

**CITY COUNCIL  
MEETING MINUTES**

**July 3, 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, Claude DaCorsi, John Holman, Bill Peloza, Yolanda Trout-Manuel, and Rich Wagner.

Mayor Nancy Backus was in attendance, and the following department directors and staff members were also present: Parks, Arts and Recreation Director Daryl Faber, Director of Administration Dana Hinman, Finance Director Shelley Coleman, City Attorney Daniel B. Heid, Assistant Police Chief William Pierson, Innovation and Technology Director Paul Haugan, Assistant Director of Engineering Services/City Engineer Ingrid Gaub, Assistant Director of Community Development Services Jeff Tate, and City Clerk Danielle Daskam.

**II. ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS**

**A. Proclamation – Park & Recreation Month**

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

Mayor Backus read and presented a proclamation declaring July 2017 as "Park and Recreation Month" in the city of Auburn to Parks, Arts and Recreation Director Daryl Faber. Director Faber displayed slides of "Where in Auburn" Get Your Play On game where residents play along and locate items correlating to images on a calendar.

**B. Fireworks Enforcement Update**

Assistant Chief of Police Pierson provided a brief update on fireworks enforcement in the city. He reported all police shifts will be at full capacity on the Fourth of July. Sixteen officers will be handling nothing but fireworks calls. Additionally, six officers will be at the Muckleshoot fireworks stands and discharge area. The Muckleshoot Indian Tribe has ensured that their discharge area will be shut down no later than 2:00 a.m. on July 5<sup>th</sup>.

**III. APPOINTMENTS**

There was no appointment for Council consideration.

**IV. AGENDA MODIFICATIONS**

Revised documents were submitted for Ordinance No. 6656 and Public Works Project Nos. CP1614 and 1701.

**V. CITIZEN INPUT, PUBLIC HEARINGS & CORRESPONDENCE**

**A. Public Hearings**

No public hearing was scheduled for this evening.

**B. Audience Participation**

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

Philip Dawdy 1608 E Republic, Seattle

Mr. Dawdy spoke regarding Ordinance No. 6642. Mr. Dawdy indicated he represents KF Industries, a cannabis retailer licensed by the Washington State Liquor and Cannabis Board and looking to locate in the city of Auburn. Mr. Dawdy requested the City Council postpone action on Ordinance No. 6642 to allow additional time to review the Planning Commission's recommendation to the City Council. Mr. Dawdy stated he did not understand that the Planning Commission's recommendation included increasing the school, parks, playgrounds, and libraries buffer to a half mile. He requested additional time to review the record.

David Osgood, 210 Summit Avenue East, Seattle

Mr. Osgood, attorney for KF Investment, requested the City Council postpone action on Ordinance No. 6642. Mr. Osgood stated the Washington State Liquor and Cannabis Board licensed four

marijuana retailers for the city of Auburn. Mr. Osgood stated his clients will be the only business subject to the proposed ordinance.

James Loop, 2635 SW 335<sup>th</sup>, Federal Way

Mr. Loop stated he is a consultant for KF Industries. He spoke in favor of a special use permit for the store's proposed location.

Kirk Edwards,

Mr. Edwards, indicated he is managing partner of KF Industries. Mr. Edwards submitted petitions in support of KF Industries' proposed store location at 404 Auburn Way South. Mr. Edwards urged the Council provide a path for him to obtain a license or obtain a conditional use permit.

**C. Correspondence**

There was no correspondence for Council review.

**VI. COUNCIL AD HOC COMMITTEE REPORTS**

Councilmember Baggett, chair of the Finance ad hoc committee that reviews claims and payroll vouchers, reported he and Councilmember Wagner reviewed the payroll vouchers and electronic deposits in the approximate amount of \$2.3 million and claims vouchers and wire transfers in the amount of approximately \$1.8 for the periods June 15 to June 28, 2017 and July 3<sup>rd</sup>, respectively. The ad hoc committee recommends approval of the claims and payroll vouchers as described on the Consent Agenda.

Councilmember DaCorsi, chair of the ad hoc committee on the selection of the Deputy Mayor, reported the committee, consisting of himself and Councilmembers Trout-Manuel and Pelosa, will meet next Monday, July 10, 2017. The Committee will be presenting a revised version of the Committee's recommendations at the July 10, 2017 study session.

Deputy Mayor Wales, chair of the ad hoc committee on the \$20.00 car license fee, reported the ad hoc committee met this evening at 6:00. The next meeting of the committee is scheduled for August 7, 2017 at 6:00 p.m.

**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  
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  
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  
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  
City Council award Contract No. 17-23 to West Coast Signal, Inc., on their low bid of \$65,390.00 for Project No. CP1701, Auburn Way South Dynamic Message Sign
- G. Public Works Project No. CP1614  
City Council award Contract No. 17-24 Tucci and Sons on their low bid of \$2,819,191.75 plus Washington State sales tax of \$45,185.30 for a total contract price of \$2,864,377.05 for Project No. CP1614, 2017 Local Street Reconstruction and Preservation Project
- H. Public Works Project No. CP1606  
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)

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

Councilmember Peloza questioned the use of the sign for Project CP1701. Mayor Backus responded the sign will be permanent rather than mobile and will provide alerts regarding events and road

construction. It is a permanent sign, and the contract is for installation only.

In response to questions from Councilmember Pelozo regarding the percentage of quantities related to the final pay estimate for Project CP1606, Assistant Director/City Engineer Gaub explained the contract is a unit price contract. Staff members estimate the total quantities, but the City pays actual quantities under the contract. The amounts are within the overall contingency for the contract.

MOTION CARRIED UNANIMOUSLY. 7-0

**VIII. UNFINISHED BUSINESS**

There was no unfinished business.

**IX. NEW BUSINESS**

There was no new business.

**X. ORDINANCES**

**A. Ordinance No. 6642**

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

Deputy Mayor Wales moved and Councilmember Holman seconded to adopt Ordinance No. 6642.

Deputy Mayor Wales questioned the number of marijuana retail stores recommended by the Planning Commission and whether the address, 404 Auburn Way South, is within one of the zoning designations that would permit marijuana retailers.

Assistant Director of Community Development Services Tate stated the Planning Commission's recommendation includes permitting up to four marijuana retailers in Auburn.

Assistant Director Tate stated the Planning Commission's recommendation also includes limiting marijuana related activities to three zoning designations: C-3, M-1 and M-2 zone. The address, 404 Auburn Way South, is in the Downtown Urban Center zone, and is a prohibited use in the Downtown Urban Center zone.

Assistant Director Tate added the Planning Commission held three separate meetings where staff and the Planning Commission discussed marijuana related businesses. The Planning Commission deliberated on a staff recommendation and ultimately modified the staff recommendation. The Planning Commission also held a public hearing on June 6, 2017, at which time the Commission took public testimony and deliberated and voted on its recommendations.

Assistant Director Tate stated the proposed ordinance contains an expanded list of uses that require separation from a marijuana related activity. The Planning Commission also recommended increasing the distance separations between marijuana related activities and other types of uses and activities. The recommendation includes a 2,640 foot (1/4 mile) separation from some types of uses and a 1,320 foot (1/4 mile) separation from other types of uses.

In response to a question from Councilmember Peloza, Assistant Director Tate reported the Planning Commission recommended Option 2 for buffer/separation requirements/distances, which includes a 2,640 foot (1/4 mile) separation from some types of uses and a 1,320 foot (1/4 mile) separation from other types of uses.

Councilmember DaCorsi inquired about the status of the third retail marijuana business. Mayor Backus advised the third retail business has not opened. Councilmember DaCorsi inquired whether the proposed location of the third retail business on Auburn Way North is in a permitted zoning designation. Assistant Director Tate recalled the location is in a C-3 zone, but he is unsure whether their proposed location meets the separation requirements or not.

Councilmember Wagner inquired what uses SF Industries would be in violation because of the required separation should they locate at 404 Auburn Way South. Assistant Director Tate stated the site at 404 Auburn Way South is in the Auburn Downtown Urban Center and backs up to a residential neighborhood. The proposed

use is prohibited outright in the Downtown Urban Center regardless of geographic separation distances.

Councilmember Baggett inquired regarding the possibility of a conditional use permit. Assistant Director Tate stated the Planning Commission recommendation does not identify marijuana businesses, including retail marijuana, as a conditionally allowed use in the Downtown Urban Center zone.

In response to questions from Deputy Mayor Wales, Assistant Director Tate advised no permits are on file for renovations at 404 Auburn Way South for the retail marijuana business, but not every business needs to obtain permits. Staff believe there are areas in the city where marijuana retail could be sited, but he is unsure whether there are vacant sites.

Assistant Director Tate advised the state separation standards contained in the Washington Administrative Code do not include separation distance to residential areas.

City Attorney Heid directed the Council to Attorney General Opinion 2014 No. 2 and noted other jurisdictions that have added protected uses and some have prohibited marijuana businesses entirely.

Councilmember DaCorsi expressed concern with the ordinance and indicated he would not support it.

**MOTION CARRIED. 5-2** Councilmembers Baggett and Dacorsi voted no.

**B. Ordinance No. 6656**

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"

Deputy Mayor Wales moved and Councilmember Baggett seconded to adopt Ordinance No. 6656.

Ordinance No. 6656 was reviewed at the June 26<sup>th</sup> Study Session.

**MOTION CARRIED UNANIMOUSLY. 7-0**

**XI. RESOLUTIONS**

**A. Resolution No. 5295**

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

Councilmember Holman moved and Councilmember DaCorsi seconded to adopt Resolution No. 5295.

Resolution No. 5295 was discussed at the June 26<sup>th</sup> Study Session.

MOTION CARRIED UNANIMOUSLY. 7-0

**B. Resolution No. 5303**

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

Deputy Mayor Wales moved and Councilmember Holman seconded to adopt Resolution No. 5303.

In response to comments from Councilmember Wagner, City Attorney Heid stated standard penalties are set by law and penalties are set by the court. Councilmember Wagner stated he hopes the task force would advocate in the legislature for appropriate penalties.

MOTION CARRIED UNANIMOUSLY. 7-0

**XII. MAYOR AND COUNCILMEMBER REPORTS**

**A. From the Council**

Deputy Mayor Wales reminded that the Fourth of July celebration will be held at Les Gove Park. Deputy Mayor Wales reported she met with a representative from MultiCare who is working on establishing the Allenmore Regional Hospital for Behavioral Health in Tacoma. Deputy Mayor Wales stated she has asked for a list of

those agencies who will be contributing to the cost for establishing the hospital.

Councilmember DaCorsi reported he attended the annual Association of Washington Cities (AWC) Conference in Vancouver, Washington, where he participated as a member of the AWC's Federal Legislative Priorities Committee. The 2016-2017 Federal Legislative Priorities include: closing the online sales tax loophole, protecting municipal bonds by resisting efforts to remove the federal tax exemption for municipal bonds; maintaining the Community Development Block Grant program and restoring funding at its prior levels, investment in infrastructure, and support for safe communities.

Councilmember Holman reported he attended the Association of Washington Cities (AWC) Conference in Vancouver. He attended several sessions including: Chaos to Communication – How to Navigate the World of News Both Real and Fake, Building Relationships with Tribal Neighbors, Innovative Community Engagement Techniques, and Safety in Public Facilities. Councilmember Holman noted that Councilmember Claude DaCorsi was elected as a state board member of AWC. Councilmember Holman also reported that he recently spoke at the White River Buddhist Temple on community engagement and local government relations. Councilmember Holman announced the White River Buddhist Temple's Bon O'dori event will be held July 22<sup>nd</sup>. Councilmember Holman also reported on his attendance at the community picnic at Pioneer Elementary and a meeting with representatives from US Aviation who are looking for a west coast location for a flight training school.

Councilmember Baggett reported he attended the Association of Washington Cities (AWC) Conference in Vancouver, where he attended substantial training sessions on subjects affecting all facets of government and issues.

Councilmember Trout-Manuel reported on her attendance at the Association of Washington Cities (AWC) Conference in Vancouver where she toured Vancouver's Main Street and the development that has occurred there.

Councilmember Pelozo reported on his attendance at the National League of Cities Conference (NLC) in Cleveland, Ohio. Councilmember Pelozo reported the NLC instituted a dues

increase, and he attended sessions on economic development, public safety and infrastructure, and energy, environment and natural resources. NLC members were urged to challenge the proposed federal funding cuts, particularly any cuts to the Community Development Block Grants. Councilmember Pelosa also reported on his attendance at the Metropolitan Water Pollution Abatement Advisory Committee meeting.

**B. From the Mayor**

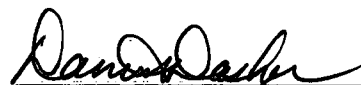
Mayor Backus reported the Lakeland neighborhood's quarterly newsletter reports that a Mod Pizza, a new Taco Time and a new gas station will locate in the Lakeland Town Center area. Mayor Backus reported on community picnics at Game Farm Park and at Pioneer Elementary. Mayor Backus reported on her attendance at an inter-faith roundtable at Auburn Library where participants discussed the heroin and opioid epidemic and the READY Program. Mayor Backus also reported on the Town Hall meeting regarding the heroin and opioid epidemic held at Auburn Avenue Theater. Mayor Backus assured Council there will not be a safe injection site in Auburn. Other activities reported on by Mayor Backus included: Auburn Kids Day, the Auburn Lions Club installation, the swearing in of Auburn's newest police officer Kyle Acito, Gildo Rey Elementary families appreciation ceremony, Scamp Brewing's grand opening and Geaux Brewing's soft opening. Mayor Backus noted the passing of David A. Clark, architect, who specialized in municipal buildings, including the Auburn Golf Course Clubhouse and renovation of the Council Chambers. Mayor Backus extended congratulations to Debbie Christian and family on the arrival of her new grandson. Mayor Backus reminded citizens to be mindful of their safety, their neighbors, and pets during their celebration of Independence Day tomorrow.

**XIII. ADJOURNMENT**

There being no further business to come before the Council, the meeting adjourned at 8:28 p.m.

APPROVED THE 17<sup>th</sup> DAY OF JULY, 2017.

  
NANCY BACKUS, MAYOR

  
Danielle Daskam, City Clerk

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

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