



City Council Study Session

April 13, 2015 - 5:30 PM

Auburn City Hall

AGENDA

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[Watch the meeting video](#)

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I. CALL TO ORDER

A. Roll Call

II. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Council Ad Hoc Committee on Committees (40 Minutes)

B. **Public Works Project No. CP1412 - Auburn Community Center and Youth Center Project (20 Minute Presentation 10 Minute Discussion)* (Sweeting)**

C. **Ordinance No. 6560 - Communal Residences (30 Minutes)* (Tate)**

An Ordinance of the City Council of the City of Auburn, Washington, amending sections 18.04.031, 18.04.125, 18.04.249, 18.04.390, 18.04.440, 18.04.660, 18.04.835, 18.04.891, 18.07.020 and 18.31.130 of the Auburn City Code relating to Communal Residences

IV. OTHER DISCUSSION ITEMS

V. ADJOURNMENT

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

**Denotes attachments included in the agenda packet.*



AGENDA BILL APPROVAL FORM

Agenda Subject:

Public Works Project No. CP1412 - Auburn Community Center and Youth Center Project (20 Minute Presentation 10 Minute Discussion)

Date:

April 6, 2015

Department:

CD & PW

Attachments:

[Project Summary](#)

Budget Impact:

\$0

Administrative Recommendation:

For discussion only, CP1412 Auburn Community and Youth Center Project, Design Development Update.

Background Summary:

This project will design and construct a community and youth center at the north end of the Les Gove Community Campus. The community and youth center will provide approximately 21,000 square feet of building space to be used for educational, cultural, and social activities. Emphasis will be made on creating spaces that will attract teens and encourage cross-generational interactions with the existing neighboring Senior Center. The community and youth center will be created by renovating the City's existing Parks, Recreation and Arts Administration Building (approximately 7,100 square feet) and adding approximately 13,700 square feet of new building space.

The project team is currently progressing through the Design Development (DD) stage. This presentation will provide a general update on the project schedule, budget, and design development.

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

Sweeting

Meeting Date: April 13, 2015

Item Number: DI.B

AUBURN COMMUNITY AND YOUTH CENTER
PROJECT SUMMARY - UPDATE
April 13, 2015

PROJECT DESCRIPTION

This project will design and construct a community and youth center at the north end of the Les Gove Community Campus. The community and youth center will provide approximately 21,000 square feet of building space to be used for educational, cultural, and social activities. Emphasis will be made on creating spaces that will attract teens and encourage cross-generational interactions with the existing neighboring Senior Center. The community and youth center will be created by renovating the City's existing Parks, Recreation and Arts Administration Building (approximately 7,300 square feet) and adding approximately 13,700 square feet of new building space.

ENGAGEMENT and OUTREACH (recently completed and upcoming)

- ✓ February 10, 2015 – Community Groups Meeting, discussed project with specific community groups.
- ✓ February 23, 2015- City Council Study Session, present schematic design
- February to August – Public engagement through internet, virtual open house, social media
- April 13, 2015 – City Council Study Session, provide project update
- June 2015 – City Council Study Session, provide project update
- August 2015 – City Council Meeting, Award Construction Contract
- August 2015 – Community Meeting after project award to discuss construction schedule and impacts and building design/programming.
- August 2015 to June 2016 – Public engagement through internet and social media.

PROJECT SCHEDULE (project is currently on-schedule)

Design and Permitting	November 2014 – June 2015
Bidding	July 2015 – August 2015
Construction	August 2015 – June 2016
Grand Opening	June 2016

PROJECT BUDGET (Project is currently within budget)

Design and Permitting	\$1.9 million
Construction, Furniture, Commissioning	\$6.7 million
<u>Project Contingency</u>	<u>\$0.4 million</u>
Total	\$9.0 million

CURRENT STATUS

The project is currently progressing through the Design Development (DD), or 60% design phase. This phase further develops the design to refine the building floor plan, materials, mechanical and electrical systems, finishings, parking lot, and utility connections. Potential traffic impacts and possible mitigation measures are being evaluated. The SEPA process has been initiated and is open for public comments.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6560 - Communal Residences (30 Minutes)

Date:

April 8, 2015

Department:

Community Development &
Public Works

Attachments:

[Ordinance No. 6560](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council to introduce and adopt Ordinance No. 6560 lifting the moratorium on communal residences and adopting new regulations that govern the licensing and use regulations for new communal residences.

Background Summary:

On September 3, 2013, under Ordinance No. 6477, City Council accepted the Planning Commission's recommendation to adopt new rules that established regulations and procedures for the licensing of Communal Residences. These rules were adopted in large part because of an increase in the amount of shared student housing within non-owner occupied homes that are near Green River Community College. Ordinance 6477 established an effective date of January 1, 2014 in order to allow property owners ample opportunity to bring their property into compliance with the new rules. City staff prepared and mailed notification to all property owners on Lea Hill south of SE 304th Street.

On June 16, 2014 City Council enacted Resolution No. 5079 which established a one year moratorium on the acceptance and issuance of communal residence business licenses and permits. City Council took this action because it appeared as though the rules adopted under Ordinance No. 6477 did not fully address the issues and impacts of communal residence uses. In particular, the lack of an occupant limit, the ability of the conditional use permit process to be used to exceed 4 occupants, and the lack of integration that the communal residence standards has with other shared housing arrangements.

On March 3, 2015 staff presented a series of draft amendments to the Planning Commission that were intended to assist in lifting the moratorium and establish permanent communal residence licensing and use regulations. On March 17, 2015 the Planning Commission held a public hearing on the draft amendments. At the

conclusion of the public hearing the Planning Commission deliberated on the code changes and voted to make modifications to the staff recommendation and to recommend that City Council adopt the amendments displayed in proposed Ordinance No. 6560. Highlights of the draft amendments include:

1. Eliminating the ability to obtain a conditional use permit that allows more than 4 tenants which also has the effect of establishing a 4 tenant occupancy limit.
2. Require that one on-site parking space be designated for each tenant.
3. Clarify that other forms of defined group housing arrangements are not the same as a communal residence.
4. Clarify that a communal residence is a form of business activity.

Reviewed by Council Committees:

Other: Legal, Planning

Councilmember:

Staff: Tate

Meeting Date: April 13, 2015

Item Number: DI.C

ORDINANCE NO. 6 5 6 0

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING SECTIONS 18.04.031, 18.04.125, 18.04.249, 18.04.390, 18.04.440, 18.04.660, 18.04.835, 18.04.891, 18.07.020, AND 18.31.130 OF THE AUBURN CITY CODE RELATING TO COMMUNAL RESIDENCES

WHEREAS, the City of Auburn has seen an increase in rental housing particularly in residential neighborhoods adjacent to Green River Community College and through citizen comment determined the City's rental housing related codes need to be amended in some fashion; and

WHEREAS, the current provisions of the Auburn City Code (ACC) define communal residences as a dwelling without an owner occupant that is rented to a group of unrelated individuals [ACC 18.04.249], and further identify regulations related to communal residences [ACC 18.31.130], however, it appears that these provisions may not be adequate to fully address the issues related to communal residences; and

WHEREAS, in order to address issues related to rental housing primarily in single family residential neighborhoods, the City Council determined that it is appropriate to fully evaluate and consider the different options and avenues through which communal residence rental housing operates; and

WHEREAS, in conformity with the responsibilities of the City of Auburn to provide for zoning and land use regulations pursuant to state law, and the City's authority to regulate land use activity within its corporate limits, the City intends to explore and evaluate how it can most reasonably and responsibly address the issues and impacts related to communal residence rental housing; and

WHEREAS, in order to give the City adequate time to fully consider all the options and

alternatives for appropriate regulations, and to fully investigate and review all of the factors involved in communal residence rental housing related uses, the City Council determined it had a need to impose a moratorium on accepting and processing applications for communal residence rental housing uses, until its review of needed regulations and the adoption and implementation of needed regulations can be completed; and

WHEREAS, RCW Sections 35A.63.220 and 36.70A.390 authorize cities to adopt moratoria; and

WHEREAS, consistent with the provisions of RCW 35A.63.220, on June 16, 2014, the City Council passed its Resolution No. 5079, implementing and establishing a moratorium on the acceptance or processing of applications for business licenses and other licenses, permits and approvals for communal residential rental housing; and

WHEREAS, since the passage of Resolution No. 5079, members of the Planning Department and other City staff have been working with the City of Auburn Planning Commission to evaluate, consider and propose amendments to the City Code to address communal residential rental housing; and

WHEREAS, on March 17, 2015, the City of Auburn Planning Commission held a public hearing to hear comments regarding communal residential rental housing, and following the public hearing and the receipt of comments and discussion related thereto, the Planning Commission moved to forward to the City Council its recommendations regarding communal residential rental housing, set forth herein below.

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

Section 1. AMENDMENT TO CITY CODE. That Section 18.04.031 of the City Code be, and the same is hereby amended to read as follows:

18.04.031 Adult family home.

"Adult family home" means a residential home licensed by the state in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. Adult Family Homes are not Communal Residences. (Ord. 6245 § 3, 2009.)

Section 2. AMENDMENT TO CITY CODE. That Section 18.04.125 of the City Code be, and the same is hereby amended to read as follows:

18.04.125 Assisted living facility.

"Assisted living facility" means a combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. An establishment with a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential. An Assisted Living Facility is not a Communal Residence. (Ord. 6245 § 3, 2009; Ord. 6140 § 1, 2007.)

Section 3. AMENDMENT TO CITY CODE. That Section 18.04.249 of the City Code be, and the same is hereby amended to read as follows:

18.04.249 Communal residence.

"Communal residence" ~~means~~ is a business where a dwelling unit, without an owner occupant, ~~that~~ is rented to a group of unrelated individuals. Adult Family Homes, Foster Care Homes, Group Residence Facilities, Special Needs Housing, and Supportive Housing are not Communal Residences. (Ord. 6477 § 10, 2013.)

Section 4. AMENDMENT TO CITY CODE. That Section 18.04.390 of the City Code be, and the same is hereby amended to read as follows:

18.04.390 Foster care home.

"Foster care home" means a home which provides regular care for up to four developmentally disabled adults, or up to four adults who are recipients of state or federal financial assistance services, or up to four foster children under the age of 18, or up to three expectant mothers in a residential structure of the person or persons under whose direct care and supervision the people are placed. A Foster Care Home is not a Communal Residence. (Ord. 6245 § 3, 2009; Ord. 4229 § 2, 1987.)

Section 5. AMENDMENT TO CITY CODE. That Section 18.04.440 of the City Code be, and the same is hereby amended to read as follows:

18.04.440 Group residence facility.

"Group residence facility" means a facility licensed by the state and operated with full-time supervision for housing resident persons who, by reasons of their mental or physical disability, addiction to drugs or alcohol, or family and social adjustment problems, require a transitional nonmedical treatment program for rehabilitation and social readjustment. For the purposes of this title, a nonmedical treatment program consists of counseling, vocational guidance, training, group therapy and other similar rehabilitative services but does not include drug and/or alcohol detoxification. Monitoring the taking of prescription medication shall be permitted. The use of medication by any resident shall be incidental to that person's residence in the facility and shall not be a criterion for residence in the facility. This definition does not include residential dwellings which meet all other requirements of this title, that provide programs related to this definition or which provide services of a nursing home as defined by ACC 18.04.660. A Group Residence Facility is not a Communal Residence. (Ord. 6245 § 3, 2009; Ord. 4590 § 2 (Exh. A), 1992; Ord. 4304 § 1(2), 1988; Ord. 4229 § 2, 1987.)

Section 6. AMENDMENT TO CITY CODE. That Section 18.04.660 of the City Code be, and the same is hereby amended to read as follows:

18.04.660 Nursing home.

"Nursing home," "rest home," "convalescent home," "guest home" and "home for the aged" mean a home operated similarly to a boardinghouse but not restricted to any number of guests or guest rooms, the operator of which is licensed by the state or county to give special care and cure to his or her charges, and in which nursing, dietary and other personal services are furnished to convalescents, invalids and aged persons, and in which homes are performed no surgery, maternity or any other primary treatments such as customarily provided in hospitals, and in which no persons are kept or served who normally would be admitted to a mental hospital or to a group residence facility. This definition does not include group residence facilities as defined in this title. A Nursing Home is not a Communal Residence. (Ord. 6245 § 3, 2009; Ord. 4304 § 1(5), 1988; Ord. 4229 § 2, 1987.)

Section 7. AMENDMENT TO CITY CODE. That Section 18.04.835 of the City Code be, and the same is hereby amended to read as follows:

18.04.835 Special needs housing.

“Special needs housing” is housing that meets the definition of nursing home, group home, or other housing that meets the needs of special populations that need assistance or special accommodation in housing. See Chapter 18.49 ACC. Special Needs Housing is not a Communal Residence. (Ord. 6245 § 3, 2009.)

Section 8. AMENDMENT TO CITY CODE. That Section 18.04.891 of the City Code be, and the same is hereby amended to read as follows:

18.04.891 Supportive housing.

“Supportive housing” means a multiple-family dwelling owned or sponsored by a nonprofit corporation or government entity, designed for occupancy by individual adults that are either (A) homeless or at risk of homelessness; (B) are experiencing a disability that presents barriers to employment and housing stability; or (C) generally require structured supportive services to be successful living in the community; is permitted at a greater unit density than otherwise allowed within a particular zone; and is intended to provide long-term, rather than transitional, housing. Long-term housing is approximately longer than two years, whereas transitional housing is no more than two years. Supportive Housing is not a Communal Residence. (Ord. 6245 § 3, 2009; Ord. 6167 § 1, 2008.)

Section 9. AMENDMENT TO CITY CODE. That Section 18.07.020 of the City Code be, and the same is hereby amended to read as follows:

18.07.020 Uses.

Table 18.07.020

Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C =Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
A. Residential Uses.							
Accessory dwelling units	P	P	P	P	X ¹	X ¹	X ¹
Accessory use, residential	P	P	P	P	P	P	P
Adult family home	P	P	P	P	P	P	P

Table 18.07.020

Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C =Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
Bed and breakfast	P	P	P	P	P	P	P
Communal residence four or less unrelated individuals	P	P	P	P	P	P	P
Communal residence more than four unrelated individuals	C	C	C	C	C	C	C
Duplexes; provided, that minimum lot size of zoning designation is met and subject to compliance with Chapter 18.25 ACC (Infill Residential Development Standards)	X	X	A	P	P	P	X
Foster care homes	P	P	P	P	P	P	P
Group residence facilities (7 or more residents)	X	X	X	X	C	C	C
Group residence facilities (6 or fewer residents)	P	P	P	P	P	P	P
Keeping household pets ⁴	P ²	P ²	P ²	P ²	P ²	P ²	P ²
Multiple-family dwellings	X	X	X	X	A	P	P
Neighborhood recreational buildings and facilities owned and managed by the neighborhood homeowners' association	A ⁶	A ⁶	A ⁶	A ⁶	A ⁶	P	P
Renting of rooms, for lodging purposes only, to accommodate not more than two persons in addition to the family or owner occupied unit ⁸	P	P	P	P	P	P	P
Residential care facilities including but not limited to assisted living facilities, convalescent homes, continuing care retirement facilities	P	P	X	X	A	P	P
Single-family detached dwellings, new	P	P	P	P	P	P	X
Supportive housing, subject to the provisions of ACC 18.31.160	X	X	X	X	X	P	P

Table 18.07.020

Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C =Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
Swimming pools, tennis courts and similar outdoor recreation uses only accessory to residential or park uses	P	P	P	P	P	P	P
Townhouses (attached)	X	X	X	X	P	P	P
B. Commercial Uses.							
Commercial horse riding and bridle trails	A	X	X	X	X	X	X
Commercial retail, included as part of mixed-use development and not a home occupation in compliance with Chapter 18.60 ACC	X	X	X	X	A	A	A
Daycare, limited to a mini daycare center. Daycare center, preschool or nursery school may also be permitted but must be located on an arterial	X	A	A	A	A	A	A
Home-based daycare as regulated by RCW 35.63.185 and through receipt of approved city business license	P	P	P	P	P	P	P
Home occupations subject to compliance with Chapter 18.60 ACC	P	P	P	P	P	P	P
Mixed-use development ³	X	X	X	X	P	P	P
Nursing homes	X	X	X	X	C	C	C
Private country clubs and golf courses, excluding driving ranges	X	X	C	C	C	X	X
Privately owned and operated parks and playgrounds and not homeowners' association-owned recreational area	X	A	A	A	A	P	P
Professional offices, included as part of mixed-use development and not a home occupation in compliance with Chapter 18.60 ACC	X	X	X	X	A	A	A

Table 18.07.020

Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C =Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
C. Resource Uses.							
Agricultural enterprise: ⁶							
When 50 percent, or more, of the total site area is dedicated to active agricultural production during the growing season, and with 52 or less special events per calendar year	A ⁷	X	X	X	X	X	X
When less than 50 percent of the total site area is dedicated to active agricultural production during the growing season, or with more than 52 special events per calendar year	C ⁷	X	X	X	X	X	X
Agricultural type uses are permitted provided they are incidental and secondary to the single-family use:							
Agricultural crops and open field growing (commercial)	P	X	X	X	X	X	X
Barns, silos and related structures	P	X	X	X	X	X	X
Commercial greenhouses	P	X	X	X	X	X	X
Pasturing and grazing ⁴	P	X	X	X	X	X	X
Public and private stables ⁴	P	X	X	X	X	X	X
Roadside stands, for the sale of agricultural products raised on the premises. The stand cannot exceed 300 square feet in area and must meet the applicable setback requirements	P	X	X	X	X	X	X
Fish hatcheries	C	X	X	X	X	X	X
D. Government, Institutional, and Utility Uses.							
Civic, social and fraternal clubs	X	X	X	X	A	A	A
Government facilities	A	A	A	A	A	A	A

Table 18.07.020

Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C =Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
Hospitals (except animal hospitals)	X	X	X	X	X	C	C
Municipal parks and playgrounds	A	P	P	P	P	P	P
Museums	X	X	X	A	A	A	
Religious institutions, less than one acre lot size	A	A	A	A	A	A	A
Religious institutions, one acre or larger lot size	C	C	C	C	C	C	C
Transmitting towers	C	C	C	C	C	C	C
Type 1-D Wireless Communication Facility (see ACC 18.04.912(J))	P	P	P	P	P	P	P
Utility facilities and substations	C ^b	C ^b	C ^b	C ^b	C ^b	C ^b	C ^b

1. An accessory dwelling unit may be permitted with an existing single-family residence pursuant to ACC 18.31.120.
2. Please see the supplemental development standards for animals in ACC 18.31.220.
3. Individual uses that make up a mixed-use development must be permitted within the zone. If a use making up part of a mixed-use development requires an administrative or conditional use permit, the individual use must apply for and receive the administrative or conditional use approval, as applicable.
4. Proximity of pasture or livestock roaming area to wells, surface waters, and aquifer recharge zones is regulated by the King or Pierce County board of health, and property owners shall comply with the provisions of the King County board of health code.
5. Excludes all public and private utility facilities addressed under ACC 18.02.040(E).
6. Administrative use permit not required when approved as part of a subdivision or binding site plan.
7. Agricultural enterprise uses are subject to supplemental development standards under ACC 18.31.210, Agricultural enterprises development standards.
8. An owner occupant that rents to more than two persons but no more than four persons is required to obtain a City of Auburn Rental Housing Business License and shall meet the standards of the International Property Maintenance Code.

(Ord. 6477 § 8, 2013; Ord. 6369 § 2, 2011; Ord. 6363 § 3, 2011; Ord. 6269 § 3, 2009; Ord. 6245 § 5, 2009.)

Section 10 AMENDMENT TO CITY CODE. That Section 18.31.130 of the City Code be, and the same is hereby amended to read as follows:

18.31.130 Communal residence standards.

A. Parking Requirements. There must be one off-street parking stall that meets City standards of ACC 18.52.050, 'Parking design, development, and maintenance standards' per ~~renter~~tenant. The applicant must demonstrate that each off-site parking space is under their ownership. In condominium or townhouse communities the applicant can also provide legal documentation that demonstrates that they have exclusive use of a common area parking space. The city shall ~~A landlord may reduce the off-street parking requirement if the property owner provides and maintains a notarized an affidavit is signed separately by each tenant, certifying that a tenant does not own a vehicle or have control of a vehicle while at the residence. A copy of the affidavit must be provided to the City upon request.~~

B. Solid Waste Management Requirements.

1. ACC 8.08.070 requires all occupied units ~~communal residences~~ to have minimum garbage service. The landlord is required to provide tenants with adequate garbage and recycle receptacles meeting the minimum garbage service level of this code section.

2. The landlord is responsible to provide each tenant with the solid waste collection schedule at the time of the tenant's initial occupancy and that schedule is to be posted within the unit.

C. Annual Inspection Required. An annual building inspection is required for a communal residence as part of the required initial issuance and annual renewal of the rental housing business license.

D. Occupancy limits.

1. International Property Maintenance Code occupancy requirements are applicable to a communal residence regardless of the number of individuals living in the residence.

2. The occupancy limit for a Communal Residence shall not exceed four (4) people.

~~E. Amortization Schedule. Existing communal residences have until December 31, 2013, to become compliant with the regulations outlined in this title and ACC Title 5 as it pertains to communal residences.~~

~~F. The following criteria are required to be met for any communal residence over four unrelated individuals in addition to the required criteria for a conditional use permit under ACC 18.64.040. As stated in ACC 18.07.020, a conditional use permit is required.~~

~~1. Adequate living space based on the International Property Maintenance Code standards will be taken into account when a request for more than four unrelated individuals is requested.~~

~~2. A designated property manager that is available 24 hours a day, seven days a week is required.~~
~~3. The request for more than four unrelated individuals will not adversely impact the surrounding community.~~
~~4. The applicant must show how noise will be mitigated. (Ord. 6477 § 9, 2013; Ord. 6245 § 15, 2009.)~~

Section 11. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 12. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 13. Effective Date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

FIRST READING: _____

SECOND READING: _____

PASSED: _____

APPROVED: _____

ATTEST:

NANCY BACKUS, MAYOR

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

PUBLISHED: _____