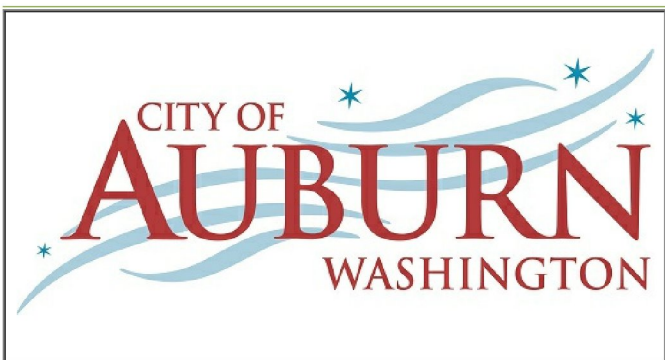


	City Council Meeting August 17, 2020 - 7:00 PM Virtual AGENDA Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. **CALL TO ORDER**

II. **Virtual Participation Link**

1. Virtual Participation Link

The Auburn City Council Meeting scheduled for Monday, August 17, 2020 at 7:00 p.m. will be held virtually and telephonically. To attend the meeting virtually please click the link or enter the meeting ID into the Zoom app or call into the meeting at the phone number listed below.

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

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

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

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

Please click this URL to join. <https://zoom.us/j/96360616880>

Or join by phone:

253 215 8782
877 853 5257 (Toll Free)

Webinar ID: 963 6061 6880

A. **Pledge of Allegiance**

B. **Roll Call**

III. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

A. Proclamation in Honor of the 100th Anniversary of the 19th Amendment to the United States Constitution

Mayor Backus to proclaim the 100th anniversary of the 19th Amendment to the United States Constitution in the City of Auburn

IV. AGENDA MODIFICATIONS

V. NEW BUSINESS

VI. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

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

B. **Audience Participation**

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

1. Virtual Participation

Participants can submit written comments via mail, fax or email. All written comments must be received prior to 7:00 p.m. on the day of the scheduled meeting and must be 350 words or less.

Please mail comments to:

City of Auburn
Attn: Shawn Campbell, City Clerk
25 W Main St
Auburn, WA 98001

Please fax comments to:

Attn: Shawn Campbell, City Clerk
Fax number: 253-804-3116

Email comments to:

scampbell@auburnwa.gov

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

VII. COUNCIL AD HOC COMMITTEE REPORTS

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

1. Finance Ad Hoc Committee (Chair Baggett)

VIII. **CONSENT AGENDA**

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

- A. Minutes of the July 27, 2020 and August 10, 2020 Study Session
- B. Minutes of the August 3, 2020 Regular Council Meeting
- C. Claim Vouchers (Thomas)
Claim voucher list dated August 17, 2020 which includes voucher numbers 459807 through 460033 in the amount of \$3,533,684.41 and four wire transfers in the amount of \$504,542.26
- D. Payroll Vouchers (Finance)
Payroll check numbers 538958 through 538964 in the amount of \$76,054.85 and electronic deposit transmissions in the amount of \$2,143,550.63, and a void check number 538955 in the amount of (\$498.33) for a grand total of \$2,219,107.15 for the period covering July 30, 2020 to August 12, 2020

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

IX. **UNFINISHED BUSINESS**

X. **ORDINANCES**

- A. Ordinance No. 6784 (Comeau)
An Ordinance repealing Chapter 9.08 of the Auburn City Code (ACC), relating to aggressive begging

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6784.)

XI. **RESOLUTIONS**

- A. Resolution No. 5538 (Gaub)
A Resolution setting a Public Hearing to consider the Vacation of Right-of-Way of G Street NE, South of South 277th Street

(RECOMMENDED ACTION: Move to adopt Resolution No. 5538.)

- B. Resolution No. 5541 (Tate)
A Resolution authorizing the Mayor to transfer funds collected under the Affordable and Supportive Housing Local Sales and Use Tax Act and City of Auburn Ordinance No. 6732 to the South King Housing and Homelessness Partners (SKHHP)

(RECOMMENDED ACTION: Move to adopt Resolution No. 5541.)

XII. MAYOR AND COUNCILMEMBER REPORTS

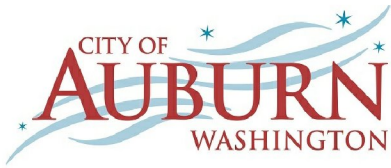
At this time the Mayor and City Council may report on significant items associated with their appointed positions on federal, state, regional and local organizations.

A. From the Council

B. From the Mayor

XIII. ADJOURNMENT

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



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the July 27, 2020 and August 10, 2020 Study Session

Date:

August 11, 2020

Department:

City Council

Attachments:

[07-27-2020 Minutes](#)

[08-10-2020 Minutes](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

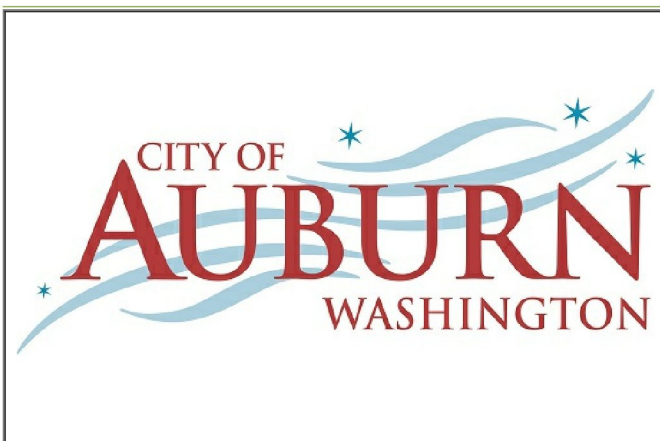
Revised Budget: \$0

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

Meeting Date: August 17, 2020

Staff:

Item Number: CA.A

	City Council Study Session Finance, Technology and Economic Development Special Focus Area July 27, 2020 - 5:30 PM Virtual MINUTES Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. CALL TO ORDER

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

II. Virtual Participation Link

A. Virtual Participation Link

The City Council Meeting was held virtually in the Council Chambers.

B. Roll Call

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

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

The following department directors and staff members attended the meeting virtually: Assistant City Attorney Doug Ruth, Director of Community Development Jeff Tate, Director of Finance Jamie Thomas, Director of Administration Dana Hinman, Director of Parks, Arts, and Recreation Daryl Faber, Director of Public Works Ingrid Gaub, Director of Human Resources and Risk Management Candis Martinson, Economic Development Manager Doug Lein, Outreach Program Administrator Kent Hay and Code Compliance Supervisor Chris Barack.

III. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

There were no announcements, reports or presentations.

IV. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Ordinance No. 6781 (Tate)(20 Minutes)

An Ordinance relating to camping and occupying public property, and amending Chapters 2.22.210, 2.22.220, 9.50.020, 9.78.010, 12.32.020, 13.12.020 and 13.48.170 and adding a new section to Chapter 9.50 of the Auburn City Code

Director Tate provided a brief description of why the City is bringing the camping ordinance forward. He explained the options offered by the City for people who need assistance. The proposed ordinance clarifies overnight camping is not permitted in parks, unless it is a campground or an approved event, it prohibits camping on City owned property, blocking a sidewalk and damage or trespass on City utilities. These interactions would also help the City identify and provide appropriate services to people in need of shelter.

Council discussed legal decisions that relate to this ordinance, people's right to privacy, who to contact within the City when there are people camping on City property, concerns that brought about the proposed ordinance, assistance for sheltering for various needs, what allows for permit camping in a park, methods to report violations, consequences if people refuse to leave the public land, fines for non-compliance and specific roles for assistance. Council requested Outreach and Program Administrator Hay report back on his progress with providing assistance and services to the homeless and the ordinance be brought back to Council with some additional changes.

Mayor Backus stated this ordinance does in no way criminalize homelessness, it does hold people accountable for their decisions and there are community service options versus paying monetary fines. Attorney Ruth also advised Council that a fine would have a \$250.00 maximum, but it is at the Judge's discretion to waive or reduce a fine.

V. FINANCE, TECHNOLOGY AND ECONOMIC DEVELOPMENT DISCUSSION ITEMS

A. Small Business Recovery Grant Program Update (Hinman)(15 Minutes)

Councilmember Baggett presided over this section of the meeting.

Manager Lein provided Council with an update of the Grant Program. He described the funds distributed for personal protective equipment, the criteria for accessing funds and steps taken to help businesses apply.

Council discussed businesses closing due to the shutdown and the number of businesses in Auburn.

B. Budget Refresher (Thomas)(120 Minutes)

Director Thomas provided Council with a budget introduction.

Councilmember Baggett called for a 5-minute recess at 6:44 p.m. The meeting reconvened at 6:48 p.m.

Director Thomas reviewed the difference between an annual budget and the biennial budget, budget priorities, budget development, funds overview, review of the budget calendar, property taxes, the elements of the budget document and the budget challenges.

Council discussed how to sustain the budget, ways to increase funding and the options of raising taxes.

VI. OTHER DISCUSSION ITEMS

There were no other discussion items.

VII. NEW BUSINESS

There was no new business.

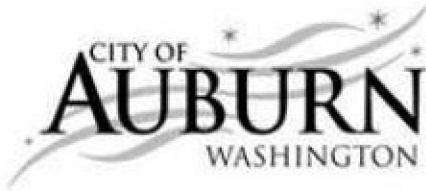
VIII. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 7:58 p.m.

APPROVED this 17th day of August, 2020.

CLAUDE DACORSI, DEPUTY MAYOR Shawn Campbell, City Clerk

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



**City Council Study Session PWCD SFA
August 10, 2020 - 5:30 PM**

**Virtual
MINUTES**

📺 Watch the meeting LIVE!

📺 Watch the meeting video

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

I. CALL TO ORDER

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

II. Virtual Participation Link

A. Virtual Participation Link

The City Council Meeting was held virtually in the Council Chambers.

B. Roll Call

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

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

The following department directors and staff members attended the meeting virtually: City Attorney Kendra Comeau, Director of Public Works Ingrid Gaub, Assistant Director of Engineering Services Jacob Sweeting, Capital and Construction Engineering Manager Ryan Vondrak, Traffic Operations Engineer Scott Nutter, Water Utility Engineer Susan Fenhaus, Senior Transportation Planner Cecile Malik and Sewer Utility Engineer Robert Elwell.

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Ordinance No. 6784 (Comeau)(10 Minutes)

An Ordinance repealing Chapter 9.08 of the Auburn City Code (ACC), relating to aggressive begging

City Attorney Comeau provided Council with information on repealing Chapter 9.08 of the Auburn City Code associated with aggressive begging.

Council discussed how panhandling will be handled at freeway ramps, how aggressive begging violations will be enforced, Chapter 9.08 will be repealed and not replaced. They thanked Chief O'Neil and City Attorney Comeau for their work.

Chief O'Neil explained Auburn Police Officers are trying to get panhandlers and aggressive beggars help through available resources versus citing or arresting them for violations.

IV. PUBLIC WORKS AND COMMUNITY DEVELOPMENT DISCUSSION ITEMS

A. Capital Projects Status Report and Feature Project (Gaub)(15 Minutes)

Councilmember Brown presided over this section of the meeting.

Director Gaub introduced Manager Vondrak and Engineer Nutter who provided Council with an update on the Capital Project Status. Manager Vondrak reviewed active Capital Projects, the number of Capital Projects advertised for construction from 2017 through 2020, upcoming construction projects and project prioritization.

Engineer Nutter reviewed the Citywide Streetlight LED Conversion Feature Project and discussed the purpose and benefits of the LED conversion. He also discussed the project cost and expected savings on reduced electric power and reduced maintenance costs.

Council discussed the options of using solar lighting and requested adding the General Contractor and the Engineer of Record names to the Capital Project reports.

B. Discuss Hudson Payback Agreements (Ordinances 6770, 6771 and 6772) (Gaub)(15 Minutes)

Director Gaub introduced Senior Transportation Planner Cecile Malik and Sewer Utility Engineer Robert Elwell who provided Council with an update on the Hudson Payback Agreements.

Engineer Elwell explained what a payback agreement is, the purpose of the payback agreement with Hudson DCT for the water, sewer, and traffic improvements with the development of their distribution center.

Engineer Fenhaus, Engineer Elwell and Planner Malik reviewed the Hudson water, sewer and street payback agreements, benefited properties and the payback process.

Council discussed when the public hearing will take place and the approval process for Hudson to develop at this location.

V. OTHER DISCUSSION ITEMS

There were no other discussion items.

VI. NEW BUSINESS

There was no new business.

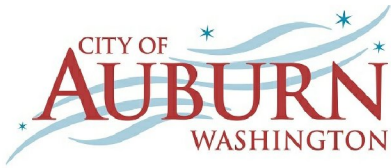
VII. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 6:26 p.m.

APPROVED this 17th day of August, 2020.

CLAUDE DACORSI, DEPUTY MAYOR Teresa Mattingly, Deputy City Clerk

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AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the August 3, 2020 Regular Council Meeting

Department:

City Council

Attachments:

[08-03-2020 Minutes](#)

Date:

August 11, 2020

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

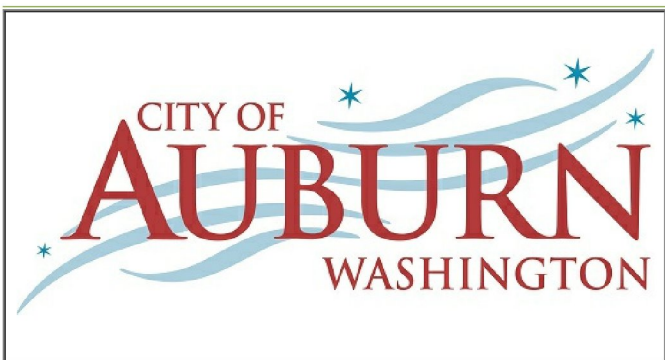
Revised Budget: \$0

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

Meeting Date: August 17, 2020

Staff:

Item Number: CA.B

	City Council Meeting August 3, 2020 - 7:00 PM VIRTUAL MINUTES Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. **CALL TO ORDER**

II. **Virtual Participation Link**

1. Virtual Participation Link

The City Council Meeting was held virtually in the Council Chambers.

A. **Pledge of Allegiance**

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

B. **Roll Call**

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

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

The following department directors and staff members attended the meeting virtually: City Attorney Dan Heid, Director of Public Works Ingrid Gaub, Director of Community Development Jeff Tate, Director of Administration Dana Hinman, Real Property Analyst Josh Arndt, Assistant Director of Innovation and Technology Ashley Riggs, Director of Finance Jamie Thomas, Director of Human Resources and Risk Management Candis Martinson and Director of Innovation & Technology David Travis.

III. **AGENDA MODIFICATIONS**

A motion to continue allowing remote participation in Council meetings until King County enters Phase Three of Governor Inslee's Safe Start — Washington's Phased Reopening plan has been added as item G to the consent agenda.

IV. NEW BUSINESS

There was no new business.

V. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

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

B. Audience Participation

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

1. Virtual Participation

Julien Loh, Puget Sound Energy Local Government Affairs Manager
Mr. Low expressed his support regarding the Puget Sound Energy (PSE) franchise agreement.

Bob Zimmerman, 33029 46th Place South
Mr. Zimmerman expressed his concerns about safety standards.

C. Correspondence

Mayor Backus shared a letter from Julien Loh, Local Government Affairs Manager for Puget Sound Energy (PSE) regarding the franchise agreement with the City of Auburn. Mr. Loh stated that PSE has not disconnected customers for non-payment, they received approval to waive late fees and have multiple bill payment assistance programs available. Mr. Loh requested Council approve the franchise agreement.

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.

1. Finance Ad Hoc Committee (Chair Baggett)

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

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 July 20, 2020 Regular Council Meeting
- B. Claim Vouchers (Thomas)
Claim voucher list dated August 3, 2020 which includes voucher numbers 459516 through 459806 in the amount of \$1,221,148.93 and five wire transfers in the amount of \$745,060.05
- C. Payroll Vouchers (Thomas)
Payroll check numbers 538951 through 538957 in the amount of \$542,265.35 and electronic deposit transmissions in the amount of \$1,943,124.70, for a grand total of \$2,485,390.05 for the period covering July 15, 2020 to July 29, 2020
- D. Set Public Hearing Date for Ordinance No. 6770
City Council to set date for Public Hearing for Ordinance No. 6770 for the Hudson DCT Sewer Payback Agreement No. PBK18-0002
- E. Set Public Hearing Date for Ordinance No. 6771
City Council to set date for Public Hearing for Ordinance No. 6771 Hudson DCT Water Payback Agreement No. PBK18-0003
- F. Set Public Hearing Date for Ordinance No. 6772
Set date for Public Hearing for Ordinance No. 6772 Hudson DCT Street Payback Agreement No. PBK18-0004
- G. City Council to suspend Council Rules of Procedure 3.1(H), 4.1, 10.1, 11.2(B) and 16.1 that were amended on May 27, 2020 during the City Council Meeting through when King County enters Phase three of Governor Inslee's Safe Start — Washington's Phased Reopening plan and allow the virtual and telephonic participation in Council meetings

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

MOTION CARRIED UNANIMOUSLY. 6-0

VIII. **UNFINISHED BUSINESS**

There was no unfinished business.

IX. ORDINANCES

A. Ordinance No. 6775 (Gaub)

An Ordinance authorizing Franchise Agreement No. FRN20-0002 with Puget Sound Energy for their Electric Utility

Deputy Mayor DaCorsi moved and Councilmember Stearns seconded to adopt Ordinance No. 6775.

MOTION CARRIED UNANIMOUSLY. 6-0

X. RESOLUTIONS

A. Resolution No. 5535 (Hinman)

A Resolution authorizing the Mayor to grant an easement to King County across a portion of Game Farm Wilderness Park for river protection purposes

Councilmember Stearns moved and Councilmember Jeyaraj seconded to adopt Resolution No. 5535.

MOTION CARRIED UNANIMOUSLY. 6-0

B. Resolution No. 5539 (O'Neil)

A Resolution approving the amended and restated Interlocal Cooperative Agreement between the Washington State Patrol, Pierce County Sheriff's Office, King County Prosecutor's Office, and the municipalities of Auburn, Bonney Lake, Federal Way, Lakewood, Tacoma, and Tukwila for the creation of the Puget Sound Auto Theft Task-Force

Councilmember Stearns moved and Councilmember Jeyaraj seconded to adopt Resolution No. 5539.

MOTION CARRIED UNANIMOUSLY. 6-0

C. Resolution No. 5540 (O'Neil)

A Resolution authorizing the Chief of Police to Enter an Interlocal Agreement with the King County Sheriff's Office

Councilmember Jeyaraj moved and Councilmember Trout-Manuel seconded to adopt Resolution No. 5540.

MOTION CARRIED UNANIMOUSLY. 6-0

XI. MAYOR AND COUNCILMEMBER REPORTS

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

A. From the Council

Deputy Mayor DaCorsi reported he attended a King County Affordable

Housing meeting.

Councilmember Trout-Manuel reported she attended a Sound City Association training and a King County Law and Justice Committee meeting.

Councilmember Stearns reported he attended a Water Resource Inventory Area 9 (WRIA9) meeting.

B. From the Mayor

Mayor Backus reported the City, Auburn Police Department and King County Sheriff honored the five young men who came to the aid of King County Deputy Elliot.

Mayor Backus reminded everyone to social distance, mask up and wash their hands. She also shared the City of Auburn statistics for COVID-19.

XII. ADJOURNMENT

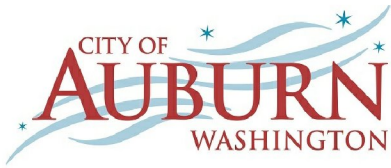
There being no further business to come before the Council, the meeting was adjourned at 7:34 p.m.

APPROVED this 17th day of August, 2020.

NANCY BACKUS, MAYOR

Shawn Campbell, City Clerk

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AGENDA BILL APPROVAL FORM

Agenda Subject:

Claim Vouchers (Thomas)

Date:

August 12, 2020

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Approve Claim Vouchers.

Background Summary:

Claim voucher list dated August 17, 2020 which includes voucher numbers 459807 through 460033 in the amount of \$3,533,684.41 and four wire transfers in the amount of \$504,542.26.

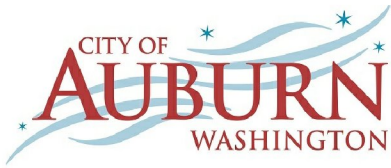
Reviewed by Council Committees:**Councilmember:****Staff:**

Thomas

Meeting Date: August 17, 2020

Item Number:

CA.C



AGENDA BILL APPROVAL FORM

Agenda Subject:

Payroll Vouchers (Finance)

Date:

August 12, 2020

Department:

City Council

Attachments:

No Attachments Available

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Approve Payroll Vouchers.

Background Summary:

Payroll check numbers 538958 through 538964 in the amount of \$76,054.85 and electronic deposit transmissions in the amount of \$2,143,550.63, and a void check number 538955 in the amount of (\$498.33) for a grand total of \$2,219,107.15 for the period covering July 30, 2020 to August 12, 2020.

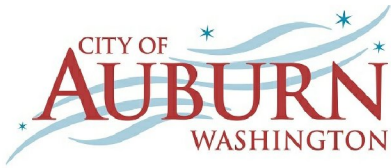
Reviewed by Council Committees:**Councilmember:****Staff:**

Finance

Meeting Date: August 17, 2020

Item Number:

CA.D



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6784 (Comeau)

Date:

August 12, 2020

Department:

City Council

Attachments:

[ORD 6784](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to adopt Ordinance No. 6784.

Background Summary:

Chapter 9.08 of the Auburn City Code makes certain conduct associated with aggressive begging (intimidation, deceptive practices and impeding traffic) a misdemeanor. However, the Washington State Supreme Court recently ruled in *City v. Willis*, 86 Wn.2d 210, 375 P.3d 1056 (2016), that similar provisions in another Western Washington's municipal code prohibiting begging at freeway ramps and other major intersections were facially overbroad.

In light of the *City v. Willis* decision, and after reviewing its own code, the City Attorney's Office has determined that the police and prosecutor can address more egregious conduct through other codes, and it is appropriate to repeal Chapter 9.08 ACC.

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

Comeau

Meeting Date: August 17, 2020

Item Number:

ORD.A

ORDINANCE NO. 6784

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF AUBURN, WASHINGTON, REPEALING
CHAPTER 9.08 OF THE AUBURN CITY CODE
(ACC), RELATING TO AGGRESSIVE BEGGING.

WHEREAS, Auburn City Code (ACC), specifically Chapter 9.08 ACC, contains language making certain conduct associated with aggressive begging – intimidation, deceptive practices and impeding traffic – a misdemeanor and provides for penalties for violations thereof; and

WHEREAS, in connection with similar code provisions in another Western Washington city, the State Supreme Court ruled, in *City v. Willis*, 86 Wn.2d 210, 375 P.3d 1056 (2016), that provisions of that city’s disorderly conduct ordinance - prohibiting begging at freeway ramps and at major intersections - were facially overbroad; and

WHEREAS, since *City v. Willis*, the Auburn Prosecutors and Police have assessed how this court decision could affect conduct falling within the parameters of the City of Auburn, and Auburn Prosecutors and Police believe that notwithstanding the limitations that would stem from the *City v. Willis* decision, the Prosecutors and Police can address the more egregious conduct that falls within Chapter 9.08 of the City Code through other codes; and

WHEREAS, in light of the *City v. Willis* decision and the strategies able to be employed by City Prosecutors and Police, it is appropriate to repeal the provisions of Chapter 9.08 ACC.

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

Section 1. Repeal of Chapter in City Code. Chapter 9.08 ACC is repealed.

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

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

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

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

Published: _____

CITY CODE TEXT BEING REPEALED

Chapter 9.08 AGGRESSIVE BEGGING

Sections:

9.08.010 Aggressive begging.

9.08.010 Aggressive begging.

A. It is unlawful for any person to engage in aggressive begging in any public place in the city, as those terms are defined by this section.

B. As used in this section:

1. "Aggressive begging" shall mean: (a) begging with intent to intimidate another person into giving money or goods; (b) begging with use of false, misleading information; (c) begging with or involving activities that are unsafe or dangerous to any person or property, or begging at locations or in a manner that threatens the safety of persons or property, or that impedes or threatens to impede pedestrian or vehicular traffic; (d) begging in a manner that exploits children; or (e) willfully providing or delivering, or attempting to provide or deliver, unrequested or unsolicited services or products with a demand or exertion of pressure for payment in return.

2. "Begging" shall mean asking for money or goods as a charity, whether by words, bodily gestures, signs or other means.

3. "To intimidate" shall mean to coerce or frighten into submission or obedience, or to engage in conduct which would make a reasonable person fearful or feel compelled.

4. "Public place" shall mean: (a) any public road, alley, lane, parking area, sidewalk, or other publicly owned building, facility or structure; (b) any public playground, school ground, recreation ground, park, parkway, park drive, park path or right-of-way open to the use of the public; or (c) any privately owned property adapted to and fitted for vehicular or pedestrian travel that is in common use by the public with the consent, expressed or implied, of the owner or owners.

5. "Exploit" shall mean using in an unethical, selfish or abusive manner or in any other manner that gives an unfair advantage.

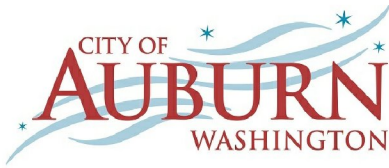
6. "Impeding or threatening to impede pedestrian or vehicular traffic" includes, but is not limited to:

a. Any begging activity that causes or is likely to cause either the person begging or the person being contacted by the person begging to enter a roadway lane of traffic on foot, other than in a marked crosswalk;

b. Any begging activity that occurs at an intersection controlled by lighted traffic signals, where that activity is between or involves a person or persons located in a sidewalk or along a public roadway and a person or persons in or on a vehicle traveling on a public roadway;

c. Any begging activity that causes or is likely to cause vehicles to stop at locations or times where/when disruptive to or not consistent with the flow of traffic.

C. Violation of this section shall be a misdemeanor, punishable by a fine up to \$1,000 or by a jail sentence of up to 90 days, or by both such fine and jail time. (Ord. 6200 § 1, 2008; Ord. 5918 § 1, 2005; Ord. 5682 § 1, 2002.)



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5538 (Gaub)

Date:

August 11, 2020

Department:

Public Works

Attachments:

[Resolution No. 5538](#)

[Exhibits A and B](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to adopt Resolution No. 5538.

Background Summary:

Copper Gate North, LLC has applied to the City for vacation of the right-of-way of G Street NE, south of South 277th Street. The applicant currently owns adjacent parcels #9360600323 to the northeast and #9360600330 to the west and is proposing to incorporate the right-of-way into development of the adjacent property and cleanup right-of-way and parcel lines.

The application has been reviewed by City staff and utility purveyors who have an interest in this right-of-way. 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 with conditions.

Resolution No. 5538, if adopted by City Council, sets the date of the public hearing for ROW Vacation No. V1-20 for September 21, 2020.

Reviewed by Council Committees:

Councilmember: Brown

Staff: Gaub

Meeting Date: August 17, 2020

Item Number: RES.A

RESOLUTION NO. 5538

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, SETTING A PUBLIC HEARING TO CONSIDER THE VACATION OF RIGHT-OF-WAY OF G STREET NE, SOUTH OF SOUTH 277TH STREET, WITHIN THE CITY OF AUBURN, WASHINGTON.

WHEREAS, the City of Auburn, Washington, has received a petition signed by owners of at least two-thirds (2/3) of the property abutting right-of-way at the location of G Street NE, south of South 277th Street, within the City of Auburn, Washington, requesting that the right-of-way be vacated; and,

WHEREAS, Section 35.79.010 of the Revised Code of Washington, requires that the City set a hearing on vacation by Resolution, with the date of the hearing being not more than sixty (60) days nor less than twenty (20) days after the date of passage of such Resolution.

WHEREAS, this Resolution is consistent with Auburn City Code 12.48.070 and calls for a public hearing to consider the proposed vacation.

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

Section 1. That a hearing on the vacation of right-of-way at the location of G Street NE, south of South 277th Street, located within the City of Auburn, Washington, legally described as follows:

THE EAST 30 FEET OF THE RIGHT-OF-WAY FOR G

Resolution No. 5538
ROW Vacation V1-20
July 22, 2020
Page 1 of 3

STREET NORTHEAST AS DEDICATED BY QUIT CLAIM DEED RECORDED UNDER AUDITOR'S FILE NO. 5869551, FOR RECORDS OF KING COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE W.A. COX DONATION LAND CLAIM NO. 38;
THENCE N88°59'52"W, ALONG THE NORTHLINE OF SAID DONATION LAND CLAIM, 420.19 FEET;
THENCE S01°48'09"W 58.34 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY MARGIN OF G STREET NORTHEAST AND THE POINT OF BEGINNING;
THENCE S01°48'09"W, ALONG SAID EASTERLY MARGIN, 781.69 FEET TO AN ANGLE POINT WITH THE SOUTHERLY RIGHT-OF-WAY MARGIN OF G STREET NORTHEAST;
THENCE N89°13'51"W, ALONG SAID SOUTHERLY MARGIN, 30.00 FEET TO AN ANGLE POINT WITH THE WESTERLY RIGHT-OF-WAY MARGIN OF G STREET NORTHEAST;
THENCE N01°48'09"E, ALONG SAID WESTERLY MARGIN, 781.81 FEET TO AN ANGLE POINT WITH THE SOUTHERLY RIGHT-OF-WAY MARGIN OF SOUTH 277TH STREET;
THENCE S88°59'48"E 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 23,452± SQUARE FEET (0.5384± ACRES)

[Also identified as Exhibit "A".]

and as shown on the document attached, marked as Exhibit "B", is set for 7:00 p.m. on the 21st day of September, 2020, at the City Council Chambers at 25 West Main Street, Auburn, Washington, 98001, with all persons wishing to speak to the vacation at the public hearing being invited to attend.

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

Resolution No. 5538
ROW Vacation V1-20
July 22, 2020
Page 2 of 3

notice of such public hearing as required by State law and City Ordinance.

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

DATED and SIGNED this _____ day of _____, 2020.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

Kendra Comeau, City Attorney

Resolution No. 5538
ROW Vacation V1-20
July 22, 2020
Page 3 of 3

CORE DESIGN, INC.
BOTHELL WA 98011

CORE PROJECT NO: 19116
01/24/2020

EXHIBIT "A"

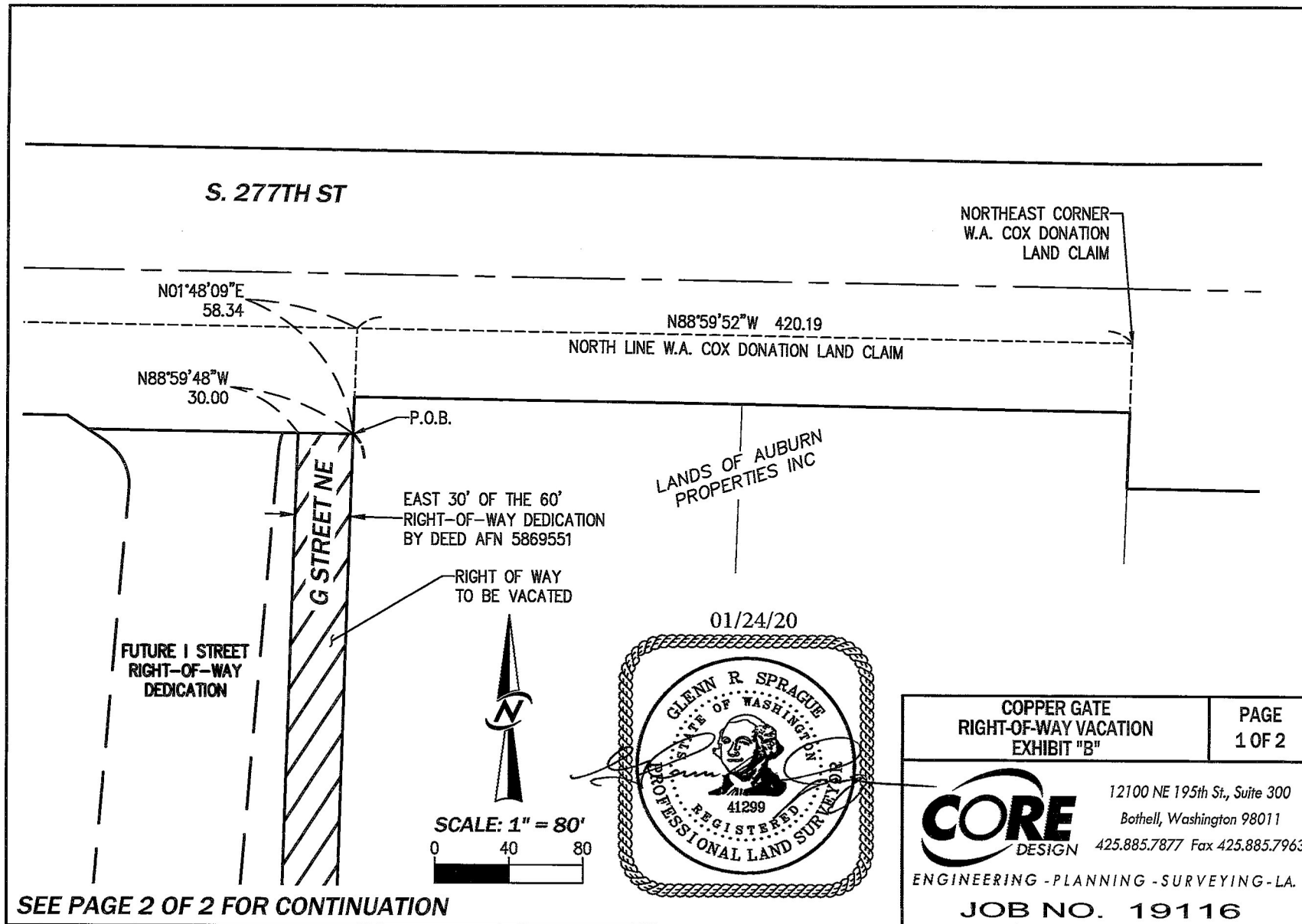
LEGAL DESCRIPTION – RIGHT-OF-WAY VACATION

THE EAST 30 FEET OF THE RIGHT-OF-WAY FOR G STREET NORTHEAST AS DEDICATED BY QUIT CLAIM DEED RECORDED UNDER AUDITOR'S FILE NO. 5869551, RECORDS OF KING COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

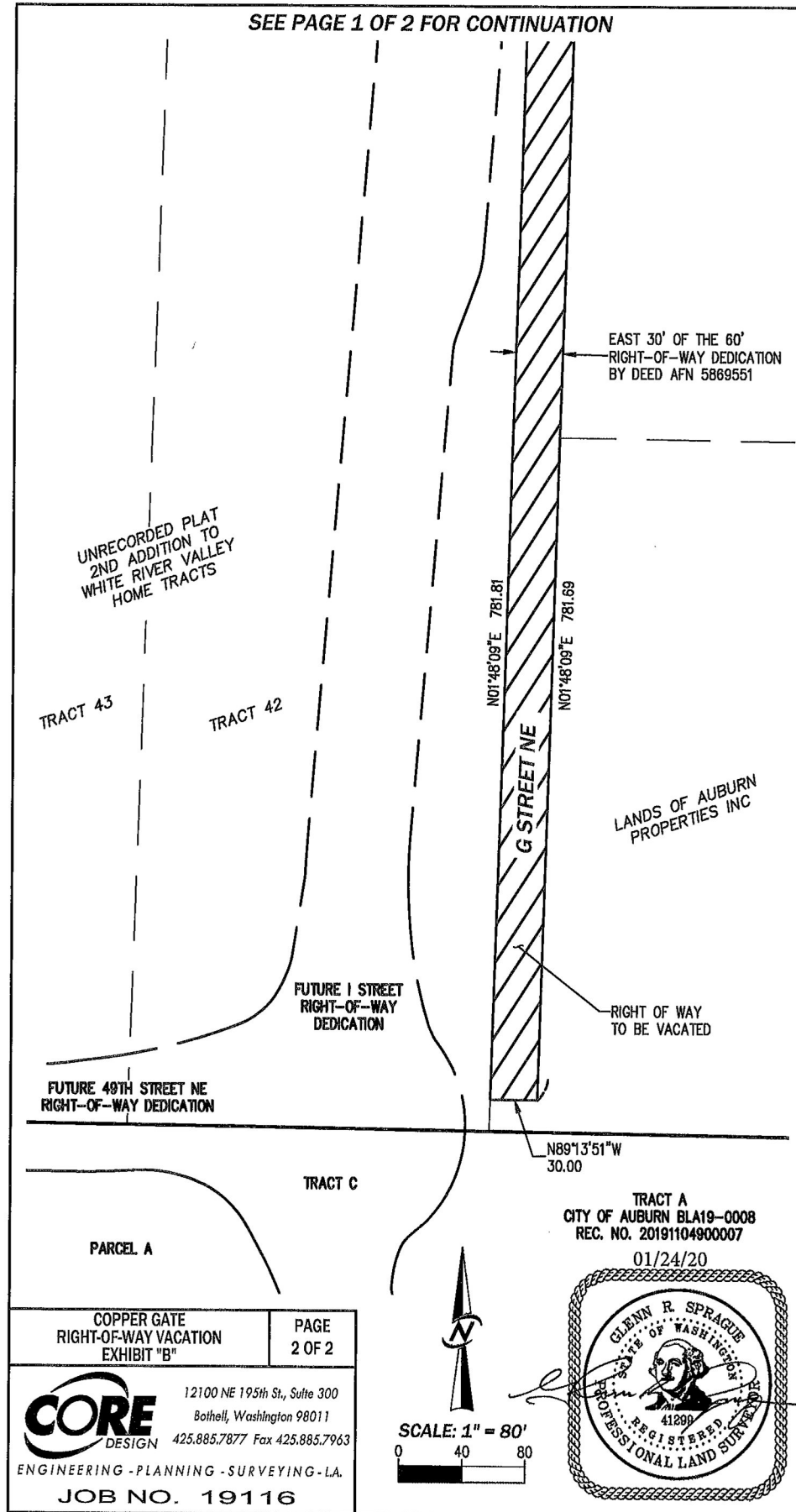
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THENCE N88°59'52"W, ALONG THE NORTH LINE OF SAID DONATION LAND CLAIM, 420.19 FEET;
THENCE S01°48'09"W 58.34 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY MARGIN OF G STREET NORTHEAST AND THE **POINT OF BEGINNING**;
THENCE S01°48'09"W, ALONG SAID EASTERLY MARGIN, 781.69 FEET TO AN ANGLE POINT WITH THE SOUTHERLY RIGHT-OF-WAY MARGIN OF G STREET NORTHEAST;
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THENCE N01°48'09"E, ALONG SAID WESTERLY MARGIN, 781.81 FEET TO AN ANGLE POINT WITH THE SOUTHERLY RIGHT-OF-WAY MARGIN OF SOUTH 277TH STREET;
THENCE S88°59'48"E 30.00 FEET TO THE **POINT OF BEGINNING**.

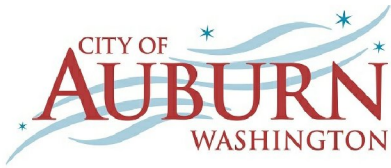
CONTAINS 23,452± SQUARE FEET (0.5384± ACRES)





SEE PAGE 1 OF 2 FOR CONTINUATION





AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No, 5541 (Tate)

Department:

Community Development

Attachments:

[Resolution No. 5541](#)

[Memo to Council - Resolution 5541 HB 1406](#)

[SKHHP Pool](#)

Date:

August 6, 2020

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to adopt Resolution No. 5541.

Background Summary:

See Attached Memo

Reviewed by Council Committees:

Councilmember: Brown

Staff:

Tate

Meeting Date: August 17, 2020

Item Number:

RES.B

RESOLUTION NO. 5541

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO TRANSFER FUNDS COLLECTED UNDER THE AFFORDABLE AND SUPPORTIVE HOUSING LOCAL SALES AND USE TAX ACT AND CITY OF AUBURN ORDINANCE 6732 TO THE SOUTH KING HOUSING AND HOMELESSNESS PARTNERS

WHEREAS, the 2019 State Legislature enacted SHB 1406 (Chapter 338, Laws of 2019, “Affordable and Supportive Housing Sales and Use Tax Act”) which allows cities and counties to recapture a portion of Washington State sales tax when it is used to support affordable housing initiatives; and

WHEREAS, on September 9, 2019 the Auburn City Council enacted Resolution 5454 and Ordinance 6732 which authorized a recapture of Washington State sales tax, which should generate approximately \$150,000 per year for the next 20 years; and

WHEREAS, on February 19, 2019 the Auburn City Council enacted Resolution 5408 which authorized the Mayor to enter into an Interlocal Agreement (ILA) with 8 other south King County cities and King County to form the South King Housing and Homelessness Partners (SKHHP); and

WHEREAS, Resolution 5408 states that “the Parties have determined that the most efficient and expeditious way for the Parties to address affordable housing needs in South King County is through cooperative action and pooling public and private resources”; and

WHEREAS, all 9 member cities of SKHHP and King County have taken action to enact the sales tax recapture provisions established in SHB 1406; and

WHEREAS, on November 22, 2019 the SKHHP Executive Board took unanimous action to adopt SKHHP Resolution 2019-06 which urges each of the 9 member cities and county to pool 100% of the funds collected under the provisions of SHB 1406; and

WHEREAS, if all 9 cities pool the maximum amount of collected SHB 1406 funds, the estimated revenue would total approximately \$1,000,000 per year for a 20 year period

WHEREAS, while \$150,000 is a valuable revenue stream that can be used in Auburn to support various affordable housing initiatives, transfer of the collected funds to the SKHHP Housing Capital Fund will stretch the funds much further and make a far more meaningful impact on the availability of affordable housing in South King County.

WHEREAS, HB 1406 funds may be used for the purpose of acquiring, rehabilitating, or constructing affordable housing; funding the operations and maintenance costs of new units of affordable or supportive housing; and

WHEREAS, cities that have a population of less than 100,000 may also use the funds for providing rental assistance to tenants, however, using the funds in this manner will likely exceed Auburn's estimated annual revenue collection since a rental assistance program requires city staff to review personal income information of individuals who request access to funds, account and audit the use of funds, and meet annual reporting requirements; and

WHEREAS, the City of Auburn is projected to exceed a population of 100,000 within the 20 year window set forth in SHB 1406 which will prohibit Auburn from using funds for the purpose of providing rental assistance; and

WHEREAS, counties and cities that enact the provisions of SHB 1406 may issue general obligation or revenue bonds, and may use moneys collected under SHB 1406 for the repayment of bonds; and

WHEREAS, on December 16, 2019 the Auburn City Council adopted Resolution 5476 that directed the transfer of funds collected pursuant to SHB 1406 funds to SKHHP if all other member cities take similar action to direct a proportionate amount of their collected funds to SKHHP; and

WHEREAS, in response to the coronavirus pandemic some SKHHP member cities have directed SHB 1406 funds to rental assistance, which action prevents the City of Auburn from directing its SHB 1406 funds to SKHHP due to the restriction in Resolution 5476; and

WHEREAS, it remains the City of Auburn's desire to appropriate and expend the funds allocated to the city under SHB 1406 to SKHHP for use on capital projects that address housing affordability.

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

Section 1. As long as the City of Auburn remains a member of SKHHP, the Mayor is authorized to contribute all of the revenues collected by the City under SHB 1406 and Ordinance 6732 to the SKHHP Housing Capital Fund according to the provisions of the SKHHP Interlocal Agreement adopted by resolution 5408.

Section 2. This authorization is contingent upon two or more SKHHP cities both taking action to contribute to the SKHHP Housing Capital Fund a share of the tax receipts received pursuant to SHB 1406.

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

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

Dated and Signed: _____

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney



Memorandum

To: City Council Members

From: Jeff Tate, Director of Community Development

CC: Mayor Nancy Backus

Date: August 17, 2020

Re: Resolution 5541 – Pooling of HB 1406 sales tax credit funds with SKHHP

BACKGROUND

The 2019 State Legislature enacted SHB 1406 which allows cities and counties to recapture a portion of Washington State sales tax when it is used to support affordable housing initiatives. On September 9, 2019 the Auburn City Council enacted Resolution 5454 and Ordinance 6732 which took the requisite actions necessary by a local legislative authority to take advantage of the sales tax revenue recapture. As a result of these actions, the City of Auburn is expected to collect up to \$154,992 per year for the next 20 years. SHB 1406 allows these funds to be used for:

1. Acquiring, rehabilitating, or constructing affordable housing.
2. Funding the operations and maintenance costs of new units of affordable or supportive housing.
3. Jurisdictions that have a population of less than 100,000 may provide rental assistance to tenants.

The City Council took a separate action on February 19, 2019 to adopt Resolution 5408 which authorized the Mayor to sign an Interlocal Agreement (ILA) with Burien, Covington, Des Moines, Federal Way, Kent, Normandy Park, Renton, Tukwila, and King County. The ILA officially formed the South King Housing and Homelessness Partners (SKHHP).

SKHHP was formed for the purpose of advancing affordable housing initiatives in South King County. Anticipated initiatives include assisting cities with comprehensive plan updates, data collection and housing trend analyses, and establishing a housing capital fund to support purchase, rehabilitation, and/or development of affordable housing. An essential principle of the SKHHP ILA is that the 10 member jurisdictions are better able to deliver successful outcomes by working collaboratively and pooling resources. In support of this principle, on November 22, 2019 the SKHHP Executive Board unanimously adopted Resolution 2019-06 which urges each member jurisdiction to pool funds collected under SHB 1406 to a SKHHP Housing Capital Fund. The pooled funds have greater potential to leverage other public and private funds and will go further than the individual dollars collected by each city. Collectively the revenues are estimated to exceed \$1,000,000 each year for 20 years.

On December 16, 2019 the City of Auburn enacted Resolution 5476 to declare support to pool SHB 1406 funds by directing the funds to SKHHP, provided that all other member cities also agreed to pool funds. While the majority of SKHHP member cities have pledged commitment to pool SHB funds with SKHHP, two of the smaller SKHHP cities have responded to the economic impacts of the coronavirus pandemic by directing SHB 1406 funds to rental assistance. Due to the restriction in City of Auburn Resolution 5476, this action prevents the City of Auburn from directing its SHB 1406 fund to SKHHP. The cities that have directed funds for rental assistance have done so on a short-term basis and expect to revisit the allocation of these funds towards the end of 2020 or beginning of 2021.

RECOMMENDATION

City of Auburn staff recommends that the Auburn City Council approve Resolution **** which would pool SHB 1406 funds to a SKHHP Housing Capital Fund even if not all SKHHP member cities commit to pooling funds. This recommendation is based on the following:

1. A fundamental premise in the formation of SKHHP is the power of a coordinated effort and pooling of resources. SHB 1406 and Ordinance 6732 offer a unique opportunity to achieve the goals and objectives of SKHHP.
2. The majority of SKHHP cities remain committed to pooling SHB 1406 funds, those that have allocated SHB 1406 funds to rental assistance have done so as short-term decisions in response to the unforeseen impacts of the pandemic and these allocations will be revisited at the end of the 2020 or beginning of 2021.
3. While not an insignificant amount of money, it will be difficult for Auburn to use the estimated \$150,000 per year to realize the intended uses of SHB 1406 funds.
4. SHB 1406 establishes administrative monitoring requirements for how the money is used. By directing funds to SKHHP, the SKHHP Executive Manager will be assigned the responsibility of fulfilling this requirement.
5. The cumulative funding level achieved by SKHHP cities pooling SHB 1406 funds provides substantially more leverage for other public or private funds than the individual dollars collected by each City and collectively these funds will make a greater impact on the housing affordability needs in South King County.
6. While the economic impacts of the coronavirus pandemic have increased the need for rental assistance, using the funds for rental assistance pose a number of challenges:
 - a. The City would have to set up a program and administrative procedures for deliver of this option. Staff resources would need to be allocated to oversee the setup and management of the program (meaning that staff will either need to be redirected from current responsibilities or additional staff will need to be hired).
 - b. Rental assistance is not a long lasting sustainable solution. It provides one time funding assistance and spending money on rental assistance does not leave a lasting footprint.
 - c. Only cities that are less than 100,000 in population are eligible to use the money for rental assistance. The City of Auburn will exceed a population of 100,000 at about the midpoint of the 20 year duration that SHB revenues are collected.

NEXT STEPS

The proposed Resolution will supersede Resolution 5476 and will enable the City of Auburn to move forward with actions necessary to pool SHB 1406 funds with other SKHHP cities.

Upon approval of this resolution, in collaboration with SKHHP member cities the SKHHP Executive Manager will draft an Interlocal Agreement that will execute the pooling of SHB 1406 tax receipts. The Interlocal Agreement will need to be approved by each participating city's legislative body and will include specifications on allocation decisions, agreement duration, procedures for termination of agreement, and withdrawal procedures.