CITY OF AUBURN WASHINGTON

City Council Meeting
July 21, 2014 - 7:30 PM
Auburn City Hall
MINUTES

I. CALL TO ORDER

A. Flag Salute

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

B. Roll Call

City Councilmembers present: Deputy Mayor Wagner, Bill Peloza, Largo Wales, Wayne Osborne, John Holman, Claude DaCorsi, and Yolanda Trout.

Department Directors and staff members present included: Finance Director Shelley Coleman, Director of Administration Michael Hursh, Emergency Preparedness Manager Sarah Miller, Innovation and Technology Director Ron Tiedeman, Interim Director of Human Resources and Risk Management Rob Roscoe, City Attorney Daniel B. Heid, Director of Community Development and Public Works Kevin Snyder, Police Commander Mark Caillier, Environmental Services Manager Chris Andersen, Assistant Director of Engineering Services/City Engineer Ingrid Gaub, Engineering Aide Amber Mund, Assistant Director of Community Development Services Jeff Tate, Public Affairs and Marketing Liaison Dana Hinman, and City Clerk Danielle Daskam.

C. Announcements, Appointments, and Presentations

1. Kurtis Harstad CERT Award Presentation

   Mayor Backus, accompanied by Emergency Preparedness Manager Sarah Miller and Emergency Preparedness staff Scott Currie, presented Kurtis Harstad with a Community Emergency Response Team (CERT) certificate of completion. Ten-year old Kurtis, received his amateur radio operator's license at age nine and at 10 years old became the City's youngest CERT graduate. In honor of Kurtis's accomplishments, Emergency Preparedness Manager Miller invited Kurtis to become an honorary member of the City's Emergency Communications Team. Mayor Backus presented Kurtis with an official Community Service Excellence Award coin in recognition of his accomplishments.

2. Mill Creek Wetland 5k Project (Holman/Snyder)
   A presentation by Olton Swanson, Deputy District Engineer, Seattle District, U.S. Army Corps of Engineers (USACE) regarding the proposed Project Partnership Agreement (PPA) [refer to Resolution

No. 4959] between the City of Auburn and the U.S. Army Corps of Engineers.

Environmental Services Manager Chris Andersen introduced U.S. Army Corps of Engineers Deputy District Engineer Olton Swanson, who made some brief remarks regarding the Mill Creek Wetland 5k Ecosystem Restoration Project. The City has been working for several years with the U.S. Army Corps of Engineers on the planning and design for the Mill Creek Wetland 5k Restoration Project. Deputy District Engineer Swanson conveyed the Corps' continued commitment and support for the restoration project. Later on the agenda, the Council will consider Resolution No. 4959, authorizing a Project Partnership Agreement between the Corps and the City of Auburn that defines the roles, responsibilities and cost sharing for the project.

3. Arts Commission Appointment

Deputy Mayor Wagner moved and Councilmember Peloza seconded to confirm the appointment of Cary Davidson to the Arts Commission for a new three-year term to expire on December 31, 2016.

MOTION CARRIED UNANIMOUSLY. 7-0

4. 2014 Auburn Little League Juniors Softball

Mayor Backus invited the coaches and team members of the Auburn Little League Juniors Dynamite fastpitch softball team to receive the congratulations of the City Council. The Dynamite team recently won the state championship tournament held in Shoreline. The team moves on to the Western Regional Tournament in Tucson, Arizona, beginning July 30, 2014. Coaches and team members introduced themselves to the Council: Manager Perry Azevedo, Coach Steve Rhoades, Coach Dave Judge, Caitlyn Rhoades, Taylor Hanson, Megan Perius, Jillian Tinsley, Mindy Warner, Carly Ross, Emily Bartholomew, Geane Alcedo, Jordyn Judge, Riley Mehl, Laurel Tauzer, and Brianna Azevedo. The team is accepting donations to help fund their travel costs to the regional tournament.

D. Agenda Modifications

Ordinance No. 6519 (and an alternate version under Ordinance No. 6524) related to Code of Ethics was added to the agenda.

II. CITIZEN INPUT, PUBLIC HEARINGS & CORRESPONDENCE

A. Public Hearings

1. Public Hearing on Communal Residential Rental Housing - Moratorium (Holman/Tate)
City Council to conduct a public hearing on the Communal Residential Housing Moratorium (See Resolution No. 5079 attached).

Assistant Director of Community Development Services Jeff Tate presented Council with the staff report regarding the moratorium on communal residential rental housing. On June 16, 2014, the Council adopted Resolution No. 5079, which established a moratorium on the acceptance or processing of applications for business licenses and other licenses, permits and approvals for communal residential rental housing. Pursuant to RCW 35A,63.220, the City Council must hold a public hearing on the moratorium within sixty days of enacting the moratorium. The purpose of the moratorium is to allow the City adequate time to further evaluate the regulations associated with communal residences.

Mayor Backus opened the public hearing at 7:59 p.m.

Russ Campbell, 126th Avenue SE, Auburn
Mr. Campbell spoke in support of the moratorium. Mr. Campbell stated he lives in the Rainier Ridge neighborhood, which is in close proximity to Green River Community College. He expressed appreciation to the City Council for their work related to communal residential rental housing regulations.

Julia Shore, SE 316th Court, Auburn
Ms. Shore stated she is a former faculty member at Green River Community College. Ms. Shore spoke in support of the moratorium.

There being no further comment, the hearing closed at 8:01 p.m.

2. Public Hearing on Application for Right-of-Way Vacation V3-14 (Osborne/Snyder)
City Council to conduct a public hearing on a petition for vacation of the alley between South Division Street and A Street SE, south of 1st Street SE, located within the City of Auburn.

Engineering Aide Amber Mund presented the staff report on the application of MW Holdings Auburn SE Block LLC for vacation of the alley between South Division Street and A Street SE south of 1st Street SE. The alley was dedicated as right-of-way in 1886 as part of the City's original plat. MW Holdings Auburn SE Block LLC plans to incorporate the vacated right-of-way in the redevelopment of the adjoining properties.

Staff recommends approval of the vacation with the condition that easements be reserved for sanitary sewer and water, Puget Sound Energy gas and electric facilities, CenturyLink communications facilities, and Comcast cable facilities.

Per Council policy, compensation for the value of the right-of-way will not be required as the right-of-way was dedicated at no cost to the City.

Mayor Backus opened the public hearing at 8:02 p.m. There was no public comment, and the hearing was closed.

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.

Kim Smith, A Street SE #143, Auburn
Ms. Smith reported she lives at the White River Estates mobile home park. She expressed concern that there are several homeless people living adjacent to the mobile residences. Ms. Smith stated homeless persons have destroyed her fence and her neighbor's fence and entered her back yard. She has made several calls to the police for assistance.

Commander Caillier reported that Auburn Police perform extra patrols of the area and Puget Sound Energy has cleared their property where the homeless congregate.

Mayor Backus requested Commander Caillier meet with Ms. Smith before the end of the meeting to provide her with options for rectifying the situation.

Michael Tymon, 52nd Avenue South, Auburn
Mr. Tymon expressed frustration with the amount of illegal fireworks in his neighborhood. Commander Caillier advised the Police made several seizures of illegal fireworks and arrested several for fireworks violations. Mayor Backus advised that she will be receiving a debriefing next week from the Valley Regional Fire Authority and Auburn Police regarding Fourth of July activities and will provide the results of the debriefing through various mediums.

Russ Campbell, 126th Avenue SE, Auburn
Mr. Campbell reported that he had noticed a decrease in fireworks activities in his neighborhood over the years until this year. He contributed the increase in fireworks violations in his neighborhood due to a decrease of Police patrols in the Lea Hill area.

C. **Correspondence**

There was no correspondence for Council review.

III. COUNCIL COMMITTEE REPORTS

A. **Municipal Services**

Chair Peloza reported the Municipal Services Committee met July 14, 2014. The Committee reviewed Public Works Project No. CP1324, which is the airport slurry seal project. The Committee discussed the shopping cart program, garbage disposal direct billing, telecommunication leases, Resolution No. 5081 authorizing an interlocal agreement with the City of Milton for information technology services, animal control and rescue, and the Auburn firearms range. The next regular meeting of the Municipal Services Committee is scheduled for July 28, 2014 at 3:30 p.m.

B. **Planning & Community Development**

Chair Holman reported the Planning and Community Development Committee met July 14, 2014. The Committee reviewed Resolution No. 4959 relating to a Project Partnership Agreement with the U.S. Army Corps of Engineers for the Mill Creek 5k Restoration Project and Resolution No. 5084 authorizing an interlocal agreement with King County for administration of the Federal Home Investment Partnership Program. The Committee discussed setting a hearing date for the franchise agreement with Electric Lightwave, communal rental housing, the Comprehensive Plan update overview, new staffing for Community Development Services, certificates of occupancy for Orion Aerospace and Indian/Victory Motorcycle, and pedestrian kiosks. The next regular meeting of the Planning and Community Development Committee is scheduled for July 28, 2014 at 5:00 p.m.

C. **Public Works**

Chair Osborne reported the Public Works Committee met this afternoon at 3:30. The Committee reviewed Resolution No. 5078 regarding a hearing on the franchise agreement with Electric Lightwave, a right-of-way use permit for Auburn Days Festival fun run, a right-of-way permit for Auburn Noon Lions for Auburn Days, Public Works Project No. CP1104 bid award, final pay estimate for Public Works Project No. CP1222, Resolution No. 5086 related to an agreement with Jacob Armijo regarding an easement over a portion of a City storm water retention property, and Ordinance No. 6520 relating to underground wiring. The Committee discussed landscaping of public right-of-way, Resolution No. 4959 authorizing a Project Partnership Agreement with the U.S. Army Corps of Engineers, utility system development charges, Resolution No. 5087 relating to a lease with Bank of Washington for parking areas, the capital projects status report, and the Committee's action tracking matrix. The next regular meeting of the Public Works Committee is scheduled for August 4, 2014 at 3:30 p.m.

D. **Finance**

Chair Wales reported the Finance Committee met this evening at 5:00. The Committee reviewed claims vouchers in the amount of $5.9 million and payroll vouchers in the amount of $2.1 million. The Committee also reviewed Resolution No. 5081 authorizing an interlocal agreement with the City of Milton for information technology services, Resolution No. 5082 approving a grant agreement with the Department of Ecology, and Resolution No. 5087 amending a lease with the Bank of Washington for parking areas. The Committee discussed Resolution No. 5084 approving an interlocal agreement with King County for the Federal Home Investment Partnerships Program, Resolution No. 5085 approving an addendum to an agreement with Sharp Business Systems for copier purchases, Resolution No. 5086 relating to an easement with Jacob Armijo, Ordinance No. 6520 relating to underground wiring, the 2013 Comprehensive Annual Financial Report, and Ordinance No. 6519 (and its alternate Ordinance No. 6524) relating to a code of ethics. The next regular meeting of the Finance Committee is scheduled for August 4, 2014 at 5:00 p.m.

E. **Les Gove Community Campus**

The Les Gove Community Campus Committee has not met since the last Council meeting.

F. **Council Operations Committee**

The next regular meeting of the Council Operations Committee is scheduled for July 28, 2014 at 2:00 p.m.

G. **Junior City Council**

Deputy Mayor Wagner reported the Junior City Council met this evening at 5:00. The Junior City Council discussed how they could contribute and participate in next year's Auburn birthday celebration. The Junior City Council also discussed their anti-bullying campaign.

IV. **CONSENT AGENDA**

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

A. Minutes of the July 7, 2014 regular meeting

B. Minutes of the June 11, 2014 special meeting

C. Minutes of the June 26, 2014 special meeting

D. Claims Vouchers (Wales/Coleman)
Claims voucher numbers 429592 through 429842 in the amount of $4,786,634.07 and six wire transfers in the amount $1,197,254.06 and dated July 21, 2014.

E. Payroll Vouchers (Wales/Coleman)
Payroll check numbers 534816 through 534841 in the amount of $819,238.89 and electronic deposit transmissions in the amount of $1,284,922.81 for a grand total of $2,104,161.70 for the period covering July 3, 2014 to July 16, 2014.

F. Public Works Project No. CP1104 (Osborne/Snyder)
City Council award Contract No. 14-09 to Valley Electric Company of Mount Vernon on their low bid of $258,189.23 for Project No. CP1104, 8th St NE and 104th Ave SE Intersection Improvements

G. Public Works Project No. CP1222 (Osborne/Snyder)
City Council approve Final Pay Estimate No. 3 to Contract No. 13-15 in the amount of $3,978.39 and accept construction of Project No. CP1222, Citywide Traffic Signal Safety Improvements

H. Public Works Project No. CP1324 (Peloza/Coleman)
City Council award Contract No. 14-03, to Blackline Inc. on their low bid of $527,830.32 plus Washington State sales tax of $50,143.88 for a total contract price of $577,974.20 for Project No. CP1324, Asphalt Rehabilitation and Seal Coat

Deputy Mayor Wagner moved and Councilmember Peloza seconded to adopt the Consent Agenda.

The Consent Agenda consists of minutes, claims and payroll vouchers, and public works projects.

MOTION CARRIED UNANIMOUSLY. 7-0

V. UNFINISHED BUSINESS

There was no unfinished business for City Council review.

VI. NEW BUSINESS

There was no new business for City Council review.

VII. ORDINANCES

A. Ordinance No. 6511 (Osborne/Snyder)
An Ordinance of the City Council of the City of Auburn Washington, vacating right-of-way of the alley between South Division Street and A Street SE, south of 1st Street SE, within the City of Auburn, Washington

Councilmember Osborne moved and Councilmember Peloza seconded to introduce and adopt Ordinance No. 6511.

MOTION CARRIED UNANIMOUSLY. 7-0

B. Ordinance No. 6519
An Ordinance of the City Council of the City of Auburn, Washington, creating a new Chapter 2.92 of the Auburn City Code, providing for a Code of Ethics

Councilmember Holman moved and Councilmember Trout seconded to introduce and adopt Ordinance No. 6519.

Councilmember Holman spoke in favor of Ordinance No. 6519, which provides for a Code of Ethics for City officials and employees.
Deputy Mayor Wagner stated he cannot support Ordinance No. 6519 at this time and suggested the Council operate under the Code of Ethics in Chapter 42.23 RCW. Deputy Mayor Wagner stated Ordinance No. 6519 requires further discussion and study.

Councilmember Wales agreed with Deputy Mayor Wagner and suggested further study of a Code of Ethics.

Councilmember DaCorsi concurred with Deputy Mayor Wagner and Councilmember Wales. He suggested the Council review the proposed ordinance in a study session.

Councilmember Osborne agreed that Ordinance No. 6519 and a Code of Ethics requires additional time for study.

Councilmember Trout agreed that the proposed Code of Ethics requires further study.

Councilmember Peloza agreed additional time is needed to study Ordinance No. 6519 and a Code of Ethics.

Councilmember Holman moved to table Ordinance No. 6519 until August 18, 2014. Councilmember Wales seconded the motion.

MOTION CARRIED UNANIMOUSLY. 7-0

C. Ordinance No. 6520 (Osborne/Snyder)
An Ordinance of the City Council of the City of Auburn, Washington, amending Sections 13.32A.020 and 13.32A.120 of the Auburn City Code relating to exceptions for undergrounding requirements

Councilmember Osborne moved and Councilmember Peloza seconded to introduce and adopt Ordinance No. 6520.

Ordinance No. 6520 relates to underground wiring and clarifies the exceptions to the undergrounding requirement.

MOTION CARRIED UNANIMOUSLY. 7-0

D. Ordinance No. 6522 (Holman/Snyder)
An Ordinance of the City Council of the City of Auburn, Washington, approving the Final Plat of Alicia Glenn

Councilmember Holman moved and Councilmember Wales seconded to adopt Ordinance No. 6522.

Ordinance No. 6522 approves the final plat of Alicia Glenn located on Lea Hill at the intersection of 124th Avenue South and north of SE 304th Street.

MOTION CARRIED UNANIMOUSLY. 7-0

E. Ordinance No. 6523 (Holman/Snyder)
An Ordinance of the City Council of the City of Auburn, Washington, approving the Final Plat of Wyncrest

Councilmember Holman moved and Councilmember Wales seconded to adopt Ordinance No. 6523.

Ordinance No. 6523 approves the final plat of Wyncrest consisting of 24 lots and located on West Hill east of 64th Avenue South.

MOTION CARRIED UNANIMOUSLY. 7-0

VIII. RESOLUTIONS

A. Resolution No. 4959 (Holman/Snyder)
A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor and City Clerk to execute a Project Partnership Agreement for Specifically Authorized Ecosystem Restoration Projects and Separable Elements

(For clarification of these minutes, consideration of Resolution No. 4959 occurred immediately following Announcements, Appointments and Presentations.)

Councilmember Holman moved and Councilmember Wales seconded to adopt Resolution No. 4959.

Councilmember Holman spoke in favor of Resolution No. 4959. The Resolution authorizes a Project Partnership Agreement with the Corps of Engineers for the Mill Creek 5k Restoration Project.

Councilmember Wales spoke in favor of Resolution No. 4959 and the partnership with the U.S. Corps of Engineers.

Councilmember Peloza spoke in favor of Resolution No. 4959.

MOTION CARRIED UNANIMOUSLY. 7-0

B. Resolution No. 5078 (Osborne/Snyder)
A Resolution of the City Council of the City of Auburn, Washington, setting a public hearing to consider a Franchise Agreement with Electric Lightwave, LLC, a wholly owned subsidiary of Integra Telecom Holdings, Inc.

Councilmember Osborne moved and Councilmember Peloza seconded to adopt Resolution No. 5078.

Resolution No. 5078 sets a public hearing date for the proposed franchise agreement with Electric Lightwave. The resolution sets the hearing date for September 2, 2014.

MOTION CARRIED UNANIMOUSLY. 7-0

C. Resolution No. 5081 (Wales/Tiedeman)
A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to execute an interlocal agreement between the City of Auburn and the City of Milton for information technology services

Councilmember Wales moved and Councilmember Holman seconded to adopt Resolution No. 5081.

Resolution No. 5081 authorizes an interlocal agreement with the City of Milton for provision of information technology services at full cost recovery.

MOTION CARRIED UNANIMOUSLY. 7-0

D. Resolution No. 5082 (Wales/Coleman)
A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor and City Clerk to execute a Grant Agreement between the City of Auburn and the State Department of Ecology

Councilmember Wales moved and Councilmember Holman seconded to adopt Resolution No. 5082.

Resolution No. 5082 accepts grant funds to be used to acquire property for the Mill Creek 5k Restoration Project.

MOTION CARRIED UNANIMOUSLY. 7-0

E. Resolution No. 5084 (Holman/Hursh)
A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor and the City Clerk of the City of Auburn to enter into an Interlocal Cooperation Agreement between the City and King County, for the purposes of administering the Federal Home Investment Partnerships Program (HOME)

Councilmember Holman moved and Councilmember Wales seconded to adopt Resolution No. 5084.

Resolution No. 5084 authorizes an interlocal agreement with King County related to the administration of the Federal Home Investment Partnerships Program (HOME).

MOTION CARRIED UNANIMOUSLY. 7-0

F. Resolution No. 5086 (Osborne/Heid)
A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to execute an agreement with Jacob Armijo to convey an easement over a portion of City storm water retention property

Councilmember Osborne moved and Councilmember Peloza seconded to adopt Resolution No. 5086.

Resolution No. 5086 provides for an easement of approximately 550 feet of City storm water pond property where the property owner inadvertently placed landscaping.

MOTION CARRIED UNANIMOUSLY. 7-0

G. Resolution No. 5087 (Wales/Hursh)
A Resolution of the City Council of the City of Auburn, Washington, approving the Lease Extension and Addendum to Lease between the City of Auburn and the Bank of Washington

Councilmember Wales moved and Councilmember Holman seconded to adopt Resolution No. 5087.

Resolution No. 5087 extends an existing lease with Bank of Washington for parking areas in the downtown area.

MOTION CARRIED UNANIMOUSLY. 7-0

IX. REPORTS

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

A. From the Council

Deputy Mayor Wagner reported on his attendance at the Regional Access Mobility Partnership (RAMP) meeting where discussion included the dismal prospects for federal transportation grant funding. Deputy Mayor Wagner also reported on his attendance at the Pierce County Regional Council meeting where members received a presentation on the Buildable Lands Report.

Councilmember Trout reported she served as a judge at the dog contest at the Auburn International Farmers Market and attended the See Ya Later Foundation golf tournament.

Councilmember Osborne reported on his attendance at the Regional Transit Committee meeting where the Committee discussed scheduled reductions in transit service beginning in September 2014.

Councilmember Peloza reported he attended the Sound Cities Association Public Issues Committee meeting, the King County Solid Waste Advisory Committee meeting, the South King County Transportation Board meeting, the King County Flood Control District meeting, and the Regional Policy Committee meeting.

Councilmember Wales reported on attendance at a King County Board of Health meeting where discussion centered on health services funding shortfalls and closure of King County health clinics.

Councilmember DaCorsi reported he served as a judge for the Auburn International Farmers Market Dog Days of Auburn contest. He also announced tomorrow is Councilmember Wales' birthday as well as his wife's (Mary) birthday.

B. **From the Mayor**

Mayor Backus reported she was invited to speak at the Leadership Alliance Against Coal where she spoke regarding Auburn's concerns regarding oil trains traveling through Auburn. Mayor Backus reported she participated in a Q13 News focus piece on Auburn's Art, Wine and Music Festival. Mayor Backus reported that this afternoon the King County Council voted to implement the September 2014 transit service reductions (161,000 hours of service) and adopting the February 2015 service reduction level at 188,000 hours but did not associate routes with the reduction level. Mayor Backus expressed disappointment that after Auburn's urging to retain Route 919, the route appears to be eliminated; Auburn will continue to advocate for Route 919 to be restored.

X. EXECUTIVE SESSION

At 9:19 p.m., Mayor Backus recessed the regular meeting for a five minute intermission and then to executive session for approximately twenty minutes for the purpose of discussing real property acquisition pursuant to RCW 42.30.100 (1)(b) and pending/potential litigation pursuant to RCW 42.30.100(1)(i). Department Directors and staff members required for the executive session included City Attorney Daniel B. Heid, Director of Community Services and Public Works Kevin Snyder, Interim Director of Human Resources and Risk

Manager Rob Roscoe, Director of Administration Michael Hursh, Finance Director Shelley Coleman, Environmental Services Manager Chris Andersen, and Michael Stringer of Maul Foster Alongi. It was indicated Council action would follow the executive session.

At 9:43 p.m., the executive session was extended an additional ten minutes. At 9:53 p.m., the executive session was extended an additional five minutes.

The regular meeting was reconvened at 9:58 p.m.

City Attorney Heid read the title of Resolution No. 5083:

Resolution No. 5083
A Resolution of the City Council of the City of Auburn, Washington, authorizing the acquisition of interests in real property in support of the Mill Creek 5k Reach Restoration Project and ratifying and confirming prior acts

Councilmember Wales moved and Councilmember Holman seconded to adopt Resolution No. 5083.

Resolution No. 5083 authorizes property acquisition to allow the Mill Creek 5K Reach Restoration Project.

MOTION CARRIED UNANIMOUSLY. 7-0

XI. ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 9:59 p.m.

APPROVED this 4th day of August, 2014.

Nancy Backus
NANCY BACKUS, MAYOR

Danielle Daskam
Danielle Daskam, City Clerk