hereunder may be delivered or mailed. If mailed, they shall be sent to the following respective addresses:

To the CITY:

City of Auburn
Public Works Director
25 West Main Street
Auburn, WA 98001
253-931-3010

To the MIT:

Muckleshoot Indian Tribe

39015 172nd Ave. S.E.
Auburn, WA 98092
253-xxx-xxxx

or to such other respective addresses as either party may from time to time designate in writing. All notices and payments mailed by regular post (including first class) shall be deemed to have been given on the second business day following the date of mailing, if properly mailed and addressed. Notices and payments sent by certified or registered mail shall be deemed to have been given on the day next following the date of mailing, if properly mailed and addressed. For all types of mail, the postmark affixed by the United States Postal Service shall be conclusive evidence of the date of mailing.

12 NONDISCRIMINATION

The City for itself, its heirs, personal representatives, successors in interest, and assigns, as part of the consideration hereof, does hereby covenant and agree that it will comply

Exhibit A to MIT and City MOU

SR-164 Trails and Sidewalks

Page 5 of 9

with pertinent statutes, Executive Orders and such rules as are promulgated to assure that no person shall, on the grounds of race, creed, color, national origin, sexual orientation, sex, age, or the presence of any sensory, mental or physical handicap be discriminated against or receive discriminatory treatment.

13 TERMINATION.

Neither the MIT or City may terminate this agreement without the written concurrence of the other party.

14 MISCELLANEOUS

- 14.1. All of the covenants, conditions and agreements in this Agreement shall extend to and bind the legal successors and assigns of the parties.
- 14.2. This Agreement shall be deemed to be made and construed in accordance with the laws of the State of Washington. Jurisdiction and venue for any action arising out of this Agreement shall be in the county of Washington State in which the property or project is located, and if not site specific, then in King County, Washington.
- 14.3. The captions in this Agreement are for convenience only and do not in any way limit or amplify the provisions of this Agreement.
- 14.4. The duration of this Agreement shall be for the period of time it reasonably takes for the performances by the parties as contemplated herein.
- 14.5. No separate legal entity is created hereby. The identity of the parties hereto is as set forth hereinabove.
- 14.6. The performances of the duties of the parties provided hereby shall be done in accordance with standard operating procedures and customary practices of the parties.
- 14.7. Unless a joint oversight and administration board is created as provided herein, the oversight and administration of the Agreement shall be by the respective named representatives identified in Paragraph **11** hereof, or their designees.
- 14.8. No provision of this Agreement shall relieve either party of its obligations and or responsibilities imposed by law.
- 14.9. If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be held to be invalid or unenforceable by a final decision of any court having jurisdiction on the matter, the remainder of this Agreement or the application of such term or provision to persons or circumstances

other than those as to which it is held invalid or unenforceable shall not be affected thereby and shall continue in full force and effect, unless such court determines that such invalidity or unenforceability materially interferes with or defeats the purposes hereof, at which time the City shall have the right to terminate the Agreement.

14.10. This Agreement constitutes the entire agreement between the parties. There are no terms, obligations, covenants or conditions other than those contained herein. No modifications or amendments of this Agreement shall be valid or effective unless evidenced by an agreement in writing signed by both parties.

14.11. Counterparts: This Agreement may be executed in multiple counterparts, each of which shall be one and the same Agreement and shall become effective when one or more counterparts have been signed by each of the parties and delivered to the other party.

IN WITNESS TO THE TERMS OF THIS AGREEMENT, the parties have executed this Agreement:

Attachment A – Projects and Responsibilities

Project Name	Description	Lead Agency	Support Agency	Support Agency Contribution
Riverwalk Sidewalks – Auburn Way South to Howard Rd	New 5' wide sidewalks along the east side of Riverwalk Drive from Howard Rd to Auburn Way South and Rectangular Rapid Flashing Beacon (RRFB) crossing at Howard Rd.	City	MIT	\$500,000.00 and project review support not to exceed 50 staff hours
MIT Trail Project	MIT To provide description	MIT	City	Project review support not to exceed 50 staff hours

October 20, 2011

Matthew Enders, PE
WSDOT Highways & Local Programs Division
PO Box 47390
310 Maple Park Avenue SE
Olympia, WA 98504-7390

Dear Matthew:

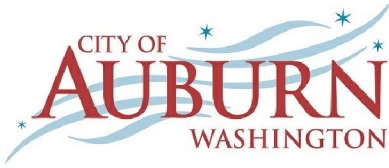
The Muckleshoot Indian Tribal (MIT) Council is pleased to be a supporter and partner in the City Safety program grant application with the City of Auburn. The Auburn Way South SR-164 (AWS) Corridor Safety proposal includes vital safety improvements that complement ongoing construction projects and complete the safety improvement planning for AWS between Muckleshoot Plaza and Hemlock St SE.

The City of Auburn and the Muckleshoot Indian Tribe have worked cooperatively with WSDOT over the past couple years to develop a comprehensive corridor improvement plan that will greatly enhance the safety of this high accident route. Currently, the City and MIT are partnering in the design and construction of two other segments of this corridor and we are hopeful that with the award of this grant the final segment of this planning effort can be realized.

Thank you in advance for your time and consideration.

Sincerely,

Muckleshoot Tribal Chair



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5558 (Hinman)

Date:

October 14, 2020

Department:

Administration

Attachments:

[Resolution No. 5558](#)

[Harborview Bond](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to adopt Resolution 5558.

Background Summary:

A Resolution of the City Council of the City of Auburn, Washington, supporting King County Proposition No. 1. A proposition to authorize King County to issue up to \$1.74 billion of general obligation bonds to provide funds for public health, safety and seismic improvements to Harborview Medical Center facilities.

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

Hinman

Meeting Date: October 19, 2020

Item Number:

RES.B

RESOLUTION NO. 5558

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, EXPRESSING SUPPORT FOR
KING COUNTY PROPOSITION NO. 1, HARBORVIEW
MEDICAL CENTER HEALTH AND SAFETY IMPROVEMENT
BONDS

WHEREAS, Harborview Medical Center is one of the nation's leading academic medical centers, is the only designated Level I adult and pediatric trauma and verified burn center in the State of Washington, and serves as the regional trauma and burn referral center for Alaska, Montana and Idaho and the disaster preparedness and disaster control hospital for King County; and

WHEREAS, Harborview Medical Center is maintained as a public hospital by King County to improve the health and well-being of the entire community and to provide quality health care to the most vulnerable; and

WHEREAS, nearly 20 years ago, King County voters authorized the county to issue general obligation bonds to fund seismic and public health and safety improvements for Harborview Medical Center for construction of an inpatient facility and medical office tower, the demolition of seismically unsound buildings, and limited renovations of some hospital spaces; and

WHEREAS, over the past 20 years, the growth of King County's population, and changes in medical practice, equipment and technology have resulted in the need for upgrades to the facilities of Harborview Medical Center; and

WHEREAS, King County has a growing number of people experiencing unmet and complex behavioral health needs, including substance use disorders, and untreated behavioral health conditions can result in increased involvement in the justice system

through repeated jail bookings and use of involuntary commitment, as well as homelessness; and

WHEREAS, the improvements recommended to Harborview Medical Center are estimated to cost approximately \$1.74 billion over 20 years to include:

- Construction of a new tower on the campus that increases the number of single patient rooms to meet modern infection control and privacy standards, and expands and improves the emergency department;
- Construction of a new behavioral health services building to co-locate new, expanded, and existing services, including the recently launched Behavioral Health Institute;
- Seismic upgrades and renovations for the historic Center Tower and Harborview Hall;
- Expansion of King County Involuntary Treatment Court and Public Health spaces to meet growing demands;
- Space for up to 150 respite beds for individuals who are homeless, enabling discharge from hospital to lower-acuity recuperative care, supporting better health outcomes and more efficient use of hospital beds; and
- Seismic upgrades and renovation for the Pioneer Square Clinic that enables the provision of care to extremely vulnerable populations in a more efficient and therapeutic space; and

WHEREAS, RCW 42.17A.555 permits the City Council to support a ballot proposition at an open public meeting so long as notice of the meeting includes the title

and number of the ballot proposition and those expressing an opposing view are afforded an approximately equal opportunity to express an opinion;

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

Section 1. **Statement in Support of King County Proposition No. 1.** The Auburn City Council expresses its support to King County Proposition No. 1 and encourages the residents of Auburn to support Proposition No. 1, a proposition to authorize King County to issue up to \$1,740,000,000 of general obligation bonds to provide funds for public health, safety and seismic improvements to Harborview Medical Center facilities; at the November 2020 General Election.

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

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

Dated and Signed: _____

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney



The November 2020 General Election will provide King County voters the opportunity to support Harborview Medical Center by approving a capital improvement bond measure for vital capital investments. If approved, the 20-year bond will provide health and safety improvements at Harborview, including increasing critical health care capacity, updating and expanding modern infection control standards, and expanding capacity for behavioral health needs.

The medical center is home to a wide range of critical medical and behavioral health services. It is one of the nation's leading academic medical centers and is the only Level 1 adult and pediatric trauma and verified burn center serving a four-state region (Alaska, Idaho, Montana, and Washington).

Highlights of the measure include:

- Construction of a new medical tower and renovation of existing space that increases capacity for the hospital to serve more patients in the event of an emergency, disaster, or pandemic and to meet modern infection control and privacy standards;
- Expansion of the emergency department;
- Construction of new behavioral health services building to meet the growing demand for behavioral health; and,
- Critical seismic improvements to the historic Harborview campus ensuring the safety of patients, employees, and visitors.

RESPONDING TO CRISES IN KING COUNTY: Harborview is at the center of all medical crises in King County, whether a global pandemic, mass casualty event, or a natural disaster. Increasing flexible bed capacity, modernizing infection control standards, expanding the Emergency Department, and stabilizing existing buildings are required critical investments for Harborview to continue to serve the region.

EXPANDING BEHAVIORAL HEALTH SERVICES: Harborview's behavioral health outpatient clinics have run out of room and the evidence of the need for expanded behavioral health services can be seen everywhere. The bond will leverage existing psychiatric and behavioral health education, training, and services into a new, expanded facility where a full continuum of behavioral health services in a healing environment will be consolidated. These investments will not only serve already vulnerable populations, but also help all individuals receive treatment ahead of crisis—changing lives while saving resources.

PROVIDING RESPITE CARE: Renovation to the existing Harborview Hall include construction of up to 150 respite beds where the vulnerable who are ready to be discharged, including the homeless, have a place to go to further heal. The respite beds ensure homelessness doesn't undermine an individual's recovery and care and that vital hospital beds are available for patients needing acute care.

CREATING JOBS: King County estimates that construction of the needed improvements will create approximately 7,700 family wage jobs, with an estimated 2,300 opportunities for apprenticeship and local hire under King County's Master Community Workforce Agreement. These jobs are vital to supporting working families during the recession and helping the region rebound.

ABOUT THE BOND: The recommendations comprising the bond package follow a nearly two-year stakeholder process designed to understand and identify the capital needs of Harborview and the broader King County community, including input from medical experts, labor, behavioral health experts, housing and homelessness community, and others. Using a median priced \$600,000 King County home, the levy is estimated to cost about \$75 annually.

The elements of the bond are outlined:

Medical Tower Building	Increase surge capacity; meet infection control and privacy standards; new emergency rooms; disaster preparedness	\$925M
Behavioral Health Building	Expand capacity for behavioral health services and programs	\$79M
Renovations to Existing Hospital Buildings	Expand ITA Court, Gamma Knife renovations; renovate labs, Public Health TB, STD, MEO	\$178M
Harborview Hall	Create space for 150 respite beds including seismic upgrades	\$108M
Center Tower	Seismic upgrades for safety and modify space	\$248M
Pioneer Square Clinic	Seismic upgrades for safety and improve clinic space	\$20M
East Clinic	Demolish building	\$9M
Site Improvements/ Other Costs	Site preparation; plant infrastructure: 1% for Arts; project labor agreement; project management	\$146M

**Estimated Costs, Subject to Modification*

Total \$1.74 B*

THE RISKS: Ultimately, care will be impacted if voters reject this bond. Today, Harborview is operating at nearly 100% of capacity. On any given pre-COVID-day, day up to 50 (12 percent) beds are unusable due to the need for patient isolation procedures; COVID-19 has emphasized the need for Harborview to modernize the infrastructure to support responding to COVID-19 and future infectious diseases. Older buildings on the campus need to be seismically stabilized as a life-safety measure. As the region grows, the medical center must expand to serve the growing population and their complexities.

ABOUT THE CAMPAIGN

Per the Washington State Constitution, the bond measure must pass with 60 percent of the vote in an election with a minimum turnout of 40 percent of the voters in the last general election.

In a high turnout presidential year, we anticipate a vote goal of over 690,000 votes.

We must raise sufficient resources to reach voters through targeted direct mail and digital outreach. **Please support the campaign today by donating at HarborviewProp1.com**

ABOUT HARBORVIEW

Harborview is a 413-licensed bed hospital owned by King County and operated by UW Medicine. Harborview employs approximately 5,400 people.

HMC adheres to a core mission to care for “the non-English speaking poor; the uninsured or underinsured, victims of domestic violence or sexual assault; people incarcerated in King County’s jails; people with mental illness or substance abuse problems, particularly those treated involuntarily; people with sexually transmitted diseases; and those who require specialized emergency, trauma or burn care”.