

**CITY COUNCIL STUDY SESSION AND
SPECIAL FOCUS AREA
MAY 8, 2017 – 5:30 PM
Auburn City Hall
MINUTES**

I. CALL TO ORDER

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

A. Roll Call

Councilmembers present: Deputy Mayor Wales, Bob Baggett, Claude DaCorsi, Bill Peloza, Yolanda Trout-Manuel and Rich Wagner. Councilmember Holman arrived at 5:31 p.m.

Department directors and staff members present included: City Attorney Daniel B. Heid, Assistant City Attorney Jessica Leiser, Police Chief Bob Lee, Assistant Police Chief William Pierson, Community Development and Public Works Director Kevin Snyder, Assistant Director of Engineering Services/City Engineer Ingrid Gaub, Assistant Director of Community Development Services Jeff Tate, Director of Administration Dana Hinman, Human Resources and Risk Management Director Roscoe, Innovation and Technology Director Paul Haugan, and Deputy City Clerk Shawn Campbell.

II. ANNOUNCEMENT, REPORTS AND PRESENTATIONS

At 5:31 p.m., Deputy Mayor Wales recessed the meeting to executive session for approximately 20 minutes in order to discuss pending or potential litigation pursuant to RCW 43.30.110(1)(i). City Attorney Heid, Assistant City Attorney Leiser, Director Snyder, Director Roscoe, and Assistant Director Tate attended the executive session.

The meeting reconvened at 5:51 p.m.

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Audubon Society – Solar Power

Jen Syrowitz, Chapter Conservation Manager for the Audubon Society, Ben Silesky, Field Organizer for the Audubon Society, Bonnie Frye Hemphill, Solar Design Consultant, and Shane Nesbitt, Commercial Project Developer for A & R Solar, presented information on the advantages of solar power in the Northwest.

Ms. Syrowitz spoke about the effect of climate change on birds and the need to reduce carbon emissions through the use of solar power.

Mr. Silesky spoke about the economic trajectory of solar and a menu of options for solar, including: residential, community centers, schools, public buildings, community solar projects, commercial projects, updating the environmental action plan and implementing a climate action plan.

Ms. Frye Hemphill spoke about the number of solar related jobs across the state. She stated there are currently 3,700 solar related jobs in Washington and 100 in Auburn. Solar in Washington produces 85 megawatts of electricity and is used in over 13,000 homes and businesses across the state.

Mr. Nesbitt spoke about the financial benefit of solar in the Northwest. He stated that solar panels actually work better in cooler climates and the long, sunny summer days in Washington are beneficial. He showcased some of the projects performed in the state. Mr. Nesbitt spoke about the cost/benefit of using solar and the current tax incentives and solar grants available.

Councilmember Peloza inquired about installing solar at the Community Center. Mr. Nesbitt estimated the cost to install solar at the Community Center is \$100,000 to \$115,000. He indicated a commerce grant could pay for half of the cost.

In response to questions from Councilmember DaCorsi, Mr. Nesbitt estimated the return on investment for a commercial project is around eight to twelve years.

Deputy Mayor Wales asked if one can sell excess power back to the grid. Mr. Nesbitt explained the use of a net meter.

Ms. Frye Hemphill spoke about the solar jobs bill that is under consideration in the state legislature this year.

- B. Potential Code Changes for Improved Development Processes**
Mayor Backus stated she recently asked Community Development and Public Works staff to identify currently adopted regulations that are frequent concerns for developers and that regularly challenge the efficiency and flexibility of the staff's work effort in conducting development review.

Community Development and Public Works Director Snyder presented the Council with a matrix that highlights key sections of the city code previously adopted by the Council and their impacts on development review activities. He requested the Council's feedback on whether staff should initiate code update efforts for some or all of the code sections.

Deputy Mayor Wales stated her concerns about the process include: timeliness, sidewalks in industrial areas, street lights, mitigation fees, and flower boxes.

Councilmember Pelozza also stated his concern over timeliness in permitting.

Director Snyder stated there is a give and take in the review and permitting process, and sometimes the City is waiting for the client to respond. The department has been working on a lean process. Staff members are seeking feedback from developers of completed projects to learn where improvements in the process can be made.

Assistant Director Tate reviewed each of the code sections proposed for modification.

Section 18.02.065 defines the method for calculating residential density. A number of residential developers have expressed concern over the number of lots that are lost as a result of the current method for calculating density. It has led to several mid-sized lots (5 acres) being deemed unviable for subdivision.

Chapter 18.25 establishes "infill" development standards. While the standards allow some flexibility, the public right-of-way standards do not provide flexibility and often times the public right-of-way improvements make development of the site cost

prohibitive. By granting relief from some or all of the public right-of-way improvements two and three-lot short plats could become more viable. Infill is important for achieving Growth Management Act objectives.

Section 18.52.050(B)(2) requires a 40-foot setback for drive aisle throat depth. Any deviance must go through the variance process via the Hearing Examiner. The deviance process costs money and time. Staff suggests either eliminating the section and moving it to the Engineering Design Standards or modifying it to reference the Engineering Design Standards.

Section 18.68.030(B)(1)(b) currently requires all Comprehensive Plan map changes to go before the Planning Commission and City Council. It also requires all rezones to go before the Hearing Examiner and City Council. Staff proposes that when a Comprehensive Plan Map is allowed the requirement for the rezone to go before the Hearing Examiner should be eliminated so that the City Council can take action on both items at the same time.

Section 12.64A.020(A) and (B) defines when new development or re-development will be required to construct half-street improvements. Triggers for re-development include the value of the improvements compared to the property value based on the current County Assessor records, additional parking, or additional new driveway access points. This also impacts infill development.

Chapter 13.32A defines when new development or re-development will be required to underground the overhead wiring. Concerns are similar to those stated above.

Councilmembers expressed support for the proposed changes to encourage development. Councilmembers urged staff to further review other areas of the code for potential changes to make the development process easier for developers.

C. Safer Cities/Inclusive Cities Ad Hoc Presentation

Councilmember Trout-Manuel, chair of the ad hoc committee on inclusive cities, reported on behalf of the committee consisting of herself and Councilmembers DaCorsi and Baggett. She reported that following the last regular meeting the ad hoc committee met to review current City resolution and policy regarding safer and inclusive cities.

Councilmember Trout-Manuel stated she has listened to many opinions about the issue.

Councilmember DaCorsi stated he has concern with creating a piece of legislation that the federal government will not abide by, and it could put police officers in a difficult position. The current police policy and procedures do not ask for immigration status. The police department does not detain or arrest anyone without probable cause.

Councilmember Baggett agreed with Councilmember DaCorsi. He expressed support for the proposed resolution rather than an ordinance.

Councilmember Trout-Manuel stated she favors public safety and does not want legislation that will tie police officers' hands.

City Attorney Heid explained the proposed resolution and ordinance. The resolution was originally patterned after the National League of Cities inclusive cities resolution. The proposed resolution is now focused on the issues in Auburn. It acknowledges and states the provisions of the Fourteenth Amendment. The resolution states a commitment to a diverse and inclusive community. It provides policy and direction that the City Council and personnel shall not interrogate people based solely on their civil immigration status, race, religion, inability to speak English or their inability to understand City personnel or its officers.

City Attorney Heid explained the proposed ordinance creates a code section that states the same policy and direction as contained in the resolution.

In response to questions from Deputy Mayor Wales, City Attorney Heid responded that neither the resolution or ordinance impedes the police from providing mutual aid. Deputy Mayor Wales stated she feels the issue deserves more attention than a resolution.

Councilmember Wagner commented the ordinance contains many specifics, including participating in mutual aid, which the resolution does not. City Attorney Heid stated the resolution provides policy direction. The police have a separate mutual aid policy.

Councilmember DaCorsi noted that according to Assistant Chief of Police Pierson, ICE has come in to the Auburn community twice in

the last 36 years. He also stated that regardless of whether a resolution or ordinance is adopted, the federal government will take whatever actions they are authorized to perform. He spoke in favor of the proposed resolution.

Councilmember Pelosa spoke in favor of the proposed ordinance.

Councilmember Wagner stated the resolution only repeats the resolution from 2008 and adds reference to the Fourteenth Amendment. He spoke in favor of the proposed ordinance.

Assistant Chief Pierson assured Council that police officers will respond regardless of the person's immigration status. He stated police officers will not enforce immigration laws.

Councilmember Baggett spoke in favor of a resolution establishing the City's policy rather than the proposed ordinance. He stated the police are here to serve all of the residents regardless of immigration status.

Deputy Mayor Wales suggested looking at providing funding for human services for supportive services.

At 7:45 p.m., Deputy Mayor Wales recessed the meeting for a 15-minute intermission. The meeting was reconvened at 8:00 p.m.

Deputy Mayor Wales announced that the resolution and ordinance will come before the Council at their next regular meeting for consideration.

IV. HEALTH AND HUMAN SERVICES DISCUSSION ITEMS

Councilmember Trout-Manuel, chair of the Health and Human Services Special Focus Area, presided over the meeting during discussion of the Health and Human Services agenda items.

A. Auburn Day Shelter/Overnight Shelter Project Status

Director of Administration Hinman updated the Council on homeless sheltering. She informed the Council that the City expanded the number of days the inclement weather shelter was open.

Also, the City, in partnership with Valley Cities and the Auburn Food Bank, will be operating a day shelter and overnight shelter at the Valley Cities location at 2536 I Street NE. The shelter's

operating hours will be Monday-Friday with the intention of growing to seven days a week. Valley Cities donated the temporary use of a vacant lot on their property to provide for the day shelter structure that the City of Auburn is leasing and is also providing the use of their Common Building to be utilized for nighttime services. Puget Sound Energy has expedited work to provide temporary power to the site. Valley Cities will be reallocating current outreach worker staff to support the shelter clients, and the Auburn Food Bank will be providing staff, food and resource connections for the day sheltering operation.

Director Snyder spoke briefly about the temporary use permitting process for the site.

The average use for the inclement weather shelter was 35-40 people, but there is more capacity at the proposed shelter.

Councilmember Wagner spoke in favor of the proposal.

Director Hinman indicated a budget amendment will be coming in the next cycle to fund the shelter. Mayor Backus reported there is \$30,000 in the budget for homelessness; if additional funding is needed, a budget amendment will be requested.

Deputy Mayor Wales suggested looking at a solution for storage for the homeless.

- B. Ordinance No. 6652 – Regulation of Fair Housing Practices**
City Attorney Heid introduced the two versions of an ordinance prohibiting rental housing discrimination based on source of funds.

The difference between the two versions is that one version creates a separate new chapter (Chapter 5.40) to the city code providing for fair housing practices, and adding regulations that prohibit source of income discrimination for rental housing related to multi-family residential properties. The other ordinance seeks to do the same, but seeks to do so by adding a new section to the existing Chapter 5.22 of the city code, the city's rental business license. Business licenses are enforced through code enforcement, whereas the separate chapter (Chapter 5.40) has a penalty and an appeal process that would fall within the purview of the City Administration Department.

City Attorney Heid indicated there is a fair amount of variation in

what cities do in these regards. In evaluating the different approaches cities have taken, staff felt that rather than creating expanded civil liabilities, it would be sufficient for the City to either provide for a penalty for violations of source of income discrimination, or enforce it through business licensing, where there is already an existing framework for licensing criteria and enforcement. Either way, both ordinances limit their application to multi-family residential rental units (the ordinances would not apply to single family residential structures, duplexes, etc.).

Mr. Heid recommended the business licensing approach should be simpler because the multi-family residential property owners should already be licensed, and rather than seeking to impose a penalty, the city could, were violations to occur, seek revocation or suspension of business licenses. Because the licensing enforcement process already exists, it would probably also be a quicker enforcement route.

Councilmembers discussed the merits of the business license model.

Councilmember Peloza requested a briefing on license fees from neighboring cities.

Councilmembers indicated they would like to consider the business licensing model for regulations prohibiting rental housing discrimination based on source of income.

V. OTHER DISCUSSION

There was no other discussion.

VI. NEW BUSINESS

See the matrix for new business items.

VII. MATRIX

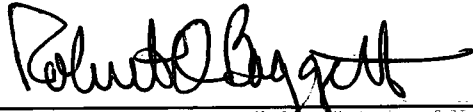
The following items were added to the matrix:

- Business Licensing (Municipal Services)
- Council Chambers security discussion (Municipal Services)
- \$20 car tab fee
- Services for those who may be undocumented (Health and Human Services)

VIII. ADJOURNMENT

There being no further discussion, the meeting adjourned at 8:45 p.m.

APPROVED THIS 3rd DAY OF December, 2018.



BOB BAGGETT, DEPUTY MAYOR



Shawn Campbell, City Clerk

