



City Council Meeting
October 2, 2017 - 7:00 PM
Auburn City Hall
AGENDA

[Watch the meeting LIVE!](#)

[Watch the meeting video](#)

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

I. CALL TO ORDER

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

II. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

- A. Domestic Violence Awareness and Prevention Month
Mayor Backus to proclaim October 2017 as "Domestic Violence Awareness and Prevention Month" in the city of Auburn
- B. National Cyber Security Awareness Month
Mayor Backus to proclaim October 2017 as "National Cyber Security Awareness Month" in the city of Auburn

III. APPOINTMENTS

- A. Auburn Tourism Board
City Council to confirm Ting Phonsanam to the Auburn Tourism Board, to fill an unexpired term, ending December 31, 2019.
- B. Lodging Tax Advisory Board Appointment
City Council to confirm the appointment of Christian Faltenberger to the Lodging Tax Advisory Board, to fill an unexpired term, ending December 31, 2019.

IV. AGENDA MODIFICATIONS

V. CITIZEN INPUT, PUBLIC HEARINGS & CORRESPONDENCE

- A. **Public Hearings**
No public hearing is scheduled for this evening.
- B. **Audience Participation**
This is the place on the agenda where the public is invited to speak to the City Council on any issue. Those wishing to speak are reminded to sign in on the form provided.
- C. **Correspondence**
There is no correspondence for Council review.

VI.

COUNCIL AD HOC COMMITTEE REPORTS

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

VII. CONSENT AGENDA

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

- A. **Minutes of the March 28, 2016, April 11, 2016 and May 9, 2016 Study Session***
- B. **Minutes of the September 18, 2017 Regular Meeting***
- C. **Claims Vouchers (Coleman)**
Claims vouchers 445854 through 446016 in the amount of \$1,556,784.79 and two wire transfers in the amount of \$619,968.70 and dated October 2, 2017.
- D. **Payroll Vouchers (Coleman)**
Payroll check numbers 537523 through 537544 in the amount of \$425,310.01, electronic deposit transmissions in the amount of \$1,881,743.95 for a grand total of \$2,307,053.96 for the period covering September 14, 2017 to September 27, 2017.

VIII. UNFINISHED BUSINESS

IX. NEW BUSINESS

X. RESOLUTIONS

- A. **Resolution No. 5314* (Hinman)**
A Resolution of the City Council of the City of Auburn, Washington, stating its intent to update and modify the provisions governing the Auburn Business Improvement Area, including the exemptions to the special assessment and setting a public hearing therefor
- B. **Resolution No. 5316* (Hinman)**
A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to execute an interlocal agreement between the City of Auburn and the Cities of Federal Way and Kent for mutual aid during emergencies
- C. **Resolution No. 5318* (Snyder)**
A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to accept federal grant funds to be administered through the Washington State Department of Transportation for the South 277th Street Preservation Project

XI. MAYOR AND COUNCILMEMBER REPORTS

At this time the Mayor and City Council may report on their significant City-related activities since the last regular Council meeting.

- A. **From the Council**

B. From the Mayor

XII. ADJOURNMENT

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

*Denotes attachments included in the agenda packet.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the March 28, 2016, April 11, 2016 and May 9, 2016 Study Session

Date:

September 19, 2017

Department:

Administration

Attachments:

[03-28-2017 Study Session Minutes](#)

[04-11-2016 Study Session Minutes](#)

[05-09-2016 Study Session Minutes](#)

Budget Impact:

\$0

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

Meeting Date: October 2, 2017

Item Number: CA.A



City Council Study Session
March 28, 2016 - 5:30 PM
Auburn City Hall
MINUTES

I. CALL TO ORDER

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

A. Roll Call

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

Department directors and staff members present included: City Attorney Daniel B. Heid, Assistant Police Chief William Pierson, Patrol Officer Jason Blake, Community Development and Public Works Director Kevin Snyder, Assistant Director of Engineering Services/City Engineer Ingrid Gaub, Assistant Public Works Director Randy Bailey, Assistant Community Development Director Jeff Tate, Code Compliance Office Chris Barack, Code Compliance Officer Jason Arbogast, Code Compliance Officer Tami Kapule, Director of Administration Dana Hinman, Human Services Manager Erica Azcueta, Human Services Program Coordinator Emily Pearson, Council Administrative Assistant Antoinette Manthey, Innovation and Technology Assistant Director Ashley Riggs, Parks, Arts and Recreation Director Daryl Faber, Director of Human Resources and Risk Management Rob Roscoe and Deputy City Clerk Shawn Campbell.

II. Announcements, Reports, and Presentations

A. Giving Campaign Donation

Deputy Mayor Wales introduced Lynn Norman on behalf of Pediatric Interim Care Center. Ms. Norman thanked the employees from the City of Auburn for their donation to the Pediatric Interim Care Center. The Employee Giving Campaign donated half of the funds raised from the Giving Campaign to the Pediatric Interim Care Center.

B. Presentation on Proposed South County Recycling and Transfer Station (20 Minute Presentation/20Minute Q&A) (Snyder)

Kevin Kiernan, Assistant Division Director for King County Solid Waste presented to Council on the proposed King County Recycling and Transfer station planned to replace the Algona Transfer Station. He reviewed the need for a new transfer station; including issues like insufficient queuing space, insufficient capacity, lack of space for recycling and the lack of ability to compact waste. He explained the benefits of a new recycling and transfer station such as shorter wait times, having an enclosed facility that will minimize impacts to the neighborhood, including recycling services, more capacity and improved operational efficiency.

The County has a six step site selection process that involves potential site identification, a broad area screening, a focused screening, comparative evaluations, a SEPA and an Environmental Impact Study (EIS).

King County has narrowed site selection to two sites and an alternative. The current site, (alternative one) at 901 C Street SW, Auburn and (alternative two) located at 35101 West Valley Hwy S, Algona. He reviewed the findings and concerns for each site. King County is responding to the comments received for each site and will issue the final EIS in October 2016 and a final siting decision in late 2016. There will be additional opportunities for public input during permit and design phases.

Council questioned the impact on traffic in the area of the proposed sites. Mr. Kiernan stated King County will provide traffic mitigation for each site.

Councilmember Trout-Manuel asked how the site would be affected by the Boeing plume. Director Snyder explained each site would need to be investigated additionally for the Boeing plume.

Councilmember Pelosa stated he prefers alternative two. The site in Auburn has traffic congestion concerns, a hotel, and a government facility near the site.

Councilmember Wagner stated that the EIS does not give consideration to economic impact. Mr. Kiernan stated King County will do separate study for economic impact.

- C. Junior City Council National League of Cities Presentation (20 Minute Presentation/10 Minute Q&A) (Deputy Mayor Wales) Presentation from the Junior City Council on their recent trip to Washington, D.C.

Junior City Council Chair Sydney Campbell, Junior City Councilmember Brandon Berend and Junior City Councilmember Tyler Cushing presented Council with a report from their trip to the

National League of Cities Conference in Washington D.C.

Chair Campbell thanked the Mayor and Council for the opportunity to attend the National League of Cities Conference. She explained the group joined a mock caucus and attended many workshops and events where they gathered ideas to bring back to the City of Auburn's Junior City Council.

Member Berend stated they spoke about various topics that impact their communities. There were many networking opportunities for the group to share and gather information.

Member Cushing stated there was a large emphasis on bonding and allowing growth within your Junior City Council. He found the experience very beneficial and thanked the Mayor and Council for the opportunity.

Deputy Mayor Wales expressed her appreciation to both the Junior City Council and the City Council on working together.

Councilmember DaCorsi asked the Junior City Council what the Council can do to improve the City of Auburn.

Chair Campbell explained during the caucus the group developed a list of four issues that are currently a concern in the City of Auburn. The Junior City Council will vote on which issues they would like to address at their next meeting and report back to the Council with the results.

Councilmember Wagner explained that things move slowly in government. He asked the Junior City Council if while they were in Washington D.C. they got an understanding as to why government action is slow. Member Cushing stated he has been a Paige at the Washington State Legislature and while he was in Washington D.C, they talked about how items have to go through many committees and areas helping everyone to understand why items take so long to get through the process.

Councilmember DaCorsi asked what were the large concerns they heard while interacting with other Junior City Councils. Chair Campbell stated she spoke with one Junior Council that had a problem with youth getting in trouble. They worked with the community and found alternative activities for the kids.

III. AGENDA MODIFICATIONS

There was no modification to the agenda.

IV. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Ordinance No. 6594 (5 Minute Presentation/10 Minute Q&A)
(Hinman)

An Ordinance of the City Council of the City of Auburn, Washington, amending Sections 2.07.040, 2.07.050, 2.07.060, 2.07.070, 2.07.080 of the Auburn City Code relating to the composition of the Auburn Junior City Council

Junior City Council Chair Campbell explained the proposed Ordinance has been reviewed by the Mayor, the Legal Department and the members of the Junior City Council. The Ordinance would allow for 18 members of the Junior City Council, two from each school with 9 voting members and 9 alternates.

Councilmember Pelosa asked if other Junior City Councils allow for alternates. Member Cushing stated other Junior City Councils do utilize alternate members.

Councilmember Wagner stated he agrees with having alternates. He asked if there is a problem getting a quorum. Chair Campbell stated the current ordinance states there has to be five of the nine members to have a quorum. She explained there is currently only 4 official Junior City Council members.

B. Gangs & Graffiti Presentation (15 Minute Presentation/15 Minute Q&A) (Snyder & Lee)

Police Officer Blake defined what a gang is and the 13 different criteria that are necessary to have someone designated as a gang member. He highlighted two areas that are of concern for the Police Department; that the subject participates in gang activities and a subject targets a rival gang member. There are gangs in Auburn and there are also residents of Auburn who are gang members of gangs in the surrounding area. Officer Blake stated it is not illegal to be a member of a gang. The crimes committed on behalf of the gang are illegal. The State of Washington has adopted gang enhancements in sentencing for crimes committed for gang crimes.

Officer Blake noted there is a difference between a tagger and gang graffiti. The Police Department focuses more on gang graffiti and leaves the tagging to Code Enforcement. The Police Department documents all graffiti. He explained it is important for quick removal, arrests and prosecution if possible and education and enforcement in the community.

Code Enforcement Officer Barack explained that the City takes graffiti very seriously and they take care of it quickly. This helps to keep it from happening more frequently. If the graffiti is on a private party's property the City provides the resident with a paint voucher that helps the property owner cover the cost of paint and cleaning

supplies. Code Enforcement Officer Barack reviewed the various options the City has to help clean up graffiti.

Assistant Director Bailey explained the City sends staff to take care of graffiti on City property as soon as possible.

Councilmember Pelosa asked how many gangs are in the Auburn School District. Officer Blake stated there are at least five different gangs in Auburn.

Councilmember Baggett asked if the Police substation on Lea Hill will help reduce gang activity in the Lea Hill area. Officer Blake stated any additional police presence helps.

C. Community Development Block Grant (CDBG) Funding (15 Minute Presentation/15 Minute Q&A) (Hinman)
City of Auburn's Community Development Block Grant (CDBG) Funding

Human Service Manager Azcueta and Human Services Program Coordinator Pearson presented Council with a presentation on the Community Development Block Grant (CDBG) funding.

Manager Azcueta explained the City currently receives approximately \$519,000.00 in CDBG funding. These funds are used for neighborhood revitalization, economic development project and direct services, acquisition of property, and rehabilitation of property. The funds must benefit residents that are designated low income set by King County standards. The funds for public service must remain below 15% of the total grant amount.

Councilmember Pelosa asked if the facility for the Ukrainian Outreach Center has a facility in Auburn. Manager Azcueta stated they do not have a facility in Auburn, but they must prove they are providing the services to Auburn residents.

Deputy Mayor Wales expressed her concern that the City is supposed to spend \$500,000 on low income and 20% of those funds are allocated to administration and program management. She stated those costs should be absorbed by the City and CDBG funds should go directly to the low income residents. Manager Azcueta explained those guidelines are set by HUD.

Deputy Mayor Wales stated she would like to see larger projects with more impact in the community. Manager Azcueta stated these funds are for CDBG funds. Staff is currently reevaluating the way General Fund Human Service dollars are being allocated.

Councilmember Holman stated the HUD guidelines want larger

projects that are measurable. He requested an explanation of funds that were not spent. Manager Azcueta listed the various ways a jurisdiction will have funds from a previous year.

Councilmember Trout-Manuel stated she would like funds spent on larger projects that have more impact.

Council questioned various projects and how the grant recipients spent the funds for residents of Auburn.

D. Resoluitioun No. 5217 (5 Minute Presentation/25 Minute Q&A)
(Heid)

A Resolution of the City Council of the City of Auburn, Washington, amending the City Council Rules of Procedure as adopted by Ordinance No. 5802 and amended by Resolution Nos. 4282, 4429, 4467, 4615, 4686, 4740, 4813, 4909, 5105, 5112 and 5115

City Attorney Heid presented Council with Resolution No. 5217 regarding the first and second reading of ordinances and Council's involvement in Council Committees and Boards.

City Attorney Heid noted the first and second reading of ordinances is not required by law. The City Council just needs to have an opportunity to discuss the topic in depth. The Council Liaison positions cause concern because it is important for the whole Council to have the opportunity to get the same information at the same time.

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V. **ADJOURNMENT**

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

APPROVED THIS _____ DAY OF _____, 2017.

LARGO WALES, DEPUTY MAYOR Shawn Campbell, Deputy City Clerk.



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Department directors and staff members present included: City Attorney Daniel B. Heid, Assistant City Attorney Jessica Leiser, Human Resources and Risk Management Director Rob Roscoe, Police Chief Bob Lee, Community Development and Public Works Director Kevin Snyder, Assistant Director of Community Development Services Jeff Tate, Development Services Manager Jason Krum, Lead Permit Center Technician April Shrader, Permit Center Technician Tiffany Anderson Barnes, Permit Center Technician Stephanie Vondrak, Director of Administration Dana Hinman, Innovation and Technology Director Paul Haugan, Parks, Arts and Recreation Director Daryl Faber, and Deputy City Clerk Shawn Campbell.

At this time, the meeting recessed to executive session. See "Executive Session" below for more information.

II. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Permit Center Presentation (20 Minute Presentation/10 Minute Q&A) (Snyder)

Development Services Manager Krum, Lead Permit Technician April Shrader, Permit Technician Tiffany Anderson Barnes and Permit Technician Stephanie Vandrak presented information on the Permit Center. They reviewed the process an applicant would go through to submit the various kinds of permits and the process to have it approved. Lead Permit Technician Shrader reviewed the role and responsibilities of a permit technician including certification through the International Code Council, providing general building and related code information, determining what permits are required for

the project, provide guidance in filling out various applications and forms, helping the applicant understand the process and to verify accuracy and completeness of application.

Councilmember DaCorsi asked the average turn around time between the submittal to issuance of a permit. Development Services Manager Krum stated the average is two weeks.

Councilmember DaCorsi asked how the City of Auburn compares to other jurisdictions regarding fees. Development Services Manager Krum stated the City of Auburn ranked in the middle overall in a recent survey.

Councilmember Wagner asked about department review of processes to make the process more lean. Development Services Manager Krum explained they reviewed the process from start to finish and if a step was not legally required, the step was removed.

Councilmember Trout-Manual asked if each project is required to have engineered plans. Development Services Manager Krum explained that it would depend on the scope of the project.

Councilmember DaCorsi asked if the inspectors are involved in the initial review. Development Services Manager Krum stated the inspectors receive the completed plans. Councilmember DaCorsi stated that there would be a benefit from having the inspectors involved from the beginning. Development Services Manager Krum stated the plans examiner and building inspectors work closely together.

B. Small Annexations (10 Minute Presentation/10 Minute Q&A)
(Snyder)

Director Snyder and Assistant Director Tate provided Council with a presentation on various annexation types and options.

Director Snyder explained there are areas that have Auburn addresses that are not within the city limits of Auburn in both King and Pierce Counties. There is also one location within the borders of the City of Kent.

Director Snyder stated the City has three potential annexation areas, the North PAA (Potential Annexation Area), the South PAA and the Pierce County PAA. The City also has one potential annexation/de-annexation area in the City of Kent.

Director Snyder explained there are different legal requirements for each area. The North Auburn PAA consists of 24 separate parcels,

17.96 acres, King County zoning R4 with a total appraised value just over \$4 million. The South PAA consists of 55 parcels, 16.4 acres, King County zoning R4, with a total appraised value \$8.9 million. The Pierce County PAA consist of 73 parcels, 156 acres of single family residential, with a total appraised value of \$20.7 million.

Director Snyder explained there is property in the City of Kent and the City of Auburn that belong to the neighboring jurisdiction. The Cities could do an annexation/de-annexation process for both properties.

Deputy Mayor Wales asked about the benefits for these citizens if they are annexed into the City. Director Snyder explained it is subjective, the residents receive a higher level of service and some special assessments do not apply because they are within the city.

C. Council Retreat Goals (5 Minute Presentation/10 Minute Q&A) (Haugan)

Director Haugan provided Council with an update on the Council plan to increase internet access to achieve digital parity by a % by 2020.

Director Haugan reviewed the key driving components and the progress in the first phase; in March of 2016 engineering plans and technology determination are complete, in April of 2016 the detailed location planning is underway and proof of concept location has been defined, by May of 2016 project scope development will be underway and in June of 2016 installation will begin.

There are also other projects underway in the City. Currently IT is working on the infrastructure for an implementation project to go across the river to the Golf Course and an implementation plan for a fiber network at the airport by June of 2016. The City is also working to expand the wireless network.

Councilmember Pelosa asked why a residential area was chosen before downtown. Director Haugan stated it was not chosen before downtown, this is the area where low income students reside that may not have access to the internet.

III. EXECUTIVE SESSION

At 5:32 p.m. immediately following the call to order and roll call, Deputy Mayor Wales recessed the meeting to executive session for approximately 10 minutes in order to discuss pending litigation pursuant to RCW 42.30.110(1)(i). City Attorney Heid, Human Resources and Risk Management Director Roscoe, and Assistant City Attorney Jessica Leiser attended the executive session. It was indicated no final action

would follow the executive session. The executive session was extended for 5 minutes at 5:42 and again at 5:48. The meeting resumed at 5:53 p.m.

IV. ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 7:43 p.m.

APPROVED THIS _____ DAY OF _____, 2017.

Largo Wales, Deputy Mayor
Clerk.

Shawn Campbell, Deputy City



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the September 18, 2017 Regular Meeting

Date:

September 19, 2017

Department:

Administration

Attachments:

[Minutes](#)

Budget Impact:

\$0

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

Meeting Date: October 2, 2017

Item Number: CA.B



CITY COUNCIL MEETING MINUTES

September 18, 2017 7:00 PM

I. CALL TO ORDER

A. Pledge of Allegiance

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

B. Roll Call

City Councilmembers present: Deputy Mayor Largo Wales, Bob Baggett, Claude DaCorsi, John Holman, Bill Peloza, and Yolanda Trout-Manuel. Councilmember Rich Wagner arrived at 7:02 p.m.

Mayor Nancy Backus was in attendance, and the following department directors and staff members were present: Finance Director Shelley Coleman, City Attorney Daniel B. Heid, Police Commander Dave Colglazier, Innovation and Technology Director Paul Haugan, Assistant Director of Engineering Services/City Engineer Ingrid Gaub, Community Development and Public Works Director Kevin Snyder, Parks, Arts and Recreation Director Daryl Faber, and City Clerk Danielle Daskam.

II. ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS

There was no announcement, proclamation or presentation.

III. APPOINTMENTS

There was no appointment for Council consideration.

IV. AGENDA MODIFICATIONS

There was no change to the agenda.

V. CITIZEN INPUT, PUBLIC HEARINGS & CORRESPONDENCE

A. Public Hearings

No public hearing was scheduled for this evening.

B. Audience Participation

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

Liz Miller, 5121 Nathan Loop SE, Auburn

Ms. Miller implored the City Council to contribute funding to the Allenmore Behavioral Health Hospital. Ms. Miller noted September is Suicide Prevention Month as well as Addiction Recovery Month. She stated that in 2017, the Auburn Police Department expects to involuntarily commit approximately 600 individuals. Additionally, the Department of Health has determined that the most at risk for mental health crises in the State of Washington are in the 98002 zip code in Auburn. She stated the national standard for the number of mental health beds is 26 behavioral beds per 100,000 citizens. South King County and Pierce County have an average of 2.8 beds per 100,000 citizens. Ms. Miller urged the City Council to make mental health a priority and to commit resources to the Allenmore Behavioral Health Hospital.

Bob Zimmerman, 33029 46th Place South, Auburn

Mr. Zimmerman stated his residence is adjacent to a concrete wall which has a 1,000 gallon propane tank on the far side of it. Mr. Zimmerman stated the tank is not safety strapped for earthquakes. He expressed concern regarding the lack of propane tank standards and regulations. Mr. Zimmerman urged the City to adopt a code to regulate propane tanks and allow the Valley Regional Fire Authority to enforce the regulations.

C. Correspondence

There was no correspondence for Council review.

VI. COUNCIL AD HOC COMMITTEE REPORTS

Councilmember Baggett, chair of the Finance ad hoc committee that reviews claims and payroll vouchers, reported he and Councilmember Wagner reviewed the payroll vouchers and electronic deposits in the approximate amount of \$2.1 million and claims vouchers and wire transfers in the amount of approximately \$7.7 million for the periods August 31, 2017 to September 13, 2017 and September 18, 2017, respectively. The ad hoc committee recommends approval of the claims and payroll vouchers as described on the Consent Agenda.

VII. CONSENT AGENDA

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

A. Minutes of the February 29, 2016 and March 14, 2016, Study Session Meetings**B. Minutes of the September 5, 2017 Regular City Council Meeting****C. Claims Vouchers**

Claims voucher numbers 445670 through 445853 in the amount of \$6,672,358.48 and four wire transfers in the amount of \$1,036,028.60 and dated September 18, 2017.

D. Payroll Vouchers

Payroll check numbers 537502 through 537522 in the amount of \$546,843.18 and electronic deposit transmissions in the amount of \$1,593,679.85 for a grand total of \$2,140,523.03 for the period covering August 31, 2017 to September 13, 2017.

E. Public Works Project No. CP1218

City Council approve Changer No. 1 in the amount of \$374,393.48 to Contract No. 16-20 for work on Project No. CP1218, Auburn Way South Corridor Safety Improvements (Muckleshoot Plaza to Dogwood Street SE) Project

F. Public Works Project No. CP1406

City Council to grant permission to advertise for bids for Project No. CP1406, Main Street Signal Upgrades.

G. Public Works Project No. CP1523

City Council approve Change Order No. 1 in the amount of \$39,500.00 to Contract No. 17-05 for work on Project No. CP1523, Lake Tapps Parkway Preservation project.

Deputy Mayor Wales moved and Councilmember Peloza seconded to approve the Consent Agenda.

Councilmember Peloza questioned the amount of the change order for Project No. CP1218 and whether the Muckleshoot Tribe has contributed to the project.

Assistant Director of Engineering Services/City Engineer Gaub stated the Change Order is in the amount of \$374,393.48. The agenda bill explains that \$199,238.00 is needed to fund this change order but does not require a budget amendment because the funds are available from other budgeted projects in 2017 that are completed and have remaining budget or are not being completed this year.

Assistant Director Gaub stated the project has been in progress for approximately three to four years and has been discussed numerous times with the Tribe. The Tribe is not partnering with the City on this particular project, but are making improvements in the casino property to accommodate the additional turn movements at Riverwalk Drive. Assistant Director Gaub stated the project is funded through a federal transportation safety grant and improves the safety along the corridor for residents and commuters. Mayor Backus also added that the Muckleshoot Indian Tribe contributed to Phase 1 of the Auburn Way South Corridor Safety Improvements completed last year.

Councilmember Wagner pointed out the Tribe is seeing some negative impacts from Project CP 1218, including the removal of left turns from their property.

MOTION CARRIED UNANIMOUSLY. 7-0

VIII. UNFINISHED BUSINESS

There was no unfinished business.

IX. NEW BUSINESS

There was no new business.

X. RESOLUTIONS

A. Resolution No. 5297

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to execute the Flood Protection Easement for White River properties

Deputy Mayor Wales moved and Councilmember DaCorsi seconded to adopt Resolution No. 5297.

Resolution No. 5297 was reviewed at the Council's last study session.

MOTION CARRIED UNANIMOUSLY. 7-0

B. Resolution No. 5315

A Resolution of the City Council of the City of Auburn, Washington, adopting and supporting the Auburn Pioneer Cemetery Master Plan

Councilmember Holman moved and Councilmember Baggett seconded to adopt Resolution No. 5315.

The resolution was reviewed at the August 28, 2017 Study Session.

MOTION CARRIED UNANIMOUSLY. 7-0

XI. MAYOR AND COUNCILMEMBER REPORTS

A. From the Council

Deputy Mayor Wales announced she is a member of the South King County Health Foundation. The Foundation is seeking contributions for remodeling the Auburn MultiCare and Covington MultiCare Hospitals.

Councilmember Pelosa reported on his attendance at the Regional Policy Committee meeting where members received a briefing on King County's Best Start for Kids initiative to improve health and well-being of King County residents. The levy to support Best Start for Kids was approved in 2015 and will run for six years. The levy amount is \$0.14 per \$1,000 assessed valuation. The funding is allocated as follows for the term of the levy: \$190 million to new birth to five years of age; \$129 million for five years of age to twenty-four years old; \$37 million for communities of opportunity; and \$44 million for other projects. Councilmember Pelosa also reported the Policy Committee discussed Cedar Hills Landfill. Councilmember Pelosa reported that through recycling efforts, the projected the life of the landfill has been extended to the year 2030.

Councilmember Trout-Manuel reported on her attendance at the ninth annual Domestic Violence Symposium in Seattle, the grand opening of a Delta Airlines sponsored Habitat for Humanity home in Pacific for a veteran's family, and the City of Auburn employee luncheon at the Community Center.

Councilmember Baggett reported on his attendance at two sessions of the Emergency Management Advisory Committee that included a capabilities assessment workshop and discussion of mass care, training and exercise, community outreach, and resource management. The Committee reports to the King County Council. Councilmember Baggett complimented the volunteers who serve as part of emergency management or emergency response teams.

Councilmember Holman thanked Liz Miller for her statistical presentation relating to mental health and the Allenmore Behavioral Health Hospital under audience presentation. Councilmember Holman also thanked Councilmember Pelosa for the solid waste information he has shared with the Council over the years.

Councilmember Wagner reported on his attendance at the Puget Sound Regional Council Transportation Policy Board meeting. The Board discussed the re-designation of "centers". Within the four county region covered by PSRC, certain areas are designated as regional growth centers including manufacturing/industrial centers. Designation as a "center" determines prioritization for transportation funding. Councilmember Wagner suggested a future study session include discussion of the designation of a manufacturing/industrial center in the city of Auburn. Councilmember Wagner reported the Board also discussed transportation funding through the year 2040. According to the state transportation planners, families will be paying an average of \$900.00 in taxes annually for transportation by the year 2030. Councilmember Wagner commented on the annual City of Auburn employee luncheon and stated he was happy that the City could finally hold the event in one of its own facilities, the community center.

Councilmember DaCorsi reported he will be absent from the October 2nd Council meeting due to his attendance at the annual Housing Washington Conference in Spokane. Councilmember DaCorsi reported he and Councilmember Wagner, as the Council's public works focus group, met with Director Snyder, Assistant Director Gaub and Assistant Director Tate today to review topics for upcoming study sessions.

B. From the Mayor

Mayor Backus reported on her attendance at the monthly coffee hour at Merrill Gardens and a visit to the Danner Corporation on Oravetz Road, including Little Jack's Corner Day Care at the same

location. Mayor Backus reported the Auburn area Sikh community at Gurudwara Sacha Marg Sahib is sending trucks of supplies to help those affected by Hurricane Harvey in Houston. Mayor Backus also reported on her attendance at the first meeting of the Civics Academy, the King County All Home Coordinating Board meeting; the City of Auburn employee luncheon, and the Mexican Independence Day festival. Mayor Backus also attended the Avery Huffman bench dedication ceremony. Avery Huffman, a seven year old Auburn resident, passed away last year from Diffuse Intrinsic Pontine Glioma (DIPG), an aggressive brain cancer.

XII. ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 7:53 p.m.

APPROVED THE _____ DAY OF OCTOBER, 2017.

NANCY BACKUS, MAYOR

Danielle Daskam, City Clerk

City Council agendas and minutes are available to the public at the City Clerk's Office, on the City website, and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.

Internet: <http://www.auburnwa.gov>



AGENDA BILL APPROVAL FORM

Agenda Subject:

Claims Vouchers

Date:

September 26, 2017

Department:

Administration

Attachments:

No Attachments Available

Budget Impact:

\$0

Administrative Recommendation:

Approve Claims Vouchers

Background Summary:

Claims vouchers 445854 through 446016 in the amount of \$1,556,784.79 and two wire transfers in the amount of \$619,968.70 and dated October 2, 2017.

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

Coleman

Meeting Date: October 2, 2017

Item Number: CA.C



AGENDA BILL APPROVAL FORM

Agenda Subject:

Payroll Vouchers

Date:

September 26, 2017

Department:

Administration

Attachments:

No Attachments Available

Budget Impact:

\$0

Administrative Recommendation:

Approve payroll vouchers

Background Summary:

Payroll check numbers 537523 through 537544 in the amount of \$425,310.01, electronic deposit transmissions in the amount of \$1,881,743.95 for a grand total of \$2,307,053.96 for the period covering September 14, 2017 to September 27, 2017.

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

Coleman

Meeting Date: October 2, 2017

Item Number: CA.D



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5314

Date:

September 26, 2017

Department:

Administration

Attachments:

[Res 5314](#)

Budget Impact:

\$0

Administrative Recommendation:

(RECOMMENDED ACTION: City Council adopt Resolution No. 5314.)

Background Summary:

Resolution No. 5314 sets the date of the public hearing for Ordinance No. 6658 for modification to the City's BIA special assessment for October 16, 2017, at 7:00 pm. In 1988 the City Council established a Business Improvement Area (BIA) for downtown Auburn. The purpose of the BIA is to generate economic activity by, among other things, providing security for public spaces and sponsoring public events in the downtown area. To accomplish these purposes, a special assessment is levied against businesses in the BIA. The 1988 Ordinance also created exemptions from the special assessments. Since that time, the Ordinance and its exemptions, have become outdated; resulting in years of inactivity. Recently, business owners in the downtown area have begun efforts to revitalize the BIA. To that end, modifications of the provisions of the BIA are needed. The proposed Ordinance No. 6658 would create a Chapter within the City Code for the BIA and modify the exemptions to the BIA special assessment. Revised Code of Washington 35.87A.140 requires a public hearing for any modification. This Resolution will set a public hearing for consideration of Ordinance No. 6658 to update BIA provisions, including the exemptions to the special assessment.

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

Hinman

Meeting Date: October 2, 2017

Item Number: RES.A

RESOLUTION NO. 5314

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, STATING ITS INTENT TO UPDATE AND MODIFY THE PROVISIONS GOVERNING THE AUBURN BUSINESS IMPROVEMENT AREA, INCLUDING THE EXEMPTIONS TO THE SPECIAL ASSESSMENT AND SETTING A PUBLIC HEARING THEREFOR.

WHEREAS, the Auburn City Council adopted Ordinance No. 4293 in 1988, after publishing notice of the Council's intent in Resolution 1866 and holding a public hearing on July 5, 1988; and

WHEREAS, Ordinance No. 4293 established a Business Improvement Area (BIA), and levied special assessments on certain businesses within the geographic boundary of the BIA; and

WHEREAS, Ordinance No. 4293 established a Committee of Rate Payers, made up of representatives of businesses within the geographic boundary of the BIA, for the purpose of developing recommendations to the City Council for the use of funds generated by the special assessment; and

WHEREAS, the City Council modified Ordinance No. 4293 in 2007, upon the recommendation of the Committee of Rate Payers, through Ordinance No. 6097, to make the rate of special assessment uniform amongst all assessed businesses; and

WHEREAS, the Committee of Rate Payers has reviewed the status of the BIA and recommended certain modifications to better facilitate economic development within downtown Auburn, including the modification of existing

exemptions to the special assessments levied within the geographic boundary of the BIA; and

WHEREAS, Revised Code of Washington 35.87A.140 requires the City Council to adopt a resolution of intention to change a BIA special assessment, and hold a public hearing on the matter.

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

Section 1. Statement of Intent to Modify BIA Special Assessment.

That it is the intent of the City Council to modify the exemptions to the BIA special assessment to address itinerant businesses, home occupations, large-scale nonprofit organizations, and nested businesses.

Section 2. Setting for Hearing on Modification of BIA Special Assessment.

That a hearing on the modification of the BIA special assessment is hereby set for 7:00 p.m. on the ____ day of _____, 2017, with all persons wishing to speak to the modification at the public hearing being invited to attend.

Section 3. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 4. Effective date. This Resolution shall take effect and be in force upon passage and signatures thereon.

DATED and SIGNED this ____ day of _____, 2017.

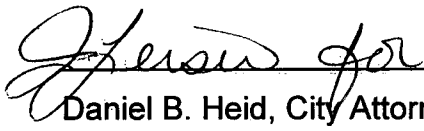
CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:


Daniel B. Heid, City Attorney



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5316

Date:

September 27, 2017

Department:

Administration

Attachments:

[Res 5316 and Agreement](#)

Budget Impact:

\$0

Administrative Recommendation:**Background Summary:**

The agreement was presented to Council in November 2016 and is now ready for approval.

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

Hinman

Meeting Date: October 2, 2017

Item Number: RES.B

RESOLUTION NO. 5 3 1 6

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF AUBURN AND THE CITIES OF FEDERAL WAY AND KENT FOR MUTUAL AID DURING EMERGENCIES.

WHEREAS, each of the cities of Auburn, Kent and Federal Way maintains an emergency operations center (EOC) for use to coordinate each city's response during emergencies or events; and

WHEREAS, an emergency in any of the three cities may render that city's EOC inoperable diminishing the ability of that city to respond to the event; and

WHEREAS, it is important for each city to have an alternate location from which to conduct emergency operations if that city's EOC becomes inoperable ; and

WHEREAS, the cities of Auburn, Kent and Federal Way are willing to provide each other with assistance during an emergency by making their EOC's available to one another if the assisting city will not be using its EOC to respond to the same or another emergency; and

WHEREAS, the cities are authorized by RCW 39.34 and RCW 38.52.091to enter into this agreement; and

WHEREAS, it is in the public interest for the City of Auburn to enter into an agreement to provide an alternate EOC location for responding to a city emergency.

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

Section 1. That the Mayor is hereby authorized to execute an Agreement between the City and the cities of Kent and Federal Way for reciprocal use of each city's

EOC, which agreement shall be in substantial conformity with the agreement attached hereto as Exhibit A and incorporated herein by this reference.

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

Section 3. That this Resolution shall take effect and be in full force upon passage and signatures hereon.

Dated and Signed this _____ day of _____, 2017.

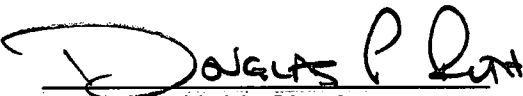
CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

Reciprocal EOC Use Agreement

Between the Cities of

Auburn, Federal Way, Kent

1. **The Parties to this Agreement are The City of Auburn, The City of Kent, and the City of Federal Way**, each of which is a municipal corporation authorized to enter into this agreement pursuant to Chapter 39.34 (Interlocal Cooperation Act) of the Revised Code of Washington.
2. **Statement of need or goals.** All parties recognize the importance for each city to have an Emergency Operations Center (EOC) to coordinate emergency operations during major emergencies or events. Each city has a dedicated EOC, and trained staff to coordinate its efforts as described in each city's Comprehensive Emergency Plan. All parties also recognize that an event or emergency may render the EOC of any, or all, cities inoperable and the parties may need to perform EOC related duties from an alternate location. The purpose of this Agreement is to allow one party to use the EOC of another party, if available for use.
3. **What is included in the Agreement.** Use of the host city's EOC, communications equipment, audio visual equipment and other equipment that generally makes up the EOC.
4. **Radios/phones/computers/room size needed.** While each EOC will have different features, capabilities and equipment, it is the intent of the parties that the features, capabilities and equipment in use in any EOC, included but not limited to electricity, water, internet, cable, restroom(s), telephone(s), computer(s), and radio(s), will be available for use by the requesting city.
5. **When Agreement will be used.** The Agreement may be used when a requesting city's EOC is determined to be unusable during an event that would normally prompt the city to open and operate its EOC. This includes any event that triggers the requesting city's emergency management system. A host city's EOC will only be available if the host city does not anticipate using its EOC during an event.
6. **How to activate.** Upon determination of need by the requesting city's emergency manager or designee, the requesting city's emergency manager or designee will contact the host city's emergency manager, or designee, to request use of the host city's EOC. The request should estimate the level of activation (number of people expected to operate the EOC for the event or incident) and the estimated time the EOC will need to be operational. Any special needs should also be described at the time of the request.
7. **Duration.** The parties agree that effective EOC operations are essential for successful resolution of an incident or event, and once open, the host EOC should be available for at least one operational period. If an activation lasts more than one operational period, the EOC manager shall provide the host city with an updated estimated time the EOC will need to be operational. The requesting city will keep the activation as short of duration as

reasonable. Operational periods vary depending on the event or emergency and frequently last for periods of 4-12 hours.

8. **Support by host city.** The host city will provide a liaison, when possible, to assist with operation of equipment, supplies, and other infrastructure needed to operate the EOC. Once up and operational, the parties will determine if the liaison is required full time, or simply available as needed.
9. **Requesting city responsibilities.** The requesting city shall maintain all equipment in an operational condition and shall not make any changes to computers, radios, hardware or software without the consent of the host city. The requesting city is responsible for the cleanup of any debris and returning the facility to its normal condition.
10. **Recovery of any costs incurred.** The requesting city shall be responsible for any damages, repairs, and personnel costs incurred by the host city as a result of the requesting city's use.
11. **Timing.** The host city will make the EOC available within one hour of approving a request.
12. **Practice/Exercise.** In order to effectively activate this Agreement and use another city's EOC, the parties recognize that training and/or exercises will be beneficial to all parties. The parties agree to host one training session or exercise lasting up to 3 hours in their EOC each year. The timing and duration of the training session or exercise shall be mutually agreed upon by the parties.
13. **Contact information.** Each city will provide contact information for three city individuals authorized to allow a host city to use its EOC on short notice. Contact information shall include name, title, email address, work phone and mobile phone number for each individual and should be updated or confirmed when a listed individual leaves his/her position or on an annual basis.
14. **Reciprocal nature.** The intent of this Agreement is to be reciprocal in nature. Each city acknowledges that it may either act as the host city or the requesting city at any time and that the benefits are roughly equal in nature.
15. **Cancellation of agreement.** Should any party desire to withdraw from this agreement, it shall provide 30 day's written notice to the other parties. In the event that one city withdraws from the agreement, it shall not affect the other parties' agreement.
16. **Insurance.** The requesting city shall be responsible for maintaining, during the term of this Agreement and at its sole cost and expense, the types of insurance coverage, that include a severability of interest provision, as appropriate for the size of the EOC and the host city.
17. **Indemnification.** Indemnification and Defense: Each city agrees to defend, indemnify and hold the other cities, their officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses, or suits, including but not limited to reasonable attorney fees and litigation costs (hereinafter 'claims'), allegedly caused solely by the

negligence or willful misconduct of such city, its agents, affiliated corporations, officers, officials, employees, volunteers, or lower tier subcontractors, (hereinafter tortfeasors), arising out of or in connection with the performance of this Agreement.

If the negligence or willful misconduct of more than one city or its tortfeasors is a cause of such claims then the liability shall be shared between those cities in proportion to the relative degree of negligence or willful misconduct between such cities and such proportion shall apply to the rights of indemnity and defense.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from concurrent negligence of the Cities and their tortfeasors, then each city's liability shall be only to the extent of its negligence.

Solely for the purposes of this indemnification, it is further specifically and expressly understood that the indemnification provided herein constitutes the cities' waiver of immunity under Industrial Insurance, Title 51 RCW, for claims brought by any party or party's employee against another party. Furthermore, in the event of a property loss each city agrees to waive any rights of recovery against each other to the extent the property loss at issue is covered by insurance.

These waivers have been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this agreement.

18. Dispute Resolution

a. Meet and Confer Process

In the event that any party believes another party has breached a term of this Agreement, it may request in writing that the parties meet and confer in good faith for the purpose of attempting to reach a mutually satisfactory resolution of the problem within fifteen (15) days of the date of service of the written request.

b. Notice of Disagreement

A party unsatisfied with the meet and confer process may file a Notice of Disagreement within fifteen (15) days of the meet and confer process by providing written notice to the other party. A party not electing to utilize the meet and confer process may file a Notice of Disagreement at any time by providing written notice to the other party. The Notice of Disagreement shall identify and describe any alleged breach of the Agreement with particularity and shall identify the action required to remedy the breach.

c. Response to Notice of Disagreement

- i.** Within fifteen (15) days of service of a Notice of Disagreement, the recipient shall provide a written response, either denying or admitting the allegations set forth in

the Notice of Disagreement and, if the truth of the allegations is admitted, setting forth in detail the steps it has taken and/or will take to cure the breach.

- ii. Failure to serve a timely response shall entitle the complaining party to proceed immediately to arbitration, or other alternative dispute resolution mechanism mutually agreeable to the parties.

d. Enforcement

Any award in arbitration or mediation held pursuant to Section 18(c) may be enforced by bringing an action in the Superior Court for King County, Washington.

19. Severability. Each provision of this Agreement is intended to be severable, and if any provision hereof is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of this Agreement.

20. Amendment, Assignment & Waiver.

- a. No amendment, modification, or waiver of any condition, provision, or term of this Agreement shall be valid unless it is made in writing, signed by the parties to be bound, and specifies, with particularity, the nature and extent of such amendment, modification, or waiver.
- b. No party to this Agreement shall assign any right or obligation in this Agreement, in whole or in part, without the prior written consent of the other parties, and any such assignment shall not be deemed to release the assignor from any liability or obligation under this Agreement, or to cause any such liability or obligation to be reduced to a secondary liability or obligation.

21. Integration & Binding Effect.

- a. This Agreement, together with any subsequent amendments or addendums, constitutes the entire agreement of the parties and no other understandings, oral or otherwise, regarding this Agreement shall exist or bind any of the parties.
- b. This Agreement shall be binding upon, and the benefits and obligations provided for herein shall inure to and bind, the parties and their respective successors and assigns, provided that this Section shall not be deemed to permit any transfer or assignment otherwise prohibited by this Agreement.
- c. This Agreement is for the exclusive benefit of the parties and it does not create a contractual relationship with, or exist for the benefit of, any third party, including contractors, subcontractors, or their sureties.

22. Choice of Law.

- a. This Agreement and the rights of the parties hereunder shall be governed by the interpreted in accordance with the laws of the State of Washington and venue for any action hereunder shall be in of the county in King County, Washington.
- b. Subject to the limitations set forth in RCW 4.84.330, each party agrees to bear its own costs and attorneys' fees generated by any dispute arising out of this Agreement.

23. Notices, Reports & Correspondence. All notices or communications permitted or required to be given under this Agreement shall be in writing and shall be deemed to have been duly given if delivered in person or deposited in the United States mail, postage prepaid, for mailing by certified mail, return receipt requested, and addressed, if to a party of this Agreement, to the address for the party set forth above.

24. Signature Authority. This Agreement may be executed in 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 WHEREOF, the parties hereto have caused this Agreement to be executed effective the day and year first set forth above.

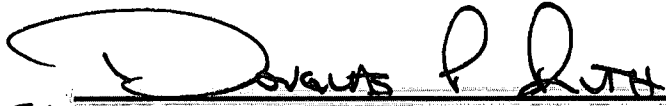
CITY OF AUBURN

Nancy Backus, Mayor

Attest:

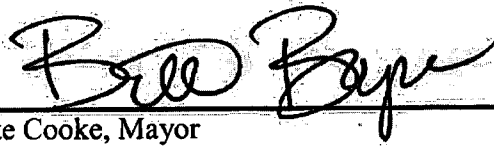
Danielle Daskam, City Clerk

Approved as to form:



DR Daniel B. Heid, City Attorney

CITY OF KENT

for 
Suzette Cooke, Mayor

Attest:

Kim Komoto, City Clerk

Approved as to form:

for 
Tom Brubaker, City Attorney

CITY OF FEDERAL WAY

Jim Ferrell, Mayor

Attest:

Stephanie Courtney, City Clerk

Approved as to form:

J. Ryan Call, City Attorney



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5318

Date:

September 25, 2017

Department:

CD & PW

Attachments:

[Res 5318](#)

[Local Agency Agreement Form \(Exhibit A\)](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council adopt Resolution No. 5318.

Background Summary:

Resolution No. 5318 authorizes the Mayor to accept a federal grant to be administered through the Washington State Department of Transportation (WSDOT).

The City applied for and was awarded the following federal grant with required local funding match percentage as indicated:

- \$662,380.00 to finance the design and construction phases of the South 277th Street Preservation Project (Project). This grant requires a 13.5% local funding match. The Project will rehabilitate and preserve the existing pavement on South S 277th Street between the SR167 North Bound Off Ramp and Auburn Way North by grinding and overlaying the through lanes along the corridor, repairing portions of curb and gutter to address drainage issues, upgrading curb ramps to meet ADA, and installing new traffic loops.

Funding has been made available through the Arterial Preservation Fund in the approved City budget to meet the local funding match requirements of the grant.

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

Snyder

Meeting Date: October 2, 2017

Item Number: RES.C

RESOLUTION NO. 5318

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO ACCEPT FEDERAL GRANT FUNDS TO BE ADMINISTERED THROUGH THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION FOR THE SOUTH 277TH STREET PRESERVATION PROJECT

WHEREAS, the City of Auburn desires to improve safety, capacity, and efficiency of the City's street network throughout its corporate boundaries; and

WHEREAS, the need for each of the improvements listed for the S 277th Street Preservation Project (Project) is recognized in Auburn's adopted Transportation Improvement Program; and

WHEREAS, completing this Project will improve safety, capacity, and efficiency of the City's street network; and

WHEREAS, the City applied for and was awarded the following federal grant to be administered by the Washington State Department of Transportation (WSDOT) with required local funding match percentage as indicated:

- \$662,380.00 to finance the design and construction phases of the Project (13.5% local funding match required);

WHEREAS, funding has been made available in the approved City budget to meet the local funding match requirements for the grant; and

WHEREAS, it is in the best interest of the City to use grant monies to finance capital improvements to the transportation system.

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

Section 1. That the Mayor is hereby authorized to accept the federal grant for which the City has sought federal funding and has been awarded for the South 277th Street Preservation Project. The Mayor is further hereby authorized to negotiate, finalize and execute the Local Agency Agreement between the City and the Washington State Department of Transportation for the design phase of the above identified project, in substantial conformity with grant requirements and the agreement attached hereto, marked as Exhibit A and incorporated herein by this reference. The Mayor is further hereby authorized to negotiate, finalize and execute any further supplemental agreements consistent with project and grant requirements as may be necessary for any and all future phases for the Project, expending up to the total amount of the grant.

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

Section 3. That this Resolution shall take effect and be in full force upon passage and signatures hereon.

Dated and Signed this _____ day of _____, 2017.

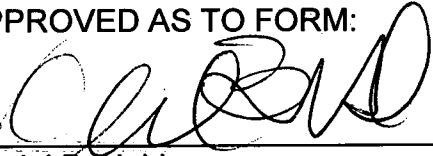
CITY OF AUBURN

NANCY BACKUS
MAYOR

ATTEST:

Danielle E. Daskam,
City Clerk

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read 'Daniel B. Heid', written over a horizontal line.

Daniel B. Heid,
City Attorney



Agency

Address

Local Agency Agreement

CFDA No. 20.205

(Catalog or Federal Domestic Assistance)

Project No.

Agreement No.

For OSC WSDOT Use Only

The Local Agency having complied, or hereby agreeing to comply, with the terms and conditions set forth in (1) Title 23, U.S. Code Highways, (2) the regulations issued pursuant thereto, (3) 2 CFR Part 200, (4) the policies and procedures promulgated by the Washington State Department of Transportation, and (5) the federal aid project agreement entered into between the State and Federal Government, relative to the above project, the Washington State Department of Transportation will authorize the Local Agency to proceed on the project by a separate notification. Federal funds which are to be obligated for the project may not exceed the amount shown herein on line r, column 3, without written authority by the State, subject to the approval of the Federal Highway Administration. All project costs not reimbursed by the Federal Government shall be the responsibility of the Local Agency.

Project Description

Name

Length

Termini

Description of Work

Project Agreement End Date

Proposed Advertisement Date

Claiming Indirect Cost Rate

Yes No

Type of Work	Estimate of Funding		
	(1) Estimated Total Project Funds	(2) Estimated Agency Funds	(3) Estimated Federal Funds
PE			
% a. Agency			
% b. Other			
Federal Aid Participation Ratio for PE c. Other			
d. State			
e. Total PE Cost Estimate (a+b+c+d)			
Right of Way			
% f. Agency			
% g. Other			
Federal Aid Participation Ratio for RW h. Other			
i. State			
j. Total R/W Cost Estimate (f+g+h+i)			
Construction			
% k. Contract			
% l. Other			
m. Other			
Federal Aid Participation Ratio for CN n. Other			
o. Agency			
p. State			
q. Total CN Cost Estimate (k+l+m+n+o+p)			
r. Total Project Cost Estimate (e+j+q)			

Agency Official

By

Title

Washington State Department of Transportation

By

Director, Local Programs

Date Executed

Construction Method of Financing (Check Method Selected)

State Ad and Award

Method A - Advance Payment - Agency Share of total construction cost (based on contract award)

Method B - Withhold from gas tax the Agency's share of total construction coast (line 5, column 2) in the amount of

\$ _____ at \$ _____ per month for _____ months.

Local Force or Local Ad and Award

Method C - Agency cost incurred with partial reimbursement

The Local Agency further stipulates that pursuant to said Title 23, regulations and policies and procedures, and as a condition to payment of hte federal funds obligated, it accepts and will comply with the applicable provisions set forth below. Adopted by official action on

_____, Resolution/Ordinance No. _____.

Provisions

I. Scope of Work

The Agency shall provide all the work, labor, materials, and services necessary to perform the project which is described and set forth in detail in the "Project Description" and "Type of Work."

When the State acts for and on behalf of the Agency, the State shall be deemed an agent of the Agency and shall perform the services described and indicated in "Type of Work" on the face of this agreement, in accordance with plans and specifications as proposed by the Agency and approved by the State and the Federal Highway Administration.

When the State acts for the Agency but is not subject to the right of control by the Agency, the State shall have the right to perform the work subject to the ordinary procedures of the State and Federal Highway Administration.

II. Delegation of Authority

The State is willing to fulfill the responsibilities to the Federal Government by the administration of this project. The Agency agrees that the State shall have the full authority to carry out this administration. The State shall review, process, and approve documents required for federal aid reimbursement in accordance with federal requirements. If the State advertises and awards the contract, the State will further act for the Agency in all matters concerning the project as requested by the Agency. If the Local Agency advertises and awards the project, the State shall review the work to ensure conformity with the approved plans and specifications.

III. Project Administration

Certain types of work and services shall be provided by the State on this project as requested by the Agency and described in the Type of Work above. In addition, the State will furnish qualified personnel for the supervision and inspection of the work in progress. On Local Agency advertised and awarded projects, the supervision and inspection shall be limited to ensuring all work is in conformance with approved plans, specifications, and federal aid requirements. The salary of such engineer or other supervisor and all other salaries and costs incurred by State forces upon the project will be considered a cost thereof. All costs related to this project incurred by employees of the State in the customary manner on highway payrolls and vouchers shall be charged as costs of the project.

IV. Availability of Records

All project records in support of all costs incurred and actual expenditures kept by the Agency are to be maintained in accordance with local government accounting procedures prescribed by the Washington State Auditor's Office, the U.S. Department of Transportation, and the Washington State Department of Transportation. The records shall be open to inspection by the State and Federal Government at all reasonable times and shall be retained and made available for such inspection for a period of not less than three years from the final payment of any federal aid funds to the Agency. Copies of said records shall be furnished to the State and/or Federal Government upon request.

V. Compliance with Provisions

The Agency shall not incur any federal aid participation costs on any classification of work on this project until authorized in writing by the State for each classification. The classifications of work for projects are:

1. Preliminary engineering.
2. Right of way acquisition.
3. Project construction.

Once written authorization is given, the Agency agrees to show continuous progress through monthly billings. Failure to show continuous progress may result the Agency's project becoming inactive, as described in 23 CFR 630, and subject to de-obligation of federal aid funds and/or agreement closure.

If right of way acquisition, or actual construction of the road for which preliminary engineering is undertaken is not started by the close of the tenth fiscal year following the fiscal year in which preliminary engineering phase was authorized, the Agency will repay to the State the sum or sums of federal funds paid to the Agency under the terms of this agreement (see Section IX).

If actual construction of the road for which right of way has been purchased is not started by the close of the tenth fiscal year following the fiscal year in which the right of way phase was authorized, the Agency will repay to the State the sum or sums of federal funds paid to the Agency under the terms of this agreement (see Section IX).

The Agency agrees that all stages of construction necessary to provide the initially planned complete facility within the limits of this project will conform to at least the minimum values set by approved statewide design standards applicable to this class of highways, even though such additional work is financed without federal aid participation.

The Agency agrees that on federal aid highway construction projects, the current federal aid regulations which apply to liquidated damages relative to the basis of federal participation in the project cost shall be applicable in the event the contractor fails to complete the contract within the contract time.

VI. Payment and Partial Reimbursement

The total cost of the project, including all review and engineering costs and other expenses of the State, is to be paid by the Agency and by the Federal Government. Federal funding shall be in accordance with the Federal Transportation Act, as amended, 2 CFR Part 200. The State shall not be ultimately responsible for any of the costs of the project. The Agency shall be ultimately responsible for all costs associated with the project which are not reimbursed by the Federal Government. Nothing in this agreement shall be construed as a promise by the State as to the amount or nature of federal participation in this project.

The Agency shall bill the state for federal aid project costs incurred in conformity with applicable federal and state laws. The agency shall minimize the time elapsed between receipt of federal aid funds and subsequent payment of incurred costs. Expenditures by the Local Agency for maintenance, general administration, supervision, and other overhead shall not be eligible for federal participation unless a current indirect cost plan has been prepared in accordance with the regulations outlined in 2 CFR Part 200 - Uniform Admin Requirements, Cost Principles and Audit Requirements for Federal Awards, and retained for audit.

The State will pay for State incurred costs on the project. Following payment, the State shall bill the Federal Government for reimbursement of those costs eligible for federal participation to the extent that such costs are attributable and properly allocable to this project. The State shall bill the Agency for that portion of State costs which were not reimbursed by the Federal Government (see Section IX).

1. Project Construction Costs

Project construction financing will be accomplished by one of the three methods as indicated in this agreement.

Method A – The Agency will place with the State, within (20) days after the execution of the construction contract, an advance in the amount of the Agency's share of the total construction cost based on the contract award. The State will notify the Agency of the exact amount to be deposited with the State. The State will pay all costs incurred under the contract upon presentation of progress billings from the contractor. Following such payments, the State will submit a billing to the Federal Government for the federal aid participation share of the cost. When the project is substantially completed and final actual costs of the project can be determined, the State will present the Agency with a final billing showing the amount due the State or the amount due the Agency. This billing will be cleared by either a payment from the Agency to the State or by a refund from the State to the Agency.

Method B – The Agency's share of the total construction cost as shown on the face of this agreement shall be withheld from its monthly fuel tax allotments. The face of this agreement establishes the months in which the withholding shall take place and the exact amount to be withheld each month. The extent of withholding will be confirmed by letter from the State at the time of contract award. Upon receipt of progress billings from the contractor, the State will submit such billings to the Federal Government for payment of its participating portion of such billings.

Method C – The Agency may submit vouchers to the State in the format prescribed by the State, in duplicate, not more than once per month for those costs eligible for Federal participation to the extent that such costs are directly attributable and properly allocable to this project. Expenditures by the Local Agency for maintenance, general administration, supervision, and other overhead shall not be eligible for Federal participation unless claimed under a previously approved indirect cost plan.

The State shall reimburse the Agency for the Federal share of eligible project costs up to the amount shown on the face of this agreement. At the time of audit, the Agency will provide documentation of all costs incurred on the project. The State shall bill the Agency for all costs incurred by the State relative to the project. The State shall also bill the Agency for the federal funds paid by the State to the Agency for project costs which are subsequently determined to be ineligible for federal participation (see Section IX).

VII. Audit of Federal Consultant Contracts

The Agency, if services of a consultant are required, shall be responsible for audit of the consultant's records to determine eligible federal aid costs on the project. The report of said audit shall be in the Agency's files and made available to the State and the Federal Government.

An audit shall be conducted by the WSDOT Internal Audit Office in accordance with generally accepted governmental auditing standards as issued by the United States General Accounting Office by the Comptroller General of the United States; WSDOT Manual M 27-50, Consultant Authorization, Selection, and Agreement Administration; memoranda of understanding between WSDOT and FHWA; and 2 CFR Part 200.501 - Audit Requirements.

If upon audit it is found that overpayment or participation of federal money in ineligible items of cost has occurred, the Agency shall reimburse the State for the amount of such overpayment or excess participation (see Section IX).

VIII. Single Audit Act

The Agency, as a subrecipient of federal funds, shall adhere to the federal regulations outlined in 2 CFR Part 200.501 as well as all applicable federal and state statutes and regulations. A subrecipient who expends \$750,000 or more in federal awards from all sources during a given fiscal year shall have a single or program-specific audit performed for that year in accordance with the provisions of 2 CFR Part 200.501. Upon conclusion of the audit, the Agency shall be responsible for ensuring that a copy of the report is transmitted promptly to the State.

IX. Payment of Billing

The Agency agrees that if payment or arrangement for payment of any of the State's billing relative to the project (e.g., State force work, project cancellation, overpayment, cost ineligible for federal participation, etc.) is not made to the State within 45 days after the Agency has been billed, the State shall effect reimbursement of the total sum due from the regular monthly fuel tax allotments to the Agency from the Motor Vehicle Fund. No additional Federal project funding will be approved until full payment is received unless otherwise directed by the Director, Local Programs.

Project Agreement End Date - This date is based on your projects Period of Performance (2 CFR Part 200.309).

Any costs incurred after the Project Agreement End Date are NOT eligible for federal reimbursement. All eligible costs incurred prior to the Project Agreement End Date must be submitted for reimbursement within 90 days after the Project Agreement End Date or they become ineligible for federal reimbursement.

X. Traffic Control, Signing, Marking, and Roadway Maintenance

The Agency will not permit any changes to be made in the provisions for parking regulations and traffic control on this project without prior approval of the State and Federal Highway Administration. The Agency will not install or permit to be installed any signs, signals, or markings not in conformance with the standards approved by the Federal Highway Administration and MUTCD. The Agency will, at its own expense, maintain the improvement covered by this agreement.

XI. Indemnity

The Agency shall hold the Federal Government and the State harmless from and shall process and defend at its own expense all claims, demands, or suits, whether at law or equity brought against the Agency, State, or Federal Government, arising from the Agency's execution, performance, or failure to perform any of the provisions of this agreement, or of any other agreement or contract connected with this agreement, or arising by reason of the participation of the State or Federal Government in the project, PROVIDED, nothing herein shall require the Agency to reimburse the State or the Federal Government for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the Federal Government or the State.

XII. Nondiscrimination Provision

No liability shall attach to the State or Federal Government except as expressly provided herein.

The Agency shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract and/or agreement or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts and agreements. The WSDOT's DBE program, as required by 49 CFR Part 26 and as approved by USDOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Agency of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

The Agency hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the rules and regulations of the Secretary of Labor in 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan, insurance, or guarantee or understanding pursuant to any federal program involving such grant, contract, loan, insurance, or guarantee, the required contract provisions for Federal-Aid Contracts (FHWA 1273), located in Chapter 44 of the Local Agency Guidelines.

The Agency further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, that if the applicant so participating is a State or Local Government, the above equal opportunity clause is not applicable to any agency, instrumentality, or subdivision of such government which does not participate in work on or under the contract.

The Agency also agrees:

- (1) To assist and cooperate actively with the State in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and rules, regulations, and relevant orders of the Secretary of Labor.
- (2) To furnish the State such information as it may require for the supervision of such compliance and that it will otherwise assist the State in the discharge of its primary responsibility for securing compliance.
- (3) To refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, government contracts and federally assisted construction contracts pursuant to the Executive Order.
- (4) To carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the State, Federal Highway Administration, or the Secretary of Labor pursuant to Part II, subpart D of the Executive Order.

In addition, the Agency agrees that if it fails or refuses to comply with these undertakings, the State may take any or all of the following actions:

- (a) Cancel, terminate, or suspend this agreement in whole or in part;
- (b) Refrain from extending any further assistance to the Agency under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the Agency; and
- (c) Refer the case to the Department of Justice for appropriate legal proceedings.

XIII. Liquidated Damages

The Agency hereby agrees that the liquidated damages provisions of 23 CFR Part 635, Subpart 127, as supplemented, relative to the amount of Federal participation in the project cost, shall be applicable in the event the contractor fails to complete the contract within the contract time. Failure to include liquidated damages provision will not relieve the Agency from reduction of federal participation in accordance with this paragraph.

XIV. Termination for Public Convenience

The Secretary of the Washington State Department of Transportation may terminate the contract in whole, or from time to time in part, whenever:

- (1) The requisite federal funding becomes unavailable through failure of appropriation or otherwise.
- (2) The contractor is prevented from proceeding with the work as a direct result of an Executive Order of the President with respect to the prosecution of war or in the interest of national defense, or an Executive Order of the President or Governor of the State with respect to the preservation of energy resources.
- (3) The contractor is prevented from proceeding with the work by reason of a preliminary, special, or permanent restraining order of a court of competent jurisdiction where the issuance of such order is primarily caused by the acts or omissions of persons or agencies other than the contractor.
- (4) The Secretary is notified by the Federal Highway Administration that the project is inactive.
- (5) The Secretary determines that such termination is in the best interests of the State.

XV. Venue for Claims and/or Causes of Action

For the convenience of the parties to this contract, it is agreed that any claims and/or causes of action which the Local Agency has against the State of Washington, growing out of this contract or the project with which it is concerned, shall be brought only in the Superior Court for Thurston County.

XVI. Certification Regarding the Restrictions of the Use of Federal Funds for Lobbying

The approving authority certifies, to the best of his or her knowledge and belief, that:

- (1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit the Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, and cooperative agreements) which exceed \$100,000, and that all such subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification as a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

XVII. Assurances

Local agencies receiving Federal funding from the USDOT or its operating administrations (i.e., Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration) are required to submit a written policy statement, signed by the Agency Executive and addressed to the State, documenting that all programs, activities, and services will be conducted in compliance with Section 504 and the Americans with Disabilities Act (ADA).

Additional Provisions