

City Council Meeting
September 6, 2016 - 7:00 PM
Community Center-910 9th St SE
AGENDA

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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. Proclamation - Constitution Week
Mayor Backus to proclaim the week of September 16 - 22, 2016 as "Constitution Week" in the city of Auburn.
- B. Proclamation - Kiwanis Children's Cancer Cure Month
Mayor Backus to proclaim September 2016 as "Kiwanis Children's Cancer Cure Month" in the city of Auburn.
- C. Proclamation - National Recovery Month
Mayor Backus to proclaim September 2016 as "National Recovery Month" in the city of Auburn.

III. APPOINTMENTS

IV. AGENDA MODIFICATIONS

V. CITIZEN INPUT, PUBLIC HEARINGS & CORRESPONDENCE

A. Public Hearings

- 1. **Public Hearing for Right-of-Way Vacation V2-16 (Snyder)**
City Council to hold a public hearing in consideration of Right-of-Way Vacation V2-16 for the rights-of-way in the vicinity of the 50 foot right-of-way and the 14 foot alley south of East Main Street and east of A Street SE.

(RECOMMENDED ACTION: City Council hold the public hearing. For more action on this item, see Ordinance No. 6614.)

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 August 15, 2016 Regular City Council Meeting***

B. **Minutes of the June 22, 2016 Special City Council Meeting***

C. **Claims Vouchers (Coleman)**

Claims voucher numbers 440246 through 440531 in the amount of \$4,004,296.28 and four wire transfers in the amount of \$185,397.96 and dated September 6, 2016.

D. **Payroll Vouchers (Coleman)**

Payroll check numbers 536667 through 536695 in the amount of \$697,573.69 and electronic deposit transmissions in the amount of \$1,480,865.93 for a grand total of \$2,178,439.62 for the period covering August 11, 2016 to August 31, 2016.

E. **Recology CleanScapes Contract* (Coleman)**

City Council approve Service Agreement SW16-L-004 with Recology CleanScapes, Inc. for litter control services.

F. **Public Works Project No. CP1202* (Snyder)**

City Council approve Change Order No. 4 in the amount of \$68,872.72 to Contract No. 15-01 for work on Project No. CP1202, Auburn Way South Flooding Improvements Phase 2.

G. **Public Works Project No. CP1506* (Snyder)**

City Council approve Final Pay Estimate No. 6 to Contract No. 15-13 and accept construction of Project No. CP1506, 2015 Citywide Pavement Patching and Overlay Project.

H. **Public Works Project No. CP1512* (Snyder)**

City Council award Contract No. 16-13, to Road Construction Northwest, Inc. on their low bid of \$558,549.50 plus Washington State sales tax of \$53,062.20 for a total contract price of \$611,611.70 for Project No. CP1512, 2015 Sewer Repair and Replacement.

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

VIII. **UNFINISHED BUSINESS**

IX. **NEW BUSINESS**

X. **ORDINANCES**

A. **Ordinance No. 6600* (Snyder)**

An Ordinance of the City Council of the City of Auburn, Washington, creating new Sections 18.04.115, 18.04.237, 18.04.238, 18.04.523, and 18.04.617, of the City Code, amending Sections 18.04.325, 18.04.622, 18.04.823 (formerly Section 18.04.495), 18.07.020, 18.07.030 and 18.31.220 of the City Code and repealing Section 18.31.230 of the Auburn City Code, and providing for the amortization of setback requirements, relating to zoning and land use code provisions for animals

(RECOMMENDED ACTION: City Council adopt Ordinance No. 6600.)

B. **Ordinance No. 6614* (Snyder)**

An Ordinance of the City Council of the City of Auburn, Washington, approving the vacation of right-of-way in the vicinity of the 50 foot right-of-way and the 14 foot alley south of East Main Street and east of A Street SE

(RECOMMENDED ACTION: City Council adopt Ordinance No. 6614.)

C. **Ordinance No. 6616* (Snyder)**

An Ordinance of the City Council of the City of Auburn, Washington, creating a new Chapter 12.06 of the Auburn City Code enacting a Complete Streets Policy

(RECOMMENDED ACTION: City Council adopt Ordinance No. 6616.)

XI. **RESOLUTIONS**

A. **Resolution No. 5247* (Heid)**

A Resolution of the City Council of the City of Auburn, Washington, expressing support for the Auburn School District Number 408 Proposition Number 1 - School Construction and Replacement General Obligation Bonds - \$456,056,000

Auburn School District No. 408

Proposition No. 1

School Construction and Replacement General Obligation Bonds -

\$456,056,000

The Board of Directors of the Auburn School District No. 408 approved a proposition for bonds. This proposition would authorize the District to construct and equip two new elementary schools; rebuild Olympic Middle School and Chinook, Dick Scobee, Lea Hill, Pioneer, and Terminal Park Elementary schools, increasing enrollment capacity and accommodating class size reduction; to issue \$456,056,000 of general obligation bonds maturing within a maximum term of 20 years, and to levy excess property taxes annually to repay the bonds, all as provided in Resolution No. 1220. Should this proposition be approved?

APPROVED..... ?

REJECTED ?

(RECOMMENDED ACTION: After providing an opportunity for opposing views from the audience, City Council adopt Resolution No. 5247.)

B. Resolution No. 5248* (Heid)

A Resolution of the City Council of the City of Auburn, Washington, expressing support for the Central Puget Sound Regional Transit Authority Proposition for light-rail, commuter-rail and bus service expansion

**Sound Transit (A Regional Transit Authority)
Light-Rail, Commuter-Rail, and Bus Service Expansion
Proposition No. __**

The Sound Transit Board passed Resolution No. R2016-17 concerning expansion of mass transit in King, Pierce, and Snohomish counties. This measure would expand light-rail, commuter-rail, and bus rapid transit service to connect population, employment and growth centers, and authorize Sound Transit to levy or impose: an additional 0.5% sales and use tax; a property tax of \$0.25 or less per \$1,000 of assessed valuation; an additional 0.8% motor-vehicle excise tax; and continue existing taxes to fund the local share of the \$53.8 billion estimated cost (including inflation), with independent audits, as described in the Mass Transit Guide and Resolution No. R2016-17. Should this measure be:

APPROVED ?

REJECTED ?

(RECOMMENDED ACTION: After providing an opportunity for opposing views from the audience, City Council adopt Resolution No. 5248.)

C. Resolution No. 5249* (Coleman)

A Resolution of the City Council of the City of Auburn, Washington, authorizing the transfer of funds for the purpose of making a loan or loans from the Sewer Fund (Fund No. 431) and/or the Storm Drainage Fund (Fund No. 432) to the Water Fund (Fund No. 430) for up to a three-year period of time

(RECOMMENDED ACTION: City Council adopt Resolution No. 5249.)

XII. 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

XIII. ADJOURNMENT

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

*Denotes attachments included in the agenda packet.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Public Hearing for Right-of-Way Vacation V2-16

Date:

August 29, 2016

Department:

CD & PW

Attachments:

No Attachments Available

Budget Impact:

\$0

Administrative Recommendation:

City Council to hold a Public Hearing in consideration of Right-of-Way Vacation V2-16. Attachments can be found with Ordinance No. 6614.

Background Summary:

Per Auburn City Code Chapter 12.48 a public hearing shall be held to consider the proposed right-of-way vacation for V2-16 for the rights-of-way in the vicinity of the 50 foot right-of-way and the 14 foot alley south of East Main Street and east of A Street SE. The date of the public hearing was set by Resolution No. 5243 on August 1, 2016.

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

Snyder

Meeting Date: September 6, 2016

Item Number: PH.1



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the August 15, 2016 Regular City Council Meeting

Date:

August 23, 2016

Department:

Administration

Attachments:

[minutes](#)

Budget Impact:

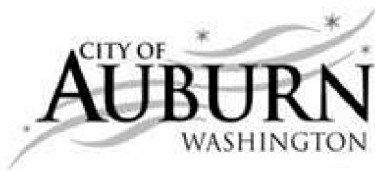
\$0

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

Meeting Date: September 6, 2016

Staff:

Item Number: CA.A



City Council Meeting
August 15, 2016 - 7:00 PM
Auburn Senior Activity Center, located
at 808 9th St SE
MINUTES

I. CALL TO ORDER

A. Pledge of Allegiance

Mayor Nancy Backus called the meeting to order at 7:00 p.m. in the Auburn Senior Center, 808 9th Street SE in Auburn. Mayor Backus led those in attendance in the Pledge of Allegiance.

B. Roll Call

City 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: Director of Administration Dana Hinman, City Attorney Daniel B. Heid; Assistant City Attorney Jessica Leiser, Police Commander Steve Stocker, Finance Director Shelley Coleman, Director of Human Resources and Risk Management Rob Roscoe, Innovation and Technology director Paul Haugan, Park, Arts and Recreation Director Daryl Faber, Assistant Director of Community Development Services Jeff Tate, Project Engineer Kim Truong, and Deputy City Clerk Shawn Campbell.

II. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

Mayor Backus announced Director Coleman has earned the Professional Finance Officer Award for the State of Washington from the Washington Finance Officers Association. She congratulated Director Coleman for her many years of receiving the award and her dedication to her profession.

III. APPOINTMENTS

There was no appointment for Council consideration.

IV. AGENDA MODIFICATIONS

Claims vouchers were amended to remove voucher number 440067 and updated Ordinances No. 6613 and 6615 were provided to Council prior to the meeting.

V. CITIZEN INPUT, PUBLIC HEARINGS & CORRESPONDENCE

A. Public Hearings

There was no public hearing.

B. Audience Participation

This is the place on the agenda where the public is invited to speak to the

City Council on any issue. Those wishing to speak are reminded to sign in on the form provided.

Ian Morrison, 701 5th Ave Suite 6600, Seattle

Mr. Morrison represents MT Auburn. He has been working with the City on marijuana producers and processors issues. He requested Council adopt Ordinance No. 6613.

Philip Dawdy, 1608 E Republican St., Seattle

Mr. Dawdy represents KF Industries. He stated his client understands the intent of proposed Ordinance No. 6613 but his client wants to open his business. He will be working with the Planning Commission to reach a solution.

C. Correspondence

There was 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 recommendations to the City Council, if any.

Councilmember Baggett reported on behalf of the Finance ad hoc committee that reviews claims and payroll vouchers. Councilmember Baggett reported he and Councilmember Wagner reviewed the claims and payroll vouchers as presented and described on this evening's agenda and recommend their approval by Council.

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 August 1, 2016 Regular City Council Meeting
- B. Claims Vouchers (Coleman)
Claims voucher number 440024 through 440245, in the amount of \$5,251,264.18 and six wire transfers in the amount of \$967,099.38 and dated August 15, 2016.
- C. Payroll Vouchers (Coleman)
Payroll check numbers 536636 through 536666 in the amount of \$563,702.57, electronic deposit transmissions in the amount of \$1,498,779.55 for a grand total of \$2,062,482.12 for the period covering July 28, 2016 to August 10, 2016.
- D. Public Works Project No. CP1522 (Snyder)
City Council to award Contract No. 16-19, to KLB Construction on their low bid of \$1,649,376.05 plus Washington State sales tax of \$156,690.72 for a total contract price of \$1,806,066.77 for Project No. CP1522, 30th Street NE Area Flooding, Phase 1B

Deputy Mayor Wales moved and Councilmember Trout-Manuel seconded to approve the Consent Agenda as modified.

Deputy Mayor Wales stated the Consent Agenda consists of minutes, claims and payroll vouchers and a public works project.

MOTION CARRIED UNANIMOUSLY. 7-0

VIII. UNFINISHED BUSINESS

There was no unfinished business.

IX. NEW BUSINESS

There was no new business.

X. ORDINANCES

A. Ordinance No. 6606 (Snyder)

An Ordinance of the City Council of the City of Auburn, Washington, granting to City of Enumclaw Natural Gas, a franchise for gas utility

Deputy Mayor Wales moved and Councilmember Pelosa seconded to adopt Ordinance No. 6606.

Deputy Mayor Wales stated this Ordinance has been discussed at both a public hearing and a study session. There are approximately 55 homes affected by this agreement.

MOTION CARRIED UNANIMOUSLY. 7-0

B. Ordinance No. 6611 (Snyder)

An Ordinance of the City Council of the City of Auburn, Washington, amending Section 17.14.005 of the Auburn City Code, Relating to Civil Plan Preparation, Submittal and Approval

Deputy Mayor Wales moved and Councilmember Trout-Manuel seconded to adopt Ordinance No. 6611.

Deputy Mayor Wales stated this will allow submittals to be expedited to the Community Development and Public Works Department.

MOTION CARRIED UNANIMOUSLY. 7-0

C. Ordinance No. 6612 (Snyder)

An Ordinance of the City Council of the City of Auburn, Washington, amending Section 14.22.020 of the Auburn City Code relating to requirements for updating the Comprehensive Plan

Councilmember Pelosa moved and Deputy Mayor Wales seconded to adopt Ordinance No. 6612.

Councilmember Pelosa stated the ordinance adopts the 2015 Core Comprehensive Plan land use element, housing element, capital facilities element, utilities element, economic development element and incorporates the titles into the Auburn City Code.

MOTION CARRIED UNANIMOUSLY. 7-0

- D. Ordinance No. 6613 (Heid)
An Ordinance of the City Council of the City of Auburn, Washington, creating a new Section, 5.20.250, Of The Auburn City Code and amending Sections 1.04.060, 1.25.010, 5.20.030, 5.20.050 and 9.22.030 of the Auburn City Code related to marijuana related businesses and activities, and imposing a moratorium on marijuana related activities as identified herewith

Deputy Mayor Wales moved and Councilmember Trout-Manuel seconded to adopt Ordinance No. 6613 as revised.

Deputy Mayor Wales recognized the effort put forth by the Legal Department to address all foreseeable issues for producers and processors.

Councilmember Holman stated the long term solution will be in additional zoning regulations.

MOTION CARRIED UNANIMOUSLY. 7-0

- E. Ordinance No. 6615 (Snyder)
An Ordinance of the City Council of the City of Auburn, Washington, creating a new Chapter 15.20 of Auburn City Code [Property Maintenance Code], and New Sections 18.12.100, 8.20.060, 8.20.070, of the City Code and amending Sections 1.25.030, 1.25.050, 1.25.065, 8.08.080, 8.12.020, 8.12.070, 8.12.080, 8.12.090, 8.20.030, 8.20.040, 8.20.050, 12.36.050 and 15.06.010 of the Auburn City Code and repealing Section 1.25.070 of the Auburn City Code Relating to Nuisance Abatement

Deputy Mayor Wales moved and Councilmember Trout-Manuel seconded to adopt Ordinance No. 6615 as revised.

Deputy Mayor Wales stated this ordinance has been discussed at study session.

MOTION CARRIED UNANIMOUSLY. 7-0

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**

Councilmember DaCorsi reported he was the guest speaker at the Rotary Club luncheon, where he spoke on affordable housing. Councilmember DaCorsi also reported he attended the National Night Out event.

Councilmember Trout-Manual reported she attended a tour of the YMCA and the AugustFest event.

Councilmember Baggett complimented the Parks Department for their hard work during AugustFest.

Councilmember Pelosa reported he attended a Water Resource Inventory Area 9 (WRIA9) tour.

B. From the Mayor

Mayor Backus reported she attended AugustFest. She thanked everyone who worked on the event including the Parks Department, Maintenance and Operations and the Police Department.

XII. ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 7:24 p.m.

APPROVED this 6th day of September, 2016.

NANCY BACKUS, MAYOR

Shawn Campbell, Deputy City Clerk



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the June 22, 2016 Special City Council Meeting

Date:

August 16, 2016

Department:

Administration

Attachments:

[Minutes](#)

Budget Impact:

\$0

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

Meeting Date: September 6, 2016

Item Number: CA.B



Special City Council Meeting
June 22, 2016 - 2:00 PM
Auburn City Hall
MINUTES

I. CALL TO ORDER

Mayor Nancy Backus called the special meeting to order at 2:06 p.m. in the Council Chambers located at Auburn City Hall, 25 West Main Street in Auburn. The purpose of the meeting was to discuss the 2017-2018 Biennial Budget.

II. DISCUSSION ITEMS

A. 2017-2018 Budget Process

Director Coleman reviewed the meeting agenda and explained today's meeting is the first of several budget meetings relating to the 2017-2018 Biennial Budget.

Director Coleman reviewed the budget calendar and provided an overview of the funds and fund types. She reviewed typical department and capital budgets and spoke regarding future budget challenges.

Director Coleman reported Mayor Backus and the department directors will be meeting the week of July 18th to finalize department budgets. The next Council budget meeting will take place in August.

Director Coleman stated some of the advantages to adopting a biennial budget versus an annual budget include: saves Council and staff time, provides for a longer financial planning perspective, and allows policy makers a better view or longer vision. Biennial budgets are created in odd numbered years and appropriations are for two years or two one year budgets (Auburn uses two one-year budgets).

Director Coleman reviewed the City's fund structure. The City's budget includes a total of 33 funds, including Governmental Funds (General Fund, special revenue, debt service and capital project funds), Proprietary Funds (enterprise and internal service funds), and Fiduciary and permanent funds.

In the last year, the City created seven new capital sub-funds to accumulate resources for capital projects or capital acquisitions. The sub-funds are in the water, sewer, storm, cemetery, airport, equipment rental and innovation and technology funds. Funds available for these uses will be transparent and not co-mingled with funds or reserves required for operations, debt reserves and debt management. Project managers will know precisely how much funding has been accumulated for projects and financing needs will be apparent.

Director Coleman then reviewed a sample draft Human Resources and Risk Management Department budget along with department mission statement, department overview, accomplishments and objectives, performance measures, department staffing levels, preliminary department budget by expenditure category, and the department budget detail report.

Director Coleman then reviewed a sample Capital Improvement Fund (Fund 328) budget, including budget detail reports, lead schedules and project detail sheets.

Director Coleman also reviewed a draft Proprietary Fund for Equipment Rental. Director Coleman reminded that proprietary funds are both operational and capital in nature. She provided a brief overview of the fund's mission statement, fund overview, accomplishments and objectives, performance measures, and budget detail reports for both operational and capital components.

Director Coleman discussed some of the budget challenges anticipated for upcoming years. Director Coleman stated the sales tax growth is slowing. This year the City experienced a two percent increase over the previous year. For the last three years, the City has averaged a nine percent increase in sales tax growth. Sales tax on new construction is dedicated to the local street preservation program.

Director Coleman stated the State will be looking for funds to meet the funding obligations under the McCleary decision during the 2017-2019 biennium. She cautioned that funds normally shared with cities could be in jeopardy.

Director Coleman reminded that the annexation sales tax credit will sunset on June 30, 2018. The annexation sales tax credit averages \$1.7 million in revenue.

Director Coleman also stated that the demand for services is increasing faster and is greater than budget growth, particularly in public safety, transportation, and human services--homelessness and mental health.

Director Coleman and Council discussed the underfunding of the PERS 1 retirement system. Director Coleman stated the employee contributes six percent while the employer pays 12.67 percent to the public employees retirement system (PERS 1).

In response to a question from Councilmember Wagner, Director Coleman stated that the 2017-2018 program improvements will be included with the department budget.

Director Coleman pointed out the appendix section of the Council packet, which includes property tax statistics, the reserve policy, the budget calendar and a list of funds.

In response to a question from Councilmember Holman, Director Coleman stated the sales tax on construction this year is anticipated to be approximately \$2 million.

Councilmembers and Director Coleman briefly discussed fund balances and working capital guidelines.

III. **ADJOURNMENT**

There being no further discussion, the meeting adjourned at 3:04 p.m.

APPROVED THIS _____ DAY OF _____, 2016.

NANCY BACKUS, MAYOR

Danielle Daskam, City Clerk



AGENDA BILL APPROVAL FORM

Agenda Subject:

Claims Vouchers

Date:

August 30, 2016

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:

\$0

Administrative Recommendation:

City Council approve claims vouchers.

Background Summary:

Claims voucher numbers 440246 through 440531 in the amount of \$4,004,296.28 and four wire transfers in the amount of \$185,397.96 and dated September 6, 2016.

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

Coleman

Meeting Date: September 6, 2016

Item Number: CA.C



AGENDA BILL APPROVAL FORM

Agenda Subject:

Payroll Vouchers

Date:

August 30, 2016

Department:

Administration

Attachments:

No Attachments Available

Budget Impact:

\$0

Administrative Recommendation:

City Council approve payroll vouchers.

Background Summary:

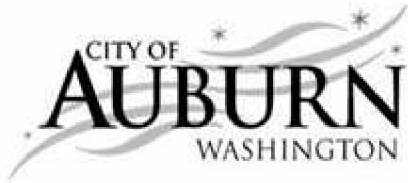
Payroll check numbers 536667 through 536695 in the amount of \$697,573.69 and electronic deposit transmissions in the amount of \$1,480,865.93 for a grand total of \$2,178,439.62 for the period covering August 11, 2016 to August 31, 2016.

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

Coleman

Meeting Date: September 6, 2016

Item Number: CA.D



AGENDA BILL APPROVAL FORM

Agenda Subject:

Recology CleanScapes Contract

Date:

August 31, 2016

Department:

Finance

Attachments:

[Contract](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council approve Service Agreement SW16-L-004 with Recology CleanScapes, Inc.

Background Summary:

The non-profit corporation, Vadis, has provided litter control services for the City of Auburn since 1991. Effective October 1, 2016, Vadis will focus on individual job placement and no longer be providing group litter control services. City staff looked at alternatives to Vadis and determined an agreement with Recology CleanScapes is the most beneficial choice for the City.

SW16-L-004 is a service agreement between the City of Auburn and Recology CleanScapes, Inc. for a litter control program, beginning October 1, 2016 and ending December 31, 2017. This agreement with Recology is for \$43,848.00 in 2016 and \$175,392.00 in 2017. In comparison, the agreement with Vadis for one year was \$159,582.00. Recology staff will provide litter removal in the same public areas as Vadis. They will also provide most of the litter can services, except the City's Community Service Crew will assist with some of the cans in the downtown area.

Recology CleanScapes' "StreetScapes" division has been working to keep commercial business districts clean since 1997. This agreement focuses on litter removal, but they offer a variety of other services such as pressure washing and graffiti removal.

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

Coleman

Meeting Date:

September 6, 2016

Item Number: CA.E

CITY OF AUBURN
AGREEMENT FOR SERVICES
SW16-L-004

THIS AGREEMENT made and entered into on this ____ day of _____, 2016, by and between the **City of Auburn**, a municipal corporation of the State of Washington, hereinafter referred to as "City" and **Recology CleanScapes Inc.**, 117 S. Main Street, Suite 300, Seattle, WA 98104, hereinafter referred to as the "Provider."

W I T N E S S E T H :

WHEREAS, the City is engaged in or readying itself to be engaged in its litter control and recycling program and is in need of services of individuals, employees or firms for litter control and recycling work; and,

WHEREAS, the City desires to retain the Provider to provide certain services in connection with the City's work related to litter control and recycling; and,

WHEREAS, the Provider is qualified and able to provide services in connection with the City's needs for the above-described work, and is willing and agreeable to provide such services upon the terms and conditions herein contained.

NOW, THEREFORE, the parties hereto agree as follows:

1. Scope of Services

The Provider agrees to perform in a good and professional manner the tasks described on Exhibit "A" which is attached hereto and incorporated herein by this reference. (The tasks described on Exhibit "A" shall be individually referred to as a "task," and collectively referred to as the "services.") The Provider shall perform the services as an independent contractor and shall not be deemed, by virtue of this Agreement and the performance thereof, to have entered into any partnership, joint venture, employment or other relationship with the City.

2. Additional Services

From time to time hereafter, the parties hereto may agree to the performance by the Provider of additional services with respect to related work or projects. Any such agreement(s) shall be set forth in writing and shall be executed by the respective parties prior to the Provider's performance of the services there under, except as may be provided to the contrary in Section 3 of this Agreement. Upon proper completion and execution of an Amendment (agreement for additional services), such Amendment shall be incorporated into this Agreement and shall have the same force and effect as if the terms of such Amendment were a part of this Agreement as originally executed. The performance of services pursuant to an Amendment shall be subject to the terms and conditions of this Agreement except where the Amendment provides to the contrary, in which case the terms and conditions of any such Amendment shall control. In all other respects, any Amendment shall supplement and be construed in accordance with the terms and conditions of this Agreement.

3. Performance of Additional Services Prior to Execution of an Amendment

The parties hereby agree that situations may arise in which emergency services other than those described on Exhibit "A" but reasonably related thereto are desired by the City and the time period for the completion of such services makes the execution of Amendment impractical prior to the commencement of the Provider's performance of the requested services. The Provider hereby agrees that it shall perform such services upon the written request of an authorized representative of the City pending execution of an Amendment, at a rate of compensation to be agreed to in connection therewith. The invoice procedure for any such additional services shall be as described in Section 8 of this Agreement.

4. Provider's Representations

The Provider hereby represents and warrants that he has all necessary licenses and certifications to perform the services provided for herein, and is qualified to perform such services.

5. City's Responsibilities

The City shall do the following in a timely manner so as not to delay the services of the Provider:

- a. Designate in writing a person to act as the City's representative with respect to the services. The City's designee shall have complete authority to transmit instructions, receive information, interpret and define the City's policies and decisions with respect to the services.
- b. Furnish the Provider with all information, criteria, objectives, schedules and standards for the project and the services provided for herein.
- c. Arrange for access to the property or facilities as required for the Provider to perform the services provided for herein.

Specific responsibilities of the City are set forth in Exhibit B, which is attached hereto and by this reference made a part of this agreement.

6. Provider's Responsibilities

Specific responsibilities of the Provider are set forth in Exhibit B, which is attached hereto and by this reference made a part of this agreement.

7. Acceptable Standards

The Provider shall be responsible to provide, in connection with the services contemplated in this Agreement, work products and services of a quality and professional standard reasonably acceptable to the City.

8. Compensation

As compensation for the Provider's performance of the services provided for herein, the City shall pay the Provider the fees and costs specified on Exhibit "C" attached hereto and made a part hereof (or as specified in an Amendment). The Provider shall submit to the City an invoice or statement of time spent on tasks included in the scope of work provided herein, and the City shall process the invoice or statement in the next billing/claim cycle following receipt of the invoice or statement, and shall remit payment to the Provider thereafter in the normal course, subject to any

conditions or provisions in this Agreement or Amendment. The Agreement number must appear on all invoices submitted.

9. Time for Performance and Term of Agreement

The Provider shall not begin any work under this Agreement until **October 1, 2016**. The Provider shall perform the services provided for herein in accordance with the direction and scheduling provided on Exhibit "A" attached hereto and incorporated herein by this reference, unless otherwise agreed to in writing by the parties. The Term of this Agreement shall terminate on **December 31, 2017**.

10. 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 the Provider as part of his performance of this Agreement (the "Work Products") shall be owned by and become the property of the City, and may be used by the City for any purpose beneficial to the City.

11. Records Inspection and Audit

All compensation payments shall be subject to the adjustments for any amounts found upon audit or otherwise to have been improperly invoiced, and all records and books of accounts pertaining to any work performed under this Agreement shall be subject to inspection and audit by the City for a period of up to three (3) years from the final payment for work performed under this Agreement.

12. Continuation of Performance

In the event that any dispute or conflict arises between the parties while this Contract is in effect, the Provider agrees that, notwithstanding such dispute or conflict, the Provider shall continue to make a good faith effort to cooperate and continue work toward successful completion of assigned duties and responsibilities.

13. Administration of Agreement

This Agreement shall be administered by Kevin Kelly, on behalf of the Provider, and by the Mayor of the City, or designee, on behalf of the City. Any written notices required by the terms of this Agreement shall be served on or mailed to the following addresses:

City of Auburn
Joan Nelson
Solid Waste & Recycling Supervisor
25 W Main St
Auburn, WA 98001-4998
Phone: 253-876-1900
E-mail: jenelson@auburnwa.gov

Recology CleanScapes Inc.
Kevin Kelly
General Manager
117 S. Main Street, Suite 300
Seattle, WA 98104
Fax: 206-859-6701
E-mail: kkelly@recology.com

14. Notices

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.

Either party may change his, her or its address by giving notice in writing, stating his, her or its new address, to the other party, pursuant to the procedure set forth above.

15. Insurance

The Provider shall be responsible for maintaining, during the term of this Agreement and at its sole cost and expense, the types of insurance coverages and in the amounts described below. Insurance is to be placed with authorized insurers in Washington State with a current A.M. Best rating of not less than A-: VII. The Provider shall furnish evidence, satisfactory to the City, of all such policies. During the term hereof, the Provider shall take out and maintain in full force and effect the following insurance policies:

- a. Automobile Liability insurance, covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage. Provider shall maintain automobile insurance with minimum combined single limit for bodily injury and property damage of \$1,000,000.00 per accident.
- b. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 or its equivalent and shall cover liability arising from premises, operations, independent contractors, products-completed operations, stop gap liability, personal injury and advertising injury, and liability assumed under an insured contract. The Commercial General Liability insurance shall be endorsed to provide the Aggregate Per Policy Limit. There shall be no endorsement or modification of the Commercial General Liability insurance for liability arising from explosion, collapse or underground property damage. The City shall be named as an additional insured under the Contractor's Commercial General Liability insurance policy with respect to the work performed for the City using ISO Additional Insured endorsement CG 20 10 10 01 or its equivalent and Additional Insured-Completed Operations endorsement CG 20 37 10 01 or substitute endorsements providing equivalent coverage. Commercial General Liability insurance shall be written with limits no less than \$1,000,000.00 each occurrence, \$2,000,000.00 general aggregate, and a \$2,000,000.00 products-completed operations aggregate limit.
- c. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
- d. Umbrella/Excess Liability Insurance in a minimum amount of five million dollars (\$5,000,000.00), providing coverage on a following-form basis over the Employer's Liability Insurance limit, the Commercial General Liability Insurance limit, and the Automobile Liability Insurance limit.

16. Indemnification

The Provider shall indemnify and hold harmless the City and its officers, agents and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by any reason of or arising out of the negligent act or omission of the Provider, its officers, agents, employees, or any of them relating to or arising out of the performance of this Agreement. If a final judgment is rendered against the City, its officers, agents, employees and/or any of them, or jointly against the City and the Provider and their respective officers, agents and employees, or any of them, the Provider shall satisfy the same to the extent that such judgment was due to the Provider's negligent acts or omissions.

17. Assignment

Neither party to this Agreement shall assign any right or obligation hereunder in whole or in part, without the prior written consent of the other party hereto. No assignment or transfer of any interest under this Agreement shall 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.

18. Nondiscrimination

The Provider may not discriminate regarding any services or activities to which this Agreement may apply directly or through contractual, hiring, or other arrangements on the grounds of race, color, creed, religion, national origin, sex, age, or where there is the presence of any sensory, mental or physical handicap.

19. Amendment, Modification or Waiver

No amendment, modification or waiver of any condition, provision or term of this Agreement shall be valid or of any effect unless made in writing, signed by the party or parties to be bound, or such party's or parties' duly authorized representative(s) and specifying with particularity the nature and extent of such amendment, modification or waiver. Any waiver by any party of any default of the other party shall not affect or impair any right arising from any subsequent default.

Nothing herein shall limit the remedies or rights of the parties hereto under and pursuant to this Agreement.

20. Termination and Suspension

Either party may terminate this Agreement upon written notice to the other party if the other party fails substantially to perform in accordance with the terms of this Agreement through no fault of the party terminating the Agreement, and does not cure such failure of performance within ten (10) days after written notice of the failure by the non-breaching party.

The City may terminate this Agreement upon not less than seven (7) days written notice to the Provider if the services provided for herein are no longer needed.

If the Provider is notified by another contractor of the City that one or more of the Provider's services hereunder violate the exclusive rights granted by the City to such contractor or interfere with such contractor's contract with the City, then the Provider

may cease providing such services and/or terminate this Agreement, upon not less than seven (7) days written notice to the City.

If this Agreement is terminated early, the Provider shall be compensated for services performed prior to termination in accordance with the rate of compensation provided in Exhibit "C" hereof.

21. Parties in Interest

This Agreement shall be binding upon, and the benefits and obligations provided for herein shall inure to and bind, the parties hereto 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. This Agreement is for the exclusive benefit of the parties hereto and it does not create a contractual relationship with or exist for the benefit of any third party, including contractors, sub-contractors and their sureties.

22. Costs to Prevailing Party

In the event of such litigation or other legal action, to enforce any rights, responsibilities or obligations under this Agreement, the prevailing parties shall be entitled to receive its reasonable costs and attorney's fees.

23. Applicable Law

This Agreement and the rights of the parties hereunder shall be governed by and interpreted in accordance with the laws of the State of Washington and venue for any action hereunder shall be in of the county in Washington State in which the property or project is located, and if not site specific, then in King County, Washington; provided, however, that it is agreed and understood that any applicable statute of limitation shall commence no later than the substantial completion by the Provider of the services.

24. Captions, Headings and Titles

All captions, headings or titles in the paragraphs or sections of this Agreement are inserted for convenience of reference only and shall not constitute a part of this Agreement or act as a limitation of the scope of the particular paragraph or sections to which they apply. As used herein, where appropriate, the singular shall include the plural and vice versa and masculine, feminine and neuter expressions shall be interchangeable. Interpretation or construction of this Agreement shall not be affected by any determination as to who is the drafter of this Agreement, this Agreement having been drafted by mutual agreement of the parties.

25. Severable Provisions

Each provision of this Agreement is intended to be severable. 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.

26. Entire Agreement

This Agreement contains the entire understanding of the parties hereto in respect to the transactions contemplated hereby and supersedes all prior agreements and understandings between the parties with respect to such subject matter.

27. 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 WHEREOF, the parties hereto have caused this Agreement to be executed effective the day and year first set forth above.

CITY OF AUBURN

RECOLOGY CLEANSCAPES INC.

Nancy Backus, Mayor

Signature

Name: _____

Title: _____

Attest:

Danielle Daskam, City Clerk

Signature

Name: _____

Title: _____

Approved as to form:

Daniel B. Heid, City Attorney

EXHIBIT A

SCOPE OF WORK

The purpose of this Agreement is to contract with the Provider on a clean-up program for the City of Auburn.

Litter Crew

The Provider shall make available a Litter Crew consisting of two (2) employees and two (2) pickup trucks.

The Provider's Litter Crew shall perform the following services within the City:

1. Specific Tasks

The Provider's Litter Crew will collect and remove litter, trash, and debris from the shoulders of City public ways (including but not limited to streets, roads, alleys, paths, and parkways), public parking lots, and other designated public areas. Tasks include the following:

- a. Litter clean-up
 - i. Blow and sweep building edge to curb line in core area as needed.
 - ii. Bio hazard removal (urine, vomit, feces, sharps)
- b. Designated public place litter can service as determined by the City.
- c. Roadside litter patrols as determined by the City.

City shall ensure that the tasks to be performed by the Litter Crew and the schedule for completion are reasonable. The Provider shall not be required to remove materials of a size, type or quantity that cannot reasonably be removed by such a crew.

2. Examination of Work Sites

The Provider shall examine all work sites thoroughly before commencing work at the site. It shall be the responsibility of the Provider to verify all the duties, assignments, and job sites. All existing conditions at the job site will be noted and copies with verification noted, given to the City's Solid Waste and Recycling Supervisor on a monthly basis.

3. Hours

- The Provider shall perform tasks to completion between the hours of 6:30 AM and 2:30 PM Monday through Friday (seven (7) service hours per employee per day, subject to required meal and break periods).
- The Provider shall observe New Year's Day, Thanksgiving Day, and Christmas Day.

EXHIBIT B
RESPONSIBILITIES

PROVIDER

The Provider shall be responsible for the following:

1. The performance of all work as provided in this Agreement with its own employees. Individuals who perform work under this Agreement must be carried on the Provider's payroll. The Provider is responsible for administering and paying employee wages, benefits, and all other employee-related costs. Although the Provider's company headquarters may be located outside of Auburn, Washington, the Provider shall provide a full-time supervisor who will continuously oversee the Provider's employee work and will have authority to represent the Provider in the day-to-day activities. The Provider will present the supervisor's name, address, and telephone number to the City's Solid Waste and Recycling Supervisor at the beginning of the contract period.
2. The Provider is responsible for the safety of its employees at the sites where assigned tasks are performed as well as tools, equipment, safety gear, traffic control devices, and any other items which may be supplied by the City for the Provider's use in the performance of contracted duties. No equipment or supplies will be removed from City premises except as required for the performance of assigned duties.
3. Monthly reports shall be provided to the City's Solid Waste and Recycling Supervisor on a monthly basis. Monthly reports shall include the following:
 - a. Bag count
 - b. Bios collected
 - c. Litter can overflow
 - d. Graffiti removals (if any)
 - e. Location and hours of requested pressure washing (if any)
 - f. Event service (if any)
4. The Provider shall supply a motor vehicle to transport its employees to and from the designated work sites. The Provider's vehicle shall be well identified with signs and equipped with safety warning lights and emergency flashers.
5. The Provider shall supply litter bags, safety gear, rain gear, foul weather gear, footwear as required, and clothing as needed for its employees.

6. The Provider shall follow accepted safety practices in the performance of all work. The Provider's employees must be trained in traffic control and must possess a "Traffic Control Flagging License" certified by the State of Washington.
7. The following additional services are not included in the pricing set forth in Exhibit C, but may be provided under this Agreement at the request of the City. The services may be initiated by an email or other written request from the City to the Provider and are not subject to the Additional Services requirement of Section 2, but are subject to all other provisions of this Agreement. The cost of such services shall be as indicated below, or if not so indicated, then as agreed by the parties at the time of the request.

<u>Service</u>	<u>Cost</u>
Pressure Washing	
Spinner service	\$100/hr.*
Wand service – without reclamation machine	\$80/hr.*
Wand service – with reclamation machine	\$100/hr.*
Additional Streetscapes Services (1 employee and 1 pickup truck; tasks as described in Section 1 of Exhibit A)	\$50/hr.
Graffiti Removal (graffiti removed or painted over within 5 days of request; grey stain-blocking primer used to paint over)	TBD
Event Service (delivery and removal of carts; event day litter removal; post-event cleanup)	TBD
Bulky Item Removal (large furniture, white goods (appliances), large piles of loose debris, other oversize items beyond scope of normal litter service)	TBD

* Assuming waste water can be dumped at City M&O at no cost to Provider.

CITY

The City shall be responsible for the following:

1. The City shall supply the Provider and its Auburn supervisor a copy of the daily work schedule and any change notices to use as a basic guide for the distribution of work each week. The work schedule may be changed as deemed appropriate by the City and a copy of such changes provided to the Provider and the City. The City shall determine the priority of the various assignments. The City shall verify that all services are satisfactorily performed as scheduled.
2. The City shall supply the Provider with a location map of the public place litter cans and the frequency that they shall be serviced.

SW16-L-004

Exhibit B

Page 2 of 3

3. The City shall at no cost to the Provider provide disposal for all materials collected by the Provider during services performed under this Agreement. The Provider shall deliver all such materials to the City's Maintenance and Operations Division facility located at 1305 C Street SW, Auburn, WA ("City M&O").

EXHIBIT C
FEE SCHEDULE

2016 Fee Schedule

	<u>Monthly Fee</u>	<u># of Months</u>	<u>Not-To-Exceed Amount</u>
Litter Crew	\$14,616.00	3	\$ 43,848.00

2016 Total Not To Exceed Amount **\$ 43,848.00**

2017 Fee Schedule

	<u>Monthly Fee</u>	<u># of Months</u>	<u>Not-To-Exceed Amount</u>
Litter Crew	\$14,616.00	12	\$ 175,392.00

2017 Total Not To Exceed Amount **\$ 175,392.00**



AGENDA BILL APPROVAL FORM

Agenda Subject:

Public Works Project No. CP1202

Date:

August 30, 2016

Department:

CD & PW

Attachments:

[Budget Status Sheet](#)

[Vicinity Map](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council approve Change Order No. 4 in the amount of \$68,872.72 to Contract No. 15-01 for work on Project No. CP1202, Auburn Way South Flooding Improvements Phase 2.

Background Summary:

The purpose of this project is to relieve stormwater flooding issues on Auburn Way South near the State Route 18 underpass by diverting stormwater flows from the flooding area to the existing storm drainage ponds located at 21st Street SE (near D Street SE) and 17th Street SE (west of A St SE). Phase 1 of the project was complete in 2009 and installed a new storm line down 17th Street SE and K Street SE between Auburn Way South and 18th Street SE which diverted stormwater to the pond on 21st Street SE. This project (CP1202, Auburn Way South Flooding Phase 2) consisted of installing a new storm line on 17th Street SE between A Street SE and K Street SE to divert stormwater to the pond on 17th Street SE. This project also replaced the deteriorated water main and sewer line on 17th Street SE between A Street SE and K Street SE and expanded the existing storm pond on 17th Street SE to accommodate the increase in storm drainage flows.

Council approval of Change Order No. 4 is being requested because the authorized contingency for this contract has been utilized for previous change orders as follows: Change Order No. 1, \$38,643.00, additional sewer repair work beyond original scope on B Street, Change Order No. 2, \$81,570.00, emergency side sewer repairs and replacement of the previously damaged signal pole at A Street SE/17th Street SE. Change orders Nos. 1 and 2 were within the authorized contingency and did not require Council approval. Additionally, other emergency repairs were paid under the contract as minor changes and did not require Council approval because they were within the authorized contingency. Change Order No. 3, \$24,781.00, was approved by

Council on June 6th and compensated the Contractor for additional excavation and trench restoration associated with unexpected soil conditions.

The physical construction work for this project is complete and the Contractor has been auditing its records and documents to ensure that all appropriate costs have been accounted for before the City processes final payment and issues final acceptance. During this process, the Contractor found that it had inadvertently not requested payment for various work and materials. City Staff has verified the validity of a portion of these costs and included those costs in this Change Order No. 4 request. Discussions and verifications continue with the Contractor on other costs and Staff anticipates that these costs would not exceed the remaining authorized contingency amount of \$65,780.00. Final costs will be summarized with the final payment and acceptance request.

A project budget contingency of \$80,357.00 remains in the 460 (Water) Fund.

A project budget contingency of \$5,845.00 remains in the 461 (Sewer) Fund.

A project budget contingency of \$11,774.00 remains in the 462 (Storm) Fund.

Reviewed by Council Committees:

Councilmember:

Staff: Snyder

Meeting Date: September 6, 2016

Item Number: CA.F

BUDGET STATUS SHEET

Project No: CP1202	Project Title: Auburn Way South Flooding Imp. - Ph II
Project Manager: Seth Wickstrom	

Initiation Date: 8/19/2013
 Advertisement Date: 6/11/15
 Award Date: 7/6/15

- ☐ Consultant Agreement Amendment

☐ Permission to Advertise

☐ Contract Award

☒ Change Order Approval

☐ Contract Final Acceptance

Date: August 29, 2016

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

Funds Budgeted (Funds Available)

Funding	2012	2013	2014	2015	2016	Total
460 Fund - Water			9,919	422,098	413,905	845,922
461 Fund - Sewer		154	11,543	281,356	380,000	673,053
462 Fund - 2013 Bond Proceeds	461	81,607	56,544	1,311,535	187,853	1,637,539
462 Fund - Storm					297,147	297,147
001 Fund - Engineering Repairs					19,255	19,255
Total	461	81,761	78,006	2,014,989	1,298,160	3,472,916

Estimated Cost (Funds Needed)

Activity	2012 (actual)	2013 (actual)	2014 (actual)	2015 (actual)	2016	Total
Design Engineering - City Costs	461	14,283	26,046	124,063		164,392
Design Engineering - Consultant Costs		67,479	51,960			119,438
Construction Contract Bid				1,737,137	903,687	2,640,824
Change Order No. 1				38,644		38,644
Change Order No. 2					81,570	81,570
Change Order No. 3					24,781	24,781
Change Order No. 4					68,873	68,873
Authorized Contingency					65,780	65,780
Construction Engineering - City Costs				115,145	55,493	170,638
Total		81,761	78,006	2,014,989	1,200,184	3,374,940

460 Water Budget Status

	2012 (actual)	2013 (actual)	2014 (actual)	2015 (actual)	2016	Total
*460 Funds Budgeted ()	0	0	(9,919)	(422,098)	(413,905)	(845,922)
460 Funds Needed	0	0	9,919	422,098	333,547	765,565
*460 Fund Project Contingency ()	0	0	0	0	(80,357)	(80,357)
460 Funds Required	0	0	0	0	0	0

461 Sewer Budget Status

	2012 (actual)	2013 (actual)	2014 (actual)	2015 (actual)	2016	Total
*461 Funds Budgeted ()	0	(154)	(11,543)	(281,356)	(380,000)	(673,053)
461 Funds Needed	0	154	11,543	281,356	374,155	667,208
*461 Fund Project Contingency ()	0	0	0	0	(5,845)	(5,845)
461 Funds Required	0	0	0	0	0	0

462 Storm Budget Status

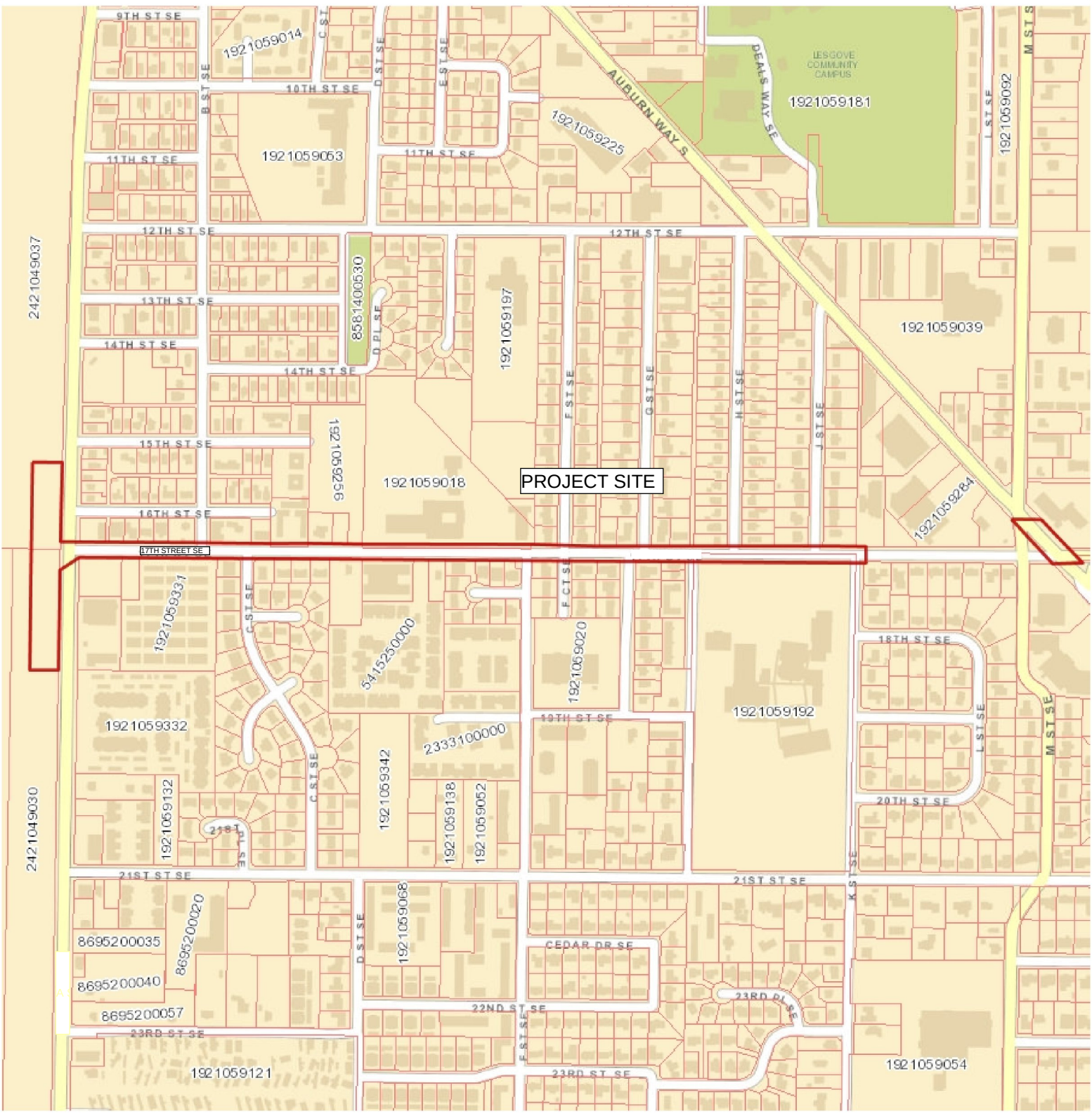
	2012 (actual)	2013 (actual)	2014 (actual)	2015 (actual)	2016	Total
*462 Funds Budgeted ()	(461)	(81,607)	(56,544)	(1,311,535)	(485,000)	(1,934,686)
462 Funds Needed	461	81,607	56,544	1,311,535	473,226	1,922,912
*462 Fund Project Contingency ()	0	0	0	0	(11,774)	(11,774)
462 Funds Required	0	0	0	0	0	0

001 Engineering Repairs Budget Status

	2012 (actual)	2013 (actual)	2014 (actual)	2015 (actual)	2016	Total
*001 Funds Budgeted ()	0	0	0	0	(19,255)	(19,255)
001 Funds Needed	0	0	0	0	19,255	19,255
*001 Fund Project Contingency ()	0	0	0	0	0	0
001 Funds Required	0	0	0	0	0	0

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

Vicinity Map





AGENDA BILL APPROVAL FORM

Agenda Subject:

Public Works Project No. CP1506

Date:

August 30, 2016

Department:

CD & PW

Attachments:

[Budget Status Sheet](#)

[Final Pay Estimate](#)

[Vicinity Map](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council approve Final Pay Estimate No. 6 to Contract No. 15-13 and accept construction of Project No. CP1506, 2015 Citywide Pavement Patching and Overlay Project.

Background Summary:

This project includes funding from the Local Street Preservation Program, the Arterial Street Preservation Program, money that will be contributed to the project via Mining Permit # MIN07-0001 held by ICON Materials and an additional \$600,000.00 of Real Estate Excise Tax revenue.

This project preserved and enhanced City streets by grinding and overlaying 1.44 miles of arterial and collector streets, patching pavement on 1.49 miles of arterial and collector streets, deep patching and overlaying 2.37 miles of arterial and collector streets, and applying a thin overlay to 0.83 miles of local residential streets as part of the Save Our Streets Program. The project also replaced 29 curb ramps at the various project sites so they are compliant with the Americans with Disabilities Act (ADA). This work was funded by the 103 (Local Street Preservation Program) Funds and 105 (Arterial and Collector Street Preservation Program) Funds. The Project streets are shown on the attached map.

A project budget contingency of \$205,616.00 remains in the 103 (Local Street Pavement Preservation) Fund.

A project budget contingency of \$80,887.00 remains in the 105 (Arterial and Collector Pavement Preservation) Fund.

The final contract amount is within the budget and within the authorized contingency for the project.

Reviewed by Council Committees:

Councilmember:

Staff: Snyder

Meeting Date: September 6, 2016

Item Number: CA.G

BUDGET STATUS SHEET

Project No: 15-13	Project Title: 2015 Pavement Patching, and Overlay Project
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Project Manager: Jai Carter

Initiation Date: October 6, 2014

Advertisement Date: June 18, 2015

Award Date: July 6, 2015

- ☐ Final Design

☐ Project Initiation

☐ Contract Award

☐ Change Order #1 Approval

☒ Contract Final Acceptance

Date: August 29, 2016

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

Funds Budgeted (Funds Available)

Funding	Prior Years	2014	2015	2016	Total
103 Fund - Local Street Preservation			218,901	211,099	430,000
105 Fund - Arterial/Collector Preservation			1,221,301	478,699	1,700,000
ICON Materials - Mining Permit #MIN07-0001*			80,000		80,000
Real Estate Excise Tax#			600,000	0	600,000
Total	0	0	2,120,202	689,798	2,810,000

*Funds to be contributed as traffic mitigation fee associated with Mining Permit. Shown below combined with 105 fund budget.

#Funds shown combined with 105 fund budget below.

Estimated Cost (Funds Needed)

Activity	Prior Years	2014	2015	2016	Total
Design Engineering - Actual City Costs**			13,651		13,651
Construction Contract Bid			1,894,842		1,894,842
Authorized Contingency			94,464	387,939	482,403
Change Order #1			67,597		67,597
Line Item Changes				(4,674)	(4,674)
Construction Engineering - City Costs**			54,321	15,357	69,678
Total	0	0	2,124,875	398,622	2,523,497

**City staff costs for Local Street Preservation (103 fund) are not charged against the project budget, amount shown is for City staff design and construction costs of the Arterial and Collector Streets (105 fund).

103 Local Street Budget Status

	Prior Years	2014	2015	2016	Total
***103 Funds Budgeted ()	0	0	(218,901)	(211,099)	(430,000)
103 Funds Needed	0	0	218,901	5,484	224,384
***103 Fund Project Contingency ()	0	0	(0)	(205,615)	(205,616)
103 Funds Required	0	0	0	0	0

105 Arterial/Collector Budget Status

	Prior Years	2014	2015	2016	Total
***105 Funds Budgeted ()	0	0	(1,901,301)	(478,699)	(2,380,000)
105 Funds Needed	0	0	1,901,301	397,812	2,299,113
***105 Fund Project Contingency ()	0	0	(0)	(80,887)	(80,887)
105 Funds Required	0	0	0	0	0

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

**CITY OF AUBURN
CP1506
PAY ESTIMATE #6 & FINAL**

**CO. NO. 15-13
2015 Citywide Pavement Patching & Overlay
SCHEDULE A: Street Improvements**

ITEM NO.	ITEM DESCRIPTION	ESTIMATE QUANTITY	TOTAL QUANTITY	PERIOD QUANTITY	UNIT TYPE	UNIT COST	TOTAL COST	PERIOD COST	PERCENT EST. QTY.
1	Minor Changes	1	0.6982446	0.112	Eq. Adj.	15,000.00	\$ 10,473.67	\$ 1,680.00	70%
2	Mobilization	1	1		LS	84,000.00	\$ 84,000.00	\$ -	100%
3	Traffic Control Supervisor	1	1		LS	19,500.00	\$ 19,500.00	\$ -	100%
4	Traffic Control Labor (Min. Bid \$38.00 per hour)	3623	3108.25	97.75	HR	45.00	\$ 139,871.25	\$ 4,398.75	86%
5	Sequential Arrow Sign	136	56		Day	31.00	\$ 1,736.00	\$ -	41%
6	Portable Changeable Message Sign	188	187		Day	74.00	\$ 13,838.00	\$ -	99%
7	Outside Agency Uniformed Police Flagging Labor	1	3.4183618	0.1254	Eq. Adj.	5,500.00	\$ 18,800.99	\$ 689.70	342%
8	Removal of Railroad Tracks and Ties	1	1		LS	10,000.00	\$ 10,000.00	\$ -	100%
9	Removal of Cement Concrete Flat Work	589	870.78		SY	44.00	\$ 38,314.32	\$ -	148%
10	Removal of Curb and Gutter	1661	1245.5		LF	13.50	\$ 16,814.25	\$ -	75%
11	Unsuitable Foundation Excavation	288	0		CY	21.00	\$ -	\$ -	0%
12	Roadway Excavation Including Haul	965	627.73		CY	29.50	\$ 18,518.04	\$ -	65%
13	Subgrade Preparation	2088	2510.94		SY	0.60	\$ 1,506.56	\$ -	120%
14	Crushed Surfacing Top Course	456	654.53		TON	35.50	\$ 23,235.82	\$ -	144%
15	Crushed Surfacing Base Course	399	487.54		TON	22.00	\$ 10,725.88	\$ -	122%
16	HMA for Overlay Cl. 3/8-inch PG 64-22	1466	1691.48		TON	75.50	\$ 127,706.74	\$ -	115%
17	HMA for Overlay Cl. 1/2-inch PG 64-22	4218	3713.57		TON	65.50	\$ 243,238.84	\$ -	88%
18	HMA for Pavement Repair Cl. 1/2-inch PG 64-22	6503	8080.09		TON	76.20	\$ 615,702.86	\$ -	124%
19	HMA Cl. 1-inch PG64-22	475	6216.28		TON	63.25	\$ 393,179.71	\$ -	1309%
20	Commercial HMA	113	13.27		TON	109.00	\$ 1,446.43	\$ -	12%
21	Planing Bituminous Pavement	25579	39604.51		SY	2.80	\$ 110,892.63	\$ -	155%
22	Rubberized Asphalt for Crack Sealing	1.5	0		TON	9,500.00	\$ -	\$ -	0%
23	Pavement Repair Excavation Including Haul	19538	28021.11		SY	8.90	\$ 249,387.88	\$ -	143%
24	Asphalt Cold Patch Mix	19	3.87		TON	125.00	\$ 483.75	\$ -	20%
25	Manhole Ring and Cover	61	55		EA	860.00	\$ 47,300.00	\$ -	90%
26	Adjust Catch Basin	39	5		EA	515.00	\$ 2,575.00	\$ -	13%
27	Adjust Valve Box	113	62		EA	307.00	\$ 19,034.00	\$ -	55%
28	Inlet Protection	198	116		EA	32.00	\$ 3,712.00	\$ -	59%
29	Topsoil Type A	10	19.67		CY	216.00	\$ 4,248.72	\$ -	197%
30	Lawn Sod	93	110		SY	18.00	\$ 1,980.00	\$ -	118%
31	Bark Mulch	1	3		CY	600.00	\$ 1,800.00	\$ -	300%
32	Miscellaneous Roadside Restoration	1	0		Eq. Adj.	8,250.00	\$ -	\$ -	0%
33	Cement Concrete Traffic Curb and Gutter	1661	1242.2		LF	17.00	\$ 21,117.40	\$ -	75%
34	Residential Driveway Apron	30	0		SY	70.00	\$ -	\$ -	0%
35	Industrial or Commercial Driveway Apron	81	90.2		SY	74.00	\$ 6,674.80	\$ -	111%
36	Raised Pavement Marker Type 2	621	1435	583	EA	4.70	\$ 6,744.50	\$ 2,740.10	231%
37	Monument Type B (Modified)	39	28		EA	276.00	\$ 7,728.00	\$ -	72%
38	Cement Concrete Sidewalk	100	136.34		SY	78.00	\$ 10,634.52	\$ -	136%
39	Cement Concrete Curb Ramp	434	421.65		SY	97.00	\$ 40,900.05	\$ -	97%
40	Induction Loop Vehicle Detector	53	32		EA	730.00	\$ 23,360.00	\$ -	60%

SCHEDULE SUBTOTAL \$ 9,508.55

Period Dates
Begin: June 21, 2016
End: July 20, 2016

CITY OF AUBURN
CP1506
PAY ESTIMATE #6 & FINAL

CO. NO. 15-13
2015 Citywide Pavement Patching & Overlay
SCHEDULE A: Street Improvements

ITEM NO.	ITEM DESCRIPTION	ESTIMATE QUANTITY	TOTAL QUANTITY	PERIOD QUANTITY	UNIT TYPE	UNIT COST	TOTAL COST	PERIOD COST	PERCENT EST. QTY.
41	Paint Line	27223	60217	19896	LF	0.25	\$ 15,054.25	\$ 4,974.00	221%
42	Painted Wide Line	220	118	67	LF	2.10	\$ 247.80	\$ 140.70	54%
43	Plastic Wide Line	520	882	882	LF	2.60	\$ 2,293.20	\$ 2,293.20	170%
44	Plastic Crosswalk Stripe and Stop Bar (24 inch wide)	563	290	178	LF	7.30	\$ 2,117.00	\$ 1,299.40	52%
45	Plastic Traffic Arrow	8	8	8	EA	151.00	\$ 1,208.00	\$ 1,208.00	100%
46	Plastic Traffic Letter	24	20	20	EA	89.00	\$ 1,780.00	\$ 1,780.00	83%
47	Temporary Pavement Markings	26883	26883		LF	0.10	\$ 2,688.30	\$ -	100%
CO-1-1	B Street NE Overlay	1	1		LS	38,224.00	\$ 38,224.00	\$ -	100%
CO-1-2	Petromat Paving Fabric	1	1		LS	29,372.94	\$ 29,372.94	\$ -	100%

SCHEDULE TOTAL \$ 21,203.85

Period Dates
Begin: June 21, 2016
End: July 20, 2016

PAY ESTIMATE #6 & FINAL

	Original Contract Amount	Contract Change Orders	Total Payment	This Period	Percent/Contract
SCHEDULE A: Street Improvements					
Contract	\$ 1,894,842.20	\$ 67,596.94	\$ 2,440,168.08	\$ 21,203.85	124%
No Tax Applicable					
Bond in Lieu of Retainag			\$ -		
SCHEDULE TOTAL	\$ 1,894,842.20	\$ 67,596.94	\$ 2,440,168.08	\$ 21,203.85	

TOTAL CONTRACT AMOUNT TO DATE (no Sales Tax Applicable)	\$ 2,440,168.08		124%
TOTAL PAYMENT TO CONTRACTOR	\$ 2,440,168.08	\$ 21,203.85	
PAYMENT DUE CONTRACTOR:		\$ 21,203.85	

Period Dates
Begin: June 21, 2016
End: July 20, 2016

PAY ESTIMATE # 6 & FINAL

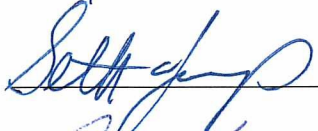
CONTRACTOR:
ICON Materials
1508 Valentine Ave SE
Pacific, WA 98047
Phone: (206) 575-3200

The undersigned has reviewed and approved this final pay estimate. I agree that it is a true and correct statement showing all monies due me from the City of Auburn under this contract; that I have carefully examined the final pay estimate estimate and understand it and that I hereby release the City of Auburn from any and all claims of whatsoever nature which I may have, arising out of this contract, which are not set forth in this estimate.

PAYMENT DUE TO CONTRACTOR = \$ 21,203.85

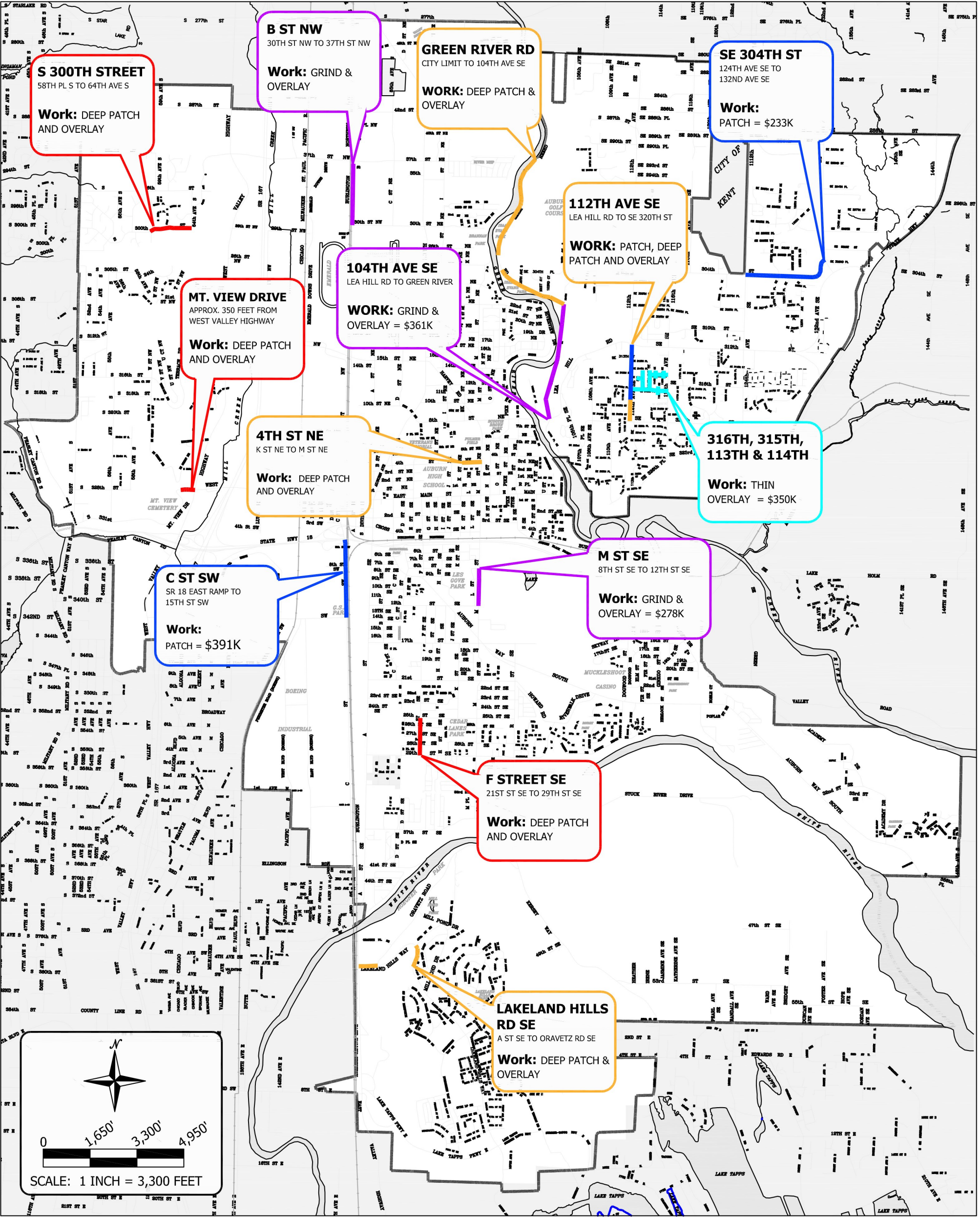
Signatures:

Contractor  Date 8/11/16

Inspector  Date 8/18/16

Project Manager  Date 8/4/16

City Engineer _____ Date _____



MAP 1: 2015 PAVEMENT PATCHING AND OVERLAY PROJECT STREETS

- ADDED PATCH/OVERLAY STREETS (REAL ESTATE EXCISE TAX)
- PATCH (105 FUND)
- GRIND & OVERLAY (105 FUND)
- THIN OVERLAY (103 FUND)
- ADDED PATCH/OVERLAY TO PROJECT (105 FUND)



AGENDA BILL APPROVAL FORM

Agenda Subject:

Public Works Project No. CP1512

Date:

August 29, 2016

Department:

CD & PW

Attachments:

[Budget Status Sheet](#)

[Bid Tab Summary](#)

[Vicinity Map](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council award Contract No. 16-13, to Road Construction Northwest, Inc. on their low bid of \$558,549.50 plus Washington State sales tax of \$53,062.20 for a total contract price of \$611,611.70 for Project No. CP1512, 2015 Sewer Repair and Replacement.

Background Summary:

The City received 7 responsive bids and the low bid was approximately 27% below the engineer's estimate. Staff has performed reference checks and other verifications to determine that Road Construction Northwest, Inc. meets the responsible bidding criteria and recommends award.

The project will repair and/or replace portions of the sanitary sewer system that have deteriorated or are otherwise in need of repair due to issues that include pipe breakage, settling or joint separation, or other problems. Sites for repair are shown on the attached vicinity map and were selected based on camera inspection showing need for repair and knowledge or records indicating frequent inspection and maintenance by Sanitary Sewer Utility staff.

A project budget contingency of \$352,388.00 remains in the 461 (Sewer) Fund.

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

Snyder

Meeting Date:

September 6, 2016

Item Number:

CA.H

BUDGET STATUS SHEET

Project No: CP1512	Project Title: 2015 Sewer Repair and Replacement
---------------------------	---

Project Manager: Seth Wickstrom

Initiation Date: 7/24/15

Advertisement Date: 8/11/16

Award Date: _____

- ☐ 2015 Mid Biennial Adjustment

☐ Permission to Advertise

☒ **Contract Award**

☐ Change Order Approval

☐ Carry Forward to 2016

8/25/2016

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

Funds Budgeted (Funds Available)

Funding	Prior Years	2015 (actual)	2016	Future Years	Total
461 Fund - Sewer		37,904	1,150,000		1,187,904
Total	0	37,904	1,150,000	0	1,187,904

Estimated Cost (Funds Needed)

Activity	Prior Years	2015 (actual)	2016	Future Years	Total
Design Engineering - City Costs		37,904	44,000		81,904
Construction Contract Bid			611,612		611,612
Authorized Contingency			75,000		75,000
Construction Engineering - City Costs			60,000		60,000
Construction Engineering - Consultant Costs			7,000		7,000
Total	0	37,904	797,612	0	835,515

461 Sewer Budget Status

	Prior Years	2015 (actual)	2016	Future Years	Total
*461 Funds Budgeted ()	0	(37,904)	(1,150,000)	0	(1,187,904)
461 Funds Needed	0	37,904	797,612	0	835,515
*461 Fund Project Contingency ()	0	0	(352,388)	0	(352,388)
461 Funds Required	0	0	0	0	0

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

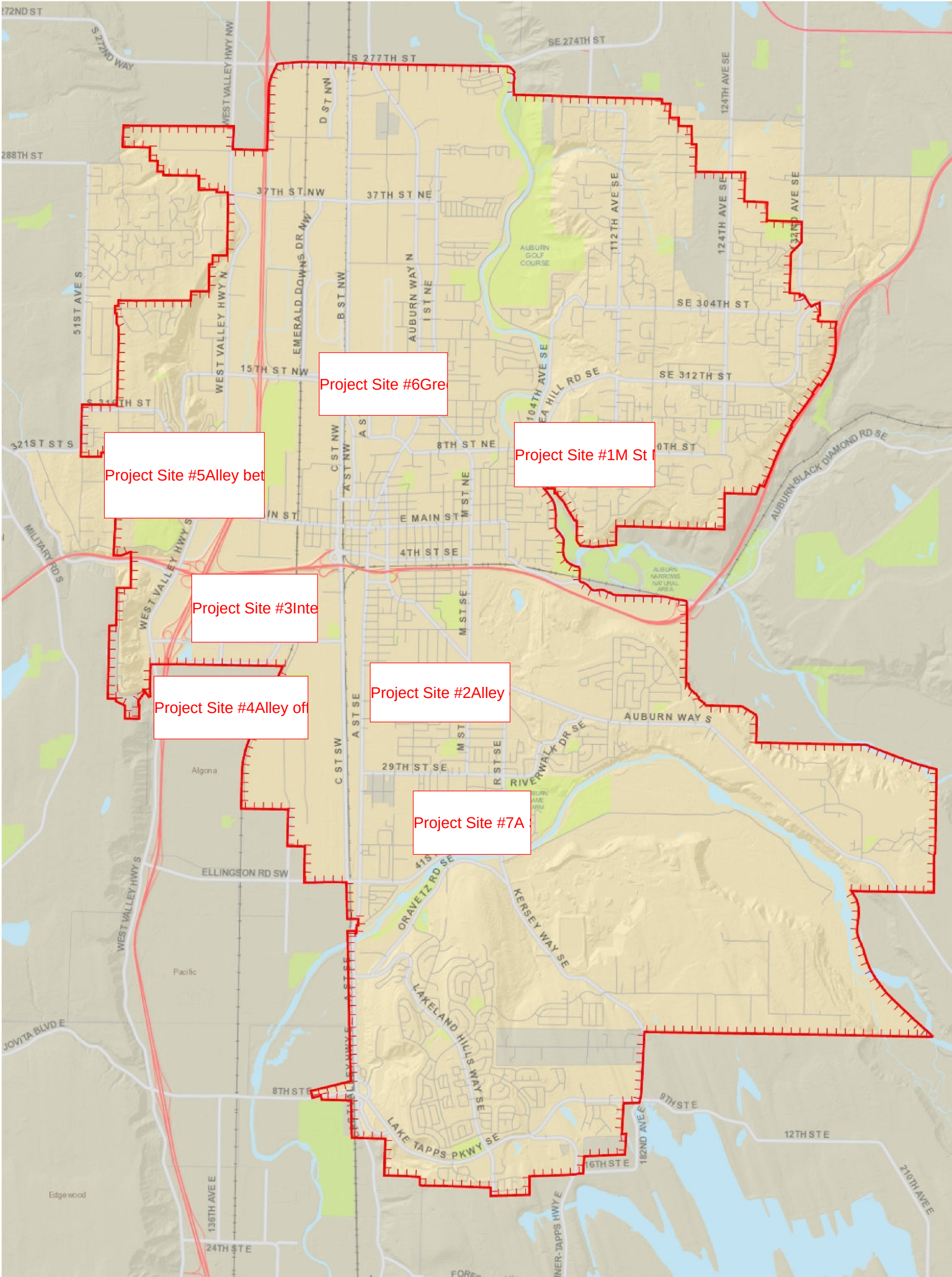
**BID TABULATION
BID TOTALS SUMMARY**

Project Name: CP1512, 2015 Sewer Repair and Replacement, Contract 16-13
Prepared by: City of Auburn
Bid Date: 8/25/16

ENGINEER'S ESTIMATE:		\$	768,431.64			
AVERAGE BASIC BID AMOUNT:		\$	712,384.77			
BASIC BID SPREAD AMOUNT:		\$	279,753.50	Basic BID Amount	Spread \$	Spread %
LOW BIDDER:	Road Construction Northwest, Inc.	\$	558,549.50		-\$209,882.14	-27.31%
Second Bidder:	R.L. Alia Company	\$	661,896.10		-\$106,535.54	-13.86%

	Basic BID (Tax not Included)		Total BID (Tax Included)	
Road Construction Northwest, Inc.	\$	558,549.50	\$	611,611.70
R.L. Alia Company	\$	661,896.10	\$	724,776.23
Hoffman Construction	\$	672,048.80	\$	735,893.44
Pivetta Brothers Construction	\$	728,750.00	\$	797,981.25
Sound Paciic Construction	\$	747,162.00	\$	818,142.39
Northwest Cascade, Inc.	\$	779,984.00	\$	854,082.48
R.W. Scott Construction	\$	838,303.00	\$	917,941.79

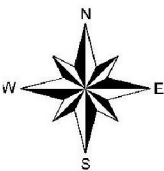
NOTE: An evaluation of whether a bidder is responsible or non-responsible was only made for the low bidder. This does not indicate, one way or the other, how other bidders would be considered if they were the low bidder.



Printed Date: 5/27/2015

Map Created by City of Auburn eGIS

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





AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6600

Date:

August 29, 2016

Department:

Community Development & [Ordinance No. 6600](#)
Public Works

Attachments:**Budget Impact:**

\$0

Administrative Recommendation:

City Council adopt Ordinance No. 6600.

Background Summary:

The proposed ordinance would modify the City's regulations for the keeping of animals on residential properties, as summarized below. Discussions were held with the Planning Commission in February 2, and March 8, of this year along with a final presentation on May 3rd followed up with a formal public hearing conducted on May 17th.

The Planning Commission's recommendation of proposed changes is summarized as follows:

- 1) add new definitions and regulations for beekeeping
- 2) update definitions and regulations for keeping domestic fowl (e.g. chickens)
- 3) modify the definition for small domestic animals ("household pets") to except animals such as fish
- 4) modify and clarify the definition for medium domestic animals (e.g. miniature goats)
- 5) modify and clarify the definition for large domestic animals (e.g. horses)
- 6) combine the existing two code sections that contain the regulations for keeping animals into one section, update incorrect or non-applicable code verbiage (e.g. licensing requirements for potbelly pigs does not exist) in these sections, and other general updates (e.g. add chicken coops must meet setbacks)
- 7) add section that requires existing areas or structures housing animals to meet these updated Code provisions for setbacks within 30 days of notification by the City. Language is included that allows a request for extension beyond the 30 days.

Additionally, at the May 17th public hearing, the Planning Commission initiated a discussion about the maximum number of small domestic animals (e.g. cats and dogs) that a property owner is allowed to have on their property. Staff did not initiate

this conversation nor did any members of the public. The Planning Commission looked at a section of code that has been in place since prior to the mid 1980's which establishes the limit of domestic animals at four (4). The Planning Commission felt that this limitation was arbitrary and voted to recommend that it be increased to 5. A change to 5 animals would also necessitate a further change to ACC 6.04.040 "Maximum number of dogs or cats". Staff encourages City Council to consider the appropriateness of this part of the Planning Commission's initial recommendation.

At the June 20, 2016 City Council meeting, the Council remanded the section of the ordinance relating to setbacks for structures and areas housing domestic fowl back to the Planning Commission for further consideration. Staff introduced the remand to the Planning Commission on July 12, 2016 and brought forward a more in-depth discussion on August 16, 2016. The Planning Commission discussed several options that were presented by City Staff and made a recommendation to allow the structures and yard areas housing (or containing) domestic fowl only in the rear yard and no closer than 10 feet to a rear or side property line.

The City Council reviewed the Planning Commission recommendation for the 10-foot setback at their regular study session on August 22, 2016.

Reviewed by Council Committees:

Other: Planning, Legal, & Building

Councilmember:

Staff: Snyder

Meeting Date: September 6, 2016

Item Number: ORD.A

ORDINANCE NO. 6 6 0 0

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, CREATING NEW SECTIONS 18.04.115, 18.04.237, 18.04.238, 18.04.523, AND 18.04.617, OF THE CITY CODE , AMENDING SECTIONS 18.04.325, 18.04.622, 18.04.823 (FORMERLY SECTION 18.04.495), 18.07.020, 18.07.030 AND 18.31.220 OF THE CITY CODE AND REPEALING SECTION 18.31.230 OF THE AUBURN CITY CODE, AND PROVIDING FOR THE AMORTIZATION OF SETBACK REQUIREMENTS, RELATING TO ZONING AND LAND USE CODE PROVISIONS FOR ANIMALS

WHEREAS, the current language of the Auburn City Code includes zoning and land use code provisions that address various different animal and pet regulations; and

WHEREAS, with respect to some of those provisions, additions to and modifications of provisions would be valuable for the City to be better able to address issues related to the zoning and land use issues in ways that accommodate the interaction between the City's nuisance codes.

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

Section 1. New Section to City Code. That a new Section 18.04.115 of the Auburn City Code be, and the same hereby is created to read as follows:

18.04.115 Apiary

"Apiary" ("apiaries") means a place where honey bees (*apis mellifera*) are kept; a collection of beehives. "Beekeeping" is included under this definition.

Section 2. New Section to City Code. That a new Section 18.04.237 of the Auburn City Code be, and the same hereby is created to read as follows:

18.04.237 Chicken coop

"Chicken coop" means a building for housing and weather protection for domestic fowl. The chicken coop is treated as an accessory structure.

Section 3. New Section to City Code. That a new Section 18.04.238 of the Auburn City Code be, and the same hereby is created to read as follows:

18.04.238 Chicken run.

"Chicken run" or "chicken pen" means an area enclosed by fencing or netting which may or may not be connected to a coop within which domestic fowl can move about freely within a limited portion of the property or site.

Section 4. New Section to City Code. That a new Section 18.04.523 of the Auburn City Code be, and the same hereby is created to read as follows:

18.04.523 Large domestic animal.

"Large domestic animal" means horses, ponies, donkeys, cows, standard size goats, llamas, oxen, standard size pigs, and other similar sized animals.

Section 5. New Section to City Code. That a new Section 18.04.617 of the Auburn City Code be, and the same hereby is created to read as follows:

18.04.617 Medium domestic animal.

"Medium domestic animal" means potbelly pigs, miniature goats, miniature horses, and other similar sized animals that are larger than a small domestic animal and smaller than a large domestic animal.

Section 6. Amendment to City Code. That Section 18.04.325 of the Auburn City Code be and the same hereby is amended to read as follows:

18.04.325 Domestic fowl and poultry

"Domestic fowl and poultry" includes all species of chickens, turkeys, geese, and ducks, pigeons or other fowl or poultry of similar size and character. Roosters and peafowl are not included in this definition and are not permitted. (Ord. 6369 § 5, 2011)

Section 7. Amendment to City Code. That Section 18.04.622 of the Auburn City Code be and the same hereby is amended to read as follows:

18.04.622 Miniature goat.

"Miniature goats" include species of goats commonly known as pygmy (*Capra hircus hircus pygmy*), or Nigerian dwarf (*Capra hircus hircus nigerian dwarf*) and miniature goats. (Ord. 6369 § 6, 2011)

Section 8. Amendment to City Code. That Section 18.04.823 (formerly

18.04 495) of the Auburn City Code be and the same hereby is amended to read as follows:

18.04.823 ~~Household pet~~ Small domestic animal.

~~"Household pet~~ "Small domestic animal" means a domesticated animal of ordinary species that lives, or is commonly known to be capable of living, within the confines of a residence such as dogs, cats, common rabbits, ferrets, or other similar sized animals. Other indoor animals weighing less than ten (10) pounds, such as, but not limited to, caged birds, small rodents, fish, and non-venomous reptiles or amphibians, and not kept for commercial purposes, are not regulated under this title. Any endangered or exotic species are prohibited. Animals considered to be common household pets include but are not necessarily limited to the following: dogs, cats, rabbits, indoor birds, small rodents, and fish, miniature goats, potbelly pigs, and domestic fowl. Animals not considered to be common household pets include but are not necessarily limited to the following: horses, cows, goats, sheep, swine, donkeys full-size swine, full-size goats and endangered or exotic species and any similar species. (Ord. 6369 § 1, 2011, Ord. 6245 § 3, 2009; Ord. 5777 § 1, 2003; Ord. 4229 § 2, 1987 Formerly 18.04 720, and 18.04 495)

Section 9. Amendment to City Code. That Section 18.07.020 of the

Auburn City Code be and the same hereby is amended to read as follows:

Table 18.07.020

Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
A. Residential Uses.							
Accessory dwelling units	P	P	P	P	X ¹	X ¹	X ¹

Table 18.07.020

Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
Accessory use, residential	P	P	P	P	P	P	P
Adult family home	P	P	P	P	P	P	P
Bed and breakfast	P	P	P	P	P	P	P
Communal residence four or less individuals	P	P	P	P	P	P	P
Duplexes; provided, that minimum lot size of zoning designation is met and subject to compliance with Chapter 18.25 ACC (Infill Residential Development Standards)	X	X	A	P	P	P	X
Foster care homes	P	P	P	P	P	P	P
Group residence facilities (7 or more residents)	X	X	X	X	C	C	C
Group residence facilities (6 or fewer residents)	P	P	P	P	P	P	P
Keeping household pets of animals ^a	P ²	P ²	P ²	P ²	P ²	P ²	P ²
Multiple-family dwellings	X	X	X	X	A	P	P
Neighborhood recreational buildings and facilities owned and managed by the neighborhood homeowners' association	A ^o	A ^o	A ^o	A ^o	A ^o	P	P
Use as dwelling units of (1) recreational vehicles that are not part of an approved recreational vehicle park, (2) boats, (3) automobiles, and (4) other vehicles	X	X	X	X	X	X	X
Renting of rooms, for lodging purposes only, to accommodate not more than two persons in addition to the family or owner occupied unit ^a	P	P	P	P	P	P	P
Residential care facilities including but not limited to assisted living facilities, convalescent homes, continuing care retirement facilities	P	P	X	X	A	P	P
Single-family detached dwellings, new	P	P	P	P	P	P	X

Table 18.07.020

Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
Supportive housing, subject to the provisions of ACC 18.31 160	X	X	X	X	X	P	P
Swimming pools, tennis courts and similar outdoor recreation uses only accessory to residential or park uses	P	P	P	P	P	P	P
Townhouses (attached)	X	X	X	X	P	P	P
B. Commercial Uses.							
Commercial horse riding and bridle trails	A	X	X	X	X	X	X
Commercial retail, included as part of mixed-use development and not a home occupation in compliance with Chapter 18.60 ACC	X	X	X	X	A	A	A
Daycare, limited to a mini daycare center Daycare center, preschool or nursery school may also be permitted but must be located on an arterial	X	A	A	A	A	A	A
Home-based daycare as regulated by RCW 35.63.185 and through receipt of approved city business license	P	P	P	P	P	P	P
Home occupations subject to compliance with Chapter 18.60 ACC	P	P	P	P	P	P	P
Mixed-use development ²	X	X	X	X	P	P	P
Nursing homes	X	X	X	X	C	C	C
Private country clubs and golf courses, excluding driving ranges	X	X	C	C	C	X	X
Privately owned and operated parks and playgrounds and not homeowners' association-owned recreational area	X	A	A	A	A	P	P
Professional offices, included as part of mixed-use development and not a home occupation in compliance with Chapter 18.60 ACC	X	X	X	X	A	A	A

Table 18.07.020

Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
C. Resource Uses.							
Agricultural enterprise: ⁷							
When 50 percent, or more, of the total site area is dedicated to active agricultural production during the growing season, and with 52 or less special events per calendar year	A ⁷	X	X	X	X	X	X
When less than 50 percent of the total site area is dedicated to active agricultural production during the growing season, or with more than 52 special events per calendar year	C ⁷	X	X	X	X	X	X
Agricultural type uses are permitted provided they are incidental and secondary to the single-family use:							
Agricultural crops and open field growing (commercial)	P	X	X	X	X	X	X
Barns, silos and related structures	P	X	X	X	X	X	X
Commercial greenhouses	P	X	X	X	X	X	X
Pasturing and grazing ⁴	P	X	X	X	X	X	X
Public and private stables ⁴	P	X	X	X	X	X	X
Roadside stands, for the sale of agricultural products raised on the premises. The stand cannot exceed 300 square feet in area and must meet the applicable setback requirements	P	X	X	X	X	X	X
Fish hatcheries	C	X	X	X	X	X	X
D. Government, Institutional, and Utility Uses.							
Civic, social and fraternal clubs	X	X	X	X	A	A	A
Government facilities	A	A	A	A	A	A	A
Hospitals (except animal hospitals)	X	X	X	X	X	C	C

Table 18.07.020

Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
Municipal parks and playgrounds	A	P	P	P	P	P	P
Museums	X	X	X	X	A	A	A
Religious institutions, less than one acre lot size	A	A	A	A	A	A	A
Religious institutions, one acre or larger lot size	C	C	C	C	C	C	C
Transmitting towers	C	C	C	C	C	C	C
Type 1-D wireless communication facility (see ACC 18.04.912(J))	P	P	P	P	P	P	P
Utility facilities and substations	C ^s	C ^s	C ^s	C ^s	C ^s	C ^s	C ^s

1. An accessory dwelling unit may be permitted with an existing single-family residence pursuant to ACC 18.31.120.

2. Please see the supplemental development standards for animals in ACC 18.31.220.

3. Individual uses that make up a mixed-use development must be permitted within the zone. If a use making up part of a mixed-use development requires an administrative or conditional use permit, the individual use must apply for and receive the administrative or conditional use approval, as applicable.

4. Proximity of pasture or livestock roaming area to wells, surface waters, and aquifer recharge zones is regulated by the King or Pierce County board of health, and property owners shall comply with the provisions of the King County board of health code.

5. Excludes all public and private utility facilities addressed under ACC 18.02.040(E).

6. Administrative use permit not required when approved as part of a subdivision or binding site plan.

7. Agricultural enterprise uses are subject to supplemental development standards under ACC 18.31.210, Agricultural enterprises development standards.

8. An owner occupant that rents to more than two persons but no more than four persons is required to obtain a city of Auburn rental housing business license and shall meet the standards of the International Property Maintenance Code.

(Ord. 6565 § 2, 2015; Ord. 6560 § 9, 2015, Ord. 6477 § 8, 2013; Ord. 6369 § 2, 2011, Ord. 6363 § 3, 2011, Ord. 6269 § 3, 2009; Ord. 6245 § 5, 2009.)

Section 10. Amendment to City Code. That Section 18.07 030 of the Auburn City Code be and the same hereby is amended to read as follows:

Table 18.07.030
Residential Development Standards

	Standard	RC	R-1	R-5	R-7	R-10	R-16	R-20
A	Base density (units per net acre)	0.25	1	5	7	10	16	20
B	Minimum density (units per net acre) ¹	0.25	1	4	5	8	12	15
C	Minimum average lot area per dwelling unit (square feet)	174,240	35,000	8,000	6,000	4,300	2,700	2,175
D	Minimum lot area per dwelling unit (square feet)	174,240	35,000	6,000	4,300	2,000	2,000	2,000
E	Minimum lot width (feet) ²	125	125	50	40	20 for interior lots; 35 for exterior lots	20 for interior lots; 35 for exterior lots	20 for interior lots; 35 for exterior lots
F	Minimum setbacks (feet) ^{2,3}							
1	Residence front setback ³	35	35	10	10	10	10	10
2	Garage (minimum front setback required from street access) ³	20	20	20	20	20	20	20 unless alley-loaded then 15 provided there are

Table 18.07.030
Residential Development Standards

	Standard	RC	R-1	R-5	R-7	R-10	R-16	R-20
								20 feet from any garage
3	Setback to any property line for barns, stables, coops, or similar structures for enclosure of <u>large domestic animals</u> . For other animals, see <u>the supplemental development standards for animals in ACC 18.31.220.</u>	75	X	X	X	X	X	X
4	Setback to any property line for any corral, exercise yard, or arena for <u>large domestic animals</u> . For other animals, see <u>the supplemental development standards for animals in ACC 18.31.220.</u>	35	X	X	X	X	X	X
5	Interior side setback	20	10	5	5	5	5	5
6	Street side setback ^a	35	20	10	10	10	10	10
7	Rear setback ^a	35	35	20	20	20	20	20
8	Rear setback, detached structure	15	15	10	5	5	5	5

Table 18.07.030
Residential Development Standards

	Standard	RC	R-1	R-5	R-7	R-10	R-16	R-20
	In all zones, 20 ft for structure with vehicular entrance oriented toward street or public alley ^a							
G	Maximum lot coverage (%)	25	35	40	50	60	70	70
H	Maximum impervious area (%)	25	50	65	75	N/A	N/A	N/A
I	Maximum building height (feet)	35	35	35	35	45	45	50
J	Maximum height of accessory buildings and structures	35 ^c	35	16	16	16	NA	NA
K	Minimum front setback area landscape strip (feet)	N/A	N/A	5	5	10	10	10
L	Minimum side setback area landscape strip (feet)	N/A	N/A	5	5	10	10	10
M	Minimum landscaped open space (%)	N/A	N/A	N/A	N/A	20	20	20

1 For purposes of calculating minimum density, critical area buffers are not included in net site area. See ACC 18.02.065 for calculation of net acreage for minimum density

2. All minimum lot widths, setbacks, and landscaping strips are subject to demonstration to the satisfaction of the city engineer that all required utility infrastructure, access requirements, and street elements can be accommodated in accordance with the design and construction standards.

3. In addition to meeting setback requirements, all structures must meet sight distance requirements in accordance with city design and construction standards.

4. Barns and other specialized structures used for agricultural purposes may exceed the height limits.

Section 11. Amendment to City Code. That Section 18.31.220 of the Auburn City Code be and the same hereby is amended to read as follows:

18.31.220 Permitted animals.¹

The types and allowed number of animals permitted, are listed as follows, provided the following requirements are met. The specified minimum lot size per animal are absolute requirements. No variances, waivers, and/or modifications under the Auburn City Code shall be granted. The keeping of animals that require no lot size or lesser lot size are allowed to be cumulative, when lot size requirements have been met. For example, on a 12,500 square-foot lot, the keeping of one (1) miniature goat, one (1) potbelly pig, and two (2) dogs could be allowed. Licensing of pets and animal control is governed by ACC Title 6, Animals.

A. ~~Small Domestic-domestic Fowl~~animals. ~~Small Domestic-domestic fowl-animals~~ may be kept as small-animals if the owner complies with the following:

1. Small domestic animals are permitted as an accessory use to a residence or business.

2. Up to four (4) small domestic animals, including foster animals, per dwelling or commercial building regardless of lot size. Offspring less than six (6) months of age are not included in this number.

3. A pet license is required for each cat or dog in accordance with chapter 6.04, Animal Licensing.

B. Domestic fowl. Domestic fowl may be kept if the owner complies with the following:

1. Domestic fowl and poultry are permitted as an accessory use to a single-family residence.

2. Roosters and peafowl are not permitted.

23. Structures, or yard areas including chicken coops, pens or runs, housing or containing domestic fowl must comply with accessory structure setbacks applicable in the zoning district where the shelter is to be located are only allowed in the rear yard (the area between the rear yard lot line and the extension of the rear façade of the principal structure) and shall be setback from the rear and side yard lot lines by a distance of at least 10 feet.

34 Up to a total of four (4) domestic fowl and poultry can be kept on lots that are at least 6,000 gross-square feet in size. On lots that are larger than 6,000 gross-square feet, one additional small lot-domestic fowl or poultry animal may be kept per additional 2,000 gross-square feet as shown in ACC 18.31.230. The maximum number of domestic fowl allowed per lot is ten (10); this maximum does

¹ Code reviser's note: Ordinance 6369 adds these provisions as Section 18.31.210. The section has been renumbered to avoid duplication of numbering.

not apply to properties zoned RC, Residential Conservancy or R-1, residential one dwelling unit per acre.

~~45~~ Please reference ~~The keeping conforms to ACC 8.28.010 regarding noise disturbance, ACC 8.12.020 regarding nuisances affecting public health and safety, and ACC 6.24.020 regarding slaughtering.~~

BC Miniature Goats. Miniature goats are medium domestic animals and may be kept as small animals if they are licensed as follows if the owner complies with the following:

1 Miniature goats are permitted as accessory use to a single-family residence.

2 Male miniature goats must be neutered.

23 All miniature goats must be dehorned.

34 Nursing offspring of miniature goats licensed according to the provisions of this code may be kept until weaned, but no longer than 12 weeks from birth without meeting the requirements contained herein.

~~45~~ Shelter ~~The location of structures housing miniature goats must comply with accessory structure setbacks applicable in the zoning district where the shelter property is to be located.~~

~~56~~ Licensing must be done in accordance with ACC Title 6, Animals, which incorporates the provisions of King County Code Title 11, Animal Care and Control.

6 Up to two (2) miniature goats are allowed on lots that are at least 12,500 gross square feet in size. On lots that are greater than 12,500 gross square feet, one (1) additional medium size domestic animal may be kept per additional 7,500 gross square feet as shown in ACC 18.31.230

~~7~~ Please reference ~~The keeping conforms to ACC 8.28.010 regarding noise disturbance, ACC 8.12.020 regarding nuisances affecting public health and safety, and ACC 6.24.020 regarding slaughtering.~~

CD Potbelly Pigs. Miniature potbelly pigs are medium domestic animals and may be kept as a small animal; provided, that no swine that is greater than 22 inches in height at the shoulder or more than 150 pounds in weight may be kept in the city if the owner complies with the following:

1 Potbelly pigs are permitted as accessory use to a single-family residence.

2 Potbelly pigs are no greater than 24 inches in height at the shoulder and no more than 150 pounds.

3 Nursing offspring of potbelly pigs licensed according to the provisions of this code may be kept until weaned, but no longer than 12 weeks from birth without meeting the requirements contained herein.

24 Shelter ~~The location of structures housing potbelly pigs must comply with accessory structure setbacks applicable in the zoning district where the shelter property is to be located.~~

~~35. Licensing must be done in accordance with ACC Title 6, Animals, which incorporates the provisions of King County Code Title 11, Animal Care and Control.~~

~~45. Two (2) potbelly pigs can be kept on lots that are at least 12,500 gross square feet in size. On lots that are greater than 12,500 gross square feet, one (1) additional medium size domestic animal may be kept per additional 7,500 gross square feet as shown in ACC 18.31.230.~~

~~56. Please reference The keeping conforms to ACC 8.28.010 regarding noise disturbance, ACC 8.12.020 regarding nuisances affecting public health and safety, and ACC 6.24.020 regarding slaughtering.~~

~~E. Large domestic animals. Large domestic animals may be kept if the owner complies with the following:~~

~~1. Large domestic animals are allowed as an accessory use to a single-family residence.~~

~~2. Two (2) large domestic animals can be kept on lots that are at least one (1) acre in size.~~

~~3. On lots that are larger than one (1) acre, one (1) additional large domestic animal may be kept per additional 21,780 square feet.~~

~~4. The location and structures housing large domestic animals and any corral, exercise yard or arena, must comply with the setbacks applicable in the zoning district where the property is located.~~

~~5. The keeping conforms to ACC 8.28.010 regarding noise disturbance, ACC 8.12.020 regarding nuisances affecting public health and safety, and ACC 6.24.020 regarding slaughtering.~~

~~F. Apiaries (keeping of honey bees [apis mellifera]), also referred to as beekeeping, may be permitted if the owner complies with the following.~~

~~1. Beekeeping is allowed as an accessory use to a single-family residence.~~

~~2. All hives are registered with the State Department of Agriculture.~~

~~3. No more than two (2) hives, each with only one (1) swarm, shall be kept on lots of less than ten thousand (10,000) square feet.~~

~~4. Hives shall not be located within twenty-five (25) feet of any property line with the hive(s) entrance(s) facing away from the nearest property line.~~

~~5. The keeping conforms to ACC 8.28.010 regarding noise disturbance and ACC 8.12.020 regarding nuisances affecting public health and safety.~~

~~G. Amortization of pre-existing, nonconforming, structures housing animals and runs or pens. An individual who receives written notice from the city that a structure (coop) or yard area (runs or pens) housing animals regulated by this section, except small domestic animals, that does not comply with setback requirements shall have thirty (30) days from the date of notification to bring the property/structure into compliance. If any individual believes that his or her circumstances pose particular difficulty in meeting the 30-day timeframe for compliance with the setback requirements of this section, the individual may request in writing of the community development & public works director (planning~~

director) or designee additional time to bring his or her activity into conformity. Decisions of the community development & public works director (planning director) or designee to grant or deny the extension shall be final and conclusive. (Ord. 6369 § 8, 2011)

Section 12. Repeal of Section in City Code. That Section 18.31.230 of the Auburn City Code be and the same hereby is repealed.

Section 13. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 14. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 15. Effective date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law

INTRODUCED· _____

PASSED· _____

APPROVED· _____

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST

Ordinance No. 6600
August 17, 2016
Page 14 of 17

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:


Daniel B. Heid, City Attorney

Published. _____

SECTION BEING DELETED

18.31.230 Table of allowed districts.¹

The allowable numbers of animals permitted outright, provided the minimum lot size is met, are detailed in the following table. The specified minimum lot sizes are absolute requirements. No variances, waivers, and/or modifications under the Auburn City Code may be granted. The keeping of animals that require lesser lot size is allowed to be cumulative, when lot size requirements have been met. Licensing of pets and animal control is governed by ACC Title 6, Animals, which incorporates the provisions of King County Code Title 11, Animal Care and Control.

	RC	R-1	R-5	R-7	R-10	R-16	R-20	RO	C-1	C-2	C-3
Goats	Y	Y	Y	Y	C*	C*	C*	N	N	N	Y
Pigs	Y	Y	Y	Y	C*	C*	C*	N	N	N	Y
Chickens	Y	Y	Y	Y	C*	C*	C*	N	N	N	Y

Y = Yes

N = No

C = Conditional

*Permitted as an outright use if more than 50 percent of the property is not covered with impervious surface. If the property is more than 50 percent covered with impervious surface then the applicant must apply for an administrative use permit pursuant to Chapter 18.64 ACC. These applications will not be processed as conditional use permits.

Type of Animal	Maximum Number of Animals Permitted Outright
Household pets: dogs, cats, rabbits, caged indoor birds, small rodents, and if weighing less than 10 pounds any nonvenomous reptiles and amphibians.	4* per dwelling or commercial building regardless of lot size. A pet license is required for each cat or dog.
Domestic fowl.	4 on lots that are at least 6,000 gross sq. ft. in size. On lots that are larger than 6,000 gross sq. ft., 1 additional small lot domestic animal may be kept per additional 2,000 gross sq. ft.
Medium size animals: potbelly pigs, and miniature goats that are smaller than 24 inches at the shoulder and/or not more than 150 pounds in weight.	2 on lots that are at least 12,500 gross sq. ft. in size. On lots that are greater than 12,500 gross sq. ft., 1 additional medium lot domestic animal may be kept per additional 7,500 gross sq. ft.
Large size animals: horses, ponies, donkeys, cows, standard size goats, llamas, oxen, standard size pigs.	2 on lots that are at least 1 gross acre in size. On lots that are larger than 1 gross acre, 1 additional large lot domestic animal may be kept per additional 21,780 sq. ft.

*Includes foster animals.

(Ord. 6369 § 9, 2011)

Ordinance No. 6600

August 17, 2016

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1 Code reviser's note: Ordinance 6369 adds these provisions as Section 18.31.211 The section has been renumbered to match the renumbering of the preceding section.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6614

Date:

August 29, 2016

Department:

CD & PW

Attachments:

[Ordinance No. 6614](#)

[Exhibit A](#)

[Exhibit B](#)

[Staff Report](#)

[Vicinity Map](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council adopt Ordinance No. 6614.

Background Summary:

The City of Auburn has determined that rights-of-way in the vicinity of 50 foot right-of-way and the 14 foot alley south of East Main Street and east of A Street SE are no longer required to meet the needs of the City. The 50 foot ROW was dedicated to the City for street purposes by Warranty Deed on March 17, 1920. The 14 foot Alley was dedicated to the City for street purposes by Warranty Deed on September 24, 1920. City staff and utility providers who have an interest in this right-of-way have reviewed the proposed right-of-way vacation. Through this review City staff has determined that the right-of-way is no longer necessary to meet the needs of the City and could be vacated.

A staff presentation was given at the August 22nd Study Session discussing Draft Ordinance No. 6614. A Public Hearing to consider the proposed vacation and hear public comment was held before the City Council in accordance with Auburn City Code Chapter 12.48.080.

Ordinance No. 6614 if adopted by City Council, approves Vacation No. V2-16 and vacates the right-of-way subject to conditions outlined in the Ordinance.

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

Snyder

Meeting Date:

September 6, 2016

Item Number:

ORD.B

ORDINANCE NO. 6614

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, APPROVING THE VACATION OF RIGHT-OF-WAY IN THE VICINITY OF THE 50 FOOT RIGHT-OF-WAY AND THE 14 FOOT ALLEY SOUTH OF EAST MAIN STREET AND EAST OF A STREET SE

WHEREAS, the City of Auburn, Washington, has determined through an evaluation of its needs for streets and right-of-ways located in the vicinity of the 50 foot right-of-way and the 14 foot alley, south of East Main Street and east of A Street SE, dedicated to the City through Warranty Deed under Recording Number 1400591 on February 17, 1920 and Recording Number 1454217 on September 24, 1920, may no longer be needed to meet the needs of the City and that a public hearing should be set to determine if said right-of-way should be vacated; and,

WHEREAS, a request for vacation of said right-of-way was circulated to Puget Sound Energy, CenturyLink, Comcast and City Departments and comments were received; and

WHEREAS, Resolution No. 5243 calling for a public hearing was approved August 1, 2016; and

WHEREAS, posting requirements of Auburn City Code 12.48.070 have been met; and

WHEREAS, a public hearing was held before the City Council on September 6, 2016; and

Ordinance No. 6614
July 6, 2016
1 of 8

WHEREAS, through this process, the City has determined that it no longer needs right-of-way in the vicinity of the 50 foot right-of-way and the 14 foot alley, south of East Main Street and east of A Street SE, in the City of Auburn, Washington; and

WHEREAS, it is in the best interests of the City to vacate said portion of said right-of-way.

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

Section 1. Vacation. That right-of-way in the vicinity of the 50 foot right-of-way and the 14 foot alley, south of East Main Street and east of A Street SE, located within the City of Auburn, Washington, legally described as follows:

50 FOOT RIGHT OF WAY DEDICATED UNDER
RECORDING NUMBER 1400591

THAT PORTION OF LOTS 5, 6, 9 AND 10 OF RIVER VIEW
ADDITION ACCORDING TO PLAT RECORDED IN VOLUME
9 OF PLATS AT PAGE 90, RECORDS OF KING COUNTY,
WASHINGTON, SAID PORTION MORE FULLY DESCRIBED
AS FOLLOWS:

COMMENCING AT THE MOST WESTERLY SOUTHWEST
CORNER OF PARCEL "A" OF BOUNDARY LINE
ADJUSTMENT BLA13-0007 RECORDED UNDER
RECORDING NUMBER 20131108900002, RECORDS OF
SAID COUNTY;

THENCE NORTH 88°47'53" EAST ALONG THE
SOUTHERLY LINE OF SAID PARCEL "A" A DISTANCE OF
116.00 FEET TO AN ANGLE POINT IN THE SOUTH
BOUNDARY OF SAID PARCEL "A";

THENCE SOUTH 01°02'42" WEST A DISTANCE OF 27.15
FEET TO THE SOUTH LINE OF SAID LOT 10 OF RIVER

Ordinance No. 6614
July 6, 2016
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VIEW ADDITION;

THENCE NORTH 88°47'53" EAST ALONG THE SOUTH LINE OF SAID LOT 10 AND THE SOUTHERLY LINE OF PARCEL "A" 113.85 FEET TO THE SOUTHWEST CORNER OF THE 50 FOOT WIDE RIGHT OF WAY DEEDED TO THE CITY OF AUBURN UNDER RECORDING NUMBER 1400591, RECORDS OF SAID COUNTY, AND THE POINT OF BEGINNING;

THENCE NORTH 01°02'42" EAST ALONG THE WEST LINE OF SAID 50 FOOT WIDE RIGHT OF WAY A DISTANCE OF 102.47 FEET TO THE SOUTH LINE OF THE 16 FOOT WIDE ALLEY RECORDED UNDER RECORDING NUMBERS 1039136 AND 1018859, RECORDS OF SAID COUNTY;

THENCE NORTH 87°31'17" EAST ALONG SAID ALLEY A DISTANCE OF 50.09 FEET TO THE NORTHEAST CORNER OF SAID 50 FOOT WIDE RIGHT OF WAY;

THENCE SOUTH 01°02'42" WEST ALONG THE EAST LINE OF SAID 50 FOOT WIDE RIGHT OF WAY A DISTANCE OF 102.47 FEET TO SAID SOUTH LINE OF SAID LOT 10;

THENCE SOUTH 88°47'53" WEST ALONG THE SOUTH LINE OF SAID LOT 10 A DISTANCE OF 50.04 FEET TO THE POINT OF BEGINNING.

CONTAINS 5,151 SQUARE FEET (0.127 ACRES), MORE OR LESS.

THE BASIS OF BEARING FOR THIS DESCRIPTION IS CITY OF AUBURN BOUNDARY LINE ADJUSTMENT BLA 13-0007 RECORDED UNDER RECORDING NUMBER 20131108900002.

14 FOOT WIDE ALLEY DEDICATED UNDER RECORDING NUMBER 1454217

THAT PORTION OF LOTS 8 AND 10 OF RIVER VIEW ADDITION ACCORDING TO PLAT RECORDED IN VOLUME

Ordinance No. 6614
July 6, 2016
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9 OF PLATS AT PAGE 90, RECORDS OF KING COUNTY, WASHINGTON, SAID PORTION MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST WESTERLY SOUTHWEST CORNER OF PARCEL "A" OF BOUNDARY LINE ADJUSTMENT BLA13-0007 RECORDED UNDER RECORDING NUMBER 20131108900002, RECORDS OF SAID COUNTY;

THENCE NORTH 88°47'53" EAST ALONG THE SOUTHERLY LINE OF SAID PARCEL "A" A DISTANCE OF 116.00 FEET TO AN ANGLE POINT IN THE SOUTH BOUNDARY OF SAID PARCEL "A";

THENCE SOUTH 01°02'42" WEST A DISTANCE OF 27.15 FEET TO THE SOUTH LINE OF SAID LOT 10 OF RIVER VIEW ADDITION;

THENCE NORTH 88°47'53" EAST ALONG THE SOUTH LINE OF SAID LOT 10 AND THE SOUTHERLY LINE OF PARCEL "A" 263.89 FEET TO THE SOUTHWEST CORNER OF THE 14 FOOT WIDE ALLEY DEEDED TO THE CITY OF AUBURN UNDER RECORDING NUMBER 1454217, RECORDS OF SAID COUNTY, AND THE POINT OF BEGINNING;

THENCE NORTH 01°02'42" EAST ALONG THE WEST LINE OF SAID 14 FOOT WIDE ALLEY A DISTANCE OF 105.82 FEET TO THE SOUTH LINE OF THE 16 FOOT WIDE ALLEY RECORDED UNDER RECORDING NUMBERS 1039136 AND 1018859, RECORDS OF SAID COUNTY;

THENCE NORTH 87°31'17" EAST ALONG THE SOUTH LINE OF SAID 16 FOOT ALLEY A DISTANCE OF 14.03 FEET TO THE NORTHEAST CORNER OF SAID 14 FOOT WIDE ALLEY;

THENCE SOUTH 01°02'42" WEST ALONG THE EAST LINE OF SAID 14 FOOT WIDE ALLEY A DISTANCE OF 106.13 FEET TO SAID SOUTH LINE OF SAID LOT 10;

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July 6, 2016
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THENCE SOUTH 88°47'53" WEST ALONG THE SOUTH LINE OF SAID LOT 10 A DISTANCE OF 14.01 FEET TO THE POINT OF BEGINNING.

CONTAINS 1,484 SQUARE FEET (0.034 ACRES), MORE OR LESS.

THE BASIS OF BEARING FOR THIS DESCRIPTION IS CITY OF AUBURN BOUNDARY LINE ADJUSTMENT BLA 13-0007 RECORDED UNDER RECORDING NUMBER 20131108900002.

[Also identified as Exhibit A hereto.]

and as shown on the document attached hereto, marked as Exhibit "B" and incorporated herein by this reference, the same is hereby vacated and the property lying in said portion of the alleyway described hereinabove, shall be returned and belong to those persons entitled to receive the property in accordance with RCW 35.79.040, conditioned upon the following;

A. Reservation in favor of the City of a perpetual Nonexclusive Easement under, over, through and across the 50 foot portion of vacated right-of-way as described above for the purpose of laying, maintaining, and installing future and existing water facilities and including a reservation in favor of the City of the right to grant easements for utilities over, under and on all portions of the vacated right-of-way as described above.

The City shall have the absolute right, at times as may be necessary for immediate entry upon said Easement Area for the purpose of maintenance, inspection, construction, repair or reconstruction of the above improvements without incurring any

Ordinance No. 6614
July 6, 2016
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legal obligation or liability therefore.

The City shall have the absolute right to place any type of driving surface within said Easement Area deemed necessary by the City.

The owners of the adjacent property agree and shall not in any way block, restrict or impede access and egress to or from said Easement Area, and /or in any way block, restrict or impede full use of the real property within the Easement Area by the City for the above described purposes. No building, wall, rockery, fence, trees, or structure of any kind shall be erected or planted, nor shall any fill material be placed within the boundaries of said Easement Area, without the express written consent of the City. No excavation shall be made within three feet of said facilities and the surface level of the ground within the Easement Area shall be maintained at the elevation as currently existing.

This easement shall be a covenant running with the adjacent property parcels and burden said real estate, and shall be binding on the successors, heirs and assigns of all parties hereto.

B. Under the terms of the reservation set out in Paragraph A above, the City hereby grants a private utility easement to Puget Sound Energy over, under and upon the vacated right-of-way as described above for the construction, operation, maintenance, repair, replacement, improvement, removal and enlargement of electric distribution facilities. The owners of the adjacent property agree not to erect any structures on said easement and further agree not to place trees or other obstructions

Ordinance No. 6614
July 6, 2016
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on the easement that would interfere with the exercise of Grantee's rights herein.

C. Under the terms of the reservation set out in Paragraph A above, the City hereby grants a private utility easement to CenturyLink over, under and upon the 14 foot Alley portion of vacated right-of-way as described above for the construction, operation, maintenance, repair, replacement, improvement, removal and enlargement of electric distribution facilities. The owners of the adjacent property agree not to erect any structures on said easement and further agree not to place trees or other obstructions on the easement that would interfere with the exercise of Grantee's rights herein.

D. It is provided, however, that such reserved or granted utility and access easements as set out in Paragraphs A, B and C above, may be modified to accommodate a removal, relocation and sitting of the affected utility lines if the City and the property owners on whose property the utility lines are located agree to the removal, relocations and sitting being paid by said property owners and with the removal, relocation and sitting being done in conformity with applicable standards.

Section 2. Constitutionality or Invalidity. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provisions to other persons or circumstances shall not be affected.

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

Ordinance No. 6614
July 6, 2016
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location.

Section 4. Effective Date. This Ordinance shall take effect and be in force five (5) days from and after passage, approval, and publication as provided by law.

Section 5. Recordation. The City Clerk is directed to record this Ordinance with the office of the King County Auditor.

INTRODUCED: _____
PASSED: _____
APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

Danielle E. Daskam,
City Clerk

APPROVED AS TO FORM:

Daniel B. Heid,
City Attorney

PUBLISHED: _____

Ordinance No. 6614
July 6, 2016
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EXHIBIT "A"

LEGAL DESCRIPTIONS FOR RIGHT OF WAY VACATION

50 FOOT RIGHT OF WAY DEDICATED UNDER RECORDING NUMBER 1400591

THAT PORTION OF LOTS 5, 6, 9 AND 10 OF RIVER VIEW ADDITION ACCORDING TO PLAT RECORDED IN VOLUME 9 OF PLATS AT PAGE 90, RECORDS OF KING COUNTY, WASHINGTON, SAID PORTION MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST WESTERLY SOUTHWEST CORNER OF PARCEL "A" OF BOUNDARY LINE ADJUSTMENT BLA13-0007 RECORDED UNDER RECORDING NUMBER 20131108900002, RECORDS OF SAID COUNTY;

THENCE NORTH 88°47'53" EAST ALONG THE SOUTHERLY LINE OF SAID PARCEL "A" A DISTANCE OF 116.00 FEET TO AN ANGLE POINT IN THE SOUTH BOUNDARY OF SAID PARCEL "A";

THENCE SOUTH 01°02'42" WEST A DISTANCE OF 27.15 FEET TO THE SOUTH LINE OF SAID LOT 10 OF RIVER VIEW ADDITION;

THENCE NORTH 88°47'53" EAST ALONG THE SOUTH LINE OF SAID LOT 10 AND THE SOUTHERLY LINE OF PARCEL "A" 113.85 FEET TO THE SOUTHWEST CORNER OF THE 50 FOOT WIDE RIGHT OF WAY DEEDED TO THE CITY OF AUBURN UNDER RECORDING NUMBER 1400591, RECORDS OF SAID COUNTY, AND THE **POINT OF BEGINNING**;

THENCE NORTH 01°02'42" EAST ALONG THE WEST LINE OF SAID 50 FOOT WIDE RIGHT OF WAY A DISTANCE OF 102.47 FEET TO THE SOUTH LINE OF THE 16 FOOT WIDE ALLEY RECORDED UNDER RECORDING NUMBERS 1039136 AND 1018859, RECORDS OF SAID COUNTY;

THENCE NORTH 87°31'17" EAST ALONG SAID ALLEY A DISTANCE OF 50.09 FEET TO THE NORTHEAST CORNER OF SAID 50 FOOT WIDE RIGHT OF WAY;

THENCE SOUTH 01°02'42" WEST ALONG THE EAST LINE OF SAID 50 FOOT WIDE RIGHT OF WAY A DISTANCE OF 102.47 FEET TO SAID SOUTH LINE OF SAID LOT 10;

THENCE SOUTH 88°47'53" WEST ALONG THE SOUTH LINE OF SAID LOT 10 A DISTANCE OF 50.04 FEET TO THE POINT OF BEGINNING.

CONTAINS 5,151 SQUARE FEET (0.127 ACRES), MORE OR LESS.

THE BASIS OF BEARING FOR THIS DESCRIPTION IS CITY OF AUBURN BOUNDARY LINE ADJUSTMENT BLA 13-0007 RECORDED UNDER RECORDING NUMBER 20131108900002.

14 FOOT WIDE ALLEY DEDICATED UNDER RECORDING NUMBER 1454217

THAT PORTION OF LOTS 8 AND 10 OF RIVER VIEW ADDITION ACCORDING TO PLAT RECORDED IN VOLUME 9 OF PLATS AT PAGE 90, RECORDS OF KING COUNTY, WASHINGTON, SAID PORTION MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST WESTERLY SOUTHWEST CORNER OF PARCEL "A" OF BOUNDARY LINE ADJUSTMENT BLA13-0007 RECORDED UNDER RECORDING NUMBER 20131108900002, RECORDS OF SAID COUNTY;

THENCE NORTH 88°47'53" EAST ALONG THE SOUTHERLY LINE OF SAID PARCEL "A" A DISTANCE OF 116.00 FEET TO AN ANGLE POINT IN THE SOUTH BOUNDARY OF SAID PARCEL "A";

THENCE SOUTH 01°02'42" WEST A DISTANCE OF 27.15 FEET TO THE SOUTH LINE OF SAID LOT 10 OF RIVER VIEW ADDITION;

THENCE NORTH 88°47'53" EAST ALONG THE SOUTH LINE OF SAID LOT 10 AND THE SOUTHERLY LINE OF PARCEL "A" 263.89 FEET TO THE SOUTHWEST CORNER OF THE 14 FOOT WIDE ALLEY DEEDED TO THE CITY OF AUBURN UNDER RECORDING NUMBER 1454217, RECORDS OF SAID COUNTY, AND THE **POINT OF BEGINNING**;

THENCE NORTH 01°02'42" EAST ALONG THE WEST LINE OF SAID 14 FOOT WIDE ALLEY A DISTANCE OF 105.82 FEET TO THE SOUTH LINE OF THE 16 FOOT WIDE ALLEY RECORDED UNDER RECORDING NUMBERS 1039136 AND 1018859, RECORDS OF SAID COUNTY;

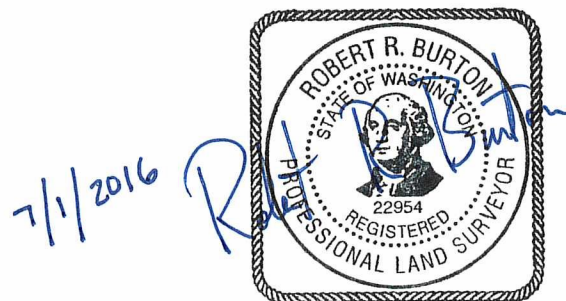
THENCE NORTH 87°31'17" EAST ALONG THE SOUTH LINE OF SAID 16 FOOT ALLEY A DISTANCE OF 14.03 FEET TO THE NORTHEAST CORNER OF SAID 14 FOOT WIDE ALLEY;

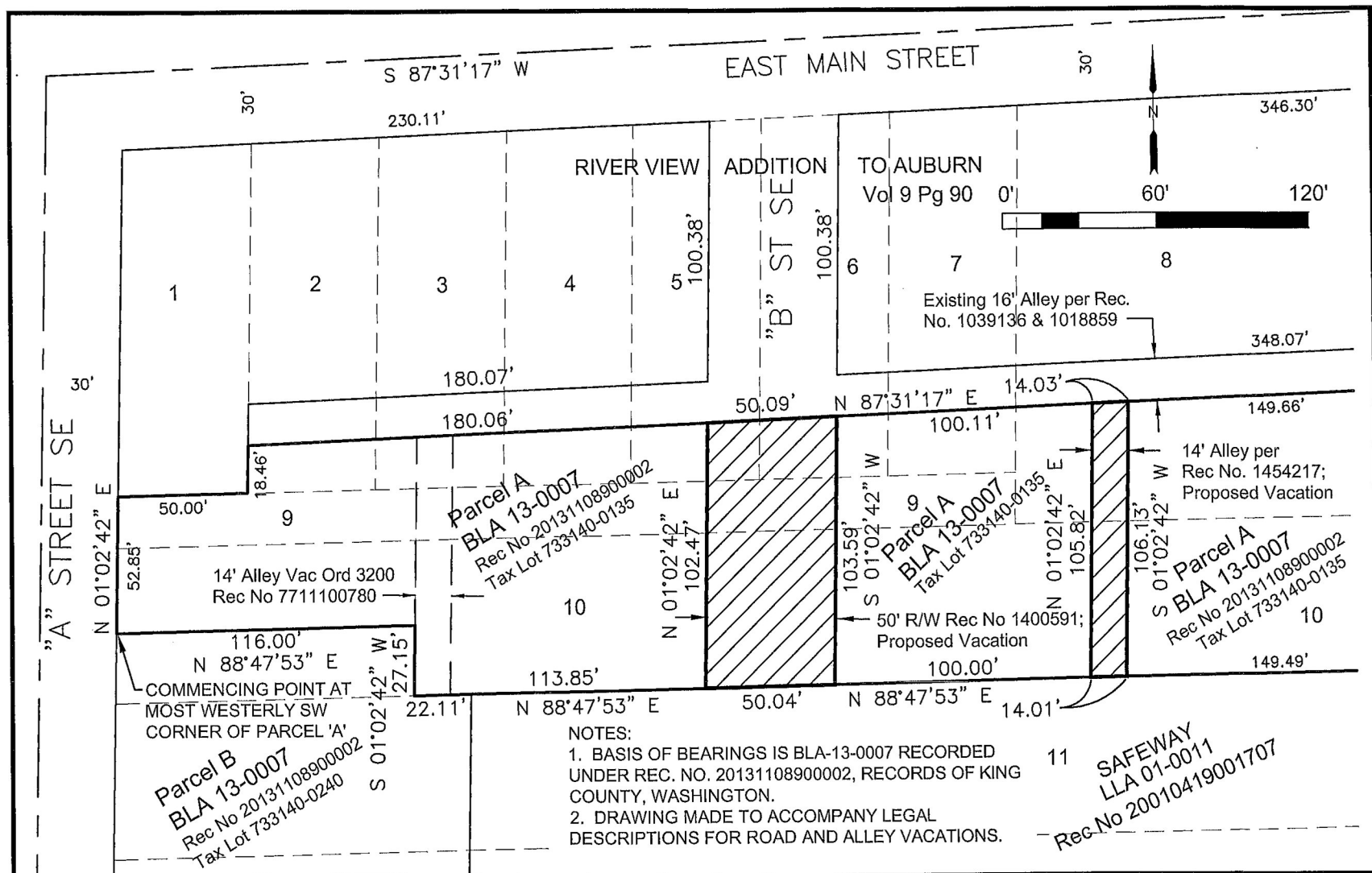
THENCE SOUTH 01°02'42" WEST ALONG THE EAST LINE OF SAID 14 FOOT WIDE ALLEY A DISTANCE OF 106.13 FEET TO SAID SOUTH LINE OF SAID LOT 10;

THENCE SOUTH 88°47'53" WEST ALONG THE SOUTH LINE OF SAID LOT 10 A DISTANCE OF 14.01 FEET TO THE POINT OF BEGINNING.

CONTAINS 1,484 SQUARE FEET (0.0.34 ACRES), MORE OR LESS.

THE BASIS OF BEARING FOR THIS DESCRIPTION IS CITY OF AUBURN BOUNDARY LINE ADJUSTMENT BLA 13-0007 RECORDED UNDER RECORDING NUMBER 20131108900002.

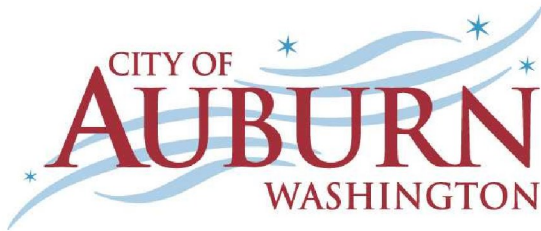




CITY OF AUBURN
COMMUNITY DEVELOPMENT AND
PUBLIC WORKS DEPARTMENT

Vacation V2-16
EXHIBIT "B" MAP
A PORTION OF THE NW 1/4 of SW 1/4 SEC 18-21-05

PROJ: Alley Vac
7/01/2016
SCALE: 1"=60'
DRAWN BY: RRB



RIGHT-OF-WAY VACATION STAFF REPORT

Right-of-Way (ROW) Vacation Number V2-16

Applicant: City Initiated

Property Location: Rights-of-Way located in the vicinity of the 50 foot Right-of-Way and the 14 foot Alley south of East Main Street and east of A Street SE.

Description of right-of-way:

This ROW proposed for vacation consists of a 50 foot portion of right-of-way and a 14 foot alley in the vicinity of the City owned parking lot, to the south of East Main Street between A Street SE and Auburn Way South. The ROW is adjacent to Parcel No. 7331400135 on the east and west sides which is owned by the City for public parking purposes, Parcel No. 7331400237 on the south side and ROW on the north side. The total area of ROW proposed for vacation is 6,635 (+/-) square feet.

The 50 foot ROW was dedicated to the City for street purposes by Warranty Deed under Recording Number 1400591, Volume 1101, Page 8 of Deeds, records of King County on March 17, 1920. The 14 foot Alley was dedicated to the City for street purposes by Warranty Deed under Recording Number 1454217, Volume 1119, Page 514 of Deeds, records of King County on September 24, 1920. The ROW is currently being used as a public parking lot and drive aisle for the parking lot.

See Exhibits "A" and "B" for legal description and map.

Proposal:

The City proposes to vacate the above described rights-of-way to cleanup the parcel lines of the City owned parcel used for public parking that is adjacent to the rights-of-way.

Applicable Policies & Regulations:

- RCW's applicable to this situation - meets requirements of RCW 35.79.
- MUTCD standards - not affected by this proposal.
- City Code or Ordinances - meets requirements of ACC 12.48.
- Comprehensive Plan Policy - not affected.
- City Zoning Code - not affected.

Public Benefit:

- The street vacation decreases the right-of-way maintenance obligation of the City.
- The vacation allows the City to cleanup the parcel lines for the City owned parking lot and would create one large parcel.

Discussion:

The vacation application was circulated to Puget Sound Energy (PSE), Comcast, CenturyLink, and City staff.

1. Puget Sound Energy (PSE) – PSE received the City's request for comments regarding the proposed street right-of-way vacation. There does appear to be existing PSE electric facilities located within both portions of the proposed right-of-way vacation area. Please reserve easements for PSE in the vacation ordinance.
2. Comcast – Comcast has no objection to the proposed vacation.
3. CenturyLink – CenturyLink currently has underground communications facilities in the "Alley" section of the right-of-way and would like to retain an easement over that portion.

4. Water – The City will need an easement for the water main, hydrant, valves and meter that are in the “50 foot right-of-way” to be vacated. An easement is not required for the “Alley” portion of the right-of-way.
5. Sewer – No comments.
6. Storm –No comments.
7. Transportation – No comments.
8. Planning – No comments.
9. Fire – No comments.
10. Police – No comments.
11. Streets – No comments.
12. Construction –No comments.
13. Innovation and Technology – No comments.

Assessed Value:

ACC 12.48 states “The city council may require as a condition of the ordinance that the city be compensated for the vacated right-of-way in an amount which does not exceed one-half the value of the right-of-way so vacated, except in the event the subject property or portions thereof were acquired at public expense or have been part of a dedicated public right-of-way for 25 years or more, compensation may be required in an amount equal to the full value of the right-of-way being vacated. The city engineer shall estimate the value of the right-of-way to be vacated based on the assessed values of comparable properties in the vicinity. If the value of the right-of-way is determined by the city engineer to be greater than \$2,000, the applicant will be required to provide the city with an appraisal by an MAI appraiser approved by the city engineer, at the expense of the applicant. The city reserves the right to have a second appraisal performed at the city’s expense.” Note: The city engineer has not required an appraisal for the value of this right-of-way since the right-of-way vacation is being initiated by the City and if approved, will attach to City owned parcels.

Recommendation:

Staff recommends that the street vacation be granted subject to the following conditions:

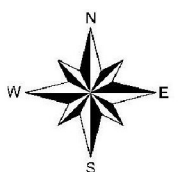
1. A public utility easement shall be reserved for City of Auburn water facilities along the entire length and width of the vacated ROW described as the “50 foot right-of-way” in the attached Survey and Legal Description.
2. A public utility easement shall be reserved for Puget Sound Energy electrical facilities along the entire length and width of the vacated ROW described as the “50 foot right-of-way” and the “14 foot alley” in the attached Survey and Legal Description.
3. A public utility easement shall be reserved for CenturyLink communications facilities along the entire length and width of the vacated ROW described as the “14 foot alley” in the attached Survey and Legal Description.

City Initiated Right-of-Way Vacation #V2-16



Printed Date:7/25/2016
Map Created by City of Auburn eGIS

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





AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6616

Date:

August 30, 2016

Department:

CD & PW

Attachments:

[Ordinance No. 6616](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council adopt Ordinance No. 6616.

Background Summary:

Auburn has existing Complete Street Objectives and Policies adopted as part of the Comprehensive Transportation Plan. Those objectives and policies have been put into practice through the design standards development and capital project planning. Standards and practices are reviewed and updated regularly to ensure consistency with the latest industry practices for meeting Complete Streets objectives.

The purpose of creating this new code section is to meet the eligibility requirements of the Washington State Legislatures Complete Streets Grant Program under RCW 47.04.320.

City Council reviewed the proposed Complete Streets Ordinance at the Council Study Session on August 22nd.

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

Snyder

Meeting Date: September 6, 2016

Item Number: ORD.C

ORDINANCE NO. 6616

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF AUBURN, WASHINGTON, CREATING A NEW
CHAPTER 12.06 OF THE AUBURN CITY CODE
ENACTING A COMPLETE STREETS POLICY**

WHEREAS, the goal of the Transportation element of the Auburn Comprehensive Plan is to plan, expand, and improve the transportation system in cooperation and coordination with adjacent and regional jurisdictions to ensure concurrency compliance with the growth management act, and to provide a safe and efficient multimodal system that meets the community needs and facilitates the land use plan; and

WHEREAS, the Auburn Comprehensive Transportation Plan's Complete Streets Objective states that Auburn ensures the transportation system is designed to enable comprehensive, integrated, and safe access for users of all ages and abilities including pedestrians, bicyclists, motorists, transit riders and operators, and truck operators; and

WHEREAS, promoting pedestrian, bicycle, and transit travel as an alternative to the automobile reduces negative environmental impacts, promotes healthy living, and is less costly to the commuter; and

WHEREAS, the development of Complete Streets can improve pedestrian and cyclists safety, increase capacity of the transportation network, and promote improvements in public health; and

WHEREAS, the Washington State Legislature adopted a Complete Streets Grant Program in 2011, codified in Section 47.04.320 of the Revised Code of Washington; and

WHEREAS, funding from the Washington State Legislature's Complete Street Grant Program will only be available to jurisdictions that have adopted a Complete Streets Ordinance; and

WHEREAS, the City of Auburn has determined that it is in the best interest of the public to adopt a Complete Streets Ordinance to obtain grant funding for the improvement of Auburn streets.

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

Section 1. Creating New Chapter to City Code. That a new chapter 12.06 of the Auburn City Code is hereby created to read as follows:

Chapter 12.06
COMPLETE STREETS POLICY

Sections:

- 12.06.010 Purpose.
- 12.06.020 Exceptions.
- 12.06.030 Complete streets infrastructure.
- 12.06.040 Goals to foster partnerships.
- 12.06.050 Best practice criteria.

12.06.010 Purpose.

The city of Auburn shall, to the maximum extent practical, scope, plan, design, construct, operate and maintain appropriate facilities for the safe accommodation of pedestrians, bicyclists, transit users, motorists, emergency responders, freight and users of all ages and abilities in all new construction, retrofit or reconstruction projects. Through ongoing operations and maintenance, the city of Auburn shall identify cost-effective opportunities to include complete streets practices.

12.06.020 Exceptions.

Facilities for pedestrians, bicyclists, transit users and/or people of all abilities are not required to be provided when:

- A. A documented absence of current or future need exists;
- B. Non-motorized uses are prohibited by law;
- C. Routine maintenance of the transportation network is performed that does not change the roadway geometry or operations, such as mowing, sweeping and spot repair;
- D. The cost would be disproportionate to the current need or probable future uses;
- E. In instances where a documented exception is granted by the City Engineer.

12.06.030 Complete streets infrastructure.

- A. "Complete streets infrastructure" means design features that contribute to a safe, convenient, or comfortable travel experience for users at appropriate locations, including but not limited to features such as: sidewalks; shared use paths; bicycle lanes; automobile lanes; paved shoulders; street trees and landscaping; planting strips; curbs; accessible curb ramps; bulb outs; controlled crosswalks; refuge islands; pedestrian and traffic signals, including countdown and accessible signals; signage; street furniture; bicycle parking facilities; public transit stops and facilities; transit priority signalization; traffic calming devices such as rotary circles, traffic cushions, and surface treatments such as textured asphalt, and concrete; narrow vehicle lanes; raised medians; and dedicated transit lanes.

- B. As feasible, Auburn shall incorporate complete streets infrastructure into existing public and private streets to create a comprehensive, integrated, connected transportation network for Auburn that balances access, mobility, health and safety needs of pedestrians, bicyclists, transit users, motorists, emergency responders, freight and users of all ages and abilities, ensuring a fully connected, integrated network that provides transportation options.

12.06.040 Goals to foster partnerships.

It is a goal of the city of Auburn to foster partnerships with all Washington State transportation funding agencies including the Washington State Department of Transportation (WSDOT), the Transportation Improvement Board, the Puget Sound Regional Council, the Federal Highway Administration, King County, Pierce County, neighboring local agencies, Auburn School District, citizens, businesses, interest groups, neighborhoods, and any other funding agency to implement the complete streets policy.

12.06.050 Best practice criteria.

The City Engineer shall modify, develop and adopt policies, design criteria, standards and guidelines based upon recognized best practices in street design, construction, and operations including but not limited to the latest editions of American Association of State Highway Transportation Officials (AASHTO), Institute of Transportation Engineers (ITE), National Association of City Transportation Officials (NACTO), and Public Rights-of-Way Accessibility Guidelines (PROWAG) while reflecting the context and character of the surrounding built and natural environments and enhance the appearance of such.

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

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

Section 4. EFFECTIVE DATE. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

Danielle Daskam, City Clerk

APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

PUBLISHED: _____



AGENDA BILL APPROVAL FORM

Agenda Subject:
Resolution No. 5247

Date:
August 29, 2016

Department:
Administration

Attachments:
[Resolution No. 5247](#)

Budget Impact:
\$0

Administrative Recommendation:

City Council adopt Resolution No. 5247.

Background Summary:

The Auburn School District is submitting to the voters of the District at the November, 2016 General Election a ballot measure to provide for enhancement of existing schools and construction of new school facilities. The District has a number of schools built in the 1950s and 60s that are outdated and in need of enhancements or replacement. Additionally, a number of amenities that were not available when the schools were built would be appropriate for schools to be able to provide more effective service, better safety and security and better contribute to the educational needs of the district. Additionally, because of the growing student population of the district, there is a need for additional schools. The ballot measure, if passed, would support construction of two new schools in Auburn (one in the north end of the City and another in the south end).

There is a mechanism in state law (RCW 42.17A .555) that would allow city councils to endorse or take a position with respect to ballot measures. This Resolution would seek to accomplish that, giving the City Council a voice to support the Auburn School District Ballot Proposition. Among the requirements for city councils to comply with the statute is the requirements that the agenda for the meeting at which the issue would be considered include the text of the ballot measure itself, and in the meeting, in conjunction with the consideration of the Council support for (or against) the ballot measure, the opportunity for opposing views to be expressed shall be provided.

Reviewed by Council Committees:

Councilmember:

Staff: Heid

Meeting Date: September 6, 2016

Item Number: RES.A

RESOLUTION NO. 5 2 4 7

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF AUBURN, WASHINGTON, EXPRESSING
SUPPORT FOR THE AUBURN SCHOOL DISTRICT
NUMBER 408 PROPOSITION NUMBER 1 - SCHOOL
CONSTRUCTION AND REPLACEMENT GENERAL
OBLIGATION BONDS - \$456,056,000**

WHEREAS, the Auburn School District has a number of older, aging schools, including the following:

Terminal Park Elementary School (built in 1945)
Dick Scobee Elementary School (built in 1954)
Olympic Middle School (built in 1957)
Pioneer Elementary School (built in 1959)
Chinook Elementary School (built in 1963)
Lea Hill Elementary School (built in 1965);

and

WHEREAS, the Auburn School District is also growing and sees the need for accommodating an additional population of school students; and

WHEREAS, the School District established a Citizen's Committee to review the need for construction, enlargement and/or replacement of schools; and

WHEREAS, the Committee made certain recommendations to the School Board, and the School Board concurred that the above listed schools need to be replaced and/or enlarged; and

WHEREAS, in addition to the replacement, repair and/or expansion of the existing older schools, the District needs to add two new elementary schools, one

in the north end of the City and one in the south end, to accommodate the additional population of K through 5th grade students, and

WHEREAS, the School District also desires to add valuable modernizing amenities and other features to district schools to address technology, safety and other enhancements; and

WHEREAS, RCW 42.17A.555 authorizes city councils to take collective action regarding ballot measures appearing before the voters so long as the action is taken at a public meeting, the intended action is identified on the agenda and the opportunity for opposing views is given to attendees at the public meeting; and

WHEREAS, in light of the significant need for funding the important programs to be provided by the Auburn School District Proposition Number 1, for school construction, enhancement and replacement, it is appropriate that the City Council support this ballot measure as permitted pursuant to RCW 42.17A.555

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

Section 1. That the City Council expresses its support for the Auburn School District Number 408 Proposition Number 1 - School Construction and Replacement General Obligation Bonds - \$456,056,000, coming before the voters of the School District on the November 8, 2016 election.

Section 2. That the Mayor is authorized to take such action as is necessary and appropriate to implement the directives of this legislation, including forwarding copies of this Resolution to the Auburn School District, and others as warranted.

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

Dated and Signed this _____ day of _____, 2016.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

PROPOSITION NO. 1
AUBURN SCHOOL DISTRICT NO. 408

SCHOOL CONSTRUCTION AND REPLACEMENT GENERAL
OBLIGATION BONDS- \$456,056,000

The Board of Directors of Auburn School District No. 408 approved a proposition for bonds. This proposition would authorize the District to construct and equip two new elementary schools; rebuild Olympic Middle School and Chinook, Dick Scobee, Lea Hill, Pioneer, and Terminal Park Elementary schools, increasing enrollment capacity and accommodating class size reduction; to issue \$456,056,000 of general obligation bonds maturing within a maximum term of 20 years, and to levy excess property taxes annually to repay the bonds, all as provided in Resolution No. 1220. Should this proposition be:

APPROVED?

☐

REJECTED?

☐

RCW 42.17A.555

42.17A.555 Use of public office or agency facilities in campaigns — Prohibition — Exceptions.

No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency. However, this does not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body or by an elected board, council, or commission of a special purpose district including, but not limited to, fire districts, public hospital districts, library districts, park districts, port districts, public utility districts, school districts, sewer districts, and water districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body, members of the board, council, or commission of the special purpose district, or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

(3) Activities which are part of the normal and regular conduct of the office or agency

(4) This section does not apply to any person who is a state officer or state employee as defined in RCW 42.52.010. [2010 c 204 § 701, 2006 c 215 § 2; 1979 ex.s. c 265 § 2; 1975-76 2nd ex.s. c 112 § 6; 1973 c 1 § 13 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.130.]



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5248

Date:

August 29, 2016

Department:

Administration

Attachments:

[Resolution No. 5248](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council adopt Resolution No. 5248.

Background Summary:

Sound Transit (The Central Puget Sound Regional Transit Authority) has placed on the November, 2016 General Election a ballot measure to provide for enhancements to its light-rail, commuter-rail and express and rapid bus service programs. These enhancements would serve the Auburn area (included within the service area of the regional transit authority). The ballot measure would provide for modest increases in taxes (sales and use tax, property tax and motor vehicle excise tax) to fund the program improvements.

There is a mechanism in state law (RCW 42.17A .555) that would allow city councils to endorse or take a position with respect to ballot measures. This Resolution would seek to accomplish that, giving the City Council a voice to support the Sound Transit Ballot Proposition. Among the requirements for city councils to comply with the statute is the requirements that the agenda for the meeting at which the issue would be considered include the text of the ballot measure itself, and in the meeting, in conjunction with the consideration of the Council support for (or against) the ballot measure, the opportunity for opposing views to be expressed shall be provided.

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

Heid

Meeting Date: September 6, 2016

Item Number: RES.B

RESOLUTION NO. 5 2 4 8

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF AUBURN, WASHINGTON, EXPRESSING
SUPPORT FOR THE CENTRAL PUGET SOUND
REGIONAL TRANSIT AUTHORITY PROPOSITION
FOR LIGHT-RAIL, COMMUTER-RAIL AND BUS
SERVICE EXPANSION**

WHEREAS, the Central Puget Sound Regional Transit Authority (Sound Transit) provides transit related services for riders from Pierce County, King County and Snohomish County; and

WHEREAS, Sound Transit has conducted a comprehensive outreach effort to determine the needs of its service area for transit related improvements; and

WHEREAS, as a result of its outreach efforts, Sound Transit has determined that there is a need for enhanced light-rail, commuter-rail and sound transit express and rapid bus service; and

WHEREAS, the Sound Transit Board has approved a proposition to be placed on the ballot for voter approval at the November, 2016 general election, which if approved will provide revenue for the transit related enhancements by imposing an additional 0.5% sales and use tax, an additional property tax of up to \$.25 per \$1,000 assessed valuation and an additional 0.8% motor vehicle excise tax; and

WHEREAS, RCW 42.17A.555 authorizes city councils to take collective action regarding ballot measures appearing before the voters so long as the action is taken at a public meeting, the intended action is identified on the agenda and the opportunity for opposing views is given to attendees at the public meeting; and

WHEREAS, in light of the significant need for funding the important programs to be provided by the Sound Transit proposition for light-rail, commuter-rail and bus service expansion, it is appropriate that the City Council support this ballot measure as permitted pursuant to RCW 42.17A.555.

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

Section 1. That the City Council expresses its support for the Central Puget Sound Regional Transit Authority Proposition for Light-Rail, Commuter-Rail and Bus Service Expansion, coming before the voters on the November 8, 2016 election.

Section 2. That the Mayor is authorized to take such action as is necessary and appropriate to implement the directives of this legislation, including forwarding copies of this Resolution to Sound Transit, and others as warranted.

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

Dated and Signed this _____ day of _____, 2016

CITY OF AUBURN

ATTEST

NANCY BACKUS, MAYOR

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

Resolution No. 5248
August 17, 2016
Page 2 of 4

Sound Transit (A Regional Transit Authority)
Light-Rail, Commuter-Rail, and Bus Service Expansion
Proposition No. ____

The Sound Transit Board passed Resolution No. R2016-17 concerning expansion of mass transit in King, Pierce, and Snohomish counties. This measure would expand light-rail, commuter-rail, and bus rapid transit service to connect population, employment and growth centers, and authorize Sound Transit to levy or impose: an additional 0.5% sales and use tax; a property tax of \$0.25 or less per \$1,000 of assessed valuation; an additional 0.8% motor-vehicle excise tax; and continue existing taxes to fund the local share of the \$53.8 billion estimated cost (including inflation), with independent audits, as described in the Mass Transit Guide and Resolution No. R2016-17 Should this measure be:

APPROVED

☐

REJECTED

☐

RCW 42.17A.555

42.17A.555 Use of public office or agency facilities in campaigns — Prohibition — Exceptions.

No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency. However, this does not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body or by an elected board, council, or commission of a special purpose district including, but not limited to, fire districts, public hospital districts, library districts, park districts, port districts, public utility districts, school districts, sewer districts, and water districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body, members of the board, council, or commission of the special purpose district, or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

(3) Activities which are part of the normal and regular conduct of the office or agency

(4) This section does not apply to any person who is a state officer or state employee as defined in RCW 42.52.010. [2010 c 204 § 701, 2006 c 215 § 2; 1979 ex.s. c 265 § 2; 1975-'76 2nd ex.s. c 112 § 6; 1973 c 1 § 13 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.130]



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5249

Date:

August 31, 2016

Department:

Finance

Attachments:

[Resolution No. 5249](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council adopt Resolution No. 5249.

Background Summary:

Per the current 6-year capital facility plan, the water fund has identified around \$3.0M of debt financing required in 2016 and an additional \$5M need in 2017 and about \$2.5M in 2018. Currently the biggest 2016 bond financed project is the AMI project, which is well underway.

This interfund loan will utilize capital reserves in the storm and sewer funds for up to 3 years. It is estimated that the water fund will require a \$3.0M transfer in the fall of 2016. Finance will assess additional needs early in 2017 and anticipates a private placement bond for the water fund, not to exceed \$5M, sometime in 2017. This financing mechanism is the same as the City used in the March 2016 Golf Course and Airport bond refunding.

The financing proceeds will be used to fund the water capital plan and may repay a portion of the interfund loan, depending on planned project(s) status.

Again in 2018, depending on the bond market, the City will place another private placement bond of about \$5M. Additional debt proceeds may be required in 2019 of approximately \$2.5M.

Background:

2010 the utilities issued \$20 million in bonds;

2013 the utilities issued \$12 million in bonds;

Overall this is about \$10.5M in debt funding required over 3 years.

The recommendation to limit the size and timing of the issues is based upon several factors:

Rather than issue one bond in 2016 and then spend down over the next 3 years it is recommended to split the issue up into smaller amounts. This will align the funding issue close to the actual need i.e. construction phase. Estimating the construction window can be challenging and is dependent on available project management staff, design progress, weather, and sometimes unforeseen circumstances. Timing the issue close to the construction phase limits interest payments on issued but idle bond funds.

Limiting the issuances to \$5M will prevent the City from costly arbitrage requirements which are required by the IRS on debt issuances over \$5M in a calendar year. This rule has been in place since 1988 and the \$5M threshold is no longer relevant given costs have escalated significantly in the past 28 years. Yet it remains at \$5M.

Finally, private placement would preclude the City from preparing an official statement and going in front of the rating agencies. These efforts require a great deal of effort from staff, both Finance and Public Works, to ready the bond(s) for public sale in the bond market. Having said that, public sales in the bond market will put the debt issue under the purview of the Securities and Exchange Commission (SEC).

The City was pleasantly surprised by the March 2016 private placement in which the interest rate was less than the rate it would have received if it had gone out to the bond market.

In short, the interfund loan would 'tie over' the water fund until the timing is right for the issue and enable smaller issuances with less IRS and federal regulatory oversight.

Reviewed by Council Committees:

Councilmember:

Staff:

Coleman

Meeting Date: September 6, 2016

Item Number: RES.D

RESOLUTION NO. 5 2 4 9

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE TRANSFER OF FUNDS FOR THE PURPOSE OF MAKING A LOAN OR LOANS FROM THE SEWER FUND (FUND NO 431) AND/OR THE STORM DRAINAGE FUND (FUND NO 432) TO THE WATER FUND (FUND NO 430) FOR UP TO A THREE-YEAR PERIOD OF TIME

WHEREAS, the issuance of revenue bonds is planned as a funding source for carrying out certain Water Fund capital projects during the 2016 – 2018 period as identified in the adopted Capital Facilities Plan; and

WHEREAS, interfund loans can serve as a short-term financing mechanism to hedge bond arbitrage issues and spend down requirements; and

WHEREAS, the Sewer Fund and Storm Drainage Fund have sufficient funds from which to transfer monies in an amount not to exceed FIVE MILLION AND NO/100 DOLLARS (\$5,000,000 00) for the purpose of making loans to cover capital project expenses of the Water Fund; and

WHEREAS, in the event a loan is made from the Sewer Fund or the Storm Drainage Fund to the Water Fund, as provided herein, the loan shall be repaid at the current rate of investment return of the Washington State Local Government Investment Pool on the outstanding balance during the term of the loan, and

WHEREAS, revenue bond issuances in an amount not to exceed FIVE MILLION AND NO/100 DOLLARS (\$5,000,000.00) annually are planned for 2017 and 2018 for the purpose of repaying the interfund loan balances.

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

Section 1. Authorization is hereby given during the time period September 1, 2016 to December 31, 2018 for the transfer of funds to the Water Fund when there are insufficient funds available to cover authorized capital expenses in an amount not to exceed FIVE MILLION AND NO/100 DOLLARS (\$5,000,000 00) from the Sewer Fund and/or the Storm Drainage Fund for the purpose of making a loan with an interest rate commensurate with the current rate of investment return of the Washington State Local Government Investment Pool.

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

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

Dated and Signed this _____ day of _____, 2016.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:


Daniel B. Heid, City Attorney

Resolution No. 5249

August 17, 2016

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RES.D