



City Council Meeting

July 3, 2017 - 7:00 PM

Auburn City Hall

AGENDA

[Watch the meeting LIVE!](#)

[Watch the meeting video](#)

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

I. CALL TO ORDER

A. **Pledge of Allegiance**

B. **Roll Call**

II. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

A. Proclamation - Park & Recreation Month

Mayor Backus to proclaim July 2017 as "Park & Recreation Month" in the city of Auburn

III. APPOINTMENTS

IV. AGENDA MODIFICATIONS

V. CITIZEN INPUT, PUBLIC HEARINGS & CORRESPONDENCE

A. **Public Hearings**

No public hearing is scheduled for this evening.

B. **Audience Participation**

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

C. **Correspondence**

There is no correspondence for Council review.

VI. COUNCIL AD HOC COMMITTEE REPORTS

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

VII. CONSENT AGENDA

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

A. **Minutes of the June 19, 2017 Regular City Council Meeting***

B. **Minutes of the January 11, 2016 City Council Study Session***

C. **Claims Vouchers (Coleman)**

Claims voucher numbers 444328 through 444545 in the amount of \$1,177,900.75 and six wire transfers in the amount of \$608,802.68 and dated July 3, 2017.

D. **Payroll Vouchers (Coleman)**

Payroll check numbers 537372 through 537401 in the amount of \$703,763.46 and electronic deposit transmissions in the amount of \$1,569,626.28 for a grand total of \$2,273,389.74 for the period covering June 15, 2017 to June 28, 2017.

E. **Public Works Project No. CP1613* (Snyder)**

City Council award Contract No. 17-06 to Multifacet Group, LLC. on their low bid of \$225,000.00 plus Washington State sales tax of \$22,500.00 for a total contract price of \$247,500.00 for Project No. CP1613, M&O Facility Building Roofing Replacement Project

F. **Public Works Project No. CP1701* (Snyder)**

City Council award Contract No. 17-23 to the lowest responsible bidder for Project No. CP1701, Auburn Way South Dynamic Message Sign

G. **Public Works Project No. CP1614* (Snyder)**

City Council award Contract No. 17-24 to the lowest responsible bidder for Project No. CP1614, 2017 Local Street Reconstruction and Preservation Project

H. **Public Works Project No. CP1606* (Snyder)**

City Council approve Final Pay Estimate No. 3 to Contract No. 17-04 in the amount of \$30,338.44 and accept construction of Project No. CP1606, Auburn Teen and Community Center (H St SE Extension)

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

VIII. **UNFINISHED BUSINESS**

IX. **NEW BUSINESS**

X. **ORDINANCES**

A. **Ordinance No. 6642* (Snyder)**

An Ordinance of the City Council of the City of Auburn, Washington, amending Sections 5.20.250, 18.07.020, 18.09.020, 18.21.010, 18.21.020, 18.21.030, 18.23.030, 18.29.050, 18.35.030, 18.42.020, 18.78.020, 18.04.120 of the Auburn City Code and creating new Sections 18.04.1001, 18.04.1003, 18.04.1005, 18.04.1007, 18.04.1009, 18.04.1011, 18.04.1013, 18.04.1015, 18.04.1017, 18.04.1019, 18.04.1021, 18.04.1023, 18.04.1025, 18.04.1027, 18.04.1029, 18.76.046 and a new Chapter 18.59 of the Auburn City Code relating to marijuana businesses, and repealing the moratorium established by Ordinance No. 6613

(RECOMMENDED ACTION: City Council adopt Ordinance No. 6642.)

B. **Ordinance No. 6656* (Coleman)**

An Ordinance of the City Council of the City of Auburn, Washington, amending Ordinance No. 6621, the 2017-2018 Biennial Budget Ordinance, as amended by Ordinance No. 6646, authorizing amendment to the City of Auburn 2017-2018 Budget as set forth in Schedule "A" and Schedule "B"

(RECOMMENDED ACTION: City Council adopt Ordinance No. 6656.)

XI. **RESOLUTIONS**

A. **Resolution No. 5295* (Snyder)**

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to execute a contract between the City of Auburn and the City of Pacific for decant facilities usage

(RECOMMENDED ACTION: City Council adopt Resolution No. 5295.)

B. **Resolution No. 5303* (Lee)**

A Resolution of the City Council of the City of Auburn, Washington, approving the 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.

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:

Minutes of the June 19, 2017 Regular City Council Meeting

Date:

June 26, 2017

Department:

Administration

Attachments:

[June 19, 2016 Meeting Minutes](#)

Budget Impact:

\$0

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

Meeting Date: July 3, 2017

Item Number: CA.A



**CITY COUNCIL
MEETING MINUTES**

JUNE 19, 2017 7:00 PM

I. CALL TO ORDER

A. Pledge of Allegiance

Mayor Nancy Backus called the meeting to order at 7:02 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street, and led those in attendance in the Pledge of Allegiance.

B. Roll Call

City Councilmembers present: Deputy Mayor Largo Wales, Bob Baggett, John Holman, Yolanda Trout-Manuel, and Rich Wagner. Councilmembers Claude DaCorsi and Bill Pelosa were excused.

Mayor Nancy Backus was in attendance, and the following department directors and staff members were also present: Director of Administration Dana Hinman, Finance Director Shelley Coleman, City Attorney Daniel B. Heid, Commander Steve Stocker, Innovation and Technology Director Paul Haugan, Economic Development Manager Doug Lein, and Deputy City Clerk Shawn Campbell.

II. ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS

There was no announcement, proclamation or presentation.

III. APPOINTMENTS

There was no appointment for Council consideration.

IV. AGENDA MODIFICATIONS

There was no modification to the agenda.

V. CITIZEN INPUT, PUBLIC HEARINGS & CORRESPONDENCE

A. Public Hearings

1. **Public Hearing on the 2018-2023 Transportation Improvement Program (TIP) (Snyder)**

City Council to conduct a public hearing to receive public comments and suggestions with regard to the proposed modifications to the 2018-2023 Transportation Improvement Program (TIP)

Mayor Backus opened the public hearing at 7:04 p.m. No one came forward to speak. Mayor Backus closed the 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

Lisa Scroggins, 935 18th ST NE, Auburn

Ms. Scroggins stated she is concerned that level 1 sex offenders do not have to register on the sex offender registry list. She believes the public should be notified.

Commander Stocker stated the registry is set by state law. The City is not able to add the level 1 offenders. King County produces a list that has all the sex offenders listed.

Ms. Scroggins would also like help to develop a block watch in her neighborhood.

Mary Miller, 1802 I Street, Auburn

Ms. Miller thanked the Mayor on a fast follow-up to her concerns from the previous meeting.

C. Correspondence

There was no correspondence for Council review.

VI. COUNCIL AD HOC COMMITTEE REPORTS

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 payroll vouchers and electronic deposits in the approximate amount of \$2.2 million and claims vouchers and wire transfers in the amount of approximately \$6 million for the periods June 1 to June 14, 2017 and June 19, 2017, respectively. The ad hoc committee recommends approval of the claims and payroll vouchers as described on the Consent Agenda.

Councilmember Trout-Manual, deputy chair of the ad hoc committee on the selection of the Deputy Mayor, reported the committee anticipates reporting to the Council at a future study session.

Deputy Mayor Wales stated the Transportation Benefit District postponed the implementation of the \$20 Car Tab fee to allow the ad hoc Committee additional time to make a recommendation.

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 June 5, 2017 Regular City Council Meeting

B. Claims Vouchers

Claims voucher numbers 444119 through 444327 in the amount of \$5,516,043.94 and three wire transfers in the amount of \$527,421.71 and dated June 19, 2017.

C. Payroll Vouchers

Payroll check numbers 537338 through 537371 in the amount of \$527,972.60, electronic deposit transmissions in the amount of \$1,632,622.74 for a grand total of \$2,160,595.34 for the period covering June 1, 2017 to June 14, 2017.

D. Public Works Project No. CP1520* (Snyder)

City Council to approve award of Contract No. 17-07, to the lowest responsible bidder for Project No. CP1520, B Street NW Reconstruction Project

Deputy Mayor Wales moved and Councilmember Trout-Manual seconded to approve the Consent Agenda.

MOTION CARRIED UNANIMOUSLY. 5-0

VIII. UNFINISHED BUSINESS

There was no unfinished business.

IX. NEW BUSINESS

There was no new business.

X. ORDINANCES

A. Ordinance No. 6654 (Snyder)

An Ordinance of the City Council of the City of Auburn, Washington, amending Chapters 14.03, 17.04, 17.10, 17.10, 17.12, 17.14 and 17.22 of City Code, relating to the procedures used for processing final plat approvals

Deputy Mayor Wales moved and Councilmember Holman seconded to approve Ordinance No 6654.

MOTION CARRIED UNANIMOUSLY. 5-0

B. Ordinance No. 6655* (Snyder)

An Ordinance of the City Council of the City of Auburn, Washington, amending Sections 18.68.030 and 18.68.040, of the City Code, relating to procedures used in the consideration of requests to rezone land concurrent with a request to amend the Comprehensive Plan Land Use Map

Deputy Mayor Wales moved and Councilmember Baggett seconded to approve Ordinance No. 6655.

MOTION CARRIED UNANIMOUSLY. 5-0

XI. RESOLUTIONS

A. Resolution No. 5300* (Snyder)

A Resolution of the City Council of the City of Auburn, Washington, approving the 2018-2023 Transportation Improvement Program of the City of Auburn pursuant to R.C.W. Chapter 35.77 of the Laws of the State of Washington

Deputy Mayor Wales moved and Councilmember Trout-Manual seconded to approve Resolution No. 5300

MOTION CARRIED UNANIMOUSLY. 5-0

B. Resolution No. 5302* (Hinman)

A Resolution of the City Council of the City of Auburn, Washington, approving the Lodging Tax Grant disbursements recommended by the Auburn Lodging Tax Advisory Committee

Deputy Mayor Wales moved and Councilmember Baggett seconded to approve Resolution No. 5302.

Deputy Mayor Wales listed the organizations that will receive grant funds.

MOTION CARRIED UNANIMOUSLY. 5-0

XII. MAYOR AND COUNCILMEMBER REPORTS

A. From the Council

Deputy Mayor Wales reported she attended the King County Board of Health meeting. They reviewed statistics with firearms and domestic violence. She believes there needs to be an emergency effort to take guns away from domestic violence perpetrators. She requested the legal department send a representative to the domestic violence meetings.

Councilmember Wagner reported he attended the Transportation Policy Board meeting for the Puget Sound Regional Council. He stated they reviewed the financial shortfall jurisdictions have for maintaining the roads in the region.

Councilmember Baggett reported he attended the Emergency Management Advisory Committee meeting. The Committee discussed preparing people for emergencies and employing outreach to help citizens know what to expect in an emergency.

Councilmember Trout-Manual reported she attended the Regional Law and Justice Committee meeting and the Regional Domestic Violence Committee meeting, both are working on gun surrender policies for domestic violence perpetrators.

B. From the Mayor

Mayor Backus reported the Office of Financial Management has reported the new estimate for the City of Auburn's population is 78,960 residents. She reported she attended Cascade Middle School assembly with Governor Inslee to hear about the needs in our community, the Cascade Middle School Honor Society induction ceremony, and a class on civil disturbance and how elected officials should respond. She reported King County Executive Dow Constantine and herself convened the Regional Transportation System Initiative Group to discuss the roads in the region. Mayor Backus reported she swore in two new police officers, attended the monthly City and Chamber partnership

meeting, welcomed the Comfort Inn at their newly refurbished location, attended a Cruz In at the former Big Daddy's site, and attended a neighborhood meeting at Trek Apartments.

Mayor Backus reminded everyone the first community picnic is June 20th at Game Farm Park. On June 22nd the City will hold a Town Hall on the heroin and opioid epidemic. Kids Day at Les Gove Park is June 23rd.

Mayor Backus stated that at the last Council Study Session there was a comment made regarding Council being excluded from meetings. Mayor Backus stated City Staff goes above and beyond, and Council meetings are no place for campaigning.

XIII. ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 7:38 p.m.

APPROVED THE _____ DAY OF JULY, 2017.

NANCY BACKUS, Mayor

Shawn Campbell, Deputy City Clerk

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

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



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the January 11, 2016 City Council Study Session

Date:

June 24, 2017

Department:

Administration

Attachments:

[1-11-2016 Study Session Minutes](#)

Budget Impact:

\$0

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

Meeting Date: July 3, 2017

Item Number: CA.B



City Council Study Session
January 11, 2016 - 5:30 PM
Auburn City Hall
MINUTES

I. CALL TO ORDER

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

A. Roll Call

City Councilmembers present: Deputy Mayor Largo Wales, Bill Peloza, John Holman, Claude DaCorsi, Yolanda Trout and Robert Baggett.
Councilmember Wagner arrived at 5:33 p.m.

Staff members present included: Human Resources and Risk Management Director Rob Roscoe, Police Commander Dave Colglazier, Parks, Arts and Recreation Director Daryl Faber, City Attorney Daniel B. Heid, Director of Administration Dana Hinman, Human Services Coordinator Emily Pearson, Veterans and Human Services Coordinator Erica Azcueta, Community Development and Public Works Director Kevin Snyder, Assistant Director of Engineering Services/City Engineer Ingrid Gaub, Finance Director Shelley Coleman, Innovation and Technology Director Paul Haugan, and Deputy City Clerk Shawn Campbell.
Mayor Backus was not present.

II. Announcements, Reports, and Presentations

Director Hinman stated the Association of Washington Cities Action Days will be held in Olympia soon. The legislative priorities that Council, staff and the City's consultants have been working on are almost finalized. The City's legislative consultants will be scheduled to brief Councilmembers individually to prepare them on talking points for speaking to the legislators.

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Microsoft Enterprise Agreement (15 Minute Presentation/10 Minute Q&A) (Haugan)

Authorize the Mayor to sign and enter into an Enterprise License Agreement with Microsoft Corporation for our Office Productivity Software and Windows 10 Desktop Operating System software

Director Haugan stated the City is considering entering into a Microsoft Enterprise Agreement. The City can either buy the software outright, use it until it is no longer useful then purchase new software to replace the old software, or the City can purchase licenses for the software, which would allow the City to keep the software updated and security patches current. Other jurisdictions the City of Auburn provides services could also use the agreement. They would reimburse the City for the costs of their licenses.

Councilmember DaCorsi asked if there is a concern with getting Windows 10.

Page 1 of 3

up to speed. Director Haugan stated it is a good system and the migration will probably be the second quarter. There will be a significant staff upgrade with training available to all staff.

Deputy Mayor Wales expressed concerns about the security of the Cloud. Director Haugan stated the Cloud is a marketing term. It means having it stored somewhere else and the user can access it over the internet. Once the software is on the computer the users will still save their documents the same way they always have.

- B. Ordinance No. 6582 (10 Minute Presentation/10 Minute Q&A) (Snyder)
An Ordinance of the City Council of the City Of Auburn, Washington, amending Section 10.41.020 of the Auburn City Code, entitled "Restricted Parking Zone Established" for the purpose of revising code language to clarify intent

Assistant Director Gaub explained the proposed ordinance is for restricted parking zones. The original code was put in place in 2009 to address parking issues. The City wanted to implement restricted parking in a designated area. The way the code is written it cannot be used in other areas of the City. The proposed language allows the restrictions to be set through an administrative process in various area of the City.

Councilmember Pelozo stated there is nothing wrong with the current system. He asked why the City would want to change it. Assistant Director Gaub stated the restrictions are only allowed on D Street. Staff would like to use this program in other areas of the City.

Councilmember DaCorsi asked if there is a cost associated to residents. Assistant Director Gaub stated the permit is free to the residents.

Councilmember Trout asked about the number of permits allowed per resident. Assistant Director Gaub stated each residence is allowed three vehicle permits and one visitor pass. If they do not have the permit in their vehicle they would be subject to the restricted parking.

Councilmember Holman stated he is a proponent of this program citywide. He has a concern on the impact to the Downtown Parking Management Plan. He believes the plan would have to be updated.

- C. 2005/2006A Bond Refunding (10 Minute Presentation/10 Minutes Q&A) (Coleman)

Director Coleman stated the City has an opportunity to refinance two Municipal Bond. The City has approximately \$680,000 outstanding with an Airport Bond and \$3 million from a bond for the Golf Course. If the City refunds the bonds, there would be cost savings of almost \$290,000.

Councilmember Holman asked about the City's current bond rating. Director Coleman stated the City currently has a bond rating of AA+.

Council thanked Director Coleman for looking at the various options.

- D. CDBG Funding Update (15 Minute Presentation/10 Minute Q&A) (Hinman)

Director Hinman and Human Services Coordinator Azcueta presented the Community Development Block Grant funding update to Council.

Director Hinman explained to Council the City uses two separate funding sources for human services funding. One is grants from the federal government in the form of HUD grants and the second is a line item in the budget of 1% of the general fund. Both revenue streams are designated for human services. The CDBG funds are tightly regulated.

Councilmember Trout asked about the funds provided for homelessness. Coordinator Azcueta explained the largest portion of those funds go to the housing repair program.

Deputy Mayor Wales suggested the Council have an ad hoc committee review this process in the future.

E. Council Retreat Goals (5 Minute Presentation/10 Minute Q&A) (Hinman)

Director Hinman reviewed the retreat goals the Council set at their retreat in November.

Deputy Mayor Wales explained this document is going to come back before the Council monthly.

Director Hinman stated the City has made significant progress on the Healthy City Goal. There has also been progress made on bridging the digital divide.

IV. **ADJOURNMENT**

There being no further business before the Council, the meeting adjourned at 6:37 p.m.

APPROVED this 3rd day of July, 2017.

LARGO WALES, DEPUTY MAYOR

Shawn Campbell, Deputy City Clerk



AGENDA BILL APPROVAL FORM

Agenda Subject:

Claims Vouchers

Date:

June 27, 2017

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:

\$0

Administrative Recommendation:

City Council approve the claims vouchers.

Background Summary:

Claims voucher numbers 444328 through 444545 in the amount of \$1,177,900.75 and six wire transfers in the amount of \$608,802.68 and dated July 3, 2017.

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

Coleman

Meeting Date: July 3, 2017

Item Number: CA.C



AGENDA BILL APPROVAL FORM

Agenda Subject:

Payroll Vouchers

Date:

June 27, 2017

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:

\$0

Administrative Recommendation:

City Council approve payroll vouchers.

Background Summary:

Payroll check numbers 537372 through 537401 in the amount of \$703,763.46 and electronic deposit transmissions in the amount of \$1,569,626.28 for a grand total of \$2,273,389.74 for the period covering June 15, 2017 to June 28, 2017.

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

Coleman

Meeting Date: July 3, 2017

Item Number: CA.D



AGENDA BILL APPROVAL FORM

Agenda Subject:

Public Works Project No. CP1613

Date:

June 26, 2017

Department:

CD & PW

Attachments:

[Budget Status Sheet](#)

[Bid Tab Summary](#)

[Vicinity Map](#)

Budget Impact:

\$59,175.00

Administrative Recommendation:

City Council award Contract No. 17-06 to Multifacet Group, LLC. on their low bid of \$225,000.00 plus Washington State sales tax of \$22,500.00 for a total contract price of \$247,500.00 for Project No. CP1613, M&O Facility Building Roofing Replacement Project.

Background Summary:

The City received 2 responsive bids and the low bid was approximately 3% above the engineer's estimate. Staff has performed reference checks and other verifications to determine that Multifacet Group, LLC meets the responsible bidding criteria and recommends award.

In recent years, the aging roof at the City's Public Works Maintenance and Operation Facility building has seen a fair amount of repair due to reoccurring leaks. The purpose of this project is to install a roof retro-fit system, replacing damaged insulation, installation of a new roof membrane, coping metals and roof related sheet metal. The project construction is expected to begin in July 2017 and be completed by September 2017.

Budget Considerations:

The total anticipated project costs exceed the currently budgeted funds in the 328 Capital Facilities fund by \$59,175.00. The attached budget status sheet reflects a \$52,700.00 project budget increase that is included in Budget Amendment #2. The remaining \$6,475.00 needed to complete the project is available in the 328 Capital Facilities fund and will be transferred to the project budget.

Reviewed by Council Committees:

Councilmember:

Staff: Snyder

Meeting Date: July 3, 2017

Item Number: CA.E

BUDGET STATUS SHEET

Project No: CP1613	Project Title: M&O Facility Building Roof Replacement Project
---------------------------	--

Project Manager: Luis Barba

Advertisement Date: 6/8/2017

Award Date: 7/3/2017

- ☐ PMP
☒ **Permission to Award**
☐ Project Update
☐ Change Order Approval
☐ Contract Final Acceptance

Date: June 26, 2017

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

Funds Budgeted (Funds Available)

Funding	Prior Years	2016 (Actual)	2017	Total
*Facilities Fund 328-(Maintenance)	0	13,244	279,456	292,700
Total	0	13,244	279,456	292,700

* Includes a proposed budget increase of \$52,700 included in BA No.2

Estimated Cost (Funds Needed)

Activity	Prior Years	2016 (Actual)	2017	Total
Design Engineering - Consultant Costs		13,244	26,056	39,300
Construction Contract			247,500	247,500
Construction Contract Contingency (5%)			12,375	12,375
Construction Engineering-City Cost*				
Total	0	13,244	285,931	299,175

*Engineering costs are charged to the Engineering Budget and not shown here.

Facilities Fund Budget Status

	Prior Years	2016 (Actual)	2017	Total
*Facilities Funds Budgeted ()	0	(13,244)	(279,456)	(292,700)
Facilities Funds Needed	0	13,244	285,931	299,175
*Facilities Fund Project Contingency ()	0	0	0	0
Facilities Funds Required	0	0	6,475	6,475

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

**BID TABULATION
BID TOTALS SUMMARY**

Project Name: CP1613, M&O Facility Building Roofing Replacement, Contract 17-06

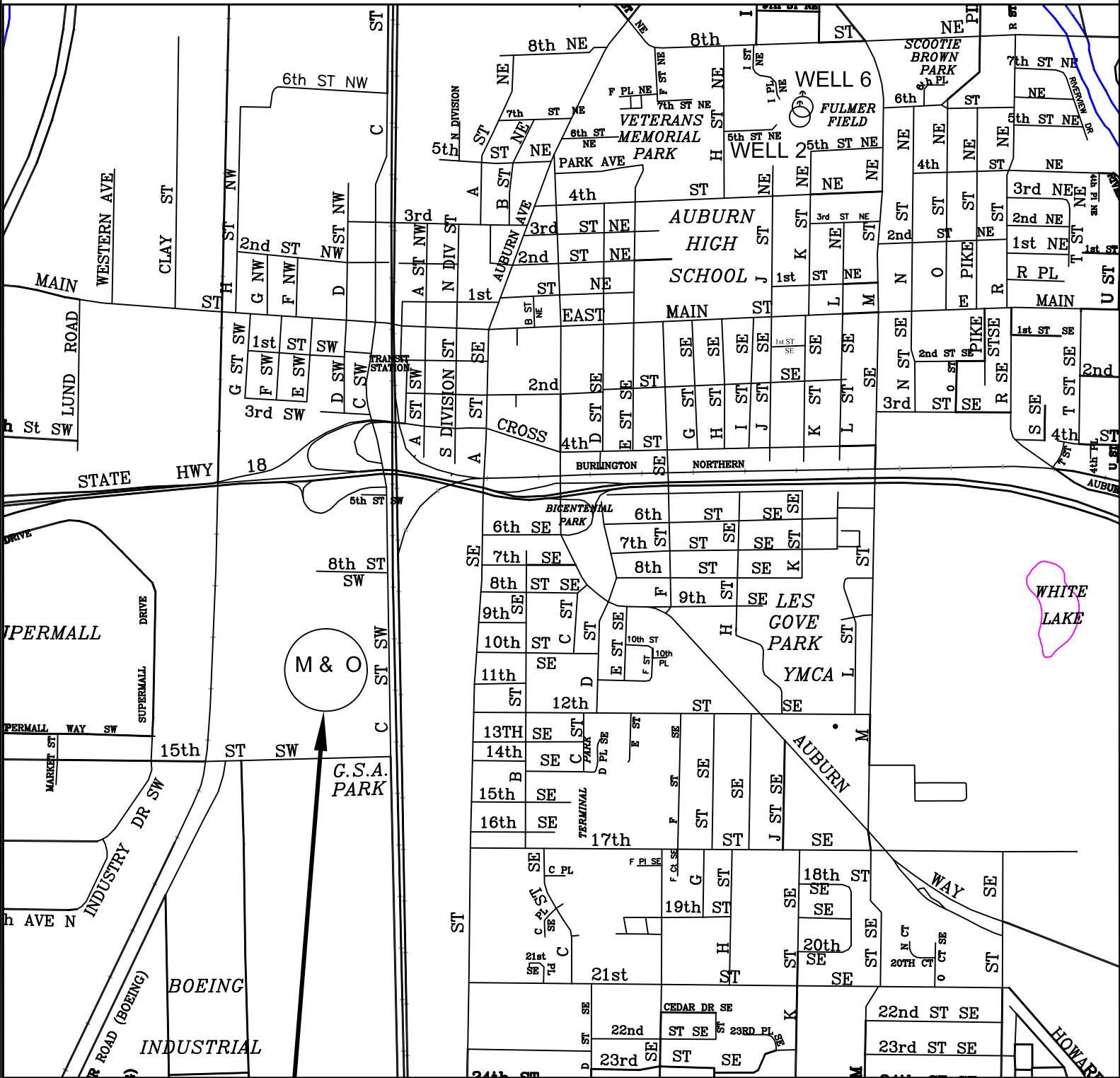
Prepared by: City of Auburn

Bid Date: 6/22/17

ENGINEER'S ESTIMATE:	\$	218,900.00		
AVERAGE BASIC BID AMOUNT	\$	234,428.50		
BASIC BID SPREAD AMOUNT:	\$	18,857.00	Basic BID Amount	Spread \$
				Spread %
LOW BIDDER:				
Multifacet Group, LLC	\$	225,000.00	\$6,100.00	2.79%
Second Bidder: Scholten Roofing, Inc.	\$	243,857.00	\$24,957.00	11.40%

	Basic BID (Tax not Included)	Total BID (Tax Included)
Multifacet Group, LLC	\$ 225,000.00	\$ 247,500.00
Scholten Roofing, Inc.	\$ 243,857.00	\$ 268,242.70

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.



**PROJECT
LOCATION**

M+O BUILDING ROOFING REPLACEMENT PROJECT



VICINITY MAP

NOT TO SCALE





AGENDA BILL APPROVAL FORM

Agenda Subject:

Public Works Project No. CP1701

Date:

June 26, 2017

Department:

CD & PW

Attachments:

[Budget Status Sheet](#)

[Vicinity Map](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council award Contract No. 17-23 to the lowest responsible bidder for Project No. CP1701, AWS Dynamic Message Sign.

Background Summary:

The purpose of the project is to expand ITS operations by installing a City provided Dynamic Message Sign (DMS) on Auburn Way South between the R Street SE bridge and Muckleshoot Plaza. The proposed ITS infrastructure includes fiber optics, DMS signage, and running conductor from a new power service meter at the northwest corner of the Muckleshoot Plaza intersection, through existing conduit to the DMS controller. Connection to the City's existing fiber optic network will be necessary.

Because the bid opening was held on June 29, 2017, there was not adequate time for staff to compile the bid tabulation to include in the agenda packet. A revised agenda bill specifying the Contractor and contract amount will be distributed to the Council at or prior to the City Council meeting scheduled for July 3, 2017.

Updated information regarding the budget status will be presented with the revised agenda bill.

Funding for this project is from the Streets 102 Fund. See the attached Budget Status Sheet for additional details.

Construction is expected to begin in July 2017 and be completed by September 2017.

A project budget contingency of \$9,689.00 remains in the 102 Fund.

Reviewed by Council Committees:

Councilmember:

Staff: Snyder

Meeting Date: July 3, 2017

Item Number: CA.F

BUDGET STATUS SHEET

Project No: CP1701	Project Title: AWS Dynamic Message Sign Project
Project Manager: Luis Barba	

Advertisement Date: 6/15/2017
Award Date: 7/03/2017

☐ Project Update
☒ Permission to Award
☐ Contract Award
☐ Change Order Approval
☐ Contract Final Acceptance

Date: June 26, 2017

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

Funds Budgeted (Funds Available)

Funding	Prior Years	2017	Future Years	Total
102 Fund - REET		200,000		200,000
Total	0	200,000	0	200,000

Estimated Cost (Funds Needed)

Activity	Prior Years	2017	Future Years	Total
Design Engineering - City Costs		6,000		6,000
Design Engineering - Consultant Costs		2,000		2,000
Construction Estimate		81,500		81,500
Construction Procurement Material		77,661		77,661
Construction Contract Contingency (10%)		8,150		8,150
Construction Engineering - City Costs		15,000		15,000
Total	0	190,311	0	190,311

102 Arterial Street Budget Status

	Prior Years	2017	Future Years	Total
*102 Funds Budgeted ()	0	(200,000)	0	(200,000)
102 Funds Needed	0	190,311	0	190,311
*102 Fund Project Contingency ()	0	(9,689)	0	(9,689)
102 Funds Required	0	0	0	0

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

Vicinity Map AWS Dynamic Message Sign

Printed Date: 6/26/2017

Map Created by City of Auburn eGIS

Imagery Date: May 2015

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.

Legend

Notes

Type any additional notes- delete text to leave blank



3,098.6 0 1,549.3 3,098.6 Feet

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

CA.F

1in = 1,549 ft

1:18,591





AGENDA BILL APPROVAL FORM

Agenda Subject:

Public Works Project No. CP1614

Date:

June 27, 2017

Department:

CD & PW

Attachments:

[Budget Status Sheet](#)
[Vicinity Map](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council approve award of Contract No. 17-24 to the lowest responsible bidder for Project No. CP1614, 2017 Local Street Reconstruction and Preservation Project.

Background Summary:

The 2017 Local Street Reconstruction and Preservation Project will include constructing approximately 6,300 linear feet of street, storm drainage, and water main improvements – including excavation of existing roadway pavement and subgrade; 3,650 linear feet of new asphalt concrete roadway pavement and subgrade; 2,650 linear feet of street overlay, cement concrete curb and gutter reconstruction; driveway reconstruction; partial sidewalk reconstruction; curb ramp reconstruction; storm drainage collection, conveyance, treatment and infiltration construction; water main and residential service replacement; and other appurtenances. The selection process for this years program was completed in 2015 for both the 2016 and 2017 funding allocations. The selected streets were reviewed with the City Council at the August 24, 2015 Study Session and again as part of the State of Our Streets Report at the November 28, 2016 Study Session. In addition, the Street Section for 2017 was reviewed with the Transportation Advisory Board at their September 13, 2016 meeting.

This work will be funded by the 103 (Local Street Preservation) Fund, 460 (Water) Fund, and 462 (Storm) Fund. Construction of this project is anticipated to start in late July 2017, and close out by December 2017.

Because the bid opening was held on June 29, 2017, there was not adequate time for staff to compile the bid tabulation to include in the agenda packet. A revised agenda bill specifying the Contractor and contract amount will be distributed to the Council at their meeting scheduled for July 3, 2017.

Updated information regarding the budget status will be presented with the revised agenda bill.

Reviewed by Council Committees:

Councilmember:

Staff: Snyder

Meeting Date: July 3, 2017

Item Number: CA.G

BUDGET STATUS SHEET

Project No: CP1614	Project Title: 2017 Local Street Reconstruction and Preservation Project
Project Manager: Jai Carter	

Initiation Date: August 24, 2015
 Advertisement Date: June 15, 2017
 Award Date: July 3, 2017

- ☐ Final Design

☐ Consultant Agreement

☒ Contract Award

☐ Change Order Approval

☐ Contract Final Acceptance

Date: June 26, 2017

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

Funds Budgeted (Funds Available)

Funding	Prior Years	2016	2017	Future Years	Total
103 Fund - Local Street		0	2,866,000		2,866,000
460 Fund - Water		0	654,955		654,955
462 Fund - Storm		0	100,000		100,000
Total	0	0	3,520,955	0	3,520,955

* 462 Funds combined with 103 funds below

Estimated Cost (Funds Needed)

Activity	Prior Years	2016	2017	Future Years	Total
Design Engineering - City Costs*			5,000		5,000
Design Engineering - Consultant Costs			290,000		290,000
Construction Estimate			2,781,048		2,781,048
Project Contingency (10%)			278,105		278,105
Material Testing			10,000		10,000
Construction Engineering - City Costs*			15,000		15,000
Construction Engineering - Consultant Costs			10,000		10,000
Total	0	0	3,389,153	0	3,389,153

*City staff costs for 103 Fund design and construction are not charged against the project budget and are not shown here.

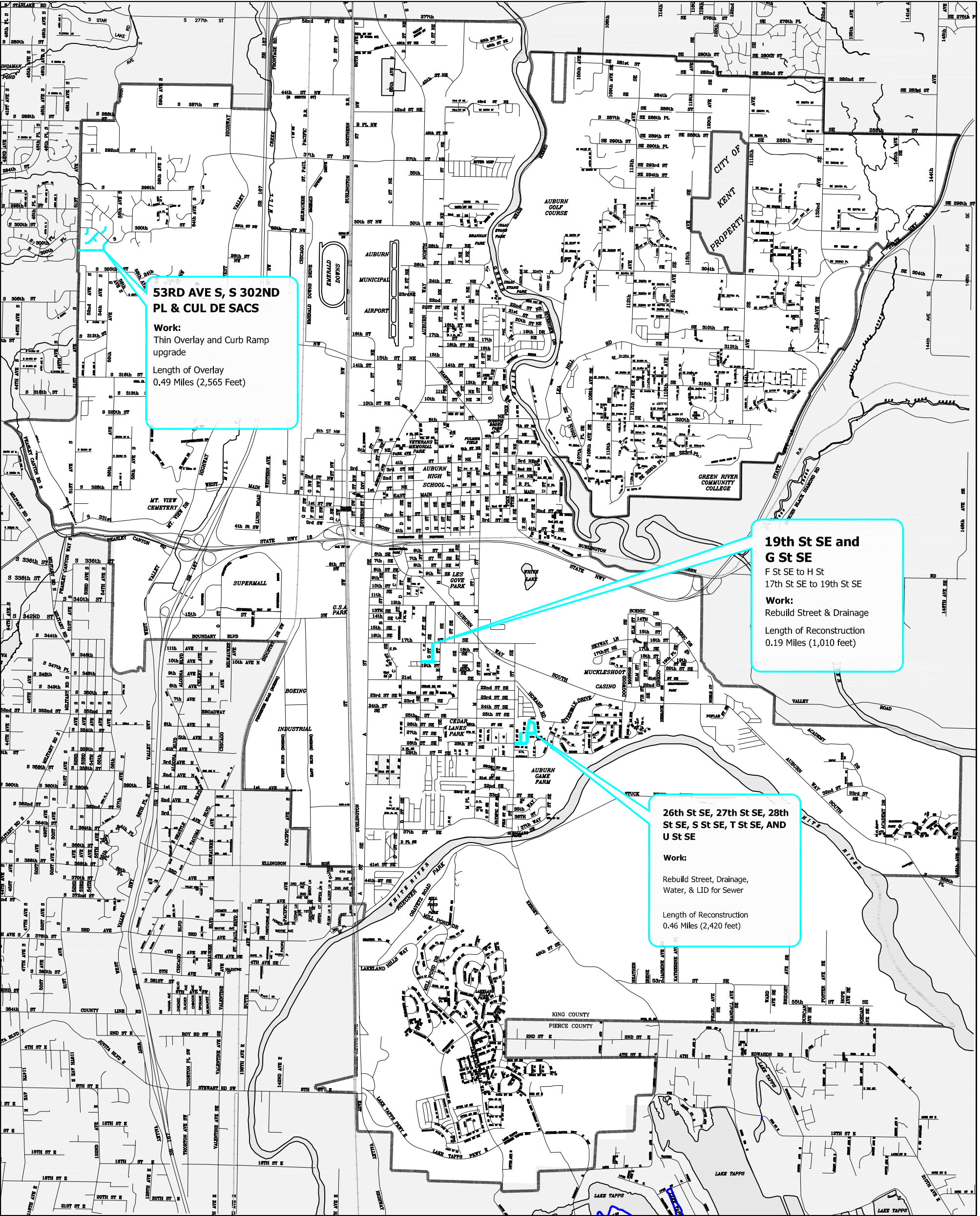
103/462 Local Street and Storm Budget Status

	Prior Years	2016	2017	Future Years	Total
**103 Funds Budgeted ()	0	0	(2,966,000)		(2,966,000)
103 Funds Needed	0	0	2,819,837		2,819,837
**103 Fund Project Contingency ()	0	0	(146,163)	0	(146,163)
103 Funds Required	0	0	0	0	0

460 Water Budget Status

	Prior Years	2016	2017	Future Years	Total
**460 Funds Budgeted ()	0	0	(654,955)	0	(654,955)
460 Funds Needed	0	0	564,316	0	564,316
**460 Fund Project Contingency ()	0	0	(90,639)	0	(90,639)
460 Funds Required	0	0	0	0	0

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



2017 LOCAL STREET RECONSTRUCTION AND PRESERVATION PROJECT VICINITY MAP



2017 PROPOSED REBUILD & OVERLAY STREETS (1.14 Miles)



AGENDA BILL APPROVAL FORM

Agenda Subject:

Public Works Project No. CP1606

Date:

June 27, 2017

Department:

CD & PW

Attachments:

[Budget Status Sheet](#)

[Final Pay Estimate No. 3](#)

[Vicinity Map](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council approve Final Pay Estimate No. 3 to Contract No. 17-04 in the amount of \$30,338.44 and accept construction of Project No. CP1606, Auburn Teen and Community Center (H St SE Extension).

Background Summary:

This project is associated with the Community and Teen (REC) Center Project and created access to the Les Gove Campus from Auburn Way South and closed Deals Way which ran through the Les Gove Community Campus. These improvements will encourage vehicles to access the new Community and REC Center from Auburn Way South and H Street SE instead of utilizing neighborhood streets (thus reducing traffic impacts associated with the new Community and REC Center on surrounding neighborhood streets and also increasing visibility of the park from Auburn Way South). The closure of Deals Way will prohibit vehicles from cutting through the park area (between the Spray Park and the Library); thus improving pedestrian safety. The construction work also included modifications to the King County library parking lot to accommodate the H Street SE/Auburn Way South connection.

Total project cost is within the Authorized Contingency amount and a project budget contingency of \$163,011.00 remains in the 321 Fund (General Parks Construction).

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

Snyder

Meeting Date:

July 3, 2017

Item Number:

CA.H

BUDGET STATUS SHEET

Project No: CP1606	Project Title: Auburn Teen and Community Center (H St. SE Extension)
Project Manager: Matthew Larson	

Advertisement Date: Jan. 24, 2017
Award Date: Feb. 21, 2017

- ☐ Project Update

☐ Advertise

☐ Contract Award

☐ Change Order No. 1

☒ Contract Final Acceptance

Date: June 27, 2017

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

Funds Budgeted (Funds Available)

Funding	Prior Years	2016 (Actual)	2017	Future Years	Total
321 Fund - General Parks Construction		104,326	750,674		855,000
Total	0	104,326	750,674	0	855,000

Estimated Cost (Funds Needed)

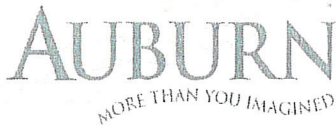
Activity	Prior Years	2016 (Actual)	2017	Future Years	Total
Design Engineering - City Costs		72,574	16,305		88,879
Design Engineering - Consultant		9,100	10,218		19,318
Design Engineering - Other			1,159		1,159
Right of Way - Easement Acquisition		20,624			20,624
Right of Way - TRs/Appraisals/Reviews		2,028			2,028
Construction Contract Bid			391,405		391,405
Change Order No. 1*			59,228		59,228
Line Item Changes			46,685		46,685
Construction Engineering - City Costs			60,000		60,000
Construction Engineering - Materials Testing			2,663		2,663
Total	0	104,326	587,663	0	691,989

* City Council approved this change order at 4/17/2017 meeting.

321 General Parks Construction Budget Status

	Prior Years	2016 (Actual)	2017	Future Years	Total
*321 Funds Budgeted ()	0	(104,326)	(750,674)	0	(855,000)
321 Funds Needed	0	104,326	587,663	0	691,989
*321 Fund Project Contingency ()	0	0	(163,011)	0	(163,011)
321 Funds Required	0	0	0	0	0

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



Construction Contract Final Payment No. 17-14/#3

Project Name: H Street SE Extension
Date: 6/20/17

Project Number: CP1606
Contract # 17-04
Status: Approved
Pay Period: 05.21.2017 - 06.20.2017
Retainage Option: Escrow

To Contractor:
Road Construction Northwest

Cost Summary

Original Contract Value (A):	\$391,405.02
Contract Change Orders (B):	\$59,228.02
Current Contract Value (A+B):	\$450,633.04

Amount Earned to Date (C):	\$497,318.18
Amount Previously Invoiced Including Retainage (D):	\$466,979.74
Amount Earned this Period Including Retainage (C-D):	\$30,338.44

Previous Retainage Amount Held (E):	\$21,495.60
Current Period Retainage Amount (F):	\$1,379.02
Total Retainage Held (E+F):	\$22,874.62

Progress Payment Amount Less Retainage (C-D-F) :	\$28,959.42
---	--------------------

Total Contract Amount Spent Percentage	110.36 %
--	----------

By signing below, the Contractor agrees and affirms to the following: "I have 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 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."

Contractor:

Inspector:

Project Manager:

City Engineer:

By: Jeffrey M. Kanyer/President

By: Steve Bowen

By: Matthew Laesw

By: _____

Signed: [Signature]

Signature: hBowen

Signature: [Signature]

Signature: _____

Date: 6/26/17

Date: 6-23-17

Date: 6/23/17

Date: _____

17-14/#3

ITEM NO.	SCHEDULE	ITEM DESCRIPTION	UNITS	CONTRACT		THIS PERIOD		VALUE OF MATERIALS STORED	TOTAL		% EST. QTY.
				UNIT COST	QUANTITY	QUANTITY	COST		TOTAL QUANTITY	TOTAL COST	
001	A	Minor Change	Est.	\$ 1.00	25,000.00	0.0000	\$ 0.00	\$ 0.00	28426.1100	\$28,426.11	113.70
002	A	SPCC Plan	LS	\$1,200.00	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$1,200.00	100
003	A	Utility Potholing	EA	\$ 900.00	10.00	0.0000	\$ 0.00	\$ 0.00	7.0000	\$6,300.00	70.0
004	A	Mobilization	LS	\$35,000.00	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$35,000.00	100
005	A	Traffic Control Supervisor	LS	\$3,000.00	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$3,000.00	100
006	A	Flaggers	HR	\$ 44.00	240.00	21.0000	\$ 924.00	\$ 0.00	188.0000	\$8,272.00	78.33
007	A	Sequential Arrow Sign	Day	\$ 10.00	15.00	0.0000	\$ 0.00	\$ 0.00	12.0000	\$ 120.00	80.0
008	A	Portable Changeable Message Sign	Day	\$ 15.00	15.00	0.0000	\$ 0.00	\$ 0.00	16.0000	\$ 240.00	106.67
009	A	Other Temporary Traffic Control	LS	\$3,000.00	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$3,000.00	100
010	A	Clearing and Grubbing	LS	\$5,000.00	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$5,000.00	100
011	A	Roadside Cleanup	Est.	\$ 1.00	5,000.00	0.0000	\$ 0.00	\$ 0.00	297.1800	\$ 297.18	5.94
012	A	Removal of Structures and Obstructions	LS	\$9,000.00	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$9,000.00	100
013	A	Remove and Reset Miscellaneous Items	LS	\$6,000.00	1.00	0.3500	\$2,100.00	\$ 0.00	1.0000	\$6,000.00	100
014	A	Roadway Excavation Including Haul	CY	\$ 50.00	430.00	0.0000	\$ 0.00	\$ 0.00	1228.7800	\$61,439.00	285.76
015	A	Shoring or Extra Excavation Cl. B	SF	\$ 0.10	300.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
016	A	Crushed Surfacing Top Course	TON	\$ 40.00	70.00	0.0000	\$ 0.00	\$ 0.00	154.6200	\$6,184.80	220.89
017	A	Crushed Surfacing Base Course	TON	\$ 31.00	580.00	0.0000	\$ 0.00	\$ 0.00	1152.7500	\$35,735.25	198.75
018	A	Asphalt Cold Patch	TON	\$ 100.00	15.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
019	A	Asphalt for Fog Seal	SY	\$ 0.50	2,200.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
020	A	HMA Cl. 1/2-inch PG 64-22	TON	\$ 71.00	400.00	0.0000	\$ 0.00	\$ 0.00	399.9500	\$28,396.45	99.99
021	A	Commercial HMA	TON	\$ 71.00	20.00	0.0000	\$ 0.00	\$ 0.00	8.0800	\$ 573.68	40.40
022	A	Solid Wall Polyvinyl Chloride (PVC) Storm Pipe, SDR-35, 12-inch Diam.	LF	\$ 55.00	60.00	0.0000	\$ 0.00	\$ 0.00	60.0000	\$3,300.00	100
023	A	Storm Sewer Television Inspection	LF	\$ 10.00	60.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
024	A	Catch Basin Type 1	EA	\$1,100.00	3.00	0.0000	\$ 0.00	\$ 0.00	3.0000	\$3,300.00	100
025	A	Adjust Manhole	EA	\$ 450.00	2.00	0.0000	\$ 0.00	\$ 0.00	2.0000	\$ 900.00	100
026	A	Adjust Catch Basin	EA	\$ 450.00	2.00	0.0000	\$ 0.00	\$ 0.00	2.0000	\$ 900.00	100
027	A	Connection to Drainage Structure	EA	\$ 700.00	1.00	0.0000	\$ 0.00	\$ 0.00	2.0000	\$1,400.00	200
028	A	Pipe Foundation Material	TON	\$ 37.25	20.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
029	A	Imported Pipe Bedding	TON	\$ 13.75	40.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
030	A	Imported Pipe Trench Backfill	TON	\$ 12.00	20.00	0.0000	\$ 0.00	\$ 0.00	60.2500	\$ 723.00	301.25
031	A	Temporary Water	Est.	\$ 1.00	10,000.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0

Period Dates
Begin: 05.21.2017
End: 06.20.2017
2 of 4

6/26/2017

17-14/#3

ITEM NO.	SCHEDULE	ITEM DESCRIPTION	UNITS	CONTRACT		THIS PERIOD		VALUE OF MATERIALS STORED	TOTAL		% EST. QTY.
				UNIT COST	QUANTITY	QUANTITY	COST		TOTAL QUANTITY	TOTAL COST	
		Pollution/Erosion Control									
032	A	TESC Plan	LS	\$ 500.00	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$ 500.00	100
033	A	Inlet Protection	EA	\$ 75.00	18.00	0.0000	\$ 0.00	\$ 0.00	18.0000	\$1,350.00	100
034	A	Topsoil Type C	CY	\$ 35.00	80.00	20.0000	\$ 700.00	\$ 0.00	95.0000	\$3,325.00	118.75
035	A	Bark or Wood Chip Mulch	CY	\$ 43.00	60.00	20.0000	\$ 860.00	\$ 0.00	95.0000	\$4,085.00	158.33
036	A	Sod Installation	SY	\$ 9.00	470.00	0.0000	\$ 0.00	\$ 0.00	411.1100	\$3,699.99	87.47
037	A	Streambed Cobbles 4 In.	CY	\$ 400.00	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$ 400.00	100
038	A	Irrigation System	Est.	\$ 1.00	5,000.00	0.0000	\$ 0.00	\$ 0.00	1127.4700	\$1,127.47	22.55
039	A	Irrigation Sleeve	LF	\$ 21.00	100.00	0.0000	\$ 0.00	\$ 0.00	96.0000	\$2,016.00	96.00
040	A	Cement Conc. Traffic Curb and Gutter	LF	\$ 28.25	340.00	0.0000	\$ 0.00	\$ 0.00	294.5000	\$8,319.63	86.62
041	A	Cement Conc. Traffic Curb	LF	\$ 27.50	530.00	0.0000	\$ 0.00	\$ 0.00	615.0000	\$16,912.50	116.04
042	A	Cement Conc. Pedestrian Curb	LF	\$ 26.75	110.00	0.0000	\$ 0.00	\$ 0.00	156.0000	\$4,173.01	141.82
043	A	Extruded Curb	LF	\$ 8.75	340.00	0.0000	\$ 0.00	\$ 0.00	365.0000	\$3,193.75	107.35
044	A	Precast Conc. Wheel Stop	EA	\$ 75.00	14.00	0.0000	\$ 0.00	\$ 0.00	14.0000	\$1,050.00	100
045	A	Cement Conc. Driveway Entrance Type 2	SY	\$ 31.25	50.00	0.0000	\$ 0.00	\$ 0.00	51.1110	\$1,597.22	102.22
046	A	Cement Conc. Driveway Entrance Type 4	SY	\$ 31.25	15.00	0.0000	\$ 0.00	\$ 0.00	17.4500	\$ 545.31	116.33
047	A	Raised Pavement Marker Type 2	EA	\$ 15.00	30.00	0.0000	\$ 0.00	\$ 0.00	12.0000	\$ 180.00	40.0
048	A	Coated Chain Link Fence Type 3	LF	\$ 27.75	165.00	0.0000	\$ 0.00	\$ 0.00	165.0000	\$4,578.75	100
049	A	Single 6 Ft. Coated Chain Link Gate	EA	\$ 550.00	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$ 550.00	100
050	A	Cement Conc. Sidewalk	SY	\$ 25.75	525.00	0.0000	\$ 0.00	\$ 0.00	519.9900	\$13,389.74	99.05
051	A	Traversable Cement Conc. Sidewalk	SY	\$ 31.25	25.00	0.0000	\$ 0.00	\$ 0.00	35.6700	\$1,114.69	142.68
052	A	Detectable Warning Surface	SF	\$ 19.00	120.00	0.0000	\$ 0.00	\$ 0.00	100.0000	\$1,900.00	83.33
053	A	Cement Conc. Curb Ramp Type Parallel A	EA	\$ 800.00	1.00	0.0000	\$ 0.00	\$ 0.00	2.0000	\$1,600.00	200
054	A	Cement Conc. Curb Ramp Type Single Direction A	EA	\$ 620.00	2.00	0.0000	\$ 0.00	\$ 0.00	2.0000	\$1,240.00	100
055	A	Illumination System	LS	\$53,480.00	1.00	0.4300	\$22,996.40	\$ 0.00	1.0000	\$53,480.00	100
056	A	Permanent Signing	LS	\$ 450.00	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$ 450.00	100
057	A	Paint Line	LF	\$ 0.75	2,100.00	0.0000	\$ 0.00	\$ 0.00	1693.0000	\$1,269.75	80.62
058	A	Plastic Crosswalk Line	SF	\$ 5.00	240.00	0.0000	\$ 0.00	\$ 0.00	248.0000	\$1,240.00	103.33
059	A	Plastic Speed Bump Symbol	EA	\$ 350.00	4.00	0.0000	\$ 0.00	\$ 0.00	4.0000	\$1,400.00	100
060	A	Plastic Traffic Arrow	EA	\$ 150.00	5.00	0.0000	\$ 0.00	\$ 0.00	5.0000	\$ 750.00	100
061	A	Painted Traffic Letter	EA	\$ 2.75	72.00	0.0000	\$ 0.00	\$ 0.00	68.0000	\$ 187.00	94.44

Period Dates
Begin: 05.21.2017
End: 06.20.2017
3 of 4

17-14/#3

ITEM NO.	SCHEDULE	ITEM DESCRIPTION	UNITS	CONTRACT		THIS PERIOD		VALUE OF MATERIALS STORED	TOTAL		% EST. QTY.
				UNIT COST	QUANTITY	QUANTITY	COST		TOTAL QUANTITY	TOTAL COST	
062	A	Painting Curb	LF	\$ 0.85	420.00	0.0000	\$ 0.00	\$ 0.00	390.0000	\$ 331.50	92.86
063	A	Collapsible Steel Bollard	EA	\$ 850.00	6.00	0.0000	\$ 0.00	\$ 0.00	6.0000	\$5,100.00	100
064	A	Garbage Corral	LS	\$8,500.00	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$8,500.00	100
065	B	Auburn Way South Street Improvements	LS	\$59,228.02	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$59,228.02	100
5001	A	Schedule A Sales Tax	LS	\$33,957.52	1.00	0.0000	\$2,758.04	\$ 0.00	0.0000	\$39,826.38	117.28
A		ROW LEFT INTENTIONALLY BLANK									

Period Dates
Begin: 05.21.2017
End: 06.20.2017
4 of 4

CP1606 Auburn Teen and Community Center (H Street SE Extension)

Printed Date: 2/9/2017

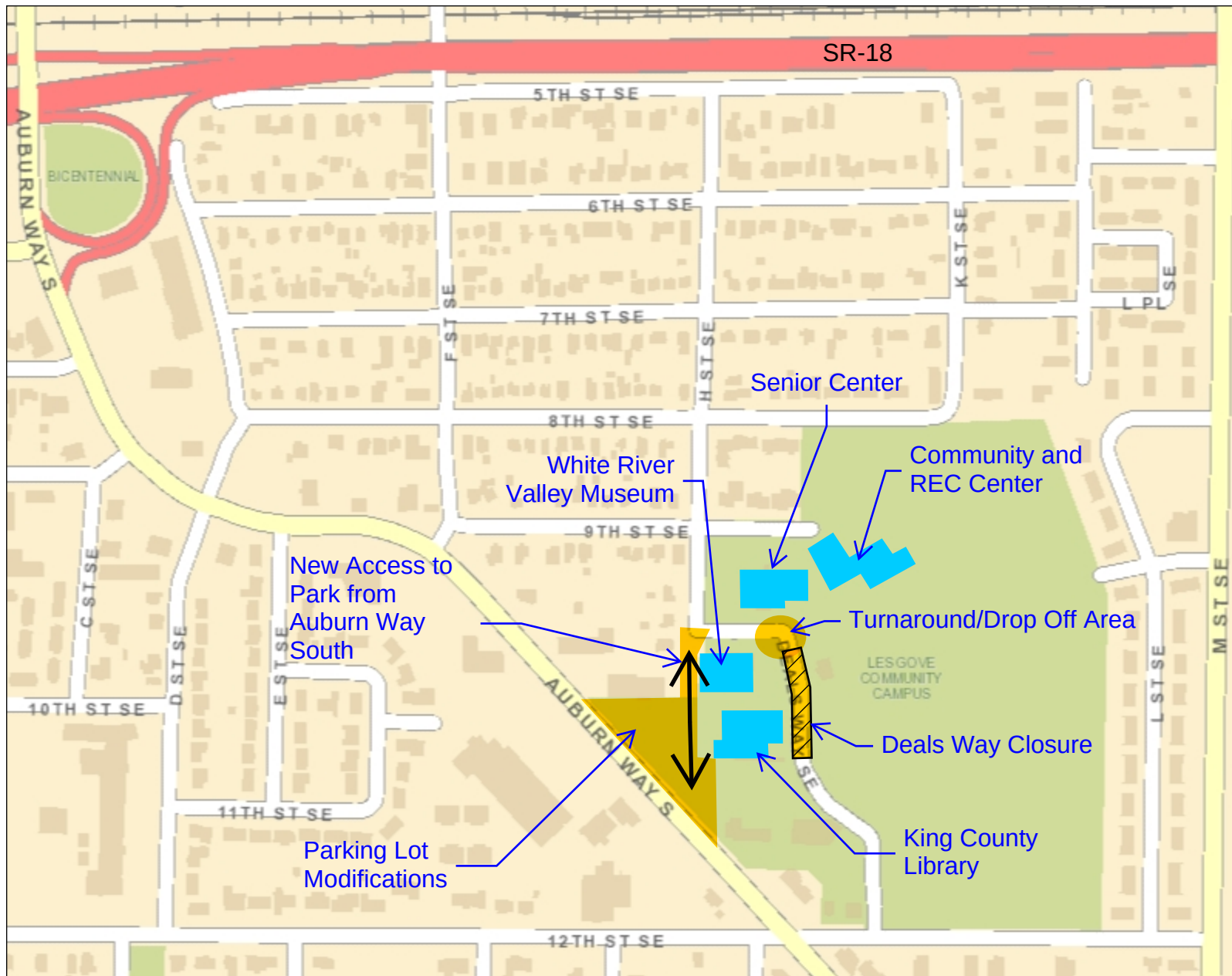
Map Created by City of Auburn eGIS

Imagery Date: May 2015

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.

Legend

Project Location(s)



752.3 0 376.2 752.3 Feet

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

CA.H

1in = 376 ft

1:4,514

Page 38 of 140

Notes



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6642

Date:

June 27, 2017

Department:

Community Development &
Public Works

Attachments:

[Item 1 Ordinance No. 6642](#)
[Item 2 - Public Outreach](#)
[Item 3 - Public Survey Results](#)
[Item 4a - Map of North Area](#)
[Item 4b - Map of Northwest Area](#)
[Item 4c - Map of South Area](#)
[Item 4d - Map of Southwest Area](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council adopt Ordinance No. 6642.

Background Summary:

On August 15, 2016 the City Council approved Ordinance No. 6613 which established a moratorium on certain types of marijuana related activities. Ordinance No. 6613 directed the Department of Community Development and Public Works to prepare draft code amendments to address all forms of marijuana related activities for presentation to the City of Auburn Planning Commission.

On February 22, 2017 staff presented draft Ordinance No. 6642 to the Planning Commission. Ordinance No. 6642 was also made available for public review. The Planning Commission held public meetings on February 22, 2017; March 21, 2017; and May 2, 2017. During these public meetings Planning Commission reviewed the draft ordinance, directed questions to staff, requested additional information, suggested potential modifications, and requested staff conduct a public survey.

Upon completion of the above items, the Planning Commission scheduled a public hearing for June 6, 2017. Public testimony was offered during the hearing, the Planning Commission closed the hearing, proceeded to deliberate and modify the staff recommendation. The Planning Commission voted in favor of passing their recommendation to City Council to adopt Ordinance No. 6642.

Highlights of the Planning Commission's recommendation include:

1. Permitting up to 4 marijuana retailers in Auburn.

2. Increasing the distance separations between marijuana related activities and other types of uses and activities. The state standard is a 1,000 foot separation. The Planning Commission's recommendation includes a 2,640 foot (1/2 mile) separation from some types of uses and a 1,320 (1/4) foot separation from other types of uses.
3. Expanding the list of uses that require separation from a marijuana related activity over the list that is established in the Washington Administrative Code. Added to the list of uses are: private schools, private playgrounds, private recreation facilities, private parks, public trails, religious institutions, and transit centers or park-n-ride facilities operated by a sovereign nation.
4. Clarifying that marijuana related activities that were legally established prior to the adopted of Ordinance No. 6642 are classified as legal conforming uses even if they do not meet the criteria of the standards established in Ordinance No. 6642.
5. Limiting marijuana related activities to the C-3, M-1 and M-2 zoning designations.
6. Establishing rigorous public review procedures that must be met prior to submittal of a City of Auburn business license application.

Attached to this agenda bill are the following:

1. Ordinance No. 6642
2. Public Outreach Overview
3. Public Survey Results
4. Map of Potentially Allowed Marijuana Related Activities. Red areas indicate C-3 commercial zones where certain types of marijuana related activities could be permitted. Blue areas indicate M-1 and M-2 industrial zones where certain types of marijuana related activities could be permitted. While the colors on the maps indicate the allowable zones, the shape is defined by application of the distance separations set forth in ACC 18.59.030.

Reviewed by Council Committees:

Other: Planning and Legal

Councilmember:

Staff: Snyder

Meeting Date: July 3, 2017

Item Number: ORD.A

ORDINANCE NO. 6 6 4 2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING SECTIONS 5.20.250, 18.07.020, 18.09.020, 18.21.010, 18.21.020, , 18.21.030, 18.23.030, 18.29.050, 18.35.030, 18.42.020, 18.78.020, 18.04.120 OF THE AUBURN CITY CODE, AND CREATING NEW SECTIONS 18.04.1001, , 18.04.1005, 18.04.1007, 18.04.1009, 18.04.1011, 18.04.1013, 18.04.1015, 18.04.1017, 18.04.1019, 18.04.1021, 18.04.1023, 18.04.1025, 18.04.1027, 18.04.1029, 18.76.046 AND A NEW CHAPTER 18.59 OF THE AUBURN CITY CODE RELATING TO MARIJUANA BUSINESSES, AND REPEALING THE MORATORIUM ESTABLISHED BY ORDINANCE NO. 6613

WHEREAS, the voters of the State of Washington approved Initiative Measure No. 502 (I-502), in 2012, now codified within Chapters 46.04, 46.20, 46.21, 46.61 and 69.50 of the Revised Code of Washington (RCW), which initiative decriminalized possession and use of certain amounts of marijuana and marijuana paraphernalia, and authorized promulgation of regulations and issuance of licenses by the Washington State Liquor and Cannabis Board (WSLCB) for the production, processing and retailing of marijuana; and

WHEREAS, in relevant part, I-502 legalized the possession of small amounts of marijuana and marijuana-related products by persons 21 of age and older, and directed the (then) state Liquor Control Board to develop and implement rules to regulate and tax recreational marijuana producers, processors, and retailers; and

WHEREAS, marijuana is still classified as a schedule 1 controlled substance under federal law and crimes related to marijuana remain subject to prosecution under federal law; and

WHEREAS, on August 29, 2013, the United States Department of Justice, Office of the Attorney General, (DOJ) released updated guidance regarding marijuana enforcement. The guidance reiterates that DOJ is committed to using its limited investigative and prosecutorial resources to address the most significant threats to public safety related to marijuana crimes in "the most effective, consistent, and rational way."

Ordinance No. 6642
June 8, 2017

on a case-by-case basis and weigh all information and evidence, including whether the operation is demonstrably in compliance with a strong and effective state regulatory system and if the conduct at issue implicates one or more of eight stated federal enforcement priorities. The DOJ does not appear to differentiate application of its guidance between medical cannabis and recreational marijuana; and

WHEREAS, in a joint statement dated August 29, 2013, Governor Jay Inslee and Attorney General Bob Ferguson stated the following:

Today we received confirmation Washington's voter-approved marijuana law will be implemented. We received good news this morning when Attorney General Eric Holder told the governor the federal government would not pre-empt Washington and Colorado as the states implement a highly regulated legalized market for marijuana. Attorney General Holder made it clear the federal government will continue to enforce the federal Controlled Substance Act by focusing its enforcement on eight specific concerns, concerns, including the prevention of distribution to minors and the importance of keeping Washington-grown marijuana within our State's borders. We share those concerns and are confident our state initiative will be implemented as planned. We want to thank the Attorney General for working with the states on this and for finding a way that allows our initiative to move forward while maintaining a commitment to fighting illegal drugs. This reflects a balanced approach by the federal government that respects the states' interests in implementing these laws and recognizes the federal government's role in fighting illegal drugs and criminal activity.

WHEREAS, on September 16, 2013, the Auburn City Council adopted Resolution No. 4992 establishing a one (1) year moratorium prohibiting the City from receiving and/or processing any applications for any marijuana/cannabis related business in any and all zoning districts in the City of Auburn; and

WHEREAS, on October 16, 2013, the WSLCB adopted rules for applying for, obtaining, and maintaining licenses for the production, processing, and retailing of recreational marijuana. Under these rules, applicants will be required to identify a business location with their application submittals; and

WHEREAS, on September 2, 2014, the Auburn City Council passed Ordinance

Ordinance No. 6642

June 8, 2017

Page 2

ORD.A

No. 6525 amending certain Sections of the Auburn City Code relating to the enforcement of state regulations regarding the production, processing, and/or retail outlets and sales of marijuana and terminating the moratorium implemented pursuant to Resolution No. 4992 passed on September 16, 2013; and

WHEREAS, Second Engrossed Second Substitute House Bill 2136 (2E2SHB 2136)(approved on June 30, 2015), and Second Substitute Senate Bill 5052 (2SSB 5052) (approved on April 24, 2015 [with partial veto]), revised state requirements for state marijuana regulations, including marijuana processors, producers, retailers, and cooperatives; and

WHEREAS, the WSLCB notified the City of Auburn on September 23, 2015, that pursuant to SB 5052 it would not limit the number of marijuana retailers licensed within the City of Auburn to only those allocated per I- 502; and

WHEREAS, the City of Auburn adopted a moratorium, through Resolution No. 5194, prohibiting any new marijuana retailers not already in operation on January 4, 2016; and

WHEREAS, in a public hearing on February 16, 2016, and in comments to City elected officials, including social media posts, Auburn residents voiced concern for any marijuana retailers in excess of the initial two (2) originally approved by 1- 502; and

WHEREAS, the WSLCB notified the City of Auburn on March 8, 2016, that it would increase the number of marijuana retailers licensed within the City of Auburn to the two (2) authorized by I- 502 and identified as the Stash Box and Evergreen Market, and an additional two (2) Priority 1 applicants for licenses under SB 5052; and

WHEREAS, the WSLCB has since indicated that the number of SB 5052 retail licenses within the City of Auburn may be increased in the future; and

WHEREAS, WSLCB then notified the City of Auburn on March 8, 2016, that marijuana retailers, including the Evergreen Market, that were licensed using the I-502

lottery are not allowed to move out of the jurisdictions where they are licensed; and

WHEREAS, based upon — and in reliance on — that information, the City of Auburn amended its moratorium, through its Resolution No. 5215, so as to authorize the operation of [only] the two (2) marijuana retailers initially provided for by I-502; and

WHEREAS, other cities in Washington, such as Everett, Renton and Vancouver, have adopted restrictions on the number of licensed retailers to conform to initial I-502 approved caps; and

WHEREAS, the WSLCB continued to process and issue licenses to marijuana retailers intended to operate within the City of Auburn pursuant to SB 5052 despite the transmittal of Resolution No. 5215 to the WSLCB; and

WHEREAS, because of WSLCB's continued processing and issuing of licenses for retail marijuana businesses, and because new retail marijuana businesses continued to engage in activities contrary to the City's moratoria, and in response to the inconsistent, conflicting, and uncooperative positions of the WSLCB, the City of Auburn adopted its Ordinance No. 6595 on April 4, 2016, which prohibited all marijuana related activities within the City of Auburn; and

WHEREAS, the City Council approved Ordinance No. 6613 on August 15, 2016, which Ordinance indicated (consistent with a report by the Northwest High Intensity Drug Trafficking Area, a division of the Office of National Drug Control Policy) the need to protect public health, safety and welfare by minimizing societal effects and impacts of marijuana, such as a 122% increase in fatality motor vehicle accidents involving the use of marijuana between 2010 and 2014 and a 312% increase in contacts to the Washington Poison Center for intoxication calls pertaining to youth consumption of marijuana, and other increases on demands for public services such as fire and police presence; and

WHEREAS, Ordinance No. 6613 also indicated that the City desired to provide greater clarity as to permitted and prohibited marijuana retailers within the City of Auburn,

Ordinance No. 6642

June 8, 2017

Page 4

ORD.A

avoid onerous enforcement proceedings, improve voluntary compliance with local laws pertaining to marijuana activities, facilitate improved cooperation with the WSLCB, and protect the public health, safety and welfare while remaining cognizant of the approval of I-502 by voters within the City of Auburn; and

WHEREAS, Ordinance No. 6613 further noted that the Auburn City Code did not currently have specific provisions addressing a number of statutorily permitted marijuana provisions and/or uses; and

WHEREAS, Ordinance No. 6613 noted that the provisions for marijuana cooperatives, marijuana researchers and marijuana transporters contained within SB 5052 went into effect July of 2016, and that marijuana cooperatives, marijuana researchers and marijuana transporters are not explicitly addressed by current code provisions; and

WHEREAS, Ordinance No. 6613 also indicated that the impacts and effects of marijuana cooperatives, marijuana researchers and marijuana transporters on Auburn and the Auburn community are unknown and deserving of study and review; and

WHEREAS, Ordinance No. 6613 further indicated that the inclusion of the prohibition of marijuana cooperatives, marijuana researchers and marijuana transporters in the City's business licensing requirements, pending review and potential amendment of the City Code, would provide greater safety, clarity, consistency, predictability and uniformity that will benefit Auburn businesses and residents; and

WHEREAS, Ordinance No. 6613 stated that it would be advantageous for the City of Auburn to have a thorough review made of the impacts and effects of marijuana cooperatives, marijuana researchers and marijuana transporters; and

WHEREAS, Ordinance No. 6613 also stated that Sections 35A.63.220 and 36.70A.390 of the Revised Code of Washington (RCW) authorize the City Council to adopt an immediate moratorium for a period of up to twelve (12) months if a public hearing

Ordinance No. 6642

June 8, 2017

Page 5

ORD.A

on the proposal is held within at least sixty (60) days of its adoption and a work plan is developed for related studies providing for the moratorium period; and

WHEREAS, Ordinance No. 6613 further stated that the City Council desired to impose a moratorium for an initial term of twelve (12) months on the acceptance and/or processing of any permit or applications, for or related to any marijuana related activities, including, but not limited to, licensing, permitting, siting, making structural or building improvements, or operating any new marijuana activities; and any other marijuana uses or activities that are not expressly provided by the City Code regulations addressed herein; and

WHEREAS, Ordinance No. 6613 also stated that the City Council anticipated that it could develop and adopt appropriate controls for marijuana retail facilities prior to the expiration of the moratorium enacted hereby; and

WHEREAS, Ordinance No. 6613 identified the City Council's position that it would be advantageous for the City of Auburn to have a thorough review made of the alternatives and options available to it for regulation of marijuana related uses and activities; and

WHEREAS, Ordinance No. 6613 also identified the Council's position that in the event permanent regulations are adopted prior to the expiration of the twelve (12) month moratorium established by the Ordinance, Ordinance No. 6613 could be repealed, terminating the moratorium; and

WHEREAS, on January 14, 2014, the Washington State Attorney General's Office issued its opinion (AGO No. 2014) that 1-502 does not preempt counties, cities, and towns from banning recreational marijuana within their jurisdictions and that local ordinances that do not expressly ban state licensed marijuana licensees from operating within the jurisdiction but make such operation impractical are valid if they properly exercise the local jurisdiction's police power; and

WHEREAS, several state courts have issued decisions that approve and affirm the Attorney General's opinion that cities have the authority to regulate marijuana uses; and

WHEREAS, on May 20, 2015, the King County Superior Court issued its decision in *Greensun Group LLC v. City of Bellevue*, No. 14-2-29863-3 SEA, which decision is incorporated herein as if set forth in full. The court determined, inter alia, that "the City of Bellevue has the authority to regulate the location and density of marijuana retail outlets within its boundaries, including through the adoption and enforcement" of a requirement that a retail marijuana outlet cannot be located within 1,000 feet of another retail marijuana outlet; and that "the City has the authority to develop and apply processes for enforcing" a 1,000 foot separation requirement, including through use of a first-in-time determination based on the date and time of issuance of the state liquor control board license or conditional license, whichever is issued first; and

WHEREAS, with the passage of 2SSB 5052 and 2E2SHB 2136, and consistent with court decisions the City has the authority to regulate the location and density of marijuana production, processing, distribution, and retail sales within its boundaries; and

WHEREAS, the establishment and/or licensing of marijuana uses may allow new uses that are incompatible with nearby existing land uses and lead to erosion of community character and harmony; and

WHEREAS, the presence of large amounts of cash and/or marijuana makes retail outlets and other marijuana facilities a potential target of violent crime, including robberies and burglaries, thereby placing area residents, business owners, and others in danger of bodily harm, and increasing police enforcement risks and costs; and

WHEREAS, there may be other harmful secondary effects to public health, safety, morals, and welfare as a result of marijuana production, processing, distribution, and retail sales, which effects include but are not limited to loitering, odors, crime, and other behaviors that may be inconsistent with the character of the surrounding neighborhood; and

Ordinance No. 6642

June 8, 2017

Page 7

ORD.A

WHEREAS, it is critical to the public safety and economic vitality of the City to ensure the impacts of business obtaining a license from the WSLCB to produce, process, or sell marijuana are minimized; and

WHEREAS, the City Council deems it to be in the public interest to establish permanent regulations regarding where marijuana producers, processors, and retail uses may be located in the City of Auburn; and

WHEREAS, the City has a compelling interest in the protection of the health and safety of all its residents, as well as a compelling interest in ensuring that the goals and policies contained within the Comprehensive Plan and other policy/planning documents are fulfilled; and

WHEREAS, ACC 14.03.060, Legislative Non-Project Decisions, specifies that legislative non-project decisions made by the city council under its authority to establish policies and regulations are not classified as a “type” of project permit decision and that legislative non-project decisions include, but are not limited to amendments to the text and map of the comprehensive plan or development regulations; and

WHEREAS, the Planning Commission held work sessions on February 22, 2017, March 21, 2017, and May 2, 2017 and conducted a properly noticed public hearing (s) on June 6, 2017 for the proposed amendments to Title 18 (Zoning) and Title 5 (Business Licenses) of the Auburn City Code contained herein; and

WHEREAS, on June 6, 2017 the Planning Commission deliberated, made amendments, and voted to recommend adoption of Ordinance 6642 to the Auburn City Council; and

WHEREAS, the City Council finds that the proposed amendments were processed in accordance with applicable standards of Chapter 18.68, Amendments, of the Auburn City Code and are consistent with the Comprehensive Plan, enhance the public health,

Ordinance No. 6642

June 8, 2017

Page 8

ORD.A

safety, and welfare, and are not contrary to the best interest of the residents, citizens, property owners and businesses of the City of Auburn; and

WHEREAS, the City of Auburn has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Review Procedures, Chapter 16.06 ACC through issuance of a Determination of Non-Significance on May 12, 2017.

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

Section 1. Recitals Adopted. That the City Council hereby adopts the recitals contained in this Ordinance as Findings of Facts and Conclusions, as appropriate given the context of each recital and incorporates said recitals herein by this reference.

Section 2. Repeal of Moratorium. That the moratorium specified in Sections 9 of Ordinance No. 6613 is automatically expired on the effective date of this Ordinance consistent with the applicable provision of Section 10 of Ordinance No. 6613 that specifies that the moratorium shall automatically expire upon the effective date of zoning and land use regulations adopted by the City Council to address the implementation of the State's licensing of any marijuana/cannabis related business to be located in the City of Auburn.

Section 3. Amendment to City Code. That Section 5.20.020 of the Auburn City Code be and the same hereby is amended to read as follows:

5.20.250 Marijuana related activities.

A. Definitions.

1. "Marijuana cooperative" means up to four qualifying patients, as defined by RCW 69.51A.010(19), who share responsibility for acquiring and supplying the resources needed to produce and process marijuana, including tetrahydrocannabinols or cannabimimetic agents, only for the medical use of members of the cooperative and not for profit. ~~At least until a thorough review of land use and code enforcement issues by planning commission and the city council, and possible amendment to the city code, marijuana cooperatives shall not be permitted within the city of Auburn.~~

2. "Marijuana related business" means a person or entity engaged in for-profit activity that includes the possession, cultivation, production, processing, distribution, dispensation, or sale of tetrahydrocannabinols or cannabimimetic agents, as defined by the Controlled Substances Act, codified at 21 USC Section 812, including marijuana retailers, marijuana processors, and marijuana producers, as defined herein.

a. "Marijuana processor" means any person or entity licensed by the Washington State Liquor and Cannabis Board to process, package, and label marijuana concentrates, including tetrahydrocannabinols or cannabimimetic agents, in accordance with the provisions of Chapters 65.50 and 69.51A RCW and Chapter 314-55 WAC.

b. "Marijuana producer" means any person or entity licensed by the Washington State Liquor and Cannabis Board to produce marijuana, including tetrahydrocannabinols or cannabimimetic agents, for wholesale to marijuana processors and other marijuana producers pursuant to RCW 69.50.325.

c. "Marijuana retailer" means any person or entity established for the purpose of making marijuana concentrates, usable marijuana and marijuana-infused products, including tetrahydrocannabinols or cannabimimetic agents, available for sale to adults aged 21 and over.

d. "Marijuana researcher" is a position licensed by the Washington State Liquor and Cannabis Board that permits a licensee to produce, process, and possess marijuana for the limited research purposes set forth in RCW 69.50.372. ~~At least until a thorough review of land use and code enforcement issues by planning commission and the city council, and possible amendment to the city code, marijuana researcher businesses shall not be permitted within the city of Auburn.~~

e. "Marijuana transporter" is a position licensed by the Washington State Liquor and Cannabis Board pursuant to WAC 314-55-310 that allows a licensee to physically transport or deliver marijuana, marijuana concentrates, and marijuana-infused products between licensed marijuana businesses within Washington State. ~~At least until a thorough review of land use and code enforcement issues by planning commission and the city council, and possible amendment to the city code, marijuana transporter businesses shall not be permitted within the city of Auburn.~~

B. License Application – Qualification – Requirements to Apply. In addition to the information required to be included with an application form pursuant to ACC 5.10.040(A), an application for a license for a marijuana related business shall also include:

1. License. Each application for a marijuana related business shall be accompanied by a current, valid license to operate as a ~~marijuana producer or marijuana processor issued by the Washington State Liquor and Cannabis Board, or, for marijuana retailers, either a current, valid license to operate as a marijuana retailer awarded by the Washington State Liquor and Cannabis Board on the basis of I-502 lottery selection or a current, valid license to operate as a marijuana retailer awarded by the Washington State Liquor and Cannabis Board on the basis of priority one selection together with a valid and complete building permit application submitted to the city of Auburn prior to January 4, 2016. Even if permitted or licensed by and/or registered with the Washington State Liquor and Cannabis Board, marijuana cooperatives, marijuana researchers and marijuana~~

~~transporters are not qualified or entitled to operate within the city of Auburn or to apply for a permit or business license within the city of Auburn.~~

~~a. The maximum number of licensed marijuana retailers authorized and allowed to operate in the city of Auburn shall not exceed two; provided, that a marijuana retailer licensed by the Washington State Liquor and Cannabis Board on the basis of priority one selection may be allowed to operate within the city even if it constitutes more than two such businesses, if the business applied to the city for permits or approvals patently related to an intended marijuana retail business at a time when the city did not have a moratorium or a ban prohibiting such activity.~~

~~b. If any marijuana retail business that is licensed on the basis of priority one selection by the Washington State Liquor and Cannabis Board in combination with a valid and complete building permit application submitted to the city of Auburn prior to January 4, 2016, ceases to operate within the city, the number of authorized marijuana retail businesses would be reduced to a number not exceeding two.~~

~~c. Any marijuana producer or marijuana processors operating within the city (i) shall strictly comply with all industrial, health and safety codes, including but not limited to WAC 314-55-104 and RCW 69.50.348, and (ii) shall have at least 4,000 square feet of building space utilized for its individual business, and the total square feet of all marijuana producers and processors in the city shall not exceed 90,000 square feet of building space; provided, that any such business that was licensed and existing prior to August 1, 2016, that did not have at least 4,000 square feet of building space utilized for its individual business may continue operating at its current location even though it did not have at least 4,000 square feet of building space utilized for its individual business.~~

2. Security Requirements. Each application for a marijuana related business shall be accompanied by documentation of compliance with the security requirements of WAC 314-55-083(2) and (3).

3. Fingerprints. Each application for a marijuana related business shall be accompanied by a complete set of fingerprints of all managers and owners of the business, utilizing fingerprint forms as prescribed by the chief of police.

4. Crime Prevention Through Environmental Design (CPTED) Review. Each application for a marijuana related business shall be required to complete a CPTED review by the Auburn Police Department and to implement any CPTED measure directed. Each applicant shall be required to provide certification of CPTED completion, as well as evidence of compliance with required CPTED measures.

5. Compliance with Zoning Code. Each application for a marijuana related business shall be required to provide certification that the proposed location complies with all applicable provisions of ACC 18.59.030 and 18.59.110. In the event that certification of compliance with the provisions of ACC 18.59.030 requires investigation of existing land uses within an adjoining municipality, the applicant shall provide documentation from the relevant municipality that the proposed location meets the requirements of ACC 18.59.030.

6. Release of Liability and Hold Harmless. Each application for a marijuana related business shall be required to provide an executed release in a form approved by the Auburn City Attorney's Office to the City of Auburn, for itself, its agents, officers, elected officials and employees from any injuries, damages, or liabilities of any kind that result

from any arrest or prosecution or seizure of property, or liabilities of any kind that result from any arrest or prosecution for violations of federal or state law relating to operation or siting of a marijuana related use and business. Additionally, within the release document, the permittee of a marijuana use shall indemnify and hold harmless the City of Auburn and its agents, officers, elected officials, and employees from any claims, damages, or injuries brought by adjacent property owners or other third parties due to operations at the marijuana use and for any claims brought by any of the marijuana use's members, employees, agents, guests, or invitees for problems, injuries, damages, or liability of any kind that may arise out of the operation of the marijuana use.

C. License Regulations.

1. Access by City Officials. All city officials shall have free access to marijuana related businesses licensed under the provisions of this chapter for the purposes of inspecting and enforcing compliance with the provisions of this chapter, including periodic CPTED review and compliance with required CPTED measures as directed by the Auburn Police Department.

2. Entry Prohibitions for Certain Persons. It is unlawful for the owner, proprietor, manager, or person in charge of any marijuana related business licensed under the provisions of this chapter, or for any employee of said place, to allow entry or admission to any person under the age of 21 years of age, any lewd or dissolute person, any drunken or boisterous person, or any person under the influence of any intoxicant.

3. Law Enforcement Officers Entry Right. It is unlawful for the owner, proprietor, manager or person in charge of any marijuana related business licensed under the provisions of this chapter to refuse admission to any peace officer of the city or of the state, or any officer of the United States government charged with the duty of enforcing the police laws of the United States. Said officers shall have free access at all times to any marijuana related businesses licensed under the provisions of this chapter.

4. Operation Regulations. All marijuana, including tetrahydrocannabinols or cannabimimetic agents, equipment and all cultivation, processing, production, storage or sales shall be conducted entirely inside buildings. Any perimeter fencing intended for security purposes shall meet the requirements of the city of Auburn and of the state of Washington applicable thereto.

5. State Statute Compliance. All marijuana related businesses licensed under the provisions of this chapter shall also comply with Chapters 69.50 and 69.51A RCW, and Chapter 314-55 WAC, as applicable. (Ord. 6613 § 3, 2016.)

Section 4. 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
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 of animals ⁴	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 ⁶	A ⁶	A ⁶	A ⁶	A ⁶	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 ⁵	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

Ordinance No. 6642

June 8, 2017

Page 13

ORD.A

Page 54 of 140

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
Single-family detached dwellings, new	P	P	P	P	P	P	X
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
<u>Marijuana cooperative</u>	X	X	X	X	X	X	X
<u>Marijuana processor</u>	X	X	X	X	X	X	X
<u>Marijuana producer</u>	X	X	X	X	X	X	X
<u>Marijuana related businesses</u>	X	X	X	X	X	X	X
<u>Marijuana researcher</u>	X	X	X	X	X	X	X
<u>Marijuana retailer</u>	X	X	X	X	X	X	X
<u>Marijuana transporter business</u>	X	X	X	X	X	X	X
Mixed-use development ³	X	X	X	X	P	P	P

Ordinance No. 6642

June 8, 2017

Page 14

ORD.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
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
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	P	X	X	X	X	X	X

Ordinance No. 6642

June 8, 2017

Page 15

ORD.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
cannot exceed 300 square feet in area and must meet the applicable setback requirements							
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
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. 6600 § 9, 2016; 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 5. Amendment to City Code. That Section 18.09.020 of the Auburn City Code is hereby amended as follows:

18.09.020 Uses.

Permitted Use Table – Residential Zoning Designations

	Land Use	R-MHC Zone
A	Manufactured/Mobile home community	P
B	Residential accessory use	P
C	Manufactured/Mobile home community accessory use	P
D	Keeping of not more than six household pets. This limit shall not apply to birds, fish, or suckling young of pets.	P
E	Home-based daycare	P
F	Daycare limited to a mini daycare center, daycare center, or preschool/nursery school	A
G	<u>Marijuana cooperative</u>	<u>X</u>
H	<u>Marijuana processor</u>	<u>X</u>
I	<u>Marijuana producer</u>	<u>X</u>
J	<u>Marijuana related businesses</u>	<u>X</u>
K	<u>Marijuana researcher</u>	<u>X</u>
L	<u>Marijuana retailer</u>	<u>X</u>
M	<u>Marijuana transporter business</u>	<u>X</u>

P = Permitted Use

A = Use may be permitted in district when an administrative use permit has been issued pursuant to the provisions of Chapter 18.64 ACC.

C = Use may be permitted in district when a conditional use permit has been issued pursuant to the provisions of Chapter 18.64 ACC.

X = Prohibited

Also see ACC 18.02.120 for further rules on interpretation. (Ord. 6269 § 4, 2009; Ord. 6245 § 6, 2009.)

Section 6. Amendment to City Code. That Section 18.21.010 of the Auburn City Code be and the same hereby is amended to read as follows:

18.21.010 Lea Hill overlay.

A. Purpose. The purpose of this section is to provide for additional development standards to address the area commonly referred to as the Lea Hill annexation area, as annexed under city of Auburn Ordinance Nos. 5346 and 6121, and identified on the city of Auburn comprehensive zoning map. While the intent is that the development standards for zones in the Lea Hill annexation area will be similar to (if not

Ordinance No. 6642

June 8, 2017

Page 17

ORD.A

Page 58 of 140

the same as) corresponding zones in other areas of the city, some variations are needed to recognize previous development allowed by King County zoning. Unless otherwise provided for in this section, all other provisions and requirements of this title shall apply to properties within the Lea Hill overlay.

B. Development Standards – Lots Previously Approved.

1. For any residential lot that had received final plat approval, final short plat approval, or preliminary plat approval or that King County had received and determined the application complete for a preliminary plat or short plat, prior to the effective date of annexation into the city of Auburn, the development standards in the following table shall apply. The property owner/applicant shall be responsible to provide to the city evidence of these previous approvals.

2. Any further subdivision of any lot and its subsequent use must conform to the permitted uses and standards referenced in the applicable zoning chapters of this title, except as modified by this section. For farm animals, subsection E of this section or subsection 18.31.210 shall apply.

Zone	Min Lot Area (Sq. Ft.)	Min Lot Area (Sq. Ft. per Unit)	Min Lot Width (Ft.)	Max Lot Coverage (%)	Setbacks*				Building Height	
					Front (Ft.)	Rear (Ft.)	Side, Interior (Ft.)	Side, Street (Ft.)	Main (Ft.)	Accessory (Ft.)
R-1	8,000	N/A	35	35	20	5	5	10	35	35
R-5	2,500	N/A	30	35	10	5	5	10	35	16
R-7	2,500	6,000	30	35	10	5	5	10	35	16
R-10	2,500	4,300	30	40	10	5	5	10	35	35
R-16	2,500	2,700	30	55	10	5	5	10	35	35
R-20	2,500	2,175	30	55	10	5	5	10	35	35

* Garages and other similar structures with a vehicular access require a 20-foot setback from any street.

C. Prior King County Approvals. The city of Auburn will recognize the terms of any King County-approved plat, PUD, conditional use permit, contract rezone or similar contractual obligations that may have been approved prior to the effective date of the annexation of the subject property. The conditions of any project that was approved by King County shall be required to be fulfilled in the city of Auburn.

D. Planning Director Authorization. The planning director shall be authorized to interpret the language of any King County permit, plat or condition thereof and effectuate the implementation of same to the fullest extent possible. If there is a conflict between a previous King County approval and the Auburn regulation then the most restrictive provision shall apply as determined by the planning director.

E. Farm Animals.

1. For properties greater than an acre in the R-1, R-5 and R-7 zones, it is permissible to keep farm animals (excluding goats and swine in the R-5 and R-7 zones); provided, there shall not be more than one horse, cow, donkey or other similar large animal, or four small animals such as sheep, or 12 poultry, rabbits, or similar size animals

per each acre of enclosed usable pasture or roaming area. This acreage requirement is in addition to the minimum lot size requirements of the zone. Property owners of more than an acre in the Lea Hill Overlay may choose to apply these standards or the standards in subsection 18.31.210.

2. Shelters provided for farm animals shall be constructed no closer than 50 feet from any adjoining lot and shall be 100 feet from any public street or alley. Any corral, exercise yard, or arena shall maintain a distance of 35 feet from any property line. This excludes pasture area.

3. For those properties that do not meet the requirements of subsection (E)(1) of this section, and farm animals were present prior to annexation, the farm animals may remain as legal nonconforming uses. In such case the number of farm animals allowed may be the same as what the county zoning provisions had allowed prior to the effective date of the annexation of the subject property.

F. Lot Averaging – R-1 Zone. It may be possible to subdivide land in the R-1 zone into lots smaller than 35,000 square feet if the property has a significant amount of non-buildable land due to steep slopes, wetlands or similar features that would be in the public's best interest to maintain. The following regulations shall apply in situations where lot averaging is permitted or required:

1. At least 50 percent of the subdivision must be set aside as open space. Critical areas (i.e., steep slopes, wetlands) can count towards the 50 percent requirement. Maintenance of the open space tract or easement shall be the responsibility of the property owner and/or a homeowners' association.

2. The number of allowable lots in a subdivision shall be determined by multiplying the total number of acres in the subdivision by one. Any fraction shall be rounded to the nearest whole number with one-half being rounded up.

3. The minimum size of any lot shall be 8,000 square feet. For lots less than 35,000 square feet, the minimum lot width shall be consistent with the requirements of the R-5 zone (Chapter 18.07 ACC). All other applicable development standards related to the R-1 zone will continue to apply.

4. Lots within the subdivision shall be clustered so as to provide for continuity of open space within the subdivision and, where possible, with adjoining parcels.

5. Each lot within a subdivision shall illustrate a building area within which the house, accessory structures, and parking areas shall be constructed. The building area shall be exclusive of setbacks, non-buildable areas or any required buffers from the non-buildable areas. Any preliminary plat, final plat or short plat shall illustrate the building area for each lot. Any future construction will be limited to the identified building area.

6. A native growth protection easement or similar device, which may include provisions for the limited removal of vegetation and passive use of the easement, that perpetually protects the non-buildable areas must be recorded with the final plat or short plat.

G. All marijuana related businesses and marijuana cooperatives are prohibited land uses within the Lea Hill overlay. (Ord. 6369 § 3, 2011; Ord. 6245 § 13, 2009.)

Section 7. Amendment to City Code. That Section 18.21.020 of the Auburn City Code be and the same hereby is amended to read as follows:

18.21.020 West Hill overlay.

A. Purpose. The purpose of this section is to provide for additional development standards to address the area commonly referred to as the West Hill annexation area, as annexed under city of Auburn Ordinance No. 6122 and identified on the city of Auburn comprehensive zoning map. While the intent is that the development standards for zones in the West Hill annexation area will be similar to (if not the same as) corresponding zones in other areas of the city, some variations are needed to recognize previous development allowed by King County zoning. Unless otherwise provided for in this section, all other provisions and requirements of this title shall apply to properties within the West Hill overlay.

B. Development Standards – Lots Previously Approved.

1. For any residential lot that had received final plat approval, final short plat approval, preliminary plat approval or that King County had received and determined the application complete for a preliminary plat or short plat, prior to the effective date of annexation, the development standards in the following table shall apply. The property owner/applicant shall be responsible to provide evidence of these previous approvals/decisions.

2. Any further subdivision of any lot and its subsequent use must conform to the permitted uses and standards referenced in the applicable zoning chapters of this title, except as modified by this section. For farm animals, subsection E of this section or subsection 18.31.210 shall apply.

Zone	Min Lot Area (Sq. Ft.)	Min Lot Area (Sq. Ft. per Unit)	Min Lot Width (Ft.)	Max Lot Coverage (%)	Setbacks*				Building Height	
					Front (Ft.)	Rear (Ft.)	Side, Interior (Ft.)	Side, Street (Ft.)	Main (Ft.)	Accessory (Ft.)
R-1	8,000	N/A	35	35	20	5	5	10	35	35
R-5	2,500	N/A	30	35	10	5	5	10	35	16
R-7	2,500	6,000	30	35	10	5	5	10	35	16

* Garages and other similar structures with a vehicular access require a 20-foot setback from any street.

C. Prior King County Approvals. The city of Auburn will recognize the terms of any King County-approved plat, PUD, conditional use permit, contract rezone or similar contractual obligations that may have been approved prior to the effective date of the annexation of the subject property. The conditions of any project that was approved by King County shall be required to be fulfilled in the city of Auburn.

D. Planning Director Authorization. The planning director shall be authorized to interpret the language of any King County permit, plat or condition thereof and effectuate the implementation of same to the fullest extent possible. If there is a conflict between a previous King County approval and the Auburn regulation, then the most restrictive provision shall apply as determined by the planning director.

E. Farm Animals.

1. For properties greater than an acre in the R-1, R-5 and R-7 zones within the West Hill overlay, it is permissible to keep farm animals (excluding goats and swine in the R-5 and R-7 zones); provided, there shall not be more than one horse, cow, donkey or

other similar large animal, or four small animals such as sheep, or 12 poultry, rabbits, or similar size animals per each acre of enclosed usable pasture or roaming area. This acreage requirement is in addition to the minimum lot size requirements of the applicable zone. Property owners of more than an acre in the West Hill Overlay district may choose to apply these standards, or the standards in subsection 18.31.210.

2. Shelters provided for farm animals shall be constructed no closer than 50 feet from any adjoining lot and no closer than 100 feet from any public street or alley. Any corral, exercise yard, or arena shall maintain a distance of 35 feet from any property line. This excludes pasture areas.

3. For those properties that do not meet the requirements of subsection (E)(1) of this section, and farm animals were present prior to annexation, the farm animals may remain as legal nonconforming uses. In such case, the number of farm animals allowed may be the same as what the county zoning provisions had allowed prior to the effective date of the annexation of the subject property.

F. All marijuana related businesses and marijuana cooperatives are prohibited land uses within the West Hill overlay. (Ord. 6369 § 3, 2011; Ord. 6245 § 13, 2009.)

Section 8. Amendment to City Code. That Section 18.21.030 of the Auburn City Code be and the same hereby is amended to read as follows:

18.21.030 Urban separator overlay.

A. Purpose. The purpose of this section is to provide for additional development standards to address the area designated as urban separator in the city's comprehensive plan, as prescribed in the interlocal agreement between the city and King County approved under city of Auburn Resolution No. 4113 and identified on the city of Auburn comprehensive land use map. Unless otherwise provided for in this section, all other provisions and requirements of this title shall apply to properties within the urban separator overlay.

B. Development Standards. For property located within a designated urban separator, lot averaging shall be required. The regulations of ACC 18.21.010(F) shall apply in situations where lot averaging is used.

C. All marijuana related businesses and marijuana cooperatives are prohibited land uses within the Urban Separator Overlay. (Ord. 6369 § 3, 2011; Ord. 6245 § 13, 2009.)

Section 9. Amendment to City Code. That Section 18.23.030 of the Auburn City Code be and the same hereby is amended to read as follows:

18.23.030 Uses.

A. General Permit Requirements. Table 18.23.030 identifies the uses of land allowed in each commercial and industrial zone and the land use approval process required to establish each use.

B. Requirements for Certain Specific Land Uses. Where the last column in Table 18.23.030 ("Standards for Specific Land Uses") includes a reference to a code section number, the referenced section determines other requirements and standards

applicable to the use regardless of whether it is permitted outright or requires an administrative or conditional use permit.

Table 18.23.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	

INDUSTRIAL, MANUFACTURING AND PROCESSING, WHOLESALING

Building contractor, light	X	X	X	P	X	P	X	P	
Building contractor, heavy	X	X	X	X	X	A	X	P	
Manufacturing, assembling and packaging – Light intensity	X	X	X	P	X	P	P	P	ACC 18.31.180
Manufacturing, assembling and packaging – Medium intensity	X	X	X	A	X	P	A	P	ACC 18.31.180
Manufacturing, assembling and packaging – Heavy intensity	X	X	X	X	X	X	X	A	ACC 18.31.180
<u>Marijuana processor</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>ACC 18.59</u>
<u>Marijuana producer</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>ACC 18.59</u>
<u>Marijuana researcher</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>ACC 18.59</u>
<u>Marijuana retailer</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>ACC 18.59</u>
<u>Marijuana transporter business</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>ACC 18.59</u>
Outdoor storage, incidental to principal permitted use on property	X	X	X	P	X	P	P	P	ACC 18.57.020(A)
Storage – Personal household storage facility (mini-storage)	X	P	X	P	X	P	X	P	ACC 18.57.020(B)
Warehousing and distribution	X	X	X	X	X	P	P	C	ACC 18.57.020(C)
Warehousing and distribution, bonded and located within a designated foreign trade zone	X	X	X	P	X	P	P	P	
Wholesaling with on-site retail as an incidental use (coffee, bakery, e.g.)	X	X	X	P	X	P	P	P	

RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES

Commercial recreation facility, indoor	X	P	P	P	P	P	P	A	
Commercial recreation facility, outdoor	X	X	X	A	X	P	A	A	ACC 18.57.025(A)
Conference/convention facility	X	X	A	A	X	A	X	X	
Library, museum	X	A	A	A	X	A	P	X	
Meeting facility, public or private	A	P	P	P	X	A	P	A	

Table 18.23.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									
									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Movie theater, except drive-in	X	P	P	P	P	X	X	X	
Private school – Specialized education/training (for profit)	A	A	P	P	P	P	P	P	
Religious institutions, lot size less than one acre	A	P	P	P	A	A	A	A	
Religious institutions, lot size more than one acre	C	P	P	P	A	A	A	A	
Sexually oriented businesses	X	X	X	P	X	P	X	P	Chapter 18.74 ACC
Sports and entertainment assembly facility	X	X	A	A	X	A	X	A	
Studio – Art, dance, martial arts, music, etc.	P	P	P	P	P	P	A	A	

RESIDENTIAL

Caretaker apartment	X	P	P	P	X	P	P	P	
Live/work or work/live unit	X	P	P	P	P	P	P	X	
Marijuana Cooperative	X	X	X	X	X	X	X	X	
Multiple-family dwellings as part of a mixed-use development	X	P	P	P	P	P	P	X	ACC 18.57.030(A)
Multiple-family dwellings, stand-alone	X	X	X	X	X	X	X	X	ACC 18.57.030(B)
Nursing home, assisted living facility	X	P	P	P	C	X	X	X	
Senior housing	X	A	A	A	X	X	X	X	

RETAIL

Building and landscape materials sales	X	X	X	P	X	P	X	P	ACC 18.57.035(A)
Construction and heavy equipment sales and rental	X	X	X	X	X	A	X	P	
Convenience store	A	A	P	P	X	P	P	P	
Drive-through espresso stands	A	A	A	P	A	P	A	A	
Drive-through facility, including banks and restaurants	A	A	A	P	P	P	X	P	ACC 18.52.040
Entertainment, commercial	X	A	P	P	X	A	X	A	
Groceries, specialty food stores	P	P	P	P	P	P	P	X	ACC 18.57.035(B)
Nursery	X	X	X	P	A	P	X	P	ACC 18.57.035(C)

Table 18.23.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Outdoor displays and sales associated with a permitted use (auto/vehicle sales not included in this category)	P	P	P	P	P	P	P	P	ACC 18.57.035(D)
Restaurant, cafe, coffee shop	P	P	P	P	P	P	P	P	
Retail									
Community retail establishment	A	P	P	P	P	P	X	P	
Neighborhood retail establishment	P	P	P	P	P	P	X	P	
Regional retail establishment	X	X	X	P	P	P	X	A	
Tasting room	P	P	P	P	P	P	P	P	
Tavern	P	P	X	P	P	P	X	A	
Wine production facility, small craft distillery, small craft brewery	A	P	P	P	P	P	P	P	

SERVICES

Animal daycare (excluding kennels and animal boarding)	A	A	A	P	A	P	X	P	ACC 18.57.040(A)
Animal sales and services (excluding kennels and veterinary clinics)	P	P	P	P	P	P	X	P	ACC 18.57.040(B)
Banking and related financial institutions, excluding drive-through facilities	P	P	P	P	P	P	P	P	
Catering service	P	P	P	P	A	P	A	P	
Daycare, including mini daycare, daycare center, preschools or nursery schools	A	P	P	P	P	P	P	X	
Dry cleaning and laundry service (personal)	P	P	P	P	P	P	P	P	
Equipment rental and leasing	X	X	X	P	X	P	X	P	
Kennel, animal boarding	X	X	X	A	X	A	X	A	ACC 18.57.040(C)
Government facilities, this excludes offices and related uses that are permitted outright	A	A	A	A	A	A	A	A	
Hospital	X	P	P	P	X	P	X	P	
Lodging – Hotel or motel	X	P	P	P	P	A	P	A	
Medical – Dental clinic	P	P	P	P	P	P	X	X	
Mortuary, funeral home, crematorium	A	P	X	P	X	P	X	X	
Personal service shops	P	P	P	P	P	P	X	X	

Table 18.23.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Pharmacies	P	P	P	P	P	X	X	X	
Print and copy shop	P	P	P	P	P	P	X	X	
Printing and publishing (of books, newspaper and other printed matter)	X	A	P	P	P	P	P	P	
Professional offices	P	P	P	P	P	P	P	P	
Repair service – Equipment, appliances	X	A	P	P	P	P	X	P	ACC 18.57.040(D)
Veterinary clinic, animal hospital	A	P	P	P	P	P	X	X	

TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE

Ambulance, taxi, and specialized transportation facility	X	X	X	A	X	P	X	P	
Broadcasting studio	X	P	X	P	X	P	X	P	
Heliport	X	X	X	C	X	C	X	C	
Motor freight terminal ¹	X	X	X	X	X	X	X	X	See Footnote No. 1
Parking facility, public or commercial, surface	X	P	P	P	P	P	P	X	
Parking facility, public or commercial, structured	X	P	P	P	P	P	P	X	
Towing storage yard	X	X	X	X	X	A	X	P	ACC 18.57.045(A)
Utility transmission or distribution line or substation	A	A	A	A	A	A	A	A	
Wireless communication facility (WCF)	–	–	–	–	–	–	–	–	ACC 18.04.912, 18.31.100

VEHICLE SALES AND SERVICES

Automobile washes (automatic, full or self-service)	X	A	X	P	P	P	X	P	ACC 18.57.050(A)
Auto parts sales with installation services	X	A	A	P	P	P	X	P	
Auto/vehicle sales and rental	X	A	X	P	X	P	X	P	ACC 18.57.050(B)
Fueling station	X	A	A	P	P	P	X	P	ACC 18.57.050(C)
Mobile home, boat, or RV sales	X	X	X	P	X	P	X	P	
Vehicle services – Repair/body work	X	X	A	P	X	P	X	P	ACC 18.57.050(D)

OTHER

Table 18.23.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Any commercial use abutting a residential zone which has hours of operations outside of the following: Sunday: 9:00 a.m. to 10:00 p.m. or Monday – Saturday: 7:00 a.m. to 10:00 p.m.	A	A	A	A	A	A	A	A	

(Ord. 6508 § 1, 2014; Ord. 6433 § 26, 2012.)

Section 10. Amendment to City Code. That Section 18.29.050 of the Auburn City Code be and the same hereby is amended to read as follows:

18.29.050 Use limitations.

Hereafter, all buildings, structures or properties may be used for any use, unless specifically prohibited herein. Ground floor retail, restaurants and/or office use is required for all building frontages facing Main Street. All uses shall be subject to review and approval by the director. The following uses are prohibited:

- A. Sexually oriented businesses as defined in Chapter 18.74 ACC.
- B. Taverns.
- C. All industrial uses as defined in the North American Industrial Classification System (1997 Edition), categories 48 – 49 (transportation), 31 – 33 (manufacturing) and 42 (wholesale).
- D. Outdoor storage of materials and equipment (except during active construction projects).
- E. New automobile maintenance and repair businesses.
- F. Work release facilities; secure community transition facilities.
- G. Wrecking yards.
- H. Solid waste transfer stations.
- I. Car washes.
- J. New gasoline stations.
- K. Street-level ministorage.
- L. Outdoor sales of vehicles, boats or equipment.
- M. Drive-in/drive-through facilities with direct vehicular driveway access onto Main Street.
- N. All Marijuana Related Businesses and Marijuana Cooperatives.
- O. Other uses may be prohibited by the director if the use is determined to be inconsistent with the intent of this zone or is of the same general character of the other prohibited uses listed in this section. (Ord. 6071 § 6 [Exh. A], 2007.)

Section 11. Amendment to City Code. That Section 18.35.030 of the Auburn City Code be and the same hereby is amended to read as follows:

18.35.30 Uses.

A. General permit requirements. Table 18.35.030 identifies the uses of land allowed in each special purpose zone and the planning permit required to establish each use.

B. Requirements for certain specific land uses. Where the last column in Table 18.35.030 ("Standards for Specific Land Uses") includes a section number, the referenced section determines other requirements and standards applicable to the use regardless of whether it is permitted outright or requires an administrative or conditional use permit.

Table 18.35.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

Permitted, Administrative, Conditional and Prohibited Uses by Zone					P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations				Standards for Specific Land Uses
	RO	RO-H	P-1	I	

MARIJUANA RELATED BUSINESSES

<u>Marijuana processor</u>	X	X	X	X	
<u>Marijuana producer</u>	X	X	X	X	
<u>Marijuana researcher</u>	X	X	X	X	
<u>Marijuana retailer</u>	X	X	X	X	
<u>Marijuana transporter business</u>	X	X	X	X	

PUBLIC

Animal shelter, public	X	X	P	X	
Government facilities, this excludes offices and related uses that are permitted outright	A	A	P	P	
Municipal parks and playgrounds	P	P	P	P	

RECREATION, EDUCATION AND PUBLIC ASSEMBLY

Campgrounds and recreational vehicle parks, private	X	X	X	P	
Cemetery, public	X	X	P	A	
Cemetery, private	X	X	X	A	
College, university, public	X	X	A	A	
Commercial recreation facility – Indoor	X	X	X	P	
Commercial recreation facility – Outdoor	X	X	X	A	ACC 18.57.025(A)
Conference/convention facility	X	X	X	A	
Library, museum	X	X	P	P	

Ordinance No. 6642

June 8, 2017

Page 27

ORD.A

Table 18.35.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

Permitted, Administrative, Conditional and Prohibited Uses by Zone					P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations				Standards for Specific Land Uses
	RO	RO-H	P-1	I	
Meeting facility, public or private	A	A	P	P	
Private school – specialized education/training (for profit)	P	P	X	P	
Public schools (K-12) and related facilities	X	X	P	P	
Religious institutions, lot size less than one acre	A	P	X	P	
Religious institutions, lot size more than one acre	C	A	X	P	
Studio – Art, dance, martial arts, music, etc.	P	X	X	X	

RESIDENTIAL

Duplex	P (1)	X	X	A	
Home occupation	P	P	X	P	Chapter 18.60 ACC
Live/work, work/live unit	A	P	X	A	
<u>Marijuana Cooperative</u>	X	X	X	X	
Multiple-family dwellings, stand-alone	P (2)	A (3)	X	A	
One detached single-family dwelling	P	X	X	X	
Nursing home, assisted living facility	A	A	X	P	
Senior housing	A	A	X	A	

RETAIL

Restaurant, cafe, coffee shop, excluding drive-through facilities	A	A	P	A	
---	---	---	---	---	--

SERVICES

Banking and related financial institutions, excluding drive-through facilities (4)	P	P	X	X	
Daycare, including mini daycare, daycare center, preschools or nursery schools	A	P	X	P	
Home-based daycare	P	P	X	P	
Medical services – Clinic or urgent care (4)	P	P	X	X	
Mortuary, funeral home, crematorium	X	P	X	X	
Professional offices	P	P	X	A	
Personal service shops	P	P	X	X	
Pharmacies	X	P	X	X	

Notes:

1. Duplexes, 3,600 square feet of lot area per dwelling unit is required

Ordinance No. 6642

June 8, 2017

Page 28

ORD.A

2. Multi-family dwellings; provided that 2,400 square feet of lot area is provided for each dwelling unit
3. Multi-family dwellings; provided 1,200 square feet of lot area is provided for each dwelling unit. (Ord. 6269 § 28, 2009)
4. Permitted within a public college or university as an amenity or service provided to students. A stand-alone bank or medical services/clinic is not permitted.

(Ord. 6434 § 1, 2012.)

Section 12. Amendment to City Code. That Section 18.42.020 of the Auburn City Code be and the same hereby is amended to read as follows:

18.42.020 Establishment.

Those areas previously annexed to the city for which no city zoning classification has been fixed or determined by ordinance are zoned UNC, unclassified use district. Unclassified zoned property shall assume the R-1 standards for permitted uses and development standards, provided that all marijuana related businesses and marijuana cooperatives shall be prohibited in the Unclassified Use District. (Ord. 4229 § 2, 1987.)

Section 13. Amendment to City Code. That Section 18.78.020 of the Auburn City Code be and the same hereby is amended to read as follows:

18.78.020 Permitted uses.

The permitted uses allowed in the Terrace View zoning district will be those as allowed within Chapter 18.30 ACC, C-3 Heavy Commercial District, as may be amended. The process to allow any use on the Terrace View property shall be as required by this title with the exception that apartments/multifamily units will be considered an outright permitted use and will not require an administrative use permit. Notwithstanding the foregoing, all marijuana related businesses and marijuana cooperatives shall not be permitted in any residential or non-residential portion of the Terrace View zoning district. (Ord. 6269 § 26, 2009; Ord. 5377 § 2, 2000.)

Section 14. Amendment to City Code. That Section 18.04.120 of the Auburn City Code be and the same hereby is amended to read as follows:

18.04.120 "Arcade".

"Arcade" includes any place of business having in excess of four mechanical amusement devices as defined in ACC 18.04.100 means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under twenty-one years of age are not restricted.

Section 15. New Section to City Code. That a new Section 18.04.1001 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1001 "Child care center".

"Child care center" means an entity that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours licensed

by the Washington state department of early learning under Chapter 170-295 of the Washington Administrative Code (WAC).

Section 16. New Section to City Code. That a new Section 18.04.1005 of the Auburn City Code be and the same hereby is created to read as follows

18.04.1005 "Marijuana" or "marihuana."

"Marijuana" or "marihuana" means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

Section 17. New Section to City Code. That a new Section 18.04.1007 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1007 "Marijuana cooperative."

"Marijuana cooperative" means up to four qualifying patients, as defined by RCW 69.51A.010(19), who share responsibility for acquiring and supplying the resources needed to produce and process marijuana, including tetrahydrocannabinols or cannabimimetic agents, only for the medical use of members of the cooperative and not for profit.

Section 18. New Section to City Code. That a new Section 18.04.1009 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1009 "Marijuana-infused products."

"Marijuana-infused products" means products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana- infused products" does not include useable marijuana.

Section 19. New Section to City Code. That a new Section 18.04.1011 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1011 "Marijuana processor."

"Marijuana processor" means any person or entity licensed by the Washington state liquor and cannabis board to process, package, and label marijuana concentrates, including tetrahydrocannabinols or cannabimimetic agents, in accordance with the provisions of RCW chapters 65.50 and 69.51a and WAC chapter 314-55.

Section 20. New Section to City Code. That a new Section 18.04.1013 of the Auburn City Code be and the same hereby is created to read as follows:

Ordinance No. 6642

June 8, 2017

Page 30

ORD.A

Page 71 of 140

18.04.1013 "Marijuana producer."

"Marijuana producer" means any person or entity licensed by the Washington state liquor and cannabis board to produce marijuana, including tetrahydrocannabinols or cannabimimetic agents, for wholesale to marijuana processors and other marijuana producers pursuant to RCW 69.50.325.

Section 21. New Section to City Code. That a new Section 18.04.1015 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1015 "Marijuana related business."

"Marijuana related business" means a person or entity engaged in for-profit activity that includes the possession, cultivation, production, processing, distribution, dispensation, or sale of tetrahydrocannabinols or cannabimimetic agents, as defined by the controlled substances act, codified at 21 U.S.C. § 812, including marijuana retailers, marijuana processors, and marijuana producers, as defined herein.

Section 22. New Section to City Code. That a new Section 18.04.1017 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1017 "Marijuana retailer."

"Marijuana retailer" means any person or entity established for the purpose of making marijuana concentrates, usable marijuana and marijuana-infused products, including tetrahydrocannabinols or cannabimimetic agents, available for sale to adults aged twenty-one and over.

Section 23. New Section to City Code. That a new Section 18.04.1019 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1019 "Marijuana researcher."

"Marijuana researcher" is a position licensed by the Washington state liquor and cannabis board that permits a licensee to produce, process, and possess marijuana for the limited research purposes set forth in RCW 69.50.372.

Section 24. New Section to City Code. That a new Section 18.04.1021 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1021 "Marijuana transporter."

"Marijuana transporter" is a position licensed by the Washington state liquor and cannabis board pursuant to WAC 314-55-310 that allows a licensee to physically transport or deliver marijuana, marijuana concentrates, and marijuana-infused products between licensed marijuana businesses within Washington state.

Section 25. New Section to City Code. That a new Section 18.04.1023 of the Auburn City Code be and the same hereby is created to read as follows:

Ordinance No. 6642

June 8, 2017

Page 31

ORD.A

Page 72 of 140

18.04.1023 "Public or private park."

"Public or private park" means an area of land for the enjoyment of the public or private parties, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a private for-profit entity, a non-profit entity, a homeowners' association, city, county, state, federal government, sovereign nation or metropolitan park district. Public park does not include trails.

Section 26. New Section to City Code. That a new Section 18.04.1025 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1025 "Public or private playground."

"Public or private playground" means a public or private outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a private business, a non-profit entity, city, county, state, or federal government or sovereign nation.

Section 27. New Section to City Code. That a new Section 18.04.1027 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1027 "Public or private recreational center."

"Public or private recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a private business, charitable nonprofit organization, sovereign nation, city, county, state, or federal government.

Section 28. New Section to City Code. That a new Section 18.04.1029 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1029 "Public transit center."

"Public transit center" means a facility located outside of the public right of way that is owned and managed by a transit agency or city, county, state, or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge. They serve as efficient hubs to allow bus riders from various locations to assemble at a central point to take advantage of express trips or other route to route transfers

Section 29. New Section to City Code. That a new Section 18.76.046 of the Auburn City Code be and the same hereby is created to read as follows:

18.76.046 Marijuana related uses.

All marijuana related businesses and marijuana cooperatives shall not be permitted in any residential or non-residential portion of the Planned Unit Development.

Section 30. New Chapter to City Code. That a new Chapter 18.59 of the Auburn

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

Chapter 18.59

DEVELOPMENT STANDARDS FOR MARIJUANA RELATED BUSINESSES

Sections:

- 18.59.010 Purpose.
- 18.59.020 Maximum number of marijuana retail businesses.
- 18.59.030 Required geographic separation.
- 18.59.040 Marijuana required to be grown in a structure.
- 18.59.050 Required odor control for marijuana retail stores.
- 18.59.060 First-in-time – change in ownership, relocation and abandonment for marijuana retail stores.
- 18.59.070 Signage.
- 18.59.080 Security required.
- 18.59.090 Specific standards for marijuana processors, producers. research and transportation businesses.
- 18.59.100 Pre-application conference meeting required.
- 18.59.110 Public review meeting required.

18.59.010 Purpose.

The development standards contained in this Chapter are intended to address the substantive impacts that marijuana related businesses may have on all or a portion of the community by providing clear and objective development standards that will reduce or mitigate said impacts and provide, when appropriate, opportunities for public awareness and input prior to an application being made to the City. In addition, the development standards will provide the City, adjacent property owners (residential or non-residential) and adjacent business owners as well as the entire community the opportunity to be kept informed and aware through on-going reporting for those marijuana related businesses that successfully obtain appropriate approvals and authorizations to operate in the City of Auburn.

18.59.020 Maximum number of marijuana retail businesses.

The total maximum number of marijuana retail businesses operating within the City at any given time shall be limited to a maximum of four (4) properly licensed and permitted stores. For purposes of these regulations, these standards shall be considered in addition to the numeric allowances on these businesses specified now or in the future by the Washington State Liquor and Cannabis Board.

18.59.030 Required geographic separation.

Marijuana related businesses operating within the City shall be geographically separated as follows. For purposes of these regulations, these standards shall be

considered in addition to those geographic siting standards specified by the Washington State Liquor and Cannabis Board:

A. A marijuana retailer authorized by the Washington State Liquor and Cannabis Board and the City to operate within the City shall be sited a minimum of one (1) mile from another similarly authorized marijuana business.

B. A marijuana retailer business shall be sited a minimum of 1,320 feet from any properties zoned and utilized for single-family residential or multi-family residential land uses.

C. All marijuana related businesses shall not be located within the distances identified for the following uses or any use included in Chapter 314-55 WAC now or as hereafter amended:

1. 2,640 feet for:

- a. Elementary or secondary school that is existing or that is planned and has a site specific location identified in an adopted Capital Facilities Plan;
- b. Public or private playgrounds inclusive of those located within a multi-family residential complex;
- c. Public or private recreation center or facility;
- d. Child care centers;
- e. Public or private parks;
- f. Any game arcade; and,

2. 1,320 feet for:

- a. Public trails
- b. Public transit centers;
- c. Religious institutions;
- d. Public libraries;
- e. Transit center or park-and-ride facility operated by a sovereign nation on trust or non-trust designated properties

D. Measurement. All separation requirements shall be measured as the shortest straight line distance from the property line or right of way line of the proposed business location to the property line or right of way line of the use specified in this section.

18.59.040 Marijuana required to be grown in a structure.

For all marijuana related businesses and marijuana cooperatives, marijuana shall be grown in a structure. Outdoor cultivation is prohibited in all instances.

18.59.050 Required odor control for marijuana related businesses.

Marijuana odor shall be contained within the marijuana related business so that odor from the marijuana cannot be detected by a person with a normal sense of smell from any abutting use or property. If marijuana odor can be smelled from any abutting use or property, the marijuana related business shall be required to implement measures, including but not limited to, the installation of the ventilation equipment necessary to contain the odor.

18.59.060 First-in-time – Change in ownership, relocation and abandonment for marijuana retail stores – non-conforming uses.

A. Areas where no retail marijuana uses are located. If two or more marijuana retail applicants seek licensing from the state and propose to locate within less than one (1) mile of each other, the City shall consider the entity that is licensed first by the State Liquor and Cannabis Board to be the "first- in-time" applicant who is entitled to site the retail use. First-in-time determinations will be based on the date and time of the state-issued license or conditional license, whichever is issued first. The Director or designee shall make the first-in-time determination.

B. First-in-time determinations are location-specific and do not transfer or apply to a new property or site, unless the new site is within the same tax parcel.

C. Ownership. The status of a first-in-time determination is not affected by changes in ownership.

D. Relocation. Relocation of a retail store to a new property voids any first- in-time determination previously made as to the vacated property. The determination shall become void on the date the property is vacated. Applicants who may have been previously denied a license due to a first- in-time determination at the vacated property may submit a new application after the prior first-in-time determination becomes void.

E. Discontinuance. If an existing marijuana retail use is discontinued or abandoned for a period of six (6) months with the intention of abandoning that use, then the property shall forfeit first-in-time status. For purposes of this Section, discontinuance shall not mean a legal change in business name or ownership or Washington State Unified Business Identifier (UBI) number. Discontinuance of a licensed retail use for a period of six (6) months or greater constitutes a prima facie intent to abandon the retail use. Intent to abandon may be rebutted by submitting documentation adequate to rebut the presumption. Documentation rebutting the presumption of intent to abandon includes but is not limited to:

1. State licensing review or administrative appeal; or
2. Review of building, land use, other required development permits or approvals; or
3. Correspondence or other documentation from insurance provider demonstrating an intent to reestablish the use after either a partial or full loss or disruption of the use.

4. The Director shall determine whether a retail use has been discontinued, abandoned, or voided, whether in connection with an application for an administrative conditional use permit or as otherwise appropriate.

F. Accidental Destruction. First-in-time status or cessation is not affected when a structure containing a state-licensed retail outlet is damaged by fire or other causes beyond the control of the owner or licensee; provided all necessary local, regional, state or other permits and approvals are successfully obtained and redevelopment commences within twelve (12) months from the documented date of the accidental destruction or the licensee provides documentation demonstrating why redevelopment cannot commence within twelve (12 months), provided that redevelopment is completed within twenty-four (24) months of the documented date of accidental destruction.

G. Marijuana related businesses that had lawfully obtained all State and local approvals prior to the adoption of these rules shall be considered legal conforming uses even if the business is unable to meet the standards for geographic separations and square footage requirements outlined in this Chapter.

18.59.070 Signage.

All marijuana related businesses shall comply with applicable sign regulations and standards as specified in Chapter 18.56 (Signs) as may be amended.

18.59.080 Security required.

In addition to the security requirements in chapter 315-55 WAC, during non-business hours, all marijuana producers, processors, and retailers shall store all marijuana concentrates, useable marijuana, marijuana-infused products, and cash in a safe or in a substantially constructed and locked cabinet. The safe or cabinet shall be incorporated into the building structure or securely attached thereto. For useable marijuana products that must be kept refrigerated or frozen, these products may be stored in a locked refrigerator or freezer container in a manner approved by the Director, provided the container is affixed to the building structure.

18.59.090 Specific standards for marijuana producers, processors, research and transportation businesses.

A. Marijuana production and processing facilities shall comply with the following provisions:

1. Marijuana production, processing research and transportation facilities shall be ventilated so that the odor from the marijuana cannot be detected by a person with a normal sense of smell from any adjoining use or property;

2. A screened and secured loading dock, approved by the Director shall be required. The objective of this requirement is to provide a secure, visual screen from the public right-of-way and adjoining properties, and prevent the escape of odors when delivering or transferring marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products.

B. Any marijuana producer or marijuana processors operating within the city (i) shall strictly comply with all industrial, health and safety codes, including but not limited to Section 314.55.104 WAC and Section 69.50.348 RCW, and (ii) shall have at least 4,000 square feet of building utilized for its individual business, and the total square feet of all marijuana producers and processor in the city shall not exceed 90,000 square feet of building space; provided that any such business that was licensed and existing prior to August 1, 2016, that did not have at least 4,000 square feet of building utilized for its individual business may continue operating, and shall be classified as a fully legal conforming use, at its current location even though it did not have at least 4,000 square feet of building utilized for its individual business.

18.59.100 Pre-application conference meeting required.

A minimum of one (1) pre-application conference meeting with the City of Auburn and other relevant parties including but not limited to the Valley Regional Fire Authority

shall be conducted prior to the submittal of a formal business license application for all marijuana related businesses within the City.

18.59.110 Public review meeting required.

A. A minimum of one (1) public review meeting shall be conducted by applicant for any marijuana related business in the City. The purpose of the Public Review Meeting is to allow adjacent property owners (residential and non-residential) and adjacent business owners an opportunity to become familiar with the proposal and to identify any associated issues. The Public Review Meeting is intended to assist in producing applications that are responsive to the concerns of adjacent property owners (residential and non-residential) and adjacent business owners and to reduce the likelihood of delays and appeals. The City expects an applicant to take into consideration the reasonable concerns and recommendations of these parties when preparing an application. The City expects these parties to work with the applicant to provide reasonable concerns and recommendations. The requirements of this Section shall apply to new businesses as well as businesses that are seeking to relocate to a different tax parcel.

B. Prior to submittal of an application for any marijuana related business, the applicant shall provide an opportunity to meet with adjacent property owners (residential or non-residential) and adjacent businesses owners within whose boundaries the site for the proposed marijuana related business is located or within the notice radius to review the proposal. The applicant shall not be required to hold more than one Public Review Meeting provided such meeting is held within six (6) months prior to submitting an application for one (1) specific site.

C. Public Review Meetings shall occur prior to submitting a formal business license application to the City of Auburn.

D. Public Review Meetings shall occur after the required pre-application conference with the City of Auburn.

E. The applicant shall hold a public review meeting in a publicly accessible location within one (1) mile of the proposed business site, provided that if no such place is immediately available, the applicant may submit a written request to the Director proposing an alternate meeting location and the Director may approve said location, in writing. The meeting starting time selected shall be limited to a weekday evening after 6:00 p.m. or a weekend at any reasonable time and shall not occur on a national holiday. The meeting shall be held at a location open to the public and in compliance with the Americans with Disabilities Act (ADA). A portable sign at least 22 inches x 28 inches in size with minimum two (2) inch lettering shall be placed at the main entrance of the building where the meeting will take place at least one (1) hour prior to the meeting. Such sign will announce the meeting, subject matter of the meeting, and announce that the meeting is open to the public and that interested persons are invited to attend. This sign shall be removed by the applicant upon conclusion of the meeting.

F. The applicant shall send by regular mail a written notice announcing the Public Review Meeting to the Director, property owners pursuant to the most current public records of the King County Assessor's Office or Pierce County Assessor's Office within 1,320 feet on all sides of the property involved in the anticipated application and to all current businesses registered with the City of Auburn within 1,320 feet on all sides of

the property involved in the anticipated application. At the request of the applicant, and upon payment of the applicable fee, the City will provide the required mailing lists for property owners and/or registered businesses.

G. Not less than twenty (20) calendar days prior to the Public Review Meeting, the applicant shall post a notice on the property which is subject of the proposed application. The notice shall be posted within fifty (50) feet of an adjoining public right-of-way in a manner that can be read from the right-of-way. The notice shall state that the site may be subject to a proposed marijuana related business, the type of marijuana related business in sufficient detail for a reasonable person to ascertain the nature and type of business, the name of the applicant and the applicant's telephone number and electronic mail address where the applicant can be reached for additional information. The site shall remain posted until the conclusion of the Public Review Meeting.

H. At the Public Review Meeting, the applicant shall describe the proposed application to persons in attendance. The attendees may identify any issues that they believe should be addressed in the proposed application and recommend that those issues be submitted for City consideration and analysis.

I. At the Public Review Meeting, the applicant shall take notes of the discussion on the proposed application.

J. To comply with this section, an applicant shall submit the following information with the business license application:

1. A copy of the notice sent to surrounding property owners pursuant to Section 18.59.110 (F).

2. A copy of the mailing list used to send out meeting notices pursuant to Section 18.59.110.(G).

3. A written statement and clear photographs containing the information posted on the property pursuant to Section 18.59.110 (G)

4. A notarized affidavit of mailing and posting notices.

5. Copies of written materials and 8.5-inch x 11 inch size plans presented at the Public Review Meeting.

6. Typed notes of the meeting, including the meeting date, time, and location, the name and address of those attending, and a summary of oral and written comments received.

K. If responses to the meeting notice were not received by the applicant and no one attended the Public Review Meeting or persons in attendance made no comments, the applicant shall submit evidence as indicated above, with the notes reflecting the absence of comment, attendance, or both.

L. Failure of a property owner or business owner to receive notice shall not invalidate the Public Review Meeting proceedings.

Section 31. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 32. 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 this ordinance, or the validity of its application to other persons or circumstances.

Section 33. 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: _____

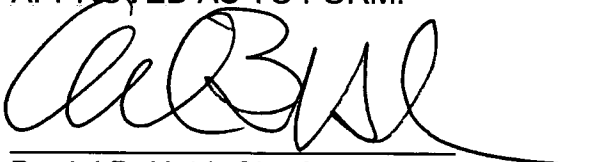
CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

PUBLISHED: _____

Ordinance No. 6642

June 8, 2017

Page 39

ORD.A

Page 80 of 140

OUTREACH METHODS

Social Media



Press Release



Paid Advertising



Website



OUTREACH METHODS cont.

Email

City of Auburn <auburnwa@public.govdelivery.com>

Share Your Thoughts on Marijuana Regulation in Auburn: TEST

The Auburn Planning Commission is seeking your input!



The Planning Commission recently began looking at draft city code that would regulate marijuana related businesses in the City. Marijuana related businesses include retail stores, producers, processors, researchers and transporters. Previously, the City did not regulate these businesses, but rather relied upon the state licensing process. However, changes in Washington State law and actions by the Washington State Liquor and Cannabis Board prompted the Auburn City Council to enact a temporary 1-year ban on most of these businesses in August 2016. The City Council also asked the Planning Commission and City staff to develop potential regulations for these businesses for its consideration.

The Planning Commission believes it is important to hear from the citizens of Auburn on what they think about regulating these businesses. Please take a few minutes to complete a short survey to share your thoughts. Your survey responses will be provided to the Planning Commission and will be used by the Commission as it develops its recommendations to the City Council. Please complete and submit the survey by no later than March 21 at 2 p.m. if you want your thoughts to be shared with the Planning Commission.

[TAKE THE SURVEY](#)

Mayor's Weekly Update



Marijuana Regulation in Auburn

The Planning Commission recently began looking at draft city code that would regulate marijuana related businesses in the City and is asking for those that live and work in Auburn to share their thoughts about regulation through a short survey.

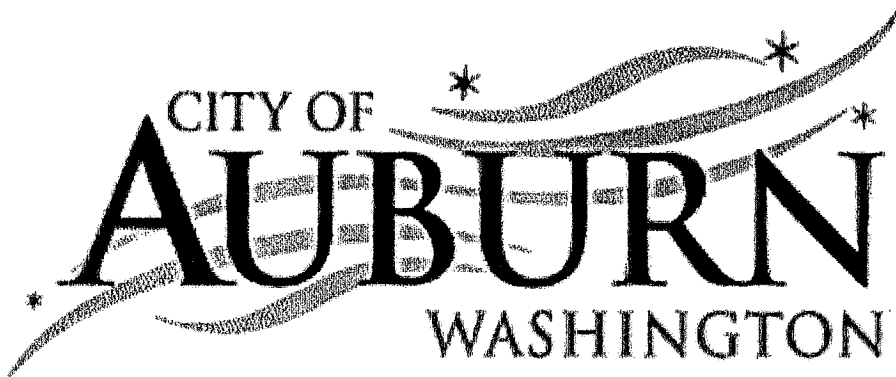
The responses will be provided to the Planning Commission at their meeting next Tuesday and will be used by the Commission as it develops its recommendations to the City Council. If you would like to give your input, here is the [link to the survey](#).

Marijuana Business Regulation

Please take a few moments to share your thoughts on regulating marijuana businesses in Auburn.

All Registered Responses sorted chronologically

As of May 2, 2017, 5:43 PM



TalkAuburn is not a certified voting system or ballot box. As with any public comment process, participation in TalkAuburn is voluntary. The responses in this record are not necessarily representative of the whole population, nor do they reflect the opinions of any government agency or elected officials.

Marijuana Business Regulation

Please take a few moments to share your thoughts on regulating marijuana businesses in Auburn.

As of May 2, 2017, 5:43 PM, this forum had:

Attendees: 343

Registered Responses: 79

Hours of Public Comment: 4.0

This topic started on March 9, 2017, 1:38 PM.

Marijuana Business Regulation

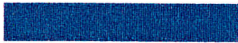
Please take a few moments to share your thoughts on regulating marijuana businesses in Auburn.

Responses

What is your age group?

		%	Count
22-29		8.9%	7
30-40		13.9%	11
41-50		20.3%	16
51-60		34.2%	27
61+		22.8%	18

What is your association with Auburn? Check all that apply.

		%	Count
I live in Auburn.		92.4%	73
I work in Auburn.		34.2%	27
Neither.		2.5%	2

The State of Washington has already established licensing requirements for marijuana related businesses. Should the City consider establishing additional requirements that recognize local concerns?

		%	Count
Yes		57.0%	45
No		43.0%	34

A "Producer" is a type of business activity that grows marijuana. Should Producers be allowed in Auburn?

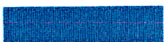
		%	Count
Yes		62.0%	49

Marijuana Business Regulation

Please take a few moments to share your thoughts on regulating marijuana businesses in Auburn.

		%	Count
No		38.0%	30

If you answered yes to the previous question - Should there be a limit on the amount or number of processors in Auburn? (If you answered no to the previous question, please skip this question.)

		%	Count
Yes		37.3%	19
No		62.7%	32

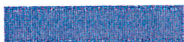
A "Processor" is a type of business activity that prepares or modifies marijuana so that it is a sellable product. Should Processors be allowed in Auburn?

		%	Count
Yes		65.4%	51
No		34.6%	27

If you answered yes to the previous question - Should there be a limit on the amount or number of processors in Auburn? (If you answered no to the previous question, please skip this question.)

		%	Count
Yes		42.6%	23
No		57.4%	31

A "Retailer" is a type of business activity that sells marijuana to the consumer. Should Retailers be allowed in Auburn?

		%	Count
Yes		70.5%	55

Marijuana Business Regulation

Please take a few moments to share your thoughts on regulating marijuana businesses in Auburn.

		%	Count
No		29.5%	23

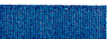
If you answered yes to the previous question - Should there be a limit on the number of stores in Auburn? (If you answered no to the previous question, please skip this question.)

		%	Count
Yes		45.6%	26
No		54.4%	31

A "Transporter" is a type of business activity that moves marijuana from one location to another. Should Transporters be allowed in Auburn?

		%	Count
Yes		71.8%	56
No		28.2%	22

If you answered yes to the previous question - Should there be a limit on the amount or number of transporters in Auburn? (If you answered no to the previous question, please skip this question.)

		%	Count
Yes		43.3%	26
No		56.7%	34

A "Researcher" conducts research about the use and effect of marijuana. Should Researchers be allowed in Auburn?

		%	Count
Yes		89.9%	71
No		10.1%	8

Marijuana Business Regulation

Please take a few moments to share your thoughts on regulating marijuana businesses in Auburn.

If you answered yes to the previous question - Should there be a limit on the amount of research that takes place in Auburn? (If you answered no to the previous question, please skip this question.)

		%	Count
Yes		31.0%	22
No		69.0%	49

Do you believe that the City of Auburn should establish rules that require marijuana businesses be separated from other types of uses such as schools, churches, day care center, parks, etc.?

		%	Count
Yes		77.2%	61
No		22.8%	18

If you answered yes to the previous question - How far away should marijuana businesses be separated? Please indicate if your answer is in feet or miles. (If you answered no to the previous question, skip this question.)

Answered	61
Skipped	18

- 1 10 1000 2 5 500 blocks distance do establishments federal feet
from ft illegal law least liquor marijuana medical mile miles
more one only recreational rocket rules s same schools scientist state stores
uses within

Do you believe that the City of Auburn should establish rules that require marijuana businesses be separated from residential neighborhoods?

		%	Count
Yes		67.1%	53
No		32.9%	26

Marijuana Business Regulation

Please take a few moments to share your thoughts on regulating marijuana businesses in Auburn.

If you answered yes to the previous question - How far away should marijuana businesses be separated? Please indicate if your answer is in feet or miles. (If you answered no to the previous question, skip this question.)

Answered 52

Skipped 27

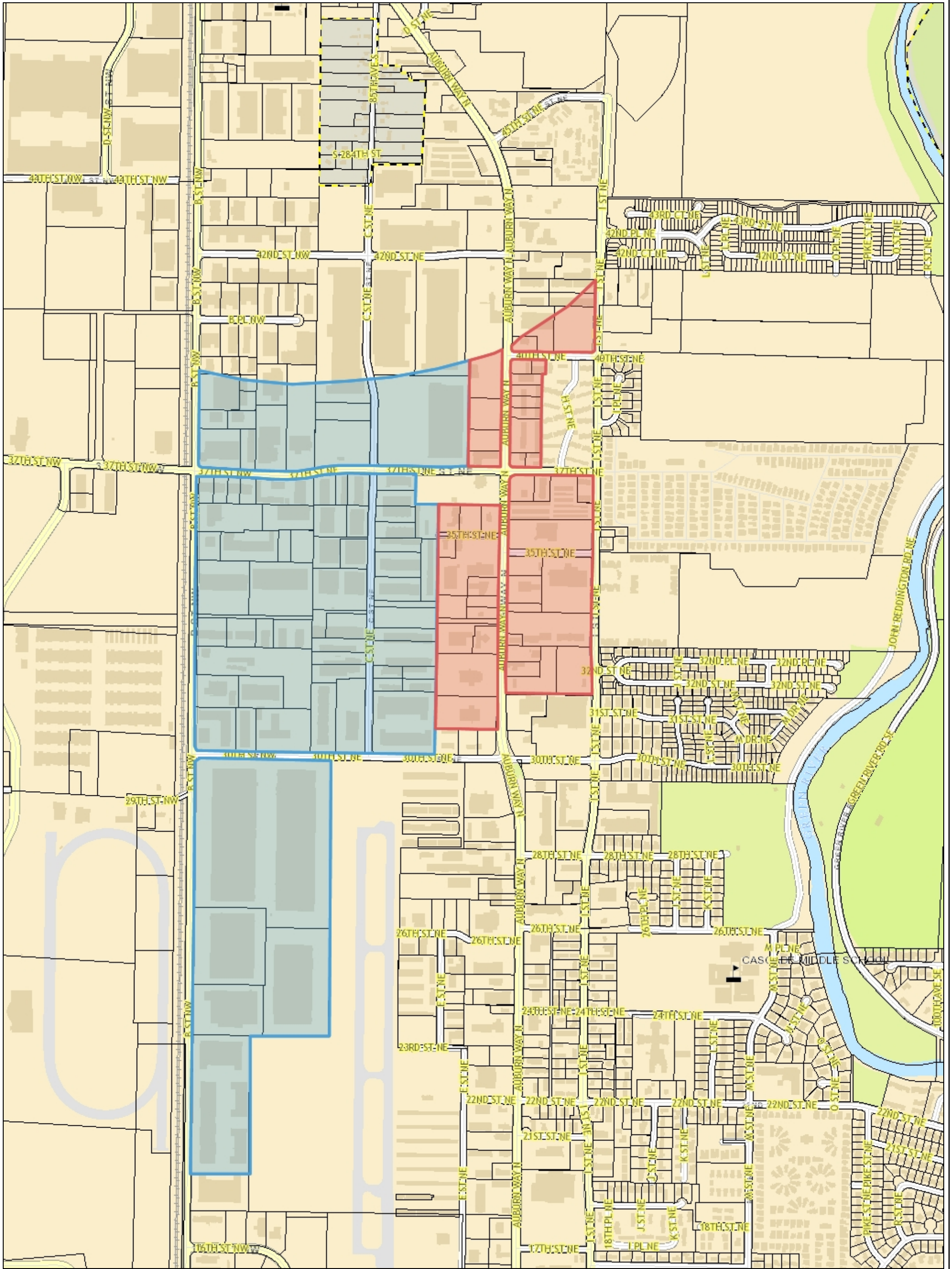
- 1 10 1000 2 5 allow answer any auburn blocks comply distance do
drugs federal feet illegal just law least make marijuana
medical mile miles more one only recreational rocket same
scientist t they think uses within

The City is divided into many different zoning designations. What zoning designations do you believe are appropriate for marijuana related activities? Check all that apply.

		%	Count
Residential Zones		12.7%	10
Downtown Auburn (near Sound Transit)		51.9%	41
Industrial Zones		86.1%	68
Heavy Commercial Zones (e.g. Auburn Way North and South)		72.2%	57
Light/Neighborhood Commercial Zones		40.5%	32

Option 2 - North Area

Printed Date: 5/15/2017
Map Created by City of Auburn eGIS
Imagery Date: May 2015



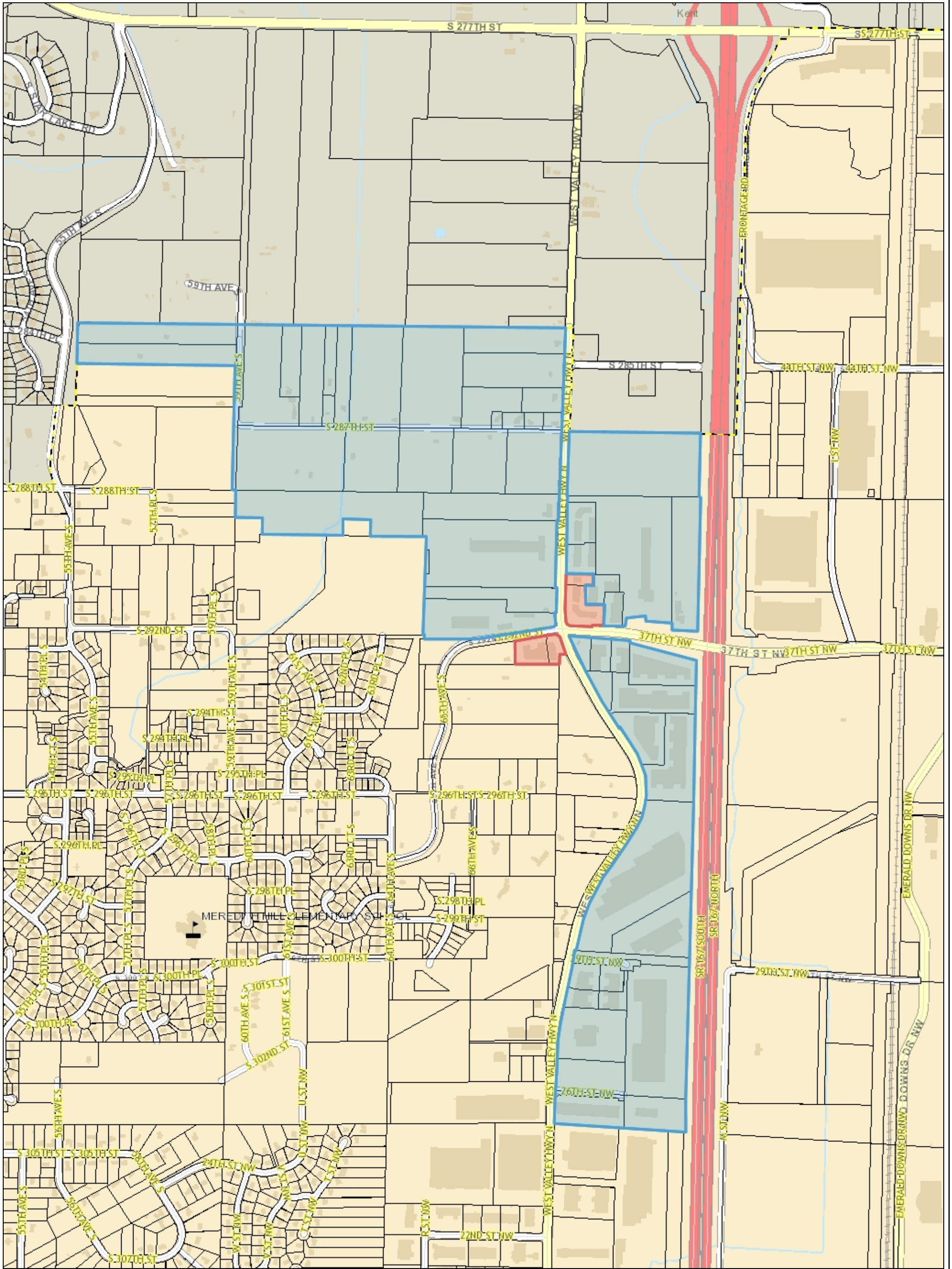
0.3 0 0.13 0.3 Miles

1 in = 0.13 ft
1:8,413



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.

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet



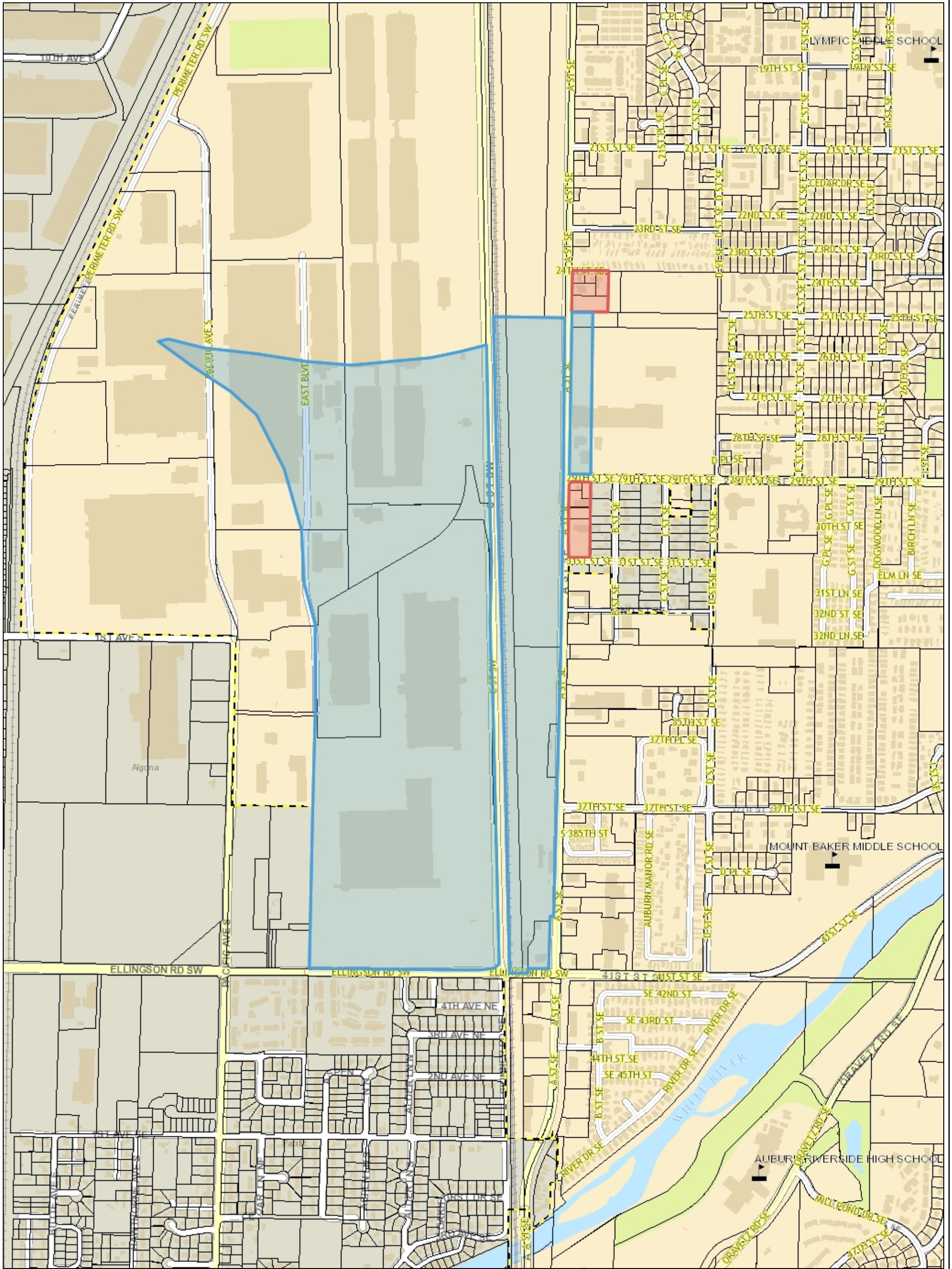
0.3 0 0.13 0.3 Miles

1 in = 0.13 ft
1:8,413



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.

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet



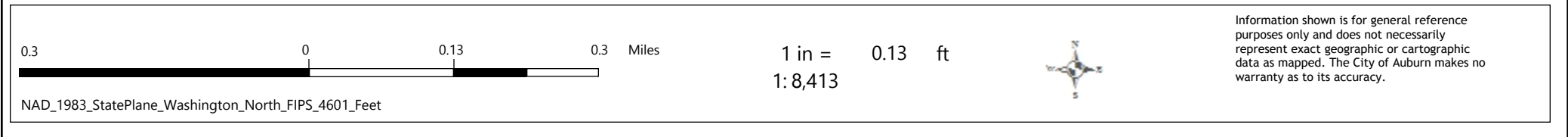
NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

1 in = 0.13 ft
1:8,413



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.

Printed Date: 5/15/2017
Map Created by City of Auburn eGIS
Imagery Date: May 2015





AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6656

Date:

June 27, 2017

Department:

Finance

Attachments:

[Memo](#)

[Ordinance No. 6656](#)

[Schedule A](#)

[Schedule B](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council adopt Ordinance No. 6656.

Background Summary:

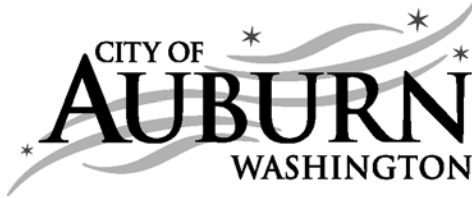
Ordinance No. 6656 (Budget Amendment #2) amends the 2017-2018 Revised Budget as presented in the attached transmittal memorandum and supporting attachments.

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

Coleman

Meeting Date: July 3, 2017

Item Number: ORD.B



Interoffice Memorandum

To: City Council
From: Shelley Coleman, Finance Director
CC: Nancy Backus, Mayor
Date: June 26, 2017
Re: Ordinance #6656 – 2017-2018 Budget Amendment #2

Budget Amendment #2 is the second amendment of the City of Auburn's 2017-2018 biennial budget. The main purpose of the second budget amendment of the year is to adjust budgeted 2017 beginning fund balances to match actual 2016 ending fund balances per accounting records. Additional items included in this amendment are recognition of new revenue, either grants or transfers in from other supporting funds, requests for additional budget authority for projects and removal of discontinued programs. To identify requested changes to each fund, please refer to the accompanying ***Schedule A, Summary of 2017 Budget Adjustments by Fund***.

Fund Balance Adjustments: This amendment adjusts City-wide 2017 budgeted beginning fund balances to reflect actual ending balances as of the end of 2016. City-wide beginning fund balances are adjusted by a net increase of \$25.4 million.

Revenue Adjustments: This amendment recognizes updated revenue projections, predominately an increase in anticipated City utility tax revenues of \$265,000.

Carryforward of unspent project spending authority from 2016: This amendment enables the completion of various projects in 2017 by carrying forward unspent project resources at the end of 2016. Total amounts requested to be carried forward by fund are:

• Local Revitalization Fund (Fund 330)	\$ 25,000
• Sewer Capital Fund (Fund 462)	345,200
• Airport Capital Fund (Fund 465)	<u>109,300</u>
TOTAL	\$ 477,500

New FTE Request: This amendment adds an Administrative Assistant primarily supporting Economic Development and the Healthy Auburn Initiative (\$38,400 in 2017). The position would also provide support for Emergency Management as needed.

Reallocation of Capital Project Budgets: This amendment moves budget among projects within The Water Capital fund (Fund 460) where sufficient cost savings in one or more projects would be used to cover cost increases in another project:

Project	Amount	
	Reduce Budget	Increase Budget
Lea Hill PRV Station Improvements (cp1617)		\$ 332,300
AWS Flooding Improvements Phase 2 (cp1202)	(\$ 70,400)	
F St. Non-Motorized Improvements (cp1416)	(70,000)	
Muckleshoot Tribe Master Meters (cp1411)	(56,900)	
Lakeland Hills Reservoir Improvement (cp0765)	(90,000)	
Well 4 Power and Chlorination (c512a0)	(45,000)	
Total	(\$ 332,300)	\$ 332,300
22 nd St. NE & I St. NE Intersection (cp1513)		\$ 80,000
M St. SE Storm Improvements (cp1511)	(\$ 80,000)	
Total	(\$ 80,000)	\$ 80,000

Project Funding Adjustments: Project funding requests included in this budget amendment transfer spending authority or establish additional spending authority for existing projects. Total project funding requests equal \$254,300. Significant project funding requests include:

- Les Gove Community Center (CP 1412): This amendment adjusts the 2017 budget for this project upward by \$109,600, utilizing remaining budget from the Auburn Community and Youth/Teen Center Project. The funds would be used for trail lighting adjacent to the Community Center, the closing of Deals Way, and park improvements to the closed area.
- Miscellaneous Parks Improvements Project (gpbd03): This amendment increases the budget for this project from \$144,000 to \$204,000, representing an increase of \$60,000. \$35,000 of this additional funding is needed to complete the free game soccer court area surfacing, which will be partially funded by a \$25,000 King County Youth Sports Facility grant, and \$25,000 is needed to add a Pickleball court at Game Farm Park. The balance of both projects would be funded from \$35,000 in Parks Impact Fees.
- 104th Avenue Master Plan Project (CP 1619): This amendment increases the budget for this project by \$32,000 to complete the project. Funding for this increase would come from Parks Impact Fees. This would increase the budget for the project from an existing 2017 budget of \$2,400 to an amended budget of \$34,400. In 2016, this project was funded utilizing REET funds but budget was not carried forward into 2017; this amendment restores project budget but substitutes Parks Impact Fees as the funding source.
- M&O Building Roof Replacement Project (CP 1613): This amendment increases the 2017 budget for this project by \$52,700 based on the final engineer/architect estimate. The original 2017 budget for this project was \$226,800; after the amendment, the budget will be \$279,500.
- On-Call Hydraulic Monitoring: This amendment provides \$42,200 in additional funding for needed hydraulic modeling of the water system. The original 2017 budget for this work was \$100,000; after the amendment, the budget will be \$142,200.

New Requests:

- | | |
|--|------------|
| • Increase City utility taxes (Funds 430, 431, 432, and 434) | \$ 265,000 |
| • Increase budget for PWTF loan for Well #1 (Fund 430) | 67,300 |
| TOTAL | \$ 332,300 |

The following table summarizes the current and revised budget as a result of this amendment.

Table 1: 2017 Budget as Amended

2017 Budget as Amended (BA#1)	\$ 303,549,067
Budget Amendment #2 (Ord #6656)	<u>27,802,038</u>
Budget as Amended	\$ 331,353,105

Attachments:

- ❖ 1. Proposed Ordinance #6656 (budget adjustment #2)
- ❖ 2. Summary of proposed 2017 budget adjustments by fund and department (Schedule A)
- ❖ 3. Summary of proposed changes to adopted 2017 budget by fund (Schedule B)

ORDINANCE NO. 6 6 5 6

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING ORDINANCE NO. 6621, THE 2017-2018 BIENNIAL BUDGET ORDINANCE, AS AMENDED BY ORDINANCE NO. 6646, AUTHORIZING AMENDMENT TO THE CITY OF AUBURN 2017-2018 BUDGET AS SET FORTH IN SCHEDULE "A" AND SCHEDULE "B"

WHEREAS, the Auburn City Council at its regular meeting of November 21, 2016, adopted Ordinance No. 6621 which adopted the City of Auburn 2017-2018 Biennial budget; and

WHEREAS, the Auburn City Council at its regular meeting of April 3, 2017, adopted Ordinance No. 6646 which amended Ordinance No. 6621 which adopted the City of Auburn 2017-2018 Biennial budget; and

WHEREAS, the City of Auburn deems it necessary to appropriate additional funds to the various funds of the 2017 budget as outlined in this Ordinance (BA#2); and

WHEREAS, this Ordinance has been approved by one more than the majority of all councilpersons in accordance with RCW 35A.34.200.

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

Section 1. Amendment of the 2017-2018 Biennial Budget. The 2017-2018 Biennial Budget of the City of Auburn is amended pursuant to Chapter 35A.34 RCW, to reflect the revenues and expenditures as shown on Schedule "A" attached hereto and incorporated herein by reference. The Mayor of the City of Auburn,

Ordinance No. 6656

June 21, 2017

Page 1 of 3

ORD.B

Washington is hereby authorized to utilize revenue and expenditure amounts shown on said Schedule "A" and Schedule "B". A copy of said Schedule "A" and Schedule "B" is on file with the City Clerk and available for public inspection.

Section 2. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, the remainder of such code, ordinance or regulation or the application thereof to other person or circumstance 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 legislation.

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 E. Daskam, City Clerk

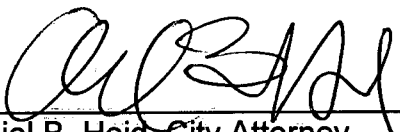
Ordinance No. 6656

June 21, 2017

Page 2 of 3

ORD.B

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

PUBLISHED: _____

Schedule A
Summary of 2017 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6656)

	Beg. Fund Balance	2017 Revenues	2017 Expenditures	Ending Fund Balance
General Fund (#001)				
2017 Adopted Budget	16,191,731	65,919,560	69,487,982	12,623,309
Previous Budget Amendment	465,997	794,230	3,390,744	(2,130,517)
2017 Amended Budget	16,657,728	66,713,790	72,878,726	10,492,792
BA#2 (Ordinance #6656, Proposed):	4,370,938	555,000	283,400	4,642,538
General Fund Revenues:				
Revenue from City Traffic School	-	40,000	-	40,000
Adjust budget for expected utility taxes	-	265,000	-	265,000
Mayor's Office / Administration:				
New FTE - Administrative Assistant	-	-	38,400	(38,400)
Police Department:				
Increase overtime for 24-hour private security, with offsetting revenue	-	250,000	245,000	5,000
Non-Departmental:				
Adjust Beginning Fund Balance	4,370,938	-	-	4,370,938
Revised 2017 Budget - Fund 001	21,028,666	67,268,790	73,162,126	15,135,330
Arterial Street Fund (#102)				
2017 Adopted Budget	1,632,556	2,539,076	2,794,818	1,376,814
Previous Budget Amendment	896,832	12,791,850	13,734,532	(45,850)
2017 Amended Budget	2,529,388	15,330,926	16,529,350	1,330,964
BA#2 (Ordinance #6656, Proposed):	126,525	-	-	126,525
Adjust Beginning Fund Balance	126,525	-	-	126,525
Revised 2017 Budget - Fund 102	2,655,913	15,330,926	16,529,350	1,457,489
Local Street Fund (#103)				
2017 Adopted Budget	1,401,882	1,909,100	2,417,839	893,143
Previous Budget Amendment	713,354	-	713,354	-
2017 Amended Budget	2,115,236	1,909,100	3,131,193	893,143
BA#2 (Ordinance #6656, Proposed):	309,491	-	-	309,491
Adjust Beginning Fund Balance	309,491	-	-	309,491
Revised 2017 Budget - Fund 103	2,424,727	1,909,100	3,131,193	1,202,634

Schedule A
Summary of 2017 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6656)

	Beg. Fund Balance	2017 Revenues	2017 Expenditures	Ending Fund Balance
Hotel/Motel Tax Fund (#104)				
2017 Adopted Budget	84,044	110,400	110,400	84,044
Previous Budget Amendment	-	-	-	-
2017 Amended Budget	84,044	110,400	110,400	84,044
BA#2 (Ordinance #6656, Proposed):	96,102	-	-	96,102
Adjust Beginning Fund Balance	96,102	-	-	96,102
Revised 2017 Budget - Fund 104	180,146	110,400	110,400	180,146
Arterial Street Preservation Fund (#105)				
2017 Adopted Budget	1,378,878	3,755,600	4,768,470	366,008
Previous Budget Amendment	1,843,036	1,084,048	2,727,084	200,000
2017 Amended Budget	3,221,914	4,839,648	7,495,554	566,008
BA#2 (Ordinance #6656, Proposed):	47,717	-	-	47,717
Adjust Beginning Fund Balance	47,717	-	-	47,717
Revised 2017 Budget - Fund 105	3,269,631	4,839,648	7,495,554	613,725
Drug Forfeiture Fund (#117)				
2017 Adopted Budget	357,897	87,100	251,016	193,981
Previous Budget Amendment	-	-	-	-
2017 Amended Budget	357,897	87,100	251,016	193,981
BA#2 (Ordinance #6656, Proposed):	95,555	-	-	95,555
Adjust Beginning Fund Balance	95,555	-	-	95,555
Revised 2017 Budget - Fund 117	453,452	87,100	251,016	289,536

Schedule A
Summary of 2017 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6656)

	Beg. Fund Balance	2017 Revenues	2017 Expenditures	Ending Fund Balance
Housing & Comm Develop Fund (#119)				
2017 Adopted Budget	54,905	710,000	712,450	52,455
Previous Budget Amendment	-	-	-	-
2017 Amended Budget	54,905	710,000	712,450	52,455
BA#2 (Ordinance #6656, Proposed):	(10,001)	-	-	(10,001)
Adjust Beginning Fund Balance	(10,001)	-	-	(10,001)
Revised 2017 Budget - Fund 119	44,904	710,000	712,450	42,454
Recreation Trails Fund (#120)				
2017 Adopted Budget	49,658	7,340	-	56,998
Previous Budget Amendment	-	-	-	-
2017 Amended Budget	49,658	7,340	-	56,998
BA#2 (Ordinance #6656, Proposed):	164	-	-	164
Adjust Beginning Fund Balance	164	-	-	164
Revised 2017 Budget - Fund 120	49,822	7,340	-	57,162
BIA Fund (#121)				
2017 Adopted Budget	48,516	55,200	55,000	48,716
Previous Budget Amendment	-	-	-	-
2017 Amended Budget	48,516	55,200	55,000	48,716
BA#2 (Ordinance #6656, Proposed):	9,956	-	-	9,956
Adjust Beginning Fund Balance	9,956	-	-	9,956
Revised 2017 Budget - Fund 121	58,472	55,200	55,000	58,672

Schedule A
Summary of 2017 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6656)

	Beg. Fund Balance	2017 Revenues	2017 Expenditures	Ending Fund Balance
Cumulative Reserve Fund (#122)				
2017 Adopted Budget	7,546,199	20,500	200,000	7,366,699
Previous Budget Amendment	42,138	1,000,000	42,138	1,000,000
2017 Amended Budget	7,588,337	1,020,500	242,138	8,366,699
BA#2 (Ordinance #6656, Proposed):	1,121,600	-	-	1,121,600
Adjust Beginning Fund Balance	1,121,600	-	-	1,121,600
Revised 2017 Budget - Fund 122	8,709,937	1,020,500	242,138	9,488,299
Mitigation Fees Fund (#124)				
2017 Adopted Budget	4,274,362	1,520,200	1,365,081	4,429,481
Previous Budget Amendment	1,215,961	400,000	2,555,961	(940,000)
2017 Amended Budget	5,490,323	1,920,200	3,921,042	3,489,481
BA#2 (Ordinance #6656, Proposed):	5,604,182	-	67,000	5,537,182
Adjust Beginning Fund Balance	5,604,182	-	-	5,604,182
124.291.720 DESIGNATED FUND BALANCE	5,652,682			
Increase funding for Brannan Park soccer court surfacing (T/F from F124)	-	-	10,000	(10,000)
Increase funding for Game Farm Park to add pickleball court (T/F from F124)	-	-	25,000	(25,000)
Increase budget for 104th Ave SE Master Plan (cp1619) (T/F to F328)	-	-	32,000	(32,000)
Revised 2017 Budget - Fund 124	11,094,505	1,920,200	3,988,042	9,026,663
LID Guarantee Fund (#249)				
2017 Adopted Budget	-	-	-	-
Previous Budget Amendment	-	-	-	-
2017 Amended Budget	-	-	-	-
BA#2 (Ordinance #6656, Proposed):	1,588	-	-	1,588
Adjust Beginning Fund Balance	1,588	-	-	1,588
Revised 2017 Budget - Fund 249	1,588	-	-	1,588

Schedule A
Summary of 2017 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6656)

	Beg. Fund Balance	2017 Revenues	2017 Expenditures	Ending Fund Balance
LID 350 Fund (#275)				
2017 Adopted Budget	11,706	7,499	7,246	11,959
Previous Budget Amendment	-	-	-	-
2017 Amended Budget	11,706	7,499	7,246	11,959
BA#2 (Ordinance #6656, Proposed):	(1,349)	-	-	(1,349)
Adjust Beginning Fund Balance	(1,349)	-	-	(1,349)
Revised 2017 Budget - Fund 275	10,357	7,499	7,246	10,610
Parks Construction Fund (#321)				
2017 Adopted Budget	453,426	2,186,796	2,358,106	282,116
Previous Budget Amendment	65,414	825,675	871,089	20,000
2017 Amended Budget	518,840	3,012,471	3,229,195	302,116
BA#2 (Ordinance #6656, Proposed):	464,060	169,600	169,600	464,060
Incr funding for Brannan Park soccer court (\$25k grant plus \$10k from F124)	-	35,000	35,000	-
Increase funding for Game Farm Park to add pickleball court (T/F from F124)	-	25,000	25,000	-
Adjust Beginning Fund Balance	464,060	-	-	464,060
Increase funding for Les Gove Community Center (cp1412) (T/F from F328)	-	109,600	109,600	-
Revised 2017 Budget - Fund 321	982,900	3,182,071	3,398,795	766,176
Capital Improvements Fund (#328)				
2017 Adopted Budget	7,347,302	3,172,114	2,722,117	7,797,299
Previous Budget Amendment	1,153,670	529,343	2,470,564	(787,551)
2017 Amended Budget	8,500,972	3,701,457	5,192,681	7,009,748
BA#2 (Ordinance #6656, Proposed):	1,531,537	140,600	194,300	1,477,837
Adjust Beginning Fund Balance	1,531,537	-	-	1,531,537
Additional funding for M&O roof replacement (Transfer from F505)	-	52,700	52,700	-
Reimburse REET used for Council chamber AV imprvmnts (T/F from F568)	-	55,900	-	55,900
Incr. funding for Les Gove Community Center (cp1412) (Transfer to F321)	-	-	109,600	(109,600)
Increase budget for 104th Ave SE Master Plan (cp1619) (T/F from F124)	-	32,000	32,000	-
Revised 2017 Budget - Fund 328	10,032,509	3,842,057	5,386,981	8,487,585

Schedule A
Summary of 2017 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6656)

	Beg. Fund Balance	2017 Revenues	2017 Expenditures	Ending Fund Balance
Local Revitalization Fund (#330)				
2017 Adopted Budget	325,651	600	326,251	-
Previous Budget Amendment	39,239	-	39,239	-
2017 Amended Budget	364,890	600	365,490	-
BA#2 (Ordinance #6656, Proposed):	25,600	-	25,000	600
Adjust Beginning Fund Balance	600	-	-	600
Carry forward budget for Main Street Urban Design project	25,000	-	25,000	-
Revised 2017 Budget - Fund 330	390,490	600	390,490	600
Water Fund (#430)				
2017 Adopted Budget	4,639,074	14,953,450	14,916,531	4,675,993
Previous Budget Amendment	106,324	-	211,786	(105,462)
2017 Amended Budget	4,745,398	14,953,450	15,128,317	4,570,531
BA#2 (Ordinance #6656, Proposed):	3,887,586	-	1,704,500	2,183,086
Adjust Beginning Fund Balance	3,887,586	-	1,500,000	2,387,586
Adjust budget for expected utility taxes	-	-	95,000	(95,000)
Increase budget for PWTF loan #PC13-961-012 (Well 1 Improvements)	-	-	67,300	(67,300)
Additional funding for on-call hydraulic modeling	-	-	42,200	(42,200)
Revised 2017 Budget - Fund 430	8,632,984	14,953,450	16,832,817	6,753,617
Sewer Fund (#431)				
2017 Adopted Budget	1,765,613	8,195,290	8,726,193	1,234,710
Previous Budget Amendment	55,424	-	123,540	(68,116)
2017 Amended Budget	1,821,037	8,195,290	8,849,733	1,166,594
BA#2 (Ordinance #6656, Proposed):	982,577	-	65,000	917,577
Adjust Beginning Fund Balance	982,577	-	-	982,577
Adjust budget for expected utility taxes	-	-	65,000	(65,000)
Revised 2017 Budget - Fund 431	2,803,614	8,195,290	8,914,733	2,084,171

Schedule A
Summary of 2017 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6656)

	Beg. Fund Balance	2017 Revenues	2017 Expenditures	Ending Fund Balance
Storm Drainage Fund (#432)				
2017 Adopted Budget	2,077,239	9,318,627	9,618,886	1,776,980
Previous Budget Amendment	55,423	-	142,560	(87,137)
2017 Amended Budget	2,132,662	9,318,627	9,761,446	1,689,843
BA#2 (Ordinance #6656, Proposed):	8,349	-	45,000	(36,651)
Adjust Beginning Fund Balance	8,349	-	-	8,349
Adjust budget for expected utility taxes	-	-	45,000	(45,000)
Revised 2017 Budget - Fund 432	2,141,011	9,318,627	9,806,446	1,653,192
Sewer Metro Sub Fund (#433)				
2017 Adopted Budget	2,374,705	17,238,490	17,294,700	2,318,495
Previous Budget Amendment	-	-	-	-
2017 Amended Budget	2,374,705	17,238,490	17,294,700	2,318,495
BA#2 (Ordinance #6656, Proposed):	297,317	-	-	297,317
Adjust Beginning Fund Balance	297,317	-	-	297,317
Revised 2017 Budget - Fund 433	2,672,022	17,238,490	17,294,700	2,615,812
Solid Waste Fund (#434)				
2017 Adopted Budget	3,849,877	14,912,500	14,528,476	4,233,901
Previous Budget Amendment	-	-	8,642	(8,642)
2017 Amended Budget	3,849,877	14,912,500	14,537,118	4,225,259
BA#2 (Ordinance #6656, Proposed):	565,991	-	60,000	505,991
Adjust Beginning Fund Balance	565,991	-	-	565,991
Adjust budget for expected utility taxes	-	-	60,000	(60,000)
Revised 2017 Budget - Fund 434	4,415,868	14,912,500	14,597,118	4,731,250

Schedule A
Summary of 2017 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6656)

	Beg. Fund Balance	2017 Revenues	2017 Expenditures	Ending Fund Balance
Airport Fund (#435)				
2017 Adopted Budget	188,565	813,300	677,700	324,165
Previous Budget Amendment	-	-	507	(507)
2017 Amended Budget	188,565	813,300	678,207	323,658
BA#2 (Ordinance #6656, Proposed):				
	75,632	19,000	-	94,632
Adjust Beginning Fund Balance				
	75,632	-	-	75,632
Increase revenues for change in security charge				
	-	19,000	-	19,000
Revised 2017 Budget - Fund 435	264,197	832,300	678,207	418,290
Cemetery Fund (#436)				
2017 Adopted Budget	277,586	1,128,300	1,161,977	243,909
Previous Budget Amendment	-	-	-	-
2017 Amended Budget	277,586	1,128,300	1,161,977	243,909
BA#2 (Ordinance #6656, Proposed):				
	20,559	-	-	20,559
Adjust Beginning Fund Balance				
	20,559	-	-	20,559
Revised 2017 Budget - Fund 436	298,145	1,128,300	1,161,977	264,468
Water Capital Fund (#460)				
2017 Adopted Budget	2,039	7,200,000	6,255,986	946,053
Previous Budget Amendment	4,011,832	577,159	4,873,991	(285,000)
2017 Amended Budget	4,013,871	7,777,159	11,129,977	661,053
BA#2 (Ordinance #6656, Proposed):				
	(2,077,498)	1,500,000	-	(577,498)
Adjust Beginning Fund Balance				
	(2,077,498)	1,500,000	-	(577,498)
Increase funding for Lea Hill PRV Station project (cp1617)				
cp1617 460.00.590.100.65 CONSTRUCTION PROJECTS	-	-	332,300	-
cp1202 460.00.590.100.65 CONSTRUCTION PROJECTS	-	-	(70,400)	-
cp1416 460.00.590.100.65 CONSTRUCTION PROJECTS	-	-	(70,000)	-
cp1411 460.00.590.100.65 CONSTRUCTION PROJECTS	-	-	(56,900)	-
cp0765 460.00.590.100.65 CONSTRUCTION PROJECTS	-	-	(90,000)	-
c512a0 460.00.590.100.65 CONSTRUCTION PROJECTS	-	-	(45,000)	-
Increase funding for 22nd St NE & I St NE Intersection project (cp1513)				
cp1513 460.00.590.100.65 CONSTRUCTION PROJECTS	-	-	80,000	-
cp1511 460.00.590.100.65 CONSTRUCTION PROJECTS	-	-	(80,000)	-
Revised 2017 Budget - Fund 460	1,936,373	9,277,159	11,129,977	83,555

Schedule A
Summary of 2017 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6656)

	Beg. Fund Balance	2017 Revenues	2017 Expenditures	Ending Fund Balance
Sewer Capital Fund (#461)				
2017 Adopted Budget	7,753,119	1,500,000	1,431,900	7,821,219
Previous Budget Amendment	1,425,318	-	1,425,318	-
2017 Amended Budget	9,178,437	1,500,000	2,857,218	7,821,219
BA#2 (Ordinance #6656, Proposed):	3,509,358	-	-	3,509,358
Adjust Beginning Fund Balance	3,509,358	-	-	3,509,358
Revised 2017 Budget - Fund 461	12,687,795	1,500,000	2,857,218	11,330,577
Storm Drainage Capital Fund (#462)				
2017 Adopted Budget	11,242,343	1,900,000	2,795,200	10,347,143
Previous Budget Amendment	1,480,104	-	1,480,104	-
2017 Amended Budget	12,722,447	1,900,000	4,275,304	10,347,143
BA#2 (Ordinance #6656, Proposed):	657,253	-	343,200	314,053
Carry forward funding for M St. Improvements project (cp1511)	343,200	-	343,200	-
Adjust Beginning Fund Balance	314,053	-	-	314,053
Revised 2017 Budget - Fund 462	13,379,700	1,900,000	4,618,504	10,661,196
Airport Capital Fund (#465)				
2017 Adopted Budget	158,410	316,667	363,334	111,743
Previous Budget Amendment	-	275,000	275,000	-
2017 Amended Budget	158,410	591,667	638,334	111,743
BA#2 (Ordinance #6656, Proposed):	202,192	11,400	120,700	92,892
Adjust Beginning Fund Balance	92,892	-	-	92,892
Carry forward funding for Gate Repair & Replacement project (cp1620)	25,000	-	25,000	-
Carry forward funding for T Hangar Improvement project (cp1408)	30,000	-	30,000	-
C/F underrun on slurry seal project for Asset Inventory/Condition Assess	50,000	-	50,000	-
C/F and grant funding for environ assessment for runway enhancements	4,300	11,400	15,700	-
Revised 2017 Budget - Fund 465	360,602	603,067	759,034	204,635

Schedule A
Summary of 2017 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6656)

	Beg. Fund Balance	2017 Revenues	2017 Expenditures	Ending Fund Balance
Cemetery Capital Fund (#466)				
2017 Adopted Budget	157,301	-	-	157,301
Previous Budget Amendment	-	-	-	-
2017 Amended Budget	157,301	-	-	157,301
BA#2 (Ordinance #6656, Proposed):	99,332	-	-	99,332
Adjust Beginning Fund Balance	99,332	-	-	99,332
Revised 2017 Budget - Fund 466	256,633	-	-	256,633
Insurance Fund (#501)				
2017 Adopted Budget	1,312,689	1,500	229,980	1,084,209
Previous Budget Amendment	-	670,715	-	670,715
2017 Amended Budget	1,312,689	672,215	229,980	1,754,924
BA#2 (Ordinance #6656, Proposed):	72,996	-	-	72,996
Adjust Beginning Fund Balance	72,996	-	-	72,996
Revised 2017 Budget - Fund 501	1,385,685	672,215	229,980	1,827,920
Workers' Comp Fund (#503)				
2017 Adopted Budget	787,022	1,056,900	850,777	993,145
Previous Budget Amendment	-	-	83,100	(83,100)
2017 Amended Budget	787,022	1,056,900	933,877	910,045
BA#2 (Ordinance #6656, Proposed):	311,012	-	-	311,012
Adjust Beginning Fund Balance	311,012	-	-	311,012
Revised 2017 Budget - Fund 503	1,098,034	1,056,900	933,877	1,221,057

Schedule A
Summary of 2017 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6656)

	Beg. Fund Balance	2017 Revenues	2017 Expenditures	Ending Fund Balance
Facilities Fund (#505)				
2017 Adopted Budget	1,330,105	3,462,500	3,507,030	1,285,575
Previous Budget Amendment	431,914	-	492,114	(60,200)
2017 Amended Budget	1,762,019	3,462,500	3,999,144	1,225,375
BA#2 (Ordinance #6656, Proposed):	97,560	-	52,700	44,860
Additional funding for M&O roof replacement (Transfer from F505)	-	-	52,700	(52,700)
Adjust Beginning Fund Balance	97,560	-	-	97,560
Revised 2017 Budget - Fund 505	1,859,579	3,462,500	4,051,844	1,270,235
Innovation & Technology Fund (#518)				
2017 Adopted Budget	229,416	6,184,022	5,978,710	434,728
Previous Budget Amendment	66,000	439,270	171,000	334,270
2017 Amended Budget	295,416	6,623,292	6,149,710	768,998
BA#2 (Ordinance #6656, Proposed):	785,209	-	-	785,209
Adjust Beginning Fund Balance	785,209	-	-	785,209
Revised 2017 Budget - Fund 518	1,080,625	6,623,292	6,149,710	1,554,207
Equipment Rental Fund (#550)				
2017 Adopted Budget	2,268,495	2,983,102	2,768,168	2,483,429
Previous Budget Amendment	-	-	40,297	(40,297)
2017 Amended Budget	2,268,495	2,983,102	2,808,465	2,443,132
BA#2 (Ordinance #6656, Proposed):	447,165	-	-	447,165
Adjust Beginning Fund Balance	447,165	-	-	447,165
Revised 2017 Budget - Fund 550	2,715,660	2,983,102	2,808,465	2,890,297

Schedule A
Summary of 2017 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6656)

	Beg. Fund Balance	2017 Revenues	2017 Expenditures	Ending Fund Balance
Equipment Rental Capital Fund (#560)				
2017 Adopted Budget	1,365,513	1,809,631	1,798,201	1,376,943
Previous Budget Amendment	396,309	284,927	873,464	(192,228)
2017 Amended Budget	1,761,822	2,094,558	2,671,665	1,184,715
BA#2 (Ordinance #6656, Proposed):				
	1,258,581	-	-	1,258,581
Adjust Beginning Fund Balance	1,258,581	-	-	1,258,581
Revised 2017 Budget - Fund 560	3,020,403	2,094,558	2,671,665	2,443,296
IT Capital Fund (#568)				
2017 Adopted Budget	1,762,983	-	682,900	1,080,083
Previous Budget Amendment	163,000	169,232	332,232	-
2017 Amended Budget	1,925,983	169,232	1,015,132	1,080,083
BA#2 (Ordinance #6656, Proposed):				
	393,594	-	55,900	337,694
Adjust Beginning Fund Balance	393,594	-	-	393,594
Reimburse REET funds used for Council chamber AV improvements	-	-	55,900	(55,900)
Revised 2017 Budget - Fund 568	2,319,577	169,232	1,071,032	1,417,777
Fire Pension Fund (#611)				
2017 Adopted Budget	2,417,899	84,000	177,717	2,324,182
Previous Budget Amendment	-	-	42,970	(42,970)
2017 Amended Budget	2,417,899	84,000	220,687	2,281,212
BA#2 (Ordinance #6656, Proposed):				
	(5,323)	-	-	(5,323)
Adjust Beginning Fund Balance	(5,323)	-	-	(5,323)
Revised 2017 Budget - Fund 611	2,412,576	84,000	220,687	2,275,889

Schedule A
Summary of 2017 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6656)

	Beg. Fund Balance	2017 Revenues	2017 Expenditures	Ending Fund Balance
Cemetery Endowment Fund (#701)				
2017 Adopted Budget	1,720,479	37,800	-	1,758,279
Previous Budget Amendment	-	-	-	-
2017 Amended Budget	1,720,479	37,800	-	1,758,279
BA#2 (Ordinance #6656, Proposed):	23,330	-	-	23,330
Adjust Beginning Fund Balance	23,330	-	-	23,330
Revised 2017 Budget - Fund 701	1,743,809	37,800	-	1,781,609
Grand Total - All Funds				
2017 Adopted Budget	88,839,185	180,241,144	186,485,122	82,595,207
Previous Budget Amendment	14,627,289	19,841,449	37,121,330	(2,652,592)
2017 Amended Budget	103,466,474	200,082,593	223,606,452	79,942,615
TOTAL BA#2 (Ordinance #6656, Proposed)	25,406,438	2,395,600	3,186,300	24,615,738
Revised 2017 Budget	128,872,912	202,478,193	226,792,752	104,558,353
		331,351,105		331,351,105

Schedule B

2017 Appropriations by Fund

Fund	2017 Adopted Budget	BA#1 (Ord #6646)	BA#2 (Ord #6656)	Total Amendments	Revised Budget
General Fund (#001)	82,111,291	1,260,227	4,925,938	6,186,165	88,297,456
Arterial Street Fund (#102)	4,171,632	13,688,682	126,525	13,815,207	17,986,839
Local Street Fund (#103)	3,310,982	713,354	309,491	1,022,845	4,333,827
Hotel Motel Fund (#104)	194,444	-	96,102	96,102	290,546
Arterial Street Preservation Fund (#105)	5,134,478	2,927,084	47,717	2,974,801	8,109,279
Drug Forfeiture Fund (#117)	444,997	-	95,555	95,555	540,552
Housing and Community Development Grant Fund (#119)	764,905	-	(10,001)	(10,001)	754,904
Recreation Trails Fund (#120)	56,998	-	164	164	57,162
Business Improvement Area Fund (#121)	103,716	-	9,956	9,956	113,672
Cumulative Reserve Fund (#122)	7,566,699	1,042,138	1,121,600	2,163,738	9,730,437
Mitigation Fees Fund (#124)	5,794,562	1,615,961	5,604,182	7,220,143	13,014,705
1998 Library Fund (#229)	283,850	-	-	-	283,850
2010 Annex A&B Bond Debt Fund (#230)	1,683,192	-	-	-	1,683,192
2010 C&D Local Revitalization Debt Fund (#231)	589,071	-	-	-	589,071
SCORE Debt Service Fund (#238)	2,033,474	-	-	-	2,033,474
LID Guarantee Fund (#249)	-	-	1,588	1,588	1,588
LID #350 (#275)	19,205	-	(1,349)	(1,349)	17,856
Golf/Cemetery 2016 Refunding (#276)	554,393	-	-	-	554,393
Municipal Park Construction Fund (#321)	2,640,222	891,089	633,660	1,524,749	4,164,971
Capital Improvements Fund (#328)	10,519,416	1,683,013	1,672,137	3,355,150	13,874,566
Local Revitalization Fund (#330)	326,251	39,239	25,600	64,839	391,090
Water Fund (#430)	19,592,524	106,324	3,887,586	3,993,910	23,586,434
Sewer Fund (#431)	9,960,903	55,424	982,577	1,038,001	10,998,904
Storm Drainage Fund (#432)	11,395,866	55,423	8,349	63,772	11,459,638
Sewer Metro Fund (#433)	19,613,195	-	297,317	297,317	19,910,512
Solid Waste Fund (#434)	18,762,377	-	565,991	565,991	19,328,368
Airport Fund (#435)	1,001,865	-	94,632	94,632	1,096,497
Cemetery Fund (#436)	1,405,886	-	20,559	20,559	1,426,445
Water Capital Fund (#460)	7,202,039	4,588,991	(577,498)	4,011,493	11,213,532
Sewer Capital Fund (#461)	9,253,119	1,425,318	3,509,358	4,934,676	14,187,795
Storm Drainage Capital Fund (#462)	13,142,343	1,480,104	657,253	2,137,357	15,279,700
Airport Capital Fund (#465)	475,077	275,000	213,592	488,592	963,669
Cemetery Capital Fund (#466)	157,301	-	99,332	99,332	256,633
Insurance Fund (#501)	1,314,189	670,715	72,996	743,711	2,057,900
Workers Compensation Self Insurance Fund (#503)	1,843,922	-	311,012	311,012	2,154,934
Facilities Fund (#505)	4,792,605	431,914	97,560	529,474	5,322,079
Innovation and Technology Fund (#518)	6,413,438	505,270	785,209	1,290,479	7,703,917
Equipment Rental Fund (#550)	5,251,597	-	447,165	447,165	5,698,762
Equipment Rental Capital Fund (#560)	3,175,144	681,236	1,258,581	1,939,817	5,114,961
IT Capital Fund (#568)	1,762,983	332,232	393,594	725,826	2,488,809
Fire Pension Fund (#611)	2,501,899	-	(5,323)	(5,323)	2,496,576
Cemetery Endowment Fund (#701)	1,758,279	-	23,330	23,330	1,781,609
Total	269,080,329	34,468,738	27,802,038	62,270,776	331,351,105



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5295

Date:

June 16, 2017

Department:

CD & PW

Attachments:

[Resolution No. 5295](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council adopt Resolution No. 5295.

Background Summary:

Resolution No. 5295 authorizes the City to enter into an agreement with the City of Pacific to utilize the City of Auburn's decant facility to dump vector waste material on a space limited basis.

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

Snyder

Meeting Date: July 3, 2017

Item Number: RES.A

RESOLUTION NO. 5 2 9 5

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF AUBURN AND THE CITY OF PACIFIC FOR DECANT FACILITIES USAGE

WHEREAS, the City of Pacific has inadequate facilities to handle the waste materials produced from their public works street sweeping and Vector maintenance; and

WHEREAS, the City of Auburn has sufficient capacity at their decant facility to handle City of Pacific waste materials and is willing to provide for the property handling, processing and disposal of the City of Pacific's street sweeper and Vector truck materials at a cost that is acceptable to the City.

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

Section 1. That the Mayor is hereby authorized to execute a Contract with the City of Pacific for Decant Facilities Usage and Street Sweeping Services in substantial conformity with the agreement attached hereto as Exhibit A and incorporated herein by this reference.

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

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

Dated and Signed this _____ day of _____, 2017.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:


Daniel B. Heid, City Attorney

**CONTRACT FOR SERVICES
BETWEEN THE CITY OF PACIFIC
AND THE CITY OF AUBURN
FOR DECANT FACILITIES USAGE**

THIS AGREEMENT is made and executed by and between the City of Pacific, a Washington municipal corporation, hereafter designated as "Pacific," and the City of Auburn, a Washington municipal corporation, hereafter designated as "Auburn."

WHEREAS, Pacific has inadequate facilities to properly handle the Waste Materials produced as a result of their Public Works street sweeping and Vector maintenance activities; and

WHEREAS, Auburn has sufficient capacity at their decant facility to handle the Pacific Waste Materials.

NOW, THEREFORE, for the consideration stated in this Agreement, Pacific and Auburn do agree as follows:

1. PURPOSE

The purpose of this Agreement is to provide for proper handling, processing and disposal of Street Sweeper and Vector truck materials, herein referred to as "Waste Materials" generated by Pacific.

2. RESPONSIBILITIES

The City of Pacific shall deliver Waste Materials to the decant area of the City of Auburn Maintenance & Operations facility (hereafter, the "Facility"), currently located at 1305 C Street SW during the hours of 7:00 am and 3:00 pm, Monday through Friday. The unloading of the Waste Materials by Pacific at the Facility is to be done under the supervision of an Auburn employee at the Facility. Pacific will only send operators to use the decant facility that have been properly trained by Auburn on the safe and efficient use of the facility and dumping of Waste Materials.

If conditions at the Facility require limiting or restricting Pacific from delivering waste materials, such as when the Facility is down for maintenance or the storage area is full, Auburn reserves the right to request Pacific to retain its Waste Materials until such time as the conditions at the Facility allow Auburn to accept the Waste Materials again. Auburn will give Pacific as much advance notice of these conditions as is practicable. Auburn further reserves the right to reject any individual shipment of Waste Materials, such as material from a fuel spill or other products that may exceed Auburn's allowable discharge permit.

Auburn agrees to provide for the dewatering and the disposal of the Waste Materials in compliance with all local, state, and federal permits pertaining to the dewatering and disposal of such Waste Materials.

3. VOLUME

Subject to the provisions of Paragraph 2, above, Auburn shall accept Waste Materials from Pacific in the following volumes: not to exceed 50 tons per month or a total of 300 tons per year as measured at Auburn's truck scale. Auburn may accept Waste Material from Pacific that exceeds these volumes upon the review of a written request from Pacific. All such requests shall be made to Auburn's Assistant Director of Public Works Services thirty (30) days in advance of proposed delivery of such additional Waste Materials.

4. COST FOR SERVICES

Subject to the Reopener provisions of Paragraph 7, below, Pacific shall pay Auburn \$100.00 per month base fee for administration costs and \$75.00 per ton of Waste Materials for processing, testing and disposal fee (measured as scale weight). Auburn will bill Pacific on a quarterly basis.

5. DECANT FACILITY IMPROVEMENTS

Pacific recognizes that the capacity of Auburn's Facility is limited and that additional capacity will need to be provided, as both Cities waste disposal needs continue to grow, in order to provide long-term service to Pacific.

6. TERM

The duration of this Agreement shall be for an initial term of three (3) years beginning January 1, 2017 through December 31, 2019, and may be extended thereafter for an optional, additional term of three (3) years beginning January 1, 2020 through December 31, 2022, by written amendment of the Parties, including but not limited to mutual agreement on proposed changes –increases or decreases- to the cost for services Section 4 of this Agreement, not later than sixty (60) days prior to the end of the initial term. It is further provided, however, that either party may terminate this Agreement with or without cause upon providing one hundred twenty (120) days advance written notice to the other party.

7. REOPENER

Either party may request that any provision of this Agreement can be renegotiated by submitting a written request with fourteen (14) days advanced notice. Any amendment

of this Agreement, including cost for services, shall be in writing and shall be signed by both parties consistent with Section 13 of this Agreement.

8. HOLD HARMLESS AND INDEMNIFICATION

- a) Pacific shall indemnify and hold Auburn and its agents, employees, officers and/or volunteers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages or costs, of whatsoever kind or nature, brought against Auburn arising out of, in connection with, or incident to the execution of this Agreement and/or Pacific's performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of Auburn, its agents, employees, officers and/or volunteers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of Pacific; and provided further, that nothing herein shall require Pacific to hold harmless or defend Auburn, its agents, employees officers and/or volunteers from any claims arising from the sole negligence of Auburn, its agents, employees, officers and/or volunteers. No liability shall attach to Auburn by reason of entering into this Agreement except as expressly provided herein.
- b) Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Auburn and Pacific, its officers, officials, employees, and volunteers, each party's liability hereunder shall be only to the extent of that party's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Parties' waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the Parties. The provisions of this section shall survive the expiration or termination of this Agreement.
- c) Auburn shall have no liability for, and shall be held harmless from and against, all claims, damages, liabilities and costs arising out of or relating to the presence, discovery, or failure to discover, remove, address, remediate or cleanup environmental or biological hazards resulting from pacific deliveries or otherwise attributable to pacific, specifically including, but not limited to, mold, fungus, hazardous waste, substances or materials.
- d) Pacific shall have no liability for, and shall be held harmless from and against all claims, damages, liabilities and costs arising out of or relating to the presence, discovery or failure to discover, remove, address, remediate or cleanup environmental or biological hazards attributable to auburn, specifically including, but not limited to, mold, fungus, hazardous waste, substances or materials. In addition, pacific shall have no liability for, and shall be held harmless from and

against all claims, damages, liabilities and costs arising out of auburn's failure to properly dispose of such waste materials after delivery by pacific according to all applicable law.

9. RESOLUTION OF DISPUTES AND GOVERNING LAW

- a) Alternative Dispute Resolution If a dispute arises from or relates to this Agreement or the breach thereof and if the dispute cannot be resolved through direct discussions, the parties agree to endeavor first to settle the dispute in an amicable manner by mediation before resorting to other avenues of dispute resolution. The mediator may be selected by agreement of the parties. Following mediation, or upon written agreement of the parties to waive mediation, any unresolved controversy or claim arising from or relating to this Agreement or breach thereof shall be handled through litigation as described in subsection b) below. Each party shall bear the expense of its own counsel, experts, witnesses and preparation and presentation of evidence.
- b) Applicable Law and Jurisdiction This Agreement shall be governed by the laws of the State of Washington. Although the agreed to and designated primary dispute resolution method as set forth above, in the event any claim, dispute or action arising from or relating to this Agreement cannot be settled through mediation, then it shall be commenced exclusively in the King County Superior Court or the United States District Court, Western District of Washington as appropriate. The prevailing party in any such action before the courts shall be entitled to recover its costs of suit and reasonable attorneys' fees.

10. WRITTEN NOTICE

All communications regarding this Agreement shall be sent to the parties at the addresses listed on the signature page of the Agreement, unless notified to the contrary. Any written notice hereunder shall become effective three (3) business days after the date of mailing by registered or certified mail, and shall be deemed sufficiently given if sent to the addressee at the address stated in this Agreement or such other address as may be hereafter specified in writing. If written notice is provided by electronic mail (e-mail), then such written notice shall become effective one (1) business day after it is successfully sent.

11. NON-DISCRIMINATION

Parties shall not discriminate in any manner related to this Agreement on the basis of race, color, national origin, sex, religion, age, marital status or disability in employment or the provision of services.

12. INSURANCE

A) The Parties shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the Waste Disposal described in this Agreement.

B) The Parties shall obtain and maintain, during the effective dates of this Agreement, the following insurance coverage and limits (at a minimum):

1. 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. The Automobile Liability insurance shall include a minimum combined single limit for bodily injury and property damage of \$1,000,000.00 per accident, and
2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 or a substitute form providing equivalent liability coverage and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The Commercial General Liability insurance shall be written with limits no less than \$1,000,000.00 per occurrence with a \$2,000,000.00 general aggregate. Coverage shall include, but is not limited to, contractual liability, products and completed operations, property damage, mold, pollution and employers liability, and
3. Worker's Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
4. Employer's Liability insurance, as necessary, shall be written with limits of each accident \$1,000,000.00, Employer's Liability Disease each employee \$1,000,000.00, and Employer's Liability Disease-Policy limit \$1,000,000.00.

C) Each party's insurance shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the other party.

D) If any coverage is written on a "claims made" basis, then a minimum of three (3) year extended reporting period shall be included with the claims made policy, and proof of this extended reporting period shall be given to the other party.

E) Insurance, other than through an insurance pool, is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

13. Compliance with Law, Right of Inspection

The parties agrees to comply with all federal, state, and municipal laws, rules, and regulations that are now effective or become applicable within the terms of this Agreement to the activities described in this Agreement, and to all equipment, and personnel engaged in operations covered by this Agreement or accruing out of the performance of such operations. Each party shall have the right to inspect the records of the other party relating to this Agreement upon reasonable notice to the other party, during working hours.

14. Non-Waiver of Breach

The failure of either party to insist upon strict performance of any of the covenants and agreements contained herein, or to exercise any option herein conferred in one or more instances, shall not be construed to be a waiver or relinquishment of said covenants, agreements, or options and the same shall be and remain in full force and effect.

15. Assignment and Modification

Any assignment of this Agreement by either party without the prior written consent of the other party shall be void.

No waiver, alteration, or modification of any of the provisions of this Agreement shall be binding unless agreed to in writing and signed by a duly authorized representative of both parties.

16. Entire Agreement

The written provisions and terms of this Agreement, together with any Exhibits attached hereto, shall supersede all prior verbal statements of any officer or other representative of the City, and such statements shall not be effective or be construed as entering into or forming a part of or altering in any manner whatsoever, this Agreement or the Agreement documents. The entire agreement between the parties with respect to the subject matter hereunder is contained in this Agreement and any Exhibits attached hereto, which may or may not have been executed prior to the execution of this Agreement. All of the above documents are hereby made a part of this Agreement and form the Agreement document as fully as if the same were set forth herein. Should any language in any of the Exhibits to this Agreement conflict with any language contained in this Agreement, then this Agreement shall prevail.

17. Relationship of Parties

The parties intend that an independent contractor-client relationship will be created by this Agreement. No agent, employee, or representative of Auburn shall be or shall be deemed to be the employee, agent or representative of Pacific. No agent, employee or representative of Pacific shall be or shall be deemed to be the employee, agent or

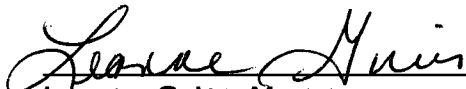
representative of Auburn. None of the benefits provided by Auburn or Pacific to its respective employees including, but not limited to, compensation, insurance, and unemployment insurance are available from Auburn or Pacific to the employees, agents or representatives of the other City. Each City will be solely and entirely responsible for its acts and for the acts of its agents, employees and representatives during the performance of this Agreement.

18. Severability

The provisions of this Agreement are declared to be severable. If any provision of this Agreement is for any reasons held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other provision.

DATED this _____ day of _____ 2017.

CITY OF PACIFIC

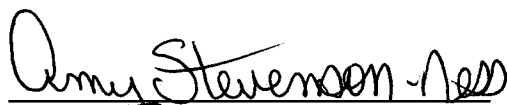


Leanne Guier, Mayor
100 3rd Avenue SE
Pacific, WA 98047

CITY OF AUBURN

Nancy Backus, Mayor
25 W. Main Street
Auburn, WA 98001

ATTEST:

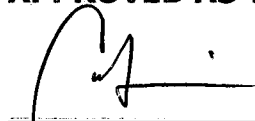


Amy Stevenson-Ness, City Clerk

ATTEST:

Dani Daskam, City Clerk

APPROVED AS TO FORM:



Carol Morris, City Attorney

APPROVED AS TO FORM:



Dan Heid, City Attorney



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5303

Date:

June 29, 2017

Department:

Police

Attachments:

[Resolution No. 5303](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council adopt Resolution No. 5303.

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

Lee

Meeting Date: July 3, 2017

Item Number: RES.B

RESOLUTION NO. 5 3 0 3

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, APPROVING THE 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

WHEREAS, the City of Auburn, Washington, has been working with other jurisdictions in the Puget Sound area to address significant problems with auto theft; and

WHEREAS, in connection with auto theft enforcement, the City of Auburn joined with its neighboring jurisdictions in establishing a Puget Sound Auto Theft Task-Force; and

WHEREAS, it is appropriate, for the continued efficacy of this task force, to renew the Interlocal Cooperative Agreement between the member jurisdictions, identifying operational parameters and responsibilities applicable thereto.

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

Section 1. Adoption of Recommendations. The City Council hereby approves and adopts the 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 in substantial conformity with the Interlocal Cooperative

Agreement appended hereto, marked as Exhibit "A" , Incorporated herein by this reference.

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, including extensions and renewals of the Interlocal Cooperative Agreement.

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

DATED and SIGNED this _____ day of _____, 2017.

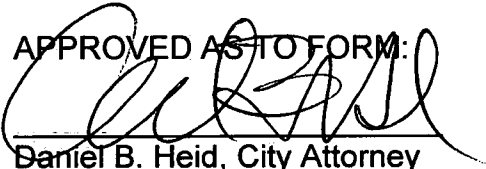
CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

**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.**

I. PARTIES

The parties to this Agreement are the Washington State Patrol, Pierce County Sheriff's Office, King County Prosecutor's Office, Pierce County Prosecutor's Office, and the Municipalities of Auburn, Bonney Lake, Federal Way, Lakewood, Tacoma, and Tukwila, each of which is a state, county, or municipal corporation operating under the laws of the State of Washington.

II. AUTHORITY

This Agreement is entered into pursuant to Chapters 10.93 and 39.34 of the Revised Code of Washington.

III. PURPOSE

The parties to this Agreement wish to establish and maintain a multi-jurisdictional team to effectively investigate and enforce the laws relating to auto theft. This Agreement is intended to replace previously executed interlocal agreements that were established for the ACE and P.A.T.R.O.L. Auto Theft Task Forces related to the WATPA grant awards. This Agreement does not replace any previously executed interlocal agreements by the parties to provide backup law enforcement services. This team shall be referred to as the Puget Sound Auto Theft Task-Force. The parties do not intend to create through, this agreement, a separate legal entity subject to suit.

IV. FORMATION

There is hereby created a multi-jurisdictional team to be hereafter known as the Puget Sound Auto Theft Task-Force, by the parties (hereafter referred to as participating jurisdictions) to this Agreement.

V. STATEMENT OF PROBLEM

The Washington State Legislature has recognized that automobiles are an essential part of our everyday lives. The family car is typically the second largest investment a person owns, the theft of which causes a significant loss and inconvenience to people, imposes financial hardship, and negatively impacts their work, school, and personal activities. Appropriate, meaningful, and proportionate penalties should be imposed on those who steal motor vehicles.

King County, Pierce County, and the municipalities therein have experienced an increase in urbanization and population densities resulting in an increase in crime associated with auto theft. This has stretched the resources of individual police department investigative units.

Historically, law enforcement efforts focused on auto theft have been predominately conducted by agencies working independently. A multi-jurisdictional effort to handle auto theft investigations has many benefits, including: the more effective use of personnel, improved utilization of funds, reduced duplication of equipment, improved training, development of specialized expertise, and improved information sharing. This results in improved services for all participating jurisdictions and increased safety for the communities they serve through improved auto theft prosecution.

VI. TASK FORCE OBJECTIVES

The assigned personnel from each participating jurisdiction will form the Puget Sound Auto Theft Task-Force, which will serve the combined service areas of all the participating jurisdictions. The Task Force may also provide assistance to other law enforcement agencies that are not participating jurisdictions pursuant to chapter 10.93 RCW.

The Task Force's objective is to provide enhanced and more efficient use of personnel, equipment, budgeted funds, and training to investigate and aid in the prosecution of prolific or organized auto theft crimes. The Task Force may respond as able, and as approved by the Task Force Supervisors or Commander, to requests for assistance by any participating jurisdiction or by other law enforcement agencies pursuant to chapter 10.93 RCW.

VII. DURATION AND TERM INATION

The term of this Agreement shall be one (1) year, effective upon its adoption and consistent with the Washington Auto Theft Prevention Authority (WATPA) grant period. This Agreement shall automatically extend for consecutive one (1) year terms conditioned upon the receipt of funding through the WATPA grant process.

A participating jurisdiction may withdraw from this agreement by providing thirty (30) days written notice of its withdrawal to the other participating jurisdictions. A participating jurisdiction's withdrawal prior to the WATPA grant's expiration will be ineligible for related grant funds beyond reimbursement for approved grant expenditures that accrued prior to the participating jurisdiction's withdrawal.

A majority vote of the Board may terminate the Task Force. Any vote for termination shall occur only when the Department Head, or his or her designee, of each participating jurisdiction was given reasonable advance notice of the meeting in which such vote is taken and reasonable advance notice that a vote to terminate the Task Force would be coming before the Board at the meeting.

The participating jurisdictions may completely terminate this agreement by mutual agreement in writing.

Termination of this Agreement or the withdrawal of a party shall not extinguish those obligations described in paragraph XVIII of this Agreement with respect to the withdrawing party as to any incident occurring before the withdrawal of the party. Those obligations described in paragraph XVIII shall survive the termination of this Agreement with respect to any cause of action, claim or liability arising on or prior to the date of termination.

VIII. GOVERNANCE

The City of Federal Way, through its Police Department, shall serve as the Lead Administrative Agency for purposes of this Agreement. The other participating agencies are sub-recipients. The Lead Administrative Agency shall be responsible for establishing proper accounting procedures, an audit-trail, and the collection and provision of required reports and statistics. Sub-recipients shall submit to the Lead Administrative Agency all bills for reimbursement to ensure that those bills comply with grant policies and regulations prior to the Lead Agency submitting all reimbursements together to WATPA for payment.

The Task Force shall be governed by an Executive Board ("Board") composed of one member from each participating jurisdiction that has at least one full-time employee assigned to the Task Force (Board Member). Each Department Head shall have an equal vote and voice on all Board decisions. All Board decisions shall be made by a majority vote of the Board members, or their designees, appearing at the meeting where the decision is made. A quorum of the Executive Board must be present for any vote to be valid. A presiding officer shall be elected by the Board together with such other officers as a majority of the Board may deem appropriate.

The Board shall meet quarterly, unless otherwise determined by the Board. Any Board member

may call extra meetings as appropriate. The presiding officer shall provide no less than forty-eight (48) hours' notice of all meetings to all members of the Board; PROVIDED, however, that in emergency situations, the presiding officer may conduct a telephonic meeting or a poll of individual Board members to resolve any issues related to such emergency.

The Board may, at its discretion, adopt policies, regulations, and operational procedures that shall apply to Task Force operations. If adopted, the Task Force written policies, regulations, and operational procedures shall apply to all operations. Officers assigned to the Task Force remain employees of their employing agency and are subject to the policies of their employing agency. To the extent that the written policies, regulations, and operational procedures of the Task Force conflict with the written policies, regulations, and operational procedures of the individual jurisdictions, the Task Force members will adhere to the written policies, regulations, and procedures of their employing agency.

IX. COMMAND AND CONTROL

In the event of a mobilizing incident, the primarily responsible agency will be the agency in whose jurisdiction the incident has occurred. The primarily responsible agency shall appoint a command level officer to serve as Incident Commander to be the officer in charge of the local event. The Incident Commander retains full authority and control throughout the incident and shall make any decision as to the resolution of the incident.

X. TASK FORCE STAFF

Upon adoption of this Agreement, the staff listed below shall be assigned and serve at the pleasure of the Board. The Board shall have authority to determine which participating jurisdictions will contribute staff and shall have authority to approve of staff assigned by a party. The Board may change, eliminate, or add staff positions as deemed appropriate. The Board shall, to the best of its ability, determine which participating jurisdictions may provide staff for the various positions during the previous year's budget cycle. A staff member of the Task Force may be removed from his or her position for any reason by majority vote of the Board or by the chief/sheriff of his or her employing jurisdiction. All Task Force staff members shall be in good standing with their employing jurisdiction at all times during their service on the Task Force.

Commander: A Task Force Commander, with the rank of Commander or Captain (or command level equivalent) from his/her employing jurisdiction shall be appointed by the Board.

The Commander shall act as the principal liaison between the Board and Task Force staff. The Commander shall operate under the direction of the presiding officer of the Board. The Commander shall be responsible for informing the Board on all matters relating to the function, expenditures, accomplishments, and challenges of the Task Force.

The Commander shall prepare monthly written reports to the Board on the actions, progress, and finances of the Task Force. The Commander shall be responsible for presenting any policies, regulations, and operational procedures and revisions for Board review and approval.

Task Force Supervisor: The Task Force shall have two (2) Supervisors with the rank of Sergeant or equivalent from their respective employing jurisdiction; one (1) supervisor position will be funded by WATPA and appointed by the Board, and one (1) non-WATPA-funded supervisor positions will be provided by the Washington State Patrol. The Task Force Supervisors shall act as the first level supervisors for the Task Force and shall report directly to the Commander.

Task Force Detective: The Task Force shall have seven (7) WATPA-funded detectives assigned from participating jurisdictions that are appointed by the Board and four (4) non-WATPA-funded detectives provided by WSP.

Crime Analyst: The Task Force shall have one (1) WATPA-funded crime analyst provided by one of the participating jurisdictions.

Prosecutor: The Task Force shall have one (1) prosecuting attorney provided by the King County Prosecutor's Office to provide direct access to legal support for improved communication and prosecution of auto theft cases investigated by the Task Force.

Pursuant to RCW 10.93.040, personnel assigned to the Task Force shall be considered employees of the employing jurisdiction, which shall be solely and exclusively responsible for that employee. All rights, duties and obligations of the employer shall remain with the employing jurisdiction. Each participating jurisdiction will comply with all applicable employment laws and any applicable collective bargaining agreements or civil service rules and regulations.

XI. EQUIPMENT, TRAINING, AND BUDGET

Equipment, training, and eligible expenses will be paid by the Task Force as provided in the

WATPA grant through the Lead Administrative Agency's finance department. A participating jurisdiction which incurs expenses not provided in the WATPA grant is responsible for those expenses. As provided in the WATPA grant, each participating jurisdiction shall provide a monthly expenditure invoice to the Lead Administrative Agency's finance department documenting those expenses that are eligible for reimbursement through the WATPA grant.

Each participating jurisdiction will provide a vehicle for each full-time Employee assigned by that participating jurisdiction to the Puget Sound Auto Theft Task-Force. The participating jurisdiction is responsible for maintenance of vehicles provided to its employees assigned to the Task Force.

XII. OVERTIME

Overtime funds shall not exceed the amount budgeted in the WATPA grant award. A Task Force supervisor must pre-approve overtime expenditures. Overtime is eligible for reimbursement only if: (1) a Task Force supervisor authorized the overtime; (2) the overtime activity is specifically related to auto theft prevention efforts; and, (3) WATPA funds are available. When the budgeted overtime funds are depleted, no overtime expenditures will be authorized by the Puget Sound Auto Theft Task-Force or WATPA. For this reason, available funds for reimbursement will be distributed according to the applicable provisions of the Task Force Policy Manual until those funds are depleted. The Task Force Policy Manual is a document that will describe the operational procedures for the task force. If the WATPA overtime funds are depleted, overtime incurred by a Task Force staff member shall be the responsibility of the employing jurisdiction.

XIII. REIMBURSEMENT OF FUNDS

Participating jurisdictions requesting reimbursement for approved expenditures must submit appropriate invoices and itemized receipts monthly, and no more frequently than once each month, for actual expenses. Each reimbursement request must contain a completed reimbursement request expenditure form. Reimbursements will be made for actual expenses based upon the available budgeted amounts provided in the WATPA grant award. The participating jurisdiction is responsible for timely submittal of billing documentation and data reporting to the Lead Administrative Agency. Expenditures made prior to the award date or after the grant expiration date are not authorized and will not be reimbursed.

WATPA will reimburse participating jurisdictions upon submittal of billing documentation, as outlined in the WATPA grant award. Requests for reimbursement for per diem (meal and travel

expenditures) must be accompanied by an itemized receipt detailing the item purchased. Copies of timesheets are required for overtime reimbursement. Reimbursement will be made only up to the amount of the limit of the award as indicated in the WATPA grant award. Any cost above and beyond the award limit will be the responsibility of the employing jurisdiction.

XIV. RECORDS

Each party shall maintain records related to the Puget Sound Auto Theft Task-Force in conformance with the Washington State Secretary of State's records retention schedule. All records kept by a participating jurisdiction shall be available for full inspection and copying by any other participating jurisdiction. Records related to the Puget Sound Auto Theft Task-Force include but are not limited to bi-annual WATPA reporting, invoices, and requests for reimbursement along with supporting documentation.

Any party that receives a Public Records Act request for records related to the Puget Sound Auto Theft Task-Force shall notify within two business-days every other participating jurisdiction to this Agreement of the request. All participating jurisdictions will search their records to locate and produce responsive documents.

Criminal investigation reports generated by the Puget Sound Auto Theft Task-Force will be maintained in the records systems of the employing jurisdiction of the primary Task Force staff member who created the report. The primary investigator of an incident or case may include in his or her report supplemental reports that are also filed with another agency by Task Force members.

XV. POLITICAL ACTIVITIES PROHIBITED

No government funds, including WATPA award funds, may be used for or against ballot measures or the candidacy of any person for public office.

XVI. DISTRIBUTION OF ASSETS UPON TERMINATION

Upon termination of this Agreement, any assets acquired by the Puget Sound Auto Theft Task-Force with grant funds shall be distributed by the Board upon a majority vote of all Board members or their designees.

XVII. PRESS RELEASES

All press releases related to Puget Sound Auto Theft Task-Force activity must be authorized by the Task Force Commander, who will coordinate the press release with the police agencies in

whose jurisdictions the incident has taken place. In the event that a press release is associated with a public service announcement or public outreach efforts, the Task Force Commander will coordinate the press release with the Board.

XVIII. LIABILITY AND INDEMNIFICATION

The Task Force staff assigned by the employing jurisdiction shall continue under the employment of that jurisdiction for purposes of any losses, claims, damages, or liabilities arising out of or related to the services provided to the Task Force or the activities of the Task Force. Each participating jurisdiction agrees to hold harmless, defend, and indemnify the other participating jurisdictions in the Task Force in any action arising from the negligence of the employees of that jurisdiction including all costs of defense including attorney's fees.

A. Collective Representation and Defense. The jurisdictions may retain joint legal counsel to collectively represent and defend the jurisdictions in any legal action. In the event a jurisdiction does not agree to joint representation, that jurisdiction shall be solely responsible for all attorney fees accrued for its individual representation or defense. The jurisdictions and their respective defense counsel shall make a good faith attempt to cooperate with other participating jurisdictions. Cooperation includes, but is not limited to, providing all documentation requested and making Task Force members available for depositions, discovery, settlement conferences, strategy meetings, and trial.

B. Insurance. Each participating jurisdiction shall maintain adequate insurance through the commercial insurance market, an insurance pool, self-insurance, or a combination thereof. The failure of any insurance carrier or self-insured pooling organization to agree to or follow the terms of this Agreement shall not relieve any participating jurisdiction from its obligations under this Agreement.

XIX. NOTICE OF CLAIMS, LAWSUITS, AND SETTLEMENTS

In the event a claim is filed or lawsuit is brought against a participating jurisdiction or its employees for actions arising out of its conduct in support of Task Force operations, that jurisdiction shall promptly notify the other participating jurisdictions of the claim or lawsuit. Any documentation, including the claim or legal complaints, shall be provided to each participating jurisdiction within ten (10) days.

XX. PRE-CLAIM FILING REQUIREMENTS

Section XIX of this Agreement requires that the jurisdiction receiving a claim or lawsuit notify the other jurisdictions of the claim or lawsuit and provide documentation of that claim or lawsuit to the other jurisdictions. Nothing in this Agreement shall be deemed a waiver by any participating jurisdiction of the requirements set forth in Chapter 4.96 RCW, and the fact that a participating jurisdiction provides notice or copies of a claim to another jurisdiction shall not be deemed compliance with the requirement that a party who files suit against a jurisdiction first file a claim with the jurisdiction in accordance with Chapter 4.96 RCW. Moreover, nothing in this Agreement shall be deemed acceptance of service of a lawsuit, and the fact that a participating jurisdiction provides notice or copies of a lawsuit to another jurisdiction shall not be deemed adequate service of such lawsuit in accordance with the state or federal Rules of Civil Procedure or the Revised Code of Washington.

XXI. WRITTEN CONSENT TO ENFORCE TRAFFIC AND CRIMINAL LAWS

Pursuant to Chapter 10.93 RCW, this Agreement shall constitute the prior written consent of each sheriff or police chief of each participating jurisdiction to permit the officers of any participating jurisdiction to enforce traffic or criminal laws in any of the participating jurisdictions in pursuit of the purpose of this Agreement.

XXII. ALTERATIONS

This Agreement may be modified, amended, or altered by agreement of all parties and such alteration, amendment, or modification shall be effective when reduced to writing and executed in a manner consistent with this section.

XXIII. FILING

Upon execution, this Agreement shall be filed with the city clerks of the respective participating municipalities and such other governmental agencies as may be required by law, and each jurisdiction shall, pursuant to RCW 39.34.040, list this Agreement by subject on its official website.

XXIV. SEVERABILITY

If any part, paragraph, section, or provision of this Agreement is held to be invalid by any court of competent jurisdiction, such adjudication shall not affect the validity of any remaining section,

part, or provision of this Agreement.

XXV. AUTHORIZATIONS

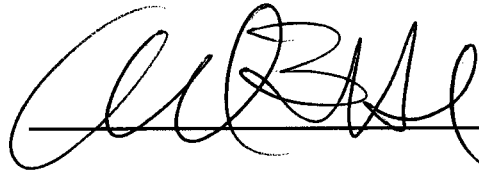
This Agreement shall be executed on behalf of each participating jurisdiction by its duly authorized representative and pursuant to an appropriate resolution or ordinance of the governing body of each participating jurisdiction. This Agreement shall be deemed effective upon the last date of execution by the last so authorized representative, and upon a successful grant award by WATPA for the July 2017 through June 2019 WATPA grant cycle. This Agreement may be executed by counterparts and be valid as if each authorized representative had signed the original document.

By signing below, the signor certifies that he or she has the authority to sign this agreement on behalf of the participating jurisdiction, and the participating jurisdiction agrees to the terms of the Agreement.

Nancy Backus

Date

Mayor, City of Auburn

 6/29/17
Date

City Attorney, City of Auburn

Date
City Clerk, City of Auburn

Neil Johnson
Mayor, City of Bonney Lake

Date

Date
City Attorney, City of Bonney Lake

Woody Edvalson
City Clerk, City of Bonney Lake

Date

Date _____

Date _____

Date _____

Date _____

Date _____

Date _____

Date _____

Date _____

Date _____

Date _____

Date _____

Date _____

Paul Pastor	Date
Sheriff, Pierce County	Clerk, Pierce County

John R. Batiste	Date
Chief, Washington State Patrol	

Daniel T. Satterberg	Date
Prosecutor, King County Prosecutor's Office	