	City Council Study Session Finance, Technology and Economic Development Special Focus Area June 14, 2021 - 5:30 PM Virtual 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

II. Virtual Participation Link

A. Virtual Participation Link

The Auburn City Council Study Session scheduled for Monday, June 14, 2021 at 5:30 p.m. will be held virtually and telephonically. To attend the meeting virtually please click one of the below links, enter the meeting ID into the Zoom app, or call into the meeting at the phone number listed below.

Per Governor Inslee's Emergency Proclamation 20-05 and 20-28 et. seq. and Stay Safe-Stay Healthy, the City of Auburn is prohibited from holding in-person meetings at this time.

City of Auburn Resolution No. 5581, designates City of Auburn meeting locations for all Regular, Special and Study Session Meetings of the City Council and of the Committees, Boards and Commissions of the City as Virtual Locations until Washington's Governor authorizes local governments to conduct in-person meetings.

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

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

Please click one of the below URL to join.

ZOOM: <https://zoom.us/j/99012571392>

YouTube: <https://www.youtube.com/user/watchauburn/live/?nomobile=1>

Or join by phone:

253 215 8782
877 853 5257 (Toll Free)

Webinar ID: 990 1257 1392

B. Roll Call

III. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

IV. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Legislative Update (Hinman)(45 minutes)

An update to the Auburn City Council on the final outcomes of the 2021 Washington State Legislative Session

B. Ordinance No. 6823 (Gaub)(15 Minutes)

An Ordinance amending Ordinance No. 6759, deadline to complete conditions associated with vacating right-of-way of a portion of the alley north of 3rd Street NE between B Street NE and Auburn Avenue

C. Ordinance No. 6824 (Gaub)(5 Minutes)

An Ordinance providing a temporary waiver of Right-of-Way Use Permit Fees, set forth in Auburn City Code 12.60.020 and 12.60.025 for outside restaurant seating, in response to the phased opening of commercial businesses following the COVID-19 Declared Public Health Emergency

D. Ordinance No. 6825 (Comeau)(15 Minutes)

An Ordinance relating to controlled substances and repealing Chapter 9.22 of the Auburn City Code and amending ACC 9.24.010 to conform with ESB 5476

V. FINANCE, TECHNOLOGY AND ECONOMIC DEVELOPMENT DISCUSSION ITEMS

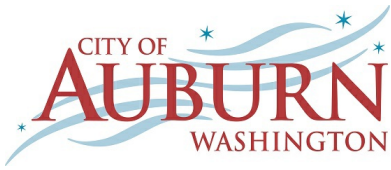
A. IT Update (Travis)(30 Minutes)

VI. OTHER DISCUSSION ITEMS

VII. NEW BUSINESS

VIII. ADJOURNMENT

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



AGENDA BILL APPROVAL FORM

Agenda Subject:

Legislative Update (Hinman)(45 minutes)

Department:

Administration

Attachments:

[WA Leg Session Summary](#)

[WA Leg Session Update](#)

Date:

June 9, 2021

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

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

Meeting Date: June 14, 2021

Staff:

Hinman

Item Number:

City of Auburn 2021 Washington State Legislative Session Update

Title	Description	3/9 cutoff	4/11 cutoff	Status	Topic Area	Summary
HB 1001	Establishing a law enforcement professional development outreach grant program.	Passed	Passed	Governor Signed	Police	Authorizes the development of a two year grant program to encourage a broader diversity of candidates to seek careers in law enforcement.
HB 1053	Delaying the implementation of restrictions on carryout bags.	Did not pass	Did not pass			
HB 1054	Establishing requirements for tactics and equipment used by peace officers	Passed	Passed	Governor Signed	Police	- Prohibits peace officers from using chokeholds and neck restraints; from acquiring or using certain types of military equipment; from seeking, and a court from issuing, a search or arrest warrant granting an express exception to the "knock and announce" rule - Establishes restrictions on the use of tear gas, vehicular pursuits, and firing upon moving vehicles - Requires law enforcement agencies to adopt policies and procedures to ensure that uniformed peace officers are reasonably identifiable - Requires the Criminal Justice Training Commission to convene a work group for the purpose of developing model policies on the use and training of canine teams
HB 1056	Concerning open public meeting notice requirements and declared emergencies.	Passed	Did not pass			
HB 1058	Modifying the sales and use tax for cultural access programs by allowing the tax to be imposed by a councilmanic or commission authority	Did not pass	Did not pass			
HB 1069	Concerning local government fiscal flexibility.	Passed	Passed	Governor Signed Partial Veto	Finance/Budget Police	Allows revenue from criminal justice sales taxes, the Criminal Justice Assistance Accounts, and certain King County excess property tax levies to supplant existing funds through December 31, 2023. <i>(Partial veto: Sections 9, 17 and 18 to avoid any confusion that may arise from double amendments.)</i>
HB 1070	Modifying allowed uses of local tax revenue for affordable housing and related services to include the acquisition and construction of affordable housing and facilities.	Passed	Passed	Governor Signed	Human Services Community Development	- Expands the allowable uses of revenues from the housing and related services local sales and use tax to include acquiring facilities and land for affordable housing, housing-related services, and behavioral health services. - Expands the allowable uses of revenues from the state-shared lodging tax to include housing and facilities for homeless youth for counties with a population of at least 1.5 million
HB 1084	Reducing statewide greenhouse gas emissions by achieving greater decarbonization of residential and commercial buildings.	Did not pass	Did not pass			

City of Auburn 2021 Washington State Legislative Session Update

HB 1088	Concerning potential impeachment disclosures.	Passed	Passed	Governor Signed	Police	- Requires each county prosecutor to develop and adopt a written protocol addressing potential impeachment disclosures; subject to funding, requires the Criminal Justice Training Commission to provide or contract for the provision of online training for potential impeachment disclosures. - Requires law enforcement agencies to report to prosecuting authorities an officer's misconduct affecting credibility or any act of an officer that may be potentially exculpatory to a defendant. - Requires law enforcement agencies, prior to hiring an officer with previous law enforcement experience, to inquire whether the officer has ever been subject to potential impeachment disclosure. - Establishes limited immunity from civil liability for a public agency, official, or employee, who shares impeachment information about an officer with a prosecuting authority or the officer's employer or potential employer.
HB 1089	Concerning compliance audits of requirements relating to peace officers and law enforcement agencies.	Passed	Passed	Governor Signed	Police	- Requires the State Auditor to review any completed deadly force investigation to determine whether the involved actors complied with all applicable rules and procedures. - Authorizes the State Auditor, upon the request of the Criminal Justice Training Commission, to review a law enforcement agency to ensure compliance with all applicable rules and procedures governing the training and certification of the agency's peace officers.
HB 1092	Concerning law enforcement data collection.	Did not pass	Did not pass			
HB 1095	Concerning the taxation of governmental financial assistance programs addressing the impacts of conditions giving rise to a gubernatorial or presidential emergency	Passed	Passed	Governor Signed	Finance/Budget Citywide	Exempts businesses from paying state taxes on COVID-19 aid
HB 1099	Improving the state's climate response through updates to the state's comprehensive planning framework.	Did not pass	Did not pass			
HB 1117	Promoting salmon recovery through revisions to the state's comprehensive planning framework.	Passed	Did not pass			
HB 1128	Concerning housing benefit districts.	Did not pass	Did not pass			
HB 1139	Taking action to address lead in drinking water.	Passed	Passed	Governor Signed	Public Works	This program places the requirement on the Dept. of Health to monitor and manage the sampling, testing, and mitigation measures for lead in public and private schools within the State. Under federal requirements, this responsibility was placed on all individual utility purveyors and this bill relieves the local purveyor of this responsibility and allows for all schools in Washington to be held to the same standards and processes to remove potential lead from drinking water systems within the schools.

City of Auburn 2021 Washington State Legislative Session Update

HB 1156	Increasing representation and voter participation in local elections.	Did not pass	Did not pass			
HB 1189	Authorizing tax increment financing for local governments.	Passed	Passed	Governor Signed	Finance/Budget Citywide	Authorizes local governments to designate tax increment financing areas and to use increased local property tax collections to fund public improvements.
HB 1202	Addressing meaningful civil remedies for persons injured as a result of police misconduct, including by allowing for an award of attorney fees in addition to damages and injunctive and declaratory relief.	Did not pass	Did not pass			
HB 1203	Concerning community oversight boards	Did not pass	Did not pass			
HB 1220	Supporting emergency shelters and housing through local planning and development regulations. (Partial veto: Section 7)	Passed	Passed	Governor Signed Partial Veto	Community Development Human Services	• Updates some of the Growth Management Act requirements. • Some concerns still remain with this part of the bill: "Prohibits a city from preventing transitional housing or permanent supportive housing in zones where residential dwelling units or hotels are allowed, and from preventing indoor emergency shelters and indoor emergency housing in zones where hotels are allowed unless the city has an ordinance authorizing such shelters and housing in a majority of zones within 1 mile of transit." • The requirement that zoning codes be updated by 9/30/21 is unreasonable. <i>(Partial veto: Section 7 of this bill can be read to encourage the siting and development of accessory dwelling units in areas of the state outside of urban growth areas.)</i>
HB 1267	Concerning investigation of potential criminal conduct arising from police use of force, including custodial injuries, and other officer-involved incidents.	Passed	Passed	Governor Signed	Police	Establishes the Office of Independent Investigations within the Office of the Governor for the purpose of investigating deadly force incidents involving peace officers.
HB 1277	Providing for an additional revenue source for eviction prevention and housing stability services.	Passed	Passed	Governor Signed	Human Services Finance/Budget	• Establishes a \$100 surcharge on certain recorded documents to fund various housing services. • Creates the Eviction Prevention Rental Assistance Program in the Department of Commerce (COM). • Requires the COM to develop performance metrics for each county receiving funding from the surcharge and dedicate a portion of funding to performance-based allocations.
HB 1310	Concerning permissible uses of force by law enforcement and correctional officers.	Passed	Passed	Governor Signed	Police	Establishes a standard for use of physical force by peace officers.

City of Auburn 2021 Washington State Legislative Session Update

HB 1362	Modifying the annual regular property tax revenue growth limit.	Did not pass	Did not pass			
HB 1368	Responding to the COVID-19 pandemic through state actions supported by federal funding.	Passed	Passed	Governor Signed	Finance/Budget Citywide	Appropriates \$2.2 billion in federal funding from a combination of the federal Consolidated Coronavirus Response and Relief Supplemental Appropriations Act, the Coronavirus Relief Fund under the federal Coronavirus Aid, Relief, and Economic Security Act, and Medicaid for K-12 public schools, public health, healthcare, assistance to individuals and families, housing assistance, and business assistance.
HB 1440	Bringing innovation and investment to Washington's economy by streamlining the requirements for deployment of small wireless facilities.	Did not pass	Did not pass			
HB 1499	Providing behavioral health system responses to individuals with substance use disorder.	Did not pass	Did not pass			
HB 1507	Establishing a mechanism for independent prosecutions of criminal conduct arising from police use of force.	Did not pass	Did not pass			
HB 1521	Provides mitigation to cities negatively impacted by streamlined sales tax	Passed	Passed	Governor Signed	Finance/Budget	- Creates the Manufacturing and Warehousing Job Centers Account. - Provides for mitigation payments for the support of manufacturing and job centers in manufacturing and warehousing qualified local taxing districts negatively impacted by the Streamlined Sales and Use Tax Agreement.
HB 1540	Addressing illicit discharges of wastewater pollution associated with individuals residing in vehicles.	Did not pass	Did not pass			
HB 1576	Concerning homeless individuals.	Did not pass	Still moving	Late Intro	Human Services	Allows cities to prohibit sleeping outdoors on public property provided adequate shelter is available
SB 5006	Concerning local parks funding options.	Did not pass	Did not pass			
SB 5019	Concerning the recording standards commission.	Passed	Passed	Governor Signed	Legal	The Secretary of State is directed to make reasonable rules in accordance with federal and state laws, to provide for the uniform recording of documents in cooperation with the Commission. To promote jurisdictional harmony and compatibility in the use of standards, practices, and technology, the Office of the Secretary of State must, in adopting, amending, and repealing rules supporting recording standards
SB 5031	Concerning a community aviation revitalization loan program.	Passed	Passed	Governor Signed	Public Works	This program provides low interest loan funds to General Aviation Airports for airport improvements, the legislation primarily creates the oversight Loan Board for the program that represent ports, counties, cities, airport managers and pilots and the Board

City of Auburn 2021 Washington State Legislative Session Update

SB 5033	Limiting the property tax exemption for improvements to single-family dwellings to the construction of accessory dwelling units.	Did not pass	Did not pass			
SB 5051	Concerning state oversight and accountability of peace officers and corrections officers.	Passed	Passed	Governor Signed	Police	• Modifies the priorities and composition of the Criminal Justice Training Commission (CJTC). • Expands the background investigation requirements for persons applying for peace officer, reserve officer, and corrections officer positions. • Expands the conduct for which the certification of a peace officer or a corrections officer may be revoked. • Requires employing agencies to report all separation and disciplinary matters regarding a certified officer to the CJTC. • Removes confidentiality of complaints, investigations, and disciplinary actions for certified officers and requires information be maintained on a publicly searchable database.
SB 5054	Concerning impaired driving.	Passed	Did not pass			
SB 5055	Concerning law enforcement personnel collective bargaining.	Passed	Passed	Governor Signed	Police	
SB 5066	Concerning a peace officer's duty to intervene.	Passed	Passed	Governor Signed	Police	• Requires a peace officer to intervene when the officer witnesses a fellow peace officer engaging in the use of excessive force. • Requires a peace officer who observes wrongdoing by a fellow officer to report the wrongdoing to the officer's supervisor. • Requires law enforcement agencies to adopt written policies on the duty to intervene and ensure that all law enforcement officers obtain training on the policy through the Criminal Justice Training Commission.
SB 5110	Promoting greater access to the internet by modifying permitting, taxation, and other standards for telecommunications companies and facilities.	Did not pass	Did not pass			
SB 5122	Concerning the jurisdiction of juvenile court.	Passed	Did not pass			
SB 5139	Limiting rent increases after expiration of the governor's eviction moratorium.	Did not pass	Did not pass			
SB 5155	Concerning prejudgment interest.	Did not pass	Did not pass			

City of Auburn 2021 Washington State Legislative Session Update

SB 5160	Addressing landlord-tenant relations by providing certain tenant protections during and after public health emergencies, providing for legal representation in eviction cases, and authorizing landlord access to state rental assistance programs.	Passed	Passed	Governor Signed Partial Veto	Finance/Budget Human Services	Addressing landlord-tenant relations by providing certain tenant protections during the public health emergency, providing for legal representation in eviction cases, establishing an eviction resolution pilot program for nonpayment of rent cases, and authorizing landlord access to certain rental assistance programs. <i>(Partial veto of Sections 12 and 13. Section 12 created an entitlement for landlords to receive rent assistance without a sufficient framework to prioritize resources to those landlords who have the greatest need. Section 13 duplicates an early action bill that was already signed, ESHB 1368)</i>
SB 5211	Authorizing tax increment financing for local governments.	Did not pass	Did not pass			
SB 5226	Concerning the suspension of licenses for traffic infractions.	Passed	Passed	Governor Signed	Police Legal	• Eliminates drivers' license suspension for the failure to pay a traffic infraction for a moving violation. • Authorizes drivers' license suspension when a person fails to comply with a payment plan and fails to appear when requested by the court to appear and show evidence of ability to pay. • Authorizes the Department of Licensing (DOL) to reinstate all driver's licenses suspended for reasons that are no longer grounds for suspension. • Requires DOL take reasonable steps to publicize information regarding the availability of relief to reinstate a suspended license and create an online application process for people to apply for reinstatement.
SB 5259	Concerning law enforcement data collection.	Passed	Passed	Governor Signed	Police	• Requires the Attorney General's Office to establish an advisory group to make recommendations for implementation of a program for statewide data collection, reporting, and publication of use of force data by April 1, 2022. • Directs the Attorney General's Office to engage in a competitive procurement process to select a Washington private or public institution of higher education to design, develop, and manage the data collection program. • Requires all law enforcement agencies to report all instances of the use of force to the university no later than three months after the Attorney General's Office determines the contractor can accept reports.
SB 5260	Requiring annual reporting from the eviction resolution pilot program.	Did not pass	Did not pass			
SB 5263	Concerning defenses in personal injury and wrongful death actions where the person injured or killed was committing a felony.	Passed	Passed	Governor Signed	Police	Limits the felony bar affirmative defense in civil actions arising out of law enforcement activities resulting in personal injury or death, such that the defendant must prove each element of the defense beyond a reasonable doubt.
SB 5272	Concerning temporarily waiving certain liquor and cannabis board annual licensing fees.	Passed	Passed	Governor Signed	Finance/Budget Community Development	Waives fees for certain liquor licenses administered by the Liquor and Cannabis Board for a period of one year.

City of Auburn 2021 Washington State Legislative Session Update

SB 5307	Establishing the uniform pretrial release and detention act.	Did not pass	Did not pass			
SB 5333	Concerning void and unenforceable clauses in construction contracts related to delays caused by the COVID-19 pandemic emergency proclamations.	Did not pass	Did not pass			
SB 5476	Addressing the State v. Blake decision. <i>(REVISED FOR ENGROSSED: Responding to the State v. Blake decision by addressing justice system responses and behavioral health prevention, treatment, and related services.)</i>	Passed	Passed	Governor Signed Partial Veto	Police Legal	• Reduces the criminal penalty for possession of a controlled or counterfeit substance from a felony to a gross misdemeanor. • Requires the prosecutor to divert a person's first and second violations for possession of a controlled substance, counterfeit substance, or legend drug and encourages diversion thereafter when agreed by the prosecutor. • Requires the Health Care Authority to establish the substance use recovery services advisory committee to make recommendations for implementation of a substance use recovery services plan, including recommended reforms to the law. • Authorizes presiding judges of superior courts to appoint court commissioners with the authority to conduct resentencing hearings and vacate convictions pursuant to State v. Blake. <i>(Partial veto: Section 21 of Engrossed Senate Bill No. 5476. The bill creates a new account that will not be used, therefore it is unnecessary.)</i>
SB 5485	Prohibiting traffic stops for certain traffic violations.	Did not pass	Passed	Late Intro	Police	• A law enforcement officer may not stop, or otherwise detain, a driver of a motor vehicle to enforce the following violations: failure to keep to the right; improper turn; failure to stop; failure to dim lights; parking violations; driving without a license, vehicle registration or proof of insurance • The following violations suspected solely on the basis of the odor of marijuana: driving under the influence; driver under twenty-one consuming alcohol or marijuana; and physical control of a motor vehicle under the influence • Enforcement of the violations listed may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected moving violation.

2021 City of Auburn State Legislative Priorities – Post Session Update

PUBLIC SAFETY

Issue:

The City of Auburn supports local control over city law enforcement policy decisions to meet the needs of each community and appropriately contain costs. Cities understand our obligation to address racial equity in policing – both state requirements and local policies.

State Request:

- Additional funding for staff in regards to confiscation of firearms as a result of domestic violence incidents, background checks for purchase of firearms, collection, and research activities.
- Additional funding for the Academy would drastically shorten the amount of time prospective police officers are on municipal payrolls without being able to get into training.
- Broaden the use of photo enforcement for speeding. Currently, photo enforcement is only allowed for school zones and pilot project locations. Allowing cities more flexibility could be one way to address the impacts on police and free up time to focus on other issue while providing 24/7 enforcement in areas of frequent and excessive speeding. This can also support the Washington State Target Zero initiative if we can get people to slow down on our local streets.

REGULATORY AND LAND USE

Issue:

As communities grow there are no impact fees to account for increased need for police resources.

State Request:

- Allow cities to collect an impact fee for policing as the added population and businesses cause the same resource demands and challenges experienced by fire, transportation, parks and schools.

Issue:

The affordable housing needs are deeper than 60% AMI – more like 50% or 40% and lower. Washington State Housing Finance Commission programs are providing great support for projects that hit the 60% AMI mark.

State Request:

- Create incentives to hit the deeper AMI marks below 40% since that is where the greatest need exists.
- Appropriate dedicated funds to put towards the rehabilitation of single or multifamily units because it is far less expensive and environmentally sustainable to preserve existing housing stock instead of building new units. There are very few programs that help maintain older homes and multifamily complexes which results in one of two outcomes
 1. Older properties are maintained appropriately but the investment is reflected in increasing rental costs, or;
 2. Older properties are not maintained which helps keep rental costs down but at the sake of declining health and safety.

Issue:

The large number of regulatory processes are a hindrance to bringing affordable housing projects to fruition

State Request:

- Regulatory reforms are needed for SEPA, GMA, NPDES. State Environmental Policy Act (SEPA) is an outdated and overly burdensome process that adds time and money. Growth Management Act (GMA) and affordable housing objectives are at direct odds because the GMA limits supply which increases costs. National Pollutant Discharge Elimination System (NPDES) adds significant cost to development which is passed on to future owners or tenants.

2021 City of Auburn State Legislative Priorities – Post Session Update

PUBLIC WORKS, TRANSPORTATION, INFRASTRUCTURE

Issue:

Support for grant application for CARES Funding through the Economic Development Administration for Infrastructure in our Downtown Core to help recovery of the City's economic base from COVID.

State Request:

- Allow the SR167 Master Plan effort funded in the 2019 legislative action to proceed and be completed meeting the commitment made in that legislative action to the agencies along the corridor.
- It is critical to protect all of the State funds that support local transportation projects. The cities cannot do this on their own given the amount of growth and commerce in the region. This includes maintained or increased funding for TIB and FMSIB along with state grant programs managed by the WSDOT for local agency projects.
- The preservation of roadways is paramount and something like a Street Maintenance Utility could be an important tool for cities to meet this growing unfunded need.
- Changes to appropriate RCW's to allow Municipalities to charge properties for street lighting. Current RCW 54.16.120 allows Utility Districts to charge properties for providing street lighting but the law does not allow Municipalities to do this. Current revenues for general fund uses cannot meet the needs and charging for street lighting would be an appropriate way to address a specific service being provided to residents and businesses within a jurisdiction.
- Retaining or increasing the Public Works Trust Fund amount is key to providing funding for local agency projects.
- Retaining or increasing the Drinking Water State Revolving Fund is key for local water purveyors to cost effectively fund needed infrastructure projects.
- Funding for SR164 to address capacity and event traffic issues along this corridor also known as Auburn Way South.
- The funds allocated to the loan program for general aviation airports that began in 2019 needs to be increased to provide a cost effective funding source for projects that are not eligible for grant funding. General Aviation Airports are running on minimal revenues, a loan program is key to providing the funding needed to complete infrastructure projects now when they are needed.
- Support for allocating 1% of the existing aviation fuel tax to WSDOT's Aviation account to fund airport projects. Current levels of funding cannot meet the growing need to maintain and improve this important infrastructure that provides a significant benefit to commerce and the State's economy.

PARKS AND OPEN SPACES

Issue:

Washington Recreation & Conservation Office and Land/Water Conservation Funds must be maintained so citizens have increased access to existing and new public spaces

State Request:

- Continued financial support for restoration and historic preservation of the Old Historic Post Office via Historic Preservation funds

The City of Auburn supports funding the following projects in the 2021-2023 Capital Budget along with allies such as the Washington Wildlife and Recreation Coalition (WWRC), members of the Outdoor Recreation Funding Roundtable, and the Big Tent Outdoor Recreation Coalition, WRPA will strongly promote a robust 2021-23 Capital Budget to ensure robust investments in grant programs that are critical for the vitality of local parks and recreation and the great outdoors.

These include:

- | | |
|---|----------------|
| • Washington Wildlife & Recreation Program (WWRP) | \$140 million |
| • Youth Athletic Facilities (YAF) | \$11.3 million |
| • Aquatic Lands Enhancement Account (ALEA) | \$9.1 million |

2021 City of Auburn State Legislative Priorities – Post Session Update

SALES TAX MITIGATION

Issue:

The City of Auburn is one of a several cities in Washington that receives mitigation for lost sales taxes due to online sales. The Governor vetoed HB 1948 prior to signing the 2021-2022 State budget. The veto eliminated the mitigation payments for the remainder of 2020 and into 2021. This meant a \$2 million loss to the City of Auburn.

State Request:

- Restore the SST Mitigation Program in the 2019-21 Supplemental Operating Budget, and continue funding the program through the 2021-23 Operating Budget.

SOCIAL SERVICES

Issue:

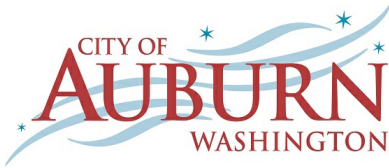
Operational funds for the Auburn Resource Center will allow for the ongoing service of those community members struggling with housing, substance abuse, and mental health issues to ensure their cycle of suffering ends.

Issue:

Rights of persons who are experiencing homelessness are very important to protect.

State Request:

- The City of Auburn supports legislation that would not create a private cause of action against municipalities and balances public safety needs with the rights of persons experiencing homelessness.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6823 (Gaub)(15 Minutes)

Department:

Public Works

Attachments:

[Ordinance No. 6823](#)

[Exhibit A](#)

Date:

June 3, 2021

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

For discussion only.

Background for Motion:**Background Summary:**

Davis Development Services has requested an extension of time in which to complete conditions associated with Right-of-Way Vacation No. V1-19 previously approved on by City Council on March 16, 2020 under Ordinance No. 6759. The current deadline to complete the conditions is September 16, 2021.

City Staff supports an extension of one year, to September 16, 2022. This will align the development's design review with the City's capital project design in the area. Additionally, the City's project will not likely be in construction until 2023.

Ordinance No. 6823 amends Ordinance No. 6759 extending the time for the developer to complete conditions associated with Right-of-Way Vacation No. V1-19.

Reviewed by Council Committees:

Councilmember: Stearns

Staff: Gaub

Meeting Date: June 14, 2021

Item Number:

ORDINANCE NO. 6823

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
AUBURN WASHINGTON, AMENDING DEADLINE TO
COMPLETE CONDITIONS ASSOCIATED WITH VACATING
RIGHT-OF-WAY OF A PORTION OF THE ALLEY NORTH OF
3RD STREET NE BETWEEN B STREET NE AND AUBURN
AVENUE WITHIN THE CITY OF AUBURN, WASHINGTON

WHEREAS, the City of Auburn, Washington ("City"), approved Ordinance No. 6759 on March 16, 2020, a copy of which is attached as Exhibit A, vacating right-of-way located within a portion of the alley north of 3rd Street NE, between B Street NE and Auburn Avenue, within the City, subject to conditions outlined in Ordinance No. 6759; and,

WHEREAS, Section 1, Paragraph G of Ordinance No. 6759 required that all conditions of the vacation be completed by September 16, 2021 or the vacation and Ordinance will be null and void; and,

WHEREAS, the applicant has requested additional time to complete those provisions set forth in Section 1, Paragraphs E, F and G of Ordinance No. 6759; and,

WHEREAS, the City has determined that the applicant's request to have until September 16, 2022, is reasonable in light of unforeseeable circumstances and in the public interest to continue the deadline; and,

WHEREAS, the City Council has considered the request for extension.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON DO ORDAIN as a non-codified ordinance as follows:

Section 1. Extension. The deadline for completion in Section 1, Paragraph G of Ordinance No. 6759 is continued to September 16, 2022.

Ordinance No. 6823
ROW Vacation V1-19
May 26, 2021
Page 1 of 2

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

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

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

Section 5. Recordation. The City Clerk is directed to record this Ordinance together with Ordinance No. 6759 with the office of the King County Auditor only upon completion of those provisions set forth in Ordinance No. 6759, at which time the vacation pursuant to Ordinance No. 6759 shall be effective under Auburn City Code 12.48.080.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

PUBLISHED: _____

Ordinance No. 6823
ROW Vacation V1-19
May 26, 2021
Page 2 of 2

Exhibit A

ORDINANCE NO. 6759

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN WASHINGTON, VACATING RIGHT-OF-WAY OF A PORTION OF THE ALLEY NORTH OF 3RD STREET NE BETWEEN B STREET NE AND AUBURN AVENUE WITHIN THE CITY OF AUBURN, WASHINGTON

WHEREAS, the City of Auburn, Washington ("City"), has received a petition signed by at least two-thirds (2/3) of the owners of property abutting to right-of-way located within a portion of the alley north of 3rd Street NE, between B Street NE and Auburn Avenue, within the City, requesting vacation of the right-of-way; and,

WHEREAS, as required by Chapter 12.48 of the Auburn City Code, a public hearing was held in connection with the possible vacation, with notice having been provided pursuant to statute; and,

WHEREAS, the City Council has considered all matters presented at the public hearing on the proposed vacation, held on the 16th day of March, 2020, at the Auburn City Council Chambers in Auburn, Washington.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON DO ORDAIN as a non-codified ordinance as follows:

Section 1. Vacation. That the right of way located at a portion of the Alley north of 3rd Street NE, between B Street NE and Auburn Avenue located within the City of Auburn, Washington, legally described as follows:

THAT PORTION OF THE ALLEY, BEING 10 FEET IN WIDTH, ADJACENT TO AND COINCIDENT WITH THE EAST LINE OF LOTS 3 THROUGH 6, BLOCK 2 OF THE PLAN OF MEADOW ADDITION TO AUBURN, ACCORDING TO THE PLAT

Ordinance No. 6759
ROW Vacation V1-19
January 6, 2020
Page 1 of 6

THEREOF RECORDED IN VOLUME 18 OF PLATS, PAGE 68,
IN KING COUNTY, WASHINGTON, DESCRIBED AS
FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 6
OF SAID BLOCK 2 OF SAID PLAT;
THENCE SOUTH 89°17'20" EAST, 57.00 FEET ALONG THE
SOUTH LINE OF SAID LOT 6 TO THE SOUTHWEST
CORNER OF THAT PORTION CONVEYED TO THE CITY OF
AUBURN FOR STREET PURPOSES BY DEED RECORDED
UNDER RECORDING NO. 7807170275;
THENCE NORTH 76°21'00" EAST, 44.37 FEET ALONG THE
NORTH LINE, TO THE NORTHEAST CORNER OF SAID
PORTION CONVEYED TO THE CITY OF AUBURN, BEING
THE WEST MARGIN OF SAID ALLEY AND THE TRUE POINT
OF BEGINNING;
THENCE NORTH 00°38'08" EAST, 169.00 FEET ALONG
SAID WEST MARGIN TO THE NORTHEAST CORNER OF
LOT 3 OF SAID PLAN OF MEADOW ADDITION TO AUBURN;
THENCE ALONG THE NORTHERLY PROLONGATION OF
SAID LOT 3, SOUTH 89°17'30" EAST, 10.00 FEET TO THE
EAST MARGIN OF SAID ALLEY;
THENCE SOUTH 00°38'08" WEST, 165.00 FEET ALONG
SAID EAST MARGIN TO THE MOST WESTERLY
NORTHWEST CORNER OF THAT PORTION CONVEYED
TO THE CITY OF AUBURN FOR STREET PURPOSES BY
DEED RECORDED UNDER RECORDING NO. 7807170274;
THENCE SOUTH 68°53'49" WEST, 10.77 FEET TO SAID
NORTHEAST CORNER OF THAT PORTION CONVEYED TO
THE CITY OF AUBURN FOR STREET PURPOSES BY DEED
RECORDED UNDER RECORDING NO. 7807170275 AND
THE WEST MARGIN OF SAID ALLEY AND THE POINT OF
BEGINNING.

CONTAINS 1,670 SQUARE FEET, MORE OR LESS. (0.038
ACRES +/-)

[Also identified as Exhibit "A".]

and as shown on the survey, a copy of which is attached, marked Exhibit "B" is vacated and
the property lying in the right-of-way described, shall inure and belong to those persons

Ordinance No. 6759
ROW Vacation V1-19
January 6, 2020
Page 2 of 6

entitled to receive the property in accordance with RCW 35.79.040, conditioned upon the following:

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

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

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

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

existing.

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

B. Under the terms of the reservation set out in Paragraph A above and in accordance with RCW 35.79.030, the City grants a private utility easement to Puget Sound Energy over, under, and upon the vacated right-of-way as described above for the construction, operation, maintenance, repair, replacement, improvement and removal of electric distribution facilities. The owners of the adjacent property shall not erect any structures on the easement and shall not place trees or other obstructions on the easement that would interfere with the exercise of Grantees' rights.

C. Under the terms of the reservation set out in Paragraph A above and in accordance with RCW 35.79.030, the City grants a private utility easement to CenturyLink over, under and upon the vacated right-of-way as described above for the construction, operation, maintenance, repair, replacement, improvement and removal of wireline telecommunications facilities. The owners of the adjacent properties shall not erect any structures on the easement and shall not place trees or other obstructions on the easement that would interfere with the exercise of Grantees' rights.

D. It is provided, however that such reserved or granted utility and access easements as set out in Paragraphs A, B and C above may be modified to accommodate a removal, relocation and sitting of the affected utility lines if the City and the property

owners on whose property the utility lines are located agree to the removal relocations and sitting being paid by said property owners and with the removal relocation and sitting being done in conformity with applicable standards.

E. The property owners of Parcel Nos. 5405100015 and 5405100025 shall reserve and grant a public access easement across those parcels from the southern terminus of the existing public alley (following vacation) to B Street NE and shall construct such public access easement to City standards for the purposes of allowing vehicular, pedestrian and emergency access to and from the southern terminus of the existing public alley (following vacation) to and from B Street NE.

F. Direct access from the vacation area to 3rd Street NE and from Parcel No. 0492000480 to Auburn Avenue shall be permanently closed. The Developer will be required to remove curb cuts and driveways and replace with sidewalks in accordance with City Standards upon reservation and construction of such access easement in paragraph E, above.

G. This vacation shall be effective upon completion of the provisions in paragraph E and F, above. The above described provisions must be completed by September 16, 2021 or the vacation and Ordinance will be null and void.

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

Section 3. Implementation. The mayor is authorized to implement such

Ordinance No. 6759
ROW Vacation V1-19
January 6, 2020
Page 5 of 6

administrative procedures as may be necessary to carry out the directives of this location.

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

Section 5. Recordation. The City Clerk is directed to record this Ordinance with the office of the King County Auditor only upon completion of those provisions set forth in Section 1, Paragraphs E, F, and G, above, at which time the vacation pursuant to this Ordinance shall be effective under Auburn City Code 12.48.080.

INTRODUCED: MAR 16 2020

PASSED: MAR 16 2020

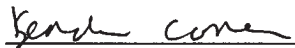
APPROVED: MAR 16 2020


NANCY BACKUS, MAYOR

ATTEST:


Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:


Kendra Comeau, City Attorney

PUBLISHED: March 19th 2021 in The Seattle Times

Ordinance No. 6759
ROW Vacation V1-19
January 6, 2020
Page 6 of 6

EXHIBIT "A"

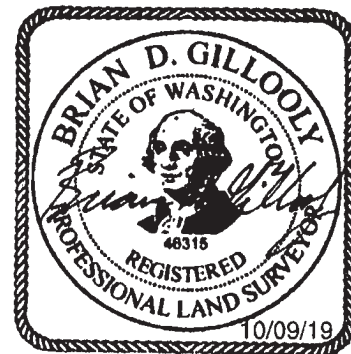
LEGAL DESCRIPTION

RIGHT-OF-WAY VACATION

THAT PORTION OF THE ALLEY, BEING 10 FEET IN WIDTH, ADJACENT TO AND COINCIDENT WITH THE EAST LINE OF LOTS 3 THROUGH 6, BLOCK 2 OF THE PLAN OF MEADOW ADDITION TO AUBURN, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 18 OF PLATS, PAGE 68, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

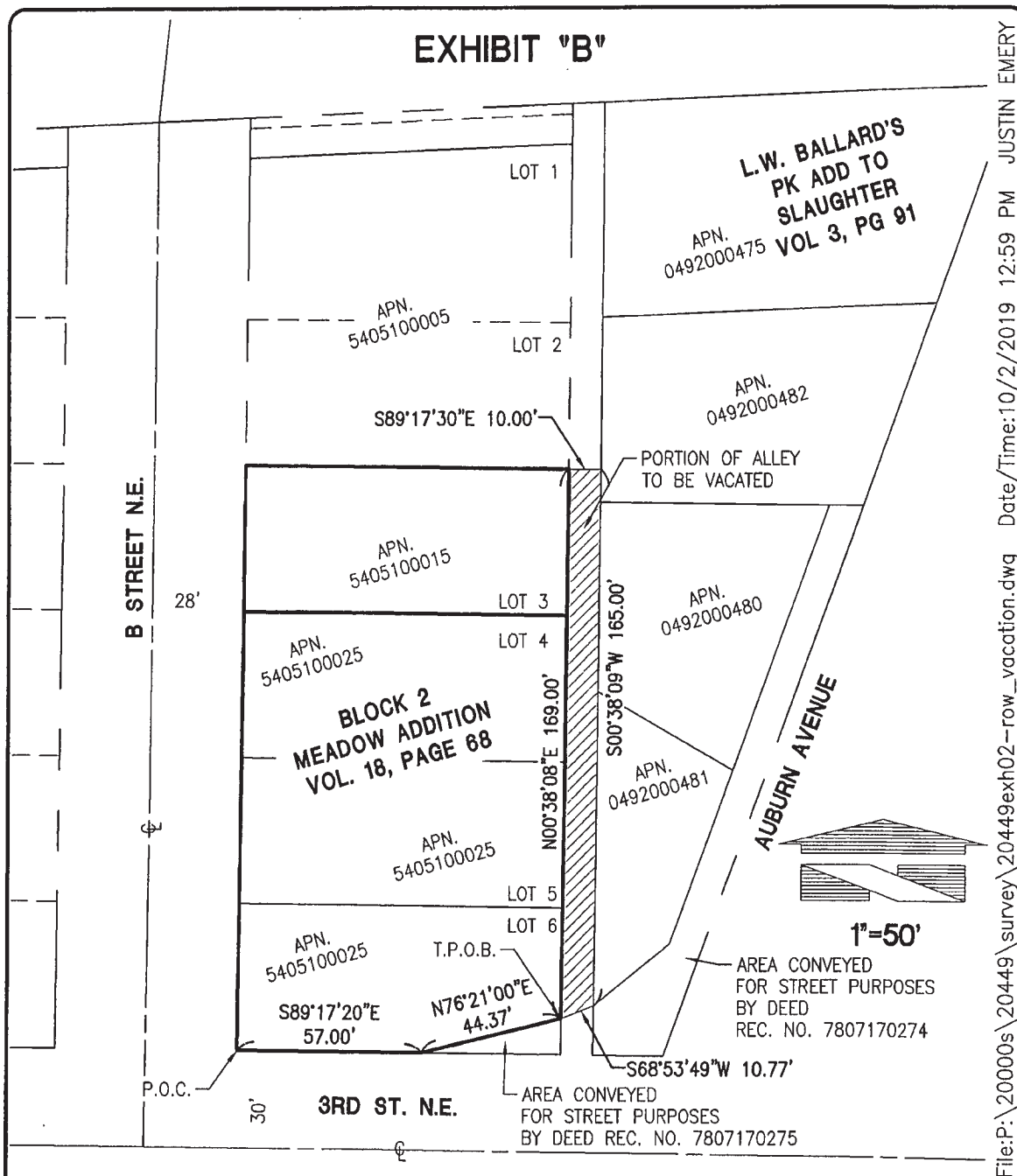
COMMENCING AT THE SOUTHWEST CORNER OF LOT 6 OF SAID BLOCK 2 OF SAID PLAT;
THENCE SOUTH 89°17'20" EAST, 57.00 FEET ALONG THE SOUTH LINE OF SAID LOT 6 TO THE SOUTHWEST CORNER OF THAT PORTION CONVEYED TO THE CITY OF AUBURN FOR STREET PURPOSES BY DEED RECORDED UNDER RECORDING NO. 7807170275;
THENCE NORTH 76°21'00" EAST, 44.37 FEET ALONG THE NORTH LINE, TO THE NORTHEAST CORNER OF SAID PORTION CONVEYED TO THE CITY OF AUBURN, BEING THE WEST MARGIN OF SAID ALLEY AND THE TRUE POINT OF BEGINNING;
THENCE NORTH 00°38'08" EAST, 169.00 FEET ALONG SAID WEST MARGIN TO THE NORTHEAST CORNER OF LOT 3 OF SAID PLAN OF MEADOW ADDITION TO AUBURN;
THENCE ALONG THE NORTHERLY PROLONGATION OF SAID LOT 3, SOUTH 89°17'30" EAST, 10.00 FEET TO THE EAST MARGIN OF SAID ALLEY;
THENCE SOUTH 00°38'08" WEST, 165.00 FEET ALONG SAID EAST MARGIN TO THE MOST WESTERLY NORTHWEST CORNER OF THAT PORTION CONVEYED TO THE CITY OF AUBURN FOR STREET PURPOSES BY DEED RECORDED UNDER RECORDING NO. 7807170274;
THENCE SOUTH 68°53'49" WEST, 10.77 FEET TO SAID NORTHEAST CORNER OF THAT PORTION CONVEYED TO THE CITY OF AUBURN FOR STREET PURPOSES BY DEED RECORDED UNDER RECORDING NO. 7807170275 AND THE WEST MARGIN OF SAID ALLEY AND THE POINT OF BEGINNING.

CONTAINS 1,670 SQUARE FEET, MORE OR LESS. (0.038 ACRES +/-)



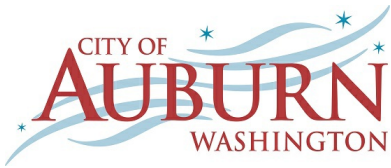
Project Name: Merritt Building
March 13, 2019
Revised September 19, 2019
Job No. 20449

BDG / JSE
20449L.001.doc



File: P:\20000s\20449\survey\20449exh02-row_vacation.dwg Date/Time: 10/2/2019 12:59 PM JUSTIN EMERY

SCALE: HORIZONTAL 1"=50' VERTICAL N/A		For: CITY OF AUBURN		JOB NUMBER 20449	
18215 72ND AVENUE SOUTH KENT, WA 98032 (425)251-6222 (425)251-8782 FAX CIVIL ENGINEERING, LAND PLANNING, SURVEYING, ENVIRONMENTAL SERVICES		Title: RIGHT OF WAY VACATION		20449L.001.DOC SHEET 1 of 1	
		DESIGNED <u>XXX</u> DRAWN <u>JSE</u> CHECKED <u>DJS</u> APPROVED <u>BDG</u> DATE <u>09/19/19</u>			



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6824 (Gaub)(5 Minutes)

Department:

Public Works

Attachments:

[Ordinance No. 6824](#)

Date:

June 7, 2021

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

For discussion only.

Background for Motion:**Background Summary:**

Ordinance No. 6824 authorizes the continuation of the temporary waiver of ROW Use Permit fees for outdoor restaurant purposes until the Governor declares that the emergency related to COVID-19 has ended. In addition, it provides for a 30 day period after that time for businesses using the waiver to either remove any property or items from the right-of-way or to apply for an obtain a new right-of-way use permit including the payment of all appropriate fees.

There are currently two businesses that have received permits under the waiver process.

Reviewed by Council Committees:

Councilmember: Stearns

Staff:

Gaub

Meeting Date: June 14, 2021

Item Number:

ORDINANCE NO. 6824

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, PROVIDING A TEMPORARY WAIVER OF RIGHT-OF-WAY USE PERMIT FEES, SET FORTH IN ACC 12.60.020 AND 12.60.025 FOR OUTSIDE RESTAURANT SEATING, IN RESPONSE TO THE PHASED OPENING OF COMMERCIAL BUSINESSES FOLLOWING THE COVID-19 DECLARED PUBLIC HEALTH EMERGENCY

WHEREAS, in 2020, the World Health Organization announced the novel coronavirus (COVID-19) was officially a global pandemic; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency because of COVID-19; and

WHEREAS, the Washington Governor also declared a State of Emergency due to new cases of COVID-19; and

WHEREAS, on March 5, 2020, the Mayor proclaimed a local emergency due to growing public health impacts of COVID-19, which the Auburn City Council ratified by Resolution No. 5504; and

WHEREAS, the COVID-19 outbreak presents an extreme risk of person-to-person transmission of the virus and public health experts worldwide advise the best way to prevent transmission of the virus is to prevent infected people from coming in close contact with healthy persons; and

WHEREAS, following recommended public health best practices, including social distancing, which is critical to mitigate the spread of COVID-19, is having significant negative economic effects on the national, regional, and local economy, in particular small

businesses and workers in the Auburn-area who cannot work remotely, including those related to restaurants; and

WHEREAS, as the business-related restrictions are relaxed, including opening of restaurants with reduced capacities, flexibility in allowing use of outdoor areas, including some City rights-of-way, could help some restaurants survive during these challenging times; and

WHEREAS, the Auburn City Code ("ACC") includes several provisions identifying different types of right-of-way use permits, including ACC 12.60.025; and

WHEREAS, ACC 12.60.020 sets forth right-of-way use permit application process and fee; and

WHEREAS, on June 15, 2020, the Auburn City Council approved Ordinance No. 6778 waiving the right-of-way use permit application process and fees to assist restaurants that may be able to use public right-of-way to expand the area within which customers could be served and to assist in the recovery of restaurant related businesses; and

WHEREAS, on September 14, 2020, the Auburn City Council approved Ordinance No. 6791 extending the waiver of the right-of-way use permit application process and fees to assist restaurants that may be able to use public right-of-way to expand the area within which customers could be served and to assist in the recovery of restaurant related businesses; and

WHEREAS, to continue to assist in the recovery of restaurant related businesses, it is reasonable that the City continue to temporarily waive the fees for right-of-way use permits for outdoor restaurant purposes until the Washington Governor declares that the

emergency related to COVID-19 has ended and after that time, the City will provide all businesses utilizing the right-of-way under this Ordinance thirty (“30”) days to apply for and obtain a right-of-way use permit and pay all necessary fees or to remove all property and items from the right-of-way.

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

Section 1. Temporary Waiver of Certain ROW Use Permit Fees. The imposition and collection of fees for right-of-way use permits, per ACC 12.60.020-25, for outdoor restaurant seating purposes shall be waived for such use for 30 days after the Governor of the State of Washington declares that the emergency related to COVID-19 has ended. At the expiration of the timeframe set forth in this section, all businesses that have received a waiver of a right-of-way use permit shall either apply for and obtain a right-of-way use permit and pay all necessary fees or remove all property and items from the right-of-way.

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

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

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

INTRODUCED: _____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

NANCY BACKUS, MAYOR

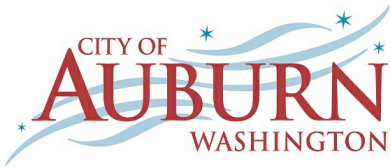
ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

Published: _____



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6825 (Comeau)(15 Minutes)

Department:

City Attorney

Attachments:

[Ordinance No. 6825](#)

[Exhibit A](#)

Date:

June 9, 2021

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

For discussion only.

Background for Motion:**Background Summary:**

In State v. Blake, the Washington Supreme Court invalidated the State's drug possession law (RCW 69.50.4013) because the law lacked the legally required element of "knowing" possession. The State Legislature passed ESB 5476 in response to the Blake decision. In addition to other law changes, ESB 5476 reduces RCW 69.50.4013 from a felony to a misdemeanor, and decriminalizes some drug paraphernalia possession under RCW 69.50.412.

With these changes, the City's drug possession and paraphernalia ordinances in ACC 9.22 are no longer needed and are now inconsistent with State law as revised by ESB 5476. To conform with ESB 5476, the ordinances in ACC 9.22 should be repealed, and ACC 9.24.010 should be amended to remove its reference to ACC 9.22 and to add precision and clarity to that code section.

Reviewed by Council Committees:

Councilmember: Jeyaraj

Staff:

Comeau

Meeting Date: June 14, 2021

Item Number:

ORDINANCE NO. 6825

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RELATING TO CONTROLLED SUBSTANCES AND REPEALING CHAPTER 9.22 OF THE AUBURN CITY CODE AND AMENDING ACC 9.24.010 TO CONFORM WITH ESB 5476.

WHEREAS, on February 25, 2021, the Washington Supreme Court issued its opinion in State v. Blake (197 Wn.2d 170). The Blake decision held RCW 69.50.4013 (the State's felony drug possession law) unconstitutional because the RCW lacked the legal element of "knowing" possession;

WHEREAS, the State Legislature responded to Blake by passing ESB 5476, signed into law by Governor Inslee on May 14, 2021. ESB 5476 includes the following changes to State drug laws:

- Section 9 of ESB 5476 adds the required "knowing" element to RCW 69.50.4013, and reduces the RCW from a felony to a misdemeanor;
- Section 14 of ESB 5476 decriminalizes the use or delivery of personal use drug paraphernalia in RCW 69.50.412;

WHEREAS, these law changes allow the City to now prosecute State law drug possession as a misdemeanor, but also render the City's drug possession and paraphernalia ordinances in ACC 9.22 obsolete and inconsistent with State law as revised by ESB 5476;

WHEREAS, State law requires City ordinances to be consistent with State laws. Given the passage of ESB 5476 and its legal changes, the ordinances in ACC 9.22 should be repealed;

WHEREAS, ACC 9.24.010 should also be amended in light of ESB 5476 to remove its references to ACC 9.22 and to add precision and clarity to the other parts of that section.

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

Section 1. Repeal of chapter within the Auburn City Code. Auburn City Code Chapter 9.22 and the following sections and underlying ordinance language within it are hereby repealed:

ACC 9.22.010	Controlled substances prohibited
ACC 9.22.020	Drug paraphernalia prohibited
ACC 9.22.900	Statutes incorporated by reference

Section 2. Amendment to Auburn City Code. Auburn City Code Section 9.24.010 is amended as set forth in Exhibit A to this ordinance.

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

Section 4. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application of it to any person or circumstance, will not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 5. Effective date. This Ordinance will take effect and be in force five days from and after its passage, approval, and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

Published: _____

EXHIBIT A – ORD. 6825

A. ~~No person may~~ ~~It is unlawful for any person to~~ loiter in or near any public rights-of-way, or any public or private property in a manner ~~or and~~ under circumstances manifesting the intent to engage in illegal drug-related activity contrary to RCW Chapters 69.41, 69.50, 69.52 or 69.53 ~~RCW~~. For purposes of this section, “loiter” shall have the same meaning as ACC 9.50.010.A., or to Chapter 9.22 AGC.

B. The following may be considered in determining the intent required by subsection A: ~~Among the circumstances which may be considered in determining whether such intent is manifested are the following:~~

1. Whether the ~~Such~~ person is a known unlawful drug user, possessor, or seller. For purposes of this ~~section~~ chapter, a “known unlawful drug user, possessor, or seller” is a person who:

a. a person who has been convicted in any court within this state of any controlled substance violation within RCW 69.41, 69.50, 69.52 or 69.53, or a involving the use, possession, or sale of any of the substances referred to in Chapters 69.41, 69.50, 69.52 and 69.53 RCW, or substantially similar laws of any political subdivision of this or any other ~~state or of any other state~~; or

b. who is known to have been arrested for a drug-related crime violation that not ~~resulted~~ in a conviction because the person’s participation in ~~ed~~ in a diversionary program, deferral program, drug court or ~~a~~ similar program; or

c. a person who displays physical characteristics or behaviors of drug intoxication and/or ~~usage~~, such as “needle tracks”; or

d. who is in possession of ~~possesses~~ marijuana in a manner not authorized by RCW 69.50.4013 (1), 69.50.4013(2) and/or in amounts that exceeding ~~those set forth in~~ 69.50.360(3);

2. Whether the ~~Such~~ person is currently subject to an order from any court prohibiting their presence in a high drug activity geographic area, such as an order issued pursuant to ACC 9.24.020 and/or ACC 9.24.030;

3. Whether the ~~Such~~ person’s current observed behavior ~~behaves in such a manner as to raise~~ raises a reasonable suspicion that they are currently or are about to engage in ~~or is then engaged in an~~ unlawful drug-related activity, including (by way of example only); ~~such person~~ acting as a “lookout”;

4. Whether a police officer is able to identify the person based on articulable factors ~~Such person is physically identified by a police officer, based on articulable factors,~~ as a member of a “gang,” or ~~an~~ association that which ~~engages in illegal drug activity.~~ Such ~~F~~ factors may that support an officer physically identifying a person as a member of such a gang or association include, but are not limited to: ; clothing, tattoos, known association and/or affiliation with such a gang or association, specific and observed acts

or circumstances consistent with drug-related activity, and gestures, signs, greetings and movements that are consistent with gang-related activity. The person's; ~~provided, that~~ clothing alone shall not be sufficient, ~~without more,~~ to support such an identification; ~~an officer physically identifying a person as a member of such a gang or association~~;

5. Whether the ~~Such~~ person is observed furtively ~~transferrings~~ small objects or packages for currency ~~in a furtive fashion~~;

6. Whether the ~~Such~~ person flees ~~takes flight~~ upon the appearance of a police officer;

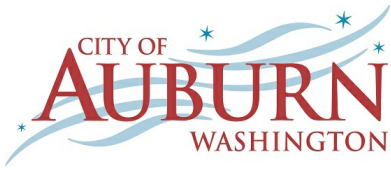
7. Whether the ~~Such~~ person manifestly endeavors to conceal themselves or any object which reasonably could be involved in an unlawful drug-related activity;

8. Whether the ~~The~~ area where the person is observed loitering is involved is by public ~~repute~~ known to police or to the public as ~~be~~ an area of unlawful drug use and trafficking or;

9. ~~The premises involved are known to have been reported to law enforcement as a place suspected of drug activity pursuant to~~ RCW Chapter 69.53 ~~RCW~~; and

10. Whether Any vehicle involved in the observed activity is registered to a known unlawful drug user, possessor, or seller, or to a person with ~~for whom there is an outstanding active bench~~ warrant for a crime involving drug-related activity.

C. Penalty. Violation of this section is a gross misdemeanor punishable by up to 364 days in jail and/or a \$5,000 fine.



AGENDA BILL APPROVAL FORM

Agenda Subject:

IT Update (Travis)(30 Minutes)

Department:

Information Services

Attachments:

[IT Update](#)

Date:

June 9, 2021

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

For discussion only.

Background for Motion:**Background Summary:****Reviewed by Council Committees:**

Councilmember: Baggett

Staff:

Travis

Meeting Date: June 14, 2021

Item Number:



Innovation & Technology

Page 37 of 80

Introductions

David

Director
of IT



Ashley

Assistant Director
of IT



Ashton

Technical Services
Manager



Brian

IT Project Manager



Presenters

Page 38 of 80

Innovation & Technology

Where we **were** ,

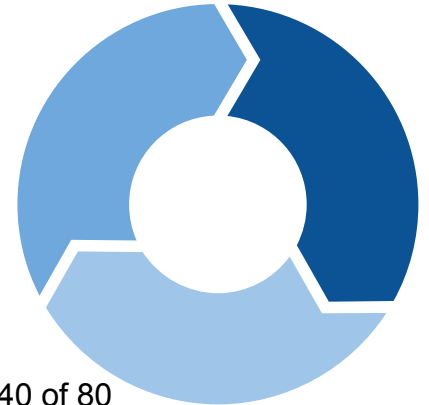
Where we **are** and

Where we are **headed** !



Divisions of IT

- ▶ Project Management
- ▶ Technical Services
- ▶ Customer Success





IT Project Management

Page 41 of 80

Projects

Brian

IT Project Manager



Brett

IT Systems Analyst

*Solutions
Finder/Tester



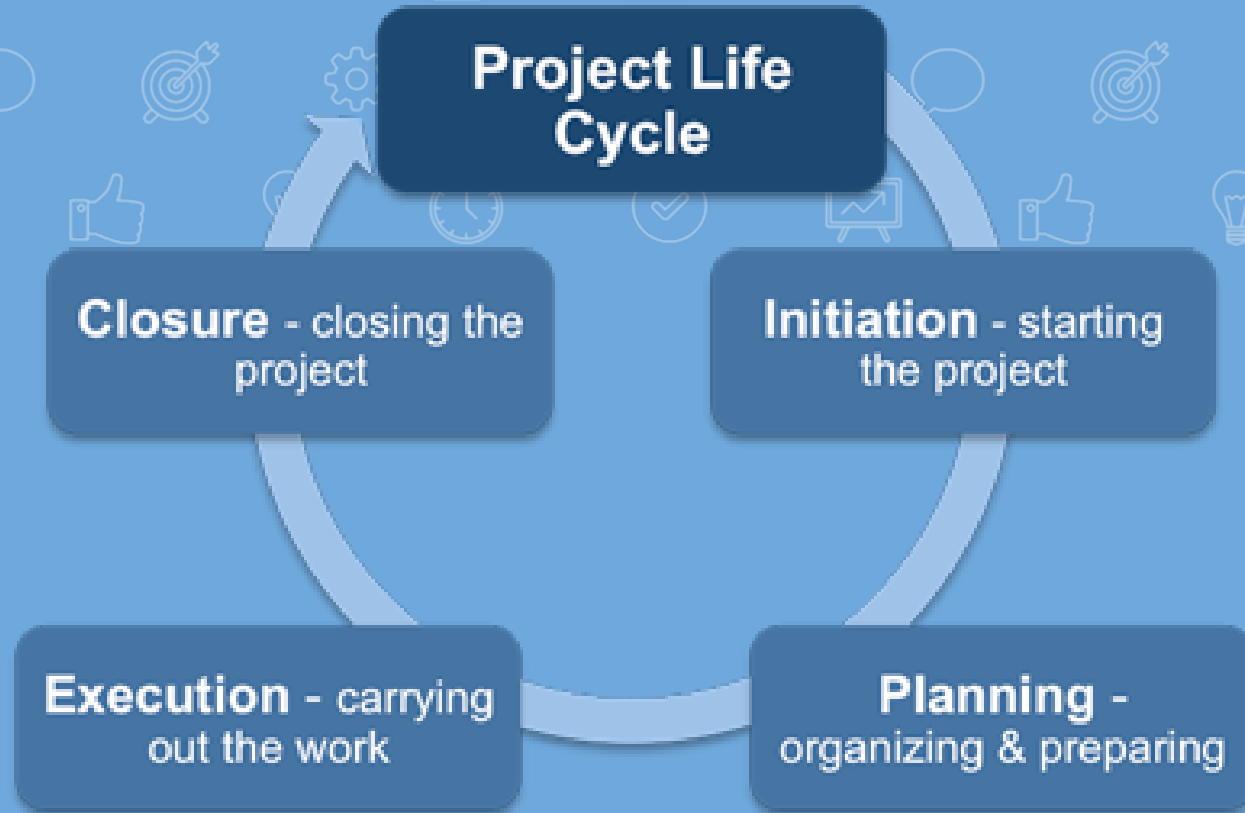
Our Team



IT Project Mangament Formalization

What is a Project?

- ▶ Defined start and end date
- ▶ Must require a significant amount of hours
- ▶ Produce a service, product or change a process
- ▶ Has budget
- ▶ Requires extensive coordination between end users, departments and vendors



● On Hold

● On Track

● At Risk

● Off Track

● Completed

9	REQUESTED	6	Initiation	4	Planning	6	Execution	0	Monitoring	11	COMPLETED
● 211 Active Directory Clean Up ● 189 Community Center Maker's ● 128 Electronic Self-Check in ● 26 Redirected Folders Implem ● 175 Asset LifeCycle Managemen ● 129 City Development Dashboar ● 130 Laserfiche for CD ● 157 Mimecast E-mail Retention ● 36 Utility Billing Webchat F	● 217 Airport Camera/Wifi Imple ● 216 Airport Online Payment Sy ● 161 COA Camera System Improve ● 222 M&O Inventory System ● 179 Microsoft 365 - OneDrive ● 172 Spillman Red Hat Enterpri	● 226 Community Court Temp Site ● 208 DataON SQL Cluster Upgrad ● 206 Esri Upgrade ● 219 GPO Network Mapped Drives	● 214 AlwaysON VPN Deployment 1 ● 213 Annex MDF Rack Clean Up ● 185 City Wide Mobile Workforc ● 154 DataOn Datacenter Refresh ● 195 Microsoft Phone System Im ● 188 TRAKiT Upgrade & MBP Impl		● 193 Cogent Internet Implement ● 207 Ednetics Services Implem ● 194 Inviso - Microsoft WVD Im ● 39 Laserfiche - City Contrac ● 223 M&O On-Call Phone System ● 224 M&O Surface Deployment ● 178 Microsoft 365 - Exchange ● 215 MS MFA Internal Implement ● 12 Security: Cisco ISE repla ● 183 Security: Windows 10 OS U ● 158 Springbrook Upgrade						

2021 Project Status Report

Generated by Brian Nguyen on : Apr 2, 2021 03:48 PM

Total records : 25

Project id	Title	Requested By	Health	Current Status	Stakeholder(s)
City Clerks					
157	Mimecast E-mail Retention/Archive Policy Implementation	Shawn Campbell	On Hold	On Hold. Will review with Clerks in Q2.	Shawn
Community Development					
188	TRAKIT Upgrade & MBP Implementation	Jeff Tate	On Track	Permit searching is live https://permitsearch.mybuildingpermit.com/ Testing needs to occur next to verify PayPal is functioning. Working with Finance to get PayPal account re-activated. Also working with Trakit support on issue with TrakitAPI test site connection.	CD
128	Electronic Self-Check in for Customers	Jeff Tate	On Hold	Had initial meeting where Jeff asked that we hold on this until they had more time to dive into the need/want. Will revisit sometime in Q3 2021.	Jeff & Jason
129	City Development Dashboard	Jeff Tate	On Hold	Project currently placed on Hold. Will re-initiate when Jeff/Jason wants to proceed.	Jeff & Jason
130	Laserfiche for CD	Jeff Tate	On Hold	On Hold. Will review in Q2.	Jeff & Jason
Finance					
36	Utility Billing Webchat Feature	Joan Nelson	On Hold	Joan requested this project be pushed till 2022. Danika to setup demo of Website Alive and LiveChat in October 2021.	UB
Human Resources					
226	Community Court Temp Site Implementation	Candis Martinson	On Track	IT currently working with comcast to deliver services to site. AV cart and Printer currently being ordered.	HR/Legal
Innovation & Technology					
214	AlwaysON VPN Deployment 1.1.4	David Travis	On Track	Currently working with vendor to finalize configuration prior to deployment.	All Staff
213	Annex MDF Rack Clean Up	David Travis	On Track	IT currently working on tape cataloging process.	IT
185	City Wide Mobile Workforce Surface Replacement	David Travis	On Track	IT currently deploying Surfaces and Monitors.	All Staff
154	DataOn Datacenter Refresh/Upgrade	David Travis	On Track	Initial DR Bubble test successful. Waiting on IT SQL Migration prior to testing more servers and applications in DR.	All Staff
195	Microsoft Phone System Implementation	David Travis	On Track	On next phase of project.	All Staff
161	COA Camera System Improvement	David Travis	On Track	Initial kick off discovery meeting with committee scheduled for 4/20.	All Staff
179	Microsoft 365 - OneDrive	David Travis	On Hold	Currently in planning and research for use	All Staff



2020 Key Projects

Page 48 of 80

2020 Key Projects

Productivity

- ▶ Cogent 10gb Internet
- ▶ Microsoft WVD Remote Apps
- ▶ DataON Azure HCI DataCenter

Mobility

- ▶ Surface Deployments
- ▶ Microsoft Teams
- ▶ Microsoft Teams Voice

Security

- ▶ Always ON VPN
- ▶ MFA for CJIS
- ▶ Windows 10 OS Upgrade



2021 Key Projects

Page 50 of 80

Disaster Recovery Site Planning and Implementation



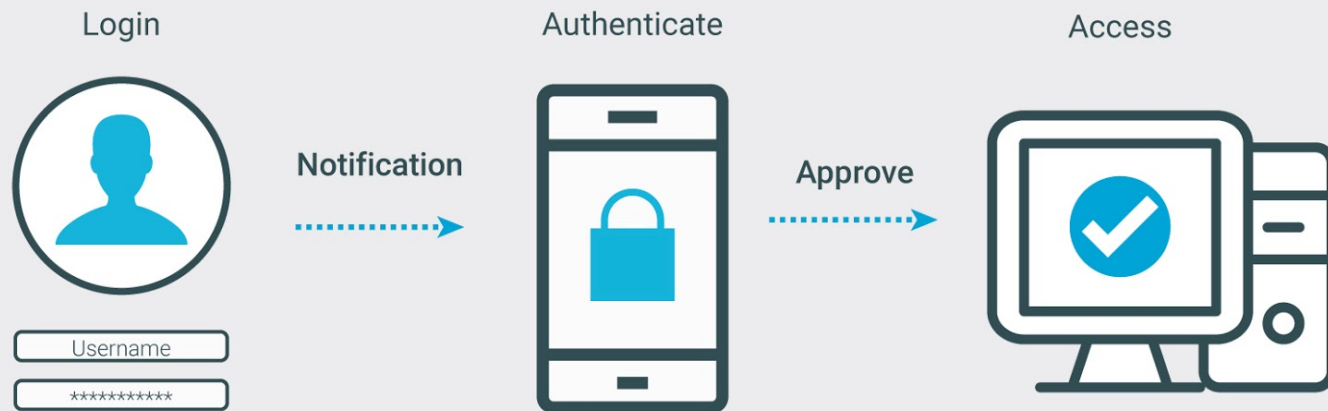
Mobile First

Mobility



City Wide MFA Rollout

Two-Factor Authentication





Technical Services

Technical Services

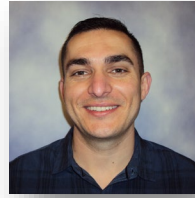
Technical Services is/does...

- ▶ Service Desk Services
- ▶ Geographic Information Systems (GIS) Services
- ▶ Network, Systems and Security Services

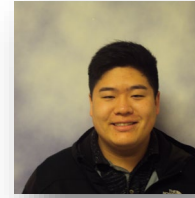
Technical Services



Christina Hill
Support Specialist



Jonathan Barbano
Support Specialist



Noah Son
Support Specialist



Brian Garbarino
Network Engineer



Colin Schmalz
Network Engineer



Eric Dusoleil
Network Analyst



Dane Carson
GIS Analyst



Jagdeep Singh
Sr. GIS Specialist

Our Team

Page 56 of 80

Service Desk

The Service Desk is the single point of contact for City staff.

- ▶ Triages all requests for information, incidents and services.
- ▶ Manage over 1,500 devices and replacement of those devices
- ▶ The three support specialists rotate weekly between "triage", "middle" and "field".



Industry leading...

- ▶ Drones
- ▶ Enterprise -wide integrated tools
- ▶ Spatial analysis
- ▶ Development
- ▶ Computer generated maps and reporting



Network

Our network is the **highway** that connects all services together.

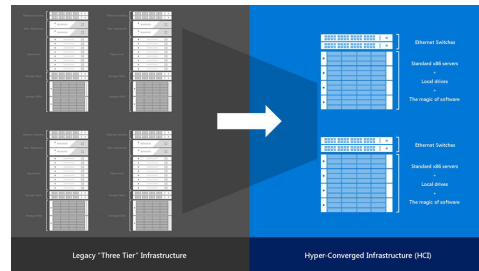
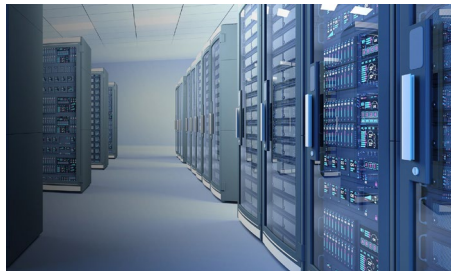
- ▶ 21 sites
- ▶ High speed fiber



Systems

Our systems infrastructure is the **engine** that drives all services.

- ▶ 13 physical hosts
- ▶ 160 virtual servers
- ▶ 500 terabytes of storage (128,000 HD movies)



Security

Our security is a core focus in everything we do in IT.

- ▶ New employee orientation, training and phishing campaigns
- ▶ Physical locks and cameras
- ▶ City policies
- ▶ Email and Internet
- ▶ Firewalls
- ▶ Virus and Malware
- ▶ Artificial Intelligence



What this means to you



Productivity,
Mobility &
Security



10G Internet



Azure VPN Gateway

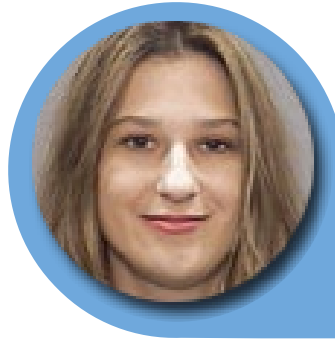


Customer Success

Business Systems Analysts

Chrissy

Administration
Community Development
Parks, Arts & Recreation



Danika

Clerks
Finance
Human Resources



Team

Airport
Engineering
M&O



Scott

Legal
Police



Our Team

Customer Lifecycle

Customer Service



Customer Support



Customer Success





Customer Service

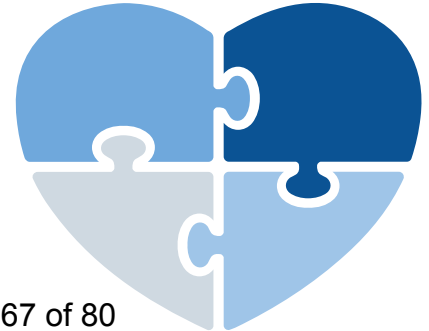
Page 66 of 80

Customer Service

Customer Service is about how we **proactively** .

deliver IT to City staff

- ▶ Build Relationships and Engagement
- ▶ Active Listening
- ▶ Clear Communication
- ▶ Ensure a Great Experience
- ▶ Consistency
- ▶ Adapt to Feedback





Customer Support

Page 68 of 80

Customer support is about how we
staff **reactively** .

support the IT needs of City

Information

...a question.



Service

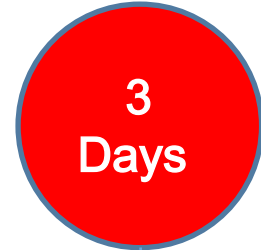
...a request for
something new.



↓
Projects

Incident

...a request to fix
something that is
broken.



↓
Technical
Services

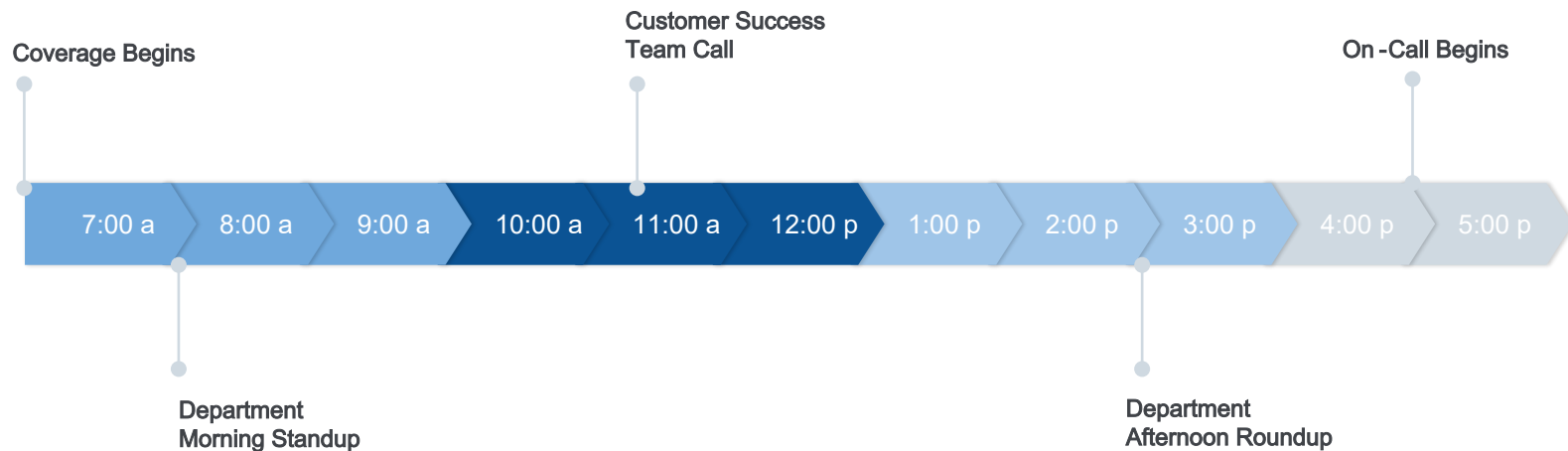
Service
Desk



Customer Success

Page 70 of 80

Daily Operations



Daily Priorities

Standup

"High", 911, VIP, User/System Down	Violated SLA	Approaching SLA	Created Before Today (FIFO)	Created Today	Open Work
Priority One 2	Priority Two 2	Priority Three 7	Priority Four 16	Priority Five 2	Total Active 29
View All	View Services	View Incidents	View Information	View Tasks	

Priority One

ID	Title	Technician	Type	Status	Created	Due	Updated
25960	🔴 Order Replacement PW M&O Copier	Jim	Service	Waiting on Vendor	2/10/2021 8:57:10 AM	2/24/2021 8:57:10 AM	3/30/2021 11:02:21 AM
27661	🔴 eGIS data that does not exist in Trakit	Chrissy	Incident	Open	3/30/2021 7:22:51 AM	4/2/2021 7:22:51 AM	3/31/2021 8:09:03 AM

Daily Check

Roundup

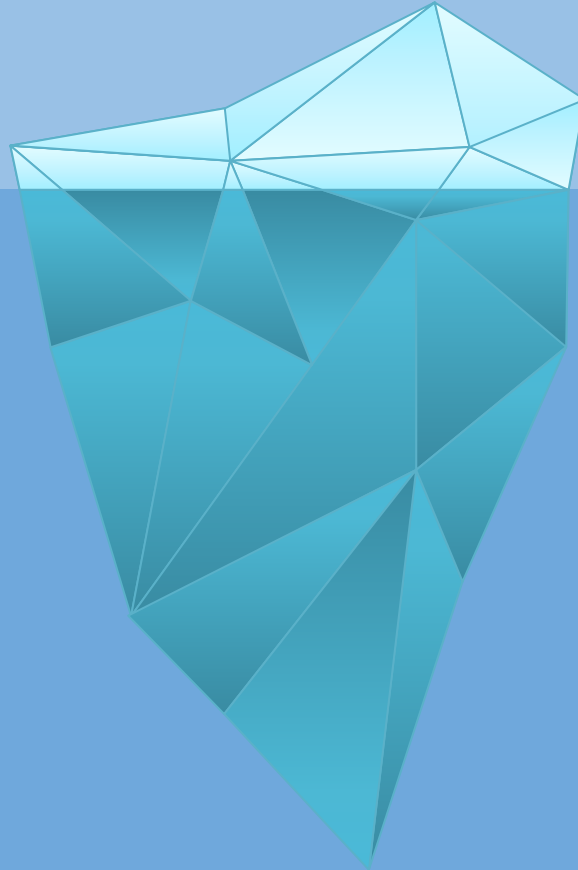
9	Completed 3/31/2021	5	Due 4/1/2021	23	Due after 4/1/2021	3	Overdue



Measuring Customer Success

Page 74 of 80

Our Customers Being Successful



A lot of what we do is behind the scenes, but we strive to be as helpful as we can.

We are not implementing technology because we can, we are using technology to help our customers.

825

Information Tickets

3,069

Services Tickets

6,317

Incidents Tickets

8

“mini” projects

2021

Customer Service

Survey
Responses

98%

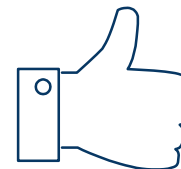
Customer Support

Service Level
Agreements

95%

Customer Success

Happy
Customers



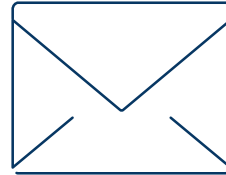
Contact Us

In Person



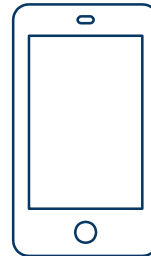
Email

servicedesk@auburnwa.gov

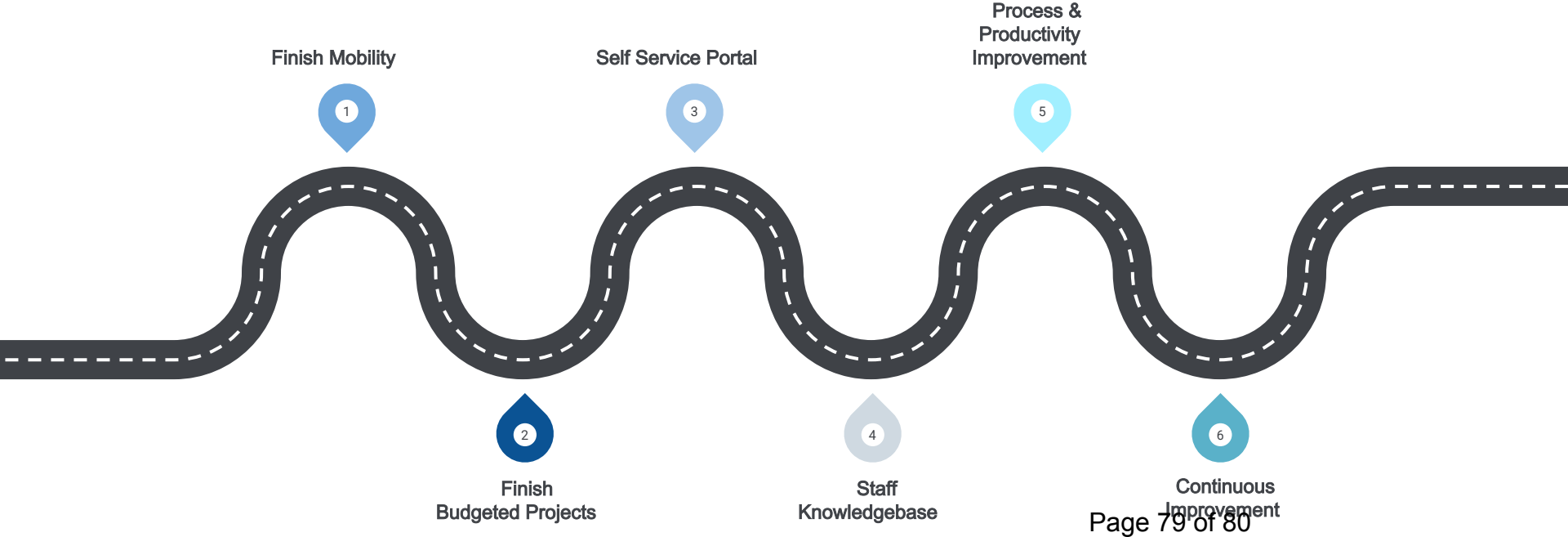
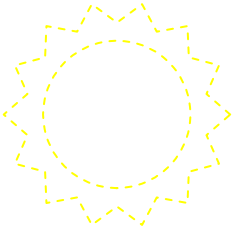


Phone

253-288-7400



Roadmap 2021 -22





Thank You

Page 80 of 80